

*Draft*  
**CITY COUNCIL MEETING**  
Monday, October 26, 2009

A Regular Meeting of the Ferndale City Council was held Monday, October 26, 2009 at City Hall, 300 East Nine Mile Road, Ferndale. Mayor Covey called the meeting to order at 7:32 p.m.

**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

Present: Mayor Covey, Council Members Baker, Galloway, Gumbleton, Lennon  
Absent: None

**3. APPROVAL OF AGENDA**

**362.** Moved by Councilman Lennon, seconded by Councilwoman Gumbleton, to approve the agenda as submitted.

AYES: Council Members Baker, Galloway, Gumbleton, Lennon, Mayor Covey

NAYS: None

MOTION CARRIED

**4. PRESENTATION**

**A. Downtown Development Authority**

Chris Hughes, DDA Communications and Marketing Director, note the DDA was honored by Mainstreet Oakland County with a number of awards, including Board Person of the Year which she presented to Veronica Lujic. Ms. Lujic announced the other awards won including Volunteer of Year to Stacey Tobar; Façade Design to Elegance by Design; Outstanding Event Award to Chris and Krista Johnston for their DIY Street Fair; and Outstanding Business Retention Expansion Award; Outstanding Public Relations Award; and Spirit Award to the DDA.

Ms. Lujic presented the DDA's short-term solution to the downtown parking deficit which is an employee shuttle program utilizing 200 parking spots outside of the downtown area. The program begins on November 14. The DDA's Parking Committee is also looking into long-term solutions.

**5. PUBLIC HEARING**

**A. CDBG Program Year 2010 Funding**

*Mayor Covey opened the public hearing at 7:39 p.m. and, there being no comments, closed the public hearing at 7:40 p.m.*

**363.** Moved by Councilwoman Baker, seconded by Councilwoman Gumbleton, to approve the Community Development Block Grant application for Program Year 2010 with the breakdown as follows: Code Enforcement, \$68,172; Public Service Activity (general), \$8,500; Public Service Activity (Haven), \$3,000; Beautification, \$4,000; Minor Home Repair, \$2,500; and Administration, \$2,000, totaling \$88,172, and to authorize the Mayor to sign the grant application, the sub-recipient agreement, and the Minor Home Repair and Beautification Statutory Checklists (as Responsible Entity Official Signature).

AYES: Council Members Galloway, Gumbleton, Lennon, Baker, Mayor Covey

NAYS: None

MOTION CARRIED

## **6. CALL TO AUDIENCE**

- Greg Pawlica congratulated the DDA on their awards, announced the Ferndale Community Foundation's *Taste of Ferndale* event, and wished all candidates good luck with their campaigns.
- Dennis Hoepfner expressed opposition to the City's hiring of consultants and the municipal building and renovation project.
- Julie Glazier, Ferndale Youth Assistance, provided details on the organization's mission and announced upcoming fundraising events.
- Jerry Olli, on behalf of Ferndale Youth Assistance, issued a challenge to City Council to fund a team to compete against Pleasant Ridge officials in the upcoming Bowl-a-Thon.
- Ann Heler, President of Fern Care, announced the blueprints for the building have been approved and announced an upcoming health discussion series and promoted upcoming fundraising events.
- Melanie Piana, Michigan Suburbs Alliance, presented the City of Ferndale with the Michigan Clean City of the Year Award in recognition of the City's commitment to clean transportation. The award is a joint project of various Clean Cities Coalitions throughout Michigan.
- Keith Dalton said he was saddened by the politics of divisiveness employed by Mayor Covey and Council Candidates Gagne and Pawlica, and expressed displeasure that Mayor Covey spoke ill of council members and city staff during his televised statement at the recent candidate forum and that Mayor Covey voted to cut funding to the public access cable channel.
- Tom Gagne announced a possible candidate event at AJ's Café on Wednesday and noted the televised candidate forum airs at 8:30 a.m., 1:30 p.m., 8:30 p.m. and 1:30 a.m. daily on WFRN.
- Kay Watson commended Mayor Covey and Councilman Lennon on their conservative financial efforts, expressed concern with the projected budget deficit next year, and opposed the hiring of consultants by the City Manager with the approval of the majority of City Council.
- Veronica Lujic commented that during the candidate forum those council members in favor of the municipal building and renovation project noted that their support of moving forward with the project would depend on whether or not the City can afford it.

## **7. CONSENT AGENDA**

**364.** Moved by Councilman Lennon, seconded by Councilwoman Baker, to approve the consent agenda as submitted:

- A. Approved the Minutes of the Regular Meeting held October 12, 2009.
- B. Adopted resolution authorizing participation in the Michigan Emergency Management Compact (MEMAC) and authorized the Mayor, City Clerk and City Attorney to sign the Compact/Agreement.
- C. Adopted Resolution seeking a recapture waiver of Program Year 2007 Minor Home Repair funds in the amount of \$1,056.59.
- D. Adopted Resolution proclaiming November as National Family Caregiver Month.
- E. Approved the accounts listed in the Assessor/Treasurer's memo to Council, as included in the agenda packet for this meeting, to be charged as a lien against the respective

properties and to be collected as special assessments with the December 1, 2009 tax roll.

- F. Approved the Agreement with Elster Amco Water Inc., of Ocala, Florida, for a fixed-network data collection system and water meter replacement program, and authorized the Mayor and City Clerk to sign the Agreement.
- G. Approved the low quote of \$4,560 of Argo Chem East, of Wilmington, Ohio, for one 525-gallon liquid-application tank for winter parking lot maintenance, and to charge the expense to the Vehicle and Equipment Fund, Capital, account number 661-000-977.
- H. Approved the quote of \$9,800 of Luigi Ferdinandi & Son Cement Co., of Roseville, to install bike racks along Woodward and Nine Mile, and and charge the expense to the DPW Department, Contractual Services, account no. 101-441-818.
- I. Approved the bills and payrolls as certified by the City Manager to be paid subject to review by the Council Finance Committee.

AYES: Council Members Gumbleton, Lennon, Baker, Galloway, Mayor Covey

NAYS: None

MOTION CARRIED

## **8. REGULAR AGENDA**

### **A. Consideration to Purchase Royal Oak Township Fire Truck**

**365.** Moved by Councilman Lennon, seconded by Councilwoman Baker, to authorize the Fire Chief to purchase the Charter Township of Royal Oak's 2002 Pierce fire truck for \$70,000. The City of Ferndale will receive \$43,500 in lease payment credits and pay the Township an additional lump sum payment of \$26,500. This purchase would be conditional on approval by the Royal Oak Township Board of Trustees. Funds for this purchase are available in Account # 661-000-977 Vehicle and Equipment.

AYES: Council Members Lennon, Baker, Galloway, Gumbleton, Mayor Covey

NAYS: None

MOTION CARRIED

*Councilman Lennon left Council Chambers at 8:14 p.m.*

### **B. Consideration of Ordinance to Amend Chapter 18, Traffic and Motor Vehicle Code, Article VI, Valet Parking, Sections 18-65 through 18-76**

**366.** Moved by Councilwoman Gumbleton, seconded by Councilman Galloway, to adopt Ordinance No. 1084, An Ordinance to Amend Chapter 18, Traffic and Vehicle Code, Article VI, Valet Parking, Sections 18-65 through 18-76 of the Ferndale Code of Ordinances.

AYES: Council Members Baker, Galloway, Gumbleton, Mayor Covey

NAYS: None

Absent: Council Member Lennon

MOTION CARRIED

*Councilman Lennon returned to Council Chambers at 8:18 p.m.*

## **9. COUNCIL APPOINTEE REPORT- Chief of Police**

Chief of Police Kitchen presented a progress report on his goals and objectives.

**10. COUNCIL LIAISON REPORTS - none**

**11. CALL TO COUNCIL**

- Fire Chief Schmidt cautioned citizens to be safe on Halloween.
- City Clerk Tallman encouraged residents to vote on November 3.
- Councilwoman Gumbleton noted the new granite eagle at Ferndale High School recognizing the commitment and service of Principal Ivory, provided an update from Oakland County on H1N1 vaccines, and indicated shoppers can help raise money for the Ferndale High School Arts Boosters Club and Orchestra by participating in Kroger's rewards program.
- City Manager Bruner thanked those who supported the recent Citizens for a Fair Ferndale fundraiser and recognized Community Development Services Director Scheer for 10 years of service to the City.
- Councilwoman Baker noted that a scholarship fund has been created in Principal Ivory's honor, and clarified, regarding the municipal building and renovation project, that the cost is still speculative as bids have not yet been let.
- Councilman Galloway clarified some misconceptions about the municipal building and renovation project by noting the only new construction being discussed is for the District Court building and explaining plans being discussed for the police department and city hall are for renovations. He noted plans are not final and noted the Council has been going through a thorough, careful and thoughtful due diligence process on the project for over a year.
- Mayor Covey clarified that he feels all council candidates support the building of new courthouse, and he responded to criticism issued earlier in the meeting by correcting some of the statements made.

**12. CLOSED SESSION -** for the purpose of consulting with our Attorney regarding trial or settlement strategy in connection with specific pending litigation because an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body as permitted by Act 267 of 1976 Section 8(e).

**367.** Moved by Councilman Lennon, seconded by Councilwoman Baker, to adjourn into closed session for the purpose of consulting with the Attorney regarding trial or settlement strategy in connection with specific pending litigation because an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body as permitted by Act 267 of 1976 Section 8(e).

AYES: Council Members Gumbleton, Lennon, Baker, Galloway, Mayor Covey

NAYS: None

MOTION CARRIED

Mayor Covey adjourned the meeting into closed session at 8:32 p.m. and reconvened the Regular Meeting at 9:35 p.m.

**368.** Moved by Councilwoman Baker, seconded Councilman Galloway, to approve the settlement agreement in the Wolf v City of Ferndale lawsuit as recommended by counsel and to authorize the Mayor to execute the property lease after clarification by counsel in accordance with City Council's direction.

AYES: Council Members Lennon, Baker, Galloway, Gumbleton, Mayor Covey

NAYS: None  
MOTION CARRIED

**13. ADJOURNMENT**

There being no objections, Mayor Covey adjourned the meeting at 9:37 p.m.

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Craig Covey, Mayor

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J. Cherilynn Tallman, City Clerk

**CITY OF FERNDALE**

**RESOLUTION 2009 – 364(B)  
AUTHORIZING PARTICIPATION IN THE MICHIGAN EMERGENCY  
MANAGEMENT ASSISTANCE COMPACT**

At a Regular meeting of the City Council of the City of Ferndale, Oakland County, Michigan, held in the Council Chambers at 300 E. Nine Mile, Ferndale MI 48220 on the 26<sup>th</sup> day of October, 2009

The following resolution was moved by Council Member Lennon and supported by Council Member Baker:

WHEREAS, the State of Michigan Emergency Management Act, Act 390 of the Public Acts of 1976, as amended M.C.L. 30.401et.seq. authorizes the State and its political subdivisions to provide emergency aid and assistance in the event of a disaster or emergency; and

The statutes also authorize the State to coordinate the provision of any equipment, services, or facilities owned or organized by the State or its political subdivisions for use in the affected area upon request of the duly constituted authority of the area; and

This Resolution authorizes the request, provision, and receipt of interjurisdictional mutual assistance in accordance with the Emergency Management Act, Act 390 of the Public Acts of 1976, as amended among political subdivisions within the State:

NOW, THEREFORE, BE IT RESOLVED, by the City of Ferndale that in order to maximize the prompt, full and effective use of resources of all participating governments in the event of an emergency or disaster we hereby adopt the Michigan Emergency Management Assistance Compact which is attached hereto and incorporated by reference.

AYES: Mayor Covey, Council Members Baker, Galloway, Gumbleton, Lennon  
NAYS: None  
ABSENT: None

RESOLUTION ADOPTED

**CITY OF FERNDALE**

**RESOLUTION 2009 – 364(C)  
APPROVING CDBG WAIVER**

At a Regular meeting of the City Council of the City of Ferndale, Oakland County, Michigan, held in the Council Chambers at 300 E. Nine Mile Road, Ferndale, MI 48220 on the 26<sup>th</sup> day of October, 2009,

The following Resolution was moved by Councilman Lennon, and seconded by Councilwoman Baker:

The U.S. Department of Housing and Urban Development (HUD) mandates that Community Development Block Grant (CDBG) balances not exceed 1.5 times the current program year allocation sixty (60) days prior to the end of the program year; and

The Oakland County Board of Commissioners adopted a policy allowing communities to protect funds from their two most recent program years to help comply with this regulation; and

All unobligated 2007 and older funds are at risk of recapture on December 31, 2009; and

The City of Ferndale may protect unobligated 2007 funds from recapture for one additional year by requesting a waiver; and

A Waiver Request form must be submitted to the Manager of the Oakland County Community & Home Improvement Division no later than Monday, December 14, 2009.

**NOW THEREFORE BE IT RESOLVED**, that the City of Ferndale requests to waive recapture of 2007 CDBG funds as follows:

Account Number: 172170-731227    Project Name: Minor Home Repair    Amount: \$1,056.59

AYES:            Mayor Covey, Council Members Baker, Galloway, Gumbleton, Lennon  
NAYS:            None  
ABSENT:        None

**RESOLUTION ADOPTED**

**CITY OF FERNDALE**

**RESOLUTION 2009 – 364(D)  
PROCLAIMING NOVEMBER AS NATIONAL FAMILY CAREGIVER MONTH**

At a Regular Meeting of the City Council of the City of Ferndale, Oakland County, Michigan, held in the Council Chambers at 300 E. Nine Mile, Ferndale MI 48220 on the 26<sup>th</sup> day of October, 2009

The following resolution was moved by Councilman Lennon and seconded by Councilwoman Baker:

During this season of thanksgiving, as we pause to reflect on the many blessings that have been bestowed on us as individuals and as a City, we are especially grateful for the love of our families and friends. One of the most profound ways in which that love is expressed is through the generous support provided by family caregivers to loved ones who are chronically ill, elderly or disabled. Caregivers reflect family and community life at its best. They are among Ferndale's most important natural resources; and

The need for family caregivers is growing. We are blessed to live in a time when medicine and technology have helped us live longer. As a result, persons with disabilities are living longer and people over 85 are the fastest growing segment of our population. Family caregivers can be found in every city and town in America. It is likely that we all know at least one family caregiver; and

Family caregivers deserve our lasting gratitude and respect. This month, as we honor the many contributions that family caregivers make to the quality of our national life, let us resolve to work through our community, religious, social, business and other organizations to offer programs and services that will provide caregivers the support and encouragement they need to carry out their vital responsibilities.

BE IT RESOLVED that, We, Ferndale's Elected Officials, do hereby proclaim November 2009 as National Family Caregivers Month in the City of Ferndale.

AYES: Mayor Covey, Council Members Baker, Galloway, Gumbleton, Lennon  
NAYS: None  
ABSENT: None

RESOLUTION ADOPTED