

*Draft*  
**FERNDALE CITY COUNCIL MEETING**  
Monday, October 27, 2008

A Regular Meeting of the Ferndale City Council was held Monday, October 27, 2008 at City Hall, 300 East Nine Mile Road, Ferndale. Mayor Covey called the meeting to order at 7:30 p.m.

**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

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

Absent: None

**3. APPROVAL OF AGENDA**

**438.** Moved by Councilman Lennon, seconded by Councilman Galloway, to approve the agenda as submitted.

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

NAYS: None

MOTION CARRIED

**4. PUBLIC HEARINGS**

**A. Community Development Block Grant (CDBG) Programming for 2009**

*Mayor Covey opened the Public Hearing at 7:35 p.m.*

Megan Widman, HAVEN, thanked the City for previous support, briefly presented statistics on services provided by HAVEN, and requested continued support for 2009.

*There being no further comments, Mayor Covey closed the Public Hearing at 7:38 p.m.*

**1. Consideration of CDBG Application and Subrecipient Agreement with Oakland County.**

**439.** Moved by Councilman Lennon, seconded by Councilman Galloway, to approve the Community Development Block Grant application for Program Year 2009 with the breakdown as follows: Code Enforcement, \$62,249; Public Service Activity (general), \$9,000; Public Service Activity (Haven), \$3,000; Beautification, \$4,000; Minor Home Repair, \$2,500; and Administration, \$2,000, totaling \$82,749, and to authorize the Mayor to sign the grant application, the subrecipient agreement, and the Minor Home Repair and Beautification Statutory Checklists (as Responsible Entity Official Signature) and to direct the City Clerk to forward a certified copy of the minutes of this Public Hearing to CDS before November 14<sup>th</sup> for submittal to the County.

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

NAYS: None

MOTION CARRIED

B. Special Assessment Roll for 2008 Sidewalk District.

*Mayor Covey opened the Public Hearing at 7:41 p.m., and, there being no comments, closed the Public Hearing at 7:42 p.m.*

**1. Consideration to receive and confirm Special Assessment Sidewalk District No. 2008 and that the special assessments be spread on the 2008 Winter Tax Roll, unless deferment is later allowed.**

**440.** Moved by Councilman Galloway, seconded by Councilman Lennon, that the Council receive and confirm the assessment roll for Sidewalk Special Assessment District No. 2008 and that the special assessments be spread on the 2008 winter tax roll unless deferment is later allowed.

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

NAYS: None

MOTION CARRIED

**2. Consideration of deferment of Special Assessments and procedure for installments, as recommended by the Sidewalk Hardship Committee.**

**441.** Moved by Councilman Galloway, seconded by Councilwoman Gumbleton, to approve deferment of Special Assessments and procedure for installments, as recommended by the Sidewalk Hardship Committee.

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

NAYS: None

MOTION CARRIED

**3. Consideration to add Sidewalk and Delinquent Accounts Receivable as Special Assessments to the Winter 2008 Tax Roll.**

**442.** Moved by Councilman Galloway, seconded by Councilwoman Gumbleton, to add Sidewalk and Delinquent Accounts Receivable as Special Assessments to the Winter 2008 Tax Roll.

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

NAYS: None

MOTION CARRIED

**5. CALL TO AUDIENCE**

- Jaime Hernandez complained about the condition of the sidewalk in his neighborhood and the lack of quality in the work.
- Dean Bach, Dino's, introduced Bill Osantowski, Foley and Mansfield, and Julie Glazier, Ferndale Youth Assistance (FYA), and presented FYA with a check in the amount of \$1,000. representing proceeds from a joint Foley and Mansfield and Dino's Dream Cruise fundraiser.
- Julie Glazier, FYA, announced the Bowl-a-Thon fundraiser on November 16, 2008, 1:00-4:00 p.m. at Luxury Lanes to raise funds to send children to summer camp. Ms. Glazier promoted the FYA Mentor Program.
- Dan Pesta expressed appreciation for the City's repair of sidewalks. Mr. Pesta expressed concerns about his rising taxes versus his falling property values.

- Tami Salisbury, Executive Director of Eight Mile Boulevard Association (8MBA), presented an update on 8MBA's activities to revitalize Eight Mile.

## 6. CONSENT AGENDA

Item B, Resolution Opposing the Removal of Days Hotel in Hazel Park, was removed from the Consent Agenda to be considered after the Regular Agenda.

**443.** 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 13, 2008 and the Special Meeting held October 22, 2008.
- C. Authorized the Mayor to sign a letter of support relative to the EPA Coalition Assessment Grant application being submitted by Oakland County, Ferndale, Madison Heights, Hazel Park, Farmington Hills, and Pontiac.
- D. Awarded the 2008 CDBG Program year Tree Program to Precision Lawnscape in the amount of \$5,389.00.
- E. Approved the bills and payrolls as certified by City Manager to be paid subject to review by the Council Finance Committee.

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

NAYS: None

MOTION CARRIED

*Councilman Lennon left Council Chambers at 8:14 pm.*

## 7. REGULAR AGENDA

A. Consideration of authorizing the Police Department to begin the hiring process to fill the Dispatcher vacancy created by a resignation.

**444.** Moved by Councilman Galloway, seconded by Councilwoman Gumbleton, to authorize the Police Department to begin the hiring process to fill the Dispatcher vacancy created by the resignation of Thomas Perini.

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

NAYS: None

ABSENT FROM THE TABLE: Council Member Lennon

MOTION CARRIED

B. Consideration to fill Water System Supervisor Position vacancy.

**445.** Moved by Councilman Galloway, seconded by Councilwoman Gumbleton, that approval be granted to fill the position of Water System Supervisor.

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

NAYS: None

ABSENT FROM THE TABLE: Council Member Lennon

MOTION CARRIED

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

C. Consideration of Resolution of Appreciation to Phillip Poole.

**446.** Moved by Councilwoman Baker, supported unanimously, to adopt the Resolution of Appreciation commending Phil Poole for his service to the Plan Commission and the City.

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

NAYS: None

MOTION CARRIED

D. Consideration of Proposed Policy concerning Fair and Accurate Credit Transactions Act of 2003 (FACTA) and Identity Theft Prevention.

**447.** Moved by Councilwoman Baker, seconded by Councilman Lennon, to adopt the proposed policy concerning Fair and Accurate Credit Transactions Act of 2003 (FACTA) and Identity Theft Prevention as submitted by the City Attorney.

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

NAYS: None

MOTION CARRIED

E. Consideration of adopting Ordinance No. 1060, an Ordinance to Amend Chapter 6, Buildings and Building Regulations, Article VI, Housing Code, Division 7 to add Sections 6-201 through 6-204, Abandoned Residential Buildings of the Ferndale Code of Ordinances.

**448.** Moved by Councilwoman Baker, seconded by Councilman Lennon, to adopt Ordinance number 1060 to allow inspections of abandoned buildings when there are outstanding violations.

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

NAYS: None

MOTION CARRIED

F. Consideration of adopting Ordinance No. 1061, an Ordinance to Amend Chapter 2, Administration, Section 2-4 Appearance Tickets, of the Ferndale Code of Ordinances.

**449.** Moved by Councilman Lennon, seconded by Councilwoman Baker, to adopt Ordinance number 1061 to authorize DPW supervisors, specialists and sanitation inspectors to issue appearance tickets in connection with observed violations of the Snow Emergency Ordinance, being Chapter 16 of the City of Ferndale Code of Ordinances.

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

NAYS: None

MOTION CARRIED

**6. CONSENT AGENDA (continued)**

B. Consideration of Resolution Opposing the Removal of Days Hotel in Hazel Park.

Councilman Lennon noted he will abstain from the vote because a family member is an attorney on the case.

**450.** Moved by Councilwoman Baker, seconded by Councilwoman Gumbleton, to adopt the Resolution Opposing the Removal of Days Hotel in Hazel Park.

**451.** Moved by Councilman Galloway, seconded by Councilwoman Baker, to amend the Resolution's title to read, "*Resolution Regarding Days Hotel in Hazel Park*", and to amend the Resolved clause to read, "*Therefore be it Resolved that the Ferndale City Council recognizes the value to south Oakland County and the surrounding area of the Days Hotel in Hazel Park and encourages the parties involved to resolve their dispute in a way that preserves this hotel and meeting facility for the area*".

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

NAYS: None

ABSTAIN: Council Member Lennon

MOTION CARRIED

**VOTE ON MOTION NO. 450 AS AMENDED:**

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

NAYS: None

ABSTAIN: Council Member Lennon

MOTION CARRIED

**8. COUNCIL APPOINTEE REPORT – City Manager**

City Manager Bruner provided an update on his progress toward 2008 goals and objectives.

**9. COUNCIL LIAISON REPORTS - none**

**10. CALL TO COUNCIL**

**452.** Chief of Police Kitchen reported the Police Department will be distributing Neighborhood Alert pamphlets to areas affected by abandoned houses.

**453.** Fire Chief Schmidt extended his thanks to Phil Poole for his service to the City. Chief Schmidt reported on the progress of the asbestos removal at the fire stations and commended his staff for their hard work and cooperation. Chief Schmidt will keep Council apprised of any reported influenza activity.

**454.** Recreation Director Hall extended thanks to volunteers, Shaun Slocum, Department of Public Works and the Fire Department for their work on the recent successful Fall Festival. Recreation Director Hall reported on several upcoming events.

**455.** City Clerk Tallman explained it is not too late to request an Absent Voter Ballot if a voter expects to be absent from their community on election day.

**456.** City Manager Bruner issued a reminder about SOCRRA's Recycling Bin Blitz during the month of November, recycle bins will be available for \$6.00 at the DPW Yard on East Cambourne. Also holding an event on Saturday, November 8, from 10:00 a.m. until 2:00 p.m. at their Troy facility.

**457** Councilwoman Baker asked for clarification on the "Most Vote in Person" (MVIP) status of first time voters, and City Clerk Tallman explained that voters who registered by mail must vote in person the first time they vote in Michigan. However, a voter with MVIP status may go to any Secretary of State's office or any County Clerk's office in Michigan between now and the election, and re-register in person to remove the MVIP requirement. Councilwoman Baker announced FernCare, the free clinic, is hosting a weekend fundraising event at AJ's Café

November 13 – 15 at 7:00 p.m. each evening. The event is being called “FernCares about Music”, and tickets are \$5.00-\$10.00. Volunteers are needed.

**458.** Councilman Lennon asked City Manager Bruner to provide Council with status reports on a propane issue recently discussed and on Flint Manufacturing’s offer for use of the side of their building for a mural.

**459.** Councilman Galloway asked for clarifications on rumors that marking the Straight Party Ticket on the ballot will not register a vote for the office of President of the United States. City Clerk Tallman called that a false rumor, explaining that marking the Straight Party Ticket registers a vote for the candidates of that party in every partisan office. She further explained that a voter can override the Straight Party Ticket in individual races by simply marking a vote under those individual races in which they wish to vote for a candidate of a party other than that marked in the Straight Party Ticket. Councilman Galloway encouraged voters to vote the entire ballot.

**460.** Councilwoman Gumbleton asked that Council schedule a review of the results of the disability tour of Ferndale to follow up on what was discovered and changes which might be needed. Councilwoman Gumbleton asked if it was true that voters who show up to vote wearing campaign shirts, buttons, etc. would be turned away. City Clerk Tallman explained that displaying any campaign material within 100’ of any entrance into a building being used a polling location is currently against the law. She further explained that voters would simply be asked to conceal the campaign material before being allowed to vote. Councilwoman Gumbleton commented that the local proposal to allow the National Organization for Positive Medicine to produce and distribute marijuana for medical use is not connected with the state proposal, and urged voters to take a close look at the local proposal. She indicated some concern with the local measure. Councilwoman Gumbleton announced a political rally for students hosted by Levin for Congress on Saturday, November 1, 2008 at 8:30 a.m.

**461.** Mayor Covey expressed thanks to Bob Wolfson of Lofts on 9 for the recent grand opening party, and to Recreation Director Julie Hall and senior’s representative Jeanne Davis for holding a town hall meeting at the Kulick Center. Mayor Covey announced a Veteran’s Day ceremony on November 11, 2008, at 11:00 a.m. Mayor Covey encouraged everyone to enjoy a safe Halloween. Mayor Covey noted that Affirmations and The Bosco, as well as political parties, will be hosting parties in Ferndale on election night to watch the returns.

## **11. ADJOURNMENT**

There being no objections, Mayor Covey adjourned the meeting at 9:38 p.m.

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Craig Covey, Mayor

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J. Cherilynn Tallman, City Clerk

**CITY OF FERNDALE**

**RESOLUTION 2008 – 446  
IN APPRECIATION OF PHILLIP POOLE**

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 27<sup>th</sup> day of October, 2008

The following resolution was moved by Councilwoman Baker, supported unanimously:

**Phillip Poole** was appointed to the Ferndale Plan Commission on November 11, 2002; and

**Phillip Poole** was reappointed to the Ferndale Plan Commission on February 26, 2007; and

**Phillip Poole's** commitment to Ferndale extends beyond his duties as a member of the Plan Commission as evidenced by his unstinting donation of time, energy and research on each Site Plan Review, Rezoning, Special Land Use and the City's Zoning Ordinance and Master Plan; and

**Phillip Poole's** commitment was always to best serve the property owners of the City; and

**Phillip Poole** has worked tirelessly to promote the best interests of the City of Ferndale through years on service on the Planning Commission and City Council; and

**Phillip Poole** has, through his efforts, contributed to the growth and prosperity of the City and has raised the profile of the City as a quality Community in which to live and work.

NOW THEREFORE BE IT RESOLVED that the Ferndale City Council, on behalf of Ferndale's residents, business community and City staff, commends

**Phillip Poole**

for his significant contributions to the City of Ferndale; and

BE IT FURTHER RESOLVED that we extend our sincere appreciation for Phillip Poole's devotion, commitment, enthusiasm and excellent service to the City of Ferndale.

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

NAYS: None

ABSENT: None

RESOLUTION ADOPTED

**CITY OF FERNDALE**

**RESOLUTION 2008 – 450  
RESOLUTION REGARDING DAYS HOTEL IN HAZEL PARK**

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 27<sup>th</sup> day of October, 2008

The following resolution was moved by Councilwoman Baker and seconded by Councilwoman Gumbleton:

The Hazel Park Days Hotel consistently provides Metro-Detroit residents and visitors with a variety of affordable and free services that are needed and sometimes desperately so, which are often otherwise unavailable within the immediate area; and

Days Hotel has become the “hotel of choice” for some communities when their officials recommend area lodging; and

Days Hotel, adjacent to both I-75 and Nine Mile Road and a mile from I-696, is a vital area-wide community resource for Macomb, Oakland and Wayne Counties as it is centrally located, safe, clean, inviting, wholesome and attractive; and

Days Hotel is irreplaceable and its loss would be a severe blow to the quality of life of Metro-Detroit, especially in Hazel Park and the greater Hazel Park area; and

The Days Hotel’s attributes, whether as a small convention center or lodging for major local events including Dream Cruise and for local venues including Hazel Park Raceway and Michigan State Fairgrounds far outweigh the property’s economic value when compared with other commercial uses; and

Days Hotel is uniquely situated within reasonable driving times of the entire metro-Detroit/tri-county area, as well as the greater five-county area; and

Days Hotel’s enlightened management style, commitment to public service, particularly during emergencies and 24/7 mode of operation will not and cannot be duplicated by most businesses, including CVS.

Therefore be it Resolved that the Ferndale City Council recognizes the value to south Oakland County and the surrounding area of the Days Hotel in Hazel Park and encourages the parties involved to resolve their dispute in a way that preserves this hotel and meeting facility for the area.

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

**RESOLUTION ADOPTED**