

Draft

CITY OF FERNDALE
SPECIAL JOINT CITY COUNCIL / DDA MEETING / PARKING COMMITTEE
Monday, December 7, 2009

A Special Meeting of the Ferndale City Council was held Monday, December 7, 2009 at City Hall, 300 East Nine Mile Road, Ferndale. Mayor Covey called the meeting to order at 6:09 p.m.

1. PLEDGE OF ALLEGIANCE and ROLL CALL

Present: Mayor Covey, Council Members Baker, Galloway (arrived 6:25 p.m.), Gumbleton, Lennon
Council Member-elect Piana
Absent: None

2. CALL TO AUDIENCE

There were no members of the audience wishing to speak.

3. DISCUSSION: AUTO PARKING FUND AND DOWNTOWN PARKING

DDA Director Sheppard-Decius presented a summary of the current parking situation in the downtown, current parking rates, proposed increases in rates.

Anika Norris presented projected costs for a downtown parking structure, both with and without the City contributing \$1.5 million in equity up front.

Council posed questions about the plan to DDA Director Sheppard-Decius.

4. ADJOURNMENT

There being no objections, Mayor Covey adjourned the meeting at 7:40 p.m.

Craig Covey, Mayor

J. Cherilynn Tallman, City Clerk

Draft
CITY COUNCIL MEETING
Monday, December 14, 2009

A Regular Meeting of the Ferndale City Council was held Monday, December 14, 2009 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

City Clerk Tallman asked that a public hearing be added to the agenda, following Item 4. *Presentations*, to consider the request from Buffalo Wild Wings for a transfer of ownership on their Class C liquor license.

378. Moved by Council Member Galloway, seconded by Council Member Baker, to approve the agenda as amended.

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

NAYS: None

MOTION CARRIED

4. PRESENTATION

A. FYE 2009 Financial Audit Statements

Aaron Stevens, Abraham & Gaffney, presented the financial statements for the fiscal year ending June 30, 2009 audit.

379. Moved by Council Member Lennon, seconded by Council Member Gumbleton, to receive the Financial Statements and Supplementary Information for the Fiscal Year ending June 30, 2009.

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

NAYS: None

MOTION CARRIED

B. Ferndale Public Schools

Jessica Stigler, Communications Specialist, presented an update on the achievements of the students and schools, outlined the District's message to Lansing on school funding, and announced upcoming activities.

ADD. PUBLIC HEARING Request from Buffalo Wild Wings for a transfer of ownership on their Class C liquor license.

Mayor Covey opened the public hearing at 7:53 p.m. and, there being no comments, closed the public hearing at 7:54 p.m.

380. Moved by Council Member Lennon, seconded by Council Member Baker, to recommend to the Michigan Liquor Control Commission approval of the request from TMA Enterprises of Ferndale, LLC to transfer all interest in 2009 Class C licensed business with outdoor service, official permit and 2 bars, located at 280 W. Nine Mile Road, to AMC Wings, Inc.

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

NAYS: None

MOTION CARRIED

5. CALL TO AUDIENCE

- Dan Martin, Ferndale Community Foundation, announced the upcoming Taste of Ferndale fundraiser and spoke about the need to replace Councilwoman Gumbleton as one of the two Council representatives on the FCF board. Mr. Martin extended his thanks for Councilwoman Gumbleton's and City Manager Bruner's service to FCF.
- Julie Glazier, Ferndale Youth Assistance, announced the upcoming Love & Logic Seminar at Ferndale High School and issued a call for volunteers for the Blues Festival.
- Dennis Hoepfner, Ferndale Seniors, announced the upcoming Annual Christmas Luncheon and thanked local businesses for their donations.
- Ron Gilmore, Ferndale Elks, reported the proceeds of the May 16, 2009 "Hanging with the Heroes" fundraiser, has been used to send requested supplies to the Marines.
- Ann Heler, Fern Care, reported the clinic has received a \$150,000 appropriation from the federal government, and thanked Senator Levin, Congressman Levin and Congresswoman Stebenow for their help in securing the funding.
- Chris Hughes, Ferndale DDA, noted upcoming holiday events in downtown and meetings on the way-finding project.
- Leslie Coxon, Ferndale Environmental Sustainability Commission, presented the monthly green tip about having a greener holiday.

Councilman Lennon left Council Chambers at 8:09 p.m.

6. CONSENT AGENDA

381. Moved by Council Member Baker, seconded by Council Member Gumbleton, to approve the consent agenda as submitted:

- A. Approved the Minutes of the Regular Meeting held November 23, 2009 and the Special Meeting held December 4 & 5, 2009.
- B. Reappointed Deb Brazen, Christa Azar, Luke Forrest and Kevin Clark to the Planning Commission for terms ending December 31, 2012.
- C. Adopted Resolution of Support for the Great American Main Street Awards competition.
- D. Adopted Resolution authorizing Councilwoman-elect Piana to attend a series of five seminars through the University of Michigan-Dearborn's Institute for Local Government and the MML's Elected Officials Academy Weekender Program.
- E. Adopted Ordinance No. 1085 updating the 2008 National Electrical Code, Chapter 6, Article III, Section 6-31 of the Ferndale Code of Ordinances.

- F. Adopted Resolution approving Amendment No. 1 to Water Service Contract between City of Detroit and the City of Ferndale.
- G. Approved Agreement to use the City's Southwest Storage Yard as a transfer site for leaves by the City of Lathrup Village.
- H. Approved submittal of the Neighborhood Stabilization Program Grant Reallocation Application and authorized the Mayor to sign the Application and the Subrecipient Agreement for submittal by the December 15th deadline.
- I. Approved the bills and payrolls as certified by City Manager to be paid subject to review by the Council Finance Committee.

AYES: Council Members Baker, Galloway, Gumbleton, Mayor Covey
 NAYS: None
 MOTION CARRIED

7. REGULAR AGENDA

A. Appointment of Duff Mahan to the Arts and Cultural Commission

382. Moved by Council Member Baker, seconded by Council Member Galloway, to confirm the appointment of Duff Mahan to the Arts and Cultural Commission for a term ending December 31, 2010.

AYES: Council Members Galloway, Gumbleton, Baker, Mayor Covey
 NAYS: None
 MOTION CARRIED

Councilman Lennon returned to Council Chambers at 8:10 p.m.

B. Consideration to Adopt Notice of Intent Resolution authorizing the sale of General Obligation Capital Improvement Bonds

Mayor Covey noted he would vote against the recommendation due to his opposition to all three of the proposed municipal building and renovation projects.

383. Moved by Council Member Baker, seconded by Council Member Galloway, to adopt the attached Notice of Intent Resolution authorizing the sale of General Obligation Capital Improvement Bonds for the purpose of constructing or improving the District Court, the Police station, and City Hall in an amount not-to-exceed \$7,500,000.

AYES: Council Members Gumbleton, Lennon, Baker, Galloway
 NAYS: Mayor Covey
 MOTION CARRIED

C. Consideration of DDA Parking Recommendations

DDA Director Sheppard-Decius and DDA Board Chair, Veronica Lujic, presented an overview of the current parking situation and recommended short-term and long-term solutions.

384. Moved by Council Member Lennon, seconded by Council Member Baker, to increase parking fines pursuant to City Code Section 18-88 (Penalties for offenses; suspensions) from \$6 to \$10 if paid within 72 hours and to allocate \$4 of every ticket to the Automobile Parking Fund.

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

Council heard comments from the audience.

385. Moved by Council Member Galloway, seconded by Council Member Baker, to adjust the boundaries of the prepaid parking permit areas pursuant to the City Code Section 18-87 (Adjustment of boundaries of prepaid parking permit area) as follows:

- Discount prepaid parking permit areas shall include the City Hall Lot; West Breckenridge Lot; and Withington Street.
- Standard prepaid parking permit areas shall include the East Breckenridge (back north and east rows; Falvey Lot (back east row and south rows); Scheil-Carah Lot (back half); and Withington Lot (back row north);
- Prepaid parking permit shall not be allowed in the Big Troy Lot; Library Lot; Lux Lot (Como's); Planavon Lot; Police Lot; or (old) Rosie O'Grady's Lot.

AYES: None

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

MOTION FAILED

386. Moved by Council Member Lennon, seconded by Council Member Gumbleton to table consideration of prepaid parking areas, and prepaid parking fees until all parties have resolved issues raised by Council and audience members.

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

NAYS: None

MOTION CARRIED

Councilman Lennon left Council Chambers at 9:40 p.m.

8. COUNCIL LIAISON REPORTS:

- Council Member Baker reported on the recent Millennial Mayor's Congress and on an upcoming vote for a regional transit millage.

Councilman Lennon returned to Council Chambers at 9:44 p.m.

9. CALL TO COUNCIL

- Fire Chief Schmidt reported \$3,000 was raised by the Goodfellows paper sale.
- DPW Director Photiades reminded residents to abide by snow emergency rules.
- City Clerk Tallman announced a vacancy on the Library Board.
- City Attorney Christ reported the appeals court has confirmed the Board of Zoning Appeals' decision with respect to the First Baptist Church.
- Councilwoman Baker encouraged residents to shop locally.
- Councilman Lennon noted the American Legion held a farewell party on December 5th and indicated a Resolution commemorating their years in Ferndale will be forthcoming.
- Mayor Covey thanked Larry and Monica Mills and the Police and Fire Departments for their fundraising efforts on behalf of the Ferndale Goodfellows, and he commented he will be trying to have the Michigan legislature loosen the new smoking ban in order to allow smoking on outdoor patios.

10. CLOSED SESSION - for the purpose of strategy and negotiation connected with the negotiation of a collective bargaining agreement as permitted by Section 8(c) of the Open Meetings Act (Act 267 of 1976).

387. Moved by Council Member Lennon, seconded by Council Member Baker, to adjourn to closed session for the purpose of strategy and negotiation connected with the negotiation of a collective bargaining agreement as permitted by Section 8(c) of the Open Meetings Act (Act 267 of 1976).

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

NAYS: None

MOTION CARRIED

Mayor Covey adjourned the meeting into closed session at 9:55 p.m.

Councilman Lennon excused himself from the meeting at 10:40 p.m.

Mayor Covey reconvened the Regular Meeting at 11:05 p.m.

12. ADJOURNMENT

There being no objections, Mayor Covey adjourned the meeting at 11:05 p.m.

Craig Covey, Mayor

J. Cherilynn Tallman, City Clerk

CITY OF FERNDALE

**RESOLUTION 2009 – 381(C)
SUPPORT FOR GREAT AMERICAN MAIN STREET AWARD**

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 14th day of December, 2009

The following resolution was moved by Council Member Baker, and seconded by Council Member Gumbleton:

The vitality, social and cultural diversity, economic well-being and continued reinvestment in Downtown Ferndale is paramount to the quality of life of the residents, businesses, employees, organizations and visitors of the City of Ferndale; and

The City of Ferndale wholeheartedly supports Downtown Ferndale by devoting financial and in-kind support to the revitalization effort, including but not limited to streetscape improvements, wayfinding and cultural tourism projects, public art, community events, Brownfield tax abatements, small business assistance through Ferndale First and Redevelopment Ready Communities (RRC), and encouraging live/work mixed-use and government office redevelopment in the downtown area; and

The City of Ferndale strongly believes that the Main Street revitalization efforts in Downtown Ferndale represent the strength, creativity and people of our community, showcasing our true assets and proving that reinvestment in a downtown area is the key to building and maintaining an economically strong city.

NOW, THEREFORE, BE IT RESOLVED that the City of Ferndale fully supports this entry into the Great American Main Street Awards competition.

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

NAYS: None

ABSENT: Council Member Lennon

RESOLUTION ADOPTED

CITY OF FERNDALE

**RESOLUTION 2009 – 381(D)
AUTHORIZING COUNCIL MEMBER TO ATTEND EDUCATIONAL SESSIONS**

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 14th day of December, 2009

The following resolution was moved by Council Member Baker, and seconded by Council Member Gumbleton:

Section 12-15 (a) of the Ferndale Code of Ordinances prohibits any officer, elected official or employee of the City of Ferndale from using City funds to pay any invoice, bill, expense, or advance for travel or other purpose incurred by or on behalf of any elected official unless such payment shall first be specifically authorized by Resolution of the City Council; and

Section 12-15 (b) of the Ferndale Code of Ordinances further prohibits any elected official or employee of the City of Ferndale from obtaining, attempting to obtain, or to contract for the provision of any goods, services, lodging, accommodations, or transportation in the name of the City of Ferndale unless the same has first been authorized by Resolution of the City Council; and

The City Council has determined that it is in the interests of the City of Ferndale for Councilwoman-elect Piana to attend the following seminars offered by the University of Michigan-Dearborn's Institute for Local Government:

- Fundamentals of Municipal Organization – 12/3/09
- Effective Public Service: Essential Duties and Responsibilities – 12/10/09
- Fundamentals of Financial Management – 1/21/10
- Ethics in Elected Office – 1/13/10
- Labor Contracts / Act 312 – 2/25/10

The City Council has further determined that it is in the interests of the City of Ferndale for Councilwoman-elect Piana to attend the Michigan Municipal League's Elected Officials Academy in Frankenmuth, MI, on February 26-27, 2010.

BE IT RESOLVED, that pursuant to Section 12-15 of the City of Ferndale Code of Ordinances Councilwoman-elect Piana is authorized to attend the five (5) seminars named in this Resolution at the University of Michigan-Dearborn and the MML Elected Officials Academy, on behalf of the City of Ferndale, utilizing funds from Account No. 101-101-873.

IT IS FURTHER RESOLVED that known attendance costs including registration fees, travel and lodging for Councilwoman-elect Piana is estimated to be \$800.

- AYES: Mayor Covey, Council Members Baker, Galloway, Gumbleton
 - NAYS: None
 - ABSENT: Council Member Lennon
- RESOLUTION ADOPTED

CITY OF FERNDALE

RESOLUTION 2009 – 381(F)

**TO APPROVE AMENDMENT NO. 1 TO WATER SERVICE CONTRACT BETWEEN
CITY OF DETROIT AND THE CITY OF FERNDALE**

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 14th day of December, 2009

The following resolution was moved by Council Member Baker, and seconded by Council Member Gumbleton:

The City of Detroit owns a public water system supplying water to communities in southeastern Michigan, including the City of Ferndale (the “City”); and

The City entered into a thirty (30) year Water Service Agreement (the “Agreement”) in 2008; and

The Agreement provides in Article 15 that the parties may mutually agree to written amendments to the Agreement; and

The Agreement provides for the Amendment of the Exhibits to the Agreement concerning maximum flow rate, pressure range and projected annual volume and minimum annual volumes, not later than in the second year of the Agreement and then after three following years and then every five years for the balance of the term.

NOW THEREFORE BE IT RESOLVED, that Amendment No. 1 to Water Service Contract Between City of Detroit and the City of Ferndale is approved and the Mayor and Clerk are authorized to execute Amendment No. 1 to Water Service Contract Between City of Detroit and the City of Ferndale.

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

NAYS: None

ABSENT: Council Member Lennon

RESOLUTION ADOPTED

**NOTICE OF INTENT RESOLUTION
GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS
City of Ferndale, State of Michigan**

Minutes of a regular meeting of the City Council of the City of Ferndale, County of Oakland, State of Michigan (the "City") held on the 14th day of December, 2009 at 7:30 o'clock p.m. Eastern Standard Time.

PRESENT: Members Baker, Galloway, Gumbleton, Lennon, Mayor Covey

ABSENT: None

The following preamble and resolution were offered by Member Baker and supported by Member Galloway:

WHEREAS, the City intends to issue and sell general obligation capital improvement bonds, pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an amount not to exceed Seven Million Five Hundred Thousand Dollars (\$7,500,000) for the purpose of paying the cost of acquiring constructing, furnishing, improving and equipping certain public buildings together with all necessary appurtenances and attachments (the "Project"); and

WHEREAS, a notice of intent to issue bonds must be published before the issuance of the aforesaid bonds in order to comply with the requirements of Section 517 of Act 34, Public Acts of Michigan, 2001, as amended.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue bonds in a newspaper of general circulation in the City.
2. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:

NOTICE TO ELECTORS
OF THE CITY OF FERNDALE
OF INTENT TO ISSUE BONDS SECURED BY THE TAXING
POWER OF THE CITY AND THE RIGHT OF REFERENDUM THEREON

PLEASE TAKE NOTICE that the City Council of the City of Ferndale, County of Oakland, Michigan, intends to issue and sell general obligation capital improvement bonds, pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an amount not to exceed Seven Million Five Hundred Thousand Dollars (\$7,500,000) for the purpose of paying the cost of acquiring, constructing, furnishing, improving and equipping buildings for use as court, police and city hall structures, together with all necessary and related appurtenances and attachments.

Said bonds will mature in annual installments not to exceed twenty-five (25) in number, with interest rates to be determined at sale but in no event to exceed eight (8%) per annum or such other rates as may be permitted by law on the unpaid balance from time to time remaining outstanding on said bonds. The bonds may be issued in one or more series as shall be determined by the City Council.

SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL AND INTEREST OF THE BONDS shall be payable from the general funds of the City lawfully available for such purposes including property taxes levied within applicable statutory and constitutional limitations.

RIGHT OF REFERENDUM

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 517, Act 34, Public Acts of Michigan, 2001, as amended.

J. Cherilynn Tallman
Clerk, City of Ferndale, Michigan

3. The City Council does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the City's taxpayers and electors of this Council's intent to issue the bonds, the purpose of the bonds, the security for the bonds, and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Member Baker, Galloway, Gumbleton, Lennon

NAYS: Mayor Covey

RESOLUTION DECLARED ADOPTED.