



23925 Woodward Avenue
Pleasant Ridge, Michigan 48069

Public Hearing and Regular City Commission Meeting
Tuesday, April 9, 2013

Having been duly publicized, Deputy Mayor Bushey called the meeting to order at 7:30 p.m.

Present: Deputy Mayor Bushey, Commissioners Krzysiak, Perry, Rubino.
Also Present: City Manager Ball, City Attorney Cooper, City Clerk Allison.
Absent: None.

Minutes

13-2960

Motion by Commissioner Rubino, second by Commissioner Perry, that the Regular City Commission Meeting held Tuesday, March 12, 2013, be approved, as recommended.

Adopted: Yeas: Commissioners Rubino, Perry, Krzysiak, Deputy Mayor Bushey.
Nays: None.

March 2013 Disbursement Report

13-2961

Motion by Commissioner Perry, second by Commissioner Rubino, that the March Disbursement Report be approved, as listed.

Adopted: Yeas: Commissioners Perry, Rubino, Krzysiak, Deputy Mayor Bushey.
Nays: None.

Governmental Reports

Mr. Gary McGillvary, Oakland County Commissioner, gave an update on events related to the Oakland County Commission.

Mr. Rudy Serra, Ferndale Free Medical Clinic, gave an update regarding events related to the clinic. Five-year Anniversary fundraising dinner to be held May 2nd at Ukrainian Cultural Center.

Ms. Karen Twomey, Ferndale Public School Board, gave an update regarding events related to the Ferndale Public School District. She also introduced the board secretary, Nan Camilia.

City Commission Liaison Reports

Commissioner Perry gave an update regarding the Ferndale School District and events related to the district. Commented about the e-Newsletter on the Ferndale Schools website. Discussed Regional Transportation. Public outreach charret for the Alternatives Analysis will be held in Ferndale on April 17th. Complete Streets will also be studied April 16-18. Pleasant Ridge needs analysis will be held in June. Carmine Columbo was on NPR yesterday discussing transit issues.

Commissioner Rubino, gave an update regarding the Historical Commission. Plans in the works for the 2013 Home and Garden Tour on June 8th. New member welcome to Ms. Erin Sniderman and thanked Mr. Brad Bannon for his service. Antique Sale will be held in September.

Commissioner Krzysiak, gave an update regarding the Recreation Commission. Reminder regarding the Recreation Master Plan Survey. Paper copies available at City Hall and Community Center. Surveys are due by April 19th. Appraisal Fair held April 6th was very successful. Cover has been removed from pool today and pool is scheduled to open May 24th.

Commissioner Bushey, gave an update regarding the Planning Commission/DDA. No meeting was held in March. Parking Committee met on April 8th.

Public Discussion

Charles Green, 46 Devonshire, commented about the fencing along the railroad tracks.

Manager Ball gave a brief history of the fencing in the area. Options have been explored for replacement or repair. Cyclone fencing has not worked. The police patrol the area regularly. There is brush and bramble along the fence line which offers some screening in the area. Money is budgeted every year for repairs. Major renovations to the fence would be addressed during the Gainsboro park project, should that move forward.

Deputy Mayor Bushey commented that the City is looking at a joint venture with the Pleasant Ridge Foundation to improve that park and area. This offers some funding for replacement of the fence as part of an overall project.

Consent Agenda

Commissioner Krzysiak requested that item 9f, regarding Loyalty Day, be removed from the Consent Agenda and considered as a separate item.

13-2962

Motion by Commissioner Rubino, second by Commissioner Krzysiak, that the Consent Agenda, as amended with the removal of item 9f and that item being considered separately, as item 9a, be approved, as recommended.

Adopted: Yeas: Commissioners Rubino, Krzysiak, Perry, Deputy Mayor Bushey.
 Nays: None.

Proclamation – Loyalty Day

City Clerk Allison read the City of Pleasant Ridge proposed proclamation regarding Loyalty Day.

Commissioner Krzysiak read a prepared statement. His statement was:

“When I was in 8th grade I had the kind of teacher that you look back from adulthood and acknowledge their impact on who you become as a person. That teacher lived through the Vietnam War and knew the sacrifice that thousands of her generation gave. By the time 1987 rolled around many had started to forget our veterans who served this nation. She made sure that every year her eighth graders would know the faces of men who had their lives changed forever in the jungles of South Asia. We went to the local VFW Hall and exchanged letters we had written thanking these brave men for their service. It was a very powerful moment that has stayed with me to this day. In addition to my own uncle’s Vietnam experience and the stories of my grandfather during the Pacific during WW2, I think of those men when calls of patriotism and freedom and valor are thrown around today. When we honor our veterans, we acknowledge what they sacrificed for our benefit. From that little boy in eighth grade to a 40 year old man today, I still grapple with what exactly all these men and women over the centuries have spilled their blood for. It is my belief that to honor them and their sacrifice we have to create a society deserving of the lives they gave. A nation of truly free men and women. A nation of brave citizens here loyalty is earned and not declared from the pen of politicians. A nation worthy of their blood is one where each citizen is free to speak their mind without worry of being labeled treasonous or disloyal. A strong democracy where dissent is wholly protected and unfettered debate is championed. That is what I believe is owed to the generations that gave everything so that I could utter these words tonight. These words written by American historian Henry Steele Commager in 1954 during the height of McCarthyism and the ear of loyalty review boards and four years before the first proclaimed Loyalty Day. These following paragraphs sum up fairly accurately my concerns regarding the continuation of a holiday so unbecoming a truly free nation. *“What is the new loyalty? It is, above all, conformity. It is the uncritical and unquestioning acceptance of America as it is – the political institutions, the social relationships, the economic practices. It rejects inquiry into the race question or socialized medicine, or public housing or into the wisdom or validity of our foreign policy. It regards as particularly heinous any challenge to what is called “the system of private enterprise,” identifying that system with Americanism. It abandons evolution, repudiates the once popular concept of progress, and regards America as a finished product, perfect and complete.”* *“It is, it must be added, easily satisfied. For it wants no intellectual conviction or spiritual conquest but mere outward conformity. In matters of loyalty it takes the word for the deed, the gesture for the principle. It is content with a flag salute, and does not pause to consider the warning of our Supreme Court that “a person gets from a symbol the meaning he puts into it, and what is one man’s comfort and inspiration is another’s jest and scorn.”* *It is satisfied with membership in respectable organizations and...concluded that every member of a conservative one is a true American. It has not yet learned that not everyone who saith Lord, Lord, shall enter into the kingdom of Heaven. It is designed neither to discover real disloyalty nor foster true loyalty.”* He further commented that he knows this is not a debate on grand federal policies, he wanted to be clear on why he feels that Loyalty Day is not something that he believes the government of America should be celebrating.

Deputy Mayor Bushey commented that he appreciates Commissioner Krzysiak's option.

Manager Ball read into the record the 2012 Loyalty Day Proclamation by President Obama, which is the same proclamation adopted since 1958. (attached)

Deputy Mayor Bushey called for a motion regarding item #9A regarding the Proclamation recognizing May 1st as Loyalty Day.

Commissioner Rubino commented that he respected Commissioner Krzysiak's opinion, but he does not look at Loyalty Day the same way. He feels that Loyalty Day means loyalty to our fellow citizens, to the United States, to our government, which is not perfect, but it is a lot better than what is overseas. There is always room for improvement, there is always differences of opinion, but at least we are allowed to have those differences of opinion. When he looks at Loyalty Day, that has been in effect long before 1958, which he thinks was Americanization Day before that. All Loyalty Day is saying for Pleasant Ridge is that we are dedicating our loyalty to our fellow residents, to our beliefs that we have and the best thing that is going on right now in the world.

Commissioner Perry commented that she respects Commissioner Krzysiak's American spirit in questioning different concepts and things. It is important that we don't pledge blindly to whatever. She also thanked the City Manager for reading the presidential proclamation regarding Loyalty Day.

Commissioner Krzysiak commented that he appreciated the City Manager reading the proclamation into the record and that he respected his fellow commissioners opinions. He feels that this is a question that strikes at the heart of who we are as a country and he does not want to come across as disrespectful or not grateful for living in this country, because he is. Part of what he sees as the role of citizens is to be constantly vigilant of our freedoms and there was some discussion regarding the history of loyalty day. May 1st throughout the rest of the world is May Day, which is a show of solidarity between the workers of the world. When the Solivet Union was a legitimate threat, there were officials in our government that felt that the response to that threat was to basically institute loyalty. We had loyalty tests, it was an era where people were afraid to speak honestly about their views. This was in 1958 that loyalty day was created, since the dawn of our country, through a civil war, the people before 1958 never saw the need for a loyalty day and we prospered as a country. He feels that loyalty day is misplaced, and he has to be true to his conscience, as a representative of the people and at the end of the day be comfortable with his choices.

13-2963

Motion by Commissioner Rubino, second by Commissioner Perry, that the Proclamation designating May 1st as Loyalty Day, be approved.

Adopted: Yeas: Commissioners Rubino, Perry, Deputy Mayor Bushey.
Nays: Commissioner Krzysiak.

Ordinance 403 – Chapter 43 – Human Rights

Manager Ball commented on the proposed Ordinance amendment and gave a brief history regarding the ordinance.

Deputy Mayor Bushey opened the public hearing at 8:14 p.m.

City Manager Ball reported she had received a few emails in support of the proposed ordinance and one from a resident asking for a one month delay because he did not think that there had been enough time for the public to comment. Manager Ball told the City Commission that she would respond to this resident, but this ordinance has been discussed by the City Commission since January.

Ms. Jane Makulski, 110 Elm Park, commented she believes in the Human Rights Ordinance. Feels the ordinance is very comprehensive. The ordinance is good for the community, even in a community as accepting as Pleasant Ridge. Thinks it is the right thing to do to make a public statement in what you believe in. Would like the Commission to consider a change, on the second page, to item 8 “HIV Status”, would like this section broadened without naming specific diseases. Also feels that HIV is a private health matter and knows persons with HIV do not have to disclose their illness.

Commissioner Rubino commented that on the following page, item 13, this addresses other illnesses, physical and mental abilities.

Ms. Makulski, commented she thinks that maybe HIV should be taken out or not specifically named. She would like the ordinance to be all-inclusive to all diseases or just remove that item. Wants all illnesses treated equally and would like the ordinance a little broader. The Americans with Disabilities Act speaks to all diseases. Would not want anyone to feel like they are being singled out or ignored for a particular illness.

Mr. Victor Walker, staff member of Affirmations in Ferndale, feels Human Rights Ordinances in general are an afterthought to most communities. Pleasant Ridge has the opportunity to be ahead of the curve by saying that we are protecting all people. Applauded City Commission on the proposed ordinance. If equality is believed in, the City Commission will pass the proposed ordinance. He also commented that the HIV designation is necessary because HIV is very stigmatized. Having the distinction outlined in the ordinance is necessary.

Deputy Mayor Bushey commented that the City Commission has always supported the Human Rights Ordinance, it was a matter of just getting the ordinance fine-tuned.

Ms. Pat Gross, 70 Wellesley, been a Pleasant Ridge resident for 23 years, commented that unlike other communities, Pleasant Ridge is offering a proclamation to how the residents of this community live. She personally has always felt safe here.

Mr. Rudy Serra, Attorney and former Judge, commented that he is served as the first openly gay judge in the State of Michigan, as well as the first openly gay member of the Oakland County Commission and former member of the Detroit Human Rights Commission. He further commented that Human Rights

was his specialty in law school. The City's proposed ordinance is up-to-date, standard, and meets all the requirements of the law. He commented that HIV is criminalized, thinks HIV status must be included in ordinance.

Ms. Jean Ruzzin, 7 Hanover, proud ally of the gay community since 1998, and is proud of the city for the proposed ordinance. Feels HIV item should remain. Discrimination against HIV exists and is terrible. Believes that a law was passed in Kansas, which allows people with HIV to be quarantined. Questioned the fine structure in the ordinance, feels the fine is low and is a slap in the hand.

City Attorney Cooper commented the fine in the proposed ordinance is in line with a misdemeanor fine and by statute, this is the maximum amount the City may levy.

With no further comments or discussion, Deputy Mayor Bushey closed the public hearing at 8:23 p.m.

Deputy Mayor Bushey questioned if all the changes requested the City Commission were included in the proposed ordinance.

Manager Ball commented all the changes have been included, with the exception of the definition of "persons" requested by Commissioner Perry.

City Attorney Cooper commented that he spoke with Commissioner Perry regarding her requested change, and he feels that she is satisfied with the language as written.

Commissioner Perry requested the City Attorney explain her requested change and why it was not necessary.

City Attorney Cooper replied that Commissioner Perry's requested change was to adopt the definition of persons, as listed in the Elliott-Larsen Act. The Elliott-Larsen Act is the Civil Rights Act in the State of Michigan and in that definition, they include aspects of the State agency, it talks about the State, a political subdivision of the State, or any agency of the State. The way our jurisdiction works, using the court as an example, we have a District Court, a Circuit Court, a Court of Appeals and a Supreme Court. A Circuit Court cannot order the Court of Appeals or Supreme Court to do something. Conversely, the Court of Appeals or the Supreme Court can order the Circuit Court to do something. That is similar to what we have with the proposed ordinance, we have the political subdivision of the City, and we have the County, then we have the State, then we have the Federal Government, and as you can see regarding the Elliott-Larsen Act, there is no reference to the federal government because the State does not have jurisdiction to regulate the federal government. So the City could not imply that our Ordinance is applicable to the State of Michigan. It would not be appropriate for the City to use a definition that is not applicable to our situation.

Commissioner Krzysiak read a prepared statement. His statement is as follows:

"In the Michigan Constitution of 1963 civil rights of citizens were protected by prohibiting discrimination based on religion, race, color or national origin. In 1976, the Michigan Legislature expanded protections for its citizens by passing the Elliott-Larsen Civil Rights Act which included previous protections for religion, race, color or national origin and added age, sex and marital status as also being protected. Michigan and then the Federal government also added protections for citizens with disabilities. Over our nation's history there has been a gradual march toward more include protections

for its citizens against discrimination in employment, housing and public accommodations. That march continues in communities across our nation as local municipalities lead the way in making sure all our citizens are protected from the debilitating and demoralizing effects of discrimination. This is not about bequeathing special rights on any one group but ensuring that all citizens of a community are treated the same. Just as it is wrong to deny employment because of one's religious belief it is also wrong to deny employment because of one's sexual orientation. What this ordinance does is simple. It makes sure that all the citizens of Pleasant Ridge are afforded the same protections against discrimination, as every other member of this community. It has been 37 years since Michigan's civil rights legislation was consolidated in the Elliott-Larsen Civil Rights Act. And 37 years without protections for sexual orientation being added. This is why it is important for local communities that value inclusion to act now, not only to cover the gaps left by that law, but also to send the message to Lansing that these protections need to be made part of State law. It has been my experience that politicians, a category that no one seems willing to protect from discrimination, prefer to do things as easily as possible. And I will say that this decision is a very easy one for me tonight. But this vote is only easy tonight because it matches so completely the spirit of Pleasant Ridge. Our city is the most inclusive community I have ever had the good fortune to call home and I am honored to represent my neighbors by voting yes on adoption of this ordinance tonight. The work to make this vote so easy tonight has taken place over many decades. Decades of neighbor-to-neighbor interaction in which bonds grow stronger regardless of the color of one's skin or the gender of one's partner. This attitude of acceptance needs to be honored here tonight. Pleasant Ridge, you have much to be proud of. Finally, I want to honor the generations of lesbians, gays, bisexuals and transgendered individuals across this country who have endured years of unjust scorn and personal turmoil simply in an effort to live a life true to themselves. They are the ones who have done all the hard work. The easy work of politicians and the vital acceptance of neighbors is important but the real heroes pushing our society toward a brighter, more inclusive future are the individuals who have taken the brave steps to be themselves without apology. The young and old who refuse to live lives dictated by others but untrue to themselves. In spite of violent rejection by total strangers to, in some cases, dearest loved ones, these individuals have held true to themselves and helped change our country for the better and for that they have my highest level of respect. Thank you."

Commissioner Rubino commented that Facebook is not something that he participates in, however, looking at Facebook recently, there was a comment made by an individual who commented about one of the City Commission meetings, which concerned him and the adoption of the Human Rights Ordinance. Of course this was taken out of context and of course when it is put on Facebook the person you are writing about may not have the ability to respond, which he feels is wrong. If an individual has something to say, they should say it in person – face-to-face. The comment was made that he was against the Human Rights Ordinance and had finally changed his mind. Commissioner Rubino commented this is absolutely untrue. He asked a question regarding why the need for the ordinance. Did an incident in the City happen that he was not aware of, because he wanted to know about it. The thirteen years that he has lived in Pleasant Ridge, he has never encountered or heard of any discrimination against any person. He felt the Ordinance was being pushed through because of an event and as a Commissioner, he wanted to know about it, so that something could be done about it. In this City there is a feeling that everybody loves everybody, and it is such a welcoming town. This was the reason for his question, he wanted more information. He feels as a City Commissioner, there is a duty to question everything, in order to gain all the information. Just because a question is asked does not mean that the person asking is against the issue. He has family members that would fall under the Human Rights Ordinance and he loves every one of them dearly.

Commissioner Perry commented she is completely in support of this Ordinance, and she is excited and happy that the City Commission is taking action to protect all its citizens equally. She suggested the City Commission delay any action for one month; she had no problem with the proposed ordinance, however, she feels that another month would allow for the public to review and comment on the ordinance, in case the Commission missed something in the ordinance. She understands that a vote can be delayed after a public hearing.

Both the City Attorney and the City Manager recommended a vote this evening. There will be no further information of benefit to be obtained within the month. The Ordinance has been available at City Hall for review and there has been opportunity for feedback.

Deputy Mayor Bushey thanked Commissioner Krzysiak for his work in the proposed Ordinance. He thought the process worked well, there was input from the City Commission, residents and other professionals. The public hearing is for public comments and the City Commission accepted public comments this evening. He is in support of this Ordinance.

13-2964

Motion by Commissioner Rubino, second by Commissioner Perry, that Ordinance #403 amending the Pleasant Ridge City Code by the creation of a new chapter, Chapter 43, Human Rights, be approved, as recommended.

Adopted: Yeas: Commissioners Rubino, Perry, Krzysiak, Deputy Mayor Bushey.
 Nays: None.

Historical Commission Appointment – Sniderman

13-2965

Motion by Commissioner Rubino, second by Commissioner Perry, that the appointment of Ms. Erin Sniderman, to the Pleasant Ridge Historical Commission, to fill an unexpired term, term to expire December 31, 2013, be approved as recommended.

Adopted: Yeas: Commissioners Rubino, Perry, Krzysiak, Deputy Mayor Bushey.
 Nays: None.

A special thanks was offered to former Historical Commissioner Brad Bannon for his service.

Foundation Auction Donations

13-2966

Motion by Commissioner Perry, second by Commissioner Rubino, that the City Commission approve the items recommended by the City Administration as donations to the Pleasant Ridge Foundation for sale at its 2013 Annual Auction.

Adopted: Yeas: Commissioners Perry, Rubino, Krzysiak, Deputy Mayor Bushey.
 Nays: None.

Cambridge Boulevard Road Reconstruction Bid Award

13-2967

Motion by Commissioner Rubino, second by Commissioner Perry, that the bid for the Cambridge Boulevard Road Reconstruction Project be awarded to the lowest qualified bidder, Tiseo Brothers, Inc., of Washington Township, Michigan, in the amount of \$456,459.00, plus a 10% contingency, be approved, as recommended.

Adopted: Yeas: Commissioners Rubino, Perry, Krzysiak, Deputy Mayor Bushey.
Nays: None.

Sidewalk Improvement Program

13-2968

Motion by Commissioner Perry, second by Commissioner Rubino, that the City Administration be directed to explore a sidewalk program modeled after the City of Clawson, including funding options, and report back to the City Commission.

Adopted: Yeas: Commissioners Perry, Rubino, Krzysiak, Deputy Mayor Bushey.
Nays: None.

City Manager's Report

Recognized Mayor Castelli for 20 years of service, as Mayor. There will be a reception at the May City Commission Meeting.

Other Business

Commissioner Krzysiak commented that books and reading have always inspired him. Would like to facilitate discussion regarding book discussions and invites the community to an every other month book reading. He would like to hold an event on May 21st, at his private residence to discuss the book titled "Kaboom, A Movement to Save Play."

Deputy Mayor Bushey commented that the Recreation Master Plan survey is available to be completed. They are due on April 19th. The Gainsboro Park walk through will be held April 27th.

Commissioner Perry wanted to thank Jay Foreman, Ryan Stearn and the ESPN group regarding the work they have done towards publicizing the Recreation Master Plan survey.

With no further business, Deputy Mayor Bushey adjourned the meeting at 9:01 p.m.

Respectfully submitted,

Jerry A. Bushey, Deputy Mayor

Amy M. Allison, City Clerk

Amended