

THE TWENTY-FIRST REGULAR MEETING OF THE THIRTY-FIFTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, DECEMBER 15, 2014 BY MAYOR O'DWYER

PRESENT: Steve Baker Alan Kideckel
Jack Blanchard Eileen Steadman
Tina Edgar Phil O'Dwyer

ABSENT: Daniel Terbrack

APPROVAL OF AGENDA

Councilmember Kideckel moved to approve the Agenda.

Seconded by Councilmember Baker.

Ayes: Blanchard, Edgar, Kideckel, Steadman, Baker, and O'Dwyer

Nays: None

Absent: Terbrack

Motion Approved.

PLEDGE OF ALLEGIANCE: Nathan Dains, Maxell Kopitz, Dillon Ottrock, Lucas Robbins-Hensler and Assistant Scout Master Jim Chamberlain from Berkley Boy Scout Troop 1085.

CITIZENS COMMENTS

Dan Mihaescu, Chairman and Anela Mihaescu, Secretary of the Beautification Advisory Committee gave a PowerPoint presentation of the homes nominated for the Third Annual Holiday Spirit Award. The winners were in the areas of Larkmoor, Hamilton, Edgewood, and Robina.

Consent Agenda

Councilmember Blanchard moved to approve the following Consent Agenda, seconded by Councilmember Steadman:

APPROVAL OF MINUTES: Matter of approving the minutes of the regular 35th City Council meeting on Monday, December 1, 2014.

APPROVAL OF THE WARRANT: Matter of approving Warrant No. 1285.

RESOLUTION NO. R-45-14: Matter of accepting a donation from Amy Camaini to purchase a Tot Table and a commemorative plaque for the Tot Lot Park.

RESOLUTION NO. R-46-14: Matter of acknowledging the volunteer efforts of Berkley Troop 1085.

Ayes: Edgar, Kideckel, Steadman, Baker, Blanchard, and O'Dwyer

Nays: None

Absent: Terbrack

Motion Approved.

Regular Agenda

RECOGNITIONS/PRESENTATIONS

Councilmember Edgar read Resolution No. R-45-14 into record.

Amy Camaini spoke briefly about her late husband Bob Camaini, she enjoyed working with Dan Simpson from the Parks and Recreation Department and thanked the City Council for the recognition.

Councilmember Blanchard read Resolution No. R-46-14 into record.

Jim Chamberlain, Assistant Scout Master, spoke about Berkley Troop 1085's responsibilities from adopting Jaycee Park to include monthly patrols of the park, Spring leaf pickup and Fall leaf pickup.

RESOLUTION NO. R-47-14: Matter of accepting the 6/30/12 Retiree Health Care Plan Actuarial Valuation Report for Fiscal Years 2014/2015, 2015/16 and 2016/17.

Councilmember Baker moved to approve Resolution No. R-47-14.

Seconded by Councilmember Kideckel.

Ayes: Kideckel, Steadman, Baker, Blanchard, Edgar, and O'Dwyer

Nays: None

Absent: Terbrack

Motion Approved.

Shana Neeson, ASA Actuary from Gabriel, Roeder, Smith & Company, gave a presentation on the City of Berkley Retiree Health Care Plan Actuarial Valuation Report as of June 30, 2012.

RESOLUTION NO. R-48-14: Matter of approving an amendment to the 2013 to 2015 collective bargaining and future bargaining agreements with the Berkley Public Safety Command Officers Association and the Berkley Public Safety Officers Association by adding language necessary to maintain the qualified status of the Berkley Public Safety Pension System under the provisions of the United States Internal Revenue Service Code.

Councilmember Blanchard moved to approve Resolution No. R-48-14.

Seconded by Councilmember Steadman.

Ayes: Steadman, Baker, Blanchard, Edgar, Kideckel, and O'Dwyer

Nays: None

Absent: Terbrack

Motion Approved.

Cynthia J. Billings, Pension Attorney from Sullivan, Ward, Asher & Patton, P.C., gave a presentation on the Supreme Court ruling of Windsor v. United States, Defense of Marriage Act (DOMA), and Public Act 345 Plan. A recommendation is made to amend the plan to define spouse and surviving spouse as a member's legal spouse who has met all requirements of a valid marriage contract in the state of marriage and such party.

City Manager Jane Bais-DiSessa requests approval from the City Council to authorize the City Manager to enter into the Letter of Agreement with the Berkley Public Safety Command Officers Association and the Berkley Public Safety Officers Association to bring the pension system in compliance with legal guidelines as recommended and approved by legal counsel required to be adopted by December 31, 2014.

ORDINANCE NO. O-06-14: Matter of considering the first reading of an ordinance to amending Berkley City Code, Chapter 138 Zoning, Article III General Provisions, Division 6 Supplementary Regulations of the Berkley City Code. (Set Date Certain, January 5, 2015).

Councilmember Kideckel moved to approve Ordinance No. O-06-14.

Seconded by Councilmember Blanchard.

Ayes: Baker, Blanchard, Edgar, Kideckel, Steadman, and O'Dwyer

Nays: None

Absent: Terbrack

Motion Approved.

City Planner Amy Vansen updated the City Council to include side yard setbacks, projections, and recommendations from the Planning Commission.

ORDINANCE NO. O-07-14: Matter of considering the first reading of an ordinance to amend Chapter 138 Zoning, Article VI Administration and Enforcement, of The Berkley City Code. (Set Date Certain, January 5, 2015).

Councilmember Edgar moved to approve Ordinance No. O-07-14.

Seconded by Councilmember Kideckel.

Ayes: Blanchard, Edgar, Kideckel, Steadman, Baker, and O'Dwyer

Nays: None

Absent: Terbrack

Motion Approved.

City Planner Amy Vansen updated the City Council to include variances, appeals, and recommendations from the Planning Commission.

ORDINANCE NO. O-08-14: Matter of considering the first reading of an ordinance to amend Chapter 138 Zoning, Article II Definitions of the Berkley City Code. (Set Date Certain, January 5, 2015).

Councilmember Kideckel moved to approve Ordinance No. O-08-14.

Seconded by Councilmember Edgar.

Ayes: Edgar, Kideckel, Steadman, Baker, Blanchard, and O'Dwyer

Nays: None

Absent: Terbrack

Motion Approved.

City Planner Amy Vansen updated the City Council to include building height, roofs, and recommendations from the Planning Commission.

PUBLIC HEARING: Matter of conducting a Public Hearing regarding the reprogramming request for 2014 Community Development Block Grant funds.

Moved by Councilmember Blanchard to open the Public Hearing.

Seconded by Councilmember Steadman.

Mayor O'Dwyer opened the Public Hearing at 7:50 p.m.

City Planner Amy Vansen updated the City Council to designate the Senior Center entrance with automatic doors which qualifies as an eligible improvement and is recommended by the Parks and Recreation Director Tom Colwell.

Seeing no one wishing to speak, Mayor O'Dwyer closed the Public Hearing at 7:52 p.m.

MOTION NO. M-85-14: Matter of directing the City Planner to prepare a reprogramming request for 2014 Community Development Block Grant funds.

Councilmember Kideckel moved to approve Motion No. M-85-14.

Seconded by Councilmember Blanchard.

Ayes: Kideckel, Steadman, Baker, Blanchard, Edgar, and O'Dwyer

Nays: None

Absent: Terbrack

Motion Approved.

City Planner Amy Vansen updated the City Council of plans, contractual documents and bid opportunities.

PUBLIC HEARING: Matter of conducting a Public Hearing regarding the Community Development Block Grant Program 2015-2016 Fiscal Year.

Moved by Councilmember Blanchard to open the Public Hearing.
Seconded by Councilmember Kideckel.

Mayor O'Dwyer opened the Public Hearing at 7:54 p.m.

Liz Bayer, Court Advocate from Haven, thanked the City Council for their support in previous years. From July 1, 2013 to June 30, 2014, Haven has served fifteen residents of Berkley and two crisis calls on the Crisis Line. Haven offers a variety of services in Oakland County this includes a Domestic Violence Shelter in Pontiac, 24 Hour Crisis Line, and a Social Action Program with an advocate assigned to the 45A District Court in Berkley.

Seeing no one wishing to speak, Mayor O'Dwyer closed the Public Hearing at 7:56 p.m.

RESOLUTION NO. R-49-14: Matter of adopting the Community Development Block Grant Program Application for the 2015-2016 Fiscal Year.

Councilmember Kideckel moved to approve Resolution No. R-49-14.

Seconded by Councilmember Baker.

Ayes: Steadman, Baker, Blanchard, Edgar, Kideckel, and O'Dwyer

Nays: None

Absent: Terbrack

Motion Approved.

City Planner Amy Vansen gave a recommendation to City Council to allocate \$2,500 to Haven, \$5,000 to Parks and Recreation yard services, and remaining balance to Sidewalk Ramps as Capital Improvement.

Finance Director/Treasurer David Sabuda gave a recommendation to City Council to allocate funds to sidewalk improvements to qualify for non-motorized improvement for complete streets.

Amended by Councilmember Kideckel and Seconded Councilmember Blanchard to allocate an additional \$1,500 to Haven, an additional \$1,500 to Parks and Recreation yard services, and \$30,170 to Parks and Recreation Facilities.

MOTION NO. M-86-14: Matter of authorizing the City Manager to execute an agreement with LSL Planning, Inc. to develop a residential form based code for an amount not to exceed \$14,500 as stipulated in its proposal. Monies to come from Account Number 101-801-818-000.

Councilmember Edgar moved to approve Motion No. M-86-14.

Seconded by Councilmember Kideckel.

Ayes: Baker, Blanchard, Edgar, Kideckel, Steadman, and O'Dwyer

Nays: None

Absent: Terbrack

Motion Approved.

City Planner Amy Vansen gave an update to the City Council to include form base code for residential, form base code for business district, and bid results.

Finance Director/Treasurer David Sabuda gave a recommendation to City Council to approve the contract for \$14,500 plus up to \$1,500 for expenses.

Amended by Councilmember Edgar and Seconded by Councilmember Kideckel to approve contract for \$14,500 plus up to \$1,500 for expenses.

MOTION NO. M-87-14: Matter of authorizing the City Manager to execute a contract with Oxford Electrical Services to serve as the City's substitute electrical inspector.

Councilmember Blanchard moved to approve Motion No. M-87-14.

Seconded by Councilmember Edgar.

Ayes: Blanchard, Edgar, Kideckel, Steadman, Baker, and O'Dwyer

Nays: None

Absent: Terbrack

Motion Approved.

City Manager Jane Bais-DiSessa gave a brief background on John Brunning and informed the City Council that City Attorney John Staran has reviewed and approved the agreement.

RESOLUTION NO. R-50-14: Matter of considering a resolution to reimburse certain permit fees related to the August 11, 2014 Flood Event.

Councilmember Baker moved to approve Resolution No. R-50-14.

Seconded by Councilmember Kideckel.

Ayes: Edgar, Kideckel, Steadman, Baker, Blanchard, and O'Dwyer

Nays: None

Absent: Terbrack

Motion Approved.

City Manager Jane Bais-DiSessa updated the City Council to include a temporary waiver of permit fees for furnace, water heaters, back water valves, and sanitary surcharge systems damaged by the flood that occurred on August 11, 2014.

City Planner Amy Vansen updated the City Council to include permits paid between August 12, 2014 to October 3, 2014, FEMA deadlines, and reports generated from the BS&A system.

MOTION NO. M-88-14: Matter of approving the Memorandum of Understanding between the Cities of Berkley, Ferndale, Hazel Park, Madison Heights, Royal Oak, and the Huron Valley Ambulance Service for providing Tactical Medical Services to the Southeast Oakland SWAT Team.

Councilmember Blanchard moved to approve Motion No. M-88-14.

Seconded by Councilmember Kideckel.

Ayes: Kideckel, Steadman, Baker, Blanchard, Edgar, and O'Dwyer

Nays: None

Absent: Terbrack

Motion Approved.

Public Safety Deputy Chief Bob North updated City Council to include Southeast Oakland SWAT Team, tactical environments, and required training.

COMMUNICATIONS:

COUNCILMEMBER STEADMAN: encouraged everyone to visit the Berkley Public Library and participate in the Giving Tree Campaign for the month of December. The Friends of the Library is selling the 2015 Book Lovers Page a Day calendar for \$10 as a great gift idea. The Story Time with Santa is on Wednesday, December 17th at 6:30 p.m., reservations are made through the Berkley Public Library. Councilmember Steadman thanked the Beautification Advisory Committee for their involvement with the Third Annual Holiday Spirit Award. She recognized all the volunteers and organizations for their participation with the Holiday Parade on Saturday, December 6th.

COUNCILMEMBER BLANCHARD: thanked Santa Claus during the Holiday Parade on Saturday, December 6th. He had an opportunity to attend a course on Emergency Operation Plan and looks forward to sharing more information in the near future.

COUNCILMEMBER BAKER: thanked the Downtown Development Authority, the Historical Committee, the Chamber of Commerce, the Junior Women's League, and Mayor O'Dwyer for a successful event on

Saturday, December 6th. He gave an update on the Transportation Funding Bill and encouraged others to contact their legislature for their support. Councilmember Baker spoke about this day in history to include Gone with the Wind in 1939, the Bill of Rights ratified in 1791, National Bill of Rights Day in 1941, and the National Lemon Cupcake Day. He concluded with a quote from D.M. Dellinger, an Influential American Activist, "This is my wish for you: peace of mind, prosperity through the year, happiness that multiplies, health for you and yours, fun around every corner, energy to chase your dreams, joy to fill your holidays!" Councilmember Baker wished everyone a safe and happy holiday season, to be grateful and appreciative of those around you, and live every day.

COUNCILMEMBER EDGAR: wished everyone a very Merry Christmas, Happy Holidays, and Prosperous New Year.

COUNCILMEMBER KIDECKEL: thanked the volunteers and organizations for their participation with the Holiday Parade on Saturday, December 6th. He recognized Sue Thornton, Karen Koerber, and the staff at Farina's Banquet Center for a successful event with the Seniors Holiday Party. Councilmember Kideckel acknowledged the Junior Women's Club for a well-attended event of the Candy Cane Lane on Saturday, December 13th. He wished everyone a Happy Hanukkah, "Chag Molad Sameach" (Merry Christmas in Hebrew) and a Happy Holiday Season.

CITY MANAGER BAIS-DISESSA: expressed her appreciation of City Planner Amy Vansen for obtaining the Michigan Fitness Foundation Promoting Active Communities Award Bronze Level for the City of Berkley on October 6, 2014. The City of Berkley received 61.2% for the Building of Environment, 53.5% for Policies and Planning, 52.6% for Programs and Promotions, and is one of ninety-seven communities to have a complete streets ordinance. She wished City Council, residents and everyone "Feliz Navidad Y Feliz Año Nuevo" (Merry Christmas and a Happy New Year in Spanish).

CITY PLANNER AMY VANSEN: thanked Mary Coughlin, the Principal at Rodgers Elementary School and Stantec formerly SHW Group for their cooperation. She recognized the City of Berkley for being a walkable and safe community.

FINANCE DIRECTOR SABUDA: wished everyone safe and happy holiday season.

MAYOR O'DWYER: recognized and thanked Mitchell Moses, a Board Member of the Berkley Board of Education, for attending the council meeting. On Friday, December 19th is a scheduled Work Session for City Council and City Administration. Mayor O'Dwyer extended a holiday greeting on behalf himself and Mayor Pro Tem Dan Terbrack, wishing everyone "Nollaig Shona Dhuit" (Merry and Happy Christmas in Gaelic).

ADJOURNMENT

Motion by Councilmember Steadman to adjourn the regular meeting at 8:55 p.m.

Seconded by Councilmember Kideckel.

Ayes: Steadman, Baker, Blanchard, Edgar, Kideckel, and O'Dwyer

Nays: None

Absent: Terbrack

Motion Approved.