

THE FOURTEENTH REGULAR MEETING OF THE THIRTY-FIFTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, JULY 21, 2014 BY MAYOR O'DWYER

PRESENT: Steve Baker
Jack Blanchard
Alan Kideck
Phil O'Dwyer
Eileen Steadman (arrived at 7:01 p.m.)
Daniel Terbrack

ABSENT: Tina Edgar

APPROVAL OF AGENDA

Councilmember Kideckel moved to approve the Agenda.
Seconded by Councilmember Baker.
Ayes: Blanchard, Kideckel, Terbrack, Baker, and O'Dwyer
Absent: Tina Edgar, Steadman
Nays: None
Motion Approved.

CITIZENS COMMENTS

Public Safety Director Chief Eshman introduced three new Public Safety Officers to City Council as follows:

Public Safety Officer Brian David Anderson obtained a Bachelor's Degree in Criminal Justice from Western Michigan University, a Police Certification from Kalamazoo Law Enforcement Training Center, and a Fire Certification from Berrien County Fire Academy.

Public Safety Officer John Raymond Corrigan Jr. obtained an Associate's Degree in General Studies from Macomb Community College, a Bachelor's Degree in Human Resources from Rochester College. He is a licensed Emergency Medical Technician, he received a Fire Certification in 2009, and a Police Certification in 2012.

Public Safety Officer Steven A. Mueller Jr. obtained an Associate's Degree in Fire Science from Kalamazoo College, a Fire Certification in 2004, and a Police Certification in 2006 from Macomb Police Academy.

City Clerk Annette Boucher administered the Oath of Office to the Public Safety Officers.

Public Safety Officers Steven A. Mueller Jr., Brian David Anderson, and John Raymond Corrigan Jr. thanked the City of Berkley for a great opportunity.

CONSENT AGENDA

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

APPROVAL OF MINUTES: Matter of approving the minutes of the regular 35th City Council meeting on Monday, June 16, 2014.

APPROVAL OF THE WARRANT: Matter of approving Warrant No. 1280.

Ayes: Kideckel, Steadman, Terbrack, Baker, Blanchard, and O'Dwyer
Absent: Tina Edgar
Nays: None
Motion Approved.

Regular Agenda

RECOGNITIONS/PRESENTATIONS

MOTION NO. M-44-14: Matter of authorizing the Berkley Lions Club to hold a fundraiser on August 7th, 8th and 9th in the intersection of 12 Mile and Coolidge, from 4 p.m. to 7 p.m.

Moved by Councilmember Blanchard to approve Motion No. M-44-14.

Seconded by Councilmember Steadman.

Ayes: Steadman, Terbrack, Baker, Blanchard, and O'Dwyer

Abstain: Kideckel

Absent: Edgar

Nays: None

Motion Approved.

Councilmember Kideckel excused himself from this agenda item due to his work relationship with the Berkley Lions Club.

Berkley Lions Club President Emily Weeks works at Shanbom Ophthalmology Practice in Berkley and helps coordinate the community eye screening for children ages 5 and under.

RESOLUTION NO. R-26-14: Matter of considering a proposed Statement of Purpose for the petition amending Chapter 6 of the Charter of the City of Berkley.

Moved by Councilmember Kideckel to approve Resolution No. R-26-14.

Seconded by Councilmember Steadman.

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

Absent: Edgar

Nays: None

Motion Approved.

City Attorney Dan Christ gave a brief summary to the City Council including the initial petition filing and explained the process of amending the Charter of the City of Berkley

MOTION NO. M-45-14: Matter of approving the application by Blarney Stone Pub, 27253 Woodward Avenue, for temporary authorization of outdoor alcohol sales, subject to the approval of the Liquor Control Commission, on Friday, August 15, 2014 from 4 PM to 10 PM and Saturday, August 16, 2014 from 10 AM to 9 PM, in the applied for extended area.

Moved by Councilmember Baker to approve Motion No. M-45-14.

Seconded by Councilmember Kideckel.

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

Absent: Edgar

Nays: None

Motion Approved.

MOTION NO. M-46-14: Matter of approving the application by Crispelli's, 28939 Woodward Avenue, for temporary authorization of outdoor alcohol sales, subject to the approval of the Liquor Control Commission, on Friday, August 15, 2014 from 4 PM to 10 PM and Saturday, August 16, 2014 from 10 AM to 9 PM, in the applied for extended area.

Moved by Councilmember Kideckel to approve Motion No. M-46-14.

Seconded by Councilmember Blanchard.

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

Absent: Edgar

Nays: None

Motion Approved.

MOTION NO. M-47-14: Matter of approving the application by O'Mara's, 2555 Twelve Mile Road, for temporary authorization of outdoor alcohol sales, subject to the approval of the Liquor Control Commission, on Friday, August 15, 2014 from 3 PM to 2 AM in the applied for extended area.

Moved by Councilmember Blanchard to approve Motion No. M-47-14.
Seconded by Mayor Pro Tem Terbrack.
Ayes: Kideckel, Steadman, Terbrack, Baker, Blanchard, and O'Dwyer
Absent: Edgar
Nays: None
Motion Approved.

MOTION NO. M-48-14: Matter of approving the application by Forgotten Harvest / Westborn Market, 27659 Woodward Avenue, for temporary authorization of outdoor alcohol sales, subject to the approval of the Liquor Control Commission, on Friday, August 15, 2014 from 6 PM to 10 PM, in the applied for extended area.

Moved by Councilmember Baker to approve Motion No. M-48-14.
Seconded by Councilmember Kideckel.
Ayes: Steadman, Terbrack, Baker, Blanchard, Kideckel, and O'Dwyer
Absent: Edgar
Nays: None
Motion Approved.

Mayor Pro Tem Terbrack moved to deny the following Ordinances O-03-14 and O-04-14, seconded by Councilmember Kideckel:

ORDINANCE NO. O-03-14: Matter of considering the first reading of an ordinance to rezone property described as Lots 306, 307, and 308 of the Larkmoor Boulevard Subdivision from Single Family Residential District (R-1D) to Parking District (P-1) (Set Date Certain, August 18, 2014).

ORDINANCE NO. O-04-14: Matter of considering the first reading of an ordinance to rezone property described as Lot 305 and the east ½ of Lot 304 of the Larkmoor Boulevard Subdivision from Single Family Residential District (R-1D) to Parking District (P-1) (Set Date Certain, August 18, 2014).

Ayes: Terbrack, Baker, Blanchard, Kideckel, Steadman, and O'Dwyer
Absent: Edgar
Nays: None
Motion Approved.

City Planner Amy Vansen gave a brief summary to the City Council of the Planning Commission's recommendations from the May 27th and June 24th meetings.

Car Bar/Vinsetta Garage representatives Curt Catalo, Erich Lines, and Attorney Neil Wallace gave a brief summary to the City Council regarding the rezoning proposal including an appraisal report.

The following are Berkley residents and nonresidents who expressed their concerns regarding the rezoning proposal:

Diane Cicchini at 1035 Oxford Road
Pat Chamberlain at 1059 Oxford Road
Robert Robinette at 1021 Oxford Road
John and Patricia Dulong at 959 Oxford Road
Melanie Stevens at 1083 Oxford Road
Tara Hayes at 1021 Oxford Road
Jack Guirey at 1009 Oxford Road
Marie Baranda at 983 Oxford Road
Molly Campbell at 1080 Oxford Road
Kamal and Maisoon Tato at 1060 Oxford Road
Joel Woznicki at 1089 Oxford Road
Marty Prehn nonresident of Berkley
Tony Beswick at 1090 Oxford Road
Sean Sweda at 1047 Eaton Road
Tammy and Gary Polk at 1440 Eaton Road

Joe McHugh at 1940 Berkley Avenue
Jim Chamberlain at 1059 Oxford Road

RECESS/RECONVENE:

Councilmember O'Dwyer moved to recess at 9:16 PM.
Unanimously Approved.

Councilmember O'Dwyer moved to reconvene the regular meeting at 9:24 PM.
Unanimously Approved.

MOTION NO. M-49-14: Matter of approving Hubbell, Roth & Clark's (HRC) proposal to prepare a Water System Reliability Study and General Plan in an amount not to exceed \$35,000 and authorizing the City Manager to sign proposed agreement.

Moved by Councilmember Kideckel to approve Motion No. M-49-14.

Seconded by Councilmember Baker.

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

Absent: Edgar

Nays: None

Motion Approved.

Public Work Director Derrick Scheuller gave a brief summary to the City Council which includes the study to prepare and update hydraulic water models to current conditions then conduct a hydrant flow test.

HRC representatives Executive Vice President Tom Biehl and Vice President Roland Alix were available to answer any questions from the City Council.

MOTION NO. M-50-14: Matter of approving Hubbell, Roth & Clark (HRC) to complete design services for the Coolidge Resurfacing Project (12 Mile to Webster) in an amount not to exceed \$40,000 and authorizing the City Manager to sign proposed agreement.

Moved by Councilmember Baker to approve Motion No. M-50-14.

Seconded by Councilmember Blanchard.

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

Absent: Edgar

Nays: None

Motion Approved.

Public Works Director Derrick Scheuller gave a brief summary to the City Council which includes soil boring, defined schedule based on federal guidelines, and projected construction in the spring of 2015.

HRC representative Executive Vice President Tom Biehl gave a brief summary to the City Council which includes road rating, plans to be submitted, and grade inspection for county approval.

MOTION NO. M-51-14: Matter of awarding the 2014 CDBG Sidewalk Ramp Replacement Program to Koala-T Construction of Royal Oak, Michigan in an amount of \$52,000. In addition, authorize \$2,000 to Hubbell, Roth & Clark (HRC) for construction engineering services.

Moved by Councilmember Kideckel to approve Motion No. M-51-14.

Seconded by Councilmember Blanchard.

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

Absent: Edgar

Nays: None

Motion Approved.

Public Works Director Derrick Scheuller gave a brief summary to the City Council which includes upgrades in intersections, restoration, and following federal regulations.

MOTION NO. M-52-14: Matter of authorizing the City Manager to enter into a 3-year agreement (including an optional one year extension) with Commercial Climate Controls Corporation to provide Heating,

Ventilation and Air Conditioning preventive maintenance services for City Hall/District Court, Public Safety, Parks and Recreation and Public Works, in an annual amount not to exceed \$8,696.78 per year. (Account numbers are listed in the attached motion).

Moved by Councilmember Blanchard to approve Motion No. M-52-14.

Seconded by Councilmember Kideckel.

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

Absent: Edgar

Nays: None

Motion Approved.

Public Works Director Derrick Scheuller gave a brief summary to the City Council which includes specification, bid process, and preventative maintenance.

MOTION NO. M-53-14: Matter of authorizing Gallagher Fire Equipment Company (30895 W. Eight Mile Road, Livonia, MI 48152) to lower sprinkler heads and to conduct related work on the fire suppression system in the library at a cost not to exceed \$5,000.00 from the Building Maintenance account (101-738-931-000).

Moved by Councilmember Kideckel to approve Motion No. M-53-14.

Seconded by Mayor Pro Tem Terbrack.

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

Absent: Edgar

Nays: None

Motion Approved.

Library Director Matt Church gave a brief summary to the City Council which includes bid process and expert recommendations for the fire suppression system.

Mayor Pro Tem Terbrack motion to continue the City Council Meeting beyond 10 p.m. at 9:55 p.m.

Unanimously Approved.

MOTION NO. M-54-14: Matter of authorizing the City Manager to enter into an agreement with eCivis, a grants management software application, in amount not to exceed \$2,875.00. A budget amendment is required.

Moved by Councilmember Steadman to approve Motion No. M-54-14.

Seconded by Councilmember Baker.

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

Absent: Edgar

Nays: None

Motion Approved.

City Manager Jane Bais-DiSessa gave a brief summary to the City Council which includes identifying potential federal, foundation, and state grants available to the city.

MOTION NO. M-55-14: Matter of casting Berkley's official vote for Trustee of the Michigan Municipal Workers Compensation Fund and direct the City Clerk to send in the marked ballot.

Moved by Mayor Pro Tem Terbrack to approve Motion No. M-55-14.

Seconded by Councilmember Kideckel.

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

Absent: Edgar

Nays: None

Motion Approved.

MOTION NO. M-56-14: Matter of certifying the following delegates to the Annual Meeting of the Municipal Employees Retirement System (MERS) to be held September 24-26, 2014 at the Detroit Marriott

Renaissance Center in Detroit, Michigan. Funds shall come from account 101-201-864-000 for the Officer Delegate and account 101-954-864-000 for the employee delegate.

Moved by Councilmember Steadman to approve Motion No. M-56-14.

Seconded by Councilmember Blanchard.

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

Absent: Edgar

Nays: None

Motion Approved.

MOTION NO. M-57-14: Matter of appointing various reappointments to Boards and Commissions.

Moved by Councilmember Baker to approve Motion No. M-57-14.

Seconded by Councilmember Kideckel.

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

Absent: Edgar

Nays: None

Motion Approved.

RESOLUTION NO. R-27-14: Matter of authorizing amendment of the 2013/2014 and 2014/2015 Operating Budget – those Operating Funds as presented.

Moved by Councilmember Kideckel to approve Resolution No. R-27-14.

Seconded by Councilmember Blanchard.

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

Absent: Edgar

Nays: None

Motion Approved.

Finance Director/Treasurer David Sabuda gave a brief summary to the City Council of operating budget amendments.

COMMUNICATIONS:

COUNCILMEMBER BLANCHARD: had no comments this evening.

COUNCILMEMBER STEADMAN: on behalf of the Berkley Public Library invited everyone to participate in the Motor City's Automotive History program on Monday, August 4th at 6:30 p.m. She also encouraged the residents to join the Beautification Committee which is very active in the community. Further information may be found on the city website at www.berkleymich.org.

COUNCILMEMBER BAKER: thanked the reappointed committee members and volunteers in the City of Berkley for all their hard work. He read a quote from American Author Joyce Meyer, "Patience is not simply the ability to wait - it's how we behave while we're waiting." Councilmember Baker recognized all those involved in the rezoning proposal discussion and the level of professionalism. He spoke about future plans and many opportunities for Robina Avenue in the downtown area. Tuesday, July 29th at 6:30 p.m. will be the next meeting to discuss the Robina project.

MAYOR PRO TEM TERBRACK: thanked all those involved in the rezoning proposal discussion including Curt Catallo and the Berkley residents. He invited everyone to come join the Jaycee Jamboree, Thursday, July 31st from 6 p.m. to 8 p.m., Family Movie Night, Saturday, August 23rd at 6 p.m., and Ice Cream Social, Tuesday, August 26th from 6:30 p.m. to 8:30 p.m. Mayor Pro Tem Terbrack recognized the Parks and Recreation Department including the volunteers for their hard work.

COUNCILMEMBER KIDECKEL: thanked everyone who attended the council meeting to discuss the rezoning proposal and encouraged future participation. He welcomed the three new Public Safety Officers to the City of Berkley. Councilmember Kideckel thanked Zach Massad for his service and membership to the Zoning Board of Appeals. He encouraged everyone to visit a new business on Robina, "Just a Pinch" owned by Charlie and Andrea McPhail.

CITY MANAGER BAIS-DISESSA: thanked all the volunteers in the community, she recognized Betty and Lysle Smith for their participation during the Senior Activity Day at the Parks and Recreation Community Center. She especially thanked Dan and Anela Mihaescu from the Beautification Committee for all their hard work; she encouraged new members to join the committee. City Manager Bais-DiSessa welcomed the three new Public Safety Officers and the new Deputy Clerk Lisa Vecchio to the City of Berkley. She concluded with a request for the City Council to conduct an annual personnel evaluation of the City Manager in August.

FINANCE DIRECTOR SABUDA: had no comments this evening.

CITY ATTORNEY CHRIST: had no comments this evening.

MAYOR O'DWYER: thanked everyone who participated tonight and those who watched the broadcast of the City Council Meeting.

ADJOURNMENT

Motion by Councilmember Kideckel to adjourn the regular meeting at 10:24 p.m.

Seconded by Councilmember Steadman.

Ayes: Unanimously Approved

Absent: Edgar

Nays: None