

THE THIRTEENTH REGULAR MEETING OF THE THIRTY-FIFTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, JUNE 16, 2014 BY MAYOR O'DWYER

PRESENT: Steve Baker
Jack Blanchard
Alan Kideck
Phil O'Dwyer
Eileen Steadman
Daniel Terbrack

ABSENT: Tina Edgar

APPROVAL OF AGENDA

Councilmember Steadman moved to approve the Agenda.

Seconded by Councilmember Baker.

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

Absent: Edgar

Nays: None

Motion Approved.

CITIZENS COMMENTS

Dan and Anela Mihaescu from the Beautification Committee presented a PowerPoint presentation to the City Council. Mr. Mihaescu acknowledged the members of the Beautification Committee and encouraged the community to like them on their Facebook page BerkleyBAC. The many projects the Beautification Committee has under taken are as follow:

- 1) The welcome sign at Coolidge Hwy and 12 Mile Rd. has low maintenance plants
- 2) Painting the fire hydrant and making it visible
- 3) The Community Garden headed by Doug Deeds with the help of the Berkley School District where they removed asphalt and rented plots to the residents
- 4) The Tree Program flyer which outlines how it works and encourages participation
- 5) The city compost location has been updated with plants
- 6) The Tot Lot has been improved with privacy and greenery
- 7) The bus stop has been updated with shrubs and plants
- 8) The committee participated in the Art Bash promoting their Facebook page and the Tree Planting program
- 9) They are continuing the Landscape of the Year recognition in late summer and early fall
- 10) They are recognizing homes and business for their lights decoration in the winter

Library Director Matt Church invited the Berkley residents to the upcoming ice cream social and summer reading program at the Berkley Public Library.

David Scheel encouraged participants at the Tastefest to re-form the Friends of Berkley Parks and Recreation. He invited the residents to join Lil Tykes Tot Lot Night on Wednesday, June 25th at 5 p.m. followed by a meeting at 6 p.m.

CONSENT AGENDA

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

APPROVAL OF MINUTES: Matter of approving the minutes of the regular 35th City Council meetings on Monday, May 19, 2014 and Monday, June 2, 2014.

APPROVAL OF THE WARRANT: Matter of approving Warrant No. 1279.

RESOLUTION NO. R-22-14: Matter of recognizing Public Safety Officer Michael Garnett on the occasion of his retirement from the City of Berkley.

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

Absent: Edgar

Nays: None

Motion Approved.

Regular Agenda

RECOGNITIONS/PRESENTATIONS

Councilmember Kideckel read Resolution No. R-22-14 into the record.

Mike Garnett was honored to receive recognition from the City Council of his retirement from the City of Berkley. He has had a wonderful career and made many friends in the twenty eight years working in the Public Safety Department. Mike thanked Claudia Garnett his wife of thirty years, his daughter Traci and his daughter Kelly for all their support.

Chief Eshmann described Mike Garnett as a dependable and direct Public Safety Officer. Mike did not call in sick once in his twenty eight years of working in the Public Safety Department. He worked as a Maintenance Officer overseeing the emergency service vehicles and when necessary was the officer in charge of a shift.

MOTION NO. M-30-14: Matter of approving participation in the "Turn the Town Teal" campaign to promote awareness of ovarian cancer and its symptoms.

Moved by Councilmember Steadman to approve Motion No. M-30-14.

Seconded by Councilmember Blanchard.

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

Absent: Edgar

Nays: None

Motion Approved.

Marcia Gurche is a former Berkley resident and representative for "Turn the Town Teal" campaign, a National Campaign to bring Ovarian Cancer Awareness. Due to the subtleness of the symptoms, the Michigan Ovarian Cancer Alliance hopes to educate women of this disease so it can be stopped at an earlier stage. For the month of September there will be teal ribbons tied around the lamp posts in the downtown Berkley area. Participating businesses will be posting signs in their stores that will explain the symptoms and risk factors of ovarian cancer. More information can be found at www.mioca.org.

MOTION NO. M-31-14: Matter of approving a Berkley Junior Women's Club event "Robina Rhapsody" on Robina from Twelve Mile to the alley north of Twelve Mile Road, on Thursday, June 19th, July 17th, August 21st, and September 4th from 6:00 PM to 9:00 PM.

Moved by Councilmember Baker to approve Motion No. M-31-14.

Seconded by Councilmember Kideckel.

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

Absent: Edgar

Nays: None

Motion Approved.

Mark Coon invited the residents of Berkley to come and enjoy listening to locals bands play at the Robina Rhapsody event scheduled for Thursday nights on Robina Avenue.

MOTION NO. M-32-14: Matter of approving the Second Chance Network, 28855 Van Dyke #214, Warren, MI 48093 to hold a Solicitation Charity Drive in the City of Berkley on June 25th through June 28th, 2014 and September 17th through September 20th from 9:00 AM to 7:00 PM.

Moved by Councilmember Kideckel to approve Motion No. M-32-14.

Seconded by Mayor Pro Tem Terbrack.

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

Absent: Edgar

Nays: None

Motion Approved.

Chief Eshman gave a brief summary to the City Council which includes the safety requirements such as reflective vests, the intersections being utilized on the Berkley side, and regulations reviewed with the organization.

RESOLUTION NO. R-23-14: Matter of recognizing the Berkley Orchestra Association as a nonprofit organization operating in the City of Berkley for the purpose of obtaining a charitable gaming license.

Moved by Mayor Pro Tem Terbrack to approve Resolution No. R-23-14.

Seconded by Councilmember Kideckel.

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

Absent: Edgar

Nays: None

Motion Approved.

The Berkley Orchestra Association members Liz Rottner (Treasurer) and John Robertson (Orchestra Director) explained the steps to obtaining a charitable license through the State of Michigan. The organization is primarily using their license to conduct a 50/50 raffle at the orchestra events.

MOTION NO. M-33-14: Matter of authorizing Berkley City Manager, Jane Bais-DiSessa to sign the Purchase Agreement for a parcel of real property located adjacent to Merchants Park, between Oxford and Cambridge Roads, west of Oakshire Ave to extend closing date.

Moved by Councilmember Blanchard to approve Motion No. M-33-14.

Seconded by Mayor Pro Tem Terbrack.

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

Absent: Edgar

Nays: None

Motion Approved.

Dan Christ informed the City Council with their approval the Department of Natural Resources (DNR) will review the mitigation process and it will allow an extension of the closing to September 30, 2014.

RESOLUTION NO. R-24-14: Matter of approving a contractor agreement with Robert North as the Deputy Chief of the Public Safety Department for the period of 7/17/14 through 7/16/15.

Moved by Councilmember Blanchard to approve Resolution No. R-24-14.

Seconded by Councilmember Kideckel.

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

Absent: Edgar

Nays: None

Motion Approved.

Chief Eshman gave a brief summary to the City Council explaining the five retirements in the last eight months, having five probationary officers, and Bob North's involvement with City of Berkley being the 5th Safest City in the State of Michigan.

MOTION NO. M-34-14: Matter of approving the Jaycee Park Safety Path and Drainage Improvements project from Koala-T Construction Inc. (KCI), 4623 Woodland Avenue, Royal Oak, MI 48073 in an amount not to exceed \$49,000.00.

Moved by Councilmember Steadman to approve Motion No. M-34-14.

Seconded by Councilmember Kideckel.

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

Absent: Edgar

Nays: None

Motion Approved.

Parks and Recreation Director Tom Colwell gave a summary to the City Council which includes explaining the proper drainage of the park areas, promoting health and wellness, and a completion date of July 31, 2014.

MOTION NO. M-35-14: Matter of authorizing D.A. Mechanical, LLC 1144 Eureka Road, Wyandotte, MI 48192 to remove and replace the arena's desiccant wheel at a cost not to exceed \$21,282.00 from account 546-697-976-000.

Moved by Mayor Pro Tem Terbrack to approve Motion No. M-35-14.

Seconded by Councilmember Blanchard.

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

Absent: Edgar

Nays: None

Motion Approved.

Parks and Recreation Director Tom Colwell gave a brief summary to the City Council explaining the dehumidification system which takes the moisture out of the air and is suggested to be replaced within 25 years but the current equipment with proper maintenance has lasted 30 years.

MOTION NO. M-36-14: Matter of authorizing Gallagher Fire Equipment Company, 30895 W. Eight Mile Road, Livonia, MI 48152 to perform system maintenance and head replacements for out of code features in the Ice Arena at a cost not to exceed \$6,100.00 from account 546-697-976-000.

Moved by Mayor Pro Tem Terbrack to approve Motion No. M-36-14.

Seconded by Councilmember Kideckel.

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

Absent: Edgar

Nays: None

Motion Approved.

Parks and Recreation Director Tom Colwell gave a brief summary to the City Council explaining the replacement of out of code features in the fire suppression system and the back flow preventer in the Zamboni room.

MOTION NO. M-37-14: Matter of authorizing the purchase of official Dream Cruise merchandise at wholesale, for a cost not to exceed \$32,000.00, and sell it at full retail. Funds for this expenditure will come from account 614-915-818-000.

Moved by Councilmember Kideckel to approve Motion No. M-37-14.

Seconded by Councilmember Baker.

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

Absent: Edgar

Nays: None

Motion Approved.

Mark Coon gave a brief summary to the City Council which includes the Magic Bus as the entertainment, DTE is the sponsors for the event, and anyone interested participating in the Cruisefest Parade may contact the Recreation Department or find more information on the city website at www.berkleymich.org.

MOTION NO. M-38-14: Matter of awarding the Coolidge/Catalpa Alley Parking Lot Ornamental Fence to Fenton Excavating and Construction of Clinton Township, MI 48036 at a unit price of \$40.53 per lineal foot (estimated total cost of \$13,374.90).

Moved by Councilmember Baker to approve Motion No. M-38-14.

Seconded by Councilmember Blanchard.

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

Absent: Edgar

Nays: None

Motion Approved.

Public Works Director Derrick Schueller gave a brief summary to the City Council which includes the Ornamental Fence comparison, it is more suitable for the location and the project will begin after notice of award within 30 days.

MOTION NO. M-39-14: Matter of approving the LED Street Light Conversion Master Agreement between the Detroit Edison Company (DTE) and the City of Berkley.

Moved by Councilmember Blanchard to approve Motion No. M-39-14.

Seconded by Councilmember Steadman.

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

Abstain: Baker

Absent: Edgar

Nays: None
Motion Approved.

Councilmember Baker is excused himself from this agenda item due to his work relationship with DTE.

Public Works Director Derrick Schueller gave a brief summary to the City Council which includes the payback period of 3.15 years, 250 out of 750 street lights to be replaced from mercury vapor to LED, and construction is expected to be completed by November 30, 2014.

DTE Account Manager Reggie Brown named a few municipalities that have participated in this program such as City of St. Claire Shores, City of Roseville, City of Monroe, City of Milan and City of Ann Arbor.

MOTION NO. M-40-14: Matter of approving the 2014 Summer Maintenance Agreement between the Road Commission for Oakland County and the City of Berkley.
Moved by Councilmember Kideckel to approve Motion No. M-40-14.
Seconded by Councilmember Blanchard.
Ayes: Terbrack, Baker, Blanchard, Kideckel, Steadman, and O'Dwyer
Absent: Edgar
Nays: None
Motion Approved.

Public Works Director Derrick Schueller gave a brief summary to the City Council which includes the unit price increase based on competitive bids.

MOTION NO. M-41-14: Matter of amending the City of Berkley's Fee Schedule effective July 1, 2014 to increase the print charge and photocopier charge from 10 cents per page to 15 cents per page; to charge \$8 per flash drive sold to the public; to charge a \$10 collection agency referral fee to delinquent accounts; and increase proctoring fees from \$0 to \$10 for residents and from \$10 to \$20 for non-residents at the Berkley Public Library.
Moved by Councilmember Steadman to approve Motion No. M-41-14.
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 the comparable fee schedule charges, the standard collection agency referral fees and proctoring fees.

MOTION NO. M-42-14: Matter of the approving the contract for collection agency services between the Berkley Public Library and Unique Management Services. Further, the City of Berkley/Berkley Public Library has retained Unique Management Services, Inc. to act as the library's agent in the collection of overdue library material and has authorized The Library Network to release to Unique Management Services, Inc. patron information produced by the shared library automation system software through debt collection reports.
Moved by Councilmember Kideckel to approve Motion No. M-42-14.
Seconded by Councilmember Steadman.
Ayes: Blanchard, Kideckel, Steadman, Terbrack, Baker, and O'Dwyer
Absent: Edgar
Nays: None
Motion Approved.

Library Director Matt Church gave a brief summary to the City Council explaining the agreement with Unique Management Services, Inc.

MOTION NO. M-43-14: Matter of appointing various reappointments to Boards and Commissions.
Moved by Councilmember Blanchard to approve Motion No. M-43-14.
Seconded by Councilmember Baker.

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

RESOLUTION NO. R-25-14: Matter of authorizing amendment of the 2013/2014 Operating Budget – those Operating Funds as presented.

Moved by Councilmember Steadman to approve Resolution No. R-25-14.

Seconded by Councilmember Kideckel.

Ayes: Steadman, Terbrack, Baker, Blanchard, Kideckel, 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:

MAYOR PRO TEM TERBRACK: congratulated Mike Garnett for his retirement and many accomplishments. The Art Bash and Lids for Kids were successful events with the help of many great volunteers. Mayor Pro Tem Terbrack congratulated all the students from the Class of 2014. He invited everyone to the following events:

- 1) Little Tike Tot Lot Night on Wednesday, June 25th from 5 p.m. to 8 p.m.
- 2) Senior Night on Wednesday, July 9th from 9:30 a.m. to 2 p.m.
- 3) Community Picnic on Saturday, July 19th from 11 a.m. to 3 p.m.
- 4) Jaycee Jamboree on Thursday, July 31st from 6 p.m. to 8 p.m.
- 5) Family Movie Night on Saturday, August 23rd at 6 p.m.
- 6) Ice Cream Social on Tuesday, August 26th from 6:30 p.m. to 8:30 p.m.
- 7) Community Garage Sale on Friday and Saturday, June 27th and June 28th, event includes fees

COUNCILMEMBER KIDECKEL: thanked the Garnett family for their services in the City of Berkley. He recognized and thanked the many volunteers in the City of Berkley. Councilmember Kideckel enjoyed the Dad's Club Opening Day Parade on Saturday, June 7th. He recognized the Public Safety Department employees Sergeant Andrew Hadfield, Sergeant Corey Miller, Officer Brian Laity, and Officer Dennis Geary for graduating from Honor Guard School. Councilmember Kideckel welcomed new business owner Paul Delmotte from Urge Juice to the City of Berkley. He wished Councilmember Steadman and Mayor O'Dwyer a happy birthday.

COUNCILMEMBER BAKER: thanked everyone who participated in the recent events of the Art Bash and Lids for Kids. He recognized all the volunteers in the community and is grateful for their involvement. Councilmember Baker announced the mobile app that is being launched called Access Berkley. It enables residents to submit and track service request directly through the City. He quoted an unknown author, "Safety doesn't happen by accident" because June is the National Safety Month. The themes throughout the week include: preventing prescription drug abuse the first week, preventing slips, trips, and falls the second week, be aware of your surroundings the third week, and to put an end to distractive driving the fourth week. He informed the Council, this week the Michigan Municipal League (MML) has a strategic conference for its officers and board members. Legislature updates from MML are the General Government Budget Sub-Committee have a report eliminating Economic Vitality Incentive Program (EVIP) as a recommendation and the formula for state shared revenue may increase from the current by three percent. Councilmember Baker recognized the MML for their help coordinating a feedback session from the public at the Art Bash on Robina Avenue north of Twelve Mile.

COUNCILMEMBER STEADMAN: thanked everyone involved at the recent events of the Art Bash and Lids for Kids. She appreciated the Beautification Committee for their PowerPoint presentation and encouraged residents to join by completing an application at City Hall. Councilmember Steadman recognized the Friends of the Library for raising \$1,585 at the book sale during Berkely Day, she is grateful for the book donations and volunteers. The Friends of the Library hosted a dry basement

workshop with forty two people in attendance. The Vibe Credit Union donated \$925 to the Summer Reading Program with many businesses contributing prizes. An upcoming program at the library is Ambition, Anxiety & Delusion: Origins of World War I Lecture by Bruce Zellers of Oakland University on Monday, July 14, 2014 from 6:30 p.m. - 8:00 p.m. more information at www.berkeley.lib.mi.us.

COUNCILMEMBER BLANCHARD: updated the City Council that over 400 helmets were distributed at the Lids for Kids event this past Saturday. He thanked the Sons of the American Legion for volunteering and providing food donations. Councilmember Blanchard recognized the Chamber of Commerce for their involvement in the Art Bash and all their volunteers. They currently have one hundred and forty members. An updated city map developed by the Chamber is available at various city office locations and businesses. He concludes by congratulating Mike Garnett on his retirement.

CITY MANAGER BAI-DISESSA: congratulated Mike Garnett on his retirement and thanked him for his twenty eight years of service. She thanked the Beautification Committee for their PowerPoint presentation and all their hard work. City Manager Bais-DiSessa thanked Marcia Gurche from "Turn the Town Teal" campaign for being available to answer questions at the council meeting. She is anxious to receive the report from the public feedback at the Art Bash regarding the Robina project. City Manager Bais-DiSessa congratulated the graduating Class of 2014 and Berkley High School for their accomplishments. The Berkley High School Jazz Ensemble received the highest award for their music and is expected to perform in Grand Rapids in 2015.

FINANCE DIRECTOR SABUDA: wished Mike Garnett the best on his retirement from the city.

CITY ATTORNEY CHRIST: attended the Art Bash with his family and really enjoyed the event.

MAYOR O'DWYER: recognized Public Safety Director Chief Eshman, Parks and Recreation Director Tom Colwell, Library Director Matt Church and Public Works Director Derrick Schueller for leadership. He congratulated Mike Garnett on his retirement from the city. Mayor O'Dwyer thanked the many volunteers that made the Art Bash and Lids for Kids successful events.

ADJOURNMENT

Motion by Councilmember Kideckel to adjourn the regular meeting at 9:04 p.m.

Seconded by Councilmember Steadman.

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

Absent: Edgar

Nays: None

Motion Approved.