

THE FIFTH REGULAR MEETING OF THE THIRTY-FIFTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, MARCH 3, 2014 BY MAYOR O'DWYER

PRESENT: Steve Baker
Jack Blanchard
Tina Edgar
Alan Kideckel
Phil O'Dwyer
Daniel Terbrack

ABSENT: Eileen Steadman

APPROVAL OF AGENDA

Councilmember Kideckel moved to approve the Agenda

Seconded by Councilmember Blanchard

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

Nays: None

Absent: Steadman

Motion Approved.

CITIZENS COMMENTS

Judy Rubin, Executive Director of Tri-Community Coalition and resident of Huntington Woods, spoke regarding the Tri-Community Coalition which is a substance abuse prevention non-profit organization providing services in Berkley, Huntington Woods and Oak Park. She thanked Mayor O'Dwyer, Mayor Pro Tem Terbrack, Councilmember Kideckel, Councilmember Blanchard, Co-Sponsor/Library Director Matt Church, and Sergeant Andrew Hadfield for participating in the *Prescription Drug Abuse Call to Action* meeting last week. The meeting was videotaped and will be disseminated through the cable networks. Wednesday, March 5th at 7 p.m. will be a third annual Night Court at the 45th District Court in Oak Park. The District Judges scheduled to speak are Judge Friedman-Apple, Judge Gubow and Judge Wittenberg. This is an educational experience with topics including the consequences and costs from the usage of drugs and alcohol, including violence. Ms. Rubin shared an opportunity to participate in a fundraiser on Sunday, March 30th at Mark Ridley's Comedy Castle beginning at 7 p.m. The information is posted on www.tricomunitycoalition.org, and tickets may be purchased through PayPal online.

CONSENT AGENDA

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

MINUTES: Matter of approving of the minutes of the regular 35th City Council meeting of February 3, 2014.

WARRANT: Matter of approving Warrant No. 1275.

PROCLAMATION NO. P-2-14: Matter of adopting a proclamation recognizing March 2014 as *Parenting Awareness Month* in the City of Berkley.

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

Nays: None

Absent: Steadman

Motion Approved.

Regular Agenda

RECOGNITIONS/PRESENTATIONS

Councilmember Blanchard read Proclamation P-2-14 into the record.

Barbara Blanchard, representing the Parent Awareness Michigan Steering Committee and Michigan PTA, spoke to the committees' national organization: the Prevention Network. She thanked the City Council for the proclamation and mentioned that March has been designated as the *Parenting Awareness Month* for over twenty years. The proclamation does help draw public attention to the critical importance of effective

and informed parenting. There are many organizations around the area that provide resources to parents.

PUBLIC HEARING: Matter of conducting a Public Hearing to receive comments on the proposed conversion and mitigation proposal for the Oxford Park property and Community Park.

Mayor O'Dwyer opened the Public Hearing at 7:11 p.m.

Parks and Recreation Director Tom Colwell gave a brief summary in regards to obtaining the Oxford Park property. He noted that Community Park was partially developed through grants from the Michigan Department of Natural Resources (DNR). There is a cell phone tower at the Community Park, turning the park land into a revenue generator. Parks and Recreation is working with DNR to show the use of Oxford Park as mitigated land, and in turn, this may help with future grant applications. Some of the criteria used when mitigating land include: the property cannot already be in public ownership, there is high level of recreation usefulness, the usage is a casual infrequent basis for recreation, and the land would need to be adjacent. There are three acres of green space to be added. In addition, there are due-care obligations the City is undergoing, and it is undergoing an environmental review. The property will have an appraisal to ensure mitigated land is worth more than the converted land. In addition, Parks and Recreation will need a no-affect letter from the State Historic Preservation office. At this time, we are holding a public review to include the community in the planning process and it will take a couple of weeks to complete the packet and submit to DNR.

Parks and Recreation Advisory Board Member Mike Kerby thanked the City Council for acquiring the property with the help and involvement of the Berkley School Board. This purchase will be beneficial to the students in the Berkley School District, the residents of Berkley and increase property values.

Mayor O'Dwyer thanked Tom Colwell, the Parks & Recreation Department, and the Advisory Board members for working collaboratively.

Seeing no one else present wishing to speak, Mayor O'Dwyer closed the Public Hearing at 7:17 p.m.

RESOLUTION NO. R-6-14: Matter of approving a resolution of the Council of the City of Berkley, Michigan establishing an "Ad Hoc Woodward Dream Cruise Committee" Coordinating the 2014 Dream Cruise Event for the City of Berkley.

Councilmember Kideckel moved to approve the Resolution No. R-6-14

Seconded by Councilmember Blanchard

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

Nays: None

Absent: Steadman

Motion Approved.

MOTION NO. M-8-14: 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, from noon on Saturday, March 15, 2014, to 1 AM on Sunday, March 16, 2014, and from noon on Sunday, March 16, 2014 to 1 AM on Monday, March 17, 2014 and from noon on Monday, March 17, 2014 to 1 AM on Tuesday, March 18, 2014 in the applied for extended area.

Mayor Pro Tem Terbrack moved to approve Motion No. M-8-14

Seconded by Councilmember Edgar

Councilmember Blanchard expressed concern and suggested restricting parking on one side of the street to allow emergency vehicles to get through.

Councilmember Baker echoed his colleague's comments and suggested that the fire lane be on the south side of the street accessible in the case of an emergency.

Chief Eshman plans to keep the City Council informed while working with Blarney Stone Pub regarding parking issues and closing event times. Public Safety will monitor the event to avoid any issues including the noise ordinance and safety on the streets.

Councilmember Edgar expressed concern of the tent set-up causing event goers to park on the opposite side of Woodward Avenue from Blarney Stone Pub.

Christopher Pfeiffer, 738 Columbia, suggested parking be restricted around the fire lane and the location of the tent is reasonable to be set on six to eight parking spots, minimizing the impact.

Michael Cameron, 724 Columbia, agreed completely with Mr. Pfeiffer about the parking restrictions and has a concern about noise restrictions. He would like the music to be taken indoors after 10 or 11 p.m. although the event may continue.

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

Nays: None

Absent: Steadman

Motion Approved.

ORDINANCE NO. O-1-14: Matter of approving the first reading of an ordinance amending Chapter 82 Offenses and Miscellaneous Provisions, Article V Offenses Against Public Peace, Section 82-151, Disorderly Persons, of the Berkley City Code to Repeal the Prohibition of Begging in Public Places (Set Date Certain, March 17, 2014).

Councilmember Kideckel moved to approve the Agenda

Seconded by Councilmember Blanchard

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

Nays: None

Absent: Steadman

Motion Approved.

City Attorney Dan Christ updated the Council that the 6th Circuit Appeal in 2013 invalidated the Michigan Anti-Begging Statue based on first amendment issues. The proposed ordinance is for first reading and will delete the particular anti-begging language provision to make it conform to the binding law.

COMMUNICATIONS:

COUNCILMEMBER BLANCHARD reminded everyone on Saturday, March 15th is the Home Improvement Expo. He thanked Public Safety and surrounding communities for coming to the aid of a fire on Rosemont this past Saturday. Councilmember Blanchard thanked Department of Public Works for a wonderful job of plowing and keeping the streets clean even with 17 water main breaks this season and 50 in the past year.

COUNCILMEMBER BAKER thanked Library Director Matt Church for allowing him to speak at the Library Rotary Club meeting. They had a great discussion about Regional Transit and Mass Transit along Woodward Avenue. He updated the Council in regards to the study on Woodward Avenue being near completion with several community meetings and open houses. They are near what's called "Locally Preferred Alternative", a series of configurations of where the stations will be located and lanes are configured for transit systems in our area. Councilmember Baker quoted Denis Waitley "Don't dwell on what went wrong. Instead, focus on what to do next. Spend your energies on moving forward toward finding the answer." The quote brought up the subject of an increase in Statutory Revenue Sharing for the communities announced on Wednesday, February 5th from the State Budget meeting.

MAYOR PRO TEM TERBRACK thanked the Parks & Recreation Department and Advisory Board for their support of the Public Hearing for the mitigating land at Oxford Park. Acquiring the land is important because of lack of green space available in the city; it's beneficial for all parties involved, and will allow the City to continue to apply for DNR grants. He congratulated Berkley Ferndale United Hockey Team with Coach Jeff Fleming and Captain Alex Rawlik. For the first time in program history, the team advanced to Division II State Quarter Finals.

COUNCILMEMBER EDGAR stated she was able to attend the Planning Commission meeting on

Tuesday, February 25th, and was pleased at how diligent and thoughtful their consideration was of citizen concerns. She congratulated Amy Vansen and Derrick Schueller for the MML Silver Level Recognition for the environmental leadership as part of Michigan's Green Communities Conference. Councilmember Edgar mentioned that Amy Vansen had been working on a Robina project which is a wonderful thing and was very impressed. She wanted to extend an invitation to the Berkley Home Improvement Expo at the Berkley High School on March 15th.

COUNCILMEMBER KIDECKEL thanked Judy Rubin the Executive Director from the Tri-Community Coalition for the upcoming fundraiser on Sunday, March 30th at Mark Ridley's Comedy Castle beginning at 7 p.m. He was able to attend and enjoy the *Prescription Drug Abuse Call to Action* meeting last week. Councilmember Kideckel was thankful to be part of *Dialogue Day* which was made available to Berkley High School and Oak Park High School students with guest speaker Dr. Michael Fowlin. With the passing of Mr. Warren Beer this morning, he would like to let the family know his condolences go out to the entire Beer family.

CITY MANAGER BAIS-DISESSA thanked the Parks and Recreation Advisory Committee for their support in the acquisition of Oxford Park. She is proud of the City of Berkley for being recognized as the "Fifth Most Safest City in Michigan" and credited the hard work of the Public Safety Department in keeping it safe. Recently on Safewise.com it was noted that a realtor of Coldwell Banker ranked the City of Berkley as the "Twelfth Best Place in the State of Michigan to Live".

FINANCE DIRECTOR SABUDA had no comments this evening.

CITY ATTORNEY CHRIST along with City Attorney John Staran will continue to monitor and provide communication to City Council of matters from State and Federal standpoint and cases that impact local government.

MAYOR O'DWYER focused on the Proclamation recognizing Parenting Awareness for the month of March. He spoke about the importance of parenting, effective and informed parenting in finding information and knowledge available through resources such as Tri-Community Coalition programs. The accolades of the City of Berkley, the quality and education in the Berkley School District, and collaboration of volunteerism are part of the awareness this month.

ADJOURNMENT

Motion by Councilmember Kideckel to adjourn the regular meeting at 7:46 p.m.

Seconded by Councilmember Baker

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

Nays: None

Absent: Steadman,

Motion Approved.