

THE THIRTY-SECOND REGULAR MEETING OF THE THIRTY-FIFTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, AUGUST 17, 2015 BY MAYOR O'DWYER

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

ABSENT: Steve Baker, Daniel Terbrack

APPROVAL OF AGENDA

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

INVOCATION Deacon Brian Carroll

CITIZENS COMMENTS None

Consent Agenda

Councilmember Kideckel 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, July 20, 2015.

WARRANT: Matter of approving Warrant No. 1293.

PROCLAMATION NO. P-07-15: Matter of proclaiming September 2015 as National Recovery Month.

RESOLUTION NO. R-23-15: Matter of accepting a donation from Spaulding & Curtin Funeral Directors to the Berkley Public Library.

RESOLUTION NO. R-24-15: Matter of accepting donations from area businesses and organizations in support of the Summer Reading program to the Berkley Public Library.

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

Regular Agenda

RECOGNITIONS/PRESENTATIONS

Councilmember Kideckel read P-07-15 into record.

Councilmember Blanchard read R-23-15 into record.

Councilmember Steadman read R-24-15 into record.

MOTION NO. M-48-15: Matter of appointing Amanda Rohda to serve on the Library Board, with the term expiring July, 2020.

Councilmember Steadman moved to approve Motion No. M-48-15.
Seconded by Councilmember Edgar.
Ayes: Kideckel, Steadman, Blanchard, Edgar, and O'Dwyer
Absent: Baker, Terbrack
Nays: None
Motion Approved.

City Manager Bais-DiSessa gave a brief summary to the City Council in regards to the Library Board recommendation, a background of the newly appointed board member, and introduced new board member Amanda Rohda.

Amanda Rohda, Berkley resident and new member of the Library Board, thanked the City Council for the opportunity and enjoy helping out at the Library.

ORDINANCE NO. O-04-15: Matter of considering the first reading of an ordinance to amend Chapter 34 Charitable Solicitations, of the Berkley City Code to modify Solicitation Permit Application requirements. (Set Date Certain, September 21, 2015).
Councilmember Blanchard moved to approve Ordinance No. O-04-15
Seconded by Councilmember Kideckel.
Ayes: Steadman, Blanchard, Edgar, Kideckel, and O'Dwyer
Absent: Baker, Terbrack
Nays: None
Motion Approved.

City Manager Bais-DiSessa thanked Councilmember Blanchard for bringing this item to her attention and asked City Attorney Staran to review the changes as discussed in the Work Session at the Monday, July 20th City Council Meeting.

City Attorney Staran gave a brief summary to the City Council to include updates to the application requirements and add insurance requirements for Charitable Solicitation in the public road Right-of-way.

MOTION NO. M-49-15: Matter of authorizing the Mayor to execute a contract between SMART and the City of Berkley for Fiscal Year 2016 Municipal Credit and Community Credit funds in order to provide public transportation services for the period of July 1, 2015 to June 30, 2016.
Councilmember Kideckel moved to approve Motion No. M-49-15.
Seconded by Councilmember Steadman.
Ayes: Blanchard, Edgar, Kideckel, Steadman, and O'Dwyer
Absent: Baker, Terbrack
Nays: None
Motion Approved.

City Manager Bais-DiSessa gave a brief summary to the City Council to include Municipal Credit funds, Community Credit funds, and contract overview.

Finance Director/Treasurer Sabuda advised the City Council the contract and amount of funds is the same as last year.

MOTION NO. M-50-15: Matter of authorizing the City Manager to finalize an addendum to the Specialized Services Vehicle Agreement between SMART and the City of Berkley.
Councilmember Edgar moved to approve Motion No. M-50-15.
Seconded by Councilmember Blanchard.
Ayes: Blanchard, Edgar, Kideckel, Steadman, and O'Dwyer
Absent: Baker, Terbrack
Nays: None
Motion Approved.

City Manager Bais-DiSessa gave a brief summary to the City Council to include the addendum to the contract and vehicle description.

MOTION NO. M-51-15: Matter of extending the existing contract to Spray-Patch Road Repair, Inc. of Madison Heights, Michigan, in an amount not to exceed \$100,000 for the 2015-2016 Pavement Maintenance Program. In addition, authorize \$1,000 to Hubbell, Roth & Clark (HRC) for construction engineering services.

Councilmember Kideckel moved to approve Motion No. M-51-15.

Seconded by Councilmember Steadman.

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

Absent: Baker, Terbrack

Nays: None

Motion Approved.

Public Works Director Schueller gave a brief summary to the City Council to include extension of existing contract, unit pricing, and bid results from MITN.

RESOLUTION NO. R-25-15: Matter of approving and authorizing the Mayor and City Clerk to sign the Joint and Cooperative Agreement for use of Personnel and Equipment – Mutual Aid Authority.

Councilmember Steadman moved to approve Resolution No. R-25-15.

Seconded by Councilmember Blanchard.

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

Absent: Baker, Terbrack

Nays: None

Motion Approved.

Public Works Director Schueller gave a brief summary to the City Council to include current agreement, August Flood Event, and FEMA documentation.

MOTION NO. M-52-15: Matter of amending the City of Berkley's Fee Schedule effective August 18, 2015 to charge a projector rental fee of \$10 per use, a microphone system rental fee of \$10 per use, and a DVD/CD/Blu-Ray player rental fee of \$5 per use at the Berkley Public Library.

Councilmember Steadman moved to approve Motion No. M-52-15.

Seconded by Councilmember Edgar.

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

Absent: Baker, Terbrack

Nays: None

Motion Approved.

Library Director Church advised the City Council that the audio visual equipment can be rented and the fees will be implemented.

MOTION NO. M-53-15: Matter of approving the reciprocal borrowing agreement between the Berkley Public Library and the Troy Public Library and to approve the Berkley Public Library's participation in the MILibraryCard program.

Councilmember Edgar moved to approve Motion No. M-53-15.

Seconded by Councilmember Steadman.

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

Absent: Baker, Terbrack

Nays: None

Motion Approved.

Library Director Church gave a brief summary to the City Council to include borrowing agreement, marketing with Huntington Woods Library, and participating libraries.

MOTION NO. M-54-15: Matter of receiving and filing the Berkley Public Library annual report for FY 2014-15.

Councilmember Blanchard moved to approve Motion No. M-54-15.

Seconded by Councilmember Steadman.

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

Absent: Baker, Terbrack

Nays: None

Motion Approved.

Library Director Church gave a brief summary to the City Council to include side by side comparison of reports, circulation decline slightly, and increases in the downloadable collection.

MOTION NO. M-55-15: Matter of designating Mayor Phil O'Dwyer as the voting delegate and Councilmember Eileen Steadman as an alternate voting delegate, for the City of Berkley, at the Michigan Municipal League Annual Convention to be held in Traverse City on September 16-18, 2015.

Councilmember Kideckel moved to approve Motion No. M-55-15.

Seconded by Councilmember Edgar.

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

Absent: Baker, Terbrack

Nays: None

Motion Approved.

City Manager Bais-DiSessa advised the City Council that the voting delegates will be representing the City of Berkley and electing new trustees to the MML board.

MOTION NO. M-56-15: Matter of certifying Finance Director/Treasurer David Sabuda as the Officer Delegate and Assistant to the City Manager Darchelle Strickland Love as the Employee Delegate to the Annual Meeting of the Municipal Employees Retirement System (MERS) to be held October 8-9, 2015 at the Amway Grand Plaza in Grand Rapids, Michigan. Funds shall come from account 101-201-864-000 for the Officer Delegate and account 101-954-864-000 for the Employee Delegate.

Councilmember Blanchard moved to approve Motion No. M-56-15.

Seconded by Councilmember Kideckel.

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

Absent: Baker, Terbrack

Nays: None

Motion Approved.

City Manager Bais-DiSessa gave a brief summary to the City Council to include understanding issues related to retirement and keeping informed of any changes.

WORK SESSION: Matter of discussing a proposed updates to the City of Berkley's Emergency Operations Plan and related ordinance.

Councilmember Steadman moved to approve Work Session.

Seconded by Councilmember Blanchard.

Start time of 7:46 p.m.

City Manager Bais-DiSessa thanked Councilmember Blanchard for all his hard work on updating the current City of Berkley Emergency Operations Plan (EOP). She recognized Darchelle Strickland Love for compiling suggestions by the group and her involvement in the updates. City Manager Bais-DiSessa explained the significance of the National Incident Management System (NIMS). She advised the City Council of training available to the Public Safety Department and Public Works Department offered by FEMA, Michigan State Police, and Oakland County Homeland Security Division. The Ordinance

amending Chapter 38 Civil Emergencies and the updated City of Berkley Emergency Operations Plan will be separate agenda items added to the City Council Meeting on Monday, September 21, 2015.

Public Safety Lieutenant Crum gave a brief explanation of the Emergency Operations Plan (EOP) to the City Council. The original City of Berkley Emergency Operations Plan was adopted on December of 1987 and has been periodically updated. The current update was started in 2013. The Emergency Operations plan is utilized to help perform emergency function before, during, and after a major incident. It is used in conjunction of the Oakland County Emergency Operations Plan. The EOP has a four phase approach in management of emergencies which are litigation, preparedness, response, and recovery. Preparedness requires us to do a routine update of the plan every five years with a review each year. Lieutenant Crum thanked Councilmember Blanchard and Darchelle Strickland Love for their assistance in updating the EOP. He looks forward to training the officers at the Public Safety Department.

City Attorney Staran reviewed with the City Council the updates for the enabling and implementation ordinance of Chapter 38 Civil Emergencies. He updated the ordinance to conform the definitions to be consistent to the Michigan Emergency Management Act.

End time of 8:02 p.m.

COMMUNICATIONS:

COUNCILMEMBER BLANCHARD: acknowledged the Berkley Public Safety Department for the tribute they displayed during the funeral procession of the late City of Southfield Fire Chief Keith Rowley. The Berkley Fire Truck ladder along with the Oak Park Fire Truck ladder reached across the road holding an American flag in honor of the Southfield Fire Chief. The display was professional done and well received by the City of Southfield. He thanked Public Safety Department for an excellent job on the CruiseFest and the Woodward Dream Cruise. Councilmember Blanchard recognized Sergeant Justin Frost on a job well done as the Commander of the Operation during both events. He concluded with a message to Josephine Brewer, "get well and get back here."

COUNCILMEMBER STEADMAN: began with a message to Josephine Brewer, "Josephine we miss you and get back soon." She gave an update on the Beautification Advisory Committee; they recently planted flowers around the Library and cleaned up the bus stop on Woodward. There next project is to plant flowers around the sign on Woodward Avenue this Wednesday, August 19th at 5:30 p.m. Councilmember Steadman encourages the residents to join the committee; it has an unlimited membership, have an opportunity to be involved in many projects and provide ideas to beautify the community. She invites everyone to participate in the following Library programs: Cool Cars! The Historic Vehicle Collection of the Detroit Historical Society on Tuesday, August 18th at 6:30 p.m.; and a reading marathon for middle school students to read "Miss Peregrine's Home for Peculiar Children" novel by Ransom Riggs on Friday, August 21st from 10 a.m. to 5 p.m. For more information, residents are asked to visit the library website at www.berkley.lib.mich.us, call the library at (248) 658-3440, or visit the library's Facebook. Councilmember Steadman shared a story of her experiences as a teenager during Woodward Dream Cruise. She reminisced about the Totem Pole Restaurant, Big Boys, and Ted's Drive Inn. Councilmember Steadman asks when revising the park plan to please include a place where teenagers can hang out.

COUNCILMEMBER EDGAR: gave updates on the following Planning Commission meeting in July: David Barnett was re-elected as the Chairperson; Martin J. Smith was re-elected as the Vice Chairperson, Mark Richardson was re-elected as Secretary; discussions regarding the Residential Form Base Code; and discussion regarding the Berkley Robina Project. She is looking forward to attending the Michigan Municipal League (MML) convention held in Traverse City on September 16-18, 2015. Councilmember Edgar shared a funny story of her experiences as a child with three older brothers during Woodward Dream Cruise. She feels the best part of Woodward Dream Cruise is our spectacular event the Berkley CruiseFest. Councilmember Edgar recognized the Public Safety Department for running both events smoothly.

COUNCILMEMBER KIDECKEL: thanked the Parks and Recreation Department for another successful Jaycee Jamboree event, it was fun and well attended. He congratulated Sila's restaurant for their recent re-grand opening ribbon cutting ceremony. Councilmember Kideckel promised Josephine Brewer he would wave to her while she recovers at home and watches the City Council meeting. He gave an update on the Zoning Board of Appeals, the committee appointed Paul Evans as Chairperson and Sue McAlpine as Vice Chairperson. Berkley Huntington Woods Youth Assistance is hosting a "Back to School Rally" on August 24th 6 p.m. 8 p.m. at the Berkley High School Collaborative Center. Councilmember Kideckel invites everyone to participate in the following Parks and Recreation programs: Family Outdoor Movie Night at the Community Center on Saturday, August 22nd at 6 p.m.; and Ice Cream Social at the Community Center on Tuesday, August 25th from 6 p.m. – 8 p.m., it will include a bike raffle. As a Council Liaison for the Cruisefest, he thanked the Public Safety, Public Works, all volunteers, and all participants for a job well done. Councilmember Kideckel wished Councilmember Edgar a Happy Birthday.

CITY MANAGER BAI-DISESSA: expressed her appreciation to Community Media Network (CMN) for all their hard work with the City Council meetings and the Planning Commission meetings. She thanked the Cruisefest Committee for doing a wonderful job. City Manager Bais-DiSessa recognized Mark Coon (the Chairperson for the committee), Councilmember Blanchard, Councilmember Kideckel (the Council Liaison for the committee), Public Safety, Public Works, and Parks and Recreation. She is pleased to report that Safe Wise, an online organization dealing with security issues, rank City of Berkley as one of the top 20 safest cities in the State of Michigan. City Manager Bais-DiSessa congratulated City Clerk Phommady A. Boucher on obtaining her Certified Michigan Municipal Clerk (CMMC) with the Michigan Association of Municipal Clerks (MAMC).

CITY CLERK BOUCHER: thanked the Mayor, City Council, and City Manager for their approval to continue education and training in the Clerk's Office.

FINANCE DIRECTOR/TREASURER SABUDA: congratulated City Clerk Boucher on her accomplishment.

CITY ATTORNEY STARAN: is pleased to report to the City Council that the 44th District Court consolidation from Berkley to Royal Oak has been a smooth transition. He has been working with City Planner Vansen and the Zoning Board of Appeals (ZBA) to revise the ZBA by-laws. City Attorney Staran shared two legal updates with the City Council regarding the United States Supreme Court ruling on sign ordinances; there will be more information to follow in the weeks to come. The United States District Court of the City of Howell and United States Court of Appeals ruling to require adjoining property owners to maintain Right-of-way. He plans to re-evaluate the sign ordinances and Right-of-way maintenance for the City of Berkley. City Attorney Staran congratulated all those involved in the success of the Cruisefest and Woodward Dream Cruise.

MAYOR O'DWYER: read a message on behalf of Mayor Pro Tem Terbrack, "Congratulations to all contributors and those associated with the Cruisefest. Special thanks to the Cruisefest Committee, all the volunteers, the Public Safety Department, the Public Works Department, Parks and Recreation Department, and all the sponsors."

Mayor O'Dwyer read a report on behalf of Councilmember Baker, "Greetings everyone and thanks to the Mayor for the opportunity to provide this brief update from afar. While I cannot attend tonight in person, I am thankful for the chance to say hello. Congratulations again to the volunteers, employees, residents, and businesses for making the recent Cruisefest parade and a subsequent Dream Cruise event such a wonderful success. By working together around a common vision, we continue to spotlight Berkley with such fun events. The Downtown Development Authority met last Wednesday, August 12, 2015, among many items on their docket, they are actively working on the Robina Plaza project. The board received several updates from architects and engineers and is now carefully reviewing those materials. The Berkley Historical Committee met Sunday, August 16, 2015; they are embarking on an archival project to reserve and promote our cities history. They are using special protective sheets and storage boxes to ensure photographs and documents are properly stored for decades and future reference. A quote from

American Author, Dr. Wayne Dyer "If you change the way you look at things, the things you look at change. How people treat you is their karma; how you react is yours. When you judge another, you do not define them, you define yourself." The American Author from Detroit reminds us that we can honor all that Berkley has to offer as we embrace our cities future brand with open minds and thoughtful consideration. Thank you and have a safe week."

Mayor O'Dwyer has the honor to announce that Money Magazine recognized the City of Berkley as the 28th Best Places to live in America in 2015. City of Berkley is the only city representing the State of Michigan on the list. Money Magazine is a notable magazine and any recognition from them is of high praise. The ranking consist of a broad range of items: safety, quality of schools, affordable housing, median income, education and access to major metropolitan activities. These accesses include major sports events, leading major universities, and leading healthcare facilities. It is a tribute to the work of this City Council, prior City Councils, volunteers of various committees, the Parks and Recreation, Public Works, and Public Safety Departments. It is due to the high quality of effort across the board over the past fifteen years or more. This recognition comes piece by piece and the progress is step by step, to move the city forward in a direction of achievement. Such task continues with the items on tonight's agenda from the Public Library, the Public Works Department, and the Public Safety Department. This Council and the vision of this Administration is certainly being recognized now; not only in the State of Michigan but at a national level. Mayor O'Dwyer would like to take the opportunity to thank each and every member of the City Council and the Councils who have gone before them for bringing us to this point.

ADJOURNMENT:

Motion by Councilmember Kideckel to adjourn the meeting at 8:32 p.m.

Seconded by Councilmember Steadman.

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

Absent: Baker, Terbrack

Nays: None

Motion Approved.