

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

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

**APPROVAL OF AGENDA**

Councilmember Kideckel moved to approve the Agenda.

Seconded by Councilmember Steadman.

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

Nays: None

Motion Approved.

**INVOCATION** Pastor Adam Groh

**CITIZENS COMMENTS**

Eric Bitel, Treasurer of the Friends of the Berkley Parks and Recreation and a Berkley resident at 2520 Phillips, invites City Council and Berkley residents to a Euchre Tournament fundraiser on Saturday, February 27<sup>th</sup> at 6:30 p.m. at Hartfield Lanes, 3490 Twelve Mile, the cost is \$10 per person. For more information, everyone is encouraged to visit their Facebook page or send an email to friendssofberkleypandr@gmail.com.

Michael Matthews-Pennanen, Berkley resident at 1897 Beverly, thanked everyone involved that made the Holiday Lights Parade a terrific event for a wonderful community. Mr. Matthews-Pennanen expressed his concerns with trash collection, he recommends that residents put out their trash the night before and not days before the pickup date. He spoke about the construction companies that are blocking the sidewalks and causing pedestrians to walk in the mud. Mr. Matthews-Pennanen would like the sidewalks to be safe and usable for the residents. His final complaint pertained to the Select newspapers distributed by the Free Press; these papers are unwanted and are found littered around the city. Mr. Matthews-Pennanen has visited surrounding municipalities such as Oak Park, Huntington Woods, Clawson, Royal Oak, and Madison Heights; the only city with the same problem is Royal Oak. Mr. Mathews-Pennanen concluded with a recommendation for the City Manager recruitment; he encourages the City Council to think outside the box, think locally, and he is available as a candidate for the City Manager position.

Bernadette Thebolt, Berkley resident at 1440 Franklin, expressed her concerns about a neighbor who offers their home as a bed and breakfast in a residential district. Ms. Thebolt received confirmation by the Planning Commission that this is illegal and is in violation of the current city ordinance.

***Consent Agenda***

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

**APPROVAL OF THE MINUTES:** Matter of approving the minutes of the regular 35<sup>th</sup> City Council meeting and the regular 36<sup>th</sup> City Council meeting on Monday, November 16, 2015.

**RESOLUTION NO. R-38-15:** Matter of accepting a gift from the Friends of the Berkley Parks and Recreation to the Parks and Recreation Department.

**ORDINANCE NO. O-03-15:** Matter of considering a Second Reading of the Franchise Ordinance to grant Consumers Energy Company, its successors and assigns, the right, power and authority to do a local gas business in the City of Berkley, Oakland County, Michigan, for a period of thirty years.

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

### ***Regular Agenda***

### **RECOGNITIONS/PRESENTATIONS**

Councilmember Terbrack read Resolution No. R-38-15 into record.

Parks and Recreation Director Theresa McArleton informed City Council that majority of the funds collected for the gift was from the fundraiser at Patrick J's Irish Pub on Tuesday, November 10<sup>th</sup>.

Erik Bitel, Treasurer of the Friends of the Berkley Parks and Recreation and a Berkley resident at 2520 Phillips, accepted the resolution on behalf of the committee.

Councilmember Terbrack reminded everyone of the next fundraiser for the Friends of the Berkley Parks and Recreation is on Saturday, February 27<sup>th</sup>.

**RESOLUTION NO. R-39-15:** Matter of accepting the audited 2014/15 Comprehensive Annual Financial Report (CAFR).

Mayor Pro Tem Baker moved to approve Resolution No. R-39-15 and accept the audit presentation by Plane Moran.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

Representatives from Plante Moran, Lisa C. Manetta and Beth A. Bialy gave a PowerPoint presentation and handout of the City of Berkley Presentation of Audit Result for the Fiscal year ended June 30, 2015.

**MOTION NO. M-80-15:** Matter of authorizing the Mayor to execute a third party Specialized Services Operating Assistance contract between SMART and the City of Berkley for public transportation services primarily designed for senior citizens and persons who are handicapped. The contract period for this program is from October 1, 2015 to September 30, 2016.

Councilmember Terbrack moved to approve Motion No. M-80-15

Seconded by Councilmember Edgar.

First Roll Call -

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

Nays: None

Motion Approved.

Second Roll Call -

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

Parks and Recreation Director Theresa McArleton advised the City Council that the SMART contracts each year are for the Municipal Community Credit and the Specialized Services. The Specialized Services fund provides daily public transportation for resident's ages 50 years of age or older or handicap. The transportation routes are from Eight Mile Road to Sixteen Mile Road and Lahser Road to John R. Road. Qualified residents must provide 24 hour advance notice; they may take advantage of weekly trips to Meijer's, the mall and other similar locations. The suggested donation is \$3 for a one way trip or \$5 for a round trip transportation service. Ridership has decreased slightly from the previous year for various reasons; some seniors have used Uber as an alternate transportation service.

**MOTION NO. M-81-15:** Matter of accepting a donation from the Beaumont Foundation of \$10,000.00 to the senior transportation program.  
Councilmember Edgar moved to approve Motion No. M-81-15.  
Seconded by Councilmember Steadman.  
Ayes: Baker, Blanchard, Edgar, Kideckel, Steadman, Terbrack, and O'Dwyer  
Nays: None  
Motion Approved.

Parks and Recreation Director Theresa McArleton advised the City Council that the donation helps fund the transportation for the seniors; at least sixty to seventy percent of the transportation services is to different Beaumont offices. The Parks and Recreation Department will honor Beaumont's request to add their decal to the vehicles being used for the senior transportation program.

**WORK SESSION:** Matter of amending Chapter 78 Nuisances, of the Berkley City Code to Modify and Adopt Regulations Relating to Birdfeeders in the City, and to Prescribe a Penalty for Violations.  
Councilmember Kideckel moved to discuss Work Session.  
Seconded by Councilmember Blanchard.

Start of discussion at 7:43 p.m.

City Attorney Dan Christ reviewed the proposed ordinance of Chapter 78 Nuisances with the City Council to discuss the location of the bird feeders to be placed eight feet away from other structures, bird feeders will be designed with a tray and baffle, and there will be a limited number of bird feeders on a property. Mr. Christ recommends the penalty be changed from a misdemeanor violation to a civil infraction; this will modify the burden of proof associated with the violation to a preponderance of the evidence rather than a beyond a reasonable doubt standard and at a court standpoint a more abbreviated type manner should a resident question if a bird feeder is a nuisance. The individual would not be entitled to a jury trial instead the matter is subject to be reviewed by the trial court judge. City Attorney Christ anticipates that this type of matter would be complaint driven; should the complaint be lodged with the city then code enforcement could look into the issue and the neighbor may give access to the neighboring property before any violations are sent. City Attorney Christ stated it is normal practice to reference a property by parcel for residents that own adjacent properties when limiting the number of birdfeeders; this may require a slight change to the ordinance to clarify a property. City Attorney Christ stated the intent for the placement of the birdfeeders is not to include the branch the birdfeeder is hanging from. City Attorney Christ advised that moratoriums are generally disfavored in law and are normally considered in the context of the zoning ordinance or land use where there is an emergency circumstance; a moratorium is imposed while the matter is

being studied. City Attorney Christ confirmed that the ordinance is a regulatory ordinance and not a zoning ordinance; it will not have grandfather provisions. City Attorney informed council that the approval process for an ordinance is a first reading, a second reading, a publication of the ordinance, and the effective date is thirty days from the final reading. City Attorney Christ informed city council that the civil infraction penalty decriminalizes the charges without the stigma of a conviction and people are more willing to face the responsibilities. City Attorney Christ addressed the monetary consequences associated with the violation and each day under the code of ordinance does constitute a separate offense; additional civil infraction could be issued. City Attorney Christ confirmed that there has not been a set civil infraction fine; it would be up to the judge unless council adopts a fee schedule.

Councilmember Kideckel made a recommendation to limit the number of birdfeeders per property to only three; there are properties in the city that have an excess of ten birdfeeders. Councilmember Kideckel wanted to ensure that this ordinance does not include any grandfather provisions. Councilmember Kideckel agreed with the civil infraction but voiced his concerns of a repeat offender.

Councilmember Blanchard agrees that there should be a limit of three bird feeders per property; there are different types of bird feeders such as the hummingbird feeder, suet feeder, and seed feeder. Councilmember Blanchard questioned if the ordinance is enforceable and how does the city find out the number of birdfeeders on a property. The birdfeeder tray and baffle hinders rodent's access to the bird seed. Councilmember Blanchard suggest the language be changed to, "Feeder may be suspended from a tree and protected by rodent guard." Squirrels are considered rodents based on previous communication with an insurance company. Councilmember Blanchard asked the city attorney to comment on not revising the ordinance and the use of a moratorium. The idea is if a rodent is sighted by code enforcement in an area then the city may ban birdfeeders surrounding that particular area until it has been cleaned up.

Councilmember Steadman questioned about adjacent properties and how the limit of birdfeeders per property is addressed in that case.

Mayor Pro Tem Baker made a suggestion to get feedback from people who know more about birdfeeders and those that own birdfeeders. A work session allows the council to be informed and to get the public's opinion. Mayor Pro Tem Baker agrees with the limit of three birdfeeders per property at this time.

Councilmember Edgar agreed with Councilmember Blanchard with the limit of three birdfeeders per property because of the three types of birdfeeders that are available. The hummingbird feeder contains nectar in liquid form, the seed feeder comes in different variations, and the suet feeder is a seed cake. Councilmember Edgar expressed her concerns of the placement of the birdfeeder of eight feet away from branches and other structure. Councilmember Edgar inquired about the monetary fees and if that has been determined.

Mayor O'Dwyer stated that the limit of three birdfeeders can be modified at a later date and the key issue to remember is that the residents of the city have the right to live free from rodents. Anything that causes rodents to populate in an area is a concern and he agreed with the limit of three birdfeeders. Mayor O'Dwyer confirmed with members of the City Council that the consensus is to limit three birdfeeders per property and to change the violation to civil infraction per legal counsel recommendation.

Councilmember Terbrack informed the resident that the discussion is in regards to the proposed ordinance for Nuisance and birdfeeders are attracting rodents which have become a nuisance. City

Council and City Administration have been in talks for several years concerning rodents; although code enforcement has helped alleviate some of the problems. This ordinance will allow residents to continue to maintain their property at their discretion and at the same time protect their neighbors and fellow residents. Councilmember Terbrack does not want this to be punitive and to have a criminal offense for having an excess of three birdfeeders; the intent is keep the city clean.

End of discussion at 8:00 p.m.

**WORK SESSION:** Matter of amending Sections 138-32, Definitions and 138-297, Special Uses of Chapter 138 Zoning, of the Berkeley City Code to Define "Tourist Home", Designate Tourist Homes as a Special Use in Single-Family Residential Zoning Districts, and to Prescribe Requirements for Tourist Homes.

Mayor Pro Tem Baker moved to discuss Work Session.  
Seconded by Councilmember Terbrack

Start of discussion at 8:01 p.m.

City Attorney Dan Christ reviewed the proposed ordinance of Chapter 138 Zoning with the City Council to discuss allowing tourist homes, there may be a utilization of this form of use currently in the city, and it makes sense for council to deliberate on whether or not it wishes to allow this to be formalized on a going forward basis. The proposed draft will allow and create an additional definition of what is referred to as a tourist home. The proposed definition states, it would be allowed in a single family district a private single family dwelling to offer one to three sleeping rooms for rent to transient guests. In the zoning ordinance, it would provide that this type of use would be allowed in the single family residential district only as a special land use as opposed to use of right. The requirement is to submit an application for tourist homes to the Planning Commission by a single family resident who occupies the residence and it's their principle residence; as an incidental or accessory use to their principle use as their residence. After the recommendation from the Planning Commission; it would be discretionary to council as it relates to whether or not council will allow and authorize the special land use; it will not be use of right. The proposed ordinance allows the resident to rent out one to three rooms and no more than three guests per room. The City Planner may have some insight on this topic and there is one issue the draft ordinance does not include the land use process of mitigating adverse impact on neighboring properties. An alternative is to spell out specifically what Planning Commission and City Council wish to see as it relates to certain requirements such as minimal parking. The proposed ordinance requires an annual review; an application may be contemplated. City Attorney Christ commented that the council may want input from the Planning Commission on this issue. City Attorney Christ highlighted some concepts of the draft ordinance; first it requires the resident to remain at the premises and not vacate their residence for these guests and the guests may not stay longer than seven days in any thirty day period, a short term concept. City Attorney Christ responded to the notification to the neighbor's questions; the concept of the Special Land Use the notice is 300 feet from the property and to have a public hearing for residents to have an opportunity to speak in favor or opposed to that particular land use and give their input related to their concerns. Ultimately it would be the council with the authority to exercise their discretion whether the special land use is granted or not.

Mayor Pro Tem Baker thanked the City Attorney for the work that went into the early draft and the opportunity to engage in the conversation. The intent and value of this time together is to begin to explore the topic as a community, residents, and neighbors. The tourist homes have become an emerging venue of sorts for folks to see other parts of the state, others parts of the country, and other parts of the world without the formal hotel registration process. Some key points that should be considered are the parking along with the on street parking restriction between 2 a.m. to 6 a.m. and

the noise ordinance. Mayor Pro Tem Baker advised residents that the council is not recommending them to get into the hospitality business and serve food. It is for someone to have a place to hang their hat, explore the city, and eventually move on. Mayor Pro Tem Baker wanted to explore the duration period of seven days but for professional purposes and extended site visits there may be a desire for or warrant for a fourteen day stay. Mayor Pro Tem Baker appreciates his colleague's interest in learning from our neighboring communities with ordinances in place but he would like to hear from people who use tourist homes on their visits and those who host a tourist home. He asked Abbie and Kevin Sacks from 1439 Franklin to educate and inform the council of their experiences in tourist homes. Mayor Pro Tem Baker believes a cease and desist letter has been sent to homeowners on file for tourist homes. Mayor Pro Tem Baker spoke about the tourist home guests would be supervised by the homeowner in the drafted ordinance and neighbors communicating regularly could be part of the discussion.

Councilmember Kideckel expressed his concerns with the proposed ordinance allowing the resident to rent not more than three rooms and not more than three guests per room. This would allow up to nine people in a home at one time and the parking; it sounds like a lot when you include the homeowner.

Councilmember Edgar commented that the resident should make some on street parking arrangements and a family of three would likely be using one vehicle.

Councilmember Blanchard confirmed that the tourist homes do exist in the city and there are currently seven in operation. He recommends that the council delay the discussion until further input from the City Planner Amy Vansen and the item back for another work session. Councilmember Blanchard suggests providing the homeowners with experience in tourist homes to give their input on the drafted ordinance.

Mayor O'Dwyer agreed to bring the item back for another work session and get input from the City Planner. He suggests the council hear the experiences from other cities that have an ordinance tourist homes in place and share their concerns and advantages. Mayor O'Dwyer commented on strangers walking around the street; the resident in the city do well is keeping an eye out for all their neighbors. It would be helpful for neighbors to know that a homeowner is hosting a tourist home. Mayor O'Dwyer suggests bringing this discussion back at the next council meeting as another work session; council is not in the presence of enough information. Once an ordinance is established, it will be turned over to the Planning Commission for further discussion.

Councilmember Steadman agreed with Mayor O'Dwyer to network with other communities who have a tourist home ordinance established. She requested from the City Attorney to provide copies of tourist home ordinance from other communities for the next council meeting.

Councilmember Terbrack commented that this is a first step in the process and there be a number of steps along the way before we can actually come to some kind of ordinance to put forth to vote on. The tourist homes are already happening in our city, in the neighboring cities, across the state, across the country, and across the world. For many reasons it has become a popular way for folks to travel; it's an item that council needs to spend time on, properly regulate, and come to a consensus with the Planning Commission how to proceed and legislate.

Abbie and Kevin Sack, Berkley resident at 1439 Franklin, have had experience traveling as home shares for about two years and has had positive experiences with meeting people around the world. They decided to open up their home this past summer to guests. There have been guests from thirteen states and four countries. They have enjoyed every experience and welcomed strangers

who have become friends into their home. Mrs. Sack appreciates the opportunity to talk about the ordinance and feels there should be some regulation as this evolves; there are currently a million hosts worldwide with Airbnb. Mr. Sack spoke about the first experience using Airbnb and visiting Mr. Sack's siblings in Chicago. They had a great experience; the location was minutes from his family's home, the fees were inexpensive, and the accommodations were very nice. One year later they became hosts; they have welcomed people from China, France, Brazil, Vancouver, Ottawa, and within the United States as far as Hawaii. The positive impact within the community is that their guests are going to the local restaurants, their supporting grocery stores, and coffee shops; places they normally would not go to without the suggestion of the host. The logistics of accepting someone into their home begins with a verification process where the individual must provide government issued identification. The host may request a reason for the visit may range from a Federal Clerkship, visiting family, or a school reunion. Mr. Sack has had experiences working at the Ronald McDonald House and has known families who need extended stays near the hospital at a decreased expense. Mr. Sack reminded council there are no hotels in the City of Berkley and Mrs. Sack advised council that they are allowed to accept or decline any reservations. Mr. Sack commented that the cost associated with the Special Land Use permit and the annual inspection is very fair. He informed Ms. Thebolt of the process they go through to comply with city ordinances, for example any time their guest have had to park on the street they have obtained a parking pass; they have provided the name, address, and vehicle information with the Public Safety Department. Mr. Sack commented that they are law abiding citizens; they respect the city regulations and the safety that is provided for the residents. They do not want anyone to feel unsafe and has made them aware that they should have shared with the neighbors about their tourist home. He suggests including a notification requirement for the Special Land Use and extends an apology for not informing his neighbors about their tourist home. Mr. Sack recommends that the council consider extending the stay from seven days to fourteen days in any thirty day period; out of twenty-seven of their guests, four have stayed beyond one week and have had very good reasons. The reasons were due to relocation, summer internship, and a guest was conducting a case study in Huntington Woods. Mrs. Sacks informed council that there was no food being made for their guests; only cereal, coffee and granola bars were available as community items.

Bernadette Thebolt, Berkley resident at 1440 Franklin, has experienced first-hand the issue with the ordinance. She voiced her concerns that this is a small city, it is a residential area, and it is not a business district that her neighbor is providing the bed and breakfast in. Ms. Thebolt has confirmed with the Planning Commission that the bed and breakfast is against city ordinance. These are homeowners profiting from the type of business and not the city. It has been uncomfortable knowing strangers are coming and going; a few neighbors have talked about vehicles parked in front of their homes all night long during their stay. She is concern about the parking restriction between 2 a.m. to 6 a.m. being enforced and the Public Safety Department issuing parking passes. Ms. Thebolt suspected that the business began in the summer, the visitors have come from all over the world, and it is uncomfortable to see strangers walking around the blocks staring at their homes. As a property owner and taxpayer, she is asking council to not make any amendments to Sections 138-32 and Special Uses of Chapter 138. She suggest the council notify the homeowners that they are running an illegal business and tell them they should cease immediately since it is not allowed within the city ordinance. Ms. Thebolt asked council as homeowners and taxpayers, "Would you want a bed and breakfast run next to you? I don't know, maybe not." She concluded with, "If I had any interest in wanting to sell my home knowing there is a bed and breakfast business next door, what would the potential buyer want to know or do about buying my home? Would they reconsider and not want to buy it knowing that there are strangers next door?" Ms. Thebolt inquired about the notifications to the neighbors, "Will the property tax owner have any say whether they can or cannot do that?"

Michael Matthews-Pennanen, Berkley resident at 1897 Beverly, informed council that he owns two rental homes in the city in addition to his primary residence. He made a suggestion to council to treat the tourist homes similar to rental homes; this would require the home to be re-inspected every two years. Mr. Matthews-Pennanen advised council to be prepared for people who want an absolute prohibition.

Interim City Manager Richard Eshman commented that street parking serves a purpose for construction and family visiting from out of town. The Public Safety Department was unaware of the tourist home host requests were for business reasons. Interim City Manager Eshman recommends addressing the parking issues and clarifying street parking for bed and breakfast in the ordinance.

End of discussion at 8:37 p.m.

**WORK SESSION:** Matter of amending Section 58-40 of Chapter 58 Garbage, Rubbish and Refuse, Article II Collection and Disposal of the Berkley City Code to Modify Regulations that Prohibit Scavenging of Garbage, Rubbish and Discarded Items, and to Designate Violations as Municipal Civil Infractions.

Councilmember Kideckel moved to discuss Work Session.  
Seconded by Councilmember Blanchard.

Start of discussion at 8:38 p.m.

City Attorney Dan Christ briefly introduced the item stating that current ordinance provision Section 58-40 address savaging but focuses principally on garbage and rubbish materials. There was a concern that other discarded items don't necessarily fit in that garbage or rubbish issue. The ordinance adds discarded items to the definition of what is prohibited from scavenging and the penalty be changed from a misdemeanor violation to a civil infraction. City Attorney Christ advised that it is council's discretion to permit people to pick up items to be refurbished. It is believed that the city receives some reimbursement from the waste hauler associated with collections of these types of discarded items. This was driven in part from a number of citations that were issued back during the heavy flooding. City Attorney Christ responded to the enforcement of the ordinance; it would be enforced by the Public Safety Department by bringing it to the attention of the offending party and issuing a citation.

Councilmember Edgar had several concerns; she spoke of her late husband who refurbished lamps and furniture. Councilmember Edgar would rather see items be in someone's living room rather than sitting in a landfill.

Councilmember Blanchard mentioned one of the concerns was of the recyclable metal items that the city gets money for. During the flood event there were people who vigorously sorted through the pile of rubbish, they picked the items they wanted, and left a mess; those are the people the ordinance is intended for and get out of our neighborhoods.

Councilmember Terbrack suggests an important word clarification that will fit in with Councilmember Edgar's concerns in Section 1 of the ordinance.

Interim City Manager Richard Eshman commented on another concern when someone is going through your trash is identity theft; the idea is to stop that altogether. Interim City Manager Eshman commented that the vast majority of offenders would be the metal scrapers.



Mayor Pro Tem Baker inquired about the enforcement of the ordinance and agreed with the violation change from a misdemeanor violation to a civil infraction.

End of discussion at 8:44 p.m.

**COMMUNICATIONS:**

**COUNCILMEMBER BLANCHARD:** thanked and congratulated everyone involved with the Snowman Shuffle through the Holiday Lights Parade; they did a wonderful job.

**COUNCILMEMBER STEADMAN:** invites everyone to participate in the following Library programs: Detroit in World War II on Tuesday, December 15<sup>th</sup> at 6:30 p.m.; Family Craft Night on Wednesday, December 9<sup>th</sup> at 7 p.m.; Story Time with Santa on Thursday, December 17<sup>th</sup> at 4 p.m.; and Family Movie at the Library on Tuesday, December 29<sup>th</sup> at 3 p.m. showing the movie Minions. She reminded everyone that the nomination deadline for the Annual Holiday Spirit Award is due by Wednesday, December 11<sup>th</sup> and is hosted by the Beautification Advisory Committee. Councilmember Steadman thanked all the volunteers who participated in the Holiday Lights Parade; it was a spectacular event.

**MAYOR PRO TEM BAKER:** echoed the sentiments of his colleagues; he thanked the volunteers and organizers who made Home for the Holidays a great success. He recognized the Snowman Shuffle, a new event hosted by the Berkley/Huntington Woods Youth Assistance. Mayor Pro Tem Baker reminded everyone of the upcoming Downtown Development Authority (DDA) meeting on Wednesday, December 9<sup>th</sup> at 8 a.m. They will be discussing the Robina Plaza Concept and the Traffic Study updates. He read a quote from author Ron Friedman, "The secret to happy work places, is creating the conditions that allow employees to do their best work." Mayor Pro Tem Baker spoke about the council has the ability to build upon and leverage from the information received with the infrastructure assessment. Recently an assessment was done on the sewer system, road system, and municipal buildings. An ad hoc committee was established and the committee did site visits at neighboring communities. The committee reached out to students in universities and design schools to participate in reimagining the city hall. Herman Miller was brought in to do a workshop with the municipal employees in November to discuss renovations for the city hall. The committee is preparing material for a proposal to include the study from Herman Miller and the best practices the site visits. Mayor Pro Tem Baker thanked Councilmember Kideckel, Councilmember Steadman, Assistant City Manager Darchelle Strickland Love, and City Planner Amy Vansen for all their hard work.

**COUNCILMEMBER TERBRACK:** thanked everyone involved with the Home for the Holidays events from the Snowman Shuffle to the Holiday Lights Parade. Councilmember Terbrack gave an update on the appointment of Theresa McArleton as the new Director Parks and Recreation. He invites everyone to participate in the following Parks and Recreation programs: Winter Basketball Camp is from Monday, December 21<sup>st</sup> to Wednesday, December 23<sup>rd</sup>; Vacation Camp is from Monday, December 21<sup>st</sup> to Wednesday, December 23<sup>rd</sup> and Monday, December 28<sup>th</sup> to Wednesday, December 30<sup>th</sup>; and the 5-year Master Plan Community Engagement Second Meeting is on Thursday, December 10<sup>th</sup> at 7 p.m. at the Berkley Community Center. Councilmember Terbrack gave an update on the City Manager search and the Request for Proposal (RFP) has been released; a promotional video is going through the editing process will accompany RFP. Councilmember Terbrack reminded everyone that the city is in good financial position according to Plante Moran; this is a tribute to the Finance Department, Finance Director David Sabuda, former City Manager Jane Bais-DiSessa, Interim City Manager Richard Eshman, and the Departmental Directors.

**COUNCILMEMBER EDGAR:** thanked all the volunteers involved in the success of the Holiday Lights Parade; they work so diligently and make it so beautiful. She thanked the Friends of the Berkley Parks and Recreation for the gift of a bouncer. Councilmember Edgar commented on the beautiful lights around the city and awarding of the Holiday Spirit Award; it is lovely to see the efforts the citizens put into the season. She thanked Plante Moran, David Sabuda, and the Finance Department for the transparency that is always available to our citizens. Councilmember Edgar thanked the residents for their input tonight during the work sessions.

**COUNCILMEMBER KIDECKEL:** thanked David Sabuda, the Finance Department, and Plante Moran for all their hard work. He thanked Bernadette Thebolt, Abbie, and Kevin Sack for their input during the work session discussions. Councilmember Kideckel congratulated Jeff Fleming and the Berkley Unified Michigan High School Hockey team for a great start to the season. He thanked the Friends of Berkley Parks and Recreation for passing out candy during the Holiday Lights Parade. Councilmember Kideckel wished a Happy Hanukkah to those who are celebrating. He updated everyone that the Snowman Shuffle brought in over 200 participants and have netted to date over \$4,500; thanks to the Berkley/Huntington Woods Youth Assistance for sending kids to camps and various programs. Councilmember Kideckel thanked the Public Safety Department, the Public Works Department, the sponsors, the volunteers, and the Mayor for their participation. He recognized the Holiday Lights Parade Committee and Junior Women's Club for a great holiday experience.

**INTERIM CITY MANAGER ESHMAN:** thanked David Sabuda, the Finance department, and Plante Moran for a job well done.

**FINANCE DIRECTOR SABUDA:** thanked the City Council, Departmental Directors, and City Staff for the success of the financial statement and reporting. He recognized the City Council for their great leadership and support.

**CITY ATTORNEY CHRIST:** thanked the City Council for input and will incorporate their intent in the draft ordinances. He wishes everyone a wonderful holiday season.

**MAYOR O'DWYER:** echoed the comments of his colleagues in regards to the audit and the work of the Finance Department; council is very proud of the care and diligence that they bring in the task of managing the people's money. The Home for the Holiday events from the Snowman Shuffle to the Holiday Lights Parade was all wonderful and magical. Mayor O'Dwyer congratulated Michigan State University who will represent the East Division in the Big Ten Championship. Today we commemorate Pearl Harbor and thank all the residents who have served; Mayor O'Dwyer recognized Councilmember Blanchard for exemplary career in the military. He thanked the Public Safety Department and Interim City Manager Richard Eshman for keeping us safe each day.

**ADJOURNMENT:**

Councilmember Kideckel moved to adjourn the Closed Session at 9:05 PM.

Seconded by Councilmember Steadman

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

Nays: None

Motion Approved.