

THE TWENTY-SECOND REGULAR MEETING OF THE THIRTY-FIFTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, JANUARY 5, 2015 BY MAYOR O'DWYER

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

APPROVAL OF AGENDA

Mayor Pro Tem Terbrack moved to approve the Agenda as amended to add Resolution No. R-02-15 as item #6 and move the Work Session to item #7.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

INVOCATION Maggid Steve Klaper

CITIZENS COMMENTS

Berkley 45A District Court Judge Jaime Wittenberg thanked the citizens of Berkley for re-electing him for another term as a District Court Judge and the City Council for their continued support. He introduced the Royal Oak 44th District Court Chief Judge Derek Meinecke and the Court Administrator Gary Dodge.

Royal Oak 44th District Chief Judge Derek Meinecke spoke about his professional relationship with Judge Jaime Wittenberg and gave a brief background of the Court Administrator Gary Dodge.

Court Administrator Gary Dodge spoke about the meetings with the Chiefs of Police and City Managers of the cities of Berkley and Royal Oak.

Consent Agenda

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

APPROVAL OF MINUTES: Matter of approving the minutes of the regular 35th City Council meeting on Monday, December 15, 2014 and the Work Session on Friday, December 19, 2014.

ORDINANCE NO. O-06-14: Matter of adopting on the second reading of an ordinance to amend Berkley City Code, Chapter 138 Zoning, Article III General Provisions, Division 6 Supplementary Regulations of the Berkley City Code.

ORDINANCE NO. O-07-14: Matter of adopting on the second reading of an ordinance to amend Chapter 138 Zoning, Article VI Administration and Enforcement, of The Berkley City Code.

ORDINANCE NO. O-08-14: Matter of adopting on the second reading of an ordinance to amend Chapter 138 Zoning, Article II Definitions of the Berkley City Code.

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

Nays: None

Motion Approved.

Regular Agenda

RECOGNITIONS/PRESENTATIONS

MOTION NO. M-01-15: Matter of awarding the Fiber Optic Installation Consultant contract to RMS Associates, LLC, 15760 19 Mile Road, Suite C, Clinton Township, MI 48038, at a cost not to exceed \$15,000.00. The amount of \$5,000.00 from account number 101-750-983-000 and \$10,000.00 from account number 101-750-818-000.

Councilmember Baker moved to approve Motion No. M-01-15.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

Communications Coordinator Nancy Line gave a brief summary to the City Council to include replacement of the T1 Line, bid opening, and phase one through four of the project. She introduced Mary M. Stegner from RMS Associates, LLC to the City Council.

Mary M. Stegner, Senior Associate of RMS Associates, LLC, gave a brief overview of the company to include the establishment date of 1999 with a focus on governmental and educational groups.

MOTION NO. M-02-15: Matter of awarding the Classification and Compensation Study contract to Clearwater Compensation Group, 3867 Oakland Drive, Suite 100, Bloomfield Hills, MI 48301, at a cost not to exceed \$24,000.00 from account number 101-172-817-000.

Councilmember Baker moved to approve Motion No. M-02-15.

Seconded by Councilmember Edgar.

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

Nays: None

Motion Approved.

City Manager Jane Bais-DiSessa gave a reminder to the City Council that the Classification and Compensation Study was approved and is a budgeted item. She recognized the Assistant to the City Manager Darchelle Strickland Love for all her hard work with the Request for Proposal (RFP) for the bid opening.

Assistant to the City Manager Darchelle Strickland Love gave a brief summary to the City Council to include the job specifications, salary structure, and benefits in comparison to other communities of similar sizes.

Deborah Voyt, President and CEO of Clearwater Compensation Group, gave a brief overview of the company being a full service compensation staff and described her professional background. She also introduced their benefits partner, Don Watza, President of BenStaff Inc.

MOTION NO. M-03-15: Matter of appointing Sue McAlpine as a regular member and Matthew Burry as an alternate member to serve on the Zoning Board of Appeals, with terms expiring July 2017.

Councilmember Kideckel moved to approve Motion No. M-03-15.

Seconded by Councilmember Steadman.

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

Nays: None

Motion Approved.

City Manager Jane Bais-DiSessa gave a brief background on Sue McAlpine and Matthew Burry to the City Council.

Councilmember Kideckel spoke on behalf of Sue McAlpine, who is looking forward to being part of the Zoning Board of Appeals Committee.

Matthew Burry thanked the City Council for the opportunity and appreciates Councilmember Kideckel for encouraging him to get involved in the community.

RESOLUTION NO. R-01-15: Matter of authorizing amendment of the 2014/2015 Operating Budget – those Operating Funds as presented.

Councilmember Edgar moved to approve Resolution No. R-01-15.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

Finance Director/Treasurer David Sabuda reviewed the budget amendment items with the City Council. He thanked Selena Frost, Janis Laity, Laurie Fielder, and Sue Reddin for obtaining the necessary information to complete the budget amendment.

City Manager Jane Bais-DiSessa acknowledged FEMA and the Finance Director/Treasurer David Sabuda for all their hard work.

RESOLUTION NO. R-02-15: Matter of approving an amendment to the 2013 to 2015 collective bargaining agreements with the Berkley Public Safety Command Officers Association and the Berkley Public Safety Officers Association by adding language necessary to maintain the qualified status of the Berkley Public Safety Pension System under the provisions of the United States Internal Revenue Service Code.

Councilmember Steadman moved to approve Resolution No. R-02-15.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved

City Manager Jane Bais-DiSessa reviewed the revisions approved by the Officers Association and City Attorney John Staran with the City Council.

WORK SESSION: Matter of discussing a proposed valet parking ordinance.

Moved by Councilmember Kideckel to move to a Work Session.

Seconded by Councilmember Blanchard.

Start time of 7:50 p.m.

City Manager Jane Bais-DiSessa gave a brief summary to the City Council and will be forwarding draft ordinances to the Downtown Development Authority and Planning Commission for their perspectives.

City Attorney John Staran gave an elaborate overview to the City Council of the draft valet parking ordinance. Sec. 30-700 Definitions, only apply to valet parking services using the public right-of-way for pick-up, drop-off or movement of vehicles to be valet parked. Sec. 30-701 Permit required, businesses must obtain a written Valet Parking permit from the City's Public Safety Director and the payment of a permit fee. Sec. 30-702 Additional application requirements, the Valet Parking Operator applying for a Valet Parking permit shall furnish information such as hours of operation, route to be used, and proof of insurance. Sec. 30-703 Operating requirements, addresses locking of vehicles, closing time, notice to police and insurance requirements. Sec. 30-704 Revocation and suspension, permits under this article will be suspended for a period not to exceed one year when a permittee fails to comply. Sec. 30-705 Violations, includes valet parking may be prosecuted as a municipal civil infraction. A correction on page 3 subparagraph D will be changed to "on the public right-of-way to ~~not~~ be impeded by the valet parking services." Sec. 30-701 Permit required, the following is an exception for residents stating "No permit shall be required under this section if the Valet Parking Operator is providing services for a non-recurring special event held at a private residence." This is a regulatory ordinance and will not grandfather in any

existing operations. The ordinance shall become effective 30 days following the date of adoption and be phased in. This is not to create a public safety problem or become a nuisance for businesses and residents.

Deputy Chief Bob North gave a brief statement to the City Council, that the ordinance has positive language, includes using caution regarding special events, and provides sufficient information for residential exceptions.

City Manager Jane Bais-DiSessa will forward a draft of the ordinance to the Downtown Development Authority and Planning Commission for their input. She will continue to reach out to businesses and do valet parking ordinance comparisons of neighboring municipalities. The ordinance will be revised based on City Council concerns and committee input.

End time of 8:30 p.m.

COMMUNICATIONS:

COUNCILMEMBER EDGAR: wished everyone a Happy New Year.

COUNCILMEMBER KIDECKEL: wished everyone a Happy New Year. He thanked Sue McAlpine and Matthew Burry for getting involved with the Zoning Board of Appeals. Councilmember Kideckel looks forward to the merger of Royal Oak 44th District with the cooperation of Chief Judge Derek Meinecke and Judge Jaime Wittenberg.

MAYOR PRO TEM TERBRACK: wished everyone a Happy New Year. He would like us all to keep those in mind who are less fortunate; it may be due to circumstances out of their control. He wished everyone a healthy and prosperous 2015.

COUNCILMEMBER BAKER: quoted Dr. Dale E. Turner, "Dreams are renewable. No matter what our age or condition, there are still untapped possibilities within us and new beauty waiting to be born." He wished for everyone to continue having gratitude and appreciation in the New Year. Councilmember Baker spoke about the recent Work Session and Budget Sessions which included the Coolidge Highway project, Water/Sewer System and sustainable infrastructure updates. He encouraged others to help the Historical Committee with their project opportunities. Interested parties may contact the City Hall or Councilmember Baker directly. He asked, "Whatever you do and wherever you go to help others, do so safely and take care of yourself."

COUNCILMEMBER STEADMAN: encouraged everyone to visit the Berkley Public Library and participate in the following programs: Tuesday, January 6th at 6:30 p.m. is the eBooks at the Library, download the Libraries online collection; Tuesday, January 20th at 6:30 p.m. is Long Distance Backpacking, Chris Hiller will be telling tales of his adventures; and Saturday, January 31st at 1 p.m. is Downtown through the Decades, a look at fashion through the decades. Councilmember Steadman gave an update, in the past several months each program has had sixty to eighty people registered. She wished everyone a Happy New Year!

COUNCILMEMBER BLANCHARD: gave a recent update to the City Council of the Public Safety training, Mutual Aid Box Alarm System (MABAS) evaluation on Sunday, November 9, 2014. He shared a story on CNN and the Detroit Free Press titled "Backyard Reunion", about Berkley residents Roger Watson and David Brown.

CITY MANAGER BAISS-DESSA: informed the City Council, the Joint Operating Agreement with Royal Oak is being updated with the help of the Finance Director, City Attorney and Prosecuting Attorney. She thanked Councilmember Steadman for the Library updates. City Manager Bais-DiSessa extended an invitation to the City Council to attend the South Oakland County Mayors Association (SOCMA) meetings,

please contact her directly for more information. She encouraged everyone to join in the Winterfest 2015 on Saturday, February 7th from 12 noon to 4 p.m., please visit www.berkleymich.org for more details. City Manager Bais-DiSessa wished Councilmember Baker a Happy Birthday on behalf of Councilmember Kideckel. She wished City Council, Mayor, residents, employees, volunteers a Happy and Prosperous New Year.

FINANCE DIRECTOR SABUDA: wished everyone a very happy and prosperous New Year.

CITY ATTORNEY STARAN: wished everyone a Happy New Year. He looks forward to the Zoning Board of Appeals training session and working with Brian Brohm from LSL Planning. City Attorney Staran thanked Berkley Public School District for their cooperation with the Oxford Property purchase.

MAYOR O'DWYER: spoke about the top three New Year's resolutions that people make: weight management, money management, and debt reduction. Forty-five percent of the people engage in having a resolution and only eight percent of the people keep their resolution by St. Patrick's Day. His wish for the City Council and Berkley residents is a year where all our dreams and hopes are fulfilled. Mayor O'Dwyer hopes we show our generosity, keep the less fortunate in mind, and be a community with a sense of caring and giving. Wishing all the residents a Happy New Year!

ADJOURNMENT

Motion by Councilmember Kideckel to adjourn the regular meeting at 8:50 p.m.

Seconded by Councilmember Steadman.

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

Nays: None

Motion Approved.