

**THE THIRTY-FIRST REGULAR MEETING OF THE THIRTY-FIFTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, JULY 20, 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 Baker moved to approve the Agenda with the following amendment to move Communications after Work Session and before Closed Session.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

**INVOCATION** Deacon Brian Carroll

**CITIZENS COMMENTS** None

**Consent Agenda**

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

**APPROVAL OF MINUTES:** Matter of approving the minutes of the regular 35<sup>th</sup> City Council meeting on Monday, June 15, 2015.

**WARRANT:** Matter of approving Warrant No. 1292.

**ORDINANCE NO. O-02-15:** Matter of considering the second reading of an ordinance to rezone property described as the North 40 Feet of Lot 148 of the Cottage Homes Subdivision from Parking District (P-1) to Single Family Residential District (R-1D).

**RESOLUTION NO. R-20-15:** Matter of recognizing the FBI Office, Troy, Michigan, specifically Special Agents David Kotal, Rebecca Wiles, Christine Taylor and Senior Supervisory Resident Agent Jeff Downey for their investigative skill during a criminal investigation within the City of Berkley.

**RESOLUTION NO. R-21-15:** Matter of recognizing Public Safety Deputy Director Bob North on the occasion of his retirement from the City of Berkley.

**RESOLUTION NO. R-22-15:** Matter of recognizing Nancy J. Line on the occasion of her retirement from the City of Berkley.

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

Nays: None

Motion Approved.

**Regular Agenda**

**RECOGNITIONS/PRESENTATIONS**

Mayor Pro Tem Terbrack read Resolution No. R-20-15 into record.

Senior Supervisory Resident Agent Jeff Downey on behalf of the FBI agency thanked the Mayor and City Council for the recognition. He acknowledged the Public Safety Department, Chief Eshman and Deputy

Chief North for their cooperation with the six month investigation. This sensitive case required many resources and man power, to include safety concerns of Deputy Chief North. Thanks to the cooperation and joint efforts of both parties, the investigation was done collectively.

Special Agent Dave Kotal gave the Mayor and City Council a timeline of the investigation. In March of 2013, Deputy Chief North brought a criminal investigation case to the attention of the FBI agency. He provided the agency with a file consisting of his initial investigative work, Louie Kamposh as a main suspect, and identified a dependable source. Deputy Chief North took a stand and followed through to get a denial from the Liquor Control Commission for a liquor license to a liquor store owned by Kamposh. This was after the Oakland County Narcotics Enforcement team had cited and closed their business due to drug related charges. In April of 2013, the FBI agency set up a first interview for Deputy Chief North and Angela Kamposh with federal agents readily available. The numerous meetings with Ms. Kamposh led to Deputy Chief North becoming her confidant and later her hit man for hire. This investigation was not possible without the hard work of Deputy Chief North, cover and protection from Agent Wiles and Agent Taylor, and permission and support from Senior Supervisory Resident Agent Downey. As a result of this case and the team effort, Angela Kamposh was sentenced in federal court for bribery and healthcare fraud. She is expected to serve two years in a federal penitentiary and owes Blue Cross Blue Shield three hundred thirty-six thousand dollars in fines. Her sister, Fay Kamposh will be sentenced next month for bribery and is expected to serve one year in prison. Special Agent Kotal thanked the City Council for their time and is grateful to have had Deputy Chief North's involvement in the investigation. He wished Deputy Chief North well on his retirement.

Mayor O'Dwyer read Resolution No. R-21-15 into record.

City Manager Bais-DiSessa spoke about the she first time she came to work for the City of Berkley which was fourteen years ago. Many of the directors were retiring from their positions and Deputy Chief North helped her through the difficult changes.

Public Safety Director Eshman gave City Council a brief background of Deputy Chief North's experience. In 1971, Bob North began his law enforcement career as a cadet in the Highland Park Police Department. Then in 1974, he became a Police Officer in the City of Highland Park and in 1979 he joined the City of Berkley Police Department. The City of Berkley merged their Police and Fire Department in 1984; Bob North attended the Fire Academy to be certified and obtained the title of Public Safety Officer. He was promoted to Sergeant then to Lieutenant and in 2004 he became the Deputy Chief. As a Deputy Chief, Bob North accepted the supervisory responsibility for the police patrol, firefighting functions, and administrative matters. In this capacity, he never lost touch with the basics duties as a street cop and firefighter. A few years ago, there was a fully involved house fire on Edgewood and Bob North was the first to arrive at the scene. He pushed open the front door and observed an unconscious woman lying on the floor in the living room. Due to the circumstances and with no time to properly suit up, he carried the victim to safety. Over the years, he has had more significant major arrests and taken serious felons off the streets. As mentioned in the previous resolution, Bob North is versatile and has worked for the FBI agency as an undercover police officer. Most people know him as a charismatic and appealing people person. He is always friendly, courteous and willing to assist anyone; Bob can pass as a prototype for a community relations based officer friendly figure. In action, he is a unique, eager, courageous, and capable street cop and firefighter. City of Berkley is one of the safest cities in Michigan; much of the credit is due to his intellect, knowledge, instinct, and experience. Coupled with courage, versatility, decisiveness, and steadfast sense of duty make him an exceptional officer and strong effective leader. Public Safety Director concluded with the highest compliment for a supervisor in their line of work, he is a great street boss.

Public Safety Officer Jordan Kobernick made a plaque on behalf of the Public Safety Department's appreciation for the hard work Deputy Chief North has done and his great leadership.

State Representative Robert Wittenberg has always known Deputy Chief North as Coach North when he was a student at Berkley High School. The State Representative's Office will personally deliver a tribute

for Deputy Chief North to recognize him for his years of service. State Representative R. Wittenberg thanked Deputy Chief North for all his hard work which is apparent from the respect and admiration he has received from his colleagues. He thanked him for keeping the community safe and making it the amazing community it is today. State Representative R. Wittenberg echoes the same sentiments as Public Safety Director Eshman; he congratulated and wished Deputy Chief North well on his retirement.

44<sup>th</sup> District Court Judge Jamie Wittenberg congratulated Deputy Chief North on his retirement. He has known him as Coach North when he was a student at Berkley High School. And has had the privilege of working with him for six and a half years at the recent 45A District Court in Berkley. Judge J. Wittenberg thanked Deputy Chief North for all his hard work in the community, he has been a pleasure to work with on behalf of the court staff, and he will be missed as a friendly neighbor. He extends his congratulation and wish Deputy Chief North well on his retirement.

Deputy Chief North began his speech by thanking his parents for a great start; his father taught him to treat people fairly and there is honor in all work. He thanked his immediate family; Jinny, Janelle, Kelly, and David for their support and concern over the years. Deputy Chief North recognized the members of the Highland Park Police Department for teaching him about people and police work. He acknowledged all the law enforcement agencies that were great to work with and who worked hard on the behalf of our community. Deputy Chief North thanked the residents of the City of Berkley, our business, education, and faith communities who were helpful in the endeavors of law enforcement and a joy to work for. He recognized the volunteer groups, especially the Holiday Parade and CruiseFest committees that he had the privilege to participate in. Deputy Chief North acknowledged the Berkley Steelers, Anderson Middle School, and Berkley High School for his coaching opportunities. He spoke of how fortunate we are to have the police responsiveness in the community, residence responsiveness to each other, and the citizen responsiveness to the police. Deputy Chief North gave special thanks to Public Safety Director Eshman for giving him great latitude to work on behalf of the community. He recognized City Manager Bais-Disessa, the Mayor and City Council for the opportunity. Deputy Chief North acknowledged City Departments for the important work they do on behalf of the community and making Berkley what it is today. He gave special thanks to the Public Works Department who he has had the privilege to work closely with over the years and they have come through for the Public Safety Department countless times. Deputy Chief North noted having a different feeling to no longer bare the operational responsibility for protecting this city. That duty now rests with those departments that are still on the job and he will miss working with all of them. Deputy Chief North will miss answering the call and thanked everyone in the Public Safety Department. He asked that the department to take good care of the community, themselves, and each other and continue to serve the right way. He concluded with his philosophy in law enforcement, "Bunnies, hugs, and rainbows."

Councilmember Edgar read Resolution No. R-22-15 into record.

Communications Coordinator Nancy Line thanked the Mayor and City Council for the recognition. She loved working for the City of Berkley and City Council; and thanked them for all their support.

Mayor O'Dwyer on behalf of City Council and City Administration thanked Nancy Line for all her efforts to ensure the council meetings were recorded properly.

State Senator Marty Knollenberg thanked the Mayor and City Council for allowing him to speak at the council meeting. He updated the City Council of the budget that was approved in early June, making it the fifth year in a row to have it completed before the due date of October. The stakeholders, such as local government and school districts, can appreciate knowing what the current budget is. In the past fifteen years, there were mega credits that were issued to companies. Although in the past six to eight years, those mega credits weren't exercised until the economy improved leaving a hole in our budget. State Senator Knollenberg highlighted the following budget items: budget totality is \$54 billion with a general budget \$9.6 billion which has not increased since 2001; the Legislature has spent an additional \$4 billion more than five years but that is federal dollars they have no control over; \$400 million has been injected into roads recognized by the Legislature despite the state proposal failure, the Legislature is making this a

priority means a lot, since road funding comes from user based concepts such as gasoline taxes and registration fees; revenue sharing increased by \$1.24 billion, 2.9% to each of the local units; \$37 million when into career, technology and education; \$94 million was added to a rainy day fund which brings the balance to half a billion dollars in this account; this improves the bond rating and credit rating agencies like to know there is money in a savings account; this will allow Michigan to borrow money at favorable terms and save money for the taxpayers; and \$31.5 million was increased for third grade reading, K-12 education, and higher education. State Senator Knollenberg continued the dialogue on roads with the following updates: Proposal 1 failed in the May Special Election; in the spirit of compromise and moving the ball forward, he felt a new study needed to be done; the study plan includes provisions for warranty, transparency, and Legislature is asking MDOT to prepare what a fifty year road would look like; Legislature will focus on reprioritizing the existing budget of about \$700 million; the truck drivers and hybrid vehicle owners will be paying their fair share under this proposal; there will be a phased in gasoline user fee for automobiles considering gas tax has not increased since 1988, daily drivers will see an increase of \$27 in gasoline tax; and the fact that there are two proposals from the House and the Senate with the stakeholders continuing to meet gives optimism to find a study to fund roads. State Senator Knollenberg expressed that his priorities are education, fire safety, roads and infrastructure. He commented on the importance of reaching out to the community, dialogue and communication. State Senator Knollenberg partnered with the Attorney General's Office for a discussion on Friday, July 31, 2015 at Walsh College concerning phone scams.

City Manager Bais-DiSessa thanked State Senator Knollenberg for his time and for providing updates at the council meeting.

**MOTION NO. M-46-15:** Matter of reappointing Martin J. Smith to serve on the Planning Commission, with the term expiring July, 2018.

Councilmember Edgar moved to approve Motion No. M-46-15.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

City Manager Bais-DiSessa gave a brief summary to the City Council to include Martin J. Smith's background of 31 years as an Architect, 31 years as a Berkley resident, and 15 years as a member of the Planning Commission.

**MOTION NO. M-47-15:** Matter of considering McLeodUSA Metro Act Right-of-Way Telecommunications Permit extension.

Councilmember Kideckel moved to approve Motion No. M-47-15

Seconded by Councilmember Baker.

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

Nays: None

Motion Approved.

City Manager Bais-DiSessa gave a brief summary to the City Council explaining that McLeod USA is the current contractor for the city, their agreement will be expiring on December 12, 2015, and if approved the terms and conditions of the original permit will carry over to the extended terms. Effective October 1, 2015 the Metro Extension Telecommunications Right-of Way oversight authority will no longer exist. It is now part of the Local Community Stabilization Authority which is pursuant to Public Act 88 and Public Act 86 of 2014.

City Attorney Staran reconfirmed that the current contract terms and conditions will remain the same and the extension date of five years will expire on December 12, 2020. As a result of the Metro Act Right-of-Way permits that have been issued, the City of Berkley receives close to \$39,000 a year in revenue from the fees.

**WORK SESSION:** Matter of discussing a proposed Chapter 34 Charitable Solicitation Ordinance amendment.

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

Start time of 7:45 p.m.

City Manager Bais-DiSessa thanked Councilmember Blanchard for bringing his concerns of the Solicitation Ordinance to her attention and he has met with the City Attorney to discuss recommendations for council approval. If there is a consensus, this item will be added to the next agenda as a first reading of the ordinance.

City Attorney Staran recognized Councilmember Blanchard for his help drafting an updated Solicitation Ordinance. The City of Berkley periodically receives request from different organizations who want to solicit donations for various causes at our busy intersections. The city will require these organizations to seek approval from the City Council. In some cases, they may seek a resolution acknowledging them as a charitable organization in this community. In promoting the public health, safety, and welfare of the residents of Berkley, the ordinance needed to clarify the permit application requirement. The changes are not for a punitive or prohibitive purpose, but to ensure council has the relevant information to make a wise decision and improve our ordinance. The amendments will require applicants to submit a current IRS determination letter that recognizes them as a tax exempt charitable organization. With the activities conducted in the public right-of-way, the amendment will require applicants to provide adequate commercial general liability insurance to protect against property damage and personal injury. These requirements are consistent with the State of Michigan rules for Charitable Solicitation and are within the guidelines of the state law.

End time of 8:00 p.m.

#### **COMMUNICATIONS:**

**MAYOR PRO TEM TERBRACK:** commented on the beautiful day we had for the Community Picnic on Saturday, July 18, 2015 at noon. He reminded everyone of the following ongoing Summerfest activities at Parks and Recreation: Thursday, July 30, 2015 is the Jaycee Jamboree from 6 p.m. to 8 p.m.; Saturday, August 22, 2015 is the Family Outdoor Movie Night at 6 p.m.; Tuesday, and August 25, 2015 is the Ice Cream Social from 6 p.m. to 8 p.m. Mayor Pro Tem Terbrack thanked the Parks and Recreation Department, the Parks and Recreation Advisory Board, and the Friends of the Parks and Recreation for helping with the events making them go so well.

**COUNCILMEMBER EDGAR:** updated everyone on the robust and exciting Planning Commission meeting with discussions of the Robina Project. The Branding Survey has received many conversations and she encouraged the residents to visit the city website to complete the survey. Councilmember Edgar acknowledged State Representative Robert Wittenberg, who will be in Royal Oak Township tomorrow; the information is available on his webpage. She encouraged everyone to attend the Library program, "A Spielberg Summer Film Series", more information can be found on their webpage. Councilmember Edgar suggested for everyone to go out to enjoy the sun, don't spend too much time in front of the computer, and have a fun summer before it comes to an end.

**COUNCILMEMBER KIDECKEL:** commented on Tot Lot Night held on Wednesday, June 24, 2015 at 5 p.m., the event was packed and the kids were running around having a great time. He participated in the Community Picnic and thanked the Parks and Recreation Department for their great work. Councilmember Kideckel congratulated the Twisted Shamrock and Patrick J's Irish Pub on their official opening and ribbon cutting ceremony on Saturday, July 18, 2015. He announced the upcoming CruiseFest event on Friday, August 14, 2015, the parade begins at 6 p.m., the Impersonator with a Band will be entertaining from 7:30 p.m. to 9 p.m., and All Directions Band will be playing from 9:30 p.m. to 11 p.m. Tri-Community Coalition will be hosting a street dance and he thanked DTE Energy for their sponsorship of

this event. Councilmember Kideckel thanked Deputy Chief North for his years of service. He expressed District Court Judge Jamie Wittenberg's sentiments, "Not only does he know the community but the community knows him as well." Councilmember Kideckel congratulated Keith Logsdon on his appointment to the Berkley School Board of Trustees. He paid tribute to a former Board of Trustee member Paul Ellison, who was a good friend, leader, and most of all, a great man; he will truly be missed. Councilmember Kideckel sends his condolences to Mr. Ellison's wife Cathy and son Nick.

**COUNCILMEMBER BAKER:** updated everyone on the Downtown Development Authority (DDA) meeting last week that included the Robina Plaza Project discussion. The committee appreciates the community input at the Berkley Art Bash and the Planning Commission meeting. Now is the time to have this kind of dialogue, line up the funding, and subsequent budget cycle for the project. This will help move the community forward, leverage the great assets we have, and a greater effect with cool place making. It generates excitement, revenue, and foot traffic for the businesses. The transportation funding at the state level is all the conversation these days, analysis reports to include the House bills and Senate bills are available through Michigan Municipal League (MML) or Southeast Michigan Council of Governments (SEMCOG). The Legislature will meet tomorrow before they adjourn for a month of recess; they have continued their conversation on transportation. Councilmember Baker concluded with a quote from a British Liberal Politician, Thomas McKinnon Wood, "Be a wonderful role model because you will be the window through which many children will see their future." Every action we take and decision we make is a reflection of how we think about our roles interacting with people. Most telling is the routine habits that folks subconsciously pay most attention to. This applies to bike safety; be a role model by wearing a helmet and bikes are considered vehicles that belong on the road not sidewalks. Same roads, same rules, and same rights; be a courteous driver and be aware of those around you.

**COUNCILMEMBER STEADMAN:** invited everyone to the following Library programs: Tuesday, July 28, 2015 is the Baffling Bill Magic Show at 2 p.m. and 3:30 p.m.; Thursday, July 30, 2015 is the Family Movies showing Finding Nemo at 3 p.m.; Tuesday, August 11, 2015 is the Family Movies showing Up at 6 p.m.; and Thursday, August 27, 2015 is the Family Movies showing Finding Lego Movie at 3 p.m. She was proud to announce that the Ice Cream Social had 115 attendees last year and 200 people this year. They received \$2,500 from the Summer Reading program and Geek the Library. Councilmember Steadman encourages everyone to find a point of interest and sign up for one. She gave an update on the Beautification Committee who spent their weekend cleaning the bus stop area; they continue to look for projects and ideas for this coming year.

**COUNCILMEMBER BLANCHARD:** congratulated Bob North on his retirement and has had the privilege of working with him for thirty-two years. Deputy Chief North did a wonderful job and is a fantastic example of community policing; he knows everybody and talks to everybody. Councilmember Blanchard thanked Shirley Hansen for her persistence in the installation of the Little Free Library; one has been installed at the Tot Lot and has books in it. He gave an update from the Chamber of Commerce who plans to print six thousand new 2015 maps of the City of Berkley. They can be found at the City of Berkley's and City of Huntington Woods' City Halls and Libraries. The Chamber of Commerce is hosting a Pub Crawl on Thursday, August 20, 2015; businesses are still being solicited and tickets are \$25 if purchased in advance or \$30 at the door. Information for this event can be found on the Chamber of Commerce website.

**CITY MANAGER BAISS-DESSA:** advised the City Council of an ongoing project to update the Emergency Operations Plan and to add this item to the next meeting agenda as a Work Session for council to discuss. She proudly announced that the City of Berkley mobile app was featured in this month's Michigan Municipal League (MML) magazine. The Access Berkley mobile app is recognized amongst major cities such as Grand Rapids, Detroit, and Ann Arbor; it is highlighted and given a positive review. City Manager Bais-DiSessa will be meeting with City Officials, Carrot Pass, LLC, Chamber of Commerce, and Downtown Development Authority (DDA) in developing an app for the exclusive city program. She encourages the resident to visit the city website at [www.berklemich.org](http://www.berklemich.org) to find more information on Carrot Pass, LLC and download their app. City Manager Bais-DiSessa is proud to inform City Council of being appointed to the Southeast Michigan Council of Governments (SEMCOG) Economic

Development Committee. They had their first meeting to discuss transportation, roads, and ways to work better with our businesses. City Manager Bais-DiSessa is asking City Council to conduct her performance evaluation and she will consult with the Mayor to decide on a meeting date.

**CITY ATTORNEY STARAN:** confirmed that the City of Berkley is prominently mentioned in the Michigan Municipal League (MML) magazine. It shows how progressive we are on staying on top of technology and providing a worthwhile service to the residents.

**STATE REP ROBERT WITTENBERG:** thanked the City Council for the opportunity to honor Deputy Chief North on his retirement. He invited everyone to a community conversation that is scheduled for Tuesday, July 22, 2015 at 21131 Garden Lane in Ferndale. Residents are encouraged to contact him at phone number [517-373-0478](tel:517-373-0478), email address at [robertwittenberg@house.mi.gov](mailto:robertwittenberg@house.mi.gov), and website at [wittenberg.housedems.com](http://wittenberg.housedems.com) to sign up for his e-newsletter. State Representative R. Wittenberg informed the City Council that he voted against the budget that was passed; his recommendation would be to take the time to get the budget right and not rush it to get it done early. He mentioned two glaring issues of a \$134 million budgeted for the Senate to have new offices from state money and the W.J. Maxey Boys Training School will be closed to lower the recidivism rate for our youth offenders. State Representative R. Wittenberg voted against the House plan for the roads because it decreases the earned income credit for working families. He shared a story of a mother using her earned income credit to pre-pay for her daughter's preschool daycare one year and a mattress for her daughter the next year. The House made a recommendation to restructure the corporate income tax and increase it from 6% to 9% in order to generate new revenue. His suggestion is not to cut funds from earned income credit, schools, and local municipalities. State Representative R. Wittenberg just received notice from the Legislature that there will be no meeting on Tuesday, July 21, 2015.

**MAYOR O'DWYER:** commented on the completion of Coolidge Highway which is finished ahead of schedule and under budget. He congratulated the owners of Patrick J's Irish Pub and the Twisted Shamrock on their business openings this past weekend. Mayor O'Dwyer noted the passing of the former School Board President Paul Ellison; he was a terrific leader in the field of education and a brilliant lawyer in his own professional right. Mayor O'Dwyer congratulated Keith Logsdon on his appointment on the Berkley School Board. He expressed the condolences on behalf of the city to Paul Ellison's family. Mr. Ellison was a good and decent man who made an amazing difference in the Berkley School District.

**COUNCIL MEETING ADJOURNMENT:**

Motion by Councilmember Baker to adjourn the regular meeting at 8:31 p.m.  
Seconded by Councilmember Kideckel.  
Ayes: Terbrack, Baker, Blanchard, Edgar, Kideckel, Steadman, and O'Dwyer  
Nays: None  
Motion Approved.

**CLOSED SESSION:** Matter of considering convening in closed session to discuss Attorney Client communication.

Adjourned to Closed Session at 8:31 PM:  
Moved by Councilmember Baker and seconded by Councilmember Kideckel.  
Ayes: Terbrack, Baker, Blanchard, Edgar, Kideckel, Steadman, and O'Dwyer  
Nays: None  
Motion Carried

Mayor O'Dwyer reconvened the Closed Session at 8:37 PM:  
Moved by Councilmember Kideckel and seconded by Councilmember Steadman  
Ayes: Baker, Blanchard, Edgar, Kideckel, Steadman, Terbrack, and O'Dwyer  
Nays: None  
Motion Carried

**CLOSED SESSION ADJOURNMENT:**

Motion by Councilmember Kideckel to adjourn the closed session at 9:43 p.m.

Seconded by Councilmember Steadman.

Unanimously approved.