

THE THIRTIETH REGULAR MEETING OF THE THIRTY-FIFTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, JUNE 15, 2015 BY MAYOR O'DWYER

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

ABSENT: Jack Blanchard

APPROVAL OF AGENDA

Mayor Pro Tem Terbrack moved to approve the Agenda with the following amendment to add M-45-15 to the regular agenda and followed by all other items.

Seconded by Councilmember Baker.

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

Absent: Blanchard

Nays: None

Motion Approved.

INVOCATION Deacon Brian Carroll

CITIZENS COMMENTS

Maybelle Fraser, Berkley resident at 1317 Oxford Road and former Mayor, shared that the city seal has been in existence for 54 years and not 75 years. In 1960, a High School Senior named Gary Ostendorf entered a contest open to Berkley High School students to design a city flag that was offered by VFW Post 9222 and co-sponsored by Berkley American Legion Post 374. The city flag consists of a sphere which represents the world; oak leaves for Oakland County; a church or place of worship, family, Liberty Bell, and an open book which all represents phases of Berkley life. At the city's second annual recognition dinner on June 10, 1961, Gary was honored for his work and received the first pin.

Shirley Hansen, Berkley resident at 2050 Edgewood Boulevard and board member, spoke on behalf of the Friends of the Library to promote a National Campaign to benefit Literacy. Councilmember Jack Blanchard built a Literacy Library that the Friends of the Library would like to donate to the City of Berkley and have it displayed in one of the community parks. Their hope is that other Berkley groups or businesses get involved and choose additional parks for these reasons.

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, June 1, 2015.

WARRANT: Matter of approving Warrant No. 1291.

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).

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

Absent: Blanchard

Nays: None

Motion Approved.

Regular Agenda

RECOGNITIONS/PRESENTATIONS

MOTION NO. M-45-15: Matter of authorizing the Mayor and City Manager to sign a contractual relationship between the City of Berkley and Carrot Pass, LLC.
Mayor Pro Tem Terbrack moved to approve Motion No. M-45-15.
Seconded by Councilmember Baker.
Ayes: Steadman, Terbrack, Baker, Edgar, Kideckel, and O'Dwyer
Absent: Blanchard
Nays: None
Motion Approved.

City Manager Bais- DiSessa gave a brief summary to the City Council regarding the Carrot Pass mobile app including features such as measuring traffic patterns, obtaining demographic information, and for customers to purchase local event tickets.

City Attorney Christ informed the City Council that the Carrot Pass program gives the City of Berkley the flexibility and option to terminate the agreement with a thirty day written notice.

Michael J. Antaran, CEO of Carrot Pass, LLC, advised the City Council that Carrot has reviewed the terms and conditions of the agreement with City Administration. He announced that Carrot Pass, LLC will be receiving exposure at the Fifth Third Bank Michigan State Fair, Governor Rick Snyder recently named them among the "Michigan 50 Companies to Watch" list sponsored by the Michigan Celebrates Small Business coalition, and Goldman Sachs 10,000 Small Businesses invited them to share their story.

ORDINANCE NO. O-03-15: Matter of considering the first reading of a Franchise Ordinance to grant Consumers Power 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. (Set Date Certain, July 20, 2015).
Councilmember Steadman moved to approve Ordinance No. O-03-15.
Seconded by Councilmember Kideckel.
Ayes: Terbrack, Baker, Edgar, Kideckel, Steadman, and O'Dwyer
Absent: Blanchard
Nays: None
Motion Approved.

City Attorney Christ advised the City Council the ordinance renewal is a requirement by the Michigan Constitution for the franchise to be issued by the local government. The one difference from the previous franchise ordinance is that it is revocable verses non-revocable and is not required to go before the voters.

Ursula Warren, Area Manager for Southeast Michigan Consumers Energy Company, explained to the City Council that the Franchise Ordinance is a reinstatement of the ordinance approved in 1985. This allows Consumers Energy to provide safe and reliable gas to the city.

RESOLUTION NO. R-18-15: Matter of approving a resolution to authorize the West Nile Virus Expense Reimbursement Request.
Councilmember Edgar moved to approve Resolution No. R-18-15.
Seconded by Councilmember Steadman.
Ayes: Baker, Edgar, Kideckel, Steadman, Terbrack, and O'Dwyer
Absent: Blanchard
Nays: None
Motion Approved.

Public Works Director Schueller gave a brief summary to the City Council to include larvicide placement, using green products, and partial reimbursement.

MOTION NO. M-40-15: Matter of approving the 2015 LED Street Light Conversion Purchase Agreement between the Detroit Edison Company (DTE) and the City of Berkley at an initial cost of \$66,084 with DTE contributing labor and a material rebate.

Councilmember Kideckel moved to approve Motion No. M-40-15 and allow Councilmember Baker to cast a vote for the motion.

Seconded by Councilmember Edgar.

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

Absent: Blanchard

Nays: None

Motion Approved.

Councilmember Baker requested permission to cast his vote and there were no objections from any of the other Councilmembers for him to abstain.

Public Works Director Schueller gave a brief summary to the City Council regarding the LED Street Light Conversion Purchase Agreement to include initial phase of the LED conversions, savings on the streetlights, and street lights are owned and maintained by DTE Energy

Reggie B. Brown, Account Manager at DTE Energy, updated the City Council of the economic package with cost efficiency and savings. In 2014, phase one was implemented where mercury vapor was removed off the system. Next is to convert high level pressure sodium, with an acceptable cost savings level, and promote energy efficiency. The nature of the project is for the completion date to be no later than November 30, 2015, which is tied in with the construction component and rebate.

MOTION NO. M-41-15: Matter of awarding a contract to CPR Connection of North America, Inc., 5803 Stone Hill Court, Clarkston, MI 48348, for the purchase of six (6) Automated External Defibrillators (AED's) at a cost not to exceed \$8,913.18 from account number 101-310-982-000.

Councilmember Steadman moved to approve Motion No. M-41-15.

Seconded by Councilmember Kideckel.

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

Absent: Blanchard

Nays: None

Motion Approved.

Public Safety Director Eshman gave a brief summary to the City Council regarding bid results for the purchase of the Automated External Defibrillator (AED) including bid results, technology, and the Philips Heartstart AED.

Public Safety Officer Scott Smith, certified Emergency Medical Technician (EMT), advised the City Council there are no additional training needed only familiarization of the equipment for deployment purposes and the basic process is the same. The old equipment will be replaced and used for training which will be done in house.

MOTION NO. M-42-15: Matter of approving the adoption of the newly revised Michigan Freedom of Information Act (FOIA) Procedures and Guidelines and the FOIA Public Summary, as mandated by the State Legislature, effective July 1, 2015.

Councilmember Edgar moved to approve Motion No. M-42-15.

Seconded by Councilmember Baker.

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

Absent: Blanchard

Nays: None

Motion Approved.

City Attorney Christ advised the City Council of the new FOIA laws effective date of July 1, 2015, a policy and guideline is required, the written summary consist of updated costs and appeal rights, and revised forms will be made available on the city website.

City Clerk Boucher described the electronic media requirements, fees and fines changes. Any inquiries can be directed to the city's website for information.

MOTION NO. M-43-15: Matter of amending the City's Fee Schedule, regarding FOIA photocopies, as outlined on the attachment.

Councilmember Kideckel moved to approve Motion No. M-43-15.

Seconded by Mayor Pro Tem Terbrack.

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

Absent: Blanchard

Nays: None

Motion Approved.

MOTION NO. M-44-15: Matter of making appointments to Boards and Commissions.

Councilmember Baker moved to approve Motion No. M-44-15.

Seconded by Councilmember Kideckel.

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

Absent: Blanchard

Nays: None

Motion Approved.

RESOLUTION NO. R-19-15: Matter of authorizing amendments to the FY 2014/15 Operating Budget – those operating funds as presented.

Councilmember Kideckel moved to approve Resolution No. R-19-15.

Seconded by Councilmember Baker.

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

Absent: Blanchard

Nays: None

Motion Approved.

Finance Director Sabuda reviewed all of the budgetary amendments to the 2014/15 Operating Budget for Council's approval.

COMMUNICATIONS:

COUNCILMEMBER KIDECKEL: commented on the success of the Dad's Club Opening Day which had good weather and a great turn out. He had the pleasure of attending the Ice Cream Social at the Public Library and reminded everyone of the summer reading program that began today. Councilmember Kideckel enjoyed the Art Bash and Lids for Kids event which brought out a huge crowd of visitors from all over.

COUNCILMEMBER EDGAR: had no comments this evening.

MAYOR PRO TEM TERBRACK: reiterated the success of the Art Bash and Lids for Kids events, and recognized the Public Safety Officers who participated in the dunk tank. He encouraged the residents to get involved in the following Parks and Recreation Summerfest programs: Wednesday, June 24th from 5 p.m. to 8 p.m. is Tot Lot Night at the Tot Lot; Friday, June 26th from 1 p.m. to 6 p.m. and Saturday, June 27th from 9 a.m. to 3 p.m. is the Community Garage Sale; Wednesday, July 8th from 9 a.m. to 2 p.m. is Senior Activity Day; and Saturday, July 18th from 12 p.m. to 3 p.m. is the Community Picnic.

COUNCILMEMBER BAKER: gave a special thanks to the volunteers, employees, businesses, and vendors that help make the Art Bash and Lids for Kids an enrichment to our society. He recognized the participants in the Robina Plaza Project, a booth was available to educate and engage the community. There were great support from City Administration, Downtown Development Authority, and the Michigan Municipal League (MML) including Sarah Craft. This item will be up for discussion at the next Planning Commission meeting on Tuesday, June 23rd. Councilmember Baker will be attending the Strategic Retreat with MML and hopes to continue to represent the City of Berkley. He concluded with a quote from former Apple CEO Steve Jobs, "Innovation has nothing to do with how much money you have. When Apple came up with the Mac, IBM was spending a hundred times more on R & D. It's not about the money. It's about the people you have, and how you're led, and how much you get it." Councilmember Baker expressed his sentiments to find and leverage ways to innovate, create value, and seek incentive for improvement.

COUNCILMEMBER STEADMAN: felt the Art Bash was a wonderful event and the nice weather seemed to have attracted more people. She thanked the Friends of the Library and Vibe Credit Union for their support, the Public Library is offering a Summer Reading Program for children, teens, and adults. Registration for this program started today, kicking off with an Ice Cream Social from 6 p.m. to 8 p.m. Councilmember Steadman welcomes the community to contact the Library at [\(248\) 658-3440](tel:2486583440) or visit their location to register and find more information. She encouraged the residents to get involved in the following Library programs: Tuesday, June 23rd at 7 p.m. is Once Upon a Puppet: family puppet show; and Friday, June 26th at 2 p.m. is eBooks and more at the Library.

CITY MANAGER BAI-DISESSA: reminded the residents of the upcoming Parks and Recreation 8th Annual Community Garage Sale on Friday, June 26th from 1 p.m. to 6 p.m. and Saturday, June 27th from 9 a.m. to 3 p.m., the deadline to sign up is Friday, June 19th. She encouraged everyone to visit the city website at www.berkleymich.org for additional information. On the website, residents will find a survey for the Branding Study in which the City Manager's Office is involved with. She thanked former Mayor Maybelle Fraser for the clarification of the city flag and logo. City Manager Bais-DiSessa recognized MML and Sarah Craft for their support with the Robina Plaza Project. She shared an article from the Detroit Free Press has ranked City of Berkley number 17 of the Top 25 Michigan suburbs to raise a family.

FINANCE DIRECTOR SABUDA: had no comments this evening.

CITY ATTORNEY CHRIST: updated the Council that on Thursday, June 11th the Michigan Court of Appeals issued an opinion to clarify a dispute of our neighboring communities related to the operating expenses associated with the consolidation of the 45A District Court. The opinion is in regards to a written agreement similar to that of the 44th District Court in Royal Oak and a copy of the opinion will be provided to the City Administration.

STATE REPRESENTATIVE ROBERT WITTENBERG: thanked the Mayor and City Council for the opportunity to speak at the Council Meeting. He congratulated the city to rank 17 of the Top 25 Michigan suburbs to raise a family. State Representative Wittenberg invites the residents to join him at the following Community Conversations: Monday, July 6th at 10 a.m. at the Huntington Woods Community Center; Wednesday, July 8th at 6:30 p.m. at the Hazel Park Library; Friday, July 10th at 10 a.m. at the Pleasant Ridge Community Center; Monday, July 13th at 10:30 a.m. at the Oak Park Library; Wednesday, July 15th at 6:30 p.m. at the Ferndale Library; Thursday, July 16th at 10:30 a.m. at the Berkley Library; and Tuesday, July 21st at the Royal Oak Township Hall, 21131 Garden Lane, Ferndale. He encouraged everyone to visit his website and sign up for the E-newsletter at www.wittenberg@housedems.com or contact his office at (517) 373-0478. State Representative Wittenberg spoke briefly about House Bill 4052 and his concerns for the local municipality.

MAYOR O'DWYER: congratulate the students who are graduating and embarking on the exciting journey through college. He recognized the parents for the support they have provided to these young people. Mayor O'Dwyer thanked the teachers for their dedication and inspiration that led the students to

pursue advanced education. For the students who decide to go a different route, there are important opportunities available. History has shown great mentors that have done bigger and better things without a college education. He wished all the young people great success in their career of choice. Mayor O'Dwyer gave an update on Coolidge Highway construction is on schedule, the southbound lane is complete with the northbound lane to be done in a short time, and this will provide for a smooth gateway to our city. He thanked the volunteers for making this a wonderful community; being ranked number 17 of the Top 25 Michigan suburbs to raise a family recognizes the changing trends. Increasing number of young families across the city, their expectations and contributions to the community in innovative and creative ways are welcomed along with their energy.

ADJOURNMENT

Motion by Councilmember Steadman to adjourn the regular meeting at 8:14 p.m.

Seconded by Councilmember Kideckel.

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

Absent: Blanchard

Nays: None

Motion Approved.