

THE THIRTY-FIFTH REGULAR MEETING OF THE THIRTY-FIFTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, OCTOBER 19, 2015 BY MAYOR O'DWYER

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

APPROVAL OF AGENDA

Councilmember Kideckel moved to approve the Agenda.

Seconded by Councilmember Edgar.

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

Nays: None

Motion Approved.

INVOCATION DEACON BRIAN CARROLL

CITIZENS COMMENTS

Sara Anspach, Berkley resident at 3142 Tyler and PTA representative from Angell Elementary School, expressed her concerns about the disrepair of the playground structure at Angell Elementary School. She wanted the City Council to be aware of the situation and continue to work with the Berkley School District to remedy the problem as soon as possible.

Marty Smith, Berkley resident at 1692 Earlmont and member of the Planning Commission, spoke briefly about an initiative from a September 2014 Planning Commission meeting concerning properly striping parking spaces on Coolidge Highway.

Lisa Turner, Berkley resident at 1978 Edgewood and founder of Berkley Residents Against Pesticides, asked the City Council to stop spraying harmful toxic chemicals at the city parks, Library, and any public places. She has done extensive research on harmful effects of chemicals on children, adults, and the environment. Ms. Turner was a member of the Berkley Environmental Committee and ensured pesticides were not being used in the city. She shared her findings from a Freedom of Information Act request through the city and the Centers for Disease Control and Prevention website.

Lutterell Levingston, Berkley resident at 2282 Edgewood, voiced his concerns to the City Council regarding the information he received from a recent Freedom of Information Act request he filed through the city.

Terri Henriksen, Berkley resident at 3462 Buckingham and a member of the PTA at Angell Elementary School, expressed her concerns regarding the play structure at Angell Elementary School and hopes that the parties involved will work faster to find a solution.

Eric Bitel, Berkley resident at 2520 Phillips and a member of the Friends of the Berkley Parks and Recreation, talked about an upcoming event on Tuesday, November 10, 2015 from 5 p.m. to 9 p.m. The Friends of the Berkley Parks and Recreation will be hosting a fundraiser at Patrick J's Irish Pub on Twelve Mile Road and will receive twenty percent of the proceeds. For more information, please visit the Friends of the Berkley Parks and Recreation Facebook or email them at friendsofberkleypandr@gmail.com.

Nina Kim, Berkley property owner at 1919 Mortenson and Rochester Hills resident, came before the City Council to ask them to waive her landlord license fee through the Building Department. She gave council a brief background and explained her current situation.

Matt Church, Library Director and member of the Berkley Rotary Club, announced the upcoming Berkley

Rotary Pancake Breakfast on Saturday, November 7, 2015 from 7:30 a.m. to 1 p.m. at the Berkley High School. Tickets are \$6 per adult and \$3 per child (12 years of age and under).

Consent Agenda

Councilmember Blanchard moved to approve the following Consent Agenda, seconded by Mayor Pro Tem Terbrack:

APPROVAL OF MINUTES: Matter of approving the minutes of the regular 35th City Council meeting on Monday, October 5, 2015.

WARRANT: Matter of approving Warrant No. 1295.

ORDINANCE NO. O-06-15: Matter of considering the second reading of an ordinance to amend Chapter 94 Signs, Section 94-11 General Requirements, Illuminated Signs, and Section 94-13 Permit Procedure of the Berkley City Code. (Full copy of this ordinance is posted for ten days at the Berkley City Hall, Library, and Community Center)

RESOLUTION NO. R-31-15: Matter of accepting a donation from the Berkley Dads and Moms Club for new infield surface material.

RESOLUTION NO. R-32-15: Matter of designating Saturday, December 5, 2015 for the Annual Holiday Parade and Tree Lighting Ceremony in Berkley.

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

Nays: None

Motion Approved.

Regular Agenda

RECOGNITIONS/PRESENTATIONS

OATH OF OFFICE: Matter of appointing Public Safety Director Richard Eshman as the Interim City Manager for the City of Berkley.

Councilmember Blanchard moved to approve Oath of Office.

Seconded by Mayor Pro Tem Terbrack.

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

Nays: None

Motion Approved.

City Clerk Annette Boucher administered the Oath of Office to Public Safety Director Richard Eshman as the Interim City Manager.

Interim City Manager, Richard M. Eshman spoke about the beginning of his career in Berkley Public Safety Department 13 years ago and the opportunity of working with former City Manager Jane Bais-DiSessa. He thanked City Council for the opportunity to work in another capacity and hopes the vast knowledge that he has gained from Ms. Bais-DiSessa will help him do his job well.

MOTION NO. M-68-15: Matter of authorizing the Interim City Manager to execute an agreement with HRC and Carlisle Wortman Associates, Inc. to update the City's 5-Year Recreation Master Plan at a cost not to exceed \$10,500 in accordance with its sealed bid dated September 30, 2015. This expenditure will be charged to account number 101-691-818-000.

Councilmember Baker moved to approve Motion No. M-68-15.

Seconded by Councilmember Kideckel.

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

Interim Parks and Recreation Director, Theresa McArleton informed City Council that a Five Year Master Plan must be updated in order to be eligible for state grants and assess their facilities. She will be working closely with the City Planner Amy Vansen, Vice President of Hubble, Roth, and Clark (HRC), Roland N. Alix, and Project Manager at HRC, Edward Zmich. The staff and public will be given an opportunity to provide input with March 1, 2016 as the due date to complete the plan and apply for grants through the State of Michigan.

Vice President of HRC, Roland N. Alix, gave a three step process for the Five Year Master Plan. The first step will be a background study and public engagement, this will require visiting of the city parks and working with Carlisle-Wortman Associates to create a public outreach program. The outreach program will consist of an online survey and a schedule of several open houses. The second step is to put together a plan using the onsite investigations and meetings with the residents. This will help focus on the services, needs, and priorities of the Parks and Recreation. The last step is to develop a plan to include goals for the existing parks, goals for future parks, reviewing recreational programs, administrative needs of the Parks and Recreation Department, and funding goals. HRC will help find any state and federal grants that are available and increase revenue for the parks system. The plan will be presented to the Parks and Recreation Advisory Committee, the preliminary plan will be put on display at the City Hall for residents to review for thirty days and HRC will finalize the plan to be presented to the City Council. HRC will utilize social media and websites such as monkeysurvey.com as part of the outreach program.

MOTION NO. M-69-15: Matter of authorizing the Berkley Lions Club, to conduct a fundraiser from Friday, November 27th through Saturday, November 28th at the intersection of 12 mile and Coolidge Hwy. During these days, representatives of the Berkley Lions Club will wear reflective vests.

Councilmember Blanchard moved to approve Motion No. M-69-15 as amended to include, "Final approval from the Interim City Manager upon the required items and documents being in place prior to dates of solicitation."

Seconded by Mayor Pro Tem Terbrack.

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

Abstain: Kideckel

Nays: None

Motion Approved.

Deputy Chief Mike Crum reviewed with the City Council of the documents received from the Berkley Lions Club to do charitable solicitation in the City of Berkley. He has been in contact with Kathy Graham, the Secretary for the Berkley Lions Club. Deputy Chief Crum confirmed the dates, times and location of the solicitation; he gave a list of the programs to benefit from the donations collected and he advised council that the Berkley Lions Club will provide proper training for their volunteers. The organization is pending approval based on providing current tax exempt status letter from the Internal Revenue Service (IRS). The recommendation is to approve conditionally upon the receipt of the updated tax exempt paperwork with final approval by the Interim City Manager.

MOTION NO. M-70-15: Matter of authorizing the Second Chance Network, 28855 Van Dyke #213, Warren, MI 48093 to hold a Solicitation Charity Drive in the City of Berkley on Wednesday, November 4th through Saturday, November 7th and Monday, December 21st through Thursday, December 24th from 8:00 AM to 7:00 PM. Approval is conditional upon the required items and documents being in place prior to dates of solicitation.

Councilmember Steadman moved to approve Motion No. M-70-15 as amended to include, "Final approval from the Interim City Manager upon the required items and documents being in place prior to dates of solicitation."

Seconded by Councilmember

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

Deputy Chief Mike Crum reviewed with the City Council of the documents received from the Berkley Lions Club to do charitable solicitation in the City of Berkley. He has been in contact with Jaime Spinazzola, the President for the Second Chance Network. Deputy Chief Crum confirmed the dates, times and location of the solicitation; he gave a list of the programs to benefit from the donations collected and he advised council that the Second Chance Network will provide proper training for their volunteers. The recommendation is to approve conditionally upon the receipt of the proper documentation with final approval by the Interim City Manager.

Interim City Manager Rick Eshman will be addressing with the Second Chance Network to provided substitute solicitors that will not be direct recipients of the contributions.

MOTION NO. M-71-15: Matter of authorizing the Interim City Manager to execute an agreement with Communications Brokers, Inc. (CBI) to conduct an IT Telecommunications Billing Audit for the City of Berkley.

Councilmember Kideckel moved to approve Motion No. M-71-15.

Seconded by Councilmember Baker.

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

Nays: None

Motion Approved.

IT Coordinator Stan Lisica informed the City Council that the services contract is to take a look at the telecommunications related invoices for the phone system, fax machine, and wireless equipment. Communications Brokers, Inc. was selected from the Oakland County Purchasing Cooperative; they have worked with Oakland County and Oscoda Township. IT Coordinator Lisica hopes to find potential savings, lower operational cost, and to streamline for future phone system replacement in the years to come. If Communications Brokers, Inc. is unable to find any savings, the city will not be charged for services. Any savings must be verified and reimbursement received by the city before services are paid. Communications Brokers, Inc. has been advised that any savings from the Fiber Optics Installation is excluded. The audit process will take at least a year with invoices dating back for one to two years based on the State of Michigan telecommunication laws.

MOTION NO. M-72-15: Matter of appointing the Communications Coordinator, Chelsey Humphrey as the City of Berkley's representative and IT Coordinator, Stan Lisica as the alternate for the Community Media Network (CMN); and to instruct the City Clerk to send a copy of this motion to CMN.

Councilmember Steadman moved to approve Motion No. M-72-15.

Seconded by Councilmember Edgar.

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

Nays: None

Motion Approved.

Interim City Manager Rick Eshman confirmed with the City Council the appointment of Communications Coordinator Chelsey Humphrey as a representative and IT Coordinator Stan Lisica as an alternate for CMN.

MOTION NO. M-73-15: Matter of authorizing a contract with Library Design Associates, Inc. (1149 S. Main St., Plymouth, MI 48170) to add a door to the Young Adult room, lower the height of the Adult computer workstations, add 8 chairs to the Adult computer workstations, modify the Children's computer workstations, expand the book sale shelving area, and reupholster 63 chair seats for a cost not to exceed \$22,206.00. \$11,056.00 will be paid Building Maintenance (101-738-931-000) and \$11,150.00 will be paid from Capital Outlay (815-940-976-738).

Councilmember Kideckel moved to approve Motion No. M-73-15 as amended to change, "account number 101-738-931-000 to 101-738-976-000."

Seconded by Councilmember Steadman.

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

Nays: None

Motion Approved.

Library Director Matt Church updated the City Council of the RFP for the Library Building Project posted on September 10, 2015 and bids due by September 30, 2015. This bid was made available on the Michigan Inter-governmental Trade Network (MITN) and a pre-bid mandatory meeting was held on September 16 2015. Each component may be bid on separately or as the entire scope. The project is expected to begin on November 11, 2015 and completed by early 2016.

RESOLUTION NO. R-33-15: Matter of authorizing amendment of the 2015/2016 Operating Budget – those Operating Funds as presented.

Councilmember Blanchard moved to approve Resolution No. R-33-15.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

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

COMMUNICATIONS:

Mayor Pro Tem Terbrack read Resolution No. R-31-15 into record.

Councilmember Kideckel read Resolution No. R-32-15 into record.

Cinda Coon, Berkley resident and member of the Berkley Holiday Lights Parade Committee, invites City Council and the Berkley residents to a fundraiser at Patrick J's Irish Pub on Thursday, November 5th from 5 p.m. to 9 p.m. She also invites everyone to the Berkley Holiday Lights Parade and Tree Lighting Ceremony on Saturday, December 5th. Ms. Coon shared some sad news that our Santa for many years is now very sick and will be replaced by a nice elf; Santa hopes to resume his role with the event next year.

MAYOR PRO TEM TERBRACK: thanked the Moms and Dads Club for their donation and volunteer work for the City of Berkley. He reminded everyone of the following Parks and Recreation events: 2015 Berkley Craft Show on Saturday, October 24th from 9 a.m. to 3 p.m.; 2015 Halloween Spooktacular Carnival on Thursday, October 29th from 5 p.m. to 6 p.m. and 6:30 p.m. to 7:30 p.m. for kids 3 years of age to 5th graders, the cost is \$4 per person; Learn How to Skate on Sundays begin November 8th, an 8 week session from 4 p.m. to 4:50 p.m., the cost is \$100 per session and one-time rental fee of \$15. Mayor Pro Tem Terbrack thanked Sarah, Terrie, and members of the Angell Elementary School Parent Teacher Association (PTA) for their concerns of the play structure at Angell Elementary. He read a brief portion of the report, "To bring the play structure into compliance, it will require major modifications and upgrades. This work may only be done with the material, support, and guidance of the manufacturer. Even with this support the work is likely to be costly and time consuming." Mayor Pro Tem Terbrack gave an update that the city and council is working with the Berkley School District and in constant communication. They are trying to resolve the drainage situation that is the first priority before investing in the play structure. This issue is important to the council; it is an investment into our infrastructure and to our kids. There will be future discussions on roads, water, and facilities; the council is taking these concerns seriously and plan for what is best for the residents.

COUNCILMEMBER EDGAR: welcomed and thanked the Interim City Manager Rick Eshman for taking on a new task for the City of Berkley. She recognized Library Director Matt Church for his diligent work for the Berkley Public Library.

COUNCILMEMBER KIDECKEL: welcome and thanked Rick Eshman for accepting the Interim City Manager position. He invites everyone to the following events in the community: the Moms to Moms Sale hosted by the Berkley Huntington Woods Youth Assistance on Saturday, October 24th at the Berkley High School; and the Berkley Lions Club will be meeting at the Community Center on Tuesday, October 27th, they will have a guest speaker to talk about the importance of hearing and hearing aids. Councilmember Kideckel wished Councilmember Jack Blanchard a "Happy early Birthday." He took a moment to remember Steven Gary Baker; who was a long time resident of Berkley, a Pitching Coach for the Berkley Bears, and Alumnus from Berkley. He sends his condolences to the Baker family; especially to his wife Robin, their daughters Jordan and Jenna, and son Jacob.

COUNCILMEMBER BAKER: sends his condolences to the Baker family and is saddened to hear of their loss. He welcomed and thanked Rick Eshman for accepting the Interim City Manager position. Councilmember Baker thanked Berkley residents Lisa Turner, Lutterell Livingston, and Berkley Residents Against Pesticides for their concerns about the dangers of pesticides. He recognized the individuals who received awards and recognition at the recent State of the City event held at Farina's Banquet Center on Friday, October 16th. On behalf of Coco Fairfield's, Nicole Miller accepted their Business of the Year award; Matt Church from the Berkley Public Library accepted the Business Person of the Year award; and April McCrumb from Catching Fireflies and Yellow Door Art Market accepted the Business Person of the Year award. Councilmember Baker expressed his appreciation for the Chamber of Commerce for sponsoring the event and representing the city. The Downtown Development Authority (DDA) met last week and has continued their initiative on the Robina Plaza traffic study. The Historical Committee continues their progress to digitize the photos, papers, and artifacts; thanks to the many volunteers we are able to preserve the city's history. The Regional Transit Authority (RTA) will be hosting a series of open houses to provide educational information about safe, affordable, reliable transportation in the region (Woodard, Gratiot and Michigan Avenue areas). An open house is scheduled for this Thursday, October 22nd from 4 p.m. to 8 p.m. at the Detroit Zoo. Councilmember Baker concluded with a quote from author and journalist Robert Pelton, "Tomorrow is your reward for being safe today." The month of October is Fire Awareness Prevention Month; the city does a great job of providing safety information to the residents. Distractive driving is another safety concern, Councilmember Baker urges everyone to think about your tomorrow and other peoples tomorrows when you are driving. He explained the visual, manual and cognitive kinds of distractive driving; cell phone and texting takes all these kinds of distractions. A driver can cover a distance of a football field blindfolded while looking away when they are driving in just five seconds. Councilmember Baker asked for everyone to please be safe and cognizant of others. To learn more about distractive driving, any may visit the website distraction.gov and itcanwait.com for information.

COUNCILMEMBER STEADMAN: decided to read a letter from Lindsey H. (a library patron) to our Library Director Matt Church. Lindsey and her family expressed their appreciation for all the hard work that went into providing the library program Bats in the Library held on Monday, October 12th. Councilmember Steadman invites everyone to visit the Friends Book Sale on Friday, October 23rd from 4 p.m. to 7 p.m., Saturday, October 24th from 10 a.m. to 5 p.m., and Sunday, October 25th from 12 p.m. to 4 p.m.

COUNCILMEMBER BLANCHARD: spoke about safety for Halloween; he reminded everyone to be aware of the kids who are out trick-or-treating and to drive carefully in the neighborhood. Councilmember Blanchard thanked the concerned citizens regarding pesticide spraying and advised them that the City Council is making this issue a priority. He confirmed that there are no pesticide spraying scheduled for the rest of the year; any decisions considered will be what is best for the city and residents.

INTERIM CITY MANAGER ESHMAN: expressed his appreciation to the Mayor and City Council for entrusting him as the new Interim City Manager. He thanked Deputy Chief Mike Crum for taking on additional duties during the transition.

FINANCE DIRECTOR SABUDA: welcomes and looks forward to working with the new Interim City Manager Richard Eshman.

MAYOR O'DWYER: spoke about the search for a new City Manager for the City of Berkley. Michigan Municipal League (MML) has met with the residents, department directors, and the City Council for their input. With the help of MML, the hope is to find a City Manager that is compatible with our community, someone who brings the right skill set, and helps move Berkley from being ranked the 28th best cities to live in the United States closer to the number one spot. Mayor O'Dwyer encourages the registered voters in Berkley to come out and vote at the Tuesday, November 3rd Local General Election.

ADJOURNMENT

Motion by Councilmember Kideckel to adjourn the regular meeting at 8:19 p.m.

Seconded by Councilmember Steadman.

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

Nays: None

Motion Approved.