

THE EIGHTH REGULAR MEETING OF THE THIRTY-SIXTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, APRIL 18, 2016 BY MAYOR O'DWYER

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

APPROVAL OF AGENDA

Councilmember Terbrack moved to approve the Agenda with an amendment to add Motion No. M-24-16 as item #3 to the Regular Agenda followed by the remaining items.

Seconded by Mayor Pro Tem Baker.

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

Nays: None

Motion Approved.

INVOCATION Reverend Tal Sullivan

CITIZENS COMMENTS

Gabrielle Sweda, Berkley resident at 1047 Eaton, thanked the City Council and City Administration for their efforts in bringing Vinsetta Garage Holding, LLC and Lugo Properties, LLC to an agreement. She expressed her concerns regarding Motion No. M-07-16 which pertains to the Collaboration Agreement among the City of Berkley, Vinsetta Garage Holding, LLC and Lugo Properties, LLC concerning creation of Off-Street Parking on Eaton Road property.

John DuLong, Berkley resident at 959 Oxford, thanked the Mayor, City Council and City Attorney for their efforts in bringing Vinsetta Garage Holding, LLC and Lugo Properties, LLC to an agreement. He expressed his concerns about the Collaboration Agreement; continued parking issues on both Eaton Road and Oxford Road.

Robert Robinette, Berkley resident at 1021 Oxford, thanked the Mayor and City Council for their efforts in bringing Vinsetta Garage and T-Mobile to an agreement. He expressed his concerns about the Collaboration Agreement; to utilize the Citizen's Bank parking lot after hours, the height of the parking lot walls, the landscape surrounding the parking lot, and the intend of the parking lot is for the patrons.

Tammy Polk, Berkley resident at 1440 Eaton, expressed her concerns about the parking issues along Eaton Road.

Jessica Wallace, Vice President of Berkley Huntington Woods Youth Assistance, invites City Council and Berkley residents to the following programs: Become a Love and Logic Parent on Tuesday, April 19th from 6 p.m. to 7 p.m. in Oak Park and registration is free; Social Media and your Tween on Monday, May 2nd at 6:30 p.m. at the Huntington Woods Public Library and registration is free; the 6th Annual Taste of Berkley on Thursday, May 12th from 6 p.m. to 9 p.m. at the Berkley Community Center and the cost is \$25 per ticket; Bike Safety Poster Contest during Berkley Days is open to children in Pre-K through 5th grade and entries are due by Friday, May 13th from 5 p.m. to 9 p.m.; and 2016 Night Court on Thursday, April 28th from 5 p.m. to 7:30 p.m. at the 45th District Court in Oak Park and registration is free. More information may be found on their Facebook page or their website at www.bhwya.org.

Consent Agenda

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

APPROVAL OF THE MINUTES: Matter of approving the minutes of the regular 36th City Council meeting on Monday, April 4, 2016.

WARRANT: Matter of approving Warrant No. 1301.

PROCLAMATION NO. P-04-16: Matter of recognizing the Berkley Destination Imagination team.

PROCLAMATION NO. P-05-16: Matter of designating May 2016 as Mental Health Month.

PROCLAMATION NO. P-06-16: Matter of proclaiming Saturday, May 14, 2016 as National Association of Letter Carrier's Food Drive Day.

RESOLUTION NO. R-12-16: Matter of recognizing April 2016 as Fair Housing Month in Oakland County.

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

Nays: None

Motion Approved.

Regular Agenda

RECOGNITIONS/PRESENTATIONS:

Councilmember Steadman read Proclamation No. P-04-16 into record.

Councilmember Terbrack read Proclamation No. P-05-16 into record.

Councilmember Blanchard read Proclamation No. P-06-16 into record.

Mayor Pro Tem Baker read Resolution No. R-12-16 into record.

MOTION NO. M-19-16: Matter of authorizing the Berkley Lions Club to conduct a fundraiser from Thursday, April 28th through Saturday, May 7th at the intersection of 12 Mile Rd. and Coolidge Hwy. During these days, representatives of the Berkley Lions Club will wear reflective vests and collect money during Lions White Cane Week.

Mayor Pro Tem Baker moved to approve Motion No. M-19-16.

Seconded by Councilmember Blanchard.

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

Abstain: Kideckel

Nays: None

Motion Approved.

MOTION NO. M-24-16: Matter of approving an outdoor, downtown area Art Show on Saturday, June 11, 2016, from 10 AM until 6 PM. "The 15th Annual Berkley Art Bash" will be located on Twelve Mile Road, between Wakefield and Buckingham. Streets will be closed from 6:00 AM to 7:30 PM to allow for set up and tear down. Sidewalk sales will be permitted the day of the event. Sidewalk sales will include the selling of merchandise, not services.

Councilmember Steadman moved to approve Motion No. M-24-16.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

RoseAnn Nicolai, Berkley resident at 2744 Ellwood and Events & Operations Manager for the Berkley Area Chamber, informed council they are expecting an attendance of nearly 10,000 people throughout the metro Detroit area. It's an opportunity to showcase the businesses and restaurants in our downtown district. The event is able to accommodate 158 artists and the chamber has received 190 applications.

MOTION NO. M-20-16: Matter of authorizing the 25th Annual Berkley CROP Walk Against Hunger on Sunday, May 1, 2016 beginning at 2:00 PM. The walk will begin and end at Greenfield Presbyterian Church.

Councilmember Kideckel moved to approve Motion No. M-20-16.

Seconded by Mayor Pro Tem Baker.

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

Nays: None

Motion Approved.

MOTION NO. M-21-16: Matter of authorizing the Interim City Manager to execute an agreement with Landon Landscape Architecture, PLC, 1649 6th Street NW Grand Rapids, MI 49504 to perform the Oxford Park Plan at a cost not to exceed \$7,850 in accordance with its sealed bid dated March 22, 2016. This expenditure will be charged to account number 101-691-818-000.

Councilmember Terbrack moved to approve Motion No. M-21-16.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

Parks and Recreation Director Theresa McArleton informed council that this is a multiple year project; the Oxford Park Plan bid is for park design and concept. The Landon Landscape Architecture, PLC principle associates have a combined experience of 10 years and had great references. The first step is to engage the community in this plan and incorporate their designs based on the feedback. The land issues such as grading and drainage will be addressed along with multiple years of financing the project. The estimated timeline for completion date has been adjusted to add an additional two to three weeks from May 9th to allow community participation. More information will be available on the City's Facebook page, City website and Berkley eNews. Residents are welcome to contact the Parks and Recreation Department with updates, questions and concerns.

Wesley Landon, Principle Landscape Architect for Landon Landscape Architecture, PLC, advised council that the community input sessions will be scheduled for the mornings and evenings. Any information will be advertised through social media, various social networks and programs within the city. Landon Landscape Architecture will provide a presentation and have a community forum discussion. The company will then provide three different options based the surveys and visions of the community. Oxford Park is a unique space and has a lot of potential; the designs will be based on feedback from the community input and outreach. Landon Landscape Architecture will create questionnaires to involve the residents that are unable to attend the presentation and forum.

Gary Polk, Berkley resident at 1440 Eaton and member of the Parks and Recreation Advisory Board, commented that Oxford Park will reflect the new Berkley and the families that have moved here. Mayor O'Dwyer thanked Parks and Recreation Director Theresa McArleton, her staff, and the Advisory Board for all their hard work.

PUBLIC HEARING: Matter of conducting a Public Hearing regarding the proposed amended Development and Tax Increment Financing Plan of the Downtown Development Authority, adopted May 20, 1996.

Mayor Pro Tem Baker moved to a Public Hearing.
Seconded by Councilmember Kideckel.

Public hearing opened at 7:43 p.m.

City Planner Amy Vansen informed council in accordance with State Law they would need to decide whether to extend the Downtown Development Authority (DDA) Plan until 2040 or have it expire at sunset date. Miller Canfield developed the Ordinance for the amendment to and restatement of the Downtown Development Authority.

Ron Stannard, Berkley resident at 3875 Cumberland, commented that there is a tremendous list of projects recommended in the program that have no prioritization. He felt it is an ambitious financial undergoing to extend the plan until 2040. Mr. Stannard spoke about accountability; the prospect of hanging flowers from the lamp post does not seem to significantly improve the downtown area. He asked, "What is the city going to do to have the accountability for the complete detailed development of the plan? Who is going to be accountable for making sure that it works and what specifically is going to happen for each project?"

Public hearing closed at 7:48 p.m.

ORDINANCE NO. O-03-16: Matter of considering the first reading of an ordinance to approve Amendment to and Restatement of the Development Plan and Tax Increment Financing Plan of the Downtown Development Authority of the City of Berkley. (Set Date Certain, Monday, May 2, 2016)

Mayor Pro Tem Baker moved to approve Ordinance No. O-03-16.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

RESOLUTION NO. R-13-16: Matter of authorizing publication of a Notice of Public Hearing regarding the Proposed Operating Budget for the City of Berkley, Michigan for Fiscal Year 2016/2017.

Councilmember Blanchard moved to approve Resolution No. R-13-16.

Seconded by Councilmember Terbrack.

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

Nays: None

Motion Approved.

MOTION NO. M-22-16: Matter of authorizing the Interim City Manager to renew the agreement for legal services with Hafeli, Staran, & Christ, P.C. for a 3-year period, effective July 1, 2016 through June 30, 2019.

Councilmember Kideckel moved to approve Motion No. M-22-16.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

MOTION NO. M-23-16: Matter of an appointment to fill the current vacancy on City Council.

Mayor Pro Tem Baker moved to approve Motion No. M-23-16.

Seconded by Councilmember Kideckel.

Conor Shaw-Draves, Berkley resident at 2287 Franklin, shared that he is an Assistant Professor of English at Saginaw Valley State University and received his PhD in English Composition/Rhetoric from Wayne State University. Mr. Shaw-Draves is a three year resident of Berkley and has an hour and forty-five minute commute to work each way. He admits to not consider moving out of this community to be closer to work. Mr. Shaw-Draves' son will be entering kindergarten and his daughter will be entering into third grade at Rodgers Elementary School; it is exceptionally important to raise his family in Berkley. He and his family feel at home in Berkley and it would be his honor to serve this community.

Tracey Retig is a fifteen year resident of Berkley; she began her life in this community as a single woman and had only planned to stay for five years. Her son is currently a student at Pattengill Elementary School and her family utilizes a lot of the city services at the Community Center and the Library. Ms. Retig would be honored to serve as a councilmember and appreciates the council for reviewing her application.

Collen Graveline is a seven year resident of Berkley; she noted that the residents display a strong pride for their community; she is impressed by all the amenities. and the excellent school district. Ms. Graveline had the privilege in 2012 to serve on the committee in favor of the millage proposal and most recently served on the focus group in search of the new City Manager. She complimented Interim City Manager Richard Eshman for doing a great job and looks forward to welcoming City Manager Matthew Baumgarten. Ms. Graveline has been attending the City Council Meetings in the recent months to become more familiar with the issues facing the city. It has become clear to her how respectful the council and city admiration is of one another; the city leadership work very well together and are collaborative. Ms. Graveline has a Master's degree in Psychology; as a mother of five she can bring a valuable prospective to the council and represent a wide portion of the community.

Councilmember Blanchard is impressed by the many qualified candidates that have applied for the vacant council position. He encourages the candidates that aren't selected to continue to be involved with the community. Councilmember Blanchard had the privilege of working with Ms. Colleen Graveline on the millage bond committee where she has done an excellent job.

Councilmember Steadman made a motion to nominate Ms. Colleen Graveline for the vacant council position and Councilmember Blanchard seconded the motion. She encourages Mr. Shaw-Draves and Ms. Tracey Retig to stay involved and become members of the boards and commissions with vacancies.

Councilmember Kideckel thanked the applicants for their interest in the vacant council position. He highly recommends the applicants who aren't selected to apply for the vacant boards and commission positions. Councilmember Kideckel had the privilege of working with Ms. Colleen Graveline on the millage bond and mentioned that she was the Treasurer of that committee.

Councilmember Terbrack thanked each candidate for their interest in the vacant councilmember position. He spoke about the responsibilities of the council and being an active member of the community.

Mayor Pro Tem Baker expressed his appreciation to the candidates that applied for the vacant councilmember position. He thanked each candidate for their interest and support; he hopes to work with each candidate in one capacity or another.

Mayor O'Dwyer advised the council that the first candidate to receive four votes will be appointed to the vacant councilmember position. On behalf of the residents, he congratulated the candidate that will be appointed as the new councilmember and thanked the other two candidates for their interest. Mayor O'Dwyer recognized current council for reviewing each application with care. The swearing in ceremony for the newly appointed councilmember will be done at a subsequent council meeting.

Councilmember Steadman moved to appoint Ms. Colleen Graveline to fill the current vacancy on City Council.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

COMMUNICATIONS:

COUNCILMEMBER BLANCHARD: thanked the candidates that applied for the vacant City Council position. He reminded everyone that "The 15th Annual Berkley Art Bash" is on Saturday, June 11, 2016, from 10 AM until 6 PM. located on Twelve Mile Road, between Wakefield and Buckingham.

COUNCILMEMBER STEADMAN: invites everyone to the "Secrets to Successful Backyard Bird Feeding" on Tuesday, May 10th at 6:30 p.m. it will be led by LuAnn Linker who is a Berkley resident at 2206 Dorothea and owner of Wild Birds Unlimited in Royal Oak. She encourages everyone to visit the library website at www.berkley.lib.mi.us for more information on programs and registrations. Councilmember Steadman reminded everyone that the Friends of the Library will have their book sale at Berkley Days in the Ice Arena. They are looking for book donations preferably soft cover and the books may be dropped off at the Library. Spring maintenance for the Beautification Advisory Committee is set for May, more information to follow.

MAYOR PRO TEM BAKER: thanked the candidates who applied for the vacant City Council position. He expressed to former Councilmember Tina Edgar that she will be missed. Mayor Pro Tem Baker welcomed Ms. Colleen Graveline aboard and looks forward to working with her. He shared that April is severe weather month, he advised everyone to know what to do when there is a tornado advisory. Mayor Pro Tem Baker shared a quote from English Biologist Thomas Henry Huxley, "Economy does not lie in sparing money, but in spending it wisely." He referred to the approved Resolution regarding the expansion of I-75. The Metro Detroit Region ranked 49th worst congestion following behind Albuquerque, NM, Louisville, KY, and Harford, CT.

COUNCILMEMBER TERBRACK: invited everyone to the first "Tail on the Trail" on Monday, April 25th through Monday, May 16th beginning at 5 p.m. at Jaycee Park. This is a free interactive walk for families and is a co-sponsored event by the Berkley Public Library and Parks and Recreation Department. He gave an update on Saturday, April 16th when the Berkley Community Schools held a first community give back day. Over 100 employees from the Berkley School District volunteer their time to clean up the parks throughout the city. Councilmember Terbrack recognized Parks and

Recreation Director Theresa McArleton and Dan Simpson for their collaboration with the Berkley School District.

COUNCILMEMBER KIDECKEL: thanked the candidates who applied for the vacant City Council position and welcomed Colleen Graveline on board. He thanked City Clerk Phommady A. Boucher, Deputy Clerk Lisa Vecchio, Eric Adams, DPW Clerk Janis Laity, and veterinarian Dr. Brian Cummings for their hard work at the Berkley Rabies Vaccination Clinic on Saturday, April 16th. Councilmember Kideckel says hello to Berkley residents Josephine Brewer and Charlie who are watching the meeting from home. He invites everyone to participate in the "Taste of Berkley" on Thursday, May 12th from 6 p.m. to 9 p.m. at the Berkley Community Center. Tickets are \$25 each and are available for purchase by calling him directly at (248) 408-1793, go to the Berkley Huntington Woods Youth Assistance Office, or go online at www.bhwya.org. For those that celebrate, he wished each person an easy Passover on Friday, April 22nd.

INTERIM CITY MANAGER ESHMAN: no comment this evening.

FINANCE DIRECTOR SABUDA: no comment this evening.

CITY ATTORNEY STARAN: thanked the Interim City Manager and the City Council for approval of the legal service agreement. He will do his best with the days leading up to the May 7th Public Safety Golf Outing to limit the time his colleague Dan Christ spends in the courtroom but rather on his putting. He advised council that the Eaton Road collaborative parking agreement did not include site planning details; those concerns may be brought to the Planning Commissions attention. The bank parking lot is not available and they did withdraw their permission to allow restaurant to park there. The bank has been approached by city administration and restaurant representatives regarding the parking issues. The bank has made it clear that they are no longer interested in sharing their parking or being part of an overall collaborative solution.

MAYOR O'DWYER: gave an update from the South Oakland Mayor's Association hosted by William Beaumont Hospital about a development projected to happen in the next couple of years. Northwood Shopping Center on 13 Mile Road and Woodward Avenue will be redeveloped after the Woodward Dream Cruise. The new Proton Treatment Center being built at William Beaumont Hospital is one of twelve cancer treatment centers in the country. The proximity of the city to the hospital has brought 532 William Beaumont Hospital employees to live in the City of Berkley. William Beaumont Hospital has hired talented, educated and well prepared professionals. Mayor O'Dwyer recognized the three highly accomplished individuals who applied for the City Council position and encourage them to give their talents and services to their community.

ADJOURNMENT:

Councilmember Kideckel moved to adjourn at 8:38 PM.

Seconded by Councilmember Steadman.

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

Nays: None

Motion Approved.