

THE FOURTEENTH REGULAR MEETING OF THE THIRTY-SIXTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, AUGUST 15, 2016 BY MAYOR O'DWYER

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

APPROVAL OF AGENDA

Councilmember Kideckel moved to approve the Agenda.

Seconded by Mayor Pro Tem Baker.

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

Nays: None

Motion Approved.

INVOCATION REVEREND TAL SULLIVAN

CITIZENS COMMENTS

Jeff Tong, Berkley resident at 1628 Larkmoor and Historical Committee Vice-Chairman, informed council that the Berkley Historical Museum has a new display that the committee named "Images of Berkley". The display consists of 100 favorite photos of historical sites in Berkley. The museum is located in the old Fire Station on Coolidge Highway; it is open on Wednesdays from 10 a.m. to 1 p.m. and Sundays from 2 p.m. to 4 p.m.

Sue Richardson, Berkley resident at 3035 Buckingham and Historical Committee Chairman, informed council that the Historical Committee has an assortment of old City of Berkley banners for sale and are available for purchase at the museum. The cost is \$10 per banner and those interested may choose between the Theater Marquee, the 75th Anniversary, and the Berkley Cruisefest banners.

Dennis Hennen, Berkley resident at 2411 Earlmont, expressed his concerns regarding new builds in the city and the building process. In hopes for future discussion about builders code of conduct, the enforcement of existing laws, and new laws that encourage responsible development of existing community.

Rachel Piacentini, Berkley resident at 1726 Oxford, expressed her concerns about permits pulled for garage demolition and widen of driveway at 2651 Harvard. She recommends that the discussion of ordinance violations, ordinance of ethics, and falsifying of records be added to the next council agenda.

Dale Goodcourage, Berkley resident at 2392 Columbia, on behalf of the Ancient Order of Hibernians (AOH) invites everyone to the County Oakland Irish Festival scheduled for Saturday, September 10th from 12 noon to 8 p.m. in downtown Berkley. He recognized Berkley City Administration, Oakland County, the Berkley Chamber of Commerce, the Berkley Downtown Development Authority (DDA), O'Brien Division of AOH, Twisted Shamrock, Patrick J's, 24 Seconds, Galloway Construction, Bishop Foley Schools, Shrine Schools, Michigan Irish Chamber, the Berkley American Legion, the Guinness Company, Clark's Ice Cream, and McCourt's Music. Mr. Goodcourage gave a brief update on the schedule of events, the services available during the event, and list of entertainers.

Margaret Grassa, Berkley resident at 2879 Buckingham and Tree Board member, informed council of the Fall Tree Sale; order forms are available at the Department of Public Works (DPW), City Hall, and on the city website at www.berklemich.org. She welcomes the residents to contact DPW or Tree Board with any questions; the Tree Board meets on the 2nd Monday of each month.

Andrew Hunter, Berkley resident at 2240 Thomas, expressed his concerns about circulars being distributed by a newspaper company, violations to Chapter 82 of the City Ordinance, and rat problems in the city.

Consent Agenda

Councilmember Steadman moved to approve the following Consent Agenda, seconded by Councilmember Terbrack:

APPROVAL OF THE MINUTES: Matter of approving the minutes of the regular 36th City Council meeting on Monday, July 18, 2016.

WARRANT: Matter of approving Warrant No. 1305.

ORDINANCE NO. O-05-16: Matter of considering the second reading of an ordinance to repeal Section 14-35, Chapter 14 Alcoholic Liquors and to amend Chapter 30 Businesses, Article III Business Licenses of the Berkley City Code. (Full copy of this ordinance is posted for ten days at the Berkley City Hall, Library, and Community Center)

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

Nays: None

Motion Approved.

Regular Agenda

RECOGNITIONS/PRESENTATIONS:

PRESENTATION: Matter of receiving a presentation by Landon Landscape Architecture, LLC. Regarding the designs and plans for the Oxford Park property.

Councilmember Terbrack moved to receive the presentation regarding the designs and plans for the Oxford Park property.

Seconded by Councilmember Kideckel.

Parks and Recreation Director McArleton introduced Landon Landscape Architecture, LLC representatives Wes Landon and Jackie Landon.

Landon Landscape Architecture, LLC gave a PowerPoint presentation that included Oxford Park conceptual park plan A, Oxford Park conceptual park plan B, and Oxford Park conceptual park plan C.

MOTION NO. M-51-16: Matter of approving participation in the "Turn the Town Teal" campaign to promote awareness of ovarian cancer and its symptoms.

Councilmember Graveline moved to approve Motion No. M-51-16.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

City Manager Baumgarten gave a brief update on the Turn the Town Teal campaign and introduced Michigan Ovarian Cancer Alliance representative Marcia Gurche.

Marcia Gurche, a representative of Michigan Ovarian Cancer Alliance partnering with Turn the Town Teal, informed the council that their goal is to provide advocacy, support, and research for ovarian cancer. She encourages everyone to visit the organizations website at www.mioca.org for more information. Ms. Gurche invites everyone to the "5th Annual Turn the Village Teal" at the Village of Rochester on Saturday, September 17th from 10 a.m. to 1 p.m. She informed council that there have been a number of women from Berkley that have been affected by ovarian cancer and the organization has had a tremendous support from shop owners in the city. Ms. Gurche advised council that September is Ovarian Cancer Awareness month and asked permission to begin decorating the city with teal ribbons beginning on Saturday, August 27th.

Mayor O'Dwyer reiterated the importance of ovarian cancer awareness and expressed his appreciation to Ms. Gurche for presence at the council meeting.

Mayor Pro Tem Baker inquired about a website for residents to find more information about ovarian cancer awareness.

Councilmember Kideckel inquired about the response that the organization has received in the community.

Councilmember Blanchard inquired about the time frame that the organization plans to begin their campaign in the city.

MOTION NO. M-52-16: Matter of approving the City Manager to enter into a four-year service agreement with Revize Software Systems for \$19,470 to update the city's website using a content management system. Additional services include website hosting, calendar, mobile app development, staff training, software updates and technical support. Services in years 2-4 will cost an additional \$4,400 annually for web hosting and the mobile app. At the end of the 4th year, Revize will update the website at no cost to the city.

Mayor Pro Tem Baker moved to approve Motion No. M-52-16.

Seconded by Councilmember Steadman.

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

Nays: None

Motion Approved.

City Manager Baumgarten gave a brief update on the website redesign bid process; he recognized Deputy City Manager Darchelle Strickland Love and Communications Coordinator Chelsey Humphrey for their hard work. City Manager Baumgarten introduced Revize Software Systems representative Joseph N. Nagrant.

Deputy City Manager Strickland Love gave a brief update to council about the Request for Proposal (RFP) for the bid, the bid results, and a background on Revize Software Systems. She recognized IT Coordinator Stan Lisica for his involvement with the project. Deputy City Manager Strickland Love has collaborated with City Administration to update information and forms on the city website to help with the transition.

Mayor Pro Tem Baker inquired about the data center, multiple locations, failure, redundancy, and backup. He asked about the migration process, moving of data, having fillable forms, and maintaining subscribers for e-blast. Mayor Pro Tem Baker requests that the current mobile app stay active on a month to month basis for the residents to access during the transition.

Joseph N. Nagrant, Business Development Director for Revize Software Systems, advised council that the company has four redundant server farms; they are located in Michigan, Illinois, Texas, and California. Mr. Nagrant focused on open transparency for the residents, resident engagement features, and to create a large web presence.

Councilmember Terbrack reaffirmed that the content management system (CMS) will strengthen our ability to communicate efficiently in the city. He reminded everyone that the selection process is based on good recommendations, the best fit, and lowest prices.

MOTION NO. M-53-16: Matter of approving the purchase and installation of a fire suppression system for the IT room in the Public Safety Department building from Gallagher Fire Equipment Company, 30895 West Eight Mile Road, Livonia, Michigan, at a cost of \$7,800.00. Funds to be expended from account #101-310-976-000.

Councilmember Blanchard moved to approve Motion No. M-53-16.

Seconded by Mayor Pro Tem Baker.

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

Nays: None

Motion Approved.

City Manager Baumgarten gave a brief update on the Public Safety IT room, the bid results, and budget amendments; he recognized Public Safety Director Rick Eshman for his work on this project.

Public Safety Director Eshman spoke about the current system being environmentally unfriendly and no longer compliant with EPA regulations. He introduced Gallagher Fire Equipment Company owner Alan Ross.

Alan Ross, owner of Gallagher Fire Equipment Company, informed council that the inert gas system has been placed in commission at most municipalities and large industry. That includes Oak Park Public Safety, Southfield Court System, TACOM, Roush, Ypsilanti Public Library, and the VA Hospital. He explained the differences between the Halon 1301 system, FM 200 agent, and Inert Gas System; he reviewed the plans for installation of the new system. Mr. Ross informed council that the Halon 1301 system will be transported to a recycling facility. He advised that the larger the space the more Inert Gas Systems needed; in the future they may use lower pressure. Mr. Ross expects the installation to take a week, to perform a blower door test, seal the room, and change exposed to conceal the sprinkler heads. National Fire Protection Association (NFPA) requires the company to do a full functional test of the system every six months and provide a report. Gallagher Fire Equipment Company is a Department of Transportation (DOT) Hydro Test Facility and the pressure test determines the need to recharge the cylinders.

Councilmember Blanchard inquired about the disposal of the Halon 1301 system to be replaced by the Inert Gas System.

Councilmember Kideckel inquired about the Inert Gas System being commonly used by other municipalities and industries in the future.

Mayor Pro Tem Baker inquired about the time frame for installation of the Inert Gas System and the testing requirements.

Mayor O'Dwyer inquired of how often the cylinders have to be recharged for the system.

MOTION NO. M-54-16: Matter of authorizing the Berkley Lions Club to conduct a fundraiser during the 2016 Berkley Cruisefest scheduled for Friday, August 19, 2016. Monies collected will go to support the Berkley Community Garden, Leader Dogs for the Blind, Beaumont Silent Children's Fund and Penrickton Center.

Councilmember Steadman moved to approve Motion No. M-54-16 and allow Berkley Lions Club President Councilmember Kideckel to abstain.

Seconded by Councilmember Blanchard.

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

Abstain: Kideckel

Nays: None

Motion Approved.

MOTION NO. M-55-16: Matter of reappointing Ann Shadle to the Planning Commission with a term expiring on July 2019 and Greg Butts to the Zoning Board of Appeals with a term expiring on July 2019.

Councilmember Steadman moved to approve Motion No. M-55-16.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

MOTION NO. M-56-16: Matter of authorizing the Mayor to approve a Master Lighting Conversion Agreement between the Energy Reduction Coalition, 140 Engelwood Dr. Suite I, Orion, MI 48359 and the City of Berkley Parks and Recreation Department (Ice Arena).

Councilmember Terbrack moved to approve Motion No. M-56-16.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

City Manager Baumgarten gave a brief update on the need for energy efficient lighting at the Ice Arena and the performance contract. He introduced the Parks and Recreation Director Theresa McArilton, the Ice Arena Manager Dan McMinn, and Energy Reduction Coalition (ERC) representative Mike Jones.

Parks and Recreation Director McArilton informed the council that the Performance Agreement is to help reduce energy cost, improve the overall lighting, and improve the environment in the arena. There are no upfront cost to do the conversion to LED lighting in the city facility and no product or technology risk.

Mayor O'Dwyer shared a quote from the late Mohammed Ali, "I'm so fast that last night I turned off the light switch in my hotel room and was in bed before the room was dark." He compared the service and cost savings with ERC is similar to the agreement the city has with DTE Energy.

Councilmember Blanchard asked City Attorney John Staran to comment on the Performance Agreement. He received confirmation that any cost savings will help pay for the equipment and installation of the LED Lighting.

City Attorney Staran has reviewed the agreement and has found it satisfactory.

Councilmember Graveline inquired about the cost savings, the expiration of the agreement, and return percentage each year. She asked for clarification on the renovation clause in the agreement.

Mike Jones, representative from Energy Reduction Coalition (ERC), explained that contracts can vary depending on the project. ERC will do a full assessment of the arena and provide a determination of the cost savings that the project can generate; the return percentage increases each year. An evaluation process is done and reconciled each year after the initial and final phases are complete. The company will send in a team to evaluate the current lighting system, determine the project in a preliminary phase, and provide a final phase. The conversion with Oak Park Ice Arena was complete in a week and a half. Mr. Jones advised that the cost for any light is calculated based on its wattage and usage of that single fixture; the balance is from the compressor and other services. For a renovation of the arena the city will be responsible for installation of the lighting.

Councilmember Kideckel inquired about the evaluation process and how often it is conducted.

Councilmember Terbrack commented on the creative partnership, practical solution for a problem, and agreement is mutual for both parties.

Mayor Pro Tem Baker inquired about the process, time frame, and impact on the program.

Councilmember Blanchard inquired about any problems that may arise from the compressor and lighting is connected to a single meter.

MOTION NO. M-57-16: Matter of amending the City's Fee Schedule to include business license registration and inspection effective September 15, 2016.

Councilmember Steadman moved to approve Motion No. M-57-16.

Seconded by Councilmember Graveline.

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

Nays: None

Motion Approved.

MOTION NO. M-58-16: Matter of approving the temporary of closure of Robina on the north and south sides of Twelve Mile Road from September 19, 2016 to November 18, 2016.

Mayor Pro Tem Baker moved to approve Motion No. M-58-16.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

City Manager Baumgarten gave a brief update on the Robina Plaza Project to include the collaboration with the Downtown Development Authority (DDA) and the Berkley Chamber of Commerce. He introduced City Planner Amy Vansen, Public Works Director Derrick Schueller, and Vice President at Hubble, Roth, and Clark (HRC) Roland N. Alix. Throughout the project an email address is available at robinaclosure@berkleymich.net for anyone to relay their ideas or voice their

concerns. Also, there will a dedicated webpage on the city website at www.berkleymich.org for residents to follow the progress of the closure. The DDA is the funding partner for both the road closure and Robina Plaza project; they are contributing \$10K for phase one of the road closure. City Manager Baumgarten confirmed that the sidewalks will be taken in consideration during the project.

Councilmember Blanchard inquired about the procedure to be expected during the road closure.

Roland N. Alix, Vice President at Hubble, Roth, and Clark (HRC) gave an update on traffic counts done on Robina Avenue and Griffith Avenue last year by their Traffic Department. Another traffic count will be conduct in order to compare the results before the road closure and during. HRC is proposing type three barriers installed in four locations; they will provide road closure signs, pathfinding signs, no outlet signs, and make alley ways accessible to business parking lots.

Councilmember Kideckel commented that the road closure is a great first step after all the input made by the committee, businesses, and residents.

Mayor Pro Tem Baker gave an update from the recent Downtown Development Authority (DDA) meeting. The committee looks forward to the feedback from the traffic study analysis and the Public Safety Department is paying close attention to any emergency needs. Mayor Pro Tem Baker noted that the existing studies and feedback will be available on the webpage. He inquired about the barriers to encourage safety, visibility, and creativity.

Councilmember Graveline inquired about the funding information that will be made available on the webpage.

Josephine Brewer, Berkley resident at 3991 Ellwood, expressed her concerns with the sidewalks being inspected and repaired properly.

MOTION NO. M-59-16: Matter of authorizing Hubbell, Roth & Clark (HRC) to complete engineering services for the Coolidge Resurfacing and Pavement Markings Project (11 Mile to 12 Mile) in an amount not to exceed \$34,000.

Councilmember Terbrack moved to approve Motion No. M-59-16.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

City Manager Baumgarten asked Public Works Director Derrick Schueller to review the scope of the project.

Public Work Director Schueller gave a brief update to include the bid opening to be scheduled Winter 2016 and the project is expected to begin Spring 2017. A traffic study needs to be completed to determine any road or lane closures. There have been changes to done to the parking structure which leads up to the resurfacing and pavement marking project. In the course of study there were 15 parking spots removed and an additional 15 parking spaces spots were created. A cold emulsion or chemical reaction will be applied for the microsurfacing.

Councilmember Terbrack inquired about expected road and lane closures on Coolidge Highway.

Councilmember Kideckel inquired about the parking space issues and businesses affected from a recent resurfacing project.

Councilmember Blanchard inquired about the emulsion used for the microsufacing.

Mayor Pro Tem Baker reminded everyone that Councilmember Jack Blanchard is the Chairman of the Coolidge Action Task Force; a committee created to provide ideas of redesigning Coolidge Highway.

Mayor O'Dwyer stated that it is an important reminder that Coolidge Highway is being review and figure out the most effective way to move traffic safely.

MOTION NO. M-60-16: Matter of adopting the Cross Connection Control Plan as recommended by the City consultant, HydroCorp, Inc. of Troy, Michigan.

Councilmember Kideckel moved to approve Motion No. M-60-16.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

City Manager Baumgarten explained that Cross Connection is created to ensure that at no point does non-portable water come into contact with portable water. He introduced Public Works Director Derrick Schueller and Operation Manger of the Municipal Division for HydroCorp, Inc. Dave Cardinal.

Public Works Director Schueller gave a brief update to include the bid results, administrative changes, and City Code changes. Residential Cross Connection will have a component in the future but currently the focus is on commercial Cross Connection.

Councilmember Blanchard inquired about residential Cross Connection inspection requirements in the future. This requirement is in compliance with state guidelines and HydroCorp will help the city meet the Michigan Department of Environmental (MDEQ) regulations.

Mayor O'Dwyer emphasized on the importance of protecting the water supply, making it safe for everyone, and ensuring contamination does not take place.

Dave Cardinal, Operation Manager of the Municipal Division for HydroCorp, Inc.

Mayor Pro Tem Baker added that there are no material concerns and the process helps to ensure compliance. There are six key features which include inspections, testing, record-keeping, enforcement of repairs done safely, raising public awareness, and providing annual reports.

ORDINANCE NO. O-06-16: Matter of considering the first reading of an ordinance to amend Chapter 126, Article II, Section 126-22, Cross Connections of the Berkley City Code to Modify Inspection and Testing Requirements Concerning Water Supply Cross Connections and to Prescribe a Penalty for Violations. (Set Date Certain: September 19, 2016)

Councilmember Blanchard moved to approve Ordinance No. O-06-16.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

Public Works Director Schueller thanked City Attorney John Staran for assisting with the updates to the ordinance and Operation Manager of the Municipal Division for HydroCorp, Inc. Dave Cardinal's team made recommendations to the city code.

Councilmember Blanchard added that the changes made to the ordinance include commercial and residential Cross Connection updates.

MOTION NO. M-61-16: Matter of approving the purchase of (2) new patrol vehicles from Signature Ford, 1960 East Main Street, Owosso, Michigan, at a total cost of \$51,996.00. Funds to be expended from account #101-310-985-000.

Councilmember Blanchard moved to approve Motion No. M-61-16.

Seconded by Councilmember Steadman.

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

Nays: None

Motion Approved.

MOTION NO. M-62-16: Matter of approving the purchase and/or installation of modification equipment to (2) new patrol vehicles for the Public Safety Department, from Winder Police Equipment, 13200 Reeck Road, Southgate, Michigan, at a total cost not to exceed \$26,000.00. Funds to be expended from account #101-310-985-000.

Councilmember Blanchard moved to approve Motion No. M-62-16.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

MOTION NO. M-63-16: Matter of designating Mayor Pro Tem Steven Baker as the voting delegate and Councilmember Eileen Steadman as an alternate voting delegate, for the City of Berkley, at the Michigan Municipal League Annual Convention to be held in Mackinac Island on September 14-16, 2016.

Councilmember Kideckel moved to approve Motion No. M-63-16.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

MOTION NO. M-64-16: Matter of certifying Deputy City Manager Darchelle Strickland Love as the Officer Delegate and City Clerk Phommady A. Boucher as the Employee Delegate to the Annual Meeting of the Municipal Employees Retirement System (MERS) to be held September 27-29, 2016 at the Grand Traverse Resort in Acme, Michigan. Funds shall come from account 101-201-864-000 for the Officer Delegate and account 101-954-864-000 for the Employee Delegate.

Councilmember Kideckel moved to approve Motion No. M-64-16.

Seconded by Mayor Pro Baker.

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

Nays: None

Motion Approved.

RESOLUTION NO. R-30-16: Matter of authorizing amendments of the 2015/2016 and 2016/2017 Operating Budget – those Operating Funds as presented.

Councilmember Terbrack moved to approve Resolution No. R-30-16.

Seconded by Councilmember Blanchard

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

COMMUNICATIONS:

COUNCILMEMBER BLANCHARD: invites everyone to the 21st Annual Berkley Cruisefest on Friday, August 19th.

COUNCILMEMBER STEADMAN: encouraged everyone to be safe and come enjoy the 21st Annual Berkley Cruisefest on Friday, August 19th.

MAYOR PRO TEM BAKER: quoted Dutch Post-Impressionist Painter Vincent Van Gogh, "Great things are not done by impulse, but by a series of small things brought together." The Regional Transportation Authority (RTA) was able to bring a series of refinements to the Master Plan to be brought before the voters in November. Mayor Pro Tem Baker spoke about commitment, communication, and compromise when it comes to the Robina Plaza project and the Planning Commission Open House.

COUNCILMEMBER TERBRACK: invites everyone to participate in the following Parks and Recreation programs: Family Movie in the Park on Saturday, August 27th at 6 p.m.; Ice Cream Social on Tuesday, August 30th from 6 p.m. to 8 p.m.; and the Ice Arena will be open after Labor Day.

COUNCILMEMBER GRAVELINE: gave an update from the Tree Board meeting and reminded everyone of the Tree Fall Sale, order forms are available at the Department of Public Works (DPW), City Hall, and on the city website at www.berkleymich.org. She gave an update on the Planning Commission meeting regarding Michigan Graphics and Awards façade change approval. Councilmember Graveline invites everyone to the upcoming Planning Commission Open House on Tuesday, August 23rd at the Community Center from 5 p.m. to 9 p.m. A Master Plan video is available for preview on the city website at www.berkleymich.org and on the WBRK channel.

COUNCILMEMBER KIDECKEL: thanked Andrew Assenmacher for volunteering on the Zoning Board of Appeals who has decided to resign. He recognized the Parks and Recreation for a job well done with the Jaycee Jamboree. Councilmember Kideckel thanked Library Director Matt Church for hosting Game Room Night at the Library. His heart and prayers go out Keith and the Logsdon family for the passing of James Thomas Logsdon. Councilmember Kideckel sends his condolences to the Sobeck family for the passing of John Sobeck a long time Berkley resident. He expressed his appreciation to DTE Energy for their \$25K contributions to the Berkley Cruisefest. Councilmember Kideckel announced the Grand Marshalls for the 2016 parade which includes Marine Sgt. Jeff Frantjeskos, WXYZ Meteorologist Keenan Smith and Radio-TV personalities Jo-Jo Shutty MacGregor and Sharon Shutty Wright. The parade begins at 6:30 p.m. followed by entertainments by Full Throttle from 7:30 p.m. to 9 p.m. and Aspersions from 9:30 p.m. to 11 p.m. Presales for t-shirts are at Twelve Mile Road and Woodward Avenue for the Cruisefest.

CITY MANAGER BAUMGARTEN: commends the City Council and City Administration for the honor of receiving Bronze from the Michigan Greens Community Challenge for the second year in a row.

CITY ATTORNEY STARAN: advised council of the court decisions stating that the circulars and Detroit Free Press Select are constitutionally protected as first amendment rights for free speech. He spoke about the pending lawsuit filed in May by the Detroit Free Press against Orion Township; this

case is being closely watched by municipalities throughout the State of Michigan. City Attorney Staran gave an update that the U.S. Food and Drug Administration have adopted rules for vaping or e-Cigarette products to be prohibited for sales and distribution to minors. This will require retailers to check identification; it outlaws vending machines to sale outside of adult restricted areas and new packaging of products similar to regulations for smoke cigarettes. All vaping products developed and marketed after 2007; must undergo testing and evaluation by the U.S. Food and Drug Administration.

MAYOR O'DWYER: commented that the volunteers in Berkley are a cadre of people who contribute time, talent, and energy to move our city forward. He shared a finding from Councilmember Blanchard that the City of Berkley scored 9th place for Happiest Place in the State of Michigan. This is the reflection of our volunteers who make the Cruisefest a success each year and the deduction from city staff.

ADJOURNMENT:

Councilmember Kideckel moved to adjourn at 9:53 PM.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.