

THE FIFTH REGULAR MEETING OF THE THIRTY-SIXTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, FEBRUARY 1, 2016 BY MAYOR O'DWYER

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

ABSENT: Jack Blanchard Tina Edgar

APPROVAL OF AGENDA

Councilmember Steadman moved to approve the Agenda
Seconded by Councilmember Kideckel.

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

Absent: Blanchard, Edgar

Nays: None

Motion Approved.

INVOCATION PASTOR ADAM GROH

CITIZENS COMMENTS

Doug Deeds, Berkley resident at 2053 Tyler and member of the Beautification Advisory Committee, invites everyone to the upcoming Euchre Tournament Fundraiser hosted by the Friends of the Parks and Recreation on Saturday, February 27th at Hartfield Lanes lounge; the admission cost is \$10 per person. He announced that the Beautification Advisory Committee is in need of gardeners to help with various projects around the community.

Post Commander Thomas Bustance and Chaplain Dennis Basierbe from the American Legion gave an update on the Mortgage burning party in September and the legion is working with an accounting firm to get relief from other liens. Post Commander Bustance extend an invitation to council and residents to attend the following events: a Four Chaplains Memorial Service on February 2nd at 6:30 p.m. at the American Legion to honor the chaplains who went down with their ship, giving their life jackets to other passengers during World War II and Fish Frys for the next seven weeks starting on February 12th through Good Friday, from 5 p.m. to 9 p.m. Post Commander Bustance spoke about the program Tabs for Tots, the American Legion collected over 300 lbs of aluminum tabs and received \$134.40 for recycling. They presented the check in the amount of \$134.40 to be donated to Lids for Kids.

Berkley resident residing near Dynamic Auto Service and Hartfield Lanes expressed her concerns of rodent and garbage problems in the area.

Consent Agenda

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

APPROVAL OF THE MINUTES: Matter of approving the minutes of the regular 36th City Council meeting on Monday, January 4, 2016 and Special Meeting on Monday, January 25, 2016.

WARRANT: Matter of approving Warrant No. 1298.

RESOLUTION NO. R-02-16: Matter of approving a resolution for the City of Berkley to take a staunch opposition to Public Act 269.

RESOLUTION NO. R-03-16: Matter of approving a resolution for the City of Berkley to take a staunch opposition to House Bill 5016.

ORDINANCE NO. O-01-16: Matter of considering the second reading of an ordinance to amend Chapter 78 Nuisances, of the Berkley City Code to Modify and Adopt Regulations Relating to Birdfeeders in the City, and to Prescribe a Penalty for Violations. (Full copy of this ordinance is posted for ten days at the Berkley City Hall, Library, and Community Center)

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

Absent: Blanchard, Edgar

Nays: None

Motion Approved.

Regular Agenda

RECOGNITIONS/PRESENTATIONS

Mayor Pro Tem Baker read Resolution No. R-02-16 into record.

Councilmember Kideckel read Resolution No. R-03-16 into record.

PRESENTATIONS:

Parks and Recreation Director Theresa McArleton extended a special thanks to Roland Alix (Hubble, Roth, & Clark, Inc.), Chris Nordstrom (Carlisle/Wortman Associates, Inc.), and the Parks and Recreation Advisory Board for all their collaboration. She introduced Chris Nordstrom from Carlisle/Wortman Associates, Inc. who provided a PowerPoint presentation for the Parks and Recreation 5 year Master Plan. The PowerPoint presentation consist of the following: the Planning Process (background studies, evaluation, and plan development), the Plan Contains (community description, administrative structure, recreation inventory, needs assessment & public participation process, goals & objectives, action program, adoption & documentation), Survey Results, and Community Input Results.

PUBLIC HEARING: Matter of holding a Public Hearing regarding the updated Parks & Recreation Master Plan.

Councilmember Steadman moved to approve the Public Hearing.

Seconded by Councilmember Kideckel.

Public hearing opened at 7:41 p.m.

Sharon Jennings, Berkley resident at 3083 Kipling, inquired about the splash pad cost and if it will be available to the public.

Parks and Recreation Director Theresa McArleton explained that the splash pad is a suggestion and it has not been planned or funded. If the splash pad is approved as part of the master plan then any questions would be answered at that time.

Public hearing closed at 7:44 p.m.

RESOLUTION NO. R-04-16: Matter of adopting a Five Year Recreation Plan.

Councilmember Steadman moved to approve Resolution No. R-04-16.

Seconded by Councilmember Terbrack.

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

Absent: Blanchard, Edgar

Nays: None

Motion Approved.

MOTION NO. M-02-16: Matter of appointing the individuals and groups to the "Ad Hoc Woodward Dream Cruise Committee" for 2016.

Councilmember Kideckel moved to approve Motion No. M-02-16.

Seconded by Councilmember Steadman.

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

Absent: Blanchard, Edgar

Nays: None

Motion Approved.

MOTION NO. M-03-16: Matter of appointing Ryan J. Gesund to serve on the Zoning Board of Appeals as an Alternate member, with the term expiring July, 2019.

Councilmember Kideckel moved to approve Motion No. M-03-16.

Seconded by Mayor Pro Tem Baker.

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

Absent: Blanchard, Edgar

Nays: None

Motion Approved.

ORDINANCE NO. O-02-16: Matter of considering the first reading of an ordinance to rezone property described as Lot 68 of the Denler Acres Subdivision from Single Family Residential District (R-1D) to Planned Unit Development (PUD). (Set Date Certain, Monday, March 21, 2016)

Councilmember Kideckel moved to approve Ordinance No. O-02-16.

Seconded by Councilmember Steadman.

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

Absent: Blanchard, Edgar

Nays: None

Motion Approved.

City Planner Amy Vansen gave an overview of the proposed ordinance and all discussions from the Planning Commission meetings. She advised the council that the City Attorney has reviewed the agreement and is working with the applicant's attorney to ensure the process is completed properly. City Planner Vansen advised council that the Planned Unit Development agreement is approved as is and any changes requires approval of a new agreement.

Steve Allen, Berkley resident at 2660 Columbia, spoke about the following concerns: three story units towering over the surrounding homes which are mostly a thousand square foot bungalows; virtually no green space in the development; the neighbors on the west property line having to listen to nine air conditioners all at once; and cramming eighteen units on a property that legitimately supports three or four large homes.

Shirley Hansen, Berkley resident at 2050 Edgewood, would like to see more transitional living where you can move from a larger house to a smaller unit with little to no maintenance. She feels there is

definitely a need for transitional living in Berkley whether it is for young people moving into small condos or older people moving out of their larger homes but still remain in the city. Ms. Hansen is particularly happy that a contractor of Mark Adler's quality has decided to take this project on. Her only regret is that it is a three level unit and would prefer one level unit for seniors.

Elise Kobylinski, Plymouth resident and is currently having Mark Adler Homes build her new house in Berkley, shared with council that there have been condos and townhouses being built in Plymouth; it has worked to revitalize and reenergize the city. She commented that Mark Adler has been very insistent on building quality product and works to build something that is ecstatically pleasing.

Harold Zeiger, Berkley resident at 2954 Harvard, spoke about the following concerns: the sewer system currently in effect will not be able to maintain that many units should the city have another flood event; sewer restrictions are not going to solve the problem of sewer backups; and there have been a tremendous amount of traffic due to the new school at Our Lady of La Salette School.

Crystal Krauskoff, Berkley resident at 2279 Royal, expressed her concerns of multi-unit homes not bringing the same level commitment as single unit homes. She believes the single unit home owners will make an investment and be here for the long haul.

Mickell Perfili, Berkley resident at 1990 Kipling, would like to see the property behind her home remain zoned for four single family homes and to not remove the trees that line the property. Based on the Berkley Master Plan, she inquired about replacement of the trees on the vacant property and if there is a reimbursement program for residents that replant new trees. She expressed her concerns about traffic safety, noise complaint, and lack of parking space. She suggests that the residents in the area receive proof that water backup and snow buildup will not cause more flooding. She prefers that the vacant property stays zoned for four single family homes, that the project be scaled down entirely, and add green space for families to use.

Chase Ferguson, Berkley resident at 1990 Kipling, agrees that there is not enough parking available, no green space for families, and the plan is beyond aggressive.

Matt Falk, Berkley resident at 2140 Kipling, expressed concerns that adding more cars behind his home is a noise detriment, that there is not adequate drainage in the area, there will be lost of green space, and the new units will be three levels high when there are two story single family homes.

Sharon Jennings, Berkley resident at 3083 Kipling, foresees problems with parking and home values depreciate due to the new units.

Marianne Long, Berkley resident at 2060 Kipling, expressed her concerns of the scale of the project, water drainage concerns, suggests adding a stop sign at Kipling, and inquired about the wood fence being built.

Randy Sutton, Berkley resident 4291 Thomas, complimented Mark Adler Homes on the quality of homes they build and the minimal drainage issues attributed to their level of standard.

Mayor O'Dwyer asked Mark Adler to address the drainage issue that has been a major concern.

Mark Adler informed council that the site has been engineered; any water must remain on the property. It cannot drain into the neighbor's property and must make its way through the storm

system. He further explained that underneath the property are storage pipes that have been engineered and approved in a controlled system.

Mayor Pro Tem Baker thanked the residents for their thoughts and perspective and has made a note about the suggestion for additional stop signs to help with traffic control. He inquired about the surplus parking space available at Our Lady of La Salette School and allowing the residents to use during special events. Mayor Pro Tem Baker asks for further clarification with the Planned Unit Development agreement and any amendment process.

City Attorney John Staran further explained that the Planned Unit Development agreement is a contract of zoning bound by agreements and conditions besides the city ordinances.

Councilmember Terbrack stated that any time there is a situation that is different and is related to zoning; council shares the same comments and concerns. He thanked everyone involved at the Planning Commission meetings and residents that attend these meetings. Councilmember Terbrack expressed his concerns about the parking situation and concluded by saying, "what makes Berkley is the people who care."

Dave Barnett, Chairman of the Planning Commission, expressed how great it has been to work with Mark Adler.

Councilmember Kideckel thanked the Planning Commission and the residents for their participation.

Councilmember Steadman would like to see more alternatives in Berkley for transitional living.

Mayor O'Dwyer thanked the Planning Commission for their diligence in answering the questions and the residents for raising their concerns.

MOTION NO. M-04-16: Matter of awarding Forestry Services to J.H. Hart Company of Sterling Heights, Michigan for a three year period.

Councilmember Terbrack moved to approve Motion No. M-04-16.

Seconded by Councilmember Kideckel.

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

Absent: Blanchard, Edgar

Nays: None

Motion Approved.

RESOLUTION NO. R-05-16: Matter of establishing the Policy and Guide for Granting a poverty Exemption from Payment of Property Taxes.

Councilmember Kideckel moved to approve Resolution No. R-05-16

Seconded by Mayor Pro Tem Baker.

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

Absent: Blanchard, Edgar

Nays: None

Motion Approved.

MOTION NO. M-05-16: Matter of appointing Mayor Phil O'Dwyer as Berkley's delegate and Assistant City Manager Darchelle Strickland Love as the City's alternate delegate to the Southeast Michigan Council of Governments (SEMCOG) General Assembly; and to instruct the City Clerk to send a copy of this motion to the SEMCOG Membership Services.

Councilmember moved to approve Motion No. M-05-16.

Seconded by Councilmember

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

Absent: Blanchard, Edgar

Nays: None

Motion Approved.

MOTION NO. M-06-16: Matter of confirming a special City Council meeting on February 20, 2016 beginning at 9:30 AM for the purpose of interviewing applicants under consideration for City Manager position. Candidates # 4, 14, 17, 20 and 34 will be interviewed. An Open House will be held on February 19, 2016 from 6 PM - 8 PM at the Parks & Recreation Community Center, so that the community members can meet the candidates before they are interviewed.

Councilmember Terbrack moved to approve Motion No. M-06-16.

Seconded by Councilmember Steadman.

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

Absent: Blanchard, Edgar

Nays: None

Motion Approved.

COMMUNICATIONS:

STATE REPRESENTATIVE ROBERT WITTENBERG: agreed with the opposition of Public Act 269 and House Bill 5016. He went into further discussion about Senate Bill 703 and Senate Bill 13. State Representative Wittenberg invites everyone to the following events: Water Town Hall about Water Safety on Saturday, February 26th at 1 p.m. located at the Royal Oak Senior Center, 3500 Marias; Coffee Hour on Saturday, March 12th at 10:30 a.m. located at the Berkley Public Library; and Coffee Hour on Tuesday, February 9th at 6:30 p.m. at the Oak Park Community Center. He provided his contact information; his phone number is (517) 373-0478 and email address is robertwittenberg@house.mi.gov.

COUNCILMEMBER TERBRACK: thanked Parks and Recreation Advisory Board and staff for their participation with the Recreation Master Plan. He recognized Parks and Recreation Director Theresa McArleton for her hard work. Councilmember Terbrack invites everyone to join in on the Winterfest festivities beginning on Saturday, February 5th at 12 noon.

COUNCILMEMBER KIDECKEL: thanked Parks & Recreation Department, Berkley Junior Women's Club, Berkley Huntington Woods Youth Assistance, and Dynasty's Flowers & Gifts for their sponsorship of the mom/son sporting event and daddy/daughter dance. He enjoyed the hockey game at ice arena between Bloomfield Hills Blackhawk verses the Michigan Warriors. Councilmember Kideckel welcomed Ryan Gesund to the Zoning Board of Appeals and announced there is one more alternate position available. Councilmember Kideckel attended a press conference at the fire hall in Roseville and thanked Congressman Levin for hosting it. He thanked Sate Representative Robert Wittenberg for his updates.

MAYOR PRO TEM BAKER: gave an update on the Historical Committee and announced the new museum hours on Wednesdays, 10:00 a.m. to 1:00 p.m. and Sundays, 2:00 p.m. to 4:00 p.m. He shared a photo of the museum display that Councilmember Blanchard constructed for the farm equipment and artifacts. Mayor Pro Tem Baker concluded with a quote from Henry Ford, founder of Ford Motor Company, "Coming together is the beginning, keeping together is progress, working together is success." He announced that there will be open house information sessions in February and March for the Regional Transit Authority.

COUNCILMEMBER STEADMAN: reminded everyone that the Beautification Committee is in need of gardeners as mentioned by Doug Deeds. She spoke about an event on Wednesday, January 20th where Berkley students, Public Safety, Berkley Honor Guard, GMC, and Steven Siller Tunnel to Towers Foundation greeted and honored Staff Sergeant Ben Eberle at Anderson Middle School. Councilmember Steadman shared the story about the Steven Siller Tunnel to Towers Foundation and the story about Staff Sergeant Ben Eberle. She recognized the Berkley Destination Imagination Team consisting of Anderson Middle School seventh-graders Amaya Aren and Elise Essenmacher, and Pattengill Elementary School fifth-graders Neven Essenmacher, Lillith Fleischauer, Corinne Jordan and Emma Sammon. They started a community service project this year to raise money for the Building for America's Bravest program.

INTERIM CITY MANAGER ESHMAN: had no comments this evening.

FINANCE DIRECTOR SABUDA: spoke about the upcoming Board of Review and if anyone applied for hardship in the past, they will receive an application in the mail.

CITY CLERK BOUCHER: informed everyone about the upcoming Presidential Primary on Tuesday, March 8th, the polls open at 7 a.m. and close at 8 p.m. Mass absentee ballots were sent out last week. Registered voters may apply for an AV Ballot until Monday, March 7th by 4 p.m. and if they want their ballot mailed they must apply by Saturday, March 5th by 2 p.m. The Clerk's Office will be available for election business on Saturday, March 5th from 9 a.m. to 2 p.m. Last day to register for this election is Monday, February 8th by close of business.

CITY ATTORNEY STARAN: gave two legal updates regarding Public Act 269 pertaining to elections and House Bill 5258 being introduced into legislature which prohibits oil well locations in Oakland County.

MAYOR O'DWYER: thanked everyone for their participation in the discussions at tonight's meeting. The council must make the best judgment having been given all variables and is in best interest of City of Berkley. He thanked the Planning commission for diligence and care they brought to the ground work.

ADJOURNMENT:

Councilmember Kideckel moved to adjourn at 9:47 PM.
Seconded by Councilmember Steadman.
Ayes: Terbrack, Baker, Kideckel, Steadman, and O'Dwyer
Absent: Blanchard, Edgar
Nays: None
Motion Approved.