

THE EIGHTEENTH REGULAR MEETING OF THE THIRTY-SIXTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, NOVEMBER 21, 2016 BY MAYOR PRO TEM BAKER

PRESENT: Steve Baker Alan Kideckel
 Jack Blanchard Eileen Steadman
 Colleen Graveline Daniel Terbrack

ABSENT: Phil O'Dwyer

APPROVAL OF AGENDA

Councilmember Terbrack moved to approve the Agenda.

Seconded by Councilmember Kideckel.

Ayes: Blanchard, Graveline, Kideckel Steadman, Terbrack, and Baker

Absent: O'Dwyer

Nays: None

Motion Approved.

INVOCATION None

CITIZENS COMMENTS

Dan Mihaescu, Berkley resident at 1440 Harvard and Chairperson of the Beautification Advisory Committee, updated the City Council with the information for the Annual Holiday Spirit Award. This program recognizes Berkley residential homes for their holiday decorations. Nomination forms may be emailed to berkleybac@gmail.com and the deadline for nominations is due by Monday, December 12th and recognitions will be done on Monday, December 19th City Council Meeting.

Jessica Wallace, Board Vice-Chair of the Berkley/Huntington Woods Youth Assistance, updated the City Council with the information for the 2nd Annual Snowman Shuffle on Saturday, December 3rd to include an overview of the event, the After Glow, and the Caring and Sharing Program.

Lisa Kempner, Berkley resident at 2660 Columbia, expressed her concerns regarding the Master Plan Amendment and Citizen Packets for meetings

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, October 17, 2016.

WARRANT: Matter of approving Warrant No. 1308.

Ayes: Graveline, Kideckel, Steadman, Terbrack, Blanchard, and Baker

Absent: O'Dwyer

Nays: None

Motion Approved.

Regular Agenda

RECOGNITIONS/PRESENTATIONS: Matter of any recognitions or presentations from the Consent Agenda.

MOTION NO. M-86-16: Matter of authorizing the Planning Commission to distribute the Residential Future Land Use Master Plan amendment pertaining to residential housing types to surrounding communities and underlying agencies for comment in accordance with the Municipal Planning Act.

Moved by Councilmember Steadman to approve Motion No. M-86-16.

Seconded by Councilmember Kideckel.

Ayes: Kideckel, Steadman, Terbrack, Blanchard, Graveline, and Baker

Absent: O'Dwyer

Nays: None

Motion Approved.

City Manager Baumgarten reviewed the changes to the Residential Future Land Use Master Plan amendment, the timeline, and advised council that this item could be on the agenda for the January 24, 2017 Planning Commission meeting. He advised council that a draft amendment can be made available prior to the public hearing. City Manager Baumgarten asked City Attorney Staran to confirm the process to correct the language on the draft amendment.

City Planner Vansen explained in further detail the timeline for the Residential Future Land Use Master Plan amendment. She advised council that she will confirm with Planning Commissioner Dean Smith of the necessary corrections and the language used for the amendment.

Kurt Hite, Berkley resident at 3525 Robina, expressed his concerns of the wording for the amendment to be consistent from the Planning Commission meeting to the draft presented at the City Council meeting. He inquired about the draft amendment being corrected and made available before the public hearing. Mr. Hite explained that the meaning is vastly different from what was discussed and what was read of the amendment.

Dennis Hennen, Berkley resident at 2411 Earlmont, expressed his concerns of communication with the Planning Department and the draft of the Residential Future Land Use Master Plan amendment. He spoke about the approval process for the amendment as stated in the Michigan Rezoning Enabling Act.

Lori Robertson, Berkley resident at 1964 Dorothea, request to receive future draft amendments at least one week prior to any meetings; she expressed her concerns of inconsistency.

City Attorney Staran confirmed that a draft amendment is made available 15 days prior to the public hearing. He further advised council that a resolution will be created after the public hearing and when the Planning Commission moves to approve the amendment. City Attorney Staran explained in further detail that the council may provide input and the Planning Commission approves the Master Plan. He advised council that it is common practice for City Administration to clean up the language for the meeting minutes which is then presented to the commission for approval. City Attorney Staran advised council that any approval process for a Master Plan amendment is found in the Michigan Planning Act not the Michigan Rezoning Enabling Act. Past and present Berkley City Council has deferred the final approval of the Master Plan at the discretion of the Planning Commission. The plan does not get implemented until the zoning ordinance is adopted by City Council.

Lisa Kempner, Berkley resident at 2660 Columbia, asked to clarify when a resolution is necessary for the Residential Future Land Use Master Plan amendment. She encourages members to provide input and create a clear plan that represents the interest of the residents.

Joshua Hunter, Berkley resident at 2240 Thomas, read the motion passed by Planning Commissioner Dean Smith at the recent Planning Commission meeting and suggests changes to be made to the Residential Future Land Use Master Plan amendment.

Wendi Zabramski, Berkley resident at 3340 Gardner, expressed her concerns of the draft Residential Future Land Use Master Plan amendment. She reiterated that what was proposed at the recent Planning Commission meeting was not written in the draft amendment.

Mayor Pro Tem Baker likes the idea that the plan reflects the collective best interest and that there are additional steps down the road where suggestions can be considered by the Planning Commission in more detail. He thanked the residents for their thoughtful input, the Planning Commission for their additional prospective, the council for clarity, and City Administration for keeping this matter on track.

Paul Shrekli, Berkley resident at 2059 Royal, suggest that the amendment to be rejected by the council and revised to reflect what was discussed at the recent Planning Commission meeting.

Dean Smith, Berkley resident at 1161 Larkmoor Blvd. and member of the Planning Commission, advised council that the term "could be" was used based on the approval or denial of the Regional Transit Authority (RTA) millage proposal; the paragraph can be either stricken or rewritten at a later date. He will not have a document with his name on it that would not consider any that supports mass transit. Mr. Smith confirmed that the draft amendment is directly accurate to the discussion at the recent Planning Commission meeting. His intent was to remove the offensive language from the amendment and allow it to be moved forward.

Councilmember Terbrack is not opposed to removing the paragraph pertaining to the Transit-oriented development (TOD) from the amendment. He is voting to move the amendment forward and is confident that the plan will keep the multi-family housing out of the residential district (RD-1).

Councilmember Kideckel agrees and is not opposed to removing the paragraph pertaining to the Transit-oriented development (TOD) from the amendment.

Councilmember Graveline asked Commissioner Dean Smith if the changes made on the draft amendment reflects the discussion at the recent Planning Commission meeting; with any changes implemented down the road. She commented that the draft amendment addressed the multi-family housing concerns and agreed that the amendment needs to continue to move forward.

David Barnett, Berkley resident at 2946 Bacon and Chairperson of the Planning Commission, recommends the amendment be passed as drafted and make any corrections to it at a later date; and to not remove the TOD paragraph.

Councilmember Steadman confirmed with the City Attorney Staran that any changes will need to be made by the Planning Commission.

Councilmember Blanchard confirmed City Attorney Staran that council may either vote to approve or decline to move the amendment forward. If declined, the draft amendment will be returned to the Planning Commission and this will further delay the process. He is voting to move the amendment forward to avoid any further delays.

RESOLUTION NO. R-36-16: Matter of authorizing the execution of the Public Unit Master Signature Authorization Agreement between the City of Berkley and Flagstar Bank to provide the necessary authorizations for deposits, withdrawals and other basic bank business on behalf of the City of Berkley.

Moved by Councilmember Blanchard to approve Resolution No. R-36-16.

Seconded by Councilmember Steadman.

Ayes: Steadman, Terbrack, Blanchard, Graveline, Kideckel, and Baker

Absent: O'Dwyer

Nays: None

Motion Approved.

RESOLUTION NO. R-37-16: Matter of electing to comply with the provision of Public Act 152 of 2011 by exercising the City's right to exempt itself from the requirements of the Act for calendar year 2017.

Moved by Councilmember Terbrack to approve Resolution No. R-37-16.

Seconded by Councilmember Kideckel.

Ayes: Terbrack, Blanchard, Graveline, Kideckel, Steadman, and Baker

Absent: O'Dwyer

Nays: None

Motion Approved.

MOTION NO. M-87-16: Matter of appointing Finance Director Sabrina Lilla to the Public Safety Pension Board with a term expiring on July 1, 2018 to replace City Manager Matthew C. Baumgarten.

Moved by Councilmember Kideckel to approve Motion No. M-87-16.

Seconded by Councilmember Steadman.

Ayes: Blanchard, Graveline, Kideckel, Steadman, Terbrack, and Baker

Absent: O'Dwyer

Nays: None

Motion Approved.

RESOLUTION NO. R-38-16: Matter of adopting revisions to the Merit System of Human Resource Management as proposed by the City Manager.

Moved by Councilmember Steadman to approve Resolution No. R-38-16.

Seconded by Councilmember Blanchard.

Ayes: Graveline, Kideckel, Steadman, Terbrack, Blanchard, and Baker

Absent: O'Dwyer

Nays: None

Motion Approved.

PUBLIC HEARING: Matter of holding a Public Hearing regarding the Community Development Block Grant Program Year 2017 application in the approximate amount of \$31,914 to fund eligible projects.

City Manager Baumgarten introduced City Planner Amy Vansen.

City Planner Vansen gave a brief summary of the proposed Community Development Block Grant Program 2017 (CDBG).

Mayor Pro Tem Baker declares the public hearing open at 8:22 p.m.

Katie Lamb, Berkley resident at 1222 Eaton and is Volunteer & Intern Program Manager at HAVEN Oakland County, informed council that the grant money received last year serviced 24 survivors of domestic violence and sexual assault from the City of Berkley. Ms. Lamb provided a fact sheet from 2015 and a program brochure for council to review. She thanked council for their continue support and is available for any questions. Haven is Oakland County's only comprehensive program for victims of domestic violence and sexual assault. They offer a 24/7 crisis line, this information is available on the website or by calling [\(248\) 334-1284](tel:248-334-1284). The organization provides emergency shelter, counseling, social action program, forensic exams, and a prevention education team.

Councilmember Kideckel thanked Ms. Lamb and HAVEN Oakland County for all the work that they do.

Mayor Pro Tem Baker thanked Ms. Lamb and HAVEN Oakland County for all their help.

Councilmember Blanchard asked Ms. Lamb for more information on HAVEN Oakland County.

Lisa Kempner, Berkley resident at 2660 Columbia, inquired about funding from the program to help mitigate the rat issue.

Mayor Pro Tem Baker declares the public hearing closed at 8:26 p.m.

RESOLUTION NO. R-39-16: Matter of adopting the Community Development Block Grant Program Application for the 2017-2018 Fiscal Year.

Moved by Councilmember Kideckel to approve Resolution No. R-39-16.

Seconded by Councilmember Blanchard.

Ayes: Kideckel, Steadman, Terbrack, Blanchard, Graveline, and Baker

Absent: O'Dwyer

Nays: None

Motion Approved.

MOTION NO. M-88-16: Matter of approving the purchase of seven mounted radar units and two handheld radar units from Stalker Radar Applied Concepts, Inc. – 2609 Technology Drive, Plano, TX 75074, at a cost of \$18,123.00 from account number 101-310-982-000.

Moved by Councilmember Blanchard to approve Motion No. M-88-16.

Seconded by Councilmember Kideckel.

Ayes: Steadman, Terbrack, Blanchard, Graveline, Kideckel, and Baker

Absent: O'Dwyer

Nays: None

Motion Approved.

COMMUNICATIONS:

COUNCILMEMBER TERBRACK: reminded everyone of the upcoming Holiday Lights Parade on Saturday, December 3rd. He wished everyone a Happy Thanksgiving.

COUNCILMEMBER GRAVELINE: gave an update on the Tree Boards meeting on Monday, November 14th. They announced that Public Works Director Derrick Schueller met with the residents on Harvard for a "Meet and Street." The sidewalk from Woodward Avenue to Cass Boulevard will be redone in the Spring of 2017. The Tree Board plans to meet with JD Hart in regards to tree ordinances compared to other cities. The final count of the tree order is 109 and trees will be planted after the first hard frost. The Tree Board members are participating in the Holiday Lights Parade on Saturday, December 3rd. The next Planning Commission is tomorrow, November 22nd here in the Council Chambers to discuss site plans, regulations, and new state laws on medical marijuana. Councilmember Graveline wished everyone a Happy Thanksgiving.

COUNCILMEMBER KIDECKEL: welcomed new Finance Director Sabrina Lilla. He recognized the Public Works Department for all their hard work with the water main breaks. Last day for yard waste leaf pickup is Wednesday, November 30th and due to the holidays the Friday garbage pickup will be on Saturday. Councilmember Kideckel wished Parks and Recreation Advisory Board member Mike Kerby a speedy recovery. He encouraged everyone to participate in the Snowman Shuffle hosted by the Berkley/Huntington Woods Youth Assistance and invite everyone to the Holiday Lights Parade; these events are scheduled for Saturday, December 3rd. Councilmember Kideckel's thoughts go out to Maggie Moreton with the passing of Arthur Percy Secord a Berkley High School alumni. His thoughts go out to the Cusick family with the passing of Tom Cusick a recipient of the 2010 Margaret Whitehead Senior of the Year Award for Leadership. He wished everyone a Happy Thanksgiving.

COUNCILMEMBER STEADMAN: attended the fundraising events at Patrick J's on Wednesday, November 16th for the Friends of the Berkley Parks and Recreation and on Thursday, November 17th for the Berkley Holiday Lights Parade Committee. She thanked everyone who came out to support both committees and Patrick J's for hosting the events. Councilmember Steadman spoke about the Holiday Spirit Awards and provided the email address for nominations at berkleybac@gmail.com by December

12th and the awards will be presented at the Monday, December 19th City Council Meeting. She wished everyone a Happy Thanksgiving.

COUNCILMEMBER BLANCHARD: reminded everyone of the “Holiday Lights Paraded” hosted by the Berkley Holiday Lights Parade Committee will begin at 5:30 p.m. The “Snowman Shuffle” hosted by the Berkley/Huntington Woods Youth Assistance Fun Run starts at 9:15 a.m. The “Chomp and Dine Berkley Bucks” hosted by the Chamber of Commerce and shoppers may earn Berkley Bucks for their purchases beginning on Friday, November 25th to Sunday, November 27th; at participating Berkley businesses.

CITY MANAGER BAUMGARTEN: reminded everyone of the “Small Business Saturday” shopping on Saturday, November 26th. He thanked everyone involved in the successful Veteran’s Day Ceremony event. City Manager Baumgarten announced that a guest speaker will be present to talk about rodent problems throughout the county at the upcoming Monday, December 19th City Council Meeting. He wished everyone a Happy Thanksgiving.

CITY ATTORNEY STARAN: wished everyone a Happy Thanksgiving and to the local businesses a prosperous Black Friday.

MAYOR PRO TEM BAKER: quoted author Stephen Keague, “No audience ever complained about a presentation or speech being too short.” He welcomes new Finance Director Sabrina Lilla and thanked City Clerk Phommady A. Boucher and staff for a successful General Election. Mayor Pro Tem Baker reminded everyone of the recruitment of a new Downtown Development Authority (DDA) Director. The Historical Committee had a new Museum sign installed and he encouraged everyone to visit; the museum is open Wednesdays, 10:00 a.m. to 1:00 p.m. and Sundays, 2:00 p.m. to 4:00 p.m. A scheduled Work Session with the City Council, Planning Commission, and Zoning Board of Appeals is in the afternoon of Friday, December 9th; the topic is Professional Development and Training. Mayor Pro Tem Baker wished everyone a safe and Happy Thanksgiving.

COUNCIL MEETING ADJOURNMENT:

Motion by Councilmember Kideckel to adjourn the regular meeting at 8:46 p.m.

Seconded by Councilmember Steadman.

Ayes: Terbrack, Blanchard, Graveline, Kideckel, Steadman, and Baker

Absent: O’Dwyer

Nays: None

Motion Approved.