

THE SIXTEENTH REGULAR MEETING OF THE THIRTY-SIXTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, OCTOBER 3, 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 PASTOR MATT BRUNNER

CITIZENS COMMENTS

Lisa Barton, Berkley resident at 2663 Robina, expressed her displeasure with the road closure at 12 Mile Road and Robina Ave for the Traffic Study.

Consent Agenda

Councilmember Steadman 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, September 19, 2016.

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

Nays: None

Motion Approved.

Regular Agenda

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

MOTION NO. M-74-16: Matter of authorizing the Berkley/Huntington Woods Youth Assistance, to conduct a "Snowman Shuffle" 5k run/walk and Family Fun Run on Saturday, December 3, 2016 from 7 a.m. to 12 noon. The 5k run/walk will begin at Hurley Field and a Fun Run to take place on the track.

Moved by Councilmember Terbrack to approve Motion No. M-74-16.

Seconded by Councilmember Blanchard.

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

Abstain: Kideckel

Nays: None

Motion Approved.

Public Safety Director Eshman introduced Betty Smith as a representative of the Berkley /Huntington Woods Youth Assistance. He gave council a brief overview of the event including the run/walk route, the proceeds benefiting the local youths to summer camp programs, and involvement of the Public Safety and Department of Public Works.

Mayor O'Dwyer asked Ms. Smith to give an explanation about the Snowman Shuffle.

Betty Smith, Berkley resident at 3467 Catalpa and a member of the Berkley/Huntington Woods Youth Assistance, gave a brief explanation of Snowman Shuffle to include the Snowman representing the event, that the participants are encouraged to dress up for the occasion, and proceeds benefit local youths.

Mayor Pro Tem Baker complimented and thanked the Berkley/Huntington Woods Youth for a great event last year.

MOTION NO. M-75-16: Matter of authorizing the Knights of Columbus, 2299 West 12 Mile Road, Berkley, Michigan, to conduct a Tootsie Roll Drive in the City of Berkley on Friday, October 14th and Saturday, October 15th from 8:00 AM to 6:00 PM.

Moved by Councilmember Steadman to approve Motion No. M-75-16.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

MOTION NO. M-76-16: Matter of approving appointments to the Parks and Recreation Advisory Board and the Zoning Board of Appeals.

Moved by Councilmember Terbrack to approve Motion No. M-76-16.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

MOTION NO. M-77-16: Matter of authorizing the City Manager to execute an agreement with Hubbell, Roth & Clark, Inc., 555 Hulet Drive, Bloomfield Hills, MI 48303, to perform professional engineering services for the proposed 2016/17 drainage improvements at Oxford/Merchants Park. This expenditure is not to exceed \$11,800 and will be charged to account number 101-691-974-000.

Moved by Councilmember Terbrack to approve Motion No. M-77-16.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

City Manager Baumgarten introduced Parks and Recreation Director Theresa McArleton and Project Manager at Hubble, Roth, and Clark (HRC) Eddie Zimich.

Parks and Recreation Director McArleton gave a brief summary of the Oxford/Merchants Park project to include bid opportunities, pre-construction meetings, and project to begin in December or January. She further explained that after approval from council there will be a topographical survey to be completed by HRC, there will be a review design meeting to advertise for bids in November, a bid will be awarded at a December council meeting, and project to be completed by January.

Councilmember Blanchard talked about the current condition of the Oxford/Merchants Park. He congratulated the Parks and Recreation Department for their continued efforts to improve the parks in Berkley.

Councilmember Terbrack asked Parks and Recreation Director Theresa McArleton to give a timeline of the Oxford/Merchant Park project.

ORDINANCE NO. O-07-16: Matter of considering the first reading of an ordinance to conditionally rezone property described as Lots 306, 307, 308 and the east 20 feet of Lot 305 from Single Family Residential District (R-1D) to Parking District (P-1). Applicant: 27799 Woodward, LLC.

Moved by Councilmember Kideckel to approve Ordinance No. O-07-16.

Seconded by Councilmember Steadman.

Ayes: None

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

Motion Approved.

City Manager Baumgarten introduced City Planner Amy Vansen and Legal Counsel for 27799 Woodward, LLC, Attorney Tom Kalas. He advised council that the residents from Oxford Road and Eaton Road are present.

City Planner Vansen gave a brief summary to council to include the Planning Commission recommendations and the rezoning process.

Tom Kalas, Legal Counsel for 27799 Woodward, LLC and an attorney at Kalas Kadian PLC, 31350 Telegraph Road, Suite 201, Bingham Farms, MI 48025, gave a brief explanation of the presented rezoning petition to include parking spaces, Michigan Conditional Rezoning Act, and parking lot agreements. Mr. Kalas informed council that the Eaton property had recently been rezoned, the city had lot splits done, and his client has been in cooperation with T-Mobile. He informed council that his client would like to complete both the Eaton Road and Oxford Road projects at the same time. The intention is to cooperate with the city, build the lots, to evaluate the existing parking issues, get rid of the cost from the parking lot agreements, and redirect money back to the business for improvements and functionality. Mr. Kalas can offer the condition that Oxford Road project not be built until Eaton Road project is built.

Councilmember Kideckel asked Tom Kalas to give a timeline for the completion of the Eaton Road project. He is not ready to approve a conditional rezoning ordinance until the Eaton Road project has been completed.

Councilmember Blanchard commented that he will be opposed to the conditional rezoning ordinance until the Eaton Road parking lot is functional and in compliance with the city ordinance.

Mayor Pro Tem Baker would like to see the existing initiatives for the Eaton Road project reach a conclusion and demonstrate the continued progress. He will not be supporting the initiative tonight based on the Planning Commission recommendations.

Councilmember Terbrack is not ready to approve a conditional rezoning ordinance until the Eaton Road project has been completed. He further stated that he is not comfortable to rezone multiple lots from residential district to parking district.

Melanie Stevens, Berkley resident at 1083 Oxford, represents the Oxford neighbors; they are opposed to Ordinance No. O-07-16 and supports the Planning Commission recommendations.

Councilmember Steadman cannot support the proposed ordinance to rezone multiple lots from residential district to parking district until there are positive results from the shared parking agreement.

Mayor O'Dwyer will be voting against the rezoning ordinance; history has been his guide and when he judges it on its merit he arrives at a similar conclusion.

MOTION NO. M-78-16: Matter of authorizing the City Manager to execute an agreement with Plante Moran, 19176 Hall Road, Suite 300, Clinton Township, MI 48038, to perform a long term water and sewer system financial plan and rate study. This expenditure will be charged to two separate accounts, \$12,500 to account number 592-536-818-000 and \$7,500 to account number 592-536-818-000.

Moved by Councilmember Steadman to approve Motion No. M-78-16.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

MOTION NO. M-79-16: Matter of appointing Deputy City Manager Darchelle Strickland Love to the Public Safety Pension Board with a term to expire June 30, 2020.

Moved by Mayor Pro Baker to approve Motion No. M-79-16.

Seconded by Councilmember

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

Nays: None

Motion Approved.

COMMUNICATIONS:

COUNCILMEMBER TERBRACK: invites everyone to participate in the following Parks and Recreation programs: "All about Science" at Robina Plaza on October 5th from 5:30 p.m. to 7:30 p.m. and "Falling into Fun" at Robina Plaza on October 15th from 1 p.m. to 3 p.m.

COUNCILMEMBER GRAVELINE: reminded everyone of the next Tree Board meeting is Monday, October 10th at 7 p.m. at the Public Library. She gave an update on the previous Planning Commission meeting; the discussion included reappointments, the Eaton properties, the Master Plan Amendment, and next Planning Commission meeting is on Tuesday, October 25th at 7:30 p.m.

COUNCILMEMBER KIDECKEL: thanked and welcomed Mr. Henshaw and Mr. Allen as new members of the Zoning Board of Appeals (ZBA). The next Zoning Board of Appeals (ZBA) meeting is on Thursday, October 20th at 7:30 p.m. He reminded everyone that October is Breast Cancer Awareness Month; he plans to wear pink to support the cause. Councilmember Kideckel gave a brief update on this past weekend events to include the Stephen Siller's 5K Run, Robina Plaza, and the Public Safety Open House. He wished everyone who celebrates the Jewish New Year, "L'shanah tovah". May you have a happy and healthy New Year.

MAYOR PRO TEM BAKER: shared a song by Petula Clark, "The lights are much brighter there. You can forget all your troubles, forget all your cares. So go downtown. Things will be great when you're downtown." He expressed his gratitude to the Downtown Development Authority (DDA) for their vision and focus on the Robina Plaza Project. Mayor Pro Tem Baker thanked the Berkley businesses for being open minded with the Robina Plaza Project. He recognized the Parks and Recreation Director Theresa McArleton and her staff for the great programs they have provided at the plaza. Mayor Pro Tem Baker thanked the Public Works Director Derrick Schuller and his staff for the safety barriers they have placed in the plaza area. He recognized Public Safety Director Rick Eshman and his staff who ensure that everything is running smoothly. Mayor Pro Tem Baker expressed his appreciation to the residents for their input on the Robina Plaza Project. He informed everyone that the Downtown Development Authority (DDA) is seeking a DDA Director. More information on the position is available on the city website at www.berkleymich.org and the Michigan Municipal League (MML) website at www.mml.org.

COUNCILMEMBER STEADMAN: invites everyone to participate in the following Library events: the "Used Book Sale" on Friday, October 14th from 4 p.m. to 7 p.m., Saturday, October 15th from 10 a.m. to 5 p.m., and Sunday, October 16th 12 p.m. to 4 p.m.; and the "Michigan Libraries for Life Campaign" is a 7 day campaign to help the Michigan Organ Donor Registry on Tuesday, October 4th from 6 p.m. to 8 p.m.

COUNCILMEMBER BLANCHARD: gave a report on the Saturday, September 24th Public Safety Fire Open House which had activities such as the smoke house, two fire hoses, two bounce houses, a rock climbing wall, fire trucks on display, a cotton candy machine and two demonstrations. He recognized the American Legion for providing hot dogs, chips and drinks. He thanked all the volunteers for all their help and the Officer's wives for a successful Chili Cook-Off.

CITY MANAGER BAUMGARTEN: gave an update on the Robina Plaza Project and encouraged everyone to provide feedback on the city website at www.berkleymich.org/Robina. The site also includes the schedule of events from Parks and Recreation and Berkley businesses. He invites everyone to the next "Chat with Matt", with special guest, Public Works Director Derrick Schueller, on Wednesday, October 19th at 6 p.m. City Manager Baumgarten will be providing a report to council by the next council meeting in regards to citizen concerns at the last Zoning Board of Appeals (ZBA) meeting.

CITY ATTORNEY STARAN: gave an update on the Medical Marijuana legislative bills signed by Governor Snyder on Tuesday, September 20, 2016.

MAYOR O'DWYER: spoke about the Planning Commission Chairperson David Barnett's letter last week and his plans to place a draft on the agenda to remove mention of multi-family dwellings in single family districts at the next Planning Commission meeting. Mayor O'Dwyer respectfully requests both sides of this debate going forward accept the good will of the other. It's time to move on and put this issue behind us and put Berkley first. We have a city to run, we have roads to reconstruct, water mains to fix, infrastructure to invest in, and services to provide to our residents. There is a reason why Realtor.com ranks Berkley, Michigan as the 13th Hottest Zip Codes for 2016. Seventy five years ago, some folks fought new builds because they argued, "this is a farming community." The time and the tide will wait for no one, change will happen whether we like it or not. It is the Mayor's goal to help shape change so that it respects the past while creating a future that benefits all our residents.

COUNCIL MEETING ADJOURNMENT:

Motion by Councilmember Kideckel to adjourn the regular meeting at 8:15 p.m.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.