

THE FIFTEENTH REGULAR MEETING OF THE THIRTY-SIXTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, SEPTEMBER 19, 2016 BY MAYOR O'DWYER

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

ABSENT: Alan Kideckel

APPROVAL OF AGENDA

Councilmember Terbrack moved to approve the Agenda with amendment to add Motion No. M-73-16 as item #12 on the regular agenda and move communications before closed session.

Seconded by Mayor Pro Tem Baker.

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

Absent: Kideckel

Nays: None

Motion Approved.

INVOCATION PASTOR ADAM GROH

CITIZENS COMMENTS

Paul Jordan, Berkley resident at 3990 Tyler, suggest that the sound system in the Council Chambers be included in the building assessment and expressed his concerns in regards to the increased number of new builds in the city. He inquired about the liability to the city if any injuries were to occur at the construction sites that block the sidewalk.

Joshua Hunter, Berkley resident at 2240 Thomas, spoke about results from an online survey created by the Berkley Residents Against Rezoning and ask that the Planning Commission have a draft amendment prepared for their next meeting in October.

Rachel Piacentini, Berkley resident at 1726 Oxford, expressed her concerns in regards to blocked sidewalks at construction sites.

Patricia Curtis, Berkley resident at 2847 Kenmore, expressed her concerns in regards to blocked sidewalks and temporary parking passes at construction sites.

Margaret Grassa, Berkley resident at 2879 Buckingham and Chairperson of the Tree Board, gave council an update on the Tree Sale program and invites anyone who is interested to join the Tree Board. She encourages residents to plant more trees or make a donation towards the Tree Sale program to help others.

Lisa Kempner, Berkley resident at 2660 Columbia, commented that the anger from residents will eventually be focused on the City Council because their concerns are not being addressed.

Glenn Peyre, Berkley resident at 2647 Tyler, request that council add to the animal ordinance to allow the keeping of backyard chickens.

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, August 15, 2016.

WARRANT: Matter of approving Warrant No. 1306.

ORDINANCE NO. O-06-16: Matter of considering the second 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. (Full copy of this ordinance is posted for ten days at the Berkley City Hall, Library, and Community Center)

RESOLUTION NO. R-31-16: Matter of recognizing the retirements of Mary-Catherine Mueller, Annette Majka, Sulie Tyler, Maureen Davey, Suzanne Nylund, Verneda Stonehouse, and Molly Prudhomme from the City of Berkley Public Library.

RESOLUTION NO. R-32-16: Matter of recognizing Beaumont Children's and the Friends of the Berkley Public Library for sponsoring New Baby Kits at the Berkley Public Library.

RESOLUTION NO. R-33-16: Matter of accepting donations from area businesses and organizations in support of the Summer Reading program to the Berkley Public Library.

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

Regular Agenda

RECOGNITIONS/PRESENTATIONS:

Councilmember Steadman read Resolution No. R-31-16 into record.

Annette Majka spoke on behalf of the retirees, that they all enjoyed the many years of working in Berkley and especially at the Public Library.

Library Director Matt Church expressed his gratitude of working with each retiree at the Berkley Public Library. He recognized them for their number of years of dedication to the library and the community.

Councilmember Graveline read Resolution No. R-32-16 into record.

Councilmember Terbrack read Resolution No. R-33-16 into record.

PRESENTATION: Matter of receiving a presentation by the Regional Transportation Authority of Southeast Michigan (RTA) regarding the RTA Regional Transit Master Plan. Mayor Pro Tem Baker moved to receive the presentation regarding the RTA Regional Transit Master Plan. Seconded by Councilmember Terbrack.

City Manager Baumgarten introduced Planning and Financial Analysis Manager for Regional Transportation Authority (RTA) Ben Stupka.

The Regional Transportation Authority of Southeast Michigan (RTA) gave a PowerPoint presentation that included existing transit network is the foundation, bus rapid transit, regional rail, cross-county connectors, commuter express, local service, airport express, and streetcar. Mr. Stupka informed council for a home that has an assessed value of \$200,000 and taxable value of \$100,000 will cost an average homeowner \$120 per year and the average taxable value in the region is around \$72,000. Viable evidence has shown that property values and economic development has increased in areas that have a

rapid transit project. Mr. Stupka affirmed that there will be a direct route to downtown Detroit. He encourages anyone interested to visit RTAMichigan.org for the financial information and Master Plan details.

Mayor Pro Tem Baker asked Mr. Stupka to give an estimated tax cost for an average homeowner annually for the RTA proposal, explain how this project may increase the property value, and affirm the route to downtown Detroit.

MOTION NO. M-65-16: Matter of authorizing the City Manager to enter into a Cost Participation Agreement with the Board of Commissioners of the County of Oakland and the City of Berkley for the Pilot Local Road Improvement Matching Fund Program.

Councilmember Terbrack moved to approve Motion No. M-65-16.

Seconded by Councilmember Blanchard.

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

Absent: Kideckel

Nays: None

Motion Approved.

City Manager Baumgarten recognized Public Works Director Derrick Schueller and County Commissioner Dave Woodward for their involvement in the program.

MOTION NO. M-66-16: Matter of authorizing the City Manager to renew an agreement with Commercial Climate Controls Corporation to provide Heating, Ventilation and Air Conditioning preventive maintenance services for City Hall, Library, Public Safety, Parks and Receptions, Public Works, in amount not to exceed \$8,696.78 annually.

Mayor Pro Tem Baker moved to approve Motion No. M-66-16.

Seconded by Councilmember Terbrack.

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

Absent: Kideckel

Nays: None

Motion Approved.

MOTION NO. M-67-16: Matter of authorizing the City Manager to renew an agreement with McCoy Maintenance to provide janitorial services at City Hall, Library, Public Safety, Parks and Receptions, Public Works, in amount not to exceed \$51,744 annually.

Councilmember Steadman moved to approve Motion No. M-67-16.

Seconded by Councilmember Terbrack.

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

Absent: Kideckel

Nays: None

Motion Approved.

MOTION NO. M-68-16: Matter of approving appointments to various Boards and Commissions.

Councilmember Graveline moved to approve Motion No. M-68-16.

Seconded by Councilmember Blanchard.

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

Absent: Kideckel

Nays: None

Motion Approved.

MOTION NO. M-69-16: Matter of approving the 2016-2017 Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Berkley.

Councilmember Blanchard moved to approve Motion No. M-69-16.

Seconded by Councilmember Graveline.

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

MOTION NO. M-70-16: Matter of awarding the 2016-2017 Pavement Maintenance Program contract to SJR Pavement Repair, Inc. of Warren, Michigan at the unit prices provided not to exceed \$100,000. In addition, authorize \$3,000 to Hubbell, Roth & Clark (HRC) for construction engineering services. Councilmember Terbrack moved to approve Motion No. M-70-16. Seconded by Councilmember Blanchard.
Ayes: Steadman, Terbrack, Baker, Blanchard, Graveline, and O'Dwyer
Absent: Kideckel
Nays: None
Motion Approved.

MOTION NO. M-71-16: Matter of authorizing the City Manager to enter into a contract with Allied Building Service (1801 Howard St., Detroit, MI 48216) to install interior and exterior LED lighting throughout the library for a cost not to exceed \$42,000 to be paid from Capital Outlay (815-940-976.738). Councilmember Steadman moved to approve Motion No. M-71-16. Seconded by Councilmember Graveline.
Ayes: Terbrack, Baker, Blanchard, Graveline, Steadman, and O'Dwyer
Absent: Kideckel
Nays: None
Motion Approved.

MOTION NO. M-72-16: Matter of presenting the Berkley Public Library annual report for FY 2015-16. Councilmember Steadman moved to approve Motion No. M-72-16. Seconded by Councilmember Terbrack.
Ayes: Baker, Blanchard, Graveline, Steadman, Terbrack, and O'Dwyer
Absent: Kideckel
Nays: None
Motion Approved.

MOTION NO. M-73-16: Matter of authorizing the City Manager to engage Gabriel, Roeder, Smith & Company to provide actuarial services and related calculations for the Berkley Public Safety Retirement Fund in connection with GASB Statement 67. The amount for this service, \$10,000.00, will be paid from account 101-201-817-000. Councilmember Blanchard moved to approve Motion No. M-73-16. Seconded by Mayor Pro Tem Baker.
Ayes: Blanchard, Graveline, Steadman, Terbrack, Baker, and O'Dwyer
Absent: Kideckel
Nays: None
Motion Approved.

COMMUNICATIONS:

COUNCILMEMBER GRAVELINE: gave an update that there have been 111 new tree orders, the Tree Board is seeking new members, and she welcomes Lisa Fritsch as a new member of the Tree Board. The next Planning Commission meeting is scheduled for Tuesday, September 27th at 7:30 p.m. and they will be reviewing the results from the Open House

COUNCILMEMBER TERBRACK: invites everyone to participate in the following Parks and Recreation programs: "Tale on the Trail" at Tot Lot on Monday, September 26th at 6 p.m.; the Ice Arena now has open skating and open hockey, please contact the Parks and Recreation Department for available times;

“Robina Plaza - Picnic Lunch” on Wednesday, September 21st from 12 noon to 2 p.m.; and “Robina Plaza - Summer in September” on Saturday, September 24th from 12 noon to 3 p.m. Councilmember Terbrack thanked Scott Jennex and the Parks and Recreation staff for another fantastic summer program.

MAYOR PRO TEM BAKER: gave an update from the Michigan Municipal league (MML) Annual Conference that includes the website www.savemicity.org which provides information about state shared revenue. Across the country from 2002-2015, on average a 50% growth of revenue passed through the states to the local municipalities, only 49 out of 50 States in the nation benefited from that increase. Michigan was the only state that did not invest the money into its local municipality but has given 8% less back to the communities since 2002. \$7.5 Billion has been redirected from the municipalities back to the state and \$5 million in funding was kept from City of Berkley alone; this is an estimate of \$500,000 per year. Mayor Pro Tem Baker encourages everyone to visit www.savemicity.org and talk to their representatives regarding local municipality funding. He concluded with a quote from speaker and author Brian Solis, “Community is much more than belonging to something; it’s about doing something together that makes belonging matter.” The Downtown Development Authority is thankful for the feedback from the residents and businesses about the Robina Plaza project. It is “Childhood Cancer Awareness” for the month of September and there may be gold ribbons decorated around the city for the cause. In Berkley, Laila Laqua who was diagnosed with a rare form of Leukemia at 10 months old is a full time resident at Beaumont Hospital; she receives support from the facility, family, and neighbors. The family has setup a page titled Laqua Strong at www.gofundme.com and at www.caringbridge.org

COUNCILMEMBER STEADMAN: thanked Library Director Matt Church for his annual report presentation and for all his hard work at the Library. She encourages residents to apply to the Beautification Advisory Committee; they are seeking new members. Councilmember Steadman gave a brief update from the Michigan Municipal League (MML) Annual Conference on the following legislative issues: Tax Increment Financing (TIF); Dark Stores; Infrastructure, Protecting Public Health and Safety - working with the Department of Environmental Quality (DEQ); Personal Property Tax Changes; Reimbursements; and Freedom of Information Act (FOIA). She spoke briefly about the following active issues: Medical Marijuana; Brownfields - Clean Energy and Clean Water; Tax Exemption for Non-profits; Road Warranties; Speed Limits; Autonomous Vehicles; Local Cost Sharing; and Michigan Department of Transportation (MDOT) Road Projects. Councilmember Steadman briefly mentioned upcoming issues: Telcom Line Relocation; Historic Districts; Billboards; Fireworks; the Gag Order; State Budget; and Revenue Sharing. She encourages everyone to visit the website www.savemicity.org

COUNCILMEMBER BLANCHARD: invites everyone to the Public Safety Fire Open House on Saturday, September 24th from 1 p.m. to 5 p.m. There will be activities for the kids, training, and a smoke house. Councilmember Blanchard shared a quote from an Unknown Author, “Volunteering is the ultimate exercise in democracy. You vote in election once a year, but when you volunteer, you vote every day about the kind of community you want to live in.”

CITY MANAGER BAUMGARTEN: gave a brief update to remedy a previous builder complaint and flooding on a residential property next door to a construction site. He invites everyone to the Robina Road Closure Kickoff with the “Robina Plaza - Picnic Lunch” on Wednesday, September 21st from 12 noon to 2 p.m. The Downtown Development Authority (DDA) is the funding vehicle for the Robina Plaza Project. City Manager Baumgarten invites everyone to the “Robina Plaza - Summer in September” on Saturday, September 24th from 12 noon to 3 p.m.

CITY ATTORNEY STARAN: gave an update that the Senate and State House have recently passed bills regarding medical marijuana that are on the Governor’s desk for signature. This proposal will include state licensing, taxes, annual permit, and ordinances to be created by local municipalities. The proposal will clarify the law for edible marijuana products for medical purpose and tracking system from seed to sale by a committee of a five member board created by the Governor.

MAYOR O'DWYER: spoke briefly about the Berkley Area Chamber of Commerce 6th Annual MetroSold Golf Outing on Friday, September 16th at the Rackham Golf Course in Huntington Woods. Money raised went towards the Berkley Lights Parade and the Tri-Community Coalition. Mayor O'Dwyer commented briefly about the County Oakland Irish Fest on Saturday, September 10th; he thanked former Councilmember Dale Goodcourage and Stephen Zannetti for a successful event. Mayor O'Dwyer reiterated the findings from Mayor Pro Tem Baker in reference to Michigan being the only state that did not reinvest money into its local municipality and has given 8% less back to the communities since 2002. \$7.5 Billion has been redirected from the municipalities back to the state and \$5 million in funding was kept from City of Berkley alone; this is an estimate of \$500,000 per year. Mayor O'Dwyer reminded the audience that the council will now adjourn the regular meeting to close sessions and when they return from close session there will be no further business beyond that.

COUNCIL MEETING ADJOURNMENT:

Motion by Councilmember Terbrack to adjourn the regular meeting at 8:59 p.m.

Seconded by Mayor Pro Tem Baker.

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

Absent: Kideckel

Nays: None

Motion Approved.

CLOSED SESSION: Consider whether to meet in closed session for the purpose of consulting with its attorney regarding trial or settlement strategy in connection with specific pending litigation, namely, Moloud & Mahmud v Berkley, Oakland County Circuit Court No. 2015-148086-NI.

Adjourned to Closed Session at 8:59 PM:

Moved by Councilmember Terbrack and seconded by Mayor Pro Tem Baker.

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

Absent: Kideckel

Nays: None

Motion Carried

Mayor O'Dwyer reconvened the Closed Session at 9:07 PM:

Moved by Councilmember Terbrack and seconded by Mayor Pro Tem Baker.

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

Absent: Kideckel

Nays: None

Motion Carried

Moved by Councilmember Terbrack to approve a motion to authorize the city's attorney to move forward with settlement.

Seconded by Mayor Pro Tem Baker.

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

Absent: Kideckel

Nays: None

Motion Carried

CLOSED SESSION ADJOURNMENT:

Motion by Councilmember Steadman to adjourn the closed session at 9:21 p.m.

Seconded by Councilmember Terbrack.

Unanimously approved

Absent: Kideckel

Nays: None

Motion Approved.