

**THE TWENTY-SIXTH REGULAR MEETING OF THE THIRTY-SIXTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN  
WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, APRIL 17, 2017 BY MAYOR O'DWYER**

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

**APPROVAL OF AGENDA**

Councilmember Terbrack moved to approve the Agenda with an amendment to move Communications before item #9 Closed Session.

Seconded by Mayor Pro Tem Baker.

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

Nays: None

Motion Approved.

**INVOCATION** PASTOR ADAM GROH

**CITIZENS COMMENTS**

Jessica Wallace, Berkley resident at 3525 Griffith and a representative of Berkley Huntington Woods Youth Assistance, invites council to the Youth Recognition Award on Thursday, April 20<sup>th</sup>. One graduating Senior will receive the Mel Ross Scholarship and twenty-seven Berkley School District students being recognized for their volunteer efforts. Summer Camp scholarships are available and are accepted until Friday, April 28<sup>th</sup>. Parents and students are encouraged to attend the Family Education Program "A Social U" on Monday, April 24<sup>th</sup> at 6 p.m. in the Avery Center Board Room. More information may be found on their website at [www.bhwya.org](http://www.bhwya.org). The annual Taste of Berkley will be on Thursday, May 18<sup>th</sup> from 6 p.m. -9 p.m. at the Berkley Community Center and there will be a silent auction, for more information, please visits [www.tasteorberkley.com](http://www.tasteorberkley.com).

***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 36<sup>th</sup> City Council meeting on Monday, April 3, 2017.

**PROCLAMATION NO. P-03-17:** Matter of proclaiming May 2017 as Berkley History Month.

**ORDINANCE NO. O-03-17:** Matter of adopting the second reading of an ordinance to rezone property described as Lot 48 of the Assessor's Replat of Meadow Farms Subdivision from Eleven Mile District to Single Family Residential District (R-1D). (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:** Matter of any recognitions or presentations from the Consent Agenda.

Mayor Pro Tem Baker read Proclamation No. P-03-17 into record.

Sue Richardson, Berkley resident at 3035 Buckingham and Chair of the Historical Committee, thanked the council for passing the resolution and reminded everyone that this year is the 85th Anniversary for the city. A memorial publication about Berkley's history will be delivered to every home in the city and additional copies will be available for purchase.

Jeff Tong, Berkley resident at 1628 Larkmoor and Vice-Chair of the Historical Committee, in celebration of the 85<sup>th</sup> Anniversary there are posters of Downtown Berkley in 1958 for sale at \$10 each. They are available at the museum, the Library, and City Hall. The museum hours are open Wednesdays, 10:00 a.m. to 1:00 p.m. and Sundays, 2:00 p.m. to 4:00 p.m.

Shirley Hansen, Berkley resident at 2050 Edgewood and Chair of the Historical Committee, was available to answer any questions.

**WORK SESSION:** Matter of discussing an ordinance regarding the keeping of backyard chickens.

Councilmember Terbrack moved to discuss an ordinance amendment to Chapter 22, Animals  
Seconded by Mayor Pro Tem Baker.

City Manager Baumgarten reviewed with council the proposed changes to Chapter 22, Animals ordinance to include the limit of 3 chicken hens, roosters or male hens are prohibited, an accessory structure permit will be required, the chicken coop shall be constructed and maintained to prevent rodents, and chickens shall be kept in compliance with the current Michigan Department of Agriculture Generally Accepted Agricultural and Management Practices for the Care of Farm Animals.

Councilmember Graveline thanked Ms. Wooten (O'Shea) for allowing council to visit her chicken coop in Lathrup Village. She encourages anyone with any reservations about keeping chickens in the city to contact Ms. Wooten for a visit. Councilmember Graveline mentioned that the chicken coop was well kept, there were no concerns of attracting rodents, and the chicken coop was located in the center of the yard.

Councilmember Kideckel thanked Ms. Wooten from Lathrup Village and Ms. Mikulski from Ferndale for allowing council to visit their chicken coops. He informed the council that Ada, Addison Township, Auburn Hills, Center Line, Clawson, Dearborn, East Lansing, Farmington Hills, Ferndale, Grand Rapids, Hazel Park, Lansing, Lathrup Village, Madison Heights, Pontiac, Royal Oak, Southfield, Troy, Warren, Ypsilanti, Northville, Rochester Hills, and Ann Arbor have passed an ordinance to allow chickens in their community. He commented that if chickens were allowed in the city that it needs to be regulated, that a permit fee must be required, and an inspection of the property is necessary. It would be feasible to have an inspection done in the spring and in the winter. Councilmember Kideckel suggests that the city set the limit to a flock which would be equivalent to three hens.

Councilmember Blanchard commented on the "Fenced enclosures shall conform to the requirements of Chapter 138, Article III, Division 2 of the Zoning Code, except that the fence material may be chicken wire." He suggests that the structure should require a quarter inch hardware cloth or a material that is more substantial than chicken wire to keep out rodents.

Councilmember Steadman spoke about her nephew who owns chickens in the City of Royal Oak. She expressed her concerns with the twelve month pilot program and applicants having to pay for an \$800 structure for temporary use.

Mayor Pro Tem Baker thanked Ms. Wooten from Lathrup Village and Ms. Mikulski from Ferndale for allowing council to visit their chicken coops. He agrees with his colleagues in regards to issuing permits and requiring inspections of the chicken coop but also to include standards for cleanliness and sanitation.

Councilmember Terbrack expressed his concerns with the current rodent problem, disease, noise, and smell that come with having chickens in the community. He didn't notice any issues with the noise or smell when visiting the chicken coops in the neighboring communities. Councilmember Terbrack suggests a twelve month pilot program with a limit of five applicants to see how well this will work in the city.

Mayor Phil O'Dwyer spoke to local mayors that had strong discussions of the chicken ordinance and none have reported any complaints. He supports Councilmember Terbrack's pilot program, Councilmember Kideckel's two inspections per year, and Councilmember Blanchard's use of quarter inch hardware cloth. Mayor O'Dwyer spoke briefly about toxoplasmosis.

Wendi Zabramski, Berkley resident at 3340 Gardner, expressed her concerns regarding code enforcement inspections.

Lisa Kempner, Berkley resident at 2660 Columbia, expressed her concerns regarding training code enforcement for inspections.

Shirley Hansen, Berkley resident at 2050 Edgewood, spoke about a recent field trip of 3rd graders from Pattengill Elementary School who discussed the chicken ordinance.

Courtney O'Shea (Wooten), Lathrup Village resident at 27411 Lathrup Blvd, supports the ordinance to allow keeping of chickens in the city limits.

**MOTION NO. M-28-17:** Matter of authorizing the Berkley Lions Club to collect funds for the Lions White Cane Week from Thursday, April 27<sup>th</sup> to Saturday, April 29<sup>th</sup> and Thursday, May 4<sup>th</sup> to Saturday, May 6<sup>th</sup>. The collection will take place on the intersection of Twelve Mile Road and Coolidge Highway.

Councilmember Graveline moved to approve Motion No. M-28-17 pending tax exemption approval.

Seconded by Councilmember Blanchard.

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

Abstain: Kideckel

Nays: None

Motion Approved.

**MOTION NO. M-29-17:** Matter of authorizing the Public Safety department to purchase four (4) Mobile Data Computers for patrol vehicles for a total amount of \$24,600 from account 101-310-985-001.

Councilmember Blanchard moved to approve Motion No. M-29-17.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

**MOTION NO. M-30-17:** Matter of awarding the Coolidge Highway Resurfacing and Pavement Markings project to the lowest qualified bidder, Pavement Maintenance Systems, LLC of Imlay City, MI in an amount of \$ 236,649.77.

Councilmember Steadman moved to approve Motion No. M-30-17.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

City Manager Baumgarten introduced Public Works Director Derrick Schueller and Hubbell, Roth & Clark, Inc. (HRC) representative Roland N Alix. He advised council that if the current motion passes it would lock in the price and design. Any amendments to the motion or increase in cost will require council's approval.

Public Works Director Scheuller gave a brief summary to council on the design by HRC, the bid process, and the description of work. HRC completed an engineer's estimate for the project and the Pavement Maintenance Systems, LLC came within 1-2% of the estimate. The project will be done during the night shift and is expected to take up to 4 days for completion. The contractor is required to submit a schedule for review before beginning the project. The project is intended to be done by the end of the fiscal year and includes the on street parking delineations. Temporary markings are in place prior to the permanent markings being installed. Construction is expected to be completed by June 30, 2017. Per the contract, there is a 60 day from the bid opening date to lock in the contract. Beyond that date, there would be negotiations with the contractor to match bid prices and extend the completion date. The temperature constraint and the leaves in the Fall can impact the project. Public Director Schueller offered to obtain a written agreement with the contractor with the timeline, the completion date, to hold the current bid price, and schedule the project for a later date. He confirmed that a \$15,000 grant money from Oakland County will be applied to this project.

Roland N. Alix, Vice President at Hubbell, Roth & Clark, Inc. (HRC), gave a brief summary to council on the bid result. Pavement Maintenance Systems, LLC references include Oakland County, Genesee County, Monroe County, and City of Dexter. Mr. Alix confirmed the 60 day from the bid opening date to lock in the contract and require council to award the contract by May 14, 2017. Mr. Alix advised council that temporary lane markings are in place for up to 24 hours prior to the installment of permanent markers. The temporary lane markings are not left for longer period of time because they do not provide the proper guidance. The micro surface is used for preventative maintenance and provides a clean surface for pavement markings. Mr. Alix explained to council the step by step process and cost associated with changing Coolidge Highway from four lanes to three lanes. This would be in addition to the Coolidge Highway Resurfacing and Pavement Markings project. He spoke about doing test lanes before resurfacing the road by putting in the temporary lane lines to determine if it will work. This would include moving the curbs and repaving the road. It is not often to see a five lane road re-stripe to a three lane road. A test run can be done before painting over everything with a micro surface than the install of the permanent markings. If a study was done, the original plan could be changed but that would require a rebidding of the project. This will change the striping design from what the current contractor had bid due to the different lanes and pavement markings. Mr. Alix advised council that the approval of the motion would confirm the current bid agreement and an additional cost may apply with any adjustments.

Councilmember Kideckel inquired about the timeline on the project and if it includes the on street parking delineations. He supports Public Works Director Schueller's suggestion.

Councilmember Blanchard inquired about the temporary markings and when the DDA will present their recommendations. He spoke briefly about the impact that the new Beaumont building on Woodward Avenue, the La Salette project on Coolidge, and

the Harvard Commons may have on the DDA plan. Councilmember Blanchard asked about the cost if Coolidge Highway was changed from four lanes to three lanes with temporary markings. He advised council that the Coolidge Traffic Committee is trying to move forward the way finding program to get update signs throughout the city. They are also working on adding pedestrian warning signs and crosswalks at Dorothea and Beverly.

Mayor Pro Tem Baker inquired if the project will be completed by the end of the fiscal year or during the construction season. He also inquired if there is a delay with the project where it carries over to the next fiscal year and if it will affect the contract. Mayor Pro Tem Baker gave an update on the Downtown Development Authority's (DDA) plan to restripe Coolidge Highway. He inquired about the temporary markings in case the DDA decided to propose a restripe prior the end of fiscal year. It would be opportunity for the DDA to partner with the Public Works Department to propose an alternate road design. Mayor Pro Tem Baker informed council that the DDA is currently reorganizing and working on their bylaws. Most recently, this council joined the DDA in a strategy session and reviewed an updated traffic count from Oakland County. He requests a brief timeline for the DDA, City Administration, and the City Engineer to further discuss an experimental phase and provide a survey for the community. Mayor Pro Tem Baker suggests we create a context where the design drives the behavior and new residents will work within the desired behavior of slower traffic. He asked council to amend the motion to allow time for City Administration and the DDA to discuss a possible experimental phase.

Councilmember Graveline asked if the estimated cost Mr. Alix provided is in addition to the Coolidge Highway Resurfacing and Pavement Markings project. She supports completing the project for legal, safety, and budget reasons; she suggest for the public to be involved with the any proposals from the DDA. She inquired about grant money associated with this project.

Councilmember Terbrack has concerns about doing an experimental phase because we are already in the month of April. We would have to start over with a bid process and require new engineer services. More time would be needed for the DDA to bring forward their proposal and to allow community involvement. If we don't make changes to the project now than we will not likely revisit this for another four to five years. Councilmember Terbrack spoke about safety of the roads, new studies requiring more money, and the change of landscape. He asked Mayor Pro Tem Baker to give council suggestions on moving forward with the experimental phase.

Mayor O'Dwyer suggests approving the motion with an addendum in order to incorporate the recommendations from council.

**PUBLIC HEARING:** Matter of holding a Public Hearing to receive written and verbal comment regarding the reprogramming of Community Development Block Grant (CDBG) money.

Mayor Pro Tem Baker moved to approve the Public Hearing.

Seconded by Councilmember Kideckel.

Public hearing opened at 8:32 p.m.

City Manager Baumgarten explained that the Community Development Block Grant (CDBG) is a federal grant program that the city has access to through our partnership with Oakland County. Last year, the City received funding from the Lazenby Field project and has money left over to put towards the sidewalk ramps. He introduced City Planner Amy Vansen who coordinates the Community Development Block Grant program.

City Planner Vansen informed council that CDBG money had been reprogrammed to fund the Automatic Doors at the Public Library. A bid result for the sidewalk ramps came in higher than anticipated and the CDBG money will help pay for the remaining cost to the project.

There were no comments from the public.

Public hearing closed at 8:35 p.m.

**MOTION NO. M-31-17:** Matter of directing the City Planner to prepare a reprogramming request for 2014 Community Development Block Grant funds in an amount of \$19,969 to provide for the installation of barrier free sidewalk ramps.

Mayor Pro Tem Baker moved to approve Motion No. M-31-17.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

**RESOLUTION NO. R-10-17:** Matter of authorizing publication of a notice of public hearing regarding the proposed operating budget for the City of Berkley, Michigan for fiscal year 2017/18.

Councilmember Kideckel moved to approve Resolution No. R-10-17.

Seconded by Councilmember Graveline.

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

Nays: None

Motion Approved.

#### **COMMUNICATIONS:**

**COUNCILMEMBER KIDECKEL:** thanked Pastor Zack and Berkley First for hosting an Easter Egg Hunt at Jaycee Park. He recognized the Knights of Columbus for hosting an Easter Egg Hunt at the Community Center. Councilmember Kideckel expressed his gratitude to the Planning Commissioners and members of the Zoning Board of Appeals (ZBA) for attending training this past weekend at Huntington Woods. He invited everyone to attend the Taste of Berkley event hosted by the Berkley Huntington Woods Youth Assistance on May 18<sup>th</sup>; tickets are available for purchase online through Eventbrite or by contacting him directly.

**COUNCILMEMBER GRAVELINE:** gave an update that on Wednesday, May 12<sup>th</sup> a Sycamore Tree was planted and tied with a teal ribbon in the Coolidge median to show support of Ovarian Cancer Awareness and in memory of Berkley resident, Laurie Dopke. Ms. Dopke's family, friends, neighbors, and the Tree Board were present during the ceremony. She reminded everyone that the next Planning Commission meeting is next Tuesday, April 25<sup>th</sup> at 7:30 p.m.

**COUNCILMEMBER TERBRACK:** invites everyone to attend the Parks and Recreation and the Public Library's joint event, "Tale on the Trail" on Thursday, April 20<sup>th</sup> at 6 p.m.

**MAYOR PRO TEM BAKER:** thanked the Historical Committee for presenting the new poster and all their hard work. He shared a quote from author Don Hambidge, "Safety is more important than convenience." Mayor Pro Tem Baker informed everyone that April is National Safe Digging Month. Every six minutes a utility line is damaged because someone fails to contact Miss Dig. Contact their Call Center at 811, they offer a free service to locate and mark underground facilities to allow safe digs. He encourages bicyclist and cyclist to be safe by wearing a helmet and ride with traffic on the street. Mayor Pro Tem Baker concluded with "Same road, same rule, and same rights."

**COUNCILMEMBER STEADMAN:** reminded everyone to check the Library website at [www.berkley.lib.mi.us](http://www.berkley.lib.mi.us) for upcoming events and programs. The Beautification Committee invites volunteers to distribute literature to homes that do not have trees in front of their houses in the easement. Committee members and volunteers are scheduled to meet in the parking lot across from the Berkley High School on Saturday, April 22<sup>nd</sup> at 9 a.m.

**COUNCILMEMBER BLANCHARD:** educated everyone about the National Incident Management System (NIMS), it is made of four phases mitigation, preparedness, response, and recovery. The city has initiated a five year training program for City Administration. Councilmember Blanchard and Deputy Chief Mike Crum have completed classes, taken the exams, and are certified by the State Police as Professional Emergency Managers. They recently worked with the Pontiac Emergency Operation Center and the Incident Management Team to participate in an exercise based on a scenario. Their mission was to setup Incident Support Vehicles and Communications, it required them to pass messages and request equipment. He informed everyone that this week is Severe Weather Awareness Week and on Wednesday the Tornado siren will be sounding off. Councilmember Blanchard encourages everyone to visit the city website at [www.berleymich.org](http://www.berleymich.org) and sign up for the city updates to be sent to their email. Residents can find the link to the family emergency plan on the city update. There are brochures for sheltering in place and emergency kit guide available at the City Hall.

**CITY MANAGER BAUMGARTEN:** had no comments this evening.

**MAYOR O'DWYER:** briefly spoke about the incident involving police officers caught on tape physically harming drivers in Georgia which may have created a jaundiced view of our Public Safety Officers. He would like to counter that view by sharing two thoughtful letters, one from Kevin O'Mara and the other from anonymous. Recognition's like these are a proud moment for the Public Safety Department, City Staff, and City Council.

#### **COUNCIL MEETING ADJOURNMENT:**

Motion by Councilmember Terbrack to adjourn the regular meeting at 8:51 p.m.

Seconded by Mayor Pro Tem Baker.

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

Nays: None  
Motion Approved.

**CLOSED SESSION:** Matter of considering whether to meet in closed session to discuss attorney/client privileged communication regarding personnel matters.

Adjourned to Closed Session at 8:51 PM:

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

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

Nays: None

Motion Approved.

Mayor O'Dwyer reconvened the Closed Session at 8:55 PM:

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

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

Nays: None

Motion Approved.

**CLOSED SESSION ADJOURNMENT:**

Motion by Councilmember Terbrack to adjourn the closed session at 9:20 p.m.

Seconded by Mayor Pro Tem Baker.

Nays: None

Unanimously approved.