

**THE TWENTY-FIFTH REGULAR MEETING OF THE THIRTY-SIXTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN
WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, APRIL 3, 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 Kideckel moved to approve the Agenda.
Seconded by Councilmember Blanchard.
Ayes: Blanchard, Graveline, Kideckel, Steadman, Terbrack, Baker, and O'Dwyer
Nays: None
Motion Approved.

INVOCATION None

CITIZENS COMMENTS

Doug Deeds, Berkley resident at 2053 Tyler and a member of the Beautification Advisory Committee, announced the next Beautification Advisory Committee meeting is on Wednesday, April 12th at 6:30 in the Public Safety 2nd floor conference room. He informed anyone interested that there are four plots available at the Berkley High School Community Garden and the prices are \$20 deposit and \$20 rent; Mr. Deeds may be reached at (248) 217-5828 with any questions.

Vivian Carmody, Downtown Development Authority (DDA) Director, announced that the DDA is looking for volunteers for the following committees: Design Committee, Business Improvement Committee, Marketing and Promotions Committee, and Organizational Committee. Further information may be found on the city website at www.downtownberkleymi.com.

Consent Agenda

Councilmember Graveline moved to approve the following Consent Agenda, seconded by Mayor Pro Tem Baker:

APPROVAL OF THE MINUTES: Matter of approving the minutes of the regular 36th City Council meeting on Monday, March 20, 2017.

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.

DISCUSSION: Matter of receiving an overview from the City Council Members on the 2017 Michigan Municipal League Capital Conference.

Mayor Pro Tem Baker moved to discuss the 2017 Michigan Municipal League Capital Conference and Seconded by Councilmember Kideckel.

WORK SESSION: Matter of discussing an ordinance amendment to Chapter 106 Streets, Sidewalks and Other Public Places, Article II Obstructions, Section 106-37 Pedestrian Passage of the Berkley City Code to provide for pedestrian passage during construction.

Mayor Pro Tem Baker moved to discuss an ordinance amendment to Chapter 106, Sidewalks and Other Public Places and Seconded by Councilmember Terbrack.

City Manager Baumgarten provided a PowerPoint presentation and reviewed with council the ordinance proposal. He informed council that the Code Enforcement Officer and the Building Inspector does inspect build sites where a permit is pulled and either contacts the builder or sends written notices where there is a compliance issue. City Manager Baumgarten mentioned that in recent budget discussions there has been talk to increase code enforcement hours from 30-40 hours to 50-60 hours per week. He is only aware of Chapter 106 that address obstruction of sidewalk, unless additional language is found in the Michigan Vehicle Code. City Manager Baumgarten advised council that fencing on the build sites should be addressed in the construction standards and is reviewed on case by case basis. He informed council that the PVC pipe to hold the site plans should include a cap on both sides. City Manager Baumgarten stated that City Administration is in discussion to require signage either before the build site or at the corner of a build site for sidewalk closure and he will be consulting with the city attorney for final language. City Manager Baumgarten networked with other municipalities and discovered that the average cost for sidewalk closures are a

minimal of \$100 per permit, the permits are good for 60 days, and an additional \$200 bond is required that will be reimbursed thereafter. There have been discussions to offer 48 hour permits with a less expensive fee as an incentive to encourage builders to get what needs to be done in a timely manner. The city will have to justify for any and all charges.

Councilmember Terbrack suggests that the Building and Planning Department provide the Code Enforcement Officer with a checklist of all active build sites in the city. He is in support of the required signage at the build sites but would recommend an alternative to hold the site plans aside from the open end tube. Councilmember Terbrack agreed with Mayor Pro Tem Baker that the checklist provides some kind of metric and will help with code enforcement. He expressed his concerns with the up to 30 days right-of-way permit and recommends there be an incentive to apply for permits for less days or per week.

Councilmember Steadman inquired whether there are enough hours given to the Code Enforcement Officer to get the job done or does the city need another Code Enforcement Officer. She stated that the hours established for code enforcement did not take in consideration the increase of new builds going on today.

Mayor Pro Tem Baker supports the increase of hours for code enforcement and funds to be budgeted. He would like code enforcement to be provided with a checklist for all build sites and have them sign off on the ones already inspected. Mayor Pro Tem Baker asked for further clarification on section 106-37 Obstructions, "Alternatives to sidewalk closures should include the use of safe, non-slip materials and/or alternative pathways designated by proper signs and/or barricades." He suggests that once the sidewalk ordinance is passed then to invite builders and contractors to meeting sessions to educate everyone involved.

Councilmember Kideckel inquired about an ordinance that addresses obstruction of sidewalks and penalties. He concurs with Mayor Pro Tem Baker to allow code enforcement to inspect build sites and issue written notices prior to the upcoming budget work sessions. Councilmember Kideckel spoke about the location of the porta john on a build site and suggests that they are not left on the sidewalk. He expressed his concerns with heavy construction equipment not being fenced in or protected when left overnight.

City Attorney Staran confirmed that obstruction of sidewalk is addressed in the Michigan Vehicle Code.

Councilmember Blanchard would like to inform the builders of the ordinance changes and enforce the changes with the current build sites and future build sites with ongoing construction. He shared that the City of Ann Arbor offers permits based on days needed to close the sidewalk.

Mayor O'Dwyer asked City Attorney Staran, if an ordinance is not passed the city is only persuading people to comply rather than being able to enforce the code. He concluded that the council ultimately wants to create a culture of compliance and he agrees with his colleague to create a forum to inform builders of building code ordinances.

City Attorney Staran agreed with Mayor O'Dwyer in regards to enforcement of any ordinance.

Councilmember Graveline inquired if there should be signage available before or at the corner of a build site when builders obtain a permit to close sidewalks for less than 48 hours.

Patricia Curtis, Berkley resident at 2847 Kenmore, expressed her concerns with enforcement of the current ordinance.

Rachel Piacentini, Berkley resident at 1726 Oxford, expressed her concerns with sidewalk closures.

Laurie Dodson, Berkley resident at 2700 Cummings, expressed her concerns of the use of gravel for sidewalk closures.

PRESENTATIONS: Matter of receiving a report from Plante & Moran regarding a proposed Water and Sewer Rate structure. Councilmember Blanchard moved to receive a report from Plante & Moran and Seconded by Councilmember Kideckel.

City Manager Baumgarten introduced Lisa Manetta and Keith Szymanski from Plante & Moran. He is proud to announce that Berkley will rank eighth lowest for water and sewer rate per quarter and remain comparable to other Southeastern Oakland County Water Authority (SOCWA) communities.

Lisa Manetta, partner at Plante & Moran, briefly spoke about water and sewer rates in multiple years, increase to cost of providing services from rates set by Southeastern Oakland County Water Authority (SOCWA), infrastructure, incorporate increase investments, and maintaining sufficient working capital. She confirmed that the rates are based on anticipated cost to Berkley and its rate studies. The report is meant for Berkley residents to be aware of their situation and the cost expected specifically here.

Keith Szymanski, associate with Plante & Moran, provided a PowerPoint presentation and reviewed with council the proposed Water and Sewer Rates.

Mayor O'Dwyer commented that this is a projection and has significant increases for the residents; council will have discussions on how these rates will be applied. He thanked Ms. Manetta and Mr. Szymanski for their report which is important and helpful for the upcoming budget work sessions.

Mayor Pro Tem Baker spoke about the shift in the structure to show less of the fixed fees and more of the consumption fees. The trend from other utility providers to accurately provide the fixed cost and consumption is in the hands of our residents.

Councilmember Terbrack inquired if the study conducted was solely based on our communities needs or did the proposed rates include the neighboring municipalities; he agreed with the report based on anticipated cost to only Berkley.

MOTION NO. M-23-17: Matter of appointing David G. Hunter to the Historical Committee with a term expiring on July 2020.

Mayor Pro Tem Baker moved to approve Motion No. M-23-17.

Seconded by Councilmember Terbrack.

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

Nays: None

Motion Approved.

MOTION NO. M-24-17: Matter of awarding the 11 Mile and Coolidge Traffic Signal Improvements Project to the Road Commission for Oakland County in an amount of \$37,500.

Councilmember Kideckel moved to approve Motion No. M-24-17.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

MOTION NO. M-25-17: Matter of approving the 2017 Summer Maintenance Agreement between the Road Commission for Oakland County and the City of Berkley.

Councilmember Steadman moved to approve Motion No. M-25-17.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

ORDINANCE NO. O-03-17: Matter of considering the first 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).

Councilmember Kideckel moved to approve Ordinance No. O-03-17.

Seconded by Councilmember Graveline.

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

Nays: None

Motion Approved.

MOTION NO. M-26-17: Matter of authorizing the 26th Annual Berkley CROP Walk Against Hunger on Sunday, May 7, 2017 beginning at 2:00 PM. The walk will begin and end at Greenfield Presbyterian Church.

Councilmember Steadman moved to approve Motion No. M-26-17.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

MOTION NO. M-27-17: 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, April 7th through Sunday, April 9th from 8:00 AM to 6:00 PM.

Councilmember Blanchard moved to approve Motion No. M-27-17.

Seconded by Councilmember Graveline.

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

Nays: None

Motion Approved.

City Manager Baumgarten introduced Public Safety Deputy Chief Mike Crum and Mr. Peter Schneider from the Knights of Columbus.

Peter Schneider, Secretary with the Knights of Columbus, thanked council for the consideration for approval of the event and informed council that they are one of a few that approve this event twice a year.

Mayor O'Dwyer reminded everyone that this is an annual event and thanked Mr. Schneider for being available to answer any questions council may have.

RESOLUTION NO. R-09-17: Matter of authorizing quarterly amendments to the Fiscal Year 2016/2017 Operating Budget.

Councilmember Steadman moved to approve Resolution No. R-09-17.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

PRESENTATIONS: Matter of receiving a presentation from Communications Coordinator Chelsey Machota and Deputy City Manager Darchelle Strickland Love concerning the new city website.

Mayor Pro Tem Baker moved to receive a presentation from Communications Coordinator Chelsey Machota and Deputy City Manager Darchelle Strickland Love and Seconded by Councilmember Blanchard.

COMMUNICATIONS:

COUNCILMEMBER STEADMAN invites everyone to the following Library programs: a Movie Screening: Fantastic Beasts and Where to Find Them on Wednesday, April 5th at 2 p.m.; Art and Science of Pruning on Tuesday, April 11th 6:30 p.m.; Cocktail and Coloring at Amici's on Monday, April 24th at 7 p.m.; Afternoon Book Club on Tuesday, April 11th at 12:30 p.m.; Berkley Reading Society on Thursday, April 20th at 6:30 p.m.; Family Game Night on Tuesday, April 18th at 6 p.m.; Family Craft Night on Tuesday, April 18th at 6 p.m.; and Family Craft Night on Thursday, April 13th at 6:30 p.m. She encourages everyone to visit the city website at www.berkleymich.org for more information and recognized Library Director Matt Church for doing a great job at the Library. The Beautification Advisory Committee is seeking volunteers to distribute the Tree Planting flyer on Saturday, April 22nd from 9 a.m. - 2 p.m. The committee members and volunteers plan to meet in the parking lot across from the Berkley High School. The City of Berkley Rabies Vaccination Clinic is on Saturday, April 22nd from 9 a.m. - 1 p.m. at the Berkley Public Safety Fire Hall on Twelve Mile Road. More information may be found on the city website or call the Clerk's Office at (248) 658-3310.

COUNCILMEMBER BLANCHARD: wished everyone a Happy Easter and Passover season. He thanked City Manager Matt Baumgarten and city staff for all their hard work.

MAYOR PRO TEM BAKER: gave an update on the Rodent Prevention discussion at the Library with special guest Joe Giannosa from the Great Lakes Pest Control. More information may be found on the city website at www.berkleymich.org or contact the City Hall with questions. The Downtown Development Authority (DDA) meetings are scheduled on the second Wednesday of every month, they are looking for volunteers for their subcommittees Mayor Pro Tem Baker thanked Vivian Carmody the DDA Director for her guidance and leadership. He recognized the Historical Committee for their involvement at the Berkley Days event and spoke briefly about the Berkley History Month to be celebrated at the next council meeting. Mayor Pro Tem Baker shared a quote from author H. Jackson Brown Jr., "Don't be afraid to go out on a limb. That's where the fruit is." The quote is to continue to encourage those that attend the council meetings that give input with their area of expertise and the online contributors.

COUNCILMEMBER TERBRACK: invites everyone to the Easter Egg Hunts on Saturday, April 15th hosted by the Berkley First Church at 10 a.m. at Jaycee Park and hosted by Knights of Columbus at 12 noon at the Community Center parking lot. He reminded everyone of the Opening Day for Detroit Tigers is Friday, April 7th and welcomes back baseball season. Good luck Tigers!

COUNCILMEMBER GRAVELINE: spoke about the Joint meeting held on Thursday, March 30th between the Berkley School District, Oak Park School District, City of Huntington Woods, City of Oak Park, and City of Berkley. She gave an update on the Planning Commission meeting to discuss Ordinance O-03-17 and Vinsetta Garage's will return with the Eaton parking lot new site plan in May. Councilmember Graveline encourages everyone to visit the city website at www.berkleymich.org to find more

information on activities for the Tree Board. On Wednesday, April 12th at 12:30 p.m. will be the next tree planting in the Coolidge median.

COUNCILMEMBER KIDECKEL: attended the event Jack Lessenberry on Michigan Politics: How Did Things Get This Way? on Thursday, March 23rd Berkley First Church. He also attended the play Bye Bye Birdie hosted by the Berkley High School Theatre group. Councilmember Kideckel congratulated Mary Beth Fitzpatrick as the new Superintendent at Royal Oak School District. He announced that City of Huntington Woods is hosting the Michigan Association of Planning and Zoning Essentials Workshop on Saturday April 8th and the Zoning Board of Appeals and Planning Commission members will be in attendance. Councilmember Kideckel wished everyone a happy and safe holiday season.

CITY MANAGER BAUMGARTEN: proudly announced that the Government Finance Officer Association awarded the City of Berkley the Certificate of Achievement Governmental Accounting and Reporting. He thanked Finance Director Sabrina Lilla and Accountant Laurie Fielder for all their hard work. He recognized Public Safety Sergeant Corey Miller, Public Safety Sergeant Jordan Kobernick, and Firefighter Robert Kwicinski for receiving a Merit Citation from the City of Oak Park for their response to a mutual aid fire.

CITY ATTORNEY STARAN: has continued to review ordinance amendments and contract with city staff and the City Manager. He is please to know that the Michigan Municipal League (MML) had a presentation to discuss information on telecommunications to be introduced in our rights of way.

MAYOR O'DWYER: spoke about the video on autonomous cars that the Michigan Municipal League (MML) shared at the recent conference. He affirmed that attending these conferences help council to be on the cutting edge and aware of technological advances.

COUNCIL MEETING ADJOURNMENT:

Motion by Councilmember Kideckel to adjourn the regular meeting at 9:48 PM.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.