

THE SECOND REGULAR MEETING OF THE THIRTY-SEVENTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, DECEMBER 4, 2017 BY MAYOR TERBRACK

PRESENT: Steve Baker Alan Kideckel
 Jack Blanchard Eileen Steadman
 Dennis Hennen Daniel Terbrack

APPROVAL OF AGENDA

Mayor Pro Tem Baker moved to approve the Agenda.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

INVOCATION - PASTOR ZACK DUNLAP

CITIZENS COMMENTS

Patsy Matyas, Berkley resident at 2853 Royal, expressed her concerns with signs being posted on public property and she provided photos of signs in violation of the sign ordinance.

Jay Grossman, Communications Coordinator, introduced himself to the City Council and he is excited for the opportunity to work for the city.

Vivian Carmody, Downtown Development Authority (DDA) Director, gave an update to the City Council regarding DDA projects and events. The Coolidge Crosswalks at Earlmont and Dorothea project was awarded to Dan's Excavating, Inc. and is expected to be completed by the end of December. The Comprehensive Retail Market Analysis and Tentative Strategy feedback will be available by the end of the month. For MerriMonth there will be a window decorating contest for the businesses in the DDA district and the community may visit www.downtownberkley.com to cast their vote for the People's Choice Award. The results for the contest will be announced at the MerriMix & Mingle Ugly Sweater Shindig on Saturday, December 16th. The committee is working on a new DDA map as a dining and shopping guide for residents and visitors. It will feature the Chamber of Commerce and Berkley businesses.

Doug Deeds, Berkley resident at 2053 Tyler and a member of the Beautification Advisory Committee, on behalf of the committee reminded everyone about the Holiday Spirit Award that recognizes the top three homes for their lights display. The citizens of Berkley may make their nominations by emailing the Beautification Committee at berkleybac@gmail.com and the deadline is by December 12th.

Ryan Gesund, Berkley resident at 3159 Kipling and a member of the Zoning Board of Appeals thanked the Berkley Huntington Woods Youth Assistance for the Snowman Shuffle event and the Holiday Lights Parade Committee for the Holiday Lights event. He expressed his concerns with the current sidewalk conditions and inquired about any sidewalk replacement program.

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 and the 37th City Council meeting on Monday, November 20, 2017 and the Special Meeting of the Council Subcommittee on Thursday, November 30, 2017.

RESOLUTION NO. R-41-17: Matter of recognizing Aldean Elizabeth Weis on the occasion of her 90th birthday.

RESOLUTION NO. R-42-17: Matter of approving the Berkley City Council acknowledging receipt of the PA 728 actuarial analysis and approving the Letter of Agreement, as drafted and presented by the City's labor counsel.

ORDINANCE NO. O-12-17: Matter of considering the second reading of an ordinance to repeal and replace Division 5 of Article VIII of Chapter 82, Alcoholic Liquors, of the City of Berkley Code of Ordinances. To conform to the state law.

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

Nays: None

Motion Approved.

Regular Agenda

RECOGNITIONS/PRESENTATIONS

Councilmember Alan H. Kideckel read Resolution No. R-41-17 into record.

Aldean Elizabeth Weis thanked the City Council for the resolution and shared that her parents would be proud of the recognition.

PRESENTATIONS: Matter of receiving a report from Plante & Moran regarding the Audit Results for the Fiscal Year Ended June 30, 2017.

Mayor Pro Tem Baker moved to receive the presentation from Plante & Moran regarding the Audit Results for the Fiscal Year Ended June 30, 2017.
Seconded by Councilmember Kideckel.

City Manager Baumgarten introduced Lisa Manetta, Partner at Plante & Moran and Keith Szymanski, Associate at Plante & Moran. He explained to council that administration moved to a multiyear budget that includes carry over and larger capital projects that are funded for more than one year.

Lisa Manetta, Partner at Plante & Moran, reviewed the letter of required communication to the State of Michigan, Department of Treasury with City Council. She advised council to first have someone permanently in the finance position in order to consider the cost benefit of a control that does not cause any slowdown of processes and ensures a segregation of duties.

Keith Szymanski, Associate at Plante & Moran, reviewed the PowerPoint financial statement presentation with City Council. He advised council that Berkley has been able to fund the Long Term Liability but not at the recommended amount on an annual basis. It is a factor for the bond rating and is disclosed in the financial statement. Mr. Szymanski informed council that there is a state requirement for every local unit of government involved in construction activities permitting inspections is measured over time. It is to ensure that communities were not profiting by overcharging builders and developers for the cost of the building department to perform inspections. He advised administration to monitor the fee structure, make sure they are comfortable with the fees captured to offset the cost and have some shortfalls.

Mayor Terbrack asked Plante & Moran to give a background on the Long Term Liability and he inquired about the bond rating. He thanked Plante & Moran for their audit and recognized the Finance Department for receiving the Certificate of Achievement for Excellence in Financial Reporting.

Councilmember Hennen asked Plante & Moran to explain the shortfalls of the Construction Code Fees.

Councilmember Blanchard thanked Plante & Moran for a great job they do each year.

Mayor Pro Tem Baker thanked Plante & Moran for their presentation tonight and suggests that the audit results be available on the city website. He inquired about the segregation of duties and a timeline. Mayor Pro Tem Baker asked City Manager Baumgarten to give a highlight of the generous fund balance.

MOTION NO. M-81-17: Matter of authorizing Stephen Siller Tunnel to Towers to conduct a 5K run on Sunday, September 23, 2018 from 6 a.m. to 2 p.m. beginning at Hurley Field at Anderson Middle School. During the event, representatives of the Stephen Siller Tunnel to Towers will provide volunteers to assist with the event.

Councilmember Steadman moved to approve Motion No. M-81-17.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

PRESENTATIONS: Matter of reviewing applications for council vacancy.

Mayor Pro Tem Baker moved to receive the presentation regarding the council vacancy.

Seconded by Councilmember Steadman.

Mayor Terbrack reminded everyone that at the last council meeting a process was outlined to fill the vacant council seat and may involve an Ad Hoc Committee pending the number of applicants. He is pleased to report that 20 residents are willing to volunteer their time and talents for the City of Berkley. The Ad Hoc Committee comprised of Mayor Pro Tem Baker, Councilmember Steadman, and Councilmember Hennen who met last Thursday after the deadline for the applications to be in. The committee was tasked to review the applications and provide feedback based on the criteria the committee discussed. The criteria consist of community engagement, municipal involvement, professional experience, and background and diversity. The committee handed off their recommendations to the City Manager who tabulated the remarks to identify 4-5 applicants. There were 6 candidates invited to introduce themselves at tonight's meeting with a speech not to exceed 3 minutes. The 6 applicants are Sue Citraro, Bridget Dean, Ross Gavin, Lisa Kempner, Carla Osborne, and Natalie Price. The appointment will not be made until the next council meeting. Councilmembers will be allowed to reach out to applications for a casual conversation. The goal is to make an appointment at the December 18th council meeting and to expedite the swearing in of the new councilmember. The official swearing in with friends and family will be at the first meeting in January.

Mayor Pro Tem Baker thanked all the applicants for their interest in the vacant council seat. He expressed his appreciation for his colleagues and the opportunity to discuss the applications received.

Susan Citraro, Berkley resident at 2827 Sunnyknoll, thanked council for the opportunity to apply for the vacant council seat. She gave a brief background of her experience and qualifications to be considered for this position.

Bridget Dean, Berkley resident at 3544 Kenmore, thanked council for the opportunity to apply for the vacant council seat. She gave a brief background of her experience and qualifications to be considered for this position.

Ross Gavin, Berkley resident at 1876 Larkmoor, thanked council for the opportunity to apply for the vacant council seat. He gave a brief background of his experience and qualifications to be considered for this position.

Lisa Kempner, Berkley resident at 2660 Columbia, thanked council for the opportunity to apply for the vacant council seat. She gave a brief background of her experience and qualifications to be considered for this position.

Carla Osborne, Berkley resident at 1691 Dorothea, thanked council for the opportunity to apply for the vacant council seat. She gave a brief background of her experience and qualifications to be considered for this position.

Natalie Price, Berkley resident at 2773 Harvard, thanked council for the opportunity to apply for the vacant council seat. She gave a brief background of her experience and qualifications to be considered for this position.

MOTION NO. M-82-17: Matter of approving the Intergovernmental Agreement between the City of Berkley and the City of Huntington Woods for Shared Resources and Services.

Mayor Pro Tem Baker moved to approve Motion No. M-82-17.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

MOTION NO. M-83-17: Matter of authorizing Hubbell, Roth & Clark (HRC) to complete design services for the Catalpa Sewer Replacement Project (Gardner to Griffith) in an amount not to exceed \$13,850.

Councilmember Kideckel moved to approve Motion No. M-83-17.

Seconded by Councilmember Steadman.

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

Nays: None

Motion Approved.

RESOLUTION NO. R-43-17: Matter of approving the renewal of the Video Service Local Franchise agreement for AT&T Michigan.

Councilmember Steadman moved to approve Resolution No. R-43-17.

Seconded by Councilmember Hennen.

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

Nays: None

Motion Approved.

PUBLIC HEARING: Matter of holding a Public Hearing regarding the Community Development Block Grant Program Year 2018 application in the approximate amount of \$31,914 to fund eligible projects.

Mayor Pro Tem Baker moved to approve the Public Hearing.

Seconded by Councilmember Hennen.

Public hearing opened at 8:46 p.m.

No public comment

Public hearing closed at 8:47 p.m.

RESOLUTION NO. R-44-17: Matter of adopting the Community Development Block Grant Program Application for the 2018-2019 Fiscal Year

Councilmember Kideckel moved to approve Resolution No. R-44-17.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

RESOLUTION NO. R-45-17: 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 2018.

Councilmember Steadman moved to approve Resolution No. R-45-17.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

COMMUNICATIONS:

COUNCILMEMBER STEADMAN: thanked the Holiday Lights Parade Committee for a wonderful event. She reminded everyone about the Annual Holiday Spirit Award, nomination forms may be emailed to berkleybac@gmail.com and the deadline for nominations is Sunday, December 10th. A decision will be made on December 13th and the awards will be presented at the council meeting on Monday, December 18th. Councilmember Steadman encouraged everyone to visit the Berkley Public Library website at www.berkley.lib.mi.us for their programs in December.

COUNCILMEMBER BLANCHARD: recognized City Manager Matt Baumgarten and Library Director Matt Church for the "Rain Water Management on Private Property" program held at the Library. He thanked all the candidates that applied for the vacant council seat and encouraged them to stay involved with other Boards and Commissions in the city.

MAYOR PRO TEM BAKER: thanked all the candidates that applied for the vacant council seat. He recognized City Manager Matt Baumgarten and Library Director Matt Church for the "Rain Water Management on Private Property" program held at the Library. Mayor Pro Tem Baker expressed his appreciation for the Historical Committee and its volunteers during the Holiday Lights Parade event. He thanked the Downtown Development Authority (DDA) for their help with the Holiday Lights Parade. Everyone is invited to join in the following DDA events: MerriMittens Scavenger Hunt from December 3rd to 16th; MerriMusic Jazz Concert at 7 p.m. hosted by Berkely First Church on December 7th; Santa at the Library from 11 a.m. - 3 p.m. on December 9th; MerriPets meet Santa from 4 p.m. - 7 p.m. hosted by the Chop Shop on December 15th; and MerriMix & Mingle Ugly Sweater Shindig from 6 p.m. - 9 p.m. hosted by the Berkley VFW on December 16th. Mayor Pro Tem Baker encouraged everyone to visit www.downtownberkley.com or their Facebook page @DowntownBerkley for more information. He gave a brief update on the DDA Design Guidelines and Wayfinding in the DDA. Mayor Pro Tem Baker shared a quote from an American poet Maya Angelou, "Try to be a rainbow in someone's cloud." He talked about the volunteers that bring their energy, commitment and passion to help make the community great.

COUNCILMEMBER KIDECKEL: thanked all the candidates that applied for the vacant council seat. He recognized City Manager Matt Baumgarten and Library Director Matt Church for the "Rain Water Management on Private Property" program held at the Library. Councilmember Kideckel enjoyed the Holiday Lights Parade this past weekend. He welcomed the new Communications Coordinator Jay Grossman to the Berkley team. Councilmember Kideckel spoke about the Snowman Shuffle that had 130 runners. He reminded everyone that the next Zoning Board of Appeals (ZBA) meeting is on December 11th. The Citizens Advisory Committee and the Parks and Recreation Advisory Committee will be meeting on December 7th at 6:30 p.m. in the second floor conference room of the Public Safety building. The American Legion is having their annual Children's Christmas party on December 10th from 2 p.m. - 4 p.m. for kids 12 years of age and under. Councilmember Kideckel wished those that celebrate a Happy Hanukkah.

COUNCILMEMBER HENNEN: announced that his first office hour is scheduled for December 19th at the Library from 6 p.m. - 8 p.m.

CITY MANAGER BAUMGARTEN: informed everyone that the City Hall, Public Safety, Library, Parks and Recreation, and Public Works offices are participating in the Diaper Drive to help support the Judson Center. Donations are being accepted until December 22nd and he thanked the Public Safety

Department for getting the city involved. City Manager Baumgarten welcomed the new Communications Coordinator Jay Grossman to the Berkley family.

CITY ATTORNEY CHRIST: had no comments this evening.

MAYOR TERBRACK: thanked the Downtown Development Authority (DDA) for the MerriMonth festivities for the month of December. He recognized the Junior Women's Club for the Tree Lighting Ceremony and the Holiday Lights Parade Committee for the annual parade. Mayor Terbrack expressed his appreciation to Cinda Coon and Sue Citraro for their work with both groups. In regards to the sidewalk concern, he would like City Administration to provide an update on the city website about the sidewalk program for the residents.

ADJOURNMENT:

Councilmember Kideckel moved to adjourn the Closed Session at 9:12 PM.

Seconded by Councilmember Hennen.

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

Nays: None

Motion Approved.