

**THE TWENTY-NINTH REGULAR MEETING OF THE THIRTY-SIXTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, JUNE 19, 2017 BY MAYOR O'DWYER**

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

Councilmember Kideckel moved to approve the Agenda with an amendment to move item #2 and item #3 from the regular agenda to the consent agenda. Therefore, item #4 on the regular agenda will become item #2 and the remaining items as followed.

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**

Melanie Stevens, Berkley resident at 1083 Oxford and the Citizen's Advisory Committee Vice-chairman, reviewed with council the recommendation from the 2017 Citizen's Advisory Committee for Infrastructure Improvements.

Dennis Hennen, Berkley resident at 2411 Earlmont, expressed his concerns with the Planning Commissioners decision regarding Our Lady of La Salette property.

Doug Deeds, Berkley resident at 2053 Tyler and a member of the Beautification Advisory Committee, encourages Berkley residents to volunteer on the various Boards and Commissions for the city.

***Consent Agenda***

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

**APPROVAL OF THE MINUTES:** Matter of approving the minutes of the regular 36<sup>th</sup> City Council meeting on Monday, June 5, 2017.

**WARRANT:** Matter of approving Warrant # 1315.

**ORDINANCE NO. O-04-17:** Matter of considering the second reading of an ordinance to amend Chapter 82, Article VI, Division 2 Model Glue, of the Berkley City Code to broaden the prohibition of sniffing and huffing vapors to cover other chemical agents besides Model Glue. (Full copy of this ordinance is posted for ten days at the Berkley City Hall, Library, and Community Center)

**ORDINANCE NO. O-05-17:** Matter of considering the second reading of an ordinance to amend Chapter 82, Article VI, Division 3 Controlled Substances, of the Berkley City Code to modify and supplement definitions and prohibitions relating to drug paraphernalia. (Full copy of this ordinance is posted for ten days at the Berkley City Hall, Library, and Community Center)

**ORDINANCE NO. O-06-17:** Matter of considering the second reading of an ordinance to amend Chapter 82, Article VIII, Division 3 Curfew, of the Berkley City Code to increase the age of minors subject to curfew from under 16 to under 17 years old. (Full copy of this ordinance is posted for ten days at the Berkley City Hall, Library, and Community Center)

**ORDINANCE NO. O-07-17:** Matter of considering the second reading of an ordinance to amend Chapter 82, Article III, Section 82-71, Assault and Assault and Battery; Domestic Violence, of the Berkley City Code to make assault and battery a 93-day misdemeanor to correspond to the State Law Penalty. (Full copy of this ordinance is posted for ten days at the Berkley City Hall, Library, and Community Center)

**ORDINANCE NO. O-08-17:** Matter of considering the second reading of an ordinance to amend Chapter 82 and add section 82-122 to Article IV, of the City of Berkley Code to prohibit prowling about an alley or private premises

in the nighttime without authority or permission from the owner. (Full copy of this ordinance is posted for ten days at the Berkley City Hall, Library, and Community Center)

**ORDINANCE NO. O-09-17:** Matter of considering the second reading of an ordinance to amend Chapter 122, Traffic and Vehicles, of the Berkley City Code to add Article V, Motor Carrier Safety. (Full copy of this ordinance is posted for ten days at the Berkley City Hall, Library, and Community Center)

**ORDINANCE NO. O-10-17:** Matter of considering the second reading of an ordinance to amend Chapter 82, Article VII, Section 82-279 and add Section 82-284, Offenses and Miscellaneous Provisions, of the Berkley City Code to designate the offense of carrying concealed weapons without a license as a misdemeanor, and to prohibit possession or use of firearms or other dangerous weapons while under the influence of alcoholic liquor or controlled substance. (Full copy of this ordinance is posted for ten days at the Berkley City Hall, Library, and Community Center)

**RESOLUTION: R-18-17:** Matter of declaring the month of July as Sarcoma Awareness Month and July 15, 2017 as Leiomyosarcoma Awareness Day.

**RESOLUTION NO. R-19-17:** Matter of recognizing Alan Semonian for his years of service in the community, and to the Downtown Development Authority (DDA) Board and the Chamber of Commerce.

**RESOLUTION NO. R-20-17:** Matter of recognizing Diane Farrington for her years of service to the community and to the Downtown Development Authority (DDA) Board.

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 Resolution No. R-18-17 into record.

State Representative Robert Wittenberg presented and read House Resolution No. 128 on behalf of the State House of Representatives in Lansing.

**ORDINANCE NO. O-11-17:** Matter of considering the first reading of an ordinance to add Section 122-95 to Article IV of Chapter 122, Traffic and Vehicles, of the City of Berkley Code of Ordinances to require vehicles parked on a street, highway, or municipal parking lot to have a valid registration plate.

Councilmember Kideckel moved to approve Ordinance No. O-11-17.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

**MOTION NO. M-47-17:** Matter of approving an amendment to the City's Fee Schedule to include a backyard chicken permit fee in accordance with Ordinance No. O-02-17, Chapter 22, Animals with an effective date of July 5, 2017.

Councilmember Steadman moved to approve Motion No. M-47-17.

Seconded by Councilmember Graveline.

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

Nays: None

Motion Approved.

**MOTION NO. M-48-17:** Matter of approving the Macomb County Cooperative Bid Program purchase of a 2017 Ford F250 Pickup at a total cost of \$25,090 from Signature Ford of Owosso, Michigan.

Councilmember Blanchard moved to approve Motion No. M-48-17.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

**MOTION NO. M-49-17:** Matter of approving the purchase of official Dream Cruise merchandise at wholesale, for a cost not to exceed \$28,000.00, and sell it at full retail. Funds for this expenditure will come from account 614-915-818-000.

Councilmember Kideckel moved to approve Motion No. M-49-17.

Seconded by Councilmember Graveline.

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

Nays: None

Motion Approved.

**RESOLUTION NO. R-22-17:** Matter of authorizing the execution of a professional services letter of engagement with Gabriel, Roder, Smith and Company to perform actuarial services of retiree health care and other retiree benefits for the purposes of implementing Governmental Accounting Standards Board Statement No. 74.

Councilmember Graveline moved to approve Resolution No. R-22-17.

Seconded by Councilmember Steadman.

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

Nays: None

Motion Approved.

**RESOLUTION NO. R-23-17:** Matter of authorizing the execution of an agreement between the City of Berkley and Oakland County to provide Information Technology Services ("I.T. Services") to the City of Berkley.

Mayor Pro Tem Baker moved to approve Resolution No. R-23-17.

Seconded by Councilmember Terbrack.

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

Nays: None

Motion Approved.

**RESOLUTION NO. R-24-17:** Matter of authorizing the amendment of the 2016/2017 operating Budget.

Councilmember Steadman moved to approve Resolution No. R-24-17.

Seconded by Councilmember Terbrack.

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

Nays: None

Motion Approved.

**RESOLUTION NO. R-25-17:** Matter of setting charges for water and sewer services effective July 1, 2017.

Councilmember Blanchard moved to approve Resolution No. R-25-17.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

**WORK SESSION:** Matter of discussing the proposed Community & Economic Development Director position.

Moved by Councilmember Kideckel to move to a Work Session.

Seconded by Councilmember Blanchard.

Start time of 7:58 p.m.

City Manager Baumgarten gave a PowerPoint presentation and reviewed the Community Development Department with council. He confirmed that the Master Plan is required by the State of Michigan to be updated

every five years. City Manager Baumgarten advised council that there will be one Code Enforcement Officer available Monday through Thursday and a second Code Enforcement Officer available on Friday and Saturday. He clarified that the Community Economic Development Director will be utilized for other duties aside from a Master Plan update which is an intensive process.

Councilmember Blanchard asks if it is a State of Michigan requirement to update the Master Plan and is the city due for an update in 2018/2019. He agreed that if the city is going to continue working with Michigan Economic Development Corporation (MEDC) and Redevelopment Ready Community (RRC) communities, there will be a need for a full time Community and Economic Development Director.

Councilmember Terbrack agreed that a full time Community and Economic Development Director is necessary. He anticipates another work session to follow at a future council meeting to discuss code enforcement. Councilmember Terbrack stated that it is critical to have a full time director in the Building and Planning Department, it is a wise place to invest resources, and it has a significant impact on the city.

Councilmember Graveline suggests that the Building and Planning Department tightens up their communication process prior to adding another Code Enforcement Officer. She talked about addressing any complaints and having it resolved in a timely manner may help alleviate any Code Enforcement concerns. Councilmember Graveline inquired about the Master Plan to be updated and contracted out.

Councilmember Steadman agreed that with the increase of new builds in the city, it needs a full time Community and Economic Development Director. She asked for clarification of the need for a second Code Enforcement Officer.

Mayor Pro Tem Baker agreed that a full time Community and Economic Development Director is needed. Someone who will be proactive, engage in the community, and to improve communication with other departments.

Councilmember Kideckel agreed that a full time Community and Economic Development Director is necessary and to find someone that is proactive in the community especially with the increase number of new builds in the city. He expressed his approval for a Code Enforcement Officer available on the weekend.

Mayor O'Dwyer stated that he is in favor of a full time Community and Economic Development Director and this matter will be discussed at a subsequent work session.

End time of 8:31 p.m.

#### **COMMUNICATIONS:**

**COUNCILMEMBER KIDECKEL:** recognized the Citizens Advisory Committee (CAC) for their time, efforts, and hard work. He thanked everyone who reached out to him while he was out on medical leave. Councilmember Kideckel sends his condolences to the Wheelock and Smith family for passing of former Councilmember Bob Wheelock.

**COUNCILMEMBER GRAVELINE:** recognized the Public Safety Department and Public Works Department for their continued support with the Lids for Kids program and the Berkley Art Bash. She thanked her colleagues for reviewing the Public Safety Ordinances in her absence. Councilmember Graveline gave an update on the Tree Board meeting on Monday, June 12<sup>th</sup> where they carefully reviewed and updated the tree ordinances to be more in line with other communities. She announced that the next Environmental Committee meeting is on Thursday, June 22<sup>nd</sup> at 6:30 p.m. in the 2nd Floor Public Safety Conference Room. Councilmember Graveline informed everyone that a Planning Commission Public Hearing is scheduled for Tuesday, June 27<sup>th</sup> at 7:30 p.m. in the City Hall Council Chambers.

**COUNCILMEMBER TERBRACK:** congratulated the Public Safety Department for another successful event with the Lids for Kids program. He thanked all the volunteers at the Berkley Art Bash and noted that this great event brings in more people each year. Councilmember Terbrack invites everyone to participate in the following Summerfest events: Tot Lot Night on Wednesday, June 21<sup>st</sup> at 5:30 - 7:30 p.m.; the Community Garage Sale is on Friday, June 23<sup>rd</sup> to Saturday, June 24<sup>th</sup>; Senior Soiree is on Wednesday, July 12<sup>th</sup>; and Storytime in the Park at Jaycee Park on Thursday, July 13<sup>th</sup> at 10 a.m. More information on these events may be found on the city website at [www.berkleymich.org](http://www.berkleymich.org) or by calling the Parks and Recreation Department at (248) 658-3470.

**MAYOR PRO TEM BAKER:** invites everyone to the Art and About event hosted by the Downtown Development Authority (DDA) on the second Friday of each month through October and the next event is on Friday, July 14<sup>th</sup>. He announced that the Street Art Fest is on Saturday, July 15<sup>th</sup> beginning at 11 a.m. Mayor Pro Tem Baker thanked all the volunteers for making the Lids for Kids and the Berkley Art Bash events a success. He encourages everyone to visit the DDA website at [www.downtownberkley.com](http://www.downtownberkley.com). Mayor Pro Tem Baker extends his gratitude to Alan Semonian and Diane Farrington for their dedication to the DDA. He gave a brief update on the discussions pertaining to Coolidge Highway. Mayor Pro Tem Baker recognized the Historical Committee for their hard work on the 85<sup>th</sup> Anniversary booklet and encourages everyone to visit the Historical Museum. Their hours of operation are Wednesdays, 10:00 a.m. to 1:00 p.m. and Sundays, 2:00 p.m. to 4:00 p.m. He concluded with a quote from author Roger Lewin, "Too often we give children answers to remember rather than problems to solve." Mayor Pro Tem Baker shared that the middle school students from Team Equalizer at Norup International School in the Berkley School District won first-place in the State Robofest competition at Lawrence Tech and they finished fourth in the World Robofest competition in Florida. Max Fagenson, Izzy Jansen, Ellie Haenick, and Max Rontal are the students on Team Equalizer who won big awards with their robot designed to fix potholes in state roads. Michigan consistently ranks among the five states nationwide that have the worst roads.

**COUNCILMEMBER STEADMAN:** enjoyed the Lids for Kids and Berkley Art Bash events, she especially misses the chili cook off. Councilmember Steadman thanked Alan Semonian and Diane Farrington for their services; they have had an incredible influence on the DDA for many years. She encourages everyone to visit the Berkley Public Library website at [www.berkley.lib.mi.us](http://www.berkley.lib.mi.us) to find out more information on all the library programs. Councilmember Steadman invites Berkley residents to join the Beautification Advisory Committee; she gave a brief update on the recent committee meeting and upcoming projects. Residents are welcome to give feedback to the committee on areas around the city that are in need of a spruce up.

**COUNCILMEMBER BLANCHARD:** thanked all the volunteers that made the Lids for Kids and Berkley Art Bash successful events. He invites everyone to the upcoming Berkley Street Art Fest on Saturday, July 15<sup>th</sup> from 11 a.m. to 6 p.m. and applicants for the chalk art may register online at [www.berkleystreetartfest.com](http://www.berkleystreetartfest.com). Councilmember Blanchard reminded everyone that June is Gun Safety Awareness Month and free gun locks are available at the Berkley Public Safety Department. He shared that the Daily Tribune Best of the Best article featured the following Berkley businesses: Berkley A & W was recognized as the #1 best Coney Island, Sila's was recognized as the #3 best pizza, Sydney Bogg's Sweet Essentials was recognized as the #1 best candy store, Catching Fireflies was recognized as the #2 best gift shop and boutique, Durst Lumber was recognized as the #3 best local hardware store. Westborn Market was recognized as the #2 best meat counters, Step Up Berkley was recognized as the #3 best salon, Doll Hospital was recognized as the #3 best toy and hobby store, American Stamp Shop was recognized as the #3 best unique store, and Downtown Berkley was recognized as the #1 local shopping district in the area. Councilmember Blanchard recognized the Berkley Chamber of Commerce and the Downtown Development Authority (DDA) for all their hard work.

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

**CITY ATTORNEY CHRIST:** had no comments this evening.

**STATE REPRESENTATIVE WITTENBERG:** spoke about the new Berkley sign off of I-696 that was brought to his attention by Mayor Phil O'Dwyer back in 2015. He recognized the Department of Transportation for the approval and installation of the new sign. State Representative Wittenberg gave a brief update on the recent Coffee Hour held on Tuesday, June 13<sup>th</sup> at the Berkley Public Library. Berkley residents are encouraged to contact his office with any questions by calling (517) 373-0478 or email him at [robertwittenberg@house.mi.gov](mailto:robertwittenberg@house.mi.gov).

He gave a brief update on the roads, teacher pension plans, and concealed carry weapon bill; more to come after the budget hearings.

**MAYOR O'DWYER:** thanked State Representative Robert Wittenberg for all his efforts in getting a Berkley sign off of I-696. Mayor O'Dwyer spoke about the congressional baseball practice shooting on Wednesday, June 14<sup>th</sup> in Alexandria, VA. In conclusion, he wished those that were injured in the incident a speedy recovery and pray our political discourse abandons its current bullying flavor.

**COUNCIL MEETING ADJOURNMENT:**

Motion by Councilmember Kideckel to adjourn the regular meeting at 8:52 p.m.

Seconded by Mayor Pro Baker.

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

Nays: None

Motion Approved.