

**THE TWENTY-EIGHTH REGULAR MEETING OF THE THIRTY-SIXTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, JUNE 5, 2017 BY MAYOR O'DWYER**

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

**ABSENT:** Colleen Graveline  
Alan Kideckel

Councilmember Terbrack moved to approve the Agenda.  
Seconded by Councilmember Steadman.  
Ayes: Blanchard, Steadman, Terbrack, Baker, and O'Dwyer  
Absent: Graveline and Kideckel  
Nays: None  
Motion Approved.

**INVOCATION** REVEREND TAL SULLIVAN

**CITIZENS COMMENTS**

Interim Public Safety Director Robert North stated that both Public Safety Lieutenant Andrew Hadfield and Corey Miller benefited the community as well as the Public Safety Department. Their promotion signals a different type of role, not only will they respond as before but have an added responsibility to carry out the directions of the Public Safety Director. They have the role of oversight and command where they will seek out issues and find remedies in a proactive manner. They must remember that from an administrative and training standpoint is to support the primary mission. This mission is to first, foremost, and always service and response to all in the community. Interim Public Safety Director North has confidence in them and they both have the support of the department. He personally thanked and congratulated Andrew Hadfield and Corey Miller.

City Clerk Phommady A. Boucher sworn in Public Safety Lieutenant Andrew Hadfield.

City Clerk Phommady A. Boucher sworn in Public Safety Lieutenant Corey Miller.

Public Safety Lieutenant Andrew Hadfield thanked council for their trust in him. He thanked City Manager Matthew Baumgarten for his support. On behalf of himself and Lieutenant Corey Miller, they hope to continue to do good things in the City of Berkley. Lieutenant Hadfield recognized his family for their encouragement and for putting up with him for 17 years. He expressed his appreciation for all of his colleagues, his family, and everyone who has made this promotion possible.

Public Safety Lieutenant Corey Miller thanked the Mayor, City Council, and City Manager for the opportunity. He recognized his family for helping him through this process and his colleagues for all their support. Lieutenant Miller looks forward to his new role.

On behalf of the residents of Berkley, Mayor Phil O'Dwyer congratulated Lieutenant Andrew Hadfield and Lieutenant Corey Miller. City of Berkley was ranked the 5<sup>th</sup> safest city in Michigan because of the services provided by the Public Safety Department and the leadership of the Public Safety Director. The city is indebted to the Public Safety Department for making it a safe place to live.

Denise Brainard, Berkley Days Chairperson, presented to the council the trophies for the softball game and the horseshoe tournament from the Berkley Days events.

Barrett Henson, business owner of Fit Body Boot Camp at 2309 Coolidge Highway, spoke about the services his business provides and the charity his business has been involved in.

Joshua Hunter, Berkley resident at 2240 Thomas, expressed his concerns with the recent Citizen's Advisory Committee for Infrastructure Improvements meeting discussion and Public Safety patrol on Catalpa Drive.

Stacey, Berkley resident on Catalpa, expressed her concerns with Public Safety patrol on Catalpa Drive.

### ***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 36<sup>th</sup> City Council meeting on Monday, May 15, 2017, Budget Work Session on Monday, May 8, 2017, and Budget Work Session on Tuesday, May 9, 2017.

**ORDINANCE NO. O-02-17:** Matter of considering the second reading of an ordinance to amend Article I and add a new Article IV to Chapter 22, Animals, of the City of Berkley Code of Ordinances to Permit, Regulate, and Establish Requirements Relating to the Keeping of Chickens. (Full copy of this ordinance is posted for ten days at the Berkley City Hall, Library, and Community Center)

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

### ***Regular Agenda***

**RECOGNITIONS/PRESENTATIONS:** Matter of any recognitions or presentations from the Consent Agenda.

**MOTION NO. M-41-17:** Matter of approving a Berkley Junior Women's Club event "Robina Rhapsody" on Robina from Twelve Mile to the alley north of Twelve Mile Road from 5:30 PM to 10:00 PM on the following Thursdays: June 15, 2017; July 20, 2017; August 24, 2017; September 14, 2017.  
Councilmember Terbrack moved to approve Motion No. M-41-17.  
Seconded by Mayor Pro Tem Baker.  
Ayes: Terbrack, Baker, Blanchard, Steadman, and O'Dwyer  
Absent: Graveline and Kideckel  
Nays: None  
Motion Approved.

**MOTION NO. M-42-17:** Matter of approving a Special Use Approval (SU-01-17), to Robyn and Mark Coden, 3015 Twelve Mile, to establish a resale shop.  
Mayor Pro Tem Baker moved to approve Motion No. M-42-17.  
Seconded by Councilmember Blanchard.  
Ayes: Baker, Blanchard, Steadman, Terbrack, and O'Dwyer  
Absent: Graveline and Kideckel  
Motion Approved.

**MOTION NO. M-43-17:** Matter of approving the Downtown Development Authority (DDA) Mural Program guidelines.  
Mayor Pro Tem Baker moved to approve Motion No. M-43-17.  
Seconded by Councilmember Terbrack.  
Ayes: Blanchard, Steadman, Terbrack, Baker, and O'Dwyer  
Absent: Graveline and Kideckel  
Nays: None  
Motion Approved.

**RESOLUTION NO. R-17-17:** Matter of authorizing the West Nile Virus Expense Reimbursement Request.  
Councilmember Steadman moved to approve Resolution No. R-17-17.  
Seconded by Councilmember Terbrack.  
Ayes: Steadman, Terbrack, Baker, Blanchard, and O'Dwyer  
Absent: Graveline and Kideckel  
Nays: None  
Motion Approved.

**MOTION NO. M-44-17:** Matter of approving the purchase of a 2017 4-Ton Asphalt Recycler and Hot Box Trailer at a total cost of \$35,881.74 from Falcon Road Maintenance Equipment LLC.

Councilmember Blanchard moved to approve Motion No. M-44-17.

Seconded by Mayor Pro Tem Baker.

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

Absent: Graveline and Kideckel

Nays: None

Motion Approved.

**ORDINANCE NO. O-04-17:** Matter of considering the first 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.

Councilmember Blanchard moved to approve Ordinance No. O-04-17.

Seconded by Councilmember Terbrack.

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

Absent: Graveline and Kideckel

Nays: None

Motion Approved.

**ORDINANCE NO. O-05-17:** Matter of considering the first 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.

Councilmember Steadman moved to approve Ordinance No. O-05-17.

Seconded by Councilmember Blanchard.

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

Absent: Graveline and Kideckel

Nays: None

Motion Approved.

**ORDINANCE NO. O-06-17:** Matter of considering the first 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.

Councilmember Steadman moved to approve Ordinance No. O-06-17.

Seconded by Councilmember Terbrack

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

Absent: Graveline and Kideckel

Nays: None

Motion Approved.

**ORDINANCE NO. O-07-17:** Matter of considering the first 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.

Councilmember Blanchard moved to approve Ordinance No. O-07-17.

Seconded by Mayor Pro Tem Baker.

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

Absent: Graveline and Kideckel

Nays: None

Motion Approved.

**ORDINANCE NO. O-08-17:** Matter of considering the first 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.

Councilmember Steadman moved to approve Ordinance No. O-08-17.

Seconded by Councilmember Blanchard.

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

Absent: Graveline and Kideckel  
Nays: None  
Motion Approved.

**ORDINANCE NO. O-09-17:** Matter of considering the first reading of an ordinance to amend Chapter 122, Traffic and Vehicles, of the Berkley City Code to add Article V, Motor Carrier Safety.

Councilmember Blanchard moved to approve Ordinance No. O-09-17.

Seconded by Councilmember Terbrack.

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

Absent: Graveline and Kideckel

Nays: None

Motion Approved.

**ORDINANCE NO. O-10-17:** Matter of considering the first 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.

Councilmember Terbrack moved to approve Ordinance No. O-10-17.

Seconded by Councilmember Steadman.

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

Absent: Graveline and Kideckel

Nays: None

Motion Approved.

**MOTION NO. M-45-17:** Matter of appointing the Public Works Director, Derrick Schueller, as the City of Berkley's representative and City Manager, Matthew Baumgarten, as the alternate representative to the Southeastern Oakland County Resource Recovery Authority (SOCRRA) Board of Trustees for the fiscal year beginning July 1, 2017; and to instruct the City Clerk to send a copy of this motion to the SOCRRA Board.

Mayor Pro Tem Baker moved to approve Motion No. M-45-17.

Seconded by Councilmember Blanchard.

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

Absent: Graveline and Kideckel

Nays: None

Motion Approved.

**MOTION NO. M-46-17:** Matter of appointing the Berkley Public Works Director, Derrick Schueller, as the City of Berkley's representative and City Manager, Matthew Baumgarten, as the alternate representative to the Southeastern Oakland County Water Authority (SOCWA) Board of Trustees for the fiscal year beginning July 1, 2017; and to instruct the City Clerk to send a copy of this motion to the SOCWA Board.

Councilmember Steadman moved to approve Motion No. M-46-17.

Seconded by Mayor Pro Tem Baker.

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

Absent: Graveline and Kideckel

Nays: None

Motion Approved.

## **COMMUNICATIONS:**

**COUNCILMEMBER BLANCHARD:** gave a brief explanation about water rates and advised council that the rankings will be confirmed once all the municipalities submit their rates for the upcoming fiscal year. He gave an update on the recent Veteran's town hall meeting. Councilmember Blanchard announced that the month of June is Gun Safety Awareness Month and gun locks are available at the Public Safety Department. He shared information on the "Lock it Up Oakland" which is an Oakland County Program. Councilmember Blanchard invites everyone to attend on Saturday, June 10th from 10 a.m. to 6 p.m. the Annual Berkley Art Bash hosted by the Chamber of Commerce and from 10 a.m. to 2 p.m. is the Lids for Kids hosted by the Public Safety Department.

**COUNCILMEMBER STEADMAN:** invites everyone to join the Summer Reading Program beginning on June 19<sup>th</sup> from 6 p.m. to 8 p.m. with an Ice Cream Social. This event is sponsored by the Friends of the Berkley Public Library. The sponsors for the event are Clark's Ice Cream, the Royal Popcorn Supply, and Vibe Credit Union. This year's Summer Reading Program theme is "build a better world". She encourages everyone to visit the [www.berkley.lib.mi.us](http://www.berkley.lib.mi.us) website for further information.

**MAYOR PRO TEM BAKER:** announced that the Berkley 85th Anniversary magazine has been delivered to the homes in Berkley. He recognized the Historical Committee for all their hard work on this magazine. He shared that the Hour Detroit Magazine released "the way it was" and Berkley downtown was featured in the magazine. Mayor Pro Tem Baker thanked the Historical Committee and committee member Jeff Tong for all their hard work with the anniversary magazine. He shared the quote by Yogi Berra, "No one goes there these days, it's too crowded." Mayor Pro Tem Baker encourages everyone to join in the festivities at the Annual Berkley Art Bash, the Street Art, the Lids for Kids, and Robina Rhapsody.

**COUNCILMEMBER TERBRACK:** congratulated City Manager Matthew Baumgarten for completing his first year, Lieutenant Andrew Hadfield on his promotion, and Lieutenant Corey Miller on his promotion. He thanked Denise Brainard and the Berkley Days Committee for another successful event. Councilmember Terbrack announced that the Friends of the Berkley Parks and Recreation are having their last meeting on Tuesday, June 6<sup>th</sup> and will not meet again until September. The Tot Lot Party is on Wednesday, June 21<sup>st</sup> from 5 p.m. to 7 p.m. The JC jamboree is on Thursday, July 20<sup>th</sup> from 6 p.m. to 8 p.m. The Family Movie in the Park is on Saturday, August 12<sup>th</sup> and the Ice Social is on Tuesday, August 29<sup>th</sup>.

**CITY MANAGER BAUMGARTEN:** expressed his gratitude to the Mayor, City Council, and the Berkley residents as he celebrates his 1 year anniversary. He invites everyone to attend the "Chat with Matt" on Wednesday, June 7th with special guest Finance Director Sabrina Lilla.

**CITY ATTORNEY CHRIST:** reminds everyone that the use and discharge of fireworks is prohibited in the City of Berkley except for the day before, the day of, and the day after of a national holiday. Additionally, discharge of fireworks by minors is prohibited unless under the direct supervision of an adult. He gave an update on the litigation related to the federal lawsuit which has been dismissed in regards to Detroit Free Press Select newspaper. City Attorney John Staran is expected to give further details at the next council meeting.

**MAYOR O'DWYER:** on behalf of Councilmember Kideckel, he sends good wishes to all the council members. The Mayor and City Council wishes him a speedy recovery. Councilmember Colleen Graveline is unable to attend tonight's meeting due to a conflict with her schedule. Mayor O'Dwyer thanked City Clerk Phommady A. Boucher for attending the meeting while she is feeling under the weather. He recognized Denise Brainard and the Berkley Days Committee for another successful event.

**COUNCIL MEETING ADJOURNMENT:**

Motion by Councilmember Steadman to adjourn the regular meeting at 8:24 p.m.

Seconded by Mayor Pro Tem Baker.

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

Absent: Graveline and Kideckel

Nays: None

Motion Approved.