

THE THIRTY-FIFTH REGULAR MEETING OF THE THIRTY-SIXTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, NOVEMBER 20, 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 Mayor Pro Tem Baker.

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

Nays: None

Motion Approved.

INVOCATION REVEREND TAL SULLIVAN

CITIZENS COMMENTS

Denise Brainard, Berkley resident at 2391 Bacon and a group leader for the Southeast Oakland Helping Hands 4-H Club, introduced the following members: Hailey DeLadurantaye, President of the 4-H Club; Reagan Dick, Sergeant at Arms of the 4-H club; Melanie Hiller, member of the 4-H Club; Michaela Pierce, member of the 4-H Club; and Lauren Pierce, Secretary of the 4-H Club. The club consists of students from 5 to 19 years of age that focus on various community service projects. They meet every other Tuesdays from 6 p.m. to 8 p.m. at the community center. The next meeting date is November 28th and anyone interested in more information may call [\(248\) 506-3929](tel:2485063929).

Terry Penman, Berkley resident at 1954 Kipling, inquired about the status of the flood issues in Berkley.

Cinda Coon, Berkley resident at 2772 Cummings and business owner of the Lunch Cafe, and Sue Citraro, Berkley resident at 2827 Sunnynoll, asked Mayor Phil O'Dwyer to be the grand marshal for the upcoming Holiday Lights Parade.

Doug Deeds, Berkley resident at 2053 Tyler and a member of the Beautification Advisory Committee, gave City Council an update on the Annual Holiday Spirit Award. . This program recognizes Berkley residential homes and businesses for their holiday decorations. Nomination forms may be emailed to berkleybac@gmail.com and the deadline for nominations is due by Sunday, December 10th and recognition will be done on Monday, December 18th.

Tom Bustance, Berkley American Legion Post Commander, on behalf of the legion thank Mayor Phil O'Dwyer for his services to the City of Berkley. He wished Mayor O'Dwyer well on his new endeavors and he welcome newly elected Mayor Daniel Terbrack.

Consent Agenda

Councilmember Blanchard moved to approve the following Consent Agenda, seconded by Councilmember Steadman:

APPROVAL OF THE MINUTES: Matter of approving the minutes of the regular 35th City Council meeting on Monday, October 16, 2017.

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

Nays: None

Motion Approved.

Regular Agenda

RECOGNITIONS/PRESENTATIONS

SWEARING-IN CEREMONY: Newly elected members of Council to be given Oaths of Office by the City Clerk:

Mayor Daniel J. Terbrack
Councilmember Steven W. Baker
Councilmember Jack Blanchard
Councilmember Dennis Hennen

Councilmember Kideckel moved to approve Oath of Office for the newly elected members of Council.
Seconded by Councilmember Blanchard.

City Clerk Phommady A. Boucher administered the Oath of Office to Mayor Daniel J. Terbrack.

City Clerk Phommady A. Boucher administered the Oath of Office to Councilmember Steven W. Baker.

City Clerk Phommady A. Boucher administered the Oath of Office to Councilmember Jack Blanchard.

City Clerk Phommady A. Boucher administered the Oath of Office to Councilmember Dennis Hennen.

ADJOURNMENT

Motion by Councilmember Kideckel to adjourn the regular meeting at 7:14 p.m.

Seconded by Councilmember Blanchard.

Unanimously approved.

Nays: None

Motion Approved.

THE FIRST REGULAR MEETING OF THE THIRTY-SEVENTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, NOVEMBER 20, 2017 BY MAYOR TERBRACK

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

APPROVAL OF AGENDA

Councilmember Kideckel moved to approve the Agenda.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

CITIZENS COMMENTS

Paul Jordan, Berkley resident at 3990 Tyler, made a second request for council to appoint a candidate that received the fourth highest votes at the recent election for the vacant council seat.

Dale Goodcourage, Berkley resident at 2392 Columbia and former Berkley Councilmember, thanked former Councilmember Colleen Graveline for her services to the City of Berkley. He shared fond memories of former Mayor Phil O'Dwyer and he thanked him for his services to the City of Berkley. Mr. Goodcourage congratulated newly elected Mayor Daniel Terbrack and wished the 37th City Council the best of luck.

Pat Rourke, retired Sergeant from Roseville and Detroit Police Department, played the Rising Moon song and the Notre Dame Fight song on his bagpipe in honor of former Mayor Phil O'Dwyer.

Betty Carpenter, Berkley resident at 2235 Gardner, expressed her concerns with the August 2014 and the August 2017 flood events.

Mary Jo Israel, President of the Berkley School District Board of Education, and Dennis McDavid, Superintendent of the Berkley School District, on behalf of the school district presented former Mayor Phil O'Dwyer with a resolution and a plaque for his years of service to the community.

Jack Lloyd, former Mayor of the City of Hazel Park, presented former Mayor Phil O'Dwyer with a holiday wreath and thanked him for his years of service to the City of Berkley. He wished newly elected Mayor Daniel Terbrack and the 37th City Council the best of luck.

Consent Agenda

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

WARRANT: Matter of approving Warrant No. 1320.

RESOLUTION NO. R-37-17: Matter of recognizing Phil O'Dwyer for his service as Mayor and Councilmember for the City of Berkley.

RESOLUTION NO. R-38-17: Matter of recognizing Colleen Graveline for her service as Councilmember for the City of Berkley.

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

Nays: None

Motion Approved.

Regular Agenda

RECOGNITIONS/PRESENTATIONS

Mayor Pro Tem Baker read Resolution No. R-38-17 into record.

Colleen Graveline, Berkley resident at 1907 Edgewood and former Councilmember, expressed her gratitude to the City Council for setting a great example. She is amazed and impressed by the council for all of their hard work. Ms. Graveline has had the honor to serve on 36th City Council and appreciates the opportunity to have served the residents of Berkley. She has no doubt that the 37th City Council will continue to carry the torch and make the community proud.

State Representative Robert Wittenberg and State Senator Marty Knollenberg presented a resolution to former Councilmember Colleen Graveline from the State of Michigan. State Representative Wittenberg thanked Ms. Graveline for her service to the City of Berkley and wished her nothing but the best in the future.

Councilmember Kideckel thanked former Councilmember Colleen Graveline for her hard work and dedication while serving on the City Council.

Mayor Pro Tem Baker recognized former Councilmember Colleen Graveline for her voice and leadership that has been appreciated in the community. Ms. Graveline's participation at the Michigan Municipal League (MML) conference have earned her the respect of her colleagues throughout the region.

Councilmember Blanchard has had the privilege and pleasure of working alongside former Councilmember Colleen Graveline

Councilmember Steadman expressed her appreciation to have worked with former Councilmember Colleen Graveline. Ms. Graveline will be greatly missed and her colleague hopes to see her continued involvement in the community.

Mayor Terbrack spoke of former Councilmember Graveline having been an asset to the City Council and the City of Berkley. He strongly suggest Ms. Graveline consider the City Council seat that is a discussion on tonight's regular agenda. Mayor Terbrack has had the honor of serving with Ms. Graveline and understands her concerns with what was best for Berkley.

Mayor Terbrack read Resolution No. R-38-17 into record.

Phil O'Dwyer, Berkley resident at 3782 Kipling and former Mayor, had a thought that it is wonderful to be alive and hear all the praises he received. He thanked the voters of Berkley for the opportunity to have served on City Council for the past 12 years. Mr. O'Dwyer expressed his appreciation for their support and confidence in him. He paid special tribute to the employees of Berkley for their hard work and dedication to the city. They make the council look good but not perfect. From time to time you will hear maintenance concerns in the community and they get resolved when the budget allows it. Mr. O'Dwyer asks State Senator Marty Knollenberg and State Representative Robert Wittenberg to advocate funding for local municipality. He congratulated newly elected Mayor Daniel Terbrack and Councilmember Dennis Hennen. Mr. O'Dwyer wish the new 37th City Council the very best. Mr. O'Dwyer concluded with, "Go raibh mile maith agaibh!" (Thank you all very much! in Irish).

State Representative Robert Wittenberg and State Senator Marty Knollenberg presented a resolution to former Mayor Phil O'Dwyer from the State of Michigan. State Representative Wittenberg shared that Dr. O'Dwyer is highly respected across the state which is a tribute to his leadership and for all he has done in this community. Dr. O'Dwyer has spoken at numerous events with eloquence and passion. State

Representative Wittenberg thanked Dr. O'Dwyer for his service to the City of Berkley and he will be missed dearly.

State Senator Marty Knollenberg recognized former Mayor Phil O'Dwyer for his efforts and commitment to his community. He thanked Dr. O'Dwyer for his services to the city and wished him the best of luck.

Marilyn Stephan, Berkley resident at 1863 Thomas and former Mayor, wished former Mayor Phil O'Dwyer a wonderful retirement. She is thankful to have had the privilege of working alongside Dr. O'Dwyer on City Council.

Councilmember Blanchard thanked former Mayor Phil O'Dwyer for being a great friend and helpful colleague.

Councilmember Steadman thanked former Mayor Phil O'Dwyer for serving the community. As a great leader he displayed grace and humor.

Mayor Pro Tem Baker complimented former Mayor Phil O'Dwyer for his quick wit and collaborative style. He thanked Dr. O'Dwyer for his great leadership and for being an inspiration to his colleagues.

Councilmember Kideckel thanked former Mayor Phil O'Dwyer for being an amazing leader and beyond that a great friend. He shared that the Berkley sign on Interstate 696 was initiated by Phil O'Dwyer with the help State Representative Robert Wittenberg.

Councilmember Hennen commented that former Councilmember Graveline and former Mayor O'Dwyer's love and passion for the city was evident. He thanked them for their services to the community.

Mayor Terbrack expressed that former Mayor Phil O'Dwyer will be missed by his colleagues and community. Dr. O'Dwyer always conducted himself with respect and class. His reputation precedes him not only at the local level but state wide as well. The residents may not know all of Dr. O'Dwyer's accomplishments in the past 6 years as Mayor and it goes to show that he has done his job the right way. Former Mayors Marilyn Stephan and Phil O'Dwyer have been tremendous role models for Mayor Terbrack.

MOTION NO. M-75-17: Matter of appointing a Mayor Pro Tem from November 2017 until November 2019.

Councilmember Steadman moved to approve Motion No. M-75-17 and nominate Steven W. Baker as Mayor Pro Tem from November 2017 until November 2019.

Seconded by Councilmember Blanchard.

Ayes: Steadman, Baker, Blanchard, and Hennen

Nays: Kideckel,

None Vote: Terbrack

Motion Approved.

DISCUSSION: Matter of discussing the process to fill the current vacancy on City Council.

Councilmember Hennen moved to receive the discussion regarding the current vacancy on City Council.

Seconded by Mayor Pro Tem Baker.

Mayor Terbrack explained the process to fill the vacancy on the City Council. Applications will be accepted between November 20th to November 30th. Should there be a large number of applicants, there will be an Ad Hoc Committee of the City Council to review and recommend the top candidates. At the December 4th council meeting, the candidates will be offered the opportunity to address the residents and council to outline their qualifications. At the December 18th council meeting, the council will vote to appoint the newest councilmember to the City Council.

Councilmember Kideckel hopes that council will keep an open mind. He stated that everyone should be included in a fair and proper manner.

MOTION NO. M-76-17: Matter of authorizing the Berkley/Huntington Woods Youth Assistance, to conduct a "Snowman Shuffle" 5k run/walk and Family Fun Run on Saturday, December 2, 2017 from 7 a.m. to 12 noon. The 5k run/walk will begin at Hurley Field and a Fun Run to take place on the track. Councilmember Steadman moved to approve Motion No. M-76-17 and allow Councilmember Kideckel to abstain.

Seconded by Councilmember Blanchard.

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

Abstain: Kideckel

Nays: None

Motion Approved.

PRESENTATION: Matter of receiving a verbal report from Finance Director Sabrina Lilla regarding the Audit Results for the Fiscal Year Ended June 30, 2017.

Councilmember Kideckel moved to receive the presentation regarding the Audit Results for the Fiscal Year Ended June 30, 2017.

Seconded by Councilmember Blanchard.

ORDINANCE NO. O-12-17: Matter of considering the first 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.

Councilmember Blanchard moved to approve Ordinance No. O-12-17.

Seconded by Councilmember Steadman.

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

Nays: None

Motion Approved.

MOTION NO. M-77-17: Matter of approving the 2017-2018 Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Berkley. The City will be reimbursed \$10,423.34, which will be paid in two installments, (50%) \$5,211.67 due in December 2017 and (50%) \$5,211.67 due in March 2018.

Councilmember Kideckel moved to approve Motion No. M-77-17.

Seconded by Mayor Pro Tem Baker.

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

Nays: None

Motion Approved.

MOTION NO. M-78-17: Matter of approving the 2018-2020 Permit Application Municipality Maintenance Agreement between the Road Commission for Oakland County and the City of Berkley.

Mayor Pro Tem Baker moved to approve Motion No. M-78-17.

Seconded by Councilmember Hennen.

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

Nays: None

Motion Approved.

MOTION NO. M-79-17: Matter of approving the purchase of a 2018 John Deere 544 Loader for a total cost of \$189,355 from AIS Construction Equipment, 3600 N. Grand River Ave, Lansing. Funding is allocated from account number 592-536-985-000.

Councilmember Kideckel moved to approve Motion No. M-79-17.

Seconded by Mayor Pro Tem Baker.

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

Nays: None

Motion Approved.

RESOLUTION NO. R-39-17: Matter of considering a resolution to authorizing reimbursement of certain permit fees related to the August 28, 2017 Rain Event.

Mayor Pro Tem Baker moved to approve Resolution No. R-39-17.

Seconded by Councilmember Steadman.

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

Nays: None

Motion Approved.

RESOLUTION NO. R-40-17: Matter of designating the time and place of City Council Meetings and its Rules and Order of Procedure.

Councilmember Steadman moved to approve Resolution No. R-40-17.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

MOTION NO. M-80-17: Matter of approving the 2018 City Council Regular Meeting calendar.

Councilmember Kideckel moved to approve Motion No. M-80-17.

Seconded by Councilmember Hennen.

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

Nays: None

Motion Approved.

COMMUNICATIONS:

COUNCILMEMBER HENNEN: is excited to serve the residents of Berkley. He asked the community to participate and let the council know how they can be of service.

COUNCILMEMBER KIDECKEL: thanked the American Legion and the Veterans of Foreign Wars (VFW) for a great ceremony on November 11th for Veterans Day. He asked City Manager Baumgarten to confirm that there is a strategy to systematically update the city ordinances. Councilmember Kideckel concluded by welcoming newly elected Councilmember Hennen.

MAYOR PRO TEM BAKER: thanked the voters for their confidence and trust in him to continue his work on council. He gave an update from the recent Downtown Development Authority (DDA) meeting. The committee welcomes Berkley High School Sophomores Maggy and Eli as student members. Mayor Pro Tem Baker encourages the residents to visit www.downtownberkley.com for events in the downtown area. The DDA is working on a shopping and dining guide that will have a map with a wide assortment of establishments. Mayor Pro Tem Baker gave an update on the recent Historical Committee meeting. The Historical Museum will be open at the conclusion of the Holiday Lights Parade on Saturday, December 2nd. He shared a quote from Christian author Joyce Meyer, "Don't be afraid of change, because it is leading you to a new beginning." Mayor Pro Tem Baker expressed his appreciation for former Councilmember Graveline and Mayor O'Dwyer for all of their great work on City Council.

COUNCILMEMBER STEADMAN: informed the residents about the Annual Holiday Spirit Award. This program recognizes Berkley residential homes and businesses for their holiday decorations. Nomination forms may be emailed to berkleybac@gmail.com and the deadline for nominations is due by Sunday, December 10th and recognition will be done on Monday, December 18th. She encourages the residents to visit the Berkley Public Library website at www.berkley.lib.mi.us for program information. Councilmember Steadman shared the sad news of the house fire that affected the business owners of the Be Well Medical Center in Berkley. Their cats Arcturus and Cygnus, both of which are in

the *Guinness Book of World records* are believed to have been died in the fire. Councilmember Steadman wished everyone a Happy Thanksgiving.

COUNCILMEMBER BLANCHARD: had the privilege of attending the Military Appreciation Day hosted by the Berkley High School. He thanked the American Legion and the Veterans of Foreign Wars (VFW) for their Veterans Day ceremony. Councilmember Blanchard expressed his gratitude to the voters for re-electing him in the recent election. He welcomed Mayor Terbrack, Mayor Pro Tem Baker, and Councilmember Hennen on City Council. Councilmember Blanchard encourages everyone to purchase a Explore Berkley Gift Certificate to help support the small businesses in Berkley. These certificates may be purchased on the Chamber of Commerce and the Berkley Education Foundation websites. Councilmember Blanchard invites everyone visit the downtown area on November 25th for the Small Business Saturday event.

CITY MANAGER BAUMGARTEN: thanked the council and residents for encouraging DTE Energy to provide accurate information and get active in the community. DTE Energy has finished outlining a tree trimming program, this project was initiated due to many power outages, and today they sent the program information to their tree service vendor. Once the project beings, the Berkley residents and business will receive updates from DTE Energy. Their Engineering Department has designed a project that involves new wires, replacement of existing wooden poles, and installation of equipment in frequent power outage areas. This project is expected to be released to the field construction crew at the end of calendar year 2017. City Manager Baumgarten reminded everyone that the city offices will be closed on Thursday, November 23rd and Friday, November 24th for the Thanksgiving holiday. The city offices will reopen on Monday, November 27th. He invites everyone to the "Rain Water Management on Private Property" program at the Library on Thursday, November 30th. Residents may go on the city website at www.berkleymich.org for information on rain barrels. City Manager Baumgarten recognized the Public Works crew for systematically clearing the streets and removing debris in the catch basins this past Saturday. He asks that residents do not try to remove blockage from the catch basins in their neighborhood and leave it to the Public Works crew. City Manager Baumgarten thanked Public Works Director Derrick Schueller, Public Works Foreman Shawn Young, and the Public Works crew for all their hard work.

CITY ATTORNEY STARAN: gave his best to the new council. He wished everyone a happy and safe Thanksgiving holiday.

MAYOR TERBRACK: wished everyone a Happy Thanksgiving. He invited everyone to join the Holiday Lights Parade festivities on Saturday, December 2nd. Mayor Tebrack thanked the voters for their confidence in him for the past 10 years as a councilmember and for the next 2 years as mayor. He expressed his appreciation for his wife Jacqueline, his daughters Addison, Emma, and Isabelle for allowing him to pursue his passion serving on council. He recognized his parents Roy and Katelyn Terbrack for their support. Mayor Terbrack congratulated newly elected Councilmember Dennis Hennen and he looks forward to working with all members of City Council. He spoke highly of former mayors Marilyn Stephan and Phil O'Dwyer for being great mentors. Mayor Terbrack addressed some concerns and rumors in question during the election. What matters most is the city he serves, his family, his friends, and ultimately his kids who will grow up in this wonderful city. City Council are elected volunteers that give their time to serve the city they care deeply about. The decisions Mayor Terbrack make are based on what is best for Berkley now and in the future. He encourages everyone to have civil conversations, appreciate what a great place Berkley is and work together to make it even better.

ADJOURNMENT:

Councilmember Kideckel moved to adjourn the Closed Session at 9:46 PM.
Seconded by Councilmember Steadman.
Motion Carried Unanimously.