

THE NINETEENTH REGULAR MEETING OF THE THIRTY-SEVENTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, DECEMBER 3, 2018 BY MAYOR TERBRACK

PRESENT: Steve Baker Dennis Hennen
Jack Blanchard Eileen Steadman
Bridget Dean Daniel Terbrack
Ross Gavin

APPROVAL OF AGENDA

Councilmember Dean moved to approve the Agenda.

Seconded by Councilmember Hennen.

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

Nays: None

Motion Approved.

INVOCATION REVEREND TAL SULLIVAN

CITIZENS COMMENTS

Natalie Price, Berkley resident at 2773 Harvard and a member of the Mom's Club, on behalf of the committee announced the Diaper Drive for the Judson Center has returned for another season. Donations are being received at various locations from the month of December. The Mom's Club is grateful to the following community partners: the Berkley Public Safety Department, Berkley Public Library, Berkley City Hall, Berkley Community Center, Berkley Public Works, Berkley First, Backyard Playground, and Annabelle's Couture for collecting the diapers.

Greg Cloutier, Berkley resident at 2272 Rosement, expressed his concern with the dismissal of Duaine Franks.

David Oliver, Berkley resident at 3116 Kipling, expressed his concern with the dismissal of Duaine Franks.

Consent Agenda

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

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 37th City Council meeting on Monday, November 16, 2018 Work Session and Monday, November 19, 2018.

RESOLUTION NO. R-36-18: Matter of recognizing Josephine Brewer for her many contributions to the City of Berkley.

RESOLUTION NO. R-37-18: Matter of recognizing the Outgoing Berkley Chamber of Commerce President Patrick Calhoun.

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

Nays: None

Motion Approved.

Regular Agenda

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

Mayor Daniel J. Terbrack read Resolution No. R-36-18 into record.

Josephine Brewer is overwhelmed with the love everyone has shown her. She thanked Councilmember Hennen for the stuffed animal turkey which reminds her of the live turkey that visits her property. Ms. Brewer encourages everyone to care about their neighbors and community. She is happy to have contributed even a little bit.

Josephine's neighbor thanked Josephine Brewer for being a treasure to her and her family.

Mayor Terbrack shared that Josephine Brewer was recognized at the Holiday Lights Parade by the Junior Women's Club.

Councilmember Jack Blanchard read Resolution No. R-37-18 into record.

Patrick Calhoun may be a Huntington Woods resident but he spends majority of his time working in Berkley. His family has considered the City of Berkley their downtown. Mr. Calhoun thanked the Berkley community for being a fantastic and caring hometown for so many people.

PRESENTATIONS: Matter of receiving a report from Ms. Marilyn Cupples and her neighbors.

Mayor Terbrack thanked Ms. Cupples and her neighbors for bringing their concerns to the City Council.

The following Berkley residents provided handouts to support their concern with drain and excavating issues in their neighborhoods:

1. Marilyn Cupples, Berkley resident at 1976 Oakshire
2. Jason Chrumka, Berkley resident at 1943 Royal
3. Ms. Cupples spoke on behalf of Rebecca Melville, Berkley resident at 1927 Royal
4. Kevin McNulty, Berkley resident at 1975 Royal
5. Ms. Cupples spoke on behalf of Kelly Cuellar, Berkley resident at 1960 Oakshire
6. Arnold Joa, Berkley resident at 1915 Royal
7. Kevin Brooks, Berkley resident at 1991 Royal
8. Todd Fisher, Berkley resident at 1944 Oakshire

City Manager Baumgarten gave an update on solutions for the drain and excavating issues with Eli Construction and a timeline of the work to be done. The new Building Official Keith Woodcock is working directly with the excavating company to resolve the issues and ensure the work is completed. A Miss Dig ticket was received today and work will begin Wednesday, December 5th.

City Attorney Christ explained that a legal recourse would depend on the scope of the documentation that is developed and the consequences and sanctions that can be built into such an agreement. There needs to be a solution related to both the French drain and the excavating issues. The context of the permits issued to the contractor, there is leverage to be used in fashioning the appropriate remedy and protection for the adjacent homeowners.

Councilmember Hennen would like to ensure that there are no oversights to issues similar to the ones tonight. The City Master Plan conversations should include an infill development for the community and for it to happen responsibly.

Mayor Pro Tem Baker is impressed with the caliber of materials assembled by Ms. Cupples and her neighbors. He recognized Councilmember Steadman for moving the concerns along and he plans to pay close attention to resolving the residents' concerns.

Tammie Polk, Berkley resident at 1440 Eaton, inquired about the owner of Eli Construction.

PRESENTATIONS: Matter of receiving a report from Plante & Moran regarding the Audit Results for the Fiscal Year Ended June 30, 2018.

Mayor Pro Tem Baker moved to receive an audit report from Plante & Moran.
Seconded by Councilmember Dean.

Mayor Tebrack introduced Lisa Manetta, Partner at Plante & Moran and Keith Szymanski, Associate at Plante & Moran. He concluded the presentation by recognizing Finance Director Ginger Burke-Miller, Staff Accountant Laurie Fielder, and Staff Accountant Susan Reddin for all their hard work. Mayor Tebrack thanked Plante & Moran for their presentation tonight. He inquired about the city's contributions to unfunded and OPEB liability to meet future obligations.

Lisa Manetta, Partner at Plante & Moran, reviewed the letter of required communication to the State of Michigan, Department of Treasury and the Comprehensive Annual Financial Report (CAFR) with City Council. Ms. Manetta confirmed that the separation of duties options is to either fully remove administrative access or incorporate types of reviews. The City of Berkley has taken steps to fund their OPEB liability and they show solid progress.

Keith Szymanski, Associate at Plante & Moran, reviewed the PowerPoint financial statement presentation with City Council. He confirmed that GASB Statement No. 83 will be effective for the current fiscal year. Mr. Szymanski further explained that it relates to using your capital asset for benefits and at the end of its life there is a cost associated with taking it out of service.

City Manager Baumgarten advised council that the Finance Department does bank reconciliation on a monthly basis. The resolution for separation of duties will be in place either to remove administrative access from the Finance Director or to produce a quarterly report for a third person to review to ensure no fraudulent activity. City Administration is working with Plante & Moran to remedy this concern as soon as possible.

Councilmember Blanchard inquired about GASB Statement No. 83, Certain Asset Retirement Obligations.

Councilmember Hennen inquired about the segregation of duties in the Finance Department and timeline of any implementations.

Mayor Pro Tem Baker thanked Plante & Moran for the thorough detailed material presented tonight.

MOTION NO. M-84-18: Matter of approving the appointments to various Boards and Commissions.

Councilmember Dean moved to approve Motion No. M-84-18.
Seconded by Mayor Pro Tem Baker.

Ayes: Gavin, Hennen, Steadman, Baker, Blanchard, Dean, and Terbrack
Nays: None
Motion Approved.

RESOLUTION NO. R-38-18: Matter of adopting the City of Berkley Public Participation Plan.
Councilmember Gavin moved to approve Resolution No. R-38-18.
Seconded by Councilmember Hennen.
Ayes: Hennen, Steadman, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

ORDINANCE NO. O-15-18: Matter of considering the first reading of an ordinance to rezone property described as 3339 Cummings Ave., S 20 ft. of Lot 113, also all of Lot 114, Berkley School-Park Subdivision from Parking District to Single Family Residential District (R-1D).
Councilmember Gavin moved to approve Ordinance No. O-15-18.
Seconded by Councilmember Dean.
Ayes: Blanchard
Nays: Steadman, Baker, Dean, Gavin, Hennen, and Terbrack
Motion Denied.

ORDINANCE NO. O-16-18: Matter of considering the first reading of an ordinance to rezone property described as 3910 Eleven Mile Rd., Lot 278, Thomas Park Subdivision from Eleven Mile District to Single Family Residential District (R-1D).
Councilmember Gavin moved to approve Ordinance No. O-16-18.
Seconded by Councilmember Dean.
Ayes: None
Nays: Baker, Blanchard, Dean, Gavin, Hennen, Steadman, and Terbrack
Motion Denied.

COMMUNICATIONS:

COUNCILMEMBER BLANCHARD: thanked all the volunteers for a successful Holiday Lights Parade. He shared the current statistics for winter home fires and asked property owners to help maintain the fire hydrants near their homes.

COUNCILMEMBER STEADMAN: reminded everyone that the Citizens Engagement Advisory Committee is scheduled to meet on Wednesday, December 5, 2018 at 6:30 p.m. at the Public Safety Second Floor Conference Room. The Beautification Advisory Committee is scheduled to meet on Wednesday, December 12, 2018 to discuss the Holiday Spirit Award. The Library Board will meet on Monday, December 10, 2018. Councilmember Steadman encourages everyone to visit the Berkley Library website at www.berkleylib.mi.us for program information.

MAYOR PRO TEM BAKER: gave an update from the Downtown Development Authority (DDA) to include Coolidge Safety Open House, Merry and Bright shopping night on Friday, December 7, 2018 from 5 .m. to 9 p.m., and more information can be found on their website at www.downtownberkley.com . He gave an update from the Historical Committee to include the museum open during the Holiday Lights Parade, volunteers are welcome, and the museum hours are Wednesdays from 10 a.m. to 1 p.m., Sundays from 2 p.m. to 4 p.m., and appointments are available for groups. Mayor Pro Tem Baker welcomed the new Technology Advisory Committee member Anna Luptak. He gave an update from the Technology Advisory Committee to include a scheduled tour of the Public Works Department to review their technology needs, a review of the

social media acceptable use policy and their next meeting is scheduled for Wednesday, December 12, 2018 at 6:30 p.m. at the Public Safety Second Floor Conference Room. Mayor Pro Tem Baker shared a quote from English actor Dudley Moore “The best car safety device is a rear view mirror with a cop in it.” He informed everyone that December is National Drunk and Drugged Driving Prevention Month. Mayor Pro Tem Baker encourages everyone to be smart, plan ahead and be safe.

COUNCILMEMBER DEAN: thanked all the volunteers for a successful Holiday Lights Parade. She had a message for Josephine Brewer, “The love that you’re feeling is your love being reflected back to you. You have poured your heart and soul into Berkley and we are a better community because of all you’ve given. And I have been a direct recipient of your kindness and I will be forever grateful. Thank you for being here and all the work that you have done. I have enjoyed my time on the Parks and Recreation Advisory Board with you and the best to you in the future.” Councilmember Dean invites everyone to hang out at her shop “Have You Any Wool” between the hours of 5 p.m. – 9 p.m. during MerriMonth. She announced that Winter Break Camp is from Wednesday, December 26th to Friday, December 28th and Wednesday, January 2nd. Councilmember Dean encourages everyone to visit the city website at www.berkleymich.org and go to the Parks and Recreation home page for more information on programs and events.

COUNCILMEMBER HENNEN: briefly spoke about Environmental Advisory Committee Chairperson Mark Richardson, City Manager Matt Baumgarten and Echo Works have started working on the city’s energy audit. The Environmental Advisory Committee will be working with the cities of Berkley, Huntington Woods, and Oak Park multi community planning process across 11 Mile Road on green infrastructure ideas. Both the Environmental Advisory Board and Tree Board are off for the month of December and will meet again in January.

COUNCILMEMBER GAVIN: thanked all the volunteers for a successful Holiday Lights Parade. He expressed his appreciation for Councilmember Dean for lending her cell phone to his son Isaac to keep him occupied during the parade. The Coolidge Traffic Committee meeting for December is to be determined. The Zoning Board of Appeals (ZBA) will not be meeting in December. Councilmember Gavin gave an update from the Planning Commission to include the design review board, special land use and their next meeting is scheduled for Tuesday, December 11, 2018. He wished everyone Happy Holidays with family and friends.

CITY MANAGER BAUMGARTEN: thanked all the volunteers for a successful Holiday Lights Parade. City Manager Baumgarten and Public Works Director Derrick Schueller are scheduled to attend the Water Resource Commission of Oakland County meeting on Friday, December 7, 2018 to discuss rewriting storm water. He encourages everyone to purchase the Chamber of Commerce Explore Berkley Gift Certificates as gifts and to spread holiday cheer. More information may be found on the Berkley Area Chamber of Commerce website at www.berkeleychamber.com. Our building and code enforcement contractor McKenna is working on the city’s storm water standards and construction site standards to be brought for council review in a future meeting.

CITY ATTORNEY CHRIST: informed council that the City Attorney’s Office will be reviewing Chapter 78 and working with City Administration in regards to the flood complaints from Ms. Cupples and her neighbors.

MAYOR TERBRACK: thanked Cinda Coon, Marsha Swayze, the Holiday Lights Parade Committee and the Berkley Junior Women’s Club for the success of the Holiday Lights Parade and Tree Lighting Ceremony. He recognized the Department of Public Works (DPW) who stole the show at the parade. Mayor Terbrack gave a brief update on Ordinance No. O-14-18 for Chapter 30,

Marihuana Establishments. In January, Mayor Terbrack plans to assemble a committee to review the potential Community Center prospect for the future. He wished everyone that celebrates a happy second night of Hanukkah.

COUNCIL MEETING ADJOURNMENT:

Motion by Councilmember Hennen to adjourn the regular meeting at 9:55 PM

Seconded by Councilmember Steadman.

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

Nays: None

Motion Approved.