

**THE FOURTH REGULAR MEETING OF THE THIRTY-SEVENTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, JANUARY 22, 2018 BY MAYOR TERBRACK**

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

**APPROVAL OF AGENDA**

Councilmember Kideckel moved to approve the Agenda.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

**INVOCATION - PASTOR ADAM GROH**

**CITIZENS COMMENTS**

Charles Tyrrell, Berkley resident at 1209 Columbia, expressed his concerns with the operations of the Planning Commission.

***Consent Agenda***

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

**APPROVAL OF THE MINUTES:** Matter of approving the minutes of the 37<sup>th</sup> City Council meeting on Monday, December 18, 2017 and the Special Meeting on Wednesday, January 3, 2018.

**WARRANT:** Matter of approving Warrant No. 1322.

**RESOLUTION NO. R-01-18:** Matter of recognizing Becky Bone, owner of Nip N' Tuck Diner.

**RESOLUTION NO. R-02-18:** Matter of recognizing Ruth Hoenle, owner of Sila Italian Dining & Pizza.

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

Nays: None

Motion Approved.

***Regular Agenda***

**RECOGNITIONS/PRESENTATIONS**

Mayor Daniel J. Terbrack read Resolution No. R-01-18 into record.

Becky Bone, business owner of Nip N' Tuck Diner, cannot thank everyone and the city enough for the many years of support.

Mayor Terbarck on behalf of City Council, conveyed that Nip N' Tuck and Sila Italian Dining & Pizza are institutions that will certainly be missed in this community. He stated that the city has been very

fortunate to have had both businesses for all these years. Both historic businesses will truly be missed but certainly not forgotten. They have graciously donated some memorabilia to the Berkley Historical Museum. The museum is open Wednesdays, 10:00 a.m. to 1:00 p.m. and Sundays, 2:00 p.m. to 4:00 p.m. Mayor Terbrack encourages everyone to visit the museum and see the display that will keep these businesses legacy going.

Councilmember Kideckel thanked Becky for the wonderful breakfast and lunch her diner provided. He enjoyed talking baseball with her during his visits.

Councilmember Jack Blanchard read Resolution No. R-02-18 into record.

Councilmember Kideckel on behalf of the Dad's Club presented Ruth Hoenle with a plaque that expressed their appreciation for her support and generous contributions throughout the many years dated December 2017. He thanked Ms. Hoenle for participating in the Taste of Berkley and Sila's will be missed.

Ruth Hoenle, business owner of Sila Italian Dining & Pizza, misses Berkley and everyone who visited Sila's. It has been nice to relax and have a life outside of owning a business. She loves Berkley and thanked everyone for the recognition.

**OATH OF OFFICE:** Oath of Office to the newly appointed Councilmember Ross Gavin.

City Clerk Phommady A. Boucher administered the Oath of Office to Councilmember Ross Gavin.

**MOTION NO. M-02-18:** Matter of approving appointments to various Boards and Commissions. Councilmember Kideckel moved to approve Motion No. M-02-18.

Seconded by Mayor Pro Tem Baker.

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

Nays: None

Motion Approved.

**RESOLUTION NO. R-03-18:** Matter of authorizing the execution of the Public Unit Master Signature Authorization Agreement between the City of Berkley and Flagstar Bank to provide the necessary authorizations for deposits, withdrawals and other basic bank business on behalf of the City of Berkley.

Councilmember Steadman moved to approve Resolution No. R-03-18.

Seconded by Councilmember Hennen.

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

Nays: None

Motion Approved.

**MOTION NO. M-03-18:** Matter of appointing Mayor Dan Terbrack as Berkley's delegate and City Manager Matthew Baumgarten as the City's alternate delegate to the Southeast Michigan Council of Governments (SEMCOG) General Assembly; and to instruct the City Clerk to send a copy of this motion to the SEMCOG Membership Services.

Mayor Pro Tem Baker moved to approve Motion No. M-03-18.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

**MOTION NO. M-04-18:** Matter of appointing Mayor Dan Terbrack and Mayor Pro Tem Steve Baker as Berkley's Representatives to the Woodward Avenue Action Association.

Councilmember Kideckel moved to approve Motion No. M-04-18.

Seconded by Councilmember Steadman.

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

Nays: None

Motion Approved.

**DISCUSSION:** Matter of discussing possible ballot proposals to address facility and infrastructure needs within the community.

Councilmember Hennen moved into discussion.

Seconded by Councilmember Gavin.

Start at 7:27 p.m.

City Manager Baumgarten stated that over the years City Administration has addressed the need for infrastructure and city facilities. There have been plans set in motion for building improvements and to obtain a sustainable funding model for infrastructure. These discussions at staff level and with the subcommittees was to consider a millage at 2.0 mills dedicated to infrastructure improvements and a proposed bond to be utilized to rebuild the Community Center. A preview of the concept for the new Community Center and the City Hall renovations were well received at the recent open house. The City Hall has specific issues that need to be addressed such as the size of its meeting rooms, water leaks, and an HVAC system upgrade. All three proposals will require ballot driven initiatives with the approval from City Council to be added to a May Special Election, August Primary Election, or November General Election this year. Following the August 28th flood event, the city is in the midst of a study of the capacity of our system and to address more frequent intense storms referred to as the Climate Change Resiliency Report. These recommendations will be incorporated into future projects such as roads and water mains. To utilize installation of new capacity and best management practices that have been produced by organizations such as SEMCOG, The city anticipates a full completion of the study in April. The first project to move along under the funding strategy will not take place until 2019. This will allow the funds to be paid out, bank, and develop a project based on the new funding structure. There may not be talks about specifics of recommendations before mid-August. The Harvard Road Project does set the context of the possibility of complete road reconstruction. It was a complete water main replacement, a complete rebuild of the road, and a sidewalk to sidewalk replacement. With over fifty miles of roads in the city, to reconstruct half a mile of roads each year for more than ten years will commit the city to a very long cycle of replacing roads. The target is to do a complete road reconstruction of half a mile per year for ten years. Also, address other road resurfacing and maintenance as well. Every three years the city re-audits the streets conditions known as PASAR and maps of the ratings are available on the city website. About 30% of the roads are in good shape, most are in fair shape, and at least a dozen are in poor shape. If the city does an overlay project at the low PASAR rating areas for the next 10 years, they would have a proven track record and receive support from the community for an additional 10 years. The city would use the Capital Improvement Plan (CIP) for specific projects in the next 5 to 6 years. Each year, as the projects are completed then a new one would be added. The city does road ratings every three years to reassess the road plans. This will help determine whether to do restoration, rehabilitation or maintenance for the road projects. Similar to the voter approved funding in 2012/2013, the city would account for projects in the budget documents for every year. The city has discussed the Headlee Rollback and to plan around it appropriately. The House Committee is holding a hearing for House Bill (HB) 4814 on January 25th and the local municipalities

will be well represented by the Michigan Municipal League (MML). City Manager Baumgarten introduced Project Manager Branden Clements from Stantec who is available to answer council's questions about the community center. The recommendations will be at a large scale to include both small and large road projects. The sewer was addressed prior to the reconstruction of Harvard Road with work on pipelining and drainage capacity. Michigan Department of Transportation (MDOT) and county roads received 6% and local government received 39% of funds from the gas tax. State shared revenue funds have been stagnant with a slight decrease and Act 51 dollars have not kept pace on the expenditure side. The 2019 summer or winter tax bills would include the millage from the road, community center, and city hall proposals if passed by the voters. Tax bills are due to Oakland County by the end of May and it is a possibility to add a tax millage to the current year summer taxes. Any proposal language to be approved by council for a May Special election is due on Tuesday, January 30<sup>th</sup> which means the deadline is at tonight's meeting. After each election there is a certification process by the Board of Canvassers at Oakland County that may take an additional 30 days to complete.

Mayor Terbrack reiterated that the agenda calls for a discussion to try to ascertain where councilmembers are with the agenda items presented. If council is inclined to go to the voters with the proposals and for which election(s). He would like to know the thoughts on the agenda items, if council is comfortable to move forward with the ballot initiatives and when is the right time. This would allow City Manager Baumgarten to have enough input and direction to know where to go from here. Mayor Terbrack inquired about the expectation of roads to be completed on an annual basis with a 2.0 millage and ten years proposal. Mayor Terbrack stated that the three proposals discussed today are needs for the city that have identified by City Council and recommended by the Citizens Advisory Committee (CAC). The council is expected to discuss what are the priorities, what the residents want, and what will be approved by the voters. There are significant sections of the city that can use new roads. It would be wonderful for the much needed roads in the city to undergo an 8 month reconstruction like the Harvard Road project. It is important for council to decide if it is a priority to bring the road proposal before the May Special election, August Primary election, or November General election. For the three ballot initiatives council must consider what makes the most sense, what would provide enough time to properly engage the residents before making a decision, and hear what the voters want. The public meeting last week was well attended and we received positive feedback. There are a number of questions that need to be answered before any recommendations can be made. Mayor Terbrack clarified that whether the proposals are added to one single election or spread out between elections it will still effect the same tax cycle. Mayor Terbrack responded to Mr. Hite that the PASAR rating will identify the need for road construction in the area, the current community center model is moderate compared to other costly scaled ones, and agreed that city hall is one of the needs that will be prioritized by the council. The cost per resident is most important and there are a lot of factors that influence each tax bill. The majority of the council prefers the community center, city hall, and road proposals to be added to the November General election to give administration time to study their options and engage with the community. He voted yes for a May Special election and no for an August Primary election. The city will be moving forward with all three proposals on the November General election. The city will have to make sure there is a plan in place by having all the proposals ready and approved.

Councilmember Hennen feels that the city may be ready to ask for funding for roads but has concerns about the current studies on sewer and storm water. He asked City Manager Baumgarten to confirm whether these studies will be available for the May Special Election. Councilmember Hennen agreed there is not enough information to move forward, there are too many unanswered questions and it would feel rushed to put a facilities proposal on the May Special election. He did not want to rule out the May Special election for a road proposal and provide an education plan for the public. The city will be financially responsible for the total cost of a May Special election. The August

Primary election will include a Berkley School District Sinking Fund millage leaving the November General Election with all the proposals. Councilmember Hennen thinks the City Hall proposal is the lowest priority in comparison the road and community center proposals. He asked what year taxes would the three proposals impact. Councilmember Hennen suggests that the road, community center, and city hall proposals be added to the November General election. He voted no for a May Special election and maybe for an August Primary election. Councilmember suggests milestones for the education plan and to gather community input to stay on track.

Councilmember Kideckel met with Public Works Director Derrick Schueller who explained that the road funding comes from State Act 51 which is the shared revenue. Act 51 will not support the road reconstruction project on a regular basis. The road millage will allow the city to do one project every year or two years depending on the conditions. About half a dozen to two dozen roads that are equivalent to the Harvard project remain to be done. This project was a half mile structure that took eight months to complete. The water and sewer account can only be used for water main pipe replacement. A road millage would allow both on a regular interval and sewer studies will not be available until April. We don't know how big of a pipe is needed for rain water because rain patterns are changing all the time. In 2017, City of Windsor funded a major sewer project that was not able to handle a flood event. Councilmember Kideckel suggests that the cities contact their State Representatives and State Senators to oppose House Bill (HB) 4814. Staff has done an excellent job doing their due diligence but there are too many unanswered questions, there is a need to define all components and specific programming, and we need a backup plan. Councilmember Kideckel commented on the priorities of the proposals that each stand on their own merit. The city hall proposal would cost each property owner in taxes an average of \$35-\$45 per year. He agreed that the community center and city hall proposals to be added to the November General election. He voted yes for a May Special election and no for an August Primary election.

Mayor Pro Tem Baker talked about the millage that would provide a predictable flow of funding and will allow the city to prioritize projects based on needs of the infrastructure. There would be regular communication and oversight to plan upcoming project. He inquired about the approach the city would make to keep council and residents informed of the progress with current initiatives. And during the 10 years, how does the city plan to build the strong track record. As the city gains insight on the infrastructure such as the sewer study in April, it will factor in the plans may cause an adjustment. As the city gains insight on the infrastructure such as the sewer study in April, it will factor in the plans and may cause any adjustments. If a proposal is approved by the voters, there would be funding in place, clarity of work, and the degree of work will be defined. The projects will be clearly communicated and daily reports provided to council so they can make decisions that best serve the residents. Mayor Pro Tem Baker agreed that we need a clear vision and allow people to see themselves as a beacon in the community. Staff has done a great job with incorporating feedback from residents, learning from prior initiatives and building a good track record. We need additional input from residents and put the best possible proposal forward that would represent Berkley for decades to come. Mayor Pro Tem Baker responded to Mr. Hite that facts can be provided to determine the cost for an average homeowner for the community center. The council would need to consider the balance of the funds and the specifics of the projects. Mayor Pro Tem Baker spoke about the recommendations from the facility improvement subcommittee. He suggests that the road proposal to be added to the May Special election but have the community center and city hall proposals to be added to the November General election. He voted yes for a May Special election and no for an August Primary election.

Councilmember Blanchard inquired about the 2.0 mills if passed would be subject to the Headlee Rollback, would the city have enough funding within the first 10 years for road projects? He informed council about House Bill (HB) 4814 that will limit millage elections to the November General election.

Councilmember Blanchard agreed that the proposals are not ready to go on the ballot for a May Special election. There is a need to put together a process to educate the citizens with frequently asked questions and data reports. Councilmember Blanchard recommends that the road proposal to be added to the August Primary election but have the community center and city hall proposals to be added to the November General election. He voted no for a May Special election and yes for an August Primary election.

Councilmember Steadman agreed that the proposals can wait until at least the August Primary election. She spoke about the facility improvement subcommittee that herself, Mayor Pro Tem Baker Councilmember Kideckel, Deputy City Manager Darchelle Strickland Love and former City Planner Amy Vansen visited many city offices. Councilmember Steadman suggests that the road proposal to be added to the August Primary election but have the community center and city hall proposals to be added to the November General election. She voted no for a May Special election and yes for an August Primary election.

Councilmember Gavin agreed for more time to do community discussions, information sharing on the needs, and discuss how to move forward. The month of November would allow for the greater number of residents to have their voices heard on the matter. Councilmember Gavin is in favor of the road, community center, and city hall proposals to be added to the November General election. He inquired about the implication of the new tax law enacted, the elimination of federal tax exemption on bonds, and the advanced refunding bond taken into account. He voted no for a May Special election and no for an August Primary election.

Kurt Hite, Berkley resident at 3525 Robina, suggests that City Administration provide a road map for future projects similar to the City of Madison Heights. For the projects to include sewer, water, and gas line replacement in collaboration with the utility company. Mr. Hite inquired about a moderate proposal for the community center and the building improvement funds to help offset the city hall renovations. Mr. Hite stated that shared revenue from the state for roads have increased 12% last year and up to 6% the previous year. He concluded with a suggestion to approve a smaller design for the community center and later add in phases.

Branden Clements, Project Manager from Stantec, thanked council for their comments and mentioned that they have provided about 12-15% of the full design process for the community center. If the project gets approved there are other design phases that will take time to develop more detail and solicit feedback. The timeline can vary depending on the conceptual design, the schematic design, and construction documents which may require 2-3 months of design work. It may require having focus groups, to solicit input, and to work on the details of the project which may require an additional 6-8 months.

Lisa Kempner, Berkley resident at 2660 Columbia and member of the Planning Commission, expressed her concerns with a road proposal on the May Special election and the added sewer component from the study to be done in April.

Charles Tyrrell, Berkley resident at 1209 Columbia, inquired if the sewer was addressed and backflow valves were installed during the Harvard Road project. With the State Legislature gas tax, he asked how much of those funds did Berkley receive. Mr. Tyrrell stated that proposals voted down in previous elections should not return for future elections.

Michael Matthews-Pennanen, Berkley resident at 1897 Beverly, encourages council to act now on the millage proposals for the roads and community center. He suggests that the city collaborate with the Berkley School District.

Mike Kerby, Berkley resident at 2652 Gardner and Chairman of the Parks and Recreation Advisory Board, encourages council to act now on the millage proposals for the roads, community center and the city hall.

Marty Smith, Berkley resident at 1692 Earlmont and member of the Planning Commission, inquired about the 2.0 millage and was informed that it represents 1.2 million for road construction. He asked about any discussions in regards to continuing operations for the community center.

Dale GoodCourage, Berkley resident at 2392 Columbia, suggests that council takes their time to do their due diligence for the community center proposal.

Interim Finance Director Pepperman indicated that the timeline is very limited but it is a possibility to add a tax millage to the current year summer taxes.

City Attorney Ann Christ is unaware of any restrictions with adjusting the language for the road proposal. She agreed with Interim Finance Director Pepperman that the election date and due date of May is cutting it close.

City Clerk Boucher advised council that a special election will cost the city at least \$11,000.

End at 8:54 p.m.

**RESOLUTION NO. R-04-18:** Matter of authorizing the amendment of the 2017/2018 Operating Budget those operating funds as presented.

Councilmember Blanchard moved to approve Resolution No. R-04-18.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

#### **COMMUNICATIONS:**

**COUNCILMEMBER GAVIN:** recognized the City Manager and City Staff for a well-organized Open House. He thanked the residents who attended and gave input at the Open House. Councilmember Gavin expressed his gratitude to his colleagues and the residents for the opportunity to serve on City Council.

**COUNCILMEMBER HENNEN:** thanked City Administration for having the City Council and Planning Commission meeting packets available on the city website

**COUNCILMEMBER KIDECKEL:** thanked Becky Bone from Nip N' Tuck and Ruth Hoenle from Sila Italian Dining & Pizza, they will be missed in the community. He recognized the City Manager and City Staff for a well-organized Open house. Councilmember Kideckel mentioned that all three sessions of the Daddy Daughter dance were sold out on Saturday, January 20<sup>th</sup>. He expressed his gratitude to the Berkley Junior Women's Club, the Berkley Huntington Woods Youth Assistance and the Parks and Recreation Staff. The Mother Son sport dance is scheduled for Saturday, January 27<sup>th</sup> for three sessions and the Winterfest is on Saturday, February 3<sup>rd</sup> from 12 noon - 3 p.m. Councilmember Kideckel spoke about the retail business leaving Berkley Downtown District.

**MAYOR PRO TEM BAKER:** hopes to see energy and vitality for the retail businesses in the Berkley Downtown District. He encourages everyone to support local businesses and use the Berkley Bucks. The following are updates from the Downtown Development Authority (DDA): Design Guidelines meeting on Wednesday, March 7<sup>th</sup>; the DDA is applying for the Main Street Oakland County program; a nationally known retail consultant will be providing workshops to our Small Independent Business owners; and the DDA is offering a Facade Grant Program. Mayor Pro Tem Baker thanked the Historical Committee for their hard work on the displays for Sila Italian Dining & Pizza, Nip N' Tuck, and the Doll Hospital. He shared a quote from former President Theodore Roosevelt, "In any moment of decision, the best thing you can do is the right thing, the next best thing is the wrong thing, and the worst thing you can do is nothing." Mayor Pro Tem Baker would like to continue the conversation on the millage proposals and make key decisions.

**COUNCILMEMBER STEADMAN:** encourages everyone to visit the Berkley Public Library website at [www.berkley.lib.mi.us](http://www.berkley.lib.mi.us) for updates and programs. She invites everyone to join the Beautification Advisory Committee for their fundraising event at Patrick J's on Tuesday, February 27<sup>th</sup> from 5 p.m. - 9 p.m. Councilmember Steadman welcomed Councilmember Ross Gavin on the City Council. She recognized the City Manager and City Staff for a well-organized Open house

**COUNCILMEMBER BLANCHARD:** gave a brief update from SOCCRA and reported 41% increase in recycling for City of Berkley from September to December in 2016 and 2017 due to the mix recycling program. He invites everyone to the Berkley Scavenger Hunt during the week of January 20<sup>th</sup> – 28<sup>th</sup> hosted by the Chamber of Commerce. The Berkley Public Library will be giving away the American Chillers trading cards as prizes during the scavenger hunt.

**CITY MANAGER BAUMGARTEN:** invites everyone to the next Chat with Matt on Thursday, February 15<sup>th</sup> with special guest Public Safety Director Matt Koehn. He recognized City Staff and City Council for a well-organized Open House.

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

**MAYOR TERBRACK:** thanked Becky Bone from Nip N' Tuck and Ruth Hoenle from Sila Italian Dining & Pizza. He is saddened to know that the Doll Hospital will close their business this year. Mayor Terbrack spoke briefly about the tradition of New Year's Resolutions. He announced the following council liaison appointments: Councilmember Steadman is the liaison for the Beautification Advisory Committee; Mayor Pro Tem Baker is the liaison for the Downtown Development Authority (DDA); Councilmember Hennen is the liaison for the Environmental Advisory Committee; Mayor Pro Tem is the liaison for the Historical Committee; Councilmember Steadman is the liaison for the Library Board; Councilmember Kideckel is the liaison for the Parks and Recreation Advisory Board; Councilmember Gavin is the liaison for the Planning Commission; Councilmember Hennen is the liaison for the Tree Board; Councilmember Kideckel is the liaison for the Zoning Board of Appeals (ZBA); Councilmember Blanchard is the liaison for the Chamber of Commerce; and Councilmembers Blanchard and Gavin are the liaisons for the Coolidge Traffic Committee.

**ADJOURNMENT:**

Councilmember Kideckel moved to adjourn the regular meeting at 9:14 PM.

Seconded by Councilmember Hennen.

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

Nays: None

Motion Approved.