

THE TWENTY-FIRST REGULAR MEETING OF THE THIRTY-SIXTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, JANUARY 23, 2017 BY MAYOR O'DWYER

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

APPROVAL OF AGENDA

Mayor Pro Tem Baker moved to approve the Agenda with an amendment to move communications between item #12 R-03-17 and item #13 Closed Session.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

INVOCATION REVEREND HANNAH GREGORY

CITIZENS COMMENTS

Kurt Hite, Berkley resident at 3525 Robina, expressed his concerns about the Community Center survey and had suggestions for the Citizen's Advisory Committee.

Jeff Tong, Historical Committee Vice-chairman and Berkley resident 1628 Larkmoor, announced that the City of Berkley will be celebrating its 85th Anniversary in May. The Historical Committee has partnered with Anniversary Books to create a memorial publication about Berkley's history. A free copy of the book will be delivered to every home in the city and additional copies will be available for purchase.

Consent Agenda

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

APPROVAL OF THE MINUTES: Matter of approving the minutes of the regular 36th City Council meeting on Monday, December 19, 2016.

WARRANT: Matter of approving Warrant No.1310.

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.

MOTION NO. M-01-17: Matter of appointing Gabriella Vezzosi to the Beautification Advisory Committee with a term to expire July 1, 2020.

Councilmember Steadman moved to approve Motion No. M-01-17.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

City Manager Baumgarten introduced Ms. Gabriella Vezzosi.

Gabriella Vezzosi, Berkley resident at 3920 Tyler, thanked council for the opportunity and shared that she rented a home in Berkley for a year prior to purchasing her first home in the city.

MOTION NO. M-02-17: Matter of accepting a donation from the Beaumont Foundation of \$10,000.00 to the senior transportation program.

Councilmember Terbrack moved to approve Motion No. M-02-17.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

MOTION NO. M-03-17: Matter of authorizing the Mayor to execute a third party Specialized Services Operating Assistance contract between SMART and the City of Berkley for public transportation services primarily designed for senior citizens and persons who are physically disabled. The contract period for this program is from October 1, 2016 to September 30, 2017.

Councilmember Terbrack moved to approve Motion No. M-03-17.

Seconded by Mayor Pro Tem Baker.

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

Nays: None

Motion Approved.

MOTION NO. M-04-17: Matter of awarding the DPW Garage Infrared Tube Heaters Project to Optimum Contracting Solutions, Inc. of Bloomfield Hills, Michigan in an amount totaling \$25,225 from account #101-441-976-000.

Councilmember Kideckel moved to approve Motion No. M-04-17.

Seconded by Councilmember Steadman.

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

Nays: None

Motion Approved.

MOTION NO. M-05-17: Matter of approving the Downtown Development Authority (DDA) Director Agreement with Vivian Carmody.

Mayor Pro Tem Baker moved to approve Motion No. M-05-17.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

MOTION NO. M-06-17: Matter of approving the Automatic Fire Aid Agreement between the City of Berkley Department of Public Safety and the City of Huntington Woods Department of Public Safety.

Councilmember Blanchard moved to approve Motion No. M-06-17.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

MOTION NO. M-07-17: Matter of approving the purchase of a new Public Safety patrol vehicle from Signature Ford for the budgeted amount of \$27,070.00 from account 101-310-985-000.

Councilmember Blanchard moved to approve Motion No. M-07-17.

Seconded by Councilmember Steadman.

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

Nays: None

Motion Approved.

PRESENTATION: Matter of receiving a presentation by Natalie Neph from Oakland County regarding the Oakland County Investment Pool.

Councilmember Kideckel moved to receive a presentation by Natalie Neph from Oakland County.

Seconded by Mayor Pro Tem Baker.

City Manager Baumgarten introduced Investment Administrator Natalie Neph from the Oakland County Treasurer's Office. The Oakland County Treasurer's Office manages an investment portfolio that offers participation to local units of government. The shared services program provides higher rates of return at a low cost and funds can be quickly transferred as needed. This is important to municipalities that need to remain very liquid.

Investment Administrator Natalie Neph from Oakland County shared a message from the Oakland County Treasurer Andy Meisner, "He regrets that a family obligation prevents him from joining the council this evening but you are in wonderful hands with the Investment Administrator Natalie Neph. It is a tremendous honor to represent Berkley as the Oakland County Treasurer and a State Representative prior to that. As a former Berkley resident and a Berkley High School graduate, he knows what a special place Berkley is and how important it is to the strength of Oakland County, the region, and state. Mayor O'Dwyer and the distinguished members of the council offer steady balance leadership during good times and bad. And add a great deal to the regional discourse including Councilmember Baker's extraordinary efforts on behalf of regional transit. As Chief Investment Officer for Oakland County, he has been charged with managing over a billion dollars for the county and local governments who choose to participate in our Local Government Investment Pool (LGIP). As is our duty in Public Act 20 of 1943, we make safety our top priority, and have not lost a penny in the almost 8 years as Treasurer. At the same time, we have significantly outperformed our benchmark of thirty day T-Bill and generating considerable returns for the county and LGIP participants. Every investment decision is subject to Public Act 20 of 1943 and the Oakland County investments policy. LGIP participants can have confidence in our conservative approach. Our office operates with complete transparency and accountability for all functions of our office including investments. Every single investment decision is documented on an investment worksheet showing what investment decision is made and why, what the next best option is, and how the investment decision reflects our policy. We are honored to be at your service and grateful for your partnership." Ms. Neph reviewed with council the agreement with Oakland County, the Yield History, and the active investments report.

RESOLUTION NO. R-01-17: Matter of authorizing the City to enter into a Local Government Investment Pool agreement with Oakland County Treasurer.

Mayor Pro Tem Baker moved to approve Resolution No. R-01-17.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

RESOLUTION NO. R-02-17: Matter of adopting an Investment Policy for the City of Berkley.

Councilmember Terbrack moved to approve Resolution No. R-02-17.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

RESOLUTION NO. R-03-17: Matter of authorizing amendments of the 2016/2017 Operating Budget – those Operating Funds as presented.

Councilmember Kideckel moved to approve Resolution No. R-03-17.

Seconded by Councilmember Graveline.

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

COMMUNICATIONS:

COUNCILMEMBER BLANCHARD: had the honor of participating in the Chamber of Commerce Ribbon Cutting for the Michigan Stars Football Club (FC) at Hurley Field. He welcomed the Michigan Stars FC and the Motor City Women's FC, the season is expected to begin in May.

COUNCILMEMBER STEADMAN: reminded everyone that tonight's Library events include "Learning how to use the iPad, Kindle, and other devices" and "Scrabble & Cocktails at Amici's." She invites everyone to participate in the following Library programs: Income Tax Time: What You Need to Know on Thursday, January 26th at 6:30 p.m.; Film Screening: 13th (2016) on Wednesday, February 1st at 6:30 p.m.; Family Game Night on Wednesday, January 25th from 6-8 p.m.; Family Movie: The Secret Life of Pets on Saturday, January 28th at 11 a.m.; and Family Craft Night on Tuesday, January 31st at 6:30 p.m. Councilmember Steadman encourages the residents to visit the library website at www.berkley.lib.mi.us for more information. She welcomed Gabby Vezzosi to the Beautification Advisory Committee.

MAYOR PRO TEM BAKER: thanked Jeff Tong Vice-Chair of the Historical Committee for sharing the news of upcoming and ongoing projects to include the posting of photos on Facebook. He gave an update on Governor Snyder's State of State address, the mention of place making as a beneficial tool, and the Robina Plaza has been recognized at the state level the Michigan Municipal League (MML) is hosting a press conference on Tuesday, January 24th at 1 p.m. to learn more about the value of place making. There will be a live stream on www.savemicity.org and the league will be discussing proposals to fix the broken system of providing funds to the municipalities. A report called "Michigan's Broken Municipal Finance Model – Issues and Proposed Actions" can also be found on this website. Mayor Pro Tem Baker shared a quote from writer Maryanne Alison, "Accurate information is a key part of motivation." He recognized the volunteers of the Citizen's Advisory Committee and expressed his gratitude to City Administration for providing information on various issues faced by the municipality.

COUNCILMEMBER TERBRACK: announced that the Winterfest 2017 is scheduled for Saturday, February 4th from 12 noon to 3 p.m. This free event includes face painting by Face Flair, archery, ice sculptures, a petting zoo, soup cook-off, cake walk, fowling, children's crafts, an outdoor skating rink and more! Detroit Mini Donut will be providing sweet treats at an additional cost. He thanked the Parks and Recreation Department, volunteers, and donators for making this signature event a success each year.

COUNCILMEMBER GRAVELINE: gave an update on the Tree Board meeting on January 9th and she recognized the Public Works Director Derrick Schuller for submitting the application for the city to maintain its designation for Tree City USA. The committees next meeting is scheduled for February 13th and Margaret Grassa the Tree Board Chair wanted to remind everyone that the committee meets every second Monday of each month. The Tree Board will be discussing Arbor Day activities for the month of April and Judd Hart from J.H. Hart Urban Forestry will be available to answer questions regarding tree maintenance within the city. The next Planning Commission meeting is scheduled for Tuesday, January 24th and the committee will continue to discuss the Master Plan Amendment.

COUNCILMEMBER KIDECKEL: welcomed the Baumgarten family as new residents to the City of Berkley. He spoke about the Mother-Son Dance and Father-Daughter Dance that was held last weekend at the community center. Councilmember Kideckel recognized the Berkley Parks & Recreation Department, the Berkley Junior Women's Club, the Berkley/Huntington Woods Youth Assistance, the Berkley/Huntington Woods Youth Assistance, and Dynasty Flower for making both events a success. He wished the Sons of the American Legion former Commander Darrell Todoroff a speedy recovery. Councilmember Kideckel wished a longtime volunteer, Josephine Brewer, a Happy 80th Birthday. He announced on Saturday, February 4th is the 2017 Off to the Races event hosted by the Berkley Education

Foundation at the Club Venetian from 7 p.m. to 9 p.m. Councilmember Kideckel recognized the Zoning Board of Appeals (ZBA) committee for all their hard work.

CITY MANAGER BAUMGARTEN: announced that the city has again received the Distinguished Budget Presentation Award given by the Government Finance Officers Association (GFOA). He advised council that the postcards for the Berkley Community Center survey reminder will be sent out this week to the residents. Many hard copies of the survey will be available at the City Hall, Community Center, Library, Public Safety, Public Works, and Oxford Towers. Residents may visit the city website at www.berklemich.org for more information or go to www.surveymonkey.com to complete a survey and the deadline is January 27th.

CITY ATTORNEY A. CHRIST: had no comments this evening

MAYOR O'DWYER: thanked DPW on behalf of Berkley resident for keeping our streets clean during the recent snow fall. The City of Berkley is proud to announce that City Manager Matt Baumgarten has been selected as one of the 2017 Oakland County Executive's Elite 40 under 40.

COUNCIL MEETING ADJOURNMENT:

Motion by Councilmember Steadman to adjourn the regular meeting at 8:16 PM.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

CLOSED SESSION: Consider whether to meet in closed session to consult with the City's Attorney regarding trial or settlement strategy in connection with the case, Estate of Lisa Kindl v City of Berkley, US District Court #12-cv-13410, because consultation in an open meeting would have a detrimental financial effect on the City's litigation or settlement position.

Adjourned to Closed Session at 8:16 PM:

Moved by Councilmember Steadman and seconded by Councilmember Kideckel

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

Nays: None

Motion Carried.

Mayor O'Dwyer reconvened the Closed Session at 8:19 PM:

Moved by Councilmember Steadman and seconded by Councilmember Kideckel

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

Nays: None

Motion Carried.

CLOSED SESSION ADJOURNMENT:

Motion by Councilmember Kideckel to adjourn the closed session at 8:53 PM.

Seconded by Councilmember Blanchard.

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

Nays: None

Motion Approved.

Mayor O'Dwyer reconvened the Regular Meeting at 8:54 PM:

Moved by Councilmember Kideckel and seconded by Councilmember Blanchard

Nays: None

Unanimously approved

Motion Carried.

Councilmember Terbrack moved to amend the agenda and add Motion No. M-08-17:

Motion No. M-08-17: Matter of approving and to authorizing the city's attorney to proceed with the proposed settlement agreement.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Carried.

COUNCIL MEETING ADJOURNMENT:

Motion by Councilmember Kideckel to adjourn the regular meeting at 8:56 PM.

Seconded by Councilmember Blanchard.

Nays: None

Unanimously approved

Motion Approved.