

THE SEVENTEENTH REGULAR MEETING OF THE THIRTY-FIFTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, OCTOBER 6, 2014 BY MAYOR O'DWYER

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

APPROVAL OF AGENDA

Councilmember Baker moved to approve the Agenda with provision to move communications before adjourning to closed session.

Seconded by Councilmember Kideckel.

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

Nays: None

Motion Approved.

INVOCATION Reverend Tal Sullivan

CITIZENS COMMENTS

Oakland County Commissioner Dave Woodward gave a brief update to the City Council regarding the Great Lakes Water Authority (GLWA) to include the following information:

1. City of Detroit will lease regional water mains and treatment plants for \$50 million a year over the next 40 years.
2. The Great Lakes Water Authority will be made up of 6 members: 2 appointed by the City of Detroit Mayor, 1 appointed by the Wayne County Executive, 1 appointed by the Oakland County Executive, 1 appointed by the Macomb County Executive, and 1 appointed by the State of Michigan Governor. Major decisions will require a super majority vote of 5 out of 6 members to: set rates; budget; annually adopt a rolling 5 year capital improvement plan; issue debt, which must be revenue backed debt; procurement policies; hire an executive director; set compensation of board members and remove a board member for cause. That means that if there is an issue before the GLWA board that is unfair to suburban customers, Oakland County only needs to partner with one other member such as Macomb County or the State of Michigan to block it.
3. The GLWA will make a lease payment of \$50 million a year to a capital improvements fund held by the GLWA for the purpose of operating, maintaining and remediating issues associated with the water and sewer pipes and other infrastructure in the city. The \$50 million will come from existing revenue within the water and sewer system that is funded by both city and suburban customers in roughly the same way it is today. It will not be used to pay for any other city services or programs.
4. The GLWA will operate and manage all wholesale water and sewer lines in the suburbs that are currently part of the Detroit Water & Sewerage Department and 'common-to-all' assets such as the filtration and water plants, pumping stations and other assets providing joint functions for the benefit of all ratepayers. The City of Detroit will operate and manage all water and sewer lines within city limits and further EPS and MEDQ regulations.
5. For more information, go to Oakgov.com and click on the link for the Great Lakes Water Authority or you may direct your questions to the Oakland County Executive Office at (248) 858-1048.

6. The articles of incorporation forming the GLWA will go before the Oakland County Board of Commissioners for consideration as well as the legislative bodies of the City of Detroit and other counties. All parties have until Friday, October 10, 2014 to determine whether they want to participate in the GLWA. As soon as one of the county boards of commissioners and the Detroit City Council vote in favor of the articles of incorporation, the GLWA will start to exist. The GLWA will begin operations 200 days later. The next Oakland County Commissioners Meeting is on Wednesday, October 8, 2014. For any county that does not pass the article of incorporation, the governor will appoint a representative for the water and sewer customers in that county. Also, state law will permit the GLWA board the option of setting rate higher for any county that opts not to participate in the GLWA
7. The GLWA board will cap annual increases in water and sewer billings to an average of 4 percent a year for 10 years. The actual amounts billed to residents and businesses may also vary by community depending upon local operating, maintenance and local capital needs incurred by that local system.
8. For the first time, customers who have trouble paying their water and sewer bills will be able to apply for means-tested assistance. Each year, the GLWA will set aside ½ percent of its operating revenues (presently estimated at \$4.5 million for fiscal year 2015) from budgeted revenues to fund this assistance. The program will be called the Water Residential Affordability Program or WRAP. The criteria will be developed by the GLWA board upon its launch. The amount is based on a national standard for major metropolitan water systems.

CONSENT AGENDA

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

APPROVAL OF MINUTES: Matter of approving the minutes of the regular 35th City Council meeting on Monday, September 15, 2014.

ORDINANCE NO. O-05-14: Matter of approving the second reading of an ordinance to amend Chapter 2 Administration, Article IV Finance, Division 2 Purchases, Contracts and Sales of the Berkley City Code to Modify the City's Purchasing Procedures and Regulations.

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

Regular Agenda

RECOGNITIONS/PRESENTATIONS

RESOLUTION NO. R-35-14: Matter of designating Saturday, December 6, 2014 for the Annual Holiday Parade and Tree Lighting Ceremony in Berkley.

Moved by Councilmember Baker to approve Resolution No. R-35-14.

Seconded by Councilmember Kideckel.

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

Berkley Holiday Parade committee member Cinda Coon updated the City Council of all the activities at the event and advised that the committee is looking for volunteers.

PRESENTATION: From Oakland County Water Resources Commissioner James Nash with regard to an overview of the GWK Retention Treatment Facility and the August 11, 2014 Wet Weather Event.

Oakland County Water Resources Commissioner James Nash and the Water Resources Office Project Engineer Gary Nigro provided a PowerPoint presentation to review with the City Council of George W. Kuhn Drainage System.

MOTION NO. M-69-14: Matter of casting Berkley's official vote for the following to serve as Board of Directors for the MML Liability and Property Pool, directing the City Clerk to send in the marked ballot. (Vote for three Directors – terms beginning January 1, 2015).
Moved by Councilmember Baker to approve Motion No. M-69-14.
Seconded by Councilmember Kideckel.
Ayes: Steadman, Terbrack, Baker, Blanchard, Edgar, Kideckel, and O'Dwyer
Nays: None
Motion Approved.

City Manager Jane Bais-DiSessa read a list to the City Council of candidates running for re-election for the Board of Directors for the MML Liability and Property Pool.

MOTION NO. M-70-14: Matter of authorizing the Mayor to execute a contract between SMART and the City of Berkley for Fiscal Year 2015 Municipal Credit and Community Credit funds in order to provide public transportation services for the period of July 1, 2014 to June 30, 2015.
Moved by Councilmember Edgar to approve Motion No. M-70-14.
Seconded by Councilmember Blanchard.
Ayes: Terbrack, Baker, Blanchard, Edgar, Kideckel, Steadman, and O'Dwyer
Nays: None
Motion Approved.

Parks and Recreation Deputy Director Theresa McArleton gave a brief overview to the City Council of the SMART Program including a new driver from last year and recent SMART commercial which features Berkley residents.

MOTION NO. M-71-14: Matter of approving the 2014-2015 Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Berkley.
Moved by Councilmember Kideckel to approve Motion No. M-71-14.
Seconded by Councilmember Blanchard.
Ayes: Baker, Blanchard, Edgar, Kideckel, Steadman, Terbrack, and O'Dwyer
Nays: None
Motion Approved.

Public Works Director Derrick Schueller gave a brief summary to the City Council regarding the Winter Maintenance Agreement including installments and reimbursements.

MOTION NO. M-72-14: Matter of awarding the 2014-2015 Pavement Maintenance Program to Spray-Patch Road Repair, Inc. of Madison Heights, Michigan at a unit cost of \$335 per ton not to exceed \$100,000. In addition, authorize \$12,000 to Hubbell, Roth & Clark (HRC) for construction engineering services.
Moved by Councilmember Steadman to approve Motion No. M-72-14.
Seconded by Councilmember Kideckel.
Ayes: Blanchard, Edgar, Kideckel, Steadman, Terbrack, Baker, and O'Dwyer
Nays: None
Motion Approved.

Public Works Director Derrick Schueller gave a brief summary to the City Council regarding the Pavement Maintenance Program including pavement repair for alleys, local streets and major streets.

COMMUNICATIONS:

COUNCILMEMBER EDGAR: had no comments this evening.

COUNCILMEMBER KIDECKEL: thanked the Public Safety Department for a successful Fire Open House on Saturday, October 4, 2014. He reminded everyone although Monday, October 13th is Columbus Day, the city offices will be open. Councilmember Kideckel invited everyone to participate in the fundraiser to support the Friends of the Library on Monday, October 13th from 5 p.m. to 9 p.m. at Bagger Dave's in Berkley, 15% of all pre-tax food sales will be donated to the committee.

MAYOR PRO TEM TERBRACK: recognized a Berkley resident and cancer survivor Daniel Richmond for hosting a charity garage sale on Saturday, October 25th at the Berkley Community Center from 9 a.m. to 3 p.m. to help support Kids Kicking Cancer. Further information on the organization may be found at kidskickingcancer.org or email justdoit0696@yahoo.com.

COUNCILMEMBER BAKER: reminded everyone about the next Downtown Development Authority (DDA) meeting on Wednesday, October 8th at 8 a.m. On Tuesday, September 30th through Thursday, October 2nd, he attended the Meeting of the Minds 2014 in Detroit. Its agenda included but was not limited to the following discussions: How Detroit is transforming into a Smarter City and Launching & Building an Innovation Economy. He commented on how the DDA Meeting and Meeting of the Minds offer optimistic opportunities for the community. Councilmember Baker recommended the following books from the Michigan Municipal League: released in 2011 titled "The Economics of Place: The Value of Building Communities around People" and released in 2014 titled "The Economics of Place: The Art of Building Great Communities." National Fire Prevention Week is October 5th to October 11th; he read a quote from one of the Founding Fathers of the United States, Benjamin Franklin, "An ounce of prevention is worth a pound of cure."

COUNCILMEMBER STEADMAN: invited everyone to the following events at the Berkley Public Library: Friends of the Library Fall Book Sale on Friday, October 10th from 4 p.m. to 7 p.m., Saturday, October 11th from 10 a.m. to 5 p.m. and Sunday, October 12th from 12 p.m. to 4 p.m.; the SwingTones: Songs from the Great American Songbook on Saturday, October 18th at 2 p.m.; the Gluten-Free World Beyond Wheat with Lisa Howard, the Cultured Cook on Monday, October 20th at 6:30 p.m.; and Community Resources for Seniors on Wednesday, October 29th at 2:30 p.m.

COUNCILMEMBER BLANCHARD: thanked the volunteers and the Public Safety Department for hosting the Fire Open House. The Chamber of Commerce will be printing 3,000 copies of the Berkley map with a directory before the holiday, they will be hosting a "State of the City" on Friday, October 10th at Farina's Banquet Center, and they will be hosting "How to Engage Someone in 15 Seconds" on Monday, October 13th at Coco Fairfield's from 5:30 p.m. to 7 p.m.

CITY MANAGER BAIS-DISESSA: expressed her appreciation to the Public Safety Department and their spouses for a successful Fire Open House. She thanked the Oakland County Water Resources Commissioner James Nash and the Water Resources Office Project Engineer Gary Nigro for their report. City Manager Bais-DiSessa advised the residents to visit the city website at www.berkleymich.org for flood updates and contact FEMA at (800) 621-3362. She encouraged the residents to apply for vacancies on the Boards and Commissions; further information is on the city website or they may contact the City Manager's Office at (248) 658-3350.

FINANCE DIRECTOR SABUDA: had no comments this evening.

CITY ATTORNEY STARAN: had no comments this evening.

MAYOR O'DWYER: expressed his appreciation for the discussion of the flood events from the Oakland County Water Resources Commissioner James Nash and the Water Resources Office Project Engineer Gary Nigro. He reminded everyone about the "State of the City" on Friday, October 10th at Farina's Banquet Center in Berkley.

CLOSED SESSION: Matter of recessing to a Closed Session for the City Manager's evaluation. Councilmember Kideckel moved to recess to a Closed Session to discuss the City Manager's contract at 8.53 PM.

Seconded by Councilmember Edgar.

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

Nays: None

Motion Carried

Mayor O'Dwyer reconvened the Closed Session at 8:55 p.m.

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

Nays: None

Motion Carried

ADJOURNMENT

Motion by Councilmember Kideckel to adjourn the closed session and regular meeting at 10 p.m.

Seconded by Councilmember Edgar.

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

Nays: None