THE ELECTRONIC REGULAR MEETING OF THE THIRTY-EIGHTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, AUGUST 10, 2020 BY MAYOR TERBRACK

PRESENT:  Steve Baker Jack Blanchard
          Dennis Hennen Bridget Dean
          Natalie Price Ross Gavin
          Daniel Terbrack

APPROVAL OF AGENDA
Mayor Pro Tem Dean moved to approve the Agenda with an amendment to remove regular agenda item 2 and move the remaining items up one position.
Seconded by Councilmember Baker
Ayes:  Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.

INVOCATION: Pastor Zack Dunlap

PUBLIC COMMENT – ITEMS ON THE AGENDA
Matt Trotto, Berkley resident, stated he remembered the proposed Oxford/Merchants Park project budget being much lower than what is being proposed. He stated he does not support spending money on this project during the current state of the economy. He stated he would like for Council to take a step back and look at this with a different perspective. He asked Mayor Terbrack if he reviewed the plans for the site before it was submitted for construction or was this done by Parks & Recreation?

Charles Tyrrell, Berkley resident, stated he echoes Mr. Trotto’s remarks. He wanted to verify the firm chosen for the Oxford/Merchants Park development is a certified minority or woman-owned firm. He stated since the project uses federal money, there are certain requirements in using/recruiting minority and women owned firms.

Adriane Bitel, Berkley resident, stated she is a member of the nonprofit group, Friends of Berkley Parks & Recreation. She discussed the group. She said she has been waiting a long time for an update to Oxford/Merchants Park. She went through all that has been done toward this project and said the City has worked toward receiving grants for updates. She stated she believes the project would be great for the entire community. She urges Council to approve the funding.

Jessica Alger, Berkley resident, stated she is a parent and parks and recreation professional. She discussed her opinions of Berkley parks, including the dated equipment and lack of restrooms. She discussed the importance of parks especially during these times. She said she is in favor of the project. She said the proposed plan for Oxford/Merchants Park shows a City willing to invest in public spaces that are modern, accessible, and multigenerational.

Erin Thomas, Berkley resident, stated she is the secretary of the Friends of Berkley Parks & Recreation and spoke regarding her excitement for the Oxford/Merchants Park proposal. She discussed the lack of amenities currently including no public bathrooms and no electricity. She encouraged Council to approve the park update including the splash pad.

Kary Pasanen, Berkley resident, spoke on the pros and cons of updating Oxford/Merchants Park. She stated eight years of planning went into this project. She stated after eight years she would have hoped we would have something in place by now within the originally budgeted amount. She stated she doesn’t
understand how the budget has almost doubled. She questioned the amenities, including splash pad, would be for people of all ages. She discussed other items that she does not support including there is only one grant, space and how the project came about.

Marilyn Stephen, Berkley resident, stated she wants Berkley to adopt a better mantra that aims for the best outcomes instead of “it's good enough for Berkley.” She provided a history dating back 21 years regarding the City and its parks. She discussed funding and stated the project would make Oxford/Merchants Park a child- and senior-friendly place. She stated she feels it would be great for the neighborhood. She cited a survey saying 73 percent of residents want the City to invest in its parks.

Submitted correspondence to clerk@berkleymich.net:

Paul Jordan, Berkley resident, spoke in opposition to the sidewalk repairs and installation of a splash pad at Oxford/Merchants Park. He asked for an explanation of the increase in the cost of the splash pad.

**Consent Agenda**

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

**APPROVAL OF THE MINUTES:** Matter of approving the minutes of the 38th Regular City Council Meeting on Monday, July 6, 2020.

**WARRANT:** Matter of approving Warrants No. 1352 and No. 1353.

**PROCLAMATION NO. P-14-20:** Matter of approving a proclamation declaring September 2020 as “Childhood Cancer Awareness Month” in the City of Berkley.

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

**Regular Agenda**

**MOTION NO. M-39-20:** Matter of approving participation in the “Tie Michigan Teal” campaign to promote awareness of ovarian cancer and its symptoms.
Mayor Pro Tem Dean moved to approve Motion No. M-39-20
Seconded by Councilmember Baker
Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-41-20:** Matter of approving a resolution of the Council of the City of Berkley, Michigan Recognizing Eagle Scout Candidate Brady Stubblefield for a donation of a Gaga Pit to Berkley Parks & Recreation.
Mayor Pro Tem Dean moved to approve Motion No. M-41-20
Seconded by Councilmember Price
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-42-20:** Matter of awarding the contract for the Oxford/Merchants Park Development to the lowest bidder, Warren Contractors & Development, Inc. 14979 Technology Dr. Shelby Twp.,
MI 48315 in an amount of $785,548 and an additional $78,555 in construction contingencies to come from account 614-950-974-000. In addition, allocate $78,130.64 for construction engineering services to Hubbell, Roth & Clark, Inc. to come from account 614-950-821-000.
Mayor Pro Tem Dean moved to approve Motion No. M-42-20
Seconded by Councilmember Gavin
Ayes: Price, Baker, Dean, Gavin, and Terbrack
Nays: Blanchard and Hennen
Motion Approved.

MOTION NO. M-43-20: Matter of awarding the contract for the 2020 Sidewalk Replacement Program to the lowest qualified bidder, Luigi Ferdinandi & Son Cement Co. of Roseville, Michigan, in an amount of $122,080.00. In addition, allocate $35,313.88 for construction engineering services to Hubbell, Roth & Clark and $12,208.00 for construction contingencies. Funding will come from accounts 470-938-975-001 and 470-938-821-000.
Councilmember Baker moved to approve Motion No. M-43-20
Seconded by Councilmember Blanchard
Ayes: Baker, Blanchard, Dean, Gavin, Hennen, Price, and Terbrack
Nays: None
Motion Approved.

MOTION NO M-44-20: Matter of approving the purchase of a Rear Load Garbage Body at a total cost of $93,287.52 from the sole source vendor of Heil equipment, Bell Equipment Company, utilizing the MiDEAL Cooperative Bid Contract from account 226-528-982-000.
Councilmember Hennen moved to approve Motion No. M-44-20
Seconded by Councilmember Baker
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.

RESOLUTION NO. R-27-20: Matter of considering a resolution to adopt the updated Industrial Pretreatment Program (IPP) rules to regulate the discharge of commercial wastewater as implemented by the Great Lakes Water Authority (GLWA).
Councilmember Gavin moved to approve Resolution No. R-27-20
Seconded by Councilmember Blanchard
Ayes: Dean, Gavin, Hennen, Price, Baker, Blanchard, and Terbrack
Nays: None
Motion Approved.

MOTION NO. M-45-20: Matter of the intergovernmental agreement for the Berkley High School Plaza project. This agreement would serve as a partnership between The City, Berkley DDA, and School District to improve the landscape located at 2524 Coolidge Hwy.
Councilmember Baker moved to approve Motion No. M-45-20
Seconded by Mayor Pro Tem Dean
Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack
Nays: None
Motion Approved.

MOTION NO. M-46-20: Matter of awarding the landscape architectural service contract to Grissim Metz Andriese (GMA) in an amount of $15,000. GMA's services would include assistance with construction documents, bidding and construction phase services for pedestrian hardscape, and landscape design for the Berkley High School Plaza project.
Councilmember Gavin moved to approve Motion No. M-46-20
Seconded by Councilmember Baker
Ayes: Hennen, Price, Baker, Dean, Gavin, and Terbrack
Nays: None
Absent: Blanchard (Councilmember Blanchard temporarily lost connection during Zoom meeting)
Motion Approved.

**MOTION NO. M-47-20:** Matter of approving the appointments to various Boards and Commissions including adding Jessica Worrell to the presented list of appointments to the Citizens Engagement Advisory Committee.

Councilmember Price moved to approve Motion No. M-47-20

Seconded by Councilmember Baker

Ayes: Price, Baker, Dean, Gavin, Hennen, and Terbrack

Nays: None

Absent: Blanchard (Councilmember Blanchard temporarily lost connection during Zoom meeting)

Motion Approved.

**PUBLIC COMMENT – ITEMS NOT ON THE AGENDA**

There was no one present wishing to speak.

**COMMUNICATIONS**

**COUNCILMEMBER BAKER:** stated the Historical Committee met on July 14th and is scheduled to meet again on September 8th. He provided updates including that the section of historic sidewalk from Brookline and Beverly has been installed outside of the museum. He offered extra thanks to Director of Public Works Derrick Schueller and the DPW team for all of its help. He stated work continues on new displays including a rolling display rack that was built and donated by Dean Smith which will be seen inside the museum during the eventual opening. He stated there will be another holiday mug this season for sale through the Historical Committee. Councilmember Baker offered thanks to the new member joining the Technology Advisory Committee (TAC). He also offered thanks to all who returned. He stated the next TAC meeting will be 6:30 p.m. August 19th. Councilmember Baker provided a safety plug stating when you wear a mask it is not meant to protect you, it is meant to protect other people from you. He said likewise, if other people are wearing masks, it is to protect you from them. He asks that we all live up to our motto, "We care." Councilmember Baker recited a quote from Emily Buchholz, "Many small businesses have been forced to lay off employees or to close all together. Many have struggled to find ways to pay for their basic needs and with those new realities comes an increased demand for help and guidance." Councilmember Baker highlighted the Downtown Development Authority's (DDA) new initiatives with the new executive director and Board including prioritizing funding for marketing and webinars to promote local businesses, instituting the Master Minds program, issuing facemasks to all businesses for their employees, creating construction-themed playlists, beginning holiday preparations, pursuing façade grants, creating a business development committee, creating a process flowchart on how to open a business, and continuing the wayfinding project. He stated the DDA recently held a successful Ladies Night Outside event. He also highlighted the social media Berkley ambassador program which will be coming very soon. He urges everyone to learn more about these initiatives at the next DDA meeting 8:30 a.m. Wednesday, August 12th.

**COUNCILMEMBER PRICE:** offered thanks to Victoria Mitchell and the rest of the City Clerk’s office and City staff who pitched in and oversaw yet another record-breaking primary election during a global pandemic. She offered special thanks to all the poll workers, especially all the new, younger workers who stepped up to help. She thanked everyone who voted in person or by absentee ballot. She said our democracy is stronger because of you. Councilmember Price said while the library building remains closed to the public for the safety of staff and patrons, many services continue being offered including curbside pickup of materials, a full range of digital resources, and virtual events for all ages. She stated there will be a quarantine, stuffed-animal sleepover on August 21st. She said to check out all that is offered on the calendar on the Berkley Public Library website. Councilmember Price said as summer comes to an end, we are becoming more aware of unintended consequences of spending time at home instead of social
gatherings. She said home improvement projects have increased the demand of construction and supplies; increased injuries from individual activities like biking and riding scooters; and increased drownings of toddlers linked to the increased popularity of backyard pools. She said we must be mindful of the ways in which our world has changed and pivot accordingly. She said we must increase our budgets for construction. She said we must remind our kids to wear their helmets and put safety fences and alarms around our backyard pools. She said we must remind ourselves that even though social distancing is the new normal now, it is still really hard and will not last forever. Councilmember Price said as a community we must continue to plan for a future where we can gather together. She said to stay safe.

COUNCILMEMBER BLANCHARD: pointed out that this would be Woodward Dream Cruise weekend and there may still be large groups out there. He urges people to please avoid large groups as much as possible. He asks everyone to remember to wear masks and to remain a safe distance away from others. He stated he will help monitor the situation. Councilmember Blanchard stated the Berkley Area Chamber of Commerce will be producing the 2020 Berkley/Huntington Woods City Guide in October. He said this will be the second issue. He stated it will list businesses and provide detail so it is a good resource to see what businesses people may support. Businesses may also contact the Chamber if interested in advertising in the guide.

MAYOR PRO TEM DEAN: stated that we are moving closer toward the goal of bringing the Domestic Violence High Risk Response Team to Berkley that will bring prevention and education to the community. She said the goal is to bring everyone to the table and discuss how to provide a more coordinated, multidisciplinary effort. She said this is exciting because it shows that Berkley does not accept domestic violence in our community. She said a preliminary meeting is scheduled for August 13th with herself, prosecutors, judges, and HAVEN and Beaumont representatives. She stated she would also like to include school counselors. Mayor Pro Tem Dean stated that the Parks & Recreation survey for its five-year recreation master plan closes on Aug 14th. She said people may find the survey on the city website. She said Parks & Recreation is now offering transportation Tuesdays, Thursdays, and Fridays for doctor appointments and groceries. She stated senior citizens may call 248-658-3470 to make an appointment. She stated that virtual classes continue for Zumba, Senior exercise, and PiYo as well as yoga in the park, family yoga in the park, and an outdoor bootcamp. She said anyone looking for more information may check the Parks & Recreation website. Mayor Pro Tem Dean stated family events are also being offered in conjunction with Oakland County including Super Hero Training taking place that evening, Dino Day on Aug 20th from 10am-noon at Community Park and Space Day on September 2nd from 5-7p.m. at Oxfords/ Merchants Park. She stated people may register online or call 248-658-3470.

COUNCILMEMBER HENNEN: stated the Tree Board has not met since the last City Council meeting and will next meet on September 14th. Councilmember Hennen said Mr. Butts stepped down from the Zoning Board of Appeals (ZBA) and he wanted to thank him for the many years of service he has given to the City of Berkley. He stated at the last ZBA meeting, they heard a case concerning a mural on the side of Salon Simply Beautiful. He said the case was postponed so the applicant has more time to discuss the request with staff and clarify issues. He said the next ZBA meeting is 7 p.m. August 11th to continue the mural discussion and hear a request by Vibe Credit Union to reduce its parking requirements from 38 to 34 spaces and to install a sign along Coolidge, just south of the building. He stated the ZBA may need to meet on Sept 14th if there are any other cases presented. Councilmember Hennen stated he wanted to build off of Councilmember Baker’s comments on masks. He stated there is some early evidence that cloth masks will protect yourself and not just others. He said although he does hope that protecting others would be a sufficient reason for people to wear masks, maybe this will provide a little jolt to mask up and do their part.

COUNCILMEMBER GAVIN: stated the Planning Commission (PC) met in July and an update on the master plan was provided along with a discussion on parking requirements for site plan approval and also allowing extensions for site plan approvals. He stated the next PC meeting will take place 7 p.m. August 25th via Zoom. He offered special thanks to commissioners Murad and Buckler for their services to the City.
He stated they both put in tremendous effort, wisdom and insight. He welcomed new planning commissioners Stearn and Bartus. Councilmember Gavin stated there was no meeting for the Environmental Advisory Committee in July and the next meeting will take place 6:30 p.m. August 20th via Zoom. Councilmember Gavin stated during the last Master Plan Steering Committee there was an extensive conversation on the future of our corridors in the City. He stated they are getting to the point where they can start reviewing written sections of the master plan. He said the next meeting is 7 p.m. August 18th via Zoom. Councilmember Gavin said he wanted to build on Councilmember Price’s comments by offering thanks to City Clerk Victoria Mitchell and the entire Clerk’s Office for an incredibly well-run election. He stated there were no hiccups and that is not easy during a global pandemic. He thanked the entire staff for a great job during these unprecedented times.

CITY MANAGER BAUMGARTEN: Offered thanks to the City Clerk and the clerk’s staff as well as Tori Mathes, Dan Hill, Gina Harold, and Ashley Merz for making this election such a success. He stated Sen. Mallory McMorrow sent a tweet on election night with props that Berkley was the first community in her District to be fully reported. Mr. Baumgarten said the City of Berkley will be going into the Second Phase of the COVID Plan that includes reopening on an appointment-only basis for limited items. He stated this does not include business that may still be done online. He said the City is emphasizing this would be for onsite, limited services in the Community Development Department, Clerk Department and Treasury Department. He listed examples of these services. He stated people may schedule appointments on the website or follow the links available on the City’s social media channels. He stated instructions are provided on how to set up an appointment with the appropriate staff member. Community Engagement Officer Torri Mathes added that users wanting to contact a department may visit the fully updated contact page at Berkleymich.org/ContactUs. Mr. Baumgarten said the City’s goal is to keep staff and residents safe. He said an incredible amount of effort has been put into making sure that our services keep going uninterrupted. He stated that our staff is small and if we were to have a scare or need to go into quarantine, then we would have to end those services for a short period of time. Mr. Baumgarten said that he appreciates the earlier comments to mask up and he thanks all the residents for being so safe, trusting and understanding during this period.

CITY CLERK MITCHELL: offered a huge thank you to the entire city staff, not just city hall but our DPW crew and of course the poll workers. She stated how much she appreciated everyone stepping up to work long hours along with all of their hard work and efforts during a global pandemic. Ms. Mitchell stated the City saw a 40 percent turnout with about 30 percent of that turnout in absentee ballots. She stated the Clerk’s Office issued a total of 4,784 absentee ballots and received 3,824 back, with about 900 coming in on election day. She provided prior statistics for comparison. She reiterated her thanks for a tremendous effort and said the team is already gearing up for November 3rd.

MAYOR TERBRACK: offered thanks to the Clerk’s Office and city staff for the commitment to holding a successful election. He stated he knows that everyone pitched in and it was a smoothly run day in what we can probably consider the new norm now with COVID. He stated that absentee ballots and access to voting will continue to be important and that we can expect November to have a higher turnout. He stated the Clerk’s Office has set a high bar and will continue to meet that. He also acknowledged the hard work of the election inspectors and the additional help from the State with securing workers. Mayor Terbrack stated a lot of the items he was going to discuss have already been mentioned. He stated Councilmember Blanchard pointed out that normally right now we would be gearing up for the Woodward Dream Cruise. He stated as many people know, the City formed a concerted effort with those in the Woodward Avenue corridor to unfortunately not move forward this year with the Dream Cruise and CruiseFest. He said this is because it is in the best interest and safety for everyone. He stated there are groups gearing up to make a big show and the last thing that any of us wants is to be the epicenter of any kind of breakout. He stated it is unfortunate that the events were canceled, but he wants the best safety for everyone so please be safe and wear a mask and try to observe social distancing if you plan to attend. He pointed other major events and sports canceled and said we all need to make sacrifices this year. Mayor Terbrack said we had some
longtime volunteers leave their respective roles in the community and they will be recognized at a future meeting for their many years of service. Mayor Terbrack stated he was on a call with other mayors and managers in our congressional district along with Congressman Andy Levin. He said in general they all had similar concerns regarding upcoming legislation supporting cities, villages and townships under 50,000 people and small businesses. He said Congressman Levin said the legislation has passed the House to provide that relief, but has not yet passed the Senate. He said it appears both sides are a little further apart in negotiations. Mayor Terbrack said to be clear this is not a Democrat or Republic issue, but rather an American issue. He said he sincerely hopes our elected officials can cut out the partisan politics and do what is best for all Americans. Mayor Terbrack said he has been incredibly proud of our residents and community for doing all that they can to be safe. He said last week he was able to cut his first ribbon while wearing masks at the Berkley Medical Center Pharmacy on 12 Mile Road. He said there were some protocols in place and that is our reality. He said we don't want to stop moving forward, but rather to do so safely. Mayor Terbrack thanked the DDA and the Berkley Area Chamber of Commerce for all that they have done. He also thanked the residents for safely frequenting businesses in Berkley. Mayor Terbrack stated we don't know when things will return to normal, or what the new normal may look like in the future, but he does know that we will continue to support each other and we care. He urges everyone to wear a mask and remember that the decisions you make can potentially put others at risk.

ADJOURNMENT
Councilmember Baker moved to adjourn the Regular Meeting at 9:58 p.m.
Seconded by Councilmember Hennen
Ayes: Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Absent: Blanchard (Councilmember Blanchard temporarily lost connection during Zoom meeting)
Motion Approved.