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, DECEMBER 21, 2020 BY MAYOR TERBRACK

PRESENT: Steve Baker, Berkley, Oakland County, Michigan
        Jack Blanchard, Berkley, Oakland County, Michigan
        Bridget Dean, Berkley, Oakland County, Michigan
        Ross Gavin, Berkley, Oakland County, Michigan
        Dennis Hennen, Berkley, Oakland County, Michigan
        Natalie Price, Berkley, Oakland County, Michigan
        Daniel Terbrack, Berkley, Oakland County, Michigan

APPROVAL OF AGENDA
Councilmember Gavin moved to approve the Agenda
Seconded by Councilmember Hennen
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.

INVOCATION: Pastor Zack Dunlap

PUBLIC COMMENT – ITEMS ON THE AGENDA
There was no one present wishing to speak.

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


RESOLUTION NO. R-45-20: Matter of authorizing a resolution of the Council of the City of Berkley, Michigan recognizing and celebrating Robert Damery on the occasion of his 100th birthday.

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

Regular Agenda

PRESENTATION: Matter of recognizing the 2020 Berkley Beautification Advisory Committee Holiday Spirit Award recipients.

Mr. Dan Mihaescu, Chair of the Beautification Advisory Committee, recognized each Committee member by name along with Councilmember Natalie Price who serves as Council liaison. He stated they all helped canvass the city to look for those deserving of the Holiday Spirit Award. Mr. Mihaescu said as always, the homes were amazing and it was hard to narrow down the winners. He provided a
presentation of all of the winning homes. The 2020 Berkley Beautification Advisory Committee Holiday Spirit Award recipients are 4039 Kenmore, 1615 Wiltshire, 1616 Wiltshire, 4252 Prairie, 2343 Phillips, 2369 Phillips, 2120 Kipling, 2020 Kipling, 3665 Buckingham, 2958 Buckingham, 1349 Oxford, 2935 Cummings, 1716 Rosemont, 2279 Oakshire, 2075 Bacon, 3675 Kenmore, 3695 Robina, 3774 Kenmore, 1851 Franklin, and 2312 Buckingham.

Mayor Terbrack thanked everyone involved and the honored families for going above and beyond especially this year during a time when everyone is looking for some joy.

Councilmember Price thanked everyone involved. She said she is so thankful to her neighbors and all of the other homes for making the streets more festive and fun.

**MOTION NO. M-68-20:** Motion to approve the Mayor and City Manager to enter into an Intergovernmental Agreement for Lockup Services, Animal Control Services, Use of the Berkley DPS Range, and Dispatch Services between the City of Berkley and the City of Pleasant Ridge for a $6,500 fixed yearly fee for each full-time equivalent (FTE) reflected in the Michigan Commission on Law Enforcement Standards (MCOLES) Fall Semi-Annual Law Enforcement Distribution Report for Pleasant Ridge Police Department. This Agreement shall be effective for a term commencing approximately March 1, 2021 and continuing until June 30, 2023.

Councilmember Blanchard moved to approve Motion No. M-68-20
Seconded by Mayor Pro Tem Dean
Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-69-20:** Matter of authorizing Hubbell, Roth & Clark (HRC) for engineering design services related to the 2021 Sidewalk Replacement Program at a cost not to exceed $20,097 from the Sidewalk Fund, account number 470-938-821-000.

Councilmember Gavin moved to approve Motion No. M-69-20
Seconded by Councilmember Hennen
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-70-20:** Matter of approving the Intergovernmental Agreement between the City of Berkley and the Berkley School District for Shared Resources and Services.

Councilmember Price moved to approve Motion No. M-70-20
Seconded by Councilmember Blanchard
Ayes: Price, Baker, Blanchard, Dean, Gavin, Hennen, and Terbrack
Nays: None
Motion Approved.

**PUBLIC HEARING:** Matter of holding a Public Hearing regarding the updated Parks & Recreation Master Plan.

The public hearing opened at 7:32 p.m.

There was no one present wishing to speak.

The public hearing closed at 7:33 p.m.

**RESOLUTION NO. R-46-20:** Matter of authorizing a resolution of the Council of the City of Berkley, Michigan adopting the Five-Year Recreation Master Plan for the period of 2021-2025.

Mayor Pro Tem Dean moved to approve Resolution No. R-46-20
Seconded by Councilmember Price
Ayes: Baker, Blanchard, Dean, Gavin, Hennen, Price, and Terbrack
Nays: None
Motion Approved.

**RESOLUTION NO. R-47-20:** Matter of authorizing a resolution of the Thirty-eighth Council of the City of Berkley, Michigan designating the time and place of City Council Meetings and its Rules and Order of Procedure.
Councilmember Gavin moved to approve Resolution No. R-47-20
Seconded by Councilmember Blanchard
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.

**CLOSED SESSION:** Matter of considering whether to meet in closed session to consult with the City's attorneys regarding trial or settlement strategy in connection with specific pending litigation, specifically Doot, et al v City of Berkley, et al; Hanover Insurance Group v City of Berkley; and Jacob v City of Berkley, Oakland County Circuit Court Case Nos. 2017-157459-NZ, 2017-160247-NZ, and 2019-178474-NZ, respectively.
Councilmember Baker moved to meet in closed session
Seconded by Mayor Pro Tem Dean
Ayes: Dean, Gavin, Hennen, Price, Baker, Blanchard, and Terbrack
Nays: None
Motion Approved.

A closed session of the 38th Council of the City of Berkley, Michigan was called to order at 8:05 p.m. by Mayor Terbrack.

**PRESENT:**
Steve Baker, Berkley, Oakland County, Michigan
Jack Blanchard, Berkley, Oakland County, Michigan
Bridget Dean, Berkley, Oakland County, Michigan
Ross Gavin, Berkley, Oakland County, Michigan
Dennis Hennen, Berkley, Oakland County, Michigan
Natalie Price, Berkley, Oakland County, Michigan
Daniel Terbrack, Berkley, Oakland County, Michigan

Mayor Pro Tem Dean moved to adjourn the closed session at 8:26 p.m.
Seconded by Councilmember Blanchard
Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack
Nays: None
Motion Approved.

The regular meeting of the 38th Council of the City of Berkley, Michigan was called back to order at 8:27 p.m. by Mayor Terbrack.

**PRESENT:**
Steve Baker, Berkley, Oakland County, Michigan
Jack Blanchard, Berkley, Oakland County, Michigan
Bridget Dean, Berkley, Oakland County, Michigan
Ross Gavin, Berkley, Oakland County, Michigan
Dennis Hennen, Berkley, Oakland County, Michigan
Natalie Price, Berkley, Oakland County, Michigan
Daniel Terbrack, Berkley, Oakland County, Michigan

**MOTION NO. M-71-20:** Matter of authorizing Class Action Settlement Agreement to compromise and settle pending litigation, specifically Doot, et al v City of Berkley, et al; Hanover Insurance Group v City of Berkley; and Jacob v City of Berkley, Oakland County Circuit Court Case Nos. 2017-157459-NZ, 2017-160247-NZ, and 2019-178474-NZ, respectively, and further authorizing the City's Attorneys
to sign on behalf of the City any necessary documents and undertake appropriate actions to finalize the settlement. Councilmember Hennen moved to approve Motion No. M-71-20 Seconded by Mayor Pro Tem Dean Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack Nays: None Motion Approved.

PUBLIC COMMENT – ITEMS NOT ON THE AGENDA

There was no one present wishing to speak.

COMMUNICATIONS

COUNCILMEMBER PRICE: thanked all of the city leaders, department heads, and the rest of the city staff who continue to serve the residents well, despite the global pandemic. Councilmember Price said the Berkley Public Library continues to offer curbside pickup and door/porch delivery. She stated the library is also checking out hot spots to residents. She said for anyone not familiar with a hot spot, it is usually a wallet-size device that allows someone to connect to the internet from anywhere they are. She said anyone who does not have the ability to access the internet at their home or vacation spot, they may check one out for free with their library card. Councilmember Price said she encourages everyone to receive the Covid vaccine when they have the opportunity. She said in the meantime, we can protect ourselves and each other by staying home as much as possible and wearing a mask when we go out in public. Councilmember Price wished a Merry Christmas to all those who celebrate, and a Happy New Year to all.

COUNCILMEMBER BLANCHARD: wished Mr. Robert Damery an incredibly happy 100th birthday. He also thanked the Berkley American Legion Post 374 for conducting a food drive and providing Christmas food baskets that were delivered to 18 veterans’ homes around the area. He said the Legion also received a grant from the county to assist with veteran support. Councilmember Blanchard asked everyone to remember to support our local businesses and especially our restaurants as they are open for carryout. He stated don’t forget to tip. Councilmember Blanchard wished everyone a Merry Christmas and Happy New Year, and asked everyone to stay safe and watch those Christmas trees for fire hazards.

COUNCILMEMBER BAKER: complimented city staff and the residents for doing what they could to make this year as safe as it could be. He also thanked them for making their voices heard. Councilmember Baker said the Technology Advisory Committee met on December 9th and the next meeting is scheduled for February 17th. He discussed the potential for cyber-attacks and said to be safe while online. Councilmember Baker said the Historical Committee met on November 10th and the next meeting is scheduled on January 12th. He stated the special, limited-edition holiday mugs are still available and to contact city hall or email the museum directly at museum@berkleymich.net for more information. Councilmember Baker said the Downtown Development Authority board last met on December 9th and members will meet again on January 13th. He stated Merry Month festivities continue. He said people may still participate in the Shop Main Street raffle opportunity to win up to $750 of downtown Berkley bucks. He said all you need to do is shop in the downtown area and email a picture of your receipt with the date and time stamp to marketing@downtownberkley.com. Councilmember Baker said there is also a winter-themed scavenger hunt taking place, which is a socially-distant and fun event continuing through February 1st. He said the first three individuals to successfully complete the hunt will receive $50 in downtown Berkley bucks. He said to contact marketing@downtownberkley.com for more details. Councilmember Baker asked everyone to please continue to stay safe as the vaccine is just around the corner. He said that does not mean we should let our guards down. He said the holidays are going to be very different and unique and hopefully these times will pass soon. He said we all need to remain vigilant.
Councilmember Baker wished everyone a safe and happy holiday. He said to live up to the Berkley motto, “We care.”

**MAYOR PRO TEM DEAN:** stated the Parks and Recreation Department continues to provide outdoor recreation ideas on Facebook. She said there will be individually guided recreation opportunities beginning in January. She stated the Department looks forward to reopening when it is safe to do so. Mayor Pro Tem Dean again congratulated the winners of the Holiday Spirit Awards. She stated she has enjoyed driving around and admiring all of the efforts residents have made to brighten these dark days. Mayor Pro Tem Dean wished everyone a very happy holiday and a healthy and Happy New Year.

**COUNCILMEMBER HENNEN:** stated he had nothing to report tonight from the Zoning Board of Appeals and Tree Board. Councilmember Hennen wished everyone happy holidays, asked everyone to remain safe, and said he is looking forward to a better year in 2021.

**COUNCILMEMBER GAVIN:** stated the Planning Commission met last week and discussed projections and setbacks both above and below ground. He stated they also discussed regulations for exterior appliances. He said the next Planning Commission meeting will take place 7 p.m. Tuesday, January 26th. Councilmember Gavin stated the Environmental Advisory Committee has not met since the last city council meeting and will meet at 6:30 p.m. on January 21st. Councilmember Gavin said the Master Plan Steering Committee had a great discussion on Greenfield Road housing and other important topics. Councilmember Gavin wished everyone a wonderful holiday and again offered a big thank you to Dan and Ella, along with the entire Beautification Advisory Committee, for creating such great events. He said he really enjoys seeing the homes that go all out. Councilmember Gavin thanked city staff members for their adaptability, commitment, and effort. He said he is thankful for everyone this year including committee members, residents, city staff, and his colleagues on Council. He said he is also thankful for friends and family and thanked everyone for their dedication to staying safe. He said for everyone to stay happy as we have the holidays coming up.

**CITY MANAGER BAUMGARTEN:** thanked council members for their words of encouragement for city staff. He said this year has been very difficult and he has been very proud of the adaptability that city staff has shown. He said we continue to keep services high and we definitely look forward to the day where we can reopen all of our buildings and welcome everyone back. He stated we all got into public service for the public portion of it and right now it is all service and no public. He said this New Year’s Eve will be more saying goodbye to 2020 than celebrating the beginning of 2021. Mr. Baumgarten said from city staff and the Baumgarten family, happy holidays and a happy 2021.

**ATTORNEY STARAN:** commended and applauded city council as well as the city manager and his administration on navigating their way through a very difficult year with no past history or playbook to use for navigation. He wished everyone a Merry Christmas, happy holidays, and best wishes for what he surely hopes will be a happier, healthier, and more peaceful 2021.

**MAYOR TERBRACK:** wished Robert Damery a happy 100th birthday. He stated it was unfortunate that they could not honor him in-person during a meeting. He said as Councilmember Blanchard said earlier, he looks forward to doing that next year for his 101st birthday. Mayor Terbrack thanked Councilmember Hennen for continuing the tradition of our elected officials by representing our community across the state as he participated in a Michigan Municipal League panel for newly elected officials on December 16th. Mayor Terbrack said 2020 wasn’t great. He said dwelling on the past doesn’t take away though from the pain, frustration, fear, loss and the anxiety that all of us felt at one time or another throughout the year. Mayor Terbrack said the City has shown incredible resilience and strength and will continue to show these traits. He said he looks forward to a 2021 full of health, Berkley Days, Berkley Art Bash, Lids for Kids, Summerfest, Winterfest, CruiseFest, Holiday Lights Parade, and so many more events that Berkley hosts. Mayor Terbrack said he hopes everyone has a very Merry Christmas, happy holidays, and thanked everyone who helped us and our community get through this past year.
ADJOURNMENT
Councilmember Baker moved to adjourn the Regular Meeting at 8:51 p.m.
Seconded by Mayor Pro Tem Dean
Ayes: Baker, Blanchard, Dean, Gavin, Hennen, Price, and Terbrack
Nays: None
Motion Approved.