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

INVOCATION: Reverend Tal Sullivan

PUBLIC COMMENT – ITEMS ON THE AGENDA

There was no one present wishing to speak.

Consent Agenda

Councilmember Price 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, November 16, 2020 with the changes proposed by Mayor Pro Tem Dean in her portion of the communications. She requested “Berkley Dance Club” changed to read “Berkley Dads’ Club” and “MOMS Club” changed to read “Berkley MOMS Club.”

WARRANT: Matter of approving Warrant No. 1357.

ORDINANCE NO. O-17-20: Matter of considering the Second Reading and Adoption of an Ordinance of the Council of the City of Berkley, Michigan Amending Section 138-222 of Division 1 of Article IV of Chapter 138, Zoning, of the City of Berkley Code of Ordinance to Permit Permeable Pavement for Parking Areas.

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

Regular Agenda
PRESENTATION: Matter of receiving a report from Plante & Moran regarding the Audit Results for the Fiscal Year Ended June 30, 2020.

City Manager Matt Baumgarten introduced the presentation and discussed where to find the Comprehensive Annual Financial Report (CAFR).

Finance Director Mark Pollock thanked everyone involved, including Sue Reddin and Laurie Fielder, in the audit process especially considering this was the first virtual audit.

Plante Moran Partner Lisa Plonka thanked Mark Pollock, Sue Reddin, and Laurie Fielder for handling the virtual audit. She said the effort was certainly there and it did go very smoothly. She stated during the firm’s few weeks of auditing virtually, auditors did go through the same kinds of tests they would in a typical year. She explained they made sure to really dig into balances, particularly where there are greater risks of material misstatements or significant activities. Ms. Plonka stated the results are revealed in what the industry refers to as an Unmodified Opinion, which is the highest form of assurance one can get and hope to receive every year. She stated this means that everything within that comprehensive annual financial report was materially correct and in accordance with all of the applicable accounting standards. Ms. Plonka stated there were no significant changes due to GASB as there was a one-year deferral. Ms. Plonka further discussed other items impacting the budget including COVID, investments in infrastructure, and demolition of the ice arena.

Plante Moran Senior Manager Keith Szymanski provided a slide presentation of audit findings. He stated that General Fund revenue has been increasing the past couple of years, with property tax comprising two-thirds of the General Fund revenue. Mr. Szymanski stated the second largest revenue source is State Shared Revenue. He stated revenue decreased just two percent as a result in decreased sales tax revenue at the statewide level. He said the financial impact of the pandemic was fairly minimal in this audit period. He also reviewed the Water & Sewer Fund; total revenue and expenses; long-term challenges including funding OPEB; and unfunded liabilities.

Mayor Terbrack pointed out there are so many questions especially regarding State Shared Revenue.

Ms. Plonka said it is important to discuss fund balance. It was explained that since the expenditures were slightly greater than revenue in the fiscal year, there was a use of fund balance of just under $200,000. The general fund balance was 6.5 million dollars. Ms. Plonka then discussed the letter that were sent to Council and that were included in the packet. She discussed a Covid-19 resource center provided by the firm. She also discussed the vigilance with IT and provided a reminder of upcoming financial statement changes and new reporting requirements.

Councilmember Baker said he appreciates these audits every year and the thoughtful information provided. He asked about how other communities are fairing in the Berkley region.

Ms. Plonka said those in southeast Michigan that she deals with are in similar positions as Berkley. She stated communities are starting to feel stronger and that now is the point to be cautious and reevaluate.

Mayor Terbrack thanked Ms. Plonka for pointing out the City’s internal controls. He stated handling the budget and the resources of the residents is the most important duty of Council. He thanked the auditors and the finance team.

MOTION NO. M-66-20: Matter of authorizing the City Manager to execute a contract for Senior Home Chore Snow Removal Service to A1 Lawn and Snow Services LLC. 5405 Williamson Street, Dearborn, MI 48126. $3,500 will be paid from account #275-940-818-043 and remaining expenses will be paid from 614-105-818-000.

Mayor Pro Tem Dean moved to approve Motion No. M-66-20
Seconded by Councilmember Price
Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack
Nays: None
Motion Approved.

**RESOLUTION NO. R-44-20:** Matter of authorizing a resolution appointing new members to the Planning Commission and Master Plan Steering Committee naming Shiloh Dahlin and Jennifer Finney, respectively.
Councilmember Gavin moved to approve Resolution No. R-44-20
Seconded by Councilmember Hennen
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-67-20:** Motion to consider an Interlocal Agreement with Oakland County to Approve the Designated Assessor for the period January 1, 2021 through December 31, 2025 and authorize the City Manager to sign on the City’s behalf.
Councilmember Gavin moved to approve Motion No. M-67-20
Seconded by Councilmember Hennen
Ayes: Price, Baker, Blanchard, Dean, Gavin, Hennen, and Terbrack
Nays: None
Motion Approved.

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

Scott Sehi, Berkley, commented that people have received warnings from the city ordinance officer regarding removing political signs. He stated the laws have changed recently after a Supreme Court ruling and according to the Michigan Municipal League. He said based on the City’s current law, political signs must be taken down 10 days after the election which has been deemed unconstitutional. He would like to know when Berkley’s ordinance will be updated?

**COMMUNICATIONS**

**COUNCILMEMBER BAKER:** provided updates on the committees he has the pleasure of speaking for.
He said the Technology Advisory Committee is scheduled to meet next week at 6:30 p.m. on December 16th. He provided a friendly reminder not to let your computers catch any viruses. He advised not to click on links from untrusted sources, to create strong passwords, and to make sure to secure your home router and Wi-Fi. Councilmember Baker said the Downtown Development Authority is meeting 8:30 a.m. Wednesday, December 9th. He said some highlights include that Merry Month continues. He said from November 28th through February 1st, a number of great events are happening including the Holiday Window Display from November 28th through January 18th. He said to click the link on the DDA website to vote for your favorite window display. Councilmember Baker stated donations are being collected for Gleaners Community Food Bank from November 28th though the 31st at Berkley Common, Sum Girls Boutique, Yellow Door, and Vitrine Gallery. He said there are also a variety of Berkley bucks available, and $750 worth of Berkley Bucks will be awarded to select shoppers. He stated anyone may acquire these through our virtual Main Street. He said anyone with local business receipts may send them to marketing@downtownberkley.com to be entered to win that prize. He stated there is a winter-themed scavenger hunt throughout the city, that will be a fun and socially distant way to get out of the house while safely interacting with the city. He said this will be happening from December 1st through February 1st. He said to look for the link on the DDA site. He said the first three individuals to complete the scavenger hunt successfully will receive $50 in downtown Berkley Bucks. He stated that on December 10th and December 11th, select businesses will be open until 8 p.m. or later and are all offering great promotions. He said there will be a virtual holiday concert coming up Saturday, December 12th, featuring Lilian Dean from 3-4 p.m. He thanked everyone who coordinated with the Santa Parade and Story Time with Santa. He said Santa will be back from noon-1 p.m. December 19th and there is a link to access.
Councilmember Baker said finally, the Historical Committee is working on more organization and scanning of various materials that are in the archives. He asks that if anyone has anything to donate, please feel free to reach out to the museum through the city's website or contact city hall. The new coffee mug is still available as well.

COUNCILMEMBER PRICE: thanked Santa for making a special stop in Berkley on Saturday. She thanked all the city staff and volunteers who made his visit possible. She said it brought great joy to the city. Councilmember Price said on a related note, she wants to thank all the residents who added festive glow to the streets by displaying lights on their homes this year. She stated the Beautification Advisory Committee is currently canvassing in preparation for its Holiday Spirit Awards. Councilmember Price said the Berkley Public Library continues to offer virtual programs and digital resources along with curbside and porch deliveries of materials.

COUNCILMEMBER BLANCHARD: stated that as the liaison for the Berkley Area Chamber of Commerce, he would like to encourage everyone to shop local and dine local. He said, as you know, the Michigan Department of Health and Human Services extended its epidemic order 12 days today, continuing the same conditions through December 20th. Councilmember Blanchard said on another note, winter is coming and everyone should be prepared for winter conditions. He said to stay off the roads during and after a winter storm, so that snowplows can get out there; have your carbon monoxide alarms in place, especially if you are using any alternative heating devices; and to be sure to check on your neighbors, especially if they are senior citizens, to make sure they are doing okay. He added to make sure holiday lights are safely wired up as well.

MAYOR PRO TEM DEAN: stated The Parks and Recreation Department continues to offer ideas for at-home recreation. She said anyone looking for inspiration may check out the Department's Facebook page for further suggestions. She stated Parks and Recreation has two activities coming up this month, one is a holiday park treasure hunt and the other is a coloring contest. She stated the winners in each age group will have their masterpiece as the Parks and Recreation Facebook cover page. She said more information may be found by visiting the Parks and Recreation Facebook page. Mayor Pro Tem Dean said work continues on the new Oxford/Merchant Park. She said work will be slowing down soon because of winter weather. She said they look forward to seeing work start up again in the spring. Mayor Pro Tem Dean said there will be a public hearing for the Five-year Recreation Master Plan that will be coming before council at the next city council meeting. She said the recreation master plan may be viewed on the city's website. Mayor Pro Tem Dean said as we know this past Saturday, we had Santa drive by the city of Berkley. She said what struck her the most was the number of adults that lined the streets to catch a glimpse of Santa. She said it brought so much joy and was a great community effort. She offered thanks to the Berkley Holiday Parade Committee, Berkley Department of Public Safety, Berkley Department of Public Works, Berkley Community Engagement Officer Torri Mathes, and Berkley Chief Information Officer Stan Lisica. She also thanked Mayor Terbrack as he was truly committed to making something work.

COUNCILMEMBER HENNEN: stated neither the Zoning Board of Appeals nor the Tree Board have met since our last meeting. He stated they won't be meeting again until January and therefore he has nothing to report. Councilmember Hennen echoed the thanks for everyone who did a great job on the Santa Parade around the city.

COUNCILMEMBER GAVIN: stated the Planning Commission met last month continuing its discussion on side-yard setbacks and exterior appliances. He said the Commission also discussed façade changes on Coolidge Highway and some site improvements for Vibe Credit Union on Coolidge as well. He said Planning also had a work session to discuss draft language on the early part of the master plan and are hoping to provide some feedback on that front. He said they will next meet 7 p.m. Tuesday, the 15th. He said the Environmental Advisory Committee (EAC) met last month and continued its discussion on the implementation of the energy plan, green infrastructure, and the possibility of a community garden. He said the EAC will meet 6:30 p.m. January 21st, Councilmember Gavin said the Master Plan Steering Committee will meet 7 p.m. next Monday the 17th. Councilmember Gavin said he would like to echo all of
his colleagues with a huge thank you for the Santa driving through the streets event. He said it was such a pick-me-up and uplifting event. He thanked everyone that made it possible.

**CITY MANAGER BAUMGARTEN:** stated the city has halted its enforcement of the particular sign ordinance that was brought up in public discussion portion of the meeting. He said City staff has been discussing this matter throughout this year, and does anticipate bringing a full revision of the city’s entire sign ordinance back to Council. He stated to make sure everyone is reading the newsletter. He said there are some great updates from each department included and it can be a great guide on how to enjoy Berkley. Mr. Baumgarten said everyone involved with bringing Santa to Berkley did a fantastic job.

**CITY ATTORNEY DAN CHRIST:** provided a quick legislative update regarding Public Act 228, allowing for electronic and remote meetings through the end of this year for any reason. He said that as it stands now, beginning January 1st, the only basis for electronic meetings will be for military duty, a medical condition, or a declared state or local emergency. Mr. Christ discussed House Bill 6207 which has come out of Committee that would extend the any circumstance provision for a public body to have an electronic meeting through March 30, 2021. He stated it has not been voted on and is likely to be considered within the next week or two.

**CITY CLERK MITCHELL:** offered a huge thank you to Deputy Clerk Gina Harold and Election Specialist Ashley Merz. She said they did a tremendous job and were very tenacious during the long election season. She said she is very appreciative of their help. She offered a quick thank you to Sue Reddin in the Finance department who donated her time and counted and balanced over 7,500 ballots. She said she is very appreciative of everyone’s help, treasury for answering all the calls and questions, the city manager’s office, the DPW and Public Safety. Ms. Mitchell also thanked the workers for volunteering during a global pandemic. She also thanked the residents for their participation as the city saw an about 81% of turnout.

**MAYOR TERBRACK:** stated the City of Berkley is heavily involved with the Michigan Municipal League (MML), and Mayor Pro Tem Dean was asked by the MML to participate in the elected officials academy as a moderator for a breakout session and a panelist for a training that took place via zoom November 23rd. He stated she did a tremendous job representing Berkley. Mayor Terbrack said that Saturday evening was not our usual way to usher in the holidays. He said it was difficult to cancel our usual parade and activities, but the parade committee was still committed to finding a way to bring joy to the community at a time when it was tremendously needed. He said the Santa event that took place started with an idea that sounded great, but we knew it would be going to be difficult to pull off. He discussed the logistics of what needed to be done to make this happen. He said he can’t thank everyone enough for making it a success including, Cinda Coon, Denise Kallas, Shawn Young, Corey Miller, Jordan Kobernick, Scott Smith, Chief Koehn, Rick Chalmers, Stan Lisica, Torri Mathes, and the entire DPW department and Department of Public Safety for bringing so much joy to the community. He said it felt like a true Christmas miracle and the feedback was incredibly positive. He said it was an event for all ages and he doesn’t know what other communities could have really pulled this off in the time that we did. Mayor Terbrack told everyone to stay safe and frequent our local businesses and restaurants for takeout throughout the holiday season.

**ADJOURNMENT**

Mayor Pro Tem Dean moved to adjourn the Regular Meeting at 8:24 p.m.
Seconded by Councilmember Baker
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.