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, JULY 06, 2020 BY MAYOR TERBRACK

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

APPROVAL OF AGENDA
Councilmember Baker moved to approve the Agenda with an amendment to remove regular agenda item 3 and to move the remaining items up one position.
Seconded by Mayor Pro Tem Dean
Ayes:  Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.

INVOCATION: Pastor Zack Dunlap

PUBLIC COMMENT – ITEMS ON THE AGENDA

Christopher Copacia, Berkley resident, spoke in support of Resolution No. R-26-20 stating it is very important. Mr. Copacia stated he is also a volunteer with Voters Not Politicians and loves to see the City is even considering expanding voting initiatives. He further discussed access to voting for all residents.

Mark Richardson, Berkley resident, spoke regarding the Clinton River Watershed Council WaterTowns presentation. Mr. Richardson stated stormwater retention is a large issue not only in Berkley, but in southeast Oakland County. As a member of the Environmental Committee, he stated this is an exciting project and urged Council to look at this as an advantageous pilot program.

Sen. Mallory McMorrow provided the following updates:

- Michigan’s new auto insurance law – went into effect on July 1st so moving forward residents have the option to choose their level of PIP coverage. She urges all residents to do their research. She stated one resource is Michigan.gov/autoinsurance.
- License/State ID extension – the deadline for renewal, if your license or registration expires between February and July 1st, is now September 30th. She stated there has been a backlog at Secretary of State offices since reopening to the public but she urges anyone needing service to make an appointment.
- COVID relief funding – the Governor signed the $880 million bi-partisan COVID Relief Fund. She stated there will be no cuts, but rather the money is coming from funding the State received from the federal government. She went into further detail on where the funding is going and discussed unemployment benefits.
- Fiscal Year 2019-20 Budget – there was a deal struck to pull some of the additional federal funds to solidify the budget for the year. She discussed additional funding for K-12 schools. She stated her focus on the upcoming budget is education and infrastructure.
- Return to Learn Task Force – released its school reopening roadmap for the fall with the priority of returning in the fall for in-person education. She said the 63-page report is available online. She discussed the document further.
- Cocktails to Go in Social Districts – is something being discussed to help restaurants and bars during this time with their carryout menus. She said the initiative also helps municipalities with shutting down streets, etc. to provide additional options for local businesses.
• Virtual Coffee Hours – have been taking place with Sen. McMorrow almost weekly and she encourages everyone to attend. She also has been hosting mayors and city manager monthly meetings.

Mayor Terbrack thanked Sen. McMorrow for her update and the virtual mayor meetings. He thanked her for all of her work at the state level including her dedication to educational funding. He commented on the upcoming budget process.

Tasawwar Rahman, Berkley resident, voiced his support in favor of Resolution R-26-20 stating he is also a volunteer with Voters Not Politicians. He said being flexible with access to voting is more important than ever. He discussed this matter further.

Consent Agenda

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

**APPROVAL OF THE MINUTES:** Matter of approving the minutes of the 38th Regular City Council Meeting on Monday, June 15, 2020. Councilmember Hennen asked that a correction be made to his portion of Communications discussing the Memorial Tree Program. He asked that it be changed to say, “the donor must pay for the tree planting and provide a plaque.”

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

Regular Agenda

**PRESENTATION:** The City Council will receive a presentation from representatives of the Clinton River Watershed Council WaterTowns program.

City Manager Matt Baumgarten explained the goal of participating in the Clinton River Watershed Council WaterTowns program is to introduce green infrastructure into the City. Council agreed to participate in the program in 2019. He stated the goal of green infrastructure is to divert stormwater away from the City’s sewer system. Mr. Baumgarten said members of city staff and of the Environmental Advisory Committee have been working with WaterTowns personnel on this project.

Mr. Chris Bobryk and Dr. Don Carpenter provided a presentation regarding the Clinton River Watershed Council WaterTowns program.

Mr. Bobryk discussed the Clinton River Watershed Council, a non-profit organization. He stated the three pillars of the organization are:

1. Education
2. Restoration
3. Stewardship

He stated the WaterTowns program is a community-based initiative that helps take each community and connect it to resources. He further discussed the goals and key aspects of the program. He talked about the $5,000 mini-grant.
Dr. Carpenter stated he is a graduate of Berkley High School. He discussed the goals of the program including create conceptual site plans and renderings of suggested green infrastructure improvements; determine the volume of stormwater captured and treated; and estimate the cost. He stated he has been involved with the program for seven years including three recent WaterTowns projects.

Dr. Carpenter described green infrastructure. He discussed green infrastructure uses mother nature to catch stormwater runoff. He discussed stormwater events.

Dr. Carpenter went over the project including the timeline and deliverables. He stated Berkey would receive:
- Report
- Graphic boards
- USB drive with copies of everything
- Cost estimates

Dr. Carpenter discussed runoff reductions. He stated created green infrastructure could capture almost all of the runoff from a 2.3-inch rainfall.

Dr. Carpenter discussed the certain areas in the City the program would target. He discussed each site including types or rain gardens, curb cutting, porous pavement, etc. He stated areas to target are Jaycee Park, Griffith Avenue parking lots and alleyways, Beverly and Edgewood boulevards, and the Parks & Recreation parking lot. He explained everything they suggest is a retrofit or completed on worn infrastructure.

Mr. Bobryk discussed implementation and the maintenance plan. He stated the City is eligible for the $5,000 mini-grant. He explained the grant requires a one-to-one match. He went over examples of other WaterTowns properties.

The presenters then opened the floor for questions from Council.

Councilmember Hennen asked how some of the suggested initiatives would perform in a heavily clay community like Berkley. Dr. Carpenter discussed how rain gardens and porous pavement systems work with clay including using an underdrain. Councilmember Hennen asked about maintenance costs. Dr. Carpenter stated the cost estimates provided do not include maintenance. Councilmember Hennen commented the City Street Tree Program is a free program and is full for this year. He stated that street trees are a very effective system in stormwater management and would like to discuss increasing the program in the next budget.

Councilmember Gavin thanked the presenters and the Environmental Advisory Committee, including Mark Richardson, for the time they put into this project. He said this is very exciting and offers the opportunity to be innovative.

Councilmember Baker thanked the team of people working on this project. He asked if the slides from the presentation would be available on the City's website. He asked for more detail about the rain garden creation process. Dr. Carpenter stated they are usually up to 30-inches deep. He further explained the process. He also discussed the filtering process.

Mayor Terbrack thanked the presenters. He stated it is an important endeavor and the City will do its part to increase its retention capacity.

**PRESENTATION:** The City Council will receive a presentation on the 2019 Planning Commission Annual Report and 2020 Work Plan.

Community Development Director Erin Schlutow stated this is a requirement of the Michigan Planning Enabling Act. She stated the exact requirement. She said the annual report and work plan
are included in the Council packet. Ms. Schlutow went into detail regarding the Planning Commission’s activities throughout 2019 including the different documents the body reviewed. She stated she included a summary and up-to-date status on all of the projects. Ms. Schlutow stated she also included the 2020 workplan. She stated she likes to show this document because the annual report shows what was done, but the workplan shows what they hope to accomplish. She stated it includes more long-term goals. She stated the items they will be working on very closely are:

1. Updating the Community Master Plan
2. Redevelopment Ready certification
3. Zoning ordinance technical review

Ms. Schlutow stated the Department looks forward to working with all of the Berkley community groups and opened the floor for questions.

Councilmember Gavin offered thanks as he serves as the liaison to the Planning Commission. He stated Ms. Schlutow always elevates the level of documentation and work product that the Planning Commission and Council receives.

Councilmember Price stated she feels the 2020 workplan is ambitious, attainable, and well needed. She thanked Ms. Schlutow for putting it together. She also thanked the Community Development Department and members of the Planning Commission and Master Plan Steering Committee.

Mayor Terbrack thanked Ms. Schlutow for her level of work.

**ORDINANCE NO. O-13-20:** Matter of considering the First Reading of an Ordinance of the City Council of the City of Berkley, Michigan to Amend Section 138-298 of Article V, Division 2 of Chapter 138, Zoning, to Update the Citation to the City’s Adopted Building Codes, and to Prescribe a Penalty for Violations.

Councilmember Hennen moved to approve Ordinance No. O-13-20
Seconded by Councilmember Baker
Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack
Nays: None
Motion Approved.

**ORDINANCE NO. O-14-20:** Matter of considering the First Reading of an Ordinance of the City Council of the City of Berkley, Michigan to Amend Section 138-526 of Article V, Division 17 of Chapter 138, Zoning, to Add Local Business to the Schedule of Regulations.

Councilmember Gavin moved to approve Ordinance No. O-14-20
Seconded by Councilmember Blanchard
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

**PUBLIC HEARING:** Matter of holding a public hearing regarding proposed vacation of portion of public alley.

Public Hearing opened at 8:16 p.m.

There was no one present wishing to speak.

Public Hearing closed at 8:17 p.m.

**RESOLUTION NO. R-24-20:** Matter of authorizing a resolution to vacate portion of public alley.

Mayor Pro Tem Dean moved to approve Resolution No. R-24-20
Seconded by Councilmember Price
Ayes: Price, Baker, Blanchard, Dean, Gavin, Hennen, and Terbrack
Nays: None
Motion Approved.

**RESOLUTION NO. R-25-20:** Matter of approving a resolution for Election Services between Oakland County and the City of Berkley.
Councilmember Baker moved to approve Resolution No. R-25-20
Seconded by Councilmember Hennen
Ayes: Baker, Blanchard, Dean, Gavin, Hennen, Price, and Terbrack
Nays: None
Motion Approved.

**RESOLUTION NO. R-26-20:** Matter of approving a Resolution to expand voting and registration access beyond the minimum required by the Michigan Constitution for even-year November general elections.
Councilmember Gavin moved to approve Motion No. R-26-20
Seconded by Councilmember Baker
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.

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

David Annis, Berkley resident, spoke regarding his concern with the Thin Blue Line flags on public safety vehicles. He stated he sent an email to Council and the city manager detailing his concern and would not go point-by-point. He stated that although the message may have been less political when the symbol was placed, we don't control the meaning of that symbol anymore. He said he would like it removed and have only governmental symbols placed on public safety vehicles.

Megan S., Berkley resident, spoke regarding the Thin Blue Line flag on public safety vehicles. She stated she felt it is a symbol used by Alt-right groups, Blue Lives Matter movement, and those that don't support the Black Lives Matter movement. She talked about what she feels that symbol means and said she would like to see it removed from patrol vehicles. She also discussed the Federal 1033 program. She described the program and stated the Public Safety Department received 10 N16 rifles through this program. She said police in our community do not require these types of rifles. She asked that Council directs the removal of the Thin Blue Line stickers from the patrol vehicles and that they look into stopping the department’s participation in the federal 1033 program.

Mayor Terbrack stated he appreciates those comments. He said he does not believe our Public Safety Department is in conflict at all with our community. He stated they do many things to be involved with the community.

**COMMUNICATIONS**

**MAYOR PRO TEM DEAN:** thanked Sen. McMorrow for attending that evening and said she is especially encouraged regarding the allocation of funds toward domestic violence and food banks. She said the topic of domestic violence is near and dear to her heart and she has been working with Chief Koehn to bring the multi-disciplinary team that Farmington Hills has to Berkley. She stated that COVID sidelined that initiative along with the fact their HAVEN liaison is employed elsewhere now. She hopes to learn the new liaison soon and continue to move forward in bringing the program to Berkley. Mayor Pro Tem Dean stated the Parks & Recreation Department has opened registration for virtual camps. She said outdoor classes are running in the parks and senior exercise classes are on cable, YouTube and Facebook. She said to check the Parks & Recreation webpage for more information. She said July is National Parks & Recreation Month. She said a Parks & Recreation survey will be online in mid-July to help update the five-year master plan.
She urges everyone to complete the survey. She said the Parks & Rec will also be hosting a virtual town hall regarding the Five-year master plan in early August. She said the department will be starting its senior transportation program again once work with SMART is completed as the vehicles are being equipped for rider and driver safety.

COUNCILMEMBER HENNEN: stated the Zoning Board of Appeals did not meet in June but will meet one week from today on July 13th to review an application for a mural on the side of Salon Simply Beautiful located on Coolidge Highway just north of Catalpa. He said the Tree Board met and discussed the Memorial Tree and City Street Tree programs. He said the full allotment of trees available is spoken for a month before the deadline, but those interested can get on the waiting list for next year by contacting the Department of Public Works.

COUNCILMEMBER GAVIN: stated the series of Master Plan webinars recently wrapped up and he thought they were incredibly valuable. He thanked Ms. Schlutow and Carlisle Wortman for adapting during COVID. He said the next Master Plan Steering Committee meeting will be July 21st at 7 p.m. via Zoom. He said to check the City's website calendar for link. He said the Planning Commission had many items from its last agenda appear tonight. The next Planning Commission meeting will take place July 28th at 7 p.m. via Zoom. Councilmember Gavin said the Environmental Advisory Committee (EAC) met and discussed the Energy Plan and green infrastructure which was discussed tonight. He said officers were also elected at that meeting. He said the next EAC meeting will take place August 20th.

COUNCILMEMBER BAKER: stated the Downtown Development Authority (DDA) meets this upcoming Wednesday and topics will include bylaws and the ongoing crowdfunding campaign to provide additional support to businesses. He stated more information will also be provided on outdoor dining and signage. He asks that people please visit downtownerkley.com to see all of the ways businesses are being supported. Councilmember Baker said the Historical Committee is scheduled to meet on July 14th. He stated items for discussion will include when and how to open the museum safely. Important work is still being done to scan important documents and other Berkley related items. Councilmember Baker said the Technology Advisory Committee is next scheduled to meet August 19th after meeting in June. Councilmember Baker recited a quote from Andy Meisner, "Our country was founded on the principles of freedom and justice for all, but they haven't always applied equally to every American and we recognize our independence. Let's keep working towards a more just and equitable society."

COUNCILMEMBER PRICE: stated the Berkley Public Library is open for curbside pickup and delivery. She said residents may request materials through online catalogs. Councilmember Price reflected upon this July and celebrating our independence. She stated we are more aware than ever before that many of us have taken for granted our freedoms that have been denied for far too long. Councilmember Price thanked residents for speaking up for people of color in our community. She also thanked Mr. Copacia, the resident who spoke on behalf of expanding voting and registration access. Councilmember Price thanked the Public Safety Department for keeping our community safe over the holiday weekend.

COUNCILMEMBER BLANCHARD: stated the Berkley Area Chamber of Commerce and the Berkley DDA are partnering for a downtown Berkley scavenger hunt to encourage people to explore and support downtown businesses. The first four people to successfully complete the scavenger hunt will win a $25 gift card to a downtown Berkley merchant. He said to visit downtownberkley.com for more information. Councilmember Blanchard asked residents to support local businesses and stay safe.

CITY MANAGER BAUMGARTEN: provided an update on the 12 Mile Road project. He stated concrete curbs and sidewalks installed and the first base layer of asphalt has gone in. He stated the project is on course and the block between Elmwood and Greenfield has reopened. He said one northbound lane and one southbound lane will reopen. Mr. Baumgarten reminded everyone about rules governing election signs and to place them on the private side of the sidewalk. Mr. Baumgarten put in a plug for the City's boards and commissions. He said the City has vacancies available with fun opportunities to serve.
PUBLIC POLICY ASSISTANT HILL: stated the marihuana business license application closed on June 29th, and the City has been accepting applications postmarked June 29th. He said they received 31 applications. He said staff has been completing completeness checks and will move forward to the MERIT scoring system. He said from there, staff will have the applications scored and the results released at the end of September before moving forward with site plans. Mr. Hill said the DIA is partnering with Berkley to bring its Inside|Out program to Berkley. He said there are six installations up and on Thursday, July 9th at 6 p.m. there will be a virtual ribbon-cutting with the DIA.

CITY CLERK MITCHELL: reminded our residents that every registered voter has the right to receive an absentee ballot. To request an application to receive an absentee ballot, visit berkleymich.org/vote, call 248-658-3310 or send an email to clerk@berkleymich.net. Ms. Mitchell stated once you receive your application, please indicate which elections you would like to receive your ballot for and indicate if you would like to be placed on the permanent absentee list. She stated to sign and return the application to the Clerk's Office via the City's secure drop box. Ms. Mitchell said all precincts will be open and operating as usually on election day with the exception of plenty of PPE and social distancing practices being implemented. She asked residents, if you are able, to please wear a mask. Ms. Mitchell reminded residents to vote within one party on the August 4th ballot. She stated residents may not vote back and forth between parties. Ms. Mitchell said if residents have completed their ballots, please place them in your envelopes, sign the outside, and feel free to return at any time, the earlier the better.

CITY ATTORNEY STARAN: stated there isn't much legal processing yet on marihuana licensing since the deadline just passed. He said they dealt with numerous technical questions from applicants, but it was a great learning experience. Mr. Staran said there is more work to do on the licensing. He said he has been impressed with the well planned and organized process city staff created regarding the entire process. Mr. Staran said Council should expect that in the foreseeable future, we will be talking about an updated briefing on the flood claims.

MAYOR TERBRACK: stated how hopeful he is for record voting turnouts and the expanding of absentee voting. He said if you are going out to vote, stay safe and wear a mask. He said everyone should still practice social distancing and we are doing good in the State of Michigan. Mayor Terbrack provided a plug for the City newsletter. He said it is out every month and provides tremendous updates from all the departments. Mayor Terbrack spoke regarding prior comments on the Public Safety Department. He said he is not going to sit idly by when comments impugn the integrity and professionalism of our Public Safety Department. He said that is the very department that protects us and serves everyone who lives in and out of the community and everyone traveling through our community. He said when accusations that are not true cast a broad shadow over our department, that is where he is going to draw a line. Mayor Terbrack said he wants to make that abundantly clear.

ADJOURNMENT
Councilmember Baker moved to adjourn the Regular Meeting at 8:59 p.m. Seconded by Councilmember Hennen Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack Nays: None Motion Approved.