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, JUNE 15, 2020 BY MAYOR TERBRACK

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

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

INVOCATION:  Deacon Daniel Darga

PUBLIC COMMENT – ITEMS ON THE AGENDA
Christopher Copacia, Berkley, spoke in favor of declaring June 19, 2020 to be Juneteenth Celebration Day. He discussed the importance of this time in history and the importance of education of this historical event. He said his experience in Berkley Public Schools reflects his exposure to diversity and desire to be inclusive of others. Mr. Copacia also stated he would like to support approval of the expansion of use of streets for businesses.

Consent Agenda
Councilmember Price moved to approve the following Consent Agenda, seconded by Mayor Pro Tem Dean:

APPROVAL OF THE MINUTES:  Matter of approving the minutes of the 38th Regular City Council Meeting on Monday, June 1, 2020.

WARRANT:  Matter of approving Warrant No. 1351.

RESOLUTION NO. R-19-20:  Matter of considering a resolution to receive a partial reimbursement of larvicide product costs from Oakland County. This is an annual program involving the placement of larvicide tablets in approximately 1,600 City catch basins to inhibit the growth of mosquito larvae.

PROCLAMATION NO. P-12-20:  Matter of declaring June 19, 2020 to be Juneteenth Celebration Day.

PROCLAMATION NO. P-13-20:  Matter of proclaiming July 2020 as Parks and Recreation Month in the City of Berkley.

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

MOTION NO. M-32-20: Matter of approving the purchase of one 2020 Ford Police Interceptor Utility AWD marked police vehicle for $34,139 and one 2020 Ford Fusion SE AWD unmarked police vehicle for $24,249 for the Department of Public Safety from Signature Ford, 1960 East Main Street, Owosso, MI 48867 at a total cost of $58,388 from the Vehicles Account 101-310-985-000.
Councilmember Blanchard moved to approve Motion No. M-32-20
Seconded by Councilmember Baker
Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack
Nays: None
Motion Approved.

MOTION NO. M-33-20: Matter of authorizing Hubbell, Roth & Clark (HRC) for Proposal for Professional Engineering Services for the Public Safety Main Entrance Improvement Project at a cost not to exceed $25,781.86 from the Building Improvements Account 101-310-976-000.
Councilmember Hennen moved to approve Motion No. M-33-20
Seconded by Councilmember Price
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

MOTION NO. M-34-20: Matter of authorizing Hubbell, Roth & Clark (HRC) for professional engineering services to conduct the Phase 1 Sign Inventory at a cost not to exceed $13,650 from the Street Signs – Contractual Services Account 202-475-818-000.
Councilmember Blanchard moved to approve Motion No. M-34-20
Seconded by Councilmember Baker
Ayes: Price, Baker, Blanchard, Dean, Gavin, Hennen, and Terbrack
Nays: None
Motion Approved.

MOTION NO. M-35-20: Matter of authorizing the purchase of a John Deere 3033R Compact Utility Tractor (24PTO hp) at a cost not to exceed $39,323.34 from AIS Construction Equipment at 65809 Gratiot Avenue, Lenox, MI 48050. Funds for this expenditure will come from account 614-950-982-000.
Mayor Pro Tem Dean moved to approve Motion No. M-35-20
Seconded by Councilmember Hennen
Ayes: Baker, Blanchard, Dean, Gavin, Hennen, Price, and Terbrack
Nays: None
Motion Approved.

MOTION NO. M-36-20: Matter of approving an agreement with Ecoworks, located at 22400 W. Seven Mile Rd, Detroit, MI 48219, to provide Community Energy Management Services at a cost not to exceed $9,947.70. This expenditure will be charged to account 101-172-817-000.
Councilmember Gavin moved to approve Motion No. M-36-20
Seconded by Councilmember Blanchard
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.

RESOLUTION NO. R-20-20: Matter of approving a resolution for temporary COVID-19 outdoor dining/seating and outdoor sales and services.
Mayor Pro Tem Dean moved to approve Resolution No. R-20-20
Seconded by Councilmember Price
Ayes: Dean, Gavin, Hennen, Price, Baker, Blanchard, and Terbrack
Nays: None
Motion Approved.
**RESOLUTION NO. R-21-20:** Matter of approving a resolution for temporary COVID-19 temporary sign standards with an additional clause in item #2 of the resolution stating A-frame signs are allowed in the right-of-way on Coolidge Highway sidewalks.
Mayor Pro Tem Dean moved to approve Resolution No. R-21-20
Seconded by Councilmember Hennen
Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-37-20:** Matter of approving a one-year contract extension of the 2015-2018 bargaining agreement between the City of Berkley and the Michigan Association of Public Employees (MAPE).
Councilmember Gavin moved to approve Motion No. M-37-20
Seconded by Councilmember Baker
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-38-20:** Matter of approving a 60-day extension to the terms of various Boards and Commissions and also approving the members’ appointments as listed for the Historical Committee (with the removal of David Hunter), Downtown Development Authority, Technology Advisory Committee, Environmental Advisory Committee, Library Board, Tree Board and Zoning Board of Appeals.
Councilmember Baker moved to amend Motion No. M-38-20
Seconded by Mayor Pro Tem Dean
Ayes: Price, Baker, Blanchard, Dean, Gavin, Hennen, and Terbrack
Nays: None
Motion Approved.
Mayor Pro Tem Dean moved to approve Motion No. M-38-20
Seconded by Councilmember Blanchard
Ayes: Baker, Blanchard, Dean, Gavin, Hennen, Price, and Terbrack
Nays: None
Motion Approved.

**RESOLUTION NO. R-22-20:** Matter of authorizing the amendment of the FY 2019/2020 Budget as presented.
Councilmember Hennen moved to approve Resolution No. R-22-20
Seconded by Councilmember Blanchard
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.

**RESOLUTION NO. R-23-20:** Matter of recognizing that the City’s designated official newspaper, the “Woodward Talk,” has resumed publication and that, therefore, until further notice, the City hereby designates the “Woodward Talk” as the City’s official newspaper, effective immediately, for the publication of the City’s notices, ordinances, and other pertinent items.
Councilmember Baker moved to approve Resolution No. R-23-20
Seconded by Councilmember Price
Ayes: Dean, Gavin, Hennen, Price, Baker, Blanchard, and Terbrack
Nays: None
Motion Approved.
PUBLIC COMMENT – ITEMS NOT ON THE AGENDA

Valerie West, Berkley, spoke regarding the Because We #Matter Berkley March and thanked Council for its endorsement of the event. She discussed her history and the importance to continually understand racism and its impact. She shared stories of colleagues and friends. She stated the root of so many of our problems are caused by racism and bigotry. She asked Council to continue its momentum by creating an anti-discrimination commission.

COMMUNICATIONS

COUNCILMEMBER GAVIN: stated the Planning Commission has not met since the last City Council meeting and the next meeting is 7 p.m. June 23rd via Zoom. He stated the Master Plan Steering Committee will meet 7 p.m. June 16th and is also continuing its series of webinars with the next one at 11 a.m. tomorrow via Zoom on the topic of the major corridors within the city. Councilmember Gavin said the Environmental Advisory Committee will meet 6:30 p.m. June 18th via Zoom. Councilmember Gavin spoke regarding the marches that took place in the City over the past couple of days. He stated the marches show a real solidarity with the need to reform the criminal justice system and systemic racism. He stated he is thankful for the organizers and to the Department of Public Safety (DPS) for its role in ensuring safety for everyone protesting peacefully. He stated he believes we are at a tipping point to make real change in this country and he appreciates the showing in our little corner of Berkley.

COUNCILMEMBER HENNEN: stated the Zoning Board of Appeals did not meet this month. He said the Tree Board met and discussed the new street tree program. He discussed the program and stated it is at no cost to residents. He stated there will be about 100 trees available for placement by the City on the public greenbelt on a first-come, first-served basis. He stated residents who also had a tree removed from the greenbelt can request a replacement. Those interested may contact the Department of Public Works (DPW) at 248-658-3490. He said the deadline is 3 p.m. August 14th and city workers would plant the trees in the late fall. Councilmember Hennen also discussed the Memorial Tree Program. He stated the donor must pay for the tree, planting and provide a plaque. He stated the City would help identify a location. He said to contact the DPW for more information. Councilmember Hennen stated he echoes some of Councilmember Gavin’s comments. He said he was able to attend the demonstrations on Friday and Sunday. He stated both events were very touching and it meant a lot to hear first-hand accounts from individuals. He said it helps bring a face to the issue and shows how much work there is to be done to bring liberty and justice for all.

MAYOR PRO TEM DEAN: stated the Parks & Recreation Department is beginning outdoor classes in the park in the next couple of weeks and social distancing practices will be adhered to. She stated to check the Department’s website and Facebook page for details. She stated Parks & Rec virtual programming begins the week of June 22nd. She announced that parks and playgrounds are open and people are encouraged to get out and play, but also be safe. Mayor Pro Tem Dean stated the wellness checks concluded as the City reopens. She thanked Berkley Parks & Recreation Director Theresa McArleton and her staff, Berkley Public Library Director Matt Church and his staff, and Councilmember Gavin for their involvement. She said she thoroughly enjoyed the conversations she had with residents and said this experience has shown her how much Berkley does care. Mayor Pro Tem Dean congratulated Charlotte Terbrack for taking the initiative and organizing the Friday march in Berkley. She stated her support for the DPS in keeping everyone safe.

COUNCILMEMBER BAKER: stated the Downtown Development Authority (DDA) Board met last week on Wednesday and continues to look at innovative ways and programs to support local businesses. He provided an update on the MoGo bikes. He stated there are two stations — one on Robina, south of 12 Mile Road and one on Earlmont, east of Coolidge — with great signage and directions for use. He stated
for more information on happenings, visit downtownberkley.com. Councilmember Baker said the Historical Committee has not met, but members are having conversations about how to open the museum to the public. He stated the museum is looking at different phases of opening in mid-July. He stated when the museum does reopen, there will be new displays offering a new and fresh experience. Councilmember Baker said the Technology Advisory Committee meets this week on Wednesday via Zoom. He said members are getting excited to move forward. Councilmember Baker recited a quote by Dalai Lama, “Compassion and tolerance are not a sign of weakness, but a sign of strength.” Councilmember Baker said he too is thankful and encouraged by the outpouring of focused energy and constructive dialogue in recent weeks. He stated he believes the quote he recited and knows that sometimes that is not easy. He said the City does not have the best past with these matters and it takes generations to work things out. He discussed the demonstrations and wanting to be the change that is seen in the world. He said, “Change begins with me.” He stated he is proud of the Juneteenth Proclamation. He discussed his thoughts regarding Juneteenth, how to observe the day, and how to look within. Councilmember Baker urges everyone to wear a face mask and said although we may be done with the pandemic, it is not done with us.

COUNCILMEMBER PRICE: thanked the city directors and staff for cautiously and systematically reopening city services to the public, especially Berkley Public Library Director Matt Church. She said residents may start returning materials, but remember they are not due until July 6th so please take your time. She stated in one week from today, curbside pickup and local delivery will begin. She said those interested need to call ahead. She said for more information, visit the library’s website or give them a call. She said the Summer Reading Program will take place virtually and will be for adults, teens and children. Councilmember Price said she supported and attended both events held this weekend to raise awareness of systemic racism and violence against people of color. She said she is incredibly grateful to the organizers of each event. She stated her desires to find specific concrete ways to continue to amplify the voices of people of color and create meaningful, lasting changes. She thanked Valerie for her words during public comment and for the unanimous support of the Juneteenth proclamation. She discussed the wording in the proclamation.

COUNCILMEMBER BLANCHARD: stated most of the Berkley Area Chamber of Commerce events have been canceled, so members have been diligently working to push out information coming from the state to the local businesses. Councilmember Blanchard said we still have COVID-19. He said it is vacation season and people will begin moving around and trying different things. He said as people do that, please remember there could be a second wave. He said stay safe, follow the state guidelines, and return safely to Berkley after your vacation. Councilmember Blanchard thanked the organizers of the march. He said he attended the march on Friday and it was very well done.

CITY MANAGER BAUMGARTEN: highlighted the hard work of the city clerk. He said the absentee ballot applications have been flowing in rapidly and the entire team along with Dan Hill have been processing the applications as well over 1,500 have come in already. He said there is a lot of interest in voting via absentee ballot. He stated people are making their voices heard by protecting themselves and not going to the polls. Mr. Baumgarten said the marijuana application period opened today. He said they have already received two submissions and applicants have until June 29th to get those turned in. Mr. Baumgarten said June 30th is the last day of the fiscal year, so when Council meets again it will be a brand-new fiscal year so, “Happy New Year.”

CITY ATTORNEY STARAN: stated as conditions related to the pandemic improve, we need to be mindful of Councilmember Blanchard’s caution. He said we are starting to see elements of the emergency measures, orders taken during the Governor’s lockdown expire or be withdrawn. He said for example, the executive order regarding the Freedom of Information Act has expired. He stated this would likely be Council’s last meeting with this format as June 30th is the expiration under the current executive order for remote participation. He stated it is not clear if at this time that order would be extended. Mr. Staran said
the marihuana licensing application process is off the ground as the city manager mentioned and we are expecting a Christmas Day rush of sorts at the end.

**MAYOR TERBRACK:** stated there were two demonstrations and marches organized by two different activist groups specifically in support of racial equality in our country. He said he was asked to speak at both and he did. He said he thought both demonstrations were effective in spreading the message of needing systemic change in our country at the macro level and political level. Mayor Terbrack said without the work of our Public Safety to keep people safe at those events, we could have had different headlines. He said to be clear, some were protesting against those officers that were charged with keeping everyone safe. He said those same officers that were and are still on the frontlines battling COVID and serving and protecting all of our families and everyone else that comes through our community. He said there are people in this world filled with racism and hatred toward anyone that is different and yes some of them are in positions of power. He said some have committed heinous crimes, but that does not mean that all police officers are bad people. He said if you want to look at change, look at our past. Mayor Terbrack said Berkley was one of the epicenters of race and hatred about 100 years ago. He provided the history of Berkley regarding KKK and driving while black incidents. He said we no longer see this in our community and more recently our City has been leading change for years including de-escalation training, implicit bias training, and a great deal more. He said there now exists a constant effort to be more competent and professional. He discussed other ways our DPS has been working hard to implement new policies and hire the best new people. He said the City of Berkley is consistently striving to be better. Mayor Terbrack discussed how our officers community police in the truest sense of the word. He said no one is perfect, but we are constantly striving to be better and learn from our mistakes. Mayor Terbrack said he does not want this to become an us vs. them issue. He said you do not have to choose to either support the Black Lives Matter movement or our Public Safety Department. He said he whole-heartedly supports the Black Lives Matter movement and was proud to attend both events, but you can be sure he supports our DPS. Mayor Terbrack said we are all stronger together. He said change in this country will not happen if there is a pervasive mentality of us or them. He said change will happen when we unite and when we elect people to represent all of us who share the belief that all men and women are created equal. He said that is the only way to create true and authentic change in our country.

**ADJOURNMENT**
Mayor Pro Tem Dean moved to adjourn the Regular Meeting at 9:15 p.m.
Seconded by Councilmember Baker
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.