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, MAY 18, 2020 BY MAYOR TERBRACK

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

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

INVOCATION: Pastor Matt Brunner

PUBLIC COMMENT – ITEMS ON THE AGENDA
City Clerk Victoria Mitchell stated the following emails were received prior to the beginning of the meeting:
Ashley Poirier, Berkley resident, in support of proclaiming June as LGBTQIA+ Pride Month.
Mitchell Brown, Berkley resident, in support of proclaiming June as LGBTQIA+ Pride Month and in support of the City’s non-discrimination policy.
Marjo Rogers, Berkley resident, in support of proclaiming June as LGBTQIA+ Pride Month.
Brian Burnett, Berkley resident, in support of proclaiming June as LGBTQIA+ Pride Month.
Regina Weiss, Detroit resident, in support of proclaiming June as LGBTQIA+ Pride Month and in support of the City’s non-discrimination policy.
Catherine Wade, Berkley resident, in support of proclaiming June as LGBTQIA+ Pride Month.
Karen Huyghe, Berkley resident, in support of proclaiming June as LGBTQIA+ Pride Month.

The following people spoke:
Jessica, Berkley resident, in support of the City’s non-discrimination policy.
Michelle Brazeau, Berkley resident, in support of proclaiming June as LGBTQIA+ Pride Month and in support of the City’s non-discrimination policy.
Pat Bonnington, Berkley resident, in support of proclaiming June as LGBTQIA+ Pride Month and in support of the City’s non-discrimination policy.
Scott & Lisa Turner, Berkley residents, in support of proclaiming June as LGBTQIA+ Pride Month and in support of the City’s non-discrimination policy.
Andrew & Amanda Dahm, Berkley residents, in support of proclaiming June as LGBTQIA+ Pride Month and in support of the City’s non-discrimination policy.

Jon & Nicole Heger, Berkley residents, in support of proclaiming June as LGBTQIA+ Pride Month and in support of the City’s non-discrimination policy.

David & Julie Hurst, Berkley residents, in support of proclaiming June as LGBTQIA+ Pride Month and in support of the City’s non-discrimination policy.

Sarah Jane, Berkley resident, in support of proclaiming June as LGBTQIA+ Pride Month and in support of the City’s non-discrimination policy.

Ashley & Stephanie Poirier, Berkley residents, in support of proclaiming June as LGBTQIA+ Pride Month and in support of the City’s non-discrimination policy.

Kye Campbell-Fox, Berkley resident, in support of proclaiming June as LGBTQIA+ Pride Month and in support of the City’s non-discrimination policy.

Jacob Robinson & Jesús, Berkley residents, in support of proclaiming June as LGBTQIA+ Pride Month and in support of the City’s non-discrimination policy.

Craig & Jennifer Alexander, Berkley residents, in support of proclaiming June as LGBTQIA+ Pride Month and in support of the City’s non-discrimination policy.

**Consent Agenda**

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

**APPROVAL OF THE MINUTES:** Matter of approving the minutes of the 38th City Council meeting on Monday, May 4, 2020.

**WARRANT:** Matter of approving Warrant No. 1350.

**ORDINANCE NO. O-08-20:** Matter of considering the Second Reading and Adoption of an ordinance of the City Council of the City of Berkley, Michigan Repealing Section 138-603 of Article VI, Division 4 of Chapter 138, Zoning, of the City of Berkley Code of Ordinances.

**ORDINANCE NO. O-09-20:** Matter of considering the Second Reading and Adoption of an ordinance of the City Council of the City of Berkley, Michigan to Repeal and Replace Article II of Chapter 50, Fire Prevention Code, of the City of Berkley Code of Ordinances to Adopt the 2015 International Fire Code, and to Prescribe Penalties for Violations.

**ORDINANCE NO. O-10-20:** Matter of considering the Second Reading and Adoption of an ordinance of the City Council of the City of Berkley, Michigan to amend Section 30-186 of Article V, Division 1 of Chapter 30, Businesses to Update the Citation to the Property Maintenance Code, and to Prescribe a Penalty for Violations.

**ORDINANCE NO. O-11-20:** Matter of considering the Second Reading and Adoption of an ordinance of the City Council of the City of Berkley, Michigan to Amend Section 18-63 of Chapter 18 Amusements and Entertainments, to Update the Citation to the City’s Adopted Building Codes, and to Prescribe a Penalty for Violations.

**ORDINANCE NO. O-12-20:** Matter of considering the Second Reading and Adoption of an ordinance of the City Council of the City of Berkley, Michigan Amending Chapter 26, Building & Building Regulations, of the City of Berkley Code of Ordinances to Adopt the State Construction Code, as
Updated and Amended; to Adopt the 2015 International Property Maintenance Code as the City’s Property Maintenance Code; to Adopt the Michigan Rehabilitation Code as the City’s Rehabilitation Code for Existing Buildings; and to Provide Penalties for Violations.

**PROCLAMATION NO. P-10-20:** Matter of declaring the first Friday in June to be National Gun Violence Awareness Day.

**PROCLAMATION NO. P-11-20:** Matter of proclaiming June 2020 as LGBTQIA+ Pride Month.

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

**Regular Agenda**

**RESOLUTION NO. R-10-20:** Matter of authorizing the Mayor and City Manager to execute an agreement with the Berkley School District to collect and remit the July 2020 Property Tax Levy. Councilmember Baker moved to approve Resolution No. R-10-20
Seconded by Councilmember Blanchard
Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack
Nays: None
Motion Approved.

**RESOLUTION NO. R-11-20:** Matter of considering a resolution rescheduling the public hearing on proposed vacation of portion of public alley. Councilmember Blanchard moved to approve Resolution No. R-11-20
Seconded by Councilmember Hennen
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-23-20:** Matter of considering a motion to approve the IT Services Amendment in order to waive the G2G fees and authorize the City Manager to sign the Amendment on the City’s behalf. Councilmember Baker moved to approve Motion No. M-23-20
Seconded by Councilmember Gavin
Ayes: Price, Baker, Blanchard, Dean, Gavin, Hennen, and Terbrack
Nays: None
Motion Approved.

**RESOLUTION NO. R-12-20:** Matter of considering a resolution of the City Council of the City of Berkley, Michigan adopting the proposed City of Berkley Non-Discrimination Policy. Councilmember Price moved to approve Resolution No. R-12-20
Seconded by Councilmember Baker
Ayes: Baker, Blanchard, Dean, Gavin, Hennen, Price, and Terbrack
Nays: None
Motion Approved.

**RESOLUTION NO. R-13-20:** Matter of considering a resolution of the City Council of the City of Berkley, Michigan adopting the updated City of Berkley Title VI Non-Discrimination Plan. Councilmember Price moved to approve Resolution No. R-13-20
Seconded by Mayor Pro Tem Dean
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.
PUBLIC HEARING: Matter of holding a public hearing regarding reprogramming 2019 Community Development Block Grant Funds.
Open: 8:07 p.m.
Closed: 8:08 p.m.
There was no one present wishing to speak.

PUBLIC HEARING: Matter of holding a public hearing regarding the proposed operating budget for the fiscal year 2020/21 and supporting tax rates for the City of Berkley, Michigan.
Open: 8:08 p.m.
Closed: 8:09 p.m.
There was no one present wishing to speak.

RESOLUTION NO. R-14-20: Matter of approving a resolution of the Council of the City of Berkley, Michigan approving the 2020/21 through 2026/2027 Capital Improvements Plan of the City of Berkley, Michigan.
Councilmember Gavin moved to approve Resolution No. R-14-20
Seconded by Councilmember Blanchard
Ayes: Dean, Gavin, Hennen, Price, Baker, Blanchard, and Terbrack
Nays: None
Motion Approved.

Councilmember Blanchard moved to approve Resolution No. R-15-20
Seconded by Mayor Pro Tem Dean
Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack
Nays: None
Motion Approved.

RESOLUTION NO. R-16-20: Matter of approving a resolution of the Council of the City of Berkley, Michigan setting the charges for Water and Sewer Services, effective July 1, 2020.
Councilmember Baker moved to approve Resolution No. R-16-20
Seconded by Councilmember Price
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

RESOLUTION NO. R-17-20: Matter of approving a resolution of the Council of the City of Berkley, Michigan adopting a budget for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021.
Councilmember Gavin moved to approve Resolution No. R-17-20
Seconded by Mayor Pro Tem Dean
Ayes: Price, Baker, Blanchard, Dean, Gavin, Hennen, and Terbrack
Nays: None
Motion Approved.

PUBLIC COMMENT – ITEMS NOT ON THE AGENDA

There was no one present wishing to speak.

COMMUNICATIONS:
COUNCILMEMBER BAKER: offered congratulations on behalf of Council to City administration and staff for preparing and delivering a robust budget for the next fiscal year. He stated the budget is a statement of our values and priorities and could be shifted or adjusted according to the changing world around us. He said this budget puts forth Council's collective values and intentions for the upcoming year. Councilmember Baker stated the Berkley Historical Committee is eager to meet. He stated May is Berkley History Month and he encourages residents to like and follow the Historical Committee's Facebook page. He quipped there are one or two books out there on Berkley's history that would be worthwhile to check out. Councilmember Baker said the Technology Advisory Committee is also eager to meet. He said meanwhile, members are staying in touch as they prepare to come back online. Councilmember Baker stated the Downtown Development Authority (DDA) Board met last week. He provided an update on the DDA's wayfinding efforts. He said the DDA is doing a tremendous job, in partnership with the Berkley Area Chamber of Commerce, to help support local businesses during this exceptionally difficult time. He stated the group is working on a reopening video that will provide many resources to local businesses. Councilmember Baker recited a quote by Mahatma Gandhi, "It is health that is the real wealth, not pieces of gold and silver." He said despite the recent weather, it has been a good time to get out and walk around. He said so many people continue to struggle and the reason they are able to walk about is because they can't work, etc. He said what we can do is remind ourselves that our health is our most valuable asset. He asks that people don't sacrifice long-term health for short-term opportunity. He said to remember that we are not stuck at home, we are safe at home.

COUNCILMEMBER PRICE: thanked the residents who sent emails, joined the meeting and communicated their pride with living in such a safe, welcoming and inclusive community. She said they still have work to do, but their comments and the votes of Council tonight help reflect the City's commitment to fight discrimination and celebrate the contributions of members of the LGBTQIA+ community. She said members are seen, heard and valued here. Councilmember Price thanked staff members who helped draft these documents while juggling the day-to-day functions of the City. Also, she thanked staff members for their work in the budgeting and master planning processes. She said staff is working hard from home and she is thankful for the work they are doing. Councilmember Price thanked department heads for submitting thoughtful, edited budgets that focus on frugality and safety during this prolonged time of financial uncertainty. She stated all of these groups, along with city leaders, want everyone in Berkley to feel safe, secure and supported. Councilmember Price said Berkley cares and she is proud to call it home.

COUNCILMEMBER BLANCHARD: stated he is working closely with the Berkley Area Chamber of Commerce and the DDA to keep information flowing to the businesses. He stated a lot of information is coming out of the State Emergency Operations Center on new State policies. He said quite a bit of information is being disseminated including when tax payments are due. He said the Chamber and the DDA are doing a great job. Councilmember Blanchard asks that everyone please support local businesses. He said he wants to keep them all here for when they can open up again. Councilmember Blanchard said everyone can visit Berkleychamber.com to see a list of all the establishments that are open including hours, websites and phone numbers.

MAYOR PRO TEM DEAN: stated the Parks & Recreation Department is in the initial stages of its Five-Year Recreation Master Plan. She said the Department will be seeking input for the plan in the coming months possibly via an electronic format. She said Parks & Recreation continues to engage on social platforms providing various recreation ideas because the goal is to keep people moving. She stated residents are encouraged to send photos to the Department for its #stayinandplayBerkley initiative. Mayor Pro Tem Dean provided an update on the City Wellness Checks program including that the calls are going very well. She stated if you are not on the call list and you would like to be, please call her at 248-930-0544. Mayor Pro Tem Dean said to remember this too shall pass and we are Berkley strong.
COUNCILMEMBER HENNEN: stated the Zoning Board of Appeals met last week and approved the two variance requests it heard. He said the cases were to replace the sign at the American Legion with a new LED sign and the other was a resident proposing a driveway expansion that is larger than normally allowed.

COUNCILMEMBER GAVIN: stated neither the Master Plan Steering Committee nor the Planning Commission has met since his last update. He said the next Planning Commission meeting is 7 p.m. May 26th. He stated the next Master Plan Steering Committee is scheduled for May 19th but in its place will be the first of eight webinars dealing with various master plan topics. The first webinar will begin at 4 p.m. and will cover what a master plan looks like broadly. He stated these will be very informative webinars. He also encourages stakeholders to visit berkleymich.org, click on the master plan link, and take the survey to provide feedback on the important issues facing the community. He said folks will have a real chance to help impact and shape what the future looks like, especially during these times. He said he hopes people will make their voices heard. Councilmember Gavin said the Environmental Advisory Committee has not been able to meet, but is one of the many committees that is excited to get back once it is doable. Councilmember Gavin said he would like to echo his colleagues’ comments in thanking the city manager, finance team, department heads and staff for their hard work and dedication during the budgeting process. He said despite this difficult time, the excellent job done gives reason for optimism.

PUBLIC POLICY ASSISTANT DAN HILL: provided an update on the marijuana application process and submittal schedule. He explained the submission process was set to begin on March 16th, but ceased due to Covid-19. He stated the process was subsequently altered. Mr. Hill said the process now limits in-person contact. He stated application packets may now be submitted via certified potage or deposited inside the drop box at City Hall. The application packages must include three identical flash drives including the application and supporting documents; one physical copy of the marihuana business license application with original signatures without supporting documents; and a check or money order for the fee which is $5,000 for single use or $10,000 for co-location use. He stated City staff will then perform the completeness check and communicate via email to the address provided on the application. Mr. Hill said there will be a subsequent deadline to remedy any outstanding items. He said the applicant will receive a receipt with the application number which is how the points will be publicized at the end of the evaluation period. Mr. Hill said the application submission period will open at 8:30 a.m. on June 15th and close at 5 p.m. on June 29, 2020. He stated packages mailed must be postmarked by the deadline date. He stated all of the information will be published in an external memo and posted on the City’s website.

CITY MANAGER BAUMGARTEN: said as mentioned earlier, there are some boards and commissions – primarily advisory – that have not had the chance to meet. He stated staff training is launching with the goal of reestablishing those meetings on June 1st. He stated correspondence will be going out to the chairs of the boards and commissions to let them know what is happening and the timeline. He stated they are conducting staff training because the appropriate staff member will be the liaison to these bodies along with serving as the moderators. Mr. Baumgarten said to keep it up Berkley! He said the resident spotlight is a blast to watch. He stated they have received a ton of great stories including a bagpiper that visited Oxford Towers. He said that story has been very popular. Mr. Baumgarten said he appreciates Councilmember Gavin bringing up the Master Plan. He said by the order of City Council Berkley Master Plan Day is in two days. He wished everyone a happy Master Plan Day.

CITY ATTORNEY STARAN: stated he has no report this evening. He wished everyone best wishes for the upcoming Memorial Day weekend. Mr. Staran referenced the Governor’s order addressing opening up Northern Michigan effective on Friday. He stated he hopes everyone heading north over the weekend will enjoy themselves, but also please be careful. He said it is still dangerous out there.

MAYOR TERBRACK: said he will not repeat all of the comments he made earlier regarding the budget, but did want to thank the city manager and department directors for all of their work preparing the budget. He said we can definitely expect slashes from State Shared Revenue, but one source where we may
actually be able to receive funding is from the federal level. He stated U.S. Representative Andy Levin has been in contact with the communities he serves regarding the introduction of the Heroes Act which moved through the House on Friday. He said we will see what happens in the Senate. Mayor Terbrack said initially federal funding had a cutoff of cities with 500,000 or less and this Act changes that and would certainly impact Berkley. He said he is looking forward to that and thanks Congressman Levin. Mayor Terbrack said it has been very clear to him with conversations he has had with state or federal legislators that we are OK right now. He said we can pass our budget but, in the future, the expenses, the capital improvements, the infrastructure improvements that we are having to push off are going to come back. He said we are going to have to address those. He stated if something doesn’t change with Proposal A and Headlee or if we don’t receive support from the federal government, we are going to find ourselves in a very precarious situation in a number of years with some of those major projects. He said hopefully, this is a first step into allowing us to put those projects back in the future and do so in a fiscally responsible way while maintaining the rest of our budget. Mayor Terbrack said he participates in a ListServe with all of the mayors across the state. He said questions that come up are, “Are you guys going to override any of the Governor’s orders?” “Are you going to follow the Governor’s orders moving forward?” Mayor Terbrack said everyone agrees that we will be following the Governor’s orders and recommendations moving forward. He said we will begin to open up the City of Berkley when we are able to and begin to resume some activities that have been paused for the better part of the last couple of months. He said we will do it safely, we will do it responsibly, and we will do it with what the Governor expects us to do moving forward.

ADJOURNMENT
Mayor Pro Tem Dean moved to adjourn the Regular Meeting at 8:58 p.m.
Seconded by Councilmember Baker
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.