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 4, 2020 by Mayor Terbrack

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

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

Invocation: Reverend Tal Sullivan

Public Comment – Items on the Agenda

Oakland County Treasurer Andy Meisner spoke. He offered condolences on the loss of the Terbrack family’s dog. He provided an update on all of the programs and services offered through the County to help residents during this trying time with the Coronavirus. He stated that if anyone is having difficulty paying property taxes, the County has suspended the tax foreclosures for this year. He encourages those on payment plans to continue payments as they are able. He stated residents’ priorities should be on basic needs. He stated the County does not want to add stressors during this crisis. He stated all residents are invited to call the Oakland County Financial Empowerment Center if they would like free, financial advice at 248-807-5287. Mr. Meisner discussed support is available to small businesses. He stated resources are available including counseling and help applying for a number of grant and loan programs. He stated Oakland County has a grant program that offers up to $10,000. He stated there are also federal programs available like the paycheck protection program. Mr. Meisner talked about the role of our frontline workers and first responders and how important it is for them to connect with support. He discussed how important mental health is at this time. He announced the Healthcare Provider Support Hotline, 1-888-910-1636 and the Michigan Department of Health and Human Services warmline for Michigan residents who have mental health conditions, 888-PEER-753. Mr. Meisner said there is a light at the end of the tunnel and we will get through this.

Consent Agenda

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

Approval of the Minutes: Matter of approving the minutes of the 38th City Council meeting on Monday, April 20, 2020.

Motion No. M-22-20: Matter of approving the 2020 Summer Maintenance Agreement between the Road Commission for Oakland County and the City of Berkley. The City will be reimbursed a total of $1,680.00 which will be paid in two installments, $1,092.00 due in September 2020 and $588.00 due upon completion of last maintenance activity.
**PROCLAMATION NO. P-06-20:** Matter of proclaiming May 2020 as Berkley History Month.

**PROCLAMATION NO. P-07-20:** Matter of proclaiming May 2020 as Mental Health Awareness Month.

**PROCLAMATION NO. P-08-20:** Matter of proclaiming May 2020 as Motorcycle Awareness Month.

**PROCLAMATION NO. P-09-20:** Matter of designating May 20, 2020 as Berkley Master Plan Day.

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

*Regular Agenda*

**RESOLUTION NO. R-09-20:** Matter of authorizing publication of a notice of public hearing to be held on May 18, 2020 regarding reprogramming 2019 Community Development Block Grant Funds.
Mayor Pro Tem Dean moved to approve Resolution No. R-09-20
Seconded by Councilmember Hennen
Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack
Nays: None
Motion Approved.

**ORDINANCE NO. O-08-20:** Matter of considering the first reading 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.
Councilmember Gavin moved to approve Ordinance No. O-08-20
Seconded by Councilmember Hennen
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

**ORDINANCE NO. O-09-20:** Matter of considering the first reading 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.
Councilmember Blanchard moved to approve Ordinance No. O-09-20
Seconded by Councilmember Dean
Ayes: Price, Baker, Blanchard, Dean, Gavin, Hennen, and Terbrack
Nays: None
Motion Approved.

**ORDINANCE NO. O-10-20:** Matter of considering the first reading 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.
Councilmember Gavin moved to approve Ordinance No. O-10-20
Seconded by Councilmember Baker
Ayes: Baker, Blanchard, Dean, Gavin, Hennen, Price, and Terbrack
Nays: None
Motion Approved.

**ORDINANCE NO. O-11-20:** Matter of considering the first reading 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.

Mayor Pro Tem Dean moved to approve Ordinance No. O-11-20
Seconded by Councilmember Hennen
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.

ORDINANCE NO. O-12-20: Matter of considering the first reading 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.
Councilmember Price moved to approve Ordinance No. O-12-20
Seconded by Councilmember Blanchard
Ayes: Dean, Gavin, Hennen, Price, Baker, Blanchard, and Terbrack
Nays: None
Motion Approved.

PUBLIC COMMENT – ITEMS NOT ON THE AGENDA
No one wished to speak.

COMMUNICATIONS:

COUNCILMEMBER GAVIN: stated the Master Plan Steering Committee met to discuss the survey created to gather residents’ feedback regarding the Master Plan. He stated they discussed they did not want to delay the process itself, so the survey will be online. He said residents will be notified via social media and a postcard mailing. He stated those without online access could have a hardcopy mailed to them. He thanked Carlisle Wortman, the city manager, the community development director, and everyone else involved for helping to gather the input. Councilmember Gavin stated the Planning Commission provided feedback on the survey itself, along with Council. He stated they reviewed and recommended approval of the Capital Improvement Plan and also called a public hearing to change a zoning ordinance before Council that evening. Following Mr. Christ's comments, Councilmember Gavin added that there is a competition between a bunch of local communities regarding Census response. He stated Berkley is the envy of everybody right now in regards to the Census. He said it's pretty exciting.

COUNCILMEMBER HENNEN: stated the Zoning Board of Appeals will meet 7 p.m. May 11th online. He said they will hear two cases. He said the cases are to replace the sign at the American Legion and a residential proposal for a driveway expansion that is larger than normally allowed. Councilmember Hennen said regarding COVID-19, despite the good news we are starting to see and decreases in cases and deaths in the region, we are not out of the woods yet. He discussed for example there was a major update to one of the models used by the White House showing signs of a significant increase in predicted deaths. He said one of the reasons for this is people getting lax in social distancing. Councilmember Hennen asks that we do not undo the progress that we have made this far. He said stay home, save lives.

MAYOR PRO TEM DEAN: recommends to residents that they please continue to visit the Parks & Recreation Facebook page for engagement opportunities and ongoing updates. Mayor Pro Tem Dean provided an update on the City Wellness Checks program including a shout out to the Parks & Recreation director and staff along with the Berkley Public Library director and staff and Councilmember Gavin. The
phone numbers if you would like to be added to the wellness check calling list are 248-930-0544 or 248-672-0295. She stated the sweetest responses she is getting are from people living alone. She said these calls do matter. She shared an anecdote of a message left on Berkley Public Library Director Matt Church’s voicemail. She discussed the importance of the program and said she is honored to participate. Mayor Pro Tem Dean said this too shall pass and we are Berkley strong.

COUNCILMEMBER BAKER: on behalf of the Berkley Historical Committee wished the city Happy Birthday. He said May 23rd is Berkley’s anniversary and we became a city in 1932. Councilmember Baker stated the Historical Committee recently partnered with the Technology Advisory Committee to look at types of equipment to scan historic documents and artifacts, some of which are unconventional in size and shape. He said they just recently purchased, set up and started to use an overhead scanner before COVID-19. He said it allows users to rapidly scan documents of different sizes. He stated this is an example of the great ways our committees can work together. Councilmember Baker stated the Downtown Development Authority (DDA) will meet online on May 13th and that happens to be the second day of budget hearings. He showed Berkley’s budget binder and stated the documents would be reviewed by Council on May 12th and 13th. He stated he looks forward to reviewing the budget and making sure it reflects Council’s values and priorities for the community in the upcoming year. He stated the DDA is also partnering with the Berkley Area Chamber of Commerce. He said he would defer to Councilmember Blanchard for details, but there will be a series of social media messages coming out daily promoting different aspects of the community and all of the things our restaurants and businesses have to offer. Councilmember Baker recited a quote by Albert Einstein, “Creativity is intelligence having fun.” He discussed it has been great walking around the neighborhoods and seeing the creativity given the circumstances and context we find ourselves in. He provided examples of the creativity while maintaining social distancing. He encourages everyone to do what is right and to stay safe and to remember that we are not stuck at home, we are safe at home.

COUNCILMEMBER PRICE: thanked the city manager and the community development director for providing essential services and keeping our codes updated. Councilmember Price thanked Berkley Public Library Director Matt Church for supporting residents in so many ways. She discussed all of the offerings provided by Mr. Church and the library. She stated the library is now offering yet another digital offering, graphic novels, to the library’s collection. She stated if anyone needs a library card, they can reach out to Mr. Church. Councilmember Price thanked city leaders and staff for continuing to provide essential services while beginning to imagine what returning to a new normal may look like. She stated she knows everyone is eager to interact. She said we must follow the advice of the experts and remain cautiously optimistic during the process. She stated this weekend she cleaned her porch for her children to play. She said as much as she loves sitting out there and chatting with neighbors from a safe distance, she is concerned how few people are wearing facemasks and how kids from different households are playing together. She provided a story of someone not social distancing. Councilmember Price stated she knows how hard prolonged social distancing is, but the experts say stopping social distancing too soon will lead to more COVID cases and deaths. She said experts at the State and County levels will help us return to a new normal, but they need our help too. She said we are all in this together and to stay home, stay safe, save lives.

COUNCILMEMBER BLANCHARD: stated the Berkley Area Chamber of Commerce had already announced that the Art Bash is canceled and now the group announced the Street Art Fest is also canceled. He said Berkley is not going to be an art city this summer. Councilmember Blanchard said the number of COVID-19 cases is holding pretty steady, which is a great sign. He said there are six reported deaths due to the virus. He stated if we are not careful, that could be changing. Councilmember Blanchard discussed the Chamber’s themed days of the week. He asks everyone to go to the DDA or Chamber website to see the daily theme. He encourages everyone to support local businesses. Councilmember Blanchard gave a shout out to the Berkley Public Safety Department. He said they are doing a fantastic job keeping everyone in its organization safe while still getting the job done thanks to personal protective equipment (PPE) and proper training. He said for everyone to stay safe because we want to see everyone in the future.
CITY MANAGER BAUMGARTEN: said it is encouraging to hear all of the accolades for the city staff. He said the timing couldn’t be more perfect as May 3rd-9th is Public Service Recognition Week. He stated we’re not just a city of fantastic public servants, we’re a city of fantastic residents. Mr. Baumgarten said we are working on gathering a lot of stories of our terrific residents to highlight the fantastic work they are doing right now. He asked that anyone knowing of something terrific a resident is doing, please share the story by sending an email to communications@berkleymich.net. Mr. Baumgarten provided an update on the Census. He stated that despite everything that is going on in the world, Berkley is doing a fantastic job responding to the Census. He stated Berkley is fifth in the state with responses and only a .5 percentage point behind the third- and fourth-place communities of Beverly Hills and East Grand Rapids. He stated nationwide, Berkley places 62nd out of 19,000 communities. He stated we could crack the top 50 easily and for everyone to keep up the phenomenal job. He parted with, “Let the Wookiee win” in observance of May 4th.

CITY ATTORNEY CHRIST: stated as Council knows, the Governor’s Execute Order 2020-48 expires next week on May 12th. He stated she will likely extend that executive order. Mr. Christ said they will keep Council apprised of when a new executive order on that subject is issued.

CLERK MITCHELL: reminded residents that the City of Berkley does not have an election on May 5th. She stated that the joint absentee ballot application for the August 4th and November 3rd elections will be available very soon. Ms. Mitchell stated that the Clerk’s Office has reached out to everyone that sent in an absentee ballot request for a May 5th election to let them know the appropriate application will soon be available. She said Michigan is a no-reason absentee voting state and that every registered voter is eligible to vote in the August and November election via an absentee ballot. She stated as soon as the application is available, voters can find it on the City’s website, Secretary of State website, or by calling the City Clerk’s office at 248-658-3310.

MAYOR TERBRACK: echoed the thoughts that were previously stated including Councilmember Blanchard’s comments regarding our public safety officers. He stated in addition to all that they do to keep us safe, they have even managed to fit in time to drive by homes to acknowledge special birthdays for kids in the neighborhoods. He thanked them for doing something special during this time. Mayor Terbrack stated as we know, the Governor signed an executive order on May 1st allowing construction activities to resume on May 7th. He said in addition to landscaping, our code enforcement will also be back online in a limited capacity. Mayor Terbrack referred to a comment by one of his colleagues and said this doesn’t mean that everything is over and just because you see someone is working – they are supposed to be maintaining social distancing and using appropriate PPE – we can’t revert back to business as usual. He said we are trying to allow some slow work by these businesses, as long as they can abide by social distancing. Mayor Terbrack stated budget hearings are next week on Tuesday and Wednesday. He stated these are some of the most important conversations that we have on an annual basis minding the money of the residents, especially with the uncertainty that we are facing. He stated he is instituting a casual dress code this year for the budget meetings that will take place via Zoom. He said he hopes there are residents involved. Mayor Terbrack said last month he introduced everyone to the newest member of his family and this week they had to say goodbye to the oldest member of his family. He said rest in peace, Lucy. He said she was definitely one of the best mail carrier alert systems and she will be missed.

ADJOURNMENT
Mayor Pro Tem Dean moved to adjourn the Regular Meeting at 8:01 p.m.
Seconded by Councilmember Baker
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrick
Nays: None
Motion Approved.