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, NOVEMBER 16, 2020 BY MAYOR TERBRACK

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

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: Pastor Adam Groh

PUBLIC COMMENT – ITEMS ON THE AGENDA
Paul Jordan, Berkley, submitted correspondence in favor of allowing permeable/semi-permeable pavement and against any form of tax abatement/forgiveness on the La Salette property.

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

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 38th Regular City Council Meeting on Monday, October 19, 2020.

WARRANT: Matter of approving Warrant No. 1356.

ORDINANCE NO. O-15-20: Matter of considering the Second Reading and Adoption of an Ordinance of the City Council of the City of Berkley, Michigan to Add New section 138-226 to Chapter 138, Zoning, of the City of Berkley Zoning Ordinance to Allow Parking Requirement Modifications During Site Plan Review.

ORDINANCE NO. O-16-20: Matter of considering the Second Reading and Adoption of an Ordinance of the City Council of the City of Berkley, Michigan to Amend Division 7 of Article VI of Chapter 138, Zoning, of the City of Berkley Code of Ordinances to Modify Site Plan Review Procedure.

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

Mayor Pro Tem Dean moved to approve Resolution No. R-41-20
Seconded by Councilmember Gavin
Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack
Nays: None
Motion Approved.

MOTION NO. M-63-20: Motion to authorize the City Manager to enter into an Ambulance Service Agreement between City of Berkley and Alliance Mobile Health. In consideration of the services to be performed by the Ambulance Service under this Agreement, the City shall pay the Ambulance Service for the term of this Agreement the sum of one dollar ($1.00) annually. This Agreement shall be effective for a term commencing 7:00 AM December 1, 2020 for a three-year term ending 6:59 AM December 1, 2023.
Councilmember Blanchard moved to approve Motion No. M-63-20
Seconded by Councilmember Price
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

MOTION NO. M-64-20: Matter of authorizing the purchase 12 Motorola APX6000XE Public Safety Portable Radios, 12 XE Remote Speaker Microphones, 12 Single Unit Impress 2 Battery Chargers, 1 APX6500 “Dual Control Head” Mobile Radio with installation, and 13 Permanent Mount Vehicular Battery Chargers with Installation from ComSource, Inc., 41271 Concept Dr., Plymouth, MI 48170 at a price not to exceed $84,134.85 from the “Radio Equipment” Account #101-310-984-000. This purchase will be made from the State of Michigan's Extended Purchasing Program (MiDEAL) Contract #190000001544.
Councilmember Gavin moved to approve Motion No. M-64-20
Seconded by Mayor Pro Tem Dean
Ayes: Price, Baker, Blanchard, Dean, Gavin, Hennen, and Terbrack
Nays: None
Motion Approved.

MOTION NO. M-65-20: Matter of authorizing the City Manager to sign the Application for Additional Service Credit Purchase for Mark Pollock approving two years of additional service credit. This service credit purchase is allowed by the City of Berkley MERIT System of Human Resource Management Section 1001.08 and meets all of the requirements of the MERS Plan Document which would allow for this service credit purchase.
Councilmember Baker moved to approve Motion No. M-65-20
Seconded by Councilmember Hennen
Ayes: Baker, Blanchard, Dean, Gavin, Hennen, Price, and Terbrack
Nays: None
Motion Approved.

ORDINANCE NO. O-17-20: Matter of considering the First Reading 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.
Councilmember Baker moved to approve Ordinance No. O-17-20
Seconded by Councilmember Gavin
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.

PUBLIC HEARING: Matter of conducting a public hearing to receive public comments on the request by the developer, 2219 Coolidge LLC, to establish a Commercial Rehabilitation District, in
accordance with PA210 of 2005, as amended, in the City of Berkley to include Parcels # 25-18-431-030, 25-18-431-031, and 25-18-431-032, for the purpose of redeveloping the La Salette school for multi-family housing.

Public hearing opened at 7:37 p.m.
There was no one present wishing to speak.
Public hearing closed at 7:39 p.m.

**RESOLUTION R-42-20:** Matter of considering a resolution to establish a Commercial Rehabilitation District, in accordance with PA 210 of 2005, as amended, to include Parcels # 25-18-431-030, 25-18-431-031, and 25-18-431-032, for the purpose of redeveloping the La Salette school for multi-family housing.

Councilmember Price moved to approve Resolution No. R-42-20
Seconded by Mayor Pro Tem Dean
Ayes: Dean, Gavin, Price, Baker, Blanchard, and Terbrack
Nays: Hennen
Motion Approved.

**PUBLIC HEARING:** Matter of conducting a public hearing to receive public comments on the Brownfield Plan, in accordance with PA 381 of 1996, as amended, that includes Parcels # 25-18-431-030, 25-18-431-031, and 25-18-431-032, for the purpose of redeveloping the La Salette school for multi-family housing.

Public hearing opened at 8:10 p.m.
There was no one present wishing to speak.
Public hearing closed at 8:12 p.m.

**RESOLUTION R-43-20:** Matter of considering a resolution to approve the Brownfield Plan in accordance with PA 381 of 1996, as amended, that includes Parcels # 25-18-431-030, 25-18-431-031, and 25-18-431-032, for the purpose of redeveloping the La Salette school for multi-family housing.

Mayor Pro Tem Dean moved to approve Resolution No. R-43-20
Seconded by Councilmember Gavin
Ayes: Gavin, Price, Baker, Blanchard, Dean, and Terbrack
Nays: Hennen
Motion Approved.

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

There was no one present wishing to speak.

**COMMUNICATIONS**

**COUNCILMEMBER GAVIN:** stated the Planning Commission will meet 7 p.m. Tuesday, November 24th, the Environmental Advisory Committee will meet 6:30 p.m. Thursday, November 19th, and the Master Plan Steering Committee will meet 7 p.m. Tuesday, November 17th. He stated links for all meetings may be found by visiting the calendar on the City's website. Councilmember Gavin urges everyone to stay safe and wear their masks.

**COUNCILMEMBER HENNEN:** stated the Sunoco at 12 Mile and Coolidge, aka Mr. Kabob, was denied by the Zoning Board of Appeals a request to change the signage on the canopy above its gas pumps. Councilmember Hennen stated he made a recent presentation titled, “Making Legally Defensible Zoning and Planning Decisions,” which was the final step in earning Master Citizen Planner Credentials at Michigan State University (MSU). He stated the meeting and his presentation are available on the City’s YouTube Channel. He stated this is the same training the City asks new Planning Commissioners and Zoning Board
of Appeals members to complete without making a presentation. Councilmember Hennen provided an update on the Tree Board stating 120 street trees were ordered for this year and will be planted around December. He stated the Tree Board is also discussing strategies on how to get more trees in our parks, especially in the updated Merchant/Oxford Park. Councilmember Hennen thanked Asia Delton, a professor at MSU, and her students, for creating a tree guide for the city. He said the guide lists all the known species of street trees in Berkley and how to identify them. This information may be found on the Tree Board page on the city’s website or by visiting BerkleyMich.org/BerkleyTreeGuide. He stated that on November 14th, there was a presentation called “Trees, Trees, Trees” by John Cohoon from MSU. He stated it was informative and discussed tree identification, planting, disease and maintenance. Councilmember Hennen stated it should be on the city’s YouTube channel. Councilmember Hennen urges everyone to stay safe, stay home and we will all get through this together.

MAYOR PRO TEM DEAN: stated that as a Berkley business owner, she would like to thank the community for its year-round support of all businesses. She asks that everyone please continue to provide that support to our downtown businesses as we move forward during this time. Mayor Pro Tem Dean stated Parks and Recreation ran two successful socially-distant Halloween events in October. She stated one of the programs was with the Berkley Junior Women’s Club and the second was with the Berkley Dads’ Club, Berkley Youth Assistance, Berkley Steelers, and the Berkley MOMS Club. Mayor Pro Tem Dean stated work on Oxford/Merchant Park scheduled for this calendar year will be completed within the next few weeks. She stated that all 2020 work is on target which will allow early spring 2021 work to be completed. Mayor Pro Tem Dean read a statement from Parks and Recreation stating, “The Parks and Recreation team is currently deliberating on how we will be adapting to the recently issued public health orders given by the Michigan Department of Health and Human Services; however, at this time, we will be closing for the three-week pause per the public health orders starting Wednesday, November 18th and will reassess after the order is lifted. Additionally, our current senior transportation schedule will continue through Thanksgiving. After the holiday, we will be shifting the schedule to Tuesday and Thursday. Transportation will also be for grocery shopping and doctor appointments only. As a reminder, masks are still required to ride on the SMART bus.” She stated Parks and Recreation thanks you for your patience as they navigate through the new order. Mayor Pro Tem Dean stated a bright spot of 2020 is that she became a grandmother and welcomed Anderson Michael to this crazy world.

COUNCILMEMBER BAKER: stated the Historical Committee met last week on Tuesday, November 10th and sadly the museum will be closing along with everything else here for a while. Councilmember Baker stated the Technology Advisory Committee had a bi-month and will be getting together again December 16th. Councilmember Baker said the Downtown Development Authority met on November 11th and will be meeting on December 9th. He stated there are still activities scheduled through the downtown, so please check downtownberkley.com for additional information about specific events. Councilmember Baker recited a quote by Martin Luther King, Jr., “Our lives begin to end the day we become silent about things that matter.” He offered congratulations to the entire City and the Clerk’s Office staff for doing such a great job preparing for an election that saw up to over 80 percent participation of eligible voters. Councilmember Baker said it is a tough time out there right now, so please be safe. He said it will be a weird holiday period, but do your best, enjoy the moment and be #BerkleyStrong.

COUNCILMEMBER PRICE: thanked the City Clerk, Deputy City Clerk and staff who successfully pulled off yet another record-breaking election during a global pandemic. She said we are so grateful for the essential part they play in our safe and secure election process. Councilmember Price stated the Berkley Public Library continues to offer curbside pickup and home delivery of materials as well as many digital resources. She said reliable and free internet is also available in the library parking lot. Councilmember Price said the Beautification Advisory Committee will be giving out its holiday spirit awards again this year for the most festively decorated homes. She said members of the committee will begin canvassing the city in early December. She said anyone may also email the committee at Berkleybac@gmail.com to make sure a house is not missed. Councilmember Price offered a note of gratitude for all the tough calls being
made by the Michigan Department of Health and Human Services, Berkley School Board, Berkley department heads, and by volunteer organizers of events. She stated this holiday season, we must find ways to connect from afar in order to keep each other safe.

**COUNCILMEMBER BLANCHARD:** stated that he has been working closely with the Berkley Area Chamber of Commerce and the Downtown Development Authority to provide updates on the ever-changing scene coming out of Lansing regarding regulations. He said they are both doing a wonderful job keeping our businesses informed and helping our businesses stay in business. Councilmember Blanchard said the Public Safety Department’s new Engine Squad 4 is currently in service. He said now that we have three pieces of fire apparatus in our station, the station is full and we should be able to better serve the citizens of Berkley. Councilmember Blanchard said as we go back into a time in the next three weeks, and maybe longer, where we are going to be hunkering down, please watch for your neighbors to make sure that they don’t need help. He stated to stay safe, stay home and let’s get through this.

**CITY MANAGER BAUMGARTEN:** stated the City has made some difficult choices to close some of its services to the public, but he does want to reassure everyone that even though City Hall is closed to the public, city staff continues to work and provide services for the community as a whole. He stated anyone can engage with city staff through email, phone, mail, or the drop box. Mr. Baumgarten said people can still make payments, process permits, and the clerk's office is still available to answer questions as is the city manager's office and treasury/finance. He said we are still here for you even if you can't physically come in the building. He stated while we regret to have to do this, it is the best choice to make to ensure that our staff is able to work and provide crucial services.

**CITY ATTORNEY STARAN:** congratulated grandma Dean and wished everybody best wishes for a happy, healthy and safe Thanksgiving. He stated as previously stated perhaps if we all pitch in to do the right thing, we may get through this in a few weeks rather than a far more extensive period.

**MAYOR TERBRACK:** congratulated the City Clerk's Office and said all the congratulations are very well deserved. He also offered kudos to the entire staff for an incredibly well-run election season. He pointed out that it is no longer Election Day, but instead is a season when you look at all of the additional hours put in to help residents register to vote, vote via an absentee ballot and vote in person. He stated that all the additional resources and hours do not go unnoticed. Mayor Terbrack said he and the city manager attended a Zoom meeting last week with County Commissioner David Coulter and his team. He said County Executive Coulter and his team wanted to connect on a few items, but the drastic increase of Covid-19 was the main point of discussion. He stated people were looking for some direction from the experts on what is the best course of action prior to the Michigan Department of Health and Human Services issuing its pause. He stated the County was very supportive and provided information they threw the line on what you should and shouldn’t do. He stated it was evident the County was looking for some direction by the State as this was before the three-week pause. He stated it was clear that the intent was to target indoor, social gatherings and other social activities to try and curb the COVID infection rate that is drastically increasing. He said this is different than what we experienced in the spring with the blanket stay-at-home-order. He said the pause does include gathering for the Thanksgiving holiday and we all have to do our best to stay safe. He went into more detail into what the order specifically states regarding household gatherings. He stated he doesn’t think any of us will forget 2020, but hopefully we can move back to normalcy in 2021. Mayor Terbrack said that just last meeting we had to cancel our Holiday Lights Parade and Tree Lighting Ceremony which is his most absolute favorite event of the year. Mayor Terbrack said he has heard from many children including his own asking how Santa would visit Berkley? Mayor Terbrack said he was on a Zoom meeting with Cinda Coon, the organizer of the holiday event, and Santa Claus this week to discuss options. He said that Santa was devastated to hear that the parade in Berkley was cancelled, but agreed that it was the right decision. Mayor Terbrack said Santa said on good authority that he will visit the wonderful children in Berkley before he visits again on Christmas Eve. The mayor said children won’t be able to sit on Santa’s lap, but you will be able to safely see him. Santa told Mayor Terbrack that on December 5th he does plan to make a special trip through Berkley so be on the lookout.
CLOSED SESSION: Matter of considering whether to meet in closed session to consult with the City’s attorneys regarding trial or settlement strategy in connection with specific pending litigation, *Doot* and *Dohnkey v. Berkley*, Oakland County Circuit Court Case no. 2017-157459-NZ, and *Jacob v Berkley*, Oakland County Circuit Court Case no. 2019-178474-NZ. Councilmember Hennen motioned to move into closed session. Seconded by Councilmember Baker
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

A closed session of the thirty-eighth council of the City of Berkley, Michigan was called to order at 8:47 p.m. by Mayor Terbrack.

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

Councilmember Baker moved to adjourn the Closed Session at 9:20 p.m. Seconded by Councilmember Blanchard
Ayes: Price, Baker, Blanchard, Dean, Gavin, Hennen, and Terbrack
Nays: None
Motion Approved.

Councilmember Baker moved to reconvene into open session at 9:22 p.m. Seconded by Councilmember Blanchard
Ayes: Baker, Blanchard, Dean, Gavin, Hennen, Price, and Terbrack
Nays: None
Motion Approved.

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

ADJOURNMENT
Councilmember Baker moved to adjourn the Regular Meeting at 9:23 p.m. Seconded by Councilmember Blanchard
Ayes: Baker, Blanchard, Dean, Gavin, Hennen, Price, and Terbrack
Nays: None
Motion Approved.