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 17, 2021 BY MAYOR TERBRACK

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

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

INVOCATION: Pastor Tal Sullivan

PUBLIC COMMENT – ITEMS ON THE AGENDA

Chris Copacia, Berkley, spoke in support of proclamations on the Consent Agenda especially those acknowledging the LGBTQIA+ community, Pride Month, national gun violence awareness, and apraxia awareness. He commented on the number of proclamations and the precedence that could set. He additionally commented on the resolutions for adopting the budget. He stated he heard an officer calling in to NPR to discuss traffic fine quotas. He said he would like to look at that in relation to budget revenue and how to discourage traffic fines as a revenue source. He further cited a traffic study from Stanford addressing population groups receiving these fines.

Trevor, Berkley, thanked the City of Berkley for recognizing June as LGBTQIA+ Pride Month. He stated that he and his husband feel Berkley is an inclusive, supportive city and that they can safely walk hand-in-hand when going for a walk. He said he is happy to see pride flags, BLM signs, and health care worker support signs. He said people in Berkley care about one another and appreciate others’ differences. He said it is easy to be jaded or apathetic, but by recognizing Pride Month City Council is putting love in front of politics. He said making the effort to recognize June as Pride Month makes the LGBTQIA+ community feel seen.

Tal Sullivan, Berkley pastor, stated that in a few moments Council would declare June as LGBTQIA+ Pride Month in the City of Berkley. He stated that he, along with the support of the Leadership Team at Church of the King, wants the community to know that they commit to love and pray for their LGBTQIA+ friends and neighbors. He said while they do not affirm society’s attempt to redefine God’s design of sexuality and gender, they will do everything they can, with God’s help, to communicate to everyone the indescribable value they have to God and us. He said they remain a congregation excited to see people experiencing God’s changing power at work in this community.

Mary Miller-Strobel, Berkley, stated as an Everytown Survivor fellow and Moms Demand Action volunteer, she would like to thank Council for its commitment to recognize wear orange day, which raises awareness for gun violence in our communities and country. She stated more than 100 people each day are killed due
to gun violence and many more are injured. She said that doesn't account for the family members that survive and are left dealing with the repercussions. She said that she appreciates Berkley's support on raising gun violence awareness so we can hopefully reduce some of the lives that are lost every single day.

Consent Agenda

Councilmember Gavin moved to approve the following Consent Agenda, seconded by Mayor Pro Tem Dean.


WARRANT: Matter of approving Warrant No. 1362.

RESOLUTION NO. R-13-21: 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-14-21: Matter of proclaiming June 2021 as LGBTQIA+ Pride Month.

PROCLAMATION NO. P-15-21: Matter of proclaiming the first Friday in June to be National Gun Violence Awareness Day.


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

Regular Agenda

RESOLUTION NO. R-14-21: Matter of authorizing the Mayor and City Manager to execute an agreement with the Berkley School District to collect and remit the July 2021 Property Tax Levy. Councilmember Baker moved to approve Resolution No. R-14-21 Seconded by Councilmember Blanchard
Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack
Nays: None
Motion Approved.

ORDINANCE NO. O-05-21: Matter of considering the First Reading of an Ordinance of the City Council of the City of Berkley, Michigan to Amend Section 58-34 of Article II, of Chapter 58, Garbage Rubbish and Refuse, to Modify the Diameter and Length of Branches and Limbs, and to Prescribe a Penalty for Violations. Councilmember Hennen moved to approve Ordinance No. O-05-21 Seconded by Councilmember Price
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

MOTION NO. M-27-21: Matter of approving the “Berkley Art Bash” event on Saturday, September 11, 2021 from 10 a.m.-6 p.m. on 12 Mile Road for the Berkley Area Chamber of Commerce, P.O. Box 72-1253. Approval is conditional upon the submission of required items and documents prior to event dates. The Council reserves the right to rescind the permit due to health and pandemic protocols. Councilmember Gavin moved to approve Motion No. M-27-21
Seconded by Mayor Pro Tem Dean
Ayes: Price, Baker, Blanchard, Dean, Gavin, Hennen, and Terbrack
Nays: None
Motion Approved.

MOTION NO. M-28-21: Matter of approving the “Berkley Street Art Fest” event on Saturday, August 7, 2021 from 11 a.m.-5 p.m. on Coolidge Highway for the Berkley Area Chamber of Commerce, P.O. Box 72-1253. Approval is conditional upon the submission of required items and documents prior to event dates. The Council reserves the right to rescind the permit due to health and pandemic protocols. Councilmember Baker moved to approve Motion No. M-28-21
Seconded by Councilmember Price
Ayes: Baker, Blanchard, Dean, Gavin, Hennen, Price, and Terbrack
Nays: None
Motion Approved.

PUBLIC HEARING: Matter of holding a public hearing regarding the proposed operating budget for the fiscal year 2021/22 and supporting tax rates for the City of Berkley, Michigan.

The public hearing opened at 7:43 p.m.
There was no one present wishing to speak.
The public hearing closed at 7:44 p.m.

Councilmember Baker moved to approve Resolution No. R-15-21
Seconded by Mayor Pro Tem Dean
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.

Councilmember Blanchard moved to approve Resolution No. R-16-21
Seconded by Councilmember Baker
Ayes: Dean, Gavin, Hennen, Price, Baker, Blanchard, and Terbrack
Nays: None
Motion Approved.

RESOLUTION NO. R-17-21: 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, 2021.
Councilmember Price moved to approve Resolution No. R-17-21
Seconded by Councilmember Blanchard
Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack
Nays: None
Motion Approved.

PUBLIC COMMENT – ITEMS NOT ON THE AGENDA

Chris Copacia, Berkley, let the public know that the recording of the Ranked Choice Voting presentation is now available on the City’s YouTube page. He stated it is listed as “Ranked Choice Voting, More Choices, More Voices?” He stated it is notable that our City does not have primaries for candidates in public office and that is one reason we may want to consider Ranked Choice Voting. He stated Ferndale has approved Ranked Choice Voting, but is still awaiting approval to move forward using it. He said it was a great discussion and presentation and he encourages everyone to check it out.

COMMUNICATIONS

COUNCILMEMBER PRICE: thanked everyone that submitted proclamations for City Council to consider. She stated in the virtual format, councilmembers have not been reading the proclamations out loud. She stated she would like to use her Communications time to highlight timely and relevant language from the passed proclamations:

1. Whereas, while we as a society at-large are slowly embracing new definitions of sexuality and gender we must also acknowledge that the need for education and awareness remains vital to end discrimination and prejudice. Therefore, the City of Berkley urges the citizens, government agencies, public and private institutions, businesses, and schools in the City of Berkley to recommit to increasing our support and recognition of the contributions made by members of the LGBTQIA+ community and to actively promote the principles of equality, liberty, and justice.

2. Whereas, gun violence prevention is more important than ever as the COVID-19 pandemic continues to exacerbate gun violence after more than a year of increased gun sales, increased calls to suicide and domestic violence hotlines, and an increase in city gun violence. Therefore, The City of Berkley renews our commitment to reduce gun violence and pledges to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership in order to help keep our children safe.

3. Whereas, May 14th marks Childhood Apraxia of Speech Day during which awareness was raised throughout Michigan about childhood apraxia of speech, an extremely challenging speech disorder that affects 1-in-1,000 children. Therefore, The City Council calls upon the citizens, government agencies, public and private institutions, businesses, and schools in the City of Berkley to recommit our community to increasing awareness and understanding of apraxia disorders, and the need for appropriate and accessible services for all people with apraxia disorders.

4. Whereas, it is critical that effective public education campaigns concerning pet safety and preparedness procedures continue for the benefit of all Berkley animals. Therefore, the City Council encourages all citizens to education themselves and others about preparing pets for all emergencies, and further urges residents to ensure that their own pet disaster-preparedness plans and kits are in place for the safety of their furry family members.
5. Whereas, it is estimated from 2005-2014 there were approximately 10 deaths per day related to unintentional drowning, underscoring the importance of taking proper precautions before entering water activities such as swimming during the summer season. Therefore, June 2021 is hereby recognized as Summer Safety Month in the City of Berkley and urges all citizens, government agencies, public and private institutions, businesses, and schools to commit to learning and sharing proper safety and emergency procedures.

6. Whereas, 394 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 295 officers who died in 2020 and 99 officers who died in previous years. Therefore, the week of May 9-15, 2021 is hereby recognized as National Police Week in the City of Berkley and the City publicly salutes the service of law enforcement officers in our community and in communities across the nation.

Councilmember Price stated that by recognizing and raising awareness of LGBTQIA+ community members, gun violence, apraxia, pet preparedness, summer safety, and law enforcement Berkley demonstrates that we are a welcoming, inclusive, and safe community that cares.

COUNCILMEMBER BLANCHARD: stated that Summer Safety Month starts in June. He said that it is going to be 88 degrees this weekend, so look for kids playing in the street, be cautious of potential injuries regarding the heat, and be careful around pools and lakes. Councilmember Blanchard mentioned an emergency management quote from Max Mayfield, Director of the National Hurricane Center, “Preparation through education is less costly than learning through tragedy.”

COUNCILMEMBER BAKER: stated that the Downtown Development Authority (DDA) is having active conversations regarding a Detroit Institute of Arts sponsored mural on the Robina side of the old Berkley Movie Theatre. He said the Design Subcommittee for the DDA met that morning to review potential designs. He stated during the May 12th DDA meeting, there were some questions regarding the design guidelines document that was started four years ago and the Authority is looking for guidance on how to move forward with this. He reminded everyone to visit DowntownBerkley.org to see upcoming events including the Berkley Street Art Fest on August 7th and the Berkley Art Bash on September 11th. Councilmember Baker stated that the Historical Committee would like to say Happy Birthday to the City of Berkley. He mentioned that Berkley became a village in 1923 and a city on May 23, 1932. Councilmember Baker stated the next meeting for the Technology Advisory Committee is June 16th. He stated during the last meeting, the Committee tried to put together an Alexa skill that could be put on electronic devices and used to ask different queries regarding the City such as upcoming events. He stated it has been two years in the making and there are still questions regarding the project. He stated another topic covered during the meeting was the concept of open data. He said it is another resource that could be used to help provide greater information. He stated the cyber tip of the month is that open data makes a government more accountable, increases citizen participation, creates opportunities for economic development, and informs the decision making in both the public and private sectors. He said the open data initiative is well under way at the federal level and the website for more information is data.gov. He stated open data also has a presence at the state level and more information is available at Michigan.gov/data. He said the City of Ferndale has open data at data.Ferndale.MI.gov. He stated the goal of the information presented in this format is to help the community better understand what is going on. He stated he hopes this is something that our community will soon embrace. Councilmember Baker quoted Ronald Reagan, “The right to vote is the crown jewel of American liberties, and we will not see its luster diminish.” He expressed his concern with the most recent voter “reform” bills that are up for passage in many states. He said these bills were based on claims on widespread voter fraud that have proven not to be true. He said the Trump Administration declared that the November 2020 election was the most secure in decades. He said that more than 159 million people voted and there were 1,322 documented cases of voter fraud. He stated that the State of Michigan is working on creating 39 election “reform” bills that are not based on any real facts. He expressed his concern that if these bills were passed, they would make it more difficult for people to vote and put more burden on municipal clerks and their staff. He urged everyone to stay in touch with their local state representatives and staff members to make sure they know where you stand.
MAYOR PRO TEM DEAN: stated Parks and Recreation is hosting a senior to-go picnic at 11:30 a.m. Wednesday, June 9th with to-go lunches from The Lunch Café and entertainment by The Banjoes of Michigan. The event is free and will be located on the Community Center lawn. She said preregistration is required for both the event and transportation if needed. She said to call the Parks and Recreation Department at (248) 658-3470 to register. She said Parks and Recreation is hosting a free outdoor movie night 7 p.m. Tuesday, June 22nd on the Community Center lawn. She said snacks will be provided. She stated the City-Wide Garage Sale will take place June 18th and June 19th and free registration may be completed through Parks and Recreation. She stated the City’s website will post a map to show which homes are participating. She said Berkley specialty and day camps have openings available. She said to visit Berkley.maxgalaxy.net or call the Parks and Recreation department to register. She said the outdoor programming for Parks and Recreation continues and registration for these events may be completed by going online or calling Parks and Recreation. Mayor Pro Tem Dean said the Tot Lot and Oxford/Merchants Park will open in the coming days. She said announcements regarding opening dates will be made on the City’s website and the City’s Facebook page.

COUNCILMEMBER HENNER: stated he supports Councilmember Baker’s election integrity statements. He said he serves on the Michigan Municipal League (MML) Election Subcommittee where they look in-depth at some of Michigan’s Election Laws and make recommendations to the MML board. He said he serves with some other municipal officials and city clerks around the state. He stated very few of the proposed bills actually serve real merit and the majority of the them are unnecessary and are not based on facts. He emphasized the importance of preserving our democracy. Councilmember Hennen stated the Tree Board thanks City Council for the increase in tree funding. He said the Board has already started filling out grant applications to purchase more trees using the provided matching funds and the process is being led by Tree Board Member Tricia Losey. He discussed the Tree Board had an arborist come and talk about the trees that are currently on Coolidge Highway and 12 Mile Road. He stated the arborist talked about how the trees on these roads were not an appropriate choice for that area and it’s now causing problems. He said the arborist is looking for direction on how the City wants to handle a long-term plan for trees in the Downtown District. He said the Tree Board wants to discuss this matter with all relevant stakeholders to come up with a strategy for long-term planning regarding downtown trees. He said the Tree Board also reviewed the ordinance regarding attaching things to city-owned trees. He said while the current ordinance says attaching things is prohibited, the Tree Board will be proposing small changes to that part of the ordinance. He said in addition to the changes in the ordinance, the Tree Board wants to make an educational campaign to let the community know what is and is not okay to attach to trees. He said the next Tree Board meeting is in June. He said it is still to be determined whether it will be in person or virtual. Councilmember Hennen stated that the Zoning Board of Appeals met last week. He said the Board heard a case that was originally from the April meeting. He said they approved a variance for an addition for the front of a home, but denied making the garage larger as well as a pool that would cover too much of the property. He talked about the upcoming schedule for the ZBA. Councilmember Hennen encouraged everyone to get vaccinated so things can get back to normal.

COUNCILMEMBER GAVIN: stated the next regular Planning Commission meeting will be 7 p.m. May 25th. He said the Master Plan Steering Committee meeting that was scheduled for May 18th was cancelled and rescheduled for 7 p.m. Tuesday, June 15th. He said the Environmental Advisory Committee meeting is scheduled for Thursday, May 20th. Councilmember Gavin thanked City Manager Matt Baumgarten, Finance Director/Treasurer Mark Pollock, accountants Laurie Fielder and Sue Reddin, and all the department heads for their work on the next fiscal year budget.

CITY MANAGER BAUMGARTEN: thanked City Staff, Finance Director/Treasurer Mark Pollock, and Accountant Laurie Fielder for their time and effort on the city budget. He also thanked City Council members for all of the time they invest and for their vision and input that helps the City set priorities within the budget. He emphasized how the City Council is clear and upfront regarding the budget and he is proud of what was approved this evening. City Manager Baumgarten stated the City is currently working on reappointments and/or new appointments for boards and commissions. He said that City Staff and/or chairpersons for each board and commission have been researching how to see who is still expressing
interest or looking to serve the community. He said he hopes to make that process as simple as possible. City Manager Baumgarten talked about how recent changes at the state and federal level are leading the discussion regarding announcements and processes for reopening City offices. He asks people to please be patient during the planning process so the City may plan how to keep both staff and visitors safe.

**ATTORNEY STARAN:** stated he had nothing to report this evening.

**MAYOR TERBRACK:** wished everyone a Happy Tax Day. He congratulated Berkley Schools Assistant Superintendent and Downtown Development Authority Board Member Scott Francis on becoming the next superintendent for the school district. He mentioned current Superintendent Dennis McDavid will be retiring at the end of the school year. He said the City will recognize Mr. McDavid in June for all of his work. He mentioned how the City and the School District have maintained a good relationship for the past 15 years and said there was a time before that when the City and the School District’s relationship was not as well maintained. He said he expects the City’s relationship with the School District will be well maintained moving forward and he looks forward to working with Mr. Francis.

**ADJOURNMENT**
Councilmember Baker moved to adjourn the Regular Meeting at 8:39 p.m.
Seconded by Councilmember Gavin
Ayes: Baker, Blanchard, Dean, Gavin, Hennen, Price, and Terbrack
Nays: None
Motion Approved.