THE REGULAR MEETING OF THE THIRTY-NINTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, DECEMBER 6, 2021 BY MAYOR TERBRACK

PRESENT: Steve Baker  Bridget Dean  
Ross Gavin       Dennis Hennen  
Natalie Price   Jessica Vilani  
Daniel Terbrack

APPROVAL OF AGENDA
Councilmember Baker moved to approve the Agenda with an amendment to add item #6, Resolution No. R-41-21, Amended Resolution to Re-Approve Commercial Rehabilitation Exemption Certificate Application for 2219 Coolidge LLC located at 2219 Coolidge Hwy., for Parcel #25-18-431-032. Seconded by Mayor Pro Tem Dean
Ayes: Dean, Gavin, Hennen, Price, Vilani, Baker, and Terbrack
Nays: None
Motion Approved.

INVOCATION: Pastor Tal Sullivan

PUBLIC COMMENT
There was no one present wishing to speak.

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

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 38th Regular City Council Meeting on Monday, November 15, 2021 and the 39th Regular City Council meeting on Monday, November 15, 2021.
Ayes: Gavin, Hennen, Price, Vilani, Baker, Dean, and Terbrack
Nays: None
Motion Approved.

Regular Agenda
RECOGNITIONS/PRESENTATIONS: Matter of any recognitions or presentations from the Consent Agenda.

PRESENTATION: Matter of receiving a report from Plante & Moran regarding the Audit Results for the Fiscal Year Ended June 30, 2021.
City Manager Baumgarten introduced the Plante & Moran Audit Results.
Keith Szymanski from Plante & Moran gave the presentation. He stated there was a completed audit without any findings and the City received an unmodified opinion which is the highest level of assurance they can provide to a set of financial statements.

Mr. Szymanski reviewed the report and stated there is a new accounting pronouncement GASB Statement No. 84. He said it resulted in two main changes which he stated and also mentioned are detailed in the financial statements as well.

Mr. Szymanski presented a three-year history and stated total revenue increased about $1 million attributed to the CARES Act. He said property tax is the City's largest source of revenue. He reviewed other revenue increases.

Mr. Szymanski stated expenditures increased largely due to items of a one-time nature. He stated items included the purchase of a new fire truck and a transfer to recreation. He said other than these one-time expenditures, it was business as usual.

Mr. Szymanski reviewed the General Fund Balance which has doubled since 2014. He said the City continues to make improvements to its infrastructure which is reflected in the report. He discussed assigned and unassigned fund balances.

Mr. Szymanski reviewed the Water and Sewer Fund. He reviewed revenues and expenditures and stated the City has a healthy net position. He said it is important to have these reserves.

Mr. Szymanski reviewed the Pension/OPEB funding progress. He reviewed Municipal Employees Pension, Public Safety Pension Trust, and Retiree Health Care (OPEB). He said while there are significant long-term liabilities outstanding, trends are remaining in the right direction and they are not expected to be paid off in the near term. He said this is something to keep an eye on as annual contributions impact the overall budget.

Mr. Szymanski reiterated there are no findings and if there was anything that came to the auditor's attention, it would be disclosed in the findings report. He stated there will be another report coming regarding the City's spending of CARES Act dollars which will be completed in early 2022.

Mayor Terbrack asked considering we are not out of the COVID world yet, is there anything specifically COVID-related that Mr. Szymanski thinks could impact the City's budget?

Mr. Szymanski said nothing has come to fruition to date that would result in dire consequences. He said the ultimate effects of the economy are still to be seen. He said the best advice is to continue to monitor the budget, finances, and look at multi-year forecasting. He said there are no red flags at this time.

Mayor Terbrack said that is positive to hear. He said they will continue to plan and be as prudent as possible and continue to make decisions to provide the highest level of service to the residents.

Councilmember Baker applauded Plante & Moran for its thoroughness and its ease to read. He said it is an informative and thorough document. He thanked Mr. Pollock and members of the finance team. He thanked Mr. Szymanski for the healthy checkup.

Mayor Terbrack reiterated his thanks.

**MOTION NO. M-75-21:** Matter of amending the City of Berkley's Fee Schedule for the Public Library effective December 13, 2021.

Councilmember Price moved to approve Motion No. M-75-21

Seconded by Councilmember Baker

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

**RESOLUTION NO. R-40-21:** A Resolution of the Council of the City of Berkley, Michigan authorizing and supporting the Parks & Recreation Department to apply for a Ralph C. Wilson Jr. Legacy Design and Access Grant for $50,000 for inclusive play at Jaycee Park from the Community Foundation for Southeast Michigan.
Mayor Pro Tem Dean moved to approve Resolution No. R-40-21
Seconded by Councilmember Gavin
Ayes: Price, Vilani, Baker, Dean, Gavin, Hennen and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-76-21:** Matter of authorizing the City Manager to sign the Application for Additional Service Credit Purchase for Richard Chalmers approving two years of additional service credit. This purchase is allowed by the City of Berkley MAPE Agreement and meets all of the requirements of the MERS Plan Document.
Councilmember Hennen moved to approve Motion No. M-76-21
Seconded by Councilmember Gavin
Ayes: Vilani, Baker, Dean, Gavin, Hennen, Price and Terbrack
Nays: None
Motion Approved.

**RESOLUTION NO. R-41-21:** Matter of approving an Amended Resolution to Re-Approve Commercial Rehabilitation Exemption Certificate Application for 2219 Coolidge LLC located at 2219 Coolidge Hwy., for Parcel #25-18-431-032.
Mayor Pro Tem Dean moved to approve Resolution No. R-41-21
Seconded by Councilmember Gavin
Ayes: Dean, Gavin, Price, Vilani, Baker, and Terbrack
Nays: Hennen
Motion Approved.

**COMMUNICATIONS**

**OAKLAND COUNTY COMMISSIONER CHARLIE CAVELL:** introduced himself and discussed how he represents the 18th District and following boundary redistricting, he will become the Oakland County commissioner of the 19th district that will include the City of Berkley. He said he looks forward to working with everyone and said he may be reached by phone call or text at 248-807-4347.

**COUNCILMEMBER GAVIN:** thanked the Department of Public Safety, Department of Public Works, and the Holiday Committee for their work in the successful Holiday Lights Parade. He said it was truly magical and it was such a thrill to watch the community come together. He stated the next Planning Commission meeting will be on Tuesday, December 21st at 7 p.m. and the next Environmental Advisory Committee meeting will be in 2022. He wished everyone happy holidays and a happy new year. He said it has been a taxing couple of years, but to stay hopeful and safe and enjoy time with loved ones.

**COUNCILMEMBER VILANI:** thanked the Department of Public Safety for its support of the Berkley school district last week. Councilmember Vilani said her daughter texted that police were in her school and the councilmember stated how much the public safety presence was appreciated by the kids up to the adults. She said the that the Berkley Area Chamber of Commerce has its annual board meeting on Thursday, December 9th.

**MAYOR PRO TEM DEAN:** announced, on behalf of the Parks and Recreation Department, that Community Park is getting a new playscape installed the week of December 13th. She said it will be ready
to use in time for spring. She said registration is still open for the Parks & Recreation vacation camp running at the end of December. In order to register for the vacation camp, call the Parks and Recreation Department or go online to recreation.berkleymich.org. She said Parks and Recreation is having a free trial senior exercise class on December 7th from 10–11 a.m. She said there is hope to start offering this class to seniors at the start of the new year. She said there are a lot of other programs being offered through Parks and Recreation and to view the selection at recreation.berkleymich.org. Mayor Pro Tem Dean thanked the Department of Public Works, Department of Public Safety, and the Holiday Parade Committee. She said she hadn’t been that close to Santa in a long time. She said it was a great evening to be in Berkley and she is truly grateful for all of the support. She also gave a nod to the Downtown Development Authority as members were able to supply some additional activities for the Holiday Lights Parade. She said it is great when we come together as a community for something so wonderful.

COUNCILMEMBER BAKER: continued the accolades to the volunteers and attendees. He said he saw a lot of safe practices during the Holiday Lights Parade. He said Santa was in fine form and it was great to formerly welcome in the season. Councilmember Baker stated the Downtown Development Authority (DDA) will be meeting on Wednesday, December 8th. He gave kudos to those that participated in Small Business Saturday and the parade. He said on Saturday, December 4th, there was a mural reveal at 12 Mile and Robina. He said it is an official Detroit Institute of Arts installation. He talked about how Merri Month is upon us and to visit downtownberkley.com to learn about all of the events including the scavenger hunt running until December 31st, shopping on Thursday nights, and the family fun shopping trolley December 11th from 11 am-6 p.m. He encouraged everyone to continue to shop local. Councilmember Baker said Historical Committee members were in the parade and they wanted to thank everyone for giving them a kind reception. He said the new holiday ornament and coffee mugs are available at the Historical Museum and City Hall. The Historical Museum hours are Wednesdays from 10 a.m.– 1 p.m. and Sundays from 2–4 p.m. He offered kudos to city staff for advancements toward the museum accepting credit cards. He said the Technology Advisory Committee meets on Wednesday, December 15th. He said they hope to move forward with the Alexa App. He reminded everyone to stay safe while online shopping and offered cyber safety tips to know if a website is secure. He quoted David Taylor- Klaus, “Words Matter. And the words that matter most are the ones that you say to yourself.” He said people in positions of power and influence say things that cause people to act and react as well as people at home post things online that are not truthful and cause people to agree and to align. He said these words can cause people to do horrible unimaginable things. He encouraged everyone to remember the City of Berkley motto, “We Care.” He urged everyone to embody this motto by caring about not only what they say, but also about how people will hear them and react to them so that together fear and hate can be overcome.

COUNCILMEMBER PRICE: said the holiday season kicked off with a bang. She thanked the Downtown Development Authority and Detroit Institute of Arts for unveiling a new mural on the side of the Berkley Movie Theatre. She thanked all of the volunteers and staff for making the Holiday Lights Parade as brilliant as ever. She said the Library will also host, “ Night Before Christmas Storytime 7 p.m. on December 22nd through the Library’s Facebook page. She said registration for that event is required. She said the Beautification Advisory Committee is preparing for its Annual Holiday Spirit Awards. She said this year, members will be focusing on blocks instead of individual homes. She said there will be a holiday map share with the community to indicate what areas will be participating. She said in order to participate, decorations need to be done by Friday, December 17th.

COUNCILMEMBER HENNEN: stated that he attended the National League of Cities virtual conference. He said some of the sessions he attended related to COVID response, closing streets for businesses, water infrastructure, safe streets, moving from fossil fuels, and attainable housing. He said we encounter many of the same challenges that other communities encounter. He found that Berkley is ahead of the curve in many ways when it comes to response. He said that an overall strategic plan is one thing we lack. He stated in regards to creating an overall strategic plan, he looks forward to when everyone can come together and have those work sessions, put them down on paper, and then get them into action.
Councilmember Hennen stated the Tree Board’s next meeting is January 24th. He said tree planting began for those who are on the list to receive a tree. He said the Department of Public Works should have the planting done by next week and tree care instructions will be provided afterward. He said no care will be needed for the trees until the spring. He stated the Zoning Board of Appeals will meet on Monday, December 13th. He said they will hear a case regarding a duplex that was grandfathered in, allowed its status to lapse, and now would like to be considered a duplex once again. Councilmember Hennen talked about the new COVID-19 variant, Omicron, and said that early indication is the vaccine is still effective. He said the best defense is still vaccines and masking.

**CITY MANAGER BAUMGARTEN:** said he was happy to have the audit report presented tonight following two weeks of intensive work. He thanked Mark Pollock, Laurie Fielder and Sue Reddin for their hard work and also their year-round efforts that were well shown. He said the Coolidge Oversight Task Force will meet on December 13th. He said there will be an administrative hearing regarding a marihuana business license that will be a public meeting. He said the press release went out and other communities are reaching out to Berkley regarding our progress with marihuana licensing. He said although the process has been painful at times, it is something to be proud of and is hopefully close to being wrapped up and positive businesses will come to the community. He said he reflects the thanks of Council regarding the Holiday Lights Parade. He said he got to be in the last car with former Councilmember and current Emergency Manager Jack Blanchard. He said was able to see the reactions of many kids as he was going down the street. He said he really appreciates and thanks Public Safety.

**ATTORNEY CHRIST:** had nothing to report this evening.

**MAYOR TERBRACK:** echoed thanks for the Holiday Lights Parade and the Santa Drive By. He said he was unable to attend to the dismay of his children. He thanked Cinda, Denise, and the Berkley Junior Women’s Club. He offered his sincere condolences to the parents at Oxford High School and the entire Oxford community in regards to the school shooting occurring there last week. He said as a parent, he cannot think of a worse feeling than being notified that there is an active shooter in your child’s school. He said a school environment is supposed to be safe. He said sadly, tragedies like Oxford are happening far too often and people are becoming desensitized. He said he knows here in Berkley, everyone is working hard to keep our kids safe, including training programs. He said there is always more to do and having these conversations is not easy, but will continue. He thanked the Berkley School Board and Public Safety Department.

**ADJOURNMENT**
Mayor Pro Tem Dean moved to adjourn the Regular Meeting at 8:04 p.m.
Seconded by Councilmember Hennen
Ayes: Hennen, Price, Vilani, Baker, Dean, Gavin and Terbrack
Nays: None
Motion Approved.