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, APRIL 5, 2021 BY MAYOR TERBRACK

PRESENT: 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

ABSENT: Steve Baker

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

INVOCATION: Pastor Adam Groh

PUBLIC COMMENT – ITEMS ON THE AGENDA

Amy Keely, Berkley, spoke regarding issues she is having with construction at 1895 Columbia Road including damage to her property and failures in the permitting process. She also spoke regarding the treatment she has received and lack of responses from the City on this matter. She stated she would not sue the City, so she would like responses. She went into further detail regarding specific complaints and against whom in this matter. She reminded elected and city officials of their oaths of office and obligations to uphold the United States. and State constitutions. She stated concerns of sexism. She stated she will be creating two websites dedicated to this matter, bighousedisaster.com and Berkleycityfailures.com, which will be available mid-April.

Twenty-seventh District State Rep. Regina Weiss provided updates from Lansing including:

- Two bill packages were recently passed by the Legislature. Both packages have passed the House and are on the way to the Senate:
  - One regarding sweeping health care reform focusing on lowering the cost of prescription drugs: and
  - Another regarding increasing transparency within state government. She stated Michigan is one of the worst states in the Country regarding transparency.
- Today is the first day back for Berkley Schools and many other districts from spring break. She discussed there is concern regarding the spike in Covid cases and also outbreaks in school districts. She stated there have been further concerns with tying funding to face-to-face learning. She said she introduced HB 4570 a few weeks ago that is meant to untie the face-to-face requirement from funding. She said it also removes any other strings that require the Governor or the Health Department to relinquish some of their authority in order for Covid funding to go out. She said this Bill would allocate all of the Title 1 dollars for Covid relief that have come through along with additional funding to get a minimum of $450 per pupil. She said this would give school districts the most flexibility possible amid this public health crisis.
- Anyone wishing to contact Rep. Weiss may do so by emailing reginaweiss@house.mi.gov or by calling 517-373-0478.
Mayor Terbrack thanked Rep. Weiss for being proactive and active in making sure not only the cities, but the school districts too, are able to continue operating in a safe manner and not having to make decisions that may or may not be tied to budgeting with all of the question marks due to the impact of Covid.

Councilmember Price stated she is very grateful to have a former councilmember, municipal leader, and teacher representing us in the House. She asked if there is anything residents and/or Council could do to help support HB4570.

Rep. Weiss said the Bill was sent to the Appropriations Committee. She said she sits on that Committee and in order for the Bill to move forward, it would need a hearing. She stated the person with the authority to grant a hearing is Chair Thomas Albert. She said those interested in doing so could contact Chair Albert to ask for a hearing.

Rep. Weiss said they are in the process of not only dealing with the past appropriations that have not been appropriated. She said within the school districts of Berkley, Ferndale, Hazel Park, and Oak Park, there is over $10 million waiting to be appropriated. She said then there is another round of federal funding to allocate. She said this is in addition to moving into the budget for the upcoming fiscal year. She said ideally, school districts would like to know what funding they will receive by the beginning of June. She said some funding also has an expiration date.

Rep. Weiss said she also sits on the School Aid Subcommittee where they are discussing how to get some of the federal dollars out as well as what the next budget year will look like.

Mayor Terbrack thanked Rep. Weiss for the open lines of communication.

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 Regular City Council Meeting on Monday, March 15, 2021.

**PROCLAMATION P-08-21:** Matter of celebrating the 149th Anniversary of Arbor Day and designating the week of Sunday, April 25 - Saturday, May 1, 2021 as Arbor Week.

**PROCLAMATION P-09-21:** Matter of proclaiming and recognizing the volunteers of the City of Berkley and declaring the week of Sunday, April 18 - Saturday, April 24, 2021 as Volunteer Week.

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

Regular Agenda

**MOTION NO. M-21-21:** Matter of awarding the Cross Connection Control Program to HydroCorp located at 5700 Crooks Road, Troy, Michigan for a (3) three-year term.
Councilmember Hennen moved to approve Motion No. M-21-21
Seconded by Councilmember Blanchard
Ayes: Gavin, Hennen, Price, Blanchard, Dean, and Terbrack
Nays: None
Absent: Baker
Motion Approved.

**MOTION NO. M-22-21**: Matter of approving the City of Berkley Fund Balance Policy.
Councilmember Gavin moved to approve Motion No. M-22-21
Seconded by Mayor Pro Tem Dean
Ayes: Hennen, Price, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Absent: Baker
Motion Approved.

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

Chris Copacia, Berkley, stated he is excited to share that from 7-8 p.m. on April 27th the Berkley Public Library is hosting a presentation on Rank Choice Voting by Rank MI Vote. He is a volunteer of the organization and said he is very excited as this is a very important concept to understand. He said it is time to address the system and improve democracy for all. To learn more, visit RankMIVote.org. To attend, visit the calendar on the Library’s website.

**COMMUNICATIONS**

**COUNCILMEMBER PRICE**: stated the Community Engagement Advisory Committee will meet this Wednesday and public participation is always welcome. She said the agenda and Zoom link can be found on the City’s calendar. Councilmember Price acknowledged the Proclamation approved with the consent agenda recognizing Volunteer Week in Berkley. She stated she would like to publicly recognize and express her gratitude to the many volunteers serving the community on boards, on commissions, on committees, as organizers of city events, and as active participants in the many volunteer organizations. She stated volunteering looks different this year and not every volunteer has served in the way they expected. She stated she is grateful especially for those who adapted and innovated in response to Covid and the unexpected challenges it has posed. Councilmember Price offered her heartfelt sympathy to Councilmember Baker with the loss of his beloved wife, Nicole. She said she knows Mayor Terbrack will offer condolences on behalf of the City, but she wanted to say she is so sorry. She said Nicole’s candor, sense of humor, and fierce love burn bright in our little community. She stated Nicole is dearly missed. Councilmember Price said she wanted to share her love with Councilmember Baker and all who knew Nicole and loved her best.

**COUNCILMEMBER BLANCHARD**: stated the Berkley American Legion finished its Lenten fish fry and he would like to thank everyone that attended as they are trying to keep the Legion afloat during the pandemic. He said it’s been difficult. He said the Legion also sponsors the U.S. Naval Sea Cadet Corps, Polar Bear Battalion and will be holding a BBQ dinner fundraiser for that initiative. He said the takeout BBQ dinner is 5-8 p.m. this Saturday and will directly benefit the youth development programs. Meals are $10 and will include pulled pork, bacon mac and cheese, corn, roll, barbecue sauce and dessert. To order, call 248-591-9220 or visit Polarbearbattalion.square.site. He stated they are doing a good job and anyone that could support them will enjoy a pretty good dinner. Councilmember Blanchard acknowledged the Proclamation approved with the consent agenda recognizing Volunteer Week in Berkley. He said the City couldn’t function without its volunteers as it heavily relies on them. He said due to the pandemic, we haven’t been able to do much to recognize volunteers, but hopefully in the future we will be able to have a volunteer-recognition event. He stated these people save us in running the City. Councilmember Blanchard read an emergency management preparation quote by Howard Ruff, “It wasn’t raining when Noah built the ark.”

**MAYOR PRO TEM DEAN**: thanked all of the volunteers in the City of Berkley for doing such an incredible job in all facets from events to trees to parks and beyond. She said volunteers’ hard work does not go unnoticed. Mayor Pro Tem Dean thanked all who attended the Parks & Recreation Spring Fling Dance on
March 30th. She said she understands a good time was had by all and it is so encouraging to do some things like this in a careful way. She said it allows us to come together as a community — at a safe distance — while enjoying others’ company and having a good time. She stated Summer Day Camp registration is now open by visiting Berkley.Maxgalaxy.net. She stated to also check the Parks & Rec website for the many upcoming outdoor programs, including those for seniors, adults, youth, etc. She stated there are too many offerings to read all of the options, but those interested should check them out online.

COUNCILMEMBER HENNEN: thanked all of the City’s volunteers and said he echoes what his fellow councilmembers said that evening. He also acknowledged all of the people volunteering to volunteer. He said with recent vacancies, we have had way too many volunteers and not enough spots to place them all. He said while we can’t place everyone, we still appreciate how much interest there is in helping out the City. Councilmember Hennen said the Zoning Board of Appeals will next meet 7 p.m. Monday, April 12th. He said the Board will hear two cases involving variances for additions on to residential homes. Councilmember Hennen said the Tree Board will not be meeting this month, but the Board's next meeting will be in May.

COUNCILMEMBER GAVIN: stated at the Planning Commission’s last meeting, there was a presentation on the Capital Improvement Plan and discussion about ordinances that require special land use approval for office uses on the first floor in the downtown district and one that would require special land use for outdoor dining. He stated both are in place and the discussion focused on changes. He said the next Planning Commission work session will take place 7 p.m. April 6th and the next Planning Commission meeting will take place 7 p.m. April 27th. Councilmember Gavin said the Master Plan Steering Committee virtual Open House held last month was very good with more than 50 people in attendance. He said the breakout groups yielded some really good outcomes to work with. He thanked those involved in putting that on. He said the next Master Plan Steering Committee meeting is 7 p.m. April 20th. Councilmember Gavin said the Environmental Advisory Committee did not have a quorum for its March meeting, but will meet 6:30 p.m. May 20th. Councilmember Gavin echoed the heartfelt thanks to all of the volunteers in the City. He said they are the backbone of much of what we do.

CITY MANAGER BAUMGARTEN: said it’s early in the month so our newsletter just went out. He reiterated it is a great source of information as all of the departments contribute to it as well as the Downtown Development Authority and The Berkley Area Chamber of Commerce. He said it is a great source to know what is happening over the month of April. He said as it warms up a little bit, we are looking for ways to safely deliver services and programs to the Berkley residents. He said it’s a wonderful source of information for anyone that is interested.

ATTORNEY STARAN: stated he recently updated Council on some recent amendments concerning the Michigan Department of Health and Human Services Covid orders as they relate to meetings of public bodies and commissions. He said the State has relaxed those restrictions somewhat, which seems more than a little ironic given our new Covid surge. He said but due to Council’s recent declaration of Local State of Emergency, those changes won’t impact us immediately and hopefully when it’s ultimately determined by Council that the Covid situation is manageable, and the state of emergency is lifted, those occupancy limitations for Council, board, and commission meetings will be more academic than anything to be concerned about. Attorney Staran said he also wanted to report that as Council is aware, the Class Action litigation involving multiple Oakland County communities relating to the August 2014 storm and basement flooding situation, all of the municipalities involved have approved the tentative settlement, including the City of Berkley, and he wanted Council to know that this coming Thursday, the Circuit Court is scheduled to consider final approval of the settlement. He stated if that happens on Thursday, as is expected, then fingers crossed the settlement will be finalized after some minor steps afterward and we will be able to close the book on these cases. He said it is interesting that given the tens of thousands of residents involved, there were no objections from residents to the proposed settlement terms. He said he believes there were only two or three residents who chose to opt out. He said that too is good news and further indication that it is a fair and proper litigation.
MAYOR TERBRACK: said back in 2017, for the first time, City Council passed a Resolution proclaiming July as Sarcoma Awareness Month and July 15th as Leiomyosarcoma Awareness Day in the City of Berkley to encourage increased public awareness, and promotion of treatment, and recovery. He said and while we are always eager to increase awareness and support research for causes, this particular cause was different. He stated LMS is very rare, it's malignant, it's aggressive, and it's a subtype of soft tissue sarcoma that can metastasize throughout the body, and is resistant to most forms of treatment. Mayor Terbrack said this particular disease was not faceless, at least not for them. He said one of their own, Nicole Artanowicz, wife of Councilmember Steve Baker, was diagnosed with LMS more than six-and-a-half years ago. Mayor Terbrack said Nicole was as fierce of a woman as he has ever met. He said honest doesn’t quite do justice on how Nicole viewed the world and she never hesitated to tell you how she truly felt. He said that tenacity and vigor was on full display as she waged a war against LMS for nearly seven years, far exceeding any projection from those in the medical field. Mayor Terbrack said when you saw Nicole, she never mentioned it, she never complained, and she carried herself with grace and elegance. Mayor Terbrack said LMS picked the wrong woman to mess with, but in the end, it was simply a war that could not be won. He said Nic peacefully coasted over the finish line on March 28th.

Mayor Terbrack said on behalf of Council, Staff, and Administration, he expresses his most sincere condolences to Steve and their dogs, Lola and Ollie. Mayor Terbrack said Steve asked him to pass along the message that he is very grateful for all of the kind wishes, positive energy, and support. Mayor Terbrack said Steve knew so many people loved Nicole, obviously including him, and that means a lot to him right now. Mayor Terbrack said just as Steve gave me a message to pass along, we have a message for you. Mayor Terbrack said, “Please, let us support you. We’re here for you and you don’t have to go through this on your own.” Mayor Terbrack said this year that Resolution goes back on our agenda, and the fight against Leiomyosarcoma will continue.

ADJOURNMENT
Mayor Pro Tem Dean moved to adjourn the Regular Meeting at 7:56 p.m.
Seconded by Councilmember Hennen
Ayes: Blanchard, Dean, Gavin, Hennen, Price, and Terbrack
Nays: None
Absent: Baker
Motion Approved.