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

INVOCATION: Pastor Rachael Dunlap

PUBLIC COMMENT – ITEMS ON THE AGENDA  
There was no one present wishing to speak.

Clerk Mitchell received two emails:

Elizabeth Petry, Berkley, regarding formation of the Ad Hoc Woodward Dream Cruise Committee. She would like to see committee membership advertised and new members and ideas represented.

Paul Jordan, Berkley, regarding the proposed revisions to the sign ordinance relating to political signs. He seeks clarifications regarding the ordinance in relation to flying campaign signs/flags and also obscenities.

Consent Agenda  
Councilmember Baker 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, February 1, 2021.

WARRANT: Matter of approving Warrant No. 1359.

ORDINANCE NO. O-01-21: Matter of considering the Second Reading and Adoption of an Ordinance to amend Section 138-192 Projections, in order to provide clarity on permitted projections into setback area on residential properties.

ORDINANCE NO. O-02-21: Matter of considering the Second Reading and Adoption of an Ordinance to Add Division 1.5 Exterior Appliances to Chapter 138 Zoning, Article III General Provisions to provide regulations on exterior appliances on residential and commercial properties.
ORDINANCE NO. O-03-21: Matter of considering the Second Reading and Adoption of an Ordinance to Amend Section 94-10 of Chapter 94, Signs, to Eliminate Number of Days to Remove Political Signs Following an Election, and to Prescribe a Penalty for Violations.

PROCLAMATION P-02-21: Matter of proclaiming March 8th as International Women’s Day and recognizing March 2021 as Women’s History Month in the City of Berkley.

PROCLAMATION NO. P-03-21: Matter of proclaiming March 2021 as Severe Weather Month in the City of Berkley.

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

Regular Agenda


City Manager Baumgarten introduced Commissioner Douglas Clark of the Michigan Independent Citizens Redistricting Commission.

Mr. Clark introduced the Michigan Independent Citizens Redistricting Commission (MICRC) and stated the 13 commissioners are spread out throughout the state.

Mr. Clark discussed the State’s new redistricting process.

Mr. Clark provided the history of the MICRC including:
- In 2018, Michigan voters passed Proposal 2 charging voters, not legislators, to take responsibility for nonpartisan redistricting;
- The Commission includes 13 randomly selected Michigan residents including Democrats, Republicans, and Independents; and
- The MICRC is responsible for redistricting U.S. Congressional, MI House of Representatives, and MI Senate districts.

Mr. Clark explained the challenges and requirements the MICRC faces. Some of the requirements include:
- Must comply with all federal laws;
- Districts must be geographically contiguous;
- Must take into consideration the state’s diverse population and communities of interest. He went into further detail regarding what defines a community of interest;
- Districts should consider city, township, and county boundaries;
- Districts should not provide an advantage or disadvantage to a political party, candidate or incumbent; and
- Districts should be reasonably compact.

Mr. Clark further explained that the Commission must hold at least 10 public hearings throughout the State before the redistricting plan is drafted. He said the work must be done by November 1st. He stated the timing of the release of Census data will produce a challenge for meeting the November 1st deadline. Mr. Clark said once the map is drawn, there will be about five more hearings. He explained the purpose of the public hearings, which is heavily reliant on public participation.

Mr. Clark said anyone with questions or ideas should email redistricting@michigan.gov or send a letter to MICRC, P.O. Box 30318, Lansing, MI 48909. He said to learn more, visit Michigan.gov/MICRC.
Mr. Clark said all meetings will be available on YouTube and Facebook.

Mayor Terbrack thanked Mr. Clark for his presentation. He discussed the consternation associated with the redistricting process leading up to the 2018 vote. He stated there is a long way to go and it is encouraging to see the opportunities available for citizen comment. He stated education is an important factor in this process.

Councilmember Baker thanked Mr. Clark for being at the meeting and asked him what else the Council and City could do to help raise awareness regarding the initiative?

Mr. Clark answered the important thing is to communicate the contact information and for Berkley residents to participate. He stated we are the third state to go through this process and he would like to see the public meeting dates promoted. He further discussed how to participate in public comment.

Councilmember Baker asked Mr. Clark questions regarding how to participate in public comment and he and Mr. Clark discussed the process, including how to be included on the public comment portion of a meeting agenda. Councilmember Baker said at the end of the day we need to be constructive contributors and he will help advocate the messages communicated this evening.

**MOTION NO. M-04-21:** Matter of receiving and filing the Berkley Public Library annual report for FY 2019-20.
Councilmember Price moved to approve Motion No. M-04-21
Seconded by Councilmember Baker
Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-05-21:** Matter of approving the Mayor and City Manager to enter into an Intergovernmental Agreement for Lockup Services between the City of Berkley and the City of Lathrup Village. The City of Berkley will provide Lockup Services for the City of Lathrup Village for $100 per prisoner. This Intergovernmental Agreement shall be for a term of three (3) years, beginning on the 1st day of May, 2021 and ending on the 30th day of April, 2024.
Councilmember Gavin moved to approve Motion No. M-05-21
Seconded by Councilmember Blanchard
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-06-21:** Matter of authorizing Hubbell, Roth & Clark (HRC) for Proposal for Professional Engineering Services for the Public Safety Main Entrance Improvement Project at a cost not to exceed $22,667.75 from the Building Improvements Account 101-310-976-000.
Mayor Pro Tem Dean moved to approve Motion No. M-06-21
Seconded by Councilmember Blanchard
Ayes: Price, Baker, Blanchard, Dean, Gavin, Hennen, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-07-21:** Matter of authorizing Kasco, 226 E. Hudson, Royal Oak, MI 48067, the lowest qualified bidder, for professional services for entrance and lobby construction of the Berkley Department of Public Safety Building at a cost not to exceed $207,900 from the Building Improvements Account 101-310-976-000.
Councilmember Blanchard moved to approve Motion No. M-07-21
Seconded by Councilmember Price
Ayes: Baker, Blanchard, Dean, Gavin, Hennen, Price, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-08-21:** Matter of approving the purchase of a Toro Sand Pro 3040 at a cost not to exceed $19,964.51 from Spartan Distributors at 487 W. Division Street, PO Box 246, Sparta, MI 49345. Funds for this expenditure will come from Account 614-950-982-000.
Mayor Pro Tem Dean moved to approve Motion No. M-08-21
Seconded by Councilmember Gavin
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-09-21:** Matter of authorizing the purchase and installation of new play equipment at Tot Lot Park at a cost not to exceed $85,100 from Miracle Midwest, PO Box 130, Holly, MI 48442. Funds for this expenditure will come from Account 615-950-974-000.
Mayor Pro Tem Dean moved to approve Motion No. M-09-21
Seconded by Councilmember Blanchard
Ayes: Dean, Gavin, Hennen, Price, Baker, Blanchard, and Terbrack
Nays: None
Motion Approved.

**RESOLUTION NO. R-05-21:** Matter of authorizing a Resolution of the Council of the City of Berkley, Michigan establishing an 'Ad Hoc Woodward Dream Cruise Committee' coordinating the 2021 Cruisefest events for the City of Berkley.
Councilmember Blanchard moved to approve Resolution No. R-05-21
Seconded by Councilmember Price
Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack
Nays: None
Motion Approved.

**RESOLUTION NO. R-06-21:** Matter of extending R-20-20 for temporary outdoor dining/seating and outdoor sales and service areas and to allow temporary enclosures in the outdoor areas in response to COVID-19 closures and restrictions.
Councilmember Baker moved to approve Resolution No. R-06-21
Seconded by Councilmember Hennen
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

**RESOLUTION NO. R-07-21:** Matter of extending R-21-20 for temporary signage in response to COVID-19 restrictions.
Councilmember Gavin moved to approve Resolution No. R-07-21
Seconded by Councilmember Blanchard
Ayes: Price, Baker, Blanchard, Dean, Gavin, Hennen, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-10-21:** Matter of approving Special Land Use request SU-01-21 at 3445 Robina Ave. for office use in the Downtown District.
Mayor Pro Tem Dean moved to approve Motion No. M-10-21
Seconded by Councilmember Blanchard
Ayes: Baker, Blanchard, Dean, Gavin, Hennen, Price, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-11-21:** Matter of approving the appointments to various boards and commissions.
Councilmember Hennen moved to approve Motion No. M-11-21
Seconded by Councilmember Baker
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-12-21:** Matter of approving the Resolution for updated Poverty Exemption guidelines and establishing a revised application and review process.
Councilmember Gavin moved to approve Motion No. M-12-21
Seconded by Mayor Pro Tem Dean
Ayes: Dean, Gavin, Hennen, Price, Baker, Blanchard, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-13-21:** Matter of authorizing the City Manager to sign the Application for Additional Service Credit Purchase for Susan Reddin 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.
Councilmember Price moved to approve Motion No. M-13-21
Seconded by Councilmember Baker
Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-14-21:** Matter of authorizing the amendment of the 2020-2021 Budget as presented.
Councilmember Blanchard moved to approve Motion No. M-14-21
Seconded by Mayor Pro Tem Dean
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

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

There was no one present wishing to speak.

**COMMUNICATIONS**

**COUNCILMEMBER PRICE:** stated today marks the first day of the month that signifies a full year of the pandemic in our country and region. She thanked the city manager, department heads, and staff who innovated and adapted to provide essential services to residents and businesses and who met needs and challenges that we couldn’t have imagined a year ago. Councilmember Price said it is also fitting that today we recognize March as Women’s History Month. She said the pandemic and its disruptions to school routines, child care, and the economy have disproportionately impacted women, especially women of color. As stated in the proclamation approved this evening, she said we are urged to recommit to increasing our support and recognition of the contributions made by all women of our community. She stated specific contributions that this includes. She stated when we recognize, support, and uplift all women, everyone in our community wins.

**COUNCILMEMBER BLANCHARD:** stated the Berkley American Legion is having its annual fish fry which started two weeks ago. He stated carry out is available from 5-8 p.m. He said the call-in number is 248-591-9220 or people can come in and order and then wait for it there. He said they get the orders out very fast. He said it has been very popular and he hopes to see more people there next week. Councilmember Blanchard said as a reminder Council passed a Severe Weather Month Proclamation this evening. He said tornado season is coming and he wants everyone to be sure that you do take shelter
when it’s needed. Councilmember Blanchard said the Berkley Area Chamber of Commerce is actively working on the Berkley Art Bash and the Berkley Street Art Fest, both of which will be moved to later in the year. He said the Berkley Art Bash will be moved to September hopefully and the Berkley Street Art Fest will be moved to August if all goes well. He said the Chamber continues to plan these events and get things back to normal in the City.

COUNCILMEMBER BAKER: stated the Downtown Development Authority (DDA) continues to send out its best wishes to Executive Director Jennifer Finney and her family as they welcome their next generation of Berkley residents. He reminded everyone to save the date for the next Ladies Night Out theme in April titled, “Take Me Out to Berkley” on April 1st and April 2nd. He stated to visit downtownberkley.com to find out more information about all upcoming programs. Councilmember Baker said the Historical Committee received a large collection of children’s books and members are very excited to display those once the museum is able to open again. He said the Committee remains eager for more folks that are interested in history to join the team. He said no experience or prior knowledge is needed. He said only a friendly, positive attitude is needed and an eagerness to help and to learn and to share with others about Berkley’s history. Councilmember Baker said the Technology Advisory Committee met recently and spoke about the ways in which open data can be used to make Berkley even better. He said the cyber tip of the month from the Committee is when you surf the internet, don’t let a popup pop you in the kisser. He stated to be careful when clicking on anything that pops up if you didn’t request it and be cautious when clicking on any of those links. Councilmember Baker said it was Shelby Martin who once wrote, “Accountability requires mindfulness, acceptance, honesty, and courage.” He said shockinglly we see a terrible lack of accountability at the federal level and sadly at the state level. He said lets all be safe, be healthy, be honest and know that any society can only proceed as far as those who seek to undermine it if you will let it. He said here in Berkley, we are the City that cares, so please care about what you do, what you say, and who you are. He said we care about you and you matter to us, and you matter to me, and you matter to somebody else. He urges everyone to take care of themselves, be honest, and understand the world around us.

MAYOR PRO TEM DEAN: stated she has a lot on the Parks & Recreation front. She said the Department is hosting a Shamrock Hunt Wednesday, March 17th. She said participants can find shamrocks in all of our parks. She stated that senior transportation will resume the five-day-a-week schedule on March 15th and to call 248-658-3470 to schedule an appointment. She stated that Parks & Recreation asks for 48-hour-advance notice. She stated that the transportation service may be used to take you to your vaccination appointment. She stated that Parks & Recreation is hosting an outdoor Spring Fling dance on March 30th with a rain date of March 31st. She said the shindig will take place in the space behind the Community Center and registration for a time slot opened today and is required as are masks and distancing. She stated outdoor recreation programming will resume in April and to please check the website for those classes and registration information. She stated Parks & Recreation hopes to have information related to Summer Day Camp registration in maybe one to two weeks. She said she knows that will make a lot of parents happy. She said to check the website, Department Facebook page or call the Community Center for more information.

COUNCILMEMBER HENNE: stated the Zoning Board of Appeals (ZBA) met to consider allowing the placement of a generator in a side yard. He stated because the City’s new law considering generator placement does not go into effect until another 30 days from tonight, the ZBA had to work under existing law. He said the Board ruled in the past that generators should be considered an accessory structure. He said the Board upheld that interpretation and then ruled to deny the variance based on that. He said the ruling is consistent with what our new law would have dictated. He said despite that, there is going to be another case for a side-yard generator at the ZBA a week from today on March 8th. He said he guesses people are trying to get these requests in right under the deadline. He said the ZBA will also consider a lot split on Robina. He said normally lot splits are approved administratively, but this one is going to the ZBA since they are making a request for a smaller lot than zoning normally allows. Councilmember Hennen said the Tree Board didn’t meet last month, but will meet also on Monday the 8th. He welcomed the newest member of the Tree Board, Michael Leneway.
COUNCILMEMBER GAVIN: stated the Planning Commission discussed the special land use that came before Council tonight. He said there is a work session tomorrow at 7 p.m. to discuss the topics that were discussed at the last Master Plan Steering Committee (MPSC) meeting. He stated the next regular Planning Commission meeting will take place 7 p.m. March 23rd. Councilmember Gavin said the MPSC will host an upcoming Community Open House as well as a survey that is now open for residents to give their feedback. He said to visit Berkleymich.org and look for the Master Plan prompt at the top of the page to watch some great videos on housing and corridors; take the survey; and register for the upcoming open house on March 25th at 7 p.m. He said the next MPSC meeting will take place 7 p.m. March 16th. Councilmember Gavin said the Environmental Advisory Committee (EAC) didn’t meet last month, but will meet 6:30 p.m. March 18th.

CITY MANAGER BAUMGARTEN: stated we are getting back into our regular schedule again and will be meeting every two weeks with the next meeting scheduled for March 15th. He said that meeting will be followed by two meetings in April on the 5th and the 19th. He said that will carry us into May as well and he is looking forward to getting into some more manageable agendas. He apologized to Council for the lengthy agenda this evening, but said it is great to see all of the progress and momentum that was achieved tonight. He thanked staff members for their guidance.

ATTORNEY STARAN: stated despite casting a very broad net of inquiries and feelers to his usual trusty sources, he is getting very little news or feedback from what is going on in Lansing in terms of whether the State Legislature will be taking up extending the authorization for municipalities to hold electronic meetings. He stated we are meeting in the Zoom format tonight as we have for nearly a year now and as the Council knows, that authorization is set to sunset and expire on March 31st. He said that would mean unless things change, we will have one more meeting in this format before we would be required to go back to in-person meetings. He said there was an expectation from what he hears from the folks at Michigan Municipal League that the State Legislature would take this up. He is also told that there has been considerably more push back from State legislators this time around to extend things further. He said to stay tuned and he wished he had something more definitive to share.

Councilmember Baker moved to suspend the rules to go beyond the 10 p.m. meeting deadline Seconded by Councilmember Gavin
Ayes: Baker, Blanchard, Dean, Gavin, Hennen, Price, and Terbrack
Nays: None

Attorney Staran said his second topic pertains to marijuana. He said as Council is well aware, in November 2018, the Michigan Electorate approved and passed the Michigan Marihuana Taxation of Marihuana Act. He said shortly after that passed, the State, through the Marihuana Regulatory Agency, did adopt a rule that for at least the first two years, it was only going to issue Marihuana Business Licenses to applicants who already had Medical Marihuana Licensures. He stated someone who wanted to get into the adult use or recreational marihuana business were only going to be able to do that if they already had medical marihuana license approval. He said that narrowed the field considerably, although as we know, people come up with creative ways to fulfill that criteria. He said the reason he is bringing this up now is because consistent with that State law, our local ordinance also required that as an application requirement, one would have to have that Medical Marihuana Licensure in order to be eligible. He stated the Marihuana Regulatory Agency has announced that effective today, that rule is no longer in effect and they will now allow applicants to apply for licenses for adult use marihuana even if they do not have that Medical Marihuana Licensure. He stated that doesn’t really affect us right now because we have our system in place, but for pending litigation, we would be moving forward with that and we’re still one or more judicial rulings away from getting through that litigation. He stated he brings that to Council’s attention because as we go ahead in the future, and if we decide to reopen the field for additional licenses in Berkley, the rules have changed a little bit and we may need to look at our ordinance in that regard.

MAYOR TERBRACK: stated that tonight council members covered everything that he wanted to address. Mayor Terbrack said rather than going on some sort of soliloquy just to hear himself speak, he instead thanked the members of Council for their thoughtful communication covering some very important topics based not only in the community, but also in the country and nation at large.
ADJOURNMENT
Mayor Pro Tem Dean moved to adjourn the Regular Meeting at 10:05 p.m.
Seconded by Councilmember Blanchard
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.