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, JUNE 21, 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 Hennen moved to approve the Agenda
Seconded by Councilmember Blanchard
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.

INVOCATION: Berkley Public Safety Chaplain Jim Smith

PUBLIC COMMENT – ITEMS ON THE AGENDA

Phil O’Dwyer, Berkley, thanked the mayor, city council, and city administration for honoring Reverend Peter Moore of Greenfield Presbyterian Church. He talked about how he has been a great figure for the community. He said Rev. Moore made his church a welcoming place and was also known for his dedication to the poor. Mr. O’Dwyer said he finds it fitting that the Council recognizes his retirement and wishes him well.

Consent Agenda

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

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 38th Regular City Council Meeting on Monday, June 7, 2021.

RESOLUTION NO. R-23-21: Matter of celebrating the retirement of Greenfield Presbyterian Church Reverend Peter Moore.


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

Regular Agenda
**RESOLUTION NO. R-24-21:** Matter of recognizing the outgoing Berkley School District Superintendent Dennis McDavid.
Councilmember Blanchard moved to approve Resolution No. R-24-21
Seconded by Councilmember Price
Ayes: 
Nays:

**MOTION NO. M-30-21:** Matter of approving the appointments to various boards and commissions.
Councilmember Baker moved to approve Motion No. M-30-21
Seconded by Councilmember Gavin
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-31-21:** Matter of receiving and filing the Berkley Department of Public Safety 2020 Annual Report.
Councilmember Blanchard moved to approve Motion No. M-31-21
Seconded by Councilmember Hennen
Ayes: Price, Baker, Blanchard, Dean, Gavin, Hennen, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-32-21:** Matter of approving the purchase of the remainder of the P25 Radio System Equipment from ComSource, Inc., 41271 Concept Dr., Plymouth, MI 48170 at a price not to exceed $50,033.15 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 Blanchard moved to approve Motion No. M-32-21
Seconded by Councilmember Gavin
Ayes: Baker, Blanchard, Dean, Gavin, Hennen, Price, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-33-21:** Matter of approving the purchase of two 2021 Ford Police Interceptor Utility AWD marked police vehicles for $74,852 ($37,426 each) and two 2021 Ford F150 Super Crew 4x4 Police Responder unmarked police vehicles for $74,886 ($37,443 each) for the Department of Public Safety from Signature Ford, 1960 East Main Street, Owosso, MI 48867 at a total cost of $149,738 from the Vehicles Account 101-310-985-000.
Councilmember Blanchard moved to approve Motion No. M-33-21
Seconded by Councilmember Baker
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.

**ORDINANCE NO. O-06-21:** Matter of considering the First Reading of an Ordinance of the Council of the City of Berkley, Michigan to Amend Division 4 of Article VIII of Chapter 82, Offenses and Miscellaneous Provisions, of the City of Berkley Code of Ordinances to Prohibit the Possession and Use of Cigarettes, Tobacco, and Nicotine Products to Persons Under the Age of 21, and the Sale, Giving, or Furnishing of Cigarettes, Tobacco, and Nicotine Products, Including Electronic Cigarettes, to Persons Under the Age of 21, and to Prescribe Penalties for Violations.
Councilmember Gavin moved to approve Ordinance No. O-06-21
Seconded by Councilmember Price
Ayes: Dean, Gavin, Hennen, Price, Baker, Blanchard, and Terbrack
Nays: None
Motion Approved.
MOTION NO. M-34-21: Matter of approving the purchase of a Variable Message Board Sign and a Compact Light Tower at a total cost of $24,360 from Truck & Trailer Specialties utilizing the MITN Cooperative Bid.
Mayor Pro Tem Dean moved to approve Motion No. M-34-21
Seconded by Councilmember Blanchard
Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack
Nays: None
Motion Approved.

MOTION NO. M-35-21: Matter of approving the purchase of a 2021 Ford Transit Cargo Van with Buildout at a total cost of $70,265 from Signature Ford and Truck & Trailer Specialties utilizing the Macomb County and MITN Cooperative Bids.
Councilmember Price moved to approve Motion No. M-35-21
Seconded by Councilmember Blanchard
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

MOTION NO. M-36-21: Matter of appointing the Public Works Director, Derrick Schueller, as the City of Berkley’s representative and the City Manager, Matthew Baumgarten, as the alternate representative to the Southeastern Oakland County Resource Recovery Authority (SOCRA) Board of Trustees for the fiscal year beginning July 1, 2021; and instruct the City Clerk to send a copy of this motion to the SOCRA Board.
Councilmember Gavin moved to approve Motion No. M-36-21
Seconded by Councilmember Hennen
Ayes: Price, Baker, Blanchard, Dean, Gavin, Hennen, and Terbrack
Nays: None
Motion Approved.

MOTION NO. M-37-21: Matter of appointing the Berkley Public Works Director, Derrick Schueller, as the City of Berkley’s representative and the City Manager, Matthew Baumgarten, as the alternate representative to the Southeastern Oakland County Water Authority (SOCWA) Board of Trustees for the fiscal year beginning July 1, 2021; and instruct the City Clerk to send a copy of this motion to the SOCWA Board.
Mayor Pro Tem Dean moved to approve Motion No. M-37-21
Seconded by Councilmember Hennen
Ayes: Baker, Blanchard, Dean, Gavin, Hennen, Price, and Terbrack
Nays: None
Motion Approved.

MOTION NO. M-38-21: Matter of appointing the Chief Innovation Officer, Stan Lisica, as the City of Berkley’s representative and the City Manager, Matthew Baumgarten, as the alternate representative to the Intergovernmental Cable Communications Authority (ICCA) Board for the fiscal year beginning July 1, 2021; and instruct the City Clerk to send a copy of this motion to the ICCA Board.
Councilmember Blanchard moved to approve Motion No. M-38-21
Seconded by Councilmember Price
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.

MOTION NO. M-39-21: Matter of appointing the Community Engagement Officer, Torri Mathes, as the City of Berkley’s representative to the Community Media Network Public Access TV (CMNtv) Board of Trustees for the fiscal year beginning July 1, 2021; and to instruct the City Clerk to send a copy of this motion to the CMNtv Board.
Councilmember Hennen moved to approve Motion No. M-39-21
RESOLUTION NO. R-22-21: Matter of approving the Consent Judgment in settlement of the lawsuit, Giarmarco v Berkley, Oakland County Circuit Court Case no. 2021-187187-AA.
Councilmember Price moved to approve Resolution No. R-22-21
Seconded by Councilmember Blanchard
Ayes: Gavin, Price, Baker, Blanchard, Dean, and Terbrack
Nays: Hennen
Motion Approved.

MOTION NO. M-40-21: Matter of authorizing the City Manager to sign the Application for Additional Service Credit Purchase for Shawn Young 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-40-21
Seconded by Councilmember Blanchard
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

MOTION NO. M-41-21: Matter of Authorizing the amendment of the 2020-2021 Budget as presented.
Councilmember Baker moved to approve Motion No. M-41-21
Seconded by Mayor Pro Tem Dean
Ayes: Price, Baker, Blanchard, Dean, Gavin, Hennen, and Terbrack
Nays: None
Motion Approved.

PUBLIC COMMENT – ITEMS NOT ON THE AGENDA

There was no one present wishing to speak.

COMMUNICATIONS

COUNCILMEMBER BAKER: stated that the Downtown Development Authority (DDA) recently met on June 9th and the current Executive Director is stepping down. He said a search is happening now to find a replacement. He stated the DDA is still trying to seek guidance for its design guidelines. He mentioned the City's downtown website, www.downtownberkley.org and encouraged people to visit it to find out about upcoming events. He said two upcoming events include the Berkley Street Art Fest on Saturday, Aug. 7th and the Berkley Art Bash on Saturday, Sept. 11th. Councilmember Baker stated the Historical Museum opened back up to the public last week. He said the Historical Committee will be selling more Berkley street signs at the museum once they become available. He said the Historical Committee is looking into and starting to move forward with being able to take credit cards as a form of payment for future museum souvenirs that will go on sale. Councilmember Baker stated the Technology Advisory Committee met last week on Wednesday, June16th. He said there was discussion that the City’s website will be able to become a secure website at some point in the future. He said the Committee is waiting to hear updates about the Alexa Skill the Committee had started working on a while ago. He said once available to residents it could give information about upcoming events in the City. Councilmember Baker shared a cyber tip in regards to keeping your credit information safe. He said there are apps from the major credit bureaus that provide the
ability to keep your credit information locked and unlocked when needed. Councilmember Baker quoted Dr. Christopher Avery’s book, *Teamwork is an Individual Skill*, “Trust is the residue of promises kept.” He emphasized the importance of when making commitments to others - after making sure that communication is clear between you and the other person - you must follow through with matters. Councilmember Baker praised Berkley for the high COVID-19 vaccination rates.

**COUNCILMEMBER PRICE:** stated starting tomorrow the Berkley Public Library will no longer have time-limited visits. She added as of today at the library, seating, computers, and newspapers will be available for use once again. She said the expanded library hours will begin on Tuesday, July 6th. Councilmember Price said the Citizens Engagement Advisory Committee (CEAC) is currently highlighting resources for LBGTQIA+ residents on its Berkley community resources Facebook page. She congratulated the CEAC new appointees whom include Sandy Fisher, Brandon Moss, and Katie Ware. She said the Committee’s next meeting is 7 p.m. Wednesday, July 14th. Councilmember Price thanked everyone that participated in the City’s Annual Tree Walk. She said free tree planting applications were distributed to eligible homes and if anyone is interested in the program, please visit the Berkley Department of Public Works website. Councilmember Price said she looks forward to seeing everyone in person for the City Council meeting in July.

**COUNCILMEMBER BLANCHARD:** stated the Berkley Art Bash and the Berkley Street Art Fest are quickly approaching. Councilmember Blanchard discussed firework safety points as The 4th of July holiday would take place before the next meeting. He read a list of safety tips for properly handling fireworks. Councilmember Blanchard quoted Eric Wittager, “Emergency preparedness is a team sport.”

**MAYOR PRO TEM DEAN:** congratulated Mr. Petrosky who was just appointed to the Planning Commission and was also present at the meeting. Mayor Pro Tem Dean stated the newly named and updated Oxford Park grand reopening took place on June 11th. She recognized Parks and Recreation Director Theresa McArleton and her staff for all of their hard work. She said that today is the first day of Summer Camp for the Parks and Recreation Department and everyone is excited to attend again. She announced the Community Center is now open for senior programming and indoor rental space is available as well. She said there is still space available for second session summer programs and specialty camps. She directed everyone to either visit the Parks and Recreation website or go to the Community Center for more information and to sign up. Mayor Pro Tem Dean stated 7 p.m. June 22nd is the outdoor movie in the park event through the Parks and Recreation Department. She said it will take place on the Community Center lawn. She said there will be more summer events coming at the end of July and August.

**COUNCILMEMBER HENNEN:** stated there are no new updates for Zoning Board of Appeals (ZBA). He said if the ZBA does have a case, the next meeting would be 7 p.m. Monday, July 12th in person. Councilmember Hennen stated that the City’s tree planting program as of Sunday, had 316 requests for trees and there are only 250 available this year. He did mention that anyone still interested can be put on a waiting list since it does roll onto the next year’s tree planting program. He said the next meeting for the Tree Board will be on Monday, July 12th. Councilmember Hennen shared some vaccination data from Michigan Department of Health and Human Services. He said as of May 22nd, 75 percent of Berkley adults started their COVID-19 vaccinations and 68 percent have completed them. He was pleased to see the percentage so high in Berkley and encourages people who have yet to be vaccinated to receive their shots as soon as possible to help stop community spread and protect people who are either unable to be vaccinated or people that are too young.

**COUNCILMEMBER GAVIN:** stated the next Planning Commission meeting will take place Tuesday, June 22nd. He said the Environmental Advisory Committee (EAC) did not meet in June, but will meet next month at 6:30 p.m. on Thursday, July 15th. Councilmember Gavin said the Master Plan Steering Committee (MPSC) met last week and will be presenting their Master Plan draft for feedback to the Planning Commission during the June 22nd meeting. He said the next MPSC meeting is scheduled for 7 p.m. Tuesday, July 20th. Councilmember Gavin welcomed Reid Klintworth to the EAC and Dan Petrosky to the Planning Commission along with everyone else recently appointed to boards and commissions.
CITY MANAGER BAUMGARTEN: stated the Master Plan is making a lot of progress. He stated that if residents want more information about the Master Plan, they can visit the City’s website at www.berkleymich.org. He thanked everyone that has been a part of the master planning process including providing input and executing the final plan. City Manager Baumgarten discussed Coolidge Highway and the project that is taking place there. He stated data is being gathered along with input from the Coolidge Highway stakeholders. He said the project will be moving forward and is no longer stagnant. City Manager Baumgarten complimented the Parks and Recreation Department for the Oxford Park splash pad grand opening and also for the summer camp that they run.

ATTORNEY STARAN: announced that the Michigan Department of Health and Human Services Emergency COVID-19 Order regarding face masks and gathering restrictions will expire midnight Tuesday, June 22nd. Attorney Staran discussed the laws regarding purchasing and letting off fireworks for The 4th of July holiday. He said Michigan does allow the purchases of fireworks, but it is only lawful to discharge them starting Tuesday, June 29th through Sunday, July 4th for the year 2021. He said the State Law also says that fireworks may only be discharged until 11:45 pm each night during the previously stated dates. He stated that fireworks may only be discharged on private property with the permission of the owner and to also be aware of your surrounding neighbors who may be sensitive to loud noises.

MAYOR TERBRACK: recognized Resolution R-23-21 for the retirement of Reverend Peter Moore from Greenfield Presbyterian Church. He said Reverend Moore was an integral part of the community through his dedicated to not only serving those in need, but also the community as a whole for more than 30 years. Mayor Terbrack congratulated the Berkley Dad’s Club and the Berkley Cubs travel teams for the 16th Annual Berkley Summer Classics Tournament. He also recognized how the teams in the baseball tournament show respect and good sportsmanship during the tournament which in return shines a positive light on the City. Mayor Terbrack wished his wife Jacqueline a Happy 18th Wedding Anniversary.

CLOSED SESSION: Matter of considering whether to meet in Closed Session for the purpose of discussing labor negotiations.
Councilmember Hennen moved to meet in Closed Session
Seconded by Councilmember Baker
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, 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 9:26 p.m. on Monday, June 21, 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

Councilmember Baker moved to suspend the rules to go beyond the 10 p.m. meeting deadline
Seconded by Mayor Pro Tem Dean
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.
Councilmember Blanchard moved to adjourn the Closed Session at 10:18 p.m.
Seconded by Councilmember Hennen
Ayes: Dean, Gavin, Hennen, Price, Baker, Blanchard, and Terbrack
Nays: None
Motion Approved.

The electronic Regular Meeting of the thirty-eighth Council of the City of Berkley, Michigan was called back to order at 10:21 p.m. on Monday, June 21, 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

ADJOURNMENT
Councilmember Baker moved to adjourn the Regular Meeting at 10:21 p.m.
Seconded by Councilmember Hennen
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.