THE REGULAR MEETING OF THE THIRTY-EIGHTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, SEPTEMBER 20, 2021 BY MAYOR TERBRACK

PRESENT: Steve Baker Jack Blanchard
Bridget Dean Ross Gavin
Dennis Hennen Natalie Price
Daniel Terbrack

APPROVAL OF AGENDA
Councilmember Baker moved to approve the Agenda with an amendment to remove item eight and move the subsequent items up.
Seconded by Councilmember Gavin
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.

INVOCATION: Pastor Adam Groh

PUBLIC COMMENT
Sue Richardson and Jeff Tong, from the Berkley Historical Committee, announced the first issue of the newsletter, “The Museum Corner.” Ms. Richardson recognized Don Callahan, a volunteer who offered to help start publishing the newsletter and also Communications Engagement Officer, Torri Mathes, for giving them great advice. Ms. Richardson stated the publication is a quarterly newsletter and copies are currently available at the City Clerk’s Office, the library, and the museum. There will be digital copies available in the future.

Liz Petry, Berkley resident, commented about the launch of the Berkley Cares Food Pantry. She stated there is an event to help with food pantry donations on Saturday, October 2nd. She stated the food pantry’s email is Berkleycaresfoodpantry@gmail.com and the mailing address is P.O. Box 5012 Berkley, MI 48072. Monetary donations may be made online or by mailing them in as well.

Gabrielle Sweda, Berkley resident, voiced her concerns regarding the demolished lot and zoned parking sight across the street from her home as well as the lack of ordinances being enforced, the February 2020 consent judgment, and the restated and amended collaboration agreement between the City, Vinsetta Garage, and Lugo. She also presented a petition signed by her neighbors requesting what they want from the City regarding this matter.

Paul Jordan, Berkley resident, submitted an email stating:

1. He does not support tax abatements, breaks for 2219 Coolidge, LLC
2. He asked if we went through rebranding a few years ago?
3. He expressed concern over the contents of the subsection, “research” under the heading, “Branding Outcomes” in regards to agenda item three. More specifically, mentions of the word, “logo.”

Consent Agenda
Councilmember Blanchard moved to approve the following Consent Agenda, seconded by Mayor Pro Tem Dean
APPROVAL OF THE MINUTES: Matter of approving the minutes of the 38th Regular City Council Meeting on Monday, August 9, 2021.

WARRANT: Matter of approving Warrant No. 1366.

PROCLAMATION NO. P-24-21: Matter of proclaiming September 2021 as National Suicide Prevention Month.


PROCLAMATION NO. P-26-21: Matter of proclaiming September 2021 as Childhood Cancer Awareness Month.


PROCLAMATION NO. P-28-21: Matter of proclaiming September 15-October 15, 2021, as Hispanic Heritage Month.

PROCLAMATION NO. P-29-21: Matter of proclaiming October 2021 as Berkley Area Chamber of Commerce Month.

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

Regular Agenda

PRESENTATION: Matter of receiving a presentation from Senator Mallory Mc Morrow’s office.

Liz Trombley, from Senator Mallory Mc Morrow’s office, provided updates about a few items that were happening in the Michigan Legislature. She mentioned it is budget season and the House will have a final budget either tomorrow or Wednesday. She also stated that Senator Mc Morrow and some of her House colleagues are working on a package regarding maternity leave and family leave policies.

Mayor Terbrack asked Council if there were any questions or comments for Ms. Trombley to take back to Senator Mc Morrow.

Councilmember Baker thanked Ms. Trombley and Senator Mc Morrow for all of the terrific work they do. He also asked about the budget and if there was anything Ms. Trombley could highlight so they could look out for it in the months and years ahead.

Ms. Trombley said that unfortunately the budget has not been passed out of the conference committees yet so she would be unable to share anything at this point in time.

Councilmember Baker thanked Ms. Trombley and was eager to hear what would be coming in the future budget once it is presented and passed.

Mayor Terbrack mentioned that while they were on the topic of the budget, he wanted to pass along to the Senator an increasing or continuation of regional infrastructure allocations to local governments. He stated this is something that municipalities cannot do on their own and they need the help of the leadership from the Senator and the State so they are able to take care of their residents. He thanked
Ms. Trombley for her updates and stated he looks forward to hearing about the upcoming budget that would be passed.

**MOTION NO. M-50-21:** Matter of authorizing the City Manager to enter into a Professional Services Agreement with Hadroust LLC of Ferndale, Michigan to perform branding and website development services not to exceed $25,000 for year one and $4,340 annually for maintenance for subsequent years. This expenditure will be charged to account number 101-750-814-000.
Councilmember Price moved to approve Motion No. M-50-21
Seconded by Mayor Pro Tem Dean
Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack
Nays: None
Motion Approved.

**RESOLUTION NO. R-29-21:** Matter of approving an application for transfer of an on-premise Class C liquor license for The Wedding Shoppe, Inc., 2186 Coolidge Highway, Berkley, MI.
Mayor Pro Tem Dean moved to approve Resolution No. R-29-21
Seconded by Mayor Pro Tem Dean
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-51-21:** Matter of approving a Downtown Development Authority (DDA) event “Boo!kley Monster Mash” on Dorothea between Coolidge Highway and the alley on Saturday, October 30, 2021 from 2 PM to 6 PM. Approval is conditional upon the submission of required items and documents prior to event dates.
Councilmember Baker moved to approve Motion No. M-51-21
Seconded by Mayor Pro Tem Dean
Ayes: Price, Baker, Blanchard, Dean, Gavin, Hennen, and Terbrack
Nays: None
Motion Approved.

**RESOLUTION NO. R-30-21:** Matter of considering a resolution for participation in the 2021 Oakland County Street Tree Enhancement Match Grant Program (OAKSTEM).
Councilmember Hennen moved to approve Resolution No. R-30-21
Seconded by Councilmember Gavin
Ayes: Baker, Blanchard, Dean, Gavin, Hennen, Price, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-52-21:** Matter of approving the purchase of a 2022 Tandem Axle Dump Truck with Bodies at a total cost of $255,142 from Wolverine Freightliner and Truck & Trailer Specialties, Inc. utilizing the MITN Cooperative Bid Contract.
Councilmember Blanchard moved to approve Motion No. M-52-21
Seconded by Councilmember Price
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.

**ORDINANCE NO. O-07-21:** Matter of considering a First Reading of an Ordinance to amend Section 138-192 Projections, in order to provide clarity on permitted projections into setback area on residential properties.
Councilmember Gavin moved to approve Ordinance No. O-07-21
Seconded by Councilmember Hennen
Ayes: Dean, Gavin, Hennen, Price, Baker, Blanchard and Terbrack
Nays: None
Motion Approved.
ORDINANCE NO. O-08-21: Matter of considering a First Reading of an Ordinance to amend Section 138-32, Definitions, and Section 138-417, Principal Permitted Uses, in relation to expanding the permitted uses to permit Entertainment Establishments in the Downtown District and adding a definition of Entertainment Establishments.
Councilmember Baker moved to approve Ordinance No. O-08-21
Seconded by Councilmember Blanchard
Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean and Terbrack
Nays: None
Motion Approved.

MOTION NO. M-53-21: Matter of authorizing the City Manager to sign the Application for Corrective Action Plan (CAP) for the City of Berkley General Employees Defined Benefit Pension Plan. The signed CAP will be forwarded to the Michigan Department of Treasury Municipal Stability Board for review and decision on approval.
Councilmember Gavin moved to approve Motion No. M-53-21
Seconded by Mayor Pro Tem Dean
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin and Terbrack
Nays: None
Motion Approved.

MOTION NO. M-54-21: Matter of authorizing the amendment of the 2021-2022 Budget as presented.
Councilmember Baker moved to approve Motion No. M-54-21
Seconded by Councilmember Price
Ayes: Price, Baker, Blanchard, Dean, Gavin, Hennen and Terbrack
Nays: None
Motion Approved.

COMMUNICATIONS

COUNCILMEMBER BAKER: stated that the Downtown Development Authority (DDA) met on Wednesday, September 8th. He encourages everyone to visit downtownBerkley.com to see a list of upcoming events in the City. He stated the Historical Committee met last Monday on September 13th and mentioned the Historical Museum’s newsletter called, “The Museum Corner.” He stated the Technology Advisory Committee will meet Wednesday, October 20th. He stated he is happy to announce that the City’s website is officially secure. He talked about the Alexa Skill application that still appears to be a work in progress. He quoted Stan Lee, “Comic books for me are like fairy tales for grown-ups.” He talked about Berkley High School Alum Jim Starlin, Class of 1967. He stated Mr. Starlin created various comic book characters that have become well known today. He finally stated that this example of what Mr. Starlin has done shows that you should follow your dreams.

COUNCILMEMBER PRICE: Announced that the COVID-19 vaccine for elementary-aged children now works, and the process for FDA approval can now begin and it is not widely available for young children yet.

COUNCILMEMBER PRICE: announced that the COVID-19 vaccine is now available for elementary-age children. She stated she is happy about all the precautionary measures for COVID-19 taking place throughout the Berkley schools and city buildings. She stated the library will host in-person story time under the pavilion at Jaycee Park throughout the month of October. She said anyone interested may visit the library’s website for more information. She said the library is also hosting Zoom book club meetings and presentations. She said registration may take place through the library’s website or by calling the library. She stated the library’s hours have now officially returned to pre-pandemic schedule. The hours are Monday-Thursday 10:00 am
– 8:00 pm, Friday, 10:00 am – 6:00 pm, and Saturday 10:00 am – 3:00 pm. She thanked the library director and staff for everything they have done to keep everyone safe.

**MAYOR PRO TEM BLANCHARD:** stated the Lids for Kids and Public Safety Open House will take place 10:00 am – 2:00 pm Saturday, September 25th at the Berkley Public Safety Building. He presented some books and materials that will be distributed to the children at the events. Finally, he quoted Steven Cyros, “Remember when disaster has struck the time to prepare has passed.”

**MAYOR PRO TEM DEAN:** stated that October is National Domestic Violence Awareness Month and the City of Southfield is having a walk to raise awareness on Sunday, October 3rd from 11:00 am – 2:00 pm. It will take place at the Southfield Municipal Campus with registration beforehand. She stated the Parks and Recreation Department is having an event called Parks and Pumpkins on Thursday, October 7th from 3:30 – 5:00 pm at Community park. Registration is required by October 1st by visiting recreation.berkleymich.org. She stated Parks and Recreation is having the Tale on the Trail event on October 21st and there are multiple time slots available starting at 6:00 pm. The event has limited space and preregistration is required. She stated Boo! Fest will take place Monday, October 25th and the Parks & Recreation event will include pumpkin decorating, spider maze, trunk or treating, and more. The event runs from 4:30 – 6:30 pm and registration begins on September 27th. She said the M Parks Foundation is hosting a virtual 5K throughout the month of September to raise money for local recreation and park opportunities. The 5K may be completed in various ways and half of the registration money goes back to your community. She stated to check out the Parks and Recreation Department for various senior and adult activities that are going on as well.

**COUNCILMEMBER HENNEN:** stated that the Zoning Board of Appeals (ZBA) last met in August. He said during the last meeting, the ZBA approved an addition to a home after the property owner scaled back on his original request. He stated there were no additional cases for the ZBA in September and there will be no cases in October. He stated the Tree Board is thrilled to learn that a second tree grant will be given to the City that was accomplished with their help. He mentioned the Tree Board discussed its communications plan to educate the public to help take care and protect city trees. He said the Tree Board looked at tracking tribute trees as well as reviewed its mission and vision statements for the future. He said the Tree Board’s next scheduled meeting is Monday, November 8th.

**COUNCILMEMBER GAVIN:** stated the Planning Commission (PC) met last month and a lot of what was discussed took place during the City Council meeting. He stated the PC’s next meeting is Tuesday, September 28th at 7:00 pm. He stated the Environmental Advisory Committee (EAC) met and discussed where green infrastructure efforts where at, what a sustainability and green infrastructure plan might look like, and how to get the process started. He said the next meeting for the EAC is on Thursday, November 18th at 6:30 pm.

**CITY MANAGER BAUMGARTEN:** stated the Berkley Plaza construction has begun. The Berkley Plaza is a partnership between the DDA, the Berkley School District, and the City. He thanked the school district for having a major part in this construction project. He reminded everyone that September 23rd is the last day to submit your thoughts regarding the Master Plan and they may be submitted at any one of the City buildings. He stated DTE Energy is looking to enhance its tree trimming program with the ultimate goal that it will help significantly reduce the number of power outages occurring during storms.

**CITY CLERK MITCHELL:** stated that absentee ballots for the November 2, 2021 election would start being mailed out on Thursday, September 23rd and would also be available to the public as well. She said anyone with questions about obtaining an absentee ballot can call (248) 658-3310 or send an email to clerk@berkleymich.net. She stated that all election related updates and services may be found by visiting berkleymich.org/vote.

**ATTORNEY STARAN:** stated the City just completed four half days of hearings for marihuana business license appeals. He stated there were some good appeal cases that were made and the hearing officer
will have his report and recommendations done by the end of the month. He anticipates Council will receive the three marihuana businesses’ information at a meeting next month.

**MAYOR TERBRACK**: apologized and recognized some of the technical difficulties during the meeting and will see that they get taken care of. He stated he and the City Manager met with Congressmen Andy Levin along with some of their peers to discuss important topics. He said one of the topics that is especially important is infrastructure. He stated another topic that was of great concern during the meeting was that COVID-19 cases are on the rise. He encourages everyone to do what they need to do to stay safe. He congratulated Parks and Recreation Director Theresa McArleton for her induction into the Albion Briton Hall of Fame Class of 2021. He stated she is being recognized for her achievements when she played soccer at Albion College.

**ADJOURNMENT**
Mayor Pro Tem Dean moved to adjourn the Regular Meeting at 8:52 p.m.
Seconded by Councilmember Blanchard
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, Terbrack
Nays: None
Motion Approved.