CALL 38th COUNCIL TO ORDER
APPROVAL OF AGENDA
INVOCATION — PASTOR RACHAEL DUNLAP
PLEDGE OF ALLEGIANCE
PUBLIC COMMENT — ITEMS ON THE AGENDA
ORDER OF BUSINESS

Consent Agenda

1. **APPROVAL OF THE MINUTES:** Matter of approving the minutes of the 38th Regular City Council Meeting on Monday, April 19, 2021.

2. **ORDINANCE NO. O-04-21:** Matter of considering the Second Reading and Adoption of an Ordinance of the City Council of the City of Berkley, Michigan to Amend Section 42-77 of Chapter 42 Downtown Development to Correct the Expiration Date of the Tax Increment Financing Plan.

Regular Agenda

1. **RESOLUTION NO. R-12-21:** Matter of authorizing the reimbursement of certain permit fees related to the installation of Backwater Check Valve Systems.

PUBLIC COMMENT — ITEMS NOT ON THE AGENDA

COMMUNICATIONS

2. **CLOSED SESSION:** Matter of considering whether to meet in Closed Session with the City’s Attorneys to discuss confidential attorney/client privileged communications.

ADJOURN


The City of Berkley is hosting electronic meetings in cooperation with the Michigan Open Meetings Act, as amended. Anyone wishing to submit correspondence for inclusion during the meeting may send an email to clerk@berkleymich.net or call 248-658-3310. The City of Berkley will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting upon four working days’ notice to the City. Individuals with disabilities requiring auxiliary aids or services should contact the City by writing or calling: Victoria Mitchell, ADA Contact, Berkley City Hall, 3338 Coolidge Highway, Berkley, MI 48072 (1-248-658-3310).
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 19, 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: Pastor Zack Dunlap

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

Consent Agenda
Councilmember Baker 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, April 5, 2021.

WARRANT: Matter of approving Warrant No. 1361.

RESOLUTION NO. R-10-21: Matter of approving the 2021 Summer Maintenance Agreement between the Road Commission for Oakland County and the City of Berkley. The City will be reimbursed a total of $1,680 which will be paid in two installments, $1,092 due in September 2021 and $588 due upon completion of last maintenance activity.

PROCLAMATION P-10-21: Matter of proclaiming May 2021 as Berkley History Month.

PROCLAMATION P-11-21: Matter of proclaiming May 2021 as Motorcycle Awareness Month.

PROCLAMATION P-12-21: Matter of proclaiming May 2021 as Mental Health Awareness Month.


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

Regular Agenda

**MOTION NO. M-23-21:** Matter of approving the purchase of one TPE-5600-ED-TS Adjustable Height Cabinet Tenprint and Palm LiveScan device from Idemia, 5515 E. La Palma Ave, Suite 100, Anaheim, CA 92807 at a cost of $16,712 from the Equipment Account No. 101-310-982-000.
Councilmember Blanchard moved to approve Motion No. M-23-21
Seconded by Councilmember Price
Ayes: Gavin, Hennen, Price, Baker, Blanchard, Dean, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-24-21:** Matter of authorizing Hubbell, Roth & Clark (HRC) for professional engineering services to conduct the Phase II Sign Recommendations at a cost not to exceed $63,100 ($18,000 from the Street Signs – Contractual Services [Major] Account No. 202-475-818-000 and $45,100 from the Street Signs – Contractual Services [Local] Account No. 203-475-818-000).
Councilmember Gavin moved to approve Motion No. M-24-21
Seconded by Mayor Pro Tem Dean
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

**ORDINANCE NO. O-04-21:** Matter of considering the First Reading of an Ordinance of the City Council of the City of Berkley, Michigan to Amend Section 42-77 of Chapter 42 Downtown Development to Correct the Expiration Date of the Tax Increment Financing Plan.
Councilmember Baker moved to approve Ordinance No. O-04-21
Seconded by Councilmember Gavin
Ayes: Price, Baker, Blanchard, Dean, Gavin, Hennen, and Terbrack
Nays: None
Motion Approved.

**RESOLUTION NO. R-11-21:** Matter of authorizing publication of a notice of public hearing to be held May 17, 2021 regarding the proposed operating budget for the City of Berkley, Michigan for fiscal year 2021-2022.
Councilmember Blanchard moved to approve Resolution No. R-11-21
Seconded by Councilmember Price
Ayes: Baker, Blanchard, Dean, Gavin, Hennen, Price, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-25-21:** Matter of authorizing the City Manager to sign the Application for Additional Service Credit Purchase for Janis Laity 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.
Mayor Pro Tem Dean moved to approve Motion No. M-25-21
Seconded by Councilmember Blanchard
Ayes: Blanchard, Dean, Gavin, Hennen, Price, Baker, and Terbrack
Nays: None
Motion Approved.

**MOTION NO. M-26-21:** Matter of Authorizing the amendment of the 2020-2021 Budget as presented.
Councilmember Gavin moved to approve Motion No. M-26-21
Seconded by Councilmember Baker
Ayes: Dean, Gavin, Hennen, Price, Baker, Blanchard, and Terbrack
Nays: None
Motion Approved.

PUBLIC COMMENT – ITEMS NOT ON THE AGENDA

There was no one present wishing to speak.

COMMUNICATIONS

COUNCILMEMBER GAVIN: stated the next Planning Commission meeting will take place 7 p.m. April 27th, the next Master Plan Steering Committee meeting will take place 7 p.m. May 18th, and the next Environmental Advisory Committee (EAC) meeting will take place 6:30 p.m. May 20th. He said the EAC did not meet in April.

COUNCILMEMBER HENNEN: stated the Zoning Board of Appeals heard two cases regarding home additions. He said one case was approved and the other case was postponed to the May 10th meeting to receive more information from the home owner. Councilmember Hennen said the Tree Board will meet on May 10th as well.

MAYOR PRO TEM DEAN: stated she didn’t have a lot to report regarding the Parks and Recreation Department, but wanted to mention the naming contest for Oxford/Merchants Park closes on April 23rd. She said more information regarding the contest may be found on the City’s website and the Parks and Recreation Facebook page. She reminded everyone that the Parks and Recreation Department is hosting its outdoor programs and registration may be done online. Mayor Pro Tem Dean said she hopes we see improved Michigan health so we can gather together outdoors this spring.

COUNCILMEMBER BAKER: stated the Downtown Development Authority met last week on April 14th and continued its portion of the budget process along with approving its draft budget. He stated there was also unanimous support for the Coolidge crosswalks and finding ways to open them back up. He discussed potential investments for the west side of 12 Mile Road to continue improving the downtown district. Councilmember Baker said the next Historical Committee meeting is on May 11th. He said the month of May is Berkley History Month and the Committee continues to work on scanning and archiving historical photos. Councilmember Baker said the Technology Advisory Committee will meet on April 21st. He stated that World Backup Day was on March 31st and emphasized the importance of using some kind of external USB drive or cloud-based application to back up documents and photos. Councilmember Baker stated he attended the Michigan Municipal League Capitol Conference and discussed the great sessions that were offered. Councilmember Baker quoted Leo Christopher, “Vulnerability is the essence of connection and connection is the essence of existence.” He said the last two weeks were both scary and amazing and thanked Mayor Terbrack, the rest of Council, and City departments for all of their support during this time. He discussed how his late wife rocked her rare, incurable cancer and how she really pushed through it for six-and-a-half years with incredible tenacity and style. He said how fortunate he was to be with her and hold her hand right up until her last breath. He requested that people this year both hug someone they love and tell them something they would regret not saying if they were no longer here.

COUNCILMEMBER PRICE: stated the Berkley Public Library continues offering curbside pickup and porch delivery to residents. She stated the Library also continues hosting Zoom events. She mentioned an event with Rochelle Riley at 7 p.m. on April 20th and a presentation by Professor Kevin Deacon-Krause regarding Ranked-Choice Voting at 7 p.m. on April 27th. She stated registration for both events is available via the Library’s website or by phone. Councilmember Price extended a big thank you to Berkley Rite Aid, Parks and Recreation, and the City Manager’s Office for organizing a vaccine clinic at the Berkley Community Center. She said about 320 residents received their first shot. She stated all residents
in Michigan and older are eligible to receive the COVID-19 vaccine. She emphasized the importance of doing so.

**COUNCILMEMBER BLANCHARD:** offered thanks to Parks and Recreation Department Director Theresa McArleton, the Parks and Recreation staff, and the city manager for organizing the vaccination clinic held Thursday, April 15th. He said his last count of vaccinations given out was 307. He said the second round of vaccines will be given on May 6th and not to be late. He said there is a possibility that there will be extras for people that are not on the list. Councilmember Blanchard recited a quote by Andy Gilman, “The secret of crisis management is not good vs. bad, it’s preventing the bad from getting worse.”

**CITY MANAGER BAUMGARTEN:** thanked Berkley Rite Aid for helping make the vaccination clinic happen. He stated it also would not have happened without the support of Parks and Recreation opening its doors to more than 300 people and Councilmember Blanchard’s hard work running all over the Community Center to help out. City Manager Baumgarten talked about construction season. He stated the City will be doing another mile of sewer lining this year, the second year of voter-funded road improvements, and kicking off the sidewalk program. City Manager Baumgarten mentioned that Consumers Energy would be working on projects this year too.

**ATTORNEY STARAN:** stated the Michigan Department of Health and Human Services issued a new health order last Friday extending the previous health order to May 24th. He stated this health order is the requirement of wearing face masks as well as proper social distancing for indoor and outdoor gatherings. He said the health order also requires children as young as 2 to wear face masks. He said the previous minimum age was 5. Attorney Staran discussed the Marihuana licensing business litigation. He said pending litigation is not discussed publicly however, the City has filed a motion to dismiss the litigation and he is waiting on an answer on the court’s ruling. He discussed the matter further.

**MAYOR TERBRACK:** mentioned the proclamation on the agenda recognizing Mental Health Awareness Month. He said one in five Americans experience a mental health disorder that requires some sort of treatment at some point in their lives and one in 10 children experience some sort of emotional disturbance that if left untreated, could consequently lead to worse behavior as an adult. He discussed how mental health disorders are not something that can be overcome and do not mean there is something wrong with a person’s character or intelligence. He emphasized the pandemic has made mental health disorders worse considering people have isolated for extended periods of time. He said having COVID-19 could also have an impact on mental health. He stated Michigan has been one of the worst states discussed in the media regarding cases of COVID-19. He said Michigan is currently at 875,000 cases and almost 18,000 deaths. He summarized the new health mandate that requires children 2 and older to wear masks. Mayor Terbrack lauded the successful vaccination clinic that was offered through Berkley Rite Aid and staffed by the Parks and Recreation Department at the Community Center. He said that unfortunately, the vaccine alone will not slow down the spread. He stated he is proud of how Berkley has been handling COVID-19 and asked residents to continue wearing masks and social distancing. He said he knows everyone is frustrated with the situation but now, especially with the rise in cases in Michigan, it is more important than ever to do what we can to try and stay safe and healthy.

**ADJOURNMENT**
Councilmember Price moved to adjourn the Regular Meeting at 8:11 p.m.
Seconded by Councilmember Blanchard
Ayes: Hennen, Price, Baker, Blanchard, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.
AN ORDINANCE

of the City Council of the City of Berkley, Michigan to Amend Section 42-77
of Chapter 42 Downtown Development to Correct the Expiration Date
of the Tax Increment Financing Plan

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 42-77 of Chapter 42 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 42-77. – Extension of tax increment financing plan.

The tax increment financing plan shall extend to May 20, 2021 June 30, 2040.

SECTION 2: Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3: Penalty

All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of not more than $500, and/or such other sanctions and remedies as prescribed in Article IX of Chapter 82 of the Code of Ordinances.

SECTION 4: Effective Date

This Ordinance shall become effective 30 days following the date of adoption.

SECTION 5: Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on Monday, April 19, 2021.


__________________________________________
Daniel J. Terbrack
Mayor

Attest:

__________________________
Victoria Mitchell
City Clerk
WHEREAS, The City of Berkley is one of approximately 860 municipalities in the United States which operates a combined sanitary and stormwater sewer system, and

WHEREAS, As recognized by the Environmental Protection Agency these combined sewer systems can exceed capacity due to heavy rainfall events and cause backups; and

WHEREAS, Heavy one-day precipitation events have significantly increased in frequency over the last 25 years according to the Environmental Protection Agency; and

WHEREAS, A properly installed and maintained backwater check valve system is a cost-effective way of reducing or eliminating sewer backups and subsequent damage to property; and

WHEREAS, The City Council deems it is in the public interest to assist in the efforts of all property owners and tenants to encourage the installation of backwater check valve systems; and

WHEREAS, The collection of permit fees for such work further adds cost to the property owner; and

WHEREAS, For the health, safety, and welfare of the public, all backwater check valve systems should be installed by qualified persons with the appropriate permits and inspections followed; and

WHEREAS, Funding in the form of grants or loans is occasionally available to assist property owners in making the home improvement, including the installation of back water valve systems, from organizations such as the Oakland County Home Improvement Loan Program.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF BERKLEY RESOLVES

SECTION 1: The fees associated with the proper installation of backwater valves, found in Section 26-244 Fees. of the Berkley Code of Ordinances, shall hereby be refunded following the conclusion of installation of the backwater check valve system.

SECTION 2: All owners of property in the City of Berkley, both residential and commercial, shall be eligible to participate in this fee reimbursement.

SECTION 3: This reimbursement of fees shall apply only to the proper installation of backwater valve check systems. The Community Development Department shall require the party requesting reimbursement to complete an inspection to verify that the installation was completed and complies with applicable code requirements.

SECTION 4: This fee reimbursement shall be in effect until rescinded by resolution of the Council of the City of Berkley.

SECTION 5: Each April following this resolution, the City shall seek to educate property owners and tenants of the existence of this program, of any funding the City is aware of that may be available to assist in defraying the cost of installation of backwater check valve systems, and to disseminate any other relevant information that could aid in preventing or mitigating stormwater sewer backups.
Introduced and Passed at a Regular Meeting of the Berkley City Council on Monday, May 3, 2021.

Daniel J. Terbrack, Mayor

Attest:

Victoria Mitchell, City Clerk