

**THE REGULAR MEETING OF THE THIRTY-NINTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN  
WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, APRIL 18, 2022 BY MAYOR TERBRACK**

**PRESENT:** Steve Baker                      Ross Gavin  
                  Dennis Hennen                     Natalie Price  
                  Jessica Vilani                             Daniel Terbrack

**ABSENT:**        Bridget Dean

**APPROVAL OF AGENDA**

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

**INVOCATION:** Pastor Rachel Dunlap

**PUBLIC COMMENT**

Pete Kelly, resident of Beverly Hills and Chairperson of the Berkley Huntington Woods Youth Assistance, spoke how they received a communication from the county and mentioned that youth assistance is tri-sponsored organization from the school districts, municipalities, and the Oakland County Circuit Court Family Division. He read the letter from the Oakland County Circuit Court Family Division. He also acknowledged the City's longtime support for this program as well as the support of individual Councilmembers past and present. He said the youth assistance involvement has been very beneficial and makes a difference. Finally, he ended by thanking everyone for all of their support.

Charlie Cavell, Oakland County Commissioner District 19, gave some updates to City Council. He first talked about infrastructure and funding that is starting to trickle into the states and municipalities. The second update he discussed was about seniors and how the county has finished and published as of a couple months ago a "healthy aging blueprint" for baby boomers that are retiring right now so they can convince them to stay in Michigan and how they can have their basic needs met. The third item he talked about was housing and how last week Oakland County passed two packages of resolutions that invest 17 million dollars up front and 2 million dollars a year to make sure there is housing for the middle class and for people who are trying to age in place can stay so they stay in Oakland County or are able to move within Oakland County. The fourth item he talked about was childcare and how they have a pilot program for 1.2 million dollars to try to help families who are trying to return to the workforce or better their education and since the take up of it has been so significant they also want to try to expand this program as well. The final item he talked about was the model of the San Antonio Mental Health Crisis Response Unit and how the Oakland County Sheriff's Office wants to deploy something like this as well but they need local law enforcement's feedback about this.

***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 39<sup>th</sup> Regular City Council meeting on Monday, April 4, 2022.

**WARRANT:** Matter of approving Warrant No. 1373.

**MOTION NO. M-38-22:** Matter of approving the 2022 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 2022 and \$588 due upon completion of the last maintenance activity.

**PROCLAMATION NO. P-09-22:** Matter of proclaiming the 150th Anniversary of Arbor Day and designating the week of Sunday, April 24 - Saturday, April 30, 2022 as Arbor Week.

**PROCLAMATION NO. P-10-22:** Matter of proclaiming May 2022 as Berkley History Month.

**PROCLAMATION NO. P-11-22:** Matter of proclaiming May 2022 as Motorcycle Awareness Month.

**PROCLAMATION NO. P-12-22:** Matter of proclaiming May 2022 as Mental Health Awareness Month.

**PROCLAMATION NO. P-13-22:** Matter of proclaiming May 2022 as Building Safety Month.

Ayes: Gavin, Hennen, Price, Vilani, Baker, and Terbrack

Nays: None

Absent: Dean

Motion Approved.

### ***Regular Agenda***

**RECOGNITIONS/PRESENTATIONS:** Matter of any recognitions or presentations from the Consent Agenda.

There were no recognitions or presentations from the Consent Agenda.

**MOTION NO. M-39-22:** Matter of approving the Berkley Dads' Club Opening Day Parade on Saturday, June 4, 2022 at 10 a.m. beginning at Berkley High School and concluding at Community Field #1. Approval is conditional upon the submission of required items and documents prior to event dates. Council reserves the right to rescind the permit due to State and/or County health and pandemic protocols.

Councilmember Vilani moved to approve Motion No. M-39-22

Seconded by Councilmember Hennen

Ayes: Hennen, Price, Vilani, Baker, Gavin, and Terbrack

Nays: None

Absent: Dean

Motion Approved.

**RESOLUTION NO. R-05-22:** Matter of approving applicant for issuance of an on-premise liquor license under Section 521a (1) (b) of 2006 PA 501 (MCL 436.1521a (1) (b)). Applicant: EL Patio III LLC, 3052 12 Mile Road, Berkley, MI.

Councilmember Gavin moved to approve Resolution No. R-05-22

Seconded by Councilmember Vilani

Ayes: Price, Vilani, Baker, Gavin, Hennen, and Terbrack

Nays: None

Absent: Dean

Motion Approved.

**MOTION NO. M-40-22:** Matter of awarding the contract for the Kenmore and Cornwall Water Main and Pavement Replacement Project to the lowest qualified bidder, Aielli Construction, in an amount of

\$2,522,493.27. In addition, allocate \$257,997.34 for construction engineering services to Hubbell, Roth & Clark, and \$252,249.33 for construction contingencies.  
Councilmember Price moved to approve Motion No. M-40-22  
Seconded by Councilmember Hennen  
Ayes: Vilani, Baker, Gavin, Hennen, Price, and Terbrack  
Nays: None  
Absent: Dean  
Motion Approved.

**PUBLIC HEARING:** Matter of holding a Public Hearing for comments regarding the reprogramming of 2020 PY CDBG funds in the amount of \$25,692. This reprogramming will remove architectural barriers in our City Parks by creating ADA access.

Public Hearing opened at 7:40 pm.

No one present wished to speak.

Public Hearing closed at 7:41pm.

**MOTION NO. M-41-22:** Matter of approving the reprogramming of 2020 PY CDBG funds in the amount of \$25,692 to Remove Architectural Barriers for Park Path Improvements to meet ADA standards.  
Councilmember Gavin moved to approve Motion No. M-41-22  
Seconded by Councilmember Baker  
Ayes: Baker, Gavin, Hennen, Price, Vilani and Terbrack  
Nays: None  
Absent: Dean  
Motion Approved.

**PUBLIC HEARING:** Matter of holding a Public Hearing for comments regarding the reprogramming of 2021 PY CDBG funds in the amount of \$26,230. This reprogramming simply adds Kiwanis Tot Lot to the location description of the Berkley Parks included for creating ADA-accessible ramps and paths.

Public Hearing opened at 7:43 pm.

No one present wished to speak.

Public Hearing closed at 7:44 pm.

**MOTION NO. M-42-22:** Matter of approving the reprogramming of 2021 PY CDBG funds in the amount of \$26,230 to add Kiwanis Tot Lot to the City of Berkley Park locations to Remove Architectural Barriers for Park Path Improvements to meet ADA standards.  
Councilmember Vilani moved to approve Motion No. M-42-22  
Seconded by Councilmember Price  
Ayes: Gavin, Hennen, Price, Vilani, Baker and Terbrack  
Nays: None  
Absent: Dean  
Motion Approved.

**MOTION NO. M-43-22:** Matter of awarding the contract for Kiwanis Tot Lot CDBG sidewalk replacement at a cost not to exceed \$34,513.61 to the lowest qualified bidder, JSS-Macomb, LLC.11858 Forest Glen Ln., Shelby Township, MI 48315. In addition, allocate \$3,451.63 for construction contingencies and \$12,746.66 for engineering services to Hubbell, Roth & Clark.  
Councilmember Baker moved to approve Motion No. M-43-22  
Seconded by Councilmember Hennen  
Ayes: Gavin, Hennen, Price, Vilani, Baker and Terbrack  
Nays: None

Absent: Dean  
Motion Approved.

**MOTION NO. M-44-22:** Matter of awarding the contract for Angell ballfield and exterior fencing at a cost not to exceed \$34,883 to the lowest qualified bidder, GEM Fencing LLC, 444 E. Gallagher Rd. West Branch, MI 48661. In addition, allocate \$3,488.30 for construction contingencies.

Councilmember Gavin moved to approve Motion No. M-44-22

Seconded by Councilmember Vilani

Ayes: Hennen, Price, Vilani, Baker, Gavin, and Terbrack

Nays: None

Absent: Dean

Motion Approved.

**MOTION NO. M-45-22:** Matter of appointing the Finance Director, Mark Pollock, as the City of Berkley's representative and the Public Works Director, Shawn Young, as the alternate representative to the Southeastern Oakland County Resource Recovery Authority (SOCRRA) Board of Trustees for the remainder of the fiscal year ending on June 30, 2022; and instruct the City Clerk to send a copy of this motion to the SOCRRA Board.

Councilmember Baker moved to approve Motion No. M-45-22

Seconded by Councilmember Hennen

Ayes: Price, Vilani, Baker, Gavin, Hennen, and Terbrack

Nays: None

Absent: Dean

Motion Approved.

**MOTION NO. M-46-22:** Matter of appointing the Finance Director, Mark Pollock, as the City of Berkley's representative and the Public Works Director, Shawn Young, as the alternate representative to the Southeastern Oakland County Water Authority (SOCWA) Board of Trustees for the remainder of the fiscal year ending on June 30, 2022 and instruct the City Clerk to send a copy of this motion to the SOCWA Board.

Councilmember Hennen moved to approve Motion No. M-46-22

Seconded by Councilmember Price

Ayes: Vilani, Baker, Gavin, Hennen, Price, and Terbrack

Nays: None

Absent: Dean

Motion Approved.

## **COMMUNICATIONS**

**COUNCILMEMBER BAKER:** stated that the Historical Committee met on Tuesday, April 12<sup>th</sup>. They are currently working on the design for their next collectible mug as and they are preparing to catalog museum items into a software package so they can better archive the materials that have available to the public and be able to have it readily available to share. He said the hours for the Historical Museum are Wednesdays from 10:00 am – 1:00 pm and Sundays from 2:00 – 4:00 pm and for more information you can visit [berkleyhistory.com](http://berkleyhistory.com). He stated that the Downtown Development Authority (DDA) met on Wednesday, April 13<sup>th</sup> at 8:30 am. He said as preparation for their budget, they voted to recommend their draft budget that will be presented to be reviewed by City Council in May. He also said they are preparing for their upcoming downtown block party events that will be taking place on May 1<sup>st</sup>, June 26<sup>th</sup>, and October 29<sup>th</sup> and said there will be more information about this on social media as well as the DDA's website, [downtownberkley.com](http://downtownberkley.com). He quoted Albert Einstein. "The hardest thing to understand in the world is the income tax." He mentioned that today is Tax Day and also, he talked about city taxes and on how for every dollar that a someone pays for their city taxes only \$0.36 actually goes towards the city. He said that if you would like to know what the city will be doing with the money they receive in property taxes to

attend the budget hearings that will be coming up in May. Finally, he concluded by telling everyone to stay safe and to hug someone they love.

**COUNCILMEMBER PRICE:** talked about how it is spring now and that means for kids longer days and trips to the playground. She said the City's businesses and residents have a unique opportunity to pitch in to raise a total of \$50,000.00 or more for a truly inclusive and accessible park and if they can meet that \$50,000.00 goal that money will be matched by the Michigan Economic Development Corporation so they would have a total of \$100,000.00 raised for the inclusive playground. She encouraged everyone to find more details about the fundraiser by going to [berkleymich.org](http://berkleymich.org) and as well as adding their names to the list of donors.

**COUNCILMEMBER HENNEN:** said that at the last Zoning Board of Appeals (ZBA) meeting they approved a sign for the House of Renew on Woodward. The next ZBA meeting will be on May 9<sup>th</sup> and they will be hearing two cases. One case will be about parking and the other one will be concerning signs. He stated that the next Tree Board meeting will be on May 25<sup>th</sup>. He also said that on Saturday, April 30<sup>th</sup> at 10:00 am there will be a tree planting for Arbor Day. He said there will be two trees planted with the help of a Daisy Girl Scout Troop and this will be done on the Phillips side of Department of Public Works between 12 Mile and Beverly. Finally, he said that he will be resuming his "Talk with Dennis" events and the next one will be Tuesday, April 19<sup>th</sup> from 6:00 - 8:00 pm at the library.

**COUNCILMEMBER GAVIN:** said that both the Planning Commission and the Environmental Advisory Committee (EAC) had not met since the last City Council meeting. He said that the EAC will be meeting next on Thursday, April 21<sup>st</sup> at 6:30 pm on the second floor of the public safety building. Then he said the next Planning Commission meeting will be Tuesday, April 26<sup>th</sup> at 7:00 pm in the council chambers.

**COUNCILMEMBER VILANI:** said the Berkley Area Chamber and the Technology Advisory Committee (TAC) have not met since the last City Council meeting. She mentioned that the Berkley Area Chamber is creating a business pass discount card and will be distributed to Berkley School District staff in May. Also, they are encouraging local businesses to offer a discount and to support this new program. She said if anyone is interested they can reach out to the Berkley Area Chamber and the deadline to participate is April 22<sup>nd</sup>. She mentioned that the Berkley Street Art Fest is in July and said that if anyone is interested in participating in certain ways that they are currently seeking to contact the Berkley Area Chamber. Finally, she said that there are ten \$2,000.00 scholarships available through Vibe Credit Union for high school students going off to college and applications are due on May 2<sup>nd</sup>.

**CITY MANAGER BAUMGARTEN:** talked about how he and the Downtown Development Authority Executive Director met with a representative from MOGO and talked about how Berkley has a popular role with their bikes and stations. He also talked about the budget hearings that will start to take place on May 9<sup>th</sup>.

**CITY CLERK MITCHELL:** said that the City will be holding an election on Tuesday, May 3<sup>rd</sup> and the election is for Berkley and Royal Oak residents that are within the Berkley School District and there is one proposal on the ballot for the Berkley Schools Nonhome Stead Operating Millage Renewal. There are sample ballots and an FAQ sheet available at the Clerk's Office and if they are any other more in-depth questions to contact the Berkley School District directly. She said all precincts will be open on election day from 7:00 am – 8:00 pm. She also said that it is not too late to receive an absentee ballot and if you wish to do so you can contact the Clerk's Office by calling (248) 658-3310 or emailing [clerk@berkleymich.net](mailto:clerk@berkleymich.net). Finally, she encouraged anyone who currently has an absentee ballot and it is completed to please return it as soon as they can.

**ATTORNEY STARAN:** had nothing to report this evening.

**MAYOR TERBRACK:** gave a Parks and Recreation Department update. He first talked about the senior exercise class that is being offered as walk-in classes for \$2 and these classes will be held on Tuesdays

at 10:00 am and Fridays at 9:30 am at the community center. He mentioned that the Earth Day Tale on the Trail will begin on April 22<sup>nd</sup> at Jaycee Park. He said that the Parks and Recreation department is looking for individuals who are 18 years of age or older to be camp counselors for the summer. He talked about how the Jaycee park fundraiser that is underway and said that they have 21 days left to reach their \$50,000.00 goal so they then can receive the \$50,000.00 match from the Michigan Economic Development Corporation (MEDC). He said that currently they are just under 50% of their fundraising goal. He talked about how the City has a vision to build a truly inclusive playground with updated pathways and ultimately have a state of the art accessible playscape that the City will be proud of. He said that this will only happen if they continue to get support. He thanked everyone that has contributed to the fundraiser so far. He encouraged everyone to spread the word about the fundraiser and to direct them to the website if they are able to donate which is [patronicity.com/jayceepark](http://patronicity.com/jayceepark).

#### **ADJOURNMENT**

Councilmember Gavin moved to adjourn the Regular Meeting at 8:17 p.m.

Seconded by Councilmembers Hennen and Vilani

Ayes: Gavin, Hennen, Price, Vilani, Baker and Terbrack

Nays: None

Absent: Dean

Motion Approved.