

**THE REGULAR MEETING OF THE THIRTY-NINTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN  
WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, AUGUST 8, 2022 BY MAYOR TERBRACK**

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

**APPROVAL OF AGENDA**

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

**PUBLIC COMMENT**

No one was present wishing to speak.

*Deputy City Clerk Gina Harold read into the record the following email summarization:*

Elizabeth Petry, Berkley, wrote in regards to the invocation at the beginning of each City Council meeting and specifically the lack of diversity in the faiths represented. She would like to see more diversity or the invocation eliminated.

***Consent Agenda***

Councilmember Price moved to approve the following Consent Agenda, seconded by Councilmember Baker:

**APPROVAL OF THE MINUTES:** Matter of approving the minutes of the 39<sup>th</sup> Regular City Council meeting on Monday, July 18, 2022.

**MOTION NO. M-77-22:** Matter of approving participation in the “Tie Michigan Teal” campaign to promote awareness of ovarian cancer and its symptoms.

**PROCLAMATION NO. P-23-22:** Matter of proclaiming September 2022 as National Suicide Prevention Month.

**PROCLAMATION NO. P-24-22:** Matter of proclaiming September 2022 as National Recovery Month.

**PROCLAMATION NO. P-25-22:** Matter of proclaiming September 2022 as Childhood Cancer Awareness Month.

**PROCLAMATION NO. P-26-22:** Matter of proclaiming September 2022 as National Preparedness Month.

**PROCLAMATION NO. P-27-22:** Matter of proclaiming September 15-October 15, 2022 as Hispanic Heritage Month.

Ayes: Gavin, Hennen, Price, Vilani, Baker, Dean, and Terbrack  
Nays: None

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-78-22:** Matter of approving the Macomb County Cooperative Bid Program purchase of one (1) 2023 Ford F150 pickup truck at a total cost of \$52,706 from Signature Ford of Owosso, Michigan.

Councilmember Gavin moved to approve Motion No. M-78-22

Seconded by Councilmember Vilani

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

Nays: None

Motion Approved.

**MOTION NO. M-79-22:** Matter of authorizing the purchase of inclusive play equipment at Jaycee Park at a cost not to exceed \$241,055.40 from Landscape Structures, Inc. SDS 12-0395, PO Box 86 Minneapolis, MN 55486-0395. Funds for this expenditure will come from account 615-950-974-000.

Mayor Pro Tem Dean moved to approve Motion No. M-79-22

Seconded by Councilmember Hennen

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

Nays: None

Motion Approved.

**MOTION NO. M-80-22:** Matter of authorizing the purchase of rubber surfacing and installation costs for play equipment at Jaycee Park at a cost not to exceed \$280,833.28 with an added \$14,000 for contingencies to Penchura, LLC., 889 S. Old US 23, Brighton, MI 48114. Funds for this expenditure will come from account 615-950-974-000.

Councilmember Vilani moved to approve Motion No. M-80-22

Seconded by Councilmember Price

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

Nays: None

Motion Approved.

**MOTION NO. M-81-22:** Matter of awarding a contract for installation of fencing at Community Field 2 and 3 at a cost not to exceed \$28,863 to the lowest qualified bidder, Motor City Fence Co., 209 South Blvd. E., Rochester Hills, MI 48307. In addition, allocate \$2,886.30 for contingencies. Funds for this expenditure will come from account 614-950-974-000.

Mayor Pro Tem Dean moved to approve Motion No. M-81-22

Seconded by Councilmember Vilani

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

Nays: None

Motion Approved.

**MOTION NO. M-82-22:** Matter of authorizing the City Manager to approve the proposal from Carlisle Wortman Associates, Inc. to provide professional planning services at a cost of \$2,000/month (2022 & 2023) and \$2,200/month (2024/2025) through August, 2025. Funds for this expenditure will come from account 101-801-817-000.

Councilmember Hennen moved to approve Motion No. M-82-22

Seconded by Mayor Pro Tem Dean

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

Nays: None

Motion Approved.

**MOTION NO. M-83-22:** Matter of authorizing the City Manager to execute a Uniform Video Service Local Franchise Agreement between the City of Berkley and WideOpenWest Michigan, LLC.

Councilmember Gavin moved to approve Motion No. M-83-22

Seconded by Mayor Pro Tem Dean

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

Nays: None

Motion Approved.

## **COMMUNICATIONS**

**COUNCILMEMBER HENNEN:** stated there was no report from the Tree Board. He said the Zoning Board of Appeals (ZBA) will meet August 9, 2022 to consider allowing a home addition on an oddly shaped lot. He said the ZBA will tentatively have another meeting on September 12<sup>th</sup>.

**COUNCILMEMBER PRICE:** stated she did not have any reports from her committees. She thanked City Clerk Victoria Mitchell and the Clerk's team, including Ms. Harold, for running another safe, secure, and smooth election process. She said the results from the Independent Citizens Redistricting Commission led to a great deal of confusion in our region, but thanks to the efforts of our City Clerk and her team, Berkley residents were empowered in the election process and able to make their voices heard. She said she is very grateful to the volunteers, workers, staff, and election poll workers and watchers for being a part of that process. Councilmember Price thanked Parks & Recreation for putting on the fantastic Berkley Beats concert a few weeks ago. She said she saw the Billy Davis Rhythm Machine Band wsg Mighty Michael. She said not only was the music great, but the entire setup of turning the City's new playground, splash pad, and field experience into a stage with people bringing out their lawn chairs and blankets along with staff making sure it ran smoothly was phenomenal. She said she looks forward to seeing everyone at the next concert.

**COUNCILMEMBER BAKER:** extended his gratitude to the City Clerk's Office and all of the volunteers for making a smooth and seamless election process. He congratulated Councilmember Price for the progress she achieved as well as a part of that process. Councilmember Baker said the Historical Committee meets 7 p.m. August 9<sup>th</sup> on the second floor of the Public Safety Building. He said the Committee has several new photos recently discovered and scanned in including 12 Mile and Woodward blocked by grand trunk trains and photos of the trolley stops. He said most of these have not been seen before and were taken in the early 1930s. He said there is a historic plaque for Angell School celebrating its 100-year anniversary. He said the plaque was approved and is in production. He said the initiative is a joint project with the Historical Museum, Berkley School Board, and the Berkley Alumni Association. Councilmember Baker said the State has officially approved adding the Village Hall and Fire Station to the official list of Michigan Historic Buildings. He said it has long been regarded as a tremendous keepsake here in Oakland County and now it is officially on the records. He stated visitors of that building are always welcome and the museum is open 10 a.m.-1 p.m. Wednesdays and 2-4 p.m. Sundays. He stated you can also visit the Museum online at [berkeleyhistory.com](http://berkeleyhistory.com). Councilmember Baker said the Downtown Development Authority (DDA) meets 8:30 a.m. August 10<sup>th</sup> on the second floor of the Public Safety Building. He said the agenda includes the annual election of officers, reviewing a new social media proposal, viewing four mural applications, updates on several grants, Coolidge crosswalk activation, and progress on the new public space on Coolidge south of Catalpa. He stated you can visit the DDA online at [downtownberkeley.com](http://downtownberkeley.com). Councilmember Baker said he was going to prepare some comments on procrastination, but he didn't get around to it. He told everyone to stay safe and hug someone they love. He said it means more than you know.

**MAYOR PRO TEM DEAN:** announced the few remaining Parks and Recreation Department updates for the remainder of the summer. She said the Ice Cream Social is 6:30 p.m. Thursday, August 25<sup>th</sup> at

Jaycee Park while supplies last. She stated attendees can stay for the last movie in the park at 7 p.m. which is, "Sonic 2." She said Berkley Beats continue on Wednesday, August 10<sup>th</sup> at Oxford Park with Harmonic Swell & The Bridge of Reverberation and Wednesday, August 31<sup>st</sup> at the Community Center featuring Moxie Blitz. She said both concerts begin at 7 p.m. Mayor Pro Tem Dean said the Berkley CruiseFest Classic Car Parade is Friday, August 19<sup>th</sup>. She said the parade begins at 6:30 p.m. and travels west down 12 Mile Road from Woodward Avenue to Greenfield Road. She said she hopes to see everyone there.

**COUNCILMEMBER GAVIN:** stated the Planning Commission next meets 7 p.m. August 23<sup>rd</sup> in the Council Chambers and the Environmental Advisory Committee next meets 6:30 p.m. August 18<sup>th</sup> on the second floor of the Public Safety Building.

**COUNCILMEMBER VILANI:** stated the Citizens Engagement Advisory Committee and Technology Advisory Committee met together the other week to partner on providing feedback on the City website on usability, branding, and the process that is going on there. She said it was great to bring those two groups together. Councilmember Vilani said there are no new updates from the Berkley Area Chamber of Commerce. She congratulated the Berkley Public Safety Department on a very enjoyable and successful golf outing last weekend. Councilmember Vilani said she believes they raised close to \$15,000 which will support the Lids for Kids initiatives. She said she was very happy to participate in that along side Mr. Baumgarten who was just a cart away. Councilmember Vilani gave residents a friendly reminder that, after seeing many posts on social media and experiencing it herself, there is a lot of wildlife in our yards. She said don't let your pets out at 3 a.m. unattended unless you want them to come in skunked.

**CITY MANAGER BAUMGARTEN:** stated that August will be a busy month for a number of different reasons. He stated it typically kicks off one of two rainy seasons in the community. He reminded residents that storm grades are restricted for a reason. He said you may see some material collected on the top or residents may not think – in the midst of a storm – a street is draining as fast as it should, but every drop of water collected in the street is one that is not in our system and most importantly not in someone's basement. He said, "Slow the flow" is the term of the season and typically streets clear 20-30 minutes after a heavy rainstorm and then will be wide open again. He stated he drove around the community recently after a rainstorm and that is what he experienced. He said they were very passable a short while later, but not in the midst of the rainstorm itself. City Manager Baumgarten said August is the time kids return to school so please be mindful that our sidewalks will get busy, more students will be crossing, and there will be more traffic around our schools with drop-off and frantic parents. He asked that drivers keep their heads up while driving and always be aware of sidewalks and crosswalks for the little ones. City Manager Baumgarten said that Myke Hunyor is retiring. He stated Mr. Hunyor was supposed to retire this week, but the man has such a large heart, he is staying on a full extra week to help train some of the folks who will be experiencing Cruise Fest for the first time as members of the Department of Public Works (DPW). He said Mr. Hunyor put in 17 fantastic years into the community working with the City and he is also a resident. City Manager Baumgarten said he is one of the more dependable and happiest individuals that you would meet. He said he always worked with a smile on his face. He said Mr. Hunyor will be missed around City Hall and the DPW. He said Mr. Hunyor is not going far and people can still wave at him. He said it will be a loss to the DPW to not have him around anymore, but it is a well-earned retirement.

**CITY ATTORNEY STARAN:** said he has a somber public-service announcement. He said he had the unpleasant experience of coming to the meeting that night from the funeral home where he paid his respects to his friend and former business associate at his prior firm. City Attorney Staran said like him, he was a recreational bicycling enthusiast, although far more avid and accomplished than him. He said tragically, his friend was one of the cyclist killed 10 days ago while riding across the state in the Make a Wish charity fundraising event. City Attorney Staran said it has been all over the news. He said cyclists have no chance when up against a ton-and-a-half of rolling steel, yet these kind of accidents and tragedies seem to happen far more frequently. He asked those who may be listening at home to keep a

careful eye out whether around town, the country roads, or wherever you are for cyclists on the road and sidewalks. He said cyclists have a lawful right to share the road so please share the road with them, be patient, and give them their space so hopefully everyone can enjoy the activity and get home safely. He said his friend Michael Salhaney did some advising for the City of Berkley, was a real good guy, and was the township attorney for West Bloomfield. He said he unfortunately leaves a loving wife and seven children without a father while he was out doing what he loved to do – raising funds for charity and enjoying himself on his bicycle. City Attorney Staran said we will all miss him as he was a real great guy.

**MAYOR TERBRACK:** thanked City Attorney Staran for sharing and said it was appropriate to end the meeting with those remarks.

#### **ADJOURNMENT**

Councilmember Baker moved to adjourn the Regular Meeting at 7:48 p.m.

Seconded by Mayor Pro Tem Dean

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

Nays: None

Motion Approved.