

**THE REGULAR MEETING OF THE THIRTY-NINTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN
WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, JULY 18, 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 Gavin
Ayes: Dean, Gavin, Hennen, Price, Vilani, Baker, and Terbrack
Nays: None
Motion Approved.

INVOCATION: Reverend Pamela Gabel

PUBLIC COMMENT

Audriana Allen, Berkley, talked about Ordinance 22-42 and asked City Council to consider amending the ordinance so it can allow someone to have more than three pets in the city.

Theresa Revait, Berkley, spoke regarding short-term rentals. She talked about her concern for short term rentals and the need for regulating them. She referred to an article by Bloomberg stating how Air B N B is covering up dangerous situations.

Jim Phillips, Berkley, spoke about his concern regarding the marihuana dispensary that is supposed to be located on Woodward and why he thinks it is likely to fail.

Jessica Worrall, Berkley, voiced her opinion on removing the invocation from the City Council agenda. She asked for a vote to be added on the next City Council agenda to remove the invocation from the City Council meetings.

Larry Kauffman, Berkley, said came before City Council this evening as a last resort. He would like to see some modifications to some ordinances with setbacks regarding buildings and items of possession that are lawfully allowed near property lines. He said he would like to see items set back 3 to 5 feet from the property lines and as well as the property be properly maintained along the property line.

Robert Lathrop, Berkley, talked about Councilmember Hennen's comments regarding the Pride Block Party at the June 6th City Council meeting. He is concerned about what Councilmember Hennen said and also that since Councilmember Hennen serves as a liaison on the Tree Board, he is not sure how the members will respond to him when he returns.

Lisa Kempner, Berkley, spoke regarding the invocation during the City Council meetings and would like to see it removed. She talked about how government and religion are not good partners and discussed some other options to let others still include their own form of prayer before the City Council meetings. She asked Council to allow the residents to be as religious or nonreligious as they would like to be.

Christine Gale, Berkley, asked Council to remove the invocation from the agenda. She said as a non-religious person it makes her feel uncomfortable.

Bobby Lawrence, from Senator Bullock's office, commented that he is here to say they are here, they care, and they are here to work with us.

Mike McGuinness, Downtown Development Authority Executive Director, thanked the community for coming out to the Inaugural Berkley Pride Block Party and about 1500 people attended. He also talked about the business called, Peninsulas, and its new location in the downtown is now open.

Dallas, Berkley, said after listening to those speaking he agreed we should separate Church and State.

Consent Agenda

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

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 39th Regular City Council meeting on Monday, June 20, 2022.

WARRANT: Matter of approving Warrant No. 1376.

ORDINANCE NO. O-03-22: Matter of considering the Second Reading and Adoption of an Ordinance of the City Council of the City of Berkley, Michigan to Amend Articles II and III, of Chapter 130, Vegetation, of the City of Berkley Code of Ordinances to Modify Trees, Bushes and Shrubs, and Noxious Weeds and to add Article IV, Invasive Species.

MOTION NO. M-65-22: Matter of approving to cast Berkley's official vote for the following to serve as a Trustee on the Board of Trustees for the MML Workers' Compensation Fund and directing the City Clerk to send in the marked ballot.

MOTION NO. M-66-22: 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 fiscal year beginning July 1, 2022; and instructing the City Clerk to send a copy of this motion to the SOCRRA Board.

MOTION NO. M-67-22: Matter of appointing the Berkley Public Works Director, Shawn Young, as the City of Berkley's representative and the Finance Director, Mark Pollock, as the alternate representative to the Southeastern Oakland County Water Authority (SOCWA) Board of Trustees for the fiscal year beginning July 1, 2022; and instructing the City Clerk to send a copy of this motion to the SOCWA Board.

MOTION NO. M-68-22: Matter of approving the 1-Year contract renewal with Oakland County Equalization for assessing and related services and costs for the fiscal year 7/1/2022 through 6/30/2023 and authorizing the Mayor and City Clerk to sign the contract and forward four signed copies to Oakland County Equalization for their signature.

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.

PRESENTATION: Matter of receiving a presentation by Annaka Norris of Main Street Oakland County regarding the City of Berkley's Main Street Accreditation Certificate and the importance Main Street has for the City.

Annaka Norris started off by saying that it is Berkley's fourth year being accredited and the sixth year in the program. She invited Mike McGuiness to come up and accept the accreditation certificate on behalf of the Berkley Downtown Development Authority (DDA). She thanked everyone as well.

Mike McGuiness thanked Main Street Oakland County on behalf of the community and the Downtown Development Authority. He talked about how they receive funding from them and continue to pursue more funding as well. He also thanked City Council for helping to participate in the accreditation process as well.

Mayor Pro Tem Dean recognized all the work that goes into this and thanked Mike McGuiness as well as Main Street Oakland County, the residents, and volunteers. She said as both a business owner and resident in Berkley, she is grateful for what Main Street Oakland County brings to the city's downtown.

MOTION NO. M-69-22: Matter of approving the appointments to various boards and commissions.

Councilmember Price moved to approve Motion No. M-69-22

Seconded by Councilmember Baker

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

Nays: None

Motion Approved.

PUBLIC COMMENT FOR MOTION NO. M-70-22:

Two representatives for the marihuana business license applicant, Butter, spoke and expressed they pleasure to be able to do business in the city.

Councilmember Hennen asked if the license is approved, when would they expect to start construction and when they would anticipate opening?

The representative for Butter said as soon as they have their construction documents they will submit them for permits which he said will take about two weeks. He said that they will most likely be ready to do business on April 1st.

MOTION NO. M-70-22: Matter of approving marihuana business license #PMA20-0003 for Operation Grow/butter to be located at 2222 W. 11 Mile Road.

Councilmember Vilani moved to approve Motion No. M-70-22

Seconded by Mayor Pro Tem Dean

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

Nays: None

Motion Approved.

MOTION NO. M-71-22: Matter of approving Special Land Use request PSU-01-22 at 2684 Coolidge Highway and 2688 Coolidge Highway to permit outdoor dining in the Downtown District.

Councilmember Baker moved to approve Motion No. M-71-22

Seconded by Councilmember Gavin

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

Nays: None

Motion Approved.

MOTION NO. M-72-22: Matter of authorizing the City Manager to approve the proposal from Hubbell, Roth & Clark, Inc. (HRC) to provide professional engineering services at a cost not to exceed

\$10,849.48 for Oxford Park path extension. Funds for this expenditure will come from account number 614-950-821-000.

Mayor Pro Tem Dean moved to approve Motion No. M-72-22

Seconded by Councilmember Price

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

Nays: None

Motion Approved.

MOTION NO. M-73-22: Matter of approving the purchase of a Video Surveillance and Access Control System for the Department of Public Works at a total cost not to exceed \$77,149.79 from Presidio. Funds will come from an amended account 592-536-982-592.

Councilmember Gavin moved to approve Motion No. M-73-22

Seconded by Councilmember Vilani

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

Nays: None

Motion Approved.

MOTION NO. M-74-22: Matter of approving the purchase of a 2023 Elgin Broom Badger Sweeper at a total cost not to exceed \$290,000 from Bell Equipment Company.

Mayor Pro Tem Dean moved to approve Motion No. M-74-22

Seconded by Councilmember Hennen

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

Nays: None

Motion Approved.

MOTION NO. M-75-22: Matter of adopting the revisions to the City of Berkley Downtown Development Authority bylaws.

Councilmember Baker moved to approve Motion No. M-75-22

Seconded by Councilmember Price

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

Nays: None

Motion Approved.

MOTION NO. M-76-22: Matter of adopting updated City of Berkley Freedom of Information Act (FOIA) Procedures and Guidelines.

Councilmember Baker moved to approve Motion No. M-76-22

Seconded by Councilmember Gavin

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

Nays: None

Motion Approved.

COMMUNICATIONS

COUNCILMEMBER VILANI: said that the Technology Advisory Committee (TAC) meeting in July was canceled and they are scheduled to meet again in August with the Communications Advisory Committee (CEAC). She gave an update from the Berkley Chamber of Commerce and congratulated them on another successful Berkley Street Art Festival. She also said that Berkley Chamber members still have time to sponsor Cruise Fest t-shirts and they also accepting advertising for the 2022 Berkley Huntington Woods guide that will be published this coming fall. Finally, she said there will be a "Berk Perk" discount card that will be sold to the general public later this year and for more information to have your business involved in that to reach out to the Berkley Chamber.

COUNCILMEMBER GAVIN: said there were a couple items from the last Planning Commission meeting that were on the City Council's agenda this evening. He said that the next Planning Commission meeting will be July 26th at 7:00pm in the council chambers. He announced that there has been no Environmental Advisory Committee meeting since they last council meeting and that the next meeting would be July 21st at 6:30pm on the second floor of the public safety building. Finally, he said he wanted to take a moment to thank Marc Richardson for his service on the Planning Commission.

MAYOR PRO TEM DEAN: talked about the summer events being offered from the Parks and Recreation Department. She said the event "Movies in the Park" will continue on July 19th and will start at 7:00pm at Oxford Park. She said that Summer Fest continues on July 21st with the annual "Jaycee Jamboree" at Jaycee Park and begins at 5:30pm. She also said that the Summer Concert Series "Berkley Beats" continues on July 27th at Oxford Park at 7:00pm and future dates for the concert series will be on August 10th and October 31st. Finally, she said more information regarding the Parks and Recreation department events you can visit recreation.berkleymich.org or call (248) 658-3470.

COUNCILMEMBER BAKER: said that the Historical Committee is happy to hear that the visitors are enjoying the new museum layout. He also talked about the new displays at the museum and the new partnership with the Berkley School District's archives. He said the hours for the historical museum are Wednesdays from 10:00 am – 1:00pm and Sundays from 2:00 – 4:00pm. He also said you can visit their website at berkleyhistory.com. He talked about the last Downtown Development Authority (DDA) meeting that consisted of the Berkley Pride Block Party and what they can do to improve it for next year, various improvements for the downtown overall, and he also mentioned opportunities to volunteer for the various events as well. He said if you want to find out more information about the downtown you can visit downtownberkley.com. He quoted Aristotle, "The aim of art is not to represent the outward appearance of things, but their inward significance." He talked about how the Berkley Street Art Fest was a success and complimented everyone that had participated. Finally, he wished everyone to stay safe and to hug someone they love.

COUNCILMEMBER PRICE: welcomed the newest Library Board member, Margaret McGee, to the board and talked about the Library Board's next meeting on July 20th and how they will be discussing the board's proposed updates to their establishing ordinance as well as their regular business. She also said as the City Council's liaison to the Citizens Engagement Advisory Committee (CEAC) she would like to welcome their newest member, Jacob Robinson. She talked about how the CEAC is partnering with the Technology Advisory Committee as a focus group for the city's current branding and website development initiative. Finally, she talked about the upcoming Primary Election on August 2nd and emphasized the importance of voting and encouraged everyone to get out and vote.

COUNCILMEMBER HENNEN: talked about the Tree Board and how there is a small group of them are preparing a tree canopy study and when the board meets again in September, they will review it and make recommendations on it. He said that at the last Zoning Board of Appeals meeting, they approved the use of an old television repair building on Twelve Mile as a duplex and denied a variance for a building on Eleven Mile for a combination work and live unit.

CITY MANAGER BAUMGARTEN: reminded everyone to be safe during these warmer months. He also wanted to thank state and federal leaders and the city has been pursuing federal funding for much needed capital projects and they have gotten some good news regarding this and he is hopefully to be able to turn it into some good capital projects soon.

CITY CLERK MITCHELL: talked about the upcoming State Primary Election on Tuesday, August 2nd. She said that all precincts will be open from 7:00am – 8:00 pm. She added that is it not too late to receive an absentee ballot as well. For anyone for wishes to vote absentee she said they can contact the Clerk's Office and she also encouraged anyone that has already completed their absentee ballot to return it as soon as they can. She said that starting tomorrow residents that want to register to vote at the Clerk's Office and need to include proof of residency and she gave examples of what documents would satisfy

the proof of residency requirement. She also said that the Clerk's Office would be open for election business only on Saturday July 30th from 8:30am – 4:30pm. She then talked about the recent redistricting that had recently taken into effect. She said they everyone should have been mailed a new voter identification card. She wanted to also emphasize that the redistricting has not affected anyone's polling location but everyone does have new district numbers for their various representatives and the city is now split into two different State Representative Districts. Finally, she said that if anyone has questions they can contact the Clerk's Office by either calling (248) 658-3310, emailing clerk@berkleymich.net, or by coming into the office.

CITY ATTORNEY STARAN: had nothing to report this evening.

MAYOR TERBRACK: talked about all the various events that had taken place since that last City Council meeting he had attended. This included the Art Bash, Lids for Kids, tournaments hosted by the Berkley Mom's and Dad's Clubs, the Pride Block Party, and the Street Art Fest. He also talked about the great amenities the community has to offer but he said the single best amenity the city has is the residents. Finally, he thanked the residents for making Berkley a special and unique place to be.

ADJOURNMENT

Mayor Pro Tem Dean moved to adjourn the Regular Meeting at 8:33 p.m.

Seconded by Councilmember Baker

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

Nays: None

Motion Approved.