

**THE REGULAR MEETING OF THE THIRTY-NINTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN
WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, NOVEMBER 21, 2022 BY MAYOR TERBRACK**

ROLL CALL:

Councilmember Steve Baker
Councilmember Ross Gavin
Councilmember Natalie Price
Mayor Daniel Terbrack

Mayor Pro-Tem Bridget Dean
Councilmember Dennis Hennen
Councilmember Jessica Vilani

OTHER STAFF PRESENT:

City Manager Matthew Baumgarten
City Clerk Victoria Mitchell
City Attorney John Staran
Parks and Recreation Director Theresa McArleton
DDA Executive Director Michael McGuinness

APPROVAL OF AGENDA:

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

Mayor Terbrack took a moment to provide remarks and to lead a moment of silence for the passing of District Court Judge Jamie Wittenberg.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT:

There was no one present wishing to speak.

City Clerk Mitchell read the following email into the record:

Paul Jordan, Berkley, please remove the invocation from council meetings. It's divisive.

CONSENT AGENDA:

Councilmember Baker moved to approve the following Consent Agenda
Seconded by Councilmember Gavin:

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 39th Regular City Council meeting on Monday, October 17, 2022.

WARRANT: Matter of approving Warrant No.1380.

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.

Mayor Terbrack stated there were none.

MOTION NO. M-102-22: Matter of authorizing the City Manager to execute two contracts for Senior Home Chore Snow Removal Service with Tinsley Landscape and Hardscape LLC, 30728 Osmun Street, Madison Heights, MI 48071. One contract will be for remaining CDBG funds of \$2,604 and one will be pending for release of CDBG funds of \$3,887.

Mayor Pro-Tem Dean moved to approve Motion No. M-102-22

Seconded by Councilmember Vilani

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

Nays: None

Motion Approved.

RESOLUTION NO. R-23-22: Matter of a resolution of authorization and support for a SPARK grant application from the DNR in the amount of \$300,000 with a \$100,000 match for Jaycee Park improvements. Funds for this expenditure will come from account 614-950-974-000.

Mayor Pro Tem Dean moved to approve Resolution No. R-23-22

Seconded by Councilmember Price

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

Nays: None

Motion Approved.

MOTION NO. M-103-22: 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 \$31,727.82 for Jaycee Park grant work for the Building and Utility Improvement Project. Funds for this expenditure will come from account 614-950-974-000.

Mayor Pro-Tem Dean moved to approve Motion No. M-103-22

Seconded by Councilmember Hennen

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

Nays: None

Motion Approved.

MOTION NO. M-104-22: 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 \$14,512.65 for Jaycee Park walkway work. Funds for this expenditure will come from account 614-950-821-000.

Mayor Pro-Tem Dean moved to approve Motion No. M-104-22

Seconded by Councilmember Baker

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

Nays: None

Motion Approved.

MOTION NO. M-105-22: Matter of considering the recommendations of the Coolidge Task Force regarding the Complete Streets Pilot Project.

Councilmember Gavin moved to approve Motion No. M-105-22

Seconded by Councilmember Vilani

RECESS WAS CALLED AT 7:35 P.M. TO ACCOUNT FOR TECHNICAL DIFFICULTIES. THE MEETING WAS CALLED BACK TO ORDER AT 7:41 P.M.

PUBLIC COMMENT FOR MOTION M-105-22:

Jonas Rhymer, Berkley resident, recommends that the bike lanes be protected. He believes that with protection you could get more people on the bike lanes. He believes the parking should be removed. He would like to see bus stops improved by adding shelters along Coolidge. He said he would like to preface that it should be safer over all for pedestrians and cyclists. He would like to see improvements on Coolidge similar to the way Kercheval Road was done in Detroit.

Charles Tyrell, Berkley resident, said the jewel of the left turn lane for using it for emergency vehicles has been tarnished by the crosswalks. He said an emergency vehicle cannot get through now in the center lane as intended. He said things were supposed to go unchanged during the evaluation process but he has noticed changes to signs and light timing. He said cross walks are going across seven lanes not two or three. He wants them to be precise with the language. He attended the first task force meeting. He said that Coolidge is not safe and that the pilot program has shown that it is not workable and recommends the City put Coolidge back to how it was.

Kurt Hite, Berkley resident, stated he was part of the Task Force. He is happy to see some of input that went into the final document. He said he wanted to make it clear that originally parameters were not set before any of this happened. For example, setting what would be measured and how it would be measured and the meaning of the measurements. He said that should have been determined beforehand. He thought the multi-disciplinary board would decide what and how measurements would take place. He said the last meeting we had, they were not presented with the crash data. He said in all cases, there weren't serious injuries involved. He said we could have had the final document first to use as a guideline. He said he sees some traffic numbers. He said he recently heard that traffic just now returned to pre-pandemic rates. He said there was never really a study done that talked about traffic patterns and showing where people are traveling and turning. He said that would show things like are people turning off on side streets to bypass Coolidge. He said there needed to be discussions on what to count and where to count. He said he is proud with his involvement, and likes the document. He does not feel the task force fulfilled the job they were called to do with consistent involvement.

City Manager Baumgartner addressed the reasons behind a lot of the changes faced throughout the project due to the pandemic and numerous other agencies with personnel changes over the years.

Mayor Terbrack stated the pandemic did have a major impact on the project.

Councilmember Price asked if feedback was collected before or after the feedback from public safety for the crosswalks that are up now. City Manager Baumgartner said they are designed to be removed in the center turn lane. Public Safety said the center lane is to be used for emergency vehicles.

Councilmember Hennen stated that with or without the road diet Coolidge sucks. He said he does think we could have done a better job at collecting data, but he believes the road diet is the best choice. He stated the benefits and shares the sentiment with protecting the bike lanes.

Councilmember Vilani said Public Safety stated the school district should provide input. City Manager Baumgartner stated that Andy Meloche from the School District did review the draft and provided notes and said he agreed with the recommendations.

Councilmember Baker thanked the City Manager for his excellent synopsis. He said as a liaison to the DDA, the Board has spoken about this often. He said as a step back for us to take this more active, formal step, he is happy to see these steps toward formalizing safety first. There may be some deficiencies but he likes the movement forward instead of moving back.

Councilmember Hennen echoed the statements and said there are deficiencies for sure and it is a longer-term view. It was done as a low-cost project to being with and a longer-term commitment to further enhancements will make the changes that have been more appreciated as we start to get improvements to be more like a 12 mile.

PUBLIC COMMENT FOR MOTION M-105-22 (CONTINUED):

Mayor Terbrack said to somewhat echo what Hennen said, is it perfect, no. Will it ever be perfect, no. Is it better, it appears to be and it is safer and has slowed traffic to see some of the businesses there. He said there is still work to do. He said moving backwards doesn't seem to be the most prudent decision right now. He has received quite a few comments about Coolidge and knows it will continue to be a topic of conversation. Moving forward with a plan towards infrastructure to make it what we want is important and he knows that perfect would never be an option in the municipal world.

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

Nays: None

Motion Approved.

RESOLUTION NO. R-24-22: Matter of adopting the Berkley Downtown Design Guidelines.

Councilmember Baker moved to approve Resolution No. R-24-22

Seconded by Councilmember Gavin

PUBLIC COMMENT FOR RESOLUTION R-24-22:

Charles Tyrell, Berkley resident, said his viewpoint has not changed. He stated that by codifying, they are no longer guidelines, they are mandates and the document is poorly written for that reason. He said there are too many "shoulds" in the document. He said it leaves too much up to interpretation. He gave an example of how you measure the character of the proposed building. He said the guidelines are full of non-measurable guidelines which makes them not guidelines. He said if you can't measure it, you can't build to it. He said it's fine to have guidelines, but then it shouldn't be codified. He said it must be stopped.

Jonas Rhymer, Berkley resident, stated that when it comes to downtown Berkley, there should be as much opportunity for mixed-use as possible. He said there should be more housing downtown. He said there is too much R-1 zoning. He discussed the benefits of mixed-use. He also said bike lanes are good for the downtown. He said he would like to see more development outside of 12 Mile and outside of the downtown as on the zoning map. He said he would like the revitalization of properties and vacant parcels. He asked about walls. He said his interpretation of adding walls is to densify downtown and make it more pleasant to stay so it isn't a passthrough. He would like the downtown to reflect more of a community center. He would like to see and make it feel more of an experience and safer.

Kurt Hite, Berkley resident, stated that with the DDA guidelines, he was a part of the get-together to get input from the community. He said he thought that was very well done. He said originally the guidelines were to reduce the requirements for parking, he was talking about lot size and protecting neighborhoods. He said he supports leaving the parking so people don't park on the side streets. He discussed there might be more problems if it isn't enforceable. He said it should be set in stone what is allowed and not allowed instead of leaving it ambiguous. He said he believes there is a lot of support for mixed-use on 12 Mile. He said there was an issue with another property and stated you couldn't single out and talk about one specific property.

Councilmember Hennen said the guidelines are not enforceable as they are overarching goals. He said next up is an ordinance which is a subset of the enforceable guidelines. He said the touchy-feely matters didn't make it into the ordinance. He said he is comfortable with both as separate documents. He mentioned the parking is outdated and they are talking about a new parking study. He said mentions to Hartfield were removed and removed such language targeting a specific parcel.

Councilmember Baker said to take a step back more broadly, he gave thanks to all of those that were a part of the process from the DDA, Planning, and community. He wants to see the downtown grow and become more welcoming and inviting. He said this is another tool in our toolbox to help growth in our downtown.

Mayor Terbrack said maybe the document isn't perfect, but we are looking for ways to support the downtown to be as inviting and vibrant as it can be, and having these guidelines in place is going to help us in the future.

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

ORDINANCE NO. O-06-22: Matter of considering the First Reading of an Ordinance to amend Section 94-5, Exempt Signs (signs permitting in nonresidential districts), in Chapter 94 Signs of the City of Berkley Code of Ordinances and Sections 138-32, 138-143, 138-222, 138-526, 138-527, 138-679 and 138-680 of Chapter 138 Zoning to implement the Downtown Design Guidelines.
Councilmember Baker moved to approve Ordinance No. O-06-22
Seconded by Councilmember Hennen
Ayes: Hennen, Price, Vilani, Baker, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

ORDINANCE NO. O-07-22: Matter of considering the First Reading of an Ordinance to amend Article XII, Residential Grading & Drainage Standards, to Chapter 26, Buildings and Building Regulations of the City of Berkley Code of Ordinances to modify standards for residential grading and drainage and to prescribe a penalty for violations.
Councilmember Hennen moved to approve Ordinance No. O-07-22
Seconded by Councilmember Price

PUBLIC COMMENT FOR ORDINANCE O-07-22:

Kurt Hite, Berkley resident, said he was absent during a lot of the discussions. The first thing that stands out to him is that 50 percent is a substantial increase. He said you will have a big difference in the runoff of water. He said the requirements should be more stringent with all of the new, larger homes being built. He discussed sewers, sewer linings, and water runoff. He provided suggestions for what could be done. He discussed why to come up with a plan first to address the water runoff. He said that would save a lot of the heartache. He said there should have been a plan a while ago to deal with the water runoff and grading issues with these large homes. He said there is nothing in place for recourse. He said there should be something in place that addresses this beforehand.

Mayor Terbrack clarified there are grading plans in place and topographical studies in certain cases. He said anything over 50 percent is qualified as a new build.

Councilmember Hennen said this is our third stab at this and he discussed the moratorium stating that they kept it for new builds and we found it successful. It has resulted in cases where water remediation from new builds is helping drainage. He said there are still standards in place and he is very comfortable with this.

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

ORDINANCE NO. O-08-22: Matter of considering the First Reading of an Ordinance to amend Section 30-187, General Provisions and Section 30-188, Registration of Rental Properties in Chapter 30, Businesses of the City of Berkley Code of Ordinances to require registration and inspection of short-term rentals of an entire structure.
Mayor Pro-Tem Dean moved to approve Ordinance No. O-08-22
Seconded by Councilmember Vilani
Ayes: Vilani, Baker, Dean, Gavin, Hennen, Price, and Terbrack
Nays: None
Motion Approved.

MOTION NO. M-106-22: Matter of considering the formation of an Ad Hoc Committee to fill a City Council vacancy.

Councilmember Gavin moved to approve Motion No. M-106-22
Seconded by Mayor Pro Tem Dean
Ayes: Baker, Dean, Gavin, Hennen, Price, Vilani, and Terbrack
Nays: None
Motion Approved.

RESOLUTION NO. R-25-22: Matter of designating the time and place of City Council Meetings and approving its Rules and Order of Procedure.

Councilmember Price moved to approve Resolution No. R-25-22
Seconded by Councilmember Vilani
Ayes: Dean, Gavin, Hennen, Price, Vilani, Baker, and Terbrack
Nays: None
Motion Approved.

COMMUNICATIONS:

CITY MANAGER BAUMGARTEN:

- Holiday Lights Parade on Saturday, December 3rd – will be carriage rides, smore stands, petting zoo, meet Santa, and the city tree lighting, etc.
- Thursday and Friday, December 1st and 2nd – Santa will drive through the City so all of the residents can see him. They will start at 6:30 p.m. – 9 p.m. More details to come and follow Santa Tracker which will provide live updates. Fun filled week is coming up.

MAYOR TERBRACK:

- No communications from Council as we are honoring our friend Jamie Wittenberg. Nothing can be said that can alleviate the pain and sadness his family and friends are feeling right now. Everybody will tell you he was truly one of the best and in everything that he did. His legacy is not only in our community and in our city, but will live on forever in the hearts of everyone that knew him. He requested that they yield all of their time out of respect to Jaime this evening. Rest in peace your honor.

ADJOURNMENT:

Mayor Pro-Tem Dean moved to adjourn the Regular Meeting at 9:02 p.m.
Seconded by Councilmember Baker
Ayes: Hennen, Price, Vilani, Baker, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

ATTEST:

Victoria Mitchell, City Clerk