

THE REGULAR MEETING OF THE FORTIETH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00PM ON MONDAY, JUNE 17, 2024 IN COUNCIL CHAMBERS BY MAYOR DEAN

PRESENT: Councilmember Steve Baker Councilmember Clarence Black
Mayor Pro Tem Ross Gavin Councilmember Dennis Hennen
Councilmember Gregory Patterson Councilmember Jessica Vilani
Mayor Bridget Dean

OTHER STAFF PRESENT:

Interim City Manager Nate Geinzer
City Attorney Dan Christ
Deputy City Clerk Rachel Patterson
Interim Parks & Recreation Director Dan McMinn
Department of Public Works Director Shawn Young
Community Development Director Kristen Kapelanski
Finance Director Carl Johnson
Communications Director Caitlin Flora
Downtown Development Authority Director Michael McGuinness
Public Safety Lieutenant Jordan Kobernick
Assistant to the City Manager Charlaine Stevenson

APPROVAL OF AGENDA

Mayor Pro Tem Gavin moved to approve the Agenda
Seconded by Councilmember Baker
Ayes: Black, Gavin, Hennen, Patterson, Vilani, Baker and Dean
Nays: None
Motion Approved.

MAYOR-LED MOMENT OF REFLECTION

The Mayor led Council in a moment of silence to honor the recent passing of Gary Polk.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Jason Benedict, Berkley, asked for volunteers for the League of Michigan Bicyclists audit taking place on June 25th. Asked when an after-action report regarding Berkley Days would be made available.

Consent Agenda

Councilmember Hennen moved to approve the following Consent Agenda, seconded by Councilmember Patterson:

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 40th Regular City Council meeting on Monday, June 3, 2024.

WARRANT: Matter of approving Warrant No.1399.

ORDINANCE NO. O-06-24: Matter of considering the Second Reading and Adoption of an ordinance of the Council of the City of Berkley, Michigan amending Chapter 46 Elections, Article II Precincts, Section 46-16 through Section 46-23 of the Berkley City Code.

MOTION NO. M-56-24: Matter of approving a TMF Grant Agreement between the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and the City of Berkley. This grant would provide roughly \$570,000 in financial assistance for service line verification work.

MOTION NO. M-57-24: Matter of approving the purchase of a Hunter Alignment System from Equipment Distributors Inc. of Fair Haven Michigan in the amount of \$17,219.70. This purchase would utilize the State of Michigan Mideal Cooperative Contract #230000001507. Funding for this purchase would come from account 101-443-982-000 (Public Works Garage Equipment).

Ayes: Gavin, Hennen, Patterson, Vilani, Baker, Black and Dean
Nays: None
Motion Approved.

Regular Agenda

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

PRESENTATION: Matter of receiving a presentation regarding the historical naming of the City Hall conference rooms.

Charlaine Stevenson, Assistant to the City Manager, and Rachel Patterson, Deputy City Clerk presented regarding naming City Hall conference rooms after notable Berkley women from history

MOTION NO. M-58-24: Matter of authorizing the amendment of the 2023/24 budget as presented.
Councilmember Hennen moved to approve Motion No. M-58-24
Seconded by Councilmember Baker
Ayes: Hennen, Patterson, Vilani, Baker, Black, Gavin and Dean
Nays: None
Motion No. M-58-24 Approved.

Bruce Pohl, Berkley, spoke regarding M-58-24.

Joshua Hunter, Berkley, spoke regarding M-58-24.

MOTION NO. M-59-24: Matter of approving the internal services annual allocation as included in the approved fiscal year 2024/2025 budget.
Councilmember Hennen moved to approve Motion No. M-59-24
Seconded by Mayor Pro Tem Gavin
Ayes: Vilani, Baker, Gavin, Hennen and Dean
Nays: Patterson and Black
Motion No. M-59-24 Approved.

Mr. Johnson presented:

- Budget Allocation:
 - Internal costs can be allocated up to 10%.
 - Admin costs (e.g., city clerk, attorney) are allocated via a percentage, not directly.

- Cost Details:
 - Includes salaries, FICA, healthcare, and retiree benefits.
 - Retiree healthcare costs are spread city-wide.
- Revenue and Allocation:
 - Based on total revenue of restricted funds.
 - Not person-specific but based on total percentages (e.g., 54% for water and sewer fund).
- Standard Practices:
 - Common across communities; explained calculation using revenue percentages.
 - Revenue increases don't automatically adjust allocation percentages.
- Council Discussion:
 - Councilmember Black requested a simple explanation.
 - Councilmember Hennen discussed balancing detailed studies vs. practical work.
- Conclusion:
 - Current methodology is reasonable and consistent.
 - A detailed cost study could be done but would require significant resources.
 - Process is audited and has been successful.

Bruce Pohl, Berkley, spoke regarding M-59-24.

MOTION NO. M-60-24: Matter of approving a Planned Unit Development for a multiple-family development on the east side of Coolidge Highway, south of Cambridge Road and north and south of Columbia Road as submitted by the applicant, Designhaus Architecture on behalf of WJ Ventures LLC, 2465 Columbia, 2468 Columbia, and 2476 Columbia and 2475 Cambridge.

Charles Tyrrell, Berkley, asked to be allowed to speak prior to public comment. Mayor Dean instructed him to speak during the public comment portion of consideration of the motion.

Kristen Kapelanski, Community Development Director, introduced the item for discussion; she said Planning Commission considered the project at the May meeting and recommended approval. Deviations from ordinance, included a deficient setback along Coolidge.

Wayne Wudyka, WJ Ventures; Peter Stuhlreyer, Designhaus Architects and Joe Anderson, Giffels Webster, presented regarding the proposed development:

- High-quality living to meet housing demand
- Supports the City of Berkley's master plan vision
- Community improvement and engagement at its core
- The right project, the right location, the right time for the Columbia
- Twice approved by the planning commission with endorsement from the City, staff, and consultants.

Moe Shrikian, Berkley, spoke regarding M-60-24.

Thomas Stathopoulos, Berkley, spoke regarding M-60-24.

Paul Jordan, Berkley, spoke regarding M-60-24.

Michael McGuinness, Downtown Development Authority Director, said the DDA board of directors unanimously approved a resolution in support of the proposed development. He described why they feel the proposed project would fit within and benefit Berkley.

Joel Ulferts, Berkley, via email: The ideal development should be scaled down in size and meet proposed zoning ordinances.

M-60-24 Amended: Matter of approving PUD 0123, the Columbia, with the same ordinance deviation as found by the Planning Commission in its May 28, 2024 recommendation for approval with the following conditions: the conditions stated in the Planning Commission May 28, 2024 recommendation for approval; a one-year warranty for any landscaping provided to residents at 2244 Cambridge, 2245 Columbia, and 2246 Columbia; signage requesting visitors and deliveries to park on Coolidge and with the findings that the minimum of three out of seven public benefits listed in Section 138-533 have been met including that the project provides extensive landscaping beyond the site plan requirements, the project provides open space or a public plaza, and the project provides efficient consolidation of poorly dimensioned partials; and the standards approval in section 138-537 have been met.

Councilmember Hennen moved to approve Motion No. M-60-24

Seconded by Councilmember Black

Ayes: Baker, Black, Gavin, Hennen, Patterson and Dean

Nays: Vilani

Motion No. M-60-24 Approved.

ORDINANCE NO. O-07-24: Matter of approving the first reading of an ordinance to amend Section 106-36 Damage and Obstruction Prohibited Generally, Section 122-92 Established Use of Off-Street Parking Spaces and Section 122-94 Parking in Residential Districts Between Certain Hours and add Section 122-96 Presumption from Ownership, Section 122-97 Vehicle Abandonment and Section 122-98 On-Street Parking Prohibitions of the City of Berkley Code of Ordinances to update the policies and procedures for on-street parking and parking in municipal lots.

Councilmember Hennen moved to approve Ordinance No. O-07-24

Seconded by Councilmember Black

Ayes: Baker, Black, Gavin, Hennen, Patterson, Vilani and Dean

Nays: None

Ordinance No. O-07-24 Approved.

Mr. Geinzer opened the presentation:

- Said that no one is recommending the City lift the overnight parking ban.
- Staff is not asking for approval this evening, but concrete direction regarding parking.
- Our current system is outdated, inefficient, and is not working; household patterns and vehicle uses are very different than in 1959.

Director Kapelanski:

- Explained how they came to addressing these issues.
- Described the parking study results.
- Explained that we want to be a welcoming, growing community that welcomes all households.

Lieutenant Kobernick:

- Addressed public safety challenges.
- Outlined current process: antiquated and good tracking mechanism do not exist to issue passes.
- Multi-faceted project to update this.
- Very simplistic ordinance: does not address passes. ordinance should provide backing for enforcement.
- People have moved out of Berkley because of the current ordinance.

Director Kapelanski:

- Recommended compromise.
- Described possible changes to the current process:
 - Online permitting for temporary overnight parking
 - Yearly residential overnight parking permit, one per household
 - Tickets would rise to \$50, matching other parking tickets
- Hardship test would require more staff resources.

Mr. Geinzer:

- Understands how hardship allowance would come into play.
- Estimated staff time: 50 -100 hours annually.
- How do we define a hardship?
- Possible examples of a hardship
 - Number of licensed drivers in the home
 - Handicap accessibility
 - Length and width of the driveway
 - Ability to park vehicles without blocking sidewalk
 - Need to store work vehicle in driveway
 - Extended home construction timeline
 - Size of garage/ apron

Director Kapelanski:

- Summarized recommendations for both temporary permits and annual passes
- Outlined benefits of new online parking permit system.
- Went over what the city code amendment would codify
 - Cleaning up ordinance to ensure firm legal footing for enforcement

Mr. Geinzer went over the direction needed from Council:

- Terms of eligibility for an annual parking pass.
- Cap on number of passes available.
- Objective definition of an eligible hardship.

Communications Director Caitlin Flora addressed education of the community.

Moe Shrikian, Berkley, spoke regarding O-07-24.

Tom, Berkley, spoke regarding O-07-24.

Steve Long, Berkley, spoke regarding O-07-24.

Nancy Lauwers, Berkley, spoke regarding O-07-24.

Dean Smith, Berkley, spoke regarding O-07-24.

Paul Jordan, Berkley, spoke regarding O-07-24.

Lisa Kempner, Berkley, spoke regarding O-07-24.

Kevin Kenworthy, Berkley, spoke regarding O-07-24.

William Moyer, Berkley, via email: listed out his concerns regarding the ordinance. He said that the 2am - 6am no parking should stay in effect with only special permits approved as needed.

Joel Ulferts, Berkley, via email: asked that restrictions for Apartments and Rentals be added to the proposed ordinance.

MOTION NO. M-61-24: Matter of approving the appointments to various boards and commissions:

Library Board

Jordan Paterra- July 2029

Public Safety Pension Board

James Smith July 2028

Mark Maisonneuve July 2028

Beautification Advisory Board

Dan Mihaescu- Approved Term expiring - July 2026

Anela Mihaescu- Approved Term expiring- July 2026

Jennifer Smitterberg- Approved Term expiring - July 2026

Lynn Khadra- Approved Term expiring- July 2026

Ethan Fogle - Approved Term expiring - July 2026

Mishaal Mariam Moin- Approved Term expiring- July 2026

Historical Committee

Dale Carlson - Approved Term July 2027

Donald Callihan- Approved Term July 2027

Justin Harlan- Approved Term July 2027

Kyle Grimm- Approved Term July 2027

Shirley Hansen- Approved Term July 2027

Planning Commission

Lisa Hamameh - Approved Term Expiring - July 2026

Eric Arnsman - Approved Term Expiring - July 2026

Zoning Board of Appeals

Andrew Creal - Approved Term Expiring: July 2027

Erick McDonald - Approved Term Expiring: July 2027

Parks and Recreation Board

Gary Polk - Approved Term expiring - July 2026

Mike Kerby- Approved Term Expiring July 2026

Environmental Advisory Committee

Fai Foen - Approved Term expiring - July 2027

Mishaal Mariam Moin - Approved Term expiring- July 2027

CEAC

Lynn Khadra - Approved Term expiring - July 2026

Tom Prescott - Approved Term expiring - July 2026

Oona Friedland - Approved Term expiring - July 2026

TAC

Lynn Khadra - Approved Term expiring - July 2026

Tom Prescott - Approved Term expiring - July 2026

Todd Mason - Approved Term expiring - July 2026

Heather Damron - Approved Term expiring - July 2026

Tree Board

Stephen Bard - Approved Term expiring - July 2027
Robert Lathrop - Approved Term expiring - July 2027
Lisa Fritsch - Approved Term expiring - July 2026*
Approval for New Appointments:
Fai Foen - Approved Term expiring - July 2027
Mishaal Mariam Moin - Approved Term expiring - July 2026
Councilmember Baker moved to approve Motion No. M-61-24
Seconded by Councilmember Hennen
Ayes: Hennen, Patterson, Baker, Black, Gavin and Dean
Nays: Vilani
Motion No. M-61-24 Approved.

COMMUNICATIONS

COUNCILMEMBER BLACK

- Said he will be speaking at the Hazel Park Juneteenth celebration on Wednesday, he is looking forward to it.

COUNCILMEMBER HENNEN

- The Zoning Board of Appeals denied a generator in side yard and approved a driveway larger than the home. They will be hearing five cases in July: two murals and three requests for dimensional variances.
- Tree Board on summer hiatus; sign up now for the Fall street tree planting program at berkleymichn.org or by calling DPW at (248) 658-3490. Thanked outgoing members. The Tree Board will next meet on September 23rd.
- The next Talk with Dennis will be Monday, July 15th from 6-8 pm at the Library; stop by any time with questions or concerns.

COUNCILMEMBER BAKER

- The Historical Committee thanks everyone for stopping by the booth they had at Art Bash. Welcomed the Committee's new member. The next meeting will be on July 9th at 7 pm. You can learn more at berkeleyhistory.com.
- The Downtown Development Authority met June 12th. approved contract for holiday lights.
 - The Farmers Market on Thursdays
 - The Berkley Outdoor Social Scene, aka the BOSS, is off to a good start; more restaurants are undergoing the approval process.
- Steven Wright once said, "If you saw a heat wave, would you wave back?" Please take care of yourselves, stay hydrated. Do not leave animals or children in non-operated vehicles. Heat is incredibly powerful. Extremes come at both ends.
- Please hug somebody you love.

MAYOR PRO TEM GAVIN

- The next Library Board meeting will be on June 26th.
- Parks & Recreation Advisory Board's next meeting will be on August 8th.

COUNCILMEMBER VILANI

- Environmental Advisory Committee will meet next Thursday.
- For the Berkley Area Chamber of Commerce, Street Art Fest will be on July 13th. June 11th was the ribbon-cutting of Emery Evening Gowns.
- Thanked Environmental Advisory Committee (EAC) for operating the Bike Corral at Berkley Days. Welcomed new EAC members.
- Pride fest is this Sunday, come pay a visit at the merch tent.
- Today has been a big day of voter activism. residents have taken time to voice their opinions. She said she does read them all. She addressed a specific email: we are your elected

representation, we are also your neighbors. We are not your enemy. We are here because we care about this community. Due diligence is not copying and pasting an email. Reaching out and having a conversation with someone to find out if a perceived bias is real. Proposed changes have 0 impact on her situation. Driving by my house and shooting off an email is much closer to stalking than due diligence. Change begins at home.

COUNCILMEMBER PATTERSON

- The Planning Commission will meet on June 25th at 7pm.

INTERIM CITY MANAGER NATE GEINZER

- No updates.

CITY ATTORNEY ANN CHRIST

- No updates.

MAYOR DEAN

- Recognized Communications Director Caitlin Flora, Assistant to the City Manager Charlaine Stevenson, and Election Specialist Amy Bessler for all their hard work putting on the recent Volunteer Appreciation Event. They created something truly special and meaningful for all our volunteers.
- She said anyone giving their time, talent, or expertise to our community are A+ in her book.

ADJOURNMENT:

Councilmember Patterson moved to adjourn the Regular Meeting at 11:08 p.m.

Seconded by Councilmember Vilani

Ayes: Gavin, Hennen, Patterson, Vilani, Baker, Black and Dean

Nays: None.

Motion Approved.

Bridget Dean, Mayor

ATTEST:

Rachel Patterson, Deputy City Clerk