

**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 4, 2022 BY MAYOR TERBRACK**

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

APPROVAL OF AGENDA

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

INVOCATION: Pastor Adam Groh

PUBLIC COMMENT

Robert Rivait, Berkley, spoke regarding his concern about his neighbor's home that was turned into an Airbnb last February. He said he has lived in Berkley for 37 years. He continued to say that in all the time he has lived here he has had homes near him that have been rentals and has had no issue. He talked about how the difference now is that instead of having a landlord situation, we now have a commercial business running remotely next door. He feels that it may as well be a hotel. He said that it comes to his attention that Berkley, Michigan has no special rules for Airbnbs and they have constant turnover of groups of people coming through. Since February 8th of this year, he said there have been 20 groups of people who have stayed next door. One of the groups of people parked in his driveway which is around the corner on Webster, lighting up his bedroom late at night, while another car pulled up in front of his house and used a flashlight on their phone to go to his front door. He addressed some other concerns he also has regarding this property:

1. Safety- He says that when it rains pretty much the whole yard floods. He also said that there is still debris around the yard and if they want to make money there should take care of what needs to be taken care of.
2. Liability issues- He asked who is responsible if someone is bit by an animal staying at the Airbnb? He said there was a dog who sat out for over a week and had food outside and the fence in the backyard is so bad that they can climb up and have their paws on the fence. He also asked if they have to be vaccinated and licensed like the rest of the animals in Berkley? How are you going to regulate a situation of constant turnover? He also talked about a lady that was staying there and was walking her cat and the cat tried to get in his house while his wife opened the door to get the mail.

He said that when he tried to resolve some issues directly with one of the owners, the response he got was, "This is just business." He said that he thought Berkley was a residential community. He asked about why these people aren't in a different zone like on Greenfield? He asked if that was isn't that zoned commercial? He said that this is going to destroy our neighborhood by making it a less desirable place to live in peace and raise a family. It may even drive down home values. He said that when they moved into their house 37 years ago, they had two daughters under the age of five. They moved there because they wanted a safe neighborhood and a good school system for their children. He said he would have never considered putting

his family at risk with moving into a residential area with a hotel next door. He stated that Airbnbs need to have rules and regulations put in place to preserve our neighborhood and those rules need to be enforced. He also said that he talked to someone about turning the lights off and they have had them on for over a week now and it lights up their whole backyard and their bedroom. He said he has contacted the governor and two congressmen regarding this last Friday and has not gotten no answers so far. He said that they should pay attention to Berkeley, California's rules because they are very sound and very fair.

Mike McGuinness, Berkley Downtown Development Authority Executive Director, said he wanted to put on the radar three note worthy items that are coming up very soon. The first Ladies Night Out of the season will be on Thursday, April 7th from 5:00 – 9:00 pm. He mentioned they will be offering four Ladies Night Out events this year instead of three. He talked about the different businesses in downtown area that will be participating and what items they will be giving out for free as well as promotional bags will be given out by the Downtown Development Authority. He encouraged everyone to shop, dine and explore Downtown Berkley. He also mentioned that a new business called Little Lou's Hot Chicken at Catalpa and Coolidge and has a target date of opening on April 26th. He also mentioned that Sunday, May 1st Flipside Records will be ground zero for the Downtown Block Party event in Berkley from Noon – 4:00 pm. He said that welcomes any organizations that want to be involved and to contact him or visit downtownberkeley.com

Consent Agenda

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

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 39th Regular City Council meeting on Monday, March 21, 2022.

PROCLAMATION NO. P-08-22: Matter of proclaiming and recognizing the volunteers of the City of Berkley and declaring the week of Sunday, April 17–Saturday, April 23, 2022 as Volunteer Week.

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 read Proclamation No. P-08-22 into record.

MOTION NO. M-36-22: Matter of authorizing the Knights of Columbus, 2299 W. Twelve Mile Road, Berkley, Michigan, to conduct a Tootsie Roll Drive in the City of Berkley from Friday, April 8th through Sunday, April 10th from 8 a.m. to 7 p.m. Council reserves the right to rescind the permit due to State and/or County health and pandemic protocols.

Councilmember Price moved to approve Motion No. M-36-22
Seconded by Councilmember Vilani
Ayes: Hennen, Price, Vilani, Baker, Dean, Gavin, and Terbrack
Nays: None
Motion Approved.

MOTION NO. M-37-22: Motion to approve the appointments to various boards and commissions.
Mayor Pro Tem Dean moved to approve Motion No. M-37-22

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

RESOLUTION NO. R-04-22: Matter of authorizing publication of a notice of public hearing to be held on April 18, 2022 regarding reprogramming of certain 2020 and 2021 Program Year Community Development Block Grant Funds.

Councilmember Gavin moved to approve Resolution No. R-04-22

Seconded by Councilmember Vilani

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

Nays: None

Motion Approved.

COMMUNICATIONS

COUNCILMEMBER BAKER: stated that the Historical Committee's next meeting is on Tuesday, April 12th at 7:00 pm. He said that the Berkley Historical Museum has a special display that features that Holland Hardware Fire of 1978. He announced that the hours of the historical museum is Wednesdays from 10:00am – 1:00pm and Sundays from 2:00pm – 4:00pm as well. He also mentioned that you can visit their website at berkleyhistory.com. He said the next Downtown Development Authority (DDA) meeting will be on Wednesday, April 13th at 8:30am. He thanked business owners, volunteers, and staff for making the various leprechaun events during the month of March a success. He also extended a special thank you to the Berkley's DDA Executive Director as well. He mentioned that the next DDA event, Ladies Night Out, will be returning on Thursday, April 7th. He also said you can learn more about the DDA by visiting downtownberkley.com. He quoted William Shakespeare, "April, dress'd in all its trim, hath put a spirit of youth in everything." He talked about how April is the month of reawakening and in the City of Berkley, is also reawakening from both winter and from the peak of the COVID pandemic and beginning to enter into a new norm. Finally, he encouraged everyone to stay safe, exercise caution, and to get boosted when it is appropriate.

COUNCILMEMBER PRICE: said that she did not have any new announcements from her committees since the last meeting. She said in honor of the recent proclamation proclaiming the upcoming "Volunteer Week", she wanted to take this opportunity to publicly recognize and thank the volunteers who serve on the City's boards and committees where she acts as the City's liaison. This includes the Library Board, the Citizens Engagement Advisory Committee, and the Beautification Advisory Committee, she first recognized the members on the Library Board:

1. Rita VanBrandeghen
2. Mary Jo Armstrong
3. Carol Hermann
4. Jordan Paterra
5. Amanda Rohda

Second, she recognized the members on the Citizens Engagement Advisory Committee:

1. Nicole Menard
2. Sandy Fisher
3. Brandon Moss
4. Jaye Sanders
5. Katie Ware

Third, she recognized the members on the Beautification Advisory Committee:

1. Dan Mihaescu
2. Anela Mihaescu
3. Nick Armstrong
4. Stephen Bard
5. Jeremy Coan
6. Jim Fritsch
7. Charlene Kondrat
8. Jennifer Smittenberg

She also wanted to congratulate and thank Emily Kemner and Adrienne Penney who were just appointed to the Citizens Engagement Advisory Committee this evening as well as Lynn Khadra who was also just appointed to the Beautification Advisory Committee that evening. She also said that she looks forward to their future contributions. Finally, she thanked everyone who volunteers their time and talents to make Berkley better and that this week and always we appreciate you.

COUNCILMEMBER HENNEN: stated that the next Zoning Board of Appeals (ZBA) meeting will be on Monday, April 11th regarding a sign variance. He said that from the Tree Board, spring tree planting will start soon and it is new for them. He went on to say that the tree planting is in result of a grant the City was awarded from DTE. He said they are also planning an Arbor Day event later this month, as well as investigating a tree canopy study, and they are also looking at an invasive species ordinance. Finally, he said that he will be resuming his "Talk with Dennis" events again and the next one will be on Tuesday, April 19th from 6:00 – 8:00pm at the library.

MAYOR PRO TEM DEAN: stated that there is a lot going on at Jaycee park. She said that Friends of Berkley Parks and Recreation is hosting a fundraiser for Jaycee Park on April 30th from 10:00am – Noon and there will be family fun activities at Jaycee Park and all the donations raised will go to the Jaycee Park fundraiser. She then continued to say the that the Jaycee Park fundraiser is still happening and they need to raise a minimum of \$50,000 in order to receive the Michigan Economic Development Corporation (MEDC) match. For more information, she said to visit berkleymich.org and to look under the "Latest News" tab for the link to the Jaycee Park development. She said that the next "Tale on the Trail" event will be in celebration of Earth Day at Jaycee Park. She said that that there is no cost or sign up needed and it will start on April 22nd and story pages will be up for about two weeks. She announced that registration for specialty summer camps and summer day camp is now open and can be done online at recreation.berkleymich.org. She said that "Hopping into Spring" senior bingo is on April 19th at Noon and the cost is \$5 per person and lunch is included. Finally, she encouraged everyone to checkout the Berkley Buzz for the upcoming information on spring and summer events from the Parks and Recreation Department.

COUNCILMEMBER GAVIN: said at the last Planning Commission meeting they covered some very important issues. He said that the Capital Improvements Plan was presented for any questions and feedback from the commission and then will be on the next Planning Commission agenda for approval and then will come before City Council. The Planning Commission also listened to sketch plans for two marihuana retail shops, offered feedback on those sketches, and there was no formal vote on either one. Lastly, the Planning Commission approved a site plan with conditions for rowhomes along 12 Mile Road. He said that the next Planning Commission meeting will be on Tuesday, April 26th at 7:00 pm in the Council Chambers. Finally, he said the Environmental Advisory Committee had not met since the last City Council meeting and their next meeting will be on Thursday, April 21st at 6:30 pm on the second floor of the public safety building.

COUNCILMEMBER VILANI: stated that the Technology Advisory Committee (TAC) had not met since the last City Council meeting. She said the next meeting would be next Wednesday, April 13th and mentioned they will be excited to have their two new members join them. She gave an update from the Berkley Chamber, and mentioned that the "Chamber Chat" will be on April 15th from 8:30 am – 9:30 am at

Rewear Vintage. She said that the American Legion is continuing to do its Sunday Morning Pancake Fundraisers from 9:00 am – 12:00 pm on the first and third Sunday of the month and they are also continuing to do their Lenten Fish Fry every Friday evening between now and the end of Lent from 5:00 pm – 8:00 pm and all proceeds go to veterans and community needs. She mentioned that Eagle Rock Insurance will be having a virtual event titled, “A Caregiver’s Guide to Planning in the Shadow of Dementia” on Tuesday, May 10th at 6:00 pm. Finally, she wished her grandmother a Happy 97th Birthday and mentioned that she had not seen her in two years and took Councilmember Baker’s advice and finally got to hug someone she loves.

CITY MANAGER BAUMGARTEN: echoed thank you to the City volunteers. He said the City gets to work with some fantastic people and the city staff is pleased to serve as liaisons to some of the boards and commissions that have received some new faces this evening. Second, he wanted to reiterate and said that if anyone thinks that they are a victim of fraud or think that fraud may have occurred that they should reach out to Berkley Public Safety so they can initiate an investigation. He said the that instead of going to social media first, to go to public safety so they can do a thorough investigation and post warnings to your neighbors as well. He said he cannot say enough to please reach out to Public Safety first regarding a potential scam instead of going to social media.

CITY CLERK MITCHELL: announced that absentee ballots went out for the May 3, 2022 Special School Election. She continued to say that if you applied for an absentee ballot and do not receive by the end of the week to please reach out to the City Clerk’s Office by calling (248) 658-3310 or by emailing clerk@berkleymich.net. She said that for those for wish to vote in person all precinct locations will open on election day from 7:00am – 8:00pm. She talked about how the election is for the school district and it is only for a nonhome stead millage renewal and will be serving all residents who live within the Berkley School District including a small portion of residents that live in Royal Oak. Finally, she said you can view a sample ballot at the City Clerk’s Office and you can receive more information by contacting the school district or visiting their website at berkleyschools.org.

ATTORNEY STARAN: said that he did not have any specific news to report. He mentioned that he continues to work closely with the City Manager and staff with day to day matters that may arise as well as the current litigation and there is no new development with that this evening.

MAYOR TERBRACK: said that he already said what he was going to say earlier in the meeting and mentioned to Councilmember Baker that they would not need to do a motion to suspend the rules for the meeting.

ADJOURNMENT

Mayor Pro Tem Dean moved to adjourn the Regular Meeting at 7:39 p.m.

Seconded by Councilmember Vilani

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

Nays: None

Motion Approved.