

**THE REGULAR MEETING OF THE THIRTY-NINTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN  
WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, SEPTEMBER 19, 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.

**INVOCATION:** Pastor Zack Dunlap

**PUBLIC COMMENT**

Berkley Downtown Development Authority Executive Director Michael McGuinness stated, "Make no bones about it, Berkley is ready for the BOO!KLEY season. He said downtown stakeholders interested in putting a spin on a skeleton this season should contact the Downtown Development Authority. He said those interested may pick up a skeleton or have it dropped off to then adorn it with a specialized vibe or choose from an area organization to represent. Mr. McGuinness announced the different BOO!KLEY Booster sponsorship opportunities are available as a monetary way to get involved. For more information, visit [downtownberkley.com](http://downtownberkley.com).

***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, August 8, 2022 and Special City Council meeting on August 15, 2022.

**WARRANT:** Matter of approving Warrant No. 1377 and Warrant No. 1378.

**MOTION NO. M-85-22:** Matter of approving the 2022-2023 Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Berkley. The City will be reimbursed a total of \$11,735.26 which will be paid in two installments, \$5,867.63 due in December 2022 and \$5,867.63 due in March 2023.

**PROCLAMATION NO. P-28-22:** Matter of proclaiming October 2022 as Berkley Area Chamber of Commerce Month.

**PROCLAMATION NO. P-29-22:** Matter of proclaiming October 2022 as National Breast Cancer Awareness Month.

**PROCLAMATION NO. P-30-22:** Matter of proclaiming October 2022 as National Cybersecurity Awareness Month.

**PROCLAMATION NO. P-31-22:** Matter of proclaiming October 2022 as National Disability Employment Awareness Month.

**PROCLAMATION NO. P-32-22:** Matter of proclaiming and celebrating the American Library Association's Banned Books Week from September 18 to September 24 at Berkley Public Library.

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.

1. Councilmember Vilani read P-28-22 in its entirety. Berkley Area Chamber Board President Tim Murad and Berkley Area Chamber Executive Director Darlene Rothman were present to receive the proclamation. They provided updates on past and upcoming events and promotions. A notable item included that Art Bash attendance was as big as ever which was nice following the pandemic and the challenges it posed. They thanked Oakland County for a grant that helped the Chamber through the tough times. They said upcoming activities and promotions include Berk Perks and a partnership with the Historical Committee to offer a kit house tour. They said they are always looking for volunteers and thanked everyone who has partnered with the Chamber and said none of the support is taken for granted. They discussed the importance of partnerships to support Berkley.
2. Councilmember Price read P-32-22 in its entirety. Library Director Matt Church thanked Council for the proclamation. He introduced the Library Board members who were in attendance at the meeting and said they all support this proclamation. He said at the library they are all about free choice on what you want to read, listen to, or watch. He said they want to make everything available to the community. He reiterated his thanks to Council for the support.

**RESOLUTION NO. R-15-22:** Matter of recognizing Myke Hunyor and his 17-year commitment to the City of Berkley.

Councilmember Vilani moved to approve Resolution No. R-15-22

Seconded by Councilmember Hennen

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

Nays: None

Motion Approved.

**MOTION NO. M-86-22:** Matter of approving the Department of Public Safety to enter into a 10-year agreement for an equipment refresh "Bundle" from Axon Enterprise, Inc. This bundle includes 32 Body Worn Cameras (BWC), 32 Taser 7 Electro-Muscular Disruption (EMD) weapons, 13 Axon Fleet In-Car Cameras, Axon VR Training platform, all installation, cloud based storage, redaction software, training, and accessories, for the yearly fee of \$100,438.31 from Axon Enterprise Inc., 17800 N 85th St., Scottsdale, AZ 85255. Axon Enterprise, Inc. is a sole source provider. Funds for the purchase of Taser 7 and BWCs are budgeted in the Equipment Account 101-310-982-000.

Councilmember Gavin moved to approve Motion No. M-86-22

Seconded by Councilmember Baker

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

Nays: None  
Motion Approved.

**MOTION NO. M-87-22:** Matter of approving applicant for issuance of a Development District On-Premise Liquor License under Section 521a (1)(b) of 2006 PA 501 (MCL 436.1521a (1)(b)). Applicant: Berg's Provisions LLC d/b/a Mongers' Provisions, 3127 12 Mile Road, Berkley, MI.

Councilmember Baker moved to approve Motion No. M-87-22

Seconded by Mayor Pro Tem Dean

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

Nays: None

Motion Approved.

**MOTION NO. M-88-22:** Matter of authorizing the Berkley Instrumental Boosters/Orchestra Association, 2325 Catalpa Drive, Berkley, Michigan, to conduct Berkley Tag Days 2022 in the City of Berkley on Friday, October 14th from 4-9 p.m., Saturday October 15th from 9 a.m.-5 p.m., and Sunday, October 16th from 9 a.m.-5 p.m.

Councilmember Hennen moved to approve Motion No. M-88-22

Seconded by Councilmember Vilani

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

Nays: None

Motion Approved.

**MOTION NO M-89-22:** Matter of approving the appointments to various boards and commissions.

Councilmember Gavin moved to approve Motion No. M-89-22

Seconded by Mayor Pro Tem Dean

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

Nays: None

Motion Approved.

**MOTION NO. M-90-22:** Matter of authorizing the Mayor to execute a contract between SMART and the City of Berkley for Fiscal Year 2023 for Municipal Credit and Community Credit funds in order to provide public transportation services for the period of July 1, 2022 to June 30, 2023.

Mayor Pro Tem Dean moved to approve Motion No. M-90-22

Seconded by Councilmember Price

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

Nays: None

Motion Approved.

**PRESENTATION:** Matter of receiving a presentation on the 2021 Community Development Department Annual Report.

Community Development Director Kristen Kapelanski stated the Michigan Planning and Enabling Act requires an annual report each year. She said it is also a requirement of the Redevelopment Ready certification. She said Council does not need to take any action, but she is present with the annual report to answer any questions. She said one of the highlights is that the department has continued to provide excellent customer service despite the many changes.

**RESOLUTION NO. R-16-22:** Matter of adopting the Berkley Downtown Master Plan.

Councilmember Baker moved to approve Resolution No. R-16-22

Seconded by Councilmember Vilani

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

Nays: None

Motion Approved.

**RESOLUTION NO. R-17-22:** Matter of considering updates to the Berkley Fee Schedule, effective October 1, 2022.

Mayor Pro Tem Dean moved to approve Resolution No. R-17-22  
Seconded by Councilmember Hennen  
Ayes: Price, Vilani, Baker, Dean, Gavin, Hennen, and Terbrack  
Nays: None  
Motion Approved.

**ORDINANCE NO. O-04-22:** Matter of considering the First Reading of an Ordinance of the City Council of the City of Berkley, Michigan to amend Article II of Chapter 90, Planning Commission, of the City of Berkley Code of Ordinances to reduce the size of the Planning Commission from 9 to 7 members.

Councilmember Gavin moved to approve Ordinance No. O-04-22  
Seconded by Mayor Pro Tem Dean  
Ayes: Vilani, Baker, Dean, Gavin, Hennen, Price, and Terbrack  
Nays: None  
Motion Approved.

**ORDINANCE NO. O-05-22:** Matter of considering the First Reading of an Ordinance of the City Council of the City of Berkley, Michigan to amend the First Reading of an ordinance to amend Section 94-7, Signs Requiring Permits and Section 94-12, Nonconforming Signs, in Chapter 94, Signs, of the City of Berkley Code of Ordinances to allow for signs for multi-tenant buildings and allow copy on nonconforming signs to be replaced.

Mayor Pro Tem Dean moved to approve Ordinance No. O-05-22  
Seconded by Councilmember Hennen  
Ayes: Baker, Dean, Gavin, Hennen, Price, Vilani, and Terbrack  
Nays: None  
Motion Approved.

**RESOLUTION NO. R-18-22:** Matter of authorizing the amendment of the 2022-2023 Operating Budget as presented.

Councilmember Gavin moved to approve Resolution No. R-18-22  
Seconded by Councilmember Hennen  
Ayes: Dean, Gavin, Hennen, Price, Vilani, Baker, and Terbrack  
Nays: None  
Motion Approved.

**RESOLUTION NO. R-19-22:** Matter of approving the Resolution to amend the Public Safety Collective Bargaining Agreements to add standardized language necessary in order to maintain the Qualified Status of the Public Safety Pension System under the provisions of the U.S. Internal Revenue Code.

Councilmember Price moved to approve Resolution No. R-19-22  
Seconded by Councilmember Vilani  
Ayes: Gavin, Hennen, Price, Vilani, Baker, Dean, and Terbrack  
Nays: None  
Motion Approved.

## **COMMUNICATIONS**

**COUNCILMEMBER HENNEN:** stated the Tree Board will meet 7 p.m. Monday, September 26<sup>th</sup> on the second floor of the Public Safety Building. He said the Zoning Board of Appeals (ZBA) met in August and approved an addition on a triangular lot. He stated that really is a textbook case of why the ZBA exists as only two triangular lots exist in the City. He said the ZBA didn't have any cases in September but will meet 7 p.m. October 10<sup>th</sup> inside City Council Chambers to hear a request for a home addition.

Councilmember Hennen said his next Talk with Dennis event will take place 6-8 p.m. Thursday, October 6<sup>th</sup> at the Berkley Public Library. He said people are welcome to stop by any time during that time frame.

He said Covid boosters are here and available to nearly everyone 12 and up. He encouraged everyone to think about the Pfizer and Moderna boosters that cover both the original strain and the newer variants. He encouraged everyone to also think about getting their flu shot soon.

**COUNCILMEMBER PRICE:** stated last week she had the privilege of attending a joint meeting of the Citizens Engagement Advisory Committee and Technology Advisory Committee. She said the combination of new and familiar faces as well as the breadth and depth of personal and professional experiences was impressive. She said she looks forward to the results of their collaborative work on the brand refresh and the new website. Councilmember Price said the Berkley Public Library Board will meet 7 p.m. Wednesday at the library. She said they will review the Board's establishing ordinance, the materials selection policy, and a draft letter from them supporting the Patmos Library Board of Trustees. She stated we are very fortunate to have such engaged and passionate members of our Library Board who are also committed to advocating on behalf of intellectual freedom, access to a diverse selection of materials, and the many benefits to our society that libraries provide. She thanked the Library Board members for their dedication and support of our beloved Berkley library.

**COUNCILMEMBER BAKER:** wished everyone a happy September. He stated the Historical Committee met last week on Tuesday the 13<sup>th</sup> continuing preparations for the 100<sup>th</sup> anniversary as a village, which was 1923. He said the Committee welcomes any photos and stories people would like to share anywhere along that journey as a village. He said in addition to Facebook, the Committee is now on Twitter and Instagram, @BerkleyHistoricalMuseum. He stated the Berkley Historical 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 [berkleyhistory.com](http://berkleyhistory.com). Councilmember Baker said the Downtown Development Authority Board of Directors met the next day on the 14<sup>th</sup>. He stated one of the many conversations taking place included the Coolidge crosswalks. He said the Board remains committed and dedicated to seeing those safely and properly reopened for the benefit of our residents, shoppers, and students. He said we are coming up on the wonderful month of October and the BOO!KLEY events are coming up soon. He stated some of the highlights will include Restaurant Weekend Sept. 30<sup>th</sup>-Oct 1<sup>st</sup>, Witches Night Out on Oct. 13<sup>th</sup>, BOO!KLEY Ghost Chase on Oct. 21<sup>st</sup>, and the Trick-or-Treat Stroll on Oct. 29<sup>th</sup> along with the Monster Mash where a portion of Coolidge will be closed off for safe terror! For more information or to become a sponsor, visit [downtownberkley.com](http://downtownberkley.com). Councilmember Baker said it was Helen Keller who wrote, "Optimism is the faith that leads to achievement. Nothing can be done without hope and confidence." He said as summer wraps up and we look to the fall, let's focus on the ways this year has been great thus far and what each of us can do to make autumn equally great if not better. He said together we can make our own lives and those around us, including the city, even better. Councilmember Baker said to stay safe and hug someone you love because they need it more than you think they do.

**MAYOR PRO TEM DEAN:** thanked everyone who supported and enjoyed the Parks and Recreation concert series, movies, and more this summer. She stated she popped into a couple of the events and said it was beautiful to see the families watching a movie while the kids played on playground equipment. She said she can't say enough about the great things the Parks and Recreation Department brings to the community. She also thanked the sponsors for making the events possible and free for the public to attend. Mayor Pro Tem Dean said the Touch a Truck event will take place 10 a.m.-noon Saturday, October 1<sup>st</sup> in the Community Center parking lot with a sensory-friendly half-hour from 9:30-10 a.m. She said no registration is required. She stated Tale on the Trail is October 20<sup>th</sup> at Oxford Park. She said registration is required and space is limited. She said the popular senior exercise class is back from 9:30-10:30 a.m. on Tuesdays and Fridays at the Community Center. She said no registration is required, but there is a \$2 drop-in fee. She said for more fall recreation classes, visit [recreation.Berkleymich.org](http://recreation.Berkleymich.org) or stop by the Community Center.

**COUNCILMEMBER GAVIN:** quipped that planning was a hot topic of discussion during the meeting tonight so he would keep his Planning Commission update brief. He said the Planning Commission next

meets 7 p.m. September 27<sup>th</sup> in the Council Chambers. He said the Environmental Advisory Committee met last week and discussed short- and long-term goals for the community ranging from community education efforts to stormwater management policies to a sustainability plan to a community garden. He said a lot of great topics were discussed and many more that were not named. He stated the EAC next meets 6:30 p.m. Oct. 20<sup>th</sup> on the second floor of the Public Safety Building.

**COUNCILMEMBER VILANI:** echoed councilmember Price's comments on the joint Citizens Engagement Advisory Committee and Technology Advisory Committee meeting. She said she is excited to see what they have in store there. Councilmember Vilani reiterated the Berkley Area Chamber of Commerce commentary about the Berk Perk discount card program from earlier in the meeting. She said the cards will be going on sale soon and will provide discounts on dining and shopping at local Berkley businesses.

**CITY MANAGER BAUMGARTEN:** stated those visiting City Hall in the past couple of weeks noticed a new look as City Hall updated its counter space, at least quadrupling the amount of space to service our residents. He said it also allowed for changes to the internal work flow swapping the treasury and community development departments. He thanked the residents for their patience as City Hall was closed the week following Labor Day in order to complete the project in a timely manner. He said people were very supportive as the progress was shared through photos with the community. He said he could not be happier with all of the support and thanked staff too for being so open to the change. He said Council Chambers was completely filled with office contents during the process and systematically brought everything out and put it back in place in order to be ready to serve residents the next Monday. He thanked Facilities Manager Alex Brown for coordinating the project with external vendors to make it a success. He encourages everyone to visit City Hall and he hopes everyone will enjoy the new look, security, and service benefits. He further thanked Council for making the resources available to do so. Mayor Terbrack asked him about his attendance at Ford Field. City Manager Baumgarten said not only did the Lions win, but our very own Berkley Steelers ages 8-10 tackle program played on Ford Field against the Reed City Coyotes after the game. He said it was a great opportunity to bring out about 100+ members of our community to cheer them on and a couple of kids scored a touchdown on Ford Field which is a memory they will never shake. He thanked everyone for making the outing possible.

**CITY ATTORNEY STARAN:** thanked Mr. McGuinness for finding his doppelgänger to sit next to him during the meeting. He said the City Attorney's Office has been keeping very busy despite it being the summer season. He said he has been working on many ordinances, legal issues, complicated FOIA requests and pending litigation that is working its way through the system. He said administration is very busy trying to do good things for the City.

**MAYOR TERBRACK:** said his comments are also on the theme of ending the summer and moving into the fall and looking back at all of the incredible things we did in one of the most "normalish" summers we have had in the past two years. He said hearing from our finance director that revenues were surprisingly up and hearing about a lot of the things we were able to do like summer festivals, Art Bash, Lids for Kids, block parties, ribbon cuttings, and concerts, so many things that were able to happen in our community over the summer is important to remember. He said it was a tremendous summer and now kids are back in school. He said it was a very special summer and it wouldn't have happened without our incredible directors, staff, volunteers, and residents. He said that is what makes us Berkley and what makes Berkley special. He said he looks forward to attending those events again next summer and the events coming up in the fall. Mayor Terbrack said it was a very impactful and memorable summer for our community.

## **ADJOURNMENT**

Councilmember Baker moved to adjourn the Regular Meeting at 9:01 p.m.

Seconded by Mayor Pro Tem Dean

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

Nays: None

Motion Approved.