

**THE REGULAR MEETING OF THE THIRTY-NINTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN  
WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, OCTOBER 3, 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 Mandy Beal

**PUBLIC COMMENT:**

Berkley Downtown Development Authority Executive Director Michael McGuinness addressed Council to make sure the community is aware that it is Boo!kley season. He thanked all those volunteering and decorating skeletons and stated that Sponsorships are also available. He thanked everyone that came out for restaurant weekend. He mentioned the upcoming October 13<sup>th</sup> Witches Night Out from 5-9 p.m. He said the trolley will be present that evening. He said there is also a new event this year, the Ghost Chase, which will be held on October 21<sup>st</sup>. He thanked the entire community for rallying around Boo!kley 2.0.

Oakland County Commissioner Charlie Cavell provided an update. He stated the Board recently passed a three-year \$1 Billion Budget with Bipartisan Support. He provided information on the upcoming November 8, 2022, Oakland County Transit Millage Proposal and the need for it to pass. He discussed the different types of services this transportation program will provide to residents, along with responding to the need to attract new talent to the County by providing mass transit. He stated even if you never use transit, hopefully, you are happy to pay for it just like you do for a fire department. He also discussed the positive environmental impact and congestion relief. If it fails at the election, he said they would need to find a Plan B.

**CONSENT AGENDA:**

Mayor Pro-Tem Dean moved to approve the following Consent Agenda  
Seconded by Councilmember Price

**APPROVAL OF THE MINUTES:** Matter of approving the minutes of the 39th Regular City Council meeting on Monday, September 19, 2022.

**ORDINANCE NO. O-05-22:** Matter of considering the Second Reading and Adoption of an Ordinance of the City Council of the City of Berkley, Michigan 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.

**PROCLAMATION NO. P-33-22:** Matter of proclaiming October 10, 2022, as Indigenous Peoples Day.

**RESOLUTION NO. R-20-22:** Matter of adopting a resolution recognizing Joe Ozanich for achieving the rank of Eagle Scout

**RESOLUTION NO. R-21-22:** Matter of adopting a resolution recognizing Ian Burmeister for achieving the rank of Eagle Scout.

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. Mayor Pro-Tem Dean read R-20-22 in its entirety. Joe Ozanich, Eagle Scout, was presented with his resolution by members of the Council. His accolades of attaining Eagle Scout were noted.
2. Councilmember Baker read R-21-22 in its entirety. Ian Burmeister, Eagle Scout, was presented with his resolution by members of the Council. His accolades of attaining Eagle Scout were noted.

Neither Scout had any remarks. Mayor Terbrack thanked them both for their accomplishments not only for themselves but also for all the people they helped along the way.

**MOTION NO. M-91-22:** Matter of approving marihuana business license #PMA20-0029 for Seven Points Dispensing of Michigan LLC to be located at 28557 Woodward Ave.

Mayor Pro-Tem Dean moved to approve Motion No. M-91-22

Seconded by Councilmember Vilani

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

Nays: Baker, Gavin

Motion Approved.

**MOTION NO. M-92-22:** Matter of approving marihuana adult use retailer business license #PMA20- 0003 for Operation Grow, LLC/dba Butter, at 2222 W. Eleven Mile Road. The applicant was previously approved on July 18, 2022, for a medical marihuana provisioning center business license at the same location.

Councilmember Price moved to approve Motion No. M-92-22

Seconded by Councilmember Vilani

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

Nays: None

Motion Approved.

**MOTION NO. M-93-22:** Matter of authorizing Hubbell, Roth & Clark (HRC) for professional design and engineering services related to the Wiltshire Road Improvement and Water Main Replacement Project at a cost not to exceed \$176,621.02. Funding has been allocated to the Road Millage and Water Service accounts 313-938-821-000 and 592-536-821-000.

Mayor Pro-Tem Dean moved to approve Motion No. M-93-22

Seconded by Councilmember Vilani

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

Nays: None

Motion Approved.

**MOTION NO. M-94-22:** Matter of adopting the MDOT Performance Resolution as part of an MDOT Annual Right-Of-Way Permit.

Councilmember Hennen moved to approve Motion No. M-94-22

Seconded by Mayor Pro-Tem Dean

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

Nays: None

Motion Approved.

**ORDINANCE NO. O-04-22:** Matter of considering the Second Reading and Adoption 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 Motion No. O-04-22

Seconded by Councilmember Price

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

Nays: None

Motion Approved.

**MOTION NO. M-95-22:** Matter of authorizing the City Manager to sign the Application for Additional Service Credit Purchase for Rebecca Stout approving two years of additional generic service credit. This purchase is allowed by the City of Berkley MERIT System of Human Resource Management Section 1001.08 and meets all of the requirements of the MERS Plan Document which would allow for this service credit purchase.

Mayor Pro-Tem Dean moved to approve Motion No. M-95-22

Seconded by Councilmember Hennen

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

Nays: None

Motion Approved.

### **COMMUNICATIONS:**

**COUNCILMEMBER HENNEN:** stated that the Tree Board mentioned as of last week 174 trees were ordered for the tree street program with the goal of 200. He said anyone still interested has time to contact the Department of Public Works (DPW) to place an order. He said anyone already placing an order should see planting in December. He stated Council had originally budgeted for a matching grant for a tree canopy study, but the Tree Board found a high quality set of data and tools and was able to conduct its own study. He stated that freed up money and the DPW will be able to reallocate those funds to other things. He said the DPW applied for a Department of Natural Resources grant to inventory and trim trees, and if necessary, replace trees in our parks and around the city building. He said we should learn in the spring if we receive that grant. The upcoming October 10<sup>th</sup> Zoning Board of Appeals meeting will have one request for a home addition. His next talk with Dennis is on October 6<sup>th</sup> from 6-8 p.m. at the Berkley Public Library.

**COUNCILMEMBER PRICE:** stated at its meeting last week, the Beautification Advisory Committee expressed its immense gratitude for the efforts of the Downtown Development Authority, business owners, and residents for the Boo!kley decorations. She stated while strolling downtown, people should pop into the library for the monster match game in the teen room and spooky seek and find in the children's room. She stated programs this month are family storytime on Tuesday mornings, baby playtime on Thursday mornings, and an introduction to mindfulness on October 5<sup>th</sup> at 6:30 p.m. for adults. She stated there will be an afternoon book club on Tuesday, October 11<sup>th</sup> at 12:30 p.m., and an LGBTQ+ book club on Tuesday, October 18<sup>th</sup> at 6:30 p.m. Visit the library website or give them a call to register for those programs.

**COUNCILMEMBER BAKER:** wished everyone a Happy October and welcome to Boo!kley month. He said the Historical Committee meeting is on October 11<sup>th</sup> and preparations continue for 100 years as a village. He said the Committee welcomes any stories and photos that can be shared dating back that far and any time in between. He offered a friendly reminder that the Committee is now on Twitter and Instagram in addition to Facebook. He said visitors are always welcome at the Museum on Wednesdays from 10 a.m. to 1 p.m. and Sundays from 2 to 4 p.m. and may be visited online at [berkeleyhistory.com](http://berkeleyhistory.com). It was Michael Scott who once said, "I'm not superstitious, but I'm a little stitious." He said the Downtown Development Authority board meets next Wednesday and stays committed to opening crosswalks on Coolidge.

Councilmember Baker said Boo!kley is in full swing in downtown and some of the upcoming events include Witches Night Out on October 13<sup>th</sup> from 5-9 p.m. featuring free downtown trolley rides; Boo!kley Ghost Chase on October 21<sup>st</sup> from 6-9 p.m. which is a mix between a road rally, Amazing Race, and spooky fun; The trick-or-treat stroll on October 29<sup>th</sup> from noon-3 pm where attendees may dress up in their favorite costume and collect candy; and the Monster Mash from 2 to 6 p.m. the same evening. He invited everyone to join the Boo!kley Block Party between 12 Mile and Catalpa. He expressed his gratitude and appreciation to the businesses, residents, and volunteers bringing festive decorations that have brought magic to the season.

Councilmember Baker urged everyone to stay safe and hug someone you love because they need it more than you think they do.

**MAYOR PRO-TEM DEAN:** stated October is National Domestic Violence Awareness Month. For domestic and sexual violence, you can call 1-800-799-7233; Rape, Abuse & Incest National Network (RAINN) you can call 1-800-656-4673; HAVEN has a 24-hour crisis line at 248-334-1274 or you can visit [haven-oakland.org](http://haven-oakland.org).; and LGBTQ+ Youth in Crisis can reach out to The Trevor Project's 24-hour helpline at 1-866-488-7386 or text/chat at [www.thetrevorproject.org/help](http://www.thetrevorproject.org/help). For mental health, anyone may contact Common Ground at 1-800-231-1127 or visit [commongroundhelps.org](http://commongroundhelps.org).

Mayor Pro Tem Dean thanked HAVEN, Berkley Department of Public Safety, Royal Oak Police Department, Judges Wittenberg and Meineke, and the Coordinated Community Response Team for all the work being done to support those affected by domestic violence. She said there has been an increase in referrals to HAVEN since this program started in Berkley and Royal Oak but that just means the information is getting out to those that need it. She is grateful for the hard work and agencies involved.

Mayor Pro Tem Dean offered a big thank you to everyone who came out to the touch a truck program. She said she is grateful to Director of Public Works Shawn Young and the Berkley DPW, Public Safety, and the DDA for making it as great as it was. She said many people from surrounding communities attended as well. She encouraged people to sign up for craft time with Sam on Wednesday, October 19<sup>th</sup> at the Community Center from 4-5 p.m. She said the program is suitable for K-5<sup>th</sup> graders and will be \$15 per child to create jack-o-lantern sun catchers. She stated that Parent-tot playgroup is back – register now for this fun interactive class that begins October 11<sup>th</sup> from 9:30 to 11 a.m. and runs for 5 weeks and is for ages 18 months to 3 years. She said drop-in play will return to the Community Center on Wednesdays beginning October 12<sup>th</sup> from 9-11 am – registration will be available online or in-person – the program is free and great for preschool-age children. She said parent supervision is required – drop in not drop off. She said the Friendsgiving bingo celebration will take place at the Community Center Wednesday, November 23<sup>rd</sup> from noon to 2 p.m. – your \$10 registration fee is required – includes lunch and two bingo cards. She said many new exciting senior trips and programs will be running over the next two months and those interested may check out the website [recreation.berkleymich.org](http://recreation.berkleymich.org), call 248-658-3470, or stop by the Community Center.

**COUNCILMEMBER GAVIN:** stated the Environmental Advisory Committee has not met since the last Council meeting but will have its next meeting on October 20<sup>th</sup> at 6:30 pm in the 2<sup>nd</sup> Floor Conference Room in the Public Safety Building 2<sup>nd</sup> floor. He stated the Planning Commission did meet and had a really good discussion on outdoor seating, vape shops, ordinance language, and DDA guidelines moving forward to a public hearing. He said the EAC also had an election of officers for a one-year term. He said there will be a special meeting on October 11<sup>th</sup> at 7 p.m. and the next regular meeting will be on October 25<sup>th</sup> at 7 p.m.

**COUNCILMEMBER VILANI:** thanked DDA Director McGuinness and the DDA for all of the skeletons and Halloween fun – neighbors are talking about it and think it has been a nice addition to the community. She said the Technology Advisory Committee will meet on October 19<sup>th</sup> at 6:30 p.m. She said she had no additional meetings to report on. She said the Berkley Area Chamber is selling Berk Perk Discount Cards that are available now for \$30 at Ullmans, Toadvine, Vitrine, and Berkley Medical Pharmacy. She said the purchase provides discounts to retail, shopping, and dining within the Berkley Area – a great way to save money and support local businesses.

Councilmember Vilani said the next Chamber Chat is 8:30-9:30 a.m. on October 21<sup>st</sup> at the Public Library and will include the unveiling of the community artwork by Daniel Cascardo from the Berkley Street Art Festival. She said on October 27<sup>th</sup> the State of the Cities will take place from 8-10 a.m. at Levels Events in Berkley. You can purchase tickets now with early bird pricing of \$25 until October 21<sup>st</sup> and after that for \$30.

**CITY MANAGER BAUMGARTEN:** said the City newsletter went out today so take a look at it. He said it goes department by department and is full of information about things happening over the month of October. He said the library continues to do its part during sniffle season with the weather changing and still has KN95 masks and COVID tests available. He encouraged everyone to please stay safe and know before you go and test. He said he attended the homecoming game and it was completely packed. He offered kudos to the community for coming out to the game and the Berkley Bears won.

**CITY CLERK MITCHELL:** said ballots for the November 8<sup>th</sup> General Election were available in the office late last week. She said the Clerk's Office mailed out a little over 3,200 absentee ballots to those who applied. She said anyone interested in tracking their ballot may visit [Michigan.gov/vote](https://Michigan.gov/vote). She said there is still plenty of time to receive an absentee ballot and those interested may call the Clerk's office at 248-658-3310 or send a request to [clerk@berkleymich.net](mailto:clerk@berkleymich.net).

Clerk Mitchell reminded everyone of the additional 16 hours the Clerk's office provides to residents during the even-year general elections. She said all of the days and hours are available on the city website at [berkleymich.org/vote](https://berkleymich.org/vote). She said Thursday, October 13<sup>th</sup> from 5:30-7:30 p.m. will be the popular drive-thru ballot drop. Residents can drive up in their car and the staff will take their ballots from them.

**CITY ATTORNEY STARAN:** nothing this evening to report.

**MAYOR TERBRACK:** spoke to DDA Director Mike McGuinness specifically. He commended Mike and said it is rare, he has not heard a bad word about Mike, and the energy he has brought to the downtown, the energy, passion, tireless work, and sprucing up the city has made a significant positive impact not only on the business owners but everyone that comes through the community. He is appreciative of what Mike is accomplishing and has set a high standard for himself to continue to achieve and surpass but he has the utmost confidence he will do so.

#### **ADJOURNMENT:**

Mayor Pro-Tem Dean moved to adjourn the Regular Meeting at 8:07p.m.

Seconded by Councilmember Baker

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

Nays: None

Motion Approved.