

**THE REGULAR MEETING OF THE THIRTY-NINTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN  
WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, JUNE 20, 2022 BY MAYOR PRO TEM DEAN**

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

**ABSENT:** Daniel Terbrack

**APPROVAL OF AGENDA**

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

**INVOCATION:** Rabbi Matt Zerwekh

**PUBLIC COMMENT**

Councilmember Hennen spoke in regards to his comments during the June 6th City Council meeting regarding the Pride Block Party. He referenced his previous apology and thanked everyone who has shared their experiences. He encouraged everyone that has not already viewed his apology to seek it out. He talked about what he needs to do moving forward when making decisions and said that includes keeping his religious views separate from government policy. He reiterated his apology.

Tanya Thomann, Berkley resident, spoke in regards to Councilmember Hennen's comments made regarding the Pride Block Party from the June 6th City Council meeting. She talked about the discrimination she had seen from the Berkley School District as well as when it came to the LGBTQIA+ community. She talked about how she was pleased when the City Council voted unanimously to designate the month of June as Pride Month. She voiced concern about Councilmember Hennen's "no" vote for the Pride Block Party and how this will affect the city in the future.

Joan, Berkley, identified herself as a part of the LGBTQIA+ community and talked about her previous struggles in employment because of this. She expressed her concerns in regards to Councilmember Hennen's comments made at the June 6th City Council meeting regarding the Pride Block Party. She also talked about the importance of the separation of between Church and State.

Kim Adams, Berkley, thanked council members for speaking in support of the Berkley Pride Block Party and the support of LGBTQIA+ youth and community. She said those that live in places with LGBTQIA+ community-support have lower rates of suicides. She voiced her concern regarding Councilmember Hennen's comments and "no" vote for the Pride Block Party during the June 6th City Council Meeting.

Christine Gale, Berkley, spoke in regards to Councilmember Hennen's comments made during the June 6th City Council meeting regarding the Pride Block Party. She voiced concern regarding Hennen representing the City, and said she does not support his religious beliefs. She referenced his apology and said the problem is how he views the LGBTQIA+ community.

Jess Worrall, Berkley, spoke about Councilmember Hennen's comments made about the Pride Block Party at the June 6<sup>th</sup> City Council meeting. She identifies as a part of the LGBTQIA+ community. She said they noticed his apology did not indicate a willingness to re-evaluate his position on homosexuality. She called for him to resign. She gave examples of how he could try to do better by seeking certain organizations. She said she and her wife brought their daughter to the meeting this evening.

Mayor Pro Tem Dean asked for a show of hands from those that agree with the public comment that was just stated.

*56 people raised their hands in support of Jess Worrall's statement.*

Rev. Anders Edstrom, Greenfield Presbyterian Church, spoke on behalf of the LGBTQIA+ community in regards to Councilmember Hennen's comments made at the June 6<sup>th</sup> City Council meeting for the Pride Block Party. He voiced his concern about what religion has done to the LGBTQIA+ community. He said the community always has an ally in him.

Casey, Berkley, spoke in regards to the comments Councilmember Hennen made for the Pride Block Party at the June 6<sup>th</sup> City Council meeting. She identifies as a part of the LGBTQIA+ community. She voiced her concern about his statements and stated she was not aware before then about his stance with the LGBTQIA+ community as she voted for him twice. She talked about what she expects from council when they represent the city. She talked about why the LGBTQIA+ community has pride. She called for him to resign.

Stacey Brunell, Royal Oak, read Julie Gabot's statement in totality asking for Councilmember Hennen's resignation. The second statement she read was from Christopher Pfeiffer's and she read it in its entirety. The statement supported the LGBTQIA+ community and asked for Councilmember Hennen to resign.

Dallas Oliver, Berkley, spoke in regards to Councilmember Hennen's comments for the Pride Block Party at the June 6<sup>th</sup> City Council meeting. He supports the LGBTQIA+ community. He said Councilmember Hennen tarnished Berkley's reputation and asked him to resign.

Lori Robertson, Berkley, talked about Councilmember Hennen's activity on a Facebook group page. She also spoke about her concern regarding Councilmember Hennen's comments during the June 6<sup>th</sup> City Council meeting regarding the Pride Block Party, She stated she wanted to address him as a councilmember. She went on to ask why he didn't just vote "no" for the Pride Block Party and say nothing else. She said she wants him to step down. She said she is an ally of the LGBTQIA+ community and is proud of everyone that spoke and is sorry for the hurt brought upon them.

Michelle, Berkley, introduced her transgendered son, Evan, and talked about Councilmember Hennen's comments during the June 6<sup>th</sup> City Council meeting regarding the Pride Block Party. She discussed how this has affected her and her son.

Evan, Michelle's son and Berkley resident, spoke for the LGBTQIA+ community and how they do not want someone on council who does not support the freedom to be who they are.

Aubrey Roberts, Berkley, spoke regarding Councilmember Hennen's comments from the June 6<sup>th</sup> meeting regarding the Pride Block Party. He discussed how these sensitive issues are going to come up before city council and should be addressed properly.

Claire Levingston, Berkley, spoke in regards to the comments from Councilmember Hennen during the June 6<sup>th</sup> City Council meeting regarding the Pride Block Party. She stated that she may be too young to vote, but not too young for her voice to be heard.

Nicole Menard read a statement from Berkley resident Kaitlyn Thrasher. The statement expressed her concern regarding Councilmember Hennen's vote for the Pride Block Party. It stated she is supportive of the LGBTQIA+ community and expressed importance for having a safe environment for everyone. She asked Councilmember Hennen to resign.

Ameila, Berkley, commented how she met Councilmember Hennen when he was campaigning for councilmember. She discussed his "no" vote for the Pride Block Party during the June 6<sup>th</sup> City Council meeting. She feels he does not have what is best for Berkley in mind. She expressed her concern regarding future decisions he may have as a public servant and stated her disappointment in Councilmember Hennen's actions.

Rachel, Berkley, said she found it necessary to express her concern regarding Councilmember Hennen's comments and vote at the June 6<sup>th</sup> City Council meeting regarding the Pride Block Party. She supports the LGBTQIA+ community and expressed the importance of the separation of Church and State. She said Councilmember Hennen must step down.

Christopher Petrat, Berkley, identifies himself as a member of the LGBTQIA+ community. He talked about his experiences that he went through when he was younger. He talked about Councilmember Hennen's comments regarding the Pride Block Party during the June 6<sup>th</sup> City Council meeting and expressed his concern. He asked for Councilmember Hennen to resign.

Julia Music, Ferndale, read a letter from Berkley resident Cheryl Collins. The letter started off by thanking the council members who voted in favor of Pride Block Party. It stated that she is an ally of the LGBTQIA+ community. She called for the resignation of Councilmember Hennen in regard to the comments and vote during the June 6<sup>th</sup> City Council meeting regarding the Pride Block Party. After Julia Music read the letter she also expressed her concerns about what Councilmember Hennen said at the June 6<sup>th</sup> City Council meeting regarding the Pride Block Party and asked him to resign as well.

Joshua Chadwick, Berkley, identifies himself as a part of the LGBTQIA+ community. He said he was surprised by the comments made by Councilmember Hennen during the June 6<sup>th</sup> City Council meeting in regards to the Pride Block Party. He said he will be watching what Councilmember Hennen does and does not do.

Lindsey Tocco, Berkley, expressed how proud she is of everyone that stood up and talked this evening and thanked those who voted "yes" for the Pride Block Party during the June 6<sup>th</sup> City Council meeting.

Sue Zager, Berkley, said she is an ally of LGBTQIA+ community and voted for Councilmember Hennen. She expressed her concern in regards to the comments made and "no" vote by Councilmember Hennen during the June 6<sup>th</sup> City Council meeting for the Pride Block Party. She asked for Councilmember Hennen's resignation.

*City Clerk Mitchell read a synopsis of the following emails received:*

Paul Jodran, Berkley  
Darlene Niksic, Berkley

Judith Twardowski, Berkley  
Bridget Mahrle, Berkley,  
Brandi Cashman, Berkley  
Elizabeth Petry, Berkley

She read they strongly disagree with the comments made by Councilmember Hennen before the Berkley Pride Block Party street closure during the last meeting. They also asked for him to resign or to be removed. The emails also spoke in support of the LGBTQIA+ community.

Chuck Tyrrell, Berkley, wrote that Motion No. M-53-22 should not be approved as the Lume marihuana business license does not meet the basic requirements due to the close proximity to Kinder Care.

### ***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 39<sup>th</sup> Regular City Council meeting on Monday, June 6, 2022.

**WARRANT:** Matter of approving Warrant No. 1375.

**RESOLUTION NO. R-13-22:** Matter of recognizing the outgoing City of Berkley Planning Commissioner Martin Smith.

**PROCLAMATION NO. P-22-22:** Matter of proclaiming July 2022 as Parks and Recreation Month.

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

### ***Regular Agenda***

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

Councilmember Gavin read Resolution No. R-13-22 into record.

Councilmember Vilani read Proclamation No. P-22-22 into record.

### **PUBLIC COMMENT FOR MOTION NO. M-53-22**

John Abo, representative for Attitude Wellness dba Lume, thanked City Council for the opportunity to invest in the community. He said they are excited to bring a first-class establishment to the City. He stated he was happy to answer any questions.

Councilmember Hennen asked if the license is approved, when would they expect to start construction and when they would anticipate opening?

Mr. Abo said they would probably apply for a building permit in the next 30 days. He said the opening timeline is four to five months.

**MOTION NO. M-53-22:** Matter of approving marihuana business license #PMA20-0010 for Attitude Wellness dba Lume to be located at 1949 12 Mile Road.

Councilmember Vilani moved to approve Motion No. M-53-22

Seconded by Councilmember Price

Ayes: Hennen, Price, Vilani, and Dean

Nays: Baker and Gavin

Absent: Terbrack

Motion Approved.

**PUBLIC COMMENT FOR MOTION NO. M-54-22**

Eric Clark, representing Quality Roots, said he is very happy to get to this point today and hopes to continue to make investments into this community. He said he is excited for this opportunity and excited to get started.

Councilmember Hennen asked if they are approved tonight when they would expect to start construction and when they anticipate opening?

Mr. Clark said they expect to submit the paperwork for permits within the next two to four weeks and expect a completion date around four to six months. He also said they have a stellar group of marihuana applicants that will see everything gets done quickly so the community can see the benefits.

**MOTION NO. M-54-22:** Matter of approving marihuana business license #PMA20-0015 for Quality Roots to be located at 3916 W. 11 Mile Road.

Councilmember Hennen moved to approve Motion No. M-54-22

Seconded by Councilmember Vilani

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

Nays: None

Absent: Terbrack

Motion Approved.

**MOTION NO. M-55-22:** Matter of approving the appointments to various boards and commissions.

Councilmember Hennen moved to approve Motion No. M-55-22

Seconded by Councilmember Gavin

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

Nays: None

Absent: Terbrack

Motion Approved.

**MOTION NO. M-56-22:** Matter of awarding the contract for the repair and resurfacing of the tennis courts at Friends Park at a cost not to exceed \$31,500 to the lowest qualified bidder, Laser Striping and Sport Surfacing, 9965 Lapham Way, Plymouth, MI 48170. In addition, allocate \$3,150 for contingencies. Funds for this expenditure will come from account 614-950-974-000.

Councilmember Hennen moved to approve Motion No. M-56-22

Seconded by Councilmember Price

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

Nays: None

Absent: Terbrack

Motion Approved.

**MOTION NO. M-57-22:** Matter of approving the purchase of official Woodward Dream Cruise merchandise to be sold at various locations during the month of August at a cost not to exceed \$28,000. Funds for this expenditure will come from the account 614-915-818-000.

Councilmember Baker moved to approve Motion No. M-57-22

Seconded by Councilmember Gavin

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

Nays: None

Absent: Terbrack

Motion Approved.

**MOTION NO. M-58-22:** Matter of considering an application to hold the "County Oakland Irish Fest" event 5-11:30 p.m. Friday, September 9, 2022 on Robina Ave. and 10 a.m.-11:30 p.m. Saturday, September 10, 2022 on 12 Mile Road from Buckingham to Wakefield. The event is hosted by the County Oakland Irish Fest, 3074 12 Mile Road, Berkley, MI 48072. Approval is conditional upon the submission of required items and documents prior to event dates. Council reserves the right to rescind the permit due to State and/or County health and pandemic protocols.

Councilmember Vilani moved to approve Motion No. M-58-22

Seconded by Councilmember Hennen

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

Nays: None

Absent: Terbrack

Motion Approved.

**MOTION NO. M-59-22:** Matter of approving a Downtown Development Authority (DDA) event, "Trick or Treat Stroll" and "Monster Mash Block Party" on Coolidge between 12 Mile Road and Catalpa Road and on Dorothea Road between Coolidge and alleyway from noon to 6 p.m. on Saturday, October 29, 2022. Approval is conditional upon the submission of required items and documents prior to the event date. Council reserves the right to rescind the permit due to State and/or County health and pandemic protocols.

Councilmember Baker moved to approve Motion No. M-59-22

Seconded by Councilmember Vilani

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

Nays: None

Absent: Terbrack

Motion Approved.

**MOTION NO. M-60-22:** Matter of authorizing Gallagher Benefit Services, Inc. for a Human Resource Audit related to our current Merit System of Human Resource Management and Administrative Directives and Work Place Policies at a cost not to exceed \$15,000. Funding has been allocated in the FY 22-23 Contractual Services - Consultant account 101-172-817-000.

Councilmember Vilani moved to approve Motion No. M-60-22

Seconded by Councilmember Baker

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

Nays: None

Absent: Terbrack

Motion Approved.

**ORDINANCE NO. O-03-22:** Matter of considering the First Reading of an Ordinance of the City Council of the City of Berkley, Michigan to Amend Articles II and III, of Chapter 130, Vegetation, of the City of Berkley Code of Ordinances to Modify Trees, Bushes and Shrubs, and Noxious Weeds and to add Article IV, Invasive Species.

Councilmember Hennen moved to approve Ordinance No. O-03-22

Seconded by Councilmember Gavin

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

Nays: None

Absent: Terbrack

Motion Approved.

**MOTION NO. M-61-22:** Matter of adopting a memo of understanding with Oakland County Cooperative Invasive Species Management Area (CISMA).

Councilmember Hennen moved to approve Motion No. M-61-22

Seconded by Councilmember Vilani

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

Nays: None

Absent: Terbrack

Motion Approved.

**MOTION NO. M-62-22:** Matter of authorizing the City Manager to sign the Application for Additional Service Credit Purchase for Michael Hunyor approving the purchase of two years of Generic additional service credit. This purchase is allowed by the MAPE Contract Agreement dated 7/1/2021 through 6/30/2024 and the MERS Plan Document for active members. The total cost calculated by MERS included in the Application for Additional Service Credit is \$21,733 and the City of Berkley's share of that cost is \$17,269.

Councilmember Price moved to approve Motion No. M-62-22

Seconded by Councilmember Vilani

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

Nays: None

Absent: Terbrack

Motion Approved.

**MOTION NO. M-63-22:** Matter of authorizing the City Treasurer to place Special Assessment items onto the 2022 Summer Tax Roll by parcel ID number, including unpaid invoices, unpaid sidewalk assessment balances from 2020, and delinquent water amounts; and to add a \$20 administrative fee to those bills as allowed by City Charter.

Councilmember Gavin moved to approve Motion No. M-63-22

Seconded by Councilmember Hennen

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

Nays: None

Absent: Terbrack

Motion Approved.

**RESOLUTION NO. R-14-22:** Matter of approving a resolution of the Council of the City of Berkley, Michigan establishing the Policy and Guidelines for Granting an Exemption from Payment of Property Taxes.

Councilmember Gavin moved to approve Resolution No. R-14-22

Seconded by Councilmember Price

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

Nays: None

Absent: Terbrack

Motion Approved.

**MOTION NO. M-64-22:** Matter of authorizing the amendment of the 2021-2022 Budget as presented.

Councilmember Baker moved to approve Motion No. M-64-22

Seconded by Councilmember Hennen

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

Nays: None

Absent: Terbrack

Motion Approved.

## **COMMUNICATIONS**

**COUNCILMEMBER GAVIN:** stated that the next Planning Commission meeting is on June 28<sup>th</sup> at 7:00pm in the council chambers. He said that the Environmental Advisory Committee (EAC) had met last week and he gave a synopsis of what they had discussed. Their next meeting will be on July 21<sup>st</sup> at 6:30pm on the second floor of the public safety building. Finally, he welcomed all new and returning members of the EAC and Planning Commission that were either appointed or reappointed this evening. He also announced that Planning Commission Chairperson, Kristen Kapelanski, would be stepping down from her role on Planning Commission and serving as the city's new Community Development Director. Finally, he thanked Marty Smith for all his years serving on the Planning Commission.

**COUNCILMEMBER VILANI:** said that there were no updates from the Technology Advisory Committee and their next meeting is on July 13<sup>th</sup>. She reminded everyone that the Berkley Area Chamber's Street Art Festival is on July 16<sup>th</sup> and registration is open to become one of the featured chalk artists. She also talked about the Cruise Fest T-Shirts from the Berkley Area Chamber as well. She mentioned some of the sponsored events and entertainment for the Pride Block Party on June 26<sup>th</sup>. She acknowledged and thanked everyone who came this evening and spoke in support of the LGBTQIA+ community.

**COUNCILMEMBER HENNEN:** said that at the last Zoning Board of Appeals (ZBA) meeting they voted to allow the increase of a sign allowance in the city. He said that the ZBA wanted for him to share that many of their recent cases are related to the sign ordinances and it is need to be updated. He said that he informed them that it is something that he knows City Council is aware of but it will take some time before they are able to address it.

**COUNCILMEMBER PRICE:** said that she had no reports from her committees. She thanked the residents who showed and spoke up that evening and also the residents who came to support the ones that spoke that evening as well. She talked about how having an inclusive and welcoming community saves lives and she is proud to be a part of one. She emphasized that the LGBTQIA+ members of the community are safe, supported, welcomed, and celebrated in the city. She invited everyone to come as they are to the first Berkley Pride Block Party on Sunday, June 26<sup>th</sup>.

**COUNCILMEMBER BAKER:** said that the Historical Committee wanted to thank everyone that came to their booth at the recent Berkley Art Bash. He also said that the historical museum hosted the May Chamber Chat meeting. He said that hours of the historical museum are Wednesdays from 10:00 am – 1:00 pm and Sundays from 2:00 – 4:00 pm and he added that you can also visit online at [Berkleyhistory.com](http://Berkleyhistory.com). He said the he was deeply moved by the comments this evening and quoted Brian Tracy, "The greatest gift you can give to others is the gift of unconditional love and acceptance." He said that he looks forward to the Berkley Pride Block Party and said it will be from 12:00 – 4:00 pm on Robina. He said the Berkley is becoming a more welcoming and accepting community. He wished everyone to stay safe and hug someone they love.

**CITY MANAGER BAUMGARTEN:** thanked the community center and the library for opening their doors for anyone who needed to be in air conditioning. He said this week is the Dad's Club Summer Classic at the city baseball fields. Finally, he said that since this is the last meeting before July 1<sup>st</sup>, he wanted to wish the city Happy New Fiscal Year and a copy of the city's new budget is available online and at city offices as well.

**CITY ATTORNEY STARAN:** discussed the state laws regarding fireworks for Independence Day. He said that you are only allowed to use consumer fireworks. He said that the dates that fireworks allowed to be used is from Wednesday, June 29<sup>th</sup> – Monday, July 4<sup>th</sup> and only between the hours of 11:00 am – 11:45 pm. He emphasized that fireworks are only allowed to be used on private property with permission of the owner. Finally, he told everyone to celebrate the holiday safely.

**MAYOR PRO TEM DEAN:** talked about the Berkley Art Bash and the Lids for Kids program that had recently taken place. She congratulated Maddie Watts and the Berkley High School Class of 2022 and said that Maddie is the recipient of the Berkley Scholarship for Public Service. She announced some



upcoming events offered by the Parks and Recreation Department. These events include Concert in the Park and they will be taking place on June 22<sup>nd</sup> at 7:00 pm and July 13<sup>th</sup> at 7:00 pm. She added that both will be at Community Park. Finally, she said for more information about these and other summer events you can go to [recreation.berkleymich.org](http://recreation.berkleymich.org).

#### **ADJOURNMENT**

Councilmember Baker moved to adjourn the Regular Meeting at 9:39 p.m.

Seconded by Councilmember Vilani

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

Nays: None

Absent: Terbrack

Motion Approved.