THE REGULAR MEETING OF THE THIRTY-EIGHTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, FEBRUARY 3, 2020 BY MAYOR PRO TEM DEAN

PRESENT: Steve Baker  Jack Blanchard
Dennis Hennen  Bridget Dean
Natalie Price  Ross Gavin

ABSENT: Daniel Terbrack

APPROVAL OF AGENDA
Councilmember Gavin moved to approve the agenda following the removal of item 11
Seconded by Councilmember Baker
Ayes: Blanchard, Gavin, Hennen, Price, Baker, and Dean
Nays: None
Absent: Mayor Terbrack
Motion Approved.

INVOCATION: Pastor Tal Sullivan

PUBLIC COMMENT

Oakland County Treasurer Andy Meisner, Berkley High School graduate, stated March 31st is the property foreclosure deadline in Michigan. He said if anyone knows someone who is in a tough financial position, this is the time to contact the County Treasurer’s Office. Mr. Meisner stated there are many resources available including financial counseling, credit repair, working with mortgage companies, and working with small businesses. He pointed out some flyers that he will leave at City Hall. He discussed the Financial Empowerment Center, which is a free, discreet service offered by the County. He discussed other programs available to help families falling on hard times to maintain financial ownership. Mr. Meisner discussed the Berkley real estate market. He also discussed the local government investment pool and Berkley’s participation in that program. He stated the County appreciates the City of Berkley.

Councilmember Baker asked about other outreach mechanisms utilized to reach residents. Mr. Meisner stated certified mail, home visits, a texting program, and social media from time to time Mr. Meisner stated his phone number is 248-421-Andy.

Mayor Pro Tem Dean thanked Mr. Meisner for attending and providing the information.
Consent Agenda

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

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 38th Special City Council meeting on Thursday, January 23, 2020.

WARRANT: Matter of approving Warrant No. 1346

Ayes: Gavin, Hennen, Price, Baker, Blanchard, and Dean
Nays: None
Absent: Mayor Terbrack
Motion Approved

Regular Agenda

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

PRESENTATION: Presentation by the Detroit Institute of Arts regarding the City of Berkley’s participation in the Inside|Out 2020 program.

City Manager Matthew Baumgarten introduced the item and stated the City of Berkley was chosen to participate in the DIA Inside|Out 2020 program.

Amanda Harrison Keighley, DIA Community Engagement Manager, was present and went into more detail on how the City of Berkley was chosen to participate in the Inside|Out program along with another community art project.

Ms. Keighley talked about the DIA, providing details like the museum is ranked in the top five of Encyclopedic museums. She discussed what makes the DIA stand out.

Ms. Keighley discussed the Inside|Out program and stated five pieces will be placed throughout the city. She stated they have been scouting locations. She went into further detail about the program and thanked Berkley for its participation.

Ms. Keighley talked about another program, Articipate. She stated that the program will move along and will include a public input portion via survey regarding what types of art projects residents would like to see in Berkley.
Ms. Keighley discussed what is currently happening at the DIA including upcoming exhibits including “Guests of Honor: Frida Kahlo & Salvador Dali.” She stated that in June, “Van Gogh in America” will visit the museum.

Ms. Keighley discussed current membership statistics and what the museum offers to everyone. She said there has been more than two million free Tri-county visits since 2012. She attributes that to the millage. She stated there has been 439,000 students at the museum via free field trips and 1,310 senior groups have visited with free transportation. She discussed the Thursday program the museum offers to senior citizens.

Ms. Keighley went into further detail on all of the DIA’s community partnerships.

Ms. Keighley thanked all of the museum’s volunteers. She said none of this would be possible without the volunteers, which many are trained docents.

Ms. Keighley provided a recap of the millage proposal and stated there will be a proposal on the March 10th ballot to renew the existing millage.

Councilmember Baker thanked Ms. Keighley for the DIA’s service and asked for a recap of the Inside | Out timeline.

Ms. Keighley stated right now, the contracts are out and once contracts are returned they will order frames so they are ready to begin installations in May. She stated the installations will be up through November.

Councilmember Gavin thanked Ms. Keighley and City of Berkley Public Policy Assistant Dan Hill for his work on this project.

**MOTION NO. M-08-20**: Matter of authorizing Stephen Siller Tunnel to Towers to conduct a 5K run on Sunday, October 4, 2020 from 6 a.m. to 2 p.m. beginning at Hurley Field at Anderson Middle School. During the event, representatives of the Stephen Siller Tunnel to Towers will provide volunteers to assist with the event.

Councilmember Gavin moved to approve Motion No. M-08-20

Seconded by Councilmember Blanchard

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

Nays: None

Absent: Mayor Terbrack

Motion Approved.

**MOTION NO. M-09-20**: Matter of authorizing the Mayor to execute a third party Specialized Services Operating Assistance contract between SMART and the City of Berkley for public transportation services primarily designed for senior citizens and persons who are handicapped. The contract period for this program is from October 1, 2019 to September 30, 2020.
Councilmember Price moved to approve Motion No. M-09-20
Seconded by Councilmember Baker
Ayes: Hennen, Price, Baker, Blanchard, Gavin, and Dean
Nays: None
Absent: Mayor Terbrack
Motion Approved.

MOTION NO. M-10-20: Matter of authorizing Hubbell, Roth & Clark (HRC) for engineering
design services related to the 2020-2021 Road Improvement Program at a cost not to exceed
$65,234 from the Road Millage Fund, account number 313-938-821-000.
Councilmember Blanchard moved to approve Motion No. M-10-20
Seconded by Councilmember Gavin
Ayes: Price, Baker, Blanchard, Gavin, Hennen, and Dean
Nays: None
Absent: Mayor Terbrack
Motion Approved.

RESOLUTION NO. R-01-20: Matter of approving a resolution of the Council of the City of
Berkley, Michigan approving the Marihuana Business License Application Evaluation Point
System to be utilized in evaluating Marihuana Business License applications.
Councilmember Hennen moved to approve Resolution No. R-01-20 with changes suggested by
Mayor Pro Tem Dean
Seconded by Councilmember Baker
Ayes: Baker, Blanchard, Gavin, Hennen, Price, and Dean
Nays: None
Absent: Mayor Terbrack
Motion Approved.

ORDINANCE NO. O-03-20: Matter of considering the First Reading of a Zoning Ordinance of
the City of Berkley, Michigan to Amend Sections 138-584, 138-605, 138-625, 138-656, and Add
New Section 138-552 to Chapter 138 Zoning, to Establish Requirements for Public Hearing
Notices.
Councilmember Hennen moved to approve Ordinance No. O-03-20
Seconded by Councilmember Price
Ayes: Blanchard, Gavin, Hennen, Price, Baker, and Dean
Nays: None
Absent: Mayor Terbrack
Motion Approved.

ORDINANCE NO. O-06-20: Matter of considering the First Reading of an Ordinance of the City
Council of the City of Berkley, Michigan to conditionally rezone property described as Lot 425 of
the Vinsetta Park Subdivision from RM, Multiple Family Residential to Parking District.
Councilmember Blanchard moved to approve Ordinance No. O-06-20
Seconded by Councilmember Baker
Ayes: Gavin, Hennen, Price, Baker, Blanchard, and Dean
Nays: None
Absent: Mayor Terbrack
Motion Approved.

**ORDINANCE NO. O-07-20:** Matter of considering the First Reading of an Ordinance to Add New Article III, Unsolicited Written Materials, to Chapter 6, Advertising, of the City of Berkley Code of Ordinances to Regulate the Leaving or Placement of Unsolicited Written Materials on Private Property.
Councilmember Hennen moved to approve Ordinance No. O-07-20
Seconded by Councilmember Blanchard
Ayes: Gavin, Hennen, Price, Baker, Blanchard, and Dean
Nays: None
Absent: Mayor Terbrack
Motion Approved.

**DISCUSSION:** Matter of discussing the status of the proposed Downtown Development Authority Design Guidelines and the proposed Overlay District Ordinance.

City Manager Matthew Baumgarten introduced this discussion item. He referenced the memo written by Community Development Director Erin Schlutow.

Mr. Baumgarten provided the history of the design guideline process. He stated they ran into roadblocks with implementation. He said since that time, there has been participant turnover. He discussed how the stakeholders in this matter see the process moving forward. He introduced some of the stakeholders that were in the audience that evening.

Ms. Schlutow spoke before Council and referenced her Jan. 29, 2020 memo. She said she wants to address going back and looking at this matter with fresh eyes, including what design esthetic do we want in Berkley as defined by the Planning Commission and the City Council. Ms. Schlutow went over five items that were outlined in the memo. She stated this is more of a broad overview of the changes.

Councilmember Baker said he loves this and asked if there was any feedback from the Downtown Development Authority.

Stakeholders in the audience provided input on items including the design guidelines process, limiting other board participation, etc.

Kristen Kapelanski said the Planning Commission is willing to look at this matter again. She said they are anxious to get the guidelines in place as soon as possible.
Councilmember Blanchard stated the next step is to merge the new ideas with what existed before and present to the Planning Commission. He stated we are at a point to move this forward.

Councilmember Hennen said some of his chief concerns include that it would be too vague. He said he likes the design guidelines but has concerns. Councilmember Hennen asked if there was any idea on what the cost would be to the applicant to go through this process. He also asked about the time. One question was do we have any idea of time and cost for an applicant to go through this process. It was stated costs would fall under administration costs. Ms. Schlutow stated the Review board component would be eliminated. She explained this in further detail. Hennen reconfirmed there would be no extra cost nor would there be extra time.

City Attorney John Staran added the proposed process would not be an additional layer of beurachracy. He stated he hopes this process is more efficient.

Ms. Schlutow said she would make sure proposed plans fit within the DDA guidelines before going to the Planning Commission. She said this would help the Planning Commission meetings run shorter.

Councilmember Price thanked everyone involved. She said she fully supports getting rid of the Design Committee and moving forward with what is proposed. She asked how internally this process would happen. She asked do we need to provide an appeals process. Mr. Staran said it would be the same appeals process that applies to those going before the Zoning Board of Appeals. He said the existing process should work for this as well.

COMMUNICATIONS:

COUNCILMEMBER HENNEN: stated he attended training on how to effectively communicate concerns to state legislatures through the East Michigan Council of Governments. He said during the last Zoning Board of Appeals (ZBA) meeting, members denied new residential construction and allowed a second-floor addition with conditions. Councilmember Hennen discussed he was pleased with code enforcement’s identification of an issue that brought this matter before the ZBA. He said the next regularly scheduled ZBA meeting is February 10. Councilmember Hennen said the Tree Board continued its discussion on its public tree inventory project. He announced that tomorrow is his public talk with Dennis event.

COUNCILMEMBER GAVIN: said the Planning Commission meeting will take place 7 p.m. February 25. He stated the next Environmental Advisory Committee (EAC) meeting will be February 20. Councilmember Gavin said the EAC along with the Berkley Public Library will provide a workshop with mirainbarrel. Please call or visit the library to register.
COUNCILMEMBER BLANCHARD: gave kudos to another very good Winterfest even though there wasn’t a lot of winter. He said kids were having a great time. Councilmember Balnchard stated he attended the Off to the Races event and it was great. He stated he also attended the Chamber of Commerce ribbon cutting event at Green Lantern Pizza earlier in the day.

COUNCILMEMBER PRICE: stated the Library Board met and library circulation continues to increase. She announced upcoming programs coming to the library. She encourages people to visit the library or its website to register for upcoming programs. She stated on Feb. 11, the library will present, “History of Oakland County.” She also stated there would be a bake sale fundraiser on Saturday. She said the library would be conducting a survey to gather feedback. Councilmember Price thanked everyone for coming out and participating in her conversation event. She said the next one is to be determined. She said it will be at the Community Center. Councilmember Price thanked the Berkley and Royal Oak school districts for hosting the MLK Day of Service.

COUNCILMEMBER BAKER: discussed the Downtown Development Authority spotlight board members – two student members. For more information visit downtownberkley.com. He discussed the recent goings on of the Historical Committee. He stated he is pleased to see Berkley committees working together. He said the kit home display is coming soon to the Berkley Historical Museum. He explained how houses could be ordered through a Sears catalog. He discussed in more detail the process of receiving and building a kit house. He stated the display will be ready this Wednesday. Councilmember Baker recited a quote by Patrick Young. “The trouble with weather forecasting is that it’s right too often for us to ignore it and wrong too often for us to rely on it. He stated that the groundhog didn’t see his shadow on Groundhog’s Say, which means an early spring. Councilmember Baker asked everyone to please be careful in these changing weather conditions.

City Manager Baumgarten: announced City Hall will be closed on February 7 for in-service training. He stated that two city employees recently attended the Michigan Municipal Executives conference. He announced ALICE training is coming up for the library and community center. Mr. Baumgarten said we couldn’t do any of these things without the support of the Council. Mr. Baumgarten said Parks & Recreation provided a great Winterfest. He said Theresa McArleton and her team did a great job.

City Attorney John Staran: said he looks forward to attending the annual winter meeting. He said there is a very topical agenda.

Mayor Pro Tem Dean: said she wants to jump on the Winterfest band wagon. She said it was so nice to see everyone. She said this is a free event for the community. She thanked the sponsors and said it was an uplifting time. Mayor Pro Tem Dean said Parks & Recreation will also be hosting Parents Night Out. She said to call the Community Center for more information. She said they will also be hosting February vacation camp.
ADJOURNMENT:

Councilmember Price moved to adjourn the Regular Meeting at 9:23 p.m.
Seconded by Councilmember Hennen
Ayes: Price, Baker, Blanchard, Gavin, Hennen, and Dean
Nays: None
Absent: Mayor Terbrack
Motion Approved.