

THE TWENTY-FIFTH REGULAR MEETING OF THE THIRTY-SEVENTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, APRIL 1, 2019 BY MAYOR TERBRACK

PRESENT: Steve Baker Dennis Hennen
 Jack Blanchard Eileen Steadman
 Bridget Dean Daniel Terbrack

ABSENT: Ross Gavin

APPROVAL OF AGENDA

Councilmember Steadman moved to approve the Agenda.

Seconded by Councilmember Hennen.

Ayes: Blanchard, Dean, Hennen, Steadman, Baker, and Terbrack

Absent: Gavin

Nays: None

Motion Approved.

INVOCATION: NONE

CITIZENS COMMENTS:

Marilynn Cupples, Berkley resident at 1976 Oakshire, Kevin McNulty, Berkley resident at 1975 Royal, and Todd Fisher, Berkley resident at 1944 Oakshire expressed their concerns with the continued drain and excavating issues in their neighborhoods.

Mayor Terbrack asked City Manager for an update with the flooding issues at Royal and Oakshire neighborhood. He directed City Administration to do a follow up on the flooding issues and keep City Council posted.

City Manager Baumgarten gave an update on flooding issues at Royal and Oakshire neighborhood.

City Attorney Staron gave a brief explanation of the legal process for issuing violations.

Councilmember Dean, Councilmember Hennen and Mayor Pro Tem Baker expressed their disappointment that the issues have not been resolved in a timely manner.

Dr. Nat L. Pernick, Huntington Woods resident, sponsored a voting competition among several communities and presented a \$1,000 check to the Berkley Parks and Recreation Department for the cities voter turnout.

Consent Agenda

Councilmember Dean moved to approve the following Consent Agenda, seconded by Mayor Pro Tem Baker:

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 37th City Council meeting on Monday, March 18, 2019.

PROCLAMATION NO. P-02-19: Matter of considering a proclamation celebrating the 147th Anniversary of Arbor Day and designating the week of Sunday, April 21 – Saturday, April 27, 2019 as Arbor Week.

Ayes: Dean, Hennen, Steadman, Baker, Blanchard, and Terbrack
Absent: Gavin
Nays: None
Motion Approved.

Regular Agenda

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

Councilmember Dennis S. Hennen read Proclamation No. P-02-19 into record.

MOTION NO. M-20-19: Matter of authorizing the Knights of Columbus, 2299 West 12 Mile Road, Berkley, Michigan, to conduct a Tootsie Roll Drive in the City of Berkley beginning on Friday, April 12, 2019 and ends on Sunday, April 14, 2019 from 8 a.m. to 7 p.m. During these days, representatives of the Knights of Columbus will wear reflective vests and collect money.

Mayor Pro Tem Baker moved to approve Motion No. M-20-19.

Seconded by Councilmember Dean.

Ayes: Hennen, Steadman, Baker, Blanchard, Dean, and Terbrack

Absent: Gavin

Nays: None

Motion Approved.

MOTION NO. M-21-19: Matter of considering an agreement with Hubble, Roth, and Clark, 555 Hulet Drive, P.O. Box 824, Bloomfield Hills, Michigan 48303 to provide Professional Engineering and Surveying services and allow the City Manager to sign on the City's behalf.

Councilmember Blanchard moved to approve Motion No. M-21-19.

Seconded by Councilmember Dean.

Ayes: Steadman, Baker, Blanchard, Dean, Hennen, and Terbrack

Absent: Gavin

Nays: None

Motion Approved.

WORK SESSION: Matter of discussing recreational marijuana establishments in the City.

Mayor Pro Tem Baker moved to open the Work Session.

Seconded by Councilmember Dean.

Mayor Terbrack opened the work session @ 7:38 p.m.

Mayor Terbrack reminded everyone that there won't be a formal action vote today. The purpose of a work session is to allow City Council, City Administration and Berkley residents to have a discussion on the subject matter. Mayor Terbrack shared the following survey results:

1) Are you in favor of allowing recreational marijuana businesses to operate in the City of Berkley?

62% Yes, 38% No and based on 1,600 responses.

2) If you answered yes, which type of business should be allowed?

97% retail, 68% grower, 64% processor, 61% tester, and 61% transporter.

3) If allowed, where should the recreational businesses be located?

72% Eleven Mile Road, 55% Twelve Mile Road, 56% Coolidge Highway, 56% Greenfield Road, 62% Woodward Avenue, and 5% unsure.

4) Would you prefer to limit the marijuana businesses to be allowed in the city?

69.7% Yes and 30 % No.

5) If yes, what limit do you prefer?

55% 1-3 licenses, 24% 4-7 licenses, and 20% other.

Mayor Terbrack stated that the decision made by City Council will be based on many factors and not solely on the revenue. The following are council's individual recommendations:

Councilmember Blanchard recommended opt-in to medical marijuana and opt-out to recreational marijuana.

Councilmember Steadman recommended opt-in to both medical marijuana and recreational marijuana.

Mayor Pro Tem Baker recommended opt-in to both medical marijuana and recreational marijuana.

Councilmember Dean recommended opt-in to both medical marijuana and recreational marijuana.

Councilmember Hennen recommended opt-in to medical marijuana and opt-out to recreational marijuana.

Mayor Terbrack recommended opt-in to medical marijuana and opt-out to recreational marijuana.

The direction for City Administration is to clarify the types of businesses allowed, to make the necessary changes to the zoning ordinance, create a competitive process and framework for the licenses, and continue the conversation. Council decided to require the marijuana businesses to be 1,000 feet from Berkley schools, allow medical dispensary and retail recreational businesses in the city.

Marty Monte, Berkley resident at 2133 Earmont, shared information from the Michigan Association of Drug Treatment Court Professional Annual Conference.

Kurt Hite, Berkley resident at 3525 Robina, shared his opinion on medical marijuana. He reminded everyone that it is not legal to use marijuana in public.

Councilmember Blanchard asked City Attorney Staran to explain the differences between medical and recreational establishments. He inquired about the space needed for each operation and facility.

City Attorney Staran explained the differences between medical and recreational establishments. He confirmed that there is a debate on statues written for medical facilities. Recreational marijuana is a voter initiative and there are no legislative histories to refer to as guidance. City Attorney Staran reminded City Council that both medical marijuana and recreational marijuana must be approved to be able to co-locate in the city. He advised council that the marijuana businesses is required to be

1,000 feet from schools and can be reduced to 500 feet. Medical facilities offer 3% excise tax and recreational facilities offer 10% excise tax. If the City opts into medical marijuana they will only receive property tax and sales tax revenue not the excise tax.

Mayor Pro Tem Baker inquired about the access of marijuana, different types of marijuana and the enforcement of driving while impaired.

City Manager Baumgarten informed City Council that the Public Safety Department has been making efforts to learn more about new technology available for enforcement of driving while impaired. He confirmed that there are at least 6 liquor stores in Berkley. Baker said that the revenue may allow the city to hire one full-time Public Safety Officer not to build a new Community Center or fix the roads. City Manager Baumgarten reiterated that the number of licenses that will be allowed in the state as a whole, the number of licenses that is appropriate for the city, and the total taxable of the industry are the variables that will determine the revenue the city may receive. He mentioned that there is a potential Micro Brewery business to open in the city. City Manager Baumgarten will work with City Attorney Staran to outline potential processes for developing a local regulatory framework.

Councilmember Hennen asked City Attorney Staran about a law permit medical marijuana dispensaries and any state guidance. He expressed his concerns about Berkley's industrial area and residential neighborhoods. Councilmember Hennen spoke about Berkley to receive 1% of the 15% revenue available to all participating cities. He recommends that the City wait to approve marijuana facilities after the state deadline of December 6th to create licensing regulations.

Jason Cauley, Berkley resident at 2845 Gardner, shared a March 27th article from Detroit News. He explained the difference between medical and recreational establishments. Mr. Cauley responded to the home grown marijuana plants comment. He stated that a marijuana business will seek the appropriate square footage needed if they have invested \$66,000 on a license. And the marijuana facilities may potentially attract business investors.

Tina Yancey, Village of Beverly Hills resident, spoke about medical marijuana facility benefits, ordinances and establishments in the industrial areas. She shared an analysis that was done for the City of Hazel Park and the potential tax revenue they may receive. Ms. Yancey advised City Council that a grow operation requires 7,000 square feet with 15 parking spaces, a processing operation requires 13,000 square feet with 20 parking spaces, and a retail operation requires 1,300 square feet plus parking. Her business in Hazel Park is called Trucenta.

William Kunz, Sterling Heights resident and co-owner of Insurance Agency Underwriters, LLC at 3200 Coolidge Highway, shared information from the Impaired Driver Education and Therapy Program (IDETP) about Overview Sensible Treatment for Marijuana Issues (STMI).

Councilmember Steadman inquired about the number of liquor stores in Berkley. She compared the medical benefits of marijuana to alcohol. Councilmember Steadman shared that you cannot require customer data collection in a marijuana store or prohibit the co-location of a medical and recreational marijuana facility. She agreed with the establishing medical marijuana facilities first and later approve recreational marijuana facilities.

Councilmember Dean asked Ms. Yancey the name of her business in Hazel Park.

Mayor Terbrack closed the work session @ 8:54 p.m.

Councilmember Dean moved to close the Work Session.
Seconded by Councilmember Hennen.

Ayes: Baker, Blanchard, Dean, Hennen, Steadman, and Terbrack
Absent: Gavin
Nays: None
Motion Approved.

COMMUNICATIONS:

MAYOR PRO TEM BAKER: gave an update from the Downtown Development Authority (DDA) to include their next meeting is scheduled for Wednesday, April 10th, budget proposals for FY 2019/2020, Wayfinding signs, and Downtown Master Plan. For more information, please visit their websites at www.downtownberkeley.com and www.berkeleydowntownplan.com. He gave an update from the Historical Committee to include their next meeting is scheduled for Sunday, April 14th, Rogers Elementary 2nd Grade Class will be visiting the Historical Museum, the new coffee mug are still on sale at the museum and city offices, and the new display at the museum is "Berkeley's Favorite Dining Spots." More information can be found on the city website at www.berkelymich.org or call the City Hall and Museum. The museum hours are Sunday's from 2 - 4 p.m. and Wednesday from 10 a.m. - 1 p.m. Mayor Pro Tem Baker gave an update from the Technology Advisory Committee to include their next meeting is scheduled for Wednesday, April 17th and they are still discussing technology updates for the city. He shared a quote from American cyclist John Howard, "The bicycle is a curious vehicle. Its passenger is the engine." He encourages everyone to be safe while riding a bicycle, wear your helmets, sidewalks are for pedestrians, and vehicles go with the flow of traffic.

COUNCILMEMBER STEADMAN: gave an update from the Beautification Advisory Committee to include their next meeting is scheduled for Wednesday, April 10th and they have discussed making improvements to the area near Clark's Ice Cream. She encourages everyone to find out about the library programs on the library website at www.berkeley.lib.mi.us and their next meeting is scheduled for Wednesday, April 17th. Councilmember Steadman gave an update from the Citizens Engagement Advisory Committee to include their next meeting is scheduled for Wednesday, April 3rd and they are still looking for Block Ambassadors. She spoke about the Michigan Municipal League (MML) Capital Conference "Everyday Bias: Institutional and Implicit" and "Recreational Marijuana is Here." Everyone is encouraged to find more information on the MML website at www.mml.org.

COUNCILMEMBER BLANCHARD: spoke about the Michigan Municipal League (MML) Capital "Implementing November's Election-Related New Laws and Ballot Questions" and "New TIF Authority Requirements." He announced that April is National Volunteer Month and he thanked all the great people in the city for volunteering.

COUNCILMEMBER DEAN: spoke about the Michigan Municipal League (MML) Capital "Everyday Bias: Institutional and Implicit." She gave an update from the Parks and Recreation update to include the Breakfast with the Bunny is Saturday, April 13th from 9 - 10 a.m. and 10:30 - 11:30 a.m. and the Tale on the Trail – Arbor Day Edition is Thursday, April 25th at 6 p.m. Councilmember Dean congratulated Councilmember Hennen for completing the Level One Elected Officials Academy.

COUNCILMEMBER HENNEN: spoke about the Michigan Municipal League (MML) Capital "Engage Constituents by Telling Your Community Story." and "Housing Michigan Residents." He gave an update from the Environmental Advisory Committee to include the draft Energy Use Plan and next meeting is scheduled for Thursday, April 25th at 6:30 p.m. in the Second Floor Conference Room of

the Public Safety building. Councilmember Hennen gave an update from the Tree Board to include a tree planting at Jaycee Park at the corner of Bacon and Webster on Thursday, April 25th at 6:30 p.m. with the help of the Department of Public Works (DPW), they will have a display in the month of April at the Library to celebrate Arbor Day and their next meeting is scheduled for Monday, April 8th at 7 p.m. at the Library. His next Talk with Dennis is schedule on Tuesday, April 9th at the Library from 6 p.m. to 8 p.m.

CITY MANAGER BAUMGARTEN: expressed his gratitude for a engaged, thoughtful and dedicated City Council. He reminded the residents that the curbside bagged yard waste leaf pickup season begins this week on Tuesday and Friday trash days; stickers are no longer required. Please contact the Department of Public Works (DPW) at (248) 658-3490 to be scheduled for the chipper which runs every third Monday.

CITY ATTORNEY STARAN: had no comments this evening.

MAYOR TERBRACK: visited the Girl Scout Troop at Angell Elementary School to talk about the operations of the city and the role of the Mayor. Also, he visited the 4th Graders at Burton Elementary School to talk about the approval process for ordinances. Mayor Terbrack will be creating an Ad Hoc Committee to discuss the future of the Parks and Recreation Community Center. This will be not be an election committee, it will be compose of a cross section of residents, Councilmembers will be assisting with the selection of committee members and the meetings will be led by the Mayor.

COUNCIL MEETING ADJOURNMENT:

Motion by Councilmember Steadman to adjourn the regular meeting at 9:17 PM.

Seconded by Councilmember Blanchard.

Ayes: Blanchard, Dean, Hennen, Steadman, Baker, and Terbrack

Absent: Gavin

Nays: None

Motion Approved.