

THE REGULAR MEETING OF THE FORTIETH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON THURSDAY, NOVEMBER 20, 2023 BY MAYOR DEAN

PRESENT: Councilmember Steve Baker
Councilmember Mike Dooley
Mayor Pro Tem Ross Gavin
Councilmember Dennis Hennen
Councilmember Gregory Patterson
Councilmember Jessica Vilani
Mayor Bridget Dean

ABSENT: Councilmember Clarence Black

OTHER STAFF PRESENT:

City Manager Matt Baumgarten
City Attorney John Staran
City Clerk Victoria Mitchell
Public Safety Director Matt Koehn
Library Director Matt Church
Department of Public Works Director Shawn Young
Communications Director Caitlin Flora

APPROVAL OF AGENDA

Mayor Pro Tem Gavin moved to approve the Agenda
Seconded by Councilmember Patterson
Ayes: Dooley, Gavin, Hennen, Patterson, Vilani, Baker and Dean
Nays: None
Motion Approved.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Laura Respecki, Berkley, spoke about the Columbia project.

David Roberts, Berkley, spoke about the Columbia project.

Charlie Cabell, County Commissioner, congratulated Council and said he will attend a meeting in December.

Patricia Schultz, Berkley, emailed regarding the Columbia project.

Consent Agenda

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

RESOLUTION NO. R-24-23: Matter of approving a resolution recognizing Mike Dooley for his service to the Council of the City of Berkley, Michigan.

Ayes: Gavin, Hennen, Patterson, Vilani, Baker, Dooley and Dean
Nays: None
Motion Approved.

Regular Agenda

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

Councilmember Patterson read R-24-23 in its entirety.

SWEARING-IN CEREMONY: Newly elected members of the Council to be given Oaths of Office by the City Clerk:

Mayor Bridget Dean
Councilmember Clarence Black
Councilmember Ross Gavin
Councilmember Gregory Patterson

City Clerk Victoria Mitchell administered the Oath of Office to Mayor Bridget Dean.

City Clerk Victoria Mitchell administered the Oath of Office to Councilmember Clarence Black.

City Clerk Victoria Mitchell administered the Oath of Office to Councilmember Ross Gavin.

City Clerk Victoria Mitchell administered the Oath of Office to Councilmember Gregory Patterson.

COUNCIL MEETING ADJOURNMENT:

Motion by Councilmember Hennen to adjourn the regular meeting at 7:15 pm.
Seconded by Councilmember Vilani
Ayes: Hennen, Patterson, Vilani, Baker, Dooley, Gavin and Dean
Nays: None
Motion Approved.

THE FIRST REGULAR MEETING OF THE FORTIETH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:22 PM ON MONDAY, NOVEMBER 20, 2023 BY MAYOR DEAN

PRESENT:

Councilmember Steve Baker	Councilmember Gregory Patterson
Councilmember Clarence Black	Councilmember Jessica Vilani
Mayor Pro Tem Ross Gavin	Mayor Bridget Dean
Councilmember Dennis Hennen	

OTHER STAFF PRESENT:

City Manager Matt Baumgarten
City Attorney John Staran
City Clerk Victoria Mitchell
Public Safety Director Matt Koehn
Library Director Matt Church
Department of Public Works Director Shawn Young
Communications Director Caitlin Flora
Community Development Director Kristen Kapelanski

APPROVAL OF AGENDA

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

CITIZENS COMMENTS:

Consent Agenda

Councilmember Gavin moved to approve the following Consent Agenda, seconded by Councilmember Vilani:

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 39th Regular City Council meeting on Monday, October 16, 2023 and Special City Council meeting on October 30, 2023.

WARRANT: Matter of approving Warrant No. 1392.

ORDINANCE NO. O-10-23: Matter of considering the Second Reading and Adoption of an Ordinance to repeal Section 106-42, Outdoor Seating, in Chapter 106, Streets, Sidewalks and Other Public Places of the City of Berkley Code of Ordinances to remove references to outdoor seating in the City Code as standards have been incorporated into the Zoning Ordinance.

ORDINANCE NO. O-11-23: Matter of considering the Second Reading and Adoption of an Ordinance of the City Council of the City of Berkley, Michigan to amend Section 26-2 and add Section 26-3 in Chapter 26, Building and Building Regulations, of the City of Berkley Code of Ordinances to clarify the application of Section 26-2 to the entire Chapter 26, to require fees for inspections, reviews, permits, and certificates and to clarify the application of Sec. 26-337.

MOTION NO. M-76-23: Matter of approving the Oakland County Assessor’s contract renewal.

Ayes: Gavin, Hennen, Patterson, Vilani, Baker, Black and Dean
Nays: None
Motion Approved.

Regular Agenda

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

PRESENTATION: Matter of presenting Berkley Department of Public Safety Civilian Citations to Berkley Department of Public Works employees Brian LaPine, John Beach, and Brad Daugherty, who may have saved two lives after warning the residents their home was on fire.

Chief Koehn presented the Civilian Citation to Brian Lapine.

PRESENTATION: Matter of receiving the Accreditation Certificate from the Michigan Law Enforcement Accreditation Commission (MLEAC), which is an independent organization under the Michigan Association of Chiefs of Police. The MLEAC Accreditation was awarded after a hearing on Wednesday, September 27, 2023, in Mt. Pleasant, Michigan.

Robert Stevenson, Executive Director of the Michigan Law Enforcement Accreditation Commission (MLEAC), awarded the Berkley Public Safety Department the Accreditation Certificate from the MLEAC.

MOTION NO. M-77-23: Matter of appointing Mayor Pro Tem from November 2023 until November 2025.

Councilmember Patterson moved to nominate Councilmember Gavin and approve Motion No. M-77-23.

Seconded by Councilmember Hennen.

Ayes: Hennen, Patterson, Vilani, Baker, Black, Gavin and Dean

Nays: None

Motion M-77-23 Approved.

RESOLUTION NO. R-25-23: Matter of designating the time and place of City Council Meetings and its Rules and Order of Procedure.

Councilmember Vilani moved to approve Resolution No. R-25-23.

Seconded by Mayor Pro Tem Gavin.

Ayes: Patterson, Vilani, Baker, Black, Gavin, Hennen and Dean

Nays:

Resolution R-25-23 Approved.

MOTION NO. M-78-23: Matter of receiving and adopting the FY 2023-2026 Strategic Plan.

Councilmember Baker moved to approve Motion No. M-78-23.

Seconded by Councilmember Vilani.

Ayes: Vilani, Baker, Black, Gavin, Hennen, Patterson and Dean

Nays: None

Motion M-78-23 Approved.

Joselyn Davis, Jade Strategies, presented regarding the 2023-26 Strategic Plan.

MOTION NO. M-79-23: Matter of approving a proposal from Hubbell, Roth, and Clark for combined sewer system planning assistance for a not-to-exceed amount of \$34,200. This work is eligible for reimbursement on a one-to-one basis under the recently awarded Oakland County Critical Infrastructure Grant Program.

Mayor Pro Tem Gavin moved to approve Motion No. M-79-23.

Seconded by Councilmember Hennen.

Ayes: Baker, Black, Gavin, Hennen, Patterson, Vilani, and Dean

Nays: None

Motion M-79-23 Approved.

MOTION NO. M-80-23: Matter of authorizing the City Manager to approve the proposal from Hubbell, Roth & Clark to provide professional services to update the City's Engineering Design Standards at a cost of \$16,145.58. Funds from this expenditure will come from accounts 101-701-817-000, 592-536-821-000, 202-464-821-010 and 203-464-821-010.

Councilmember Patterson moved to approve Motion No. M-80-23.

Seconded by Councilmember Baker.

Ayes: Black, Gavin, Hennen, Patterson, Vilani, Baker, and Dean

Nays: None

Motion M-80-23 Approved.

MOTION NO. M-81-23: Matter of authorizing the City Manager to execute a contract for Senior Home Chore Snow Removal Service with Luxury Lawn and Snow LLC, 28240 Farmington Road, Farmington Hills, MI

48334. \$3,500 will be paid from account 275-902-818-046 and the remaining expenses being paid from account 211-752-818-000.

Councilmember Patterson moved to approve Motion No. M-81-23.

Seconded by Councilmember Vilani.

Ayes: Gavin, Hennen, Patterson, Vilani, Baker, Black, and Dean

Nays: None

Motion M-81-23 Approved.

MOTION NO. M-82-23: Matter of appointing members to boards and commissions.

Councilmember Hennen moved to approve Motion No. M-82-23.

Seconded by Councilmember Patterson.

Ayes: Hennen, Patterson, Vilani, Baker, Black, Gavin, and Dean

Nays: None

Motion M-82-23 Approved.

Stephen Bard was appointed to the Beautification Advisory Committee with a term expiring July 2026.

Jeremy Coan was appointed to the Beautification Advisory Committee with a term expiring July 2026.

Catherine Pasanen was appointed as an alternate to the Zoning Board of Appeals with a term expiring July 2026.

ORDINANCE NO. O-12-23: Matter of considering the First Reading of an ordinance of the City Council of the City of Berkley, Michigan to amend Chapter 66, Article II, Library Board of the City of Berkley Code of Ordinances.

Councilmember Vilani moved to approve Ordinance No. O-12-23.

Seconded by Councilmember Baker.

Ayes: Patterson, Vilani, Baker, Black, Gavin, Hennen, and Dean

Nays: None

Ordinance No. O-12-23 Approved.

ORDINANCE NO. O-13-23: Matter of considering the First reading of an ordinance of the City Council of the City of Berkley, Michigan to amend Article VII, Construction/Demolition Site Standards, Sections 106-303 and 106-304 of Chapter 106 Streets, Sidewalks and other Public Places, to Modify the Standards for Construction/Demolition Sites and to Prescribe a Penalty for Violations.

Councilmember Hennen moved to approve Ordinance No. O-13-23.

Seconded by Mayor Pro Tem Gavin.

Ayes: Vilani, Baker, Black, Gavin, Hennen, Patterson, and Dean

Nays: None

Ordinance No. O-13-23 Approved.

ORDINANCE NO. O-14-23: Matter of considering the First reading of an ordinance of the City Council of the City of Berkley, Michigan to add new Article VIII, Parklets, to Chapter 106, Streets, Sidewalks and Other Public Places, of the Berkley City Code to Allow greater variety of outdoor service options to Berkley food service establishments of the Berkley City Code by authorizing and regulating conversion and use of underutilized on-street parking spaces.

Councilmember Baker moved to approve Ordinance No. O-14-23.

Seconded by Councilmember Vilani.

Ayes: Baker, Black, Gavin, Hennen, Patterson, Vilani, and Dean

Nays: None

Ordinance No. O-14-23 Approved.

Katie Kutcher, Huntington Woods, spoke in support of the ordinance under consideration.

ORDINANCE NO. O-15-23: Matter of considering the First reading of an ordinance of City Council of the City of Berkley, Michigan to add new Article XVIII, Retail Pet Store, to Chapter 30, Businesses, of the Berkley City Code to Require an existing Retail Pet Store to Obtain an Annual License From the City; to Prescribe License Requirements and Conditions; and to Repeal Article XVII, Retail Dog and Cat Sales Temporary Moratorium, of Chapter 30 of the Berkley City Code.

Councilmember Black moved to approve Ordinance No. O-15-23.

Seconded by Councilmember Hennen.

Ayes: Black, Gavin, Hennen, Patterson, Vilani, Baker, and Dean

Nays: None

Ordinance No. O-15-23 Approved.

Carla Osborne, Berkley, spoke in favor of the ordinance under consideration.

Courtney Wooten, Berkley, spoke in favor of the ordinance under consideration.

Tiffany Perkins, Royal Oak, spoke in favor of the ordinance under consideration.

Rachel Shuler, Royal Oak, spoke in favor of the ordinance under consideration.

Laura Respecki, Berkley, spoke in favor of the ordinance under consideration.

COMMUNICATIONS

MAYOR PRO TEM GAVIN

- The next Parks and Recreation Advisory Board meeting will be on December 14th at the Community Center.
- The Environmental Advisory Committee will be on January 13th at 6:30 pm in the second-floor conference room of the Public Safety building.

COUNCILMEMBER VILANI

- Thanked everyone that came out and voted. Your vote is your voice.
- Welcomed back her seatmates and welcomed Councilmember Black.
- The Community Engagement Advisory Committee and Technology Advisory Committee are both on hiatus; no updates.
- The Berkley Area Chamber will hold a networking lunch on Friday, December 1st at Dog & Pony Show Brewing from 12pm -2pm. Please register on their website.
- Thanked all residents that remain active on a wide range of topics; it is with you that we create meaningful change.

COUNCILMEMBER PATTERSON

- The Planning Commission received no items for review; the November 28th meeting was canceled.
- There will be a joint meeting of the Planning Commission and City Council on November 30th in the second-floor conference room in the Public Safety building.
- Wished everyone a Happy Thanksgiving.
- Thanked voters for casting ballots in the November 7th election.

COUNCILMEMBER BLACK

- He said he is beyond honored to become a member of the team and thanked city staff for welcoming him.
- Encouraged everyone who celebrated Veteran's Day to keep that same spirit throughout the year, the community needs you.
- He is looking forward to working with everyone.

COUNCILMEMBER HENNEN

- The Tree Board met last month and heard an update from the Department of Natural Resources regarding spotted lantern flies. If you see one, take a photo of it before killing it so you can report the incident to the state at Michigan.gov/slf. More information is available there as well. The City did not receive the DTE Tree Grant; we are still waiting to hear back on the DNR tree grant for Oxford park. The Board is working with the DDA on recommendations for replacing and maintaining the health of the trees in the downtown district.
- The Zoning Board of Appeals heard a case regarding a vacant residential lot; the ZBA will not have a December meeting.
- Regarding the Michigan Municipal League conference – his two biggest takeaways were learning to become a more effective communicator and ideas for attracting and retaining talent in the City. He said he also serves on the Elected Officials Academy and was reelected Vice President of that board.
- There will be a joint meeting of the Planning Commission and City Council on November 30th to discuss where we are on the zoning rewriting process. Strongly urged everyone to review those materials ahead of time and come prepared so if there's any concerns we can make sure that the steering committee is headed in the right direction because what he doesn't want to get is to the end of a two-year process only to present the Planning Commission and Council with a result that is not what we or the community wanted.

COUNCILMEMBER BAKER

- Happy almost Thanksgiving and almost North American Heritage Day.
- The Downtown Development Authority met on Wednesday, November 8th. Thanked them for all their hard work and a very successful Boo!kley month. MERR!month is almost upon us; Small Business Saturday is Saturday, November 25th so please shop local. The Holiday Lights Parade and other events earlier that day is December 2nd. Merry and Bright Shopping Nights will be on December 7th, 14th and 21st; local businesses will be open a bit later on those Thursday nights. There will be a Jolly Trolley throughout downtown on December 9th to help you visit all the corners of downtown and all of the many wonders it has to offer. For more information visit downtownberkley.com

- The Historical Committee met on Tuesday, November 14th ; five students from Berkley's Social Studies Club attended. He thanked them for their attendance and interest in volunteering on upcoming museum projects. If you have fun scanning photos and documents, the museum is looking for help to digitize Berkley's history. Please come and visit the museum after the Holiday Lights Parade on December 2nd; there will be treats and snacks. Visitors always welcome; the museum is open from 10am – 1pm on Wednesdays and 2pm – 4pm on Sundays. More information is available at berkleyhistory.com.
- Billy Chapata once said, “ Don't be afraid of new beginnings, don't shy away from new people and new energy and new surroundings. Embrace new chances as happiness.”
- Congratulated 39th Council and here's to the 40th Council. This marks his 14th year on Council; he is amazed at the progress during the brief time he's been able to serve.
- Stay safe and hug someone you love.

CITY MANAGER MATT BAUMGARTEN

- He said this was a long agenda and Council heard from many of the Directors. He said since this is the season of gratitude he thanked the staff, who put in more work than anyone can ask and endure more stress than anyone will ever know. He highlighted the City Clerk's excellent work on the November election and said that not only does she oversee staff but also a small army of poll workers and precinct captains who because of her are well-prepared for all possible challenges over the 16 plus hour day. She is a guardian of democracy and she makes it happen for all the local, state and federal elections.
- We have a tendency to focus on the small inconveniences, but we should all consider how fortunate we are to live in a community where the small things can be so noticeable.
- Wished everyone a Happy Thanksgiving from himself as well as his staff.

CITY ATTORNEY JOHN STARAN

- Congratulated returning Councilmembers and welcomed Councilmember Black.
- Wished everyone a happy and safe Thanksgiving and Go Lions!

MAYOR DEAN

- She thanked Mike Dooley not only for serving on Council but everything he does.
- Congratulated Councilmember Black and welcomed him to the team. She said she looks forward to serving with the 40th Council; congratulated Councilmember Patterson and Mayor Pro Tem Gavin and thanked them for continuing to do the work
- As everyone knows Berkley Days was upended this year but historically the Humanitarian of the Year and Person of the Year awards are given out there. The 2023 awards were given out last Friday, she had the honor and privilege to present those awards. The 2023 Berkley Humanitarian of the Year was awarded to Valerie Vanslambrouck; she's a caring, compassionate community member who spends her free time filling little free libraries and pantries around the city, picking up litter and working with an organization who sends cards and letters to the elderly, troops overseas and others in need. Valerie recently completed 535 hours of community service and received the President's Volunteer Service award from President Biden. We are fortunate to have someone like her in the community. The 2023 Berkley Person of the Year was awarded to Jack Blanchard. It was a surprise, he thought he was just there for dinner. Jack served in the U.S. Army for 30 years; he served 10 years on Council and was a firefighter for 25 years. He now serves as the City's Emergency Manager; he drafted the City's emergency management plan. She discussed the importance of the plan; if a municipality does not have a plan then they are not eligible for federal funding in the case of an emergency. She said he is well known and well respected in the Oakland County Incident Management team and the Oakland County Local Emergency Planning Committee. He has been a member of the Berkley American Legion Post for 43 years and presently serves as the Sergeant at Arms. All of those positions are volunteer. Jack has been a friend and mentor to her for the past six years; she said when she reaches out to Jack he always makes time for her. Congratulations to Valerie and Jack!

ADJOURNMENT:

Councilmember Patterson moved to adjourn the Regular Meeting at 9:20 p.m.

Seconded by Councilmember Black

Ayes: Hennen, Patterson, Vilani, Baker, Black, Gavin and Dean

Nays: None

Motion Approved.

Bridget Dean, Mayor

ATTEST:

Victoria Mitchell, City Clerk