

THE REGULAR MEETING OF THE FORTIETH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, DECEMBER 18, 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 Ann Christ
City Clerk Victoria Mitchell
Facilities Manager Alex Brown
Downtown Development Authority Executive Director Mike McGuinness
Deputy Finance Director Laurie Fielder

APPROVAL OF AGENDA

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

None.

Consent Agenda

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

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 40th Regular City Council meeting on Monday, December 4, 2023 and the Joint City Council meeting on Thursday, November 30, 2023.

WARRANT: Matter of approving Warrant No. 1393.

ORDINANCE NO. O-16-23: Matter of considering the Second Reading and Adoption of an ordinance of the City Council of the City of Berkley, Michigan to amend Section 126-7, Installation and Section 126-74, Supervision of Connection in Chapter 126, Utilities of the City of Berkley Code of Ordinances to update the policies and inspection procedures for sewer connections.

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.

None

PRESENTATION: Matter of receiving a presentation by Raina Emmons of PSLZ, LLC of the annual audit and resulting Annual Consolidated Financial Report (ACFR) and requesting the City Council to Receive and File the ACFR.

Rana Emmons of PSLZ, LLC, presented an overview of the City's 2023-24 annual audit stating the City received an unqualified opinion which is the highest opinion a municipality can receive.

She presented an overview and some highlights of the City's operating millage, general fund revenues, and general fund balance.

Public Comment:

Joshua Hunter, Berkley, asked a question: What is the \$1.72 million General Fund asset, "Due from Other Funds"; according to Note 5, only \$120,000 was loaned to the Sidewalk fund, which leaves \$1.6 million "due from other funds." Asked why this amount is due to the General Fund.

MOTION NO. M-83-23: Matter of awarding the contract for the roof replacement at the Community Center to MTD Construction, 126 Summit Street, Brighton Michigan, at the cost of \$94,000. In addition, please allocate \$10,000 for construction contingencies. Funds for this project are coming from the FY 2024 Special Grant awarded by the State of Michigan.

Councilmember Patterson moved to approve Motion No. M-83-23

Seconded by Councilmember Vilani

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

Nays: None

Motion M-83-23 Approved.

PUBLIC HEARING: Matter of holding a Public Hearing regarding the Community Development Block Grant Program Year 2024 application in the approximate amount of \$35,012.

Public Hearing opened at 7:29 p.m.

Public Comments: None.

Public Hearing closed at 7:29:18 p.m.

RESOLUTION NO. R-26-23: Matter of adopting a Resolution for the Community Development Block Grant (CDBG) Program Year 2024 application in the approximate amount of \$35,012 and requesting the Mayor and City Manager to sign the application and submit it to the Oakland County CDBG Division.

Councilmember Baker moved to approve Resolution No. R-26-23.

Seconded by Mayor Pro Tem Gavin

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

Nays: None

Resolution R-26-23 Approved.

RESOLUTION NO. R-27-23: Matter of adopting a Resolution of the City Council of the City of Berkley establishing residential and commercial service fees for the collection and disposal of solid waste effective January 1, 2024.

Councilmember Hennen moved to approve Resolution No. R -27-23.

Seconded by Councilmember Black

Public Comment:

Jack Blanchard, Berkley, asked about the American Legion. City Manager Baumgarten said they should reach out to DPW, to be adjusted to the ready-to-serve cost.

Charles Tyrell, Berkley, said the resolution should not have commercial or business service fees in the description as the American Legion, houses of worship, etc. are paying. He reiterated this is a tax not a service fee; he referred to the *Bolt v. City of Lansing* decision. He said because places can not opt out then it is a tax and not a service fee; he stated it does not meet the *Bolt v. City of Lansing* decision criteria and must go to a vote of the people.

Councilmember Hennen asked when letters will go out. City Manager Baumgarten said they will go out this week. Hennen said the *Bolt v. City of Lansing* decision is much more nuanced and that there are case decisions where fees don't fall within the boundaries of *Bolt*. He said he took this allegation seriously and looked into the legality of the matter; he is sympathetic to those that don't need the service, but with the structures as provided by SOCCRA, there is no other way. He stated that the reduced fee is the best way to handle these use cases.

Councilmember Baker said the reduced fee was more well received by business owners at the last DDA meeting. He expressed appreciation for this decision to minimize some of these issues.

Councilmember Vilani asked:

1. What is the process that non-residential stakeholders will go through to indicate their decisions. City Manager Baumgarten said that stakeholders should respond to the letter sent by the City.
2. She is glad this will support the businesses, but she asked how much manual work this will cause our DPW. City Manager Baumgarten said there will be quite a bit of initial work as well as a high amount of work.

Councilmember Black asked how frequently we speak to Tringali. City Manager Baumgarten responded that we communicate almost daily.

Mayor Dean stated she is responding to statements made by Mr. Tyrell. She said she doesn't want any misrepresentation to the public. She stated City Attorney Staran, whom has many decades of experience, said it is legal. She told him to stand back and stop spreading misinformation.

Ayes: Vilani, Baker, Black, Gavin, Hennen, Patterson, and Dean.
Nays: None.
Resolution R-27-23 Approved.

MOTION NO. M-84-23: Matter of approving updates to the City of Berkley's Fee Schedule effective January 1, 2024.

Mayor Pro Tem Gavin moved to approve Motion No. M-84-23.
Seconded by Councilmember Hennen

Public Comment:

Jack Blanchard, Berkley, said he gets a lot of questions regarding events. He asked about road closure fees. City Manager Baumgarten said costs would be relative to the size of the closure.

Councilmember Patterson asked:

1. If public safety needs to provide more assistance would it cost more? City Manager Baumgarten said if they have to escalate they would call for mutual aid
2. If multiple streets are closed, would it cost more? City Manager Baumgarten said holiday lights parade is a one-off

Councilmember Black asked if we have to use our Public Safety Dept. to staff events or could we use volunteers; he said at \$112 an hour we should revisit this, we have a lot of people that would be interested.

Councilmember Hennen recommended a language change to make it clear. He asked when we plan on beginning the licensing period for retail dog and cat sales. Baumgarten said that we hope to bring retailers into compliance by the first of February, hopefully.

Councilmember Baker asked about waivers.

Ayes: Baker, Black, Gavin, Hennen, Patterson, Vilani, and Dean
Nays: None
Motion M-84-23 Approved.

COMMUNICATIONS

COUNCILMEMBER BLACK

- Happy to announce that Ms. Flora is finalizing the new Community Engagement Advisory Committee and the Technology Advisory Committee. Said he is excited to report more after the first of the year.
- Encouraged everyone to remember that many people have family and friends who will be serving overseas during the holidays, so please keep service members in your thoughts during the holiday season.

COUNCILMEMBER HENHEN

- Tree planting west of Coolidge has begun. The Tree Board will next meet on January 22nd.
- Zoning Board of Appeals will meet on January 9th. The auto shop on 11 Mile between Coolidge and Woodward wants to add a gas station, but gas stations aren't zoned for the area so they'll be coming before the ZBA to request a use variance.
- Reminded everyone at home about the zoning ordinance rewrite process currently underway; there will be four informational meetings open to the public; feedback is needed for this important process. The workshop is on January 8th, 17th, 24th and 31st. the topics are duplexes and multi-family parking as well as the development approval process. All meetings begin at 6 p.m. in the Berkley High School Collaborative Center.
- Wished everyone happy holidays and a happy new year.

COUNCILMEMBER BAKER

- The Historical Committee thanked everyone for their work on the Holiday Lights Parade especially those who visited the museum to warm up a bit.
- The Downtown Development Authority met last week and offered thanks to all the local businesses, sponsors, shoppers, and guests we had downtown during Merri Month for the shopping nights and trolley rides. The DDA is looking for feedback on how this season's events were received as well as looking forward to additional ideas to build upon the successes that we've had the last several years.
- Sharon Salsburg once said, "Holidays can be a time of joy and sorrow. Embrace the joy and make peace with the sorrow."
- The National Alliance on Mental Illness did a survey that found 64% of surveyed adults say they are affected by the holiday blues and 24% of them said they were affected quite a lot by the holiday blues. Tips from Mind Journal: learn to say no to stuff, spend time with the people you enjoy, do everything in moderation, don't overspend, don't isolate yourself, avoid conflict and drama, identify your triggers, and seek to avoid those things.
- Please be extra sensitive to those around you. They probably need it.

MAYOR PRO TEM GAVIN

- Parks and Recreation report is filled with many thank yous. Thank you to the Friends of Berkley Parks and Rec for all the support for the department during the holiday events as well as all year long. Anyone interested in becoming a member of the Friends group, please check out its Facebook page. Thank you to all of the staff of Parks and Rec for providing so much programming and extra time and care throughout the year to provide fun and healthy activities for the community. Thanked Parks and Recreation Director Theresa McArleton for all of her time and service and said that she will be incredibly missed. She is a kind, thoughtful person and poured her heart into everything she did and all the joy she has helped bring to residents.
- Next meeting of the Parks & Rec Advisory Board is on February 8th at 7 pm.
- Next meeting of the Library Board is Wednesday, January 17th at 7 pm.
- Have a wonderful holiday season filled with laughs, family, and friends.

COUNCILMEMBER VILANI

- The Berkley Area Chamber of Commerce January Chamber Chat will be on Friday, January 19th at 8:30 am at Little Lou's Hot Chicken.
- The gift that keeps giving is the Berk Perk card. It's so small it can fit right in a stocking and makes an excellent extra gift for someone special. Only \$35 and available at participating locations.

COUNCILMEMBER PATTERSON

- Thanked Councilmember Hennen for reading the dates of the Zoning Rewrite sessions.
- Planning Commission meeting for tomorrow was canceled.
- Beautification Committee has luminaries for sale at the Library; they are to be set out on December 21st.
- Happy holidays to all.

CITY MANAGER MATT BAUMGARTEN

- Congratulated Mayor Dean as she was appointed by unanimous vote earlier this month to serve as a trustee of the Michigan Municipal League's Workers Compensation Fund Board.
- Last meeting of 2023 and we will have two fireworks seasons between now and next meeting; be safe and when firing off those fireworks be mindful of your neighbors, yourself and everyone around you. Try to keep everyone in mind this season and embody our motto of 'We Care' when celebrating in this manner.
- Thank you to all of my staff with many ups and downs and it is so refreshing to hear everything that went into this year. He said that to hear it laid out in the State of the City broadcast makes him proud of his staff, our city and this organization. He advocates that you take it in and said that it really is a list of triumphs. He thanked Mayor Dean, Communications Director Caitlin Flora, and the staff that contributed. He said it is a pleasure to lead this group of public servants.

CITY ATTORNEY ANN CHRIST

- No updates.

MAYOR DEAN

- Thanked City Manager Baumgarten for his congratulations on her appointment as a trustee to the MML Workman's Compensation Board; she said she is honored to have been chosen to serve in that capacity and is looking forward to lots of learning as well as bringing that learning back to our City.
- She wished everyone Happy Holidays and may you embrace the new year with a grateful heart.

ADJOURNMENT:

Councilmember Patterson moved to adjourn the Regular Meeting at 8:15 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