

**THE REGULAR MEETING OF THE THIRTY-NINTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN
WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, APRIL 17, 2023 BY MAYOR DEAN**

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

OTHER STAFF PRESENT:

City Manager Matthew Baumgarten
City Clerk Victoria Mitchell
City Attorney John Staran
Facilities Manager Alex Brown

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

Wendi Zabramski, Berkley, spoke regarding the parking study and Amici's. She said the community development director is allowing the continued use of the outdoor spaces that were allowed during COVID. Her understanding is that they were all to end this month. Said there is not enough parking on Gardner for Amici's old seating area, let alone the expansion. She said many people use parking on Gardner and walk across; cars also park on residential streets. She said with the warm weather lately, people are in the way and in the alley, etc. She went over specific laws regarding municipal parking use. She said Amici's is the biggest offender.

Joseph Fisher, Royal Oak, stated he was stopped by Berkley police while driving for Uber. He stated police said it was a rolling stop, although he and his passengers disagreed. He said he requested an informal hearing. He completed the driver's improvement course; it's a sometimes a bird poops on your head situation. He said since the ticket, he's been stopping at yield signs and intersections where he has the right of way and now has been rear-ended twice, once resulting in a trip to the hospital. This has significantly impacted his life. He discussed other drivers' tendency towards aggressive driving. He has sent videos to Oakland County but hasn't received a response.

City Clerk Mitchell read the following email into the record:

Joel Ulferts, Berkley, wrote asking if there is a warranty for the road improvements.

CONSENT AGENDA:

Councilmember Vilani moved to approve the following Consent Agenda
Seconded by Councilmember Baker:

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 39th Regular City Council meeting on Monday, April 3, 2023 and Special Joint Work Session on Wednesday, April 5, 2023.

WARRANT: Matter of approving Warrant No. 1385.

ORDINANCE NO. O-06-23: Matter of considering the Second Reading and Adoption of an Ordinance of the City Council of the City of Berkley, Michigan to Amend Article V, Rental Property, in Chapter 30, Business of the City of Berkley Code of Ordinances to update provisions for rental property registrations and inspections.

PROCLAMATION NO. P-10-23: Matter of proclaiming May 2023 as Berkley History Month.

PROCLAMATION NO. P-11-23: Matter of proclaiming May 2023 as Motorcycle Awareness Month.

PROCLAMATION NO. P-12-23: Matter of proclaiming May 2023 as Mental Health Awareness Month.

PROCLAMATION NO. P-13-23: Matter of proclaiming May 2023 as Building Safety Month.

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 Baker read P-10-23 in its entirety.

Councilmember Patterson read P-12-23 in its entirety.

PRESENTATION: Matter of receiving an introduction from 44th District Court Judge Andrew Kowalkowski.

Judge Andrew Kowalkowski introduced himself. He was recently appointed to the 44th District. He said he has lived in Royal Oak since 2006; he is married and has two children. He provided his legal background. He said he is thrilled to have the opportunity to serve the citizens of Royal Oak and Berkley. He said he is aware of the court's reputation and knows he is filling a large seat with Judge Wittenberg. He said he is aware of not only Jamie's professional career but also his commitment to the community. He stated Judge Wittenberg had the approach that he aspires to. He thanked everyone for welcoming him.

Councilmember Baker thanked Judge Kowalkowski for taking the time to come out and introduce himself. He said that he appreciates the professionalism Kowalkowski brings to the bench. He looks forward to working together and helping ensure that our communities become even more safe and prosperous over time.

Councilmember Vilani thanked Judge Kowalkowski for serving. She said as he knows, he has big shoes to fill but she looks forward to seeing what he does to make it his own.

Mayor Dean thanked Judge Kowalkowski for his time on the phone. She said she is confident that he will fill the role and make it his own but that he will also continue some of Jamie's legacy. She said she is grateful to have a good person in this role and she looks forward to this journey. She thanked him for attending the meeting and introducing himself.

PRESENTATION: Matter of receiving a presentation from DTE's governmental relations representative.

Jennifer Whitaker presented on behalf of DTE regarding the response to the recent February ice storm. She said residents deserve better. She went over a slide of Michigan's weather patterns that had significantly shifted in recent years, creating conditions in which once-in-a-lifetime storms are occurring more and more often.

She said the conditions of the ice storm Berkley experienced in February hadn't been seen in 50 years. She said it was the worst case in history; Michigan was in the epicenter of the storm. She said there were .65 inches of ice. She said .5 inch is like a baby grand piano hanging on the lines.

She said they mobilized the largest field team ever with the primary goal of getting everyone's power back on as quickly and safely as possible. Sometimes that is by doing a temporary fix. She reviewed the storm power restoration priorities and process, including prioritizing substations that impact the most residents first. She showed photos of damage in Berkley. She said of customers who experienced an outage, nearly 81 percent of impacted customers were restored within 72 hours. The remaining customers were smaller outages or more severe damage.

She said they know they need to make more grid investments for improved reliability. She went over the areas in need of improvement. They have already put in \$5 billion. There are four areas of investment that are needed:

1. Continued investment in enhanced tree trimming
2. Continued preventative maintenance and hardening of the system
3. Drive for System Automation in the next 5-6 years
4. Accelerate rebuilding our older infrastructure and pursue strategic undergrounding where it makes sense.

She said it will require a \$20B investment just for grid reliability. She went over specific Berkley investments and the four substations that serve Berkley. She said more than 70 percent of outages are due to falling trees or limbs. She said Berkley is 66 percent on cycle (on cycle means trimmed every 5 years). She hopes they will be done by June and showed where they will be trimming.

She went over the System Improvement Update in Berkley. She said continuous work is underway, collaboratively with state and local stakeholders, as they make needed investments to improve reliability and provide the service customers expect. She said they understand the importance power plays in people's lives and their performance has been unacceptable.

Councilmember Vilani thanked Whitaker for the presentation. She said we are a city with a lot of trees. She said her personal experience with a tree entangled in lines hadn't gone as they had hoped. Whitaker said they plan for a substation area to be trimmed and have their arborist go and examine the trees in question. If trees need to be removed or trimmed they contact the homeowner. They never remove a tree without homeowners' consent and signatures. She said they follow trimming guidelines; the service drop is the property owners' responsibility. Vilani asked if lines outside of the service drop area are an issue, what should a resident's expectations be. Whitaker said if it's outside of their trimming schedule, there is a form the resident could fill out online (Tree Trim Inquiry) and said she could work with Matt regarding residents' specific concerns. She explained 'weed' trees that are hitting other cables, and said they are unable to trim if those lines are affected.

Mayor Dean said she heard from residents that DTE came to their doors to address an outage and they already had power; there seemed to be confusion. Whitaker said they are working on the outage map. She explained the older map and said they changed it in January thinking they would have four months to figure out the bugs and then they were faced with one of the worst storms only two weeks later. She said

she heard a lot of frustration, including the feedback that the map doesn't show what the customers need to see. They are working on those issues currently.

Mayor Pro Tem Gavin said everyone agrees grid modernization is important. He said reliability seems to still be an issue despite increased investment. He asked how that \$20 billion is slated to be spent considering these high-impact storms are not going away. She said they will work out the right formulas with regulators. She said they have to balance improvements with affordability as they have to be mindful of what people can afford.

Dean thanked her again and said residents could always reach out to City Manager Matt Baumgarten and he will forward concerns to Whitaker.

MOTION NO. M-23-23: Matter of approving continuing partnership with ERC (Energy Reduction Coalition) to provide and install LED lights at all baseball fields and tennis courts throughout the city.

Councilmember Dooley moved to approve Motion No. M-23-23

Seconded by Mayor Pro Tem Gavin

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

Nays: None

Motion Approved.

MOTION NO. M-24-23: Matter of approving Dorothy Bennoune, Steven Patterson, and Donald Kaylor to Boards & Commissions.

Councilmember Baker moved to approve Motion No. M-24-23

Seconded by Councilmember Patterson

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

Nays: None

Motion Approved.

ORDINANCE NO. O-07-23: Matter of considering the First Reading of an Ordinance of the City Council of the City of Berkley, Michigan to Add Article XVII, Retail Dog and Cat Sales Temporary Moratorium, in Chapter 30, Businesses, of the Berkley City Code to Establish a Temporary Moratorium on New Businesses, or Expansion of Existing Businesses, that engage in the Retail Sale of Dogs or Cats.

Councilmember Vilani moved to approve Ordinance No. O-07-23

Seconded by Councilmember Hennen

Public Comment

Lauren Delega, Franklin, Policy Leader with HSUS and active member of the rescue community. She thanked Council for taking the first step toward banning puppy sales and pet stores. She did ask that they move forward quickly with a permanent ban on the sale of puppies. She said her rescue is overwhelmed right now and she said they are puppies from puppy mills or breeders that have a hard time selling after they are past 8- 9 weeks old.

Tiffany Perkins, Royal Oak, founder of a nonprofit for disabled dogs. She spoke to dogs in small spaces – glass display boxes – and merle bulldogs. She said from looking at photos of merle bulldogs you can see that they have physical abnormalities. Merle bulldogs are out of breed standard. She has one herself. She partnered with a vet to conduct a case study on her dog and concluded she will live a short tough life because of her merle coloring and physical issues. She said unexpected and hefty vet bills await families who adopt these dogs. She ended by encouraging Council to work closely with veterinarians and veterinary physical therapists.

Alexis Helton, Berkley, per the ASPCA website, 6.3 million animals enter shelters annually. Only 7.7 percent returned to their homes. She said if you look at the records available at Michigan.gov under 2021 Shelter Reports, you will find these numbers closely align with shelters here in Michigan. For example, Detroit Dog Rescue returned 2.6 percent of dogs to owners, out of 311 dogs; Detroit Animal Control: 16.9 percent returned out of 3,608 dogs; Genesee County Animal Control: 26.8 percent out

of 1762 dogs; Humane Society of Genesee County: 7.1 percent out of 543 dogs; I Heart Dogs: 3.6 percent out of 699 dogs; Oakland County: 34.1 percent of 1728; Rochester Hills Center for Animal Care: 0.4 percent of 1647. She said the point is over 8,000 dogs were displaced in the shelter system this year. Will businesses selling animals take responsibility for these thousands of dogs? Royal Oak is one of the few cities that have banned the sale of retail dogs. She would like to see Berkley as a front-runner and leading by example.

Miles Handy, Puppygram, said Council is doing a great job by doing the research and said Puppygram has made a large investment and wants to be involved in the local community. He said there are some misconceptions regarding what they do. He said they have placed several dogs with residents in Berkley. He said puppies come at eight weeks old. He said they come from a holding facility with 72 hours of vet care, then they are vet-checked both there and here by a licensed vet. He said they are fed natural pet food wet and dry. He said they are fed separately. He said their habitats were designed by veterinarians. He said those puppies get played with consistently throughout the day. He went over the feeding and playing schedule. He said they are trying to make family pets. He said the blue merle bulldogs in the store are his personal dogs. He explained he is very passionate about his merle bulldogs.

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

MOTION NO. M-25-23: Matter of approving an interlocal agreement with Oakland County.
Councilmember Gavin moved to approve Motion No. M-25-23
Seconded by Councilmember Baker
Ayes: Baker, Dooley, Gavin, Hennen, Patterson, Vilani, and Dean
Nays: None
Motion Approved.

MOTION NO. M-26-23: Matter of appointing Public Works Director Shawn Young as the City of Berkley's representative and Assistant Director of Public Works Robert Chalmers as the alternate representative to the Southeastern Oakland County Resource Recovery Authority (SOCRRA) Board of Trustees for the remainder of the fiscal year ending on June 30, 2023; and instruct the City Clerk to send a copy of this motion to the SOCRRA Board.
Councilmember Patterson moved to approve Motion No. M-26-23
Seconded by Councilmember Vilani
Ayes: Dooley, Gavin, Hennen, Patterson, Vilani, Baker, and Dean
Nays: None
Motion Approved.

MOTION NO. M-27-23: Matter of appointing Public Works Director Shawn Young as the City of Berkley's representative and Assistant Director of Public Works Robert Chalmers as the alternate representative to the Southeastern Oakland County Water Authority (SOCWA) Board of Trustees for the remainder of the fiscal year ending on June 30, 2023; and instruct the City Clerk to send a copy of this motion to the SOCWA Board.
Councilmember Dooley moved to approve Motion No. M-27-23
Seconded by Councilmember Patterson
Ayes: Gavin, Hennen, Patterson, Vilani, Baker, Dooley, and Dean
Nays: None
Motion Approved.

RESOLUTION NO. R-09-23: Matter of authorizing publication of a notice of public hearing to be held May 15, 2023 regarding the proposed operating budget for the City of Berkley, Michigan for fiscal year 2023-2024.
Councilmember Baker moved to approve Resolution No. R-09-23
Seconded by Mayor Pro Tem Gavin

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

COMMUNICATIONS:

COUNCILMEMBER PATTERSON:

- Planning Commission has not met since the last council meeting. The next meeting will be held on April 25th at 7 pm.
- Extended a warm welcome to the newest members of committees. Planning Commission has openings; please reach out and apply online.

COUNCILMEMBER HENNEN:

- Tree Board's annual Arbor Day planting will be Saturday, April 29th at 9 am at Cass Boulevard near 11 Mile Road. The next meeting of the Tree Board is on Monday, April 24th.
- Zoning Board of Appeals met to consider a classic case of what variances are meant for approving an addition to a home on one of our unique triangular lots. There will be no May meeting.

COUNCILMEMBER BAKER:

- Wished everyone a happy Volunteer Appreciation Week.
- The Downtown Development Advisory Board met April 12th and discussed updates to the mural program and façade grant program; four new murals resulted from that conversation. Discussion continued about the Coolidge Complete Streets Initiative, with extensive dialogue focusing on the reopening of the two existing crosswalks and continuing to make them safer during the infrastructure work ahead.
- Ladies Night Out is on May 4th, so in the spirit of the holiday, it's been named 'Leia's Night Out' and presents an opportunity for everyone to come out and enjoy our downtown. For more information, visit downtownberkeley.com to learn more about activities downtown.
- Appreciates the honor of reading the Berkley History Month proclamation. The Historical Committee met on Tuesday, April 11th; they continue to work on celebrating 100 years of Berkley history. As part of that celebration, the Historical Committee will be offering for sale historic plaques that homeowners can purchase to designate the year their home was constructed.
- Work on the 100th Anniversary book is continuing; that will be a free publication delivered to every home in Berkley. The Kit Homes Tour has been rescheduled for late September, and work is underway on that event as well.
- Visit the Berkley Historical Museum, open on Wednesdays from 10 am–1 pm and Sundays from 2-4 pm. More information is available at berkeleyhistory.com.
- In the spirit of volunteer week, Martin Luther King Jr. said, "Life's most persistent and urgent question is: what are you doing for others?" April is Volunteer Appreciation Month and this week is Berkley's Volunteer Appreciation Week; shared that he's seen hands-on not only what these two committees do on a regular basis and that he's enjoyed the hard work of the folks on all of the other committees as well as those who find ways to help in less formal roles. If you find a way to make your little part of the world better, you're awesome.
- Asked people to please pat themselves on the back for doing a great job helping make our city great, as well as hugging someone they love.

COUNCILMEMBER GAVIN:

- Trivia Tuesday at the Community Center is back on May 16th at 12:30 pm. Sign-up is \$10, which includes trivia and lunch.
- Summer Day Camp registrations are filling up quickly, so if you'd like to sign up head to recreation.berkleymich.org to enroll. Registration for sports summer camps is also open.
- Few tickets remain for the Family Jam Dance Night on April 28th at 6 pm at the Community Center.
- The next meeting of the Parks & Recreation Advisory Board will be on June 8th at the Community Center.

- The next meeting of the Environmental Advisory Committee will be on April 18th at 6:30 pm in the second-floor conference room of the Public Safety Building.

COUNCILMEMBER VILANI:

- Citizen’s Engagement Advisory Committee and the Technology Advisory Committee have no updates as they have not had any meetings of late.
- Chamber Chat will be on Friday, April 21st from 8:30–9:30 am at the Woodward Corner Market. It’s a chance to connect with other local business owners; no registration is necessary.
- Important vote coming up on May 2nd for our Headlee Millage Override, please take the time to educate yourself. She said Councilmember Hennen made a great calculator to help inform you of your individual costs.
- In case you’re looking for something to do this weekend, the Berkley Drama Club is putting on Sponge Bob: The Musical, showings are at 7 pm on April 20th, 21st, and 22nd and 3 pm on the 23rd; tickets are \$15 for adults, \$10 for students, seniors and Berkley school system staff. Just in case SpongeBob: The Musical wasn’t enough to draw you in, it does include music by Steven Tyler and Joe Perry of Aerosmith, Sara Bareilles, Cindi Lauper, John Legend, T.I., and the Plain White Ts, just to name a few.
- Thanked residents who attend these meetings. She appreciates that they continue to advocate for their positions, and share their beliefs with us, and they are why we are here.

COUNCILMEMBER DOOLEY:

- Library meets this Wednesday, April 19th at 7 p.m. Invited everyone to come see what is new and see the new paint job. He welcomed all the new board members, and thanked folks in the city for volunteering their time, including the new Patterson.

CITY MANAGER BAUMGARTEN:

- Thanked everyone who came to the millage information sessions; there were few seats at each and questions from each were integrated into the next presentation.

CITY ATTORNEY STARAN:

- Welcomed Judge Kowalkowski and said he thinks he’ll be a fine addition to the court. He said he looks forward to establishing and maintaining the same type of strong and effective relationship the city has enjoyed with current Judge Meinecke and late Judge Wittenberg.

MAYOR DEAN:

- Commended the Public Safety Department for assisting in what was thought to be an active shooter situation at Great Lakes Crossing, but thankfully turned out to be a taser deployment. She said it means a lot to her that we have such dedication in the city of Berkley. She said they know they have this reciprocity with other communities, and it truly speaks to a broader definition of public safety. Fortunately, no one was hurt and it wasn’t an active shooter situation.
- Budget work sessions are happening soon. May 8th, 9th, and 10th (if needed). It is a line-by-line exploration of all the ‘asks’ in the city and where each dollar goes. She said they will see the priorities of each director, which is the exciting part for her. She thanked Laurie Fielder for all of her hard work.
- Berkley Days is coming up, where we’ll be celebrating 100 years since Berkley became a village. It’s a few days of great fun and there is something for everyone to do. May 11-14th, so come get a corn dog or elephant ear and wash it down with a beer. She said there is music and great food so keep that in mind. She said most of the council leaves tonight to go to the Michigan Municipal League conference, where council members will be able to network with elected officials from other communities and bring back best practices.

ADJOURNMENT:

Councilmember Vilani moved to adjourn the Regular Meeting at 8:33 p.m.

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

Bridget Dean, Mayor

ATTEST:

Victoria Mitchell, City Clerk