

**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 3, 2023 BY MAYOR DEAN**

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

OTHER STAFF PRESENT:

City Manager Matthew Baumgarten
City Clerk Victoria Mitchell
City Attorney John Staran
DDA Executive Director Mike McGuiness
Community Development Director Kristen Kapelanski
Community Engagement Director Torri Mathes
Library Director Matt Church

APPROVAL OF AGENDA:

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Mary Lynn Stapula, Berkley, said that on March 11 she went into Puppygram where she saw a mastiff puppy that looked unwell and distressed. She brought it to the attention of an employee. She said she made a complaint after being told by shoppers at Puppygram that the mastiff puppy was in bad shape on March 15. She said she tried to follow up with animal control. She said she is uncomfortable visiting the store due to the owner's behavior. She said to read the complaints from the other stores in other states. She said she knows there is a protocol and it is time consuming, saying that she hopes to be able to move forward quickly with closing Puppygram and enacting a law to prevent the sale of animals.

Matthew Lee, Huntington Woods, went over the research he conducted. He discussed the allegations in other states regarding puppy abuse. City Attorney Staran cautioned him regarding publicly disparaging individuals. He discussed a Facebook site that is protesting Miles Handy's businesses and treatment of animals. He said he was being truthful and honest. He said Jim Dillion spoke at the last meeting, however only identified himself as a concerned resident and not the Puppygram CFO. He stated that six states have outlawed the sale of puppies, kittens, and rabbits to the public. He read a list of the municipalities that have passed an animal humane ordinance.

Courtney Wooten, Berkley, said that as we all know, our community currently has a store selling dogs in retail space. She said so far no one has proved an ethical breeder that could or would do business in this type of environment. She said that Puppygram acts with a complete lack of transparency, despite its claims otherwise. Almost daily the existing business is posting dogs going to a new home. She said this company doesn't vet the home animals are going to. She said this company has close ties to breeders on the "Horrible 100" list, a list of some of the nation's worst offenders for animal welfare. She discussed USDA breeders and explained the conditions USDA breeders allow. She said there is no room in our community for this.

Rachel Schuler, Royal Oak, she said she is a previous resident of Berkley. She said she is embarrassed and a little concerned this store was able to open. She said she will help in any way she can. She said she will come to every meeting she can and help to prevent this store from being grandfathered in. She reminded council of the months-long public outcry regarding this issue.

Kevin Bradley, who comes from a vast background, said he doesn't know what is going on here. He said he spent two hours at Puppygram and it was so clean, he had puppies sleeping on his lap. He said there was not one animal misbehaving; they didn't smell. He said their fur and teeth were in good shape. He said the puppies were not excited or upset. He said that he is sharing his experienced truth.

Alexis Helton, Berkley, said she loves dogs. She said dogs helped her in her low times. She, and her boyfriend, has rescued nine dogs, two of which were returned to their owners. She talked about dogs on the run and how she has helped dogs. She asked how can we supply dogs in a place where we cannot house the dogs we already have. She said we should work to make buying dogs less convenient not more convenient. She said responsibility comes with owning a dog. She said she is happy to call Berkley her home where so many people feel similarly.

William Brett, Berkley, said he and his girlfriend spend most of their free time trapping and rescuing dogs on the street. He said it is a problem caused by puppy stores. He said it isn't just pit bulls or aggressive breeds, they are catching German Shepherds, Shiba Inu, and Huskies; breeds that are bred and sold at puppy stores. He said these puppy stores do not take back their dogs and they seek no responsibility for where the dogs go so they end up running in the streets. He said he is very proud of being a Berkley resident and a product of Berkley schools however he doesn't want to live in a city that doesn't care about its residents' concerns.

CONSENT AGENDA:

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

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 39th Regular City Council meeting on Monday, March 20, 2023 and Special Work Session on Monday, March 13, 2023.

PROCLAMATION NO. P-08-23: Matter of proclaiming and recognizing the volunteers of the City of Berkley and declaring the week of Sunday, April 16–Saturday, April 22, 2023 as Volunteer Week.

PROCLAMATION NO. P-09-23: Matter of proclaiming Sunday, April 23–Saturday, April 29, 2023 as Arbor Week.

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.

None.

RESOLUTION NO. R-06-23: Matter of recognizing Natalie Price for her years of service as Councilmember for the City of Berkley.

Councilmember Baker moved to approve Resolution No. R-06-23

Seconded by Councilmember Vilani

Mayor Bridget Dean read Resolution No. R-06-23 in its entirety.

Councilmember Hennen thanked Rep. Price for her service to the city; said that her dedication was always inspiring and that he is glad to have a representative at the state level that sat in these seats.

Councilmember Patterson shared that although they did not serve on Council together, they worked together on many things. He thanked Rep. Price for always having an open mind and open heart. He said that he knows she will serve the citizens of Michigan well.

Councilmember Baker said it has been an amazing honor to know Rep. Price before, during, and after her time on Council. He said that he continues to appreciate not only her passion for the topics and interests that help advance our society and make our culture more just, progressive, diverse, and respectful. He said he also appreciates how she builds teams and looks forward to seeing that in action in Lansing.

Councilmember Gavin offered his thanks to Rep. Price and said her dedication, work ethic, and a deep and unshakeable desire to do what is best for the residents is an inspiration and will be for the residents of her new district. He said that Rep. Price continues to approach difficult problems with thoughtfulness, an open mind, and a sincere desire to make the lives of the residents better. He enjoyed the time they served together and thanked her again on behalf of Berkley and the whole fifth district.

Councilmember Vilani said she got to know Rep. Price while on the Community Engagement Advisory Committee, where Rep. Price served as the council liaison. She said it was very clear how dedicated Rep. Price was to the city. She still remembers the phone call where Rep. Price encouraged her to step up and run for council. She said she doesn't think she knows another leader who has such a big heart and always wants to do the right thing because it is the right thing. Said she hopes Rep. Price is able to share some of that with our colleagues in Lansing.

Councilmember Dooley thanked Rep. Price for her service and wished her good luck.

Jack Blanchard, Berkley, said he sat next to Rep. Price for a while on Council. He thanked her for her dedication to the things she does for the citizens of Berkley. He said he knows she strives to do her best for the residents and that she'll continue to do so in Lansing. He said it was a great run and he appreciates it.

Dallas Oliver, Berkley, said he and Rep. Price knocked on easily a hundred doors. He said Rep. Price is so impressive, and he said she is a great neighbor and a great mother.

Berkley Public Library Director Matt Church, Berkley, thanked Rep. Price on behalf of the library and the library board for supporting the library and everything it stands for.

State Rep. Natalie Price, Berkley, shared an update from Lansing; her colleague State Rep. Tsernoglou is working on getting stakeholder feedback on a bill to ban the sale of dogs, cats, and rabbits in Michigan. She co-sponsored the Bill.

Rep. Price thanked Councilmembers for all of their services. She said she is grateful for all they do. She thanked Steve Baker for being her main mentor when she decided to run for office and Bridget Dean and Ross Gavin for sharing the joys and struggles of her first campaign season. She said she is grateful for Dennis Hennen, Jack Blanchard, and Dan Terbrack; said that she learned a great deal from working alongside each of them. She thanked Jess Vilani, who she said continues to ensure that Berkley strives to be an intentionally welcoming and inclusive community. She said stepping away was hard. She thanked City Manager Matt Baumgarten and department heads who do a great job with limited resources. She said she saw first-hand how skilled the staff is when leading the Parent-Tot Play Group at the Community Center. She said she learned the magic of library programs through the hard work of Matt

Church and his team. She said their family is also forever grateful for the work of DPW and DPS. She said there is so many other staff who work so hard behind the scenes. She thanked Torri Mathes, Stan Lisica, Kristen Kapelanski, Victoria Mitchell, Gina Harold, the finance crew, and Mike McGuinness. She said she is most grateful to Berkey's residents for trusting her to serve her city, and now her region, to the best of her ability. She considers herself the luckiest state representative because she gets to call Berkley her home. She thanks them on behalf of her and her family. She said they are not leaving at all and that she cares as much as they do.

Mayor Bridget Dean said we all heard of the great attributes Rep. Price possesses, but that she wanted to mention her kindness. She said she noticed Rep. Price's kindness to others when she witnessed Rep. Price interacting with others. She said Rep. Price always made sure they were okay and felt acknowledged. She said she remembers an occasion on which Rep. Price was campaigning for her house seat. She said there was a little girl that was lost and Rep. Price jumped into action to help her. She said that she could go on with more examples and that she also experienced Rep. Price's kindness firsthand. Mayor Dean mentioned the ugly sweater contest at the American Legion where she didn't know anyone. She said Rep. Price and her husband left their people and sat with her and her husband to visit for a while. She said crying is ok; leaving an indelible mark on someone is something they don't forget. She said Berkley has benefited from Natalie's kindness in so many ways and we are proud that she calls Berkley home.

Natalie received a standing ovation.

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

MOTION NO. M-20-23: Matter of approving the "Berkley Art Bash" event on Saturday, June 10, 2023 from 10 a.m.-6 p.m. on 12 Mile Road for the Berkley Area Chamber of Commerce, P.O. Box 72-1253. Approval is conditional upon the submission of required items and documents prior to event dates. Councilmember Patterson moved to approve Motion No. M-20-23
Seconded by Mayor Pro Tem Gavin
Ayes: Patterson, Vilani, Baker, Dooley, Gavin, Hennen, and Dean
Nays: None
Motion Approved.

MOTION NO. M-21-23: Matter of approving appointments to the Berkley Downtown Development Authority Board of Directors. Councilmember Baker moved to approve Motion No. M-21-23
Seconded by Councilmember Hennen
Ayes: Vilani, Baker, Dooley, Hennen, Patterson, and Dean
Nays: None
Motion Approved.

RESOLUTION NO. R-07-23: Matter of establishing the Berkley Outdoor Social Scene (aka BOSS) Social District. Councilmember Baker moved to approve Resolution No. R-07-23
Seconded by Councilmember Dooley

Jack Blanchard spoke as part of public comment and asked questions regarding the Outdoor Social Scene which were answered by Director Kapelanski.

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

RESOLUTION NO. R-08-23: Matter of considering the Maintenance and Operations Plan for the Berkley Outdoor Social Scene (BOSS) Social District.
Councilmember Vilani moved to approve Resolution No. R-08-23
Seconded by Councilmember Baker

Director Kapelanski read the following change to the Maintenance and Operations Plan that will be implemented:

“PA 124 of 2020 does not allow special event liquor licensees to participate in a social district. If a special licensee for an event is issued within the commons area of the social district, signs must be clearly posted showing the portion of the commons area to be utilized exclusively by the special licensee and the portion of the commons area to be used exclusively by social district permittees. “

Executive Director Mike McGuiness spoke during public comment and stated he appreciated the City's receptivity to innovation. He stated this is about further cultivating our downtown as a destination. This will be another facet and tool in our economic toolbox.

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

ORDINANCE NO. O-06-23: Matter of considering the First Reading of an Ordinance to the City Code to amend Article 5, Rental Property, in Chapter 30, Business of the City of Berkley Code of Ordinances to update provisions for rental property registrations and inspections with the change to Sec. 30-189 b) replacing the advance notice to property owners a minimum of 30 days prior to expiration to a minimum of 60 days.

Councilmember Gavin moved to approve Ordinance No. O-06-23
Seconded by Councilmember Hennen
Ayes: Gavin, Hennen, Patterson, Vilani, Baker, Dooley, and Dean
Nays: None
Motion Approved.

MOTION NO. M-22-23: Matter of approving a Letter of Understanding with MAPE regarding promotions.

Councilmember Patterson moved to approve Motion No. M-22-23
Seconded by Councilmember Dooley
Ayes: Hennen, Patterson, Vilani, Baker, Dooley, Gavin, and Dean
Nays: None
Motion Approved.

COMMUNICATIONS:

COUNCILMEMBER PATTERSON:

- Planning Commission did not meet due to lack of quorum.
- Thanked all that serve on boards and commissions for their countless hours working to serve those efforts.

COUNCILMEMBER HENNEN:

- Tree Board is busy working on its community outreach; will be at Berkley Days Friday–Sunday holding a tree raffle for five trees. Tickets will be \$2 each or 5 for \$5; proceeds will be used to fund more trees in the city.
- Eighteen new trees are scheduled for planting this spring and an additional two will be planted to celebrate Arbor Day and Arbor Week on Saturday, May 29th. The public is invited; the tree will be planted on Cass Boulevard near 11 Mile Road at 9 am.

- ZBA will meet on April 10th to consider a dimensional variance for a home on Kipling.

COUNCILMEMBER BAKER:

- Thanked all the volunteers who serve on boards and committees.
- Downtown Development Advisory Board meets on Wednesday, April 12th. Gave props to its Executive Director Mike McGuiness, who was recently named to the Oakland County 40 Under 40. His inclusion was touted with a particular tag of his association with Berkley.
- For more information, visit downtownberkley.com to learn more about activities downtown.
- The Historical Committee meets Tuesday, April 11th; events and celebrations will be happening throughout the year as the city celebrates 100 years as a village. The election to become a village was held on September 28, 1923. Officials were sworn in on October 8th. To learn more about that and other interesting things about our fair city, visit the Berkley Historical Museum, open on Wednesdays from 10 am–1 pm and Sundays from 2-4 pm. More information is available at berkleyhistory.com.
- Robin Williams once said, “Spring is nature’s way of saying ‘Let’s Party!’”
- April is Miss Dig Awareness Month; please remember to call 811 three days before you do any digging to keep you and your neighbors safe. Also available at missdig811.org.
- Asked people to please hug someone they love, they need it and you do too.

COUNCILMEMBER GAVIN:

- Echoed his colleagues’ sentiments of thanking volunteers.
- Environmental Advisory Committee will next meet on April 20th at 6:30 pm on the second floor of the Public Safety building.
- Registration is now open for the Family Dance Jam Band as well as week-to-week registration for Summer Day Camp. Day and night pickleball classes have been added. All registrations can be completed by visiting recreation.berkleymich.org.
- The April meeting of the Parks & Recreation Advisory Board has been canceled. The next meeting will be at 7 pm on Thursday, June 8th at the Community Center.

COUNCILMEMBER VILANI:

- Thanked all of the citizens and residents who volunteer on boards and commissions. Also thanked those that volunteer their time and efforts in less formal roles.
- Citizen’s Engagement Advisory Committee and the Technology Advisory Committee have no updates.
- Chamber Chat will be on Friday, April 21st from 8:30–9:30 am at the Woodward Corner Market. No registration is necessary.

COUNCILMEMBER DOOLEY:

- Thanked residents for the countless hours they put in volunteering, our city wouldn’t run without the support of everyone in it.
- The Library Board will meet next on April 15th. If you haven’t stopped by the library lately, please do. The painting project is coming along and looking good. The library offers free COVID tests and masks if anyone needs them. They are available at the front desk.

CITY MANAGER BAUMGARTEN:

- Thanked Rep. Price and said that Berkley is extremely lucky to have a member of its community serving in Lansing and we are extra grateful that it is she who gets to be the one to carry the torch for us.
- Thanked Sandra Rathburn, Berkley High School, whose classes he spoke to regarding Berkley’s initiatives to pursue sustainability and resiliency against our changing world and how that challenge is presented to local governments across the state and country.
- Thanked Torri Mathes, Shawn Young, Theresa McArleton, and Chief Koehn for creating videos to provide information about the millage vote coming up and what that means to each department.
- Cautioned there is a lot of information out there that is incorrect regarding the 2023 millage proposal, put out by individuals who are either knowingly misleading their audience or do not have

the necessary information to speak from a place of authority. Department directors are able to give firsthand direct information. The videos are available on all city social media channels.

CITY ATTORNEY STARAN:

- Joined the chorus to express thanks and admiration to former councilmember Price.
- Continues to work with staff on issues every day; does his best to help Mr. Baumgarten and his staff work through current issues.
- Continues to work on ordinances to come.
- Happy Spring and Happy Easter.

MAYOR DEAN:

- Thanked all volunteers within the city from the bottom of her heart. None of the events Berkley is known for could happen without the legions of volunteers.
- Thanked Katie for volunteering with the DDA and congratulated her on her new role.
- There will be two more public millage information sessions: Tuesday, April 4th at 7 pm at City Hall and Wednesday, April 12th at 7 pm also at City Hall. Those are the places to get accurate, truthful information about the upcoming vote on May 2nd.
- Congratulated Councilmember Baker on his recent engagement; wished him and Wendy so much happiness.

ADJOURNMENT:

Councilmember Vilani moved to adjourn the Regular Meeting at 8:27 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