

**THE REGULAR MEETING OF THE THIRTY-NINTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN
WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, JUNE 5, 2023 BY MAYOR DEAN**

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

OTHER STAFF PRESENT:
 City Manager Matthew Baumgarten
 City Attorney Dan Christ
 City Clerk Victoria Mitchell
 DDA Executive Director Mike McGuinness
 Public Safety Director Matt Koehn

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Joshua Hunter, Berkley, shared remarks regarding the adopted budget and the lack of savings recognized by the leaf and chipper service cuts in the budget. Said that on April 21st a draft budget was provided by the city manager; that draft reflected the revenues and resources known to use by April 2023, before the millage election. On May 5th, after the election, the City Manager sent Council a list of further cuts and deferrals; in that list the City Manager estimated \$150,000 of savings from eliminating the chipper service but none of those are reflected in the adopted budget. He reviewed specific dollar amounts from the draft and finalized budget. He discussed the budget in relation to leaf pickup and chipper services. His specific question is: given the fact the services are fully funded in the adopted budget and that requirements are met, why is the City Manager cutting these particular services this year and if additional savings are needed why was the City Manager's initial savings estimate not included in the budget?

Elizabeth Richards, Berkley, she wanted to address the same issue that Hunter stated. She said we had bag tags before and it didn't work for herself and her neighbors. She said she is representing her neighbors and block and the passion they have regarding the chipper/bag tag issue. She said there are mixed emotions regarding what Berkley residents want. She asked about the status of the position of the Director of Communication; asked what kind of recruiting has been done. She said there is a lack of communication. Matt said they have an impressive slate of candidates and are close to making an offer. He looks forward to introducing that role at the next appropriate council meeting. Mayor Dean recommended that residents subscribe to the city newsletter and follow city social media accounts in the interim before the position is filled.

Clerk Mitchell read the following Email into the record:

Carla Osborne, Berkley, would like to know where the City is at with the ban on retail sales of dogs and cats. She said it has been six months without anything in place. She provided for the record, a copy of an ordinance passed by Woodhaven that bans such sales.

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, May 15, 2023 and Special City Council meetings on Monday, May 8, 2023, Tuesday, May 9, 2023, and Wednesday, May 10, 2023.

PROCLAMATION NO. P-20-23: Matter of proclaiming June 19, 2023 to be Juneteenth Celebration Day.

PROCLAMATION NO. P-21-23: Matter of proclaiming the week of June 18-24, 2023 to be Lightning Safety Week.

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

REGULAR AGENDA:

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

Councilmember Vilani read P-20-23 in its entirety.

OATHS OF OFFICE: Matter of administering Oaths of Office to appoint Public Safety Sergeant Daniel Schewe, Public Safety Officer Emily Larsen, Public Safety Officer Liam Sarris, Public Safety Officer Owen Foster, Public Safety Officer Justin Dulong, and Public Safety Officer Frederick Bismack.

Oaths of Office were administered by Clerk Mitchell.

Chief Koehn said our officers range from experienced to recent academy graduates. He encouraged them all to reread the oath of as it important and we all need to remember why we are doing this.

PRESENTATION: Matter of receiving a presentation by Annaka Norris of Main Street Oakland County on Downtown Berkley Receiving National Reaccreditation from Main Street America.

Ms. Norris spoke and described the criteria required for accreditation as well as the process. Accreditation recognizes exceptional management and commitment to the economic vitality, design and preservation of historic downtowns and commercial districts. She said that this is Main Street America's top recognition and an elite designation that signifies a strong commitment to preservation-based economic development and community revitalization. She explained the evaluation is conducted by a representative from a coordinating program from another state so it is an unbiased approach. She said she loves working with this community. She further described the program's values and the significance of accreditation.

Ms. Norris presented the certificate to Mike McGuinness. Mr. McGuinness said he accepts this award on behalf of the City of Berkley and the Downtown Development Authority and thanked the volunteers

of the Downtown Development Authority (DDA) Board. He said to have a coordinated council is not common and they are very fortunate.

Ms. Norris thanked Council for its support of their program and stated how important that support is to the success of the program.

Councilmember Baker said this is a tremendous amount of work and said as liaison for a while, it is great to see the progress made so far. He asked either of them to talk about the interview process and describe how it is not just a paperwork exercise.

Ms. Norris said Ray Schieber, from the New Orleans area, interviewed business owners and different residents and volunteers. They look at the four points: design, organization, promotions and economic vitality. She explained the other factors that they look at, including the Director. She explained the criteria by which they review the director. She has been working with Berkley since 2018, from Berkley's first accreditation forward. She said there were good things happening before Mike took over the role and then he was able to bundle them all up and run with it. She said it is great to see all the DDA is doing now. She said Main Street Organization does provide some goals and a report at the end of the process to highlight areas of growth. Said that everything is going great and moving forward.

Councilmember Baker thanked her for the further explanation. He thanked Ms. Norris for the presentation and said that he's grateful for the opportunity to demonstrate to the business owners and our community the fantastic downtown that we have as well as the tremendous roadmap we have before us.

Mayor Dean said she remembers the beginnings of this entire process. She said the thing that she sees when walking in our downtown is that preservation-based growth; they make what is there better. She said it is in the now but with a spirit of what was there before. She said the downtown is vibrant and flourishes. She thanked Ms. Norris and Mr. McGuinness for moving the needle and making the downtown even better. She also thanked all of the volunteers without whom we couldn't operate.

MOTION NO. M-36-23: Matter of approving the Mayor and City Manager to enter into an Intergovernmental Agreement for Animal Control Services between the City of Berkley and the City of Royal Oak. The City of Berkley will provide Animal Control Services for the City of Royal Oak for \$53,429.19 for the first year, with annual increases of 3 percent a year. This Intergovernmental Agreement shall be for a term of five (5) years, beginning on the 1st day of July, 2023 and ending on the 30th day of June, 2028.

Councilmember Patterson moved to approve Motion No. M-36-23

Seconded by Mayor Pro Tem Gavin

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

Nays: None

Absent: Dooley

Motion No. M-36-23 Approved.

MOTION NO. M-37-23: Matter of approving the Mayor and City Manager to enter into an Intergovernmental Agreement for Lockup Services, Animal Control Services, Use of the Berkley DPS Range, and Dispatch Services between the City of Berkley and the City of Pleasant Ridge for a \$6,500 fixed yearly fee for each full-time equivalent (FTE) reflected in the Michigan Commission on Law Enforcement Standards (MCOLES) Fall Semi-Annual Law Enforcement Distribution Report for Pleasant Ridge Police Department. This Agreement shall be effective for a term commencing July 1, 2023 and continuing until June 30, 2026.

Councilmember Vilani moved to approve Motion No. M-37-23

Seconded by Councilmember Baker

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

Nays: None

Absent: Dooley

Motion No. M-37-23 Approved.

MOTION NO. M-38-23: Matter of approving the “County Oakland Irish Fest” event 5 p.m.-midnight Friday, September 8, 2023 on Robina Avenue and 11 a.m.-midnight Saturday, September 9, 2023 on 12 Mile Road from Buckingham to Wakefield. The event is hosted by the County Oakland Irish Fest, 3074 12 Mile Road, Berkley, MI 48072. Approval is conditional upon the submission of required items and documents prior to event dates.

Elizabeth Richards, Berkley, said there was a flood of people in her neighborhood after Berkley Days. Asked if there would be an emergency evacuation plan in case of an emergency.

Public Safety Chief Koehn said that they do have traffic restrictions as well as an emergency plan; Berkley Days was a different type of event because there were a lot of people who were dropped off.

Ms. Richards said she is hesitant to attend events again, as a resident affected by the evacuation of Berkley Days.

Jacob Zundel, Berkley, said that he thinks the idea of the Berkley Irish Fest is a great one. He suggested that they provide historical information regarding historical events and Irish contributions in order to engage people with Irish history, as well as the specific history of other heritage groups. He provided examples of historical events that might be highlighted. He provided more modern examples as well, including Jonathan Swift, Oscar Wilde and Ernest Walton. He said he’s unsure of the cost to the budget; said he thinks it would a good addition to the event.

Mr. McGuinness thanked Ms. Spilker for choosing downtown Berkley because they could pick anywhere in the region but chose Berkley. He said it has reverberation and positive benefit for the downtown businesses as well as all of the City of Berkley. He said they will continue to come up with creative ways to make the event thrive even more. He said they are very grateful that Berkley has been chosen to be the home of the festival.

Councilmember Hennen asked if with the new timesheet system now in place, are we in a better position to track actual costs for time spent on public events by both the Public Works and Public Safety departments. He said he would like to see a report back from these events with costs and then we could truly know the impact of events like this for Public Works and Public Safety. He said he would like Council to begin considering what fees the City should be charging for these events beginning next calendar year. Said that his goal is not to make it so burdensome on events that they no longer happen, but that the City is not in a position to fully subsidize by giving away work.

Mr. Baumgarten said City staff is working on an updated fee schedule now, which should come before Council at the next meeting.

Mayor Pro Tem Gavin moved to approve Motion No. M-38-23

Seconded by Councilmember Hennen

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

Nays: None

Absent: Dooley

Motion No. M-38-23 Approved.

MOTION NO. M-39-23: Matter of approving a Downtown Development Authority (DDA) event, "Downtown Berkley Farmers Market" on Robina south of 12 Mile Road, on Thursdays from 9 a.m. to 3 p.m., starting June 1, 2023 through October 26, 2023. Approval is conditional upon the submission of required items and documents prior to the event date.

Councilmember Baker moved to approve Motion No. M-39-23

Seconded by Councilmember Patterson

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

Nays: None

Absent: Dooley

Motion No. M-39-23 Approved.

MOTION NO. M-40-23: Matter of considering a 180-day extension of Marihuana Business License #PMA20-0003 for Operation Grow, LLC/dba Butter, 2222 W. Eleven Mile Road.

Councilmember Vilani moved to approve Motion No. M-40-23

Seconded by Councilmember Hennen

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

Nays: None

Absent: Dooley

Motion No. M-40-23 Approved.

MOTION NO. M-41-23: Matter of considering a 180-day extension of Marihuana Business License #PMA20-0010 for Attitude Wellness dba Lume, 1949 12 Mile Road.

Councilmember Vilani moved to approve Motion No. M-41-23

Seconded by Councilmember Hennen

Ayes: Hennen, Patterson, Vilani, and Dean

Nays: Gavin and Baker

Absent: Dooley

Motion No. M-41-23 Approved.

RESOLUTION NO. R-15-23: Matter of considering a resolution authorizing an application for the Protecting MI Pension Grant Program.

Mayor Pro Tem Gavin moved to approve Resolution No. R-15-23

Seconded by Councilmember Baker

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

Nays: None

Absent: Dooley

Resolution No. R-15-23 Approved.

COMMUNICATIONS:

COUNCILMEMBER PATTERSON:

- The Planning Commission met on May 23rd to review a preliminary sketch plan for a project on Coolidge.
- The Planning Commission next meets on Tuesday, June 27th at 7pm here in Council chambers.
- Welcomed all the Public Safety officers sworn in at the meeting. Said that Berkley truly is a better place because of our officers.
- He congratulated the DDA for their national reaccreditation from Main Street America. Said that he knows it's not an easy feat and thanked the volunteers that made it happen as well as DDA Director Mike McGuinness.

COUNCILMEMBER HENNEN:

- From the Tree Board: all spring trees were planted. He asked that anyone who received one water their trees. He said the Tree Board learned from the Department of Natural Resources that volunteer hours can often be used for matching portions of grants. Time may be counted for preparing materials, sharing information on social media pages, or speaking with people out in the community. Encouraged all of the City's boards to start tracking those volunteer hours to potentially help defray monetary costs of grants. That time can add up quickly.
- The Tree Board will be taking the summer off; the next meeting will be in September.
- The Zoning Board of Appeals will be considering 4 cases: two dimensional variances, a sign variance, and an interpretation. The next meeting will be at 7 p.m. on June 12th.

COUNCILMEMBER BAKER:

- Wished everyone a happy June.

- Congratulated the new Public Safety officers, said that what they do for our community is incredible and that they serve with integrity and professionalism
- Wednesday, June 14th will be the next Downtown Development Authority meeting.
- Hooray for the Berkley Farmer's Market. Visit berkleyfarmersmarket.com for more information.
- For more information on events happening in Berkley visit downtownberkley.com
- The Historical Committee meets on Tuesday, June 13th. While spring cleaning, please bring any items related to Berkley's history: photos, books, magazines, etc. to the museum, city hall or the library and they'll get delivered to the right folks who'll know how to properly catalog, preserve and share those with the rest of the public.
- The museum welcomes visitors on Wednesdays from 10am to 1 pm and Sundays from 2pm to 4pm. For more information visit Berkleyhistory.com
- "When all Americans are treated equal no matter who they are or whom they love we are more free," President Obama. Diversity is what we have, inclusion is what we do, and belonging is how we feel. With Pride month in mind, he said our city motto is 'We Care' and that must apply to everyone because together we are stronger.
- Reminded everyone to hug someone they love because they need to more than they probably know.

MAYOR PRO TEM GAVIN:

- Check out all the Parks and Recreation programs available this summer at recreation.berkleymich.org, including youth and adult guitar lessons in the park, yoga in the park, karate in the park and so much more. Make sure you check those out!
- Next meeting of Parks & Recreation Advisory Board is on Thursday, June 8th at 7pm in the Community Center.
- Next meeting of the Environmental Advisory Committee is on June 13th at 6:30pm on the second floor of the Public Safety building.
- Congratulated the public safety officers sworn in at the meeting on the incredible work they undertake every day.

COUNCILMEMBER VILANI:

- Citizen Engagement Advisory Committee/Technology Advisory Committee has not had a meeting since the last Council meeting. No updates.
- From the Berkley Area Chamber of Commerce: the Berkley Bullhorn is being launched which is a consumer facing initiative which aims to amplify Berkeley businesses to all residents; it will feature sales, promotions, events at chamber businesses as well as showcasing new business openings and ribbon cuttings, business owner profiles and upcoming community events.
- Berkley Area Chamber Chat is Friday, June 16th at 8:30am at Nada & Co. No need to register in advance.
- The Berkley Street Art Festival is on July 15th from 11am-5pm. Sponsorship registration is open at berkleystreetartfest.com.
- Congratulated the new public safety officers; said that we are very grateful that when we run away from trouble they run towards it.
- Congratulated all Berkley graduates, from kindergarten on up. Wished them all the greatest success in their new endeavors.

CITY MANAGER BAUMGARTEN:

- For the second year in a row, Berkley has received a gold prize from the Michigan Green Communities Initiative. The City has undertaken a number of green and environmentally friendly initiatives over the years, not only through the City as an organization but also through the fantastic efforts of the Environmental Advisory Committee as well. Said that it is a fantastic partnership that is really starting to get a lot of great accolades; very proud of that and there is more to come in the future as well.
- All ballfields are undergoing LED conversion, which will save the City money.

- June is summer safety month; it's been extremely hot in the past few weeks and it's very important that we stay safe and hydrated, especially considering that the little ones will be running around, in camp and in sports.
- He thanked Kenny Ozanich, who has been with DPW for more than 25 years and is hanging up his orange vest. Said that Kenny is Berkley through and through; he can't say enough good things about him. He thanked Kenny for everything, said that he looks forward to all that he will continue to accomplish.

CITY ATTORNEY CHRIST:

- No communications

MAYOR DEAN:

- According to the Property Club, Berkley is the second safest city in Michigan. Number one was Grosse Isle, which is actually an island.
- Said she had the pleasure of experiencing and offering remarks at Mom's and Dad's Club Baseball Opening Day; congratulated the Berkley Dad's Club on their 75th Anniversary. She also congratulated the Berkley Bears Varsity baseball team.
- She took a moment to remember former Mayor Durst, who was followed in death by his wife just hours later. Mayor Durst served our City from 1991 to 1995 and co-owned Durst Lumber and Ace Hardware. She said we mourn his loss, thanked him for all of his contributions and gave condolences to the Durst family. She said she spent time with them when she was going door to door during her last campaign. She said their love and focus on family was what struck her the most, their home was filled with countless photos of their children and grandchildren.

ADJOURNMENT:

Councilmember Vilani moved to adjourn the Regular Meeting at 8:25 p.m.

Seconded by Councilmember Patterson

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

Nays: None

Absent: Dooley

Motion Approved.

Bridget Dean, Mayor

ATTEST:

Victoria Mitchell, City Clerk