

THE REGULAR MEETING OF THE FORTIETH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, MARCH 4, 2024 BY MAYOR PRO TEM GAVIN

PRESENT: Councilmember Steve Baker
Councilmember Clarence Black
Mayor Pro Tem Ross Gavin
Councilmember Dennis Hennen
ABSENT: Mayor Bridget Dean

Councilmember Gregory Patterson
Councilmember Jessica Vilani

OTHER STAFF PRESENT:

City Manager Matt Baumgarten
City Attorney Ann Christ
City Clerk Victoria Mitchell
Treasurer Bryan Bemis
Community Development Director Kristen Kapelanski
DPW Director Shawn Young
Director of Public Safety Matt Koehn
Emergency Management Manager Jack Blanchard

APPROVAL OF AGENDA

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Carla Osborn, Berkley, spoke regarding ordinances O-15-23. She said required information is not displayed or available.

Scott Roberts, Attorney for Seven Points Dispensing, spoke regarding O-02-24. He requested that O-02-24 be taken off the consent agenda so that it could be discussed in detail.

Andrew Vukovich, Attorney for Seven Points Dispensing, outlined several points why O-02-24 should be removed from the consent agenda.

Jim Smith, Berkley, one of 58 Berkley Public Safety Department retirees. He spoke regarding recent timeliness issues of checks and tax documents.

Jessica Worrel, Berkley Cares Food Pantry, let residents know they are still there and ask for donations. They have had to cut distribution from weekly to bi-weekly because of a lack of donations and the amount of people in need. Visit their website to see a list of donations and volunteer opportunities.

Merrick Farber, on behalf of Seven Point Dispensing, spoke regarding O-02-24.

Hillary Bahri, on behalf of Yellow Tail, spoke regarding O-02-24.

Consent Agenda

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

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 40th Regular City Council meeting on Monday, February 5, 2024, Special City Council meeting on Monday, February 5, 2024, and Special Work Session on Wednesday, February 7, 2024.

WARRANT: Matter of approving Warrant No. 1395.

ORDINANCE NO. O-02-24: Matter of considering the Second Reading and Adoption of an ordinance to amend Article XV, Marihuana Businesses, Section 30-806, License application evaluation, and Section 30-807, License limit, in Chapter 30, Businesses, of the City of Berkley Code of Ordinances.

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

Absent: Dean
Motion Approved.

Regular Agenda

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

None

RESOLUTION NO. R-02-24: Matter of approving a charitable gaming license resolution recognizing the Berkley Football Boosters as a charitable organization.
Councilmember Patterson moved to approve Resolution No. R-02-24
Seconded by Councilmember Vilani
Ayes: Patterson, Vilani, Baker, Black, Hennen, and Gavin
Nays: None
Absent: Dean
Resolution R-02-24 Approved.

MOTION NO. M-09-24: Matter of approving the purchase of (1) 2024 Ford F150 Super Crew 4x4 Police Responder Pickup for \$49,273 for the Department of Public Safety from Lunghamer Ford, 1960 East Main Street, Owosso, MI 48867 from the Vehicles Account 101-345-985-000. This vehicle will replace an existing patrol vehicle that was totaled in a crash and be purchased via the 2024 Vehicle State of Michigan Contract No. 071B7700180 and Macomb County Contract No. 21-18 Bid.
Councilmember Hennen moved to approve Motion No. M-09-24
Seconded by Councilmember Baker
Ayes: Vilani, Baker, Black, Hennen, Patterson, and Gavin
Nays: None
Absent: Dean
Motion No. M-09-24 Approved.

MOTION NO. M-10-24: Matter of approving the purchase and installation of a new Four Post Vehicle Lift from Equipment Distributors Inc. for the amount of \$17,781.91. Funds are allocated in the 2023-2024 Fiscal Budget under account number 101-443-982-000 Public Works Garage Equipment.
Councilmember Baker moved to approve Motion No. M-10-24
Seconded by Councilmember Patterson
Ayes: Baker, Black, Hennen, Patterson, Vilani, and Gavin
Nays: None
Absent: Dean
Motion M-10-24 Approved.

MOTION NO. M-11-24: Matter of approving the agreement with the Michigan State Housing Development Authority (MSHDA) to provide federal funds under the Michigan Homeowner Assistance Fund (MIHAF) to help assist qualifying residents at no cost.
Councilmember Patterson moved to approve Motion No. M-11-24
Seconded by Councilmember Vilani
Ayes: Black, Hennen, Patterson, Vilani, Baker, and Gavin
Nays: None
Absent: Dean
Motion M-11-24 Approved.

Clerk Mitchell read the following email into the record:

Hello, my name is Marla Meltzer and I have been a resident of Berkley for 22 years. I am asking the city council to please approve the MSHDA/Mihalf program so that myself and other residents with Covid related problems and illnesses can get assistance from the program. The city has to be a partner of Mihaf in order for a Berkley resident to get help with their water bill. There is absolutely no cost to the city. Thank you for your time.

RESOLUTION NO. R-03-24: Matter of approving a resolution authorizing the adoption of the Oakland County Multi-jurisdictional Hazard Mitigation Plan.
Councilmember Black moved to approve Resolution No. R-03-24
Seconded by Councilmember Patterson
Ayes: Hennen, Patterson, Vilani, Baker, Black, and Gavin
Nays: None
Absent: Dean
Resolution R-03-24 Approved.

RESOLUTION NO. R-04-24: Matter of considering updates to the Berkley Community Development Department Fee Schedule, effective March 5, 2024.
Councilmember Hennen moved to approve Resolution No. R-04-24
Seconded by Councilmember Vilani

Ayes: Patterson, Vilani, Baker, Black, Hennen, and Gavin
Nays: None
Absent: Dean
Resolution R-04-24 Approved.

ORDINANCE NO. O-03-24: Matter of considering the First Reading of an ordinance to amend Section 30-107, Inspection of owner-occupied business properties of the City of Berkley Code of Ordinances to update the policies and procedures for inspection of owner-occupied business properties.

Councilmember Patterson moved to approve Ordinance No. O-03-24

Seconded by Councilmember Hennen

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

Nays: None

Absent: Dean

Ordinance O-03-24 Approved.

MOTION NO. M-12-24: Matter of authorizing the City Manager to sign the Application for Additional Service Credit Purchase for Laurie Fielder approving two years of additional service credit. This purchase is allowed by the City of Berkley MERIT System of Human Resource Management Section 1001.08 and meets all of the requirements of the MERS Plan Document which would allow for this service credit purchase.

Councilmember Vilani moved to approve Motion No. M-12-24

Seconded by Councilmember Patterson

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

Nays: None

Absent: Dean

Motion M-12-24 Approved.

MOTION NO. M-13-24: Matter of authorizing the City Manager to sign the Application for Additional Service Credit Purchase for Shawn Young approving five months of additional service credit. This purchase is allowed by the City of Berkley MERIT System of Human Resource Management Section 1001.08 and meets all of the requirements of the MERS Plan Document which would allow for this service credit purchase.

Councilmember Patterson moved to approve Motion No. M-13-24

Seconded by Councilmember Vilani

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

Nays: None

Absent: Dean

Motion M-13-24 Approved.

COMMUNICATIONS

COUNCILMEMBER HENNER

- Tree Board met last week, they are looking at fund raising opportunities. Minor update to tree ordinance probably coming at next meeting, which will be March 25th.
- Zoning Board of Appeals has been very busy. The gas station at 11 Mile was denied their request for a use variance based on the fact that it hadn't been a gas station for over 8 years and had lost its non-conforming status and that there are other uses the property can be used for. A variance for building a home on an empty lot on Columbia between Stanford and Woodward was approved. A parking variance was granted for the warehouse at the former Drought location. They have no cases to hear in March.
- Hennen said our communications just aren't working; we need to do better and something has to change.

COUNCILMEMBER BLACK

- Working with Director Flora this week regarding CEAC/TAC. He had a chance to work on Veteran's Day and Black History Month video; director Flora was there in support. It was very good to have a team atmosphere and have Team Berkley representing us.

COUNCILMEMBER BAKER

- Downtown Development Authority met on February 14th: On the West side of 12 Mile the DDA and DTE are working to add additional places for lights and holiday decorations; work is being done to add additional art installations throughout our downtown. For more information or to see any of the other cool things that are coming up as we head into St. Patrick's Day check out downtownberkley.com
- March is Women's History Month. In honor of Women's History Month there's a special exhibit honoring Maybelle Fraser; it's a fantastic display. The Museum is open on Sundays from 2-4 pm and on Wednesdays from 10am – 1pm.
- It was Norman Peele who once said, "The more you practice the art of thankfulness the more you have to be thankful for." Said he wanted to build on that with a personal note of gratitude and appreciation for those in council chambers and those who choose to watch meetings online.
- Please hug someone you love as they need it more than you think they do.

COUNCILMEMBER VILANI

- Echoed comments of Jess Worrel: food insecurity is real for some of our residents and surrounding neighborhoods, so if you have even just a little bit to give, it's always a great thing.
- The Berkley Environmental Advisory Committee will meet on March 19th at 6:30 pm in the second-floor conference room of Public Safety.
- Berkley Chamber sponsorships are available because summer and our art festivals are right around the corner; the Berkley Art Bash, along 12 Mile, will be on June 8th and the Street Art Fest, along Coolidge, will be on July 13th. The March Chamber Chat is March 15th at the American Legion, no registration necessary. March is National Reading Month; it's a great time to pick up a book and get lost in a story. The Berkley Public Library has a multitude of books and a therapy Doodle making several reading visits this month.

COUNCILMEMBER PATTERSON

- Planning Commission met last week and considered three items on the agenda: two special land uses, a business on the first floor on Coolidge and a daycare on Mortenson, as well as a Jewish Community Center on Woodward. March 19th is the next regular meeting.

CITY MANAGER MATT BAUMGARTEN

- City staff is in the midst of our budget cycle right now; Finance Director Johnson has been compiling department budgets into a draft document. Thanked each member of staff as well as the directors who have spent the last month or so compiling a list of needs and items we would like to see funded. We are on course to having this public draft out to the community in early April, 3-4 weeks ahead of our usual timeline. It will absolutely have robust discussion around it, the city has to prioritize its funding in light of revenues not being where we'd like them to be at this point. Lots of conversation to be had. He thanked Council for adopting a strategic plan that has been incredibly helpful.

CITY ATTORNEY ANN CHRIST

- None.

MAYOR PRO TEM GAVIN

- Parks and Recreation Advisory Board will next meet on April 11th at 7 pm in the Community Center.
- The Library Board will next meet on March 20th at 7 pm.

ADJOURNMENT:

Councilmember Patterson moved to adjourn the Regular Meeting at 8:13 pm
Seconded by Councilmember Vilani
Ayes: Patterson, Vilani, Baker, Black, Hennen and Gavin
Nays: None
Absent: Dean
Motion Approved.

Ross Gavin, Mayor Pro Tem

ATTEST:

Victoria Mitchell, City Clerk