

**THE REGULAR MEETING OF THE THIRTY-NINTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN
WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, OCTOBER 16, 2023 BY MAYOR DEAN**

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

OTHER STAFF PRESENT:

City Manager Matt Baumgarten
City Attorney John Staran
City Clerk Victoria Mitchell
Department of Public Works Director Shawn Young
Community Development Director Kristen Kapelanski

APPROVAL OF AGENDA

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Joshua Hunter, Berkley, read a letter signed by himself, Michael Wiacek and Greg DuRoss regarding the city budget and suggested corrective measures.

Carla Osborne, Berkley, discussed a packet previously sent to Council. The packet is in regards to a customer that purchased a dog from Puppygram on Woodward that became ill within 24 hours of purchase. The purchaser provided the documentation and what she has been going through; she said she wanted to provide it to Council in support of an ordinance requiring transparency. She said they want to make sure if this business is here, it is here in good standing. She said Puppygram said they sold her a sick dog; they said they would pay her bills if she signed an NDA.

Courtney Wooten, Berkley, said that mid-February we all got wind of what is going on at Puppygram. It was said maybe we should pump the breaks and that this is not urgent. She disagrees. She said the responsibility to require transparency is falling on us. She asked how many months are we in during which nothing has been done to address the existing business.

CONSENT AGENDA:

Councilmember Patterson moved to approve the Consent Agenda
Seconded by Councilmember Hennen:

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 39th Regular City Council meeting on Monday, October 2, 2023.

WARRANT: Matter of approving Warrant No. 1391.

MOTION NO. M-72-23: Matter of approving the Intergovernmental Agreement between the City of Berkley and the City of Huntington Woods for Shared Resources and Services.

MOTION NO. M-73-23: Matter of approving the Intergovernmental Agreement between the City of Berkley and the Berkley School District for Shared Resources and Services.

MOTION NO. M-74-23: Matter of approving the 2023-2024 Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Berkley. The City will be reimbursed a total of \$12,087.31 which will be paid in two installments, \$6,043.66 due in December 2023 and \$6,043.66 due in March 2024.

PROCLAMATION P-33-23: Matter of proclaiming November 2023 as Native American Heritage Month.

PROCLAMATION P-34-23: Matter of proclaiming Movember 2023 as Men's Health Awareness 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.

None

PRESENTATION: Matter of receiving a presentation on the 2022-2023 Community Development Department Annual Report.

Community Development Director Kristen Kapelanski said she wanted to hit a few of the highlights of the Community Development Department report. She said that 10 code amendments have been passed; two were the implementation of the design guidelines so the Planning Commission can use those moving forward and the development of a residential grading ordinance that has received no complaints so far. Regarding the zoning ordinance rewrite: the steering committee, made up of various members of the board and commission, has met six times so far. Carlisle Wortman & Associates is helping throughout the process. Encouraged anyone at home who would like to review those packets to please visit the Rebuilding Berkley zoning ordinance on the Community Development page to see all of the information that the steering committee gets. There will be several community engagement sessions in January, every week will be a different topic regarding zoning; that is expected to be completed in the summer or fall of 2024. Permits and inspections are on par with previous years, if a little bit up; we've been able to maintain the status quo there. In conjunction with the DDA, a parking study was completed which included a number of implementation recommendations that the staff committee is now working with and moving forward. We completed an overhaul of the Building and Planning fee updates that included looking at every single fee and making numerous adjustments. Added a zoning administrator position and now have a licensing clerk as well. She highlighted a few things upcoming in the next fiscal year: they are looking to hire a building official, parking study implementation will be moving forward, the sign ordinance is being rewritten in conjunction with the zoning ordinance and lastly, they hope to move to the BS&A online permitting system. She said she was happy to answer any questions.

Mayor Dean said she knows the BS&A online permitting component is very important in moving the department forward.

Hennen asked if there was any timeline on when BS&A online components will be available. Kristen explained that they are meeting with BS&A next month to make sure that the internal system is set up to easily transition over to an external-facing system. She said she is hoping to get done with that step at the end of November, and they can then put us in the queue for a springtime installation.

Councilmember Patterson thanked her and the department for the report and all that they do. He asked her to please pass along his thanks.

Councilmember Baker echoed Councilmember Patterson's appreciation of the work the department does. He said in addition to the great work she does the report is also of high quality; it was well-organized, easy to read and made it easy to be awash in all the cool things that are happening.

MOTION NO. M-75-23: Matter of approving the proposal from Hubbell, Roth, and Clark in the amount not to exceed \$28,000 for GIS support and technical assistance.

Councilmember Hennen moved to approve Motion No. M-75-23

Seconded by Councilmember Baker

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

Nays: None

Motion No. M-75-23 Approved.

RESOLUTION NO. R-23-23: Matter of designating Saturday, December 2, 2023 for the Annual Holiday Parade and Tree Lighting Ceremony in Berkley. The approval is conditional upon the submission of required items and documents prior to event dates.

Councilmember Patterson moved to approve Resolution No. R-23-23

Seconded by Mayor Pro Tem Gavin

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

Nays: None

Resolution R-23-23 Approved.

ORDINANCE NO. O-10-23: Matter of considering the First Reading of an Ordinance to repeal Section 106-42, Outdoor Seating, in Chapter 106, Streets, Sidewalks and Other Public Places of the City of Berkley Code of Ordinances to remove references to outdoor seating in the City Code as standards have been incorporated into the Zoning Ordinance.

Councilmember Hennen moved to approve Ordinance No. O-10-23

Seconded by Mayor Pro Tem Gavin

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

Nays: None

Ordinance O-10-23 Approved.

ORDINANCE NO. O-11-23: Matter of considering the First Reading of an Ordinance of the City Council of the City of Berkley, Michigan to amend Section 26-2 and add Section 26-3 in Chapter 26, Building and Building Regulations, of the City of Berkley Code of Ordinances to clarify the application of Section 26-2 to the entire Chapter 26, to require fees for inspections, reviews, permits, and certificates and to clarify the application of Sec. 26-337.

Councilmember Patterson moved to approve Ordinance No. O-11-23

Seconded by Councilmember Baker

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

Nays: None

Ordinance O-11-23 Approved.

Community Development Director Kapelanski clarified the agenda item should have read "to amend the application of Sec. 26-337."

CLOSED SESSION: Matter of considering convening in closed session at the conclusion of the regular meeting to discuss confidential attorney/client privileged communications

Councilmember Vilani moved to go into Closed Session

Seconded by Councilmember Baker

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

Nays: None

Moving into Closed Session Approved.

COMMUNICATIONS

MAYOR PRO TEM GAVIN

- Environmental Advisory Committee meets October 17th at 6:30 pm in the second-floor conference room of the Public Safety building.
- Parks & Recreation Advisory Board had a great meeting last week; Director Theresa McArleton gave a programmatic update, an update around capital projects, long-term project planning ideas and goals and efforts around securing recreational grants. The next meeting will be on the 14th of December at 7pm in the Community Center.

COUNCILMEMBER VILANI

- No updates from the Citizen's Engagement Advisory Committee or the Technology Advisory Committee. Those meeting will resume now that Communications Director Flora is in place, she's excited about that.
- From the Berkley Area Chamber: the next Chamber Chat will be on Friday October 20th at 8:30 am at the office of Missy Bean LMSW. Registration is not required.
- State of the Cities is coming up on Friday, October 27th at 9 am at the Berkley High School Collaborative Center. Make sure to register and get tickets; 2023 honorees include "Person of the Year" Roseann Nicolai and "Business of the Year" Woodward Corner Market. You won't want to miss this!

COUNCILMEMBER DOOLEY

- The Library Board meets Wednesday at 7 pm at the Library. Come one, come all!
- The Beautification Advisory Committee meets on October 25th on the second floor of the Public Safety building at 6:30 pm.

COUNCILMEMBER PATTERSON

- Planning Commission will meet on October 24th in Council chambers.

COUNCILMEMBER HENNEN

- The Tree Board will meet on October 23rd; they will have guest speaker Robert Miller from the Michigan Department of Agriculture and Rural Development to give an update on the spotted lantern fly, which is starting to come into our area and is a threat to many of the tree species we have in Berkley.
- The Zoning Ordinance Re-write Steering Committee is meeting on November 1st; they'll be discussing signs.
- The Zoning Board of Appeals will hear a case on a dimensional variance on November 13th.

COUNCILMEMBER BAKER:

- Hello and welcome to the beautiful fall colors that are starting to take hold here in Berkley.
- The Downtown Development Authority met on October 11th; they thanked Council for their action with the Coolidge Crosswalk Improvement Program which was approved. A mural application for the law office of Rachel Pinch at 2790 Coolidge, just south of Franklin, was also approved.
- Witches' Night Out was a great success; kudos to all who hosted and participated in the wonderful evening. Upcoming events include the Ghost Chase on October 20th, Trick or Treat Stroll and Monster Mash Extravaganza which are both on October 28th on Coolidge.
- For more information about our downtown, visit downtownberkley.com
- The Historical Committee met on Tuesday, October 3rd. This past weekend on Saturday the 14th, the Michigan historical marker commemorating 100 years of Berkley as a village was

unveiled as well as a time capsule which is now embedded within the museum walls. Mark your calendars because you're all invited to the grand reopening event on October 14th, 2123.

- Visitors are always welcome to the museum; the museum is open from 10 am–1 pm on Wednesdays and 2 pm–4 pm on Sundays. You can visit them online at berkeleyhistory.com
- Paula Cran once said, "The farther we've gotten from the magic and mystery of our past the more we've come to need Halloween." A couple of quick fun facts on Halloween: the holiday dates back more than 2000 years, it started as a pre-Christian Celtic festival called Samhain which means Summer's End; trick-or-treating has existed since Medieval Times so taking candy from strangers on one night a year isn't a new or uniquely American tradition, back then it was known as guising in Scotland and Ireland; immigrants helped popularize the holiday in the US when the Irish fled the potato famine that devastated their country in the 1840s they brought their Halloween traditions with them here to America; it hasn't always been sweet, sugar rationing during WWI paused trick-or-treating but after the rationing ended it was all systems go for the candy collecting extravaganza. Stay safe and enjoy the festivities.
- Please hug someone you love.

CITY MANAGER MATT BAUMGARTEN

- The October 17th session of the Mayors' Academy will not take place; we've had five sessions already, covering finance topics as well as Public Works, Public Safety, the Clerk's Office, Community Development and the Downtown Development Authority. The sessions left will be covering finance questions with Plante Moran, the Parks & Recreation department, the City Manager's Office and the Library. Members will then turn to their capstone project, making and defending recommendations. They will submit their views on how they would put together the city's budget. He thanked applicants who came with an open mind; public work is not for the faint of heart. He thanked Council and staff and department members. He said he looks forward to taking some lessons back and learning how to make improvements for the future.

CITY ATTORNEY JOHN STARAN

- No updates.

MAYOR DEAN

- The Berkley Historical Committee put on a lovely celebration in honor of Berkley's 100 years as a village. Her biggest takeaway is that when you mark a moment in time it allows you to take stock how of far you've come and the direction that we are continuing to move in. Although opportunities and challenges change over time, the common threads of what makes Berkley so special have remained the same. She said she would be remiss to fail to mention former Mayor Maybelle Fraser and Shirley McLellan for all the hard work they contributed in the past to preserving Berkley history. She also thanked Susan Richards and Jeffery Tong and the current Committee as well as the volunteers who are working year-round to keep Berkley's history alive.
- Gave a shoutout to the DPW department, Brian LaPine, John Beach, and Brad Daughtery, who discovered a basement fire. The three workers got the family out of the home and called 911, saving their lives. Kudos to Brian, John, and Brad for not hesitating to jump in and save the day when necessary.

ADJOURNMENT:

Councilmember Patterson moved to adjourn the Regular Meeting at 7:49 p.m.

Seconded by Councilmember Vilani

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

Nays: None

Motion Approved.

THE CLOSED SESSION OF THE THIRTY-NINTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:54 PM ON MONDAY, OCTOBER 16, 2023 BY MAYOR DEAN

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

OTHER STAFF PRESENT:

City Manager Matt Baumgarten

City Attorney John Staran

City Clerk Victoria Mitchell

Community Development Director Kristen Kapelanski

Confidential attorney/client privileged communications were discussed.

ADJOURNMENT:

Councilmember Patterson moved to adjourn the Closed Session Meeting at 10:43 p.m.
Seconded by Councilmember Vilani
Ayes: Patterson, Vilani, Baker, Dooley, Gavin, Hennen, and Dean
Nays: None
Motion Approved.

Bridget Dean, Mayor

ATTEST:

Victoria Mitchell, City Clerk