

**THE REGULAR MEETING OF THE THIRTY-NINTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN
WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, FEBRUARY 6, 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 Matthew Baumgarten
City Clerk Victoria Mitchell
City Attorney Dan Christ
DPW Superintendent Shawn Young
Facilities Manager Alex Brown
DDA Executive Director Mike McGuinness
Deputy City Clerk Rachel Patterson

APPROVAL OF AGENDA:

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

MAYOR-LED MOMENT OF REFLECTION

Mayor Dean led a moment of silence for Tyree Nichols and remembering him. She stated she looks forward to the day where we don't have to have a moment of silence for things like this.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT:

Joel Ulferts, Berkley, said he was here 10 years ago to talk about Coolidge. He referenced emails he sent in the past and today. He stated he would like the reasoning and true cost of any resolution on the agenda or in the minutes, especially projects where the cost is spread over two resolutions or shared by two departments. He said he would add multiple years to that. He said it's complicated to look at the budget especially when items are split between departments. Regarding Headlee Override, he said forecasts show to add \$2.5 million to next year's operating budget, bringing the total operating budget to \$11.75 million. He said the millage would continue in perpetuity and more than counteract the effect of Headlee rollbacks since the last override. He said the point is that revenue is not declining. He asked if the City knows how it will spend the money for the millage? He referenced the dashboard and stated what else he would like to see there. He asked other questions regarding revenue and city spending.

Michael McGuinness, Downtown Development Authority executive director, stated that councilmembers and city leaders are invited to a ribbon cutting at Core LP Fitness 5 p.m. Friday, February 10th. He stated there are many new businesses joining the Berkley family, and that Core LP Fitness is the latest addition.

Mayor Dean asked City Manager Baumgarten to follow up with Mr. Ulferts regarding corrections to Mr. Ulferts' statements. She stated there are plenty that need to be addressed. Mr. Baumgarten thanked Mr. Ulferts for sharing questions both in person and via emails prior to the meeting. Mr. Baumgarten said he will follow up directly with Mr. Ulferts as well as add his questions to the City's FAQs available on Berkley's website. Mr. Baumgarten said millage information is available at berkleymich.org/millage. He explained that property taxable values are not increasing with expenditures. He said it is a real challenge to understand that Michigan laws are set up to ensure that this is the case largely to the detriment of Michigan communities. He said the budgeting process has begun and staff is working on two budgets (one with success at the ballot box and one without). He stated department directors are subject-matter experts in their fields and work to develop the best budgets for their departments. He read a statement listing factors included in those budget development considerations. He encourages everyone interested to review previous budget meetings on our website and on YouTube. He thanked Mr. Ulferts and stated that it is important to get those questions out and answered. He stated the dashboard will be continuously updated to continue the conversation.

CONSENT AGENDA:

Mayor Pro Tem Gavin 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, January 9, 2023 and Special City Council meeting on January 23, 2023.

WARRANT: Matter of approving Warrant No. 1382.

PROCLAMATION NO. P-02-23: Matter of proclaiming March 2023 as Women's History Month.

PROCLAMATION NO. P-03-23: Matter of proclaiming March 2023 as Severe Weather 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 Vilani read Proclamation No. P-02-23 in its entirety.

OATHS OF OFFICE: Councilmember Gregory Patterson and Deputy Clerk Rachel Patterson received an Oath of Office from the City Clerk.

PRESENTATIONS: Matter of receiving a presentation from the Accounting Aid Society.

- Presentation – Accounting Aid Society President and CEO Priscilla Perkins and COO Gabrielle Thomas were present at the meeting. Ms. Thomas stated the Accounting Aid Society is the best kept secret in town. She said it is a 50-year-old nonprofit that uses taxes to build relationships, and relationships to build futures. She said taxes are a very important part of our lives. Ms. Thomas said the Society is committed to creating an economy that works for everybody. She said the Society serves individuals and business with the job of making sure that people have the financial stability to grow and enjoy their lives. She said the Society is comprised of subject matter experts with 3 CPAs, 2 enrolled agents and 26 advanced certified staff. She said the Society's impact is far-reaching. She said programs include:
 - Volunteer Income Tax Assistance at 22 locations in southeast Michigan
 - Access to important Credits like EITC, CTC, Homestead
 - Highest Accuracy Rate out of all tax preparers - 94 percent
 - Year-round availability
 - All staff and volunteers are certified by the IRS
- Services are available for free for everyone that makes under \$60k a year.
- Low Income Taxpayer Clinic:
 - Assists taxpayers to resolve IRS Issues
 - Provides individual and community education
 - Provides year-round availability
 - Staffed by CPAs, attorneys, and enrolled agents
- Accounting Aid Academy:
 - Helps small business owners build a solid financial foundation
 - Provides education, technical assistance, one-on-one coaching, and tax preparation
 - Provides tools to understand financial systems and decision making to increase revenue employment and growth
 - Wide network of referral sources

Ms. Thomas went over the Society's 2022 impact. She said to spread the word, the Society is on all social media channels, has QR codes, and provides flyers. She said they also like to attend community meetings.

Councilmember Baker asked if there is a specific website. AccountingAidSociety.org.

Mayor Pro Tem Gavin thanked Gabby as he said they had the chance to work together for a long time. He said the services the Accounting Aid Society provides is invaluable.

MOTION NO. M-11-23: Matter of authorizing the City Manager to approve the proposal from Quadrate Construction LLC to replace underground conduits and wiring connecting City Hall to Public Safety and install sub meter to accurately track City Hall electric usage at a cost not to exceed \$120,126. In addition, allocate \$12,000 for contingencies.

Mayor Pro Tem Gavin moved to approve Motion No. M-11-23

Seconded by Councilmember Vilani

PUBLIC COMMENT FOR MOTION NO. M-11-23

Joel Ulferts, Berkley, asked if this was shown in the budget or the capital improvement plan.

City Manager Baumgarten said it was reflected in the capital improvement plan.

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

Nays: None

Motion Approved.

MOTION NO. M-12-23: Matter of approving a proposal from Hubbell, Roth and Clark for assistance with Water Service Line Material Verification, GIS Mapping, and Reporting with a not-to-exceed amount of \$50,741.51. Funding for this work was previously approved under account number 592-536-818-000 and would be eligible for reimbursement under the Oakland County Local Government Critical Infrastructure Grant that was recently awarded to the City of Berkley.

Councilmember Hennen moved to approve Motion No. M-12-23

Seconded by Councilmember Baker

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

Nays: None

Motion Approved.

MOTION NO. M-13-23: Matter of approving applicant for issuance of an on-premise liquor license under Section 521a (1) (b) of 2006 PA 501 (MCL 436.1521a (1) (b)). Applicant: Little Lou's Hot Chicken, 2626 Coolidge Highway, Berkley, MI 48072.

Councilmember Vilani moved to approve Motion No. M-13-23

Seconded by Councilmember Dooley

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

Nays: None

Motion Approved.

RESOLUTION NO. R-02-23: Matter of approving the Resolution for updated Poverty Exemption Guidelines.

Councilmember Patterson moved to approve Resolution No. R-02-23

Seconded by Mayor Pro Tem Gavin

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

Nays: None

Motion Approved.

MOTION NO. M-14-23: Matter of authorizing the City Manager to approve the proposal from Carlisle Wortman Associates to provide professional services to update the Zoning Ordinance at a cost of \$88,000 to be extended over two fiscal years. Funds from this expenditure will come from account 101-801-818-000.

Mayor Pro Tem Gavin moved to approve Motion No. M-14-23

Seconded by Councilmember Hennen

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

Nays: None

Motion Approved.

ORDINANCE NO. O-01-23: Matter of considering the First Reading of an Ordinance of the City Council of the City of Berkley, Michigan to Amend Section 2-39 of Article II, Officers and Employees, of Chapter 2 - Administration, to Modify Provisions Relating to Insurance and Indemnification of City Officials, Employees, and Board and Commission Members.

Councilmember Hennen moved to approve Ordinance No. O-01-23

Seconded by Councilmember Patterson

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

Nays: None

Motion Approved.

ORDINANCE NO. O-02-23: Matter of considering the First reading of an Ordinance to the City Code to amend Section 94-9, Portable signs, in Chapter 94, Signs, and Section 138-108 - Promotional events, in Chapter 138, Zoning of the City of Berkley Code of Ordinances to remove the requirements for annual permits for portable signs and clarify portable sign regulations in relation to temporary events.

Councilmember Patterson moved to approve Ordinance No. O-02-23

Seconded by Councilmember Vilani

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

Nays: None

Motion Approved.

ORDINANCE NO. O-03-23: Matter of considering the First reading of an Ordinance to amend Section 138-32, Section 138-387, Section 138-394, Section 138-419, Section 138-427, Section 138-457, Section 138-487, and Section 138-529 of Chapter 138 - Zoning of the City of Berkley Code of Ordinances in order to regulate vape shops.

Councilmember Baker moved to approve Ordinance No. O-03-23

Seconded by Councilmember Dooley

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

Nays: None

Motion Approved.

ORDINANCE NO. O-04-23: Matter of considering the First reading of an Ordinance to amend Section 138-458 of Chapter 138 - Zoning in order to add nursery schools, day nurseries, and child centers to the Twelve Mile District as a special use.

Mayor Pro Tem Gavin moved to approve Ordinance No. O-04-23

Seconded by Councilmember Vilani

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

Nays: None

Motion Approved.

MOTION NO. M-15-23: Matter of authorizing the Non-Corporate Resolution approving Accountant Laurie Fielder to conduct financial transactions on behalf of the City of Berkley with MultiBank Securities for investment purposes within the guidelines of Public Act 20 of the Michigan Public Acts.

Councilmember Patterson moved to approve Motion No. M-15-23

Seconded by Councilmember Dooley

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

Nays: None

Motion Approved.

MOTION NO. M-16-23: Matter of authorizing the amendment of the 2022-2023 Budget as presented.

Councilmember Hennen moved to approve Motion No. M-16-23

Seconded by Councilmember Baker

PUBLIC COMMENT FOR MOTION NO. M-16-23

Joel Ulferts, Berkley, stated he believed the hook truck was budgeted in 2021.

City Manager Baumgarten explained governmental finance is a highly regulated industry and items ordered hit our budget when we take delivery. He stated if items are delivered in a different budget year, the funds are held in a reserve account. He stated he would follow up with Mr. Ulferts with specific information.

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

Nays: None

Motion Approved.

COMMUNICATIONS:

MAYOR PRO TEM GAVIN

- Thanked the Parks & Recreation staff and sponsors for Winterfest 2023 and extended a thank you to all joyful faces who attended. He said there was a huge turnout and it was a lot of fun.
- Senior Valentine's Day Bingo will be held at the Community Center on Tuesday, February 14th from 12:30–2:30 p.m. The cost is \$10 and includes lunch and two bingo cards.
- AARP tax aid is now available at the Berkley Senior Center. Appointments must be made, and can be done by calling Parks & Rec at 248-658-3470.
- Registration for Early-Bird Summer Day Camp is now open. Register at registration.berkleymich.org.
- Next Parks & Rec meeting is Thursday, February 9th at 7 p.m.
- The Environmental Advisory Committee had a great discussion about an Earth Day event in conjunction with Royal Oak. Next month, Department of Public Works Director Shawn Young will be at February meeting taking about green stormwater infrastructure. There was also general discussion on what projects EAC will take part in this year including rain barrel classes, bike corral expansion, SOCRRA Recycling Day in Berkley, as well as other general speakers at the library. The next meeting is the 16th at 6:30 p.m. on the second floor of the Public Safety building.

COUNCILMEMBER VILANI:

- Extended her congrats to Councilmember Patterson on his first meeting and swearing in.
- Berkley Area Chamber will be holding a ribbon cutting this Friday at 5 p.m. for Core LP Fitness on 12 Mile.
- Chamber Chat will be next Friday, February 17th from 8:30–9:30 a.m. at the American Legion. No registration is necessary.
- For business owners in the area, the new member packet deadline is February 10th. This is an opportunity to get flyers and promotional materials to introduce new residents to your businesses. If you are interested, drop off 50 of your item to the Therapeutic Rehab building on Coolidge.
- No updates for the Community Engagement Advisory /Technology Advisory committees. The next meeting is February 15th from 6:30–7:30 p.m. at the Berkley Public Safety Building.
- Wished good luck to the Anderson Middle School girls volleyball team.

COUNCILMEMBER DOOLEY:

- Congratulated Councilmember Patterson and Deputy City Clerk Patterson. He welcomed them aboard.
- Nothing more to report, wished everyone a great week.

COUNCILMEMBER PATTERSON:

- Planning Commission (PC) met on January 24th, two of the ordinances the Commission worked on were presented tonight. There was also a discussion on outdoor seating.
- An open house on parking was held on January 31st at Berkley High School. It was a nice night.
- The next meeting will be a work session between the PC and City Council on February 28th to discuss parklets.
- Thanked City Manager Matt Baumgarten for training and stated that he is scheduled to attend his first virtual elected officials academy through the Michigan Municipal League.
- Thanked Councilmember Hennen for the Academy information and efforts in getting him up to speed quickly.

COUNCILMEMBER HENNEN:

- Welcomed Councilmember Patterson.
- Zoning Board of Appeals had no cases to hear in January and none are scheduled for February.
- In its January meeting, the Tree Board made plans for 2023 initiatives that includes increasing community education and outreach and continuing to find more ways to get more trees into the city.
- Next meeting is on Monday, February 27th at 7 p.m.
- Reminded the people at home that visitors are always welcome to attend board and commission meetings.

COUNCILMEMBER BAKER:

- Welcomed Councilmember Patterson and Deputy City Clerk Patterson and stated that she is a vibrant member of the Historical Committee as well.
- DDA Board meets on Wednesday, February 8th at 8:30 a.m. Topics from the most recent meeting on January 11th included a draft budget for the upcoming fiscal year, downtown promotional events strategy, parking study progress (survey has gone out), Coolidge complete streets and crosswalks action, Robina north conceptual design, the art space at Coolidge and Catalpa, strategic approaches to enhancing the mural program, and more. Stay tuned for a monthlong leprechaun scavenger hunt in March, as well as a Leprechaun's Day Out from March 16–19th. For more information, please visit downtownberkley.com.
- The Historical Committee meets Tuesday, February 21st at 7 p.m. Members continue to prepare for the upcoming 100th anniversary of Berkley becoming a village. The January meeting was cancelled, so the size and location of the time capsule will be determined at the next meeting. New to the museum is a phone booth that was originally in Pattengill in the 50s before being removed in the 1970s. The Historical Committee would like to extend its gratitude to Judy Berry for the gift as well as the DPW for their assistance. Work is under way for historic plaques for both Pattengill and Angell schools. Visitors are always welcome; the museum is open Wednesdays from 10 a.m.–1 p.m. and Sundays from 2 p.m.–4 p.m. More information is available at berkleyhistory.com.
- Stated that he wanted to highlight an important topic in light of Black History Month and shared a quote from the book "Sundown Towns." "For decades, sundown towns kept out African Americans. Some excluded other groups, such as Mexican-Americans, Native Americans, Asian Americans, Jews, even Catholics and Mormons. They were called sundown towns because some, in past decades, placed signs at their city limits, typically saying some version of 'N-word don't let the sun go down on you in this town.'" Councilmember Baker said the dangers were great, and that awareness should be raised because there were more than 10,000 documented sundown towns in America and over 100 in Michigan including Royal Oak, Troy, Lathrup Village, Birmingham and so many others. He said Berkley has its own history of racial discrimination; the museum has full page ads printed in the paper promoting homeownership in our city declaring the city to be for whites only. He stated that Berkley has come a long way, but wanted to highlight the opportunities for learning and progress both on an individual and institutional level.
- Asked people to please hug someone they love, folks need that and you will feel better too.

CITY MANAGER BAUMGARTEN:

- For those following Berkley by email, you saw that on January 31st we had the first water main break of the year. Despite the temperature being 6 degrees, DPW workers were able to make the necessary repairs despite being blistered by cold weather. Stated this is a microcosm of the level of service we provide here and what city employees do, and thanked them each for their hard work. He stated there was another water main break that day. Stated it is not all that more pleasant making repairs in 40 degrees.

CITY ATTORNEY CHRIST:

- No report.

MAYOR DEAN:

- Welcomed Councilmember Patterson and Deputy City Clerk Rachel Patterson, stated that she's happy to have them with us in moving the city forward together.
- There are two surveys regarding parking open until February 24th. Links are available on the City's website.
- Urged voters to educate themselves regarding the millage vote in May by going to the city's website and clicking on the 2023 millage link. Stated that the information posted will be updated continuously and includes a calculator where you can see the exact cost for your household based on your address. Reiterated that voters should educate themselves using the city website, not social media or hearsay.

- Citizen's group is forming to help bridge the gap between information and advocacy, please email any councilmember or council@berkleymich.net for more information.
- Expressed how much fun she and her grandson had at Winterfest, stated that her favorite part of the event was the community and seeing more than 1,300 people out in the sun. Thanked Parks & Rec and especially Amanda in spearheading the event and making it the success it was.

ADJOURNMENT:

Councilmember Baker moved to adjourn the Regular Meeting at 8:22 p.m.

Seconded by Councilmember Hennen

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

Nays: None

Motion Approved.

Bridget Dean, Mayor

ATTEST:

Victoria Mitchell, City Clerk