

**THE REGULAR MEETING OF THE THIRTY-NINTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN
WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, JULY 17, 2023 BY MAYOR DEAN**

PRESENT: Councilmember Steve Baker
Councilmember Mike Dooley
Mayor Bridget Dean

Mayor Pro Tem Ross Gavin
Councilmember Dennis Hennen

ABSENT: Councilmember Gregory Patterson
Councilmember Jessica Vilani

OTHER STAFF PRESENT:

City Manager Matt Baumgarten
City Attorney John Staran
City Clerk Victoria Mitchell
Public Safety Director Matthew Koehn
Public Safety Sgt. David Arney
Facilities Manager Alex Brown

APPROVAL OF AGENDA

Councilmember Baker moved to approve the Agenda
Seconded by Councilmember Hennen
Ayes: Dooley, Gavin, Hennen, Baker and Dean
Nays: Patterson, Vilani
Motion Approved.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT:

Charles Tyrrell, Berkley, regarding R-12-23 Section 4, commercial accounts or industrial businesses will be billed for solid waste removal and disposal a weekly fee of \$41.05 for a grand total of over \$2100. Businesses received a letter from the City discussing dumpsters which stated that if you need a larger dumpster, you must contact the independent hauler of your choosing. The commercial rate will still apply even if the business does not use Tringali. He said the city is now a sales agent for Tringali. Charles said this is a tax; we did not vote for this. He said he is aghast this happened; he watched the video a couple of times. He said this is a tax and you cannot do this without a vote. He wants to know when this onerous tax will be off of the businesses. He said he talked to businesses and two yards is nothing, they have a lot more than that. One business owner has an eight-yard dumpster that's dumped three to four times a week; another has two ten-yards each of which is dumped at least twice a week. Asked what's it going to take to take this tax off of the rolls and not bill our commercial businesses in Berkley.

Gayle Sokolsky, Berkley, she was disappointed that the millage didn't go through for the chipper service. She would like to vote again for the millage with verbiage that is clearer so we can get the chipper service back.

Greg Dross, Berkley, he said the more he learns about Berkley finances the more he dislikes what he sees. He discussed the deficit, reductions in the general fund and projected amounts. He talked about the shortages and then a possible surplus next year and then another deficit. Nice vs. Necessary. He said Berkley needs to stop spending money on things that are not necessary. He discussed what was discussed two budget sessions ago. He said EV charges and new playground equipment was discussed. He said later that year we approved funding for \$500k plus. Was this over budget? He said he is not opposed to EV chargers, but he doesn't think they are necessary. He said he is not against playground equipment, but it

is not a necessary expense. He said he's not clear how our priorities are being set. Asked if each councilmember is up to making course corrections to solve the historical financial problems we have and if not why are they on Council and why are they running if up for re-election.

City Clerk Mitchell read the following Emails into the record:

Paul Jordan, Berkley, on July 9th stated he observed about 20 bags of yard waste that was not picked up due to lack of tags. He stated this is visual confirmation the yard waste policy changes were poorly communicated and implemented and took effect too quickly. He proposes the city temporarily resumes pick-up and gives a 30-day notice.

Paul Jordan, Berkley, on July 15th suggested perhaps an announcement of the bag-tag requirement could be posted on the Marquee and Community Center signs. He noted some bags on Catalpa had orange stickers without an explanation of why they weren't collected. He stated perhaps code enforcement could include an explanation.

State Rep. Natalie Price, State Rep. Regina Weiss, and Sen. Mallory McMorrow expressed their support of Berkley City Council's efforts to pass a humane pet store ordinance which would prohibit the sale of commercially bred dogs in pet stores. They stated humane pet store laws provide essential protections to our communities while encouraging pet acquisition from ethical sources like shelters, rescues, and responsible breeders.

CONSENT AGENDA:

Mayor Pro Tem Gavin moved to approve the following Consent Agenda
Seconded by Councilmember Dooley:

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 39th Regular City Council meeting on Monday, June 19, 2023.

WARRANT: Matter of approving Warrant No. 1388.

MOTION NO. M-48-23: Matter of authorizing the Mayor to execute an agreement with Oakland County to provide Animal Care services for the City of Berkley, effective October 1, 2023 through September 30, 2025.

MOTION NO. M-49-23: Matter of approving Berkley's official vote for a slate of candidates to serve as Trustees on the Board of Trustees for the MML Workers' Compensation Fund and directing the City Clerk to send in the marked ballot.

Ayes: Gavin, Hennen, Baker, Dooley and Dean

Nays: None

Absent: Patterson, Vilani

Motion Approved.

REGULAR AGENDA:

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

MOTION NO. M-50-23: Matter of approving the purchase of two 2024 Ford Police Interceptor Utility AWD marked police vehicles for \$100,070 (\$50,035 each) for the Department of Public Safety from

Lunghamer Ford, 1960 East Main Street, Owosso, MI 48867 from the Vehicles Account 101-345-985-000.

Councilmember Hennen moved to approve Motion No. M-50-23

Seconded by Mayor Pro Tem Gavin

Ayes: Hennen, Baker, Dooley, Gavin and Dean

Nays: None

Absent: Patterson, Vilani

Motion Approved.

MOTION NO. M-51-23: Matter of approving the Mayor and City Manager to enter into an Intergovernmental Agreement for a Public Safety-School Resource Officer Program between the City of Berkley and the Berkley School District.

Mayor Pro Tem Gavin moved to approve Motion No. M-51-23

Seconded by Councilmember Dooley

Ayes: Baker, Dooley, Gavin, Hennen and Dean

Nays: None

Absent: Patterson, Vilani

Motion Approved.

RESOLUTION NO. R-17-23: Matter of considering a Resolution of the City Council of the City of Berkley, Michigan supporting a statewide prohibition on the sale of dogs and cats in pet stores.

Councilmember Baker moved to approve Resolution No. R-17-23

Seconded by Councilmember Hennen

Ayes: Dooley, Gavin, Hennen, Baker and Dean

Nays: None

Absent: Patterson, Vilani,

Motion Approved.

ORDINANCE NO. O-09-23: Matter of approving the First Reading of an Ordinance of the City Council of the City of Berkley, Michigan to Add Article V, Retail Pet Store Sales, in Chapter 2, Animals, of the Berkley City Code to Prohibit Retail Pet Stores in the City from Selling Dogs, Cats, or Rabbits.

Councilmember Hennen moved to approve Ordinance No. O-09-23

Seconded by Councilmember Dooley

Ayes: Gavin, Hennen, Dooley and Dean

Nays: Baker

Absent: Patterson, Vilani

Motion Approved.

MOTION NO. M-52-23: Matter of postponing the approval of the continuing partnership with DG Energy Company LLC, 42690 Woodward Ave., Suite 360, Bloomfield Hills, MI 48304 to retrieve more information including discussed costs involved with the project. The approval would authorize providing and installing one (1) EV charger at Oxford Park, at a cost not to exceed \$33,335. Funds for this expenditure would come from account 101-265-971-150.

Councilmember Hennen moved to approve Motion No. M-52-23

Seconded by Councilmember Dooley

Ayes: Hennen, Dooley, Gavin and Dean

Nays: Baker

Absent: Patterson, Vilani

Motion Approved.

COMMUNICATIONS

COUNCILMEMBER BAKER

- Hopes that everyone had a safe, fun July 4th weekend.

- Downtown Development Authority met on Wednesday, July 12th. Congratulated and thanked the volunteers, organizers, participants, vendors and patrons of the Berkley Pride Block Party.
- Said hooray to the three organizations, the Downtown Development Authority, the City of Berkley and the Berkley School District for their terrific partnership in the Art Space Plaza grand opening, which was on Coolidge just south of Catalpa.
- Berkley Outdoor Social Scene (BOSS) has been approved by the state, work is continuing to gain each participating business's state approval. Appropriate signage will be placed so that folks understand where the social district begins and ends and what the rules of the road are.
- Bombshell Treat Bar is a new business coming in at Coolidge and Dorothea, former site of Sugar Kisses and Peg & Dot's. They have received a façade grant, which entitles them to receive funding for a portion of their façade improvements.
- Downtown Farmers Market is every Thursday from 9 am – 3pm, from June 1st to October 26th. Visit downtownberkley.com for more information.
- Berkley Historical Committee met on Tuesday, July 11th. Custom home plaques that designate the year in which your home was built are now available in honor of the 100th anniversary of the Village of Berkley. Fill out an order form and return with payment in order to receive yours. Berkley is one of the densest kit-home communities in the region and coming up this fall will be a tour of many of those homes. Homeowners have agreed to open up their homes and show visitors around; many of the blueprints and photos of these kit homes are available in the museum. The tour will be on September 30th from 11 am – 5 pm. More information will be coming as we get closer to that date. A historical marker outside the museum will be dedicated on October 14th to commemorate Berkley's 100th anniversary. October 8, 1923 was the first day that the Village of Berkley officially conducted business. The Berkley Historical Museum is open on Wednesdays from 10am – 1pm and Sundays 2-4pm. For more information visit berkleyhistory.com.
- It was Anne Hood who once said, "I have learned that there is more power in a good strong hug than in a thousand meaningful words". Today is global Hug Your Kids Day, which celebrates the bond between parents and children. Do what you can to hug your kids or someone else that you love.

COUNCILMEMBER HENNEN

- Recently spoke with a couple using the EV chargers at the library, shared their reasons for charging in Berkley.
- The Tree Board next meets in September but they haven't been idle. The chair Kathy Carlis along with some other members have been working with the Berkley area slow roll group to prepare three tours to see some of our diverse tree species in the city. The slow roll group meets on Mondays and they take leisurely bike rides around the city; it's for riders of all ages and all abilities. The three specific tree tours that they're looking at are on Monday, July 24th, Monday, July 31st and Monday August 7th all starting at 6 pm at the library. It's expected to last about an hour and each one of the tours will take a different route to look at different tree species that we have throughout the city.
- The Zoning Board Of Appeals met and considered a mural to be installed at the Butter marihuana dispensary on 11 Mile between Berkley and Henley and that was approved. The next meeting will be on August 15th where a dimensional variance for a lot split will be considered.
- The next Talk With Dennis event will be tomorrow, Tuesday the 18th from 6-8 pm at the library. Come by at any time, ask any questions or share any concerns that you have.
- Asked for a status update from the City Manager on the yard waste program flyers that were mailed to every house.

COUNCILMEMBER DOOLEY

- Library Board meets Wednesday, July 19th at 7pm, open to everyone.
- Planning Commission did not meet last month, their next meeting is the 25th at 7pm here in Council chambers.
- Thanked everyone and wished them a great week.

MAYOR PRO TEM GAVIN

- Environmental Advisory Committee's next meeting will be August 15th at 6:30pm in the Public Safety building. There will be no July meeting, the next meeting will be on August 15th.
- The next meeting of the Parks & Recreation Advisory Board is August 10th at 7pm.

CITY MANAGER MATT BAUMGARTEN

- Read a prepared statement regarding the City's procurement policy.

CITY ATTORNEY DAN CHRIST

- No updates.
- Said that it's nice to be back; it's good to see and be seen again.

MAYOR DEAN

- Thanked the Chamber for putting on another successful Chalk Art Fest despite the uncooperative weather. Fingers crossed that there's no rain next year.
- The Art Space dedication was also on Saturday; said that it was nice to see the long-awaited project came to fruition. It fulfills a DDA master plan recommendation that calls for more gathering spaces in our downtown; the location of this not only benefits Berkley High School but all the businesses on Coolidge. People are able to gather, visit, grab something to eat and hang out there. What's really special about the plaza is that it's filled with artwork from current and past Berkley High School students including the bronze statue is by artist Austin Brantley who is a Berkley High School graduate.
- Jaycee Park is open and ready for play; expressed her gratitude to Director McArleton and her staff for their successful crowdfunding efforts to replace park equipment that was so outdated it would not have passed today's safety standards. The park now has new safe equipment that allows children of all ages and abilities to play.

ADJOURNMENT:

Councilmember Hennen moved to adjourn the Regular Meeting at 8:39 p.m.

Seconded by Councilmember Dooley

Ayes: Dooley, Gavin, Hennen, Baker and Dean

Nays: None

Absent: Patterson, Vilani

Motion: Approved.

Bridget Dean, Mayor

ATTEST:

Victoria Mitchell, City Clerk