

CITY OF BERLIN COMMITTEE OF THE WHOLE MEETING MINUTES
TUESDAY, FEBRUARY 7, 2023 7:00 PM
COMMON COUNCIL CHAMBERS

Mayor Bruessel called the Committee of the Whole meeting to order at 7:00 p.m. Present: Ald Boeck, Burgess, Erdmann, Nigbor and Stobbe. Dretske not present. Staff present: Sara Rutkowski, Midge Seaman, Scott Zabel, Tim Ludolph, Matt Chier and Chief Brian Pulvermacher.

Burgess made a motion to seat Dretske who joined virtually, Stobbe seconded the motion, which passed on a voice vote.

The Mayor mentioned there were two Public Speakers and they requested to speak at the time of the downtown parking discussion.

The Mayor asked for a motion to approve the Minutes from the January 3, 2023 Committee of the Whole meeting. Nigbor made a motion to approve the minutes and Stobbe seconded the motion which passed on a voice vote.

The 5th item on the Agenda was a Safeguard Property update provided by City Administrator Sara Rutkowski. There was a discussion on whether council's desire was to continue with soil boring and pay for it out of the TID money or the other option was to apply for closing the site investigations for the time being. Dretske, Erdmann and Nigbor agreed it would be better to close the investigation at this time. Erdmann made a motion to recommend to Common Council to begin proceedings to close the site to any further investigation at this time. Nigbor seconded and it passed on a voice vote.

#6 on the Agenda is a Parking request from Farmer's & Merchant's bank to add a handicap parking spot on Pearl Street near the corner of W. Huron and N. Pearl Street. After discussion on what location would be the most suitable location for the parking spot, Burgess made a motion to recommend to Common Council to add a handicap spot on N. Pearl or W. Huron St, wherever is more feasible. Nigbor seconded the motion, which passed on a voice vote.

#7 is a parking request from Tbird Aircraft LLC. The Mayor invited Matt Schubat, 217 Broadway to the Microphone. Schubat requested a 15-minute parking spot be added to the Broadway St. Location in front of the businesses. He suggested the end spot become a Handicap spot and the one immediately in front of that spot become a 15-minute spot for the businesses in the area require customer pickup. Schubat ended up making a couple other suggestions on where parking could be added near his business.

The Mayor called up the other public participant to the podium. Bob Schrei, 227 Broadway, owner of the Pet Puddle. Schrei stated Parking is turning into an issue citing customer safety and the 2-hour parking not being enforced, mimicking what Schubat stated earlier. The Committee agreed they should give staff more time to look into what would work and what would not work and come back to Council with their findings.

Next on the Agenda was the Delta 8/Vaping Device Ordinance. At a previous meeting the Committee directed Attorney Chier to research two different possible ordinances. First Chier spoke on the Nicotine and vaping concern. The consensus is municipalities do not have the authority to increase the possession of tobacco or nicotine products to age 21. Chier stated several reasons he felt passing such

an ordinance would not stand up if challenged. Chier did state that we could take the route the City of Racine did. Next regarding the Delta 8 issue, Chier stated there is a lot of conflicting thoughts on whether it is legal or illegal. Discussion continued with Attorney Chier explaining the difficulties of Delta 8 variants and what was legal vs illegal and how it is not clear, making it difficult for municipalities to pass any ordinances concerning it. Burgess made a motion to recommend having Attorney Chier to draft an ordinance, basically copying Racine's ordinance making Vaping Devices illegal under the age of 18 and bring it back to Council. Stobbe seconded the motion which passed on a voice vote.

Next was the Sirrell property at 123 E Park Avenue. The Sirrell's were asked to speak on this subject. Tami Sirrell, 123 E Park Avenue. Rutkowski stated it was the old Senior Center converted from a church and renovated for a dance studio, there are things that need to be repaired, it is an old building with issues. Burgess questioned if there was an accepted offer and how far along it was in the process. Tami's daughter was present and would be the individual making the offer to purchase. Burgess asked what the timeline was for buying and the answer was, immediate. The repairs would be made after purchase.

Next the Mayor stated it would be necessary to convene into closed session pursuant to Wisconsin Statue §19.85(1)(c) to deliberate or negotiate the purchase of public properties, the investing of public funds, or conducting other specified business, whenever competitive or bargaining reasons require a closed session. (Sirrell Property Discussion). Erdmann made a motion to move into closed session. Nigbor seconded the motion. A Roll Call vote resulted in five (5) ayes and one (1) absent (Dretske).

Discussion continued in Closed Session.

Erdmann made a motion to convene into open session. Second by Nigbor and motion carried via voice vote. Burgess made a motion to adjourn, second by Dretske and motion carried via voice vote.

Midge Seaman, Deputy Clerk