

CITY OF BERKLEY PUBLIC NOTICE
RESCHEDULED REGULAR CITY COUNCIL MEETING
Tuesday, January 18, 2022
7:00 P.M. – City Hall
248-658-3300

CALL 39th COUNCIL TO ORDER
APPROVAL OF AGENDA
INVOCATION – PASTOR ADAM GROH
PLEDGE OF ALLEGIANCE
PUBLIC COMMENT
ORDER OF BUSINESS

Consent Agenda

1. **APPROVAL OF THE MINUTES:** Matter of [approving the minutes](#) of the 39th Regular City Council meeting on Monday, December 20, 2021 and the Special City Council Meeting on January 10, 2022.
2. **WARRANT:** Matter of [approving Warrant](#) No. 1370.

Regular Agenda

1. **RECOGNITIONS/PRESENTATIONS:** Matter of any recognitions or presentations from the Consent Agenda.
2. **MOTION NO. M-01-22:** Matter of [approving a Downtown Development Authority \(DDA\) event](#) “Frozen February Block Party” on Robina between Twelve Mile Road and the alley on Saturday, February 12, 2022 from 12 PM to 4 PM. Approval is conditional upon the submission of required items and documents prior to the event dates.
3. **MOTION NO. M-02-22:** Matter of [authorizing the purchase and install](#) of new toddler play equipment, shades, and picnic tables at Oxford Park at a cost not to exceed \$139,813.04 from MidStates Recreation, 1279 Hazelton-Etna Road SW, Pataskala, OH 43062. Funds for this expenditure will come from account 615-950-974-000.
4. **MOTION NO. M-03-22:** Matter of [authorizing the City Manager to sign the Application](#) for Additional Service Credit Purchase for seven MAPE employees approving the purchases of two years of generic additional service credit through the MERS Retirement System. The employees will be responsible for paying their portion of the service purchase cost which totals \$34,987. This purchase is allowed by the MERS Plan Document and the MAPE Contract Agreement dated 7/1/2021 through 6/30/2024 and the MERS Plan Document for active members. The total City of Berkley portion of the cost is \$160,760.
5. **RESOLUTION NO. R-01-22:** Matter of [approving the Resolution for the Deficit Elimination Plan](#) for the Sidewalk Fund as of 6-30-2021 and to authorize the Finance Director to sign the Certified Resolution and include it with the other required documents to submit to the Michigan Department of Treasury for review and approval.
6. **MOTION NO. M-04-22–MOTION NO. M-23-22:** Matter of [considering and deciding](#) marihuana business license application appeals for the following:
 - a. Application file no. PMA20-0002 Bud McCool, Inc. (9/16/21 and 12/10/21) appeals.
 - b. Application file no. PMA20-0003 Operation Grow, LLC.
 - c. Application file no. PMA20-0005 BDE Warren, LLC.
 - d. Application file no. PMA20-0006 PGB Enterprises, LLC.
 - e. Application file no. PMA20-0007 Yellow Tail Ventures (11 Mile).
 - f. Application file no. PMA20-0009 Yellow Tail Ventures (Woodward).
 - g. Application file no. PMA20-0010 Attitude Wellness.
 - h. Application file no. PMA20-0011 Green Bronco III, LLC.
 - i. Application file no. PMA20-0013 FPAW Michigan, LLC dba Michigan Supply and Provisions.
 - j. Application file no. PMA20-0014 Berkley Herbal Center, LLC.

- k. Application file no. PMA20-0017 123 Ventures, LLC.
- l. Application file no. PMA20-0018 GS Bay City, LLC.
- m. Application file no. PMA20-0019 Pure Roots, LLC.
- n. Application file no. PMA20-0020 Pure Life Berkley, LLC.
- o. Application file no. PMA20-0022 Pure Life Berkley II, LLC.
- p. Application file no. PMA20-0024 3895 Euclid, LLC.
- q. Application file no. PMA20-0025 Berkley Corners PRV, LLC.
- r. Application file no. PMA20-0028 Warren Capital Holdings, LLC.
- s. Application file no. PMA20-0029 Seven Point Dispensing of Michigan, LLC.
- t. Application file no. PMA20-0031 Oak Flint, LLC.

COMMUNICATIONS

ADJOURN

Note: The City of Berkley will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon four working days notice to the City. Individuals with disabilities requiring auxiliary aids or services should contact the City by writing or calling: Victoria Mitchell, ADA Contact, Berkley City Hall, 3338 Coolidge Highway, Berkley, MI 48072 (1-248-658-3310).

Note: Official minutes of City Council Meetings and supporting documents for Council packets are available for public review in the City Clerk's Office during normal working hours. Anyone wishing to submit correspondence for the meeting may send an email to clerk@berkleymich.net or call 248-658-3310 by 5 p.m. on the day of the meeting.

**THE REGULAR MEETING OF THE THIRTY-NINTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN
WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, DECEMBER 20, 2021 BY MAYOR TERBRACK**

PRESENT: Bridget Dean Ross Gavin
 Dennis Hennen Natalie Price
 Jessica Vilani Daniel Terbrack

ABSENT: Steve Baker

APPROVAL OF AGENDA

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

INVOCATION: Pastor Zack Dunlap

PUBLIC COMMENT

Twenty-seventh District State Rep. Regina Weiss introduced herself as this was her first in-person meeting. She provided an update and asked if anyone had any questions. She said she serves on the Appropriations Committee; as the minority vice-chair for the Subcommittee for School Aid and the Department of Education; and serves on the Subcommittees for Environment, Great Lakes and Energy, Licensing and Regulatory Affairs, and for Insurance and Financial Services. She said she is the secretary of the Legislative Labor Caucus. She said she also serves as a member of the Gun Violence Prevention Caucus. She recognized this has been a rough year and a rough time in this area, especially with the recent shooting at Oxford High School. She said through the Gun Violence Prevention Caucus, they have introduced more than 30 pieces of legislation. She introduced House Bill 4871 that would ensure a universal background check for firearms purchases along with other pieces of legislation regarding red-flag laws and safe storage. She said all of the bills introduced are sitting with various committees and as of yet, have not had any hearings. She also provided a budget update. She highlighted the 2022 budget provides for historic investments in child care and as well as fully funds the Michigan Reconnect and Future for Frontliners Programs. She said the budget provides new investments in drinking water and contaminated site cleanup. She said the budget also funds lead service line replacements, community revitalization grants, investments in infrastructure and local bridge projects, a wage increase for direct care workers, and increased revenue sharing by 2 percent. She said revenue sharing has been cut through the years so she knows that the City would like more. She said other budget highlights include support for senior facilities and senior care options; investments in safety by funding local and state first responders; billions of dollars for mortgage assistance programs; and funding for the Clean Slate Program to help individuals expunge their records in order to have a better chance at future employment and education. She said there are also new healthcare disparity initiatives and expansions in Medicaid funding for diseases such as sickle cell. She said for the first time ever the funding gap closed between the least funded and most funded K-12 districts. She said the budget includes increases in per-pupil funding. She said she looks forward to working on the 2023 budget. She said she met with City Manager Matt Baumgarten to elevate some of Berkley's funding needs. She said there have been various proposals to spend federal money such as a climate resiliency plan for infrastructure along with teacher and public safety recruitment and retention. She said the most critical suggestion is to make sure the hospitals have what they need as they face the worst part of the pandemic. She provided her email address, reginaweiss@house.mi.gov; her phone number, 855-737-8488; and her website, Weiss.housedems.com. She said residents may sign up for email alerts.

Councilmember Price thanked State Rep. Weiss especially as a former councilmember and teacher/educator.

Mayor Terbrack thanked State Rep. Weiss for coming.

Downtown Development Authority Executive Director Mike McGuinness thanked City Council and the Berkley community for supporting the downtown. He said a lot of the businesses are counting on this time of year for sales so they can maintain their businesses throughout the year. He said they have a lot of wins to celebrate including more grand openings. He said residents really rally around the businesses to invest and choose Berkley as home. He encouraged everyone during the final shopping days of the Holiday Season to do what they can to either support or promote the businesses in the downtown area. He said they are hearing media coverage and a lot of positive feedback turning into actual sales for the businesses. He stated that Thursday, December 23rd is the final Merri and Bright Shopping Night and the Merry Fairies Scavenger Hunt is still going on which is a remote, family-friendly activity. He thanked everyone and said that by shopping local, there are a lot less supply chain or delivery issues.

City Clerk Victoria Mitchell read into the record the following synopsis of an email that was received:

Joel Ulferts, Berkley, stated he is looking for a response to correspondence sent earlier this month to one of our consultants asking for a "schedule for road improvements." He said his street was on the Phase 2 list for completion in late fall.

Consent Agenda

Councilmember Price moved to approve the following Consent Agenda, seconded by Mayor Pro Tem Dean:

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 39th Regular City Council meeting on Monday, December 6, 2021.

WARRANT: Matter of approving Warrant No. 1369.

Ayes: Gavin, Hennen, Price, Vilani, Dean, and Terbrack
Nays: None
Absent: Baker
Motion Approved.

Regular Agenda

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

MOTION NO. M-77-21: Motion to approve the appointment to various boards and commissions.
Councilmember Hennen moved to approve Motion No. M-77-21
Seconded by Mayor Pro Tem Dean
Ayes: Hennen, Price, Vilani, Dean, Gavin, and Terbrack
Nays: None
Absent: Baker
Motion Approved.

MOTION NO. M-78-21: Matter of considering an update to Berkley's Merit System of Human Resource Management.
Councilmember Vilani moved to approve Motion No. M-78-21

Seconded by Councilmember Gavin
Ayes: Price, Vilani, Dean, Gavin, Hennen and Terbrack
Nays: None
Absent: Baker
Motion Approved.

MOTION NO. M-79-21: Matter of considering participation in the National Opioid Settlement and authorize the City Manager to sign the Participation Agreements on the City's behalf.

Councilmember Hennen moved to approve Motion No. M-79-21

Seconded by Mayor Pro Tem Dean

Ayes: Vilani, Dean, Gavin, Hennen, Price and Terbrack

Nays: None

Absent: Baker

Motion Approved.

COMMUNICATIONS

MAYOR PRO TEM DEAN: announced some updates for the Parks and Recreation Department. She said they are offering a vacation camp starting the week of December 20th through December 30th and registration is still open. She mentioned there is a lighted archway near the Community Center that anyone can take a stroll through. She said the new play equipment for Community Park should be installed by the end of the week. Mayor Pro Tem Dean wished everyone a Merry Christmas and happy holidays.

COUNCILMEMBER GAVIN: stated the Planning Commission meeting scheduled for December 21st has been cancelled. He said the next Planning Commission meeting will be Tuesday, January 25, 2022 at 7 p.m. in the Council Chambers. He stated the Environmental Advisory Committee has its next meeting on Thursday, January 20, 2022 at 6:30 p.m. in the second floor conference room of the public safety building. Councilmember Gavin wished everyone a wonderful holiday, Merry Christmas, and Happy New Year.

COUNCILMEMBER VILANI: mentioned the Merry Fairies Scavenger Hunt offered by the Downtown Development Authority. She thanked all of the volunteers and the people who lead the Berkley Community Food Pantry. She said they were giving out their regular donations as well as the holiday food boxes that helped more than 26 families. She talked about how her family enjoyed helping to put the boxes together. She reiterated her thanks for all the hard work by the food pantry volunteers and said how the food boxes will help out many families this year.

COUNCILMEMBER PRICE: extended a thank you to all City staff members who are wrapping up another year during a global pandemic. She said some things have changed since this time last year. She talked about how now everyone is eligible to receive the COVID vaccine, public buildings are open, and many people are working in person. She said that thanks to the CARES Act and the American Rescue Plan Act, we don't have the same fears for the City's budget as we did this time last year. She mentioned how COVID cases have not fallen and the weaknesses in the health care system are now more apparent than ever. She said she is grateful for all the work the City staff has done this year that has involved more than their job descriptions. She wished the state of the world did not require staff members to have done so. She said that her holiday wish is for everyone to have genuine restorative peace. She wished everyone to have rest that is needed so that everyone and the City will be stronger for it. Councilmember Price wished everyone a happy, restful holiday break.

COUNCILMEMBER HENNEN: stated that there was nothing new from the Tree Board. He said at the last Zoning Boards of Appeals (ZBA) meeting, there was a case regarding a duplex that was grandfathered in but had allowed its status to lapse. He said the City does have an ordinance that only allows a six-month time limit for its status to lapse, but the restriction is not consistent with case law so it was allowed to be a duplex again. He mentioned this is something that will need to be revisited in the zoning ordinances. He said the next ZBA meeting will be on Tuesday, January 11th at 7 p.m. Councilmember Hennen provided a city vaccination update. He said that as of November 8th, 83 percent of Berkley adults have had a first dose. He said that is a 2 percent increase from the previous month.

COUNCILMEMBER BAKER: *provided a prerecorded update.* He quoted Ginger Rogers, "Looking back at my life's voyage, I can only say that it has been a golden trip." He said the Historical Committee had a historic year by celebrating its 30th anniversary, scanning hundreds of documents, introducing another holiday ornament, hosting countless visitors, and accepting credit cards. He thanked the Committee volunteers and city staff. He said the Downtown Development Authority (DDA) had a tremendous developing year and mentioned the great progress on wayfinding signs. He said they thanked outgoing Executive Director Jennifer Finney and welcomed the City's new Executive Director, Mike McGuinness. He talked about how the City had its first Boo!kley events during October and the current Merri Month events for December. He thanked the DDA board, volunteers of the subcommittees, and city staff for keeping the downtown vibrant. Councilmember Baker reminded everyone that downtown has free parking and they should visit to do some last-minute shopping or to walk around. He wished everyone happy holidays and to stay safe.

CITY MANAGER BAUMGARTEN: thanked City Council and Councilmember Price's kind words for staff. He said it has been a trying two years and we could not have done it without the support and flexibility of City Council. He said he sincerely hopes this will be the last year we will have to thank City Council for extraneous circumstances. He said since it is the last meeting of 2021, he wanted to mention that next year the options to watch meetings will be to attend inside City Hall, the city's cable channel, and via livestream. He noted the City will not be offering hybrid meetings any longer. He said he would have liked to see more people take advantage of that opportunity, but there are still other ways to participate. He said he is hopeful about the changes coming in 2022.

CITY CLERK MITCHELL: echoed the words of thanks and wanted to wish everyone a happy holiday and healthy new year.

ATTORNEY STARAN: said he was reflecting on everyone's comments. He said that it seems only a year ago that he couldn't wait for 2020 to end and now he is waiting for 2021 to end. He wished everyone a merry, safe, and healthy Christmas and he hopes for bigger and better things for 2022.

MAYOR TERBRACK: said that 2021 wasn't worse, but it wasn't a whole lot better either. He mentioned the virus continues to find new ways to disrupt normalcy. He said on a positive side, we persevered through 2020 and 2021 and will continue to do so in 2022. He wanted to make sure we maintain the business of the City and high-quality services even if they look a little different. He wished everyone a Merry Christmas, a Happy New Year, and safety this holiday season. He said we will see everyone sometime in January. He mentioned that if the University of Michigan wins on December 31st, the City Council meeting on January 10th will most likely be rescheduled. Mayor Terbrack wished everyone a Merry Christmas and Happy New Year once again and said he will see everyone in 2022.

ADJOURNMENT

Councilmember Vilani moved to adjourn the Regular Meeting at 7:46 p.m.

Seconded by Councilmember Price

Ayes: Dean, Gavin, Hennen, Price, Vilani, and Terbrack

Nays: None

Absent: Baker

Motion Approved.



CITY OF BERKLEY
 CHECK WARRANT
 #1370
 DECEMBER 2021

Check Date	Check	Vendor Name	Description	Amount	Voided?
12/02/2021	62378				V
12/09/2021	62519	DURST LUMBER CO	MISC. ITEMS	355.45	
12/09/2021	62520	HENRY FORD @ WORK	PRE-EMPLOYMENT EXAMS FOR MERZ & SIDEN	96.00	
12/09/2021	62521	MISDU	CHILD SUPPORT CASE NO. 913340822 - PR #2	82.99	
			CHILD SUPPORT CASE NO. 913286400 - PR #2	128.05	
			CHILD SUPPORT CASE NO. 913488854 - PR #2	64.14	
				275.18	
12/09/2021	62522	NATIONWIDE RETIREMENT SOLUTIONS	EMPL. DEDUCT. (NATIONWIDE 457) - PR #25	5,243.79	
			EMPL. DEDUCT. (ROTH) - PR #25	1,367.45	
				6,611.24	
12/09/2021	62523	PRINTING SYSTEMS	AV POSTCARDS	1,085.90	
			AV BALLOT SECRECY ENVELOPES (NONPARTISAN)	659.36	
			AV BALLOT ENVELOPES	761.72	
			ELECTION FORMS	111.50	
			#9 ENVELOPES RETURN/STATIONARY	580.08	
			WINDOW ENVELOPES STATIONARY	971.02	
				4,169.58	
12/09/2021	62524	ROBERT H. BEATTY JR.	TRAVEL REQUEST FOR ALABAMA TRIP	676.30	
12/09/2021	62525	THE HARTFORD	DECEMBER 2021 PREMIUM FOR ACTIVES	6,022.46	
			DECEMBER 2021 PREMIUM FOR RETIREES	286.00	
				6,308.46	
12/09/2021	62526	VANTAGEPOINT TRNSFR AGENTS-107930	EE/ER CONTRIB. (401) - PR #25	570.77	
12/09/2021	62527	VANTAGEPOINT TRNSFR AGENTS-303792	EMPLOYEE DEDUCT. (ICMA 457) - PR #25	2,460.78	
			EMPLOYEE DEDUCT. - LOAN - PR #25	123.40	
				2,584.18	
12/09/2021	62528	VANTAGEPOINT TRNSFR AGENTS-706259	EMPLOYEE DEDUCT. (ICMA ROTH) - PR #25	205.00	
12/15/2021	62529	21ST CENTURY MEDIA - MICHIGAN	AD	190.06	
			CONTRACTUAL SERVICES	429.00	
			PUBLIC HEARING	156.14	
			CONTRACTUAL; SERVICES	54.92	
				830.12	
12/15/2021	62530	ACUITY SPECIALTY PRODUCTS, INC.	TUFF GREEN GARAGE	108.24	
12/15/2021	62531	ADKISON, NEED, ALLEN & RENTROP PLLC	MBL APPEAL HEARING OFFICER	150.00	
12/15/2021	62532	ALPHA PSYCHOLOGICAL SERVICES	NEW HIRE PSYCH. - LIAM S.	725.00	
12/15/2021	62533	AMAZON CAPITAL SERVICES	BOOT COVERS	91.98	
			SUPPLIES - RANGE	211.96	
			PUMP DISPENSER	9.99	
			EQUIP. - RANGE SUPPLIES	15.96	
			COMPUTER SPEAKERS	44.99	
			SURGE PROTECTORS	119.94	
			DATE STAMP	27.45	
			LETTER OPENER	82.05	
			WEBCAM	69.64	
				673.96	
12/15/2021	62534	AMCOMM TELECOMMUNICATIONS, INC.	MATERIALS FOR CONDUIT	2,668.05	
12/15/2021	62535	AMERICAN METAL ROOFS INC.	2413 CAMBRIDGE RD.	100.00	
12/15/2021	62536	ANTHONY RETKA	DDA EVENTS - MUSICIAN PERFORMANCE	100.00	
12/15/2021	62537	APPLIED IMAGING	DPW COPIER	2.11	

		FINANCE COPIER	7.25
			9.36
12/15/2021	62538	AT&T	ACCT. NO. 24854624000218 - 11/25/21 - 12
12/15/2021	62539	AT&T	FIBER INTERNET
12/15/2021	62540	AUDACY DETROIT	ADVERTISING MARKETING RADIO PROMO SPOTS
12/15/2021	62541	AUTO ONE OF OAKLAND	DETAIL UNIT #42
12/15/2021	62542	BCM HOME IMPROVEMENT	4151 CUMBERLAND RD.
12/15/2021	62543	BERKLEY HOLIDAY COMMITTEE	HOLIDAY LIGHTS PARADE SPONSORSHIP
12/15/2021	62544	BISON PLUMBING INC.	1780 BACON
			294.40
			500.00
			794.40
12/15/2021	62545	BLUE CROSS BLUE SHIELD OF MICH	NOVEMBER 2021 CLAIMS
12/15/2021	62546	BRENDEL'S SEPTIC TANK SERVICE, LLC	CONTRACTUAL SERVICES (2400 ROBINA)
12/15/2021	62547	BRILLANT SYSTEMS, LLC	CAM. SYS. INSTALL LABOR
12/15/2021	62548	BRODART CO.	BOOK JACKETS
12/15/2021	62549	CAMELOT CLEANERS	PRISONER BLANKETS - NOVEMBER
12/15/2021	62550	CARL BILLINGS	828 ELEVEN MILE RD.
12/15/2021	62551	CBTS	PHONE SYSTEM MAINTENANCE
12/15/2021	62552	CDW GOVERNMENT, INC.	PRINTER
12/15/2021	62553	CENTER LINE VETERINARY HOSPITAL	BEAR - NEUTER & DENTAL
12/15/2021	62554	CINTAS	DPW FIRST AID SUPPLIES
			62.74
			198.24
			70.15
			331.13
12/15/2021	62555	CMV LANDSCAPE & EQUIPMENT COMPANY	3626 PRAIRIE CONCRETE ROAD REPAIR
			6,161.25
			6,228.75
			5,473.00
			17,863.00
12/15/2021	62556	CONTRACTORS CONNECTION	MARKING GUN & STICK
			28.65
12/15/2021	62557	CORELOGIC	SIDWELL #04-25-18-326-008
			1,690.38
			1,200.25
			1,845.09
			4,042.14
			8,777.86
12/15/2021	62558	DEALER AUTO PARTS SALES	PS - NUTS, SEALS
			123.29
			711.66
			212.72
			1,047.67
12/15/2021	62559	DTE ELECTRIC COMPANY	POLE RENTAL FOR FIBER NETWORK
			430.21
12/15/2021	62560	DU-ALL CLEANING INC.	DPW CUSTODIAL SERVICES - NOVEMBER 2021
			880.00
			JANITORIAL SERVICES - NOVEMBER
			2,310.00
			NOV. 2021 JANITORIAL FOR CITY HALL
			1,521.00
			NOVEMBER JANITORIAL
			1,826.00
			6,537.00
12/15/2021	62561	DURST LUMBER CO	MISC. ITEMS
12/15/2021	62562	EGANIX	DECEMBER 2021 GREASE CONTROL/SEWERS
12/15/2021	62563	EJ USA, INC.	COVERS
12/15/2021	62564	EQUATURE	911 RECORDER MAINTENANCE
12/15/2021	62565	ERIC OSTROWSKI	CONTRACTUAL SERVICES
			70.00
			YOGA
			123.90
			193.90
12/15/2021	62566	ERIN BRICK	REIMBURSEMENT FOR MONSTER MASH
12/15/2021	62567	EVOLVE CONSTRUCTION LLC	2174 EARLMONT RD.
12/15/2021	62568	FEDEX OFFICE	FOIA COPIES
			148.36
			75.00
			16.94

12/15/2021	62569	FERGUSON WATERWORKS #3386	2" METERS	1,169.93
12/15/2021	62570	FIRST SERVE	INDOOR YOUTH TENNIS	1,092.00
12/15/2021	62571	FOUNDATION SYSTEMS OF MICHIGAN	HOMEOWNER CANCELLED JOB	283.50
			HOMEOWNER CANCELLED JOB	40.50
			HOMEOWNER CANCELLED JOB	90.00
			2784 KENMORE RD.	100.00
				514.00
12/15/2021	62572	GFL ENVIRONMENTAL SERVICES USA INC.	USED OIL FILTERS	75.00
12/15/2021	62573	GREAT LAKES PEST CONTROL CO	MONTHLY PEST CONTROL	40.00
			MONTHLY PEST CONTROL	60.00
				100.00
12/15/2021	62574	GUNNERS METERS & PARTS INC.	SADDLES - CURB BOXES	1,893.25
			CLAMPS	1,745.00
			WATER PARTS POLY PIPE/SEWER PLUGS	825.00
				4,463.25
12/15/2021	62575	HAFELI, STARAN, & CHRIST, P.C.	PROF. SERVICES THROUGH NOVEMBER 30, 2021	6,908.75
12/15/2021	62576	HENRY FORD @ WORK	GUARD & DISP. MEDICAL EXPENSE	120.00
12/15/2021	62577	HERSCH'S INC.	BRINE PUMP HOSE PARTS	542.95
12/15/2021	62578	HILLAN HOMES INC.	1864 DOROTHEA RD.	1,000.00
			1864 DOROTHEA	850.00
				1,850.00
12/15/2021	62579	HOME DEPOT CREDIT SERVICES	BRINE TANK	151.28
			LIGHTS FOR HOLIDAY LIGHTS PARADE	273.52
			LIGHTS FOR HOLIDAY LIGHT PARADE	556.68
			LIGHTS FOR HOLIDAY LIGHTS PARADE	305.32
			SALT / BRINE TANKS	51.90
				1,338.70
12/15/2021	62580	HOWARD L. SHIFMAN P.C.	FOR SERVICES THROUGH NOVEMBER 30, 2021	264.50
12/15/2021	62581	HUBBELL, ROTH & CLARK	SIGN INVENTORY / PHASE 2 - PROF. SERV. 1	2,844.66
			SIGN INVENTORY PHASE 2 - PROF. SERV. 8/7	11,648.76
			PS ENTRY RENO - PROF. SERVICES 8/7/21	959.18
			ESCROW	650.00
			ESCROW	650.00
			LA SALETTE	285.37
			2485 COOLIDGE HWY. AQUA TOTS	264.66
			DPW SITE BOUNDARY SURVEY	3,886.09
			ESCROW - OXFORD & PHILLIPS DEVELOP.	10,117.27
			ESCROW - OXFORD & PHILLIPS DEVELOP.	483.32
			GIS SUPPORT - CCTV VIDEOS & EDITS	4,753.13
			2020 - 2021 ROAD IMPROVE. - CE SERVICES	559.56
			STANFORD WM - INSPECT. ESCROW	2,144.94
			2021 SIDEWALK PROGRAM - CE SERVICES	9,237.90
			ENGINEERING FOR OXFORD PARK	398.34
			2485 COOLIDGE HWY. AQUA TOTS	2,144.34
				51,027.52
12/15/2021	62582	HYDROCORP	NOVEMBER 2021 CROSS CONNECTIONS SERVICES	1,658.00
12/15/2021	62583	ICCA	ICCA MEMBERSHIP FEE	1,025.00
12/15/2021	62584	IMAGE PRINTING	CODE ENFORCEMENT VIOLATION NOTICE DOOR H	175.00
12/15/2021	62585	J.H. HART URBAN FORESTRY	TREE TRIM & SAW CRANE 11/22/21 - 11/26/21	10,020.75
			TREE TRIM, SAW CRANE, STUMP 11/29/21 - 1	14,688.50
				24,709.25
12/15/2021	62586	JACK DEMMER FORD, INC.	PS UNDERBODY COVERS	355.40
12/15/2021	62587	JADE STRATEGIES, INC.	MENTORING LEADERS PROGRAM	25,000.00
12/15/2021	62588	JARED WEGIENKA & RACHEL MACMILLAN	1145 WEST BLVD.	50.00
12/15/2021	62589	JCR SUPPLY INC.	SUPPLIES	36.45
12/15/2021	62590	JENNIFER FINNEY	WORK PERFORMED FROM 11/19/21 - 12/12/21	1,059.90

12/15/2021	62591	JONATHAN & KELLY PYSZEL	2392 ELLWOOD AVE.	50.00
12/15/2021	62592	KANOPY, INC.	KANOPY DIGITAL CONTENT	153.90
12/15/2021	62593	KONICA MINOLTA BUSINESS SOLUTIONS	COPIER USAGE	7.88
			CITY HALL COPIER	504.37
			PDF OPTION	9.10
			OFFICE EQUIPMENT RENTAL	99.00
				620.35
12/15/2021	62594	LARRY'S WELDING SUPPLY	NOVEMBER 2021 CYLINDER RENTAL	62.65
12/15/2021	62595	LECLERC DISPLAY CO. INC.	DOWNTOWN HOLIDAY LIGHTS INSTALLATION	30,825.00
12/15/2021	62596	LERETA, LLC	SIDWELL #04-25-07-283-003	4,036.69
12/15/2021	62597	LERMA, INC.	LERMA 2022 DUES	60.00
12/15/2021	62598	LIGHTING SUPPLY COMPANY	P&R EQUIPMENT SUPPLIES	25.90
12/15/2021	62599	LISA LITTELL	PUBLIC ART STOREFRONT WINDOW ART	5,835.00
12/15/2021	62600	MAJIK GRAPHICS, INC.	REFLECTIVE DECALS FOR TRUCKS	425.00
			OUTSIDE WORK DPW - TRUCK LABELING	160.00
			GRAPHICS FOR #49	360.00
				945.00
12/15/2021	62601	MALONEY TRUCKING	HAUL IN/OUT FILL SAND & DIRT	4,205.00
12/15/2021	62602	MCGLYNN JOINT REVOCABLE TRUST	2023 GARDNER AVE.	200.00
12/15/2021	62603	MERS OF MICHIGAN	SERVICE CREDIT PURCHASE FOR ROBERT CHALM	38,247.00
12/15/2021	62604	METRO PUMP SERVICE	NOVEMBER 2021 FUEL ISLAND MAINT.	428.00
12/15/2021	62605	MICH. RECREATION & PARK ASSOC.	PROFESSIONAL DEVELOPMENT	450.00
12/15/2021	62606	MICHIGAN GRAPHICS & AWARDS	5 ENGRAVED CITY BADGES	45.00
			5 NAMEPLATES & 1 ENGRAVED BADGE	115.00
			2 NAMEPLATES	30.00
			PLAQUE - CENTER LINE VET	65.00
				255.00
12/15/2021	62607	MIDWEST TAPE	HOOPLA DIGITAL CONTENT	1,110.13
12/15/2021	62608	MNC & ANC PROFESSIONAL SERVICES	EQUIPMENT MAINTENANCE	1,500.00
12/15/2021	62609	MR. KABOB	PROPANE, FUEL, & ICE	120.15
12/15/2021	62610	NATIONAL TACTICAL OFFICERS ASSOC.	NTOA MEMBERSHIP 2022 FOR PAPKE	35.00
12/15/2021	62611	NORFIELD DEVELOPMENT PARTNERS, LLC	DPW DECEMBER 2021 MISS DIG SOFTWARE	199.00
12/15/2021	62612	O'REILLY AUTOMOTIVE, INC.	DPW BATTERY	77.04
			MECHANICS OIL	80.76
			DEF FLUID ENGINE - MECHANIC'S OIL	55.96
			#6 DPW LIGHT PART	51.80
			P&R MOWER - BATTERY	50.05
				315.61
12/15/2021	62613	OAKLAND COUNTY	SEWAGE TREATMENT - NOVEMBER 2021	243,570.51
12/15/2021	62614	OAKLAND COUNTY MUTUAL AID ASSOC.	MABAS ANNUAL DUES - 2022	3,300.00
12/15/2021	62615	P. A. MORRIS COMPANY	MEETING ATTENDANCE/MINUTES FOR 12/08/21	150.00
12/15/2021	62616	PERFORMANCE RESIDENTIAL REMODELING	2402 TYLER	30.00
12/15/2021	62617	PINE STATE ENTERPRISES	ORNAMENTS	442.72
12/15/2021	62618	PITNEY BOWES GLOBAL FINANCIAL SERV.	DPW FOLDER 9/30/21 - 12/29/21	924.72
			CITY HALL MAIL MACHINE	680.01
				1,604.73
12/15/2021	62619	PITNEY BOWES INC.	OCTOBER 2021 WATER POSTAGE FEE	77.31
			PSX PROGRAM FEE OCTOBER 2021	5.00
				82.31
12/15/2021	62620	PRIME HOME REMOD	4127 KENMORE	55.00
12/15/2021	62621	PRINTING SYSTEMS	UTILITY FORM PAPER FOR WATER BILLS	527.39
12/15/2021	62622	QUANTUM SERVICES GROUP, LLC	SERVER/FIREWALL MONITORING	536.00
			SERVER BACKUP SYSTEM	400.00
				936.00
12/15/2021	62623	REBECCA STOUT	REIMBURSE FOR SUPPLIES FOR TEEN KITS	62.92

12/15/2021	62624	RKA PETROLEUM COS, INC	#2 PREM. ULS DIESEL	2,024.62
12/15/2021	62625	ROAD COMMISSION OF OAKLAND CO	LIGHT REPAIR	440.26
12/15/2021	62626	ROCHESTER MIDLAND	SANOR SERVICE FOR CITY HALL	71.46
12/15/2021	62627	S/E OAK. CTY WATER AUTHORITY	NOVEMBER 2021 BULK WATER	61,413.29
12/15/2021	62628	S/E OAK.CTY RESOURCE REC. AUTH	TRASH, RECYCLE, PICKUPS NOVEMBER 2021	51,044.00
12/15/2021	62629	SHELDON L. SMITH	1867 MORTENSON BLVD.	50.00
12/15/2021	62630	SIGNATURE FORD	NEW #49 & #46	74,852.00
12/15/2021	62631	SPRINGFIELD TOWNSHIP LIBRARY	WATER DAMAGED BOOK	12.00
12/15/2021	62632	STAPLES	OFFICE SUPPLIES - NOVEMBER	100.12
			OFFICE SUPPLIES	100.89
			OFFICE SUPPLIES	36.17
			OFFICE SUPPLIES	347.93
				585.11
12/15/2021	62633	STATE OF MICH-DEPT OF TREASURY	NOV. 2021 MI TAX WITHHOLDING FOR ACTIVES	17,809.07
12/15/2021	62634	STATE OF MICH-DEPT OF TREASURY	NOVEMBER 2021 MI TAX WITHHOLDING FOR RET	3,063.75
12/15/2021	62635	STREET DUTY	PELICAN - REPLACEMENT FOAM - SWAT - PAK BADGES - LT. HADFIELD	70.00 160.00
				230.00
12/15/2021	62636	SUPERIOR NATIONAL BANK	SIDWELL #04-25-17-402-002	2,019.07
12/15/2021	62637	SYSTEMP CORPORATION	DPW BLDG. MAINT. HVAC / ANNUAL INSPECTIO EQUIPMENT MAINTENANCE EQUIPMENT MAINTENANCE ANNUAL INSPECTION & FILTER CHANGE REPLACE BLOWER	750.00 395.00 450.00 1,311.00 920.50
				3,826.50
12/15/2021	62638	T-MOBILE	T-MOBILE WIFI HOTSPOTS	198.19
12/15/2021	62639	TARGETSOLUTIONS LEARNING LLC	TRAINING	22.18
12/15/2021	62640	THE DAILY TRIBUNE	ANNUAL SUBSCRIPTION	730.00
12/15/2021	62641	THE KITCHEN INC.	PRISONER MEALS	371.34
12/15/2021	62642	THE LUNCH CAFE	SENIOR PROGRAM	180.50
12/15/2021	62643	THOMAS JOSEPH BERTA	2076 THOMAS AVE.	100.00
12/15/2021	62644	TIRE WHOLESALERS COMPANY INC	DPW TRUCK #1	307.06
12/15/2021	62645	TRANSUNION RISK AND ALTERNATIVE	TLOXP INVEST SERVICES - NOVEMBER	130.00
12/15/2021	62646	TREDROC TIRE SERVICES LLC	FLAT REPAIR DPW	36.95
12/15/2021	62647	TRUCK & TRAILER SPECIALTIES, INC.	HOSES, BUSHING, NIPPLES, BALL VALVE	1,465.52
12/15/2021	62648	ULINE	ORG TAPE	127.91
12/15/2021	62649	VERIZON WIRELESS	IPAD SERVICE FOR 11/02/21 - 12/01/21	266.07
12/15/2021	62650	VICTORIA MITCHELL	REIMBURSE FOR CLOROX WIPES FOR ELECTION REIMBURSE FOR DONUTS FOR TRAINING ELECTI	49.00 35.07
				84.07
12/15/2021	62651	VILLAGE OF BEVERLY HILLS	SCBA EQUIP. SCBA	45,106.06 17,604.93
				62,710.99
12/15/2021	62652	WALLSIDE WINDOWS INC.	3072 OAKSHIRE AVE.	50.00
12/15/2021	62653	WCI CONTRACTORS, INC.	PLAZA PROJECT PAY APPLICATION #3	21,202.65
12/15/2021	62654	WINDSTREAM	PHONE SERVICE	635.60
12/15/2021	62655	WOW! BUSINESS	WOW FIBER INTERNET UTILITIES OXFORD PARK	392.99 785.98
				1,178.97
12/15/2021	62656	XEROX CORPORATION	XEROX USER FEES 10/25 -11/21/21	80.95
12/23/2021	62657	MISDU	CHILD SUPPORT CASE NO. 913340822 - PR #2	82.99
12/23/2021	62658	MISDU	CHILD SUPPORT CASE NO. 913286400 - PR #2	128.05
12/23/2021	62659	MISDU	CHILD SUPPORT CASE NO. 913488854 - PR #2	64.14
12/23/2021	62660	NATIONWIDE RETIREMENT SOLUTIONS	EMPL. DEDUCT. (NATIONWIDE 457) - PR #26	5,228.50
12/23/2021	62661	NATIONWIDE RETIREMENT SOLUTIONS	EMPL. DEDUCT. (ROTH) - PR #26	1,392.13
12/23/2021	62662	VANTAGEPOINT TRNSFR AGENTS-107930	EE/ER CONTRIB. (401) - PR #26	570.77
12/23/2021	62663	VANTAGEPOINT TRNSFR AGENTS-303792	EMPLOYEE DEDUCT. (ICMA 457) - PR #26	2,383.90
12/23/2021	62664	VANTAGEPOINT TRNSFR AGENTS-303792	EMPLOYEE DEDUCT. - LOAN - PR #26	123.40

12/23/2021	62665	VANTAGEPOINT TRNSFR AGENTS-706259	EMPLOYEE DEDUCT. (ICMA ROTH) - PR #26	205.00
12/30/2021	62666	21ST CENTURY MEDIA - MICHIGAN	BUILDING NOTICE	204.52
			BUILDING NOTICE	146.68
				351.20
12/30/2021	62667	A & M TOWING	VEH TOW #21 - 12170	150.00
12/30/2021	62668	ADN ADMINISTRATORS, INC.	ADMINISTRATIVE FEE FOR JANUARY 2022	948.75
12/30/2021	62669	ADT COMMERCIAL LLC	12/27/21 - 1/26/22 DPW ALARM MONITORING	81.63
12/30/2021	62670	ADVANCED MARKETING PARTNERS, INC.	2021 WINTER TAX BILLS	425.00
12/30/2021	62671	AIRGAS USA, LLC	CYLINDER RENTAL NOVEMBER 2021	30.38
12/30/2021	62672	AMAZON CAPITAL SERVICES	USB FLASH DRIVES	141.90
			MEMORY MODULES	61.98
			#43 - CAMERA TRUCK	81.41
				285.29
12/30/2021	62673	ANTO GLASS BLOCK INC.	1282 OXFORD RD.	50.00
12/30/2021	62674	APPLIED IMAGING	COPIER USAGE	4.22
12/30/2021	62675	BASIC	ADMINISTRATION FEE FOR DECEMBER 2021	50.00
12/30/2021	62676	BELL EQUIPMENT COMPANY	#22 SWEEPER - PARTS	1,288.51
12/30/2021	62677	BILLINGS LAWN EQUIPMENT	SNOW BLOWER PARTS	148.55
12/30/2021	62678	BIRMINGHAM PLUMBING COMPANY	ELECTRICAL PERMIT HAD TO BE OBTAINED BY	40.50
12/30/2021	62679	BLUE CROSS BLUE SHIELD OF MICHIGAN	JANUARY 2022 PREMIUM FOR SUFFIX 601	21,286.80
			JANUARY 2022 PREMIUM FOR SUFFIX 600	4,637.28
				25,924.08
12/30/2021	62680	BRIAN ALIMOV	3478 CUMMINGS AVE.	1,000.00
12/30/2021	62681	CARLESIMO PRODUCTS, INC.	MANHOLE PIPE, BASE, BLOCKS	4,604.90
12/30/2021	62682	CHARTER TOWNSHIP OF VAN BUREN	GUN RANGE RENTAL	800.00
12/30/2021	62683	CINTAS	CONTRACTUAL SERVICES	98.08
			MAT CLEANING FOR CITY HALL	198.24
			MED BOX REFILL	119.06
				415.38
12/30/2021	62684	CONTRACTORS CLOTHING CO.	UNIFORMS - M. WELLS	60.28
			UNIFORMS - R. HALAS	35.98
			UNIFORMS - A. WOZNIAK	121.46
			UNIFORMS - B. LAPINE	81.99
				299.71
12/30/2021	62685	CREGGER PLUMBING	3514 ROBINA LEAD SERVICE REPLACEMENT	2,100.00
12/30/2021	62686	DEALER AUTO PARTS SALES	DPW/PS/P&R BATTERIES/FILTER/BRAKES - APP	461.49
			GARAGE GLOVES	275.70
			#4-10/JGA5147 P.S. GRILLE	338.10
				1,075.29
12/30/2021	62687	DETROIT SALT COMPANY	SALT	8,698.28
12/30/2021	62688	DITCH WITCH SALES OF MICHIGAN	LOCATOR REPAIR OUTSIDE REPAIR	258.41
12/30/2021	62689	DU-ALL CLEANING INC.	JANITORIAL SERVICES	1,463.00
12/30/2021	62690	EJ USA, INC.	VALVE BOXES, MEGALUG, COVE, BOX BASE	6,651.23
12/30/2021	62691	ELIZABETH KAMINSKY	PARTIAL KARATE REFUND	5.00
12/30/2021	62692	ELIZABETH SCHIFFER	PARTIAL KARATE REFUND	7.00
12/30/2021	62693	FERGUSON WATERWORKS #3386	WATER METER READER REPAIR	150.00
			1 1/2" METERS	918.61
			3/4" METERS	20,141.00
				21,209.61
12/30/2021	62694	FIRE DEFENSE EQUIPMENT COMPANY	EXTINGUISHER RECOND. X 2	82.25
12/30/2021	62695	FOUNDATION SPECIALIST & WATERPROOF	BD Bond Refund	30.00
12/30/2021	62696	GARRETT DOOR CO.	GARAGE DOOR REPAIR	359.89
12/30/2021	62697	GAYLE HOLSWORTH	PARTIAL REFUND - COMMUNITY CENTER USE	60.00
12/30/2021	62698	GIMENA URBANO	PARTIAL KARATE REFUND	5.00
12/30/2021	62699	GOVERNMENT FINANCE OFF. ASSOC.	2021 COA REVIEW FEE	460.00

12/30/2021	62700	GREAT LAKES PEST CONTROL CO	PEST CONTROL - RATS	75.00
12/30/2021	62701	GREAT LAKES WATER AUTHORITY	IWC NOVEMBER 2021	3,147.06
12/30/2021	62702	GREAT WESTERN STATES SUPPLY LLC	675 MOOD PENCILS	495.51
12/30/2021	62703	GUNNERS METERS & PARTS INC.	COUPLING CLAMPS, ADAPTER, CURB STOPS	2,112.00
			UNION & ANODES	424.00
			3/4 CORPS	210.00
			3/4 METER COUPLING	477.50
				3,223.50
12/30/2021	62704	H.D. EDWARDS & CO.	BRINE SHED	223.92
12/30/2021	62705	HADI ARAKIB	PARTIAL KARATE REFUND	5.00
12/30/2021	62706	HADLEY CONSTRUCTION	1560 WEST BLVD.	75.00
			2391 PHILLIPS AVE.	75.00
				150.00
12/30/2021	62707	HERSCH'S INC.	DRAGON MELT (WINTER MAINT.)	420.00
12/30/2021	62708	HILLAN HOMES INC.	3599 GARDNER	862.88
12/30/2021	62709	HOEKSTRA TRANSPORTATION, INC.	SMART BUS PARTS GAS SPRING	150.00
12/30/2021	62710	HOME DEPOT CREDIT SERVICES	GARAGE BUTANE	9.94
			GARAGE BUCKET, PROPANE	126.56
				136.50
12/30/2021	62711	HUBBELL, ROTH & CLARK	ESCROW GRADING PLAN REVIEW	650.00
			ENGINEERING PLAN REVIEW	650.00
			ENGINEERING PLAN REVIEW	650.00
			2021 SIDEWALK PROGRAM - CREW DAYS	7,781.25
			KENMORE/CORNWALL - DESIGN SERVICES	16,641.72
			2020-2021 ROAD IMPROVE. - CE SERVICES	4,385.58
			2021 SIDEWALK PROGRAM - CE SERVICES	9,740.76
			ESCROW - OXFORD & PHILLIPS DEVELOP.	1,997.45
			GIS SUPPORT - MAP UPDATES & FILE TRANSFE	5,168.54
			ESCROW - OXFORD & PHILLIPS DEVELOP.	113.05
				47,778.35
12/30/2021	62712	INTEGRATED SUPPLY NETWORK	WATER TOOL WRENCHES	70.60
12/30/2021	62713	INTERSTATE BILLING SERVICE	OIL, FILTERS - DPW/P&R	427.25
12/30/2021	62714	ITALY AMERICAN CONSTRUCTION	3695 WAKEFIELD RD.	1,000.00
12/30/2021	62715	J.H. HART URBAN FORESTRY	CONTRACUAL SERVICES/TREE TRIMMING	4,689.00
			CONTRACTUAL SERVICES	1,304.00
			TREE STUMP, SAW CRANE - 12/6/21 - 12/10/	8,773.75
			TREE TRIM & STUMP	6,944.00
				21,710.75
12/30/2021	62716	JACK DEMMER FORD, INC.	P.S. #4-6 MOLDING	81.99
			P.S. #4-10 BUMPER - JGA05147	449.89
			P.S. - #4-12 BUMPER - KGA30689	449.89
			#4-6 - P.S. GA15854	1,734.75
			#4-10 PS JGA05147 - BUMPER	257.72
			#4-12 PS KGA30689 - BUMPER	257.72
			PS #4-6 JGA15854	442.08
			#4-10 REPAIRS JGA05147 - PS	714.98
				4,389.02
12/30/2021	62717	JCR SUPPLY INC.	SOAP, TOWELS & SANITIZER	183.53
			SUPPLIES - APPLY INVOICE #152437	840.65
				1,024.18
12/30/2021	62718	JULIA APSEY	CONTRACTUAL SERVICES	188.18
12/30/2021	62719	JULIA HABROWSKI	PARTIAL YOGA REFUND	7.00
12/30/2021	62720	KAREN BUMANN	PARTIAL KARATE REFUND	10.00
12/30/2021	62721	KARYN CARRICO	RENEWAL FOR 13 WEEKS - NEWS & FREE PRESS	260.00
12/30/2021	62722	KATHY KELLY	PARTIAL YOGA REFUND	7.00
12/30/2021	62723	KEITH IRTENKAUF	PARTIAL KARATE REFUND	14.00
12/30/2021	62724	KIMBERLY FENCE CO.	FENCE PROJECT CANCELED	54.00

12/30/2021	62725	KONICA MINOLTA BUSINESS SOLUTIONS	DPW COPIER NOVEMBER 2021	68.76
12/30/2021	62726	KRISTINE BROWNING	YOGA PARTIAL REFUND	7.00
12/30/2021	62727	LAWRENCE POCHRON	PARTIAL YOGA REFUND	14.00
12/30/2021	62728	LEACH CONSTRUCTION, LLC	2729 CUMMINGS AVE.	100.00
12/30/2021	62729	LIZ PAYNE	PARTIAL KARATE REFUND	10.00
12/30/2021	62730	MACKELLAR PROMOTIONAL MARKETING	CAMP CONTRACTUAL	337.28
12/30/2021	62731	MAJIK GRAPHICS, INC.	NEW #46 GRAPHICS	680.00
			3 KNIT HATS	61.00
				741.00
12/30/2021	62732	MANUEL ROOFING	1283 CATALPA DR.	50.00
12/30/2021	62733	MARINE CITY NURSERY CO	112 TREES / FALL 2021 TREE PLANTING	39,200.00
			110 TREES 2ND PART / FALL 2021 TREE PLAN	38,500.00
				77,700.00
12/30/2021	62734	MARY COTTON	PARTIAL YOGA REFUND	7.00
12/30/2021	62735	MCCHESENEY ELECTRIC, INC.	SALT SHED ELECTRICAL	3,543.25
12/30/2021	62736	METRO PUMP SERVICE	DECEMBER 2021 FUEL ISLAND MAINT.	427.50
12/30/2021	62737	MICH MUN.LIABILITY & PROP POOL	POOL RENEWAL PREMIUM	229,321.00
12/30/2021	62738	MICH. RECREATION & PARK ASSOC.	PROFESSIONAL DEVELOPMENT	450.00
12/30/2021	62739	MICHIGAN PETROLEUM	ENGINE OIL (MECHANICS)	1,968.20
12/30/2021	62740	MICHIGAN RURAL WATER ASSOCIATION	HAZARD CONTROL CONFERENCE 12/21 - HALAS	350.00
12/30/2021	62741	MICHIGAN.COM	RENEWAL FOR 6 MONTHS	65.01
			RENEWAL FOR 6 MONTHS	206.02
				271.03
12/30/2021	62742	MONGER'S PROVISIONS	3125 TWELVE MILE RD. 3127	100.00
12/30/2021	62743	NATALIE PRICE	PARTIAL KARATE PAYMENT	10.00
12/30/2021	62744	NEW YORK TIMES	RENEWAL OF SUBSCRIPTION FOR 1 YEAR	1,053.00
12/30/2021	62745	NICHOLAS & MARY ARMSTRONG	4095 THOMAS AVE.	75.00
12/30/2021	62746	NORTHWEST CONSTRUCTION LLC	2639 COLUMBIA RD.	100.00
12/30/2021	62747	O'REILLY AUTOMOTIVE, INC.	OIL	72.45
			FLEX FOAM- GARAGE	174.69
				247.14
12/30/2021	62748	OAKLAND PRESS	RENEWAL OF SUBSCRIPTION FOR 26 WEEKS	413.50
12/30/2021	62749	OLIVER CONSTRUCTION	1292 DOROTHEA RD.	1,000.00
			1292 DOROTHEA RD.	1,000.00
			1292 DOROTHEA	850.00
				2,850.00
12/30/2021	62750	PLANTE & MORAN, PLLC	PROGRESS BILLING FOR 6/30/21 FINANCIAL R	43,675.00
			FINAL BILLING FOR 06/30/21 FINANCIAL REP	8,350.00
				52,025.00
12/30/2021	62751	PRECISION DATA PRODUCTS	TONER CARTRIDGE - DISP.	143.50
12/30/2021	62752	RKA PETROLEUM COS, INC	#2 PREM. ULS DIESEL	1,447.23
			#2 PREMIUM ULS DIESEL	1,242.33
				2,689.56
12/30/2021	62753	ROAD COMMISSION OF OAKLAND CO	SIGNAL MAINT. - NOVEMBER 2021	1,024.34
12/30/2021	62754	ROOF RITE INC.	4187 KENMORE RD.	100.00
12/30/2021	62755	S/E OAK.CTY RESOURCE REC. AUTH	NOVEMBER 2021 CITY PICKUPS & SPECIALS	1,605.48
			TRASH, RECYCLE, PICKUPS - DECEMBER 2021	44,740.00
				46,345.48
12/30/2021	62756	SANDOVAL HOMES LLC	3679 ROYAL AVE.	850.00
12/30/2021	62757	SARI GOODSTEIN	2292 EDGEWOOD BLVD.	100.00
12/30/2021	62758	SHARI MERIAN	PARTIAL KARATE REFUND	10.00
12/30/2021	62759	SJR PAVEMENT REPAIR	SPRAY PATCH - MORTENSON S. CATALPA	4,094.73

12/30/2021	62760	SKYHAWKS SPORTS ACADEMY, INC.	CONTRACTUAL SERVICES	227.50
12/30/2021	62761	SMOLYANOV HOME IMPROVEMENT	HOMEOWNER CANCELLED THE PROJECT 1908 CAMBRIDGE RD.	256.50 <u>100.00</u>
				356.50
12/30/2021	62762	STATE OF MICHIGAN	10 NEW MUNICIPAL PLATES	130.00
12/30/2021	62763	STATE WIRE & TERMINAL INC.	DPW/PS/P&R SOLDER PLUGS SOLDER SLUGS GARAGE	661.85 <u>3.66</u>
				665.51
12/30/2021	62764	SYSTEMP CORPORATION	EQUIPMENT MAINTENANCE	1,325.00
12/30/2021	62765	THE LIBRARY NETWORK	BOOKS & AV MATERIALS	4,673.46
12/30/2021	62766	THE RAPID GROUP, LLC	SHREDDING SERVICE - LIBRARY NEW BIN	30.00
12/30/2021	62767	TREDROC TIRE SERVICES LLC	SMART BUS TIRES OUTSIDE REPAIR - DPW/PS TIRES	309.00 <u>858.12</u>
				1,167.12
12/30/2021	62768	TRUCK & TRAILER SPECIALTIES, INC.	SALT SPREADER MOTORS - PARTS SNOWPLOW PARTS TANKS FOR BRINE	613.72 11,036.88 <u>7,250.00</u>
				18,900.60
12/30/2021	62769	VERIZON WIRELESS	FOR SERVICE 11/21/21 - 12/20/21	1,705.03
12/30/2021	62770	VIGILANTE SECURITY, INC.	ALARM SYSTEM MONITORING	312.00
12/30/2021	62771	VIRGINIA VENSEL	PARTIAL YOGA REFUND	7.00
12/30/2021	62772	WINDER POLICE EQUIPMENT	WRAP PUSH BUMPER - 48 WRAP PUSH BUMPER - #411 #416 - FRONT BUMPER WRAP #416 - K9 DOOR SHOCK	318.20 736.20 1,036.20 <u>87.00</u>
				2,177.60
12/30/2021	62773	WOLVERINE TRUCK SALES	DPW #44 WIRING HARNESS DPW #40 BRAKES - RELAY	72.29 <u>81.14</u>
				153.43
12/30/2021	62774	WOW! BUSINESS	WOW INTERNET	<u>224.99</u>

Total of 286 Checks:	1,672,705.75
Less 1 Void Checks:	<u>0.00</u>
Total of 285 Disbursements:	1,672,705.75

CITY OF BERKLEY
ACH TRANSFERS

VENDOR

12/6/2021	PITNEY BOWES	\$	4,000.00
12/9/2021	INTERNAL REVENUE SERVICE	\$	3,097.33
12/10/2021	INTERNAL REVENUE SERVICE	\$	45,832.88
12/13/2021	DPW UNION DUES	\$	308.00
12/13/2021	PSO UNION DUES	\$	760.00
12/13/2021	PS COMMAND UNION DUES	\$	360.00
12/16/2021	ALERUS FINANCIAL	\$	7,543.22
12/16/2021	DTE ENERGY	\$	23,676.18
12/16/2021	CONSUMERS ENERGY	\$	2,350.35
12/21/2021	MERS	\$	101,958.82
12/24/2021	PSO UNION DUES	\$	760.00
12/24/2021	PS COMMAND UNION DUES	\$	360.00
12/24/2021	INTERNAL REVENUE SERVICE	\$	44,113.50
12/24/2021	INTERNAL REVENUE SERVICE	\$	15,483.36
12/31/2021	CONSUMERS ENERGY	\$	6,758.72
12/31/2021	ALERUS FINANCIAL	\$	7,399.85
		\$	264,762.21

We hereby certify that the foregoing is a true and correct list of bills and that they have been approved by the City Council and this is the authority to issue checks in the amounts stated and charge them in the various accounts.

Daniel J. Terbrack, Mayor

Victoria Mitchell, City Clerk

January 18, 2022 City Council Meeting

Moved by Councilmember _____ and seconded by Councilmember _____ to approve a Downtown Development Authority (DDA) event “Frozen February Block Party” on Robina between Twelve Mile Road and the alley on Saturday, February 12, 2022 from 12 PM to 4 PM. Approval is conditional upon the submission of required items and documents prior to the event dates.

Ayes:

Nays:

Motion:



**CITY OF BERKLEY
COMMUNITY SPECIAL EVENT
PERMIT APPLICATION DISPOSITION CHECKLIST**

Event Name: FROZEN FEBRUARY BLOCK PARTY

Event Date(s) 02-12-2022 Location(s) ROBINA AVENUE (BETWEEN 12 MILE AND ALLEY) Event Hours 12:00 - 4:00 PM

ORGANIZATION:

Organization Name: <u>BERKLEY DOWNTOWN DEVELOPMENT AUTHORITY</u>			
Headquarters Street Address: <u>3338 COOLIDGE HIGHWAY</u>			
City: <u>BERKLEY</u>	State: <u>MICH.</u>	Zip Code: <u>48072</u>	Phone: <u>(248) 658-33</u>
Website: <u>WWW.DOWNTOWNBERKLEY.COM</u>			

Tax Exempt Status (as defined by the US Internal Revenue Service):
 Non-Profit 501(c)(3) N/A Other (specify) PUBLIC AUTHORITY

The following documents have been submitted:

- | | |
|-----------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Completed application | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| Valid IRS tax exempt verification | <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A |
| Financial report for the preceding fiscal year | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| Proof of Commercial Liability Coverage | <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A |
| Estimated cost to execute the solicitation / event | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| Charitable Solicitation / Special Event Hold Harmless Agreement | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |

Application reviewed by: Public Safety WBL Public Works DRS REFERENCE 1-14-22 EMAIL
 Building Official _____

Comments:

Presented to City Council:			
Date: _____	Approved: <input type="checkbox"/> YES <input type="checkbox"/> NO	Organization Notified <input type="checkbox"/> YES <input type="checkbox"/> NO	_____ Date



City Clerk's Office
 3338 Coolidge Hwy.
 Berkley, MI 48072
 248-658-3300
 Fax: 248-658-3301
 www.berkeleymich.org

Print Form

CITY OF BERKLEY, MICHIGAN COMMUNITY SPECIAL EVENT APPLICATION

Name of Event: FROZEN FEBRUARY BLOCK PARTY

Organization / Contact:

Name of Organization: BERKLEY DDA Contact's Name: MICHAEL MCGUINNESS
 Address: 3338 COOLIDGE HIGHWAY City: BERKLEY State/zip: MICHIGAN 48072
 Telephone: (248) 658-3353 24 Hour Emergency Contact: _____

If event will be on private property owned by someone else, then a letter of permission from the property owner must be submitted with the application.

Event Location: If the event involves city streets or sidewalks, include a map showing the location. A petition from affected businesses may be required.
Dates and Hours of Event: <u>SATURDAY, FEBRUARY 12, 2022</u>
How many employees or volunteers? <u>1 EMPLOYEE, 10 VOLUNTEERS</u>
How will site be secured during off-hours? <u>NO SETUP OR MATERIALS WILL REMAIN BEYOND THE EVENT'S SAME DAY</u>
What type of merchandise will be sold? <u>NONE PLANNED</u>
If you are selling food, include a copy of your receipt from Oakland County Health Department. <u>NOT APPLICABLE</u>
Will there be any electricity outside the building (e.g., extension cords, heaters, lights)? If yes, an electrical inspection by the City will be required after set up and before opening. <u>NONE PLANNED</u>
Include a Site Plan showing where merchandise will be sold, how pedestrian and vehicular traffic will circulate on the site.
What are your plans for set up and removal? <u>HANDLED BY DDA EMPLOYEE AND VOLUNTEERS, SAME DAY OF EVENT</u>
Tax Exempt Status (as defined by the US Internal Revenue Service): Non-Profit <input type="checkbox"/> 501.C3 <input type="checkbox"/> Other (specify) <input checked="" type="checkbox"/> <u>PUBLIC AUTHORITY, ALTHOUGH THERE IS ALSO A 501(c)3 NON-PROFIT</u>
Include the following documents: <ul style="list-style-type: none"> <input type="checkbox"/> Internal Revenue Service tax exempt documentation for the organization. <input type="checkbox"/> Organization's financial report for the preceding fiscal year. <input type="checkbox"/> Proof of Commercial Liability Coverage on an "occurrence basis", naming the City of Berkley as additional insured, with no less than \$1,000,000 per occurrence and/or combined single limit, Personal Injury, Bodily Injury, and Property Damage. <u>(CITY OF BERKLEY COVERAGE)</u> <input type="checkbox"/> Liquor Liability, \$500,000 per occurrence and \$500,000 aggregate. (if applicable) <input checked="" type="checkbox"/> Social Event Hold Harmless Agreement signed by an authorized representative

By Ordinance, each Community Special Event is limited to a maximum of 7 days.

Applications must be received at least 45 days prior to the event. Events involving the public right of way will require City Council approval. I understand that a representative of the organization will need to attend the City Council meeting. The City will notify me of the meeting date and time.

An application will be denied or an event shut down if complete and accurate information is not provided.

Michael McGuinness
 Signature of Applicant

JAN. 6, 2022
 Date

APPROVALS

DEPARTMENT	Approve (YES/NO)	Signature	Date
Planning/Building			
<i>Comments:</i>			
Public Safety	yes	<i>M. K...</i>	1-13-22
<i>Comments:</i>			
Notify SMART, ambulance, and waste collection of any road closures.			
Public Works:	YES	REFERENCE 1-14-22 EMAIL	1-14-22
<i>Comments:</i>			
Parks/Recreation	yes	<i>[Signature]</i>	1/13/22
<i>Comments:</i>			
City Clerk	yes	<i>[Signature]</i>	1/13/22
<i>Comments:</i>			
City Manager	yes	<i>[Signature]</i>	
<i>Comments:</i>			

For City Use Only:

Date Application Received 1/12/22 Receipt Number PTU22-0001

Received	Receipt Number	Date Received
Application Fee (\$200.00) <input type="checkbox"/>		
Clean up Bond (\$100.00) <input type="checkbox"/>		
Fee Waived <input checked="" type="checkbox"/>	City Manager's approval required	<i>[Signature]</i>

City Manager's Signature: _____ Date: _____

IF APPLICABLE:

Motion Number: _____

Conditions (if any): _____

Is fee to be reimbursed? _____

CITY OF BERKLEY MICHIGAN
TEMPORARY TRAFFIC CONTROL ORDER

T-02-22
(TCO NUMBER)

In accordance with the duly adopted Uniform Traffic Code for Cities, Townships, and Villages, the Traffic Engineer hereby issues the following Temporary Traffic Control Order.

Film Permit Applicant: Please provide the information requested in the shaded area. Submit this page with your application.

PROJECT NAME:	FROZEN FEBRUARY BLOCK PARTY
Location	ROBINA AVENUE, BETWEEN 12 MILE AND ALLEY
DATE/S/TIMES:	SATURDAY, FEBRUARY 12, 2022
	10:00 AM TO 12:00 PM SETUP
	12:00 PM TO 4:00 PM EVENT TIME
	4:00 PM TO 6:00 PM CLEANUP
RESPONSIBLE PARTY:	BERKLEY DOWNTOWN DEVELOPMENT AUTHORITY
Name:	MICHAEL MCGUINNESS
Street Address:	3338 COOLIDGE HIGHWAY
City/State/ZIP:	BERKLEY, MICHIGAN 48072
Contact Phone:	(248) 658-3353
Email address:	MMCGUINNESS@BERKLEYMICH.NET

For Official Use Only:

Action required by City : (Attach additional pages if needed)	

Approved by: (Print name and title below)	Signature:	Date:
Public Safety	<i>M. K...</i>	1-13-22
Public Works	<i>[Signature]</i> REFERENCE 1-14-22 EMAIL	1-14-22
Building Official		

**Original – Traffic Control File

Return copy of completed form to City Clerk's Office

CITY OF BERKLEY MICHIGAN

TRAFFIC CONTROL ORDER

T-02-22

In accordance with the duly adopted Uniform Traffic Code for Cities, Townships, and Villages, the Traffic Engineer hereby issues the following Traffic Control Order.

PURPOSE: Temporary vehicular traffic restriction for "Frozen February Block Party"

LOCATION: Robina north of 12 Mile Road

DATE: Saturday, February 12, 2022
From 10 AM to 6 PM

ACTION: DPW to provide "Road Closed" signs and barricades/cones as necessary on Robina from 12 Mile Road to the alley north of 12 Mile Road. The road will be shut down from vehicular traffic.

Public Safety to monitor and assist as necessary.

Berkley DDA to remove barricades at end of event with assistance from either DPW or Public Safety

 1-13-22

Matt Koehn
Public Safety Director, Traffic Engineer
January 13, 2022

Distribution Copies

1. Public Works Director/Deputy Traffic Engineer
2. Public Safety Director
3. Original – Traffic Control File
4. Berkley DDA



**CITY OF BERKLEY
COMMUNITY SPECIAL EVENT
HOLD HARMLESS AGREEMENT**

This Hold Harmless Agreement is between BERKLEY DDA (the Organization) and the City of Berkley, Michigan, (City) for the date(s) specified below.

Organization Name BERKLEY DOWNTOWN DEVELOPMENT AUTHORITY (DDA)

Address 3338 COOLIDGE HIGHWAY

City BERKLEY State MI Zip 48072 Phone (248) 658-3353

Event Name FROZEN FEBRUARY BLOCK PARTY

Event Location(s) ROBINA AVENUE, BETWEEN Event Date(s) 02-12-2022
TWELVE MILE ROAD AND ALLEY

To the fullest extent permitted by law, the Organization expressly agrees to indemnify and hold harmless the City of Berkley, its elected and appointed officials, its employees and volunteers and others working on behalf of the City, from and against all loss, cost, expense, damage, liability or claims (whether groundless or not) arising out of bodily injury, sickness or disease (including death resulting at any time there from) which may be sustained or claimed by any person or persons participating in the above named event.

This includes damage or destruction of any property (including loss of use) based on any act or omission (negligent or otherwise) of the Organization or anyone acting on its behalf in connection with or incidental to this agreement. The Organization shall, at its own cost and expense, defend any such claim and any suit, action, or proceeding which may be commenced hereunder. In the event of any suit, action or proceeding, the Organization shall pay:

- Any and all judgments which may be recovered.
- Any and all expenses, including, but not limited to, costs, attorneys' fees and settlement expenses which may be incurred.

The Organization shall not be responsible to the City on indemnity for damages caused by or resulting from the City's sole negligence.

Authorized Representative MICHAEL MCGUINNESS Title EXECUTIVE DIRECTOR
(Please print)

Signature *Michael McGuinness* Date JANUARY 6, 2022

Frozen February Block Party

**Saturday, February 12, 2022
12:00 PM to 4:00 PM**

Location: Robina Avenue, between 12 Mile Road and Alley

(pending municipal approval)

Objective: Expand our Downtown Berkley promotional events calendar into the weather-challenging months; Draw further interest and activity to the Robina business cluster; Leverage the latest downtown mural at Robina; Add momentum to our emerging downtown block party series; Stimulate additional exposure of the unique experiences and shopping opportunities offered in dynamic Downtown Berkley.

Inspired by the City of Berkley's beloved tradition of neighborhood block parties throughout residential sections of our community, and building off of the Monster Mash block party success during our BOO!KLEY Nights series, our Berkley Downtown Development Authority is launching a series of downtown 'Block Party' events. These block parties will be intentionally moved throughout our sizeable downtown to activate more segments of the thoroughfares, but without as much logistical or cost obstacles as closing the major arteries.

For 2022, the first such offering is the Frozen February Block Party. It will feature frozen wedding dresses, which will be a winter-inspired temporary art installation done in collaboration with downtown wedding dress boutiques. It will also feature food trucks and live music. Downtown business Pinspiration will have a valentine card-making station, and the valentines will be delivered to an area senior living facility. We welcome additional creative ways that other businesses and community organizations would like to add to this event, so please let us know your thoughts and interest.

Estimated Budget: \$800

Costs to Cover

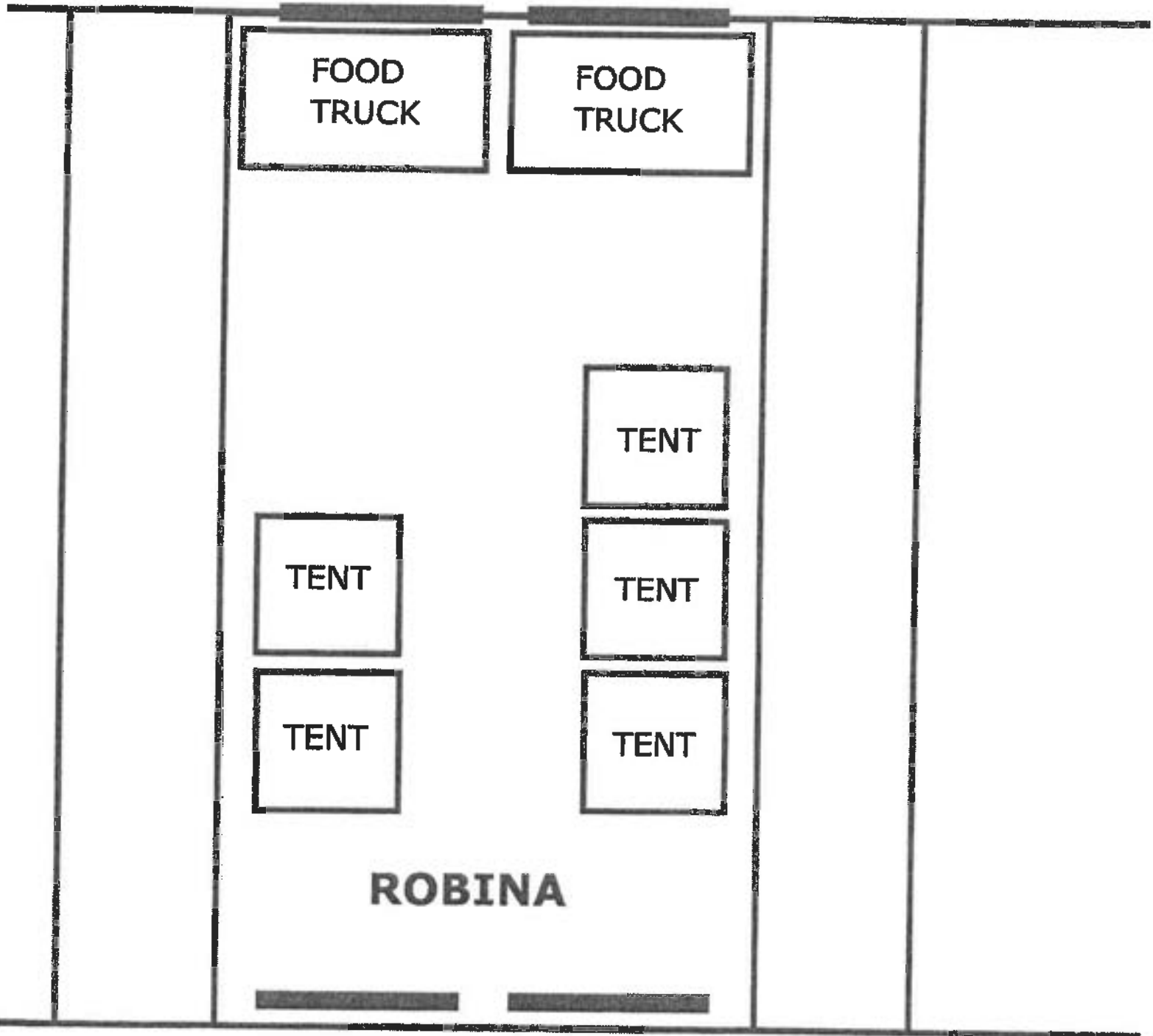
- Paid Social Media Marketing and Promotional Efforts
- Downtown Berkley Promotional Items for Distribution
- Potential Stipends for Live Musical Performers

FROZEN FEBRUARY BLOCK PARTY

ALLEY

ALLEY

Traffic Barricades



Traffic Barricades

TWELVE MILE ROAD

REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
 PERIOD ENDING 11/30/2021
 % Fiscal Year Completed: 41.92
 NEWLY CREATED FUND REV AND EXP REPORT

GL NUMBER	DESCRIPTION	END BALANCE 06/30/2021 NORM (ABNORM)	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD BALANCE 11/30/2021 NORM (ABNORM)	AVAILABLE BALANCE NORM (ABNORM)	% BDC USED
Fund 814 - DDA							
Revenues							
Dept 001 - REVENUES							
814-001-401-000	PROPERTY TAXES	38,505.21	37,680.00	37,680.00	36,500.47	1,379.53	96.34
814-001-401-001	PROPERTY TAX CAPTURE - DDA	302,073.83	315,000.00	315,000.00	356,185.07	(41,189.07)	113.08
814-001-401-850	FPT - CURRENT YR DEL	4,787.24	(2,500.00)	(2,500.00)	0.00	(2,500.00)	0.00
814-001-401-900	PROPERTY TAXES - CHARGEBACKS	0.00	0.00	0.00	(1,170.37)	1,170.37	100.00
814-001-445-000	INTEREST AND PENALTIES ON TAXES	0.00	0.00	0.00	186.58	(186.58)	100.00
814-001-539-000	STATE GRANTS	0.00	0.00	0.00	0.00	0.00	0.00
814-001-573-000	LOCAL COMMUNITY STABILIZATION SHARE-PPT	5,775.62	0.00	0.00	0.00	0.00	0.00
814-001-664-000	INVESTMENT EARNINGS	14,569.46	14,000.00	14,000.00	0.00	14,000.00	0.00
814-001-674-005	MERCHANDISE REVENUE	1,011.62	3,000.00	3,000.00	412.22	2,587.78	13.74
814-001-675-005	CORPORATE DONATIONS	0.00	250.00	250.00	255.00	(5.00)	102.00
814-001-675-117	COOPERATIVE ADVERTISING INCOME	0.00	0.00	0.00	40,358.38	(40,358.38)	100.00
814-001-675-814	EVENT SPONSORSHIPS	0.00	15,000.00	15,000.00	0.00	15,000.00	0.00
			2,500.00	2,500.00	130.00	2,370.00	5.20
		366,722.98	384,930.00	384,930.00	432,661.35	(47,731.35)	112.40
TOTAL REVENUES		366,722.98	384,930.00	384,930.00	432,661.35	(47,731.35)	112.40
Expenditures							
Dept 175 - DDA ADMINISTRATION							
814-175-704-000	FULL TIME EMPLOYEES	52,856.07	69,360.00	69,360.00	23,962.06	45,397.94	34.55
814-175-715-000	FICA	4,006.47	5,306.00	5,306.00	3,830.67	3,475.33	34.50
814-175-728-000	OFFICE SUPPLIES	199.33	1,500.00	1,500.00	150.00	1,349.95	10.00
814-175-814-001	WEBSITE	225.77	0.00	0.00	0.00	0.00	0.00
814-175-817-008	BOARD TRAININGS	0.00	3,000.00	3,000.00	0.00	3,000.00	0.00
814-175-960-000	PROFESSIONAL DEVELOPMENT	0.00	4,000.00	4,000.00	210.00	3,790.00	5.25
		57,287.64	83,166.00	83,166.00	26,152.78	57,013.22	31.45
Total Dept 175 - DDA ADMINISTRATION		57,287.64	83,166.00	83,166.00	26,152.78	57,013.22	31.45
Dept 265 - CITY HALL							
814-265-921-100	TRIBUNAL/BOARD OF REVIEW TAX EXPENSE	0.00	2,500.00	2,500.00	0.00	2,500.00	0.00
		0.00	2,500.00	2,500.00	0.00	2,500.00	0.00
Total Dept 265 - CITY HALL		0.00	2,500.00	2,500.00	0.00	2,500.00	0.00
Dept 822 - DDA OPERATIONS							
814-822-727-100	INTERNAL SRVC - LABOR & ADMIN	10,000.00	10,000.00	10,000.00	0.00	10,000.00	0.00
814-822-730-000	POSTAGE-PRINTING-MAILING	0.00	300.00	300.00	0.00	300.00	0.00
814-822-803-000	MEMBERSHIPS AND DUES	937.00	1,030.00	1,030.00	350.00	680.00	33.98
814-822-807-000	AUDIT SERVICES	1,470.00	1,500.00	1,500.00	260.00	1,240.00	17.33
814-822-817-000	CONSULTANT	0.00	15,000.00	15,000.00	0.00	15,000.00	0.00
814-822-818-205	SECRETARIAL SERVICES	1,825.00	2,000.00	2,000.00	750.00	1,250.00	37.50
814-822-824-000	LEGAL SERVICES	573.75	2,500.00	2,500.00	0.00	2,500.00	0.00
814-822-853-000	TELEPHONE	488.17	500.00	500.00	202.60	297.40	33.77
814-822-865-000	DOWNTOWN BERKLEY PARTNERS NON PROFIT	25.00	1,500.00	1,500.00	0.00	1,500.00	0.00
814-822-866-000	SUBSCRIPTION SERVICES	0.00	300.00	300.00	0.00	300.00	0.00
814-822-904-000	PRINTING	0.00	300.00	300.00	0.00	300.00	0.00
		15,318.92	35,030.00	35,030.00	1,562.60	33,467.40	4.46
Total Dept 822 - DDA OPERATIONS		15,318.92	35,030.00	35,030.00	1,562.60	33,467.40	4.46
Dept 824 - SPECIAL EVENTS							

REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
 PERIOD ENDING 11/30/2021
 % Fiscal Year Completed: 41.92
 NEWLY CREATED FUND REV AND EXP REPORT

GL NUMBER	DESCRIPTION	END BALANCE 06/30/2021 NORM (ABNORM)	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD BALANCE 11/30/2021 NORM (ABNORM)	AVAILABLE BALANCE NORM (ABNORM)	% BDGT USED
Fund 814 - DDA							
Expenditures							
814-824-817-004	DDA - EVENTS	746.38	14,700.00	14,700.00	7,879.61	6,820.39	53.60
814-824-817-015	HOLIDAY LIGHTS	25,001.44	30,000.00	30,000.00	0.00	30,000.00	0.00
814-824-901-000	ADVERTISING	580.00	0.00	0.00	0.00	0.00	0.00
Total Dept 824 - SPECIAL EVENTS		26,327.82	44,700.00	44,700.00	7,879.61	36,820.39	17.63
Dept 826 - MARKETING AND ADVERTISING							
814-826-814-000	WEBSITE	0.00	312.00	312.00	0.00	312.00	0.00
814-826-817-002	DOWNTOWN MERCHANDISE EXPENDITURES	0.00	1,500.00	1,500.00	0.00	1,500.00	0.00
814-826-818-000	CONTRACTUAL SERVICES	390.00	6,000.00	6,000.00	3,600.00	2,400.00	60.00
814-826-901-000	ADVERTISING/MARKETING	38,990.27	29,000.00	29,000.00	6,544.68	22,455.32	22.57
814-826-901-001	MAP UPDATE & REPRINT	1,390.00	1,500.00	1,500.00	0.00	1,500.00	0.00
Total Dept 826 - MARKETING AND ADVERTISING		40,770.27	38,312.00	38,312.00	10,144.68	28,167.32	26.48
Dept 829 - STREETScape & DESIGN							
814-829-818-000	CONTRACTUAL SERVICES	0.00	0.00	0.00	1,615.00	(1,615.00)	100.00
814-829-818-200	FLOWER BASKET PROGRAM	32,410.85	28,000.00	28,000.00	12,520.88	15,079.15	46.15
814-829-818-201	PUBLIC ART/PLACEMAKING	11,416.67	25,000.00	25,000.00	22,449.86	2,550.14	89.80
814-829-818-207	PEST CONTROL	480.00	500.00	500.00	120.00	380.00	24.00
814-829-974-001	FACADE GRANT INCENTIVE PROGRAM	12,408.00	15,000.00	15,000.00	4,482.50	10,517.50	29.88
Total Dept 829 - STREETScape & DESIGN		56,715.52	68,500.00	68,500.00	41,588.21	26,911.79	60.71
Dept 940 - PUBLIC IMPROVEMENT							
814-940-974-002	STREETScape IMPROVEMENTS	1,615.00	55,000.00	55,000.00	10,589.67	36,410.33	33.80
814-940-974-003	SIDEWALK REPAIR	0.00	25,000.00	25,000.00	17,599.48	7,400.52	70.40
814-940-974-005	WAYFINDING	71,202.75	55,000.00	55,000.00	57,943.59	(2,943.59)	105.35
814-940-974-007	BERKLEY PLAZA PROJECT	0.00	60,000.00	60,000.00	120,685.13	(60,685.13)	201.14
Total Dept 940 - PUBLIC IMPROVEMENT		72,817.75	195,000.00	195,000.00	214,817.89	(19,817.89)	110.16
Dept 952 - ACTIVE EMPLOYEE BENEFITS							
814-952-716-000	DENTAL/VISION/LIFE-LTD/RHCS	1,000.00	1,000.00	1,000.00	126.92	873.08	12.69
814-952-716-500	HEALTH CARE COSTS - BC/BS	9,437.65	10,300.00	10,300.00	0.00	10,300.00	0.00
814-952-718-000	RETIREMENT-DB MERS	25,937.17	26,520.00	26,520.00	3,948.35	22,571.65	14.89
Total Dept 952 - ACTIVE EMPLOYEE BENEFITS		36,374.82	37,820.00	37,820.00	4,075.27	33,744.73	10.78
TOTAL EXPENDITURES		305,612.74	505,028.00	505,028.00	306,221.04	198,806.96	60.63
Fund 814 - DDA:							
TOTAL REVENUES		366,722.98	384,930.00	384,930.00	432,661.35	(47,731.35)	112.40
TOTAL EXPENDITURES		305,612.74	505,028.00	505,028.00	306,221.04	198,806.96	60.63
NET OF REVENUES & EXPENDITURES		61,110.24	(120,098.00)	(120,098.00)	126,440.31	(246,538.31)	105.28
BEG. FUND BALANCE		325,390.51	325,390.51	325,390.51	325,390.51	61,110.24	
NET OF REVENUES/EXPENDITURES - 2020-21							

12/06/2021 12:13 PM
 User: mpollock
 DB: City Of Berkley

REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY

PERIOD ENDING 11/30/2021
 % Fiscal Year Completed: 41.92

NEWLY CREATED FUND REV AND EXP REPORT

GL NUMBER	DESCRIPTION	END BALANCE 06/30/2021 NORM (ABNORM)	2021-22 ORIGINAL BUDGET	2021-22 AMENDED BUDGET	YTD BALANCE 11/30/2021 NORM (ABNORM)	AVAILABLE BALANCE NORM (ABNORM)	% BDGT USED
Fund 814 - DDA							
END FUND BALANCE		386,500.75	205,292.51	205,292.51	512,941.06		



Victoria Mitchell <vmitchell@berkleymich.net>

DDA Frozen February Block Party (February 12, 2022) Special Event Application for Consideration

Matthew Koehn <mkoehn@berkleypublicsafety.net>

Thu, Jan 13, 2022 at 11:56 AM

To: Victoria Mitchell <vmitchell@berkleymich.net>

Cc: Corey Miller <cmiller@berkleypublicsafety.net>, Theresa McArleton <tmcarleton@berkleymich.net>, Derrick Schueller <dschueller@berkleymich.net>, Matt Baumgarten <mbaumgarten@berkleymich.net>, Shawn Young <syoung@berkleymich.net>, Jack Blanchard <jblanchard@berkleymich.net>

DPS recommends conditional approval and will prepare a TCO. It should be noted that the map includes food trucks. The organizers will need to work with DPS in regards to cooking source and/or electrical.

[Quoted text hidden]

--

Matt Koehn
Director of Public Safety
Berkley Department of Public Safety
President, Oakland County Tactical Training Consortium
2395 W 12 Mile Road
Berkley, MI 48072
mkoehn@berkleypublicsafety.net
Direct: 248-658-3389
General: 248-658-3380
<https://www.berkleypublicsafety.org/>
<https://www.facebook.com/BerkleyDPS/>
<http://www.berkleymich.org>

The Berkley Department of Public Safety delivers exemplary police, fire, and EMS services with respect and impartiality. We form deep connections with the community to improve the security and quality of life for all.





Victoria Mitchell <vmitchell@berkleymich.net>

DDA Frozen February Block Party (February 12, 2022) Special Event Application for Consideration

jblanchard@berkleymich.net <jblanchard@berkleymich.net>

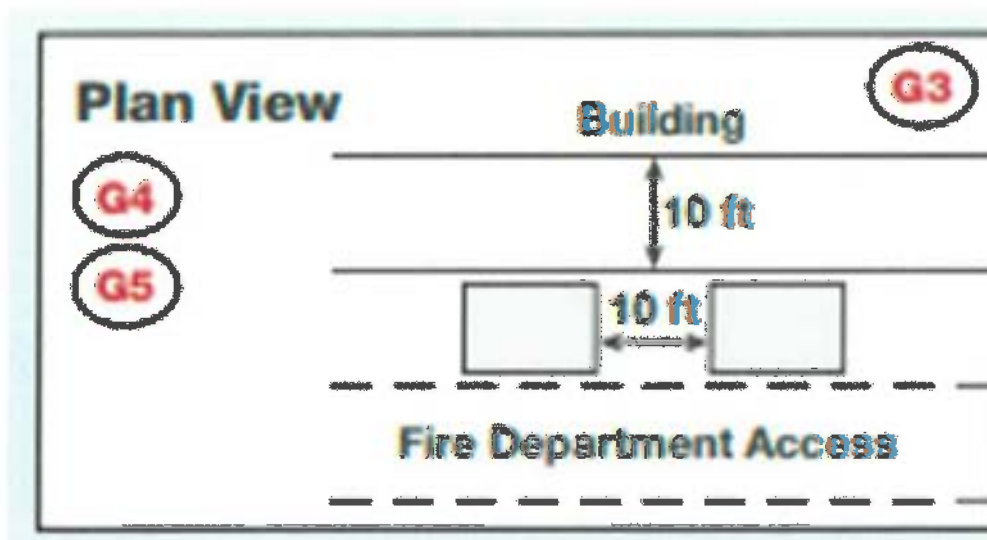
Thu, Jan 13, 2022 at 2:09 PM

To: Matthew Koehn <mkoehn@berkeleypublicsafety.net>, Victoria Mitchell <vmitchell@berkleymich.net>

Cc: Corey Miller <cmiller@berkeleypublicsafety.net>, Theresa McArleton <trncarleton@berkleymich.net>, Derrick Schueller <dschueller@berkleymich.net>, Matt Baumgarten <mbaumgarten@berkleymich.net>, Shawn Young <syoun@berkleymich.net>

The map provided shows two food trucks parked accrossed Robina. This arrangement will not work because there is a minimum distance of 10 foot required between food trucks by NFPA and Robina is only about 30 foot wide at that point. If they want to have two trucks they will have to submit an alternate layout to allow the 10 foot clearance from buildings and other vehicles.

It may work if they set up parallel with the street, one on each side.



General Safety Checklist

- Obtain license or permits from the local authorities. [1:1.12.8(a)] **G1**
- Ensure there is no public seating within the mobile food truck. [1:50.7.1.6.3] **G2**
- Check that there is a clearance of at least 10 ft away from buildings, structures, vehicles, and any combustible materials. [96:7.8.2; 96:7.8.3 for carnivals only] **G3**
- Verify fire department vehicular access is provided for fire lanes and access roads. [1:18.2.4] **G4**
- Ensure clearance is provided for the fire department to access fire hydrants and access fire department connections. [1:13.1.3; 1:13.1.4; 1:13.1.5] **G5**

1/13/22, 6:44 PM

City of Berkeley Mail - DDA Frozen February Block Party (February 12, 2022) Special Event Application for Consideration

Jack Blanchard PEM

Berkley Public Safety
Emergency Management

248-930-9687 Cell

jblanchard@Berkeleymich.net

Sent from Mail for Windows

[Quoted text hidden]



Victoria Mitchell <vmitchell@berkleymich.net>

DDA Frozen February Block Party (February 12, 2022) Special Event Application for Consideration

Derrick Schueller <dschueller@berkleymich.net>

Fri, Jan 14, 2022 at 10:48 AM

To: Michael McGuinness <mmcguinness@berkleymich.net>, Victoria Mitchell <vmitchell@berkleymich.net>

Cc: Shawn Young <syoun@berkleymich.net>

Good Morning Mike & Victoria-

An application was provided electronically on January 12 for the proposed Frozen February Block Party on Robina north of 12 Mile. This is a new event for 2022 and is planned for Saturday, February 12 from 12 noon to 4 PM.

Public Works has reviewed the documents and we offer the following comments for your use and distribution. Note a TCO for the event has been provided by Public Safety (T-02-22 dated 1-13-22).

1. Insurance documents may need to specifically reference the event name and date. Given this is a new event for 2022, the applicant shall confirm if this is necessary.
2. 10 volunteers have been noted in the application to assist with the block party. Volunteer help is appreciated to monitor traffic control devices, especially during the set-up and at the end of the event.
3. We recommend prior written notification be provided to all the businesses and residents in the immediate area. This is important this year given it is a new event.
4. It is unclear if this event will require concrete barriers in addition to the standard traffic control barricades. We welcome input from the Public Safety Department on this item.
5. Additional trash receptacles will likely be needed as a result of the food vendors.
6. Snow and ice removal will always be a concern this time of year and will need to be monitored and coordinated as we get closer to the event.
7. Please note the cost to the City for DPW labor and equipment is estimated at \$400 for this event.

Thank you.

[Quoted text hidden]

--
Derrick L. Schueller
Director of Public Works
City of Berkley
3238 Bacon Ave.
Berkley, Michigan 48072
248.658.3499 direct
248.658.3491 fax
dschueller@berkleymich.net

January 18, 2022 City Council Meeting

Moved by Councilmember _____ and seconded by Councilmember _____ to authorize the purchase and install of new toddler play equipment, shades, and picnic tables at Oxford Park at a cost not to exceed \$139,813.04 from MidStates Recreation, 1279 Hazelton-Etna Road SW, Pataskala, OH 43062. Funds for this expenditure will come from account 615-950-974-000.

Ayes:

Nays:

Motion:

Parks & Recreation

Memo

To: Matthew Baumgarten, City Manager
Cc: Mark Pollock, Finance Director

From: Theresa McArleton, Parks & Recreation Director
Date: 12/21/21
Subject: Recommendation for Award of new Play Equipment, Shades and Picnic Tables at Oxford Park

As part of the FY 2021-2022 budget, funding was allocated for the purchase and installation of toddler play equipment, shade sails and picnic tables at Oxford Park. This is part of the ongoing effort to make Oxford Park a true destination in Berkley.

The attached quotes and design from Midstates Recreation was procured through the purchasing cooperative Sourcewell which allows the city to work directly with the equipment supplier to design a unique play experience as well as receive discounts on the project total. Working directly with Midstates Recreation to design and develop the toddler play area allows us to match well with the older play area that currently exists at the park and was also done by Midstates Recreation.

Included with this memo and attached quote is the design for the play area as well as the rendering for the shade and picnic tables in the seating area. The play area will use an accessible turf surface which also acts as a sensory texture for toddlers. The play area was specifically designed with the youngest park goers in mind.

The initial budget for the play area was \$90,000 and \$50,000 was allocated for the shade and picnic tables. Working with Midstates Recreation, we were able to procure a lower cost for shades and picnic tables, so that a complete play area with additional shade could be developed. As you can see, the cost for all items is still below what the city had budgeted for these updates.

The addition of this play area and of the shade and tables to the seating area will make the park a much more well-rounded space for the 2022 season. The inaugural year of the park opening in 2021 saw daily use of the splash pad, walking trails, restrooms and playground and it is my hope that these updates will make the park an even more accessible and fun space to be in.

I recommend moving forward with purchase of the play equipment, shades and picnic tables from Midstates Recreation at a cost not to exceed \$139,813.04. This expense is slightly under the total \$140,000 the city budgeted for all of these items. Funds for this expenditure are allocated in account number 614-950-974-000. This pricing was obtained through the purchasing cooperative Sourcewell which the city has used for past purchases.

Please do not hesitate to call me with any questions or concerns.

ATTACHMENTS



Oxford Park



21-2505C



Oxford Park



21-2505C



Oxford Park



21-2505C



Oxford Park



21-2505C

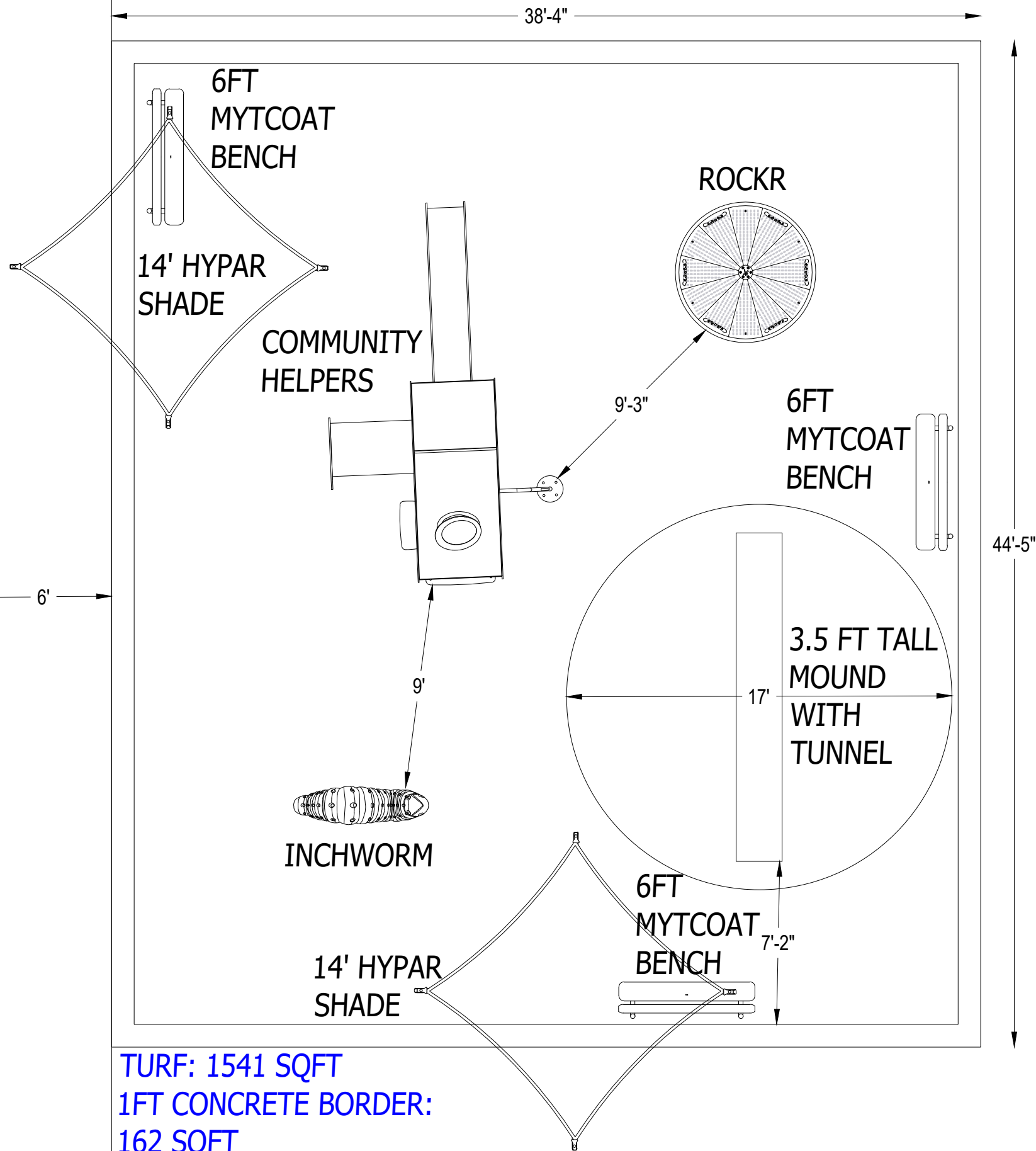


Oxford Park



21-2505C

6ft ASPHALT
PATHWAY



TURF: 1541 SQFT
1FT CONCRETE BORDER:
162 SQFT

*PLAYGROUND SUPERVISION REQUIRED



WWW.MIDSTATESRECREATION.COM

EQUIPMENT SIZE:
X' x Y' x Z'

USE ZONE:
X' x Y'

AREA:
SEE DWG

PERIMETER:
SEE DWG

FALL HEIGHT:
3'-4"

USER CAPACITY:
45+

AGE GROUP:
2-5

- ASTM F1487-17
- CPSC #325



PROJECT NO:
21-2505C

SCALE:
3/16"=1'-0"

DRAWN BY:
pf

Paper Size

DATE:
06/25/2021

B

Oxford Park
Berkley, MI



1279 Hazelton-Etna Road SW
 Pataskala, OH 43062
 614-855-3790
 www.midstatesrecreation.com

QUOTATION

Sold To	City of Berkley MI City of Berkley 2400 Robina Berkley, MI, 48072 United States	Ship To	City of Berkley MI City of Berkley 2400 Robina Berkley, MI, 48072 United States
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Date	Quote #	Terms	Rep	Project	Ship Contact
2021-12-17	QTN-07993-2 Valid Until 01-31-2022		Brion Kilpela	2021 05 Oxford Park 2-5 Play Area - Mi Berkley City Of	

Item Code	Description	Qty	Rate	Amount
Notes	Design Drawing #21-2505C	1.0 Unit	\$ 0.00	\$ 0.00
ZZTP2030M	INCHWORM CLIMBER	1.0 Unit	\$ 7,435.00	\$ 7,435.00
ZZXX0193	UNITY ROCKR	1.0 Unit	\$ 7,692.00	\$ 7,692.00
ZZXX0880	COMMUNITY HELPERS W/ TUNNEL	1.0 Unit	\$ 19,053.00	\$ 19,053.00
ZZXX0810	14FT SHADE HYPAR	2.0 Unit	\$ 3,782.00	\$ 7,564.00
Miscellaneous Equipment	Miscellaneous Equipment Concrete tunnel supplied and installed.	1.0 Each	\$ 5,782.00	\$ 5,782.00
Miscellaneous Charges	Provide 3.5' tall mound per drawing.	1.0 Each	\$ 2,800.00	\$ 2,800.00
Freight	Shipping Charges are estimated and are subject to actual shipping charges incurred at time of shipment.	1.0 Unit	\$ 2,678.00	\$ 2,678.00
Installation Charges	Installation Charges: Take delivery of equipment install equipment per design. Disposal of packaging and haul spoils off site	1.0 Unit	\$ 10,713.00	\$ 10,713.00
Turf	Provide & Install 1541 sf of Perma Turf w/ T-Cool Perma Turf: 2 in (6 ft Critical Fall Height) - 2228 Sq ft w/ buffing. Playground Turf 55oz Green includes 6" crushed stone base. Include wood tacker board perimeter.	1.0 Unit	\$ 40,805.00	\$ 40,805.00



1279 Hazelton-Etna Road SW
 Pataskala, OH 43062
 614-855-3790
 www.midstatesrecreation.com

QUOTATION

Item Code	Description	Qty	Rate	Amount
Installation Charges	Installation Charges: Excavate area per drawing. Haul off site. Provide safety fencing for project and topsoil seed and mulch perimeter and areas disturbed by construction.	1.0 Unit	\$ 5,300.00	\$ 5,300.00
Installation Charges	Installation Charges for two hypar shades.	1.0 Unit	\$ 5,125.00	\$ 5,125.00
Installation Charges	ADD for a 12"x6" concrete mowstrip around 2-5 area.	1.0 Unit	\$ 4,785.00	\$ 4,785.00
Sourcewell Customer Discount - Member ID #	Sourcewell Customer Discount - Member ID #	1.0 Unit	\$ -8,619.71	\$ -8,619.71

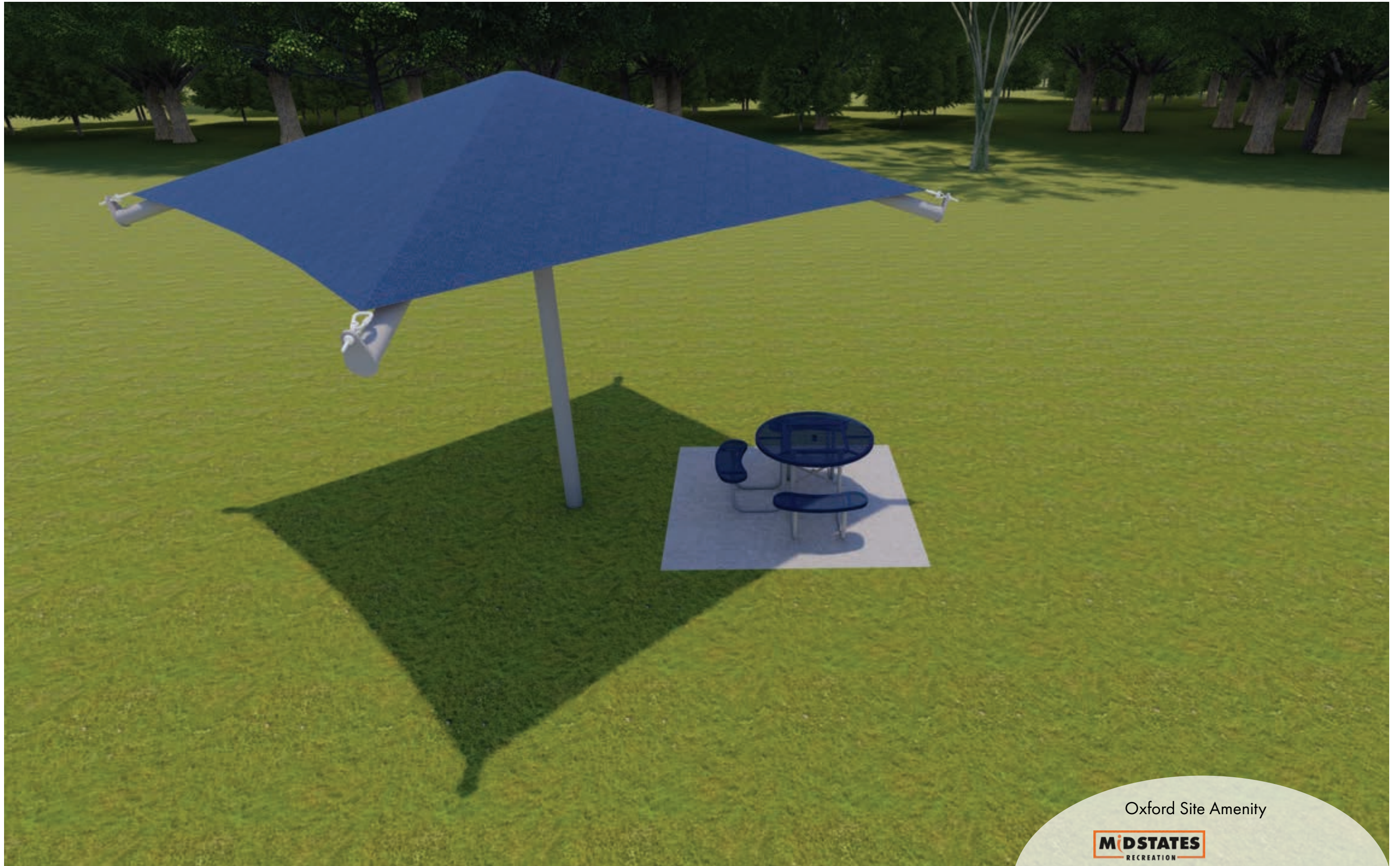
Subtotal	\$ 111,112.29
Michigan Sales Tax	\$ 0.00
Total	\$ 111,112.29

Signature (Approval) _____

Printed Name _____

Title _____

Date _____



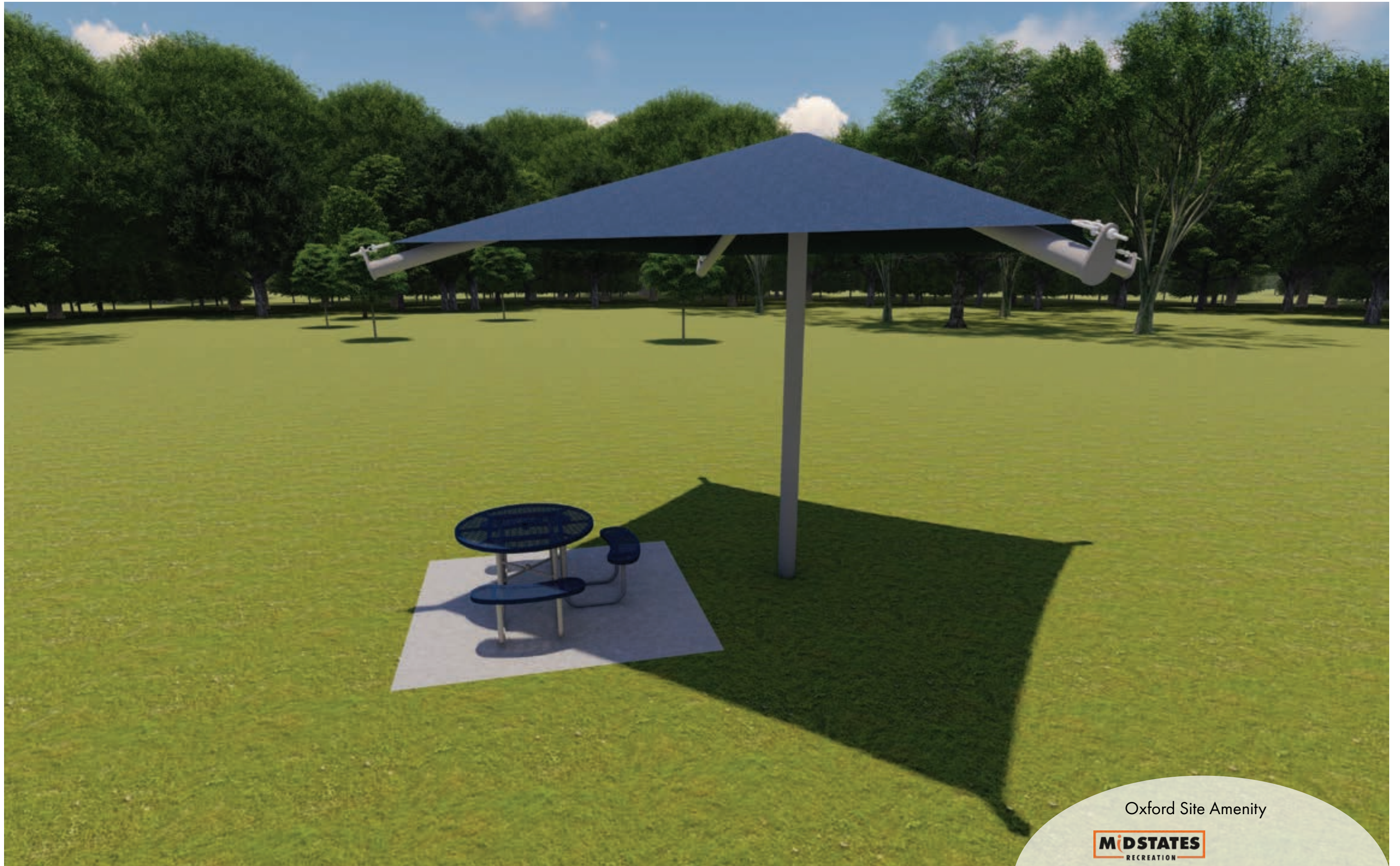
Oxford Site Amenity





Oxford Site Amenity





Oxford Site Amenity





1279 Hazelton-Etna Road SW
 Pataskala, OH 43062
 614-855-3790
 www.midstatesrecreation.com

QUOTATION

Sold To	City of Berkley MI City of Berkley 2400 Robina Berkley, MI, 48072 United States	Ship To	City of Berkley MI City of Berkley 2400 Robina Berkley, MI, 48072 United States
----------------	---------------------------------------------------------------------------------------------	----------------	---------------------------------------------------------------------------------------------

Date	Quote #	Terms	Rep	Project	Ship Contact
2021-12-20	QTN-09159 Valid Until 01-20-2022		Brion Kilpela	2021 12 Oxford Park Shades & Tables - Mi Berkley City Of	

Item Code	Description	Qty	Rate	Amount
ZZPSP019	Single Post Pyramid Quick Release 16'x16'x10' - In-Ground Post includes engineered drawings.	2.0 Unit	\$ 5,797.00	\$ 11,594.00
Freight	Shipping Charges are estimated and are subject to actual shipping charges incurred at time of shipment.	1.0 Unit	\$ 2,983.00	\$ 2,983.00
TRD46-B-04-013	46" Round Portable Table - 3 Seat - Punched Steel - Advantage Coating	3.0 Unit	\$ 1,654.00	\$ 4,962.00
Freight	Shipping Charges are estimated and are subject to actual shipping charges incurred at time of shipment.	1.0 Unit	\$ 786.30	\$ 786.30
Installation Charges	Installation Charges: Take delivery of the items listed above. Assemble and install tables. Core drill through concrete and install shades. Haul spoils off site.	1.0 Unit	\$ 10,175.00	\$ 10,175.00
Sourcewell Customer Discount - Member ID #	Sourcewell Customer Discount - Member ID #	1.0 Unit	\$ -1,799.55	\$ -1,799.55

Subtotal	\$ 28,700.75
Michigan Sales Tax	\$ 0.00
Total	\$ 28,700.75



1279 Hazelton-Etna Road SW
Pataskala, OH 43062
614-855-3790
www.midstatesrecreation.com

QUOTATION

Signature
(Approval) _____

Printed Name _____

Title _____

Date _____

January 18, 2022 City Council Meeting

Moved by Councilmember _____ and seconded by Councilmember _____ to authorize the City Manager to sign the Application for Additional Service Credit Purchase for seven MAPE employees approving the purchases of two years of generic additional service credit through the MERS Retirement System. The seven employees and the amounts that the City will be paying to MERS for the service purchase are as follows: Matt Magnes-\$19,549, Richard Rzeczkowski-\$29,860, Brian Lapine-\$11,020, James Grozde-\$30,108, Rodney Halas-\$16,985, Ken Ozanich-\$35,128, Adam Wozniak-\$18,110. The employees will be responsible for paying their portion of the service purchase cost which totals \$34,987. This purchase is allowed by the MERS Plan Document and the MAPE Contract Agreement dated 7/1/2021 through 6/30/2024 and the MERS Plan Document for active members. The total City of Berkley portion of the cost is \$160,760.

Ayes:

Nays:

Motion:

City of Berkley-Finance Department

Memorandum

To: Matt Baumgarten, City Manager
From: Mark Pollock, Finance Director
Date: December 23, 2021
Subject: Application for Additional Service Purchase Credit

Attached are seven MERS estimates for Generic additional purchase of service time for the following MAPE employees:

The current estimates from MERS are as follows:

<u>Employee</u>	<u>City Portion</u>	<u>Employee</u>	<u>Total Amt Due</u>	<u>Current Service</u>
Matt Magnes	\$19,549.00	\$4,696.00	\$24,245.00	13 yrs 8 mos
Richard Rzeczkowski	\$29,860.00	\$5,231.00	\$35,091.00	24 yrs 7 mos
Brian Lapine	\$11,020.00	\$4,253.00	\$15,273.00	2 yrs 5 mos
James Grozde	\$30,108.00	\$5,587.00	\$35,695.00	16 yrs 9 mos
Rodney Halas	\$16,985.00	\$4,424.00	\$21,409.00	7 yrs 7 mos
Ken Ozanich	\$35,128.00	\$6,048.00	\$41,176.00	25 yrs 1 mos
Adam Wozniak	\$18,110.00	\$4,748.00	\$22,858.00	10 yrs 7 mos
City Portion Total	<u>\$160,760.00</u>	<u>\$34,987.00</u>	<u>\$195,747.00</u>	

The Current Service column is the amount of service completed as of the calculation date by MERS. The total cost to the City of these seven service purchases is \$160,760.00. These costs will be split by fund as follows:

General Fund	\$16,076.00
Major Streets	\$32,152.00
Local Streets	\$24,114.00
Rubbish Fund	\$ 8,038.00
Water and Sewer Fund	<u>\$ 80,380.00</u>
Total	<u>\$160,760.00</u>

As is always the case with these service purchases, the approximated present value cost anticipates that the City would pay more to MERS over two years of these seven employees continuing to work than this lump sum plus the anticipated interest earnings on this amount would at the time of their retirement. This is because the MERS calculation utilizes a formula that approximates the net present value of the service cost, which is lower than the future cost over a period of time. The time value of money is demonstrated in these service purchases as well.

The reason that we are receiving all of these service purchase requests from the MAPE employees at the present time is because they did not have this opportunity prior to the new contract and they can only exercise this option between now and then end of this contract. The cost is lower to them and to the City now than if they had waited until the end of the agreement to purchase generic service. These purchases are allowed under the MAPE Agreement dated 7/1/2021 through 6/30/2024. Feel free to call or e-mail me if you have any questions.

A RESOLUTION
of the Thirty-ninth Council of the City of Berkley, Michigan
approving the Deficit Elimination Plan for the Sidewalk Fund
as of 6-30-2021 and to authorize the Finance Director to sign
the Certified Resolution and include it with the other required
documents to submit to the Michigan Department of Treasury
for review and approval

WHEREAS, The Michigan Department of Treasury requires a Deficit Elimination Plan approved and certified by City Council when, at the close of any fiscal year, a fund balance shows a deficit balance.

WHEREAS, At the close of the fiscal year ended 6-30-2021, the Sidewalk Fund showed a deficit fund balance of (\$117,245) because a transfer for the loan to cover the costs of the sidewalk program was not completed from the General Fund before the end of the fiscal year.

WHEREAS, As Berkley City Council, in light of the COVID-19 pandemic and the timing of the sidewalk program, decided to ease the financial burden of the residents by allowing extra time to pay their sidewalk assessments without added fees or penalties.

WHEREAS, In order to eliminate this Deficit Fund Balance, a transfer in the form of an interfund loan will be made to offset the deficit from the General Fund to the Sidewalk Fund to eliminate the Deficit Fund Balance of \$117,245. The total amount of the transfer and interfund loan will be \$320,000 to cover the costs of the sidewalk program until such time as special assessment revenues can be collected from property owners for those sidewalk repairs. It is anticipated that the interfund loan will be fully re-paid to the General Fund from Sidewalk Fund assessment receipts by no later than the fiscal year ending 6-30-2025.

WHEREAS, This transfer will immediately eliminate the deficit in the Sidewalk Fund, but a budget for the Sidewalk Fund with estimates of revenue and expenses will be included along with this Resolution and submitted to the Michigan Department of Treasury as part of the required Deficit Elimination Plan.

NOW, THEREFORE, THE CITY OF BERKLEY RESOLVES:

That the City Council of the City of Berkley approves this Resolution and the required attachments and authorizes the Finance Director to sign this Resolution and submit it to the Michigan Department of Treasury for their review and approval.

Introduced and Passed at a Regular City Council Meeting on Tuesday, January 18, 2022.

Daniel J. Terbrack, Mayor

Attest:
Victoria Mitchell, City Clerk

City of Berkley

Finance Department

To: Matt Baumgarten, City Manager
From: Mark Pollock, Finance Director
Subject: Deficit Elimination Plan Resolution
Date: January 4, 2022

I have attached the Resolution for Council consideration and approval for the Deficit Elimination Plan for the Sidewalk Fund Deficit as of 6-30-2021. As you are aware, Plante Moran could have helped me eliminate the need for this process by directing/allowing me to make a bookkeeping transfer entry as of 6/30/2021 to cover the deficit via a loan as we did last year and had originally planned to do this year when we started the sidewalk program. I accept this as my bookkeeping error, but I am not pleased that they did not recommend the entry to fix this during audit field work.

Since the APCR was sent to the State with the Sidewalk Fund showing a deficit fund balance, a Deficit Elimination Plan is required and this Resolution is part of the requirement.

I also did the required estimate of revenue and expenses through the 2024-2025 fiscal year and I have attached that to include for Council review and I will include that with the plan that I send to the Michigan Department of Treasury.

CITY OF BERKLEY SIDEWALK PROGRAM BUDGET PROJECTIONS

Sidewalk Program Year		1st Year	2nd Year	3rd Year	4th Year	5th Year			
GL NUMBER	DESCRIPTION	END BALANCE 06/30/2020 NORM (ABNORM)	YTD BALANCE 06/30/2021 NORM (ABNORM)	2021-2022 BUDGET	2022-2023 BUDGET	2023-2024 BUDGET*	2024-2025 BUDGET	2024-2025 BUDGET	PROJECT TOTALS
Fund 470 - SIDEWALKS									
Revenues									
Dept 001 - REVENUES									
470-001-676-000	SPECIAL ASSESSMENT REVENUE*	0.00	73,513.88	200,000.00	200,000.00	200,000.00	200,000.00	147,244.98	1,020,758.86
470-001-698-100	LOAN PROCEEDS TRANSFER FROM GENERAL FUND	30,000.00	0.00	320,000.00					350,000.00
	TOTAL REVENUES	30,000.00	73,513.88	520,000.00	200,000.00	200,000.00	200,000.00	147,244.98	1,370,758.86
Expenditures									
Dept 938 - CAPITAL PROJECT									
470-938-821-000	ENGINEERING SIDEWALKS	23,159.72	93,095.63	60,000.00	40,000.00	40,000.00			256,255.35
470-938-975-001	CONSTRUCTION - SIDEWALKS	0.00	104,503.51	340,000.00	160,000.00	160,000.00			764,503.51
470-966-999-101	LOAN REPAYMENT TRANSFER TO GENERAL FUND						200,000.00	150,000.00	350,000.00
	TOTAL EXPENDITURES	23,159.72	197,599.14	400,000.00	200,000.00	200,000.00	200,000.00	150,000.00	1,370,758.86
Fund 470 - SIDEWALKS:									
	TOTAL REVENUES	30,000.00	73,513.88	520,000.00	200,000.00	200,000.00	200,000.00	147,244.98	
	TOTAL EXPENDITURES	23,159.72	197,599.14	400,000.00	200,000.00	200,000.00	200,000.00	150,000.00	
	NET OF REVENUES & EXPENDITURES	6,840.28	(124,085.26)	120,000.00	0.00	0.00	0.00	(2,755.02)	
	FUND BALANCE YEAR-END	6,840.28	(117,244.98)	2,755.02	2,755.02	2,755.02	2,755.02	0.00	

*Any non-reimbursed costs of the sidewalk program will be charged to the appropriate fund at the end of this phase of the sidewalk program in the 5th Year. Special Assessments will be adjusted accordingly.

January 18, 2022 City Council Meeting

Moved by Councilmember _____ and seconded by Councilmember _____ to consider and decide marihuana business license application appeals for the following:

- a. Application file no. PMA20-0002 Bud McCool, Inc. (9/16/21 and 12/10/21) appeals.
- b. Application file no. PMA20-0003 Operation Grow, LLC.
- c. Application file no. PMA20-0005 BDE Warren, LLC.
- d. Application file no. PMA20-0006 PGB Enterprises, LLC.
- e. Application file no. PMA20-0007 Yellow Tail Ventures (11 Mile).
- f. Application file no. PMA20-0009 Yellow Tail Ventures (Woodward).
- g. Application file no. PMA20-0010 Attitude Wellness.
- h. Application file no. PMA20-0011 Green Bronco III, LLC.
- i. Application file no. PMA20-0013 FPAW Michigan, LLC dba Michigan Supply and Provisions.
- j. Application file no. PMA20-0014 Berkley Herbal Center, LLC.
- k. Application file no. PMA20-0017 123 Ventures, LLC.
- l. Application file no. PMA20-0018 GS Bay City, LLC.
- m. Application file no. PMA20-0019 Pure Roots, LLC.
- n. Application file no. PMA20-0020 Pure Life Berkley, LLC.
- o. Application file no. PMA20-0022 Pure Life Berkley II, LLC.
- p. Application file no. PMA20-0024 3895 Euclid, LLC.
- q. Application file no. PMA20-0025 Berkley Corners PRV, LLC.
- r. Application file no. PMA20-0028 Warren Capital Holdings, LLC.
- s. Application file no. PMA20-0029 Seven Point Dispensing of Michigan, LLC.
- t. Application file no. PMA20-0031 Oak Flint, LLC.

Ayes:

Nays:

Motion:

MEMORANDUM

TO: All Appellants and Legal Counsel
FROM: Gregory K. Need
RE: Marijuana Business Ordinance Recommendations
DATE: October 21, 2021

Attached is a zip file with all twenty recommendations, along with a spreadsheet that summarizes my adjustments to the scoring. These have been transmitted to the City. My understanding is that the City Council will receive and act upon these. Any questions or comments on these recommendations should be made to the City.

Thank you very much for your work on these matters.

Summary of Recommendations of Hearing Officer

Appeal No.	Applicant	Summary of Recommendations
PMA20-0002	Bud McCool	Score application
PMA20-0003	Operation Grow	Add 14 points for nonconforming use. Other challenges to this applicant rejected
PMA20-0005	BDE Warren	No change
PMA20-0006	PGB Enterprises	No change- application properly rejected
PMA20-0007	Yellow Tail Ventures (11 Mile)	Add 17 points for stakeholder interest. Challenges to applicants -0003 and -0010 rejected
PMA20-0009	Yellow Tail Ventures (Woodward)	Add 17 points for stakeholder interest. No other changes. Challenges to applicants -0003 and -0010 rejected
PMA20-0010	Attitude Wellness	No change to applicant score. Other challenges to this applicant rejected
PMA20-0011	Green Bronco III	Add 14 points for nonconforming use (city conceded). No other changes.
PMA20-0013	FPAW Michigan	Add 11 points for community benefit. No other changes
PMA20-0014	Berkley Herbal Center	No change-application properly rejected.
PMA20-0017	123 Ventures	No change-application properly rejected.
PMA20-0018	GS Bay City	No change-application properly rejected.
PMA20-0019	Pure Roots	No change.
PMA20-0020	Pure Life Berkley	No change-application properly rejected.
PMA20-0022	Pure Life Berkley II	No change-application properly rejected.
PMA20-0024	3895 Euclid	Add 6 points for stormwater management. No other changes.
PMA20-0025	Berkley Corners	No change to scoring. Challenge to applicant -003 rejected.
PMA20-0028	Warren Capital Holdings	No change.
PMA20-0029	Seven Point Dispensing	Award the 4 points for pervious parking and 2 points for other scientifically backed, etc. Challenges to other applicants rejected.
PMA20-0031	Oak Flint	No change.

Application Number	Applicant Entity	Principal Address	SCORE Prior to Appeal	Score Determined by Appeal
PMA20-0006	PBG Enterprises dba Pleasantrees	2448 Eleven Mile Road	DNQ	DNQ
PMA20-0014	Berkley Herbal Center	3280 W. Eleven Mile Road	DNQ	DNQ
PMA20-0017	123 Ventures	1716 Coolidge	DNQ	DNQ
PMA20-0018	GS Bay City LLC	3800 W. Eleven Mile	DNQ	DNQ
PMA20-0020	Pure Life I	2998 Eleven Mile Road	DNQ	DNQ
PMA20-0022	Pure Life II	2114 Eleven Mile Road	DNQ	DNQ
PMA20-0003	Operation Grow / butter	2222 W. Eleven Mile Road	301	315
PMA20-0015	Quality Roots	3916 W. Eleven Mile Road	310	310
PMA20-0007	Yellow Tail Ventures LLC #1	3120 Eleven Mile	284	301
PMA20-0010	Attitude Wellness dba Lume	1949 Twelve Mile Road	301	301
PMA20-0029	Seven Points Dispensing of Michigan LLC	28557 Woodward Ave	297	301
PMA20-0025	Berkley Corners PRV LLC	28297 Woodward Ave.	297	297
PMA20-0011	Green Bronco III	2200 W. Eleven Mile Road	282	296
PMA20-0013	FPAW Michigan LLC	3750 W. Eleven Mile Road	278	289
PMA20-0024	3895 Euclid LLC dba Dispo	27733 Woodward Ave	280	286
PMA20-0002	Bud McCool's	27253 Woodward Ave	DNQ	281
PMA20-0031	Oak Flint LLC	27723 Woodward Ave	279	279
PMA20-0005	BDE Warren LLC	2033 Coolidge	278	278
PMA20-0004	Nature's Remedy	2351 Twelve Mile Road	275	275
PMA20-0027	GS Ashley, LLC	3890 W. Eleven Mile Road	274	274
PMA20-0016	SJMB	3376 Twelve Mile Road	273	273
PMA20-0009	Yellow Tail Ventures LLC #2	28401 & 28453 Woodward	254	271
PMA20-0028	Warren Capital Holdings, LLC	2640 Eleven Mile Road	266	266
PMA20-0019	Pure Roots	28173 Woodward	265	265
PMA20-0023	Grassroots ReLeaf LLC	27423 Woodward Ave.	256	256
PMA20-0008	CAK Holdings	4129 Twelve Mile	242	242
PMA20-0012	DSD Investors LLC	3515 Twelve Mile Road	226	226
PMA20-0021	Leaf Master dba Puff Cannabis	3171 Twelve Mile Road	226	226
PMA20-0026	Fire Farm LLC	3670 Twelve Mile Road	217	217
PMA20-0030	Candid Labs LLC	28505 Woodward Ave	208	208



**CITY OF BERKLEY
MARIHUANA BUSINESS LICENSE APPLICATION
EVALUATION MERIT POINT SYSTEM**

Key Terms Defined:

Common Control:

For purposes of these criteria, *under common control* means having the power to direct or cause the direction of management, operations, and policies of a person, organization, or entity, whether by stock ownership, voting rights, contract, or otherwise.

Managing Stakeholder:

For purposes of these criteria, *Managing stakeholder* refers to any stakeholder or employee involved in managing the business or making management decisions.

Redevelopment:

For purposes of these criteria, *redevelopment* means any proposed expansion, addition, or major facade change to an existing building, structure, or parking facility. Site redevelopment includes equal or greater stormwater control than the previous development

Scientifically backed:

As included in point value 12, scientifically backed shall refer to stormwater management systems that are supported and “green infrastructure” by the U.S. Environment Protection Agency.

Stakeholder:

As outlined within the Licensing ordinance (Chapter 30 Article XV), *stakeholder* means, with respect to a trust, the trustee and beneficiaries; with respect to a limited liability company, all members and managers; with respect to a corporation, whether profit or non-profit, all stockholders, directors, corporate officers or persons with equivalent titles; and with respect to a partnership or limited liability partnership, all partners and investors.

Requirements*	Pass/Fail
Application submitted has all required materials	P/F
Subject Parcel falls outside of designated proximity to a school	P/F
Cannabis business complies with Existing Zoning	P/F
Off-street parking requirements for retail use has been met, per Section 138-219 of the Zoning Ordinance.	P/F
Odor control system preventing dispersion in neighborhood	P/F
All disclosed stakeholders are clear of recorded detrimental acts to public good	P/F
*These items must all be satisfied to be considered for the point evaluation.	

Adopted by City Council Resolution R-01-20 on February 3, 2020

Merit Based Criteria	Point Value**
<p>Applicant can demonstrate the ability to successfully operate a marihuana business by means of:</p> <ul style="list-style-type: none"> -Has a supply with a State licensed cultivation facility. (Sub score: 16) -At least one Managing Stakeholder demonstrates at least 1 year of experience operating a licensed marihuana business (caregiver, provisioning, grower, etc.) in Michigan. (sub score: 5) -At least one Managing Stakeholder demonstrates at least 1 year of experience operating a licensed marihuana business (caregiver, provisioning, grower, etc.) in other legal jurisdictions. (sub score: 5) 	<p>26 (Total dependent on satisfaction of sub scoring)</p>
<p>Application Proposes the Redevelopment of Vacant or Underused building or property. (Defined as a structure or property that has been at least 50% vacant for a period of 4 months or longer)</p>	25
<p>Proposed redevelopment is comprised of a multi-tenant building or buildings, on the same or contiguous parcels. Separate tenant spaces within a single building must have separate means of public ingress/egress from the exterior or from a common lobby area.</p>	24
<p>All Managing Stakeholders can demonstrate a history of lawfully operating a business compliant with applicable federal, state, and local regulations.</p>	23
<p>Proposed development does not displace existing operational business in Berkley</p>	22
<p>The marihuana business and property are under common ownership or control</p>	21
<p>Proposed development demonstrates and provides physical improvements to the area around the property or other areas contiguous to the property:</p> <ul style="list-style-type: none"> -Trees; noninvasive species (Sub score: 5) -Public art; e.g. murals, sculptures, installations as approved by appropriate body (Sub score: 5) -Green Space (Sub score: 5) -Public areas such as alleyways, parking areas, sidewalks, plazas, etc. (Sub score: 5) 	<p>20 (Total dependent on satisfaction of sub scoring)</p>
<p>Proposed Site is located in the following areas, as permitted by the Zoning Ordinance: Eleven Mile Road, Woodward Ave, Twelve Mile Road (Coolidge to Woodward)</p>	19
<p>Proposed redevelopment is projected to add 15 or more new jobs (includes cannabis and non-cannabis uses) The majority of the jobs must be full time.</p>	18
<p>At least one Stakeholder is either a current property owner in Berkley or is a current majority owner or stakeholder of an existing Berkley Business. (Purchase agreements or similar mechanisms do not count towards the majority ownership criteria.)</p>	17
<p>Proposed marihuana business property does not immediately abut or share a common boundary line with one-family residential zoned property. (For purposes of this criterion, parcels of property that are separated by a public or private street or alley are not considered to abut or to share a common boundary).</p>	16
<p>Application has disclosed 100% of owners and stakeholders, including those with less than 10% stake.</p>	15
<p>Proposed development eliminates or brings into compliance an existing nonconforming use or structure</p>	14
<p>Sustainable building materials and energy efficient elements will be used during construction and/or renovation of the structure.</p>	13
<p>Proposed development incorporates Green Infrastructure into Stormwater management plan:</p> <ul style="list-style-type: none"> -Pervious Parking; e.g. pervious concrete or pavement, pavers, infiltration systems, etc. (Sub score: 4) -Green Roof (Sub score: 4) -Rain Garden, Bioswales, or Stormwater Planters (Sub score: 2) -Other scientifically backed stormwater infrastructure systems (Sub score: 2) 	<p>12 (Total dependent on satisfaction of sub scoring)</p>
<p>Application demonstrates benefits to the community other than an increase in taxable value</p>	11
<p>Proposed development adds streetscape elements to the publicly owned right-of-way, including but not limited to benches, bike racks, planters, etc.</p>	10
<p>The proposed uses do not require any zoning map amendments or variances at the time of application.</p>	9

****For each criterion met by the applicant, the applicant shall receive the entire assigned point value or associated sub scores.**

Maximum Points Available: 315 [70% Requirement: 221]

ARTICLE XV. - MARIHUANA BUSINESSES

Footnotes:

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Editor's note— Ord. No. O-15-19, § 1, adopted December 16, 2019, added provisions to amend the Code as Article XVI, §§ 30-900—30-913. For the purposes of maintaining numerical order and at the editor's discretion, these provisions have been renumbered as Article XV, §§ 30-802—30-815.

Sec. 30-802. - Purpose.

The purpose of this article is to exercise the City of Berkley's regulatory authority to locally license and regulate marihuana businesses, including marihuana retail establishments, marihuana provisioning centers, marihuana microbusinesses, marihuana grower facilities, marihuana safety compliance facilities, marihuana secure transporters, marihuana processor facilities, designated consumption establishments, marihuana event organizers, and temporary marihuana events to the extent permissible under state and federal laws and regulations, and to protect and promote the public health, safety, and welfare of the city and its residents.

(Ord. No. O-15-19, § 1, 12-16-2019)

Sec. 30-803. - Definitions.

Except as expressly defined differently, words and phrases in this article shall have the same meanings ascribed to them as in the Michigan Medical Marihuana Act, Michigan Medical Marihuana Facilities Licensing Act, Marihuana Tracking Act, Michigan Regulation and Taxation of Marihuana Act, Michigan Zoning Enabling Act, and the administrative rules and regulations promulgated by the State of Michigan and the Michigan Department of Licensing and Regulatory Affairs, as amended.

Applicant means an individual, person, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity or other business entity who applies for a license to operate a marihuana business in the city.

City means the City of Berkley, Michigan.

Cultivate means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

Co-locate or *co-location* means any combination of growers, processors, and/or marihuana retail establishments that may operate as separate marihuana businesses at the same physical location.

Industrial hemp means a plant of the genus cannabis and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus cannabis regardless of moisture content.

LARA means the Michigan Department of Licensing and Regulatory Affairs.

Marihuana means all parts of the plant of the genus *cannabis*, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. Marihuana does not include: (i) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination; (ii) industrial hemp; or (iii) any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

Marihuana accessories means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.

Marihuana concentrate means the resin extracted from any part of the plant of the genus *cannabis*.

Marihuana business means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana provisioning center, marihuana secure transporter, or any other type of marihuana establishment or facility licensed by LARA.

Marihuana grower means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

Marihuana-infused product means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused product shall not be considered a food for purpose of the Food Law, MCL 289.1101 to 289.8111.

Marihuana Tracking Act or *MTA* means Public Act 282 of 2016, MCL 333.27901, et seq., as amended and all future amendments.

Marihuana microbusiness means a person licensed to cultivate not more than 150 marihuana plants, process and package marihuana, and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

Marihuana processor means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

Marihuana provisioning center means a licensee that is a commercial entity located in the city that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers.

Marihuana retailer means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

Marihuana safety compliance facility means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

Marihuana secure transporter means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

Michigan Medical Marihuana Act, or *MMMA* means the initiated law of 2008, MCL 333.26421, et seq., as amended and all future amendments.

Michigan Medical Marihuana Facilities Licensing Act, or *MMFLA* means Public Act 281 of 2016, MCL 333.26421, et seq., as amended and all future amendments.

Michigan Regulation and Taxation of Marihuana Act or *MRTMA* means, the initiated law of 2018, MCL 333.27951, et seq., as amended and all future amendments.

Person means an individual, partnership, corporation, limited liability company, trust, or other legal entity.

Primary caregiver or *registered primary caregiver* means a person who is at least 21 years old and who has agreed to assist with a registered qualifying patient's medical use of marihuana and who has not been convicted of any felony within the past ten years and has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in Section 9a of Chapter X of the Code of Criminal Procedure, 1927 PA 175, MCL 770.9a.

Process or *processing* means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.

Qualifying patient or *registered qualifying patient* means a person who has been diagnosed by a physician as having a debilitating medical condition and who has a valid registry identification card issued by LARA or an equivalent approval lawfully issued under the laws of another state or other entity of the United States which identifies the person as a registered qualifying patient.

School means and includes buildings and grounds used for school purposes to provide instruction to children and youth in grades pre-kindergarten through 12 by a public, private, denominational, or parochial school.

Stakeholder means, with respect to a trust, the trustee and beneficiaries; with respect to a limited liability company, all members and managers; with respect to a corporation, whether profit or non-profit, all stockholders, directors, corporate officers or persons with equivalent titles; and with respect to a partnership or limited liability partnership, all partners and investors.

State means the State of Michigan.

State license means a license issued by LARA that allows a person to operate a marihuana business.

(Ord. No. O-15-19, § 1, 12-16-2019)

Sec. 30-804. - Operation without city license prohibited.

A marihuana business in the city must be licensed by the state and by the city pursuant to this article. No person shall operate a marihuana business in the city without first obtaining a license to do so from the city. A marihuana business operating without a city license under this article or without a state license is declared to be a public nuisance.

(Ord. No. O-15-19, § 1, 12-16-2019)

Sec. 30-805. - License application.

- (a) Applications for a city license shall be submitted to the city's community development director on an application form to be provided by the city accompanied by a fee in the amount of \$5,000.00 per each license

sought. The applicant shall submit one printed and one electronic copy of the completed application and supporting information to the community development department. For a co-located facility, an applicant may apply for multiple licenses using one application that explicitly details the operation of the co-located facility. Each license sought will require an additional application fee of \$5,000.00 per license.

- (b) A complete application shall be made under oath and shall contain all of the following:
- (1) The applicants' and any stakeholders' names, dates of birth, mailing address, email address, and phone numbers, including emergency contact information, and a copy of a government-issued photo identification card of the applicant and stakeholders.
 - (2) For a privately held corporation, all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of ten percent or less, and their spouses.
 - (3) For a partnership or limited liability partnership, all partners and their spouses.
 - (4) For a limited partnership and a limited liability limited partnership, all general and limited partners, not including a limited partner holding a direct or indirect ownership interest of ten percent or less and who does not exercise control over or participate in the management of the partnership, and their spouses.
 - (5) For a limited liability company, all members and managers, not including a member holding direct or indirect ownership interest of ten percent or less and who does not exercise control over or participate in the management of the company, and their spouses.
 - (6) If the applicant is not an individual, the articles of incorporation or organization, Internal Revenue Service SS-4 EIN confirmation letter, and the operating agreement or bylaws of the applicant, if a limited liability company or corporation.
 - (7) The name and address of the proposed marihuana business and any additional contact information deemed necessary by the community development director.
 - (8) For the applicant and every stakeholder affirmation that each is at least 21 years of age.
 - (9) Written consent authorizing the city's public safety department to perform a criminal background check to ascertain whether the applicant and stakeholders have any convictions involving dishonesty, theft, fraud, or controlled substances.
 - (10) The name, date of birth, address, copy of photo identification, and email address for any operator or employee if other than the applicant.
 - (11) An affirmation whether the applicant or operator has ever had a business license revoked or suspended, and if revoked or suspended, then the reason for such revocation or suspension.
 - (12) For the applicant or for each stakeholder a resume that includes any prior experience with a marihuana business.
 - (13) With respect to marihuana retail establishments, a description of any drug and alcohol awareness programs that will be provided or arranged for by the applicant and made available for the public.
 - (14) A written description of the training and education that the applicant will provide to employees of the marihuana business.
 - (15) A copy of the proposed business plan for the marihuana business, including, but not limited to:
 - a. The ownership structure of the business, including percentage ownership of each person or entity;

- and
- b. Planned worker training programs; and
 - c. Financial structure and financing of the proposed marihuana business; and
 - d. Short and long-term goals and objectives; and
 - e. If co-location of marihuana businesses is proposed, provide an explanation of the integration of such businesses, including a drawing showing the relationship between the businesses being co-located, including floor area and the separation provided between such facilities, including identification of any points of entry, ingress or egress, and controls at each location; and
 - f. Any community outreach/education plans and strategies; and
 - g. Any charitable plans and strategies.
 - h. Plan outlining what supply chains will be used to provide product for the marihuana business, accompanied by any tentative supply agreements with state certified suppliers.
- (16) One of the following: (a) proof of ownership of the premises wherein the marihuana business will be operated; or (b) written consent from the property owner to use the premises for a marihuana business requiring licensure under this article, together with a copy of any lease for the premises.
- (17) A description of the security plan for the marihuana business, including, but not limited to, any lighting, alarms, barriers, recording/monitoring devices, and/or security guard arrangements proposed for the facility and premises. The security plan must contain the specification details of each item of security equipment.
- (18) A scaled floor plan of the marihuana business, as well as a scale diagram illustrating the property upon which the marihuana business will be operated, including all available parking spaces, and specifying which parking spaces, if any, are handicapped-accessible.
- (19) Any proposed elevation drawings, and photographs or other depiction of materials to be visible on the exterior of the proposed marihuana business.
- (20) A scaled location area map of the marihuana business and surrounding area identifying the relative locations and distances to surrounding property boundaries and buildings.
- (21) A sanitation plan designed to protect against any marihuana being ingested on the premises by any person or animal, indicating how the waste and byproduct will be stored and disposed of, and how any marihuana will be rendered unusable upon disposal.
- (22) A proposed recordkeeping plan that will track payment method, amount of payment, time of sale, product quantity, and other product descriptors.
- (23) An affirmation that neither the applicant nor any stakeholder is in default to the city and that the applicant or stakeholder has not failed to pay any past-due property taxes, special assessments, fines, fee or other financial obligation to the city.
- (24) A copy of the applicant's notice of prequalification status issued by the Michigan Marihuana Regulatory Agency of LARA to operate a medical marihuana facility or adult-use marihuana establishment. If the applicant does not have a prequalification from the state, the application will not be processed by the city.
- (25) An estimate of the number and type of jobs that the marihuana business is expected to create, the

compensation expected to be paid for such jobs, and the projected annual budget and revenue of the marihuana business.

- (26) A signed acknowledgment that the applicant is aware and understands that all matters related to marihuana, growing, cultivation, possession, dispensing, testing, safety compliance, transporting, distribution, and use are currently subject to state and federal laws, rules, and regulations, and that the approval or granting of a license hereunder will not exonerate or excuse the applicant from abiding by the provisions and requirements and penalties associated therewith.
 - (27) Proof of insurance covering the business and naming the City of Berkley, its elected and appointed officials, employees, and agents, as additional insured parties, primary and non-contributory available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the amount of:
 - a. At least \$2,000,000.00 for property damage;
 - b. At least \$2,000,000.00 for injury to one person; and
 - c. At least \$2,000,000.00 for injury to two or more person resulting from the same occurrence. The insurance policy underwriter must have a minimum A.M. Best Company insurance ranking of B+, consistent with state law. The policy shall provide that the city shall be notified by the insurance carrier 30 days in advance of any cancellation or reduction in coverages.
 - (28) Any other information requested by the city considered to be relevant to the processing or consideration of the application.
- (c) Upon receipt of a completed application and application fee, the community development director shall refer a copy of the application to appropriate city departments for their review.
- (d) An application shall not be eligible to be considered for approval, until:
- (1) The public safety and community development departments have inspected the proposed location for compliance with all laws for which they are charged with enforcement and for compliance with the requirements of this article.
 - (2) The community development department verifies the proposed location of the marihuana business complies with the zoning code.
 - (3) The community development department confirms the proposed marihuana business meets applicable codes and this article.
 - (4) The city treasurer confirms the applicant and each stakeholder and the proposed location of the business are not in default to the city.
 - (5) The department of public safety determines the applicant meets the requirements of this article with respect to the background check and security plan.

(Ord. No. O-15-19, § 1, 12-16-2019)

Sec. 30-806. - License application evaluation.

- (a) The city will accept applications for a license(s) for a marihuana business over a 14 day period, as established by the city manager after the effective date of this article. At the end of the 14 day period, all properly submitted and complete applications shall be subject to examination and review by the city. The city may, in

its discretion, elect to issue or not issue licenses for any of the marihuana business types or issue licenses in any combination thereof, but in no instance shall issue more licenses than are permitted pursuant to the terms of this article and state law.

- (b) The city shall review all submitted applications for completeness. If an application is found to be incomplete, it will not be further considered until made complete. The community development department shall send a letter to the applicant explaining the omitted information or defect in the application. The applicant shall have two weeks from the date of the letter to correct the defect or provide the required information to the city. If the correction or additional information is not provided within two weeks of the letter, the application will be deemed abandoned and will no longer be considered.
- (c) To evaluate applications, the city shall use a point-based system which shall be approved, and may be modified from time-to-time, by city council resolution, and shall take into account the following application evaluation criteria:
- (1) The content and sufficiency of the information contained in the application.
 - (2) Whether the proposed plan has received approval from the public safety department, community development department, and all other appropriate departments.
 - (3) Whether the proposed facility will revitalize or redevelop property that has been vacant or unused for an extended period of time.
 - (4) Planned outreach on behalf of the proposed business, and whether the applicant or its stakeholders have made, or plan to make, significant physical improvements to the building housing the marihuana business, including plans to control traffic, noise, and odor effects on the surrounding area.
 - (5) Whether the applicant or any of its stakeholders have a record of acts detrimental to the public health, security, safety, morals, good order, or general welfare prior to the date of the application; and whether the applicant or any of its stakeholders have ever been convicted of operating an illegal business enterprise of any kind.
 - (6) Whether the applicant has reasonably and tangibly demonstrated it possesses adequate resources and experience to implement the submitted business plan.
 - (7) Whether the proposed location in the city in relation to its proximity to other locations for marihuana businesses represents a reasonable and harmonious dispersion of marihuana businesses.
 - (8) The proximity of the business to a school.
 - (9) Whether adequate off street parking is provided or available.
 - (10) Whether the size and nature of the use in relationship to previously approved and issued marihuana business licenses is reasonable.
 - (11) Whether the applicant has business experience previously in the city and demonstrates that the applicant has sufficient business experience to operate the proposed marihuana business.
 - (12) Whether the proposed plan incorporates sustainable infrastructure and energy efficient elements and fixtures.
 - (13) Whether the proposed plan incorporates infrastructure that adequately addresses stormwater drainage.
 - (14) Whether the proposed plan incorporates odor control systems to prevent odor dispersion to neighboring properties.

- (15) Whether an applicant has applied for a co-location of equivalent licenses at one location.
 - (16) Other criteria as indicated important for consideration by any appropriate department of the city administration.
- (d) The city may engage professional expert consultant assistance in performing any of the duties and responsibilities under this article.
 - (e) The point-based merit system, shall incorporate the evaluation criteria outlined within this article, and may include additional criteria intended to select licensees that provide the best outcome for the community as determined by the city.
 - (1) In the event of a tie among applicants through the merit system which would result in more approvals than available licenses, the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval.
 - (2) Any application receiving less than 70 percent of possible points outlined within the point-based merit system shall be automatically denied license approval.
 - (3) Applications and evaluation points yielded from a point-based merit system shall be considered for up to 180 days following the publication of merit point system scores. The effective applications and points shall be used to recommend license approval should prior recommendations be declined or fail to receive license. Applications within the process may receive a one time extension not to exceed three months, approved by the city manager with proper display of good cause shown.
 - (f) Within 90 days of receiving the last completed application, the city manager shall recommend applications for site plan approval to the planning commission. The city manager may only recommend a number of applications for consideration equal to or less than the number of remaining licenses available for issuance. All other applicants shall be sent a written notice of rejection setting forth specific reasons why the city manager did not recommend their application for city council approval.
 - (g) Upon receiving site plan approval from the planning commission, applicants shall move forward for final license approval from the city council as recommended by the city manager.
 - (h) Upon submittal of the city manager's recommended applications to the city council, the city shall publish and provide public notice of the city council meeting when the city council will consider the license applications. Notice shall be given not less than 14 days prior to the city council meeting. All written feedback shall be presented to the city council.
 - (i) The public notice shall be published in a newspaper of general circulation and posted at City Hall. The notice shall be sent by mail or personal delivery to the owners and occupants of property within 300 feet of the proposed marijuana business site. The public notice must include at minimum the following:
 - (1) Proposed location of the marijuana business; and
 - (2) Name of the applicant(s) or organization; and
 - (3) Intended marijuana business use; and
 - (4) Information pertaining to methods of accepting public feedback; and
 - (5) Location, date, and time of the meeting in which city council will consider license approval.
 - (j) All marijuana business licenses shall be effective for one year following its original issuance date. Annual renewal of the license shall follow the process as outlined within this article. The improvements made

pursuant to site plan approval by the planning commission shall be commenced after license approval by the city council and be completed within one year after the license is approved by the city council. The city council may, in its sole and exclusive discretion, grant an extension of time not to exceed 180 days if an applicant submits a written request to the city manager prior to the license expiration showing that its medical marihuana provisioning center facility application or adult use retail facility application with the state remains pending and that the applicant has diligently pursued approval of the state license and all other required permits, approvals and licenses without delay or inaction on applicant's part, and showing good cause for the extension of time.

(Ord. No. O-15-19, § 1, 12-16-2019)

Sec. 30-807. - License limit.

- (a) The city council finds and determines that it is in the public interest and serves a public purpose to limit the maximum number of licenses that the city may issue to three marihuana business locations, with the acceptable uses as follows:
 - (1) Adult use marihuana retail establishments;
 - (2) Medical marihuana provisioning center establishments;
- (b) The city council finds and determines that it is in the public interest and serves a public purpose to prohibit the following marihuana business uses from receiving a license from the city:
 - (1) Adult use and medical marihuana secured transporter establishments; and
 - (2) Designated consumption establishments; and
 - (3) Marihuana event organizer; and
 - (4) Temporary marihuana events; and
 - (5) Adult use and medical marihuana growing facility establishments; and
 - (6) Adult use and medical marihuana processing establishments, and
 - (7) Adult use and medical marihuana safety compliance facilities; and
 - (8) Adult use marihuana microbusiness establishments.
- (c) Should a license for a marihuana business become available due to expiration, revocation, or non-renewal, the city manager shall set an application period and receive applications for a license(s) for a marihuana business over a 14 day period. At the end of the 14 day period, all properly submitted and complete Applications shall be subject to examination and review by the city. The city may elect to issue or not issue licenses for any of the permitted uses or issue licenses in any combination thereof, but in no instance shall issue more licenses than are permitted pursuant to the terms of this article.

(Ord. No. O-15-19, § 1, 12-16-2019)

Sec. 30-808. - Marihuana facility co-location and stacking.

Separate marihuana business uses, under common ownership, and with proper licensing issued by LARA for each use, shall be permitted to operate at the same location with license approval from city. Co-locating establishments must have license approval for each marihuana business type and use.

(Ord. No. O-15-19, § 1, 12-16-2019)

Sec. 30-809. - License renewal application.

- (a) Application for license renewal shall be made in writing to the community development director at least 30 days prior to the expiration of an existing license.
- (b) An application for a license renewal shall be made under oath on forms provided by the city.
- (c) An application for a license renewal shall be accompanied by a renewal fee in an amount of \$5,000.00, of which half will be returned if the license is not renewed. The renewal fee is established to defray the costs of the administration of this article.
- (d) Upon receipt of a completed application for a license renewal meeting the requirements of this article and the license renewal fee, the community development director shall refer a copy of the renewal application to appropriate city departments and officials for review,
- (e) An application for a license renewal shall be not be considered for approval unless:
 - (1) The fire inspector has inspected the proposed location for compliance with all laws for which they are charged with enforcement within the past calendar year;
 - (2) The community development department has confirmed that the location complies with the zoning code and this article, at the time a license is granted;
 - (3) The building official has confirmed that the marihuana business meets the city building code requirements;
 - (4) The city treasurer has confirmed that the applicant and each stakeholder of the applicant and the location of the marihuana business are not currently in default to the city;
 - (5) The department of public safety has reviewed the application and determined that the applicant has satisfied the requirements of this article with respect to the background check and security plan;
 - (6) The applicant possesses the necessary state licenses or approvals, including those issued pursuant to the MMFLA;
 - (7) The applicant has operated the marihuana business in accordance with the conditions and requirements of this article;
 - (8) The marihuana business has not been determined to be a public nuisance; and
 - (9) The applicant is operating the marihuana business in accordance with applicable federal, state, and local laws and regulations.
- (f) If written approval is given by each individual, department, or entity identified in subsection (e), and the renewal application is found to be compliant with this article by the community development director, the community development department shall issue a license renewal to the applicant. If no renewal license is issued, half of the renewal fee shall be returned. The renewal shall be deemed approved if the city has not issued formal notice of denial within 60 days of the filing date of the application, unless the applicant is advised of non-compliance with this article or incompleteness of information or any required inspection during such period.

(Ord. No. O-15-19, § 1, 12-16-2019)

Sec. 30-810. - Transfer of ownership, licenses generally.

- (a) Licensees shall report any change in the required information to the community development department within ten business days of the change. Failure to do so may result in suspension or revocation of the license.
- (b) A license approval shall not be effective, and no marihuana business may operate, unless the marihuana business has obtained a state license and the site of the proposed use and proposed structure for the marihuana business is properly zoned for such use, and the proposed site plan has received approval from the planning commission.
- (c) Licensees may transfer a license issued under this article to a different location upon receiving written approval from the city and LARA or the board pursuant to the MMFLA and rules promulgated by LARA. In order to request city approval to transfer a permit location, the licensee must make a written request by submitting a transfer application to the community development director, indicating the current license location and the proposed license location, along with any proposed development to the site. Upon receiving the written request, the community development director shall refer a copy of the written request to all appropriate departments and officials including but not limited to the department of public safety, the treasury department, the building official, and the fire inspector. All location transfers shall be subject to review using the merit point system in effect at the time of submission. No permit location transfer shall be approved unless the newly proposed location garners at least 70 percent of the points available under the effective merit point system, each such city department or official gives written approval, following any necessary inspections, that the proposed new location meets the standards identified in this article, MRTMA, MMMA, MMFLA, and LARA.
- (d) Licensees may transfer a license issued under this article to a different individual or entity upon receiving written approval from the city and LARA. In order to request city approval to transfer a permit to a different individual or entity, the licensee must make a written request by submitting a transfer application to the community development director, indicating the current licensee, the proposed licensee, and all required information needed to demonstrate proper qualifications as determined by the city. The city shall grant the request so long as LARA authorizes the transfer pursuant to the MRTMA, MMFLA, MMMA, and rules promulgated by LARA, and the proposed licensee meets all requirements outlined in this article. The city reserves the right to decline any transfer of license which occurs within the first year of its original issuance.
- (e) With submission of a complete transfer application, the proposed licensee shall pay a nonrefundable application fee of \$2,500.00 for ownership transfer or \$5,000.00 for location transfer, as a means to offset costs associated with review of the proposed licensee's qualifications for marihuana business operation or the development of a new location.

(Ord. No. O-15-19, § 1, 12-16-2019)

Sec. 30-811. - Minimum operational standards of marihuana business.

Except as may conflict with state law or regulation the following minimum standards apply to all marihuana businesses:

- (1) The entire parcel where the marihuana business will be located must be properly zoned for that type of use, and the marihuana business operations must be entirely contained within the building.

- (2) The marihuana business shall be operated in compliance with the MMMA, the MMFLA, the MTA, MRTMA, an state's administrative rules. Any violation of such laws or rules shall be deemed a violation of this article.
- (3) On-premises consumption of marihuana shall be prohibited at any marihuana business except testing standards as outlined by LARA.
- (4) In addition to security requirements pursuant to state laws and regulations and any other applicable city ordinances, the marihuana business shall continuously monitor the entire premises, interior and exterior, with surveillance systems that include security cameras operating 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 180 days.
- (5) The marihuana business shall be contained within a lockable facility, including all interior doors, all windows and points of entry and exits with commercial grade non-residential locks and with an alarm system monitored. Marihuana shall not be permitted to be stored in trailers or sheds or other accessory structures to the principal building. Storage shall further be in accordance with the MRTMA, MMMA, MMFLA, MTA, and promulgated rules as amended.
- (6) A locking safe or secure locking cabinet system permanently affixed to the permitted premises that shall store any marihuana and all cash remaining in the facility overnight shall be used. For marihuana-infused products that must be kept refrigerated or frozen, the facility may lock the refrigerated container or freezer in a manner authorized by the MRTMA and promulgated rules as amended in place of the use of a safe so long as the container is affixed to the building structure.
- (7) No marihuana business shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property where the marihuana business is operated; or any other nuisance adverse to the public health, safety and welfare of the residents of the city.
- (8) All activity related to the provisioning, transferring, testing, or transportation of all marihuana shall be done indoors and fully compliant with state law so that it is not visible to the public.
- (9) All marihuana businesses shall maintain an inventory and record keeping system and/or database identifying the amount of marihuana on the premises in accordance with the MRTMA, the MTA and the rules and regulations, as amended from time to time. This log shall be available to law enforcement personnel at anytime.
- (10) All marijuana located on premise shall be inventoried and tagged with unique RFID tag as required by MTA and promulgated rules as amended from time to time.
- (11) The state license and the city license required by this article shall be conspicuously displayed on the premises of a marihuana business.
- (12) All marihuana facilities shall apply for and obtain from the city, or other applicable government authority, all necessary building, mechanical, electrical, plumbing, sign, fence, soil erosion and city zoning compliance permits.
- (13) Floors, walls, and ceilings shall be constructed in such a manner that they may be kept adequately cleaned and in good repair.
- (14) There shall be adequate screening or other protection against the entry of pests. Waste shall be disposed of so as to minimize the development of odor and minimize the potential for waste development and minimize the potential for waste becoming an attractant, harborage or breeding place for pests.

- (15) Venting of marihuana odors into the areas surrounding the marihuana business is prohibited and deemed and declared to be a public nuisance. All facility ventilation methods shall comply with the MRTMA and administrative rules promulgated, as amended from time to time.
- (16) Waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in areas where marihuana is exposed. Disposal systems for spent water and spent soil shall be approved by the city and byproduct materials, soils, plant materials, and other materials shall be stored indoors until pickup for disposal and shall not be left outdoors for disposal pickup for longer than six hours. Disposal of marihuana or marihuana waste or byproducts by on-site burning or introduction into the sewer system is prohibited.
- (17) The interior and exterior of all buildings, fixtures and other accessories shall be maintained in a presentable and sanitary condition.
- (18) Marihuana businesses shall provide its occupants with adequate and accessible restroom facilities that are maintained in a sanitary condition and good repair.
- (19) Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.
- (20) Marihuana businesses shall be free from infestation by insects, rodents, birds, or vermin or any kind.
- (21) All marihuana shall be packaged and labeled as provided by MRTMA, MTA, and promulgated rules as amended.
- (22) The premises shall be open for inspection during hours of operation and as such other times as anyone is present on the premises.
- (23) No other accessory uses are permitted within the same facility other than those associated with the retailing of marihuana.
- (24) Advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors is prohibited.

(Ord. No. O-15-19, § 1, 12-16-2019)

Sec. 30-812. - Additional operational standards for marihuana retail establishments.

Except as may conflict with state law or regulation, the following minimum standards for marihuana retail establishments shall apply:

- (1) Marihuana retail and medical marihuana provisioning center establishments may be open to the public only between 8:00 a.m. to 10:00 p.m..
- (2) Unless permitted by the MRTMA, public or common areas of the marihuana retail establishment must be separated from restricted or non-public areas of the retail establishment by a permanent barrier. Unless permitted by the MMMA, MMFLA, or the MRTMA, no marihuana may be stored, displayed, or transferred in an area accessible to the general public.
- (3) All marihuana storage areas within marihuana retail and medical marihuana provisioning center establishments must be separated from any customer/patient areas by a permanent barrier. Unless permitted by the MMMA, MMFLA, or MRTMA, no marihuana is permitted to be stored in an area

accessible by the general public or registered customers/patients. Marihuana may be displayed in a sales area only if permitted by the MRTMA.

(4) Drive-thru windows on the premises of a marihuana business establishment shall not be permitted.

(Ord. No. O-15-19, § 1, 12-16-2019)

Sec. 30-813. - License revocation, suspension and denial; basis for action; appeal.

- (a) Any city license issued under this article may be revoked or suspended by the city after written notice and an administrative hearing if a city official finds and determines that grounds for revocation or suspension exist. Any grounds for revocation or suspension must be provided to the licensee at least ten days prior to the date of the hearing by first class mail to the address given on the license application or any address provided to the community development department in writing subsequent to the filing of an application.
- (b) A license applied for or issued may be denied, revoked or suspended on any of the following grounds:
- (1) A violation of any provision of this article, including, but not limited to, the failure to provide the information required by this article;
 - (2) Any conviction of a felony or any misdemeanor involving controlled substances, theft or dishonesty by the licensee, stakeholder, or any person holding an ownership interest in the license;
 - (3) Commission of fraud or misrepresentation or the making of a false statement by the applicant, licensee, or any stakeholder of the applicant or licensee while engaging in any activity for which this article requires a license;
 - (4) Failure to obtain site plan approval from the planning commission;
 - (5) Failure to obtain or maintain a license or renewed license from the city pursuant to this article;
 - (6) Failure of the licensee or the marihuana business to obtain or maintain a state license or approval pursuant to the MRTMA, MMMA, or MMFLA;
 - (7) The marihuana business is determined by the city to have become a public nuisance or otherwise is operating in a manner detrimental to the public health, safety or welfare;
 - (8) Any default in the payment of any charges, taxes, or fees, to the city if not cured upon 45 days following notice sent by electronic means or mail to the address of the marihuana business;
 - (9) Violation of any state law applicable to marihuana businesses.
- (c) Appeal of denial of an application, or revocation or suspension of a license: the community development department shall notify an applicant of the reason(s) for denial of an application for a license or license renewal or for revocation or suspension of a license or any adverse decision under this article and provide the applicant with the opportunity to be heard. Any applicant aggrieved by the denial or revocation or suspension of a license or adverse decision under this article may appeal to the city council, who shall appoint a hearing officer to hear and evaluate the appeal and make a report and recommendation to the city council. Such appeal shall be taken by filing with the community development department, within 14 days after notice of the action complained of has been mailed to the applicant's last known address on the records of the community development department, a written statement setting forth fully the grounds for the appeal. The city council shall review the report and recommendation of the hearing officer and make a decision on the matter.

- (d) Following the denial of a license and any subsequent appeal during the recommendation and issuance process, may move to recommend the application with the next highest number of merit points as determined in the application process.

(Ord. No. O-15-19, § 1, 12-16-2019)

Sec. 30-814. - Penalties; temporary suspension of a license.

- (a) The city may require an applicant or licensee of a marihuana business to produce documents, records, or any other material pertinent to the investigation of an application or alleged violation of this article. Failure to provide the required material may be grounds for application denial, or license revocation.
- (b) Any person in violation of any provision of this article, including the operation of a marihuana business without a license shall be responsible for a misdemeanor and shall be subject to a civil fine and costs. Increased civil fines may be imposed for a repeat violation. As used in this section "repeat violation" shall mean a second or any subsequent infraction of the same requirement or provision committed by a person or Facility within any 24 month period. Unless otherwise specifically provided in this article, the penalty schedule is as follows:
- (1) \$750.00, plus costs, for the first violation;
 - (2) \$1,000.00, plus costs, for a repeat violation;
 - (3) \$3,000.00, plus costs per day, plus costs for any violation that continues for more than one day.
- (c) The city may temporarily suspend a marihuana business license without a prior hearing if the city finds that public safety or welfare requires emergency action affecting the public health, safety, or welfare. The city shall cause the temporary suspension by issuing a suspension notice in connection with institution of proceedings for notice and a hearing.
- (d) If the city temporarily suspends a license without a prior hearing, the licensee is entitled to a hearing within 30 days after the suspension notice has been served on the licensee or posted on the licensed premises. The hearing shall be limited to the issues cited in the suspension notice.
- (e) If the city does not hold a hearing within 30 days after the date the suspension was served on the licensee or posted on the licensed premises, then the suspended license shall be automatically reinstated and the suspension vacated.
- (f) The penalty provisions herein are not intended to foreclose any other remedy or sanction that might be available to, or imposed by the city, including criminal prosecution.

(Ord. No. O-15-19, § 1, 12-16-2019)

Sec. 30-815. - Disclaimer.

- (a) Nothing in this article shall be construed to authorize any person to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marihuana for unlawful purposes or allow any other activity relating to cultivation, growing, distribution or consumption of marihuana that is otherwise illegal.
- (b) Except as may be required by law or regulation, it is not the intent of this article to diminish, abrogate, or restrict the protections for individual use of marihuana found in the Michigan Medical Marihuana Act, the

Medical Marihuana Facilities Licensing Act, the Marihuana Tracking Act and the Michigan Regulation and Taxation of Marihuana Act.

(Ord. No. O-15-19, § 1, 12-16-2019)

Secs. 30-816—30-899. - Reserved.