

**CITY OF BERKLEY PUBLIC NOTICE  
REGULAR CITY COUNCIL MEETING  
Monday, February 7, 2022  
7:00 P.M. – City Hall  
248-658-3300**

**CALL 39<sup>th</sup> COUNCIL TO ORDER  
APPROVAL OF AGENDA  
INVOCATION – REVEREND MANDY BEAL  
PLEDGE OF ALLEGIANCE  
PUBLIC COMMENT  
ORDER OF BUSINESS**

**Consent Agenda**

1. **APPROVAL OF THE MINUTES:** Matter of [approving the minutes](#) of the 39<sup>th</sup> Regular City Council meeting on Tuesday, January 18, 2022.
2. **WARRANT:** Matter of [approving Warrant No. 1371](#).
3. **PROCLAMATION NO. P-01-22:** Matter of [approving a proclamation](#) declaring February 2022 as “Black History Month” in the City of Berkley.

**Regular Agenda**

1. **RECOGNITIONS/PRESENTATIONS:** Matter of any recognitions or presentations from the Consent Agenda.
2. **OATHS OF OFFICE:** Oaths of Office to appoint Public Safety Officers Andrew Boring, Evan Beauchamp, and K-9 Bear along with recently promoted Sgt. Steve Mueller.
3. **MOTION NO. M-24-22:** Matter of [approving a Friends of Berkley Parks and Recreation event](#) “Bacon Walk” on Oxford Park, Bacon Avenue, and Jaycee Park on Saturday, April 9, 2022 from 8-11 a.m. Approval is conditional upon the submission of required items and documents prior to the event dates.
4. **ORDINANCE NO. O-01-22:** Matter of [considering the First Reading of an Ordinance](#) of the Council of the City of Berkley, Michigan to rezone properties described as 2465 and 2475 Cambridge Road, Lots 123 and 124, except that portion now included in Coolidge Highway, of Hannan’s West Royal Oak Subdivision; and 2466 and 2476 Columbia Road, Lots 125 and 126, except west 10.25 feet of Lot 125 and west 10.23 feet of Lot 126, of Hannan’s West Royal Oak Subdivision from Coolidge District to Gateway District.
5. **MOTION NO. M-25-22:** Matter of [awarding the Forestry Services Contract](#) to Hart Urban Forestry located in Sterling Heights, Michigan for a three-(3)-year term.
6. **MOTION NO. M-26-22:** Motion to [approve the appointments](#) to various boards and commissions.
7. **MOTION NO. M-27-22:** Matter of [adopting the Berkley Support Debris Management Plan](#).
8. **RESOLUTION NO. R-02-22:** Matter of [approving a Resolution](#) of the Thirty-ninth Council of the City of Berkley, Michigan amending its Rules and Order of Procedure.
9. **Discussion:** Matter of discussing a third-place tie in marihuana business license score ranking.

**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](mailto: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 TUESDAY, JANUARY 18, 2022 BY MAYOR TERBRACK**

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

**APPROVAL OF AGENDA**

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

**INVOCATION:** Pastor Adam Groh

**PUBLIC COMMENT**

David Lupien-Parish, Berkley, voiced his concern regarding Council's Rules and Order of Procedure (R-39-21), specifically regarding the public not being able to address or attack a specific member of City Council or a City Employee. He said that is a violation of constitutional rights and should therefore be changed to allow the public their freedom of speech. He also stated two court cases he believes support his assertions. He asked that the City's Code of Ordinances is amended.

***Consent Agenda***

Councilmember Gavin moved to approve the following Consent Agenda, seconded by Councilmember Hennen:

**APPROVAL OF THE MINUTES:** Matter of approving the minutes of the 39<sup>th</sup> Regular City Council meeting on Monday, December 20, 2021 and the Special City Council Meeting on January 10, 2022.

**WARRANT:** Matter of approving Warrant No. 1370.

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

***Regular Agenda***

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

There were no recognitions or presentations.

**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.

Councilmember Price moved to approve Motion No. M-01-22

Seconded by Councilmember Hennen

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

Nays: None

Motion Approved.

**MOTION NO. M-02-22:** Matter of temporarily postponing this agenda item until later in the meeting to allow for correction of technical difficulties and to subsequently 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.

Mayor Pro Tem Dean moved to approve Motion No. M-02-22

Seconded by Councilmember Price

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

Nays: None

Motion Approved.

**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.

Councilmember Vilani moved to approve Motion No. M-03-22

Seconded by Councilmember Baker

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

Nays: None

Motion Approved.

**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.

Councilmember Price moved to approve Resolution No. R-01-22

Seconded by Councilmember Gavin

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

Motion Approved.

#### **PUBLIC COMMENT FOR MOTIONS NO. M-04-22 THROUGH M-23-22**

Attorney David Schlackman, Carson Fischer Law Firm in Bloomfield Hills, stated he represents marihuana applicant BDE Warren and its application was underscored. He said there are four areas where BDE Warren was improperly scored. He mentioned a couple of those areas where he believes they did not receive points when they should have.

Attorney Ari Goldstein, representing marihuana applicant FPAW Michigan, LLC, brought to City Council's attention some of the recommendations Hearing Officer Need made. He mentioned various areas that they were scored and how it didn't seem to make sense to him.

Attorney Rob Nederhood, representing marihuana applicant Oak Flint, LLC, commented that his client's final score was 279 points and that they were exactly 22 points short of receiving a more beneficial placement for the marihuana business license. He argued the 22 points should have been given to his client because they provided an affidavit they were supposed to and that he believes it

was never even published by the City in its ordinance or the application that the affidavit was supposed to be provided in the first place.

Attorney Kevin Blair, representing marihuana applicant Lume, said his client is very excited to have its business in Berkley. He said Lume submitted its site plan. He said while he recognizes the pending litigation is why things have not moved forward, he requests to allow the applicants that have scored high enough to move forward with site plan review and let the applicants that are tied to move forward at their own risk. He said by not moving forward, the City could miss out on the excise tax for this year. He presented visuals to indicate how the alleyway for their potential business looked compared to another applicant. He said he believes the other applicant's potential business site does not qualify for the appropriate points in regards to having a full functioning alleyway.

Patricia Myers spoke on behalf of marihuana applicant Berkley Corners. She said it is important that this process is fair and transparent. She voiced her concern regarding a Freedom of Information Act request she submitted and received a voice recording that did not contain her public comment made during a hearing for marihuana applicant Operation Grow. She said there were two applicants – Bud McCool and Operation Grow – that were not prequalified. She said Operation Grow was allowed to move forward in the process and Bud McCool was not allowed to move forward as of September 2021. She went on to say this is an example of how the process was not consistent and transparent. She also mentioned she submitted various Freedom of Information Act requests to the Marijuana Regulatory Agency (MRA) for some documents and the response to her request was that these documents did not exist to the extent of her request.

An attorney representing marihuana applicant Operation Grow spoke about some of the comments that were previously made about his client. He stated Operation Grow's application was prequalified as well as their application for renewal was timely submitted. He referenced some of the comments that were made by Hearing Officer Need to indicate that Operation Grow was compliant with what the City was asking from them and said there is no evidence to suggest that Officer Need was incorrect about the comments for Operation Grow. He continued to say that Officer Need made comments based on evidence of record and there is no reason to disagree with his conclusions.

**MOTION NO. M-04-22:** Regarding file no. PMA20-0002 Bud McCool, Inc. (9/16/21 and 12/10/21) appeals, I move that City Council accepts and adopts the appeal hearing officer's recommendation to affirm the City Manager's scoring of the application, based on and incorporating the findings, reasons, and conclusions set forth in the written Recommendation of Hearing Officer; and the City shall notify the appellant in writing of Council's decision.

Councilmember Vilani moved to approve Motion No. M-04-22  
Seconded by Mayor Pro Tem Dean  
Ayes: Dean, Gavin, Hennen, Price, Vilani, Baker and Terbrack  
Motion Approved.

**MOTION NO. M-05-22:** Regarding file no. PMA20-0003 Operation Grow, LLC, I move that City Council accepts and adopts the appeal hearing officer's recommendation to modify the City Manager's scoring of the application, based on and incorporating the findings, reasons, and conclusions set forth in the written Recommendation of Hearing Officer; and the City shall notify the appellant in writing of Council's decision.

Councilmember Gavin moved to approve Motion No. M-05-22  
Seconded by Councilmember Baker  
Ayes: Gavin, Hennen, Price, Vilani, Baker, Dean and Terbrack  
Motion Approved.

**MOTION NO. M-06-22:** Regarding file no. PMA20-0005 BDE Warren, LLC, I move that City Council accepts and adopts the appeal hearing officer's recommendation to affirm the City Manager's scoring of the application, based on and incorporating the findings, reasons, and conclusions set forth in the written Recommendation of Hearing Officer; and the City shall notify the appellant in writing of Council's decision.

Mayor Pro Tem Dean moved to approve Motion No. M-06-22  
Seconded by Councilmember Gavin  
Ayes: Hennen, Price, Vilani, Baker, Dean, Gavin and Terbrack  
Motion Approved.

**MOTION NO. M-07-22:** Regarding file no. PMA20-0006 PGB Enterprises, LLC, I move that City Council accepts and adopts the appeal hearing officer's recommendation to affirm the City Manager's scoring of the application, based on and incorporating the findings, reasons, and conclusions set forth in the written Recommendation of Hearing Officer; and the City shall notify the appellant in writing of Council's decision.

Councilmember Baker moved to approve Motion No. M-07-22  
Seconded by Councilmember Vilani  
Ayes: Price, Vilani, Baker, Dean, Gavin, Hennen and Terbrack  
Motion Approved.

**MOTION NO. M-08-22:** Regarding file no. PMA20-0007 Yellow Tail Ventures (11 Mile), I move that City Council accepts and adopts the appeal hearing officer's recommendation to modify the City Manager's scoring of the application, based on and incorporating the findings, reasons, and conclusions set forth in the written Recommendation of Hearing Officer; and the City shall notify the appellant in writing of Council's decision.

Councilmember Price moved to approve Motion No. M-08-22  
Seconded by Mayor Pro Tem Dean  
Ayes: Vilani, Baker, Dean, Gavin, Hennen, Price and Terbrack  
Motion Approved.

**MOTION NO. M-09-22:** Regarding file no. PMA20-0009 Yellow Tail Ventures (Woodward), I move that City Council accepts and adopts the appeal hearing officer's recommendation to modify the City Manager's scoring of the application, based on and incorporating the findings, reasons, and conclusions set forth in the written Recommendation of Hearing Officer; and the City shall notify the appellant in writing of Council's decision.

Councilmember Hennen moved to approve Motion No. M-09-22  
Seconded by Councilmember Price  
Ayes: Baker, Dean, Gavin, Hennen, Price, Vilani and Terbrack  
Motion Approved.

**MOTION NO. M-10-22:** Regarding file no. PMA20-0010 Attitude Wellness, I move that City Council accepts and adopts the appeal hearing officer's recommendation to affirm the City Manager's scoring of the application, based on and incorporating the findings, reasons, and conclusions set forth in the written Recommendation of Hearing Officer; and the City shall notify the appellant in writing of Council's decision.

Councilmember Vilani moved to approve Motion No. M-10-22  
Seconded by Councilmember Baker  
Ayes: Dean, Gavin, Hennen, Price, Vilani, Baker and Terbrack  
Motion Approved.

**MOTION NO. M-11-22:** Regarding file no. PMA20-0011 Green Bronco III, LLC, I move that City Council accepts and adopts the appeal hearing officer's recommendation to modify the City Manager's scoring of the application, based on and incorporating the findings, reasons, and conclusions set forth in the written Recommendation of Hearing Officer; and the City shall notify the appellant in writing of Council's decision.

Councilmember Gavin moved to approve Motion No. M-11-22  
Seconded by Councilmember Vilani  
Ayes: Gavin, Hennen, Price, Vilani, Baker, Dean and Terbrack  
Motion Approved.

**MOTION NO. M-12-22:** Regarding file no. PMA20-0013 FPAW Michigan, LLC dba Michigan Supply and Provisions, I move that City Council accepts and adopts the appeal hearing officer's recommendation to modify the City Manager's scoring of the application, based on and incorporating the findings, reasons, and conclusions set forth in the written Recommendation of Hearing Officer; and the City shall notify the appellant in writing of Council's decision.

Mayor Pro Tem Dean moved to approve Motion No. M-12-22

Seconded by Councilmember Gavin

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

Motion Approved.

**MOTION NO. M-13-22:** Regarding file no. PMA20-0014 Berkley Herbal Center, LLC, I move that City Council accepts and adopts the appeal hearing officer's recommendation to affirm the City Manager's scoring of the application, based on and incorporating the findings, reasons, and conclusions set forth in the written Recommendation of Hearing Officer; and the City shall notify the appellant in writing of Council's decision.

Councilmember Baker moved to approve Motion No. M-13-22

Seconded by Mayor Pro Tem Dean

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

Motion Approved.

**MOTION NO. M-14-22:** Regarding file no. PMA20-0017 123 Ventures, LLC, I move that City Council accepts and adopts the appeal hearing officer's recommendation to affirm the City Manager's scoring of the application, based on and incorporating the findings, reasons, and conclusions set forth in the written Recommendation of Hearing Officer; and the City shall notify the appellant in writing of Council's decision.

Councilmember Price moved to approve Motion No. M-14-22

Seconded by Councilmember Baker

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

Motion Approved.

**MOTION NO. M-15-22:** Regarding file no. PMA20-0018 GS Bay City, LLC, I move that City Council accepts and adopts the appeal hearing officer's recommendation to affirm the City Manager's scoring of the application, based on and incorporating the findings, reasons, and conclusions set forth in the written Recommendation of Hearing Officer; and the City shall notify the appellant in writing of Council's decision.

Councilmember Hennen moved to approve Motion No. M-15-22

Seconded by Councilmember Price

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

Motion Approved.

**MOTION NO. M-16-22:** Regarding file no. PMA20-0019 Pure Roots, LLC, I move that City Council accepts and adopts the appeal hearing officer's recommendation to affirm the City Manager's scoring of the application, based on and incorporating the findings, reasons, and conclusions set forth in the written Recommendation of Hearing Officer; and the City shall notify the appellant in writing of Council's decision.

Councilmember Vilani moved to approve Motion No. M-16-22

Seconded by Mayor Pro Tem Dean

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

Motion Approved.

**MOTION NO. M-17-22:** Regarding file no. PMA20-0020 Pure Life Berkley, LLC, I move that City Council accepts and adopts the appeal hearing officer's recommendation to affirm the City Manager's scoring of the application, based on and incorporating the findings, reasons, and conclusions set forth in the written Recommendation of Hearing Officer; and the City shall notify the appellant in writing of Council's decision.

Councilmember Gavin moved to approve Motion No. M-17-22

Seconded by Councilmember Vilani  
Ayes: Gavin, Hennen, Price, Vilani, Baker, Dean and Terbrack  
Motion Approved.

**MOTION NO. M-18-22:** Regarding file no. PMA20-0022 Pure Life Berkley II, LLC, I move that City Council accepts and adopts the appeal hearing officer's recommendation to affirm the City Manager's scoring of the application, based on and incorporating the findings, reasons, and conclusions set forth in the written Recommendation of Hearing Officer; and the City shall notify the appellant in writing of Council's decision.

Mayor Pro Tem Dean moved to approve Motion No. M-18-22  
Seconded by Councilmember Gavin  
Ayes: Hennen, Price, Vilani, Baker, Dean, Gavin and Terbrack  
Motion Approved.

**MOTION NO. M-19-22:** Regarding file no. PMA20-0024 3895 Euclid, LLC, I move that City Council accepts and adopts the appeal hearing officer's recommendation to modify the City Manager's scoring of the application, based on and incorporating the findings, reasons, and conclusions set forth in the written Recommendation of Hearing Officer; and the City shall notify the appellant in writing of Council's decision.

Councilmember Baker moved to approve Motion No. M-19-22  
Seconded by Mayor Pro Tem Dean  
Ayes: Price, Vilani, Baker, Dean, Gavin, Hennen and Terbrack  
Motion Approved.

**MOTION NO. M-20-22:** Regarding file no. PMA20-0025 Berkley Corners PRV, LLC, I move that City Council accepts and adopts the appeal hearing officer's recommendation to affirm the City Manager's scoring of the application, based on and incorporating the findings, reasons, and conclusions set forth in the written Recommendation of Hearing Officer; and the City shall notify the appellant in writing of Council's decision.

Councilmember Price moved to approve Motion No. M-20-22  
Seconded by Councilmember Hennen  
Ayes: Vilani, Baker, Dean, Gavin, Hennen, Price and Terbrack  
Motion Approved.

**MOTION NO. M-21-22:** Regarding file no. PMA20-0028 Warren Capital Holdings, LLC, I move that City Council accepts and adopts the appeal hearing officer's recommendation to affirm the City Manager's scoring of the application, based on and incorporating the findings, reasons, and conclusions set forth in the written Recommendation of Hearing Officer; and the City shall notify the appellant in writing of Council's decision.

Councilmember Hennen moved to approve Motion No. M-21-22  
Seconded by Mayor Pro Tem Dean  
Ayes: Baker, Dean, Gavin, Hennen, Price, Vilani and Terbrack  
Motion Approved.

**MOTION NO. M-22-22:** Regarding file no. PMA20-0029 Seven Point Dispensing of Michigan, LLC, I move that City Council accepts and adopts the appeal hearing officer's recommendation to modify the City Manager's scoring of the application, based on and incorporating the findings, reasons, and conclusions set forth in the written Recommendation of Hearing Officer; and the City shall notify the appellant in writing of Council's decision.

Councilmember Vilani moved to approve Motion No. M-22-22  
Seconded by Councilmember Price  
Ayes: Dean, Gavin, Hennen, Price, Vilani, Baker and Terbrack  
Motion Approved.

**MOTION NO. M-23-22:** Regarding file no. PMA20-0031 Oak Flint, LLC, I move that City Council accepts and adopts the appeal hearing officer's recommendation to affirm the City Manager's scoring



of the application, based on and incorporating the findings, reasons, and conclusions set forth in the written Recommendation of Hearing Officer; and the City shall notify the appellant in writing of Council's decision.

Councilmember Gavin moved to approve Motion No. M-23-22

Seconded by Councilmember Vilani

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

Motion Approved.

## **COMMUNICATIONS**

**COUNCILMEMBER HENNEN:** stated the Tree Board will meet on Monday, February 28<sup>th</sup>. He stated the Zoning Board of Appeals met last week and heard two cases that both ended up being tabled. He gave the latest vaccination data for the City from the State. He said that over the past 71 days since last providing data, children saw a 21 percent increase in second shot vaccination rates. He mentioned that all of their categories are stagnant and with children there is only a 56 percent completion rate with vaccination. Councilmember Hennen said he requested booster data which he did not receive. He said he is not sure whether it is because they simply are not collecting the data at a City level or because it is not ready at this point in time. He emphasized the importance of COVID-19 testing and said the federal government is providing free at home COVID-19 test kits that may be requested starting today. He said to visit [covidtests.gov](https://www.covidtests.gov) to obtain a test. He said on a positive note, spring will be approaching and there are therapeutic pills for COVID-19 that have been approved as well.

**COUNCILMEMBER PRICE:** provided a few updates from her boards and commissions. She said the Beautification Advisory Committee (BAC) gave its Holiday Spirit Awards to 10 city blocks this year. She said the photos of the decorated city blocks may be viewed under the BAC webpage on the City's website. She thanked everyone in Berkley who decorated their homes this past holiday season. She stated that the Community Engagement Advisory Committee continues to share free or low-cost resources on the Berkley Community Resources Facebook group. She said the Library Board will meet 7 p.m. Wednesday, January 19<sup>th</sup> at the Berkley Public Library. She said items on the meeting's agenda include: Considering updates to the code of conduct, reviewing the Board's establishing ordinance, and considering upcoming plans for programming. Councilmember Price mentioned two upcoming events at the library. The first one is a Zoom presentation about how to improve health by reducing inflammation. She said the event will take place on Wednesday, January 26<sup>th</sup> at 6:30 pm. The second event is an online introduction to mindfulness meditation on Wednesday, February 2<sup>nd</sup> at 6:30 pm. She said those interested may register for these programs by either going to the library's website or calling the library.

**COUNCILMEMBER BAKER:** stated the Historical Committee met last Tuesday, January 11<sup>th</sup>. He said there were discussions about additional display items being put in the museum and about celebrating the 100<sup>th</sup> anniversary of Berkley becoming a village to take place in 2023. He said the historical museum's hours are Wednesdays from 10 a.m.-1 p.m. and Sundays from 2-4 p.m. He said anyone interested may also visit the museum's website at [berkleyhistory.com](https://www.berkleyhistory.com). Councilmember Baker said that the Downtown Development Authority (DDA) met on Wednesday, January 12<sup>th</sup>. He mentioned some of the projects that will be happening downtown such as the progress with Berkley Plaza on Coolidge Highway and new bench installation. He said Authority members reviewed the DDA events calendar. He discussed upcoming downtown events such as the Frozen February Block Party on Saturday, February 12<sup>th</sup>. He said March highlights will include Downtown Story Walk for reading month, Downtown Leprechaun Scavenger Hunt, and Leprechaun Nights Out on March 17<sup>th</sup>. He said additional information for these events will be coming soon and may be found at [downtownberkley.com](https://www.downtownberkley.com). He quoted Rick Patino, "Make incremental progress. Change comes not by the yard, but by the inch." He emphasized to recognize small changes being made and that we do not need to always strive for perfection. He wished for everyone to stay safe and to hug someone they love.

**MAYOR PRO TEM DEAN:** said that after having to pause in 2021, the Annual Winter Fest will be back on Saturday, February 5<sup>th</sup> from noon-2 p.m. She added Winter Fest will be exclusively outdoors with the exception that the Community Center will be open for restrooms, grab-and-go hot chocolate, and doughnuts. She said outdoor activities will include ice carving demonstrations, unicorn rides, fowling, a petting zoo, and ice skating. She said Winter Fest is free for anyone to attend. Mayor Pro Tem Dean said AARP tax assistance is available for seniors at the Community Center and appointments are required. She said please call the Community Center at (248) 658-3470 to make an appointment. She said anyone may view all of the Parks and Recreation programs currently being offered by visiting [recreation.berkleymich.org](http://recreation.berkleymich.org).

**COUNCILMEMBER GAVIN:** stated the next Planning Commission meeting will be on Tuesday, January 25<sup>th</sup> at 7 p.m. He stated the Environmental Advisory Committee meeting for Thursday, January 20<sup>th</sup> has been canceled and the next meeting will be Thursday, February 17<sup>th</sup> at 6:30 p.m. in the second-floor conference room in the Public Safety building.

**COUNCILMEMBER VILANI:** stated the Technology Advisory Committee has not met since the last City Council meeting so there are no updates. She said the Berkley Area Chamber of Commerce had an event for Martin Luther King Jr. titled, "A Day On, Not a Day Off." She said participants were from Berkley and Royal Oak and events included marching, donations, and an address from the governor. She added it was a very positive and well attended event.

**CITY MANAGER BAUMGARTEN:** stated the City had a big year last year, and a big part of that was spent bringing this process (marihuana Merit Scoring) to this point this evening. He said that City staff worked very hard and continues to work diligently through the entire process. He thanked Council for its roles that evening. He said that while the City Council meetings are no longer presented in the Zoom hybrid format, there are still ways to watch and participate. He stated meetings may be viewed via live stream and if anyone has comments to be addressed by Council, they can email the Clerk's Office or the councilmembers.

**ATTORNEY STARAN:** commended City Council for working its way through difficult and tedious material and making the difficult decisions that members did. He said city administration has been living with and working through marihuana business licensing issues almost daily for about two years. He said City Council was involved at the front end with the deliberation and adoption of the marihuana ordinance as well as the scoring criteria. He said now City Council had to make the hard decisions again. He further summarized some additional points. He said that as a result of City Council's actions tonight, they have final scores and he presumes the City Manager will post the scores on the City's website as soon as possible. He said in terms of ranking, there is a clear No. 1 and No. 2; however, there is a three-way tie for No. 3. He continued to say that Mayor Terbrack mentioned they were going to come back at a future meeting to weigh the options on how the three-way tie would be handled. He referenced a comment that was made earlier in the evening stating perhaps Council would want to give direction to the City Manager to send the top five applicants on to the Planning Commission so they could start the process. He asked if City Council wants to hold off on sending the top five applicants to the Planning Commission until they resolve how they are going to deal with the tie.

Mayor Terbrack said that would be a directive and not something City Council would have to formally act on. He asked Attorney Staran for clarification to make sure he was understanding that correctly.

Attorney Staran said that is correct but he reiterated a previous comment that time is running out and the city manager has been waiting for the scores to be finalized before anything would go before the Planning Commission. He said now that the scores are finalized, the question now is how many applicants is the City Manager going to be referring to the Planning Commission. He added the ordinance states he cannot refer more applicants than licenses that are available. He said he ultimately wanted to bring that up and said Council could give direction on that or hold off until the next meeting and make the decision then.

Mayor Terbrack provided his thoughts and asked for feedback from other members of Council.

Councilmember Vilani asked Attorney Staran if they let the applicants move forward, would that create any sort of risk or liability for the City.

Attorney Staran said there is always some sort of risk moving forward, but the greater risk is having two applicants who are spending time and money that ultimately find out they would not be able to obtain one of the licenses. He said he is bringing the question up and is not trying to steer Council one way or the other. He said Council may be more comfortable with determining what they are going to do.

Mayor Terbrack said that he is not for slowing this process down. He continued to say he would not have an issue if the applicants wanted to start the process with the Planning Commission while knowing the full reality is they may not end up obtaining a license to operate their marijuana business in the City.

Councilmember Vilani asked City Manager Baumgarten, from a capacity standpoint, would it create any undue burden for staff to allow the final five applicants to go through the planning process to get started?

City Manager Baumgarten said, "no."

Attorney Staran said if this comes back to Council in a couple of weeks for council members to decide what direction they are going to go; the five applicants would not have gotten too far in the Planning Commission process.

Mayor Terbrack said whatever they decide to do, he emphasizes having something legally airtight so they do not have a liability if they are able to.

Attorney Staran said they will work on that. He continued to say that time is money and that the applicants still have plenty of things to do before they would be in the position to open their business.

Mayor Terbrack said he understands and would be open to doing that as long as it doesn't put them in a precarious position.

Attorney Staran said he understood.

Mayor Terbrack asked the other Councilmembers if they wanted to allow the five applicants to move forward.

Councilmember Vilani said, "yes."

Councilmember Gavin said he did not have a problem with moving forward; however, he wanted to repeat that it is completely at the applicant's risk and that Council still has decisions to make moving forward.

Mayor Pro Tem Dean said she has no problem with letting the applicants move forward. She said in light of what has been stated already that it is extremely important for the applicants to know this is at their own risk and there is no guarantee for the three tied applicants.

Councilmember Baker said at this point some folks are at potential risk of spending some money. He said it is made very clear that the applicants moving forward are doing it at their own risk. He added that they do not have to move forward and have the choice to wait. He said considering these points, he would not be opposed to stopping them.

Councilmember Price said she is the most comfortable with directing the City Manager to allow applicants No.1 and No. 2 to move forward. She said she is not as comfortable letting the three applicants that are tied to move forward until it is resolved at the next meeting.

Councilmember Hennen said his concern was capacity of staff and also with the Planning Commission volunteers having to hold hearings for the "back three" as he referenced the three applicants that are tied

for the No.3 score. He said he did not have a problem letting the No.1 and No. 2 scoring applicants move forward, but he said that the other three applicants that are tied should only move forward with city staff and not move forward with the Planning Commission until Council has decided.

Mayor Terbrack said based on City Council's timeline and the Planning Commission's timeline, it is likely that they will have an item on the agenda along with a resolution at the time the official number referred to the Planning Commission is determined. He said he does not have an issue with the applicants that are currently in the top five group to begin preparations while knowing it is purely at their own risk.

Attorney Staran said he would work with the City Manager to give official communication regarding the applicants' option to move forward.

Mayor Terbrack said he does not want the applicants to move forward until there is something in writing from the City Manager and City Attorney.

**MAYOR TERBRACK:** said that today, January 18<sup>th</sup>, is a special day and that roughly some 43 years ago, his eldest sister was born. He said even though she has made the decision to move to Chicago and move out of Berkley, he still wanted to wish her a Happy Birthday.

#### **ADJOURNMENT**

Mayor Pro Tem Dean moved to adjourn the Regular Meeting at 8:50 p.m.

Seconded by Councilmember Hennen

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

Nays: None

Motion Approved.



CITY OF BERKLEY  
 CHECK WARRANT  
 #1371  
 JANUARY 2022

Check Date	Check	Vendor Name	Description	Amount	Voided?
01/06/2022	62775	CORELOGIC	MULTIPLE SIDWELLS SIDWELL #04-25-17-407-003	2,188.48 2,185.05	
				<b>4,373.53</b>	
01/06/2022	62776	DALE GOODCOURAGE	SIDWELL #04-25-17-108-004	3,425.80	
01/06/2022	62777	MCKENNA	NOV, 2021 INSPECTIONS	25,857.75	
01/06/2022	62778	MICHAEL GRUI	SIDWELL #04-25-17-406-001	2,419.62	
01/06/2022	62779	MISDU	CHILD SUPPORT CASE NO. 913340822 - PR #1 CHILD SUPPORT CASE NO. 913286400 - PR #1 CHILD SUPPORT CASE NO. 913488854 - PR #1	82.99 128.05 64.14	
				<b>275.18</b>	
01/06/2022	62780	NATIONWIDE RETIREMENT SOLUTIONS	EMPL. DEDUCT. (NATIONWIDE 457) - PR #1 EMPL. DEDUCT. (ROTH) - PR #1	5,414.99 1,384.39	
				<b>6,799.38</b>	
01/06/2022	62781	TITLE PARTNERS, LLC	SIDWELL #04-25-18-207-034	2,573.08	
01/06/2022	62782	VANTAGEPOINT TRNSFR AGENTS-107930	EE/ER CONTRIB. (401) - PR #1	570.77	
01/06/2022	62783	VANTAGEPOINT TRNSFR AGENTS-303792	EMPLOYEE DEDUCT. (ICMA 457) - PR #1 EMPLOYEE DEDUCT. - LOAN - PR #1	2,445.09 123.40	
				<b>2,568.49</b>	
01/06/2022	62784	VANTAGEPOINT TRNSFR AGENTS-706259	EMPLOYEE DEDUCT. (ICMA ROTH) - PR #1	205.00	
01/19/2022	62785	21ST CENTURY MEDIA - MICHIGAN	LEGAL AD FOR ZBA LEGAL AD FOR ZBA	170.60 206.75	
				<b>377.35</b>	
01/19/2022	62786	ADKISON, NEED, ALLEN & RENTROP PLLC	MBL HEARING OFFICER	967.50	
01/19/2022	62787	ADT COMMERCIAL LLC	1/27/22 - 2/26/22 DPW ALARM MONITORING	81.63	
01/19/2022	62788	ALIMOFF BUILDING & DEVELOPMENT	1691 EATON	850.00	
01/19/2022	62789	ALLIANCE MOBILE HEALTH	BLOOD DRAWS FOR 21-11378 X 2, 11477 & 11	592.00	
01/19/2022	62790	ALPHA PSYCHOLOGICAL SERVICES	PSYCH - NEW HIRE PSO - BEAUCHAMP	725.00	
01/19/2022	62791	AMAZON CAPITAL SERVICES	(3) - 4 PK TOURNIQUET KITS 3 CABLE COVERS - 1 WALL CLOCK	86.97 109.96	
				<b>196.93</b>	
01/19/2022	62792	APPLIED IMAGING	DPW COPIER	0.50	
01/19/2022	62793	AT&T	ACCT. NO. 248546-24000218 - 12/25/21 - 0	779.83	
01/19/2022	62794	BIG D LOCK CITY	3 KEYS TO CHIEF'S OFFICE CITY HALL MAINT. DUPLICATE KEYS	6.00 117.97 25.00	
				<b>148.97</b>	
01/19/2022	62795	BILLINGS LAWN EQUIPMENT	DPW/P&R SNOW BLOWER PARTS	306.06	
01/19/2022	62796	BLUE CROSS BLUE SHIELD OF MICH	DECEMBER 2021 CLAIMS	112,644.16	
01/19/2022	62797	BRIAN ALIMOV	2697 OAKSHIRE AVE. 2069 COLUMBIA RD.	1,000.00 1,000.00	
				<b>2,000.00</b>	
01/19/2022	62798	BRUTTELL ROOFING COMPANY INC.	2928 TYLER AVE.	100.00	
01/19/2022	62799	CALVIN JEROME SMITH	4200 PHILLIPS AVE.	100.00	
01/19/2022	62800	CAMELOT CLEANERS	PRIS. BLANKETS - DECEMBER	96.55	
01/19/2022	62801	CARDCONNECT	CONTRACTUAL SERVICES	25.00	

			CONTRACTUAL SERVICES	25.00
				<b>50.00</b>
01/19/2022	62802	CAROUSEL ACRES, INC.	WINTERFEST CONTRACTUAL	725.00
01/19/2022	62803	CITY OF BERKLEY-TREASURY PETTY CASH	PETTY CASH FUND - INVESTIGATIONS	500.00
01/19/2022	62804	CLEAR CUT ICE	WINTERFEST CONTRACTUAL	1,875.00
01/19/2022	62805	CMNTV	CABLE PRODUCTION FOR OCTOBER 2021	3,065.00
01/19/2022	62806	CONTRACT EXCAVATING LLC.	3567 KIPLING AVE.	500.00
01/19/2022	62807	CONTRACTORS CLOTHING CO.	UNIFORMS - J. BEACH	75.98
01/19/2022	62808	DEAN SELLERS FORD	PS VEH #412	4,754.55
01/19/2022	62809	DELANG FLUID POWER, INC.	CRIMPING MACHINE PARTS - HOSES - CONNECT	359.94
01/19/2022	62810	DETROIT SALT COMPANY	SALT	8,161.84
			SALT	2,783.94
			SALT	2,840.38
				<b>13,786.16</b>
01/19/2022	62811	DEWOLF AND ASSOCIATES	FTO UPDATE FOR ALL PTO STAFF	1,500.00
01/19/2022	62812	DORIS SHEIKH	SENIOR CONTRACTUAL	543.90
01/19/2022	62813	DRY BASEMENTS PLUS LLC	1673 COLUMBIA RD.	100.00
01/19/2022	62814	DU-ALL CLEANING INC.	CUSTODIAL SERVICES	1,184.27
			JANITORIAL	1,217.28
			DPW CUSTODIAL SERVICES	572.00
			CITY HALL JANITORIAL - DECEMBER 2021	988.65
				<b>3,962.20</b>
01/19/2022	62815	ELITE TRAUMA CLEAN-UP	BIOHAZARD CLEAN UP CELL #1 - CFS #22-000	1,716.25
01/19/2022	62816	EMERGENCY DRAIN AND PLUMBING	3230 GRIFFITH AVE.	5,000.00
01/19/2022	62817	FEDEX OFFICE	FOIA COPIES	16.22
			FOIA COPIES	10.59
				<b>26.81</b>
01/19/2022	62818	FERGUSON WATERWORKS #3386	3/4" METER	27,465.00
01/19/2022	62819	FIRE DEFENSE EQUIPMENT COMPANY	DPW CO2 RECHARGE	23.40
01/19/2022	62820	FISHMAN STEWART PLLC	ATTORNEY LETTER	100.45
01/19/2022	62821	FRONT LINE SERVICES, INC.	NEW FIRE HOODS	887.90
			REPAIRS - SERVICE CALL E-4	755.00
			REPLACEMENT FITTINGS	463.75
			(2) RESCUE STABILIZERS FOR E-4	2,838.95
			NEW HIRE BEAUCHAMP - BOOTS, HOOD, GLOVES	1,222.21
			NEW HIRE BEAUCHAMP - HELMET FRONT	69.95
				<b>6,237.76</b>
01/19/2022	62822	GDI SERVICES INC.	CUSTODIAL SERVICES	436.36
			MONTHLY JANITORIAL	724.60
			DPW CUSTODIAL SERVICES - DECEMBER 2021	227.21
			JANITORIAL SERV. 12/20 - 12/31/21	740.54
			JANITORIAL	851.00
				<b>2,979.71</b>
01/19/2022	62823	GREAT LAKES PEST CONTROL CO	DECEMBER 2021 DPW MONTHLY PEST CONTROL	40.00
			MONTHLY PEST CONTROL - ROBINA PARKING L	40.00
			MONTHLY PEST CONTROL	60.00
				<b>140.00</b>
01/19/2022	62824	HAFELI, STARAN, & CHRIST, P.C.	CITY ATTORNEY SERVICES DECEMBER 2021	5,940.00
01/19/2022	62825	HENRY FORD @ WORK	PRE-EMPLOYMENT PHYSICALS / CDL	723.00
01/19/2022	62826	HENRY FORD HEALTH SYSTEM	FOR EAP SERVICES 12/01/21 - 02/28/22	725.00
01/19/2022	62827	HOOVER ELECTRIC INC.	SEWER PERMIT WAS NEEDED	54.00
01/19/2022	62828	HOWARD L. SHIFMAN P.C.	LEGAL SERVICES THRU DECEMBER 31, 2021	172.50
01/19/2022	62829	HUBBELL, ROTH & CLARK	2021 - 2021 ROAD IMPROVE. - CREW DAYS	14,343.75
			KENMORE/CORNWALL DESIGN SERVICES	24,616.75
			GIS SUPPORT - AGO MAPS & STREET LIGHT.	2,538.28
			2021 SIDEWALK PROGRAM - CE SERVICES	7,326.92

			2021 SIDEWALK PROGRAM - CREW DAYS	7,593.75
			2020 - 2021 ROAD IMPROVE. - CE SERVICES	11,397.96
				<b>67,817.41</b>
01/19/2022	62830	HUNT SIGN CO LTD	ICS TAGS FOR FF'S TRUCKS - COMMAND TAGS	415.50
01/19/2022	62831	HYDROCORP	DECEMBER 2021 CROSS CONNECTIONS SERVICES	1,658.00
01/19/2022	62832	ICCA	FEES FOR 07/1/21 - 09/30/21	5,642.73
01/19/2022	62833	JAMES EDWARD ZAWACKI	1079 HARVARD RD.	50.00
01/19/2022	62834	JCR SUPPLY INC.	ROLL PAPER TOWEL	306.73
01/19/2022	62835	JENNIFER FINNEY	WORK PERFORMED 12/13/21 - 1/10/22	600.00
01/19/2022	62836	JIM OLSON PLUMBING	1445 WILTSHIRE RD.	500.00
01/19/2022	62837	KANOPIY, INC.	DIGITAL CONTENT	150.10
01/19/2022	62838	KONICA MINOLTA BUSINESS SOLUTIONS	OFFICE EQUIPMENT RENTAL	18.12
			COPIER USAGE	15.26
			PDF OPTION	9.10
			OFFICE EQUIPMENT RENTAL	99.00
				<b>141.48</b>
01/19/2022	62839	LARRY'S WELDING SUPPLY	DECEMBER 2021 CYLINDER RENTAL	62.65
01/19/2022	62840	LBR ENTERPRISES	2813 OAKSHIRE AVE.	800.00
			2813 OAKSHIRE AVE.	1,000.00
				<b>1,800.00</b>
01/19/2022	62841	LEGAL & LIABILITY RISK MANAGEMENT	DB SCHOOL - HOSTAGE CLASS	495.00
01/19/2022	62842	LERETA, LLC	SIDWELL #'S 25-07-358-029 & 25-07-328-01	160.17
01/19/2022	62843	MAIN DRAIN SEWER & REPAIR LLC	1863 KIPLING AVE.	500.00
01/19/2022	62844	MALONEY TRUCKING	FILL SAND	535.00
01/19/2022	62845	MICHIGAN ASSOC. OF CHIEFS OF POLICE	MACP MEMBERSHIP RENEWAL - LT. MILLER	100.00
01/19/2022	62846	MICHIGAN GRAPHICS & AWARDS	COUNCIL BADGES	18.00
01/19/2022	62847	MICHIGAN LIBRARY ASSOC.	SPRING INSTITUTE WORKSHOP	250.00
01/19/2022	62848	MICHIGAN SOLAR SOLUTIONS LLC	3035 BUCKINGHAM RD.	75.00
01/19/2022	62849	MIDSTATES RECREATION, LLC.	LAND IMPROVEMENTS	155,512.00
01/19/2022	62850	MIDWEST TAPE	HOOPLA DIGITAL CONTENT	1,035.23
01/19/2022	62851	MODERN XTERIOR IMPROVEMENT	1670 DOROTHEA RD.	75.00
01/19/2022	62852	MPLC	MEMBERSHIPS & DUES	275.59
01/19/2022	62853	NELSON BROTHERS SEWER & PLUMBING	HOT WATER HEATER	1,050.00
			2638 OAKSHIRE AVE.	500.00
				<b>1,550.00</b>
01/19/2022	62854	NORFIELD DEVELOPMENT PARTNERS, LLC	DPW - JANUARY 2022 MISS DIG SOFTWARE	199.00
01/19/2022	62855	O'REILLY AUTOMOTIVE, INC.	SUPPLIES	25.96
			FLUID - OILS MECHANIC	77.91
			OIL MECHANICS	9.99
			HOT PATCH TRAILER-BATTERY/APPLY CM 41993	247.54
			#7 DPW BATTERY - APPLY CM 418707	417.44
			DPW MOWER PARTS BATTERY/APPLY CM 418098	50.05
			#18 PARTS DPW BATTERY/APPLY CM 416852	247.54
			VEH SUPPLIES	115.98
				<b>1,192.41</b>
01/19/2022	62856	OAKLAND COUNTY	SEWAGE TREATMENT - DECEMBER 2021	243,570.51
01/19/2022	62857	OTIS ELEVATOR	ELEVATOR MAINT. SERV. 2022	7,619.76
01/19/2022	62858	OVERDRIVE, INC.	OVERDRIVE DIGITAL CONTENT	959.11
01/19/2022	62859	P. A. MORRIS COMPANY	MEETING ATTENDANCE/MINUTES FOR 01/12/22	150.00
01/19/2022	62860	PITNEY BOWES INC.	NOVEMBER 2021 WATER POSTAGE FEE	68.29
			PSX PROGRAM FEE NOVEMBER 2021	5.00
				<b>73.29</b>
01/19/2022	62861	RKA PETROLEUM COS, INC	89 MIDGRADE GAS	15,869.30
			#2 PREM. ULS DIESEL	1,309.54
				<b>17,178.84</b>
01/19/2022	62862	ROAD COMMISSION OF OAKLAND CO	BRINE	480.00

			BRINE	900.00
				<b>1,380.00</b>
01/19/2022	62863	ROCHESTER MIDLAND	SANOR SERVICE FOR CITY HALL	71.46
01/19/2022	62864	S J H HOME IMPROVEMENTS	1280 HARVARD RD.	75.00
01/19/2022	62865	S/E OAK. CTY WATER AUTHORITY	DECEMBER 2021 BULK WATER	64,781.63
			COMMUNITY RISK & RESILIENCE ASSESS.	4,033.47
			LEAD SERVICE LINE REPLACE. - 12/20/21 -	54,616.80
				<b>123,431.90</b>
01/19/2022	62866	S/E OAK.CTY RESOURCE REC. AUTH	TRASH, RECYCLE, PICKUPS - DECEMBER 2021	51,044.00
01/19/2022	62867	SAS SERVICES	1411 PRINCETON RD.	75.00
			3714 BUCKINGHAM RD.	75.00
				<b>150.00</b>
01/19/2022	62868	SCHEMA ROOFING & SHEET METAL	FINAL BILLING - FIRE HALL ROOF	1,813.00
01/19/2022	62869	SOUTHERN MICH DOG OBEDIENCE TRAIN.	CONTRACTUAL SERVICES	2,796.00
01/19/2022	62870	SPRINGFIELD TOWNSHIP LIBRARY	DAMAGED BOOK	5.95
01/19/2022	62871	STAPLES	OFFICE SUPPLIES - DECEMBER	292.08
			OFFICE SUPPLIES FOR CITY HALL	1,072.36
			BOOK TAPE & SHARPIE POINT PEN	60.79
			MAINTENANCE SUPPLIES	128.89
				<b>1,554.12</b>
01/19/2022	62872	STATE OF MICH-DEPT OF TREASURY	DECEMBER 2021 MI TAX WITHHOLDING FOR ACT	18,056.27
01/19/2022	62873	STATE OF MICH-DEPT OF TREASURY	DECEMBER 2021 MI TAX WITHHOLDING FOR RET	3,063.75
01/19/2022	62874	STATE OF MICHIGAN	MEMBERSHIP JAN. 2022 - DEC. 2022	230.00
01/19/2022	62875	STATE WIRE & TERMINAL INC.	DPW/PS/P&R PARTS - CAPSCREW SOLDER	101.03
01/19/2022	62876	SYSTEMP CORPORATION	HVAC WORK	1,394.30
01/19/2022	62877	T-MOBILE	T-MOBILE HOTSPOTS	179.16
01/19/2022	62878	THE HARTFORD	JANUARY 2022 PREMIUM FOR ACTIVES	4,199.47
			JANUARY 2022 PREMIUM FOR RETIREES	286.00
				<b>4,485.47</b>
01/19/2022	62879	THE LIBRARY NETWORK	TELECOMMUNICATIONS	1,310.67
			ACQUISITION SERVICES	1,031.51
			SHARED AUTOMATION CHARGE	8,623.19
			ENVISIONWARE LICENSE RENEWAL	258.32
				<b>11,223.69</b>
01/19/2022	62880	THE ORIGINAL PRINT SHOPPE	ADVERTISING & MARKETING - PROMO ITEMS	378.42
01/19/2022	62881	TINSLEY LANDSCAPE AND HARDSCAPE	CDBG SNOW REMOVAL	1,105.00
01/19/2022	62882	TKO HOME MAINTENANCE	2957 CUMMINGS AVE.	50.00
01/19/2022	62883	TRANSUNION RISK AND ALTERNATIVE	TLOXP INVEST. SERVICES - DECEMBER	113.00
01/19/2022	62884	TRESNAK CONSTRUCTION	4079 CUMBERLAND RD.	75.00
01/19/2022	62885	TRUCK & TRAILER SPECIALTIES, INC.	PLOWS	811.20
01/19/2022	62886	TYLER TECHNOLOGIES, INC.	MOBILE EYES	2,715.00
01/19/2022	62887	UNITED FACILITY SUPPLIES	CAN LINERS	99.16
01/19/2022	62888	VERIZON WIRELESS	IPAD SERVICE 12/02/21 - 01/01/22	271.43
01/19/2022	62889	WINDER POLICE EQUIPMENT	410 - RADAR REPAIR	189.00
01/19/2022	62890	WOW! BUSINESS	FIBER INTERNET - ACCT. NO. 012057808	382.99
01/19/2022	62891	XEROX CORPORATION	XEROX USER FEES 11/21 - 12/21/21	137.25
01/20/2022	62892	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
				<b>275.18</b>
01/20/2022	62893	NATIONWIDE RETIREMENT SOLUTIONS	EMPL. DEDUCT. (NATIONWIDE 457) - PR #2	5,194.18
			EMPL. DEDUCT. (ROTH) - PR #2	1,373.62
				<b>6,567.80</b>
01/20/2022	62894	VANTAGEPOINT TRNSFR AGENTS-107930	EE/ER CONTRIB. (401) - PR #2	570.77



01/20/2022	62895	VANTAGEPOINT TRNSFR AGENTS-303792	EMPLOYEE DEDUCT. (ICMA 457) - PR #2	2,448.28
			EMPLOYEE DEDUCT. - LOAN - PR #2	123.40
				<b>2,571.68</b>
01/20/2022	62896	VANTAGEPOINT TRNSFR AGENTS-706259	EMPLOYEE DEDUCT. (ICMA ROTH) - PR #2	<b>205.00</b>
01/26/2022	62897	MERS OF MICHIGAN	SERVICE CREDIT PURCHASE FOR JAMES GROZDE	30,108.00
			SERVICE CREDIT PURCHASE FOR BRIAN LAPINE	11,020.00
			SERVICE CREDIT PURCHASE FOR MATTHEW MAGN	19,549.00
			SERVICE CREDIT PURCHASE FOR KENNETH OZAN	35,128.00
			SERVICE CREDIT PURCHASE FOR RICHARD RZEC	29,860.00
			SERVICE CREDIT PURCHASE FOR ADAM WOZNIAK	18,110.00
				<b>143,775.00</b>
01/28/2022	62898	MERS OF MICHIGAN	SERVICE CREDIT PURCHASE FOR RODNEY HALAS	<b>16,985.00</b>
01/31/2022	62899	ACTIVE NETWORK, LLC	COMPUTER SOFTWARE	<b>2,750.00</b>
01/31/2022	62900	ADN ADMINISTRATORS, INC.	ADMINISTRATIVE FEE FOR FEBRUARY 2022	<b>948.75</b>
01/31/2022	62901	ADVANCE AUTO PARTS	DPW FILTERS & OIL	<b>337.54</b>
01/31/2022	62902	AIRGAS USA, LLC	CYLINDER RENTAL	<b>31.18</b>
01/31/2022	62903	ALIMOFF BUILDING & DEVELOPMENT	838 PRINCETON RD.	850.00
			828 PRINCETON RD.	850.00
				<b>1,700.00</b>
01/31/2022	62904	AMAZON CAPITAL SERVICES	#2 PARTS	24.99
			IPHONE CASE & SCREEN PROTECTOR	28.98
			IPHONE CABLES	49.97
			IPHONE CHARGERS	74.97
			SOLID STATE DRIVE	64.99
			BATTERIES	48.71
			BATTERIES	32.71
			SOLID STATE DRIVE	44.99
			2 COUNT - APPLIANCE LOCK	4.99
			TAGS FOR HYDRANTS	31.95
			LIGHTS	93.52
			BRINE STORAGE CONTAINER	788.00
			COFFEE/SUGAR ETC.	189.59
				<b>1,478.36</b>
01/31/2022	62905	AMERICAN FIRE PROTECTION SERVICES	DPW FIRE ALARM MONITOR JANUARY - MARCH 2	<b>153.00</b>
01/31/2022	62906	ANDREW CHRISTIAN RACE	3096 TWELVE MILE RD.	<b>50.00</b>
01/31/2022	62907	ANDREW ROBERT KOONTZ	1691 COLUMBIA RD.	<b>75.00</b>
01/31/2022	62908	ANTONIO CUETER	3099 COOLIDGE HWY.	<b>50.00</b>
01/31/2022	62909	APPLIED IMAGING	FINANCE COPIER	<b>1.88</b>
01/31/2022	62910	AT&T	FIBER INTERNET - ACCT. NO. 311160118	<b>149.00</b>
01/31/2022	62911	AT&T	POLE ATTACHMENT FEE	<b>9.87</b>
01/31/2022	62912	BASIC	ADMINISTRATION FEE FOR JAN. 2022	<b>140.00</b>
01/31/2022	62913	BEAM BUILDERS & MAINTENANCE LLC	2482 BACON AVE.	<b>200.00</b>
01/31/2022	62914	BELL EQUIPMENT COMPANY	#22 SWEEPER BEARINGS & CYLINDERS	589.68
			#22 SWEEPER GUIDE WHEELS	637.47
			#22 SWEEPER BELTS	1,678.54
				<b>2,905.69</b>
01/31/2022	62915	BERKLEY AREA CHAMBER OF COMMERCE	FRIENDS CHAMBER MEMBERSHIP	<b>100.00</b>
01/31/2022	62916	BERKLEY/HUNT.WDS YOUTH ASSIST	ANNUAL CONTRIBUTION	<b>5,000.00</b>
01/31/2022	62917	BILLINGS LAWN EQUIPMENT	P&R SNOW BLOWER PARTS - IGNITION REPLACE	<b>78.10</b>
01/31/2022	62918	BLUE CROSS BLUE SHIELD OF MICHIGAN	FEBRUARY 2022 PREMIUM FOR SUFFIX 601	21,549.60
			FEBRUARY 2022 PREMIUM FOR SUFFIX 600	4,637.28
				<b>26,186.88</b>
01/31/2022	62919	BRIAN ALIMOV	828 PRINCETON RD.	<b>1,000.00</b>
01/31/2022	62920	CARLISLE / WORTMAN	INTERIM COM DEV DIRECTOR SERVICES	2,962.50
			INTERIM COM DEV DIRECTOR SERVICES	3,635.00
				<b>6,597.50</b>

01/31/2022	62921	CASEY SIGN CO.	1695 TWELVE MILE RD.	50.00
01/31/2022	62922	CENGAGE LEARNING INC. / GALE	LARGE PRINT BOOKS	147.45
01/31/2022	62923	CINTAS	MAT CLEANING FOR CITY HALL MED BOX REFILL	198.24 99.55
				<b>297.79</b>
01/31/2022	62924	CONTRACTORS CLOTHING CO.	UNIFORMS - R. RZECZKOWSKI UNIFORMS - R. HALAS UNIFORMS - M. WELLS UNIFORMS - S. YOUNG UNIFORMS - S. YOUNG - MASK	78.73 81.99 92.49 121.44 13.49
				<b>388.14</b>
01/31/2022	62925	CONTRACTORS CONNECTION	POST POUNDER PARTS - HANDLE MISC. SUPPLIES	69.99 1,299.00
				<b>1,368.99</b>
01/31/2022	62926	CORE & MAIN LP	COUPLINGS SEALANT	1,409.96 40.80
				<b>1,450.76</b>
01/31/2022	62927	COSTIGAN CONTRACTORS	1478 LARKMOOR BLVD.	75.00
01/31/2022	62928	CREGGER PLUMBING	3526 ROBINA LEAD SERVICE REPLACEMENT	2,100.00
01/31/2022	62929	D'ANGELO BROS INC.	CITY SIDE WATER SERVICE - 3142 COOLIDGE	5,625.00
01/31/2022	62930	DAN COMBS CONSULTING	2345 OXFORD RD.	100.00
01/31/2022	62931	DANA STEVENS ARBORIST, INC.	TREE EVALUATIONS FOR KENMORE/CORNWALL	75.00
01/31/2022	62932	DANIEL COBB	2913 PHILLIPS AVE.	75.00
01/31/2022	62933	DANIEL PAUL CHICKLAS	1943 BACON AVE.	75.00
01/31/2022	62934	DEALER AUTO PARTS SALES	PS SWITCHES - APPLY CM 600832 #1 BATTERY PS BRAKE PADS & ROTORS / DPW/PS/P&R FILT	157.44 122.36 481.35
				<b>761.15</b>
01/31/2022	62935	DELANG FLUID POWER, INC.	CRIMPING MACHINE PARTS, CONNECTORS, HOSE #17 ELBOWS & CONNECTORS CRIMPING MACHINE HOSE END	292.05 14.18 56.90
				<b>363.13</b>
01/31/2022	62936	DETROIT SALT COMPANY	SALT	2,529.69
01/31/2022	62937	ERIE CONSTRUCTION MID-WEST INC.	3926 ROYAL AVE.	100.00
01/31/2022	62938	ESRI	ARCGIS MAINTENANCE	4,400.00
01/31/2022	62939	FELIX & STEFANA MUELLER	4014 ELLWOOD AVE.	100.00
01/31/2022	62940	FINISHED BASEMENTS PLUS LLC	3513 PHILLIPS AVE.	100.00
01/31/2022	62941	FIRE DEFENSE EQUIPMENT COMPANY	DPW SPRINKLER INSPECTION	384.00
01/31/2022	62942	FIVE STAR SIGNS INC.	2200 BERKLEY AVE.	50.00
01/31/2022	62943	FIX-IT LLC	1850 HARVARD RD.	100.00
01/31/2022	62944	FOUNDATION AUTHORITY LLC	1861 LARKMOOR BLVD.	55.00
01/31/2022	62945	FOUNDATION SOLUTIONS 360	1405 OXFORD RD.	100.00
01/31/2022	62946	FOUNDATION SYSTEMS OF MICHIGAN	3149 BUCKINGHAM RD.	75.00
01/31/2022	62947	GDI SERVICES INC.	CUSTODIAL SERVICES JANITORIAL (JANUARY)	1,003.68 1,957.17
				<b>2,960.85</b>
01/31/2022	62948	GHOSSAN F. KILLU	4253 TYLER AVE.	15.00
01/31/2022	62949	GREAT LAKES WATER AUTHORITY	IWC - DECEMBER 2021	3,147.06
01/31/2022	62950	GUNNERS METERS & PARTS INC.	CLAMPS, UNIONS, CURB STOPS	2,106.00
01/31/2022	62951	HALEY WIRELESS GROUP, LLC	2345 OXFORD RD.	75.00
01/31/2022	62952	IMAGE PRINTING	WINDOW ENVELOPES	750.00
01/31/2022	62953	INTEGRATED SUPPLY NETWORK	DPW SOFTWARE & DIAGNOSTIC TABLET	4,335.51
01/31/2022	62954	ITALY AMERICAN CONSTRUCTION	4139 WAKEFIELD RD.	1,000.00
01/31/2022	62955	J.H. HART URBAN FORESTRY	TREE TRIM & CRANE LOG TRUCK - 12/20/21-1 TREE TRIM 1/10/22 - 1/14/22 TREE TRIM, SAW CRANE 1/3/22 - 1/7/22	5,118.75 4,417.50 9,264.50

				<b>18,800.75</b>
01/31/2022	62956	JACK DEMMER FORD, INC.	PS - 4-12 GRILLE - APPLY \$20.00 OVERPAYM	<b>273.07</b>
01/31/2022	62957	JAMES SWIFT CONSTRUCTION	3173 BUCKINGHAM RD.	<b>75.00</b>
01/31/2022	62958	JCR SUPPLY INC.	PAPER TOWELS	101.41
			SUPPLIES - TERRY TOWELS, MICROFIBER	168.31
			SUPPLIES - BAGS, TP, C-FOLD, PAPERTOWELS	967.48
			SUPPLIES - PAPER TOWELS	61.09
				<b>1,298.29</b>
01/31/2022	62959	KONICA MINOLTA BUSINESS SOLUTIONS	DPW COPIER DECEMBER 2021	<b>78.95</b>
01/31/2022	62960	LUIGI FERNINANDI & SON CEMENT	2021 SIDEWALK PROGRAM- PAY EST. #3	<b>288,515.95</b>
01/31/2022	62961	MALONEY TRUCKING	HAUL IN PEA STONE	<b>900.00</b>
01/31/2022	62962	MALOVER INK INC.	YEAR END TAX FORMS	<b>462.00</b>
01/31/2022	62963	MARTINO ENTERPRISES INC.	2482 ELLWOOD AVE.	<b>100.00</b>
01/31/2022	62964	MATRIX BASEMENT SYSTEMS	3059 CUMBERLAND RD.	<b>100.00</b>
01/31/2022	62965	MATTHEW WELLS	S3 WATER OPERATOR EXAM - REIMBURSEMENT	70.00
			S4 WATER OPERATOR EXAM - REIMBURSEMENT	70.00
				<b>140.00</b>
01/31/2022	62966	MCKENNA	DECEMBER 2021 INSPECTIONS	<b>19,166.25</b>
01/31/2022	62967	METRO PUMP SERVICE	JANUARY 2022 FUEL ISLAND MAINT.	<b>446.00</b>
01/31/2022	62968	MICHAEL SAVINO CONCRETE	3261 GRIFFITH AVE.	<b>75.00</b>
01/31/2022	62969	MICHIGAN RURAL WATER ASSOCIATION	REVIEW CLASS FOR MATT WELLS	<b>320.00</b>
01/31/2022	62970	NCS CONSTRUCTION SERVICES, LLC	2485 COOLIDGE HWY.	<b>1,000.00</b>
01/31/2022	62971	O'REILLY AUTOMOTIVE, INC.	#22 SWEEPER TAPER CONE	86.14
			#40 MIRROR	29.59
			HOT PATCH TRAILER SWITCH	20.99
			WIPER FLUID	77.88
			MINI EXCAVATOR BATTERY	115.80
			DEF FLUID MECHANICS OIL	55.96
			#22 SWEEPER TRANS & DIFF	42.06
			#22 SWEEPER REDI-SLEEVE	115.82
			DPW BATTERIES - APPLY CM 3327-423805	519.80
				<b>1,064.04</b>
01/31/2022	62972	OAK CONSTRUCTION	3071 THOMAS AVE.	75.00
			2924 THOMAS AVE.	75.00
				<b>150.00</b>
01/31/2022	62973	OAKES ROOFING SIDING & WINDOWS INC.	4200 PHILLIPS AVE.	<b>75.00</b>
01/31/2022	62974	OAKLAND COUNTY	FRMS DEPT. FEE (10-12/2021)	1,137.75
			CLEMIS/MDC/LIVESCAN & MUG CAPTURE (10-12)	6,323.00
			RADIO COMM PARTS ACCESS.	1,335.96
				<b>8,796.71</b>
01/31/2022	62975	OAKLAND COUNTY TREASURER	CVT - 10230	<b>45.89</b>
01/31/2022	62976	OLIVER CONSTRUCTION	2923 THOMAS AVE.	<b>1,000.00</b>
01/31/2022	62977	PAM CHUEY	PARTIAL REFUND	<b>6.00</b>
01/31/2022	62978	PARAMOUNT BUILDING INC.	4148 PHILLIPS AVE.	<b>100.00</b>
01/31/2022	62979	PERMA DRY LLC	838 COLUMBIA RD.	<b>75.00</b>
01/31/2022	62980	PITNEY BOWES INC.	INK CARTRIDGE	234.17
			PSX PROGRAM FEE DECEMBER 2021	5.00
				<b>239.17</b>
01/31/2022	62981	POIGNANT PEN LLC	LISA HOWARD PROGRAM	<b>125.00</b>
01/31/2022	62982	PRESIDIO NETWORKED SOLUTIONS GROUP	NVR SERVICE	<b>250.00</b>
01/31/2022	62983	PRINTING SYSTEMS	#10 WINDOW - WATER BILLS ENV. SHIPPING	52.50
			#10 WINDOW WATER BILL ENVELOPES - STATIO	1,015.50
			STATIONARY - WATER BILLS UTILITY FORM PA	512.27
				<b>1,580.27</b>

01/31/2022	62984	QUANTUM SERVICES GROUP, LLC	IT SERVICES	2,287.50
			SERVER BACKUP SYSTEM	400.00
			SERVER BACKUP SYSTEM	400.00
			SERVER/FIREWALL MONITORING	536.00
			SERVER/FIREWALL MONITORING	536.00
			FIREWALL MAINTENANCE	1,294.62
				<b>5,454.12</b>
01/31/2022	62985	REBECCA STOUT	REIMBURSE FOR PROGRAM SUPPLIES	63.51
01/31/2022	62986	RIDGECON CONSTRUCTION	4191 ELLWOOD AVE.	75.00
			2519 BUCKINGHAM RD.	100.00
				<b>175.00</b>
01/31/2022	62987	ROAD COMMISSION OF OAKLAND CO	SIGNAL MAINT. DECEMBER 2021	3,366.62
			BRINE	420.00
			COLD PATCH / SYLVAX	2,203.38
				<b>5,990.00</b>
01/31/2022	62988	ROBERT WILSON	2396 EARLMONT RD.	50.00
01/31/2022	62989	ROCKET ENTERPRISE INC.	MAINT. SUPPLIES - FLAGS, BRACKETS	250.50
01/31/2022	62990	ROMA CEMENT CO.	3926 ROYAL AVE.	200.00
			2724 ROBINA AVE.	75.00
			4013 GRIFFITH AVE.	200.00
				<b>475.00</b>
01/31/2022	62991	ROYAL OAK AWNING	2826 COOLIDGE HWY.	50.00
01/31/2022	62992	S/E OAK.CTY RESOURCE REC. AUTH	DEC. 2021 CITY PICKUPS & SPECIAL / 2 REC TRASH, RECYCLE, PICKUPS / JANUARY 2022 M	1,016.86
				44,740.00
				<b>45,756.86</b>
01/31/2022	62993	SOUTHEASTERN MICH. ASSOC. OF POLICE	MEMBERSHIP 2022	40.00
01/31/2022	62994	STAPLES	DPW OFFICE SUPPLIES	147.63
01/31/2022	62995	STEWART & SONS CONCRETE	CONCRETE REPAIR - SIDEWALK	1,700.00
01/31/2022	62996	SUPREME WELDING & POWDER COATING	POWER COAT VEH CENTER CAPS	80.00
01/31/2022	62997	SYSTEMP CORPORATION	QUARTERLY MAINTENANCE	350.00
01/31/2022	62998	T-MOBILE CENTRAL LLC	2345 OXFORD RD.	50.00
			2345 OXFORD RD.	100.00
				<b>150.00</b>
01/31/2022	62999	TERMINAL SUPPLY CO	#6 PARTS PIGTAILS	8.84
			#11 - TRAILER PLUG	27.80
			GARAGE CROSS LINKED WIRE	86.94
				<b>123.58</b>
01/31/2022	63000	THE LIBRARY NETWORK	BOOKS, CD'S, DVD'S, & BOOKS ON CD	4,728.65
01/31/2022	63001	THORNTON & GROOMS INC.	2072 ROBINA	8.55
01/31/2022	63002	TINSLEY LANDSCAPE AND HARDSCAPE	CDBG REIMBURSEMENT	950.00
01/31/2022	63003	TITTLE BROTHERS CONSTRUCTION LLC	1674 CATALPA DR.	75.00
01/31/2022	63004	TRESNAK CONSTRUCTION	1944 TYLER AVE.	75.00
01/31/2022	63005	TRUCK & TRAILER SPECIALTIES, INC.	CAMERA	175.00
			CUTTING EDGES FOR PLOWS - DPW	2,797.32
			DPW TANK	3,625.00
			#43 CAMERA	191.00
			LIGHTS FOR MISC. NEW TRUCKS	1,521.00
				<b>8,309.32</b>
01/31/2022	63006	UNITED FACILITY SUPPLIES	JANITORIAL SUPPLIES FOR CITY HALL	290.05
			EXTRA KEYS FOR DISPENSERS	105.91
			MAINTENANCE SUPPLIES	264.74
			TRASH LINERS & PAPER TOWELS	290.05
			TRASH LINERS & PAPER TOWELS	93.07

				<b>1,043.82</b>
01/31/2022	63007	VESCO OIL CORPORATION	PARTS CLEANERS	<b>104.50</b>
01/31/2022	63008	VISION RESTORATION & BUILDING COMP.	724 ELEVEN MILE RD.	<b>50.00</b>
01/31/2022	63009	WEINGARTZ	DPW/P&R SNOW BLOWERS COVER DRIVE	<b>191.98</b>
01/31/2022	63010	WINDSTREAM	PHONE SERVICE	<b>618.42</b>
01/31/2022	63011	WOLVERINE FREIGHTLINER EASTSIDE	BRAKES - ENG. 4	<b>6,847.18</b>

Total of 255 Checks:	1,714,049.80
Less 0 Void Checks:	0.00
<b>Total of 255 Disbursements:</b>	<b>1,714,049.80</b>

**CITY OF BERKLEY  
ACH TRANSFERS**

**VENDOR**

1/10/2022	INTERNAL REVENUE SERVICE	\$ 45,326.78
1/10/2022	DPW UNION DUES	\$ 330.00
1/10/2022	PSO UNION DUES	\$ 760.00
1/10/2022	PS COMMAND UNION DUES	\$ 360.00
1/18/2022	INTERNAL REVENUE SERVICE	\$ 500.00
1/20/2022	A D N	\$ 25,000.00
1/20/2022	ALERUS FINANCIAL	\$ 7,740.60
1/20/2022	DTE ENERGY	\$ 23,498.55
1/21/2022	MERS	\$ 103,847.78
1/24/2022	INTERNAL REVENUE SERVICE	\$ 44,615.54
1/25/2022	PSO UNION DUES	\$ 760.00
1/25/2022	PS COMMAND UNION DUES	\$ 360.00
1/31/2022	INTERNAL REVENUE SERVICE	\$ 15,357.42
1/31/2022	ALERUS FINANCIAL	\$ 7,277.24
		<b>\$ 275,733.91</b>

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*

**A PROCLAMATION**  
**of the Council of the City of Berkley, Michigan**  
**Declaring February 2022 as Black History Month**

**P-01-22**

- WHEREAS,** Black History Month grew out of the establishment of Negro History Week in 1926 by Carter G. Woodson and the Association for the Study of African American Life and History; and
- WHEREAS,** It became a month-long celebration in 1976. The month of February was chosen to coincide with the birthdays of Frederick Douglass and Abraham Lincoln.; and
- WHEREAS,** During Black History Month, we commemorate Black history and its cultural contributions to American life, and is designed to recognize and pay tribute to the many contributions of African Americans to the history, society, and culture of the United States of America; and
- WHEREAS,** Black History Month grants us an opportunity to recognize and honor the heroes of African American history and celebrates the achievements of African Americans in the Arts, Civil Rights, Education, Entertainment, Government, History, Law, Literature, Medicine, Military, Music, Politics, Science, Sports, and other endeavors; and
- WHEREAS,** The City of Berkley continues to work toward becoming an inclusive community in which all citizens—past, present, and future—are respected and recognized for their contributions and potential contributions to our community, the state, the country, and the world; and
- WHEREAS,** The City of Berkley is proud to honor the history and contributions of African Americans in our community, throughout our state, and nation.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF BERKLEY HEREBY PROCLAIMS**

- SECTION 1:** That February 2022 shall be recognized as Black History Month in the City of Berkley.
- SECTION 2:** The City of Berkley also calls upon the community to celebrate the many achievements and contributions made by African Americans to our economic, cultural, spiritual, and political development.
- SECTION 3:** The City of Berkley urges the citizens, government agencies, public and private institutions, businesses, and schools in the City of Berkley to celebrate our diverse heritage and culture, and continue our efforts to create a world that is more just, peaceful, and prosperous for all.

*Proclaimed this 7<sup>th</sup> day of February, 2022 at a Regular Meeting of the Berkley City Council.*

\_\_\_\_\_  
*Daniel J. Terbrack, Mayor*

Attest:

\_\_\_\_\_  
*Victoria Mitchell, City Clerk*

February 7, 2022 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ to approve a Friends of Berkley Parks and Recreation event “Bacon Walk” on Oxford Park, Bacon Avenue, and Jaycee Park on Saturday, April 9, 2022 from 8-11 a.m. 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:  
Bacon Walk

<i>Event Date(s)</i>	<i>Location(s)</i>	<i>Event Hours</i>
<u>April 9, 2022</u>	<u>Oxford Park, Bacon Ave, Jaycee Park</u>	<u>8:00 am – 11:00 am</u>

**ORGANIZATION:**

<b>Organization Name:</b> <i>Friends of Berkley Parks and Recreation</i>			
<b>Headquarters Street Address:</b>			
<b>City:</b> <i>Berkley</i>	<b>State:</b> <i>Mi</i>	<b>Zip Code:</b> <i>48072</i>	<b>Phone:</b>
<b>Website:</b> <i>Not Applicable</i>			

**Tax Exempt Status (as defined by the US Internal Revenue Service):**

Non-Profit \_\_\_\_\_ 501(c)(3)  N/A ----'---- Other (specify) \_\_\_\_\_

The following documents have been submitted:

Completed application	<b>YES</b>	NO
Valid IRS tax exempt verification	<b>YES</b>	NO
Financial report for the preceding fiscal year	<b>YES</b>	NO
Proof of Commercial Liability Coverage	<b>YES</b>	NO
Estimated cost to execute the solicitation/ event	<b>YES</b>	NO
Charitable Solicitation/ Special Event Hold Harmless Agreement	<b>YES</b>	NO

Application reviewed by: Public Safety *[Signature]* Public Works *[Signature]* *1-24-22 EMAIL*  
 Building Official *N/A*

Comments: \_\_\_\_\_

<b>Presented to City Council:</b>				
<b>Date:</b>	<b>Approved:</b>	<b>Organization Notified</b>		_____
_____	YES NO	YES NO		<u><i>Date</i></u>





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

Print Form

# CITY OF BERKLEY, MICHIGAN

## COMMUNITY SPECIAL EVENT APPLICATION

**Name of Event:** Bacon Walk

**Organization / Contact:**

Name of Organization: Friends of Berkley Parks and Recreation Contacts Name: Jessica Alger

Address: \_\_\_\_\_ City: Berkley State/zip: MI 48072

Telephone: \_\_\_\_\_ 24 Hour Emergency Contact: Jessica Alger

*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: Oxford Park, Bacon Ave, Jaycee Park

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: April 9, 2022; 8:00 AM to 11:00 AM, Walk start at 9:00 AM

How many employees or volunteers? 30-35

How will site be secured during off-hours? NA

What type of merchandise will be sold? None

If you are selling food, include a copy of your receipt from Oakland County Health Department. NA

Will there be any electricity outside the building (e.g., extension cords, heaters, lights)? **Possibly. We are trying to find a PA system that don't require an extension cord. If we are unable to do so, we will have an extension cord running from the restroom building at Oxford Park to the PA system.**

If yes, an electrical inspection by the City will be required after set up and before opening.

Include a Site Plan showing where merchandise will be sold, how pedestrian and vehicular traffic will circulate on the site.

**See attached**

What are your plans for set up and removal? **Set up begins at 6:00 AM. Tables and chairs at both parks. Signs showing the walk direction along the route. Removal will occur after the sweeper volunteer verifies the last walkers have reached Jaycee Park.**

Tax Exempt Status as Defined by the US Internal Revenue Service

Non-Profit 501.C3 Other (specify)

Include the following documents:

- Internal Revenue Service tax exempt documentation for the organization.
- Organization's financial report for the preceding fiscal year.
- 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.
- Liquor Liability, \$500,000 per occurrence and \$500,000 aggregate. (if applicable) -N/A
- Special Event Hold Harmless Agreementsigned 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.

J. Alger

12/21/21


# APPROVALS

DEPARTMENT	Approve (YES/NO)	Signature	Date
Planning/Building		N/A	
<i>Comments:</i>			
Public Safety	Yes		2-1-22
<i>Comments:</i> Notiv SMART, ambulance, and waste collection of any road closures.			
Public Works:	YES		1-25-22
<i>Comments:</i> REFERENCE 1-24-22 EMAIL			
Parks/Recreation	Yes		1/26/22
<i>Comments:</i>			
City Clerk	YES	Victoria Mitchell	1/21/22
<i>Comments:</i>			
City Manager	Yes		1/21/22
<i>Comments:</i>			

**For City Use Only:**

Date Application Received 1-21-22

Receipt Number PTU22-0002

Received	Receipt Number	Qm_e 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	

City Manager's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

IF APPLICABLE:

Motion Number:

Conditions (if any):

Is fee to be reimbursed?



CITY OF BERKLEY
COMMUNITY SPECIAL EVENT
HOLD HARMLESS AGREEMENT

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

Organization Name Friends of Berkley Parks and Recreation

Address City Berkley

State MI Zip 48072 Phone

Event Name Bacon Walk

Event Location(s) Oxford Park, Bacon Ave, Jaycee Park Event Date(s) April 9, 2022

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 JESSICA R ALGER Title PRESIDENT
(Please print)

Signature [Handwritten Signature] Date 12/21/21

# CITY OF BERKLEY MICHIGAN

## TEMPORARY TRAFFIC CONTROL ORDER

(TCO NUMBER)


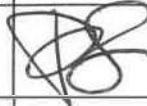
In accordance with the duly adopted Uniform Traffic Code for Cities, Townships, and Villages, the Traffic Engineer hereby issues the following Temporary Traffic Control Order.

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

<b>PROJECT NAME:</b>	BACON WALK
<b>Location</b>	BACON AVE BETWEEN CAMBRIDGE & WEBSTER RD.
<b>DATE/S/TIMES:</b>	APRIL 9, 2022 8:00 AM - 11:00 AM
<b>RESPONSIBLE PARTY:</b>	
Name:	PARKS & RECREATION
Street Address:	
City/State/ZIP:	
Contact Phone:	
Email address:	

**For Official Use Only\_:**

<b>Action required by City:</b>	
<i>(Attach additional pages if needed)</i>	

Approved by: <i>(Print name and title below)</i>	Signature:	Date:
Public Safety		2-1-22
Public Works	 REFERRABLE 1-24-22 EMAIL	1-25-22
Building Official	N/A	

**\*\*Original- Traffic Control File**

*Return copy of completed form to City Clerk's Office*

Department of the Treasury  
Internal Revenue Service

for Tax-Exempt Organization not Required to File Form 990 or 990-EZ

2020

Open to Public Inspection

**A** For the 2020 Calendar year, or tax year beginning 2020-01-01 and ending 2020-12-31**B** Check if available Terminated for Business Gross receipts are normally \$50,000 or less**C** Name of Organization: FRIENDS OF BERKLEY PARKS AND RECREATIONBerkley, MI, US, 48072**D** Employee IdentificationNumber 35-2337709**E** Website:**F** Name of Principal Officer: Eric BitelBerkley, MI, US, 48072

**Privacy Act and Paperwork Reduction Act Notice:** We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws.

The organization is not required to provide information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. The rules governing the confidentiality of the Form 990-N is covered in code section 6104.

The time needed to complete and file this form and related schedules will vary depending on the individual circumstances. The estimated average times is 15 minutes.

**Note:** This image is provided for your records only. Do Not mail this page to the IRS. The IRS will not accept this filing via paper. You must file your Form 990-N (e-Postcard) electronically.



# LARA Corporations Online Filing System

Department of Licensing and Regulatory Affairs

## Payment Confirmation

**Date:** 9/17/2021

<b>Transaction date/time:</b>	<b>9/17/2021 6:00:24 PM</b>
<b>Confirmation number:</b>	<b>21091766796936</b>
<b>Entity ID Number:</b>	<b>800916921</b>
<b>Entity Name:</b>	<b>FRIENDS OF BERKLEY PARKS AND RECREATION</b>
<b>Entity Type:</b>	<b>DOMESTIC NONPROFIT CORPORATION</b>
<b>Filing Type:</b>	<b>2021 ANNUAL REPORT</b>
<hr/>	
<b>Filing fee:</b>	<b>\$20.00</b>
<b>Expedited service fee:</b>	<b>\$0.00</b>
<b>Total fee:</b>	<b>\$20.00</b>

Your payment has been successfully processed. Your filing has been submitted and will be reviewed by the Corporations Division. If your submission is rejected for any reason, we will contact you immediately.

Please note that for security reasons your payment credit card and/or bank information is processed at a secure website. The Department of Licensing and Regulatory Affairs does not retain any credit card information.

If you have any questions about your request,  
contact our office:

- phone: 517-241-6470
- email: [CorpsMail@michigan.gov](mailto:CorpsMail@michigan.gov)

[LARA FOIA Process](#) [Transparency](#) [Office of Regulatory Reinvention](#) [State Web Sites](#)

[Michigan.gov Home](#) [ADA](#) [Michigan News](#) [Policies](#)

# TREASURER'S REPORT



2H 2021 thru 12.7.21

<b>OPENING BALANCE - 6.30.21</b>	Checking	\$	8,893.62
	Savings	\$	4,003.10
	<b>TOTAL</b>	<b>\$</b>	<b>12,896.72</b>

INCOME	ITEM	CASH IN	CASH OUT	NET
<b>FUNDRAISING</b>				
<i>AUGUST</i>	Drum Crz-T sh sales	\$ 828.71	\$ -	\$ 828.71
<i>JULY</i>	J Parker Bench	\$ 80.00	\$ -	\$ 80.00
<i>JULY</i>	City Ck - JP Bench	\$ 60.00	\$ -	\$ 60.00
<b>DONATIONS</b>				
<i>DEC</i>	Greg Patterson Don.	\$ 352.00	\$ -	\$ 352.00

EXPENSES	ITEM			
<i>DEC</i>	Tale/Trail candy		\$ (200.00)	\$ (200.00)
<i>DEC</i>	Sr. DuDon gift cards		\$ (100.00)	\$ (100.00)
			\$ -	\$ -
			\$ -	\$ -
<i>OCT</i>	2021-22 LARA FEE		\$ (20.00)	\$ (20.00)
			\$ -	\$ -
			\$ -	\$ -
<b>NET INCOME</b>			<b>\$</b>	<b>1,000.71</b>

<b>ENDING BALANCE - 12.13.21</b>	Checking	\$	9,894.33
	Savings	\$	4,003.10
	<b>TOTAL</b>	<b>\$</b>	<b>13,897.43</b>

EST 2022 MO EXPENSES	\$ 3,000.00
EST 1 YR MO EXP RESERVE	\$ 3,000.00
<b>BALANCE TO INVEST IN PROJECTS</b>	<b>\$ 7,897.43</b>

(may increase with the amount of 2022 fundraising above \$3000)

In the process of  
acquiring Proof of  
Commercial Liability  
Coverage. To be  
submitted upon  
acquisition.





Oxford Rd

Oxford Rd

Oxford Rd

Bacon Ave

Oakshire Ave

Starting Line

Bacon Ave

Gathering Area

Check In/  
Registration  
Tables

Oakshire Ave

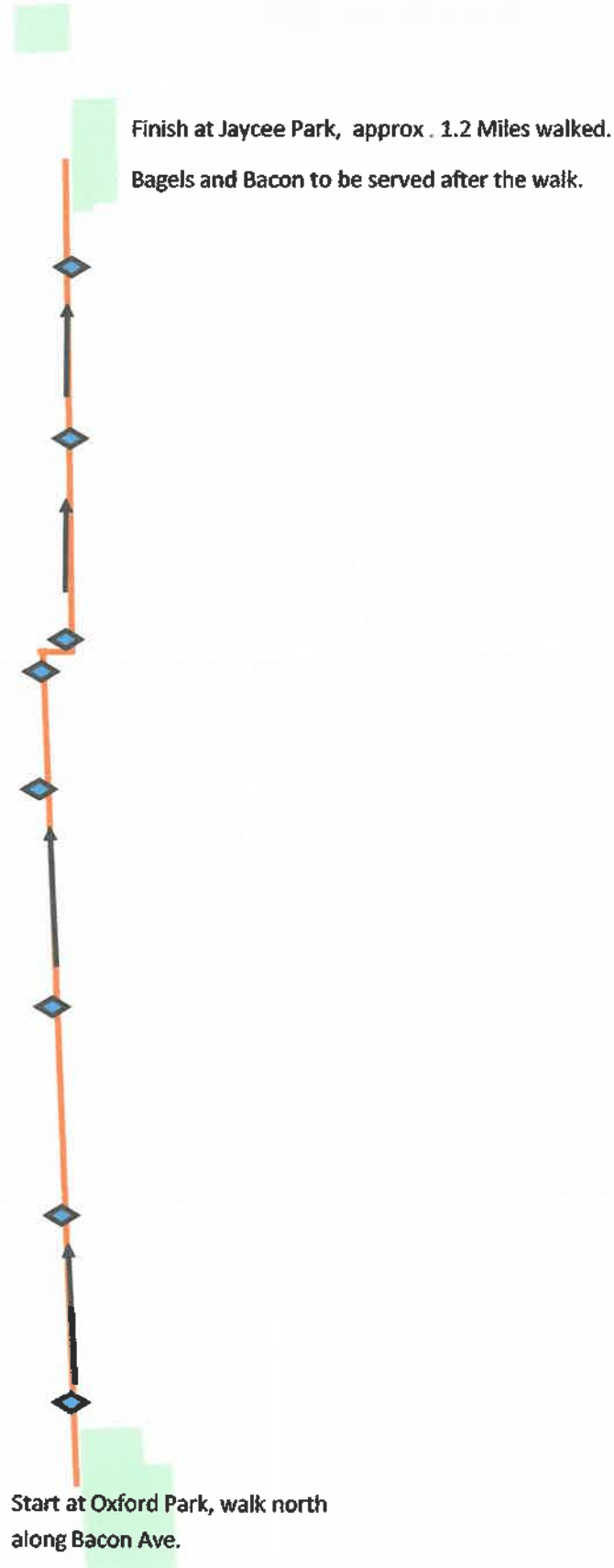
Cambridge Rd

Cambridge Rd

Cambrid

Google

◆ Volunteers will be placed at every intersection to insure pedestrian safety.





W Webster Rd

Bacon Ave

Phillips Ave

Bacon Ave

Phillips Ave

Jaycee Park

Bagels and Bacon to be served in the pavilion.

Bacon Ave

Phillips Ave

Finish Line



Victoria Mitchell &lt;vmitchell@berkleymich.net&gt;

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## Community Special Event Application

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Derrick Schueller &lt;dschueller@berkleymich.net&gt;

Mon, Jan 24, 2022 at 3:26 PM

To: Victoria Mitchell &lt;vmitchell@berkleymich.net&gt;

Cc: Matthew Koehn &lt;mkoehn@berkleypublicsafety.net&gt;, Theresa McArleton &lt;tmcarleton@berkleymich.net&gt;, Shawn Young &lt;syoung@berkleymich.net&gt;, Matthew Baumgarten &lt;mbaumgarten@berkleymich.net&gt;

Hi Victoria-

Public Works has reviewed the application for the proposed Bacon Walk event and offers the following comments for your use and distribution to the applicant. This is the first year for the event and it is slated to occur the morning of Saturday, April 9 on Bacon between Cambridge and Webster.

1. Road closures are not required for the special event (DPW labor and equipment is not needed for traffic control).
2. 30-35 volunteers will be secured by the applicant to cover all intersections and ensure pedestrian safety.
3. Proof of insurance has not been provided but was noted in the application as initiated and is expected to follow.
4. While no closures are necessary, we still encourage notification to those in the immediate area.

Thank you.

[Quoted text hidden]

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**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](mailto:dschueller@berkleymich.net)



Victoria Mitchell <vmitchell@berkleymich.net>

## Community Special Event Application

Matthew Koehn <mkoehn@berkleypublicsafety.net>

Wed, Jan 26, 2022 at 9:02 AM

To: Derrick Schueller <dschueller@berkleymich.net>

Cc: Victoria Mitchell <vmitchell@berkleymich.net>, Theresa McArleton <tmcarleton@berkleymich.net>, Shawn Young <syoung@berkleymich.net>, Matthew Baumgarten <mbaumgarten@berkleymich.net>

Good morning Everyone,

After reviewing the application DPS concurs with DPW's recommendations with the following stipulation for approval:

- Because there are no road closures, all participants should be instructed (and volunteers should ensure) that they are to stay on the sidewalk (not walk in the road) and cross 12 Mile Road on a green traffic signal only.

DPS will monitor the event with on duty personnel.

Thanks.

[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 &lt;vmitchell@berkleymich.net&gt;

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## Community Special Event Application

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**Theresa McArleton** <tmcarleton@berkleymich.net>

Tue, Jan 25, 2022 at 8:53 AM

To: Victoria Mitchell &lt;vmitchell@berkleymich.net&gt;

Cc: Matthew Koehn &lt;mkoehn@berkleypublicsafety.net&gt;, Derrick Schueller &lt;dschueller@berkleymich.net&gt;, Shawn Young &lt;syong@berkleymich.net&gt;, Matthew Baumgarten &lt;mbaumgarten@berkleymich.net&gt;

Thank you Victoria.

Parks & Recreation is aware of this event and in support of it. This event is solely in support of a fundraiser for the inclusive playground at Jaycee Park and we are grateful the Friends of P&R are spending their time and funds for this purpose.

I will sign off on it tomorrow at City Hall.

Thank you,

Theresa

Theresa

On Fri, Jan 21, 2022 at 5:06 PM Victoria Mitchell <vmitchell@berkleymich.net> wrote:

[Quoted text hidden]

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Theresa K. McArleton (she, her, hers)  
Director of Parks & Recreation  
248-658-3470  
248-672-0295 (cell)  
[tmcarleton@berkleymich.net](mailto:tmcarleton@berkleymich.net)

AN ORDINANCE

of the Council of the City of Berkley, Michigan  
to rezone properties described as 2465 and 2475 Cambridge Road, Lots 123 and 124, except  
that portion now included in Coolidge Highway, of Hannan's West Royal Oak Subdivision; and  
2466 and 2476 Columbia Road, Lots 125 and 126, except west 10.25 feet of Lot 125 and west  
10.23 feet of Lot 126, of Hannan's West Royal Oak Subdivision from Coolidge District to  
Gateway District

THE CITY OF BERKLEY ORDAINS:

SECTION 1: That the Zoning Map as referred to in Chapter 138 *Zoning, Article V District Regulations, Division 1 Establishment of Zoning Districts* of the Berkley City Code of Ordinances be and hereby is amended to provide for the reclassification of the properties described as follows:

2465 and 2475 Cambridge Road, Lots 123 and 124, except that portion now included in Coolidge Highway, of Hannan's West Royal Oak Subdivision; and

2466 and 2476 Columbia Road, Lots 125 and 126, except west 10.25 feet of Lot 125 and west 10.23 feet of Lot 126, of Hannan's West Royal Oak Subdivision

from Coolidge District to Gateway District.

SECTION 2: That the City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991 and Section 6.5 of the Berkley City Charter.

SECTION 3: That the City Council directs the City Clerk to forward a certified copy of this Ordinance to the Oakland County Division of Equalization.

Introduced on the First Reading at the Regular City Council Meeting on Monday, February 7, 2022.

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Daniel J. Terbrack  
Mayor

Attest:

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Victoria Mitchell  
City Clerk



**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

Date: February 2, 2022

## Rezoning For City of Berkley, Michigan

<b>Applicant:</b>	Grant Jeffries, on behalf of the property owner, Wayne Wudyka of WJ Ventures, LLC
<b>Location:</b>	2465 & 2475 Cambridge Road (south side of Cambridge Road, east of Coolidge Highway) 2466 & 2476 Columbia Road (north side of Columbia Road, east of Coolidge Highway)
<b>Parcel ID's:</b>	#25-17-353-002, #25-17-353-001, #25-17-353-016, #25-17-353-015
<b>Proposed Rezoning:</b>	Gateway District
<b>Request:</b>	Rezoning from Coolidge District to Gateway District.

### BACKGROUND

This case involves the proposed rezoning of four parcels (#25-17-353-001, #25-17-353-002, #25-17-353-015, #25-17-353-016) from Coolidge District to Gateway District. Please note that the plans submitted by the applicant include two parcels on the southeast corner of Coolidge Highway and Columbia Road, under the same ownership as the subject parcels, but they are part of the proposed rezoning.

The property owner of the subject parcels also owns the two (2) parcels on the southwest corner of Columbia Road and Coolidge Highway, which are zoned Gateway District. The applicant and property owner have met with the City Manager and City staff to discuss the possibility of future multiple-family development on these parcels held in common ownership. In the rezoning application, the applicant states that this is the first step in the approval process for a multiple-family development.

Richard K. Carlisle, *President* Douglas J. Lewan, *Executive Vice President* John L. Enos, *Principal*  
David Scurto, *Principal* Benjamin R. Carlisle, *Principal* Sally M. Elmiger, *Principal* Craig Strong, *Principal* R. Donald Wortman, *Principal*  
Laura K. Kreps, *Senior Associate* Paul Montagno, *Senior Associate*, Megan Masson-Minock, *Senior Associate*

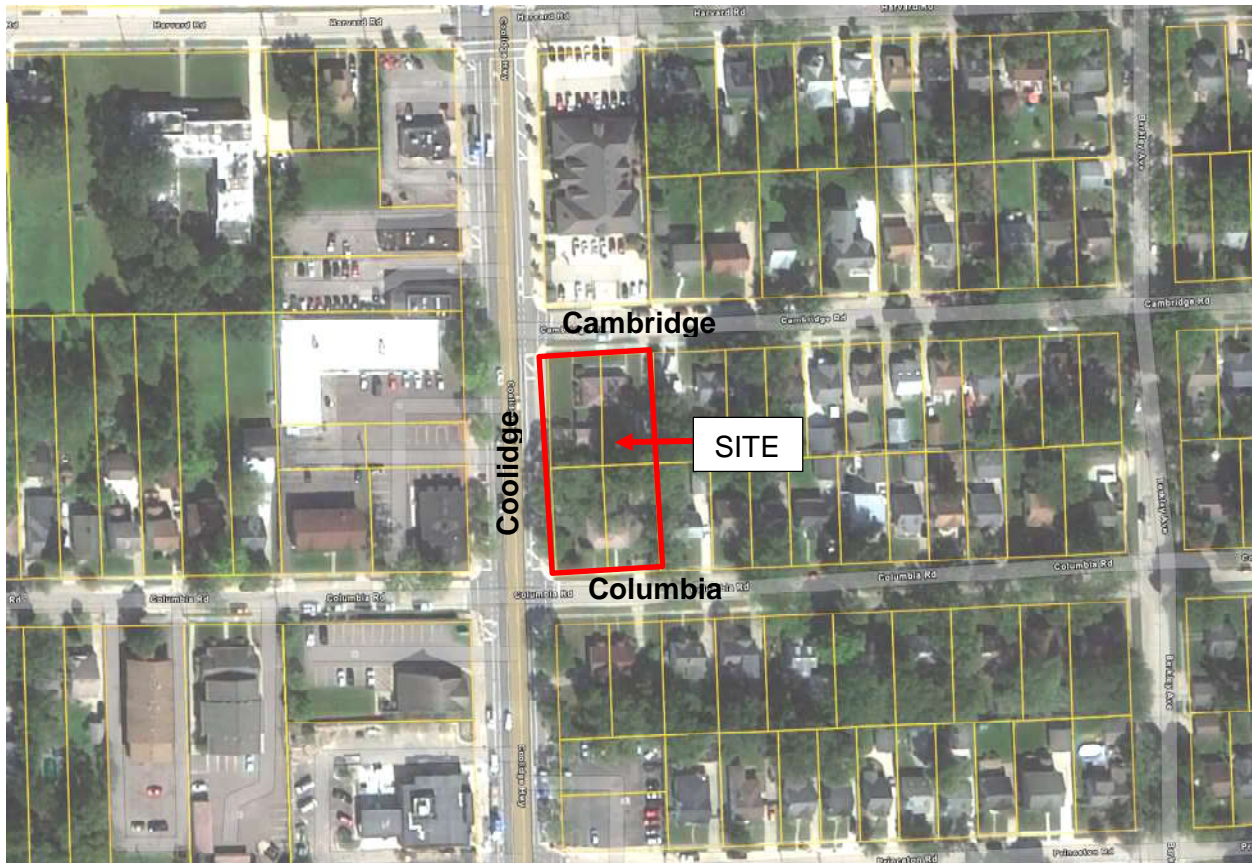


**LAND USE**

The subject parcels are occupied by two (2) duplex buildings, with current rental certificates through April 1, 2022. The uses and buildings are non-conforming in both the current and proposed zoning districts. The table and aerial photograph below show the existing land use of the parcels in question and the surrounding properties.

Property	Existing Land Use
Subject Parcels	Duplexes
West (across Coolidge)	Retail and Office
East	Single Family Residential
North (across Cambridge)	Office
South (across Columbia)	Duplex

**AERIAL PHOTOGRAPH**

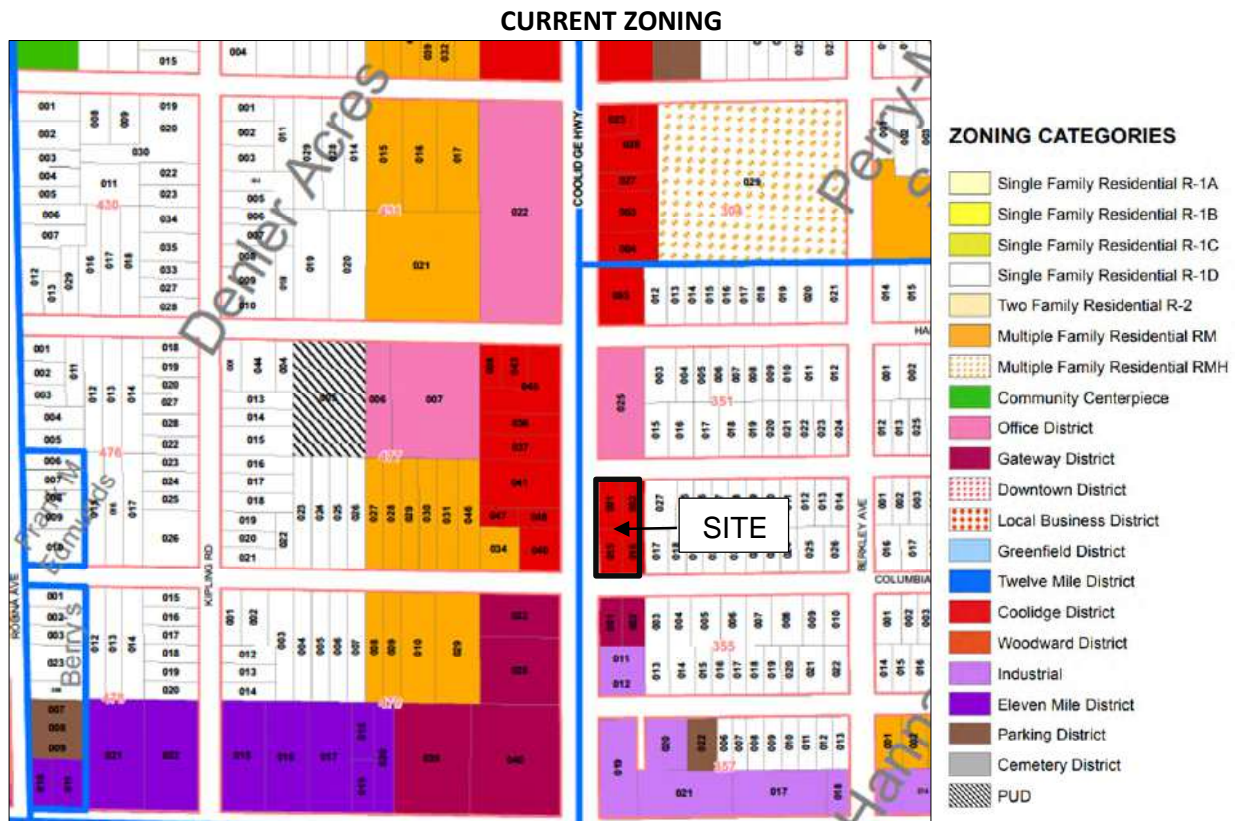


Source: Oakland County Parcels Plus

**ZONING**

The subject parcels are zoned Coolidge District. The Coolidge District and the Gateway District have the same design regulations, setbacks and height requirements, and special uses. The Gateway District has slightly different principal uses, allowing a greater range of repairs (radios, televisions, vacuums and sewing machines) and restrictions on stacking spaces at accessory drive-up facilities for banks, savings and loan associations, and credit unions. The table and the map below show the zoning of the subject parcels and surrounding area.

Property	Current Zoning
Subject Parcels	Coolidge District
West (across Coolidge)	Coolidge District
East	Single Family Residential R-1D
North (across Cambridge)	Office District
South (across Columbia)	Gateway District



Source: City of Berkeley Zoning Map

The intent of the existing zoning, Coolidge District, was last amended in 2008, and is:

“The Coolidge districts are designed to provide pedestrian retail business uses and services which will supply the day-to-day convenience, shopping and service needs on the premises for persons residing in adjacent residential areas and that cater to the needs of a larger consumer population.”

The intent of the Gateway District, the proposed zoning, was also amended in 2008 and reads as follows:

“The Gateway districts are located at entry points to the City of Berkley. They are designed to enhance these important locations as landmarks and to provide retail business uses and services which will supply the day-to-day convenience, shopping and service needs on the premises for persons residing in adjacent residential areas and that cater to the needs of a larger consumer population.”

## MASTER PLAN

An updated City Master Plan was adopted by the City Council in November 2021. The future land use designation for the subject parcels and surrounding area are shown in the table below and the map on the following page.

Property	Future Land Use Designation
Subject Parcels	Gateway Corridor
West (across Coolidge)	Gateway Corridor
East	Single Family Neighborhood
North (across Cambridge)	Gateway Corridor
South (across Columbia)	Gateway Corridor

The Master Plan, Future Land Use Plan, and Zoning Plan are a guide for land use decisions, and may be varied from due to unforeseen circumstances. The Zoning Plan lays out which of the current zoning districts are associated with each future land use designation.

The Future Land Use Map and Zoning Plan call for the Coolidge District to be located between Twelve Mile to Catalpa on Coolidge in the Downtown Future Land Use Designation. The subject sites have a future land use designation of Gateway Corridor. The Zoning Plan associates the future land use designation of Gateway Corridor with the Gateway District, as well as six other zoning districts.

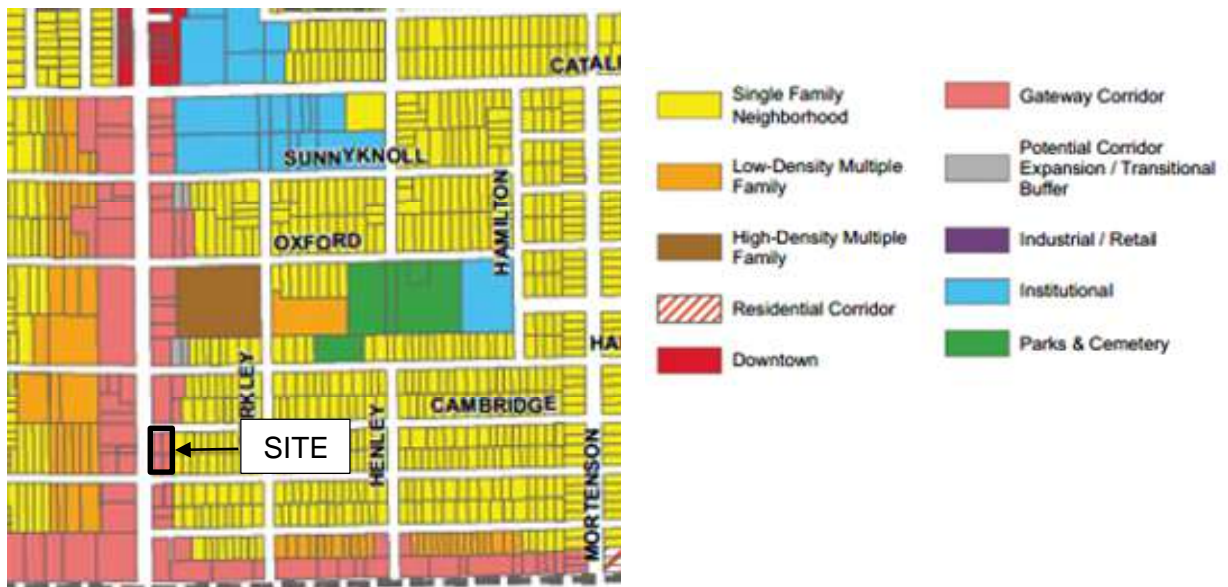
The intent of the of the Gateway Corridor future land use designation is:

“The intent of the Gateway Corridor future land use category is to improve the function, investment value and aesthetics of these corridors as mixed-use, walkable places.”

The land use designation plans for mixed used buildings (no more than three stories), offices, retail, restaurants, public spaces, institutions and auto-oriented uses to continue and to update zoning to allow

upper story residential and multiple-family buildings (no more than three stories), if not allowed already. Presently, upper story residential is allowed in both the proposed and current zoning districts. Multiple-family buildings are not allowed in either zoning district.

#### FUTURE LAND USE



Source: City of Berkeley Future Land Use Map, City of Berkeley Master Plan, pages 26-27

In the corridors chapter of the recently adopted Master Plan, the subject parcels are in the South Coolidge area, which had the following statement:

“Bordered by Catalpa to the north and Eleven Mile to the south, this area is envisioned to be a mixed-use area with residential, offices, restaurants and shopping, less dense than downtown but with the same degree of walkability.”

The proposed rezoning is consistent with the Master Plan because:

- It is consistent with Future Land Use Map;
- The uses in the proposed zoning district are consistent with the description of the Gateway Future Land Use Designation and vision for the South Coolidge area; and
- The Zoning Plan associates the proposed zoning district with the future land use designation of the subject sites.

#### REZONING PROCEDURES

The procedures and criteria for rezoning are set forth in Chapter 138 (Zoning), Article VI (Administration and Enforcement), Division 3 (Amendments). The Planning Commission held a public hearing at their regular January 25, 2022 meeting and discussed the proposed rezoning and made a recommendation.

## REVIEW CONSIDERATIONS

Section 138-585 of the Zoning Ordinance sets forth requirements to evaluate rezoning proposals. The City Planning Commission has made written findings of fact, submitted at the end of this memorandum together with its recommendations to the City Council. The standards are listed below with the staff analysis presented to the Planning Commission:

*(1) Existing uses of property within the general area of the property in question.*

The subject parcels and properties to the south are currently used as two-family residences, a non-conforming use in both the current and proposed zoning district. The properties to the north and west are office and retail uses, allowed as principal uses in both the Coolidge and Gateway Zoning Districts. The existing uses of the subject parcels do not necessarily fit in size and intensity with the other land uses on this portion of Coolidge. However, the two-family use is appropriate as buffer between Coolidge and the single-family neighborhood to the east.

Furthermore, the rezoning would establish the parameters and regulations of the anticipated future development of this site.

*(2) The zoning classification of property within the general area of the property in question.*

The properties to the south of the subject property are zoned Gateway District. Also, as discussed in the zoning section of this review, there are not substantial differences between the current and proposed zoning districts. The proposed rezoning would be compatible with surrounding zoning patterns.

*(3) The suitability of the property in question to the uses permitted under the existing zoning classification;*

The subject parcels are suitable for the uses permitted under the existing zoning classification, which are nearly the same as the proposed zoning district.

*(4) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification;*

The nature of this part of the Coolidge Highway corridor will likely change with the adaptive re-use of the La Salette former school building as multiple-family. That property was conditionally rezoned from Office District to Multiple Family RM in 2019 and interior construction is expected to start in the next month.

*(5) The objectives of the current master plan for the city.*

The proposed rezoning is consistent with Future Land Use Map, description of the Gateway Future Land Use Designation, Zoning Plan, and vision for the South Coolidge area in the recently adopted Master Plan. Specifically, the rezoning would implement the use of the Coolidge District as a zoning category associated with the Downtown Future Land Use Designation.


**RECOMMENDATION**


At their regular January 25, 2022 meeting, the Planning Commission recommended approval of the rezoning by a 9-0 vote, based on the following findings:

1. The property to the south is zoned Gateway District;
2. The uses and regulations in the proposed Gateway District are substantially the same those of the current zoning district, the Coolidge District;
3. The proposed rezoning is consistent with Future Land Use Map, description of the Gateway Future Land Use Designation, and vision for the South Coolidge area in the City of Berkeley's Master Plan;
4. The proposed rezoning implements the change detailed in the City Master Plan's Future Land Use Map and Zoning Plan for the Coolidge District to be located solely in the Downtown Future Land Use Designation; and
5. The rezoning is not detrimental to public interest.

If you have any questions about this application or need additional information, please contact us at any time.

Respectfully submitted,

  
CARLISLE/WORTMAN ASSOC., INC.  
Benjamin R. Carlisle, AICP, LEED AP  
Principal

  
CARLISLE/WORTMAN ASSOC., INC.  
Megan Masson-Minock, AICP  
Planner



**CITY OF BERKLEY**  
**COMMUNITY DEVELOPMENT**  
3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

**APPLICATION FOR AMENDMENT TO THE ZONING MAP (REZONING)**

**NOTICE TO APPLICANT:** Applications to amend the Zoning Map must be submitted to the City of Berkley Building Department in **substantially complete** form at least 30 days prior to the Planning Commission meeting, at which the proposal will be considered. Petitions for rezoning of a specific site shall be accompanied by a plot plan or survey of the property.

The Planning Commission will hold the required *public hearing* and will make a recommendation to the City Council. Amendments to the Zoning Map (Rezoning) shall be granted by the City Council.

The Planning Commission meets the fourth Tuesday of the month at 7:00pm in the Council Chambers at the City of Berkley City Hall, 3338 Coolidge Hwy, Berkley, MI 48072. The City Council meets the first and third Monday of the month at 7:00pm in the Council Chambers at the City of Berkley City Hall, 3338 Coolidge Hwy, Berkley, MI 48072.

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**TO BE COMPLETED BY APPLICANT:**

I (We), the undersigned, do hereby respectfully request Site Plan Review and provide the following information to assist in the review:

Project Name: COOLIDGE APARTMENTS

Applicant: GRANT JEFFRIES

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Property Owner(s), if different from Applicant: WAYNE WUDYKA (WJ VENTURES LLC)

Mailing Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Applicant's Legal Interest in Property: ARCHITECT

\_\_\_\_\_

**LOCATION OF PROPERTY:**

Street Address: 2465 & 2475 CAMBRIDGE ROAD, 2466 & 2476 COLUMBIA ROAD

Nearest Cross Streets: COOLIDGE & 11 MILE

Sidwell Number(s): 25-17-353-002, 25-17-353-001, 25-17-353-016, 25-17-353-015

**PROPERTY DESCRIPTION:**

Provide lot numbers and subdivision: HANNAN'S WEST ROYAL OAK SUBDIVISION

LOTS 123, 124, 125, 126

Property Size (Square Feet): (4) LOTS @ 5,124 SF EACH = 20,496 SF (Acres): (4) LOTS @ 0.136 EACH = 0.544 ACRES

Property Legal Description: LOTS 123 AND 124, EXCEPT THAT PORTION NOW INCLUDED IN COOLIDGE HIGHWAY, LOTS 125 AND 126, EXCEPT WEST 10.25 FEET OF LOT 125 AND WEST 10.23 FEET OF LOT 126,

HANNAN'S WEST ROYAL OAK SUBDIVISION, AS RECORDED IN LIBER 14, PAGE 3 OF PLATS, OAKLAND COUNTY RECORDS

**EXISTING ZONING DISTRICT (please check):**

- |                               |  |  |
|-------------------------------|--|--|
| <input type="checkbox"/> R-1A | <input type="checkbox"/> Local Business        | <input checked="" type="checkbox"/> Coolidge |
| <input type="checkbox"/> R-1B | <input type="checkbox"/> Office                | <input type="checkbox"/> Downtown            |
| <input type="checkbox"/> R-1C | <input type="checkbox"/> Community Centerpiece | <input type="checkbox"/> Industrial          |
| <input type="checkbox"/> R-1D | <input type="checkbox"/> Woodward              | <input type="checkbox"/> Cemetery            |
| <input type="checkbox"/> RM   | <input type="checkbox"/> Eleven Mile           | <input type="checkbox"/> Parking             |
| <input type="checkbox"/> RMH  | <input type="checkbox"/> Twelve Mile           |  |

Requested Zoning for Property: GATEWAY CORRIDOR

Present Use of Property: RENTAL DUPLEXES

Proposed Use of Property: RENTAL DUPLEXES

Is the property located within the Downtown Development District?  Yes  No



**PROJECT DESCRIPTION:**

SIMPLE REZONING OF 4 LOTS TO BE CONSISTENT WITH RECENTLY ADOPTED MASTER PLAN AND FUTURE LAND USE MAP AND IN PREPARATION OF FUTURE DEVELOPMENT

Does the proposed project / use of property require site plan approval?  Yes  No

Does the proposed project require variance(s) from the Zoning Board of Appeals?  Yes  No

If yes, describe the variances that will be required: \_\_\_\_\_

**JUSTIFICATION FOR PROPOSED REZONING**

Please complete the following questions with as much detail as possible so as to evaluate the rezoning proposal (attach additional sheets, if needed):

1. Is the proposed rezoning consistent with the Berkley Master Plan and the Future Land Use Map?

YES

2. Is the proposed rezoning consistent with the zoning classification of surrounding parcels?

YES, IT IS CONSISTENT WITH THE ZONING OF THE PARCELS DIRECTLY SOUTH

AND WITH THE FUTURE LAND USE CLASSIFICATION OF THE PARCEL TO THE NORTH AND ACROSS COOLIDGE HWY

3. Are the site's physical or environmental features suitable for the range of uses permitted in the requested zoning district?

YES, THE ZONING DISTRICT IS DESIGNED FOR MAIN THOROUGHFARES

AND THE LOTS ARE ALONG COOLIDGE HWY JUST NORTH OF 11 MILE.

4. Would the uses permitted in the proposed zoning district be compatible with surrounding uses and zoning, in terms of views, noise, air quality, traffic, density, the environment, drainage, and land values?

YES, AS LOTS IMMEDIATELY TO THE SOUTH ARE CURRENTLY ZONEA

GATEWAY CORRIDOR

5. Does the public infrastructure (roads, water and sewer system) have capacity to accommodate the uses permitted in the proposed zoning district?

YES, AS LOTS ARE ALONG COOLIDGE HWY AND HAVE ACCESS TO THE INFRASTRUCTURE THERE.

6. Provide any additional information that should be considered with your application and request:

THIS REZONING REQUEST IS THE FIRST STEP IN A MULTI-STEP APPROVAL PROCESS FOR A MULTI-FAMILY DEVELOPMENT ON THE LOTS.

PLEASE NOTE THAT THE SURVEY PROVIDED ALSO INCLUDES TWO LOTS TO THE SOUTH THAT ARE ALREADY ZONED "GATEWAY CORRIDOR"

**PROFESSIONALS WHO PREPARED PLANS:**

A. Name: CHRIS ASIALA

Mailing Address: BIRMINGHAM, MI 48009 Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Design Responsibility (engineer, surveyor, architect, etc.): SURVEYOR

B. Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Design Responsibility: \_\_\_\_\_

**SUBMIT THE FOLLOWING:**

1. Fifteen (15) individually folded copies of the site plans, measuring 24" x 36", sealed by a registered architect, engineer, or surveyor. If copies are submitted simultaneously for site plan review, then submittal of ten (10) additional copies is not necessary.
2. A pdf file of the plans and any supporting documents, emailed to the Community Development Director.
3. Proof of property ownership (title insurance policy or registered deed with County stamp).

**PLEASE NOTE:** The applicant, or a designated representative, **MUST BE PRESENT** at all scheduled meetings, or the request may be tabled due to lack of representation.

Failure to provide true and accurate information on this application shall provide sufficient grounds to deny approval of the map amendment application.

We encourage applicants to make a presentation of the proposed project to the Planning Commission and City Council, as appropriate. To assist in this effort, we have available for your use at meetings a projector, laptop computer and screen. This will allow the Planning Commission, City Council and audience to give your project the attention it deserves. Planning Commission and City Council meetings are recorded and televised.

---

**PROPERTY OWNER'S APPROVAL: (Initial each line)**

GS I hereby authorize and give permission for the City of Berkley to install one or more temporary signs on my property, in order to notify the public of the requested public hearing related to the zoning map amendment (rezoning) request.

GS I hereby authorize employees and representatives of the City of Berkley to enter upon and conduct an inspection and investigation of the above referenced property in relation to the above request.

---

**APPLICANT'S ENDORSEMENT: (Initial each line)**

GS All information contained therein is true and accurate to the best of my knowledge.

GS I acknowledge that the Planning Commission and City Council will not review my application unless all information in this application has been submitted.

GS I acknowledge that the City and its employees or appointed or elected officials shall not be held liable for any claims that may arise as a result of acceptance, processing or approval of this application.

---

**If an application is withdrawn more than three (3) weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than three (3) weeks prior to the meeting, no refund will be given.**

---

Grant Jeffries 12/14/2021  
Signature of Applicant Date

GRANT JEFFRIES  
Applicant Name (Print)

[Signature] 12/15/21  
Signature of Applicant Date

WAYNE M. WUDYKA  
Applicant Name (Print)

[Signature]  
Signature of Property Owner Authorizing this Application

WAYNE M. WUDYKA MEMBER <sup>WT</sup> Ventures LLC  
Property Owner Name (Print) Date

**OFFICE USE ONLY**  
Received 12-16-21 Receipt # 120597965 Meeting Date \_\_\_\_\_ Case # PRZ-0121  
Fee: \$750

February 7, 2022 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ to award the Forestry Services Contract to Hart Urban Forestry located in Sterling Heights, Michigan for a three-(3)-year term.

Ayes:

Nays:

Motion:

# Transmittal Memo

To: Matthew Baumgarten, City Manager (via email)  
Cc: Mark Pollock, Finance Director (via email)  
From: Derrick Schueller, DPW Director   
Date: January 28, 2022  
Subject: Forestry Services  
Recommendation of Award

The Department of Public Works works with an independent contractor on a daily basis for as-needed forestry services within the public right-of-way. This includes tree evaluations, trimming, removals, logging and stump grinding.

The current agreement with J.H. Hart Urban Forestry expires in February 2022. As a result, a Request for Proposals (RFP) was prepared by the DPW and issued for public bid via MITN/BidNet. Bid documents were sent to over 80 vendors and the posting was also advertised on the City website. The bid opening was held at City Hall on January 25, 2022 with results summarized in the attached table.

Two bids were received and J.H. Hart submitted the lowest qualified bid. Hart has worked in Berkley for over six years and is one of the largest full-service urban forestry companies in the State of Michigan. They currently employ 45 full-time employees and have six Certified Arborists on staff as recognized by the International Society of Arboriculture. J.H. Hart has an extensive equipment/vehicle fleet and works for several of our neighboring communities including Birmingham, Royal Oak, Beverly Hills and Troy. Hart has provided quality service to the City of Berkley and has been very responsive to all of our requests and work orders. The field crews from J.H. Hart have treated our residents with courtesy and respect. Judd Hart has also been active with the Tree Board assisting with various workshops and the tree ordinance.

We recommend a three year award to J.H. Hart for City forestry services with bid documents attached. Funds are allocated each year in the Major and Local Street Funds, account numbers 202-468-818-000 and 203-468-818-000.

Feel free to contact our office with any questions or concerns. Thank you.

Attachments DLS

J:\Forestry\2022 Bid Documents and Council Award\Council\Recommendation of Award Forestry Services 1-28-22.doc

**CITY OF BERKLEY**  
**“City of Berkley Forestry Services”**  
**For the Department of Public Works**  
***Bid Opening: Tuesday, January 25, 2022 @ 3 PM***

<b><u>Business Name</u></b>	<b><u>Address</u></b>	<b><u>Bid (Base Services)</u></b>	<b><u>Bid Bond(15k)</u> <b><u>References</u></b> <b><u>Non-Collusive</u></b> <b><u>Affidavit</u></b> <b><u>Non-</u></b> <b><u>Discrimination</u></b></b>	<b><u>Conflict of</u></b> <b><u>Interest</u></b> <b><u>Hold Harmless</u></b> <b><u>Iran Affidavit</u></b>
J.H. Hart Urban Forestry	6600 Product Drive Sterling Heights, MI 48312	Basis of Award? Y Tree Removal: \$202.50, O/T \$278 crew hour/ 3 crew size Tree Removal-Saw Crane: \$405, O/T \$505 crew hour/ 2 crew size Logging: \$134, O/T \$164 crew hour/ 1 crew size Stump: \$256, O/T \$332 crew hour/ 3 crew size Trimming: \$141.50, O/T \$194.25 crew hour/ 2 crew size Brush: \$151.75, O/T \$204.50 crew hour/ 2 crew size F/T Employees: 45 P/T Employees: 0	Y/Y/Y/Y	Y/Y/Y
Owen Tree Service	225 N. Lake George Road Attica, MI 48412	Basis of Award? Y Tree Removal: \$330, O/T \$495 crew hour/ 3 crew size Tree Removal-Saw Crane: N/A Logging: \$160, O/T \$240 crew hour/ 1 crew size Stump: \$200, O/T \$300 crew hour/ 2 crew size Trimming: \$330, O/T \$495 crew hour/ 3 crew size Brush: \$220, O/T \$330 crew hour/ 2 crew size F/T Employees: 68 P/T Employees: 0	Y/Y/Y/Y	Y/Y/Y



# CITY OF BERKLEY, MICHIGAN FORESTRY SERVICES BASIS OF AWARD

## CONTACT INFORMATION AND QUALIFICATIONS

Company Name: J.H. Hart Urban Forestry  
 Address: 6600 Product Drive  
 City: Sterling Heights State: Michigan Zip: 48312  
 Telephone Number: 586-795-5581 Fax Number: 586-795-0930  
 Representative's Name: Judd H. Hart  
 Representative's Title: President  
 Signature: *Judd H. Hart*  
 Email Address: info@jhart.com  
 Emergency Contact Person and Phone Number: Tyler Hart 586-348-2233

Type of Organization: Individual Partnership **Corporation** Other

Date Organization Established: 1987

Number of Years' Experience in this Work: 35+

Current Full Time Employees: 45 Current Part Time Employees: 0

Distance from Facility/Yard to City of Berkley: 10 Miles

Names of Current Certified Arborists Employed by Company: Kevin Lary, Warren DeWitt, Aaron Keyworth, Bob Stempnik, Larry Jennex and Sal Hansen.

Names of Current Certified Pesticide Applicators Employed by Company: Kevin Lary, Aaron Keyworth and Sal Hansen.

Please Identify which Relevant Professional Organizations your Company is a Member of: International Society of Arboriculture (ISA)

Please Describe how your Company responds to requests for Emergency Assistance: We have staff on call who are able to deploy the proper crew/equipment as needed. Crews are contacted and required to report to our office for deployment with all necessary equipment.

Company has visited the City of Berkley and is familiar with the existing conditions?: **YES** NO

Any exceptions, substitutions, deviations, etc. from the City specifications and this proposal must be stated below: If J. H. Hart is awarded the contract, we will provide 120 yards of double shredded hardwood mulch annually, free of charge.

In addition, our Tracked Lift is available for use, billed at \$25/hour.





## CITY OF BERKLEY, MICHIGAN FORESTRY SERVICES BASIS OF AWARD

### PRICING

#### BASE SERVICES

WORK ITEM	CREW SIZE	RATE (3 YEAR TERM)
Tree Removal-Traditional	Typical Crew Size: <u>  3  </u>	Regular Time: \$ <u>202.50</u> / Crew Hour  Overtime: \$ <u>278.00</u> / Crew Hour
Tree Removal-Saw Crane	Typical Crew Size: <u>  2  </u>	Regular Time: \$ <u>405.00</u> / Crew Hour  Overtime: \$ <u>505.00</u> / Crew Hour
Logging	Typical Crew Size: <u>  1  </u>	Regular Time: \$ <u>134.00</u> / Crew Hour  Overtime: \$ <u>164.00</u> / Crew Hour
Stump Removal & Restoration	Typical Crew Size: <u>  3  </u>	Regular Time: \$ <u>256.00</u> / Crew Hour  Overtime: \$ <u>332.00</u> / Crew Hour
Trimming/Pruning	Typical Crew Size: <u>  2  </u>	Regular Time: \$ <u>141.50</u> / Crew Hour  Overtime: \$ <u>194.25</u> / Crew Hour
Brush Chipping & Removal	Typical Crew Size: <u>  2  </u>	Regular Time: \$ <u>151.75</u> / Crew Hour  Overtime: \$ <u>204.50</u> / Crew Hour



## CITY OF BERKLEY, MICHIGAN FORESTRY SERVICES BASIS OF AWARD

### PRICING (CONT.)

#### CONTINGENCY SERVICES

ITEM	REGULAR RATE	OVERTIME RATE
Labor-Certified Arborist	\$ 71.25 /Hour	\$ 107.00 /Hour
Labor-Tree Man	\$ 59.50 /Hour	\$ 89.25 /Hour
Labor-Ground Man	\$ 46.00 /Hour	\$ 69.00 /Hour
Logging Truck with Operator	\$ 134.00 /Hour	\$ 164.00 /Hour
Front End Loader with Operator	\$ 134.00 /Hour	\$ 164.00 /Hour
Aerial Tower with Operator	\$ 83.00 /Hour	\$ 112.75 /Hour
Dump Truck with Operator	\$ 74.50 /Hour	\$ 104.25 /Hour
Stump Grinder with Operator	\$ 149.00 /Hour	\$ 179.00 /Hour
Spray Truck with Operator	\$ 134.00 /Hour	\$ 164.00 /Hour

As a reminder, the RFP response must include the following forms which can be found at [www.berkleymich.org/bids](http://www.berkleymich.org/bids):

1. Conflict of Interest Disclosure Form
2. Contractor/Vendor References
3. Hold Harmless and Indemnity Form
4. Iran Business Relationship Affidavit
5. Non-Collusive Affidavit
6. Non-Discrimination Affidavit

Please print the forms from the website and include all of them with the hard-copy bid submittal.





# EQUIPMENT LIST

<b>TOWER TRUCKS</b>	2004 INTERNATIONAL
	2004 INTERNATIONAL
	2012 FREIGHTLINER
	2012 FREIGHTLINER
	2015 FREIGHTLINER
	2015 FREIGHTLINER
	2014 FREIGHTLINER
	2016 FORD F750 ALTEC LR7-60E70
	2019 FREIGHTLINER
	2020 INTERNATIONAL
	2021 INTERNATIONAL
	2021 INTERNATIONAL
<b>DUMP TRUCKS</b>	2003 INTERNATIONAL
	2000 INTERNATIONAL
	1999 INTERNATIONAL
	2008 FORD F-450
	2008 FORD F-450
	2011 FORD F-750
	2011 FORD F-750
	2013 FORD F-750
	2013 FORD F-750
	2016 FORD F-750
	2018 FORD F-750
<b>LOG TRUCKS</b>	1985 CHEVY ME-6500
	1989 PETERBILT
<b>TRACK LIFT</b>	2016 TRACK AERIAL LIFT
<b>GRAPPLE SAW</b>	2020 KENWORTH T880
<b>SKID STEER</b>	1999 NEW HOLLAND LX985
<b>MIN-LOADERS</b>	2021 VERMEER MODEL S925TX
	2020 VERMEER MODEL S925TX
	2021 VERMEER MODEL S925tx
	2021 VERMEER S925TX
<b>BOXER</b>	2016 BOXER, MODEL 525DX
<b>CHIPPERS</b>	2010 BANDIT 250 XP
	2010 BANDIT 250 XP
	2012 BANDIT 250 XP
	2012 BANDIT 250 XP
	2013 MORBARK BEEVER M15RX
	2013 MORBARK BEEVER M15RX
	2013 MORBARK BEEVER M15RX
	2014 MORBARK BEEVER M15RX
	2015 MORBARK BEEVER M15RX
	2017 BANDIT 250 XP
	2018 BANDIT 250 XP
	2019 BANDIT 250
	2020 BANDIT 250 XP
	2019 VERMEER AZ19

<b>PLANT HEALTH CARE TRUCKS</b>	2013 DODGE RAM 3500
	2014 DODGE RAM
	2020 ALTEC
	2020 ALTEC
<b>STUMP GRINDERS</b>	2011 VERMEER SC372
	2013 RAYCO RG110X
	2008 RAYCO RG90
	2015 RAYCO RG100X
	2021 VERMEER SC852
<b>MULCH TRACTORS</b>	2000 PETERBILT
	2000 PETERBILT
	2022 KENWORTH T8000
	2022 KENWORTH T8000
	1995 WHGM CONVENTIONAL
1997 KENWORTH TRACTOR	
1994 INTERNATIONAL 8100	
<b>MULCH TRAILERS</b>	2014 TITAN THINWALL TRAILER
	1992 DORSEY TRAILER
	2008 TITAN THINWALL TRAILER
	2008 TITAN THINWALL TRAILER
<b>UTILITY TRAILERS</b>	2005 UTILITY OPEN TRAILER
	2012 UTILITY OPEN TRAILER
	2013 UTILITY OPEN TRAILER
	2021 SURE-TRAC
	2014 ATLAS CAROG TRAILER
	2010 PJ 16FT - DUMP TRAILER
	2010 ANGLE LANDSCAPE TRAILER
	2015 24FT UTILITY TRAILER
2016 J&J LANDSCAPE TRAILER	
<b>TUB GRINDERS</b>	2014 VERMEER 7000
	2007 VERMEER TG 7000
<b>WHEEL LOADERS</b>	2009 JOHN DEERE 544K
	2009 JOHN DEERE 544K
	2017 JOHN DEERE 544K
<b>SUPPORT VEHICLES</b>	2014 SILVERADO TRUCK
	2015 GMC SIERRA
	2018 CHEVY COLORADO
	2018 CHEVY COLORADO
	1994 FORD F-350
2018 Chevy Silverado	
2014 Chevy Silverado	



**CITY OF BERKLEY**  
**OFFICE OF THE CITY CLERK**  
 3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

**CITY OF BERKLEY BID OPPORTUNITY  
 CONFLICT OF INTEREST DISCLOSURE FORM**

**BID OPPORTUNITY:** RFP: Forestry Services

<b>Name:</b>	Judd H. Hart	<b>Company:</b>	J. H. Hart Urban Forestry
<b>Title:</b>	President	<b>Address:</b>	6600 Product Drive, Sterling Heights MI 48312

Please describe any relationships, transactions, positions you hold (as owner, director or volunteer of a for-profit or nonprofit organization) or other circumstances you believe could contribute to an actual or perceived conflict of interest between the City of Berkley and your personal interest. (Use additional paper if necessary.)

<input type="checkbox"/>	<b>I have the following conflict of interest to report.</b>

<input type="checkbox"/>	<b>I have the following potential conflict of interest to report.</b>

<input checked="" type="checkbox"/>	<b>I have no circumstances that I believe could contribute to an actual or perceived conflict of interest.</b>
-------------------------------------	--

Judd H. Hart  
 Signature  
1-25-22  
 Date



**CITY OF BERKLEY**  
**OFFICE OF THE CITY CLERK**  
3336 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

## CITY OF BERKLEY BID OPPORTUNITY CONTRACTOR REFERENCES

<b>BID OPPORTUNITY:</b>	RFP: Forestry Services
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### REFERENCE 1:

<b>COMPANY NAME</b>	City of Birmingham
<b>ADDRESS</b>	851 S. Eton Birmingham, MI 48009
<b>TELEPHONE</b>	248-644-1807
<b>CONTACT PERSON</b>	Lauren Wood
<b>CONTRACT DATES</b>	1990 - Present
<b>DESCRIPTION OF WORK</b>	Forestry management, tree trimming and removals, stump grinding, disposal and recycling of wood products and plant health care management.

### REFERENCE 2:

<b>COMPANY NAME</b>	City of Troy
<b>ADDRESS</b>	3179 Livemois Troy, MI 48083
<b>TELEPHONE</b>	248-885-1593
<b>CONTACT PERSON</b>	Kurt Bovenslep
<b>CONTRACT DATES</b>	2005 - Present
<b>DESCRIPTION OF WORK</b>	Tree trimming and removals, stump grinding, disposal and recycling of wood products and plant health care management.

### REFERENCE 3:

<b>COMPANY NAME</b>	City of Royal Oak
<b>ADDRESS</b>	1600 N. Campbell Royal Oak, MI 48067
<b>TELEPHONE</b>	248-246-3300
<b>CONTACT PERSON</b>	Aaron Filipski
<b>CONTRACT DATES</b>	2008 - Present
<b>DESCRIPTION OF WORK</b>	Tree trimming and removals, stump grinding, disposal and recycling of wood products.



**CITY OF BERKLEY BID OPPORTUNITY  
 HOLD HARMLESS & INDEMNITY FORM**

**BID OPPORTUNITY:** RFP: Forestry Services

**PURPOSE:**

To the fullest extent permitted by law, the CONTRACTOR expressly agrees to indemnify and hold harmless the City of Berkley (City), 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 anytime there from) which may be sustained or claimed by any person or persons.

This includes damage or destruction of any property (including loss of use) based on any act or omission (negligent or otherwise) of the CONTRACTOR or anyone acting on its behalf in connection with or incident to this agreement.

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

**PLEASE PRINT:**

**J.H. Hart Urban Forestry**

Contractor Name

**6600 Product Dr.**

Contractor Street Address

**Sterling Heights, MI 48312**

City, State, Zip Code

**586-795-5581**

Telephone

**Judd H. Hart**

Authorized Representative

*Judd H. Hart*

Signature

**1-25-22**

Date

*[Handwritten Signature]*

Witness



**CITY OF BERKLEY**  
**OFFICE OF THE CITY CLERK**  
 3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

**CITY OF BERKLEY BID OPPORTUNITY**  
**IRAN BUSINESS RELATIONSHIP AFFIDAVIT**

**BID OPPORTUNITY:** RFP: Forestry Services

**THIS AFFIDAVIT SHALL BE SUBMITTED AND MADE A PART OF EACH AND EVERY BID PROPOSAL TO THE CITY OF BERKLEY, MICHIGAN**

STATE OF MICHIGAN  
 COUNTY OF OAKLAND

Judd H. Hart \_\_\_\_\_ BEING DULY SWORN  
 deposes and says that:

1. Pursuant to the Michigan Iran Economic Sanctions Act, 2012 P.A. 517, by submitting a bid, proposal or response, the respondent certifies, under civil penalty for false certification, that it is not an "Iran linked business," as that term is defined in the Act.
2. The undersigned is duly authorized to execute this affidavit on behalf of the bidder.

Subscribed and sworn to before me this  
25 day of January, 2022  
 a notary public in and for said County,

Karen Lynn Grass  
 Notary Public

My Commission expires: 10-30-2028

KAREN LYNN GRASS  
 NOTARY PUBLIC - STATE OF MICHIGAN  
 COUNTY OF MACOMB  
 My Commission Expires October 30, 2028

Judd H. Hart  
 Authorized Signature

**Judd H. Hart**  
 Printed Name of Signatory

J. H. Hart Urban Forestry  
 Company Name

**6600 Product Dr.**  
 Address

Sterling Heights, MI 48312  
 City, State, Zip Code

**586-795-5581**  
 Area Code & Phone Number

**PLEASE NOTE: City of Berkley employees cannot notarize this document.**





**CITY OF BERKLEY**  
**OFFICE OF THE CITY CLERK**  
 3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

**CITY OF BERKLEY BID OPPORTUNITY**  
**NON-COLLUSIVE AFFIDAVIT**

**BID OPPORTUNITY:** RFP: Forestry Services

**THIS AFFIDAVIT SHALL BE SUBMITTED AND MADE A PART OF EACH AND EVERY BID PROPOSAL TO THE CITY OF BERKLEY, MICHIGAN**

STATE OF MICHIGAN  
 COUNTY OF OAKLAND

Judd H. Hart, BEING DULY SWORN  
 deposes and says that:

1. The bid has been arrived at by the bidder independently and has been submitted without collusion with, and without any agreement, understanding, or planned common course of action with any other vender of materials, supplies, equipment, or services described in the invitation to bid, designed to limit independent bidding or competition; and
2. The contents of the bid have not been communicated by the bidder or its employees or agents to any person not an employee or agent of the bidder or its surety on any bond furnished with the bid and will not be communicated to any such person prior to the official opening of the bid.
3. The undersigned is duly authorized to execute this affidavit on behalf of the bidder.

Subscribed and sworn to before me this  
25 day of January, 2022  
 a notary public in and for said County,

Karen Lynn Grass  
 Notary Public

My Commission expires: 10-30-2028

KAREN LYNN GRASS  
 NOTARY PUBLIC - STATE OF MICHIGAN  
 COUNTY OF MACOMB  
 My Commission Expires October 30, 2028

Judd H. Hart  
 Authorized Signature

Judd H. Hart  
 Printed Name of Signatory

J. H. Hart Urban Forestry  
 Company Name

6600 Product Dr.  
 Address

Sterling Heights, MI 48312  
 City, State, Zip Code

586-795-5581  
 Area Code & Phone Number

**PLEASE NOTE: City of Berkley employees cannot notarize this document.**



**CITY OF BERKLEY**  
**OFFICE OF THE CITY CLERK**  
 3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48077

**CITY OF BERKLEY BID OPPORTUNITY  
 NON-DISCRIMINATION AFFIDAVIT**

**BID OPPORTUNITY:** RFP: Forestry Services

**THIS AFFIDAVIT SHALL BE SUBMITTED AND MADE A PART OF EACH AND EVERY BID PROPOSAL  
 TO THE CITY OF BERKLEY, MICHIGAN**

STATE OF MICHIGAN  
 COUNTY OF OAKLAND

Judd H. Hart \_\_\_\_\_, BEING DULY SWORN  
 deposes and says that:

1. In compliance with the City of Berkley Non-Discrimination Policy, the Contractor shall not discriminate against an employee or an applicant for employment in hiring, any terms and conditions of employment or matters related to employment regardless of race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, genetic information, height, weight, disability, veteran status, familial status, marital status or any other reason, that is unrelated to the person's ability to perform the duties of a particular job or position, in accordance with applicable federal and state laws.
2. The undersigned is duly authorized to execute this affidavit on behalf of the bidder.

Subscribed and sworn to before me this  
25 day of January, 2022  
 a notary public in and for said County,

Karen Lynn Grass  
 Notary Public

My Commission expires: 10-30-2028

**KAREN LYNN GRASS**  
**NOTARY PUBLIC - STATE OF MICHIGAN**  
**COUNTY OF MACOMB**  
 My Commission Expires October 30, 2028

Judd H. Hart  
 Authorized Signature

Judd H. Hart  
 Printed Name of Signatory

J. H. Hart Urban Forestry  
 Company Name

6600 Product Dr.  
 Address

Sterling Heights, MI 48312  
 City, State, Zip Code

586-795-5581  
 Area Code & Phone Number

**PLEASE NOTE: City of Berkley employees cannot notarize this document.**



### **OUR COMPANY**

J. H. Hart Company, Inc., is a Michigan Corporation, doing business as J. H. Hart Urban Forestry. Incorporated in 1988, we are now among the largest full-service urban forestry companies in the State. Our staff of approximately 45 full-time employees, including Certified Arborists and Licensed Pesticide Applicators, is dedicated to providing the highest quality tree and plant health care management available. J. H. Hart Urban Forestry provides a wide range of services, specializing in tree trimming and removals, stump grinding, tree planting, integrated pest management, mulch production, and the disposal and recycling of wood products through grinders. We service residential, commercial and municipal clients throughout southeast Michigan.

J. H. Hart Urban Forestry is located at 6600 Product Drive, in Sterling Heights, Michigan. Our facility consists of approximately 16,500 square feet of office, maintenance and inside storage area, situated on just over six acres of land.

### **PHILOSOPHY**

At J. H. Hart Urban Forestry, our staff of Certified Arborists and is dedicated to providing the highest quality and most cost-efficient arboricultural services available. As professional arborists, our goal remains the protection and beautification of property while maximizing aesthetic balance and enhancing the environmental quality.

Our employees undergo continuous training and education, which enables us to provide a level of service and expertise unsurpassed in the industry. At J. H. Hart Urban Forestry, our commitment to customer service is paramount and the cornerstone of our success.

### **METHODOLOGY**

Our approach to service is both task specific and goal oriented. A request for service initiates an evaluation of the individual project and goals to be achieved. This necessarily includes a determination of job-site conditions, the appropriate crew and equipment for deployment, and an evaluation of any special precautions or notifications to be

undertaken with respect to utilities, pedestrian and vehicular traffic, and other safety related issues.

Projects are scheduled as required to meet the needs of our customers. Once scheduled, the customer is notified in advance of both the start date and anticipated date for completion. The crew foreman assigned to each job-site is responsible for executing all facets of the work to ensure the successful completion of the project. Once the foreman certifies completion of the specific project, an invoice is generated. Invoices will include the address of the project site, dates of service, and a description of the services provided and hours worked.

### **SCHEDULING OF WORK**

Under normal conditions, crews and equipment will be deployed on an as needed basis as circumstances warrant. Should a given project require more immediate attention, we have the resources available to meet your needs. Work is normally conducted Monday through Friday, between 7:30 a.m. and 4:00 p.m. Crews will be ready to begin work at 7:30 a.m., with all equipment in proper working order, fueled and prepped. Once a given project has been started, work will continue uninterrupted until completed. Notice of work required may be provided by telephoning our office at 586-795-5581, or sent by facsimile at 586-795-0930.

Under storm or emergency conditions, our crews and equipment are available 24-hours a day, 7-days a week. During normal business hours, notice of emergencies may be provided as noted above. For emergency situations arising after normal business hours, we provide a list of telephone numbers for all management personnel. Weather conditions are monitored throughout each day and our crews are routinely put on alert in anticipation of pending emergency conditions.

Should you have any questions, or require clarification of the information provided, please do not hesitate to contact us. We look forward to the opportunity to be of service.



JHARTU-01

AMYB

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
6/28/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).


<b>PRODUCER</b> License # 958967 Johnston Lewis Associates, Inc. 8600 New King, Ste. 210 Troy, MI 48068	<b>CONTACT NAME:</b> Amy Blackmer <b>PHONE (A/C, No., Ext):</b> (248) 687-7769 <b>FAX (A/C, No.):</b> <b>E-MAIL ADDRESS:</b> amyb@jalna.com	
	<b>INSURED(S) AFFORDING COVERAGE</b>	
<b>INSURED</b>  J H Hart Urban Forestry 6600 Product Dr. Sterling Heights, MI 48312	<b>INSURER A:</b> National Union Fire Ins Co. of Pittsburgh, Pa. 19445	
	<b>INSURER B:</b> Travelers Insurance 25674	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES**      **CERTIFICATE NUMBER:**      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INBR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			GL 6268297	6/1/2021	6/1/2022	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (EA OCCURRENCE) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADJ INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000
	<input checked="" type="checkbox"/> <b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> Hired AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			CA 4489780	6/1/2021	6/1/2022	COMBINED SINGLE LIMIT (EA ACCIDENT) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input checked="" type="checkbox"/> <b>UMBRELLA LIAB</b> EXCESS LIAB DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			ZUP16561739	6/1/2021	6/1/2022	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000
A	<input checked="" type="checkbox"/> <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/OWNER EXCLUDED? (Manufacture in MI) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WC 22298206	6/1/2021	6/1/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
City of Berkley is named as Additional Insured with respects to General Liability. Blanket additional insured applies when required by written contract.

<b>CERTIFICATE HOLDER</b>  City of Berkley 3238 Bacon Ave Berkley, MI 48072	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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February 7, 2022 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ to approve the appointments to various Boards and Commissions:

**Environmental Advisory Committee**

Andrew McIndoo, appointment to a partial term expiring July 1, 2024.

**Historical Committee**

Kyle Grimm, appointment to a partial term expiring July 1, 2024.

Donald Callihan, appointment to a partial term expiring July 1, 2024.

Shirley Hansen, appointment to a partial term expiring July 1, 2024.

Ayes:

Nays:

Motion:

February 7, 2022 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember  
\_\_\_\_\_ to adopt the Berkley Support Debris Management Plan.

Ayes:

Nays:

Motion:

# Memo

To: Mayor Terbrack and City Council  
From: Matthew Baumgarten, City Manager  
Date: February 7, 2022  
Subject: Debris Management Support Plan

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Mr. Mayor and Members of City Council,

Our Emergency Management Coordinator, Jack Blanchard, has prepared the attached Berkley Support Debris Management Plan for City Council's consideration. This plan complies with FEMA guidance and has been requested by Oakland County.

This plan was developed over the last two years and has incorporated recommendations from Derrick Schueller, Director of Public Works and Erin Schlutow, former Community Development Director. The quantities of debris that were calculated in this plan are based on the actual quantity of debris that was generated during the 2014 flood event and by using the US Army Corps of Engineer Hurricane Debris Estimating Model to approximate debris from tornados or other intense storms.

**A synopsis has been provided by EMC Blanchard:**

The City of Berkley recognizes that natural and human-caused disasters have the potential to create debris that can disrupt the quality of life for its citizens and complicate disaster response and recovery following such disasters. The city also recognizes that planning for such disasters can lessen the impact on the community, economy, and the environment. Therefore, the City of Berkley has developed this plan to facilitate a rapid response and recovery from debris causing incidents.

This Debris Management Plan provides direction to facilitate and coordinate the management of debris following a disaster in order to:

1. Identify and address planning and staff training needs prior to a debris causing event.
2. Mitigate against potential threats to the lives, health, safety, welfare, and economic and environmental well-being of the impacted area.
3. Expedite recovery efforts in the impacted area.
4. Identify threats of significant damage to improved public or private property.

Thank you for your consideration of this item,



Matthew Baumgarten  
Berkley City Manager



**A RESOLUTION**  
**of the Thirty-ninth Council of the City of Berkley, Michigan**  
**designating the time and place of City Council Meetings**  
**and its Rules and Order of Procedure**

**WHEREAS,** Section 4.6 of the City Charter requires that the Council shall determine its own rules and order of business and shall keep a journal of all of its proceedings in the English language, which shall be signed by the mayor and the clerk and shall be available for inspection to the public at all reasonable times.

**NOW, THEREFORE, THE CITY OF BERKLEY RESOLVES:**

**SECTION 1:** That the Council shall generally conduct its regular meetings on the first and third Monday at 7:00 p.m. in City Hall at 3338 Coolidge Highway, (248-658-3300), or remotely in accordance with the Michigan Open Meetings Act, MCL 15.261 et seq., as amended by the adoption of Public Act 228 of 2020.

**SECTION 2:** Except where in conflict with these rules, Federal or State law, the City Charter, or City ordinance, Robert's Rules of Order (current revision), shall govern the conduct of meetings.

**SECTION 3:** Council agendas shall include the following, in the order that best suits the needs of each meeting, and posted accordingly:

- Call to Order
- Approval of Agenda
- Invocation - (each Council Meeting)
- Pledge of Allegiance
- Public Comment
- Approval of Minutes
- Approval of Warrants
- Order of Business
- Consent Agenda
- Regular Agenda
- Communications
- Adjourn
- Council Closed Session (if any)

Consent Agenda in this sense includes any item or resolution which is of a routine or recurring nature. If a Councilmember or member of the public attending the meeting requests to have any item removed from the Consent Agenda, the matter will be moved to the Regular Agenda for discussion or deliberation. All items on the Consent Agenda shall be read by title without debate. One motion shall be given for the Consent Agenda and a roll call vote shall be taken. Resolutions and/or proclamations honoring individual citizens for personal outstanding accomplishments shall also be included in the Consent Agenda. After the passage of the Consent Agenda, the mayor at his/her discretion, may read the entire resolution.

**SECTION 4:** The City Clerk shall cause Minutes to be kept of every Council Meeting, whether open or closed, showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, all roll call votes taken at the meeting, and the purpose for which a Closed Session is held. Minutes of a Closed Session are to be

retained for one year and are not available to the public unless ordered disclosed by a court. In addition, all audio and video recordings of Council Meetings, as well as meetings of the Planning Commission and Board of Appeal, shall be placed in the City's record retention file for not less than one day after the approval of the official minutes.

**SECTION 5:** The following rules are hereby established not only to affirm the rights of the public to address the meeting and to fully participate in the democratic process, but also to facilitate the orderly and efficient conduct of Council business:

1. At a point on the Council agenda designated for public comment, any person may address the meeting for a reasonable period of time about items not on the agenda. The Mayor may set reasonable limits on the length of citizen comments.
2. Any person addressing the meeting must identify the city in which they reside and, if that person wishes a reply to any question, they must leave their full name, address and phone number with the City Clerk before leaving the meeting or via email to Clerk@Berkleymich.net if attending an electronic meeting.
3. No person shall make any statements or comments designed to announce or promote their candidacy or the candidacy of another for political office.
4. No person shall make any personal attack against a candidate, the Mayor, or any Councilmember or City employee.
5. Irrespective of Robert's Rules of Order, the Mayor, acting as presiding officer of the Council, shall have the same rights, responsibilities and power of discussion as other Councilmembers.
6. No new items shall be taken up for discussion on the regular agenda after 10:00 p.m.
7. At any point during the meeting, the Mayor may allow citizen comments on any issue on the agenda. The Mayor may set reasonable limits on the length of citizen comments.
8. All Regular and Special Meetings of the Council shall be open to the public, and all persons are permitted to attend any meeting unless a Closed Meeting is held.
9. Upon a two-thirds roll call vote of the members of Council elected and serving, a Closed Session may be held to consider the purchase or lease of real property, to consult with the City's attorney on specific pending litigation, to review applications or appointments to a public office where the candidate requests confidentiality, to consider complaints or charges against a public officer, employee or individual agent when the named person requests a closed hearing, for strategy and negotiations when connected with a collective bargaining process; and for any other permissible purpose under and in accordance with the Michigan Open Meetings Act.
10. The Council shall continue to cablecast its regular meetings to further inform local residents of City government issues, activities, and events.

**SECTION 6:** Filling of Vacancies for Boards and Commissions

1. City Administration will publish vacancy via each of its media outlets inviting

- qualified people to make application to the city manager.
2. All applications for appointment and/or reappointment will be forwarded to the City Council as well as the officers of the board or commission where the vacancy exists.
3. Recommendations will be requested from the board or commission where the vacancy exists. Included will be a review of attendance records of those recommended for reappointment. These recommendations will be provided to the City Council via the Council Liaison.
4. For those recommended for reappointment, included will be attendance records, and for the Planning Commission and Zoning Board of Appeals, training records by City Administration
5. When considering the qualification of an applicant, a Councilmember may contact the applicant, members or officers of the board or commission, or the Council Liaison for additional insight.
6. Each Councilmember may provide a ranked list of their choices for each vacancy from the list of applicants. The choices must be given privately to the City Manager at least three business days before the meeting in which the appointment will be considered.
7. The City Manager must present a slate of candidates for the vacancies based on the recommendations from Councilmembers. The slate must be included in the packet prior to the regular meeting, or a special meeting called for that purpose.
8. Council may vote on the slate as a whole, or any Councilmember may ask that a vacancy be considered separately from the slate. Any individual receiving four or more "yes" votes will be considered appointed.

**SECTION 7:** Filling of Vacancies for City Councilmembers

1. Vacancies in the office of City Councilmember shall be filled pursuant to Sections 3.6, 3.7 and 13.5 of the City Charter through the following procedure:
2. The City Clerk shall publish and post notice of the City Council vacancy and the procedure and deadline for applying. City Council will accept applications from eligible candidates for 5 business days, or such other time as Council may prescribe, in order to complete the appointment process to fill the Council vacancy within the 30 days mandated by the City Charter.
3. If 5 or fewer candidates apply, those candidates will be invited to the next City Council meeting to make a presentation and/or be interviewed by Council, and at its next following meeting, Council shall appoint one of the candidates to fill the Council vacancy.
4. If more than 5 candidates apply, a 3-member Ad Hoc Committee shall be convened comprised of the Mayor Pro Tem, as chairperson, the most junior member of City Council, and the most senior member of City Council. The Committee shall be tasked with holding an open meeting to review and numerically score the candidate applicants on a 1 (lowest) to 3 (highest) scale based on criteria including community/municipal engagement, professional experience, background and diversity, and any other criteria that City Council may establish. The 5 highest scoring candidates shall be specifically invited to attend the next City Council meeting to present themselves, although the

scores and applications of all candidates shall be provided to City Council, and all applicants may attend the City Council meeting and have an opportunity to address City Council.

5. Thereafter, each City Councilmember may nominate 1 candidate for appointment. No second to any nomination shall be required, nor is it necessary for a Councilmember to nominate a candidate if the Councilmember's preferred nominee has already been nominated.
6. A roll call vote shall be conducted, and each Councilmember shall vote among the nominees. A nominee who receives the vote of a majority of the Councilmembers currently holding office shall be declared appointed. If no nominee receives the vote of a majority of the Councilmembers currently holding office and there are more than 2 nominees, then the nominee who receives the fewest votes shall be dropped, and another vote shall be taken among the remaining nominees. This process shall continue until a nominee receives the vote of the majority of the Councilmembers currently holding office.

**SECTION 8:** The Daily Tribune shall be the official newspaper for the publication of notices and of proceedings and ordinances of the Council, as may be required by the law or by City Charter.

**SECTION 9:** The City Attorney is designated to act as parliamentarian for the City Council.

**SECTION 10:** Flagstar Bank is designated official depository of City funding pursuant to Section 9.7 of the City Charter.

**SECTION 11:** This resolution shall supersede all existing resolutions, orders, rules and order of procedures insofar as they may be inconsistent herewith.

**SECTION 12:** The City Clerk shall cause a copy of this resolution to be posted in City Hall and in two other different public and conspicuous places within the City.

**SECTION 13:** Code of Ethics for Government Service

This section applies to City Council as well as administrative officials appointed by Council.

Preamble

A code of ethics for government service calls upon public servants to treat their office as a public trust. It often takes extraordinary moral courage to do what is right. The strength and value of a code of ethics are found in their capacity to inspire voluntary commitment to higher moral standards than law or custom. By doing so, public servants inspire and justify confidence and faith in government.

ANY PERSON  
IN GOVERNMENT SERVICE SHOULD:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or government department.
2. Uphold the Constitution, laws, and regulations of the United States and of all governments therein and never be a party to their evasion.
3. Give a full day's labor for a full day's pay; giving earnest effort and best thought to the performance of duties.
4. Seek to find and employ more efficient and economical ways of getting

tasks accomplished.

5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.
6. Make no private promises of any kind binding upon the duties of office, since a government employee has no private word which can be binding on public duty.
7. Engage in no business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of governmental duties.
8. Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.
9. Expose corruption wherever discovered.
10. Express themselves – in both spoken and written communications – in a manner becoming of a City of Berkley official or representative and maintain a constructive tone that may not reasonably be construed as demeaning, harassing, accusatory, untruthful, or disrespectful.
11. Uphold these principles, ever conscious that public office is a public trust.

**SECTION 14:** Electronic Meetings

1. Beginning January 1, 2021 through December 31, 2021, City Council meetings may be held, in whole or in part, by electronic means using telephone conferencing or video conferencing technology due to circumstances requiring accommodation of any City Councilmember absent because of military duty, a medical condition, or when a declared statewide or local state of emergency or state of disaster exists and the personal health or safety of members of the public or public body would be at risk if the meeting were held in person. As used in these Rules, the term “medical condition” means an illness, injury, disability, or other health-related condition, including the quarantine or isolation of a City Councilmember to minimize the spread of a contagious disease.
2. An electronic meeting of the City Council will be conducted in a manner that permits two-way communication so that members of the Council can hear and be heard by one another, and so that public participants can hear members of the City Council and be heard by both the Council and other public participants. The City may use technology to facilitate typed public comments submitted by members of the public participating in the electronically-held meeting that shall be read to or shared with members of the City Council and other participants.

As permitted by the Open Meetings Act, a physical place is not required for an electronically-held meeting. Members of the City Council and members of the public participating electronically in a meeting that occurs in a physical place are considered present and in attendance at the meeting for all purposes. For a meeting at which City Councilmembers are physically absent due to military duty or a medical condition and who are being accommodated by remote participation, all other City Councilmembers must be physically present at the meeting to be able to participate.

In addition to any other notice required by the Open Meetings Act, advance notice of an electronically-held meeting shall be posted on a portion of the City’s website that is fully accessible to the public. The public notice must be included on either the home page or a separate webpage dedicated to public notices for non-regularly scheduled or electronically-held public meetings that is accessible through a

prominent and conspicuous link on the City's website home page that clearly describes its purpose for public notification of non-regularly scheduled or electronically-held public meetings. Any scheduled meeting of the City Council may be held as an electronic meeting as permitted by the Open Meetings Act if a notice consistent with this Rule is posted at least 18 hours before the meeting begins. Any notice of the meeting of the City Council held electronically must clearly contain all of the following:

- a. Why the City Council is meeting electronically;
- b. How members of the public may participate in the meeting electronically (if a telephone number, internet address or both are required to participate, that information must be provided in the notice);
- c. How members of the public may contact members of the City Council to provide input or ask questions on any business that will come before the Council at the meeting; and
- d. How persons with disabilities may participate in the meeting.

If an agenda exists for an electronically held meeting of the City Council, the City shall, on a portion of its website that is fully accessible to the public make the agenda of the meeting available to the public at least 2 hours before the meeting begins. This publication of the meeting agenda does not prohibit subsequent amendment of the agenda at the meeting.

A member of the general public is not required to register or otherwise provide his or her name or other information or otherwise fulfill a condition precedent to attend an electronically-held meeting, other than mechanisms established and required by the City necessary to permit the individual to participate in a public comment period of the meeting.

Members of the general public otherwise participating in an electronically-held meeting of the City Council are excluded from participation in a closed session of the City Council that is held electronically provided that the closed session is convened and held in compliance with the requirements of the Open Meetings Act applicable to closed sessions.

3. The order of business for all meetings of the City Council conducted electronically and held beginning January 1, 2021 through December 31, 2021 for City Council meetings held, in whole or in part, by electronic means using telephone conferencing or video conferencing technology when a declared statewide or local state of emergency or state of disaster exists shall be as follows: Call to Order; Approval of Agenda; Invocation; Pledge of Allegiance; Public Comment – Items On the Agenda; Approval of Minutes; Approval of Warrants; Consent Agenda; Regular Agenda; Public Comment – Items Not On the Agenda; Communications; and Adjournment. The order of business outlined in this paragraph is not applicable when electronic means is used to accommodate the absence of individual City Council members due to military duty or a medical condition.
4. During City Council meetings conducted electronically, members of the public attending the meeting, once recognized by the chair, shall identify themselves for the record and indicate the municipality where they reside. Comments by the public will be limited to three minutes for each speaker unless the time is extended by the chair or by vote of the Council. Comments by the public shall be confined to the Public Comment portions of the meeting.
5. A member of the City Council who anticipates being absent from a meeting due to the circumstances set forth in the Open Meetings Act and these Rules may request accommodation of their absence to permit their remote participation in and voting on

Council business by two-way telephonic or video conferencing communication. A City Councilmember who desires to attend a meeting by telephonic or video conferencing shall inform the City Manager, or the City Manager's designee, at least 24 hours before the meeting to permit any necessary technology to be put in place to accommodate participation of the absent member. City Councilmembers attending a meeting by telephone or video conferencing may fully participate in the meeting, including voting and attendance in any closed session of the City Council. A Councilmember participating by telephonic or video conferencing is not permitted to chair the meeting unless all Council members are participating by telephone or video conferencing.

Any member of the City Council attending a meeting remotely must publicly announce at the outset of the meeting (which shall be included in meeting minutes) that the member is attending the meeting remotely. If the member is attending the meeting remotely for a purpose other than for military duty, the member's announcement must identify the member's physical location by stating the city, village, or township and the state from which the member is attending the meeting remotely.

Introduced and Passed at a Regular City Council Meeting on Monday, February 7, 2022.

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Daniel J. Terbrack, Mayor

Attest:

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Victoria Mitchell, City Clerk