

**CITY OF BERKLEY PUBLIC NOTICE
REGULAR CITY COUNCIL MEETING
Monday, February 3, 2020
7:00 P.M. – City Hall
248-658-3300**

**CALL 38th COUNCIL TO ORDER
APPROVAL OF AGENDA
INVOCATION – PASTOR TAL SULLIVAN
PLEDGE OF ALLEGIANCE
PUBLIC COMMENT
ORDER OF BUSINESS**

Consent Agenda

1. **APPROVAL OF THE MINUTES:** Matter of [approving the minutes](#) of the 38th Special City Council meeting on Thursday, January 23, 2020.
2. **WARRANT:** Matter of approving [Warrant No. 1346](#)

Regular Agenda

1. **RECOGNITIONS/PRESENTATIONS:** Matter of any recognitions or presentations from the Consent Agenda.
2. **PRESENTATION:** Presentation by the Detroit Institute of Arts regarding the City of Berkley's participation in the Inside|Out 2020 program.
3. **MOTION NO. M-08-20:** Matter of [authorizing Stephen Siller Tunnel to Towers](#) to conduct a 5K run on Sunday, October 4, 2020 from 6 a.m. to 2 p.m. beginning at Hurley Field at Anderson Middle School. During the event, representatives of the Stephen Siller Tunnel to Towers will provide volunteers to assist with the event.
4. **MOTION NO. M-09-20:** Matter of authorizing the Mayor to execute a third party Specialized Services Operating Assistance [contract between SMART and the City of Berkley](#) for public transportation services primarily designed for senior citizens and persons who are handicapped. The contract period for this program is from October 1, 2019 to September 30, 2020.
5. **MOTION NO. M-10-20:** Matter of [authorizing Hubbell, Roth & Clark \(HRC\) for engineering](#) design services related to the 2020-2021 Road Improvement Program at a cost not to exceed \$65,234 from the Road Millage Fund, account number 313-938-821-000.
6. **RESOLUTION NO. R-01-20:** Matter of [approving a resolution of the Council](#) of the City of Berkley, Michigan approving the Marihuana Business License Application Evaluation Point System to be utilized in evaluating Marihuana Business License applications.
7. **ORDINANCE NO. O-03-20:** Matter of [considering the First Reading of a Zoning Ordinance](#) of the City of Berkley, Michigan to Amend Sections 138-584, 138-605, 138-625, 138-656, and Add New Section 138-552 to Chapter 138 Zoning, to Establish Requirements for Public Hearing Notices.
8. **ORDINANCE NO. O-06-20:** Matter of [considering the First Reading of an Ordinance](#) of the City Council of the City of Berkley, Michigan to conditionally rezone property described as Lot 425 of the Vinsetta Park Subdivision from RM, Multiple Family Residential to Parking District.
9. **ORDINANCE NO. O-07-20:** Matter of [considering the First Reading of an Ordinance](#) to Add New Article III, Unsolicited Written Materials, to Chapter 6, Advertising, of the City of Berkley Code of Ordinances to Regulate the Leaving or Placement of Unsolicited Written Materials on Private Property.
10. **DISCUSSION:** Matter of discussing [the status of the proposed Downtown Development Authority Design Guidelines and the proposed Overlay District Ordinance.](#)

11. **CLOSED SESSION:** Matter of considering whether to meet in closed session to consider the City Manager's periodic performance evaluation.

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.

THE SPECIAL MEETING OF THE THIRTY-EIGHTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON THURSDAY, JANUARY 23, 2020 BY MAYOR TERBRACK

PRESENT: Steve Baker Jack Blanchard
 Dennis Hennen Bridget Dean
 Natalie Price Ross Gavin
 Daniel Terbrack

APPROVAL OF AGENDA

Councilmember Baker moved to approve the Agenda

Seconded by Councilmember Gavin

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

Nays: None

Motion Approved.

PUBLIC COMMENT

Gayle Bettega, a Berkley resident, stated she is alarmed and frightened by the 5G rollout. She discussed the reasons why there should be concern. She stated the telecommunications industry has no proof it is safe. Ms. Bettega said she was told there is new information coming out soon. She stated she could introduce Council to experts in this matter. She would like for Council to pause this subject matter.

Anthony Bologna, attorney, wanted to speak regarding an item on the agenda. He was informed Public Comment is for items not on the regular agenda. Mr. Bologna said he would speak regarding the marihuana point system at the appropriate time.

Consent Agenda

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

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 38th City Council meeting on Monday, January 6, 2020.

ORDINANCE NO. O-01-20: Matter of considering the Second Reading and Adoption of an Ordinance of the City Council of the City of Berkley, Michigan to Add New Article III, Snow Emergencies, to Chapter 38, Civil Emergencies, of the City of Berkley Code of Ordinances to Establish Snow Emergency Procedures and Parking Prohibition.

ORDINANCE NO. O-02-20: Matter of considering the Second Reading and Adoption of an Ordinance of the City Council of the City of Berkley, Michigan to Add New Article V, Small Cell Wireless Facilities, to Chapter 118, Telecommunications, of the City of Berkley Code of Ordinances to Provide for the Regulation of Small Cell Wireless Infrastructure and the Activities of Wireless Infrastructure Providers and Wireless Services Providers Regarding the Placement and Siting of Wireless Facilities, Support Structures, and Utility Pole Attachments.

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

Nays: None

Motion Approved.

Regular Agenda

RESOLUTION NO. R-01-20: Matter of approving a resolution of the Council of the City of Berkley, Michigan approving the Marihuana Business License Application Evaluation Point System to be utilized in evaluating Marihuana Business License applications.

Councilmember Blanchard moved to postpone Resolution No. R-01-20

Seconded by Councilmember Baker

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

Nays: None

Motion Postponed.

MOTION NO. M-06-20: Matter of consideration of approving a Restated and Amended Collaboration Agreement providing for the reconfiguration of and development of off-street parking at 1010-1046 Eaton. Councilmember Hennen moved to approve Motion No. M-06-20

Seconded by Mayor Pro Tem Dean

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

Nays: None

Motion Approved.

MOTION NO. M-07-20: Matter of consideration of approving a proposed Consent Judgement to settle and resolve pending litigation, namely, 27799 Woodward LLC v City of Berkley, Oakland County Circuit Court Case No. 2017-159355-CZ.

Councilmember Hennen moved to approve Motion No. M-07-20

Seconded by Councilmember Blanchard

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

Nays: None

Motion Approved.

ADJOURNMENT

Mayor Pro Tem Dean moved to adjourn the Special Meeting at 8:48 p.m.

Seconded by Councilmember Baker

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

Nays: None

Motion Approved.



CITY OF BERKELEY
CHECK WARRANT
#1346
DECEMBER 2019

<u>Check Date</u>	<u>Check</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Amount</u>	<u>Voided?</u>
12/12/2019	56102	ALERUS FINANCIAL	HEALTH CARE SAVINGS PLAN #6304 - PR #25	3,720.00	V
12/12/2019	56103	MISDU	CHILD SUPPORT CASE NO. 913340822 - PR #2	82.99	V
			CHILD SUPPORT CASE NO. 913286400 - PR #2	128.05	V
			CHILD SUPPORT CASE NO. 913488854 - PR #2	64.14	V
				275.18	
12/12/2019	56104	NATIONWIDE RETIREMENT SOLUTIONS	EMPL. DEDUCT. (NATIONWIDE 457) - PR #25	7,059.81	V
			EMPL. DEDUCT. (ROTH) - PR #25	987.32	V
				8,047.13	
12/12/2019	56105	VANTAGEPOINT TRNSFR AGENTS-107930	EE/ER CONTRIB. (401) - PR #25	565.38	V
12/13/2019	56106				V
12/13/2019	56107				V
12/12/2019	56108	VANTAGEPOINT TRNSFR AGENTS-303792	EMPLOYEE DEDUCT. (ICMA 457) - PR #25	1,906.19	V
			EMPLOYEE DEDUCT. - LOAN - PR #25	24.80	V
				1,930.99	
12/12/2019	56109	VANTAGEPOINT TRNSFR AGENTS-706259	EMPLOYEE DEDUCT. (ICMA ROTH) - PR #25	80.00	V
12/12/2019	56110	ALERUS FINANCIAL	HEALTH CARE SAVINGS PLAN #6304 - PR #25	3,720.00	
12/12/2019	56111	MISDU	CHILD SUPPORT CASE NO. 913340822 - PR #2	82.99	
			CHILD SUPPORT CASE NO. 913286400 - PR #2	128.05	
			CHILD SUPPORT CASE NO. 913488854 - PR #2	64.14	
				275.18	
12/12/2019	56112	NATIONWIDE RETIREMENT SOLUTIONS	EMPL. DEDUCT. (NATIONWIDE 457) - PR #25	7,059.81	
			EMPL. DEDUCT. (ROTH) - PR #25	987.32	
				8,047.13	
12/12/2019	56113	VANTAGEPOINT TRNSFR AGENTS-107930	EE/ER CONTRIB. (401) - PR #25	565.38	
12/12/2019	56114	VANTAGEPOINT TRNSFR AGENTS-303792	EMPLOYEE DEDUCT. (ICMA 457) - PR #25	1,906.19	
			EMPLOYEE DEDUCT. - LOAN - PR #25	24.80	
				1,930.99	
12/12/2019	56115	VANTAGEPOINT TRNSFR AGENTS-706259	EMPLOYEE DEDUCT. (ICMA ROTH) - PR #25	80.00	
12/16/2019	56116	5 STAR CONSTRUCTION & DESIGN, LLC	3277 GARDNER AVE.	1,000.00	
12/16/2019	56117	ABR CONSTRUCTIONS INC.	3169 GARDNER AVE.	500.00	
12/16/2019	56118	ACCOUNTABLE BUILDING CO. LLC	2583 SUNNYKNOLL AVE,	500.00	
12/16/2019	56119	ADN ADMINISTRATORS, INC.	ADMINISTRATIVE FEE FOR JANUARY 2020	925.75	
12/16/2019	56120	ADVANCE AUTO PARTS	#27	22.12	
12/16/2019	56121	ADVANCED MARKETING PARTNERS, INC.	WINTER TAX BILL STOCK FORMS	376.00	
12/16/2019	56122	AIRGAS USA, LLC	NOVEMBER 2019 CYLINDER RENTAL	28.60	
12/16/2019	56123	ALIMOFF BUILDING & DEVELOPMENT	3506 PRAIRIE AVE.	1,500.00	
			3522 PRAIRIE AVE.	1,500.00	
			4153 GRIFFITH AVE.	1,500.00	
				4,500.00	
12/16/2019	56124	ALL TRAFFIC SOLUTIONS, INC.	SPEED SIGN TRAILER	9,868.00	
12/16/2019	56125	ALLIANCE MOBILE HEALTH	BLOOD DRAW FOR PATIENT NO. 1919132	148.00	
12/16/2019	56126	AMAZON CAPITAL SERVICES	1 WHEEL LOCKS FOR SPD TRAILER / 2 GAS MA	63.44	
			BATTERIES / MED. EQUIP.	73.68	
			FIRE INVEST. SUPPLIES	66.95	
			ROADS/PARTS #16	628.29	
			LED FLASHLIGHTS / BATTERIES	145.71	
			DVD JEWEL CASES	25.95	
			SCANNER ROLLER KIT	42.96	

			WIRELESS MICE	19.98
			HARD DRIVE BRACKET	17.88
			MEMORY MODULES & HARD DRIVE	862.48
			IPHONE CHARGING CABLES	20.37
				1,967.69
12/16/2019	56127	AMERICAN STANDARD ROOFING LLC	FIRE HALL ROOF REPAIR	2,369.00
			2416 BACON AVE.	75.00
				2,444.00
12/16/2019	56128	ANDREA PLEWKA	REFUND FOR A LOST AND PAID DVD	5.50
12/16/2019	56129	ANDREW MUTCH	SEARS KIT HOUSE PROGRAM	75.00
12/16/2019	56130	APPLIED IMAGING	COPIER MACHINE USAGE	21.88
			OFFICE EQUIPMENT RENTAL	169.23
			DPW COPIES 11/11/19 - 12/10/19	30.10
				221.21
12/16/2019	56131	ARMADILLO	DREAM CRUISE PROGRAM SUPPLIES	1,779.00
12/16/2019	56132	ARMSTRONG PLUMBING, SEWER AND DRAIN	2520 ELLWOOD AVE.	500.00
12/16/2019	56133	AT&T	ACCT. NO. 24854624000218 - 11/25/19- 12/	648.79
12/16/2019	56134	BATTERIES PLUS	BATTERY FOR 421 FLASH LIGHT	21.95
12/16/2019	56135	BEAUMONT HEALTH SYSTEM	NARCAN REPLACEMENTS FOR CARS	105.00
			NARCAN REPLACEMENTS FOR CARS	105.00
				210.00
12/16/2019	56136	BIG D LOCK CITY	BERGE KEYS	28.24
12/16/2019	56137	BILLINGS LAWN EQUIPMENT	SNOW PLOWS	629.99
			SNOW PLOWS	238.76
				868.75
12/16/2019	56138	BISON PLUMBING INC.	1692 OXFORD RD.	500.00
12/16/2019	56139	BLUE CROSS BLUE SHIELD OF MICH	PAYMENT FOR NOVEMBER 2019 CLAIMS	92,213.25
12/16/2019	56140	BRIGGS CONTRACTING	12 MILE BRICK WALL	3,200.00
12/16/2019	56141	CAMELOT CLEANERS	PRISONER BLANKETS - NOV.	187.11
12/16/2019	56142	CATALYST MEDIA FACTORY	MERRIMONTH	2,653.05
12/16/2019	56143	CBTS	PHONE SYSTEM MAINTENANCE CONTRACT	1,608.00
12/16/2019	56144	CEDAR WORKS	2638 GRIFFITH	55.00
12/16/2019	56145	CHESS HOME IMPROVEMENT	1210 LARKMOOR BLVD.	75.00
12/16/2019	56146	CHRISTOPHER FUTO	2119 COLUMBIA RD.	50.00
12/16/2019	56147	CITY OF BERKLEY	3358 BACON TAXES - PARCEL #04-25-18-126-	128.58
			3358 BACON TAXES - PARCEL #04-25-18-126-	14.83
				143.41
12/16/2019	56148	CITY OF BERKLEY-LIB PETTY CASH	PETTY CASH REIMBURSEMENT	174.94
12/16/2019	56149	CLARK BASEMENT WATERPROOFING	2615 WAKEFIELD RD.	75.00
12/16/2019	56150	CMV LANDSCAPE & EQUIPMENT COMPANY	2959 12 MILE CONCRETE REPAIR/WATER	684.00
			1627 COLUMBIA CONCRETE REPAIR/WATER	4,666.00
			1780 ROYAL CONCRETE REPAIR/WATER	2,960.00
			1760 ROYAL CONCRETE REPAIR/WATER	6,109.00
			1259 OXFORD CONCRETE REPAIR/WATER	4,816.00
			2400 THOMAS CONCRETE REPAIR/WATER	7,280.00
			3242 PHILLIPS CONCRETE REPAIR/WATER	2,060.00
				28,575.00
12/16/2019	56151	COMMERCIAL CLIMATE CONTROLS CORP.	REPLACE DRAIN FLOAT	386.29
12/16/2019	56152	CORPRETEK	CATHODIC TESTING DPW	350.00
12/16/2019	56153	CREGGER PLUMBING	1800 OAKSHIRE AVE.	1,500.00
12/16/2019	56154	CUMMINS BRIDGEWAY, LLC	#4-21 FIRE	17.09
			#4-21 FIRE	24.15
				41.24

12/16/2019	56155	DEALER AUTO PARTS SALES	GARAGE	135.86
			ALL DEPTS. PARTS	95.65
				231.51
12/16/2019	56156	DEMCO	BOOKENDS	163.10
12/16/2019	56157	DEPENDABLE BUILDERS	3675 PRAIRIE AVE.	1,500.00
12/16/2019	56158	DETROIT SCHOOL OF LETTERING	SANTA REPAIRS	118.01
12/16/2019	56159	DONE-RITE AUTO WASH	178 - EXTERIOR WASHES	757.50
12/16/2019	56160	DRAIN DETECTIVES LLC	3023 THOMAS AVE.	500.00
12/16/2019	56161	DTE ENERGY	2450 BEVERLY BLVD. - 10/26/19 - 11/25/19	186.38
			3226 BACON - 10/26/19 - 11/25/19	568.79
			2471 DOROTHEA RD. - 09/12/19 - 11/08/19	24.42
				779.59
12/16/2019	56162	DTE ENERGY COMPANY	FIBER POLE ATTACHMENT FEE	405.37
12/16/2019	56163	EGANIX	NOVEMBER 2019 GREASE CONTROL/SEWERS	480.00
12/16/2019	56164	ELI'S CONSTRUCTION LLC	1951 ROYAL AVE.	800.00
12/16/2019	56165	ELITE BUILDERS LLC	2813 OAKSHIRE AVE.	800.00
12/16/2019	56166	ERIC OSTROWSKI	CONTRACTUAL SDRVICES	194.60
12/16/2019	56167	EVERDRY WATERPROOFING	3846 PRAIRIE AVE.	100.00
12/16/2019	56168	FEDERAL PIPE & SUPPLY CO	#27 LEAF RAKE	85.85
12/16/2019	56169	FINISHED BASEMENTS PLUS LLC	3143 THOMAS AVE.	100.00
12/16/2019	56170	G F BOYCE	1809 CUMMINGS	30.00
12/16/2019	56171	GARRETT DOOR CO.	S. BLDG. GARAGE DOOR REPAIR	347.17
12/16/2019	56172	GEORGE TOMEY & SUSAN MACQUARRIE	FIRE DAMAGE 1787 WILTSHIRE RD.	12,000.00
12/16/2019	56173	GORDON FOOD SERVICE INC.	SENIOR PROGRAM SUPPLIES	117.78
12/16/2019	56174	GREAT LAKES PEST CONTROL CO	BUILDING MAINTENANCE	40.00
			DPW PEST CONTROL NOVEMBER 2019	40.00
				80.00
12/16/2019	56175	GREENLEAF HOME SERVICES, LLC.	3012 ROBINA AVE.	100.00
12/16/2019	56176	GUARDIAN ALARM	CONTRACTUAL SERVICES	847.89
12/16/2019	56177	GUNNERS METERS & PARTS INC.	COPPER UNION / INSERT	344.00
12/16/2019	56178	HAFELI, STARAN, & CHRIST, P.C.	LEGAL SERVICES	8,027.50
12/16/2019	56179	HERSCH'S INC.	GARAGE	24.40
12/16/2019	56180	HOLSBEKE CONSTRUCTION INC.	1900 GARDNER	15.00
12/16/2019	56181	HOME DEPOT CREDIT SERVICES	LIGHTS	345.01
			LIGHTS	394.99
				740.00
12/16/2019	56182	HUBBELL, ROTH & CLARK	ENGINEERING	7,993.40
12/16/2019	56183	HUNT SIGN CO LTD	2600 TWELVE MILE RD. 2612	50.00
12/16/2019	56184	HYDROCORP	NOVEMBER 2019 CROSS CONNECTIONS	1,658.00
12/16/2019	56185	INNER CITY CONTRACTING LLC	BUILDING MAINTENANCE	23,973.20
12/16/2019	56186	J & J EXCAVATING	3154 GREENFIELD RD. 3166	1,000.00
			3154 GREENFIELD RD. 3166	1,000.00
				2,000.00
12/16/2019	56187	J.H. HART URBAN FORESTRY	TREE TRIM, REMOVAL, & STUMPING 12/2/19 -	14,831.00
			TREE TRIM & STORM DAMAGE	2,074.25
				16,905.25
12/16/2019	56188	JACK DOHENY COMPANIES, INC.	#53	699.47
			#38 / #53	3,000.00
				3,699.47
12/16/2019	56189	JAY'S SEPTIC TANK SERVICE	CONTRACTUAL SERVICES	113.00
12/16/2019	56190	JESSICA HERCZEG-KONECNY	1419 HARVARD RD.	75.00
12/16/2019	56191	JOE BURLAGER	MERRIMONTH SANTA VISIT	250.00
12/16/2019	56192	KENNETH J. OZANICH	REIMBURSEMENT FOR WATER CERTIFICATION/LI	95.00
12/16/2019	56193	KONICA MINOLTA BUSINESS SOLUTIONS	OCT. PHOTO COPIER	21.19
			NOV. PHOTO COPIER	29.15

				50.34
12/16/2019	56194	LARRY DAVID ALLEY	2749 SUNNYKNOLL AVE.	200.00
12/16/2019	56195	LARRY'S WELDING SUPPLY	NOVEMBER 2019 CYLINDER RENTAL	62.65
12/16/2019	56196	LIGHTING SUPPLY COMPANY	EQUIPMENT SUPPLIES	132.76
			EQUIPMENT SUPPLIES	44.56
			CITY HALL LIGHTS FOR GARAGE	<u>480.18</u>
				657.50
12/16/2019	56197	MAIN DRAIN SEWER & REPAIR LLC	1928 THOMAS AVE.	1,000.00
12/16/2019	56198	MAKOS BUILDING COMPANY	1787 WILTSHIRE	765.00
12/16/2019	56199	MALONEY TRUCKING	HAUL IN/OUT WATER	3,320.00
12/16/2019	56200	MARK POLLOCK	REIMBURSEMENT FOR HOLIDAY LUNCHEON/MILEA	71.60
12/16/2019	56201	MATRIX BASEMENT SYSTEMS	2508 HENLEY AVE.	100.00
12/16/2019	56202	MCCOY MAINTENANCE, INC.	CUSTODIAL MONTHLY FEE	665.00
			JANITORIAL SERVICES	1,125.00
			JANITORIAL SERVICES - APPLY CM 26489	1,052.00
			CUSTODIAL SERVICES	<u>895.00</u>
				3,737.00
12/16/2019	56203	MICHIGAN LIBRARY ASSOC.	MLA MEMBERSHIP	85.00
12/16/2019	56204	MICHIGAN MUNICIPAL EXECUTIVES	MEMBERSHIP FOR DANIEL HILL	70.00
12/16/2019	56205	MIDWEST LINEN & UNIFORM SERVICE	MAT CLEANING FOR CITY HALL	176.24
12/16/2019	56206	MIDWEST TAPE	HOOPLA DIGITAL CONTENT	351.17
12/16/2019	56207	MJ GLYNN INC.	4014 ELLWOOD AVE.	1,500.00
12/16/2019	56208	MORRIS POTASH	4114 ELLWOOD AVE.	1,000.00
12/16/2019	56209	MR. KABOB	BATTERIES FOR LIGHT PARADE	19.67
12/16/2019	56210	MR. ROOF HOLDING COMPANY LLC	4038 CATALPA DR.	75.00
			2796 TYLER	<u>40.00</u>
				115.00
12/16/2019	56211	NELSON BROTHERS PLUMBING & SEWER	WATER HOOKUP TO NEW FRIDGE	295.00
12/16/2019	56212	NORFIELD DEVELOPMENT PARTNERS, LLC	DPW/NOVEMBER 2019 MISS DIG SOFTWARE	199.00
12/16/2019	56213	O'REILLY AUTOMOTIVE, INC.	PARTS/OILS - DPW, PS, P&R	892.12
12/16/2019	56214	OAK CO ASSOC OF CHIEFS OF POLICE	MEMBERSHIP - 01/01/20 - 12/31/20	120.00
12/16/2019	56215	OAKLAND COUNTY	NOVEMBER 2019 SEWAGE TREATMENT	232,750.75
12/16/2019	56216	OAKLAND COUNTY MUTUAL AID ASSOC.	MABAS MEMBERSHIP DUES RENEWAL	3,300.00
12/16/2019	56217	OAKLAND COUNTY PARKS	CONTRACTUAL SERVICES	1,240.00
12/16/2019	56218	OAKLAND COUNTY WATER RESOURCES COMM	BUILDING MAINTENANCE	182.50
12/16/2019	56219	OFFICE DEPOT INC.	OFFICE SUPPLIES - NOV.	139.26
			OFFICE SUPPLIES / APPROVAL STICKERS	290.92
			OFFICE SUPPLIES	51.52
			LABELS & TAPE	74.97
			OFFICE SUPPLIES	<u>105.37</u>
				662.04
12/16/2019	56220	OLIVER CONSTRUCTION	1780 ROYAL AVE.	1,500.00
			1760 ROYAL AVE.	1,500.00
			1760 ROYAL AVE.	800.00
			1780 ROYAL AVE.	<u>800.00</u>
				4,600.00
12/16/2019	56221	ON DUTY GEAR	HARMON - BODY ARMOUR	1,020.00
12/16/2019	56222	PARTSMASTER	PARTS & OIL	539.27
			GARAGE PARTS & TOOLS	128.83
			FASTENERS	<u>77.90</u>
				746.00
12/16/2019	56223	PITNEY BOWES GLOBAL FINANCIAL SERV.	FOLDER/DPW 9/30/19 - 12/29/19	924.72
12/16/2019	56224	PITNEY BOWES INC.	OCTOBER 2019 PSX PROGRAM FEE/SORTER	5.00
			OCTOBER 2019 WATER POSTAGE	<u>96.76</u>
				101.76

12/16/2019	56225	PLANTE & MORAN, PLLC	FINAL BILLING FOR AUDIT JUNE 30, 2019	6,400.00
12/16/2019	56226	PRECISION DATA PRODUCTS	HP INK CARTRIDGE	23.38
			HP INK CARTRIDGE	29.75
				<u>53.13</u>
12/16/2019	56227	PREMIERE PLUS DANCE	CONTRACTUAL SERVICES	1,446.20
12/16/2019	56228	PROLINE ENTERPRISES, INC.	3023 BUCKINGHAM RD.	75.00
12/16/2019	56229	PROTECTION 1 / ADT	12/27/19 - 1/26/20 DPW ALARM MONITORING	70.00
12/16/2019	56230	READY DIG EXCAVATION	1327 WEST BLVD.	500.00
12/16/2019	56231	RKA PETROLEUM COS, INC	#2 PREM. ULTRA LOW DIESEL	2,198.97
			#2 PREM. ULTRA LOW DIESEL	1,498.84
				<u>3,697.81</u>
12/16/2019	56232	ROAD COMMISSION OF OAKLAND CO	NOVEMBER 2019 SCATS & AUTOSCOPE	11.40
			NOVEMBER 2019 TRAFFIC SIGNAL MAINT.	989.15
				<u>1,000.55</u>
12/16/2019	56233	ROBERT LEE GATES	2520 ELLWOOD	640.00
12/16/2019	56234	ROCHESTER MIDLAND	SANOR SERVICE FOR CITY HALL	66.69
12/16/2019	56235	ROOTER MD PLBG LLC	2797 OAKSHIRE AVE.	500.00
12/16/2019	56236	RUSSELL & NEONILA EBBING	3997 GARDNER AVE.	75.00
12/16/2019	56237	S/E OAK. CTY WATER AUTHORITY	NOVEMBER 2019 / BULK WATER	60,741.44
12/16/2019	56238	S/E OAK.CTY RESOURCE REC. AUTH	TRASH, RECYCLE PICK-UPS 11/15/19 - 11/30	48,477.00
12/16/2019	56239	SANCHIN SYSTEMS INC. & THE O.S.K.A.	CONTRACTUAL SERVICES	237.30
			CONTRACTUAL SERVICES	373.80
				<u>611.10</u>
12/16/2019	56240	SARAH GREENES	REFUND FOR A LOST AND PAID BOOK	3.99
			REFUND FOR TWO LOST AND PAID BOOKS	24.98
				<u>28.97</u>
12/16/2019	56241	SAS SERVICES	1327 WEST BLVD.	50.00
12/16/2019	56242	SEHI COMPUTER PRODUCTS	OFFICE PC'S	3,180.00
			OFFICE PC'S	5,136.00
				<u>8,316.00</u>
12/16/2019	56243	SHANNON M. FERGUSON	CONTRACTUAL SERVICES	480.00
12/16/2019	56244	SJR PAVEMENT REPAIR	SPRAY PATCH	2,849.90
12/16/2019	56245	SKYHAWKS SPORTS ACADEMY, INC.	CONTRACTUAL SERVICES	913.50
12/16/2019	56246	SMOLYANOV HOME IMPROVEMENT	1048 COLUMBIA RD.	75.00
12/16/2019	56247	SOUTHERN MICH DOG OBEDIENCE TRAIN.	CONTRACTUAL SERVICES	2,797.00
12/16/2019	56248	STATE OF MICH-DEPT OF TREASURY	NOVEMBER 2019 MI TAX WITHHOLDING FOR ACT	15,576.15
12/16/2019	56249	STATE OF MICH-DEPT OF TREASURY	NOVEMBER 2019 MI TAX WITHHOLDING FOR RET	2,877.08
12/16/2019	56250	STATE WIRE & TERMINAL INC.	GARAGE	233.15
12/16/2019	56251	STEWART & SONS CONCRETE	WATER 972 CAMBRIDGE/ROAD REPAIR/CONCRETE	1,600.00
			LOCAL ROADS CONCRETE REPAIR	11,632.85
			ROAD REPAIR/CONCRETE	27,950.81
				<u>41,183.66</u>
12/16/2019	56252	THE LIBRARY NETWORK	ENVISIONWARE CLIENT SERVICES 1/1/20 - 12	260.91
			BOOKS, PERIODICALS, & AV MATERIALS	8,905.34
				<u>9,166.25</u>
12/16/2019	56253	THE PRINT STOP, INC	BUSINESS CARDS	45.00
			BROKAW BUSINESS CARDS	45.00
				<u>90.00</u>
12/16/2019	56254	THOMAS & MELISSA LEEPER	3801 CORNWALL DR.	75.00
12/16/2019	56255	TORRI MATHES	REIMBURSEMENT FOR REFRESHMENTS	18.36

12/16/2019	56256	TRANSUNION RISK AND ALTERNATIVE	TLOXP - INVEST. SERVICES NOV,	110.30
12/16/2019	56257	UNIQUE MANAGEMENT SERVICES, INC.	3 PLACEMENTS FOR COLLECTION AGENCY	26.85
12/16/2019	56258	UNIVERSAL PLUMBING SUPPLY	ICEMAKER FILTER-INLINE	102.60
12/16/2019	56259	VERIZON WIRELESS	IPAD SERVICE FOR 11/02/19 - 12/01/19	194.11
12/16/2019	56260	WATCHGUARD VIDEO	WATCHGUARD VIDEO SYSTEM	88,148.00
12/16/2019	56261	WEINGARTZ	SNOW PLOW	113.98
12/16/2019	56262	WHITE'S HOME IMPROVEMENT INC.	1388 ELEVEN MILE RD.	50.00
12/16/2019	56263	WINDER POLICE EQUIPMENT	412 - WATCHGUARD CAMERA INSTALL/DELIVERY	530.28
			41 - NEW BUILD PARTS	2,184.61
			41 - NEW BUILD PARTS	2,424.20
			41 - NEW BUILD PARTS	2,207.65
				7,346.74
12/16/2019	56264	WINDSTREAM	FOR SERVICE 11/04/19 - 12/03/19	636.57
12/16/2019	56265	WOLVERINE TRUCK SALES	OUTSIDE REPAIR #69	590.57
12/16/2019	56266	WOW! BUSINESS	UTILITIES (2400 ROBINA)	102.84
			WOW INTERNET SERVICES	216.99
				319.83
12/16/2019	56267	XEROX CORPORATION	XEROX FEES 10/21 - 11/21/19	41.21
			NOV. 2019 PAYMENT FOR S/N B0W-869461	758.50
				799.71
12/17/2019	56268	DETROIT SIGN PAINTERS LLC	MURAL ON TOOTIE & TALLULAH'S	7,500.00
12/23/2019	56269	ALERUS FINANCIAL	HEALTH CARE SAVINGS PLAN #6304 - PR #26	3,720.00
12/23/2019	56270	BLUE CROSS BLUE SHIELD OF MICHIGAN	JANUARY 2020 PREMIUM FOR SUFFIX 601	25,982.31
			JANUARY 2020 PREMIUM FOR SUFFIX 600	6,381.62
				32,363.93
12/23/2019	56271	DURST LUMBER CO	MISC. ITEMS	562.94
12/23/2019	56272	MISDU	CHILD SUPPORT CASE NO. 913340822 - PR #2	82.99
			CHILD SUPPORT CASE NO. 913286400 - PR #2	128.05
			CHILD SUPPORT CASE NO. 913488854 - PR #2	64.14
				275.18
12/23/2019	56273	NATIONWIDE RETIREMENT SOLUTIONS	EMPL. DEDUCT. (NATIONWIDE 457) - PR #26	6,137.71
			EMPL. DEDUCT. (ROTH) - PR #26	1,023.72
				7,161.43
12/23/2019	56274	VANTAGEPOINT TRNSFR AGENTS-107930	EE/ER CONTRIB. (401) - PR #26	565.38
12/23/2019	56275	VANTAGEPOINT TRNSFR AGENTS-303792	EMPLOYEE DEDUCT. (ICMA 457) - PR #26	1,810.73
			EMPLOYEE DEDUCT. - LOAN - PR #26	24.80
				1,835.53
12/23/2019	56276	VANTAGEPOINT TRNSFR AGENTS-706259	EMPLOYEE DEDUCT. (ICMA ROTH) - PR #26	80.00
12/30/2019	56277	AMAZON CAPITAL SERVICES	MONITOR MOUNTS	89.98
			HP LASERJET MFP	428.99
			SURGE PROTECTORS	99.95
			EXTERNAL DVD DRIVE	143.95
			SCREEN CLEANER	12.99
			LIBRARY LAPTOP	871.76
			WIRELESS CHARGER / POWER STRIP	49.99
			USB HUB	7.99
				1,705.60
12/30/2019	56278	AT&T	POLE RENTAL FOR FIBER NETWORK	10.78
12/30/2019	56279	AUTHENTIC RESTORATION LLC	996 ELEVEN MILE RD.	75.00
12/30/2019	56280	BASIC	ADMINISTRATIVE FEE FOR DECEMBER 2019	50.00
12/30/2019	56281	BERKLEY/HUNT.WDS YOUTH ASSIST	BHW YOUTH ASSISTANCE	5,000.00
12/30/2019	56282	BIG D LOCK CITY	DPW GATE KEYS FOR HADFIELD	4.00
12/30/2019	56283	BLACKIE CONCRETE	BUILDING BRICK REPAIRS	1,150.00

12/30/2019	56284	BRIAN GOTHARD	EMS COURSE FOR GOTHARD	132.00
12/30/2019	56285	BRIANNA BERGE	REIMBURSEMENT FOR MCOLES STATE TEST	75.00
12/30/2019	56286	BRICKWORKS PROPERTY RESTORATION	1048 OXFORD RD.	50.00
12/30/2019	56287	BRODART CO.	150 TYVEK SLEEVES	100.80
12/30/2019	56288	C & G NEWSPAPERS	PUBLIC HEARING NOTICES	474.88
12/30/2019	56289	CARLESIMO PRODUCTS, INC.	WATER & CATCH BASINS	8,913.27
12/30/2019	56290	CARLETON EQUIPMENT	#27 PARTS	133.05
			PARTS	1,022.37
				1,155.42
12/30/2019	56291	CARLISLE / WORTMAN	MASTER PLAN	1,977.50
12/30/2019	56292	CATHERINE MORAS	REIMBURSEMENT FOR SUPPLIES FOR COOKIE DE	89.97
12/30/2019	56293	CDW GOVERNMENT, INC.	LAPTOP CHARGER	62.87
			BATTERY BACKUP	104.23
				167.10
12/30/2019	56294	CHARLES MCPHAIL	CHARLES MCPHAIL BOOK	14.78
12/30/2019	56295	CINTAS CORPORATION	MED BOX REFILL	85.13
12/30/2019	56296	COMMERCIAL CLIMATE CONTROLS CORP.	EQUIPMENT MAINTENANCE	120.00
12/30/2019	56297	CONCENTRA MEDICAL CENTERS	CROSSING GUARD PRE EMP PHYSICAL - GOODE	155.50
12/30/2019	56298	CONSUMERS ENERGY	3322 COOLIDGE HIGHWAY - 11/09/19 - 12/06	918.90
			3155 COOLIDGE HIGHWAY - 11/09/19 - 12/06	564.08
			2400 ROBINA - 11/07/19 - 12/06/19	648.42
			3300 BACON - 11/08/19 - 12/06/19	1,220.84
			3238 BACON - 11/09/19 - 12/06/19	316.62
			2395 12 MILE RD. - 11/09/19- 12/06/19	1,622.34
				5,291.20
12/30/2019	56299	CONTRACTORS CLOTHING CO.	DPW UNIFORMS M/O NOVEMBER 2019	552.67
12/30/2019	56300	CONTRACTORS CONNECTION	GARAGE - SAFETY GLASSES & SCRAPERS	509.00
			PARTS/GARAGE - SCRAPERS	5.80
				514.80
12/30/2019	56301	DAN THOMAS	DANCE OVER PAID REFUND	5.00
12/30/2019	56302	DAVID ARNEY	REIMBURSEMENT FOR SHOES	61.43
12/30/2019	56303	DEAN SELLERS FORD	HGA04384 PS PARTS	401.50
12/30/2019	56304	DEARBORN LITHOGRAPH INC.	BERKLEY BUZZ	2,623.00
12/30/2019	56305	DELANG FLUID POWER, INC.	PARTS FOR CRIMPER	777.26
12/30/2019	56306	DSS CORPORATION	DISP. TRAINING MOD. II - AMY ALLISON	495.00
12/30/2019	56307	DTE ENERGY	2395 12 MILE RD. - 11/09/19 - 12/11/19	4,179.50
			3155 COOLIDGE HIGHWAY - 11/09/19 - 12/11	1,236.00
			2400 ROBINA - 11/09/19 - 12/11/19	608.48
			2099 OXFORD RD. - 11/08/19 - 12/10/19	46.99
			2261 ROBINA - 11/09/19 - 12/11/19	91.71
			2100 BACON - 11/09/19 - 12/11/19	37.04
			2471 DOROTHEA RD. - 11/09/19 - 12/11/19	13.72
			3341 ROBINA - 11/09/19 - 12/11/19	79.38
			2398 12 MILE RD. - 11/09/19 - 12/11/19	75.29
			3238 BACON - 11/09/19 - 12/11/19	214.88
				6,582.99
12/30/2019	56308	DTE ENERGY	STREETLIGHT - 11/01/19 - 11/30/19	15,374.58
12/30/2019	56309	EARTHSPIRITS.NET, INCORPORATED	LIGHTS, CABLES, SIRENS FOR 5 POLICE BIKE	2,049.90
12/30/2019	56310	EJ USA, INC.	WATER - NUT & GASKET PARTS	449.50
			WATER - CAST IRON COVERS	1,670.50
			WATER - DRESSER COUPLINGS	1,067.84
				3,187.84
12/30/2019	56311	EMILY CAWTHON	DRAWING WORKSHOP	100.00
12/30/2019	56312	EZELL SUPPLY CORPORATION	BAGS	95.01
			MISC. SUPPLIES ALL DEPTS. & BAGS	1,176.78

				1,271.79
12/30/2019	56313	FAMILY HEATING COMPANY INC.	CONTRACTOR CANCELLED	45.00
12/30/2019	56314	FIRESERVICE MANAGEMENT	BERGE COAT PLATE & ANDERSON REPAIRS	143.50
12/30/2019	56315	FRONT LINE SERVICES, INC.	SPARE GLOVES & HOODS	1,385.95
			REPAIR PARTS FOR E420	<u>98.95</u>
				1,484.90
12/30/2019	56316	GREAT LAKES PEST CONTROL CO	DECEMBER PEST CONTROL	60.00
			DDA PEST CONTROL	40.00
			DPW PEST CONTROL - DECEMBER 2019	<u>40.00</u>
				140.00
12/30/2019	56317	GREAT LAKES WATER AUTHORITY	IWC - NOVEMBER 2019	3,004.82
12/30/2019	56318	GUNNERS METERS & PARTS INC.	WATER - CURB STOPS & SADDLES	1,220.00
12/30/2019	56319	H.D. EDWARDS & CO.	WATER - MISC. FITTINGS & NIPPLES	660.61
			WATER - BUSHINGS	<u>13.24</u>
				673.85
12/30/2019	56320	HERITAGE CHRISTIAN SCHOOL	CONTRACTUAL SERVICES	275.00
12/30/2019	56321	HUBBELL, ROTH & CLARK	GIS SUPPORT - UPDATES TO DATABASE	1,102.30
			DESIGN - HENLEY & OXFORD RAMPS	127.54
			COOLIDGE WM EXT. CE SERVICES	207.78
			2019 WATER RELIABILITY STUDY	<u>3,224.06</u>
				4,661.68
12/30/2019	56322	HUTCH PAVING INC.	2290 ELEVEN MILE RD.	100.00
12/30/2019	56323	IMAGE PRINTING	PUBLIC HEARING NOTICE YARD SIGNS	165.60
12/30/2019	56324	IMS ALLIANCE	ID TAGS	16.70
			ID TAGS	<u>10.85</u>
				27.55
12/30/2019	56325	J.H. HART URBAN FORESTRY	TREE TRIM & STUMP 12/16/19 - 12/20/19	7,856.00
			TREE TRIM 12/09/19 - 12/13/19	<u>3,648.00</u>
				11,504.00
12/30/2019	56326	JACK DOHENY COMPANIES, INC.	#38	3,040.15
12/30/2019	56327	JANICE CHANEY	CONTRACTUAL SERVICES	278.60
12/30/2019	56328	JUSTIN FROST	TUITION REIMBURSEMENT FALL 2019	3,142.92
12/30/2019	56329	KERR PUMP AND SUPPLY, INC.	BRINE PUMP PARTS	669.00
12/30/2019	56330	KILBURN'S EQUIPMENT RENTAL, INC.	GENERATOR / WATER RENTAL	49.50
12/30/2019	56331	MALOVER INK INC.	END OF YEAR TAX FORMS	293.10
12/30/2019	56332	MARINE CITY NURSERY CO	90 TREES / FALL PLANTING 2019	20,625.00
12/30/2019	56333	MATZKA INCORPORATED	#24 - PARTS	120.86
12/30/2019	56334	MCCHESNEY ELECTRIC, INC.	REPAIRS TO EXT. LIGHTS - PARKING	169.70
			REPAIRS TO EXTERIOR LIGHTS	355.00
			BRINE PUMP - OUTSIDE REPAIR	<u>305.20</u>
				829.90
12/30/2019	56335	MCKENNA	NOVEMBER 2019 INSPECTIONS	32,964.37
12/30/2019	56336	METRO PUMP SERVICE	FUEL / OIL DECEMBER 2019 MAINT.	427.50
12/30/2019	56337	MICH MUN.LIABILITY & PROP POOL	POOL RENEWAL PREMIUM	215,214.00
12/30/2019	56338	MICHIGAN FIRE INSPECTORS SOCIETY	FIRE INSPECT. #2 TEST	350.00
12/30/2019	56339	MICHIGAN STATE FIREMEN'S ASSOC.	FIRE OFFICE CLASS BOOKS (6 OFFICERS)	795.23
12/30/2019	56340	MICHIGAN.COM	RENEWAL DETROIT FREE PRESS 1/1/20 - 6/30	174.01
			RENEWAL DETROIT NEWS - 1/1/20 - 6/30/20	<u>60.01</u>
				234.02
12/30/2019	56341	NEW YORK TIMES	RENEWAL FOR 1 YR. 12/7/19 - 12/4/20	1,053.00
12/30/2019	56342	NYE UNIFORM	JACKET - BEATTY	272.98

			2 NAME BARS - BERGE	28.00
			2 POLOS W/ EMBROID. - HADFIELD	93.00
			EAGLE - COLLARS - BRASS	21.00
			EMBROID - CHAPLAIN - J. SMITH	12.00
			BERGE UNIFORMS	793.35
			ALLISON - SHIRT & EMBROID	59.99
			JOB SHIRTS (2), SHIRT (1), PANTS (2) - K	346.95
			BOOTS & 2 PANTS - GABRIEL	466.48
			BOOTS & (3) PANTS - FROST	367.49
			4 BADGES - STOCK	438.00
			2 POLO'S - ARNEY	93.00
			POLO SHIRTS (2) - BROKAW	83.00
			RADIO CASE, BATON HOLDER, BELT KEEPERS,	144.50
				3,219.74
12/30/2019	56343	OTIS ELEVATOR	ANNUAL SERVICE CONTRACT 2020	7,143.38
12/30/2019	56344	PARTSMASTER	PARTS - GARAGE	97.87
			TOOLS	50.74
			PARTS	702.43
				851.04
12/30/2019	56345	PIPELOGIX INC.	SOFTWARE SUPPORT ANNUAL	2,500.00
12/30/2019	56346	QUANTUM SERVICES GROUP, LLC	SERVER BACKUP SYSTEM	400.00
			IT SERVICES	67.50
			SERVER BACKUP SYSTEM	400.00
			IT SERVICES	742.50
			SERVER BACKUP SYSTEM	400.00
				2,010.00
12/30/2019	56347	S/E OAK.CTY RESOURCE REC. AUTH	NOVEMBER 2019 SPECIALS - PICK UPS	1,122.11
			TRASH, RECYCLE PICKUPS 12/01/19 - 12/15/	42,173.00
				43,295.11
12/30/2019	56348	SCOTT SMITH	TUITION REIMBURSEMENT FALL 2019	3,610.27
12/30/2019	56349	STATE OF MICHIGAN	MEMBERSHIP FOR 1/2020 - 12/2020	230.00
12/30/2019	56350	THE HARTFORD	JANUARY 2020 PREMIUM FOR ACTIVES	1,837.44
			JANUARY 2020 PREMIUM FOR RETIREES	288.20
				2,125.64
12/30/2019	56351	THE LIBRARY NETWORK	BOOKS & AV MATERIALS	3,492.21
12/30/2019	56352	THE PRINT STOP, INC	BUSINESS CARDS - BUNTING & HARMON	67.50
			BLDG. DEPT. CARDS & MATERIALS	165.00
			MERRIMONTH MERRI MONEY	61.00
				293.50
12/30/2019	56353	USABUEBOOK	WATER - PIPE FREEZER KIT	534.70
12/30/2019	56354	VERSALIFT MIDWEST	#7 PARTS	70.13
12/30/2019	56355	VIGILANTE SECURITY, INC.	ALARM MONITORING	312.00

Total of 254 Checks:	1,330,083.95
Less 8 Void Checks:	14,618.68
Total of 246 Disbursements:	1,315,465.27

CITY OF BERKLEY
ACH TRANSFERS

VENDOR

12/5/2019 MERS	\$	76,763.50
12/13/2019 INTERNAL REVENUE SERVICE	\$	40,689.28
12/18/2019 PSO UNION DUES	\$	720.00
12/18/2019 PS COMMAND UNION DUES	\$	400.00
12/18/2019 DPW UNION DUES	\$	308.00
12/24/2019 INTERNAL REVENUE SERVICE	\$	37,896.12
12/24/2019 PSO UNION DUES	\$	720.00
12/24/2019 PS COMMAND UNION DUES	\$	400.00
12/27/2019 INTERNAL REVENUE SERVICE	\$	15,373.58
	\$	173,270.48

City Clerk

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

M-08-20

February 3, 2020 City Council Meeting

Moved by Councilmember _____ and seconded by Councilmember _____ to authorize Stephen Siller Tunnel to Towers to conduct a 5K run on Sunday, October 4, 2020 from 6 a.m. to 2 p.m. beginning at Hurley Field at Anderson Middle School. During the event, representatives of the Stephen Siller Tunnel to Towers will provide volunteers to assist with the event.

Ayes:

Nays:

Motion:



City of Berkley
Department of Public Safety



INTEROFFICE CORRESPONDENCE

DATE: January 21, 2020
TO: Matthew Baumgarten, City Manager
FROM: Matt Koehn, Director of Public Safety *MBK*
SUBJECT: 2020 Berkley Stephen Siller Tunnel to Towers 5K

Mr. Tim Aten, the Co-Director of the Berkley Tunnel to Towers 5K, has submitted an application to conduct the 2020 Berkley Stephen Siller Tunnel to Towers 5K. The event will take place on Sunday, October 4, 2020, from 6 AM to 2 PM, with the actual run occurring over an approximately one-hour period in the morning. The event will begin and end at Hurley Field at Anderson Middle School. The route will take participants from Hurley Field, west on Oxford to Elwood, south on Elwood to Cambridge, east on Cambridge to Gardner, and north on Gardner back to Hurley Field (see attached map). This is the same route that has been used for previous events. No streets will be closed for the event and the participants will run/walk on the right side of the road, similar to past events

The Department of Public Safety has reviewed the application. The Stephen Siller Tunnel to Towers Foundation is a 501(c)(3). All funds raised by the Berkley Tunnel to Towers 5K are forwarded to the Stephen Siller Tunnel to Towers Foundation. The funds are used to assist surviving family members of military personnel and first responders killed in the line of duty. The Berkley Tunnel to Towers 5K will have numerous volunteers to assist with the event. The application contains all of the necessary accompanying documents.

The Department will advise Reverend Peter Moore from Greenfield Presbyterian Church, which is located at Greenfield and Oxford. BDPS will be in contact with him closer to the event so that his church members can be advised of the run. DPS and DPW personnel will work with the Church to assure that their members can get to the services. Social media and an email blast will also be used to make area residents aware of this event.

The Department of Public Safety will monitor and participate in this event and recommends approval of the Berkley Stephen Siller Tunnel to Towers 5K. A Traffic Control Order (TCO) will be prepared for the event.





**CITY OF BERKLEY
CHARITABLE SOLICITATION
PERMIT APPLICATION DISPOSITION CHECKLIST**

Event Name: Berkley Stephen Siller Tunnel To Towers 5K

Event Date(s)	Location(s)	Event Hours
<u>October 4, 2020</u>	<u>Hurley Field, Anderson Middle School & area</u>	<u>6am – 2pm</u>

ORGANIZATION:

Organization Name: Stephen Siller Foundation			
Headquarters Street Address: 2361 Hylan Blvd			
City: Staten Island	State: NY	Zip Code: 10306	Phone: 718-987-1931
Website: Tunnel2towers.org			

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

Non-Profit _____ 501(c)(3) x N/A _____ Other (specify) _____

The following documents have been submitted:

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

Application reviewed by: Public Safety MBK 1-22-20 Public Works DS 1-16-20
 Building Official ES 1-15-20

Comments:

Presented to City Council:

Date: <u>February 3, 2020</u>	Approved: ___ YES ___ NO	Organization Notified ___ YES ___ NO <u> </u> <i>Date</i>
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CITY OF BERKLEY CHARITABLE SOLICITATION PERMIT APPLICATION

Event Name:

Berkley Stephen Sillers Tunnel To Towers 5K

Event Date(s)

October 4, 2020

Location(s)

Hurley Field, Anderson Middle School & area

Event Hours

6am - 2pm

ORGANIZATION:

Name:

Stephen Siller Foundation

Street Address:

2361 Hylan Blvd

City:

Staten Island

State:

NY

Zip Code:

10306

Phone:

718-987-1931

Website:

Tunnel2towers.org

Tax Exempt Status (as defined by the U.S. Internal Revenue Service):

Non-Profit ☐ 501(c)(3) ☒ N/A ☐ Other (specify)

CONTACT PERSON (Authorized Representative)

Name Tim Aten

Title Co-Director

Phone

Email

AGENTS/OFFICERS OF ORGANIZATION

Name Liz Curtis

Title Natl Coordinator

Phone 718-9871931

Address

Name

Title

Phone

Address

Describe the type and purpose of the solicitation and how collected funds be used.

Proceeds support first responders and military personnel. Builds smart homes for catastrophically disabled veterans, writes off mortgages of Gold Star families.

The amount of wages, fees, commissions, expenses to be paid to any person in connection with the solicitation, together with the manner in which such wages, fees, expenses, commissions are to be paid:

Expenses in 2020 were around \$7,000. Fees included advertising, timekeeping, printing, entertainment, food for volunteers.

Estimated cost of the solicitation

\$7,000

The following documents must be submitted with this application, pursuant to *Chapter 34 Charitable Solicitations, Article I* of the City of Berkley Code of Ordinance:

1. Internal Revenue Service tax exempt documentation for the organization
2. Organization's financial report for the preceding fiscal year
3. Proof of Commercial Liability Coverage on an "occurrence basis" with no less than \$500,000 per occurrence and/or combined single limit, Personal Injury, Bodily Injury, and Property Damage. The insured endorsement portion of the Certificate of Insurance must read EXACTLY as follows:

The City of Berkley, including all elected and appointed officials, all employees, and volunteers, all boards, commissions, and/or authorities and their board members, employees, and volunteers.

4. Charitable Solicitation Hold Harmless Agreement signed by an authorized representative of the organization.

If the above information cannot be furnished, please provide a detailed statement of the reason.

I hereby solemnly swear that no solicitor will be paid, either directly or indirectly, a salary, wage, commission or benefit for his/her service.


Applicant Signature

timothy a den director
Print Name/Title

12-9-19
Date

For City Use Only

Approved by

Title

Signature

Date

CITY OF BERKLEY MICHIGAN

TEMPORARY TRAFFIC CONTROL ORDER

02-20

(TCO NUMBER)

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

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

PROJECT NAME:	Berkley Stephen Siller Tunnel To Towers 5K
Location	Hurley Field, Anderson Middle School. Oxford Rd, Ellwood Ave, Cambridge Rd
DATE/S/TIMES:	October 4, 2020 6am – 2pm
RESPONSIBLE PARTY:	
Name:	Stephen Siller Tunnel To Towers
Street Address:	2361 Hyland Blvd
City/State/ZIP:	Staten Island, NY 10306
Contact Phone:	718-987-1931
Email address:	berkley@tunnel2towers.org

For Official Use Only:

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

Approved by: <i>(Print name and title below)</i>	Signature:	Date:
Public Safety	<i>M. Koon</i>	1-22-20
Public Works	<i>[Signature]</i> <i>CONTINGENT on TCO</i>	1-16-20
Building Official	<i>[Signature]</i>	1-15-20

**Original – Traffic Control File

Return copy of completed form to City Clerk's Office



Department of the Treasury
Internal Revenue Service

P.O. Box 2508, Room 4010
Cincinnati OH 45201

In reply refer to: 4077952422
Feb. 23, 2018 LTR 4168C 0
02-0554654 000000 00

00025775

BODC: TE

STEPHEN SILLER TUNNEL TO TOWERS
FOUNDATION
% DAN ROGERS
2361 Hylan Blvd
STATEN ISLAND NY 10306-3100

003469

Employer ID Number: 02-0554654
Form 990 required: Yes

Dear Taxpayer:

This is in response to your request dated Jan. 03, 2018, regarding your tax-exempt status.

We issued you a determination letter in February 2003, recognizing you as tax-exempt under Internal Revenue Code (IRC) Section 501(c)(3).

Our records also indicate you're not a private foundation as defined under IRC Section 509(a) because you're described in IRC Sections 509(a)(1) and 170(b)(1)(A)(vi).

Donors can deduct contributions they make to you as provided in IRC Section 170. You're also qualified to receive tax deductible bequests, legacies, devises, transfers, or gifts under IRC Sections 2055, 2106, and 2522.

In the heading of this letter, we indicated whether you must file an annual information return. If a return is required, you must file Form 990, 990-EZ, 990-N, or 990-PF by the 15th day of the fifth month after the end of your annual accounting period. IRC Section 6033(j) provides that, if you don't file a required annual information return or notice for three consecutive years, your exempt status will be automatically revoked on the filing due date of the third required return or notice.

For tax forms, instructions, and publications, visit www.irs.gov or call 1-800-TAX-FORM (1-800-829-3676).

If you have questions, call 1-877-829-5500 between 8 a.m. and 5 p.m., local time, Monday through Friday (Alaska and Hawaii follow Pacific Time).

4071954422
Feb. 23, 2018 LTR 4168C 0
02-0554654 000000 00
00025776

STEPHEN SILLER TUNNEL TO TOWERS
FOUNDATION
% DAN ROGERS
2361 Hylan Blvd
STATEN ISLAND NY 10306-3100

Sincerely yours,

Stephen A. Martin

Stephen A. Martin
Director, EO Rulings & Agreements

Bill	10/15/2019 1392	Nowlan Timing	- \$1,391
Bill	03/08/2019 08759014	Crown Awards Inc	- \$1,000
Credit Card Charge	09/13/2019	Crown Awards Inc	- \$641
Bill	09/21/2019	Tim Allen Reimbursement	- \$950
Bill	10/15/2019	Jon Ivey Reimbursement	- \$500
Bill	10/18/2019 109519	Jennifer Gentile	- \$500
Deposit	07/09/2019	Gentile Lingua, Adobe Square	- \$350
Bill	08/21/2019	Tim Allen Reimbursement	- \$311
Bill	11/15/2019 11-5-2019	Mark Noel	- \$225
Bill	04/25/2019 1335	Nowlan Timing	- \$200
Credit Card Charge	09/23/2019	DRI Printing Services	- \$185
Deposit	10/02/2019	Eventbrite - Vendor EB	- \$164
Deposit	10/15/2019	Eventbrite - Vendor EB	- \$84
Bill	10/15/2019	Jon Ivey Reimbursement	- \$84
Bill	10/15/2019	Jon Ivey Reimbursement	- \$62
Deposit	10/6/2019	Crowdfunder Donations	- \$51
Deposit	09/17/2019	Eventbrite - Vendor EB	- \$49
Deposit	03/05/2019	Eventbrite - Vendor EB	- \$48
Bill	10/15/2019	Jon Ivey Reimbursement	- \$38
Deposit	07/16/2019	Eventbrite - Vendor EB	- \$36
Bill	09/30/2019 Y23814399	UPS	- \$34
Bill	11/04/2019	Jon Ivey Reimbursement	- \$38
Deposit	09/04/2019	Eventbrite - Vendor EB	- \$24
Bill	01/04/2019 0000Y23814039	UPS	- \$18
Deposit	10/22/2019	Various Square	- \$13
Deposit	10/07/2019	Square Inc Square	- \$12
Deposit	09/16/2019	Eventbrite - Vendor EB	- \$12
Bill	09/09/2019 Y23814319	UPS	- \$11
Bill	07/27/2019 Y23814289	UPS	- \$10
Deposit	10/09/2019	Crowdfunder Donations	- \$10
Deposit	04/02/2019	Eventbrite - Vendor EB	- \$8
Deposit	03/18/2019	Eventbrite - Vendor EB	- \$7
Deposit	05/17/2019	Eventbrite - Vendor EB	- \$5
Deposit	09/17/2019	Crowdfunder Donations	- \$3
Deposit	10/23/2019	Various Square	- \$2
Deposit	10/15/2019	Crowdfunder Donations	- \$1
Event Cost			
Sales Receipt	11/07/2019	Ross & Dawn Burack	\$14
Deposit	07/09/2019	Various Donations	\$25
Deposit	09/13/2019	Various Donations	\$25
Sales Receipt	11/07/2019	Nehya Ahmed	\$25
Deposit	03/18/2019	Eventbrite - Customer EB	\$50
Deposit	05/09/2019	Various Donations	\$50
Deposit	10/23/2019	Various Square	\$60
Deposit	09/21/2019	Various Donations	\$65
Deposit	09/17/2019	Eventbrite - Customer EB	\$70
Sales Receipt	11/07/2019	Chelsea Gordon & Robert Bates Jr.	\$80
Deposit	04/02/2019	Eventbrite - Customer EB	\$95
Deposit	09/25/2019	Various Donations	\$100
Sales Receipt	11/07/2019	Brian & Julie Boike	\$140
Deposit	07/09/2019	Various Donations	\$150
Deposit	09/16/2019	Eventbrite - Customer EB	\$165
Sales Receipt	03/28/2019	Barkley Assembly #44 for Lillian Fleischauer	\$212
Deposit	04/05/2019	Various Donations	\$225
Deposit	09/05/2019	Various Donations	\$225
Deposit	10/15/2019	Various Donations	\$225
Deposit	09/04/2019	Eventbrite - Customer EB	\$335
Deposit	10/07/2019	Various Square	\$380
Deposit	10/07/2019	Various Square	\$452
Deposit	07/16/2019	Eventbrite - Customer EB	\$488
Deposit	10/22/2019	Various Square	\$488
Sales Receipt	03/14/2019	CGS Advisors, LLC Sponsorship	\$500
Deposit	03/05/2019	Eventbrite - Customer EB	\$520
Deposit	09/20/2019	Various Donations	\$545
Deposit	09/11/2019	Eventbrite - Customer EB	\$680
Deposit	03/05/2019	Various Donations	\$750
Deposit	09/24/2019	Various Donations	\$775
Deposit	03/17/2019	Various Donations	\$805
Deposit	10/15/2019	Eventbrite - Customer EB	\$1,180
Deposit	10/12/2019	Various Donations	\$2,030
Deposit	10/09/2019	Eventbrite - Customer EB	\$2,270
Sales Receipt	09/01/2019	Miller Vain St Hero Sponsorship	\$2,500
Deposit	10/09/2019	Various Donations	\$2,840
Sales Receipt	07/09/2019	Gentile Lingua, Adobe, Inc	\$10,000
Event Income			

2019 Financials

Not Final

Registrants 259
Total event cost \$7,030
cost per reg. \$27.14

Current Registra \$35

\$22,422 NET AMOUNT ALMOST DOUBLE LAST
\$5,000 GMC
\$5,000 GMC MATCH
\$28,735 Independent Carpet One
\$61,157 GRAND TOTAL



STEPSIL-01

GNEAL

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

12/9/2019

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).

PRODUCER John G. Lambros Co., Inc. 4 West Red Oak Lane, Suite 303 White Plains, NY 10604	CONTACT NAME: PHONE (A/C, No, Ext): (914) 686-0100 FAX (A/C, No): (914) 686-0544 E-MAIL ADDRESS:	
INSURED Stephen Siller Tunnel To Towers Foundation 2361 Hylan Boulevard Staten Island, NY 10306	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Philadelphia Insurance Co	23850
	INSURER B: Chubb Indemnity Insurance Company	12777
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

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.

INSR 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"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER	X		PHPK2065706	12/11/2019	12/11/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Per occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMPROP AGG \$ 3,000,000
A	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			PHPK2065706	12/11/2019	12/11/2020	COMBINED SINGLE LIMIT (Per occurrence) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			PHUB701827	12/11/2019	12/11/2020	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		71781008	11/10/2019	11/10/2020	PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
A	Leased/Rented Equip			PHPK2065706	12/11/2019	12/11/2020	Equip & Max Limit \$ 100,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: T2T Run October 4, 2020 Berkley, Michigan

Additional Insured: The City of Berkley, including all elected and appointed officials; all employees, and volunteers, all boards, commissioners, and/or authorities and their board members, employees, and volunteers; Berkley Public Schools; Berkley School District Parking Lots

CERTIFICATE HOLDER

CANCELLATION

Berkley Police Department
2395 Twelve Mile Rd
Berkley, MI 48072

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



CITY OF BERKLEY CHARITABLE SOLICITATION HOLD HARMLESS AGREEMENT

This Hold Harmless Agreement is between Stephen Siller Tunnel To Towers Foundation, (the Organization) and the City of Berkley, Michigan, (City) for the date(s) specified below.

Organization Name Stephen Siller Tunnel To Towers Foundation
Address 2361 Hylan Boulevard
City Staten Island State NY Zip 10306 Phone 718-987-1931
Event Name Berkley Tunnel To Towers 5K
Event Location(s) Anderson Middle School Event Date(s) 10-4-20

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 Todd Michael Hirsch Title Associate Counsel
(Please print)
Signature Todd Michael Hirsch Date 12/9/19

February 3, 2020 City Council Meeting

Moved by Councilmember _____ and seconded by Councilmember _____ to authorize the Mayor to execute a third party Specialized Services Operating Assistance contract between SMART and the City of Berkley for public transportation services primarily designed for senior citizens and persons who are handicapped. The contract period for this program is from October 1, 2019 to September 30, 2020.

Justification:

Recommended by the Director of Parks and Recreation with the concurrence of the City Manager.

Ayes:

Nays:

Motion:

PARKS & RECREATION DEPARTMENT

MEMORANDUM

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

FROM: Theresa McArleton, Director Parks & Recreation

DATE: January 23, 2020

SUBJECT: SMART Specialized Services Contract

Attached is the FY 2020 renewal contract from SMART for the Specialized Services Operation Assistance Program which will provide funding in the amount of \$22,880 for our transportation service. This is the same level of funding that the City received for this service in 2019. Funding from this program is for the period from October 1, 2019 to September 30, 2020. Please note that this contract was received by the department on January 17, 2020.

Based upon the frequency of use and need of the City's transportation service, I recommend that we execute this contract in order to receive the funds available.

As always, please do not hesitate to call me with any questions.

ATTACHMENTS

SPECIALIZED SERVICES OPERATING ASSISTANCE PROGRAM THIRD-PARTY CONTRACT

THIS AGREEMENT ("Agreement" or "Contract") is made and entered between the Suburban Mobility Authority for Regional Transportation (hereinafter referred to as "**AUTHORITY**"), whose address is 535 Griswold Suite 600, Detroit, Michigan 48226, and the **City of Berkley** (hereinafter referred to as "**SUBRECIPIENT**"), whose address is 3338 Coolidge Highway, Berkley, MI 48072.

SECTION 1. - DEFINITIONS

PROGRAM	Means the Michigan Specialized Services Operating Assistance Program designed primarily for seniors and persons with disabilities as defined under Section 10e(4)(c)(i) of Act 51, of the Public Acts of 1951, as amended; MCL 247.660e(4)(c)(i).
DEPARTMENT	Means the Michigan Department of Transportation.
BUREAU	Means the Bureau of Urban and Public Transportation of the Michigan Department of Transportation.
AUTHORITY	Means the Suburban Mobility Authority for Regional Transportation (SMART).
PROJECT	Means the providing of SPECIALIZED SERVICES.
SPECIALIZED SERVICES	Means public transportation services primarily designed for persons with disabilities or who are sixty-five (65) years of age or older.
STATE	Means the State of Michigan.
SUBRECIPIENT	Means City of Berkley , which will provide the transit services with funds received under this Contract.
APPLICATION	Means the AUTHORITY's application, submitted in cooperation with the SUBRECIPIENT , for funding from this PROGRAM for the period from October 1, 2019 to September 30, 2020 .

SECTION 2. - PURPOSE

The purpose of this Contract is to pass through operating assistance funding received from the DEPARTMENT PROGRAM, to the SUBRECIPIENT. The transit services provided shall be as described in the APPLICATION submitted by the SUBRECIPIENT through the AUTHORITY and approved for funding by the DEPARTMENT.

SECTION 3. - FUNDING

The AUTHORITY is only obligated to provide funds under this Contract to the extent that funds for the PROGRAM are made available to it and approved by the DEPARTMENT as outlined in the Contract Authorization provided to us by the DEPARTMENT.

The SUBRECIPIENT is eligible for contract costs in the amount of **\$22,880.00**.

The maximum amount of the AUTHORITY funds to be given the SUBRECIPIENT shall not be increased without a prior written amendment to this Contract. DEPARTMENT funds made available to the AUTHORITY, through legislative appropriation, are based on projected revenue estimates. In the event that revenue actually received is insufficient to support the appropriation, it may necessitate a reduction in the maximum amount of said funds available to the SUBRECIPIENT. In such event, the AUTHORITY reserves the right, without notice, to reduce the maximum obligation of funds for the SUBRECIPIENT by the amount of any reduction by the DEPARTMENT to the AUTHORITY.

SECTION 4. - BUDGET ADJUSTMENTS

Budget adjustments must be requested in writing by the SUBRECIPIENT. Upon receipt of the request, the AUTHORITY shall have thirty-five (35) business days to provide written approval or disapproval of the budget adjustment. If no action is taken within thirty-five (35) working days, the budget adjustment shall be deemed approved. Expenditure of funds in excess of any line-item will not be considered an eligible PROJECT cost. The addition of any new line-item, or any line-item changes which represent a deviation from the PROJECT as described in the APPLICATION, shall require a prior written amendment to this Contract.

SECTION 5. - PROJECT COSTS AND REVENUES

The SUBRECIPIENT shall complete and submit to the AUTHORITY the information required by the DEPARTMENT, on the quarterly reporting form (available online at SMARTbus.org), within ten (10) days after the end of each state of Michigan fiscal year quarter. Failure to provide the quarterly report within thirty (30) days after the end of each state of Michigan fiscal year quarter, may result in a loss of a portion of or all funding. The AUTHORITY reserves the right to withhold payment of PROJECT funds if the SUBRECIPIENT fails to file reports as required in this paragraph.

If the SUBRECIPIENT also receives funding under 1951 P.A. 51, Section 10e(4)(a); MCL 247.660e(4)(a), as amended as its cost allocation plans must be submitted to the BUREAU for

approval. Any PROJECT costs in excess of revenues reported on the quarterly reporting form will **not** be eligible under any other state and federal program administered by the AUTHORITY or the DEPARTMENT.

Section 6. - BILLING, PAYMENTS AND QUARTERLY REPORTS

Notwithstanding the provisions set-forth in Section 3 of this Contract, the AUTHORITY shall provide to the SUBRECIPIENT the STATE funds designated for the eligible project costs incurred in performance of this Contract within ten (10) business days of the receipt of said funds from the DEPARTMENT.

The AUTHORITY may appropriately reduce payments if written reports submitted by the SUBRECIPIENT as required under this section indicate that the level of service described in the APPLICATION has been reduced.

Actual reimbursement shall be based on a rate per mile, or one-way passenger trips of SPECIALIZED SERVICES up to the maximum amount provided for herein.

The actual reimbursement method selected by the SUBRECIPIENT is the amount allowed – currently **\$4.07 per passenger**, but subject to change.

Should the per-mile rate method be selected by SUBRECIPIENT, actual reimbursement may be subject to change, per BUREAU reimbursement rate modifications.

SECTION 7. - TERMINATION OR SUSPENSION

For any violation of this Contract or legislative change, the AUTHORITY may, by thirty (30) days written notice, suspend any and all of the rights and obligations under this Contract until such time as the event or condition resulting in such suspension has ceased or been corrected, or the AUTHORITY may, by thirty (30) days written notice to the SUBRECIPIENT, terminate any and all of the rights and obligations under this Contract.

SECTION 8. - ACCOUNTING RECORDS, AUDITS, AND DOCUMENTATION

(a) Establishment and Maintenance of Accounting Records

The SUBRECIPIENT shall maintain books, records, documents, and other accounting records in accordance with generally accepted governmental accounting principles. Said records shall be sufficient to properly reflect all costs of whatever nature claimed to have been incurred or anticipated to be incurred in the performance of the identified PROJECT. To facilitate the administration of the PROJECT, separate records shall be established and maintained. The SUBRECIPIENT shall assure that the records to support the miles traveled and the passengers carried as reported pursuant to Section 6 of this Contract are established and maintained.

(b) Audit

The SUBRECIPIENT shall permit the AUTHORITY and/or the DEPARTMENT or the authorized representatives of the AUTHORITY to audit all data and records relating to the performance of this contract. The SUBRECIPIENT shall retain and allow access to, and require its contractors to retain and allow access to all data and records pertaining to the PROJECT for a period of not less than six (6) years after the final payment by the AUTHORITY pursuant to the Contract.

The period of access, examination, and retention of data and records which relate to litigation or the settlement, of claims arising out of the performance of this Contract, or costs of this Contract as to which exception has been taken by the AUTHORITY or the DEPARTMENT or the authorized representative of the AUTHORITY or the DEPARTMENT, shall continue until such litigation, claims, or exceptions have been disposed of.

(c) Costs Supported by Documentation

PROJECT costs shall be supported by properly executed canceled checks, invoices or vouchers evidencing the nature and propriety of the charges.

(d) Accuracy of Financial Documentation

If a third-party contract is required for rendering of the services herein, then the SUBRECIPIENT is responsible for the accuracy of the financial and non-financial data and reports submitted for reimbursement.

(e) Revenue Expense Guidelines

If the SUBRECIPIENT also receives funding under 1951 P.A. 51, Section 10e(4)(a); MCL 247.660e(4)(a), as amended, determination of PROJECT costs shall be in conformity with the criteria set forth in the DEPARTMENT'S Office of Passenger Transportation's "Local Public Transit Revenue and Expense Manual." All other providers of service shall use the "Specialized Services Manual" (effective October 1, 2015, and any subsequent revisions, amendments and replacements).

SECTION 9. - THIRD-PARTY CONTRACT PROCEDURE

The SUBRECIPIENT shall **not** enter into contracts with third parties for provision of services herein without prior written approval from the AUTHORITY; notice of potential third-party contracts shall be submitted to the AUTHORITY for approval in writing. Approval or denial of said third-party contract will be submitted, in writing, to SUBRECIPIENT by the AUTHORITY. The AUTHORITY shall approve any third-party contracts at its sole discretion.

Approval does not constitute an assumption of liability, a waiver or an estoppel to enforce any of the requirements of this Contract, nor shall any such approval by the AUTHORITY be construed as a warranty of the third-party's qualifications, professional standards, ability to perform the work being subcontracted, or financial integrity.

SECTION 10 - ACCESS

SUBRECIPIENT agrees to provide, and will require its contractors to provide, access by the AUTHORITY and/or the DEPARTMENT to all technical data, reports, documents and work in progress pertaining to the PROJECT. Copies of technical data and reports shall be provided by the SUBRECIPIENT or its contractors to the AUTHORITY upon request.

SECTION 11. - INDEMNIFICATION

Notwithstanding any other provision in this Agreement, SUBRECIPIENT shall indemnify, defend and save harmless AUTHORITY, its officers, agents, employees, and members of its Board of Directors from any and all claims, losses and damages, including costs and attorney fees, occurring or resulting from any act or omission the SUBRECIPIENT or its officers, agents, employees, subcontractors, successors or assigns arising out of and/or pursuant to this Agreement without regard to the negligence of the SUBRECIPIENT.

SECTION 12. - ENTIRE AGREEMENT

This Contract, along with any exhibits, addendums, schedules, and amendments hereto, merges and concludes the entire agreement of SUBRECIPIENT and the AUTHORITY. Any previous communications, whether oral or written, are superseded through by this document. The SUBRECIPIENT and AUTHORITY acknowledge, by executing this document that said parties have not relied on any representation, assertion, guarantee, warranty, ancillary contract or other assurance, except those set out in this AGREEMENT. SUBRECIPIENT hereby waives all rights and remedies, at law or in equity, which may arise as the result of said party's reliance on such representation, assertion, guarantee, warranty, ancillary contract or other assurance, provided that no clause herein shall be construed as a restriction or limitation of said party's right to remedies associated with the gross negligence, willful misconduct or fraud of any person or party taking place prior to, or contemporaneously with, the execution of this Agreement.

SECTION 13. - PROHIBITED DISCRIMINATION

The SUBRECIPIENT shall not discriminate against any passenger because of race, color, sex, age, handicap, religion, ancestry, marital status, national origin, place of birth or sexual orientation in accordance with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", dated August of 1985, which is hereby incorporated by reference.

The SUBRECIPIENT shall not discriminate based upon race, color, creed, national origin, sex, age, disability, height, weight, familial status, marital status, or sexual orientation, in accordance with Civil Rights Act of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6, Section 303 of the Age Discrimination Act of 1975, Section 202 of the Americans with Disabilities Act of 1990, 49 U.S.C. Section 5332, the Michigan Elliot-Larsen Civil Rights Act, MCLA 37.2101 et seq., and SMART policy.

The SUBRECIPIENT shall comply with FTA Circular C 9070.1G, as may be amended or updated, with respect to all provisions on Civil Rights and discrimination including, but not limited to, Chapter VIII, §9.

The SUBRECIPIENT shall require similar covenants on the part of any contractor or subcontractor employed in the performance of the PROJECT for which this Contract is made.

SECTION 14. - MBE/WBE

In accordance with 1980 P.A. 278, MCL 423.321 at seq; MCL 445.901 et seq, the SUBRECIPIENT, in the performance of this Agreement, shall not enter into a Contract with a subcontractor, manufacturer, or supplier listed in the register maintained by the STATE, Department of Labor, of employers who have been found in contempt of court by a federal court of appeals, on not less than three (3) occasions involving different violations during the preceding seven (7) years, for failure to correct an unfair labor practice, as prohibited by Section 8 of Chapter 372 of the National Labor Relations Act, 29 U.S.C. 158. The AUTHORITY may void this Contract if the name of the SUBRECIPIENT, or the name of a subcontractor, manufacturer, or supplier utilized by the SUBRECIPIENT in the performance of this Contract subsequently appears in the register during the performance period of this Contract.

SECTION 15. - MISCELLANEOUS PROVISIONS

(a) If any provision of this contract is held invalid, the remainder of this Contract shall not be affected, if any such remainder continues to conform to the provisions and requirements of applicable law.

(b) The SUBRECIPIENT shall commence, carry on, and complete the PROJECT in accordance with all applicable laws. Nothing in this Contract shall require the SUBRECIPIENT to observe, comply, or do any other thing in contravention of any STATE, Local or Federal law.

(c) The SUBRECIPIENT warrants that it has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of SPECIALIZED SERVICES required to be performed under this Contract. The SUBRECIPIENT further warrants that in the performance of this Contract, no person having any such interest shall be employed.

(d) None of the funds, materials, property, or services obtained by the AUTHORITY or the SUBRECIPIENT under this Contract shall be used for any partisan political activity, or to further the election or defeat of any political activity or candidate for public office.

(e) The SUBRECIPIENT shall not assign any interest in this Contract without the prior written approval of the AUTHORITY, however, that compensation due to the SUBRECIPIENT under this Contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment shall be furnished promptly to the AUTHORITY in writing. Any such assignment does not relieve the SUBRECIPIENT of its obligations under this Contract.

(f) If the SUBRECIPIENT enters into any contracts with other governmental agencies for the purposes of providing SPECIALIZED SERVICES outside of its jurisdictional boundaries, as defined and provided by law, it shall immediately provide the BUREAU with a copy of any contracts and true copies of any resolutions passed by its governing board which relate to the providing of service under such contracts.

SECTION 16. - TERM OF CONTRACT

Upon execution, this Contract shall cover the period commencing **October 1, 2019**, and extending through **September 30, 2020**.

The SUBRECIPIENT agrees to notify the AUTHORITY of any event which may have significant potential impact on PROJECT progress, direction, control or cost.

SECTION 17. - EXECUTION

This Contract shall become binding on the parties hereto upon the execution thereof by the duly authorized official(s) for the SUBRECIPIENT and the AUTHORITY; and upon the adoption of a resolution approving said Contract and authorizing the signatures thereto of the respective official(s) of the SUBRECIPIENT, a certified copy of which resolution shall be attached to this Contract.

**SUBURBAN MOBILITY AUTHORITY
FOR REGIONAL TRANSPORTATION**

CITY of BERKLEY

Signature

Signature

John C. Hertel

Printed Name

Printed Name

General Manager

Title

Title

Date

Date

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FOR REGIONAL TRANSPORTATION**

CITY of BERKLEY

Signature

Signature

John C. Hertel

Printed Name

Printed Name

General Manager

Title

Title

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**SUBURBAN MOBILITY AUTHORITY
FOR REGIONAL TRANSPORTATION**

CITY of BERKLEY

Signature

Signature

John C. Hertel

Printed Name

Printed Name

General Manager

Title

Title

Date

Date

February 3, 2020 City Council Meeting

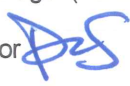
Moved by Councilmember _____ and seconded by Councilmember _____ to authorize Hubbell, Roth & Clark (HRC) for engineering design services related to the 2020-2021 Road Improvement Program at a cost not to exceed \$65,234 from the Road Millage Fund, account number 313-938-821-000.

Ayes:

Nays:

Motion:

Transmittal Memo

To: Matthew Baumgarten, City Manager (via email)
From: Derrick Schueller, DPW Director 
Cc: Mark Pollock, Finance Director (via email)
Date: January 29, 2020
Subject: 2020-2021 Citywide Road Improvement Program
Approval of Engineering Services with Hubbell, Roth and Clark (HRC)

With the successful passing of the Berkley Road Millage in late 2018, the City is generating approximately \$1.14 million each year for infrastructure improvements. The game plan for the first year (2020) is Citywide concrete repairs/patching to address some of the most deteriorated pavement areas.

HRC previously completed a road surface condition survey (PASER) of all City-owned streets in the summer of 2019. As part of this survey, PASER road rankings were assigned to each street segment and potential repair areas were noted for future investigation. The engineers visited those spot locations earlier this winter to gather more details including exact location, photos and bid items/quantities.

A total project estimate of approximately \$2 million was computed by HRC based on the recent fieldwork and analysis described above. Given only \$1.14 million is generated per year, it is recommended a two (2) year construction time frame be allocated to address all of the spot locations surveyed by HRC.

Prior to the start of construction, HRC will need to assist the City with several tasks. This includes field surveys, preparation of specifications and bid documents, permitting and contractor review/award. Please see attached detailed proposal from HRC for professional services at an amount not-to-exceed \$65,234. Note engineering funds were previously allocated in the Road Millage Fund, account number 313-938-821-000.

Completion of the bid specifications and contract documents will be addressed this month with public bidding in March. Council award of the lowest-qualified bid is expected in early April with tentative construction start in May.

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

January 29, 2020

City of Berkley
3338 Coolidge Highway
Berkley, Michigan 48072

Attn: Mr. Matthew Baumgarten, City Manager
Mr. Derrick Schueller, Director of Public Works

Re: Proposal for Professional Engineering Services
2020-2021 Citywide Road Improvement Program

HRC Job No. 20191173.43

Mr. Baumgarten and Mr. Schueller:

Thank you for the opportunity to allow Hubbell, Roth & Clark, Inc. (HRC) to submit this proposal for professional engineering services. As we understand it, the City's Capital Improvement Project (CIP) Millage (for Road/Infrastructure) that passed in the November 2018 election will generate approximately \$1.14 million each year for the next ten (10) years. The funds generated by the Millage will be used for all aspects of road improvement projects, includes construction, contingencies, and design and construction engineering.

As per our recent discussion following the completion of our field evaluation and proposed pavement repair prioritization, we understand that it is the City's desire to commence a Program start in the spring of 2020, combining the first two (2) years of millage road improvements under one (1) contract. Thereby, the Program, labeled as the 2020-2021 Citywide Road Improvement Program, would allow for a two (2) year construction time frame. It is our understanding that the City's decision to combine the first two (2) years into one contract is, in part, based on HRC's initial field investigation and associated total project budget being estimated at approximately \$2 million, including contingencies and all engineering costs. In addition, there may be some cost savings and economies of scale in requiring prospective bidders to lock in their unit pricing for 2021 at the time of bidding this year's work.

Scope of Proposed Construction:

The scope of the project includes the removal and replacement of various sections of existing concrete pavement and integral curbs, as well as the adjustment and/or minor rehabilitation of a small number of drainage structures (primarily catch basins and potentially some manholes), throughout the City, on local and residential streets. Please see the attached map depicting the general locations of proposed pavement improvements. Depending on the location of the pavement repairs, there may be a few driveway approaches and sidewalk ramps that will also need to be replaced as part of the project. As per your request, focusing on the total budget of approximately \$2.28 million (based on two (2) years of approximately \$1.14 million each), HRC has prepared a preliminary estimate of design engineering costs for the project. The detailed estimate is attached for your review.

Scope of Design Engineering Services:

In accordance with the City's request, in December 2019, HRC staff investigated a significant number of potential pavement replacement locations around the City. The list of locations was primarily consistent with the areas originally marked during HRC's pavement surface evaluation and rating survey (PASER) completed

Delhi Township
2101 Aurelius Rd.
Suite 2A
Holt, MI 48842
517-694-7760

Detroit
535 Griswold St.
Buhl Building, Ste 1650
Detroit, MI 48226
313-965-3330

Grand Rapids
801 Broadway NW
Suite 215
Grand Rapids, MI 49504
616-454-4286

Howell
105 W. Grand River
Howell, MI 48843
517-552-9199

Jackson
401 S. Mechanic St.
Suite B
Jackson, MI 49201
517-292-1295

Kalamazoo
834 King Highway
Suite 107
Kalamazoo, MI 49001
269-665-2005

Lansing
215 S. Washington SQ
Suite D
Lansing, MI 48933
517-292-1488

last summer. Our staff also investigated the list of resident complaints submitted to our office by the City and any additional areas observed between driving from location to location. Based on the field evaluation, a proposed concrete slab replacement log with accompanying map and photo sheets of each location were prepared and submitted to the City at a meeting in January 2020. An estimated total project budget was also prepared from the findings (quantities) of the field investigation.

Our office proposes the project framework to entail a 'log' job approach and not a full, detailed design typically employed for pavement reconstruction projects. The bid documents will include a map and a corresponding table specifying locations of proposed repairs utilizing property addresses and/or street crossroads. In addition, if the City chooses, additional divisions of work pertaining to proposed concrete pavement replacement on 'major' residential roads (e.g., higher volume of traffic than on a typical residential road, such as Harvard, Mortenson, etc.) and on major roads that are federal-aid eligible (such as Webster, Catalpa, 12 Mile, etc.) may be added to the bid documents.

If the City desires to have more detailed bid documents, HRC may obtain pavement cores, soil borings, and other information, as needed, on streets identified as priorities (either by a geotechnical subconsultant or by our materials testing lab). The field work will also be supplemented with the review of the SAW Grant catch basin/manhole inspection reports in order to determine the preliminary priorities for pavement and structure rehabilitation. HRC will develop the bid documents, plan details, specifications and engineer's estimate for the project items as discussed above.

In addition, HRC will:

1. Notify/coordinate this project with Utility Agencies to assist in avoiding future conflicts, including the ongoing natural gas replacement project.
2. Prepare permit applications for WRC (Soil Erosion Control), MDOT and RCOC permits (as required).
3. Prepare a resident outreach program to inform your residents of project details, scheduling, and project related updates. We envision this to be a combination of website updates, flyers for City Hall, and info for newsletters and local publication.
4. HRC will assist in the bidding process, make recommendation of award and prepare the Contract Documents for execution by the selected Contractor.

Schedule/Duration (2020):

February 2020	Review SAW Grant Inspection Reports
February 2020	Geotechnical Investigation (optional)
February 2020	Completion of Design and Bid Documents, Permit Applications
February 2020	Project Documents Available to Bidders
March 2020	Project Bid Letting
Council Meeting following Bid Letting (March 16 or April 6)	Award of Project by Council
Late April 2020	Approximate Pre-Construction Meeting
May 2020	Start of Construction
December 2020*	Completion of Construction (weather permitting)

*Approximate date of completion date of first year's work.

Clarifications:

1. Construction Engineering services are not included in this proposal and will be outlined after the bid opening. HRC will provide an additional proposal to include: construction engineering, construction administration, survey layout, materials testing, progress meetings and full-time construction observation.
2. Provisions for mitigation of contaminated soils have not been included but can be provided as a separate service.
3. Permit fees will be paid by the Owner or can be paid by HRC as a reimbursable expense.

Design Engineering Fees (detailed costs are shown in the attachment):

Task 1 – Preliminary Design/Field Investigations	\$ 28,225.04
Task 2 – Design Documents	\$ 13,484.70
Task 3 – Project Management	\$ 21,022.82
Task 4 – Bidding Assistance	\$ 2,502.34
Total Not-to-Exceed Fee	\$ 65,234.90

Fees will be invoiced monthly and shall be based on our cost times a 2.9 multiplier in accordance with our current agreement with the City.

If this proposal is deemed acceptable to the City, please sign and return one copy to this office. Thank you for this exciting opportunity to serve the City on this project. If you have any questions or require any additional information, please feel free to contact our office at 248-454-6300.

Very truly yours,

Accepted By:

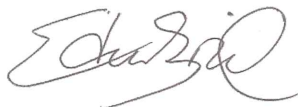
HUBBELL, ROTH & CLARK, INC.

City of Berkley



Roland N. Alix, P.E.
Vice President

Signature: _____



Written Name: _____

Edward Zmich
Project Manager

Dated: _____

2020-2021 Citywide Road Improvement Program

Legend

● Proposed Concrete Slab Repair Locations



0 250 500 1,000 Feet

Document Path: \\C:\Users\HRC\Documents\2020-2021 Citywide Road Improvement Program\GIS\Map_Series\Map_Series.mxd

PROJECT FEE / MAN HOURS / DESIGN ENGINEERING

JOB NUMBER: 20191173

PROJECT NAME: 2020 Citywide Concrete Road Improvements

PRINCIPAL Roland Alix

PROJECT MANAGER Eddie Zmich

DATE January 28, 2020

		HRC STAFF POSITION																		TOTAL	
		PRINCIPAL		MANAGER		STAFF ENGINEER		ASSOCIATE		TESTING ENGINEER		GRADUATE ENGINEER		DESIGNER		GIS ANALYST		SUBCONSULTANT SERVICES			
		RATE	\$ 145.00	RATE	\$ 126.95	RATE	\$ 101.56	RATE	\$ 144.57	RATE	\$ 100.36	RATE	\$ 82.14	RATE	\$ 131.13	RATE	\$ 86.62	MARKUP		HRS	FEE
TASK		HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	SUB	SUB-FEE	HRS	FEE
1	Preliminary Design/Field Investigations																				
	Review Existing PASER data		\$0.00		\$0.00	4	\$406.23		\$0.00		\$0.00		\$0.00		\$0.00	2	\$173.25		\$0.00	6	\$579.48
	Field Investigation, Pavement Evaluation and Repair Prioritization (incl. review of data)	4	\$580.00	16	\$2,031.16	84	\$8,530.87	3	\$433.71	2	\$200.73	40	\$3,285.70	10	\$1,311.29	10	\$866.23		\$0.00	169	\$17,239.69
	Review SAW Grant Inspection Reports		\$0.00		\$0.00	8	\$812.46		\$0.00		\$0.00	20	\$1,642.85		\$0.00	10	\$866.23		\$0.00	38	\$3,321.54
	Soil Borings Allowance		\$0.00		\$0.00		\$0.00	2	\$289.14	12	\$1,204.36	4	\$328.57	2	\$262.26		\$0.00	1	\$5,000.00	20	\$7,084.33
																					\$28,225.04
2	Design Documents																				
	Design Drawings	3	\$435.00	12	\$1,523.37	8	\$812.46		\$0.00	2	\$200.73	30	\$2,464.28	4	\$524.52	10	\$866.23		\$0.00	69	\$6,826.58
	Specifications	3	\$435.00	12	\$1,523.37	2	\$203.12	2	\$289.14	2	\$200.73	30	\$2,464.28	4	\$524.52		\$0.00		\$0.00	55	\$5,640.15
	Submit Dwg's for Permits		\$0.00	2	\$253.90		\$0.00		\$0.00		\$0.00	4	\$328.57	2	\$262.26	2	\$173.25		\$0.00	10	\$1,017.97
																					\$13,484.70
3	Project Management																				
	Administration	4	\$580.00	40	\$5,077.90		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	44	\$5,657.90
	Engineering Award Council Meeting	2	\$290.00	2	\$253.90				\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	4	\$543.90
	Resident Outreach (letters, Q&A, meetings, etc.)	8	\$1,160.00	16	\$2,031.16				\$0.00		\$0.00	20	\$2,538.95		\$0.00	4	\$507.79		\$0.00	48	\$6,237.90
	60% & 90% Design Review Mtgs	3	\$435.00	4	\$507.79		\$0.00		\$0.00		\$0.00	2	\$164.29		\$0.00		\$0.00		\$0.00	9	\$1,107.08
	60% & 90% Cost Estimates	1	\$145.00	12	\$1,523.37	8	\$812.46		\$0.00		\$0.00	8	\$657.14	2	\$262.26		\$0.00		\$0.00	31	\$3,400.23
	Finalize Docs & Prepare Bid Package	3	\$435.00	12	\$1,523.37		\$0.00	2	\$289.14	2	\$200.73	10	\$821.43	2	\$262.26		\$0.00		\$0.00	31	\$3,531.92
	Construction Award Council Meeting	2	\$290.00	2	\$253.90		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	4	\$543.90
							\$0.00														\$21,022.82
4	Bidding Assistance																				
	Questions During Bidding	1	\$145.00	2	\$253.90	2	\$203.12	1	\$144.57		\$0.00	4	\$328.57	2	\$262.26		\$0.00		\$0.00	12	\$1,337.41
	Addendum		\$0.00	2	\$253.90		\$0.00		\$0.00		\$0.00	4	\$328.57		\$0.00		\$0.00		\$0.00	6	\$582.47
	Bid Tab & Recommendations		\$0.00	2	\$253.90		\$0.00		\$0.00		\$0.00	4	\$328.57		\$0.00		\$0.00		\$0.00	6	\$582.47
																					\$2,502.34
TOTAL NOT-TO-EXCEED FEE		34		136		116		10		20		180		28		38		1		562	\$65,234.90

A RESOLUTION

of the Council of the City of Berkley, Michigan
approving the Marihuana Business License Application Evaluation Point System
to be utilized in evaluating
Marihuana Business License applications

WHEREAS, At the December 16, 2019 City Council meeting, Ordinances O-14-19 and O-15-19 were adopted, creating the regulatory framework to allow for the location and licensing of marihuana businesses in the City of Berkley; and

WHEREAS, said ordinances provide that the City of Berkley shall use a point-based system which shall be approved by the City Council to evaluate applications for marihuana licenses; and

WHEREAS, The use of a point system is intended to facilitate and provide for the efficient, objective and fair evaluation of license applications, to be conducted by City staff; and

NOW, THEREFORE, THE CITY OF BERKLEY RESOLVES:

The Berkley City Council hereby approves the attached Marihuana Business License Application Evaluation Point System to be used in the evaluation of Marihuana Business License applications.

Introduced and passed at a Regular City Council meeting on Monday, February 3, 2020.

Daniel J. Terbrack, Mayor

Attest:

Victoria E. Mitchell, City Clerk

DRAFT Marihuana Merit System Point Criteria

Key Terms Defined:

Common Control:

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

Managing Stakeholder:

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

Redevelopment:

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

Scientifically backed:

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

Stakeholder:

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

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

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

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

sub scores.

DRAFT

AN ORDINANCE

of the City Council of the City of Berkley, Michigan, to Amend Sections 138-584, 138-605, 138-625, and 138-656 and to Add New Section 138-552 to Chapter 138 Zoning, of the City of Berkley Code of Ordinances to Modify and Establish the Process and Requirements for Public Hearing Notices.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 138-584 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-584. – Notice of hearing.

~~Not less than 15 days' notice of time and place of such hearing shall be published at least once in the official newspaper or a newspaper of general circulation within the city not less than 15 days before such hearing. If an individual property or several adjacent properties are proposed for rezoning, notice of the hearing shall be given to the owners of the property in question and to all persons to whom real property within 300 feet of the premises is assessed and to the occupants of single family and two family dwellings within 300 feet of the premises in question. Such notice shall be delivered in person or by mail addressed to the respective owners at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. Notification need not be given to more than one occupant of the structure, except that if a structure contains more than one dwelling unit of spatial area owned or leased by different individuals, one occupant of each unit shall receive notice. In the case of a single structure containing more than four dwelling units or spatial areas leased by different individuals, notice may be sent to the manager or owner who shall be requested to post the notice at the primary entrance of the structure. The notice shall describe the nature of the request, indicate the property that is the subject of the request, state when and where the public hearing will take place, and indicate when and where written comments will be received concerning the request.~~ See Section 138-552 for public hearing notification process and requirements.

SECTION 2: Section 138-605 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-605. – Notice of hearing.

~~Not less than 15 days' notice of time and place of such hearing shall be published at least once in the official newspaper or a newspaper of general circulation within the city not less than 15 days before such hearing. Notice of the hearing shall be given to the owners of the property that is the subject of the request and to all persons to whom real property within 300 feet of the subject property is assessed and to the occupants of all structures within 300 feet of the subject property. Such notice shall be delivered in person or by mail addressed to the respective owners and occupants at the address given in the last assessment roll. If the occupant's name is not known, the term "occupant" may be used. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial~~

~~areas owned or leased by different persons, notice may be sent to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall describe the nature of the request, indicate the property that is the subject of the request, state when and where the public hearing will take place, and indicate when and where written comments will be received concerning the request. See Section 138-552 for public hearing notification process and requirements.~~

SECTION 3: Section 138-625 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-625. – Notice of hearing.

~~The zoning board of appeals shall hold a public hearing on all appeals. Not less than 15 days' notice of time and place of such hearing shall be published at least once in the official newspaper or a newspaper of general circulation within the city not less than 15 days before such hearing. Notice of the hearing shall be given to the owners of the property that is the subject of the request and to all persons to whom real property within 300 feet of the subject property is assessed and to the occupants of all structures within 300 feet of the subject property. Such notice shall be delivered in person or by mail addressed to the respective owners and occupants at the address given in the last assessment roll. If the occupant's name is not known, the term "occupant" may be used. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be sent to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall describe the nature of the request, indicate the property that is the subject of the request, state when and where the public hearing will take place, and indicate when and where written comments will be received concerning the request. See Section 138-552 for public hearing notification process and requirements.~~

SECTION 4: Section 138-656 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-656. – Notice of hearing.

~~Notice shall be given not less than 15 days previous to the hearing. The notice shall be published in a newspaper of general circulation. The notice shall be sent by mail or personal delivery to the owners of property for which the approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. If the name of occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of the structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, one occupant of each unit shall receive notice. In the case of a single structure containing more than four dwelling units or spatial areas leased by different individuals, notice may be sent to the manager or owner who shall be requested to post the notice at the primary entrance of the structure. The notice shall describe the nature of the request, indicate the property that is the subject of the request, state when and~~

~~where the public hearing will take place, and indicate when and where written comments will be received concerning the request~~[See Section 138-552 for public hearing notification process and requirements.](#)

SECTION 5: Section 138-552 shall be added to Chapter 138 of the Berkley Code of Ordinances, as follows:

Sec. 138-552. – Public hearing notification requirements.

- (a) *Applicability.* These provisions apply to the following requests that require a public hearing:
 - (1) Zoning text and map amendments (including rezonings);
 - (2) Appeals;
 - (3) Variances;
 - (4) Special land uses; and
 - (5) Planned unit development.
- (b) *Public notice.* The following public notice procedure shall apply to all public hearings:
 - (1) *Notice contents.* The notice shall contain the following information:
 - a. Description of the nature of the request and purpose of the public hearing;
 - b. Citation of the applicable Zoning Ordinance sections;
 - c. Address and parcel number of the subject property;
 - d. Date, time, and location of the public hearing;
 - e. When and where comments will be received concerning the request.
 - (2) *Newspaper publication.* The notice of the public hearing must be published in the official newspaper of general circulation for publication of notices within the City not less than 15 days prior to the date of the hearing.
 - (3) *Mailed notice.* The notice of the public hearing must be mailed to owners and occupants of all properties and structures within 300 feet of the subject property, including those located outside of the City limits, if applicable. Notices must be postmarked not less than 15 days prior to the date of the hearing.

Such notice shall be delivered in person or sent by first-class mail addressed to the respective owners and occupants at the address given in the last assessment roll.

If an occupant's name is not known, the term "occupant" may be used. Notification need not be given to more than one occupant of the structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, one occupant of each unit shall be given notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas leased by different persons, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- (4) *City website notice.* The notice of the public hearing shall be posted on the City's website not less than 15 days prior to the date of the hearing.
- (5) *Temporary sign on subject property.* A temporary sign providing notice of the public hearing shall be conspicuously placed in the front yard of the subject property not less than seven (7) days prior to the hearing date.
 - a. Public hearing signs shall be provided by the City of Berkeley and placed on the subject property with the permission of the property owner.
 - b. If the property is located on a corner lot, a public hearing sign shall be conspicuously placed in each yard abutting a street.
 - c. If the property is located in a district without an established front or side yard, the sign may be conspicuously placed in the street-facing window of the principal structure on the subject property.

SECTION 6: Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 7: Effective Date

This Ordinance shall become effective 30 days following the date of adoption.

SECTION 8: Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkeley City Charter.

Introduced on First Reading at a Regular City Council Meeting on Monday, February 3, 2020.

Daniel J. Terbrack
Mayor

Attest:

Victoria Mitchell, City Clerk



Community Development
3338
Coolidge Hwy
Berkley, MI
48072
(248) 658-
3320

MEMORANDUM

To: Berkley City Council

From: Berkley Planning Commission
Erin Schlutow, Community Development Director

Subject: **Ordinance Amendment – Public Hearing Notice Requirements**

Date: January 29, 2020

At the January 28, 2020 meeting, the Planning Commission held the required public hearing for a proposed zoning ordinance amendment pertaining to requirements for public hearing notices. No members of the public spoke to the proposed amendment and the Community Development Department did not receive any comments or communications prior to the meeting.

City staff provided the Planning Commission with the following information related to the need for the zoning ordinance amendment.

The Michigan Zoning Enabling Act 2006, as amended, requires a public hearing for planning and zoning requests that may impact public health, safety, welfare, as well as neighborhood and community character. Such requests include rezoning of a property, special land use, use and dimensional variances, zoning map and text amendments, planned unit developments, etc.

The MZEA specifies that the public hearing notice shall be published in a mass circulation newspaper at least 15 days prior to the scheduled meeting, and to send such notice by mail to the property owners within 300 ft. of the subject property. The above state law reflects the bare minimum notification requirements, but the Act does not preclude a community from requiring additional public notices for such applications.

The Berkley Public Participation Plan, adopted in 2018, set the goal to move beyond the status quo in regards to engage and notify the public of developments and projects that would impact property owners. The City has implemented two (2) such policies to alert the public of such hearings within the City:

- 1) set a temporary sign at the property subject to a public hearing, and,
-



2) upload the public hearing notice on the City website.

Such activities will alert the public who did not see the newspaper notice or reside outside the 300 ft. radius from the subject property. In order to provide consistency with these methods of notification already in practice, we recommend codifying the requirements within the Zoning Ordinance. This will ensure the notification practices continue beyond the tenure of the current city administration and provides stability in expectations from community business owners and residents.

In making such addition to the current Zoning Ordinance, it was noted that the public hearing requirements are included in several sections, each in reference to a specific application process. This will cause a number of amendments to several sections of the Ordinance to ensure that each planning and zoning application follows the same public hearing notice process.

Therefore, we further recommend codifying one new section of public hearing notifications that will be referred to by each planning and zoning request subject to a public hearing. This will provide one point of reference for all planning and zoning requests that are subject to a public hearing and will eliminate redundancies in the Zoning Ordinance.

Currently, the notification requirements for public hearings are located within the following sections, based upon the nature of the request: Section 138-584 (Amendments), Section 138-605 (Variance), Section 138-625 (Appeals), and Section 138-656 (Special Land Use).

The Planning Commission voted unanimously to recommend approval of the proposed zoning ordinance amendments and new section related to the public hearing notice requirements.

The amended sections, noted above, and proposed new section 138-552 is attached for your review and consideration.

If you have any questions related to the proposed amendment, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin Schlutow".

Erin Schlutow
Community Development Director

AN ORDINANCE

Of the City Council of the City of Berkley, Michigan to conditionally rezone property described as Lot 425 of the Vinsetta Park Subdivision from RM, Multiple Family Residential to Parking 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 property described as follows:

Lot 425 of the Vinsetta Park Subdivision from RM, Multiple Family Residential to Parking District.

SECTION 2: This ordinance is subject to and conditioned upon execution and recording or the Conditional Rezoning Agreement offered by the applicant and hereby approved by the City Council.

SECTION 3: The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

SECTION 4: 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 3, 2020.

_____ on the Second Reading at the Regular City Council Meeting on Monday,
_____.

Daniel J. Terbrack
Mayor

Attest:

Victoria Mitchell
City Clerk



Community Development
3338 Coolidge Hwy
Berkley, MI 48072
(248) 658-3320

MEMORANDUM

To: Berkley City Council

From: Berkley Planning Commission
Erin Schlutow, Community Development Director

Subject: PRZ-03-19; 1256 Franklin – Conditional Rezoning to Parking District

Date: January 29, 2020

Dear Berkley City Council:

At the January 28, 2020 meeting, the Planning Commission held a public hearing for a conditional rezoning request at 1256 Franklin to rezone the property from RM, Multiple Family Residential to Parking. If granted, the applicant will pursue a marihuana business license for the adjacent properties on Woodward Ave and the rezoned parcel will be developed for a surface parking lot to support the marihuana business.

Several members of the public were present and spoke during the public hearing with split opinions. The Community Development Department also received emailed comments regarding the proposed conditional rezoning, which were distributed to the Planning Commission prior to the meeting.

City staff provided the Planning Commission with the enclosed memo detailing the request of the applicant, zoning and land use classifications of the subject property and surrounding parcels, the future land use designation in the 2007 Master Plan, development potential, need for additional public utilities, and the review criteria for granting conditional rezoning requests.

CONDITIONAL REZONING REQUEST

The applicant, Joseph Aiello, submitted an application requesting a conditional rezoning for the property occupied by the currently unoccupied duplex residential structure at 1256 Franklin. The request is to rezone the property from RM, Multiple Family Residential to Parking District. Parcel ID # 25-17-257-024, Lot 425 of Vinsetta Park Subdivision, is approximately 9,147 sq. ft. (0.21 acres) in area and is located on the north side of Franklin Rd, west of Woodward Ave. The property is zoned RM, Multiple Family Residential.

Under the Michigan Zoning Enabling Act PA 110 of 2006, as amended, Section 405 permits an applicant may voluntarily offer conditions to a rezoning application. Specifically, Sec. 405 states the following:



125.3405 Use and development as land as condition to rezoning.

Sec. 405. (1) an owner of land may voluntarily offer in writing, and the local unit of government may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.

(2) In approving the conditions under subsection (1), the local unit of government may establish a time period during which the conditions apply to the land. Except for an extension under subsection (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.

(3) The local government shall not add or alter the conditions approved under subsection (1) during the time period specified under subsection (2) of this section.

(4) The time period specified under subsection (2) may be extended upon the application of the landowner and approval of the local unit of government.

(5) A local unit of government shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection (1) shall not otherwise affect a landowner's rights under this act, the ordinances of the local unit of government, or any other laws of this state.

The applicant has provided a condition to the rezoning that is set forth in the attached Conditional Rezoning Agreement, which may be recorded at the request of either party. The condition set forth in this Agreement is as follows:

(a) The rezoning designation as parking shall be contingent on the award of a marihuana provisioning center license to Yellow Tail Ventures, Inc. by the City of Berkley. If Yellow Tail Ventures, Inc. is not awarded a marihuana provisioning center license within one year from the date of this Agreement, the property shall revert to its former zoning designation as RM, Multiple Family Residential.

The Agreement has been reviewed by the City Attorney.

In summary, the applicant is proposing to demolish the existing multi-family structure and construct a surface parking lot that would support the proposed marihuana business on Woodward Ave. If the conditional rezoning is approved, the applicant shall submit a site plan for the parking area that will be subject to review and approval by the Planning Commission.

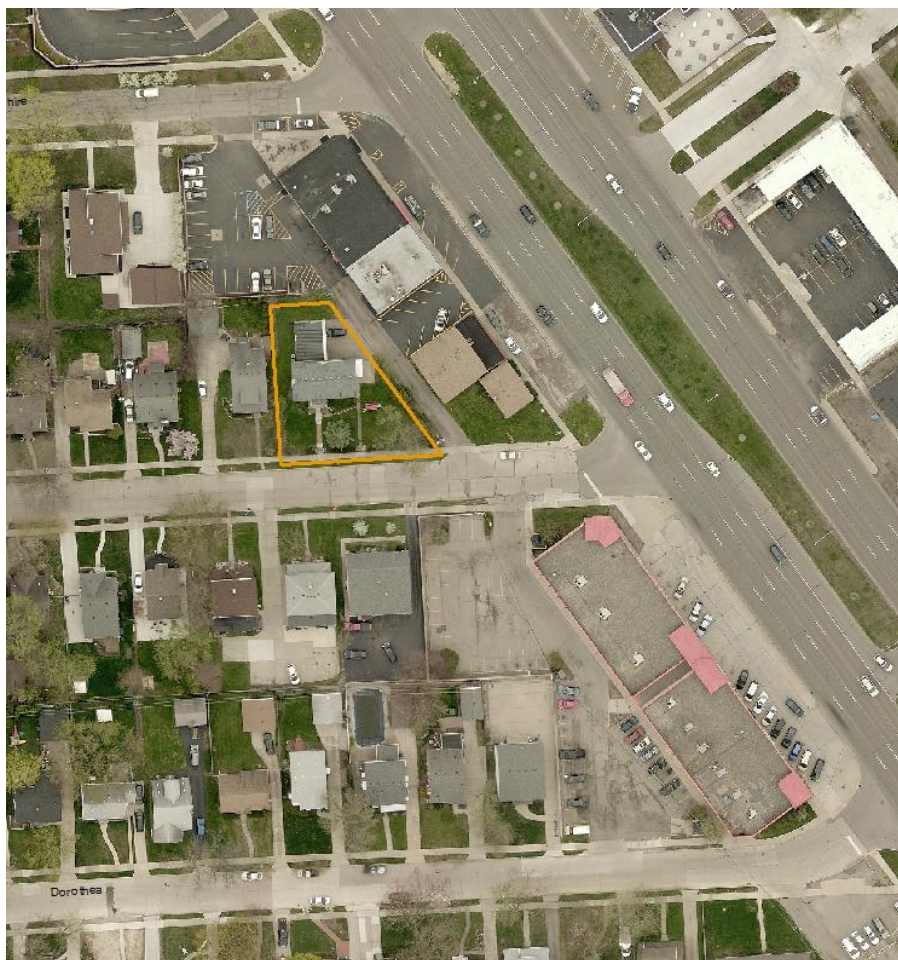
ZONING AND LAND USE

The properties surrounding 1256 Franklin include commercial, parking, and single and multiple family residential.



Property	Occupant	Land Use	Zoning District
Subject site	Vacant building (1256 Franklin)	Duplex; multiple family residential	RM, Multiple Family Residential
North	Parking Area	Parking	Parking
East	Law office (28471 Woodward) Accountant office (28453 Woodward) Central Properties Group (28401 Woodward)	Office	Woodward
South	Two-unit residential (1247 Franklin) Three-unit residential (1241 Franklin)	Multiple family residential	RM, Multiple Family Residential
West	Residential (1276 Franklin)	Single family residential	RM, Multiple Family Residential

The commercial properties along Woodward Ave. to the north and southeast of the subject property have dedicated rear parking adjacent to the western residential properties. A rezoning of the subject property would follow the existing land use pattern for properties abutting Woodward Ave. and would serve to support the Woodward corridor.



MASTER PLAN

The City's Master Plan was adopted in 2007 and updated in 2017. The City is currently in the process of updating the Master Plan. The Future Land Use Plan designates the entire site as General Commercial & Service, as part of the commercial / mixed use corridor on Woodward Ave. Properties to the east, south, and west are also designated as General Commercial & Service, while the property to the north is designated as office / medical.

The 2007 Master Plan provides summaries and details for the future land use categories affiliated with the Future Land Use Map. General Commercial and Service land uses are summarized, as follows:

- **Intended Land Uses.** General Commercial and Service uses tend to cater to automobile traffic from a broader market area and may include retail stores, hotels and motels, restaurants (including drive-through), automobile sales and services, and personal service establishments.



- **General Character Description.** Because much of this area is already developed, the challenge will be in encouraging redevelopment and consistently requiring site upgrades as development occurs, including improved site design, access management, building facades and landscaping.
- **Key Changes.** The Woodward frontage within Berkley has been underperforming, compared to its Royal Oak counterpart on the east side of the street. This is due, in part, by the depth of lots and the amount and size of available developable land. The Future Land Use Plan calls for additional land to be devoted to General Commercial and Service to better accommodate quality businesses in Berkley, which is shown as a dashed red oval on the Future land use map. As opportunities arise for expanding commercial development along Woodward in this vicinity, the City may wish to extend this district.

Based on the above description of the General Commercial and Service land uses in the Master Plan, additional parking areas would serve to accommodate and attract businesses that would contribute to the Berkley community.

DEVELOPMENT POTENTIAL

The existing multiple family residential structure needs general site improvements and maintenance. The current zoning classification permits the property to be used for multiple family, single family, mixed use specifically for private professional office with residence serving the professional, boardinghouse, municipal building or uses. The subject property can be developed in compliance with the land uses permitted in the Zoning Ordinance.

The applicant is proposing to develop the subject property with a surface parking lot that will service the proposed marihuana business on Woodward Ave. The lack of parking for the commercial properties on Woodward Ave. has prohibited development or occupancy of these structures. The 2007 Master Plan noted the challenge in encouraging redevelopment in the general commercial and service properties and that sites would require site upgrades.

PUBLIC SERVICES AND UTILITIES

Upon approval of the conditional rezoning, the development and construction of the proposed surface parking area would require site plan approval from the Planning Commission. Engineering review and approval would be required during site plan review to ensure the design and stormwater mitigation complies with City and County engineering standards.

FINDINGS OF FACT



The Zoning Ordinance requires the Berkley Planning Commission make written findings of fact and submit with its recommendations to the City Council within 30 days of receipt of the application, and at the conclusion of the public hearing. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the planning commission shall make findings based upon the evidence presented to it in each specific case with respect to the following manners:

1) Existing uses of property within the general area of the property in question;

The land uses along Woodward Ave. surrounding the subject property are predominately commercial. Properties to the rear of those Woodward Ave. commercial properties have been developed for surface parking areas and support the commercial businesses along the major thoroughfare.

As many of the properties abutting the commercial corridor along Woodward Ave. have been developed for surface parking, it would be compatible with surrounding land use patterns to rezone the subject site, as requested.

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

The same comments regarding existing uses pertains to zoning patterns. The proposed rezoning to Parking would not be incompatible with surrounding zoning patterns, specifically the properties abutting the commercial business on Woodward Ave.

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

Development of the subject property from multiple family housing to parking would serve the future business owner of the commercial properties on Woodward Ave. On the other hand, it would eliminate a property designated for multiple family housing, which is a housing type that is not prevalent within the City of Berkley.

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; and

In general, there is a growing need for parking along Woodward Ave. to support new businesses. If the subject property does not contain sufficient parking, applicants have entered into shared parking agreements or tend to lease properties in close proximity to municipal parking lots. The only other option afforded to potential business owners is to purchase properties adjacent to the proposed commercial business and construct a surface lot to support the business.

It is worth noting, however, that the demolition of the existing multi-family structure removes a much-needed multi-family housing option that is lacking in the City. The 2017 Future Land Use Amendment recognized the lack of housing diversity in the City and notes the need for additional multiple family housing. The resolution adopting the Master Plan Amendment concludes that



diverse housing stock will provide quality housing opportunities to residents regardless of age, ability, or income.

Rezoning the subject site would support the commercial corridor on Woodward Ave. but would reduce the availability of multi-family housing options for future Berkley residents.

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

The same comments set forth in #4, above, are applicable.

The Berkley Planning Commission, by vote 6-2 with one absent voting member, recommended approval of the conditional rezoning request at 1256 Franklin. The City Council shall have final authority to approve or deny the conditional rezoning request.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Erin Schlutow".

Erin Schlutow
Community Development Director

AN ORDINANCE

**of the City Council of the City of Berkley, Michigan
to Add New Article III, Unsolicited Written Materials, to Chapter 6, Advertising,
of the City of Berkley Code of Ordinances to Regulate the Leaving or Placement of
Unsolicited Written Materials on Private Property.**

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Article II Handbills of the Berkley City Code is repealed in its entirety.

SECTION 2: New Article III is added to Chapter 6 of the Berkley City Code, as follows:

ARTICLE III. – UNSOLICITED WRITTEN MATERIALS

Sec. 6-60. – Purpose and intent.

The purpose and intent of this Article is to reduce visual blight, litter, and the scattering and migration to public streets or other public or private property of unsolicited written materials by establishing reasonable, predictable locations for the placement of such materials on the private property to which they are delivered. Placement of such materials in consistent, secure and predictable locations will reduce the negative visual impact of such materials, reduce the likelihood that such materials will be rendered unreadable or unusable, reduce the blowing or washing of such materials onto streets, drains, or adjoining property, reduce the likelihood that such materials will become a nuisance or blight on public and private property and public streets, and make it more likely and convenient for the intended recipients to find and collect such materials.

Sec. 6-61. – Definitions.

For purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Front door. The street-facing entrance(s) to a principal building or structure. In the event no door faces the street, then a door of a principal building or structure nearest the street shall be considered a front door for purposes of this article.

Person. An individual, partnership, corporation, limited liability company, association, or other legal entity, including the partners, shareholders, proprietors, officers, or members of a company, firm, partnership, limited liability company, association and a corporation.

Porch. An exterior appendage to a principal building leading to a doorway, also known as a stoop, veranda, doorstep, or entrance platform.

Premises. A lot, plot, condominium unit, or parcel of private property including any buildings, structures, driveways, walkways, or yards.

Principal building or structure. The main building or structure where the primary use of the premises is conducted.

Unsolicited written materials. Any written materials delivered to any premises without the express request, invitation or permission, in writing or otherwise, including, but not limited to, papers, advertisements, magazines, pamphlets, flyers, handbills, leaflets, and circulars of the owner, occupant, or lessee of such premises.

Sec. 6-62. – Placement of unsolicited written materials.

Unsolicited written materials delivered to premises shall be left or placed only:

- (1) On a porch, if one exists, nearest the front door, in a manner to prevent it from being blown, washed, or drifted about the premises; or
- (2) So that such materials are securely attached to the front door; or
- (3) Through a door slot on the front door of the principal building or structure as permitted by the United States Postal Service; or
- (4) Between the exterior front door, if one exists and is unlocked, and the interior front door; or
- (5) Where permitted, in a distribution box, tube, or container located on or adjacent to the premises; or
- (6) Adjacent to postal box near the front door; or
- (7) Personally with the owner, occupant, and/or lessee of the premises.

Sec. 6-63. – Preservation of rights.

Notwithstanding Sec. 6-62 above, an owner, tenant, or occupant maintains the right to restrict entry onto the premises.

Sec. 6-64. – Rebuttable presumption.

Unsolicited written materials left or placed at premises creates a rebuttable presumption that the materials were left or placed at the premises by the owner, publisher, agent, manager, and/or authorized distributor of the unsolicited written materials.

Sec. 6-65. – Violations and limitations.

- (a) Any person who leaves or places, or who causes to be left or placed, unsolicited written materials in areas on or adjacent to premises other than as set forth in Sec. 6-62 of this article shall be responsible for a municipal civil infraction punishable by a civil fine of \$100.00 for each violation. A separate violation of this article occurs each time that unsolicited written materials are left or placed on, at, or about a separate premises in violation of this article. For example, three (3) violations of this article will occur if a person leaves or places unsolicited written materials in violation of this article at three (3) different premises.
- (b) A person shall be responsible for a violation of this article if the person directed or engaged the person's officer, agent, employee, or contractor to leave or place the unsolicited written materials. That a person acted as an officer, agent, employee, or

contractor of another in leaving or placing unsolicited written materials in violation of this article shall not negate or relieve the person acting as an officer, agent, or employee for his or her own violation of this article.

- (3) This article shall not be deemed to be violated merely because unsolicited written materials that were left or placed on, at, or about a premises in violation of this article have remained on, at, or about a premises. Only the initial leaving or placement of the unsolicited written materials in violation of this article shall constitute a violation of this article.
- (4) The provisions of this article do not apply to the United States Postal Service.

Sec. 6-66. – Other remedies.

Nothing contained in this article shall be construed to limit the City's other remedies at law or in equity to regulate or enjoin the leaving or placement unsolicited written materials that have been left or placed in violation of this article.

SECTION 3: Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 4: Effective Date

This Ordinance shall become effective 30 days following the date of adoption.

SECTION 5: Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on Monday, February 3, 2020.

Daniel J. Terbrack
Mayor

Attest:

Victoria Mitchell
City Clerk



Attorneys at Law
2055 Orchard Lake Road
Sylvan Lake, Michigan 48320
www.hsc-law.com

Main (248) 731-3080
Fax (248) 731-3081

John D. Staran
Direct (248) 731-3088
jstaran@hsc-law.com

December 20, 2019

VIA ELECTRONIC MAIL

Mr. Matthew Baumgarten
City Manager
City of Berkley
3338 Coolidge Hwy.
Berkley, MI 48072

Re: ***Unsolicited Written Materials Ordinance***

Dear Manager Baumgarten:

I have drafted and enclose a proposed ordinance to add new Article III to Chapter 6 of the City Code to regulate the leaving and placement on private premises of unsolicited written materials (i.e., papers, magazines, flyers, circulars, handbills, etc.) by restricting the delivery of such materials to specified locations on private premises intended to increase the convenience to the recipient and the likelihood that the materials will be found by the recipient, and to reduce the inconveniences and problems caused by such materials being left on the driveway or other areas of the premises which create blight and a tendency for such materials to blow, wash, or drift away.

This has been a thorny issue for some residents who do not like or want the unsolicited materials to be delivered to their premises – or at least not left on the end of their driveway – and a difficult one for local governments to address due to constitutional limitations on our authority to regulate this activity. Over the years, state and federal court decisions have held that delivery of these unsolicited written materials are often considered to be constitutionally-protected free speech and do not constitute littering or blight. Efforts have been made in Berkley and elsewhere to elicit cooperation from known publishers of these unsolicited materials to desist from delivering to people who prefer to opt out from such deliveries, but problems with unwanted deliveries still persist.

Then along came the US Court of Appeals decision in *Lexington H-L Services v Lexington-Fayette Urban County Government*, 879 F3d 224 (6th Cir, 2018), which departed from prior case law that very narrowly construed local government's regulatory authority over unwanted deliveries, by instead upholding a local ordinance that restricted delivery of "unsolicited written materials" to six permissible locations on private premises. The Court concluded that the ordinance constitutes a valid time, place, and manner regulation of speech. More recently, the U.S. Supreme Court denied appeal from that Court of Appeals decision,

which means the *Lexington* court decision is the law – at least in the sixth circuit, which includes Michigan.

In view of this, communities, including most recently the City of Ferndale, have begun to adopt ordinances to regulate the manner in which unsolicited written materials may be left or placed on private property. We have modeled our proposed ordinance closely after the Lexington and Ferndale ordinances. As drafted, the proposed ordinance would repeal the City's existing Handbills ordinance, as handbills will come within the coverage of "unsolicited written materials" that will be regulated under the new ordinance. The main thrust of the new ordinance is that unsolicited written materials may only be placed or left in one of six specified manners, which generally speaking, require placement on a porch, inside a screen door, or in a holder designed to hold such deliveries. Violations will be civil infractions. The ordinance does not apply to U.S. Postal deliveries or to any deliveries that have been ordered, subscribed to, or otherwise invited by the recipient.

If this ordinance is adopted, I think it will be important to make local media and publishers aware of these new regulations.

Very truly yours,

John D. Staran

JDS/ijd
Enclosure



Community Development
3338 Coolidge Hwy
Berkley, MI 48072
(248) 658-3320

MEMORANDUM

To: Berkley City Council

From: Erin Schlutow, Community Development Director

Subject: **Downtown Development Guidelines and Overlay District Ordinance**

Date: January 29, 2020

In 2019, the Planning Commission recommended approval of Downtown Design Guidelines, and the adoption of an Overlay District that would include all properties located within the Downtown Development Authority. The intent was to provide design guidelines for new developments or existing business or property owners within the DDA that would encourage consistent façade design, materials, etc.

The PC reviewed the Design Overlay District Ordinance and proposed zoning map amendment at separate meetings in 2019. A public hearing for the creation for the Downtown Overlay District was held on January 22, 2019, in which the Planning Commission heard the comments of the public. The PC unanimously recommended approval of the Design Overlay District to the City Council. A public hearing to amend the zoning map for the creation of the Design Overlay District was held on April 23, 2019. The PC unanimously recommended approval of the amendment to the zoning map for the creation of the overlay district.

Since Planning Commission's recommendations of approvals, there have been changes in city personnel and the original architects of the ordinance language are no longer with the City of Berkley. As the new Community Development Director, I have reviewed the draft Design Overlay District Ordinance amendment and have found substantive issues that should be addressed with Planning Commission prior to City Council adoption.

The following items are not intended to delay or hinder the adoption or implementation of the Downtown Design Guidelines, but have been identified as needing additional clarity of staff's roles and responsibilities in the review process while ensuring that the proposed process does not cause barriers for prospective development or improvements within the DDA. Overall, there are five general recommendations that Administration would like to make:

- Renumber the section numbers;
 - Develop an adequate Design Review fee and ask that Council amend the Fee Schedule accordingly;
 - Review with City Attorney to ensure that its internally consistent and clear to any applicant;
 - Ensure that the methodology for administering this program supports the goals of the Redevelopment Ready Communities Program; and,
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- Remove references to a design review board and task the Community Development Department with delivering a report to the Planning Commission in consultation with the DDA Director and Building Official.

Division 19. – Downtown Design Overlay District.

Sec. 138-546. Intent and Purpose.

1. It is recognized by this Chapter that there are unique areas within existing Zoning Districts of the city that require special consideration to provide certain design, placement, or other regulations in addition to those imposed by the current zoning designation.

Accordingly, this Article provides for a Design Overlay District that is intended to permit the proper regulation of Zoning Districts by adding special considerations in addition to those of the base Zoning Districts that fall within the boundaries of the Downtown Development Authority. In all cases, applicants for building permits in an Overlay District shall meet both the requirements of the base Zoning District and the additional provisions, requirements and restrictions of the Overlay District. Where there is conflict between other provisions of this Chapter, those specifically applied in the Overlay District shall control.

The Downtown Design Overlay District is established to enhance the quality and compatibility of development, to establish consistent architectural and design guidelines, and to encourage the most appropriate use of land as detailed in the Downtown Berkley Design Guidelines. The District is deemed necessary to enhance the aesthetic and visual character of lands adjacent to the two main commercial corridors in Downtown Berkley.

Sec. 138-547. Delineation of District.

1. The Downtown Design Overlay District shall include and consist of the area designated and described as the Downtown District in Chapter 42 Downtown Development of the Code of Ordinances, as may be amended from time to time. The District's boundaries shall be shown on the Official Zoning Map of the City of Berkley.

Sec. 138-548. Design Review Advisory Board.

1. The Design Review Advisory Board is established to foster excellence in the design of Berkley's built environment. It shall advise applicants on how a project can meet the spirit and intent of the Downtown Design Guidelines.
2. It shall act as an advisory Board to the Berkley Planning Commission
3. The Design Review Advisory Board shall consist of five (5) members nominated by the mayor and approved by the City Council. In making appointments of members to the Design Review Advisory Board, the City Council shall appoint persons who, insofar as possible, have an interest in the design of the built environment and its relationship to the downtown and the broader community. To the extent practicable in order to support a comprehensive design review one (1) member of the Design Review Advisory Board shall be a landscape architect, one (1) shall be an historic preservation architect, one (1) shall be an urban planner or a real estate developer, one (1) shall be a Berkley resident at-large, and one (1) shall be a building construction contractor.
4. Members of the Design Review Advisory Board shall serve for 3-year terms. The terms of office of the first Board members appointed hereunder shall be fixed by the City Council so that the terms of one (1) member will be for one (1) year, two (2) members will be for two (2) years, and two (2) will be for three (3) years. After the initial board is formed, all members thereafter will be appointed for three (3) years.
5. The Design Review Advisory Board will meet monthly.
6. Powers and Duties. The Design Review Advisory Board shall have the following powers and duties:
 - a. To review the design of new construction projects in the Downtown Design Overlay District.
 - b. To provide comments and guidance to property owners, developers and architects on the proposed project as specified by the Downtown Design Guidelines.
 - c. To report annually to City Council regarding the effectiveness of the design review process.
 - d. To have such additional responsibilities as delegated by City Council by resolution.
 - e. To make a recommendation to the Planning Commission on whether the proposed project design meets the intent and/or standard of the Downtown Design Guidelines

Sec. 138-549. Overlay District Elements. In order to achieve the Standards set forth in the Downtown Berkeley Design Guidelines the Design Review Advisory Board may include in its review the following elements as addressed in the adopted Downtown Design Guidelines:

1. SITE DESIGN

- A. Building Placement and Setback Character
- B. Building Orientation
- C. Connectivity
- D. Outdoor Amenity Space
- E. Parking Lots
- F. Parking Structures
- G. Landscape & Streetscape Design
- H. Service Areas, Utilities & Mechanical Equipment
- I. Stormwater Management
- J. Neighborhood Transitions

2. NEW BUILDING DESIGN

- A. Architectural Character
- B. Building Mass & Scale
- C. Overall Facade Character
- D. Ground Floor Design
- E. Iconic Design Features
- F. Building Elements
- G. Building Materials
- H. Exterior Lighting
- I. Energy Efficiency, Collection and Conservation
- J. Environmental Performance in Building Elements

3. RENOVATING A PROPERTY

- A. Renovating an Existing Building Front
- B. Adding onto an Existing Building
- C. Alternative Strategies for Locating a Rooftop Addition
- D. Alternative Strategies for Improving an Existing Setback
- E. Alternative Development Strategies for Underutilized Side Lots
- F. Historic Resources

4. CHARACTER AREAS

Character Area 1: Gateway West

Character Area 2: Downtown Core

Character Area 3: Gateway South

5. SIGNS

A. General Sign Design Guidelines

B. Sign Types

6. Application by Character Area

Sec. 138-550. Development Exempt from the Downtown Design Guidelines. The following activities or uses shall be exempt from the Downtown Design Overlay requirements and development review, although they may be reviewed under separate administrative procedures where noted in this section or in other sections of the Code of Ordinances.

1. Single-Family Residences on Individual Lots. All single-family structures located on single-family detached residentially zoned lots are exempt from this ordinance but shall comply with the provisions set forth in other sections of the Code of Ordinances. Compliance with these provisions shall be verified through the building permit process. Any single-family residential structure that is altered for commercial use shall comply with the provisions set forth in this ordinance.

Sec. 138-551. Design Review Process. All new construction and alterations to an existing building and expansions greater than 500 gross sq. ft. or 10% of the gross square footage of the building, whichever is less, will be reviewed by the Berkley Design Review Advisory Board.

1. As part of the site planning process, administrative design review by City staff is required to confirm that submitted documents conform to the requirements of this article.
2. Pre-application meeting. The applicant shall meet with Community Development Director and Downtown Development Authority (DDA) Director prior to an application to the Design Review Advisory Board to review the Downtown Design Guidelines and design review requirements set forth in this section.
3. Application. The applicant shall submit to the Community Development Director an application for Design Review and pay the required fee. Preliminary project design plans and additional required information shall be submitted with the

application as detailed in section Sec. 138-681.

4. Reviews. Up to two reviews by the Design Review Advisory Board may be required for each application.
5. Timing. The Design Review application for new construction will be reviewed at the next available monthly meeting of the Design Review Advisory Board.
6. The Downtown Berkley Design Guidelines. The plan must address applicable elements as referenced in the Downtown Berkley Design Guidelines that have been adopted by the Berkley City Council.
7. Design Review Advisory Board Meeting and Report. The applicant shall present the project to the Design Review Advisory Board. The Design Review Advisory Board and the applicant shall have an opportunity to discuss the design of the project and its consistency with the Downtown Design Guidelines. Following the discussion, the Design Review Advisory Board may ask for the applicant to return with revisions. The Design Review Advisory Board shall also make a report of its discussion, including a recommendation to the City of Berkley Planning Commission for approval or denial based on whether the application is substantially in compliance with the adopted Berkley Downtown Design Guidelines. This report shall be distributed to the Planning Commission and City Council as part of the site plan review and approval process.

Sec. 138-552. Administrative Design Review. Expansions of no greater than 500 gross sq. ft. or 10% of the gross square footage of the building, whichever is less, will be reviewed administratively by the City of Berkley Community Development Director and the Berkley Downtown Development Authority (DDA) Director.

1. The plan must address applicable elements as referenced in the Downtown Berkley Design Guidelines that have been adopted by the Berkley City Council.
2. The following steps shall be undertaken as part of the design review process for existing buildings:
 - a. As part of the planning process, administrative design review by City staff is required to confirm that submitted documents conform to the requirements of this article and the applicable elements of the Downtown Design Guidelines.
 - b. Design Review meeting. The applicant shall meet with Community

Development Director and the DDA Director to review the Downtown Design Guidelines and design review requirements set forth in this section.

The Existing Building Design Review application will be reviewed within 10 business days by the Community Development Director and the DDA Director. If the Community Development Director and DDA Director do not agree, then the application is denied. If the property owner is not satisfied with the administrative review, the property owner may seek a review from the Planning Commission.

Sec. 138-678. - Administrative review.

A. Administrative review for site plan review shall be conducted by the building department in cases where:

- (1) The façade alterations do not change the surface material of any one facade more than 50%; or
- (2) The number or size of the windows are increasing in size.

During administrative review, the building official and Community Development Director shall act as the planning commission in determining compliance with the standards for approval. If the building official and Community Development Director do not agree, then the application is denied. If the property owner is not satisfied with the administrative review, the property owner may take the application to the planning commission for site plan review.

B. Administrative review for site plan review within the Design Overlay District shall be conducted according to Sec. 138-552.

(Ord. No. O-10-08, § 1, 12-15-2008)

Sec. 138-681. - Approval process.

A. Site plan review outside of the Design Overlay District

1. *Sketch plan (optional).* An item may be submitted to the planning commission for informal discussion. No approval shall be granted. However, the applicant may wish to present and discuss a proposed project and any anticipated problems before applying for site plan approval.
2. *Site plan approval.*
 - a. An application for site plan approval shall be submitted to the city planning commission on such forms and containing such information that the planning commission shall prescribe.
 - b. The planning commission is hereby authorized to approve, approve with conditions, or deny all site plans submitted under this chapter.
 - c. Approval may be issued by the planning commission, subject to the applicant receiving board of appeals variances, as required by the zoning chapter.
 - d. Each action taken with reference to site plan review and approval shall be duly recorded in the minutes of the planning commission and shall state the grounds for the action taken upon each site plan submitted for its approval.

B. Site plan review as part of the Design Overlay District

1. Site plan review within the Design Overlay District shall be conducted according to Sec. 138-551 and Sec. 138-552.

(Ord. No. O-10-08, § 1, 12-15-2008)

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