

**CITY OF BERKLEY PUBLIC NOTICE**  
**REGULAR CITY COUNCIL MEETING**  
**Monday, October 7, 2024**  
**7:00 P.M. – City Hall**  
**248-658-3300**

**CALL 40<sup>th</sup> COUNCIL TO ORDER**  
**APPROVAL OF AGENDA**  
**MAYOR-LED MOMENT OF REFLECTION**  
**PLEDGE OF ALLEGIANCE**  
**PUBLIC COMMENT**  
**ORDER OF BUSINESS**

***Consent Agenda***

1. **APPROVAL OF THE MINUTES**: Matter of [approving the minutes](#) of the 40th Regular City Council meeting on Monday, September 16, 2024 and City Council Work Session on Monday, September 9, 2024.
2. **MOTION NO. M-86-24**: Matter of [approving the proposal](#) from Assa Abloy to provide and install new automatic entry doors at the Community Center in the amount of \$22,000 and \$4,500 in construction contingencies. This project is being funded by the Fiscal Year 2024 Special Grant from the State of Michigan.
3. **PROCLAMATION NO. P-24-24**: Matter of [proclaiming October 14, 2024](#) as Indigenous Peoples Day.
4. **PROCLAMATION NO. P-25-24**: Matter of [proclaiming November](#) as Family Court Awareness Month.

***Regular Agenda***

1. **RECOGNITIONS/PRESENTATIONS**: Matter of receiving any recognitions or presentations from the Consent Agenda.
2. **PRESENTATION**: Matter of [receiving a presentation](#) on the 2023-24 Community Development Department Annual Report.
3. **MOTION NO. M-87-24**: Matter of [approving an applicant](#) for issuance of an on-premise liquor license under Section 521a (1) (b) of 2006 PA 501 (MCL 436.1521a (1) (b)). Applicant: Berkley Brasserie, LLC, 3180 Coolidge Highway, Berkley, MI.
4. **MOTION NO. M-88-24**: Matter of [approving the creation](#) of a new Community Field #1 Enterprise Fund, authorizing an interfund loan, and awarding a bid for Community Field #1 improvements to Worry Free Outdoor Services, Inc. in the amount of \$179,580.
5. **MOTION NO. M-89-24**: Matter of [authorizing the City Manager](#) to approve the contract with ParkNav to develop a parking portal to monitor parking occupancy rates and analyze the impacts of potential adjustments to municipal parking supply and policy throughout and near the Downtown Development Authority's boundaries.
6. **ORDINANCE NO. O-08-24**: Matter of [approving the second reading](#) and adoption of an ordinance of the City Council of the City of Berkley, Michigan, to amend Section 30-186 through 30-189 of Article V, Rental Property, of Chapter 30, Businesses, of the Berkley City Code to allow for the regulation, licensing, and collection of fees associated with Short Term Rentals, prescribe a penalty for violations, and repeal conflicting ordinances.
7. **MOTION NO. M-90-24**: Matter of [considering the addition](#) of a staff position and related budget amendments.
8. **MOTION NO. M-91-24**: Matter of [considering the disposition](#) of surplus property.

**COMMUNICATIONS**

**ADJOURN**

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

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

**THE REGULAR MEETING OF THE FORTIETH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, SEPTEMBER 16, 2024 IN COUNCIL CHAMBERS BY MAYOR DEAN**

**PRESENT:** Councilmember Steve Baker  
Councilmember Clarence Black  
Mayor Pro Tem Ross Gavin  
Councilmember Dennis Hennen  
Councilmember Jessica Vilani  
Mayor Bridget Dean

**ABSENT:** Councilmember Gregory Patterson

**OTHER STAFF PRESENT:**

Interim City Manager Nate Geinzer  
City Attorney Dan Christ  
City Clerk Victoria Mitchell  
Deputy City Manager of Public Services Shawn Young  
Finance Director Carl Johnson  
Community Development Director Kristen Kapelanski  
Public Safety Director Matt Koehn  
Public Safety Lt. Andrew Hadfield  
Library Director Matt Church  
Assistant to the City Manager Charlaine Stevenson  
DDA Executive Director Mike McGuinness  
Emergency Manager Jack Blanchard

**APPROVAL OF AGENDA**

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

**MAYOR-LED MOMENT OF REFLECTION**

Bridget addressed the community regarding a firearm retailer's plan to open a business in the City. The business owner withdrew the application. She understands the plan caused worry and concern within the community especially as it was located close to a school. She said that Council takes their concerns seriously. She said that in response to community feedback on this matter City staff plans to recommend that the Planning Commission consider new restrictions for firearms retailers. The Proposal would limit these businesses to the Woodward and 11 Mile Retail districts with a 1,000-foot buffer from schools and from each other. This change, if approved by the Planning Commission and then the City Council, would limit locations where firearms retailers could be located, giving us more local control over such decisions in the future. She said it's important to note that under current zoning ordinances a firearms retailer is classified as a general use and general retail uses are permitted in downtown Berkley; this means that if such a business meets all safety legal and zoning requirements they are bound by federal and state laws in this matter. She realizes that times have changed since the zoning ordinance was first written in 1993, and that's why the City has been proactively working with our community since Spring 2023 on a comprehensive rewrite of our zoning ordinances. The goal of this update is to address various uses that weren't anticipated in our current regulations.

She said: I see you Berkley, I hear you, and I thank each of you. She said they had read all of the emails. She said their commitment and voice make the community better and she wants a safe

Berkley. She welcomed their voices and opinions and let them know where the zoning rewrite information is. She wanted to make sure that everyone is clear.

She said she knows people are here for Berkley Days. No decisions are being made this evening on Berkley Days. She said there would be a robust discussion. But no decisions are being made.

## **PLEDGE OF ALLEGIANCE**

## **PUBLIC COMMENT**

Dale Carlson, Berkley Historical Committee, two announcements:

1. Berkley Historical Museum will be expanding its hours 5-7 p.m. the second Thursday nights of each month; they will be open on October 10<sup>th</sup>, November 14<sup>th</sup> and December 12<sup>th</sup>. Regular hours are 10am -1pm on Wednesdays and 2-4 p.m. on Sundays.
2. The 2024 Kit Homes Tour is rapidly approaching. Last year's inaugural event was a massive success with 150 attendees. The tour will take place on Saturday, September 28th from 10am – 4 p.m.. Learn more by googling 2024 kit home tour or visit Berkleychamber.com to buy tickets. They are also accepting volunteers until spots are filled.

Bridget and Gordon Marhle, Berkley, spoke regarding city regulations pertaining to retailers near schools.

Carla Osborne, Berkley, spoke regarding city regulations of firearm retailers near schools.

Mark Keist, Berkley, spoke regarding city regulations of firearm retailers near schools.

Linda Baer, Berkley, spoke regarding reinstatement of the prior chipper schedule.

Greg Duross, Berkley, asked for a status report on the search for a City Manager candidate.

Nick Forte, Berkley, spoke regarding city regulations of firearm retailers near schools.

Virginia Abramson, Royal Oak, spoke regarding Constitution Week 2024.

Carol Leiber, Berkley, spoke regarding city regulations of firearm retailers near schools.

Stephanie Poirer, Berkley, spoke regarding city regulations of firearm retailers near schools.

Heather Chesnutt, Berkley, spoke regarding city regulations of firearm retailers near schools.

Charles Tyrrell, Berkley, spoke regarding city regulations of firearm retailers near schools.

Hannah, Huntington Woods, spoke regarding city regulations of firearm retailers near schools.

Mike McGuinness, Downtown Development Authority executive director, said he is here to make a plug for Bookley! Its bone chillingly close! Skeletons have been decorated by Berkley families that will be throughout our two miles of downtown. The opportunity to participate still exists, you can go to downtownberkley.com to sign up, there are a few more weeks to pick up a skeleton for your group. He said the community really enjoys this festive and family-friendly festivity and hopes



everyone will visit downtownberkeley.com to find out how to get involved. There will be a skeleton decorating party on September 29<sup>th</sup> at Ullman's on Coolidge at Franklin.

Clerk Victoria Mitchell:

Sarah Prebola, Michelle Mynderse, Lorene Branch, Ally Morici, Ronit Wagman, Emma Nickel, Kaitlyn Gasque, Ashley Poirier, Mariah Sefel, Ellie Mosko, Valerie Phillips, Irene Ryke, and Cori Peet, via individual emails, wrote regarding city regulations of firearm retailers near schools.

### ***Consent Agenda***

Councilmember Vilani moved to approve the following Consent Agenda, seconded by Councilmember Baker:

**APPROVAL OF THE MINUTES:** Matter of approving the minutes of the 40th Regular City Council meeting on Monday, August 12, 2024 and City Council Work Sessions on Tuesday, July 30, 2024.

**WARRANT:** Matter of approving Warrant No.1402.

**MOTION NO. M-72-24:** Matter of approving the 2024-2025 Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Berkeley. The City will be reimbursed a total of \$12,449.94 which will be paid in two installments, \$6,224.97 due in December 2024 and \$6,224.97 due in March 2025.

**MOTION NO. M-73-24:** Matter of approving a budgeted purchase of four Ford F250 Pickup Trucks from Lunghammer Ford of Owosso, MI utilizing the State of Michigan/Macomb County Cooperative Bid Contract number 071B7700180. The purchase is budgeted under accounts 592-536-985-000 (Water and Sewer-Vehicle), 101-441-985-000 (General Fund-Vehicles), 226-528-985-000 (Sanitation-Vehicles), and 208-751-982-000 (Parks and Rec-Equipment).

**MOTION NO. M-74-24:** Matter of approving a budgeted contract for sewer lining services with SAK Construction utilizing the Omnia Partners Cooperative Purchasing Group. Eight hundred thousand dollars was budgeted for this work under account 592-902-971-150.

**MOTION NO. M-75-24:** Matter of amending the City of Berkeley's Fee Schedule to eliminate the nonresident library card fee and add fees for the Annual Parking Permit, Annual Parking Permit application, and Annual Parking Permit replacement.

**MOTION NO. M-76-24:** Matter of considering the budgeted purchase and installation of the Avigilon security system and exterior cameras at the library as proposed by Presidio for \$22,050.54 from account 101-790-983-000 (Office Equipment).

**MOTION NO. M-77-24:** Matter of approving the appointments to various boards and commissions.

**MOTION NO. M-78-24:** Matter of authorizing the Berkeley Instrumental Boosters/Orchestra Association, 2325 Catalpa Drive, Berkeley, Michigan, to conduct Berkeley Tag Days 2024 in the City of Berkeley on Friday, October 18th from 4-8 p.m.; Saturday, October 19th from 9 a.m.-5 p.m.; and Sunday, October 20th from 9 a.m.-5 p.m.

**MOTION NO. M-79-24:** Matter of authorizing the City Manager to approve the contract with Carlisle Wortman Associates to provide conceptual plan design for an urban plaza/parklet at the Dorothea Road street stub as part of the awarded SEMCOG planning grant.

**PROCLAMATION NO. P-19-24:** Matter of proclaiming October 2024 as Berkley Area Chamber of Commerce Month.

**PROCLAMATION NO. P-20-24:** Matter of proclaiming October 2024 as National Breast Cancer Awareness Month.

**PROCLAMATION NO. P-21-24:** Matter of proclaiming October 2024 as National Cybersecurity Awareness Month.

**PROCLAMATION NO. P-22-24:** Matter of proclaiming October 2024 as National Disability Employment Awareness Month.

**PROCLAMATION NO. P-23-24:** Matter of proclaiming September 2024 as Gynecologic Cancer Awareness Month.

Ayes: Gavin, Hennen, Vilani, Baker, Black, and Dean

Nays: None

Absent: Patterson

Motion Approved.

### ***Regular Agenda***

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

None.

**PRESENTATION:** Matter of receiving a presentation from Assistant to the City Manager Charlaine Stevenson introducing Project Pink.

Assistant to the City Manager Charlaine Stevenson discussed the Project Pink initiative she developed and instituted in the City. The initiative provides feminine hygiene products for free in all City buildings; she said she is very thankful to bring this initiative to the City.

Project Pink was implemented in February of this year. She said the only place feminine hygiene projects were previously available was in City Hall for 25 cents. She said not everyone could afford the 25 cents; she said there were issues with what was available. She showed a product that was previously available which is from 1970. She wants to make sure healthy and usable items are available. Since February the stations have been refilled 10 times with heavier use at the Library and the Community Center.

**PRESENTATION:** Matter of receiving a presentation from Annaka Norris of Main Street Oakland County, recognizing Downtown Berkley for reaccreditation as a National Main Street Community.

Annaka Norris, Main Street Oakland County, presented with Mike McGuinness the national Main Street accreditation for the sixth time.

Ms. Norris provided a description of the Main Street Accreditation program including the impact of the program. She provided statistics describing the effect. She said they know Main Streets and DDAs don't have a lot of resources. She said it is a grassroots organization; she is happy to present the accreditation certificate. She thanked Council for its support and for providing the DDA with life and support.

Mr. McGuinness thanked Main Street Oakland County. He said this is the only county-level organization in the nation that has a dedicated Main Street program and that by going through the program Berkley has a higher degree of access to resources and support. He said this year the DDA invested those grant resources for a refresh of their website.

**MOTION NO. M-80-24:** Matter of approving a request for an indefinite road closure of Dorothea between Coolidge and the alleyway to facilitate a seasonal downtown public space.

Councilmember Baker moved to approve Motion No. M-80-24

Seconded by Mayor Pro Tem Gavin

Ayes: Hennen, Vilani, Baker, Black, Gavin, and Dean

Nays: None

Absent: Patterson

Motion No. M-80-24 Approved.

Charles Tyrrell, Berkley, spoke in opposition to M-80-24.

**ORDINANCE NO. O-08-24:** Matter of approving the first reading of an ordinance of the City Council of the City of Berkley, Michigan, to amend Section 30-186 through 30-189 of Article V, Rental Property, of Chapter 30, Businesses, of the Berkley City Code to allow for the regulation, licensing, and collection of fees associated with Short Term Rentals, prescribe a penalty for violations, and repeal conflicting ordinances.

Councilmember Black moved to approve Ordinance No. O-08-24

Seconded by Councilmember Vilani

Ayes: Vilani, Baker, Black, Gavin, Hennen, and Dean

Nays: None

Absent: Patterson

Ordinance No. O-08-24 Approved.

Greg DuRoss, Berkley, spoke regarding O-08-24.

Nick Fullmer, Berkley, spoke regarding O-08-24.

Sandra Porter, Berkley, spoke regarding O-08-24.

Bobby Roberts, Berkley, spoke regarding O-08-24.

**MOTION NO. M-81-24:** Matter of accepting the quarter ended June 30, 2024 budget-to-actual report.

Mayor Pro Tem Gavin moved to approve Motion No. M-81-24

Seconded by Councilmember Hennen.

Ayes: Baker, Black, Gavin, Hennen, Vilani, and Dean

Nays: None

Absent: Patterson

Motion No. M-81-24 Approved.

Greg Duross, Berkley, spoke regarding M-81-24.

**MOTION NO. M-82-24:** Matter of authorizing the rollover amendment for the 2024/25 budget as presented.

Mayor Pro Tem Gavin moved to approve Motion No. M-82-24

Seconded by Councilmember Hennen.

Ayes: Black, Gavin, Hennen, Vilani, Baker, and Dean

Nays: None

Absent: Patterson

Motion No. M-82-24 Approved.

**MOTION NO. M-82-24:** Matter of authorizing the rollover amendment for the 2024/25 budget as presented.

Mayor Pro Tem Gavin moved to approve Motion No. M-82-24

Seconded by Councilmember Hennen.

Ayes: Black, Gavin, Hennen, Vilani, Baker, and Dean  
Nays: None  
Motion No. M-82-24 Approved.

**MOTION NO. M-83-24:** Matter of directing staff to communicate the end of the yard waste bag tag program and the establishment of a bi-weekly brush clean-up program beginning April 1, 2025, and to make any necessary budget amendments.

Councilmember Vilani moved to approve Motion No. M-83-24

Seconded by Councilmember Baker

Ayes: Gavin, Hennen, Vilani, Baker, Black, and Dean

Nays: None

Absent: Patterson

Motion No. M-83-24 Approved.

**MOTION NO. M-84-24:** Matter of suspending the Council Rules and Order of Procedures to allow new business to be introduced and discussed past 10 p.m.

Mayor Pro Tem Gavin moved to approve Motion No. M-84-24

Seconded by Councilmember Baker

Ayes: Hennen, Vilani, Baker, Black, Gavin, and Dean

Nays: None

Absent: Patterson

Motion No. M-84-24 Approved.

**RESOLUTION NO. R-21-24:** Matter of approving a resolution banning carnivals within the City of Berkley.

Councilmember Hennen moved to approve Resolution No. R-21-24

Seconded by Councilmember Baker

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

Nays: Black

Absent: Patterson

Resolution No. R-21-24 Approved.

**DISCUSSION:** Matter of receiving the Berkley Days After Action Report and considering a resolution banning carnivals.

Mr. Geinzer said this is not about ending Berkley Days; this is about ending carnivals. He said two key things: 1) we had an incident on that night that required 41 public safety officials to be in our community to get a circumstance under control. That's going to cause a lot of stress on our community and public safety officers as well as create strain on our mutual aid partners. He said this is the second year in a row that something like this has happened. 2) We have to think about worse-case scenarios, unfortunately, and he has a hard time coming to grips with what could have happened if we had another incident at that same time in our community.

Mr. Geinzer said he and Chief Koehn had a very good conversation with the Chair of the Berkley Days Association. They all share the same concerns and priorities regarding the event moving forward. He can't put words in their mouth but to him what he heard was relief but new excitement to continuing and reimagining the event.

Chief Koehn said last year we had some issues, we put the recommendations from last year's after-action report to use in planning this year's event. The Berkley Days committee did a great job and hired a great security company; he said they did everything asked of them. He said the Public Safety Department also upped their game, they had more people there initially. He said they gave their best effort to make this a safe event. He said he grew up in Berkley and went to Berkley Days

himself as a kid before bringing his own kids there; he said he knows Lt. Hadfield was the same way. He said this is tough for all of us.

Lt. Hadfield presented the after-action report. He said he is the incident commander and didn't have any incidents until last year.

Lt. Hadfield went over the history of Public Safety involvement at Berkley Days. He said conflict was limited to scuffles that were quickly handled. The biggest issue previously had always been parking.

Last year the event was shared through social media channels. He said that in talking with the Berkley Days committee it was nothing that they pushed out it was just shared because it's public information. He said that last year around 5 p.m. they began getting many juveniles arriving wearing masks and carrying duffle bags. He said that it felt different and that they needed to get it under control. The event was shut down; during the shutdown, there were traffic concerns/congestion.

He said they began working on the plan in February; there were discussions in regards to a security company and fencing coming in. They implemented a no-bags rule. He said that at some point on Saturday, the kids started to sneak masks in. They changed parking routes and emergency access. Before Thursday they only had two parking complaints. On Friday they had another parking complaint, a littering charge and a stolen bicycle. On Saturday at 6 p.m. the crowds started to increase. Kids were trying to get sneak masks in. He said more conflicts began to happen, they began to feel that it was similar to 2023. He said the first fight broke out and another broke out and the event was terminated. They started to push everyone out; that went well when having to send 2-3,000 out on side streets. Two fights were observed by officers. As the kids were pushed out towards Coolidge and 12 Mile there were calls of kids fighting, but officers couldn't find them. The plan was to move the crowd to main roads. Lt. Kobernick had officers in those areas get the businesses shut down. He said there was no robbery at CVS, he was there within minutes of Berkley Days being shut down. When they got to 11 Mile and Coolidge, 50 or more kids had pulled masks on. Now they had a big issue with kids running across 11 Mile in masks. Most kids had no way home; he said that was probably one of the biggest problems was the unsupervised children who were there who had been dropped off by parents or friends and had no way home. A 10-year-old waited for two hours to get picked up by a parent. He said there were other rumors, but nothing else happened. By 10 p.m. almost everyone had been picked up. By 11 p.m. the report was cleared.

He reviewed the costs: 16 Berkley PSOs responded at 7 p.m.; 25 mutual aid officers also responded at 7 p.m.; total estimate for law enforcement \$13,276 (Saturday); total estimate for entire event \$37,488. He said he hears Arts, Beats, and Eats doesn't have this problem; he said they have a \$200,000 security budget. He went over local; carnivals and how they were shut down or canceled. Unsupervised youth has a potential for problems. Had something else happened at the same time, what would they do? He said it also impacted Oak Park as kids spilled into their community.

Emergency Manager Jack Blanchard said they worked very closely with the Berkley Days committee; he said they did a great job working with Public Safety and spent over \$18,000.

Mr. Geinzer said this is an event that has outgrown our community and our resources.

Councilmember Vilani thanked Public Safety and Mr. Blanchard and everyone involved. She said it may not have been the outcome they wanted, but safety was maintained. She said they moved here when she was four; she said the scariest thing we had to do was did you eat the elephant ear before or after the spinny ride. She said this year she was leery before sending her kids out to go

to Berkley Days despite all the best efforts. We all felt that frustration. She thinks it is time to look at other options; she said it's time for a celebration that is fitting to the community.

Councilmember Baker said he echoed the sentiments of gratitude and appreciation expressed by his colleagues for all the work that has gone into preparing the last two Berkley Days events. He said the reactions and adjustments made based on the experiences from the first year helped make the second year much safer. The quick action and swift thinking of our response teams were commendable; the thoroughness of the report is also worth noting, and we appreciate the time and effort that it took to gather all the facts based on evidence and interviews.

He said that as we look into the future, it's important to remember that Berkley Days began as a parade in 1926 to celebrate the paving of Coolidge. Before Berkley was even a city, the paving of a road was a significant event, and it served as the impetus for starting this celebration. Since then, it has evolved into an annual celebration of Berkeley becoming a city, which began in 1932.

He said he thinks revisiting the past could provide us with potential ideas for incorporating additional ways to engage with residents, in addition to having a destination at the end of a parade or whatever we choose to do. That would be really fun. He said he, too, is saddened that a midway carnival is no longer feasible, not only from a geographic and space perspective as the event grows but also because the logistical challenges are becoming insurmountable. It is clear that Berkley is not the only city facing these challenges; this trend seems to be quite popular.

Mayor Dean said as she was reading through the packet she spent time with Mayor McClellan from Oak Park. They did it all too. She said the guns weren't inside the event; it was a success, but then the guns were in the neighborhood. She thinks they are in a moment of rethinking Berkley Days. She said she looks forward to hearing from the Berkley Days committee. She thinks they could have a successful event that reflects the pride and values of our community, as well as the togetherness that Berkley Days signifies. For many people, it marks the beginning of summer and serves as a homecoming of sorts. Those who grew up here but no longer live in Berkley return to see friends and family gather. She said she thinks we can still capture that spirit in a reimagined way. While what this event looks like may change, she said she believes it will still feel like the Berkley community event we all know and love.

Councilmember Hennen said He believes this is the appropriate resolution for the right time. He hopes this is just a temporary trend that will eventually pass, allowing the community to revisit the idea of carnivals and potentially resume them when they are safe again. For now, he thinks this is the appropriate step to take.

Councilmember Black said this is tough for him because the warrior in him wants to say that this is terrorism. He believes that people are trying to change their way of life, and he wants to advocate for steeling themselves and continuing as they have, without letting external forces alter their path. However, he realizes they must be realistic about the situation.

He acknowledges that there are many phenomenal people in the community who have done an amazing job planning these events. While he wants to express something warrior-like and inspirational, urging them to fight back and not let these incidents change their way of life, the parent in him resonates with Council Member Vilani's point. He recalls sending his three children

to an event and feeling a wave of anxiety when something happened. That feeling led him to realize it's not just about their community; it's a larger issue.

Mayor Pro Tem Gavin said there is a lot of sadness and disappointment, but at its core, it's appropriate, prudent, and measured.

Greg Duross, Berkley, spoke regarding a proposed city ordinance to ban carnivals.

Tom Luca, Berkley, spoke regarding a proposed city ordinance to ban carnivals.

Monique Luca, Berkley, spoke regarding a proposed city ordinance to ban carnivals.

Bobby Roberts, spoke regarding a proposed city ordinance to ban carnivals.

Mike McGuinness, DDA Director, asked if the resolution spells out what a carnival is. If it was a festival. It would benefit the community to spell out the definition of what a carnival is.

Gambino Protection, spoke regarding security services they have available for the event.

Jenna Hance, Berkley Days, spoke regarding a proposed city ordinance to ban carnivals.

## **COMMUNICATIONS**

### **COUNCILMEMBER BAKER**

- He thanked everyone who came out to speak on any of the issues on the agenda.
- The DDA met last Wednesday morning and talked about strategies for Coolidge; the striping for Coolidge has been completed.
- Congrats on our sixth-anniversary awarding of Main Street Community. That is a tremendous accomplishment.
- Bookley! month is coming up beginning with skeleton decorating now underway. Visit [downtownBookley.com](http://downtownBookley.com) or [downtownberkley.com](http://downtownberkley.com).
- The Historic committee meets tomorrow evening. They are excited about the upcoming kit home tour. Tickets are available at [Berkleychamber.com](http://Berkleychamber.com). Museum hours are expanding, in addition to Sundays and Wednesdays they will now be available the second Thursday of each month.
- Patrick Leone once said, "The best way to help your community is to become an active volunteer."
- In addition to their roles here, Council volunteers to help advance the causes of their community and like-minded folks across the state, and of those is active participation in the Michigan Municipal League. They attended the MML annual convention last week representing the City; it is with great pleasure he announces additional advancements from members of Council: Mayor Dean was elected to the Michigan Association of Mayors, Councilmember Hennen was elected to serve on the Board of Trustees and as elected president of the Elected Officials' Academy.
- Hug somebody, it's really important.

### **COUNCILMEMBER HENHEN**

- He said that we started and ended the night talking about guns. There is very little we can do at the local level but one thing they can do is fast-track the ordinance prohibiting guns. He would like to see us even faster than the current zoning ordinance get it through as quickly as they can.
- Tree board summer hiatus is over, they will next meet on September 23<sup>rd</sup> 7 p.m.
- Zoning Board of Appeals heard two cases at their August meeting and approved additions for two residential dwellings. They had no cases in September, but will consider three cases on October 14<sup>th</sup>.

- All councilmembers attended the MML and it was great to connect with other communities and network. The one session he wants to share is the deeper dive into developing thriving communities; the MML staff is working on tools to help communities thrive. He is staying in touch with staff there and hopes to bring their improvements to our community.

### **COUNCILMEMBER BLACK**

- Technology Advisement Committee will meet on September 18<sup>th</sup> in the second-floor conference room of the public safety building. He said they are excited to see what this merger of TAC and CEAC will yield.
- He said as a proud gun owner, no one wants more common-sense rules than gun owners.
- He said what breaks his heart about Berkley days is that these are kids. He said as an active military member, he spends his days trying to figure out how to get America's enemies off this planet. A 14-year-old with a gun, with all respect to security company that spoke, bad men are different than babies. All of us need to invest in our kids. Take that with you home.

### **COUNCILMEMBER VILANI**

- Chamber Chat will meet on Friday, September 20<sup>th</sup> at Woodward Corners.
- Kit home tour is coming up on September 28<sup>th</sup> from 10 a.m. to 4 pm. It's a great chance to tour unique homes, and reach out to the chamber for tickets.
- October 23<sup>rd</sup> – save the date for the State of The City. Get ready to hear lots of great information about our City.
- The next meeting of the Environmental Advisory Committee is this Thursday at 6:30 p.m. on the second floor of the Public Safety building.
- Congrats to the Berkley High School sports team, boys' varsity soccer and football both got wins this weekend!
- As always thank you to all of those that have come to share their opinions on a lot of topics.
- November is a big election regardless of what side you are on, suburban women voters have the highest apathy rates around. Take this time to get to know candidates. Ms. Mitchell has done a remarkable job working to ensure that we have safe and accessible voting here in Berkley. Early voting is available nine days leading up to the election and you can register to vote the day of the election. Get out there and use your voice, it is your civic duty and responsibility.

### **MAYOR PRO TEM GAVIN**

- The next Library Board meeting will be on Wednesday, September 18<sup>th</sup> at 6:30 p.m. at the Library.
- Parks & Recreation Advisory Board will meet next on October 10<sup>th</sup> at 7 p.m. at the Community Center.
- Echoed comments made by his colleagues on various topics tonight.
- He said he really appreciated the chance to be at MML to learn best practices and network with other electeds and continue to improve our communities.
- He gave a big congratulations to both the Mayor and Councilmember Hennen on their hard work and achievement as recognized municipal leaders.
- congratulations to Director McGuiness on re-accreditation as a National Main Street Community, a lot of hard work, a lot of effort, and love go into what you do and of course what the county does generally with Main Street and so we're just very appreciative of that effort.

### **INTERIM CITY MANAGER NATE GEINZER**

- He said there will be a press release going out tomorrow regarding the search for candidates for City Manager. Council has invited the finalists from 5-6 p.m. to A Little Taste of Berkley, residents can mingle with candidates and leave their thoughts on available comment cards.
- Interviews will begin at 6 p.m. on Tuesday, October 1<sup>st</sup>.



**CITY ATTORNEY DAN CHRIST**

- No updates

**MAYOR DEAN**

- Wished a Happy Birthday to her Aunt Mary, who turned 108 on September 4th.
- DCFC Youth South Oakland Boys 2008 Rogue Team are National President's Cup champions. These young men worked hard, they had two games that went into overtime that they won and two shootout games that they also won so congratulations to the team and Coach Douge.
- In regards to MML, she said she appreciates the opportunity to be in a setting where learning is a focus and talk to other officials. She said she moderated a session entitled Equitable Small Business Ecosystems Tangible Ways to Support Your Business Community, which was not only interesting but she learned that Berkley's already doing many of the things that were suggested, so thank you Ms. Kapelanski and your department for being proactive and to Mr. McGuinness for attracting new business and working with businesses that are thinking about coming into Berkley.
- October is 'Berkley Cares' month, to kick it off there will be a pancake breakfast benefitting Berkley Cares food pantry. The breakfast will be in the social hall on the lower level of the Church from 8 to 11 a.m. The menu will be pancakes, juice, bacon, and coffee; a minimum donation of \$15 per adult and \$10 per child (10 and under). Donations can be made at the [berkleycaresfoodpantry.com](http://berkleycaresfoodpantry.com); the pantry accepts PayPal so if you go that route please put pancake breakfast in the notes section and how many adult or child plates you're paying for. This is a council-initiated effort, as many who are able will be there setting up, cleaning, and serving. The pantry does so much good not only in Berkley but in the surrounding community.

**ADJOURNMENT:**

Councilmember Vilani moved to adjourn the Regular Meeting at 10:44 p.m.  
Seconded by Councilmember Hennen  
Ayes: Baker, Black, Gavin, Hennen, Vilani, and Dean  
Nays: None.  
Absent: Patterson  
Motion Approved.

\_\_\_\_\_  
Bridget Dean, Mayor

**ATTEST:**

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

**THE SPECIAL WORK SESSION OF THE FORTIETH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 6:00 PM ON MONDAY, SEPTEMBER 9, 2024 IN COUNCIL CHAMBERS BY MAYOR DEAN**

**PRESENT:** Councilmember Steve Baker  
Councilmember Clarence Black, arrived at 6:02 p.m.  
Mayor Pro Tem Ross Gavin  
Councilmember Dennis Hennen  
Councilmember Gregory Patterson  
Councilmember Jessica Vilani  
Mayor Bridget Dean

**OTHER STAFF PRESENT:**  
Interim City Manager Nate Geinzer  
City Clerk Victoria Mitchell  
City Attorney Daniel Christ  
Jaymes Vettrano, GovHR

**APPROVAL OF AGENDA**

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

**PUBLIC COMMENT**

None

**Regular Agenda**

**CLOSED SESSION:** Matter of meeting in a closed session to review and consider the contents of applications for the city manager position where the candidates requested their applications remain confidential in accordance with the Open Meetings Act, MCL 15.268(f).

Councilmember Patterson moved to convene in Closed Session  
Seconded by Councilmember Baker  
Ayes: Gavin, Hennen, Patterson, Vilani, Baker, and Dean  
Nays: None  
Absent: Black  
Motion Approved.

**THE CLOSED SESSION OF THE FORTIETH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 6:03 PM ON MONDAY, SEPTEMBER 9, 2024 IN COUNCIL CHAMBERS BY MAYOR DEAN**

**PRESENT:** Councilmember Steve Baker  
Councilmember Clarence Black  
Mayor Pro Tem Ross Gavin

Councilmember Dennis Hennen  
Councilmember Gregory Patterson  
Councilmember Jessica Vilani  
Mayor Bridget Dean

***OTHER STAFF PRESENT:***

Interim City Manager Nate Geinzer  
City Clerk Victoria Mitchell  
Jaymes Vettrano, GovHR

Attendees reviewed and considered the contents of applications for the city manager position where the candidates requested their applications remain confidential in accordance with the Open Meetings Act.

***ADJOURNMENT:***

Councilmember Baker moved to adjourn the Closed Session at 7:41 p.m.  
Seconded by Councilmember Patterson  
Ayes: Black, Gavin, Hennen, Patterson, Vilani, Baker and Dean  
Nays: None.  
Motion Approved.

**THE SPECIAL WORK SESSION OF THE FORTIETH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED BACK TO ORDER AT 7:41 PM ON MONDAY, SEPTEMBER 9, 2024 IN COUNCIL CHAMBERS BY MAYOR DEAN**

***PRESENT:*** Councilmember Steve Baker  
Councilmember Clarence Black  
Mayor Pro Tem Ross Gavin  
Councilmember Dennis Hennen  
Councilmember Gregory Patterson  
Councilmember Jessica Vilani  
Mayor Bridget Dean

***OTHER STAFF PRESENT:***

Interim City Manager Nate Geinzer  
City Clerk Victoria Mitchell  
Jaymes Vettrano, GovHR

**MOTION NO. M-70-24:** Matter of approving invitations to candidates one, three, four, and five, with candidate seven as an alternate, to interview for the city manager position.

Councilmember Black moved to approve Motion No. M-70-24.  
Seconded by Councilmember Vilani  
Ayes: Hennen, Patterson, Vilani, Baker, Black, Gavin and Dean  
Nays: None  
Motion No. M-70-24 Approved.

**MOTION NO. M-71-24:** Matter of discussing, and approving if applicable, city manager search next steps including identifying the date and time to interview the candidates, approve questions, and host a public engagement session.

Mayor Pro Tem Gavin moved to approve Motion No. M-71-24.

Seconded by Councilmember Baker  
Ayes: Patterson, Vilani, Baker, Black, Gavin, Hennen, and Dean  
Nays: None  
Motion No. M-71-24 Approved.

**ADJOURNMENT:**

Councilmember Patterson moved to adjourn the Regular Meeting at 7:50 p.m.  
Seconded by Mayor Pro Tem Gavin  
Ayes: Vilani, Baker, Black, Gavin, Hennen, Patterson, and Dean  
Nays: None.  
Motion Approved.

\_\_\_\_\_  
Bridget Dean, Mayor

**ATTEST:**

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

October 7, 2024 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ to approve the proposal from Assa Abloy to provide and install new automatic entry doors at the Community Center in the amount of \$22,000 and \$4,500 in construction contingencies. This project is being funded by the Fiscal Year 2024 Special Grant from the State of Michigan..

Ayes:

Nays:

Motion:



# MEMORANDUM

To: Mayor Dean and City Council  
From: Alex Brown, Facilities Manager  
Date: *October 7, 2024*  
Subject: New Doors at the Community Center

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Madam Mayor and Members of City Council,

## **Background**

For many years the entrance doors at the Community Center have needed replacement. With money from the Fiscal Year 2024 Special Grant from the State of Michigan we are now able to install these new doors.

## **Summary**

- Approval of proposal from Assa Abloy to provide and install new doors at the cost of \$22,000
- Approval of \$4500 in construction contingencies.
- Doors have a lead time of 8-9 weeks.
- Assa Abloy was the lowest of the three bids I obtained, and they have a proven track record in this area of work.

## **Recommendation**

Matter of approving the proposal from Assa Abloy to provide and install new automatic entry doors at the Community Center in the amount of \$22,000, please also include \$4500 in construction contingencies. This project is being funded by the Fiscal Year 2024 Special Grant from the State of Michigan.



**Crystal Glass, Inc.**

53205 Grand River Ave  
New Hudson, MI 48165  
248 685 9220  
248 685 8448  
www.crystalglassinc.net

# Proposal

Date:	Reference No.
9/4/2024	1000294

To:
City of Berkley

Project:	Attn:
Berkley Community Center	Alex

Will furnish and install the following during normal work hours, Monday-Friday 7:00 AM - 4:00 PM.

A) Automatic aluminum doors, frames, hardware, and glass as indicated.

- (1) exterior sliding door at 119-3/4" x 96".
- (1) interior sliding door at 153-3/4" x 97-1/4".

B) Misc inclusions.

- Applicable taxes, freight, shop drawings, field measure/layout, and perimeter sealant for our materials.
- Includes standard warranties: 1-year workmanship, 2- year manufacturer, 5-year finish and 10-year insulated glass.

Automatic Sliding Doors: By Dorma.

Doors to be ESA300 series biparting doors with narrow stiles, motion / presence sensors, and manual locks.

Finish:

Dark bronze anodized.

Glass:

1" clear insulated glass with standard low-e at exterior locations. Tempered where required by law.  
1/4" clear tempered at interior locations.

Additional Notes:

- Price EXCLUDES final keying/cleaning, mirrors, providing/running wiring within our framing for electric components, special wages, and demo.
- Price is good for thirty (30) days.

Voluntary Alternates:

- Alternate #1: Add \$1,450 to include demo of existing door systems.
- Alternate #2: Add \$5,950 to provide Record as MFG in lieu of Dorma (5-7 week lead time in lieu of 14-17).

Respectfully Submitted by Jesse Ruzzin - M:248.894.1293 -  
E:jruzzin@crystalglassinc.net

**Total** \$26,500.00

# Quotation

**ASSA ABLOY**  
Entrance Systems

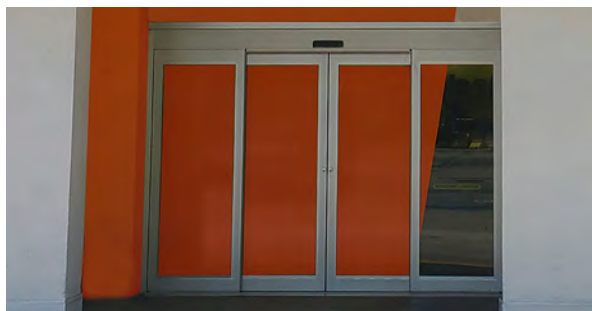
Experience a safer  
and more open world

besam  
ASSA ABLOY

The products you know and trust,  
under one powerful brand:

MEGADOOR  
ASSA ABLOY

## ASSA ABLOY



City of Berkley

Community Center - Berkley Parks & Recreation





City of Berkley  
Attn: Alex Brown  
3338 Coolidge Highway  
Berkley, MI 48072

## Project Community Center - Berkley Parks & Recreation

Thank you for the opportunity to provide our quotation for this project.

ASSA ABLOY Entrance Systems offers a Total Solution: *Design, Manufacturing, Sales, Installation, Service and Door Management* resulting in reducing your cost of ownership. Commitment to our customers lasts for the entire life cycle of our products.

Our installers and service technicians are factory-trained, authorized as well as AAADM\* Certified ensuring you a professional, quality installation.

ASSA ABLOY is the global leader in door opening solutions, dedicated to satisfying end-user needs for security, safety and convenience.

Should you have any questions or need additional information please do not hesitate contacting us.

*\*AAADM-American Association of Automatic Door Manufacturers*

*Current Lead time for materials is 8-9 weeks for material to ship from factory. Install of material after receiving material in warehouse may vary depending on our Install availability.*

Kind Regards,

Todd Wysong  
District Sales Representative  
Todd.Wysong@assaabloy.com  
+1.734.793.1286

Robbie Heddon  
Inside Sales  
Robbie.Heddon@assaabloy.com

## Solution

Qty

### Exterior Main Entrance

ASSA ABLOY SL500 Sliding Door System with Full Breakout

1

Equipment: OC

Type: Full Breakout

Handing: Bi-part

Door Stile: Narrow Stile

Finish: Dark Bronze Anodized

Overall Frame Width: 120

Mounting Height: 96

Clear Door Opening Width: 48.25

Clear Door Opening Height: 87.5

Frame Type: Jambs

Frame Depth: 4-1/2" Jambs

Glass Stop: 1/4" Glass Stop

Bottom Rail: 7" Bottom Rail

Sensor: Motion & Presence Sensor

Lock: No Ext Lock Prep / Thumbturn Int

Guide System: Pin Guide / 1/2" Threshold

Lead-up: Both Sides

Mode Selector: 5-Position Switch - Key

Jamb Prep: Factory Jamb Prep for Position Switch

Muntins: Muntins A/L & S/L

Muntins Thickness: 1-3/4" Muntin

Muntin Quantity: (1) Muntin

Centerline of Muntin bar: 41.25

Closers / Dampeners: Sidelight Damper

Catch: Magnetic Catch

Carrier Wheels: Heavy Duty Carrier Wheels

Sweeps: Concealed Sweep Active Leaf & Sidelight

Glazing/Crate:: Factory Glazing and Door Crate

Glass:: 1/4" Bronze Tempered

Configuration : Standard

[Click here for Brochure](#)

Break Metal Around Units

1

Installation during normal working unless otherwise indicated.

1

### Interior Main Entrance

ASSA ABLOY SL500 Sliding Door System with Full Breakout

1

## Solution

Qty

Equipment: OC  
Type: Full Breakout  
Handing: Bi-part  
Door Stile: Narrow Stile  
Finish: Dark Bronze Anodized  
Overall Frame Width: 155  
Mounting Height: 96  
Clear Door Opening Width: 65.75  
Clear Door Opening Height: 87.5  
Frame Type: Jambs  
Frame Depth: 4-1/2" Jambs  
Glass Stop: 1/4" Glass Stop  
Bottom Rail: 7" Bottom Rail  
Sensor: Motion & Presence Sensor  
Lock: Key Cylinder Ext / No Int Lock Prep  
Guide System: Pin Guide / 1/2" Threshold  
Lead-up: Both Sides  
Mode Selector: 5-Position Switch - Key  
Jamb Prep: Factory Jamb Prep for Position Switch  
Muntins: Muntins A/L & S/L  
Muntins Thickness: 1-3/4" Muntin  
Muntin Quantity: (1) Muntin  
Centerline of Muntin bar: 41.25  
Catch: Magnetic Catch  
Carrier Wheels: Heavy Duty Carrier Wheels  
Sweeps: Concealed Sweep Active Leaf & Sidelight  
Glazing/Crate:: Factory Glazing and Door Crate  
Glass:: 1/4" Clear Tempered  
Configuration : Standard  
[Click here for Brochure](#)  
Break Metal Around Units 1  
Installation during normal working unless otherwise indicated. 1

**Equipment total : \$22,000.00**

## Quote Acceptance

**Invoice Address** City of Berkley  
3338 Coolidge Highway  
Berkley, MI 48072

**Site Address** Community Center - Berkley Parks & Recreation  
2400 Robina  
Berkley, MI 48072

Quote Summary	Qty
Exterior Main Entrance	1
Interior Main Entrance	1

**Equipment total : \$22,000.00**

**Payment Terms:** Pending Credit Approval

- Operators comply with **ANSI 156.10**, Pedestrian doors. Safety sensor systems are included, doors operate at high speed

**Includes:**

- Installation during normal working hours
- Shop drawings
- Insurance
- One (1) year warranty parts and labor unless otherwise indicated
- Removal of existing sliders
- Glass & Glazing of new units

**Excludes:**

- Painting, patching and repairing of floors, walls and ceilings
- Building Permits or Inspections(if required)
- Wiring and electrical equipment required to interface with door operator/controls and any other electrical control/monitoring systems either existing or supplied by others

**Terms & Conditions: Purchaser's signature on this quotation or issuance of a purchase order or other writing expressing an intention to purchase the services/equipment that is the subject of this quote reflects acceptance of the attached Terms and Conditions.**

**To Ensure Timely Processing, Please Provide Contract/Sub-Contract Documents in MS Word Format.**

**Note: This quote is valid for 30 days. After the expiration date noted above, this quote must be confirmed or adjusted before it can be accepted.**

**Acceptance of Quotation**

Signature of purchaser below represents Purchaser personally (a) has read, understands, and agrees with the terms herein, (b) is holding him or herself out to be authorized to bind his or her company or organization to the terms herein, (c) and that his or her company or organization is of sound financial standing so has to accommodate specifically the payment terms herein expressed.

**Purchaser**

Accepted by: \_\_\_\_\_

Print name: \_\_\_\_\_

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

**Purchaser's authorized signature required.**

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# Terms and Conditions

**1. Terms.** Acceptance of this quote by Customer constitutes an order and contract for the purchase of the equipment and/or services described herein. If this quote is not accepted by Customer within 30 days, ASSA ABLOY Entrance Systems US Inc. ("AAES") reserves the right to change the equipment and/or services and prices quoted. Signature on this document or issuance of a purchase order or other writing by Customer expressing an intention to purchase the services/equipment that is the subject of this quote constitutes acceptance of the scope of work and these Terms and Conditions ("Agreement"). Any additional orders, changes or extras for material or labor will be subject to all terms and conditions of this agreement. No terms, provisions, or conditions of any previously or subsequently submitted Customer agreement or purchase order (including but not limited to any verbal representation or understandings) will have any effect on the obligations of the parties under or otherwise modify this Agreement.

**2. Labor.** AAES's labor is non-union and non-prevailing wage unless otherwise stated.

**3. Specific Exclusions.** The following exclusions apply to all work quoted or performed by AAES unless otherwise stated:

- a. Cost of bonds, permits or fees.
- b. Recertification and/or re-labeling of modified doors or frames.
- c. Cost of special insurance requirements.
- d. Engineering, structural support or backing.
- e. Paint/patch of walls, finish paint/stain, fascia or trim work.
- f. Protection or cleaning of material after installation.
- g. All other items, products or services that are not listed as inclusions
- h. After-hours security of any type including temporary board up.
- i. Preparation, installation or connection of material supplied by others.
- j. All conduits, boxes and wire runs for high or low voltage requirements.
- k. Interface fire/smoke/security alarm systems.
- l. Dust and/or security barricades.

**4. Submittals.** Submittals, cut sheets and/or shop drawings submitted by AAES and approved by Customer, general contractor, architect or owner shall be deemed the correct interpretation of the scope of work to be performed even if inconsistent with the architectural plans and specifications.

**5. Commencement of Work.** AAES will not commence work by ordering materials or fabrication until:

a) Customer has signed this Agreement and AAES has countersigned this Agreement; b) All complete and current plans, drawings and specifications, if applicable, have been delivered to AAES by Customer; c) All submittals, cut sheets and/or shop drawings submitted by AAES have been approved by Customer, general contractor, architect or owner and have been returned to AAES with a stamp of approval; d) AAES has received all information from related trades affecting the scope of work being performed; e) AAES has received, after Customer's compliance with 5a – 5d, reasonable notice to commence fabrication or ordering of materials within the factory lead time in effect at the time of notice from Customer; and f) All credits and debits for changes in quantity or design of material furnished have been accepted in writing.

**6. Delivery.** This quote is subject to AAES's ability to procure suitable material at the time of manufacture. Shipping dates are approximate only and are subject to change. AAES shall not be liable in damages or otherwise for delays or failure in performance when caused by circumstances beyond its reasonable control, including, without limitation, fire, acts of God, strikes, labor difficulties, acts of governmental or military authority, and/or delays in transportation or in procuring materials. In the event that AAES is unable, due to any such occurrence or otherwise, to fulfill its total commitments to all customers, Customer agrees to accept as full and complete performance by AAES, deliveries in accordance with such plan or proration as AAES may adopt. AAES will provide commercial packaging, adequate under normal conditions, to protect the products in shipment and identify the contents. Should Customer request any special packaging, it will be done at Customer's expense. All products will be shipped via the most cost effective means of transportation under the circumstances, unless Customer indicates otherwise. In the event Customer requests expedited shipping and handling, AAES shall comply provided Customer pays all reasonable expediting and increased shipping fees and expenses. If Customer provides no routing instructions, AAES shall be the sole judge of the best method of routing shipment. Claims for loss or damage in transit must be entered and prosecuted by the Customer. AAES will provide reasonable assistance, at Customer's expense, upon request.

**7. Storage.** If after complete or partial fabrication of the equipment purchased by Customer, shipment of the equipment is delayed at the request of Customer for 30 calendar days past the agreed upon delivery date, Customer will be invoiced for the equipment based on the agreed upon delivery date and will pay the invoice upon the terms thereof. AAES will store the equipment at its or a third party's facility and, as necessary, insure the equipment and arrange for shipment, at Customer's expense.

**8. Installation Requirements.** Unless otherwise stated, Customer must comply with the following requirements:

- a) 110-volt AC permanent power must be available to each of the automatic operators at the time of installation. Additional charges will be added in the event it is not. b) If the project contains multiple units, Customer must provide AAES with the ability to complete the work in a manner that allows for the continuous installation of multiple units without interruption, delay or return trips to the project site. If the work cannot be completed as set forth herein, Customer shall incur additional charges.
- c) Once given an authorization to proceed, Customer must properly prepare the area for the automatic door equipment. If the installers arrive and find that the area is not properly prepared to accept the equipment for installation, Customer shall incur additional charges for loss of time for the crew, travel and staging.
- d) Once given an authorization to proceed, Customer must ensure that the area is accessible and free of other trades working above, below or adjacent to AAES' equipment. If the installers arrive and find that other trades might impede our ability to install in the area, Customer shall incur additional charges for loss of time for the crew, travel and staging. e) All work shall be performed during normal business hours: Monday through Friday, 8:00 a.m. – 4:00 p.m.

**9. Back-charges.** No back-charges will be accepted unless approved in writing by AAES.

**10. Cancellation.** All orders shall be subject to cancellation fees to cover any and all administrative fees and restocking fees. If materials have been ordered and Customer cancels the order, Customer shall pay for all materials released for fabrication in addition to all administrative and restocking fees. If no materials have been ordered, Customer shall pay 20% of the overall order.

**11. Payment.** 50% deposit or joint check agreements are required for new customers that are denied credit or special orders. Payment terms are net 30 days from invoice date. If payment is not received within 30 days, a finance charge of 1½ % per month will be assessed and added to past due invoices. If Customer defaults in payment obligations with respect to equipment, AAES has the right to suspend fabrication or cancel any outstanding orders. If Customer defaults in payment obligations with respect to services, AAES has the right to file a lien against all or part of the property being improved. Should payment be received in the form of a check containing insufficient funds, a charge of \$25.00 will be added for each additional deposit attempt. In the event AAES has to enforce its right to payment under this Agreement, Customer agrees to reimburse AAES for any costs reasonably incurred by AAES relating to Customer's default (e.g., costs of collection, attorneys' fees, and court costs).

**12. Shipment and Risk of Loss.** Title, ownership and risk of loss of product(s) purchased by Customer ("Purchased Product") shall pass from AAES to Customer upon shipment of Purchased Product from AAES's factory. AAES reserves the right to invoice Customer for 50% of the contract upon shipment of Purchased Product from the AAES factory.

**13. Limited Warranty.** There are no guarantees or warranties except those specifically set forth herein. New equipment shall be free from material defects for a period of one (1) year from the date of installation. Extended warranties are available for an additional charge. Warranty does not apply when damage is caused by misuse, fire, flood, storms, vandalism, acts of God, or any other cause outside of AAES's control. No allowance or credit will be made or given for any warranty material or labor repairs made by AAES. **In the event (i) it is discovered that the equipment has been tampered with or (ii) if work has been performed on the equipment by any person or company other than AAES, this paragraph and all warranties and indemnification obligations of AAES set forth herein shall be void.** AAES reserves the right to refuse to perform warranty service if Customer has not complied with all payment obligations under the Agreement. Warranty services shall be performed during normal business hours, Monday – Friday, 8:00 a.m. – 4:00 p.m. In the event after-hours, weekend or holiday warranty service is required, over-time or double-time labor and zone charges will apply and will be invoiced at the then-current AAES labor rates. **ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR USE ARE HEREBY DISCLAIMED. THE FOREGOING EXPRESSES ALL OF SUBCONTRACTOR'S OBLIGATIONS AND LIABILITIES WITH RESPECT TO THE PRODUCTS FURNISHED BY IT HEREUNDER.**

**14. Insurance.** AAES's obligation to maintain insurance shall be limited to the types and amounts of coverage set forth on the certificate of insurance submitted by AAES.

**15. LIMITATION OF LIABILITY.** AAES shall not be liable for any indirect, incidental or consequential damages (including without limitation, lost profits or savings), arising from or related to the sale of equipment or any related installation or maintenance services, even if such damages are foreseeable or AAES had notice of such damages. If AAES breaches any of its obligations, Customer's sole and exclusive remedy, and AAES's entire liability, shall be the re-performance of AAES's applicable warranty obligations set forth above with respect to the purchased equipment and the re-performance of any non-conforming services with respect to any installation or maintenance services purchased by Customer. **The total liability of AAES related to or arising out of this quote shall not exceed the amount paid by Customer to AAES hereunder.** This limitation of liability will apply even if AAES's re-performance of any obligation fails of its essential purpose. This limitation of liability reflects a negotiated allocation of risks between the parties and is an essential part of the consideration for AAES's performance of the Agreement.

## ASSA ABLOY Entrance Systems

# Opening doors to business and life

ASSA ABLOY Entrance Systems' comprehensive range of entrance automation products and solutions supports efficient and reliable entrance operation throughout any facility.

### Complete entrance solutions for every building

- Automatic doors
- Industrial & commercial doors
- High-performance doors
- Hangar doors
- Loading dock equipment
- Service

*Our team of experienced specialists offers support and advice throughout the whole building process.*





**STANLEY**  
Access Technologies  
Part of the Allegion family of brands

**Note:** Please ensure that POs, contracts, payments, and other legal documents are issued to **Allegion Access Technologies LLC**.

## **Custom Quote**

Quote Number: Q-99600

Berkley Community Center Interior & Exterior

## **Created For**

BERKLEY COMMUNITY CENTER

12/12/2023



BERKLEY COMMUNITY CENTER  
2400 ROBINA  
BERKLEY, MI 48072  
Phone: 248-546-2450  
Attn: Alex Brown  
Email: abrown@berkleymich.net

Robert Hunter  
Territory Manager

**Quotation:** Q-99600  
Berkley Community Center Interior &  
Exterior

Detroit Branch  
47930 West Rd  
Wixom, MI 48393  
Phone: 248-789-7723  
Mobile: 248-789-7723  
Email: robert.hunter@allegion.com

12 December, 2023

**Note:** Please ensure that POs, contracts, payments, and other legal documents are issued to **Allegion Access Technologies LLC**.

Allegion Access Technologies LLC is pleased to provide you a quotation to Furnish and Install the following:

**Product Summary:**

2 ea. Stanley DG3000BP Automatic Bi-Part Sliding Door Package, Dark Bronze Aluminum Finish  
2 ea. Lot - Demo/Removal/Disposal Labor  
Lot -1 ea. Lot – Glass/Glazing/Caulking/Break Metal  
Lot -1 ea. Lot – Glass/Glazing/Caulking

**Net Price: USD 25,346.00**

**Scope of Work**

Demo/Remove/Dispose Of The Existing Automatic Sliding Doors At The Exterior and Interior Doors To The Berkley Community Center, Berkley Michigan. Technician Note: Please Prepare Existing 120V Power For Re-Use w/New Sliding Doors.

Furnish And Install Two (2) Stanley DG3000BP Automatic Bi-Part Sliding Door Assemblies In A Dark Bronze Aluminum Finish At The Exterior and Interior Doors To The Berkley Community Center, Berkley Michigan.

Exterior Install Includes: Dark Bronze Aluminum Finish, Frame Dimensions = 119-1/2"W x 96"H, Stanley X-Zone Motion/ Presence Sensor System, Narrow Stiles, 8" Header, 5" Top Rails, 2" Mid Rails, 4" Bottom Rails, Mechanical 2-Point Locking (Keyed Exterior/Thumbturn Interior Cylinders), 6" Double Beveled Threshold/Trackless, Panic Breakaway Of Active Sliding Panels ("O-SX-SX-O Configuration), 1" Clear Tempered Glass Infills, And Perimeter Caulking.

Interior Install Includes: Dark Bronze Aluminum Finish, Frame Dimensions = 153-1/2"W x 96"H, Stanley X-Zone Motion/ Presence Sensor System, Narrow Stiles, 8" Header, 5" Top Rails, 2" Mid Rails, 4" Bottom Rails, Mechanical 2-Point Locking (Keyed Exterior/Thumbturn Interior Cylinders), 6" Double Beveled Threshold/Trackless, Panic Breakaway Of Active Sliding Panels ("O-SX-SX-O Configuration), 1/4" Clear Tempered Glass Infills, Breakmetal Trim, And Perimeter Caulking

Reconnection Of Existing 120V Power/Wiring To New Sliding Doors By Stanley.

**Lead Time:** Current equipment lead time is 8-10 weeks from receipt of order and approved shop drawings. Equipment is furnished and installed during normal business hours (8:00 AM - 4:30 PM, Mon - Fri).

If you would like to pay by Credit Card, please contact us at 1(800) 722-2377 Ext. 4.  
We accept the following Credit Cards:



BERKLEY COMMUNITY CENTER  
2400 ROBINA  
BERKLEY, MI 48072  
Phone: 248-546-2450  
Attn: Alex Brown  
Email: abrown@berklemich.net

Robert Hunter  
Territory Manager

**Quotation:** Q-99600  
Berkley Community Center Interior &  
Exterior

Detroit Branch  
47930 West Rd  
Wixom, MI 48393  
Phone: 248-789-7723  
Mobile: 248-789-7723  
Email: robert.hunter@allegion.com

**Warranty:** 1 year parts and labor. During normal business hours Mon - Fri 8:00 AM - 4:30 PM

#### Inclusions

120 volts AC to inside auto door header 5 amp min.  
Door package installation.  
Preparation of rough opening.  
Glass & Glazing  
Caulking  
Demolition of existing storefront.  
ANSI 156.10  
Break metal  
Prevailing Wage and/or Certified Payroll.

#### Exclusions

Permits & Inspections by others.  
After hours premium labor

If you would like to pay by Credit Card, please contact us at 1(800) 722-2377 Ext. 4.  
We accept the following Credit Cards:



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Detroit Branch  
47930 West Rd  
Wixom, MI 48393  
Phone: 248-789-7723  
Mobile: 248-789-7723  
Email: robert.hunter@allegion.com

**Conditions:**

Acceptance of this quotation / proposal by the purchasing unit shall constitute an order and is a contract for the purchase of the articles and services described therein on the terms outlined herein. Additional or different terms applicable to a sale may be specified in the body of a Allegion Access Technologies LLC (hereinafter " Company ") document or agreed to in writing by the parties.

- 1 Payment by purchaser to the Company shall be Net 30 days from date of invoice, subject only to contract termination by the Company in the event of an adverse credit decision by the Company's Credit Department. Late payments are subject to a charge equal to 1.5% per month of the amount outstanding or the maximum allowed by law, whichever is less.
- 2 Payment is not contingent upon purchaser's receipt of moneys from owner or any other source.
- 3 The following shall represent events of default by purchaser in the terms of this contract: non-payment in accordance with the terms set out herein, cancellation of this order by purchaser or refusal by purchaser or its agent to accept delivery of goods from the Company.
- 4 In the event of default by purchaser, purchaser agrees to pay the Company the contract price for all work completed by the Company to the date of default or cancellation as well as all of the Company's costs and expenses incurred in enforcing the terms of this contract including, but not limited to a reasonable attorney's fee, collection and court costs.
- 5 Except for purchaser's payment obligations, neither party shall be liable for any failure under this agreement due to acts of nature, earthquake or storm; failure of public utilities or common carriers; or any other causes beyond the reasonable control of the affected party.
- 6 Unless accepted by purchaser, this quotation shall expire ninety days from the date hereof.
- 7 Sales tax, if applicable, is not included in this Quotation.
- 8 The Warranty as outlined in the Quotation will not apply if the products: (1) have been altered, except by the Company; (2) have not been installed, operated, repaired, or maintained in accordance with instructions supplied by the Company; or (3) have been subjected to abnormal physical or electrical stress, misuse, negligence, accident, or catastrophe.
- 9 Any dispute, controversy or claim arising out of or relating to this Agreement or the breach, termination, or invalidity of it shall be submitted to final and binding arbitration as the sole and exclusive remedy for such controversy or dispute, provided, however that the Company may commence action against you in a court of law for infringement of the Company's intellectual property rights or default in any payment obligation. This Contract will be governed in accordance with the laws of the state where the premises at which the Company performs the Work or provides Services is located, without regard to choice of law principles.

**This document is a contract. I affirm that I have the authority to sign this contract and this is my acceptance of this Quotation as well as my authorization to proceed with the above stated work at the price of \$ \_\_\_\_\_, plus applicable sales tax.**

**Signature:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Name (Print):** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Ref#:** \_\_\_\_\_

**Note:** *Please ensure that POs, contracts, payments, and other legal documents are issued to Allegion Access Technologies LLC.*

If you would like to pay by Credit Card, please contact us at 1(800) 722-2377 Ext. 4.  
We accept the following Credit Cards:



**A PROCLAMATION**  
**of the Council of the City of Berkley, Michigan**  
**Proclaiming October 14, 2024, as Indigenous Peoples Day**

P-24-24

- WHEREAS,** the idea of Indigenous Peoples Day was first proposed in 1977 by a delegation of Native Nations to the United Nations-sponsored International Conference on Discrimination Against Indigenous Populations in the Americas; and
- WHEREAS,** in 1990, representatives from 120 Indigenous Nations at the First Continental Conference on 500 Years of Indian Resistance unanimously passed a resolution to transform Columbus Day into an opportunity to reveal historical truths about pre-existing indigenous cultures that have survived an often-violent colonization process and continue to exist and thrive in present-day America; and
- WHEREAS,** the United States endorsed the United Declaration on the Rights of Indigenous Peoples on December 16, 2010, and Article 15 of that declaration states:
- Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories, and aspirations, which shall be appropriately reflected in education and public information.
  - States should take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination, and to promote tolerance, understanding, and good relations among Indigenous peoples and all other segments of society; and
- WHEREAS,** the state of Michigan recognizes the presence of the three major groups in the state today, the Chippewa (Ojibwe), Ottawa (Odawa), and Potawatomi (Bodéwadmik), who have lived upon this land since time immemorial, and values the progress our society has accomplished through Native American thought and culture; and
- WHEREAS,** the Tribal Council of the Grand Traverse Band of Ottawa and Chippewa Indians has passed a resolution to officially recognize Indigenous Peoples Day on the second Monday in October; and
- WHEREAS,** the resolution states that Indigenous Peoples Day shall be used to reflect upon the ongoing struggles of Indigenous peoples on this land, and to celebrate the thriving cultures and values that the Odawa, Ojibwe, Potawatomi, and other indigenous peoples contribute to society; and
- WHEREAS,** on this second Monday of October, we should honor the historic, cultural, and contemporary significance of Indigenous peoples and their ancestral lands that also became known as the Americas and celebrate their contributions to communities throughout Michigan, the United States, and all over the world.

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

**SECTION 1:** That the day of October 14, 2024, is hereby proclaimed as *Indigenous Peoples Day* in the City of Berkley.

*Proclaimed this 7<sup>th</sup> day of October 2024 at a Regular Meeting of the Berkley City Council.*

\_\_\_\_\_  
*Bridget Dean, Mayor*

Attest:

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

**A PROCLAMATION**  
**of the Council of the City of Berkley, Michigan**  
**Proclaiming November as Family Court Awareness Month**

P-25-24

- WHEREAS,** the mission of Family Court Awareness Month (FCAM) is to raise awareness about the importance of a family court system that prioritizes child safety and acts in the best interests of children. FCAM also aims to improve recognition among court professionals, legislators, and the public that family court decisions have profound and lasting impacts on the lives of children and families, making it essential that these decisions are informed by the latest research and best practices in child safety;
- WHEREAS,** an estimated 58,000 children in the U.S. are ordered into unsupervised contact with abusive parents each year, resulting in hundreds of child murders during visitation with a dangerous parent. In Michigan, 39 children have been killed by a parent since 2008 during divorce or custody disputes;
- WHEREAS,** in August 2024, 6-year-old Rowan Morey of Caledonia, Michigan, was not returned to his mother after his father’s parenting time. A search led police to discover that Rowan had been shot and killed by his father, who then took his own life. Rowan’s mother had previously reported the father’s abusive behavior to both family court and Child Protective Services;
- WHEREAS,** in August 2022, 16-month-old Chaos Demilo McCarthy was murdered by his father in Genesee County. A Genesee County judge had awarded the father temporary custody just weeks before the boy's death, despite the father’s prior felony conviction;
- WHEREAS,** in September 2021, 3-year-old Dylan Thebo was fatally shot by his father in a murder-suicide during court-ordered visitation in Kent County. Dylan’s mother had made repeated efforts to report her ex-husband's abuse and threats to six different entities;
- WHEREAS,** in 2015, the Tsimhoni children’s abuse claims were dismissed by the Oakland County Family Court, and the children were sent to juvenile hall for resisting visitation with their father. Controversial reunification therapy was ordered, which mandates reconciliation with alleged abusers. This therapy, which is not evidence-based, has been shown to be detrimental and despite findings of judicial misconduct in the case, reunification therapy is still frequently ordered by family courts;
- WHEREAS,** Kent County, Michigan, following six domestic violence-related homicides within three months in 2021, recognized the need for a specialized Domestic Violence Court. This court, staffed by individuals knowledgeable about the intricacies of domestic violence, aims to support victims and families, hold offenders accountable, and prevent further homicides;
- WHEREAS,** the mission of Family Court Awareness Month (FCAM) is to promote judicial education and awareness about the necessity of using scientifically validated, evidence-based treatment programs that are proven to be safe and effective. This education should include training on domestic violence, child abuse (emotional, psychological, physical, and sexual), childhood trauma, coercive control, and post-separation abuse for judges and all professionals involved in family court cases;
- WHEREAS,** FCAM is dedicated to educating judges and family court professionals on the importance of incorporating evidence-based, peer-reviewed research into their decision-making. This includes the Adverse Childhood Experiences (ACEs) Study (Vincent Felitti, Kaiser Permanente-CDC), Child Custody Evaluators’ Beliefs About Domestic Abuse Allegations (Daniel Saunders, University of Michigan), and Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations (Joan S. Meier, GW Law School). This research reveals a prevalent gender bias against mothers who report abuse in family

courts, despite false allegations being rare, and emphasizes the need for impartial decision-making to protect children's well-being;

**WHEREAS,** Family Court Awareness Month aims to encourage collaboration among legislators, advocates, professionals, and the community to improve family court practices, ensuring they are guided by evidence-based research and prioritize the safety and best interests of children;

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

**SECTION 1:** That the Month of November is hereby proclaimed as Family Court Awareness Month.

*Proclaimed this 7<sup>th</sup> day of October 2024 at a Regular Meeting of the Berkley City Council.*

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*Bridget Dean, Mayor*

Attest:

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Victoria Mitchell, City Clerk



**CITY OF BERKLEY**

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

# MEMORANDUM

To: Mayor Dean and City Council  
From: Kristen Kapelanski, Community Development Director  
Date: October 7, 2024  
Subject: Community Development FY23/24 Annual Report

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Madam Mayor and Members of City Council,

## Background

- The Community Development Department is required by state law to prepare an annual report of the work of the Planning Commission.
- Additionally, the Michigan Economic Development Corporation's Redevelopment Ready Community's program requires an annual report of all development boards and commissions for certification, a goal the Community Development Department is continuing to work towards.

## Summary

- The accompanying report encompasses not only board and commission activity, but also provides an overview of the entire Community Development Department's activity during the last fiscal year.

# Community Development Annual Report



## Here's what has happened in the last (fiscal) year and what's to come!

The Michigan Planning Enabling Act (PA 22 of 2008, as amended) requires the Planning Commission to prepare an annual report documenting its operations and the status of planning activities.

This report will fulfill the state requirement. Beyond satisfying the state requirement, this document will also provide an overview of the Community Development Department, as well as a summary of permitting and inspection activities, code enforcement and overall accomplishments. Also included is a comprehensive FY 2024/2025 work plan listing short-term and long-term projects for the Planning Commission and the Community Development Department, as a whole, that we hope to achieve in the coming fiscal year.

The FY 2023/2024 Community Development Annual Report provides an overview of all Planning Commission, Zoning Board of Appeals and Community Development Department activities from July 1, 2023 through June 30, 2024.

### Highlights

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Planning  
Commission  
and ZBA  
Activities

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Building  
Services Data

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Department  
Achievements

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Future Plans

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## Planning Commission Activities

The Planning Commission is comprised of seven members, from a variety of professional backgrounds. The varied perspectives of the members make for a well-rounded group that conducts fair and thoughtful deliberations. The list below encompasses members as of June 2024. The Planning Commission held 7 regular meetings and 1 special meeting during FY 2023/2024 and reviewed 6 site plans, 1 rezoning (in the form of a Planned Unit Development), 3 special land use uses and 0 zoning text amendments. Details on approvals are provided later in the report. Two special land use requests were ultimately denied by the City Council: An in-home day care for 7-12 children at 1818 Mortenson was recommended for denial by the Planning Commission. A first floor office use at 2758 Coolidge was recommended for approval by the Planning Commission but denied by City Council.

<b>Commissioner</b>	<b>Term Expires</b>
Lisa Kempner, Chair	2025
Lisa Hamameh	2027
Mike Woods	2026
Joe Bartus	2026
Shiloh Dahlin	2025
Eric Arnsman	2027
Josh Stapp	2025

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# PLANNING COMMISSION APPROVALS

## 2790 COOLIDGE

Pinch Law requested special land use and site plan approval for façade upgrades and first floor office use in the Downtown District. The site plan was approved by the Planning Commission and the special land use was ultimately approved by the City Council.

## THE COLUMBIA PLANNED UNIT DEVELOPMENT

East of Coolidge, south of Cambridge and north of Columbia



Bird's Eye View

The applicant received approval from the City Council after a positive recommendation from the Planning Commission for a 57 unit multiple family development contained in two buildings .

A PUD (Planned Unit Development) is intended to offer an alternative to traditional development by permitting flexibility in development regulations. The Planning Commission and City Council found the plan to be consistent with and further the implementation of the goals and objectives in the Master Plan. They also found the proposal met three of the seven recognizable benefits outlined in the current Zoning Ordinance. Deviations from the Ordinance were included.

## 27901 WOODWARD

The applicant requested site plan approval for a small addition to an existing medical office building to accommodate a new elevator. This was approved by the Planning Commission.

## THE J ON WOODWARD

The Planning Commission approved the site plan for The J on Woodward at 27333-27387 Woodward. It will include flex space, a reception room, a carryout quick service restaurant and a rooftop deck.



## 3055-3063 TWELVE MILE

Iconic Salon requested and received site plan approval for a façade change to accommodate their new business.

## 3294 GREENFIELD

The applicant requested and received site plan approval for the expansion of a parking lot to serve Berkley Urgent Care.

## 3120 W. ELEVEN MILE

Over the course of the past fiscal year, the marijuana retailer proposed at 3120 Eleven Mile was sold to a new owner. The new owner proposed façade updates to the existing plan that were approved by the Planning Commission. All other site elements remained essentially the same as previously approved.



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## Zoning Board of Appeals Activities

The Zoning Board of Appeals is comprised of seven members. This group carefully deliberates whether a requested variance meets the standards for approval outlined in the City's code and by state law. The list below encompasses members as of June 2024. The Zoning Board of Appeals held 8 regular meetings and 0 special meetings during FY 2023/2024 and reviewed 1 mural determination, 6 dimensional variances and 1 use variance. Details are provided on the following pages.

<b>Board Member</b>	<b>Term Expires</b>
Sue McAlpine, Chair	2026
Joseph Krug	2025
Erick McDonald	2027
Joann Serr	2025
Kevin Wilner	2026
Steve Allen	2025
Andrew Creal	2027

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# Zoning Board of Appeals Activities

<b>Type of Request</b>	<b>Address</b>	<b>Request and Outcome</b>
Mural Determination	2222 Eleven Mile Rd.	The applicant requested a determination that a mural did not display a commercial message. This was confirmed.
Dimensional Variance	3690 Phillips Ave.	The applicant requested a dimensional variance for a deficient side yard setback. This request was denied.
Dimensional Variance	Parcel #04-25-17-478-029	The applicant requested a dimensional variance for deficient minimum distance between units. This request was denied.
Use Variance	2114 Eleven Mile Rd.	The applicant requested a use variance to allow a gas station in the M-1 Industrial District. This request was denied.

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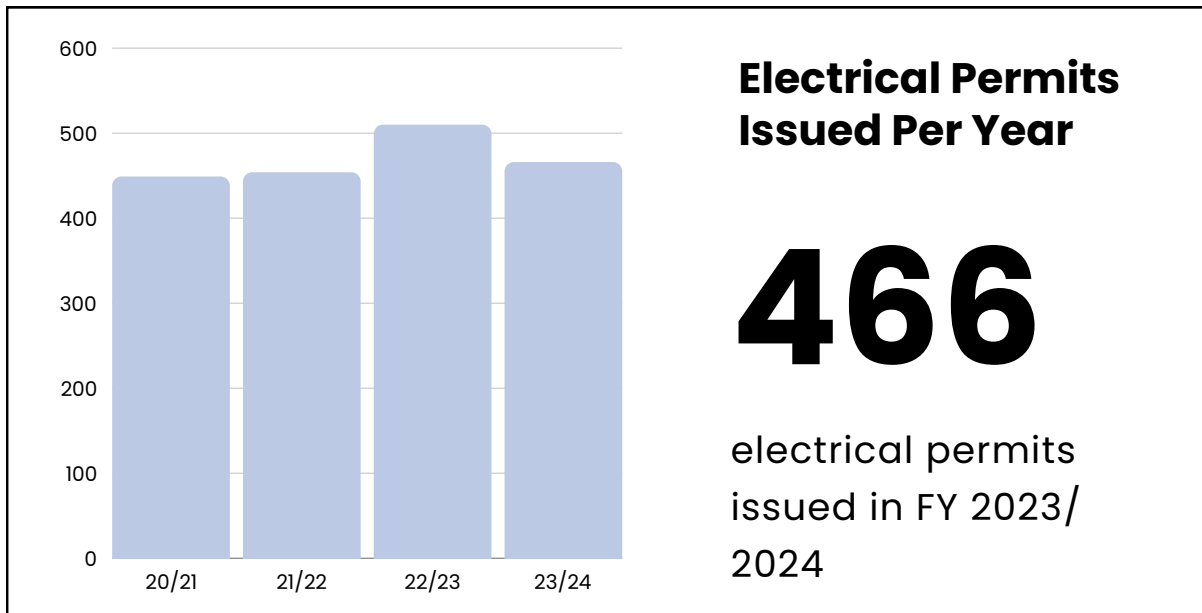
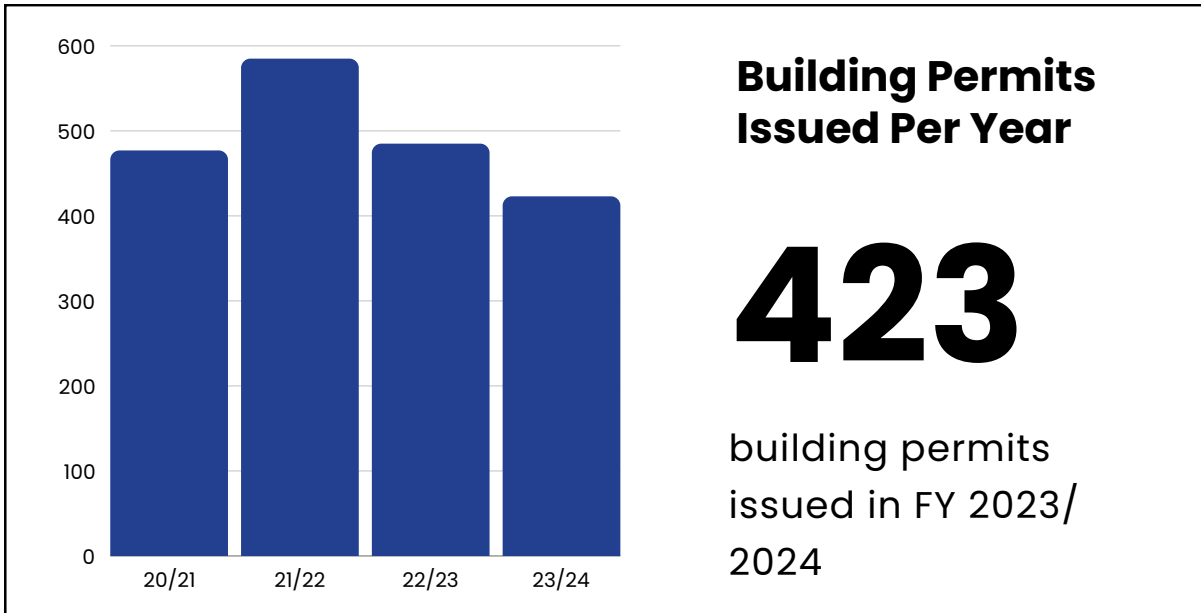
## Zoning Board of Appeals Activities

<b>Type of Request</b>	<b>Address</b>	<b>Request and Outcome</b>
Dimensional Variance	Parcel #04-25-17-478-029	The applicant requested a lesser variance than previously requested for deficient minimum distance between units. This request was approved.
Dimensional variance	2070 11 Mile Rd.	The applicant requested a parking variance to permit the use of the former Drought building as a warehouse. This request was approved.
Dimensional Variance	1957 Edgewood Blvd.	The applicant requested a dimensional variance to allow a generator in the side yard. This request was denied.
Dimensional Variance	3803 Robina Ave.	The applicant requested a dimensional variance to allow a driveway wider than what is permitted. This request was approved.

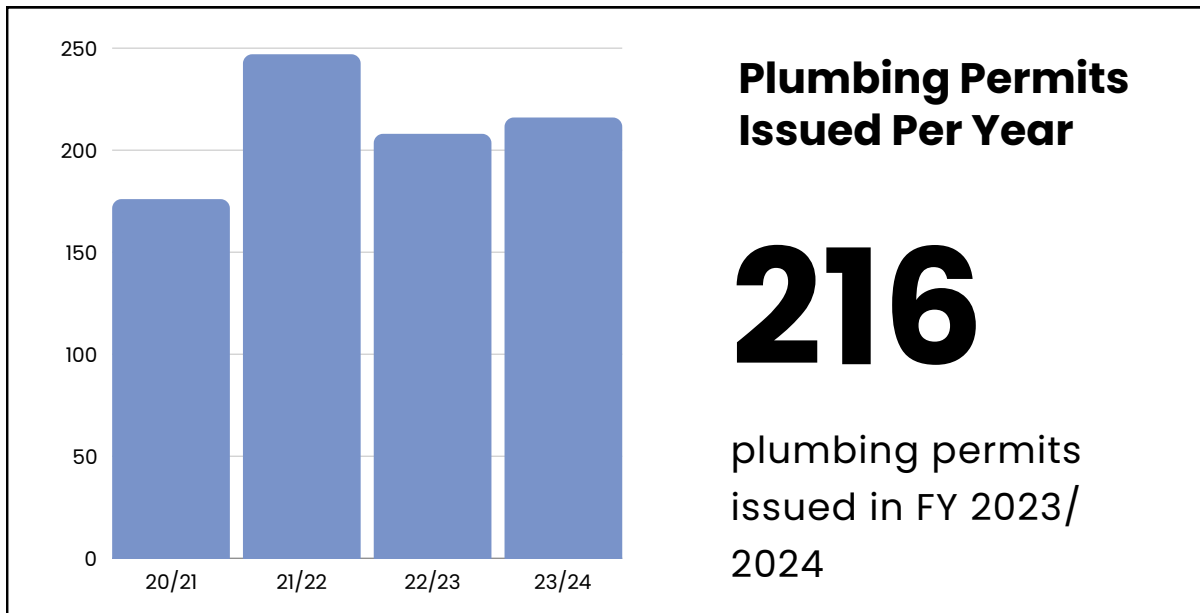
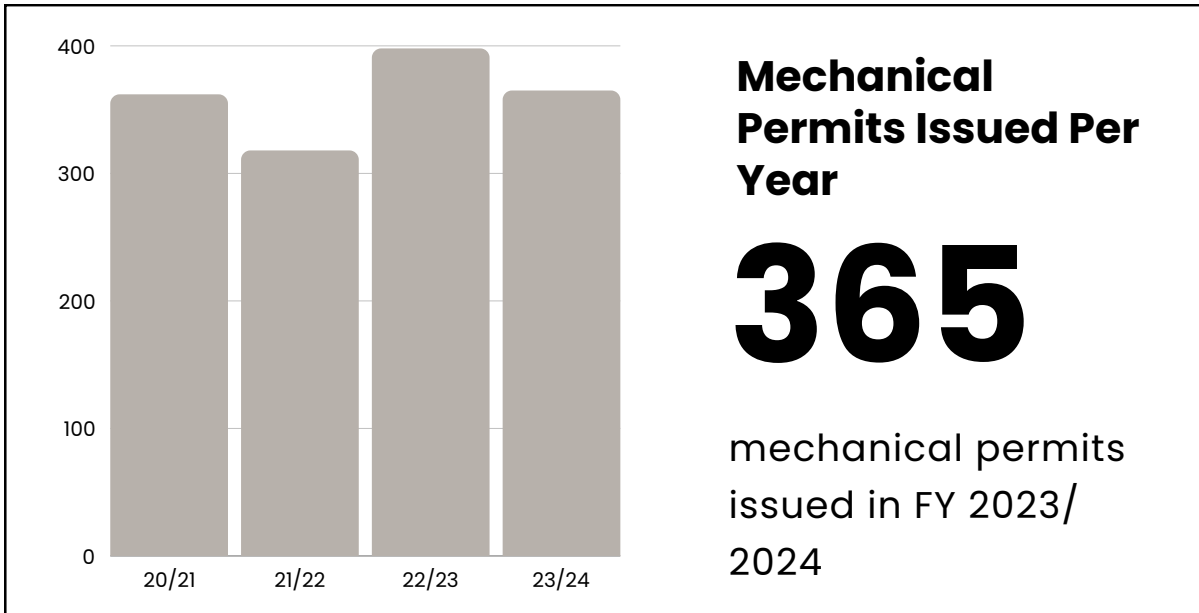
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## Construction

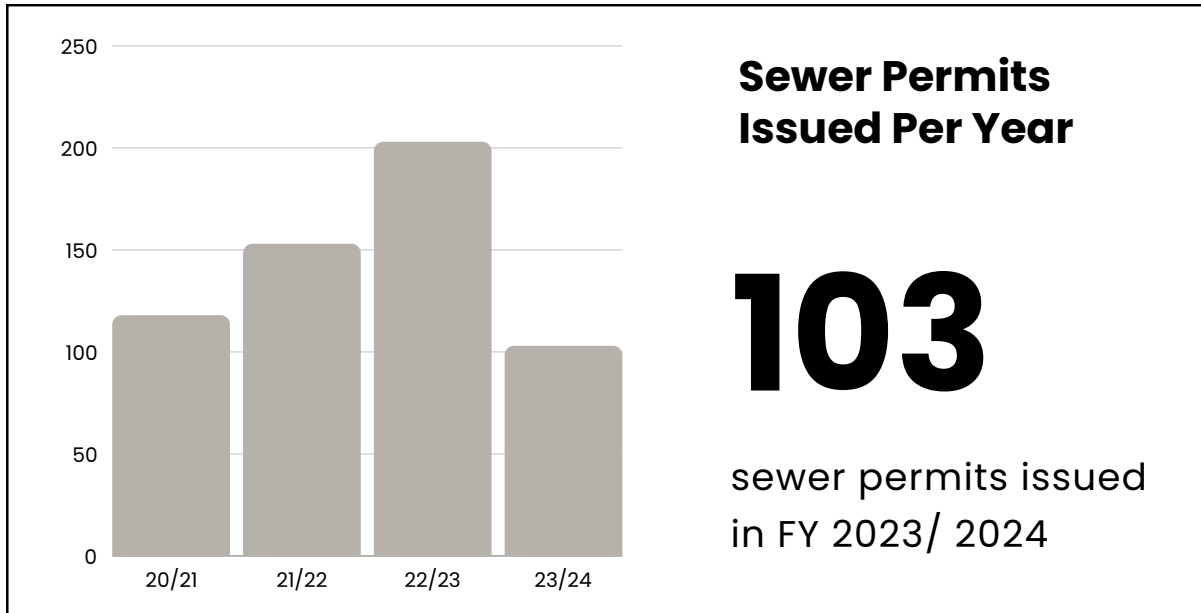


## Construction



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## Construction



In addition to the permitting shown above, the Building side of the Community Development Department reviewed and processed business licenses, rental certificates, vacant property certificates, zoning certificates and sign permits. A few highlights are included below.

- Staff reviewed and issued 26 sign permits.
  - 27 business licenses were issued in the 23/24 fiscal year.
  - 2,147 building inspections and 1,754 trade inspections were completed in the last fiscal year.
  - Staff renewed or issued new rental certificates for 449 properties.
  - 8 vacant properties were registered with the Community Development Department.
  - Zoning certificates for fences, driveways and other minor projects were issued for 169 properties.
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## Code Enforcement Activities

The goal of code enforcement is to bring properties into compliance with the City's codes and ordinances. This is most often done through warnings or approaching property owners to explain the issue and the remedy. Should those interventions not work, a violation is issued and ultimately the issue is escalated to the courts, if need be. Below is an example of a before and after code enforcement violation that was brought into compliance.



**BEFORE**



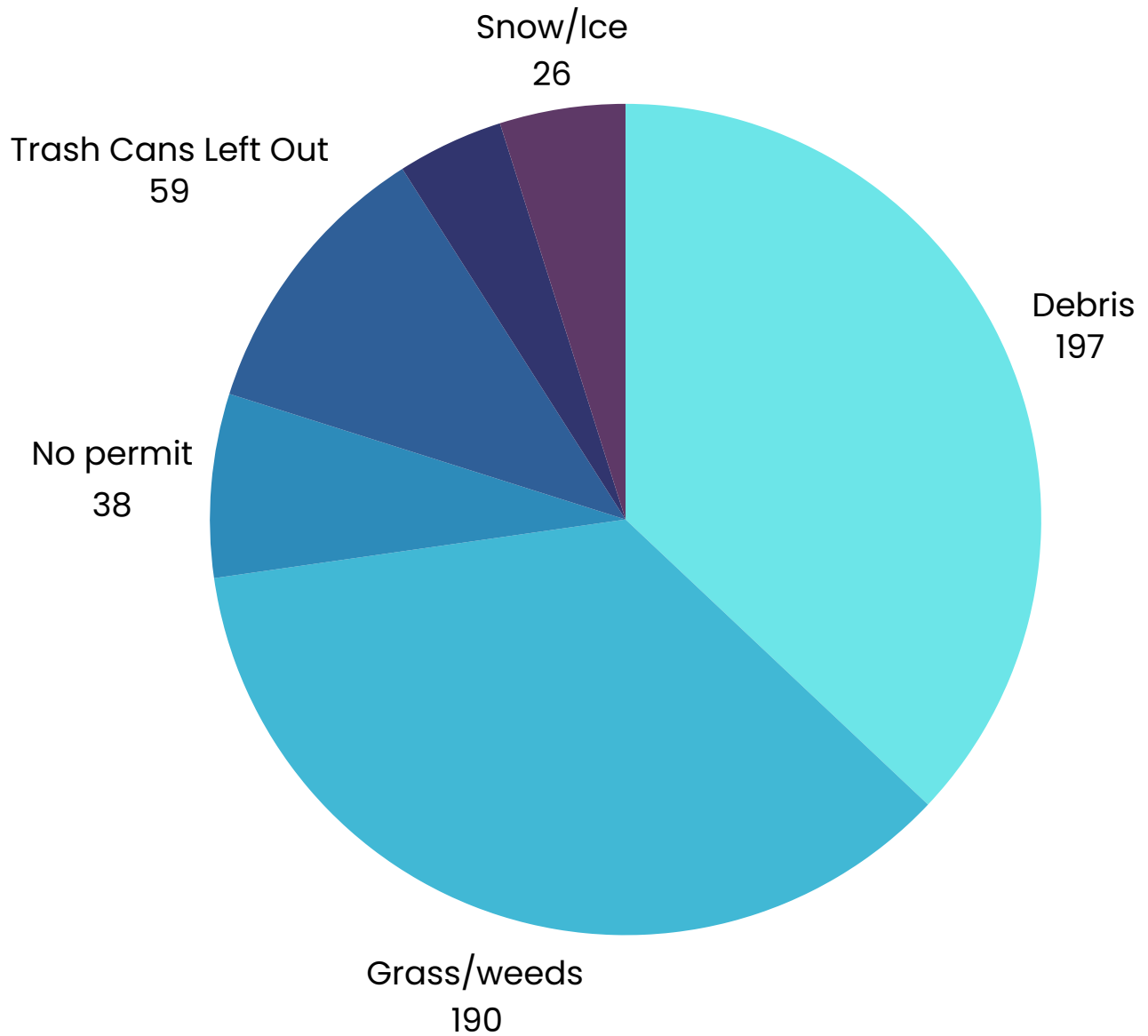
**AFTER**

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## Code Enforcement Activities

784 enforcements were logged. Below is a breakdown of the most common or repeated enforcement actions in the City.



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## City Code Amendments

The Community Development Department brought a number of City Code amendments forward to the City Council in the past fiscal year. All of the following amendments were approved.

- 'Clean-up' amendments to address unclear language in the Code were approved. These included authorizing the City to collect permit fees, clarifying language in the grading ordinance, clarify that sidewalk patches must be level, removing provisions in the City Code that are covered by the Zoning Ordinance and removing the option to waive required rental inspections.
  - Construction fencing was added as a requirement for commercial sites. Previously this was only required for residential construction sites.
  - A Building Official waiver was added to allow staff to waive required demolition fencing on very minor projects.
  - The sewer ordinance was modified to allow for DPW inspection as opposed to inspection by the plumbing inspector. This results in better customer service, since DPW inspections can be done five days a week but plumbing inspections only take place on a part time basis.
  - Regulations were added for parklets, which are converted on-street parking spaces within a commercial district that serve as a temporary outdoor seating area. In addition to code amendments, staff also established a review process and continues to perform outreach to the business community to promote this option.
-



Rebuilding Berkeley's

# ZONING ORDINANCE

In November 2021, the City of Berkeley adopted a new Master plan. The City retained the planning consultant services of Carlisle Wortman Associates to assist with the development of the Master Plan and has also been working with them over the past fiscal year on implementation of that plan via a new Zoning Ordinance. This includes a section by section rewrite of the entire Zoning Ordinance and Sign Ordinance and the incorporation of new sections that the current Zoning Ordinance is missing.

For the past year, the Zoning Ordinance Steering Committee met on a monthly basis to review each new or revised section of the Zoning Ordinance. This committee was comprised of representatives from City staff, members of the Planning Commission, City Council members, the Zoning Board of Appeals and a resident at large. The last meeting of the Zoning Ordinance Steering Committee was held in May, 2024. Staff and consultants were also able to bring a number of thornier issues to the City Council and the Planning Commission as a whole at two joint meetings.

In addition to Zoning Ordinance Steering Committee meetings, which were attended by some members of the public, four public open houses were held. Each of these was designed around a central theme: New Zoning Districts, Housing, Parking and Development Processes. At these sessions, specific questions were posed to participants and the team asked for their preferences and feedback. These sessions were used as a way to inform the public about the proposed changes and to gather their opinions. Outreach is ongoing through City newsletters, via the City website and social media channels. Later this year, a public engagement booth is planned at the City's annual 'Bookley' celebration.

City staff and consultants are now preparing the final draft which will be rolled out to the public this fall, with adoption planned for late 2024 or early 2025.

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# Community Development Accomplishments

The Community Development Department has seen a lot of transition over the past several years and FY 2023/2024 was no different. Below are some highlights of the updates and improvements we have made this fiscal year.

- **Staff Transitions:** The department has transitioned back to an in-house building official. As part of this, a new contract was negotiated with McKenna to continue to provide trade inspections and review, code enforcement and other support services. Not only has this led to a higher level of customer service for residents and businesses but it has also allowed for staff to realize greater efficiencies as we continue to update our processes and procedures.
  - **BS&A Online:** While the Community Development Department may have been using BS&A permitting software internally for over a decade, many communities had already transitioned to the online platform, which allows homeowners and contractors to apply for permits and schedule inspections online. Berkley joined the online platform this year with rollout beginning in August of 2024. Additional online permitting opportunities will continue to be added throughout the next fiscal year.
  - **Handouts:** Staff has been working on a comprehensive update of all of our forms and handouts to ensure these items are streamlined and up-to-date. This includes the addition of 'The Homeowner's Guide to Permits', a graphic tool residents can use to walk themselves through the permitting process. These will continue to be revised and enhanced as the new Zoning Ordinance becomes effective.
  - **Dorthea Stub Street:** The City was awarded a planning assistance grant from SEMCOG to begin conceptual designs of the Dorthea stub street reimagined as an urban plaza/pocket park.
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## Cross Department Accomplishments

Community Development has had a lot of opportunities to work with other City departments on a number of big picture projects.

- **Public Parking Expansion with the Department of Public Works:** One of the recommendations of the 2023 Berkley Parking Study was to utilize public leases of private parking lots as a way to expand public parking opportunities at a minimal cost to the City. The first lease was signed this fiscal year and 'new' public parking lot will be opening soon next to Garden Central on Twelve Mile.
  - **On-Street Parking Updates with almost every City department:** The 2023 Berkley Parking Study also included a number recommendations related to on-street parking. Staff from virtually every department, led by Community Development and Public Safety, worked to put together a comprehensive program that addresses the parking needs of residents for on-street overnight parking, allows for greater enforcement of regulations and provides better customer service to residents seeking temporary parking permits.
  - **Social District Launch:** In conjunction with the DDA and City Manager's Office, Community Development helped with the launch of the Berkley Outdoor Social Scene social district. Businesses have reported a steady sale of social district drinks and positive feedback.
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## Future Work Plan

In addition to reporting on the activities and successes of the Planning Commission, Zoning Board of Appeals and the Community Development Department, we have several goals that are working toward in the next year.

- **Online GIS Interactive Mapping for Residents:** Presently, residents and website visitors can only access static pdf versions of the most common Community Development maps. Staff is working with the City's engineering consultant, HRC, the City Manager's Department and the Department of Public Works to create online interactive maps so residents, business owners and prospective investors can navigate to their property and see up-to-date development information all in one place.
  - **Engineering Design Standards:** In partnership with the Department of Public Works, Community Development is working with HRC to develop Engineering Design Standards to address items like utility, road design and stormwater design standards that are either missing from the City Code or scattered throughout.
  - **Redevelopment Ready Certification:** This item has been carried over as a future to-do through several annual reports and with the completion of the Zoning Ordinance, the Community Development Department feels confident this can be achieved in the next fiscal year. Once the ordinance is adopted there are several documents left to complete including a Development Guide and Marketing Strategy.
  - **Parking Study Implementation - Parking Counts and Monitoring:** A major recommendation of the 2023 Berkley Parking Study requires staff to take regular parking counts of municipal lots, on-street parking near downtown and private parking lots. Staff is exploring the use of a software system to aid in this given our limited number of staff members. This will be brought forward to the City Council in fiscal year 2024/2025.
-

October 7, 2024 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ to approve an applicant for issuance of an on-premise liquor license under Section 521a (1) (b) of 2006 PA 501 (MCL 436.1521a (1) (b)). Applicant: Berkley Brasserie, LLC, 3180 Coolidge Highway, Berkley, MI.

Ayes:

Nays:

Motion:



**City of Berkley**  
**Application for On-Premise Liquor License**

**Applicant:**

Name: Berkley Brasserie, LLC Phone: 503-869-7050

Complete Address: \_\_\_\_\_  
3180 Coolidge Highway, Berkley, Michigan 48072

**Property Owner: (If different than above)**

Name: Coolidge Ventures LLC Phone: \_\_\_\_\_

Complete Address: \_\_\_\_\_  
10464 Talbot Ave., Huntington Woods, Michigan 48070

**Building Information:**

Address of proposed use: Restaurant

Is this a new building or rehabilitation of an existing building? Rehabilitation of Existing Building

Amount of investment per square foot: \$1.5 Million over 3744 Square-Foot = \$320.51 per Square-Foot

Will meals be prepared and consumed on premises? YES.

Hours of operation: Sunday-Thursday 5 p.m. - 10 p.m., Friday - Saturday 5 p.m. - 11 p.m.; also Sat/Sun 10 a.m. - 2 p.m.

Seating capacity: (minimum 50 persons) 90

Number of parking spaces provided: Currently 7 on site, but parking variances will be applied and projected parking is at 67.

Type of Application:     Transfer     Quota     Development District     Amendment to Existing

**Please include the following with your application:**

- A resume from the applicant and any individual having ownership interest or management responsibilities. The resume shall outline educational background and employment history, including previous liquor licensed establishment experience
- Any criminal charges or convictions involving the applicant or any person having ownership interest or management responsibilities for the applicant;
- Any civil actions and/or judgments involving the applicant or any person having ownership interest or management responsibilities for the applicant;
- Credit history and any history of bankruptcy associated with the applicant and any person having ownership interest or management responsibilities for the applicant;
- The source of all funding, including verification through furnishing bank records;
- Detailed plans, including a site plan and interior layout showing bar and seating locations and an architectural elevation (12 folded copies required). In lieu of such plans, the application must include a narrative detailing future building renovation plans.
- The date any and all construction or other improvements will commence.
- The date any and all construction or improvements will be completed and business operations will commence.

[Signature] \_\_\_\_\_  
Signature of Applicant

05.20.24 \_\_\_\_\_  
Date

**Office use only**

Approved \_\_\_\_\_ Not approved \_\_\_\_\_ Date \_\_\_\_\_

**Fee Schedule**

- Quota License: \$300
- Development District Licenses: \$300
- Annual Inspection: \$100
- Transfer Licenses: \$200
- Amendments to Existing License: \$100

Fee Paid: \$300 Date Paid: 9/11/2024

Signature of Approval – City Clerk: Victoria Mitchell Date: 9-11-24

Reasons for Denial:

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Signature of Approval – City Planner: [Signature] Date: 9-11-24

Reasons for Denial:

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Signature of Approval – Public Safety Director: [Signature] Date: 9-11-2024

Reasons for Denial:

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**IMPORTANT**

Denial or Revocation may occur:

- A. for any misrepresentations or inaccuracies on the application;
- B. for failure to timely commence or complete construction or improvements to the establishment or failure to comply with the plans for establishment submitted with this application, unless plan changes have been expressly authorized and approved by the City Council as part of the application process; and
- C. if there is a conviction of a crime or the filing of any bankruptcy proceedings.

## KEY LEADERSHIP

Award-winning mixologist Travis Fourmont will be at the helm of Berkley Brasserie. After attending culinary school outside Seattle and bartending in Portland, Oregon for five years, Mr. Fourmont made the move to Detroit in 2007. He quickly got a job at Roast as head bartender and ran their cocktail program for 5 years. While there, Mr. Fourmont mentored the first wave of craft cocktail hospitality professionals in Detroit creating a lineage that has reached into distinguished establishments such as The Oakland, Standby, and The Sugar House.

In 2012, he was voted one of the top 10 bartenders in North America via Bombay Sapphire and GQ magazine. Hour Magazine named him best Detroit Bartender 2012 & 2013. Most notable, Woodford Reserve and Esquire Magazine voted Mr. Fourmont Master of the Manhattan in 2013. This was a nationwide competition to find the best whiskey cocktail inspired by the Classic Manhattan cocktail. After one year of competing in National cocktail competitions, Mr. Fourmont was recruited by Great Lakes Wine and Spirits as Cocktail Ambassador. He travels throughout Michigan consulting with bar owners, training bartenders, developing cocktail menus, and implementing bar efficiencies.

After years of working in and around the hospitality business, Travis pursued his dream of opening a restaurant as an owner operator. In 2022, he opened Bar Pigalle. Today, Bar Pigalle is seeing tremendous success leading the French inspired hospitality movement of Detroit.









March 29, 2024

ETBF - Berkley Brasserie, LLC  
Travis Fourmont  
Abby Nowakowski  
2968 Phillips Avenue  
Berkley, MI 48072

Huntington National Bank ("Huntington") is pleased to advise you that it is prepared to provide one or more U.S. Small Business Administration ("SBA") guaranteed loans (the "Loan(s)") subject to the terms, conditions and limitations set forth in this letter ("Commitment Letter") with the following basic terms (the "Basic Terms"):

**Facility #1: SBA Guaranteed Draw to Term Loan:**

Borrower(s): ETBF - Berkley Brasserie, LLC

Guarantor(s): Travis Fourmont, Abby Nowakowski

Purpose of Loan: Business Investment/Acquisition

Loan Amount: \$805,000.00

Other Funds: \$270,000.00

Interest Rate: Wall Street Journal Prime Rate plus 2.75%

Payments: Interest only payments shall be required for the first 12 months. Thereafter, monthly principal and interest payments shall be made based upon an amortization period of 108 months.

Draw Facility: The proposed facility includes a draw period during which loan funds will be advanced according to the attached sources and uses grid at the request of the Borrower. Borrower must submit a completed and signed Draw Request Form with supporting documentation to a

Huntington Bank Credit Specialist in order to authorize the movement of loan funds. Supporting documentation is defined as evidence of payment for a reimbursement request or invoices to be paid. All documentation must be satisfactory to Huntington.

Computation of Interest:

Interest shall be computed on a 365/365 basis.

Maturity:

120 months after the date of closing of the Loan

Prepayment:

Borrower may prepay all or any portion of the indebtedness evidenced by the Note upon twenty-one (21) days written notice to Huntington. Any partial prepayments may be applied by Huntington in such manner and order as Huntington shall determine and in accordance with SBA requirements. In certain circumstances, prepayment penalties may apply. Your promissory note will provide details on when, and how those penalties will be calculated.

Security:

All as further described in the security instruments to be executed at closing:

- A first lien position on all business assets of ETBF - Berkley Brasserie, LLC, provided that if Borrower is also obtaining a revolving line of credit, this Loan shall have a junior lien on accounts receivable and inventory

- A second mortgage lien and assignment of rents on 2968 Phillips Avenue Berkley, MI 48072 and all improvements and fixtures now existing and to be constructed thereon ("Property")

**Facility #2: SBA Guaranteed Line of Credit:**

Borrower(s): ETBF - Berkley Brasserie, LLC

Guarantor(s): Travis Fourmont, Abby Nowakowski

Purpose of Loan: Working Capital

Loan Amount: \$50,000.00

Interest Rate: Wall Street Journal Prime Rate plus 2.75%

Payments: Monthly interest only payments for the first 60 months; monthly principal and interest payments for the last 60 months.

Draw Period: During the first 60 months of the Loan term, Borrower may advance, repay, and readvance the principal amount. After the first 60 months, the Loan will convert to a term obligation with no additional advances.

Maturity: 120 months after the date of closing of the Loan.

Security: All as further described in the security instruments to be executed at closing:

- A first lien position on all accounts receivable and inventory of ETBF
- Berkley Brasserie, LLC



**Terms applicable to all loans:**

Other Funds: \$270,000.00  
Acknowledgement of Other Funds required by the borrower for this transaction.

Initials:     *EE*     \_\_\_\_\_

Huntington Expenses: Borrower(s) shall pay all costs and expenses incidental to the Loan(s), whether or not closing occurs. Such costs shall include fees and other out-of-pocket expenses incurred by Huntington, including, without limitation, appraisal fees, environmental fees, title fees, filing fees, and reasonable attorney fees. If any Borrower is an entity to be formed and closing does not occur, Guarantor(s) shall be responsible for the payment of these fees and expenses. Upon signing of this Commitment Letter, Borrower(s) agree to pay Huntington \$500.00 to apply towards such third-party expenses (unused amount, if any, will be returned at closing).

Insurance: Borrower(s) must have appropriate liability insurance and all collateral must be insured, as set forth on the Hazard and Liability Insurance Instructions attachment.

Loan Fee: Borrower(s) agrees to pay Huntington a non-refundable fee of \$2,500.00 for packaging of the Loan (the "Loan Fee"). The Loan Fee shall be considered earned in full by Huntington upon acceptance of this Commitment Letter.

Adverse Change: Huntington shall have no obligation to close any Loan if a material adverse change occurs with respect to the business, operations, condition (financial or otherwise), or prospects, of Borrower(s), any Guarantor(s), any collateral, or with respect to any other assets of Borrower(s) or any Guarantor(s).

Financial Statements: Receipt of updated business and/or personal financial statements of Borrower(s) and Guarantor(s) no older than 90 days within 5 business days prior to closing.



Closing

Conditions: Please see Exhibit A attached hereto and incorporated herein for other conditions to close

Source and Use

Of Funds: Please see Exhibit B attached hereto and incorporated herein

Additional Terms  
and Conditions:

The proposed credit facilities shall be evidenced by certain documents, including, without limitation, a loan agreement, one or more promissory notes, guaranties, assignments of insurance, security agreements, mortgages, financing statements, subordination agreements, and such other agreements, instruments and documents as Huntington may require in its sole and absolute discretion (collectively, the "Loan Documents"). The Loan Documents shall contain such representations, warranties, covenants, events of default, remedies, and general provisions that Huntington deems necessary and shall otherwise be satisfactory in form and substance to Huntington. The terms, covenants and conditions set forth herein are intended to be an outline of some of the principal provisions of the Loan Documents rather than a full and complete description or exclusive list of all terms to be contained therein. This Commitment Letter shall be governed in accordance with the laws of the State of Ohio without regard to its conflicts of law rules. Any action or proceeding brought in connection with this Commitment Letter shall be brought exclusively in the state or federal courts in Columbus, Ohio.

Huntington will require additional documents and information from Borrower(s), including but not limited to, organizational documents, proof of insurance for the collateral, title insurance with a comprehensive endorsement and a survey if the loan is secured by real estate, all as provided in Huntington's current policy requirements. Huntington's commitment to lend funds as specified in this letter is conditioned upon Huntington's receipt, no later than 15 days prior to closing of the Loan(s), of all requested documents and information which must be in form, content, and detail satisfactory to Huntington. The Loan(s) shall be closed within 60 days from the date of acceptance hereof; otherwise, Huntington's obligations under this Commitment Letter shall terminate. Borrower

and Huntington may extend this period upon mutual written agreement. Borrower may affect this Commitment Letter by returning a fully executed copy, together with payment of the non-refundable Loan Fee and third-party expense amount due as set forth above. This Commitment Letter may be executed in counterparts, each of which shall constitute an original, but all of which when taken together shall constitute a single contract.

This Commitment Letter may be delivered electronically — including, by way of example and not limitation, via email with portable document format (".pdf") or tagged image file format (".tiff") attached. Execution and/or delivery in such manner will be equally effective as delivery of an originally executed counterpart. Borrower(s) and Guarantor(s) acknowledge and agree that in any dispute or controversy between them and Huntington, including any administrative or legal proceedings, respecting or in any way relating to this Commitment Letter, each waives the right to raise any defense based on its execution and/or delivery of this Commitment Letter electronically.

This Commitment Letter, and Huntington's obligation hereunder, shall terminate if a fully executed copy is not received by Huntington within 5 days from the date hereof.


Sincerely,

THE HUNTINGTON NATIONAL BANK  
Government Guaranteed Lending Group

**ACCEPTANCE**

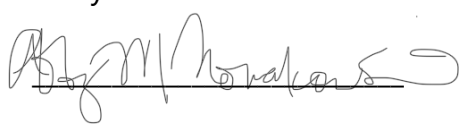
Each of the undersigned hereby accepts this Commitment Letter and the terms this \_\_\_\_\_ day of 04/05/2024 and agree to be fully bound by such terms, conditions, and limitations.

ETBF - Berkley Brasserie, LLC

By: Travis Fourmont 

Its: Owner

Travis Fourmont  


Abby Nowakowski  


To expedite your loan closing and provide elite customer service, you will be introduced to an SBA Client Specialist during a scheduled Welcome Call. The SBA Client Specialist will help me coordinate the collection of your closing checklist conditions (Exhibit A), including ordering additional services such as appraisals, environmental work, business evaluations and title work (to name a few). Your SBA Client Specialist will be assigned upon receipt of your signed Commitment Letter. We look forward to doing business with you.

### **Exhibit A – Conditions to Close**

1. Huntington Banker will conduct a Verification of ETBF - Berkley Brasserie, LLC to ensure the business(es) is/are active and in good standing
2. Operating Agreement for ETBF - Berkley Brasserie, LLC. Refer to your attorney. If you don't have an Operating Agreement and the LLC is a Single Member, we can assist with preparing a No Operating Agreement; Corporate Resolution for ETBF - Berkley Brasserie, LLC or Partnership Agreement for ETBF - Berkley Brasserie, LLC, whichever is applicable
3. Huntington to have a first lien on All Business Assets of ETBF - Berkley Brasserie, LLC
4. Copy of Hazard Insurance on Business Assets in the name of ETBF - Berkley Brasserie, LLC
5. Copy of Flood Insurance on all applicable Real Estate located in a flood zone
6. Title Search on property located at 2968 Phillips Avenue Berkley, MI 48072
7. The subject loan approval is contingent upon SBA 7a program eligibility and compliance review
8. All use of proceeds to be allocated based on sources and uses outlined in the SBA Approval
9. Itemized listing of all collateral with a value of \$5,000.00 or more (SBA requirement)
10. Loan payments to be paid via Auto Debit (ACH) with a Huntington Checking account
11. Evidence of Appropriate Business Licensing
12. Receipt and review of SBA Form 1919 (Borrower Information Form). Please ensure the form is completed, initialed, signed and dated in its entirety
13. Subject to a positive response (and clearance, if necessary) from the Credit Alert Verification Reporting System (CAIVRS) maintained by the US Federal Government
14. Subject to a positive response (and clearance, if necessary) from the System of Award Management (SAM) maintained by the US Federal Government
15. All SBA Fees will be financed into the loan
16. Line of Credit proceeds must be disbursed to a Huntington Checking account
17. Evidence of Equity Injection in the amount of \$270,000.00 (Other Funds/Down Payment)
18. Receipt and review of gift letter in the amount of \$270,000.00
19. Verification of business cash held by ETBF - Berkley Brasserie, LLC from the most recent quarter end account statements of not less than \$80,000.00 (post down payment)

20. Proof of payment of outstanding liens and/or judgments including: Federal Tax Lien for \$26,570.00 from 12/05/18. This will need confirmed to be paid off prior to close
21. The subject loan approval is contingent upon SBA Express program eligibility and compliance review
22. Receipt and review of executed lease agreement for property located at address To Be Determined
23. Executed Landlord Subordination
24. Receipt and review of SBA Form 601 (Certificate of Compliance) executed by Borrower and General Contractor
25. Huntington's Centralized Construction Monitoring Team to determine construction closing requirements which could include items such as contracts, budgets, plans, specs, and surveys
26. Receipt and review of SBA Form 159 (Compensation Agreement)
27. An executed updated Personal Financial Statement for Travis Fourmont on Huntington's preferred form to be received and reviewed
28. Loan proceeds will be disbursed directly to third-party vendor
29. A site visit performed by our third-party vendor Collateral Specialists, Inc. is required for the property located at address To Be Determined
30. Interim Financial Statements (Income Statement and Balance Sheet) must be dated within 120 days of obtaining SBA number. If Statements that have been provided become outdated, signed and dated Interim Financial Statements (Income Statement and Balance Sheet) for Carlton Bar Limited Partnership dba Bar Pigalle are required
31. Satisfactory receipt and review of terms and conditions for proposed landlord allowance in the amount of \$149,760.00

**Exhibit B - Sources and Uses**

Project Detail	Borrower Required Equity	Equity Notes	HNB SBA 7(a) Term Loan	HNB SBA Express Line Of Credit	Other/Down Payment/Cash	TI - Upfront	Total Project
Leashold Improvements			\$ 235,240.00		\$ 250,000.00	\$ 149,760.00	\$ 635,000.00
Contingency			\$ 63,500.00				\$ 63,500.00
Interest Carry			\$ 40,000.00				\$ 40,000.00
New Equipment			\$ 140,000.00		\$ 20,000.00		\$ 160,000.00
Furniture & Fixtures			\$ 100,000.00				\$ 100,000.00
Working Capital			\$ 165,000.00	\$ 50,000.00			\$ 215,000.00
New Inventory (not part of acq)			\$ 55,000.00				\$ 55,000.00
Estimated Guaranty Fee							\$ -
Estimated Loan Fees			\$ 6,260.00				\$ 6,260.00
Franchise Fee							\$ -
<b>Totals:</b>	\$ -	\$ -	\$ 805,000.00	\$ 50,000.00	\$ 270,000.00	\$ 149,760.00	\$ 1,274,760.00
<b>Percent of Total Project:</b>	0%	0%	63%	4%	21%	12%	100%
Identify Equity Source(s):							

Borrower must provide documentary evidence satisfactory to Bank that the Required Equity Injection referenced above has been made. Examples of the kind of satisfactory evidence are copies of paid receipts or cancelled checks, bank settlement statements or deeds evidencing the purchase of property. The type of satisfactory evidence provided must be appropriate to the type of equity injection the Borrower is providing and must be satisfactory to Bank.

**Huntington National Bank**  
**Hazard and Liability Insurance Instructions**

- **Huntington National Bank must be listed as lender loss payee on the operating company policy, and mortgagee as applicable on real property.** Binder must be provided on an Accord 27/28 Form.
- **Policies involving personal property and general liability should be issued to the operating concern.** New equipment to be insured minimally at invoice value.
- **The real estate policy is to be issued in the name of the titled real estate owner.** That might include a new LLC, or an individual name, but not necessarily the operating company name. The real property value should be the appraised value minus land value.
- **Use the following lender loss payee and/or mortgagee clause:**

**Huntington National Bank, ISAOA/ATIMA**

CLS Insurance – GW1W37  
P. O. Box 341470  
Columbus, Ohio 43234-1470

**VERIFICATION OF INSURANCE  
DUE 3 DAYS PRIOR TO CLOSING!**








**IMPORTANT INFORMATION ABOUT PROCEDURES FOR OPENING A NEW ACCOUNT**

To help the government fight the funding of terrorism and money laundering activities, Federal law requires all financial institutions to obtain, verify and record information that identifies each person who opens an account. What this means for you: When you open an account, we will ask for your name, address, date of birth, and other information that will allow us to identify you. We may also ask to see your driver's license or other identifying documents.

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 04/05/2024

Signature Date



View report from

Apr 08, 2024

# TRAVIS E E FOURMONT

**706**

Calculated using VantageScore 3.0

Provided by Equifax

## Personal Information

25527 WINDY AVE  
PORTLAND, OR  
97228

1207 WINDY AVE  
PORTLAND, OR  
97228

1207 WINDY AVE  
PORTLAND, OR  
97228

1207 WINDY AVE  
PORTLAND, OR  
97228

## Accounts

View all accounts on your Equifax report. Click on the account name for more details.

Today

Credit

Cards

Loans

Money



TRAVIS E E FOURMONT  
TRAVIS E FOURMONT

EMPLOYMENT INFO

RED STAR

ADDRESSES REPORTED

2968 PHILLIPS AVE  
BERKLEY, MI  
48072

2652 ROBINA AVE  
BERKLEY, MI  
48072

2965 PHILLIPS AVE  
BERKLEY, MI  
48072

2096 ELECTRIC ST  
WYANDOTTE, MI  
48192

14 NE 17TH AVE  
PORTLAND, OR, N.A.  
97232

Show more

\$0.00	Closed
\$23,085.00	In good standing
\$855.00	In good standing
\$302,139.99	In good standing
\$0.00	Closed
\$0.00	Closed

Accounts

Here's every account on your Equifax report. Click on the account name for more details.

AUTO LOANS

Today

Credit

Cards

Loans

Money



Show closed (5)



CREDIT CARDS

**THD/CBNA**

Reported: Mar. 30, 2024

\$0.00

+

**In good standing**

**DISCOVER BANK**

Reported: Mar. 24, 2024

\$29,088.00

+

**In good standing**

**BESTBUY/CBNA**

Reported: Mar. 23, 2024

\$855.00

+

**In good standing**

**MISSOURI HIGHER EDUC**

Reported: Aug. 04, 2017

Show closed (10)

\$0.00

+

**Closed**

**MISSOURI HIGH SCHOOL**

Reported: Aug. 04, 2017

\$0.00

+

**Closed**

REAL ESTATE LOANS

**ROUNDPOINT MORTGAGE**

Reported: Mar. 05, 2024

\$362,138.00

+

**In good standing**

**FLAGSTAR BANK, N.A.**

Reported: Oct. 06, 2023

\$0.00

+

**Closed**

**FLAGSTAR BANK, N.A.**

Reported: Mar. 02, 2020

\$0.00

+

**Closed**

**FLAGSTAR BANK, N.A.**

Reported: Oct. 02, 2017

\$0.00

+

**Closed**

**FLAGSTAR BANK, N.A.**

Reported: Sep. 01, 2017

\$0.00

+

**Closed**



Today



Credit



Cards



Loans



Money



None Closed (0)

STUDENT LOANS

<b>UTAH HIGHER EDUCATIO</b> Reported: Jan. 31, 2018	<b>\$0.00</b> Closed	<b>+</b>
<b>UTAH HIGHER EDUCATIO</b> Reported: Jan. 31, 2018	<b>\$0.00</b> Closed	<b>+</b>
<b>MISSOURI HIGHER EDUC</b> Reported: Sep. 30, 2017	<b>\$0.00</b> Closed	<b>+</b>
<b>MISSOURI HIGHER EDUC</b> Reported: Aug. 31, 2017	<b>\$0.00</b> Closed	<b>+</b>
<b>MISSOURI HIGHER EDUC</b> Reported: Aug. 31, 2017	<b>\$0.00</b> Closed	<b>+</b>
<b>MISSOURI HIGHER EDUC</b> Reported: Aug. 31, 2017	<b>\$0.00</b> Closed	<b>+</b>
<b>ACS/UHEAA</b> Reported: Feb. 01, 2016	<b>\$0.00</b> Closed	<b>+</b>

Hard Inquiries

When you apply for a new credit account, a hard inquiry will usually get added to your report, which can make a small dent in your score. Here are the inquiries on your Equifax report.

<b>FACTUAL DATA</b> Inquiry: Mar. 29, 2024	<b>Miscellaneous Reptg. Agencies</b>	<b>+</b>
<b>HNB SMALL BUSINESS B</b> Inquiry: Mar. 14, 2024	<b>All Banks</b> <b>(614) 331-6589</b>	<b>+</b>

Today Credit Cards Loans Money



If you've fallen behind on payments, your account could be sent to a collections agency. This can have a big impact on your credit score.

*Clean slate! As of Apr. 08, 2024, you have no collection accounts on your credit report.*

### Public Records

Things like bankruptcies and legal judgments against you can show up on your credit report and do some damage to your score.

*Lookin' good! As of Apr. 08, 2024, you have no public records on your report.*

### Suggested for your credit

### Suggested cards

We suggest offers based on your credit, Approval Odds, and money we make from our partners.

#### Advertiser Disclosure

## Blue Cash Everyday® Card from American Express



★★★★☆  
2181 Reviews

**Congrats: your chance of approval is outstanding!**

#### REWARDS RATE

1% - 3%

Cash Back

#### ANNUAL FEE

\$0

#### WELCOME BONUS



Today



Credit



Cards



Loans



Money





See details, rates, and fees



Today



Credit



Cards



Loans



Money

## Case Details

Additional Resources ▾

<b>Case ID</b> 2022-22BE05091-OD	<b>Court Location</b> 44th District Court - Royal Oak	<b>PIN</b> 22-0011580
<b>Case Entitlement</b> CITY OF BERKLEY V FOURMONT	<b>Judge of Record</b> MEINECKE,DEREK W.,	
<b>Date Filed</b> 12/19/2022	<b>Case Status</b> DISPOSED	
<b>Next Hearing</b> 06/05/2023 2:16 PM - SCHEDULED FOR OVERSIGHT VISIT Hearing Officer - CLEMENCE,MATTHEW	<b>Closed Date</b>	
<b>Balance</b> \$1,993.29		

## Parties (1)

<b>Party Name</b> FOURMONT/TRAVIS/ELLIOTT	<b>Party Type/Number</b> DEFENDANT - 1
<b>Age</b> 42 (1981)	<b>Attorney Name</b> SHAWN HIRMIZ
<b>Alternate Name(s)</b>	



### Charges (1)

<b>Count</b> 1	<b>Offense Date</b> 12/06/2022
<b>Current Charge</b> OPERATING WHILE IMPAIRED (023)	<b>Original Charge</b> OPERATING WHILE INTOXICATED (1025)
<b>Officer/Agency or Petitioner</b> BEAUCHAMP, EVAN BPD - BERKLEY POLICE DEPT	<b>Amended or Reduced</b> Reduced
<b>Charge Level</b> MISDEMEANOR	<b>Attempted, Conspired, Solicited</b>
<b>Arrest Date</b> 12/28/2022	<b>Notice</b>
<b>Disposition Date</b> 02/23/2023	<b>Disposition</b> DISPOSED ON GUILTY PLEA
<b>Sentencing Date</b> 04/26/2023	<b>License Suspension Clearance Fee Due</b>

### Bonds (1)

<b>Bond Type</b> PERSONAL	<b>Bond Amount</b> \$500.00	<b>Participant</b> D1-FOURMONT/TRAVIS/ELLIOTT
<b>Posted By</b>	<b>Receipt</b>	
<b>Bond Ordered Date</b> 01/26/2023	<b>Judge Setting Bond</b> MEINECKE, DEREK W.	
<b>Bond Posted</b>	<b>Bond Closed Date</b>	

**Bond Action(s)**

Action	Action Date	Amount	Check Number	Payee
BOND SET	01/26/2023	\$500.00		

### Hearings (6)

<b>Hearing Type</b> SCHEDULED FOR DISCHARGE FROM PROBATION	<b>Hearing Date</b> 10/25/2024
---	-----------------------------------

**Hearing Officer**  
CLEMENCE, MATTHEW

**Hearing Type**  
SCHEDULED FOR PROBATION REVIEW HEARING

**Hearing Date**  
09/27/2023 10:01 AM

**Hearing Officer**  
MEINECKE, DEREK W.

**Hearing Type**  
SCHEDULED FOR OVERSIGHT VISIT

**Hearing Date**  
06/05/2023 2:16 PM

**Hearing Officer**  
CLEMENCE, MATTHEW

**Hearing Type**  
SCHEDULED FOR SENTENCING

**Hearing Date**  
04/26/2023 1:35 PM

**Hearing Officer**  
MEINECKE, DEREK W.

**Hearing Type**  
SCHEDULED FOR PRE-SENTENCE INTERVIEW

**Hearing Date**  
04/13/2023 8:00 AM

**Hearing Officer**  
CLEMENCE, MATTHEW

**Hearing Type**  
SCHEDULED FOR PRE-TRIAL

**Hearing Date**  
02/23/2023 9:16 AM

**Hearing Officer**  
MEINECKE, DEREK W.

### Sentencing (1)

**SENTENCE HEARING HELD**

04/26/2023 - Count - 1

Incarceration Type

**Probation Term**

18 MONTH(S)

**Ends**

10/26/2024

**COMMUNITY SERVICE/JAIL/PRISON**

**Location**

**Minimum Term**

**Credit Time Served**

**Optional Term**

**Community Service**

4 DAY(S)

**Fines Suspended**

No

**Community Service In Lieu of Jail**

**Incarceration Weekend Service**

No

**Jail/Prison Suspended**

No

**VEHICLE IMMOBILIZATION/FORFEITURE**

**Immobilize Vehicle Ordered**

**Vehicle Forfeited**

No

**Start Date**

**PROBATION/REHABILITATION**

**Probation Officer**

CLEMENCE,MATTHEW,

**Programs**

ORDER FOR COMMUNITY SERVICE FILED

**Rehabilitation**

**LICENSE/CCW INFORMATION**

**License Suspended/Revoked**

**Days Suspended**

**Restricted**

### Events (72)



**Event Date**

04/26/2023

Description	Comment	Party/Court	Clerk
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<b>Description</b> SENTENCE HEARING HELD	<b>Comment</b> ALL COUNTS	<b>Party/Count</b> D1		<b>Clerk</b> REB
<b>Judge</b> MEINECKE,DEREK W.,		<b>Attorney</b> HIRMIZ,SHAWN ,		
<b>Description</b> SUPPLEMENTAL SENTENCING		<b>Party/Count</b> D1	<b>Amount</b> \$1,993.29	<b>Clerk</b> REB
<b>Description</b> ABSTRACT REQUESTED		<b>Party/Count</b> D1		<b>Clerk</b> REB
<b>Description</b> ORDINANCE FINE		<b>Party/Count</b> D1	<b>Amount</b> \$300.00	<b>Clerk</b> REB
<b>Judge</b> MEINECKE,DEREK W.,				
<b>Description</b> STATE COSTS - MISDEMEANOR/ORDINANCE		<b>Party/Count</b> D1	<b>Amount</b> \$50.00	<b>Clerk</b> REB
<b>Description</b> PROBATION SCREENING FEE		<b>Party/Count</b> D1	<b>Amount</b> \$100.00	<b>Clerk</b> REB
<b>Description</b> BERKLEY - COST RECOVERY EXPENSE		<b>Party/Count</b> D1	<b>Amount</b> \$218.29	<b>Clerk</b> REB
<b>Description</b> COURT COST - LOCAL ORDINANCE - CRIMINAL		<b>Party/Count</b> D1	<b>Amount</b> \$350.00	<b>Clerk</b> REB
<b>Description</b> CRIME VICTIM RIGHTS ASSESSMENT		<b>Party/Count</b> D1	<b>Amount</b> \$75.00	<b>Clerk</b> REB
<b>Description</b> PROBATION OVERSIGHT FEES		<b>Party/Count</b> D1	<b>Amount</b> \$900.00	<b>Clerk</b> REB
<b>Description</b> ORDER FOR COMMUNITY SERVICE FILED		<b>Party/Count</b> D1		<b>Clerk</b> REB
<b>Description</b> PROBATION		<b>Party/Count</b> D1		<b>Clerk</b> REB
<b>Judge</b> CLEMENCE,MATTHEW,				
<b>Description</b> SENTENCE		<b>Party/Count</b> D1		<b>Clerk</b> REB
<b>Description</b> MISCELLANEOUS ACTION	<b>Comment</b> ALL COUNTS	<b>Party/Count</b> D1		<b>Clerk</b> REB

<b>Description</b> SCHEDULED FOR PROBATION REVIEW HEARING	<b>Comment</b> 092723 1001A	<b>Party/Count</b> D1	<b>Receipt No./Date/Judge</b> 62510	<b>Clerk</b> REB
<b>Description</b> JUDGMENT OF SENTENCE GENERATED	<b>Comment</b> IMPAIRED	<b>Party/Count</b> D1/1		<b>Clerk</b> REB
<b>Description</b> MISCELLANEOUS ACTION	<b>Comment</b> ALL COUNTS	<b>Party/Count</b> D1		<b>Clerk</b> REB
<b>Description</b> SCHEDULED FOR DISCHARGE FROM PROBATION	<b>Comment</b> 102524	<b>Party/Count</b> D1	<b>Receipt No./Date/Judge</b> 4447	<b>Clerk</b> REB
<b>Description</b> NOTICE TO APPEAR GENERATED	<b>Comment</b> ALL COUNTS	<b>Party/Count</b> D1		<b>Clerk</b> REB
<b>Description</b> ORDER OF PROBATION GENERATED	<b>Comment</b> ALL COUNTS	<b>Party/Count</b> D1		<b>Clerk</b> REB
<b>Description</b> MISCELLANEOUS ACTION	<b>Comment</b> ALL COUNTS	<b>Party/Count</b> D1		<b>Clerk</b> REB
<b>Description</b> MISCELLANEOUS ACTION	<b>Comment</b> ALL COUNTS	<b>Party/Count</b> D1		<b>Clerk</b> MFC
<b>Description</b> SCHEDULED FOR OVERSIGHT VISIT	<b>Comment</b> 060523 216P	<b>Party/Count</b> D1	<b>Receipt No./Date/Judge</b> 4447	<b>Clerk</b> MFC
<b>Description</b> NOTICE TO APPEAR GENERATED	<b>Comment</b> ALL COUNTS	<b>Party/Count</b> D1		<b>Clerk</b> MFC
<b>Description</b> ABSTRACT GENERATED	<b>Comment</b> SEQ: 00012	<b>Party/Count</b> D1/1		<b>Clerk</b> REB

**Event Date**  
04/12/2023

<b>Description</b> MISCELLANEOUS ACTION	<b>Comment</b> ALL COUNTS	<b>Party/Count</b> D1		<b>Clerk</b> VAF
<b>Description</b> MISCELLANEOUS ACTION	<b>Comment</b> IMPAIRED	<b>Party/Count</b> D1/1		<b>Clerk</b> VAF

<b>Event Date</b> 03/01/2023			
<b>Description</b> MISCELLANEOUS ACTION	<b>Comment</b> ALL COUNTS	<b>Party/Count</b> D1	<b>Clerk</b> MAD
<b>Description</b> ELIGIBLE - NNC		<b>Party/Count</b> D1	<b>Clerk</b> MAD

<b>Event Date</b> 02/28/2023				
<b>Description</b> PRETRIAL RELEASE ORDER GENERATED	<b>Comment</b> OPER INTOXIC	<b>Party/Count</b> D1/1		<b>Clerk</b> VAF
<b>Description</b> PRETRIAL RELEASE ORDER GENERATED	<b>Comment</b> IMPAIRED	<b>Party/Count</b> D1/1		<b>Clerk</b> VAF
<b>Description</b> MISCELLANEOUS ACTION	<b>Comment</b> IMPAIRED	<b>Party/Count</b> D1/1		<b>Clerk</b> VAF
<b>Description</b> MISCELLANEOUS ACTION	<b>Comment</b> ALL COUNTS	<b>Party/Count</b> D1		<b>Clerk</b> MB
<b>Description</b> SCHEDULED FOR PRE- SENTENCE INTERVIEW	<b>Comment</b> 041323 800A	<b>Party/Count</b> D1	<b>Receipt</b> No./Date/Judge 4447	<b>Clerk</b> MB
<b>Description</b> MISCELLANEOUS ACTION	<b>Comment</b> ALL COUNTS	<b>Party/Count</b> D1		<b>Clerk</b> MB
<b>Description</b> SCHEDULED FOR SENTENCING	<b>Comment</b> 042623 135P	<b>Party/Count</b> D1	<b>Receipt</b> No./Date/Judge 62510	<b>Clerk</b> MB
<b>Description</b> NOTICE TO APPEAR GENERATED	<b>Comment</b> ALL COUNTS	<b>Party/Count</b> D1		<b>Clerk</b> MB
<b>Description</b> NOTICE TO APPEAR GENERATED	<b>Comment</b> ALL COUNTS	<b>Party/Count</b> D1		<b>Clerk</b> MB
<b>Description</b> NOTICE OF HEARING WITH REMOTE PARTICIPATION GENERATED	<b>Comment</b> IMPAIRED	<b>Party/Count</b> D1/1		<b>Clerk</b> MB
<b>Description</b> ABSTRACT GENERATED	<b>Comment</b> SEQ: 00024	<b>Party/Count</b> D1/1		<b>Clerk</b> VAF

<b>Event Date</b> 02/23/2023			
<b>Description</b> PRE-TRIAL HELD	<b>Comment</b> OPER INTOXIC	<b>Party/Count</b> D1/1	<b>Clerk</b> VAF
<b>Judge</b> MEINECKE,DEREK W.,		<b>Attorney</b> HIRMIZ,SHAWN ,	
<b>Description</b> REDUCED CHARGE	<b>Comment</b> IMPAIRED	<b>Party/Count</b> D1/1	<b>Clerk</b> VAF
<b>Description</b> PLEAD GUILTY		<b>Party/Count</b> D1/1	<b>Clerk</b> VAF
<b>Judge</b> MEINECKE,DEREK W.,			
<b>Description</b> DISPOSED ON GUILTY PLEA		<b>Party/Count</b> D1/1	<b>Clerk</b> VAF
<b>Description</b> ORDER FOR PRE-SENTENCE INVESTIGATION		<b>Party/Count</b> D1/1	<b>Clerk</b> VAF
<b>Judge</b> MEINECKE,DEREK W.,			

<b>Event Date</b> 02/08/2023			
<b>Description</b> MONETARY TRANSACTION	<b>Comment</b> OPER INTOXIC	<b>Party/Count</b> D1/1	<b>Clerk</b> LJ
<b>Description</b> COPY FEES		<b>Party/Count</b> D1/1	<b>Amount</b> \$10.00 <b>Clerk</b> LJ
<b>Description</b> PAYMENT		<b>Party/Count</b> D1	<b>Amount</b> \$10.00 <b>Receipt No./Date/Judge</b> D528718 <b>Clerk</b> LJ
<b>Description</b> CREDIT CARD TENDERED		<b>Party/Count</b> D1/1	<b>Clerk</b> LJ



<b>Event Date</b> 01/27/2023				
<b>Description</b> NOTICE TO APPEAR GENERATED	<b>Comment</b> ALL COUNTS	<b>Party/Count</b> D1	<b>Clerk</b> NMT	
<b>Description</b> PRETRIAL RELEASE ORDER GENERATED	<b>Comment</b> OPER INTOXIC	<b>Party/Count</b> D1/1	<b>Clerk</b> NMT	

<b>Event Date</b> 01/26/2023				
<b>Description</b> MISCELLANEOUS ACTION	<b>Comment</b> ALL COUNTS	<b>Party/Count</b> D1	<b>Clerk</b> NMT	
<b>Description</b> SCHEDULED FOR PRE-TRIAL	<b>Comment</b> 022323 916A	<b>Party/Count</b> D1	<b>Receipt</b> <b>No./Date/Judge</b> 62510	<b>Clerk</b> NMT
<b>Description</b> PERSONAL		<b>Party/Count</b> D1	<b>Clerk</b> NMT	
<b>Description</b> BOND SET		<b>Party/Count</b> D1	<b>Amount</b> \$500.00	<b>Receipt</b> <b>No./Date/Judge</b> 012623

<b>Event Date</b> 12/28/2022				
<b>Description</b> MISCELLANEOUS ACTION	<b>Comment</b> ALL COUNTS	<b>Party/Count</b> D1		<b>Clerk</b> NAB
<b>Description</b> REMOVED FROM CALENDAR	<b>Comment</b> 011223 831A	<b>Party/Count</b> D1	<b>Receipt No./Date/Judge</b> 4499	<b>Clerk</b> NAB
<b>Description</b> ARRAIGNMENT WAIVED	<b>Comment</b> ALL COUNTS	<b>Party/Count</b> D1		<b>Clerk</b> NAB
<b>Attorney</b> HIRMIZ,SHAWN ,				
<b>Description</b> PLEAD NOT GUILTY		<b>Party/Count</b> D1		<b>Clerk</b> NAB
<b>Description</b> SCHEDULED FOR PRE-TRIAL	<b>Comment</b> 012623 1016A	<b>Party/Count</b> D1	<b>Receipt No./Date/Judge</b> 62510	<b>Clerk</b> NAB
<b>Description</b> DEFENDANT FORMALLY WAIVED ARRAIGNMENT		<b>Party/Count</b> D1		<b>Clerk</b> NAB
<b>Description</b> APPEARANCE BY AN ATTORNEY FILED		<b>Party/Count</b> D1		<b>Clerk</b> NAB
<b>Description</b> NOTICE TO APPEAR GENERATED	<b>Comment</b> ALL COUNTS	<b>Party/Count</b> D1		<b>Clerk</b> NAB

<b>Event Date</b> 12/21/2022				
<b>Description</b> MISCELLANEOUS ACTION	<b>Comment</b> ALL COUNTS	<b>Party/Count</b> D1		<b>Clerk</b> AWJ
<b>Description</b> SCHEDULED FOR ARRAIGNMENT	<b>Comment</b> 011223 831A	<b>Party/Count</b> D1	<b>Receipt No./Date/Judge</b> 4499	<b>Clerk</b> AWJ
<b>Description</b> NOTICE TO APPEAR GENERATED	<b>Comment</b> ALL COUNTS	<b>Party/Count</b> D1		<b>Clerk</b> AWJ
<b>Description</b> MISCELLANEOUS ACTION	<b>Comment</b> ALL COUNTS	<b>Party/Count</b> D1		<b>Clerk</b> AWJ
<b>Description</b> REMOVED FROM CALENDAR	<b>Comment</b> 011223 800A	<b>Party/Count</b> D1	<b>Receipt No./Date/Judge</b> 4499	<b>Clerk</b> AWJ

<b>Event Date</b> 12/20/2022				
<b>Description</b> JUDGE OF RECORD/MAGISTRATE CHANGED		<b>Party/Count</b> D1		<b>Clerk</b> MM M

<b>Event Date</b> 12/19/2022				
<b>Description</b> FILING DATE	<b>Comment</b> 121922	<b>Party/Count</b> D1		<b>Clerk</b> HMU
<b>Description</b> SCHEDULED FOR ARRAIGNMENT	<b>Comment</b> 011223 800A	<b>Party/Count</b> D1/1	<b>Receipt No./Date/Judge</b> 4499	<b>Clerk</b> HMU

<b>Event Date</b> 12/06/2022				
<b>Description</b> ORIGINAL CHARGE	<b>Comment</b> OPER INTOXIC	<b>Party/Count</b> D1/1		<b>Clerk</b> HMU

October 7, 2024 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ to approve the creation of a new Community Field #1 Enterprise Fund, authorizing an interfund loan, and awarding a bid for Community Field #1 improvements to Worry Free Outdoor Services, Inc. in the amount of \$179,580.

Ayes:

Nays:

Motion:



# MEMORANDUM

To: Mayor Dean and City Council  
From: Nate Geinzer, Interim City Manager  
Date: *October 7, 2024*  
Subject: Approval Creation of New Community Field #1 Enterprise Fund, Authorization of an Interfund Loan, and Award of Bid for Community Field #1 Field Improvements

---

Madam Mayor and Members of City Council,

## Background

- Primary Users:
  - Berkley Dad's Club - Senior League
  - Berkley Dad's Club - Summer Classic
  - Berkley High School Varsity Baseball - Practice Field and Games
  - Berkley High School Junior Varsity Baseball - Game Field
  - Berkley Middle School Baseball - Game Field
- Facilities Condition:
  - Both the bathrooms and the concession stand have been closed since roughly 2020.
  - Port-A-Johns have been used in place of the bathrooms since the closing.
- Field Conditions:
  - Grade issues.
  - The field holds water making the infield and outfield surfaces unable to play after a hard rain.
  - Grass was added behind home plate and down the baselines roughly 10 years ago. When this grass was added, the maintenance team could no longer get a diamond drag down the basepaths because they were too narrow. This practice has caused dips and mounds along the basepaths.
- City Council may recall the following statement that was posted over the summer by the City:

*The City of Berkley hosts two very active baseball programs on its Community Field #1, located between Gardner and Robina. Our school district doesn't have baseball fields on its property, making Berkley one of the only communities in our area with school teams*

*and community groups that both use the city-owned fields. The Dads Club has been running baseball leagues in Berkley for more than 75 years, utilizing Community Field #1 for its practices and games, and the Berkley Schools varsity, junior varsity, and middle school baseball teams also use this field for their baseball season.*

*Over the last year, the City and the Berkley Schools have been working to find a creative opportunity to bring improvements to Community Field #1. Many helpful and productive conversations have taken place about a potential long-term lease of the field to the Berkley Schools while remaining a community partner, but the City Council is not ready to move forward with a new agreement at this time. In light of the City's failed millage request in May 2023 and significant leadership changes across multiple levels of our organization, the City Council is taking a step back to evaluate Berkley's overall financial picture, including a comprehensive facilities and capital needs assessment that includes all Parks and Recreation facilities and other City assets. We appreciate the efforts made so far by all parties involved and expect the conversation about a new agreement with the Berkley Schools around Community Field #1 to continue in the future.*

## Summary

- Note the highlighted sentence above. Earlier this Fall, the City of Berkley Dad's club approached the City with a creative mutually beneficial solution to the conditions at Community Field #1. That could result in a new field surface by next season. However, to do so, action is time sensitive.
- Although final details are being drafted, School Administration, Dad's Club Leadership, and City Administration are united in our positive outlook on the proposed strategy with positive feedback from elected officials thus far, although wanting to see more details. A summary of the details are offered below:
  - Create Community Field #1 Enterprise Fund (CF1EF).
  - General Fund provides interfund loan to CF1EF in the amount of \$200,000 with five (5) year payback term at 4.5% (in line with current market rate).
  - City issues five (5) year permit to Berkley Public Schools for exclusive usage rights ≈ March 1 through May 31 (option for extension i.e. playoffs).
    - Annual Permit Fee \$35,000 to Start
    - 3% Annual Escalator
    - 50% due prior to start of season. 50% due at end of season.
  - City issues five (5) year permit to Berkley Dad's Club for exclusive usage rights ≈ June 1 through July 31 and ≈ September 1 through October 31 and
    - Annual Permit Fee \$35,000 to Start
    - 3% Annual Escalator
    - 50% due prior to start of season #1. 50% due at start of season #2.
  - City retains rights to issue permits to other users. Berkley Public Schools and Berkley Dad's Clubs retains first right of refusal during their usage periods.
  - City to develop new usage terms including deposit and fee schedule in the case of excessive damage by non-exclusive permit holders.

- City retains responsibility for maintenance along with a new revenue stream to support maintenance.
- Note to Reiterate: All revenues and expenses relating to Community Field #1 would stay within the new Enterprise Fund. Providing some relief to the General Fund.
- The City of Berkley worked with Berkley Dad’s Club and Berkley Public Schools to issue a scope of work for bid that would re-establish a natural turf field to best practice specifications.
- The RFP was posted on September 17<sup>th</sup> (Scope of Work Attached) with responses due October 1. 66 copies of the RFP were downloaded with two proposals received. The Bid Tab is available below.
- Worry Free Outdoor Services is the lowest most qualified bidder and is recommended to complete the scope of work. Additionally, Worry Free Outdoor Services has successfully done work for the City in the past on Community Fields #2 and #3.

**CITY OF BERKLEY**  
**“Baseball Field Improvements-Community 1”**  
**For the Facilities Department**  
***Bid Opening: Tuesday, October 1, 2024 @ 3:00 PM***

<u>Business Name</u>	<u>Address</u>	<u>Bid (Base Services)</u>	<u>References</u> <u>Non-Collusive Affidavit</u> <u>Non-Discrimination</u>	<u>Conflict of Interest</u> <u>Hold Harmless</u> <u>Iran Affidavit</u>
K&C Landscaping, Inc.	30665 Pierce Street Southfield, Michigan, 48076	\$282,000	Y/Y/Y	Y/Y/Y
Worry Free Outdoor Services, Inc.	P.O. Box 1221 Royal Oak, MI 48068-1221	\$179,580	Y/Y/Y	Y/Y/Y

- It should also be noted that City staff is working on gathering pricing and a strategy to repair the bathrooms facilities to be reopened by next season. Staff expects to include necessary costs in the next budget amendment.
- A standing workgroup consisting of Berkley Dads Club, Berkley Public Schools, and City of Berkley Staff will meet regularly to review the field, work through any scheduling challenges, evaluate future improvements for targeted capital fund raising efforts, and other opportunities for collaboration.

**Recommendation**

Authorize the City Manager to create the Community Field #1 Enterprise Fund and the execution of an interfund loan in the amount of \$200,000 from General Fund Cash Reserves for a term of five (5) years at 4.5%. Further authorize the award of bid for Community Field #1 Field Improvements to Worry Free Outdoor Services, Inc. in the amount of \$179,580 + 20% contingency for unforeseen conditions with project funding coming from the new Community Field #1 Enterprise Fund.





# CITY OF BERKLEY MICHIGAN COMMUNITY 1 BASEBALL FIELD IMPROVEMENTS REQUEST FOR PROPOSAL

## **OVERVIEW**

The City of Berkley is soliciting proposals from qualified contractors to provide field improvements, including all labor and equipment for the Community 1 baseball field. All work needs to be completed between October 7, 2024 and November 30, 2024

## **SCOPE OF SERVICES**

The successful bidder will provide the services and materials listed below at the Community 1 baseball field :

### **INFIELD:**

- Remove all grass from Infield and Foul territories and dispose off site approx. 10,800sqft
- Remove existing skinned Washington ball mix and put into bin at the Community Center
- Rework pitcher mounds using mounding clay and set pitchers mound to 10" above home plate grade and add bricks on the table and slope
- Batters Box; Install clay bricks in each batters box and catchers area add loose clay and compact
- Install New Dura edge infield mix product approx. 75 cubic yds and roll to compaction, Cut in new skinned area
- Install new topsail and roll to compaction for final grade per industry standards.
- Install new RTF-certified sod to infield and foul territories within infield area approx. 10,800sqft

### **OUTFIELD:**

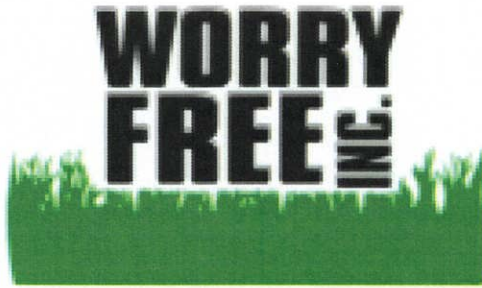
- Remove all outfield grass and dispose off site, approx. 80,000sqft
- GPS laser grade with bulldozer to achieve the desired grade per industry standards.
- Install new 2" bedding of screened topsoil to entire area
- Install new RTF certified sod using large rolls, approx.. 80,000sqft

### **IRRIGATION/DRAINAGE:**

- Install new irrigation system using I20 athletic sprinkler heads (see map for approx. locations)
- Add two quick couplers behind home plate and pitchers mound
- Provide any additional pumps to achieve desired PSI
- Install approx.. 750 ft of corrugated drainage at infield and outfield

### **EXCLUSIONS:**

- 110 Volt electrical power outlet to irrigation controller that is accessible - Water source, tap & meter by others- Any repairs to existing system - Any repairs to field drainage not marked out or shown ahead of time



***WORRY FREE OUTDOOR SERVICES INC.***

***\*COMMERCIAL & RESIDENTIAL LANDSCAPING & LAWN MAINTENANCE\****

***\*COMMERCIAL SNOW REMOVAL \*MUNICIPALITY DIVISION\****

***P.O Box 1221 Royal Oak, MI 48068-1221 (248) 585-2808; FAX (248) 589-9967***

**“Community 1 Field  
Improvements”**



**WORRY FREE OUTDOOR SERVICES**

*\*COMMERCIAL & RESIDENTIAL LANDSCAPING & LAWN MAINTENANCE\**

*\*COMMERCIAL SNOW REMOVAL \*MUNICIPALITY DIVISION\**

P.O Box 1221 Royal Oak, MI 48068-1221 (248) 585-2808; FAX (248) 589-9967

Work estimate/order:

Date: 8/29/2024  
Job Site: Community #1 Baseball diamond  
To: Berkley Dads club

Description of Work:

**INFIELD:**

- ~ Remove all grass from Infield and Foul territories And dispose off site  
Approx 10,800sqft  
\$3780.00
- ~ Remove existing skinned Washington ball mix and put into bin at the community center  
\$3200.00
- ~ Rework pitcher mounds using mounding clay and set pitchers mound to 10" above home plate grade  
And add bricks on the table and slope  
\$2800.00
- ~ Batters Box Install clay bricks in each batters box and catchers area add loose clay and compact  
\$2800.00
- ~ Install New Dura edge infield mix product approx. 75 cubic yds and roll to compaction  
Cut in new skinned area  
\$15,000.00
- ~ Install new topsoil and roll to compaction for final grade  
\$3000.00
- ~ Install new RTF-certified sod to infield and foul territories within infield area approx. 10,800sqft  
\$ 9500.00

**OUTFIELD:**

- ~ Remove all outfield grass and dispose offsite 80,000sqft  
\$20,000.00
- ~ Gps laser grade with a bull dozer to achieve the desired grade height  
\$7500.00
- ~ Install new Radius Drain along back of radius using perforated drain tile with sock  
Backfill with peas stone and sand with fabric wrapping the material then top soil on top  
\$5600.00
- ~ Install new 2" bedding of screened topsoil to entire area  
\$16,000.00
- ~ Install New RTF certified Sod using Big rolls approx. 80,000 sqft  
\$68,000.00

**IRRIGATION:**

BASE TOTAL Installation of Design/Build underground irrigation system to water all lawn areas- SEE SKETCH PROVIDED FOR LIMITS OF IRRIGATION \*\*Using conventional rotor due to lack of water pressure\*\* System currently has 12 GPM at 50 PSI. 3 Rotors per zone. You will have +/- 35 zones. 15,500.00

ALTERNATE (2) Quick Coupler Installations 600.00

ALTERNATE Winterization 600.00

ALTERNATE Booster pump 3,800.00

ALTERNATE Electrician's work to hook up booster pump 1,900.00

EXCLUSIONS- 110 Volt electrical power outlet to irrigation controller that is accessible - Water source, tap & meter by others- Any repairs to existing system - Any repairs to field drainage not marked out or shown ahead of time- 220 Volt power to booster pump

Grand total : \$179,580.00

\_\_\_\_\_  
Authorizing Signature

\_\_\_\_\_  
Date

**50% Deposit required at signing of agreement/ Balance paid upon completion and inspection of GC or homeowner**

**\*\*This quote is good for 30 days only. Due to fuel costs quotes older than 30 days will be adjusted.** All material cost increases shall be passed on to customer. This is a good faith estimate. Actual Costs may change if material amounts/or any aspect of this estimate changes. Homeowner/property manager shall be notified of all changes to original contract. This just an estimate. Final invoice may account for variances from estimate.

1 year warrant on branched stock material .... ***No warranty given on transplanted plant material***





**CITY OF BERKLEY MICHIGAN  
 COMMUNITY 1 BASEBALL  
 FIELD IMPROVEMENTS  
 REQUEST FOR PROPOSAL  
 Authorized Representative**

The City is seeking a qualified contractor that is conscientious, has integrity and is able to complete the work in a timely manner. Representatives of the selected firm must conduct themselves in a professional manner while on City premises.

The Authorizing Representative shall be empowered to enter the bidding Contractor into binding professional service agreements and agrees that all information within the submitted bid documents is up-to-date and accurate to the best of their knowledge.

The City recognizes that authorizing representatives may delegate field supervision or account management to other employees. Please complete the Main Contact portion in the event that performance and service offerings will be overseen by someone other than the Authorizing Representative.

AUTHORIZED SIGNATURE

9/30/2024

DATE

**AUTHORIZING REPRESENTATIVE:**

Representative Name:	Travis Beard
Representative Title:	V.P
Phone Number:	248-585-2808
Email Address:	worryfreeoutdoors@gmail.com
Company Name:	Worry Free Outdoor Services Inc.
Company Street Address:	P.O. Box 1221 Royal Oak, MI 48068
Company Website:	Info@worryfreelawns.com



**CITY OF BERKLEY MICHIGAN  
 COMMUNITY 1 BASEBALL  
 FIELD IMPROVEMENTS  
 REQUEST FOR PROPOSAL  
*Basis for Award***

The City is seeking a qualified contractor that is conscientious, has integrity and is able to complete the work in a timely manner. Representatives and employees of the selected firm must conduct themselves in a professional manner while on City premises.

This contract will be with the understanding that this price will not be exceeded unless the scope of the project significantly changes and both parties agree.

**COMPANY EXPERIENCE:**

Number of Years in Business:	26
Est. 1998	

**TOTAL BID:**

Please provide line item pricing as well as total bid pricing below

RTF certified sod per sq ft	.85 for big rolls .92 for pallets
Irrigation	\$22,400.00
Topsoil per cubic yard	\$32.00
Corrugated drainage pipe per ft	\$7.50
Dura edge infield mix per cubic yard	\$200.00
Grass removal and grading per sq ft	\$.35

**TOTAL COST:** 179,580.00

**CHEMICALS & HAZARDOUS MATERIALS:**

Please attach a statement on all chemical materials to be utilized, including specifications and hazardous indications.

**SUSTAINABILITY**

Please attach a statement on the use of sustainable energy practices and materials to be used.



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

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

**BID OPPORTUNITY:** \_\_\_\_\_

<b>Name:</b>	Travis Beard	<b>Company:</b>	Worry Free outdoors Inc.
<b>Title:</b>	V.P.	<b>Address:</b>	p.o. box 1221 Royal oak, MI 48068

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

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

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

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



Signature

9/30/2024

Date





BID OPPORTUNITY:

**REFERENCE 1:**

COMPANY NAME	Royal Oak High school	Ex A.D.
ADDRESS	1500 Lexington Royal Oak,MI	
TELEPHONE	248-980-6630	
CONTACT PERSON	Brian Gordon	
CONTRACT DATES	2019	
DESCRIPTION OF WORK	Renovated the Varsity Baseball field Removal, irrigation, drainage, sod	

**REFERENCE 2:**

COMPANY NAME	City Of Royal
ADDRESS	203 S. Troy Royal Oak, MI 48067
TELEPHONE	248-246-3050
CONTACT PERSON	Joseph Murphy - City Planner
CONTRACT DATES	2009- current
DESCRIPTION OF WORK	Large park projects Baseball field install maintain, dda maintenance contract for 15 years

**REFERENCE 3:**

COMPANY NAME	Warren Contracting & development
ADDRESS	14979 Technology dr Shelby Twp
TELEPHONE	586-323-3350
CONTACT PERSON	Nick Cerrulo
CONTRACT DATES	2012- current
DESCRIPTION OF WORK	Large Park projects, Installation of baseball/softball fields cricket fields installation of sod and plants





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

**BID OPPORTUNITY:** \_\_\_\_\_

**PURPOSE:**

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

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


The CONTRACTOR shall, at its own cost and expense, defend any such claim and any suit, action, or proceeding which may be commenced hereunder. In the event of any suit, action or proceeding, the CONTRACTOR shall pay:

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

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

**PLEASE PRINT:**

Travis Beard  
 \_\_\_\_\_  
 Contractor Name  
 1460 Rochester rd  
 \_\_\_\_\_  
 Contractor Street Address  
 Troy MI 48083  
 \_\_\_\_\_  
 City, State, Zip Code  
 248-585-2808  
 \_\_\_\_\_  
 Telephone

Travis Beard  
 \_\_\_\_\_  
 Authorized Representative  
  
 \_\_\_\_\_  
 Signature  
 10/1/2024  
 \_\_\_\_\_  
 Date  
  
 \_\_\_\_\_  
 Witness



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

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

**BID OPPORTUNITY:** \_\_\_\_\_

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

STATE OF MICHIGAN  
 COUNTY OF OAKLAND

Worry Free Inc. / TRAVIS BEARD BEING DULY SWORN  
 deposes and says that:

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

Subscribed and sworn to before me this  
20th day of September, 2024  
 a notary public in and for said County,

Renee A. Trusty  
 Notary Public

My Commission expires: 02/05/2030

**Renee A Trusty**  
**NOTARY PUBLIC - STATE OF MICHIGAN**  
**COUNTY OF Oakland**  
 My Commission Expires February 5, 2030  
 Acting in the County of Oakland

Travis Beard

Authorized Signature

TRAVIS BEARD  
 Printed Name of Signatory

WORRY FREE INC.  
 Company Name

P.O. Box 1221  
 Address

Royal Oak, MI 48068  
 City, State, Zip Code

248-585-2808  
 Area Code & Phone Number

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





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

**BID OPPORTUNITY:** \_\_\_\_\_

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

STATE OF MICHIGAN  
 COUNTY OF OAKLAND

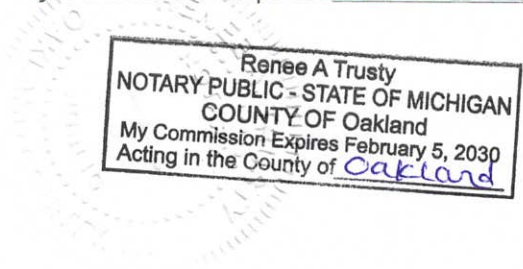
WORRY FREE INC. / TRAVIS BEARD BEING DULY SWORN  
 deposes and says that:

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

Subscribed and sworn to before me this  
20th day of September, 2024  
 a notary public in and for said County,

Renee A Trusty  
 Notary Public

My Commission expires: 02/05/2030



[Signature]  
 Authorized Signature

TRAVIS BEARD  
 Printed Name of Signatory

WORRY FREE INC.  
 Company Name

P.O. Box 1221  
 Address

Royal Oak, MI 48068  
 City, State, Zip Code

248-585-2808  
 Area Code & Phone Number

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



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

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

**BID OPPORTUNITY:** \_\_\_\_\_

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

STATE OF MICHIGAN  
 COUNTY OF OAKLAND

WORRY FREE INC / TRAVIS BEARD, BEING DULY SWORN  
 deposes and says that:

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

Subscribed and sworn to before me this  
20th day of September, 2024  
 a notary public in and for said County,

Renee A Trusty  
 Notary Public

My Commission expires: 02/05/2030

Renee A Trusty  
 NOTARY PUBLIC - STATE OF MICHIGAN  
 COUNTY OF Oakland  
 My Commission Expires February 5, 2030  
 Acting in the County of Oakland

[Signature]  
 Authorized Signature

TRAVIS BEARD  
 Printed Name of Signatory

WORRY FREE INC.  
 Company Name

P.O. Box 1221  
 Address

Royal Oak, MI 48068  
 City, State, Zip Code

248-585-2808  
 Area Code & Phone Number

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





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
4/9/2024

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 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 VTC Insurance Group Troy Office 1175 W. Long Lake Ste. 200 Troy MI 48098-4960	CONTACT NAME: Michelle Davis	
	PHONE (A/C, No, Ext): (248) 828-3377	FAX (A/C, No): (248) 828-3741
	E-MAIL ADDRESS: mdavis@vtceins.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Acuity A Mutual Insurance Company	14184
INSURED Worry Free Lawn Care & Snow Removal Inc. PO Box 1221 Royal Oak MI 48068	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	
	INSURER G:	

COVERAGES CERTIFICATE NUMBER: 24-25 Master 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 type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER			242204	4/5/2024	4/5/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ Included GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OPAGG \$ 3,000,000 Employment Practices Liability Insu \$ 50,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			242204	4/5/2024	4/5/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ PIP-Basic \$
A	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 0			242204	4/5/2024	4/5/2025	EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ 3,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			242204	4/5/2024	4/5/2025	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Leased/Rented Equipment			242204	4/5/2024	4/5/2025	LIMIT \$200,000 Deductible \$500

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Name of Project Where required by written contract, \*\*\* is additional insured on the General Liability policy with respect to ongoing and completed operations performed by the named insured. (type of policy) includes waiver of subrogation on behalf of \*\*\* as required by written contract and where allowed by law.

CERTIFICATE HOLDER  *****FOR INFORMATION ONLY***** ***** ***** *****	CANCELLATION  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  Alan Chandler/MLB 
---	--

October 7, 2024 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ to authorize the City Manager to approve the contract with ParkNav to develop a parking portal to monitor parking occupancy rates and analyze the impacts of potential adjustments to municipal parking supply and policy throughout and near the Downtown Development Authority's boundaries.

Ayes:

Nays:

Motion:



# MEMORANDUM

To: Mayor Dean and City Council  
From: Kristen Kapelanski, Community Development Director  
Date: October 7, 2024  
Subject: Contract with ParkNav

---

Madam Mayor and Members of City Council,

## Background

- Council adopted the Parking Study in August 2023, a major focus of which was the Downtown Development Authority.
- Recommendations included measuring on-street parking occupancy on a quarterly basis, identifying parcels for expansion of municipal parking, identifying opportunities for public/private parking partnerships and conducting municipal and private parking lot counts on a monthly or quarterly basis. Community Development staff does not have the capacity to conduct these counts.
- ParkNav is an AI-enabled software provider that uses cell phone data to estimate parking counts in a defined polygon with 80% accuracy in real time.
- Funds for this item were included in the adopted 2024/2025 budget.

## Summary

- The proposal would monitor parking occupancy rates in all public and private lots 24 hours a day, seven days a week in the defined polygon of the Downtown Development Authority plus one or two blocks into the surrounding neighborhoods.
- Additionally, the portal would allow staff to alter parking conditions in the portal through the potential expansion of municipal parking, a change in parking restrictions or the addition of a private lot for public use to see how that change would alter parking patterns and usage. This would help staff and Council make better informed decisions regarding parking policy and the expansion of municipal parking.
- This cost for this service totals \$13,400. The contract would provide services through September of 2025, at which point the City could determine if they would like to renew.

## Recommendation

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ to authorize the City Manager to approve the contract with ParkNav to develop a parking portal to monitor parking occupancy rates and analyze the impacts of potential adjustments to municipal parking supply and policy throughout and near the Downtown Development Authority's boundaries.





**CUSTOMER:** City of Berkley, MI

**TO:** Kristen Kapelanski

**Email:** [kkapelanski@berkleymich.net](mailto:kkapelanski@berkleymich.net)

**Phone:** (248)-658-3329

**Date:** August 5, 2024

**Version:** 3







Dear Kristen,

We are pleased to share our solutions with you in this exciting proposal.



**Parknav®** uses machine learning and predictive analytics along with proprietary and patented technology to offer real-time information for “live street” parking. Our Parking Availability Map uses **patented award-winning machine learning technology** to provide the most precision which streets will have at least one not only open, but also legal on-street, available parking spot, with a special emphasis on the ‘hard to park’ street.

### OVERVIEW

- Founded in 2015.
- **Machine Learning expertise:** Award-winning data science & machine learning team with 50+ years of experience.
- **Our parking information solution provides** both on-street and off-street parking availability information, as well as navigation to the spots.
- **Artificial Intelligence for IOT:** Utilize Artificial Intelligence (AI) and Machine Learning (ML) on IOT data to provide real-time predictions “live-street” activities.
- Since our inception, we recorded over **5.5B+ parking events**.
- **Broad coverage:** Parknav is now offered in over **1000+** cities across North America and Europe.
- **Real-time information:** Our predictions are provided in real-time, without any wait time.
- **Parking restriction information:** Our parking-restriction information covers 100% of the streets in the city.



**John Leney**

EVP

[johnleney@parknav.com](mailto:johnleney@parknav.com)

Phone: +1.248.388.9278

[www.parnav.com](http://www.parnav.com)

**Ai Incube, Inc. (Parknav)**

122 South Michigan Avenue

Suite 1390-K13

Chicago, IL 60603



# PROPOSAL TO SERVE

## PARKNAV PARKING SERVICE

Our proposal and quotation for Berkley are described in sections which follow. Included are a description of the services and support offered including Product Description, Coverage Area, Licensing Options & Fees, Schedule, and General Terms.

### 1. SERVICE SPECIFICATION:

The following sections describe the included services.

#### 1.1 Included Subscription Services

**Parknav® On-street Parking Data Service** including the following:

- **Parknav® On-street Parking Restrictions API** providing the locations, days, times, zones, and rates of various curb regulation types throughout the included coverage area(s).
- **Parknav® On-street Parking Availability Map API** providing parking probabilities for every street in the included coverage area(s).
  - provides parking probabilities for each street (between 0% - 100%) calculated from intersection to intersection.
  - real-time availability updated every several minutes.
  - accounts for parking restriction information

**Parknav® Off-street Parking Data Service** including the following:

- **Parknav® Off-street Parking API** providing location and pricing information for parking lots and garages along with real-time availability of parking.

**Parknav® CITY PORTAL on Parknav Cloud powered by ESRI** providing detailed analytics and parking prediction information for all streets throughout the city. The City Portal includes:

- Access to on-street parking availability and restriction information.
- Access to off-street parking availability and garage/lot information.
- Parking analytics including hourly and daily parking availability.
- Ability to navigate to various areas in the city coverage area.



## 1.2 Included Technical Support Services

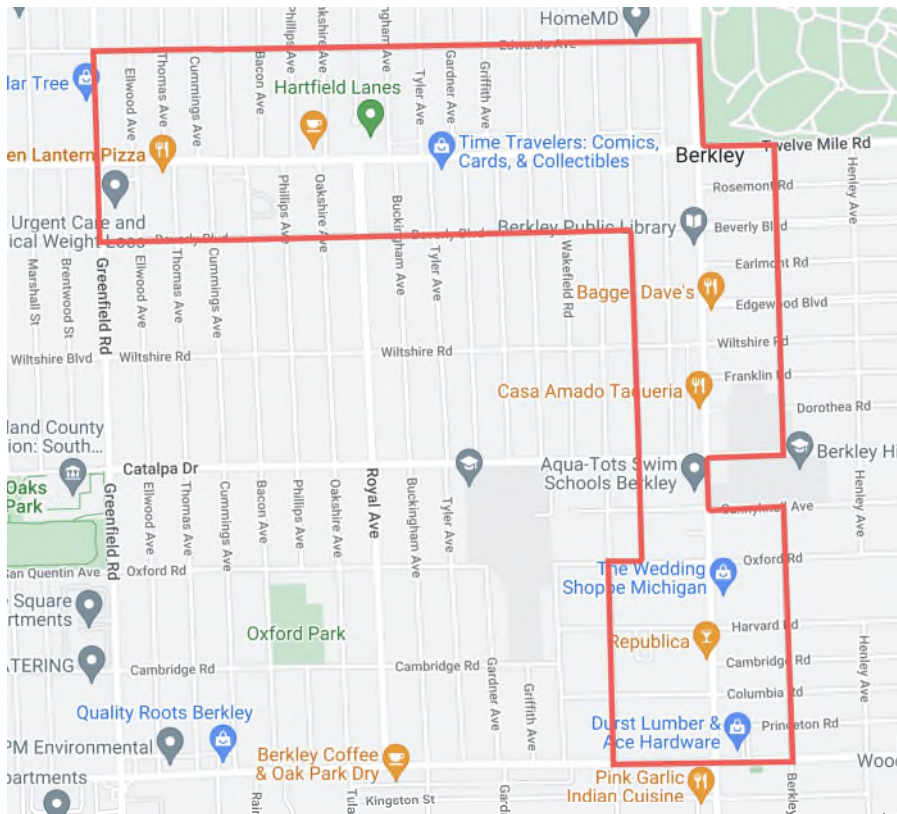
Technical Support includes such items as:

- Training/Education and provision of education materials
- Configuration of Parknav City Portal
- General Assistance with Q&A for the team

## 2. SERVICE COVERAGE AREA

Parknav® services described in Section 1 will be activated for the following area(s) described below. On-street parking information shall be available for all street segments with the coverage area. Off-street parking information shall be available for all public parking lots and garages within the coverage area.

Coverage Area Berkley, MI





### 3. FEES & PAYMENT SCHEDULE

#### 3.1 Fees

SERVICES	Parknav Offerings	Rates (per Month)
DATA LICENSE SUBSCRIPTION SERVICES	Parknav On-street Parking Service	\$500
	Parknav Off-Street Parking Service	\$375
	Parknav City Portal Access	\$100
Sub-TOTAL LICENSE FEES <sup>(1)</sup>	\$11,700	
TECHNICAL SUPPORT SERVICES	Technical Support <sup>(4,5)</sup>	\$ 85 / Hour
Sub-TOTAL SERVICE FEES	\$1,700	
<b>TOTAL</b>	<b>\$13,400</b>	

(1) Monthly price is based on twelve-month subscription

(2) Support service includes 20 hours of technical support

(3) Additional support services may be procured at a rate of \$ 85 / hour.

#### 3.2 Payment Schedule

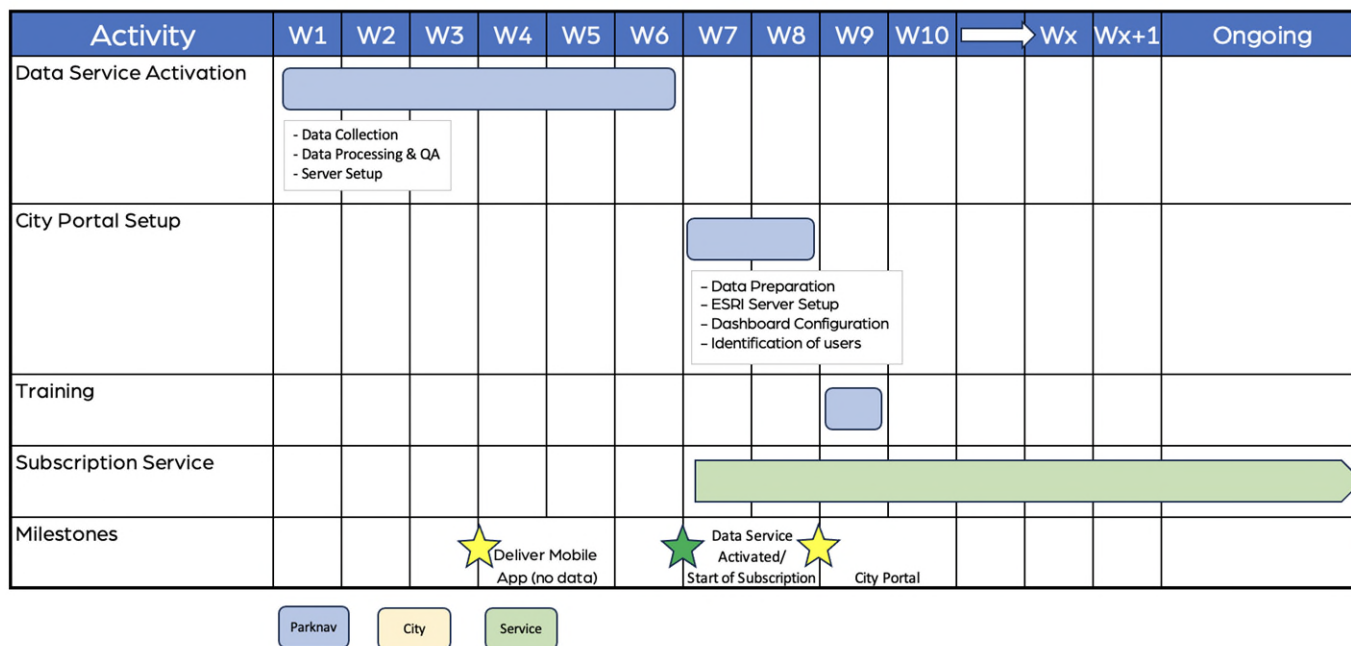
Upon acceptance of this proposal, Parknav shall invoice City of Berkley for the selected services.

- Payment terms: 30 days
- Twelve (12) month subscription shall start when services are activated (see Section 4 – TIMELINE, herein)



#### 4. TIMELINE

A preliminary timeline for delivery and launch is as follows.



**NOTES:**

- Schedule shall be finalized at kick-off meeting prior to launch.
- Parknav shall publish mobile app in Apple and Google Play stores upon approval from city.
- Schedule assumes no customization or enhancements to standard Parknav City Portal. Should enhancements be requested, Parknav shall provide updated schedule and cost estimates.

#### GENERAL TERMS:

Upon written acceptance of this proposal

- **BERKLEY** will initiate payment upon receipt of invoice(s) as per payment schedule outlined herein.
- **PARKNAV and BERKLEY** will sign **Parknav** Standard Data License Agreement (Exhibit A) including Service Level Agreement (Exhibit B)
- **Subscription** will automatically renew unless cancelled by renewal date.
- This **Proposal** is in effect thru **September 30, 2024**.

#### 5.1 Co-Marketing Activities

**PARKNAV & BERKLEY** agree to work together to determine and agree on a marketing strategy that could include such items as:

- **BERKLEY** serving as a reference customer.
- Permission from **BERKLEY** to use their logo in Parknav marketing materials.
- Joint press release upon signing of the proposal.
- Joint marketing activities – Videos, Quotes, TV Appearances if relevant
- Joint social media posts and quotes


The City of Berkley shall have final approval on any marketing and communications about Berkley.



## 5. SIGNATURES

It is agreed between PARKNAV and BERKLEY that the conditions mentioned in this proposal are understood and accepted.

### **Ai Incube, Inc. (Parknav)**

By:   
Name: John Leney  
Title: EVP  
Date: August 5, 2024

### **CITY OF BERKLEY**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_



THANK YOU



## High precision at scale

Understand where and when people park to implement smart pricing or urban planning.





# MEMORANDUM

To: Mayor Dean and City Council  
From: Kristen Kapelanski, Community Development Director  
Date: October 7, 2024  
Subject: Second reading to amend Section 30-186 through 30-189 of Article V, Rental Property, of Chapter 30, Businesses, of the Berkley City Code

---

Madam Mayor and Members of City Council,

## Background

- The City Council has directed staff to prepare ordinance amendments to address short term rental units in the City.
- The City Code currently has provisions regulating all rental units, including short term rental units, more generally.
- The City Council approved the first reading of the ordinance at the September 16, 2024 meeting.

## Summary

- The proposed ordinance amendment would distinguish between long term and short term rental units, with anything rented for less than 30 days per month classified as a short term rental unit.
- Short term rental units would be required to register with and be inspected by the Community Development Department on an annual basis (currently biennial).
- Regulations specific to short term rental units would include the following:
  - Application and registration documents would be required to include a floorplan.
  - Occupancy would be limited to no more than two adults per bedroom, with a maximum capacity of ten adults.
  - A minimum of two off-street parking spaces would need to be available on the property.
  - Properties could not be advertised to accommodate more than the number of available sleeping areas, not to exceed 10 adults.
  - The property owner and/or short term rental unit manager's 24 hour contact information, and occupancy limit must be posted conspicuously in and outside the short term rental unit at all times. Additionally, the City's noise ordinance must be posted inside the short term rental unit.
  - Accessory uses such as, but not limited to: pools, garages, playgrounds, studio space, decks, and patios could not to be offered for separate rental from the short term rental unit.



- Additions/revisions made in response to Council discussion at the approval of the first reading include the following:
  - A provision requiring ‘quiet hours’ matching the City’s noise ordinance be posted in the short term rental has been added.
  - A provision requiring the City’s on-street parking regulations be posted in the short term rental has been added.
  - The language requiring storing of refuse cans has been re-worded per Council’s suggestions.
  - A section allowing for revocation of a short term rental license has been added. A license could be revoked in the following cases:
    - If the application contains fraudulent information;
    - If three or more violations (confirmed by the court) have been issued occurring as a result of the reasonable occupancy of the property; or
    - If code issues related to life safety, sanitation or weatherability exist.
  - A definition of a violation has been added.

**Recommendation**

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ to approve the second reading to amend Section 30-186 through 30-189 of Article V, Rental Property, of Chapter 30, Businesses, of the Berkley City Code to allow for the regulation, licensing, and collection of fees associated with Short Term Rentals, prescribe a penalty for violations and repeal conflicting ordinances

0-08-24

**AN ORDINANCE**

**of the City Council of the City of Berkley, Michigan, to amend Section 30-186 through 30-189 of Article V, Rental Property, of Chapter 30, Businesses, of the Berkley City Code to allow for the regulation, licensing, and collection of fees associated with Short Term Rentals, prescribe a penalty for violations and repeal conflicting ordinances.**

***THE CITY OF BERKLEY ORDAINS:***

**SECTION 1:** Section 30-186.-30-189. of Chapter 30 of the Berkley City Code is amended, as follows:

***ARTICLE V. RENTAL PROPERTY***

***DIVISION 1. GENERALLY***

**Sec. 30-186. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

All terms used in this article are defined in accordance with the housing law of Michigan, ~~being viz.,~~ Public Act No. 167 of 1917 (MCL 125.401~~2~~ et seq.) except as otherwise provided.

Owner, operator, person, premises, occupant and structure: As found in accordance with the 2015 International Property Maintenance Code as adopted in chapter 26 of the ~~C~~code of the city.

Long term Rental Unit. Any home, apartment, unit, or similar residential building used or offered to the public for occupancy or lodging for consideration or rent for a period of 30 or more days a month.

Short Term Rental Unit. Any home, apartment, unit, or similar residential building used or offered to the public for occupancy or lodging for consideration or rent for a period ~~fewer~~ than 30 days a month.

Bedroom. A room or dwelling that is intended for a sleeping purpose as determined by the International Property Maintenance Code, adopted by the City, as amended.

Accessory Use. Any use of space, structure, interior, or exterior of a Short Term Rental Unit, that is not related to the occupancy of the Short Term Rental Unit for sleeping, leisure, food preparation, or other similar activities related to the habitation of a structure or property intended for residential occupancy.

Violation: An occurrence(s) or action(s) that is not permitted per municipal, state or federal laws that is verified by an agent of the applicable enforcing entity.

**Sec. 30-187. General provisions.**

No person may rent, lease or let any real property [for use as a Long Term Rental Unit or Short Term Rental Unit](#) for any amount of time within the city unless the rental property is registered with the building official or their designee and unless the city has issued a certificate of compliance pursuant to this article. This article does not apply to single-room rentals ~~in single or multiple family units or to single family dwellings and commercial buildings that are occupied exclusively by the owner thereof~~, nor does it apply to agreements allowing a seller of premises to temporarily continue to occupy or possess the premises post-closing.

**a) Short Term Rental provisions.**

- (1) [A floor plan of each licensed Short Term Rental Unit is required to be submitted to the city and must include: measurements of all rooms and common areas; egress and ingress from the Short Term Rental Unit and location of water meter, furnace/boiler, water heater.](#)
- (2) [The property owner and/or Short Term Rental Unit manager's 24 hour contact information, and the Short Term Rental Unit's occupancy limit must be posted conspicuously in the Short Term Rental Unit at all times.](#)
- (3) [The property owner and manager's 24 hour contact information, and the Short Term Rental Unit's occupancy must be posted conspicuously and visible to the public on the exterior of the Short Term Rental Unit at all times.](#)
- (4) [The city's Noise Ordinance, including regulated quiet hours from 11PM to 7AM, must be posted conspicuously in the Short Term Rental Unit at all times.](#)
- (5) [The city's on-street parking provisions prohibiting parking from 2AM-5AM along with information on how to obtain temporary parking passes must be posted conspicuously in the Short Term Rental Unit at all times.](#)
- (6) [Occupancy, as defined by the International Property Maintenance Code, is limited to no more than two adults per bedroom, not to exceed 10 adults. Use of rooms for sleeping that are not intended for sleeping purposes such as, but not limited to: living rooms, dining rooms, and other common areas is prohibited.](#)
- (7) [A minimum of two off street parking spaces is required to be eligible of property as a Short Term Rental Unit.](#)
- (8) [Properties used as Short Term Rental Units are required to adhere to the minimum standards of the city's Code of Ordinances, including the International Property Maintenance Code, adopted by the city, as amended.](#)
- (9) [All trash, debris and recycling are to be stored in rigid containers designed for storing garbage, with a tight fitting secured lid, in an area not visible from the street.](#)
- (10) [Short Term Rental Licenses are valid for a one year period, established on the date of approval of the application. Renewal and re-inspection by the Building Official, or their designee, is required on an annual basis and must be completed prior to expiration \(365 days, or as adjusted for leap years\).](#)
- (11) [The use of RV's, motorhomes, sleeping tents or similar structures are not permitted for occupancy, dwelling or use by occupants of a Short Term Rental Unit.](#)
- (12) [Accessory uses such as, but not limited to: pools, garages, playgrounds, studio space, decks, and patios are not to be offered for separate rental from the Short Term Rental Unit.](#)
- (13) [Properties must not be solicited or advertised to accommodate more than the number of available sleeping areas as defined by the International Property Maintenance Code, not to exceed 10 adults.](#)
- (14) [Property owners may be held liable for violations of the City of Berkley Code of Ordinances.](#)

**Sec. 30-188. - Registration of rental properties.****a) Long Term Rental Units.**

The owner of any premises or structure must register with the city their name, place of residence or usual place of business, and the location of each premises regulated by this article. At the time of registration, the owner must pay a biennial registration fee and inspection fee which has been established by resolution of the city council. If the premises are managed or operated by an agent of the owner, then the owner must furnish the agent's name and address at the time of each biennial registration. The owner must also furnish any other information required by the city. Failure of any owner to comply with the provisions of this section deprives the owner of the right to receive a certificate of compliance for each premises or structure which is not registered.

**b) Short term Rental Units.**

The owner of any Short Term Rental Unit must register with the city. Registration must include the owner's name, place of residence or usual place of business, and the location of each Short Term Rental Unit regulated by this article. At the time of registration, the owner must pay an annual registration fee and inspection fee which has been established by resolution of the city council. If the Short Term Rental Unit is managed or operated by an agent of the owner, then the owner must furnish the agent's name and address at the time of each annual registration. The owner must also furnish any other information required by the city. Failure of any owner to comply with the provisions of this section shall result in the owner not receiving a certificate of compliance or registration for such Short Term Rental Unit.

**c) Revocation of Short Term Rental License**

Short Term Rental licensing is subject to revocation or suspension of issuance for a registered property or a property operating as an unregistered Short Term Rental. Revocation and suspension is applicable for a period up to 12 months.

**Terms of revocation or suspension of a Short Term Rental License**

- 1) An application submitted for a Short Term Rental that contains fraudulent information.
- 2) 3 or more issued violations, where there has been an admission or determination of responsibility by a court of competent jurisdiction, occurring as a result of the reasonable occupancy of the use as defined by this ordinance.
- 3) Code issues that are related to the life safety, sanitation or weatherability of the living unit or home.

Any registered property issued by the city may be suspended, or revoked by the Community Development Director for cause. The Community Development Director must provide the owner notice of the suspension or revocation and a list of the violations or the basis of denial, suspension or revocation of the registration. The owner has the right to a hearing before the city council on any such action of the Community Development Director, provided that a written request therefor is filed with the Community Development Director within seven days of denial, suspension or revocation.

**Sec. 30-189. - Inspection of rental properties.**

- a) The building official or their designee will inspect all buildings, structures, dwellings and units required to be registered under this article, pursuant to section 30-188. Thereafter, the building official or their designee will inspect every such building, structure, dwelling or unit at two-year intervals for Long Term Rental Units, and one year intervals for Short Term Rental Units. These inspections are for the purposes of

determining whether the building, structure, dwelling or unit complies with chapters 26, 50 and 138. The building official or their designee may request permission to enter any premises regulated by this article at reasonable hours to undertake an inspection. ~~Upon an emergency~~ If permission to enter is denied, the building official or their designee may ~~obtain~~seek a court order for the purpose of inspecting any premises regulated by this article. All inspections conducted pursuant to this section will be conducted in such a manner as to secure compliance with this article.

- b) For renewal of rental licenses, the owner must schedule the required inspection no later than 30 days before the expiration of their rental registration. Failure to schedule the inspection within the 30-day period will result in the immediate suspension of the existing rental registration and additional fees per section 30-194. The city will provide advance notice to property owners a minimum of 60 days prior to expiration.
- c) For new rental licenses, the owner must schedule the required inspection no later than 30 days after application for a rental license. Failure to schedule the inspection within the 30-day period will result in the cancellation of the rental application and forfeiture of the application and inspection fees.
- d) In addition to periodic inspections, the following may occur:
  - (1) A complaint basis such that a regulated premise will be inspected within a reasonable time by the building official or their designee upon receipt of a complaint, verbal or written, by a citizen or tenant that the regulated premises may be in violation of this Code.
  - (2) An area basis, such that all regulated premises in a predetermined geographical area will be inspected simultaneously or within a short period of time.
  - (3) A recurrent violation basis, such that those premises which are found to have a high incidence of recurrent or uncorrected violations will be inspected more frequently. The owner or agent must ensure that the premises regulated by this section are accessible for inspection during normal working hours of the city, except that an occupant of the premises may allow inspection at any time.

#### **Sec. 30-190. Right of Entry. – Sec. 30-250. Reserved**

[Unchanged.]

#### **SECTION 2: 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 3: Penalty**

All violations of this ordinance shall be municipal civil infractions and upon determination of responsibility therefore shall be punishable by a civil fine of not more than \$500, and/or such other sanctions and remedies as prescribed in Article IX of Chapter 82 of the Code of Ordinances.

#### **SECTION 4: Effective Date**

This Ordinance shall become effective 90 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 September 16, 2024 .

Adopted on the Second Reading at the Regular City Council Meeting on October 7, 2024 .

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Bridget Dean, Mayor

Attest:

---

Victoria Mitchell, City Clerk

October 7, 2024 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ to consider the addition of a staff position and related budget amendments.

Ayes:

Nays:

Motion:



# MEMORANDUM

To: Mayor Dean and City Council  
From: Nate Geinzer, Interim City Manager  
Date: *October 7, 2024*  
Subject: Approval of Budget Amendments to Facilitate New Hire

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Madam Mayor and Members of City Council,

## Background

- The City of Berkley has long gone without a Human Resources professional. Yet, human resources is a critical function needed to support City operations and the City's most valuable assets, its employees.
- Human resources has been operating in a decentralized manner which creates inconsistencies in hiring processes, benefits support, accountability, and much more.
- The City of Berkley has over 120 employees. The size and sophistication of City operations, as well as the plethora of rules and regulations that fall under human resources warrants a full-time position.

## Summary

- A new Human Resources Director would provide a significant improvement to internal customer service, streamline operations, help ensure compliance with numerous regulations, and much more.
- The job description we have developed is attached, but can be summarized into the following focus areas:
  - Organizational Leadership
  - Strategic HR Leadership
  - Talent Management
  - HR Systems & Data Management
  - Benefits & Compensation Administration
  - Employee Engagement & Development
  - Labor Relations & Compliance
  - Policy Development & Risk Management
  - Diversity, Equity, Inclusion, & Belonging (DEIB)



- Making the budget amendments necessary to accommodate this new position is a necessary step forward in the City of Berkley's operational evolution and will allow the City's Department heads to focus more on the strategic priorities and departmental leadership.
- The estimated total cost for this position, including salary and benefits, is \$170,000 +/-.
- Funding for this position will come from the City's General Fund.
- The City's Department Heads are fully supportive and welcome bringing in this critically needed role to support the City operations.

**Recommendation**

Authorize the City Manager to make the necessary budget amendments to facilitate the hiring of a new full-time position as outlined.



# BERKLEY

## DIRECTOR OF HUMAN RESOURCES JOB DESCRIPTION

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**Supervised By:** City Manager  
**Supervises:** No Supervisory Responsibility

### Position Summary:

As Director of Human Resources, you will be a key strategic partner to city leadership, ensuring the development of a positive, inclusive, and dynamic workplace culture. This role involves leading all aspects of human resources management, including talent acquisition, employee relations, benefits administration, and organizational development, while collaborating across departments to align HR initiatives with the city's mission and goals. The position requires a forward-thinking, collaborative approach to build a high-performance team and foster continuous development across the organization.

### Essential Job Functions:

An employee in this position may be called upon to do any or all of the following essential functions. These examples do not include all of the duties which the employee may be expected to perform. To perform this job successfully, an individual must be able to perform each essential function satisfactorily.

- **Organizational Leadership:** Serves as key member of the senior management team, advising the City Manager and other department heads on critical issues. Leads and coordinates special projects, programs, and assignments related to organizational development, management practices and policies, and other organization-wide priorities.
- **Strategic HR Leadership:** Collaborate with the City Manager and department leaders to assess, develop, and implement strategic HR initiatives that promote a high-performing, engaged workforce. Serve as a trusted advisor on complex HR matters, offering insights and recommendations that align with the city's goals.
- **Talent Management:** Oversee full-cycle recruitment, from identifying staffing needs to sourcing, selecting, and onboarding top talent. Partner with city departments to anticipate workforce needs and develop creative talent acquisition strategies to build a diverse and skilled workforce. Conducts periodic briefing and orientation sessions on all personnel matters explaining the management's and employee's role. Identifies program deficiencies and develops corrective action as necessary.
- **HR Systems & Data Management:** Utilize modern HR technology to streamline processes, enhance decision-making, and support data-driven HR practices. Ensure HR records are maintained in compliance with legal standards and best practices.
- **Benefits & Compensation Administration:** Administer competitive and comprehensive benefits programs, including health insurance, retirement plans, and wellness initiatives. Ensure compensation policies remain equitable, market-competitive, and aligned with the city's goals.

- **Employee Engagement & Development**: Foster a culture of collaboration, inclusion, and continuous learning by leading initiatives focused on employee engagement, training, and professional development. Support department heads in implementing customized development programs and succession planning efforts.
- **Labor Relations & Compliance**: Represent the city in collective bargaining negotiations, contract administration, and dispute resolution. Ensure compliance with federal, state, and local employment laws and regulations, promoting fair employment practices.
- **Policy Development & Risk Management**: Oversee the creation, implementation, and updating of HR policies and procedures. Manage the city's workers' compensation, liability insurance, drug testing and safety programs, fostering a safe and healthy workplace.
- **Diversity, Equity, Inclusion, & Belonging (DEIB)**: Champion DEIB initiatives, developing programs and policies that promote an inclusive work environment. Lead efforts to attract, retain, and develop a workforce that reflects the diversity of the community.

**Required Knowledge, Skills, and Abilities:**

The requirements listed below are representative of the knowledge, skills, abilities and minimum qualifications necessary to perform the essential functions of the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the job. Requirements include the following:

- Candidate must have strong interpersonal skills, be able to interact effectively with leadership, be highly organized, action oriented, and possess solid analytical and problem-solving skills.
- Ability to remain objective and rational, while being passionate about people and teams.
- Skilled in the ability to be collaborative and include appropriate people in the decision-making process while ensuring timely decisions are made. Possess sound and accurate judgment with ability to support and explain reasoning for decisions.
- Depth of knowledge in most functional areas of Human Resources, including but not limited to: compensation and benefits, policy development, compliance, employee relations, performance management, recruitment, hiring, and diversity.
- Knowledge of Federal and state employment laws inclusive of FLSA, OSHA, NLRA, FCRA, FMLA, ADA, COBRA, HIPPA, EEO, Worker's Compensation, human resources best practices and employee benefits and insurance.
- Be trustworthy with the ability to strictly maintain the confidentiality of privileged information. Ability to follow through on commitments; being discreet and flexible at all times.

**Minimum Qualifications:**

- Requires a Bachelor's degree in public administration, human resources, business or related field plus 3 years of relevant HR work experience, public sector preferred, or an equivalent combination of education and experience that provides the required skills, knowledge, and abilities to successfully perform the essential functions of the position.
- Professional certification such as SHRM-CP or SHRM-SCP highly desirable.
- Leadership, mentoring and supervisory experience in an HR work environment.
- Budget management experience.

- Proficient with Microsoft Office Suite or related software. The ability to quickly learn new software systems.

**Physical Demands and Work Environment:**

The physical demands and work environment characteristics described here are representative of those an employee encounters while performing the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The employee is frequently required to sit, bend, operate a computer keyboard or type, handle materials, or reach with hands and arms performing the essential functions of the position. The duties require sitting for long periods, accessing stored file boxes and file cabinets and moving and organizing physical file materials. The employee must occasionally lift 40 pounds. The employee must have sufficient speech and hearing abilities to be able to discern verbal instructions and communicate effectively in person or by telephone or electronic mail. Close vision, distance vision, depth perception, and the ability to adjust focus, conduct research and inspect materials are abilities specifically required to perform the functions of this position.

While performing the duties of this job, the employee regularly works in a business office setting. The noise level in the work environment is usually quiet to moderate, but can be loud.

October 7, 2024 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember  
\_\_\_\_\_ to consider the disposition of surplus property.

Ayes:

Nays:

Motion:



# MEMORANDUM

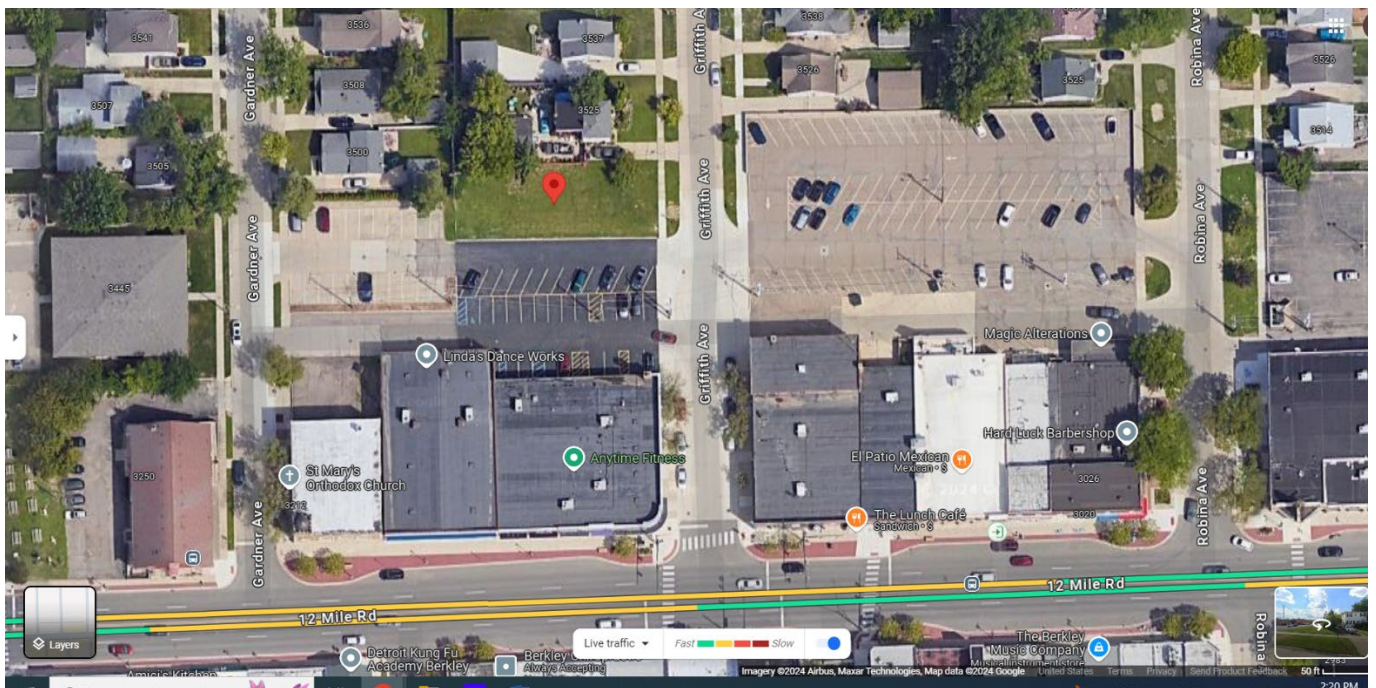
To: Mayor Dean and City Council  
From: Nate Geinzer, Interim City Manager

Date: *October 7, 2024*  
Subject: Approval of Property Disposition

Madam Mayor and Members of City Council,

## Background

- The City of Berkley owns the parcel located at 3501 Griffith Avenue (Parcel Number 04-25-07-453-032).





- The property is not a park.
- The City obtained ownership and demolished the existing home around 2008-2009 with the goal of creating a larger municipal parking lot that would ultimately be a mix of City owned property and private lease agreements. The economy took a turn and funding never materialized.
- Public Works has been performing maintenance activities on this property ever since.

### Summary

- The City has received a formal inquiry into the availability of this lot for the development of a single-family home.
- Per the City's Code of Ordinances:

Sec. 2-139. - Sale of property.

(a) Whenever any city property, real or personal, is no longer needed for corporate or public purposes, the same may be offered for sale pursuant to the provisions of the Charter and this article. Property not exceeding \$500.00 in value may be sold for cash by the city manager after receiving quotations or competitive bids therefor for the best price obtainable. Property with a value in excess of \$500.00 may be sold after solicitation of competitive bids as provided in sections 2-129 through 2-135, and after approval of the sale has been given by the council. The city may, with council approval, sell any personal property to another government entity without obtaining quotations or competitive bids.

- City staff believes the retention of this property is a low priority with the original intent of utilizing this site to grow municipal parking options to be limited.
- According to County Equalization, if the property were to be re-zoned to R1D-Single Family Residential, similar to the adjacent parcel to the north, the assessed value would be \$76,510, representing a True Cash Value of \$153,020 for 2024. Keep in mind County Equalization does

not provide prospective values for sale or non-assessing purposes. True Cash or Market Value would be determined through the Bid process.

- Should the City Council choose to move forward, City staff would initiate a rezoning application.
- Given that the original intent of the property was to be developed into parking, the City Council could determine to assign proceeds to the new parking fund for use on future parking projects/collaborations that hold greater potential.

**Recommendation**

Authorize the City Manager to develop and issue a request for proposal for the sale and development of 3501 Griffith Avenue (04-25-07-453-032).



10/03/2024  
12:50 PM

Valuation Report

DB: Assessing

04-25-07-453-032	2025 Est. T.C.V.	CITY OF BERKLEY
Property Class: 402		3501 GRIFFITH AVE
Map #: .	City of Berkley	BERKLEY, MI 48072-1488

Land Value Estimates for Land Table CME.Land Table CME

		* Factors *					
Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
	50.00	133.36	1.0000	1.0000	0 100		0
50 Actual Front Feet, 0.15 Total Acres			Total Acres		Total Est. Land Value =		0

2025 Est. T.C.V. 04-25-07-453-032 = 0

Est. TCv/Total Floor Area = 0.00, Most recent sale 10/09/2008 for 138,000

2024 Assessed	MBOR	S.E.V.	Base for Cap	C.P.I.	
0	0	0	0	0.00	
2025	New Eq. Adjustment	Loss	Additions	Tax Adjustment	Losses
0	0	0	0	0	0
2025 Assessed	MBOR	S.E.V.	Capped	->Taxable<-	PRE/MBT
0	0	0	0	0	0



Nate Geinzer <ngeinzer@berkleymi.gov>

**3501 Griffith**

1 message

**simonibrahim555@yahoo.com** <simonibrahim555@yahoo.com>

Mon, Sep 16, 2024 at 8:07 PM

To: ngeinzer@berkleymi.gov

Cc: simon ibrahim <simonibrahim555@yahoo.com>, Rocky Mamou <rmamou1116@yahoo.com>

Hello Nate !

It was nice meeting you last week at the city hall building department, we spoke briefly about 3501 Griffith Street - property is owned by the city of Berkley. We would love the opportunity to purchase and contribute to the growth and prosperity of my childhood hometown "Berkley Bears". The city hasn't looked more beautiful than ever and we would love and appreciate the opportunity to build a beautiful single family home that consists of 2055 sq ft, 3bed, 2.1 bath

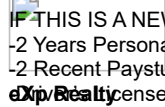
Kim Anderson doubled checked if it was near the vicinity of downtown Berkley. This is one of our renderings that we are currently building in Ferndale and Hazel Park. We are also working on another rendering consists of 1550 sq ft with 3bed 2.1 bath. With a total portfolio of 15 properties we would love to add Berkley to our portfolio.

Please contact me via email [simonibrahim555@yahoo.com](mailto:simonibrahim555@yahoo.com) or via mobile 586 484-9900 to discuss options and opportunities that are available.

Kindly,  
Simon Ibrahim -

**Simon Ibrahim**  
**Real Estate Agent | Multi Million Dollar**  
**Producer | Top 3% in Michigan**

**A:** 4107 John R Rd. Suite 100  
Troy, MI 48085  
**P:** 586-484-9900  
**O:** 248-864-2200  
**F:** 248-229-3223

 **Exp Realty**  
IF THIS IS A NEW MORTGAGE APPLICATION, PLEASE SUBMIT THE FOLLOWING;  
-2 Years Personal Tax Returns w/W2's (Business Returns also, if applies)  
-2 Recent Paystubs  
-Mortgage Statement  
-Home Insurance Decleration's Page

IF THIS IS A PURCHASE OF A NEW HOME, PLEASE ALSO SUBMIT THE FOLLOWING;  
-Purchase Agreement  
-Copy of Earnest Money Deposit  
-Home Owner's Insurance Quote  
-2 Months of Asset Statements