

**CITY OF BERKLEY PUBLIC NOTICE  
REGULAR CITY COUNCIL MEETING  
Monday, October 4, 2021  
7:00 P.M. – City Hall  
248-658-3300**

**CALL 38<sup>th</sup> COUNCIL TO ORDER  
APPROVAL OF AGENDA  
INVOCATION – DEACON DANIEL DARGA  
PLEDGE OF ALLEGIANCE  
PUBLIC COMMENT  
ORDER OF BUSINESS**

**Consent Agenda**

1. **APPROVAL OF THE MINUTES:** Matter of [approving the minutes](#) of the 38<sup>th</sup> Regular City Council Meeting on Monday, September 20, 2021.
2. **ORDINANCE NO. O-07-21:** Matter of [considering the Second Reading and Adoption](#) of an Ordinance to amend Section 138-192 Projections, in order to provide clarity on permitted projections into setback area on residential properties.
3. **ORDINANCE NO. O-08-21:** Matter of [considering the Second Reading and Adoption](#) of an Ordinance to amend Section 138-32, Definitions, and Section 138-417, Principal Permitted Uses, in relation to expanding the permitted uses to permit Entertainment Establishments in the Downtown District and adding a definition of Entertainment Establishments.

**Regular Agenda**

1. **RECOGNITIONS/PRESENTATIONS:** Matter of any recognitions or presentations from the Consent Agenda.
2. **MOTION NO. M-56-21:** Matter of [authorizing the Knights of Columbus](#), 2299 W. Twelve Mile Road, Berkley, Michigan, to conduct a Tootsie Roll Drive in the City of Berkley from Friday, October 8th through Sunday, October 10th from 8 a.m.- 7 p.m.
3. **PUBLIC HEARING:** Matter of holding a Public Hearing regarding the request for commercial rehabilitation exemption certificate.
4. **RESOLUTION NO. R-32-21:** Matter of [considering a resolution](#) to approve the Commercial Rehabilitation Exemption Certificate, in accordance with PA 210 of 2005, as amended, to include Parcels #25-18-431-030, 25-18-431-031, and 25-18-431-032, for the purpose of redevelopment of La Salette and development of new buildings for multi-family housing.
5. **MOTION NO. M-57-21:** Matter of [authorizing the City Manager](#) to enter into a one-year Professional Services Agreement with GDI Services of Southfield, Michigan to perform Janitorial Services for the City of Berkley municipal buildings, not to exceed \$85,227.72 annually. This expenditure will be charged to account numbers #101-265-811-000, #101-310-811-000, #101-441-811-000, #101-738-811-000, and #614-105-811-000.
6. **ORDINANCE NO. O-09-21:** Matter of [considering a First Reading](#) of an Ordinance of the City Council of the City of Berkley, Michigan to amend Section 2-227 of Division 3 – Historical Committee, of Article V, of Chapter 2 – Administration, to delete the requirement that Historical Committee members be registered voters.
7. **CLOSED SESSION:** Matter of considering whether to meet in Closed Session to discuss attorney/client privileged communications regarding collective bargaining agreements.
8. **MOTION NO. M-58-21:** Matter of [approving a collective bargaining agreement](#) with the Command Division of the Police Officers Labor Council.

9. **MOTION NO. M-59-21:** Matter of [approving a collective bargaining agreement](#) with the Patrol Division of the Police Officers Labor Council.
10. **MOTION NO. M-60-21:** Matter of [approving a collective bargaining agreement](#) with the Michigan Association of Public Employees (MAPE).

## COMMUNICATIONS

## ADJOURN

**HYBRID MEETING OPTION AVAILABLE: TO JOIN THE ELECTRONIC MEETING, VISIT [HTTPS://berkleymich.ZOOM.US/J/94929846645](https://berkleymich.zoom.us/j/94929846645) OR CALL 1-312-626-6799. THE MEETING ID IS 949 2984 6645.**

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

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

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

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

**APPROVAL OF AGENDA**

Councilmember Baker moved to approve the Agenda with an amendment to remove item eight and move the subsequent items up.

Seconded by Councilmember Gavin

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

Nays: None

Motion Approved.

**INVOCATION:** Pastor Adam Groh

**PUBLIC COMMENT**

Sue Richardson and Jeff Tong, from the Berkley Historical Committee, announced the first issue of the newsletter, "The Museum Corner." Ms. Richardson recognized Don Callahan, a volunteer who offered to help start publishing the newsletter and also Communications Engagement Officer, Torri Mathes, for giving them great advice. Ms. Richardson stated the publication is a quarterly newsletter and copies are currently available at the City Clerk's Office, the library, and the museum. There will be digital copies available in the future.

Liz Petry, Berkley resident, commented about the launch of the Berkley Cares Food Pantry. She stated there is an event to help with food pantry donations on Saturday, October 2<sup>nd</sup>. She stated the food pantry's email is [Berkleycaresfoodpantry@gmail.com](mailto:Berkleycaresfoodpantry@gmail.com) and the mailing address is P.O. Box 5012 Berkley, MI 48072. Monetary donations may be made online or by mailing them in as well.

Gabrielle Sweda, Berkley resident, voiced her concerns regarding the demolished lot and zoned parking sight across the street from her home as well as the lack of ordinances being enforced, the February 2020 consent judgment, and the restated and amended collaboration agreement between the City, Vinsetta Garage, and Lugo. She also presented a petition signed by her neighbors requesting what they want from the City regarding this matter.

Paul Jordan, Berkley resident, submitted an email stating:

1. He does not support tax abatements, breaks for 2219 Coolidge, LLC
2. He asked if we went through rebranding a few years ago?
3. He expressed concern over the contents of the subsection, "research" under the heading, "Branding Outcomes" in regards to agenda item three. More specifically, mentions of the word, "logo."

***Consent Agenda***

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

**APPROVAL OF THE MINUTES:** Matter of approving the minutes of the 38<sup>th</sup> Regular City Council Meeting on Monday, August 9, 2021.

**WARRANT:** Matter of approving Warrant No. 1366.

**PROCLAMATION NO. P-24-21:** Matter of proclaiming September 2021 as National Suicide Prevention Month.

**PROCLAMATION NO. P-25-21:** Matter of proclaiming September 2021 as National Recovery Month.

**PROCLAMATION NO. P-26-21:** Matter of proclaiming September 2021 as Childhood Cancer Awareness Month.

**PROCLAMATION NO. P-27-21:** Matter of proclaiming September 2021 as National Preparedness Month.

**PROCLAMATION NO. P-28-21:** Matter of proclaiming September 15-October 15, 2021, as Hispanic Heritage Month.

**PROCLAMATION NO. P-29-21:** Matter of proclaiming October 2021 as Berkley Area Chamber of Commerce Month.

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

Nays: None

Motion Approved.

### ***Regular Agenda***

**PRESENTATION:** Matter of receiving a presentation from Senator Mallory McMorrow's office.

Liz Trombley, from Senator Mallory McMorrow's office, provided updates about a few items that were happening in the Michigan Legislature. She mentioned it is budget season and the House will have a final budget either tomorrow or Wednesday. She also stated that Senator McMorrow and some of her House colleagues are working on a package regarding maternity leave and family leave policies.

Mayor Terbrack asked Council if there were any questions or comments for Ms. Trombley to take back to Senator McMorrow.

Councilmember Baker thanked Ms. Trombley and Senator McMorrow for all of the terrific work they do. He also asked about the budget and if there was anything Ms. Trombley could highlight so they could look out for it in the months and years ahead.

Ms. Trombley said that unfortunately the budget has not been passed out of the conference committees yet so she would be unable to share anything at this point in time.

Councilmember Baker thanked Ms. Trombley and was eager to hear what would be coming in the future budget once it is presented and passed.

Mayor Terbrack mentioned that while they were on the topic of the budget, he wanted to pass along to the Senator an increasing or continuation of regional infrastructure allocations to local governments. He stated this is something that municipalities cannot do on their own and they need the help of the leadership from the Senator and the State so they are able to take care of their residents. He thanked

Ms. Trombley for her updates and stated he looks forward to hearing about the upcoming budget that would be passed.

**MOTION NO. M-50-21:** Matter of authorizing the City Manager to enter into a Professional Services Agreement with Hadrout LLC of Ferndale, Michigan to perform branding and website development services not to exceed \$25,000 for year one and \$4,340 annually for maintenance for subsequent years. This expenditure will be charged to account number 101-750-814-000.

Councilmember Price moved to approve Motion No. M-50-21

Seconded by Mayor Pro Tem Dean

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

Nays: None

Motion Approved.

**RESOLUTION NO. R-29-21:** Matter of approving an application for transfer of an on-premise Class C liquor license for The Wedding Shoppe, Inc., 2186 Coolidge Highway, Berkley, MI.

Mayor Pro Tem Dean moved to approve Resolution No. R-29-21

Seconded by Mayor Pro Tem Dean

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

Nays: None

Motion Approved.

**MOTION NO. M-51-21:** Matter of approving a Downtown Development Authority (DDA) event "Boo!kley Monster Mash" on Dorothea between Coolidge Highway and the alley on Saturday, October 30, 2021 from 2 PM to 6 PM. Approval is conditional upon the submission of required items and documents prior to event dates.

Councilmember Baker moved to approve Motion No. M-51-21

Seconded by Mayor Pro Tem Dean

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

Nays: None

Motion Approved.

**RESOLUTION NO. R-30-21:** Matter of considering a resolution for participation in the 2021 Oakland County Street Tree Enhancement Match Grant Program (OAKSTEM).

Councilmember Hennen moved to approve Resolution No. R-30-21

Seconded by Councilmember Gavin

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

Nays: None

Motion Approved.

**MOTION NO. M-52-21:** Matter of approving the purchase of a 2022 Tandem Axle Dump Truck with Bodies at a total cost of \$255,142 from Wolverine Freightliner and Truck & Trailer Specialties, Inc. utilizing the MITN Cooperative Bid Contract.

Councilmember Blanchard moved to approve Motion No. M-52-21

Seconded by Councilmember Price

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

Nays: None

Motion Approved.

**ORDINANCE NO. O-07-21:** Matter of considering a First Reading of an Ordinance to amend Section 138-192 Projections, in order to provide clarity on permitted projections into setback area on residential properties.

Councilmember Gavin moved to approve Ordinance No. O-07-21

Seconded by Councilmember Hennen

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

Nays: None

Motion Approved.

**ORDINANCE NO. O-08-21:** Matter of considering a First Reading of an Ordinance to amend Section 138-32, Definitions, and Section 138-417, Principal Permitted Uses, in relation to expanding the permitted uses to permit Entertainment Establishments in the Downtown District and adding a definition of Entertainment Establishments.

Councilmember Baker moved to approve Ordinance No. O-08-21

Seconded by Councilmember Blanchard

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

Nays: None

Motion Approved.

**MOTION NO. M-53-21:** Matter of authorizing the City Manager to sign the Application for Corrective Action Plan (CAP) for the City of Berkley General Employees Defined Benefit Pension Plan. The signed CAP will be forwarded to the Michigan Department of Treasury Municipal Stability Board for review and decision on approval.

Councilmember Gavin moved to approve Motion No. M-53-21

Seconded by Mayor Pro Tem Dean

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

Nays: None

Motion Approved.

**MOTION NO. M-54-21:** Matter of authorizing the amendment of the 2021-2022 Budget as presented.

Councilmember Baker moved to approve Motion No. M-54-21

Seconded by Councilmember Price

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

Nays: None

Motion Approved.

## **COMMUNICATIONS**

**COUNCILMEMBER BAKER:** stated that the Downtown Development Authority (DDA) met on Wednesday, September 8<sup>th</sup>. He encourages everyone to visit [downtownBerkley.com](http://downtownBerkley.com) to see a list of upcoming events in the City. He stated the Historical Committee met last Monday on September 13<sup>th</sup> and mentioned the Historical Museum's newsletter called, "The Museum Corner." He stated the Technology Advisory Committee will meet Wednesday, October 20<sup>th</sup>. He stated he is happy to announce that the City's website is officially secure. He talked about the Alexa Skill application that still appears to be a work in progress. He quoted Stan Lee, "Comic books for me are like fairy tales for grown-ups." He talked about Berkley High School Alum Jim Starlin, Class of 1967. H stated Mr. Starlin created various comic book characters that have become well known today. He finally stated that this example of what Mr. Starlin has done shows that you should follow your dreams.

**COUNCILMEMBER PRICE:** announced that the COVID-19 vaccine is now available for elementary-age children. She stated she is happy about all the precautionary measures for COVID-19 taking place throughout the Berkley schools and city buildings. She stated the library will host in-person story time under the pavilion at Jaycee Park throughout the month of October. She said anyone interested may visit the library's website for more information. She said the library is also hosting Zoom book club meetings and presentations. She said registration may take place through the library's website or by calling the library. She stated the library's hours have now officially returned to pre-pandemic schedule. The hours are Monday-Thursday 10:00 am – 8:00 pm, Friday, 10:00 am – 6:00 pm, and Saturday 10:00 am – 3:00 pm. She thanked the library director and staff for everything they have done to keep everyone safe.

**MAYOR PRO TEM BLANCHARD:** stated the Lids for Kids and Public Safety Open House will take place 10:00 am – 2:00 pm Saturday, September 25<sup>th</sup> at the Berkley Public Safety Building. He presented some

books and materials that will be distributed to the children at the events. Finally, he quoted Steven Cyros, "Remember when disaster has struck the time to prepare has passed."

**MAYOR PRO TEM DEAN:** stated that October is National Domestic Violence Awareness Month and the City of Southfield is having a walk to raise awareness on Sunday, October 3<sup>rd</sup> from 11:00 am – 2:00 pm. It will take place at the Southfield Municipal Campus with registration beforehand. She stated the Parks and Recreation Department is having an event called Parks and Pumpkins on Thursday, October 7<sup>th</sup> from 3:30 – 5:00 pm at Community park. Registration is required by October 1<sup>st</sup> by visiting [recreation.berkleymich.org](http://recreation.berkleymich.org). She stated Parks and Recreation is having the Tale on the Trail event on October 21<sup>st</sup> and there are multiple time slots available starting at 6:00 pm. The event has limited space and preregistration is required. She stated Boo! Fest will take place Monday, October 25<sup>th</sup> and the Parks & Recreation event will include pumpkin decorating, spider maze, trunk or treating, and more. The event runs from 4:30 – 6:30 pm and registration begins on September 27<sup>th</sup>. She said the M Parks Foundation is hosting a virtual 5K throughout the month of September to raise money for local recreation and park opportunities. The 5K may be completed in various ways and half of the registration money goes back to your community. She stated to check out the Parks and Recreation Department for various senior and adult activities that are going on as well.

**COUNCILMEMBER HENNEN:** stated that the Zoning Board of Appeals (ZBA) last met in August. He said during the last meeting, the ZBA approved an addition to a home after the property owner scaled back on his original request. He stated there were no additional cases for the ZBA in September and there will be no cases in October. He stated the Tree Board is thrilled to learn that a second tree grant will be given to the City that was accomplished with their help. He mentioned the Tree Board discussed its communications plan to educate the public to help take care and protect city trees. He said the Tree Board looked at tracking tribute trees as well as reviewed its mission and vision statements for the future. He said the Tree Board's next scheduled meeting is Monday, November 8<sup>th</sup>.

**COUNCILMEMBER GAVIN:** stated the Planning Commission (PC) met last month and a lot of what was discussed took place during the City Council meeting. He stated the PC's next meeting is Tuesday, September 28<sup>th</sup> at 7:00 pm. He stated the Environmental Advisory Committee (EAC) met and discussed where green infrastructure efforts were at, what a sustainability and green infrastructure plan might look like, and how to get the process started. He said the next meeting for the EAC is on Thursday, November 18<sup>th</sup> at 6:30 pm.

**CITY MANAGER BAUMGARTEN:** stated the Berkley Plaza construction has begun. The Berkley Plaza is a partnership between the DDA, the Berkley School District, and the City. He thanked the school district for having a major part in this construction project. He reminded everyone that September 23<sup>rd</sup> is the last day to submit your thoughts regarding the Master Plan and they may be submitted at any one of the City buildings. He stated DTE Energy is looking to enhance its tree trimming program with the ultimate goal that it will help significantly reduce the number of power outages occurring during storms.

**CITY CLERK MITCHELL:** stated that absentee ballots for the November 2, 2021 election would start being mailed out on Thursday, September 23<sup>rd</sup> and would also be available to the public as well. She said anyone with questions about obtaining an absentee ballot can call (248) 658-3310 or send an email to [clerk@berkleymich.net](mailto:clerk@berkleymich.net). She stated that all election related updates and services may be found by visiting [berkleymich.org/vote](http://berkleymich.org/vote).

**ATTORNEY STARAN:** stated the City just completed four half days of hearings for marijuana business license appeals. He stated there were some good appeal cases that were made and the hearing officer will have his report and recommendations done by the end of the month. He anticipates Council will receive the three marijuana businesses' information at a meeting next month.

**MAYOR TERBRACK:** apologized and recognized some of the technical difficulties during the meeting and will see that they get taken care of. He stated he and the City Manager met with Congressmen Andy Levin along with some of their peers to discuss important topics. He said one of the topics that is especially important is infrastructure. He stated another topic that was of great concern during the

meeting was that COVID-19 cases are on the rise. He encourages everyone to do what they need to do to stay safe. He congratulated Parks and Recreation Director Theresa McArleton for her induction into the Albion Briton Hall of Fame Class of 2021. He stated she is being recognized for her achievements when she played soccer at Albion College.

#### **ADJOURNMENT**

Mayor Pro Tem Dean moved to adjourn the Regular Meeting at 8:52 p.m.

Seconded by Councilmember Blanchard

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

Nays: None

Motion Approved.



**AN ORDINANCE**

**Of the Council of the City of Berkley, Michigan**  
**Amending Section 138-192 of Chapter 138, Zoning,**  
**Of the City of Berkley Code of Ordinances**  
**To Amend Regulations for Projections into Setbacks**  
**And Provide Penalties for Violations**

**THE CITY OF BERKLEY ORDAINS:**

**SECTION 1:** Section 138-192 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-192. - Projections.

Projections may extend into a required side yard setback not more than two inches for each one foot of width of such setback; and may extend or project into a required front or rear yard setback not more than three feet. The total of all projections into a required setback yard shall not exceed 30 percent of that wall's surface area.

Projections may have a foundation, such as brick or masonry fireplaces, or may be without a foundation, such as box fireplaces, bay windows, and other types of cantilevers, including second story cantilevers.

Projections without a foundation shall be above grade at least 12 inches.

In nonresidential districts, where no front yard setback is required, the Planning Commission may permit a projection to extend into the right of way three feet provided that it is at least 11 feet above the sidewalk if the Planning Commission determines the public health, safety, and welfare will not be adversely affected. The total of all projections into a given right of way shall not exceed 30 percent of that wall's surface area.

**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:** Effective Date

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

**SECTION 4:** 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 Meeting on Monday, September 20, 2021

Passed on the Second Reading at the Regular City Council Meeting on Monday, October 4, 2021

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Daniel J. Terbrack, Mayor

Attest:

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Victoria Mitchell, City Clerk

**AN ORDINANCE**

**Of the Council of the City of Berkley, Michigan**  
**Amend Section 138-32 and Section 138-417 of Chapter 138, Zoning,**  
**Of the City of Berkley Code of Ordinances**  
**To Add Definition for Entertainment Establishments,**  
**Add Entertainment Establishments to the Principal Permitted Uses in Downtown District,**  
**And Provide Penalties for Violations**

**THE CITY OF BERKLEY ORDAINS:**

**SECTION 1:** Section 138-32 of Chapter 138 of Berkley Code of Ordinances shall be amended to add the definition for Entertainment Establishments as follows:

Sec. 138-32. – Definitions

*Entertainment Establishments:* any indoor establishment where entertainment is provided as an experience of enjoyment of the patrons. Such uses may include, but not limited to, art, photography, music, craft, ceramic, glass, or cooking studios for the purposes of hosting classes, providing live-action entertainment, or conducting group or independent activities. Such uses may be in conjunction with another use, if deemed compatible by the Zoning Officer.

**SECTION 2:** Section 138-417 of Chapter 138 of Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-417. – Principal permitted uses.

Principal uses permitted in the downtown district are as follows:

1. Restaurants, carryout or standard, except drive through uses
2. Bars, cocktail lounges, or taverns
3. Retail uses, dealing with the sale or new merchandise, such as, but not limited to the following:
  - a. Gift shops
  - b. Clothing stores, including shoes, hats and accessories
  - c. Jewelry store
  - d. Kitchenware, small appliance stores
  - e. Furniture stores
  - f. Toy stores
4. Retail uses, dealing with the sale of previously owned merchandise, such as, but not limited to the following:
  - a. Antique shops
  - b. Art galleries
5. Personal service uses, including the following:
  - a. Hair salons
  - b. Nail salons
  - c. Tanning salons
6. Dance studios and health clubs

7. Food uses, not including convenience stores, such as, but not limited to the following:
  - a. Produce markets
  - b. Specialty food stores
  - c. Wine shops
  - d. Butcher shops
  - e. Bakeries
8. Movie theaters, stage theaters, and comedy clubs
9. Residences, when located above the first floor
10. Offices or agencies, when located above the first floor
11. Marihuana retailers and medical marihuana provisioning centers
12. Entertainment Establishments, not including outdoor sales or service or activity areas

**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 a determination of responsibility therefore shall be punishable by a civil fine or 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 30 days following the date of adoption.

**SECTION 5:** Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1992, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Meeting on Monday, September 20, 2021.

Passed on the Second Reading at the Regular City Council Meeting on Monday, October 4, 2021

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Daniel J. Terbrack, Mayor

Attest:

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Victoria Mitchell, City Clerk

October 4, 2021 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ to authorize the Knights of Columbus, 2299 W. Twelve Mile Road, Berkley, Michigan, to conduct a Tootsie Roll Drive in the City of Berkley from Friday, October 8th through Sunday, October 10th from 8 a.m.- 7 p.m.

Ayes:

Nays:

Motion:



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

# CITY OF BERKLEY, MICHIGAN

## CHARITABLE SOLICITATION

### PERMIT APPLICATION DISPOSITION CHECKLIST

**Event Name:** Knights of Columbus Tootsie Roll Drive

<i>Event Date(s)</i>	<i>Location(s)</i>	<i>Event Hours</i>
<u>October 8-10, 2021</u>	<u>11 Mile &amp; Coolidge / 12 Mile &amp; Coolidge</u>	<u>8 am - 7 pm</u>

**ORGANIZATION:**

<b>Organization Name:</b> Knights of Columbus			
<b>Headquarters Street Address:</b> 2299 W. 12 Mile Rd			
<b>City:</b> Berkley	<b>State:</b> MI	<b>Zip Code:</b> 48072	<b>Phone:</b> (757)753-4689
<b>Website:</b> www.holyrosaryhall.com    www.mikofc.org			

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

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

The following documents have been submitted:

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

Application reviewed by:   
 Public Safety EV 9-29-21   
 Public Works DS 9-28-21  
   
 Planning Official ES 9-28-2021

**Comments:**

**Presented to City Council:**

<b>Date:</b> _____	<b>Approved:</b> _____ YES    NO	<b>Organization Notified</b> _____ YES    NO
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City Clerk's Office  
3338 Coolidge Hwy.  
Berkley, MI 48072  
248-658-3300  
Fax: 248-658-3301  
www.berkleymich.org

Print Form

## CITY OF BERKLEY, MICHIGAN CHARITABLE SOLICITATION PERMIT APPLICATION

Event Name: Knights of Columbus Tootsie Roll Drive

Event Date(s) October 8-10, 2021 Location(s) 11 Mile & Coolidge / 12 Mile & Coolidge Event Hours 8am - 7pm

### ORGANIZATION INFORMATION

Name: Knights of Columbus			
Street Address: 2299 W 12 Mile Rd			
City: Berkley	State: MI	Zip Code: 48072	Phone: (248)546-2752
Website: www.holyrosaryhall.com    www.mikofc.org			

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

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

### CONTACT PERSON (Authorized Representative)

Name Jim Nitkiewicz Title Grand Knight Phone (248)546-2752  
Email gk3830@mikofc.org

### AGENTS/OFFICERS OF ORGANIZATION

Name Jim Nitkiewicz Title Grand Knight Phone \_\_\_\_\_  
Address \_\_\_\_\_

Name Tom Bewick Title Financial Secretary Phone \_\_\_\_\_  
Address \_\_\_\_\_

Name Chris Hickner Title Deputy Grand Knight Phone \_\_\_\_\_  
Address \_\_\_\_\_

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

Knights of Columbus annual tootsie roll drive to collect money to be distributed to charities who support children and adults with intellectual disabilities. Funds will be distributed to the Michigan Special Olympics and local charities.

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

\$0

**Estimated cost of the solicitation**

\$0 (already have supplies: yellow vests, collection containers, tootsie rolls)

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

1. Internal Revenue Service tax exempt documentation for the organization
2. Organization's financial report for the preceding fiscal year
3. Proof of Commercial Liability Coverage on an "occurrence basis" with no less than \$500,000 per occurrence and/or combined single limit, Personal Injury, Bodily Injury, and Property Damage. The insured endorsement portion of the Certificate of Insurance must read EXACTLY as follows:  
The City of Berkley, including all elected and appointed officials, all employees, and volunteers, all boards, commissions, and/or authorities and their board members, employees, and volunteers.
4. Charitable Solicitation Hold Harmless Agreement signed by an authorized representative of the organization.

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

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

James A. Nittke  
Applicant Signature

JIM NITKIEWICZ / GRAND KNIGHT  
Print Name/Title

9/16/2021  
Date

**For City Use Only**

Matt Baumgarten  
Approved by

City Manager  
Title

[Signature]  
Signature

9/28/21  
Date



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

## CITY OF BERKLEY, MICHIGAN

### CHARITABLE SOLICITATION HOLD HARMLESS AGREEMENT

This Hold Harmless Agreement is between Knights of Columbus 3830 (the Organization) and the City of Berkley, Michigan, (City) for the date(s) specified below.

Organization Name Knights of Columbus 3830  
Address 2299 W 12 Mile Rd  
City Berkley State MI Zip 48072 Phone (248) 546-2752  
Event Name Tootsie Roll Drive  
Event Location(s) 11 Mile & Coolidge / 12 Mile & Coolidge Event Date(s) Oct 8-10, 2021

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

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

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

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

Authorized Representative JAMES A NITKIEWICZ Title GRAND KNIGHT  
(Please print)  
Signature James A Nitkiewicz Date 9/16/2021





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

## CITY OF BERKLEY, MICHIGAN TEMPORARY TRAFFIC CONTROL ORDER

(TCO NUMBER)

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

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

PROJECT NAME:	Knights of Columbus Tootsie Roll Drive
Location	12 MILE AT COOLIDGE / WESTBOUND 11 MILE AT COOLIDGE
DATE/S/TIMES:	COOLIDGE AT 12 MILE SOUTHBOUND COOLIDGE AT 11 MILE
	OCTOBER 8-10 8am - 7pm
RESPONSIBLE PARTY:	
Name:	Jim Nitkiewicz
Street Address:	
City/State/ZIP:	
Contact Phone:	
Email address:	

### For Official Use Only:

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

Approved by: (Print name and title below)	Signature:	Date:
Public Safety		9-29-21
Public Works		9-28-21
Planning Official		9-28-2021

**\*\*Original – Traffic Control File**

Submit completed form to City Clerk's Office

January 2017



City of Berkley  
Department of Public Safety



INTEROFFICE CORRESPONDENCE

**DATE:** September 29, 2021  
**TO:** Matthew Baumgarten, City Manager  
**FROM:** Matt Koehn, Director of Public Safety *BLK*  
**SUBJECT:** KNIGHTS OF COLUMBUS TOOTSIE ROLL DRIVE

The Knights of Columbus Queen of the Holy Rosary Council 3830 has submitted an application for "Tootsie Roll Drive" scheduled for October 8, 2021 through October 10, 2021. Knights of Columbus members will be soliciting donations and passing out "Tootsie Rolls" to motorists at the intersections of Coolidge Highway and 11 Mile Road, Coolidge Highway and 12 Mile Road, and eastbound 12 Mile at Woodward between the hours of 8 AM and 7 PM.

The Department of Public Safety has reviewed the application and discussed the event with Mr. Thomas Bewick, Financial Secretary of Knights of Columbus Council 3830. The Knights of Columbus Council 3830 has a 508(c)(8) tax exempt status (EIN 38-1584733) and proceeds from this event will benefit local organizations which provide services to mentally impaired persons. It was stressed to Mr. Bewick that, for safety reasons, all members who are soliciting must wear a safety vest and not interfere with moving traffic.

The Knights of Columbus Council 3830 has submitted all of the required accompanying documentation.

This event has been held in the past with no concerns and the Department of Public Safety recommends approval of the Tootsie Roll Drive and will monitor all locations during the event.



**KNIGHTS  
OF COLUMBUS**

# SEMIANNUAL COUNCIL AUDIT REPORT

FOR PERIOD ENDED DECEMBER 31, 2020

**F02 03830 12**

Due By: **FEBRUARY 15**

COUNCIL NO. **3830**

CITY **Berkley**

STATE **Michigan**

## SCHEDULE A — MEMBERSHIP

ADDITIONS	INS.	ASSO.	TOT.	DEDUCTIONS	INS.	ASSO.	TOT.
Total members start of period				Suspensions			
Initiations				Deaths			
Transfers from other councils				Withdrawals			
Transfers—assoc. to insurance				Transfers—assoc. to insurance			
Transfers—ins. to associate				Transfers—ins. to associate			
Re-entries				Transfers to other councils			
Total for period				Total deductions			
Minus total deductions				Do not include inactive insurance members in this section. See Knights of Columbus Leadership Resources (#5093) booklet.			
Number members end of period							

## SCHEDULE A — ALTERNATIVE

☒ Our council uses Member Management/Member Billing. The requirement for completing Schedule A is satisfied.

## SCHEDULE B — CASH TRANSACTIONS

FINANCIAL SECRETARY		TREASURER	
Cash on hand beginning of period	\$ <u>0.</u>	Cash on hand beginning of period	\$ <u>2801.57</u>
Cash received—dues, initiations	\$ <u>549.00</u>	Received from financial secretary	\$ <u>1417.67</u>
Cash received from other sources:		Transfers from sav./other accts.	\$ <u>—</u>
(Explain kind and amount)		Interest earned	\$ <u>—</u>
MI Drive	\$ <u>600.67</u>	Total receipts	\$ <u>4219.24</u>
Raffles	\$ <u>93.00</u>	Disbursements	
Miscellaneous	\$ <u>175.00</u>	Per capita: Supreme Council	\$ <u>0.</u>
Total cash received	\$ <u>868.67</u>	State council	\$ <u>1379.00</u>
Transferred to treasurer	\$ <u>1417.67</u>	General council expenses	\$ <u>180.82</u>
Cash on hand at end of period	\$ <u>0.</u>	Transfers to sav./other accts.	\$ <u>—</u>
		Miscellaneous	\$ <u>235.68</u>
		Total disbursements	\$ <u>1795.40</u>
		Net balance on hand	\$ <u>2423.84</u>

## SCHEDULE C — ASSETS AND LIABILITIES

ASSETS		LIABILITIES	
Cash:		Due Supreme Council:	
Undeposited funds	\$ <u>None</u>	Per capita	\$ <u>None</u>
Bank — Checking acct.	\$ <u>None</u>	Supplies	\$ <u>120.19</u>
— Savings acct.	\$ <u>None</u>	Catholic advertising	\$ <u>None</u>
— Money market accts.	\$ <u>None</u>	Other	\$ <u>None</u>
Due from <u>Number</u> members	\$ <u>None</u>	Due state council	\$ <u>None</u>
Total current assets	\$ <u>None</u>	Advance payments by <u>Number</u> members	\$ <u>None</u>
Less: current liabilities	\$ <u>None</u>	Misc. liabilities	
Net current assets	\$ <u>None</u>	RSVP (Seminarian)	\$ <u>500.00</u>
Other Assets:			\$ <u>—</u>
Short term CD	\$ <u>None</u>		\$ <u>—</u>
Money Market	\$ <u>None</u>	Total current liabilities	\$ <u>620.19</u>
Mutual Funds	\$ <u>None</u>	Signed this <u>16th</u> day of <u>JANUARY</u> 20 <u>21</u>	
Misc. assets	\$ <u>None</u>	<u>Robert A. Goff</u> Grand Knight	
Total other assets	\$ <u>None</u>	<u>John Van Housen Jr.</u> Trustee	
Total assets	\$ <u>None</u>		Trustee

Please complete all items. Insert "None" where no figures are to be shown.

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Mail: 1 Columbus Plaza, New Haven, CT 06510

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\*All U.S. Councils must file form 990 with IRS annually. For info call 203-752-4281 or refer to Officer's Desk Reference.\*



**KNIGHTS  
OF COLUMBUS**

# SEMIANNUAL COUNCIL AUDIT REPORT

FOR PERIOD ENDED JUNE 30, 2020

**F02 03830 06**

Due By: **AUGUST 15**

**COUNCIL NO. 3830**

**CITY Berkley**

**STATE Michigan**

## SCHEDULE A — MEMBERSHIP

ADDITIONS	INS.	ASSO.	TOT.	DEDUCTIONS	INS.	ASSO.	TOT.
Total members start of period				Suspensions			
Initiations				Deaths			
Transfers from other councils				Withdrawals			
Transfers—assoc. to insurance				Transfers—assoc. to insurance			
Transfers—ins. to associate				Transfers—ins. to associate			
Re-entries				Transfers to other councils			
Total for period				Total deductions			
Minus total deductions				Do not include inactive insurance members in this section.			
Number members end of period				See Knights of Columbus Leadership Resources (#5093) booklet.			

☒ **SCHEDULE A — ALTERNATIVE**  
Our council uses Member Management/Member Billing. The requirement for completing Schedule A is satisfied.

## SCHEDULE B — CASH TRANSACTIONS

FINANCIAL SECRETARY		TREASURER	
Cash on hand beginning of period	\$ <u>0.</u>	Cash on hand beginning of period	\$ <u>4061.93</u>
Cash received—dues, initiations	\$ <u>2,293.50</u>	Received from financial secretary	\$ <u>3562.50</u>
Cash received from other sources:		Transfers from sav./other accts.	\$ <u>—</u>
(Explain kind and amount)		Interest earned	\$ <u>—</u>
<u>Assessments</u> \$ <u>678</u>		Total receipts	\$ <u>7624.43</u>
<u>Activities</u> \$ <u>591</u>		Disbursements	
\$ <u>1,269</u>		Per capita: Supreme Council	\$ <u>322.99</u>
Total cash received	\$ <u>3,562.50</u>	State council	\$ <u>1185.75</u>
Transferred to treasurer	\$ <u>3,562.50</u>	General council expenses	\$ <u>3699.75</u>
Cash on hand at end of period	\$ <u>0.</u>	Transfers to sav./other accts.	\$ <u>—</u>
		Miscellaneous	\$ <u>135.75</u>
		Total disbursements	\$ <u>5344.24</u>
		Net balance on hand	\$ <u>2280.19</u>

## SCHEDULE C — ASSETS AND LIABILITIES

ASSETS		LIABILITIES	
Cash:		Due Supreme Council:	
Undeposited funds	\$ <u>—</u>	Per capita	\$ <u>410</u>
Bank — Checking acct.	\$ <u>—</u>	Supplies	\$ <u>—</u>
— Savings acct.	\$ <u>—</u>	Catholic advertising	\$ <u>—</u>
— Money market accts.	\$ <u>—</u>	Other	\$ <u>—</u>
Due from <u>—</u> members	\$ <u>—</u>	Due state council	\$ <u>—</u>
Total current assets	\$ <u>—</u>	Advance payments by <u>—</u> members	\$ <u>—</u>
Less: current liabilities	\$ <u>—</u>	Misc. liabilities	\$ <u>—</u>
Net current assets	\$ <u>—</u>		\$ <u>—</u>
Other Assets:			\$ <u>—</u>
Short term CD	\$ <u>—</u>		\$ <u>—</u>
Money Market	\$ <u>—</u>	Total current liabilities	\$ <u>410</u>
Mutual Funds	\$ <u>—</u>	Signed this <u>9th</u> day of <u>JULY</u>	<u>20 20</u>
Misc. assets	\$ <u>—</u>	<u>[Signature]</u>	Grand Knight
Total other assets	\$ <u>—</u>	<u>[Signature]</u>	Trustee
Total assets	\$ <u>2690.49</u>	<u>[Signature]</u>	Trustee
		<u>[Signature]</u>	Trustee

Please complete all items. Insert "None" where no figures are to be shown.

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Fax: 855-228-1396

Mail: 1 Columbus Plaza, New Haven, CT 06510

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**KNIGHTS  
OF COLUMBUS**

# SEMIANNUAL COUNCIL AUDIT REPORT

FOR PERIOD ENDED JUNE 30, 20 21

Due By: **AUGUST 15**

COUNCIL NO. 3830

CITY Berkley

STATE MA

## SCHEDULE A — MEMBERSHIP

ADDITIONS	INS.	ASSO.	TOT.	DEDUCTIONS	INS.	ASSO.	TOT.
Total members start of period				Suspensions			
Initiations				Deaths			
Transfers from other councils				Withdrawals			
Transfers—assoc. to insurance				Transfers—assoc. to insurance			
Transfers—ins. to associate				Transfers—ins. to associate			
Re-entries				Transfers to other councils			
Total for period				Total deductions			
Minus total deductions							
Number members end of period							

Do not include inactive insurance members in this section.  
See Knights of Columbus Leadership Resources (#5093) booklet.



## SCHEDULE A — ALTERNATIVE

Our council uses Member Management/Member Billing. The requirement for completing Schedule A is satisfied.

## SCHEDULE B — CASH TRANSACTIONS

FINANCIAL SECRETARY		TREASURER	
Cash on hand beginning of period	\$ <u>0</u>	Cash on hand beginning of period	\$ <u>2431.73</u>
Cash received—dues, initiations	\$ <u>2769.56</u>	Received from financial secretary	\$ <u>6099.27</u>
Cash received from other sources:		Transfers from sav./other accts.	\$ <u>—</u>
(Explain kind and amount)		Interest earned	\$ <u>—</u>
Special assets \$695.00		Total receipts	\$ <u>8531.00</u>
Mi Drive \$757.10		Disbursements	
Miscellaneous \$1882.67		Per capita: Supreme Council	\$ <u>9.01</u>
Total cash received	\$ <u>6099.27</u>	State council	\$ <u>—</u>
Transferred to treasurer	\$ <u>6099.27</u>	General council expenses	\$ <u>302.97</u>
Cash on hand at end of period	\$ <u>0</u>	Transfers to sav./other accts.	\$ <u>—</u>
		Miscellaneous	\$ <u>2364.50</u>
		Total disbursements	\$ <u>2676.48</u>
		Net balance on hand	\$ <u>5854.52</u>

## SCHEDULE C — ASSETS AND LIABILITIES

ASSETS		LIABILITIES	
Cash:		Due Supreme Council:	
Undeposited funds	\$ <u>—</u>	Per capita	\$ <u>—</u>
Bank — Checking acct.	\$ <u>5854.52</u>	Supplies	\$ <u>—</u>
— Savings acct.	\$ <u>—</u>	Catholic advertising	\$ <u>—</u>
— Money market accts.	\$ <u>—</u>	Other	\$ <u>—</u>
Due from <u>Number</u> members	\$ <u>—</u>	Due state council	\$ <u>839.50</u>
Total current assets	\$ <u>—</u>	Advance payments by <u>Number</u> members	\$ <u>—</u>
Less: current liabilities	\$ <u>839.50</u>	Misc. liabilities	\$ <u>—</u>
Net current assets	\$ <u>5015.02</u>		\$ <u>—</u>
Other Assets:			\$ <u>—</u>
Short term CD	\$ <u>—</u>		\$ <u>—</u>
Money Market	\$ <u>—</u>		\$ <u>—</u>
Mutual Funds	\$ <u>—</u>	Total current liabilities	\$ <u>839.50</u>
Misc. assets	\$ <u>—</u>	Signed this <u>27th</u> day of <u>July</u> 20 <u>21</u>	
Total other assets	\$ <u>—</u>	<u>James A. Hildebrand</u> Grand Knight	
Total assets	\$ <u>5015.02</u>	<u>Robert H. Flood</u> Trustee	
		<u>James P. Flood</u> Trustee	
		<u>Robert H. Flood</u> Trustee	

Please complete all items. Insert "None" where no figures are to be shown.

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CINCINNATI OH 45999-0038

Oct. 16, 2017 LTR 147C 0  
23-7142267 000000 00

KNIGHTS OF COLUMBUS  
3830 QUEEN OF THE HOLY ROSARY  
% DAN IRWIN  
2299 W 12 MILE ROAD  
BERKLEY MI 48072-1855



006777

Employer identification number: 23-7142267

Dear Taxpayer:

Thank you for your inquiry of Oct. 04, 2017.

Your employer identification number (EIN) is 23-7142267. Please keep this letter in your permanent records. Enter your name and EIN on all federal business tax returns and on related correspondence.

You can get any of the forms or publications mentioned in this letter by calling 800-TAX-FORM (800-829-3676) or visiting our website at [www.irs.gov/forms-pubs](http://www.irs.gov/forms-pubs).

If you have questions, you can call us at 1-800-829-4933.

If you prefer, you can write to us at the address at the top of the first page of this letter.

When you write, include this letter and provide in the spaces below, your telephone number with the hours we can reach you. Keep a copy of this letter for your records.

Telephone number ( ) \_\_\_\_\_ Hours \_\_\_\_\_

Sincerely yours,

Kim A. Billups, Operations Manager  
Accounts Management Operations 1

Enclosures:  
Copy of this letter



**KNIGHTS OF COLUMBUS**  
MAKING A DIFFERENCE FOR LIFE

09/29/2017

Date

**CERTIFICATE OF EXEMPTION**

TO WHOM IT MAY CONCERN:

RE: FEDERAL INCOME TAX EXEMPT STATUS

Knights of Columbus: **QUEEN OF THE HOLY ROSARY COUNCIL 3830**

A Knights of Columbus affiliated Council

Instituted: 04/25/1654

**EIN: 23-7142267**

This certifies that the above Council was duly constituted and is recognized by the Supreme Council of the Knights of Columbus, the central organization, as an affiliated unit at its institution date and is an active Council in good standing. This Council is included under a group exemption ruling from the Internal Revenue Service initially issued in 1940 to the Knights of Columbus Supreme Council, exempting it from Federal Income Tax pursuant to Internal Revenue Code Section 501(c)(8). The attached are true copies of the most recent supplemental rulings received regarding this exemption.

KNIGHTS OF COLUMBUS

Michael J. O'Connor  
Supreme Secretary

TJR/rd  
attachments



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
8/24/2021

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

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

<b>PRODUCER</b> Arthur J. Gallagher Risk Management Services, Inc. 1690 Watertown Place #500 East Lansing MI 48823		<b>CONTACT</b> NAME: Roxanne Gazella PHONE: [A/C, No. Ext]: E-MAIL: ADDRESS:	
License#: BR-724491 MICHSTA-09		<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> Michigan State Knights of Columbus 6025 Wall Street Sterling Heights MI 48312-1075		<b>NAIC #</b> 41297	
		<b>INSURER A:</b> Scottsdale Insurance Company	
		<b>INSURER B:</b>	
		<b>INSURER C:</b>	
		<b>INSURER D:</b>	
		<b>INSURER E:</b>	
		<b>INSURER F:</b>	

## COVERAGES

CERTIFICATE NUMBER: 1310933591

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			CPS7427607	10/1/2021	10/18/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

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

The City of Berkeley, including all elected and appointed officials, all employees, and volunteers, all boards, commissions, and/or authorities and their board members, employees, and volunteers are additional Insureds on General liability policy as it pertains to work performed by the named insured per written contract, per policy conditions. Per attached endorsement. GLS-150s (7-06)

## CERTIFICATE HOLDER

## CANCELLATION

City of Berkeley  
2395 12 Mile Rd.  
Berkeley MI 48072

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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ATTACHED TO AND FORMING A PART OF POLICY NUMBER	ENDORSEMENT EFFECTIVE DATE (12:01 A.M. STANDARD TIME)	NAMED INSURED	AGENT NO.
	10/2/20	Michigan State Knights of Columbus	

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

### BLANKET ADDITIONAL INSURED ENDORSEMENT

This endorsement modifies insurance provided under the following:

#### COMMERCIAL GENERAL LIABILITY COVERAGE PART

With respect to this endorsement, **SECTION II—WHO IS AN INSURED** is amended to include as an additional insured any person or organization whom you are required to add as an additional insured on this policy under a written contract, written agreement or written permit which must be:

- a. Currently in effect or becoming effective during the term of the policy; and
- b. Executed prior to the "bodily injury," "property damage," or "personal and advertising injury."

The insurance provided to these additional insureds is limited as follows:

1. That person or organization is an additional insured only with respect to liability for "bodily injury," "property damage" or "personal and advertising injury" caused, in whole or in part, by:
  - a. Your acts or omissions; or
  - b. The acts or omissions of those acting on your behalf.

A person's or organization's status as an additional insured under this endorsement ends when your operations for that additional insured are completed.

2. With respect to the insurance afforded to these additional insureds, the following exclusions are added to item 2. **Exclusions of SECTION I—COVERAGES:**

This insurance does not apply to "bodily injury," "property damage" or "personal and advertising injury" occurring after:

- a. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
  - b. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.
3. The limits of insurance applicable to the additional insured are those specified in the written contract, written agreement or written permit or in the Declarations for this policy, whichever is less. These limits of insurance are inclusive of, and not in addition to, the Limits of Insurance shown in the Declarations for this policy.
  4. Coverage is not provided for "bodily injury," "property damage," or "personal and advertising injury" arising out of the sole negligence of the additional insured.
  5. The insurance provided to the additional insured does not apply to "bodily injury," "property damage," or "personal and advertising injury" arising out of an architect's, engineer's or surveyor's rendering of or failure to render any professional services including:

- a. The preparing, approving or failing to prepare or approve maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; and
  - b. Supervisory, inspection, architectural or engineering activities.
6. Any coverage provided hereunder will be excess over any other valid and collectible insurance available to the additional insured whether primary, excess, contingent or on any other basis unless a

written contract specifically requires that this insurance be primary.

When this insurance is excess, we will have no duty under **SECTION I—COVERAGES** to defend the additional insured against any "suit" if any other insurer has a duty to defend the additional insured against that "suit." If no other insurer defends, we will undertake to do so, but we will be entitled to the additional insured's rights against all those other insurers.

---

AUTHORIZED REPRESENTATIVE

DATE

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**A RESOLUTION**

**of the Council of the City of Berkley, Michigan Approving the  
Commercial Rehabilitation Exemption Certificate Application for 2219 Coolidge  
LLC Located at 2219 Coolidge Hwy**

WHEREAS, the City of Berkley legally established the Commercial Rehabilitation District, City of Berkley Commercial Rehabilitation District No. 1, on November 16, 2020, after a public hearing held on November 16, 2020; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property previously exempt and currently in force under Public Act 210 of 2005 does not exceed 5% of the total taxable value of the City of Berkley; and

WHEREAS, exceeding 5% will not have the effect of substantially impeding the operation of the City of Berkley or of impairing the financial soundness of an affected taxing unit; and

WHEREAS, a public hearing was held on the application as provided by section 4(2) of Public Act 210 of 2005 on October 4, 2021; and

WHEREAS, 2219 Coolidge LLC is not delinquent in any taxes related to the facility; and

WHEREAS, the application is for commercial property as defined in section 2(a) of Public Act 210 of 2005; and

WHEREAS, the applicant 2219 Coolidge LLC has provided answers to all required questions under the application instructions to the City of Berkley; and

WHEREAS, the City of Berkley requires that rehabilitation of the facility shall be completed by December 31, 2024 and

WHEREAS, the commencement of the rehabilitation of the facility did not occur more than six months prior to the filing of the application for exemption; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a qualified facility within the meaning of Public Act 210 of 2005 and that is situated within a Commercial Rehabilitation District established under Public Act 210 of 2005; and

WHEREAS, completion of the qualified facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to increase the number of residents in the community in which the facility is situated; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(j) of Public Act 210 of 2005.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Berkley  
Be and hereby is granted a Commercial Rehabilitation  
Exemption for the real property, excluding land, located in  
Commercial Rehabilitation District City of Berkley Commercial  
Rehabilitation District No. 1 at  
2219 Coolidge Hwy for a period of 10 years, beginning  
December 31, 2021, and ending December  
30,2031, pursuant to  
the provisions of PA 210 of 2005, as amended.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of a resolution introduced and adopted by the City Council of the City of Berkley, County of Oakland, Michigan at a regular meeting held on October 4, 2021.

---

Daniel J. Terbrack, Mayor

Attest:

---

Victoria Mitchell, City Clerk

# 2219 Coolidge LLC

September 7, 2021

Berkley City Council  
3338 Coolidge Highway  
Berkley, MI. 48072

**RE: Request for the Establishment of a Commercial Rehabilitation Certificate Located at 2219 Coolidge Highway, Berkley, Oakland County, Michigan for 2219 Coolidge LLC**

Honorable City Council:

Please accept this letter to request a Commercial Rehabilitation Certificate (CRC) under Public Act 210 for the property located at 2219 Coolidge Highway, Berkley, Oakland County, Michigan (the "Property"), further described in Attachment A.

## **Company and Project Synopsis**

2219 Coolidge LLC (the "Developer") is managed by Mr. Fred Blechman and Mr. Steve Friedman. With over 40 years of experience, they have established a proven management track record of successfully acquiring, redeveloping, and managing properties throughout Michigan. Collectively, they have successfully completed over 20 multi-family and mixed-use developments with the Detroit metropolitan region, and currently own and operate 24 residential developments, including Urbane Apartments Complex in the City of Berkley.

The requested CRC includes three (3) legal parcels totaling approximately 3.24 acres with a street address of 2219 Coolidge Highway, Berkley, Oakland County, Michigan. These parcels are located at 2219 Coolidge Highway on the western side of the Coolidge Highway corridor, bounded by Oxford Avenue to the north, residential to the west, and the Our Lady of La Sallette Church to the south. The property is occupied by a vacant 3-story school building of approximately 40,000 square feet.

Phase I of the proposed redevelopment includes the renovation of the three-story school building to accommodate 54 apartment units, offering seven (7) studio, forty (40) one-bedroom, and seven (7) two-bedroom layouts. The development also includes the construction of an underground stormwater detention system and parking accommodation for 109 spaces.

Phase II involves the construction of two, three-story buildings of 10,600 square feet each. Each building will feature a total of 12 apartments, 9 single bedroom units, and 3 two-bedroom units. In total, Phase II of the development will provide an additional 24 apartment units.

## **Acquisition Timeline**

The Property was acquired by 2219 Coolidge LLC in August 2020.

## **Necessity for Tax Relief**

Substantial investment is necessary to rehabilitate the existing building into a viable, long-term development. The rehabilitation project would not be possible without the receipt of a Commercial Rehabilitation Tax Abatement.

In order to secure financing and future tenants for the development, the operating costs of the proposed project must be kept as low as possible (including property taxes).

### **Job Creation and Investment**

On a short-term basis, 200 temporary construction jobs will be created during the rehabilitation activities. On a long-term basis, the proposed redevelopment associated with the project will create approximately 12 full time equivalent (FTE) jobs directly by the developer. Total hard cost investment is estimated to be \$9,875,000 and total capital investment is estimated to be \$14,185,000

### **PA 210 Request**

This application documents the request for a Commercial Rehabilitation Certificate. A 10-year abatement is being requested.

The proposed project is considered a "Qualified Facility" as defined by Public Act 210, as amended because it consists of a building that is considered commercial property that is 15 years old or older and vacant property which, within the immediately preceding 15 years, was commercial property as defined in Section 2, subdivision (a).

### **Economic Advantages of the Rehabilitation**

The approval of the Certificate will not result in any fewer taxes to the City in the short-term or long-term. The project will fill a need for additional apartment spaces within the City of Berkley. The proposed redevelopment will attract new Berkley residents to an area that is a short distance from an established downtown area. As a result, it is anticipated that the rehabilitation of this property will increase day and nighttime foot traffic, which will support local merchants, restaurants, and small business.

On a long-term basis, following expiration of the abatement the building will deliver a significant increase in tax revenue. After the PA 210 tax abatement has expired, the project will have a significant impact on the generation of new property taxes.

All taxes associated with the property are current as of the submission of this request.

A Brownfield Plan under Public Act 381 with an estimated value of \$718,623 was also approved in January 2021.

### **Closing**

2219 Coolidge LLC strives to create interesting, unique properties that attract tenants that enjoy living in cities that have created vibrant dining and shopping areas in their downtown. 2219 Coolidge LLC is looking forward to pursuing this redevelopment and continue investing in the City of Berkley.

Respectfully submitted,



Fred Blechman  
2219 Coolidge LLC

***Request for Establishment of a Commercial Rehabilitation Certificate at  
2219 Coolidge Highway, Berkley, Michigan 48072***

(248) 668-9446  
[fred.blechman@outlook.com](mailto:fred.blechman@outlook.com)

Submitted with Assistance from:  
Ryan Higuchi  
PM Environmental, Inc.  
(248) 414-1432  
[higuchi@pmenv.com](mailto:higuchi@pmenv.com)

**Attachments:**

Attachment A: Detailed Project Description  
Attachment B: Parcel Map

cc: E. Schlutow, City of Berkley  
M. Baumgarten, City of Berkley

# Attachment A





## **General Description**

The requested Commercial Rehabilitation Certificate (CRC) includes the property located at 2219 Coolidge Highway, on the western side of the Coolidge Highway corridor and is bounded by Oxford Avenue to the north, residential to the west, and the Our Lady of La Sallette Church to the south. The requested CRC includes three (3) legal parcels totaling approximately 3.24 acres with a street address of 2219 Coolidge Highway, Berkley, Oakland County, Michigan. The property is occupied by a vacant 3-story school building of approximately 40,000 square feet, and the building's associated parking lot. A portion of the current school building was originally constructed between 1940 and 1949 and was later expanded between 1952 and 1956. The property was historically occupied by an elementary school until closing in 2013. The building has been vacant since and has started to deteriorate due to the lack of maintenance.

The redesign of the building incorporates essential considerations specific to modern urban living. Particular attention will be given to the preservation of the historic nature of the property when economically feasible by ensuring that any damaged decorative details will be replaced with material consistent with the current profile, finish and color. The project will attract new Berkley residents to an area that is a short distance from an established downtown area. As a result, it is anticipated that the rehabilitation of this property will increase day and nighttime foot traffic, which will support local merchants, restaurants, and small business.



## **Description of Proposed Use**

Phase I of the proposed redevelopment includes the renovation of a three-story school building to accommodate 54 apartment units, offering studio (7), one-bedroom (40), and two-bedroom (7) layouts. The redesign of the building incorporates essential considerations specific to modern urban living. Particular attention will be given to the preservation of the historic nature of the property when economically feasible by ensuring that any damaged decorative details will be replaced with material consistent with the current profile, finish and color. The development also includes the construction of an underground stormwater detention system and parking accommodation for 109 spaces.

Phase II involves the construction of two, three-story buildings of 10,600 square feet each. Each building will feature a total of 12 apartments, 9 single bedroom units, and 3 two-bedroom units. In total, Phase II of the development will provide an additional 24 apartment units.

## **Nature and Extent of the Rehabilitation**

2219 Coolidge LLC is requesting a Commercial Rehabilitation Exemption Certificate for a 10-year period under the provisions of a Public Act 210 Commercial Rehabilitation tax abatement. Funding for the complete rehabilitation is sourced from owner equity and permanent financing, with an estimated hard cost estimate of \$9,875,000 and an estimated total project investment of \$14,815,000

Demolition of the outdated interior layout will occur along with electrical, plumbing and mechanical/HVAC upgrades, new energy efficient windows and doors, kitchen and bathroom cabinetry, appliances, and fixtures, and also includes the exterior repair or replacement of the deteriorated and/or damaged plaster, masonry, brick and stone and streetscape improvements.

## **Descriptive List of the Fixed Building Equipment**

Renovations, new fixed building equipment and materials for the project include:

- Masonry; restoration activities associated with the existing building
- Carpentry; including framing, kitchen cabinetry, vanities, trim work
- Thermal and Moisture Protection; roofing system, caulking and sealing, waterproofing
- Doors and Windows; curtain wall and exterior doors, interior doors/frames/hardware
- Mechanical; plumbing and HVAC
- Electrical; electrical work, security system, and communications
- Fire alarm/suppression system
- Finishes; drywall and steel studs/insulation, hard tile, hardwood/LVT flooring, painting
- Specialties; fire extinguishers, toilet accessories, and appliances.

## **Time Schedule**

Activities commenced for Phase I of the project in July 2021. Phase II of the project is estimated to begin in May 2022. Both phases of the project are anticipated to be completed by summer of 2023.

## **Statement of Economic Advantages**

The proposed development will fill a need for additional apartment spaces within the City of Berkley. The proposed redevelopment will attract new Berkley residents to an area that is a short distance from an established downtown area. As a result, it is anticipated that the rehabilitation of this property will increase day and nighttime foot traffic, which will support local merchants, restaurants, and small business.

According to Apartments.com, there are six apartment complexes located within a mile of the project location, with three located in the City of Berkley and three located in the neighboring City of Royal Oak. At present, none of these apartment complexes have availability for new residents. Furthermore, discussions between the development team and Beaumont Hospital of Royal Oak (located approximately one and half miles north of the project location) have indicated a need for additional apartment housing options. Several medical professionals that are in the process of completing their residencies have expressed a desire to relocate to apartments that are closer to the hospital to reduce commute times, as well as being located near a downtown area.

The granting of the tax abatement will not result in any fewer taxes to the City in the short-term or long-term. All City taxes are current as of the date of this submittal. Upon successful redevelopment, the project will generate increased property and income taxes.

On a short-term basis approximately 200 full-time equivalent (FTE) construction jobs will be created. On a long-term basis, the proposed development will create approximately 12 FTE jobs related to janitorial, building and grounds maintenance, and lease management.

Following expiration of the abatement the project will deliver a significant increase in tax revenue. After the PA 210 tax abatement has expired, the project will have a significant impact on the generation of new property taxes. Over time, the successful redevelopment and cultural growth will have a catalyst effect within this neighborhood.

## **Legal Descriptions**

Parcel ID: 25-18-431-030

T1N, R11E, SEC 18 DENLER ACRES PART OF LOTS 53 & 54 DESC AS BEG AT PT DIST S 89-43-00 W 311.79 FT FROM PT OF INTERSECTION OF N LINE OF SD LOT 15 & W ROW LINE OF COOLIDGE HWY, TH S 01-29-20 E 265.71 FT, TH S 88-36-50 W 147.10 FT, TH N 01-25-00 W 268.53 FT, TH N 89-43-00 E 146. FT TO BEG 5-13-20-FR 015, 016 & 021

Parcel ID: 25-18-431-031

T1N, R11E, SEC 18 DENLER ACRES LOT52 ALSO PART OF LOTS 53, 64 & 65 ALL SEC AS BEG AT PT DIST S 89-43-00 W 190.96 FT FROM PT OF INTERSECTION OF N LINE OF SD LOT 15 & W ROW LINE OF COOLIDGE HWY, THE S 01-25-00 E 276.62 FT, TH S 89-49-43 W 83.52 FT, TH N 01-28-06 W 11.47 FT, TH S 88-36-50 W 36.96 FT, TH N 01-29-20 W 265.71 FT, TH N 89-43-00 E 120.83 FT TO BEG 5-13-20 FR 016, 017 & 021

Parcel ID: 25-18-431-032

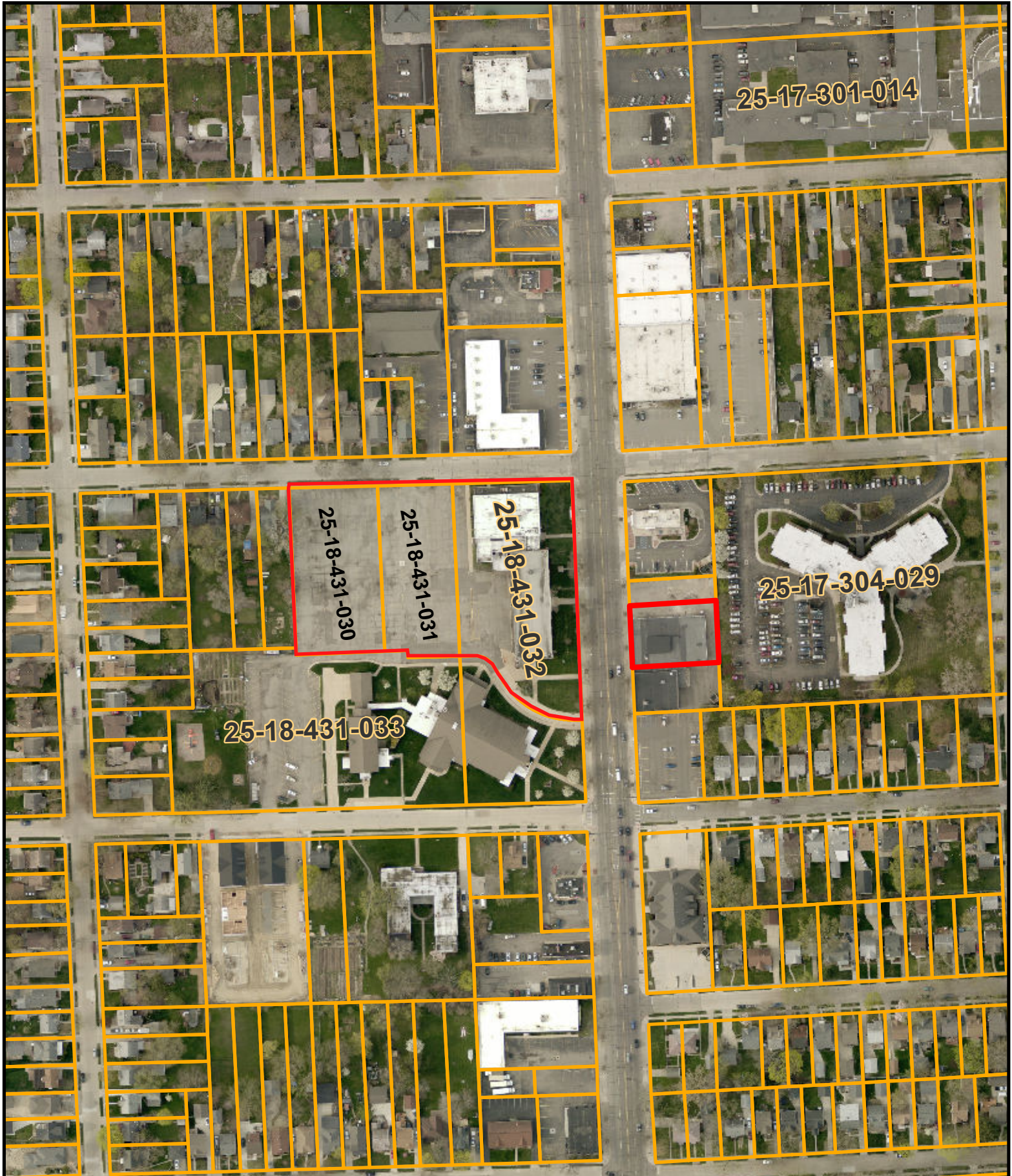
T5N, R11E, SEC 18 DENLER ACRES PART OF LOTS 12 & 13, ALSO ALL OF LOTS 14 & 15 ALL DESC AS BEG AT PT OF INTERSECTION OF N LINE OF SD LOT 15 & N ROW LINE OF COOLIDGE HWY, TH S 01-21-56 E 206.32 FT, TH N 89-43-00 E 0.01 FT, TH S 01-21-56 E 106.16 FT, TH N 89-43-00 E 0.01 FT, TH S 01-21-56-E 75.06 FT, TH N 87-07-01 W 21.13 FT, TH ALG CURVE TO RIGHT, RAD 133.07 FT, CHORD BEARS N 57-33-02 W 127.06 FT, DIST OF 132.46 FT, TH N 31-30-35 W 25.22 FT, TH ALG CURVE TO LEFT, RAD 37 FT, CHORD BEARS N 62-02-16 W 34.70 FT, DIST OF 36.11 FT, TH S 89-49-43 W 21.15 FT, TH N 01-25-00 W 276.62 FT, TH N 89-43-00 E 190.96 FT TO BEG 5-13-20 FR 022

## Attachment B





# The Berkley



- 2 Foot Contours
- 5 Foot Contours
- FEMA Base Flood Elevations
- FEMA Cross Sections
- 100 yr - FEMA Floodplain
- 100 yr (detailed) - FEMA Floodplain
- 500 yr - FEMA Floodplain
- FLOODWAY - FEMA Floodplain

Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present on the map.



**David Coulter**  
Oakland County Executive

Date Created: 9/22/2020



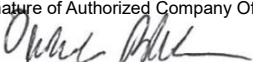


STATE USE ONLY		
Application Number	Date Received	LUCI Code

## Application for Commercial Rehabilitation Exemption Certificate

Issued under authority of Public Act 210 of 2005, as amended.

Read the instructions page before completing the form. **This application should be filed after the commercial rehabilitation district is established.** The applicant must complete Parts 1, 2 and 3 and file one original application form (with required attachments) and one additional copy with the clerk of the local governmental unit (LGU). Attach the legal description of property on a separate sheet. This project will not receive tax benefits until approved by the State Tax Commission (STC). Applications received after October 31 may not be acted upon in the current year. This application is subject to audit by the STC.

PART 1: OWNER / APPLICANT INFORMATION (applicant must complete all fields)				
Applicant (Company) Name (applicant must be the <b>owner</b> of the facility) 2219 Coolidge LLC			NAICS or SIC Code	
Facility's Street Address 2219 Coolidge Highway		City Berkley	State MI	ZIP Code 48072
Name of City, Township or Village (taxing authority) Berkley		County Oakland	School District Where Facility is Located Berkley	
<input checked="" type="checkbox"/> City <input type="checkbox"/> Township <input type="checkbox"/> Village				
Date of Rehabilitation Commencement (mm/dd/yyyy) 07/26/2021		Planned Date of Rehabilitation Completion (mm/dd/yyyy) 06/30/2023		
Estimated Cost of Rehabilitation \$9,875,000		Number of Years Exemption Requested (1-10) 10		
Expected Project Outcomes (check all that apply)				
<input checked="" type="checkbox"/> Increase Commercial Activity <input type="checkbox"/> Retain Employment <input checked="" type="checkbox"/> Revitalize Urban Areas				
<input checked="" type="checkbox"/> Create Employment <input type="checkbox"/> Prevent Loss of Employment <input checked="" type="checkbox"/> Increase Number of Residents in Facility's Community				
No. of jobs to be created due to facility's rehabilitation 12	No. of jobs to be retained due to facility's rehabilitation 0	No. of construction jobs to be created during rehabilitation 200		
PART 2: APPLICATION DOCUMENTS				
Prepare and attach the following items:				
<input checked="" type="checkbox"/> General description of the facility (year built, original use, most recent use, number of stories, square footage)		<input checked="" type="checkbox"/> Statement of the economic advantages expected from the exemption		
<input checked="" type="checkbox"/> Description of the qualified facility's proposed use		<input checked="" type="checkbox"/> Legal description		
<input checked="" type="checkbox"/> Description of the general nature and extent of the rehabilitation to be undertaken		<input type="checkbox"/> Description of the "underserved area" (Qualified Retail Food Establishments only)		
<input checked="" type="checkbox"/> Descriptive list of the fixed building equipment that will be a part of the qualified facility		<input type="checkbox"/> Commercial Rehabilitation Exemption Certificate for Qualified Retail Food Establishments (Form 4753) (Qualified Retail Food Establishments only)		
<input checked="" type="checkbox"/> Time schedule for undertaking and completing the facility's rehabilitation				
PART 3: APPLICANT CERTIFICATION				
Name of Authorized Company Officer (no authorized agents) Fred Blechman		Telephone Number		
Fax Number		E-mail Address		
Street Address		City	State	ZIP Code
<p><i>I certify that, to the best of my knowledge, the information contained herein and in the attachments is truly descriptive of the property for which this application is being submitted. Further, I am familiar with the provisions of Public Act 210 of 2005, as amended, and to the best of my knowledge the company has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local governmental unit and the issuance of a Commercial Rehabilitation Exemption Certificate by the State Tax Commission.</i></p> <p><i>I further certify that this rehabilitation program, when completed, will constitute a rehabilitated facility, as defined by Public Act 210 of 2005, as amended, and that the rehabilitation of this facility would not have been undertaken without my receipt of the exemption certificate.</i></p>				
Signature of Authorized Company Officer (no authorized agents) 		Title Partner		Date 09/7/2021

**PART 4: ASSESSOR RECOMMENDATIONS** (assessor of LGU must complete Part 4)

Provide the Taxable Value and State Equalized Value of Commercial Property, as provided in Public Act 210 of 2005, as amended, for the tax year immediately preceding the effective date of the certificate (December 31 of the year approved by the STC).

	Taxable Value	State Equalized Value (SEV)
Land		
Building(s)		

The property to be covered by this exemption may not be included on any other specific tax roll while receiving the Commercial Rehabilitation Exemption. For example, property on the Eligible Tax Reverted Property (Land Bank) specific tax roll cannot be granted a Commercial Rehabilitation Exemption that would also put the same property on the Commercial Rehabilitation specific tax roll.

☐ By checking this box I certify that, if approved, the property to be covered by this exemption will be on the Commercial Rehabilitation Exemption specific tax roll and not on any other specific tax roll.

Name of Local Government Body

Name of Assessor (first and last name)

Telephone Number

Fax Number

E-mail Address

*I certify that, to the best of my knowledge, the information contained in Part 4 of this application is complete and accurate.*

Assessor's Signature

Date

**PART 5: LOCAL GOVERNMENT ACTION** (clerk of LGU must complete Part 5)

Action Taken By LGU (attach a certified copy of the resolution):

☐ Exemption approved for \_\_\_\_\_ years, ending December 30, \_\_\_\_\_ (not to exceed 10 years)

☐ Exemption Denied

Date District Established (attach resolution for district)

Local Unit Classification Identification (LUCI) Code

School Code

**PART 6: LOCAL GOVERNMENT CLERK CERTIFICATION** (clerk of LGU must complete Part 6)

Clerk's Name (first and last)

Telephone Number

Fax Number

E-mail Address

Mailing Address

City

State

ZIP Code

LGU Contact Person for Additional Information

LGU Contact Person Telephone Number

Fax Number

*I certify that, to the best of my knowledge, the information contained in this application and attachments is complete and accurate and hereby request the State Tax Commission issue a Commercial Rehabilitation Exemption Certificate, as provided by Public Act 210 of 2005, as amended.*

Clerk's Signature

Date

The clerk must retain the original application at the local unit and mail one copy of the completed application with attachments to:

State Tax Commission  
P.O. Box 30471  
Lansing, MI 48909

# Instructions for Completing Form 4507

## Application for Commercial Rehabilitation Exemption Certificate

The Commercial Rehabilitation Exemption Certificate was created by Public Act 210 of 2005, as amended. The application is initially filed, reviewed, and approved by the LGU and then reviewed and approved by the State Tax Commission. According to Section 3 of Public Act 210 of 2005, as amended, the LGU must establish a Commercial Rehabilitation District. **Rehabilitation may commence after establishment of the Commercial Rehabilitation District.**

### Owner / Applicant Instructions

1. Complete Parts 1, 2 and 3 of application
  2. Prepare and attach all documents required under Part 2 of the application:
    - a. General description of the facility (year built, original use, most recent use, number of stories, square footage)
    - b. Description of the qualified facility's proposed use
    - c. Description of the general nature and extent of the rehabilitation to be undertaken
    - d. Descriptive list of the fixed building equipment that will be a part of the qualified facility
    - e. Time schedule for undertaking and completing the facility's rehabilitation
    - f. Statement of the economic advantages expected from the exemption
    - g. Legal description of the facility
    - h. Description of the "underserved area" (Qualified Retail Food Establishments only)
  3. Qualified Retail Food Establishments:
    - a. Complete Part 1 of the *Commercial Rehabilitation Exemption Certification for Qualified Retail Food Establishments* (Form 4753). Submit to LGU clerk along with application.
    - b. Describe the "underserved area" and provide supporting documentation to show how the project area meets one or more of the following requirements:
      - i. An area that contains a low to moderate income census tract(s) which, based on per capita income, are tracts below the 66.67 percentile (\$23,643 in 1999 dollars) and a below average supermarket density
      - ii. An area that has a supermarket customer base with more than 50% living in a low income census tract(s) which based on the per capita income, are tracts below the 66.67 percentile (\$23,643 in 1999 dollars)
      - iii. An area that has demonstrated significant access limitations due to travel distance and has no Qualified Retail Food Establishments within two miles of the geo-center for an urban area or has no Qualified Retail Food Establishments within nine miles of the geo-center for a rural area.
- For assistance in determining the project area's eligibility, visit [www.michigan.gov/propertytaxexemptions](http://www.michigan.gov/propertytaxexemptions) and click on Commercial Rehabilitation Act.
4. Submit the application and all attachments to the clerk of the LGU where the property is located.

### LGU Assessor Instructions

Complete and sign Part 4 of the application.

### LGU Clerk Instructions

1. After LGU action, complete Part 5 of the application.
2. After reviewing the application for complete and accurate information, complete Part 6 and sign the application to certify the application meets the requirements as outlined by Public Act 210 of 2005, as amended.
3. Assemble the following for a complete application:
  - a. Completed *Application for Commercial Rehabilitation Exemption Certificate* (Form 4507)
  - b. All required attachments listed under Part 2
  - c. A copy of the resolution by the LGU establishing the district
  - d. A certified copy of the resolution by the LGU approving the application
  - e. Complete Form 4753 (Qualified Retail Food Establishments only)
4. Submit the completed application to: State Tax Commission, P.O. Box 30471, Lansing, MI 48909

### Application Deadline

The State Tax Commission must receive complete applications on or before October 31 to ensure processing and certificate issuance for the following tax year. Applications received after October 31 may not be processed in time for certificate issuance for the following tax year.

For guaranteed receipt by the State Tax Commission, send applications and attachments via certified mail.

If you have questions or need additional information or sample documents, visit [www.michigan.gov/propertytaxexemptions](http://www.michigan.gov/propertytaxexemptions) or call 517-335-7491



## **The Berkley Brownfield and PA 210 Summary**

### **The Berkley Project (Phase I)**

Rehabilitation of former LaSalette School Building is currently underway. The project involves the conversion of the building into apartments consisting of 54 total units, 7 studio apartments, 40 one-bedroom apartments, and 7 two-bedroom apartments. In support of the project, the City of Berkley approved a Brownfield Plan that will allow Tax Increment Revenues (TIR) to be used to offset the costs of abating asbestos, internal demolition, and site demolition. The renovations are estimated to be completed by summer of 2023. The following bullets are a summary of the brownfield plan that was approved in 2020.

- Brownfield Eligible Costs: \$718,623
- Plan Duration: 12 years
- City Council Approval: November 16, 2020
- Oakland County Approval: December 3, 2020

### **The Berkley Project (Phase II)**

Plans to develop the second phase of the project have since been accelerated. Phase II involves the development of the adjacent parcel (25-18-431-030) to accommodate two, three-story buildings of 10,600 square feet each. Each building will feature a total of 12 apartments, 9 single bedroom units, and 3 two-bedroom units. In total, Phase II of the development will provide an additional 24 apartment units. Completion of Phase II is estimated to coincide with the completion of Phase I.

### **Effects of Phase II on the Brownfield Plan**

The addition of Phase II of the project will accelerate the brownfield plan, allowing the developer to be reimbursed for eligible brownfield activities within 8 years, as opposed to 12 years. However, the Oakland County Brownfield Redevelopment Authority (OCBRA), will continue to capture TIF revenues for an additional 2 years that will generate an additional \$70,000 to supplement their local brownfield revolving loan fund (LBRF). Therefore, the total duration of the plan will be shortened from 12 years to 11 years.

Although both phases will not be completed until summer 2023, reimbursement for eligible activities that have been completed (i.e., asbestos abatement, internal demolition, etc.) can be requested in 2022. After both phases have been completed, The Oakland County Equalization Division (OCED) has estimated that the taxable value of parcels will increase to approximately \$3,609,660, which will increase property taxes, thus accelerating the developer reimbursement. The following table summarizes the effect the addition of Phase II to the project has on the brownfield plan.

Year	Estimated Developer Reimbursement	Estimated Capture for Oakland County LBRF
2022	\$42,108	\$0
2023	\$42,108	\$0
2024	\$97,998	\$0
2025	\$98,557	\$0
2026	\$99,122	\$0
2027	\$99,692	\$0
2028	\$100,268	\$0
2029	\$100,849	\$0
2030	\$37,919	\$13,898
2031	\$0	\$22,196
2032	\$0	\$33,906
<b>Total</b>	<b>\$718,623</b>	<b>\$70,000</b>

### **PA 210 Commercial Rehabilitation Act Tax Abatement Process**

The PA 210 abatement freezes the taxable value of the property at the predevelopment values for a period of 10 years. State taxes, land and personal property are not affected by the abatement. The PA 210 abatement is separate from the brownfield plan and focuses on the rehabilitation of property for commercial use. The enactment of a PA 210 abatement is done locally, via a two-step process. The first step involves the establishment of a PA 210 district that encompasses the project parcels, which was approved by City Council on November 16, 2020, by resolution. The second step of the process involves the submission of a PA 210 Certificate of Exemption application for City Council approval. If approved, the City Clerk will complete the exemption certificate and submit it to the State Tax Commission, before October 31. Once complete, the 10-year abatement period begins the following year. Parcels that are eligible for the abatement must have a prior commercial use within the past 15 years. The use of the former La Sallette school property qualifies as a commercial use. The two adjacent parcels also qualified because they were used as a parking lot in support of the commercial use.

### **Effect of the PA 210 Commercial Rehabilitation Act Tax Abatement**

The developer is requesting the approval of the PA 210 Exemption Certificate application from City Council this year because the statute requires submittal of the application within 6 months of the issuance of building permits. Therefore, the 10-year PA 210 abatement will be in effect by 2022. The request includes all the parcels in the district, which encompasses both Phase I and Phase II of the project. However, since both phases of the project will not be completed until the summer of 2023, the benefit of the abatement will not be realized until 2024, the first full year the project is completed. Therefore, the benefit of the abatement for the project will be reduced to 8 years (2024 thru 2031). Below is a summary of the estimated value of the PA 210 abatement over the course of the project.

Year	Total Abated Taxes
2022	\$0
2023	\$0
2024	\$93,467
2025	\$94,401
2026	\$95,345
2027	\$96,299
2028	\$97,262
2029	\$98,234
2030	\$99,217
2031	\$100,209
<b>Total</b>	<b>\$774,433</b>

Brownfield and PA 210 Estimated Timeline																																							
	2021					2022												2023												2024-2032									
	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	2024	2025	2026	2027	2028	2029	2030	2031	2032	
The Berkley - Construction Timeline																																							
Construction of Phase I - School Renovation (54 Units)																																							
Construction of Phase II - Vacant Lot (24 Units)																																							
The Berkley Brownfield Plan Active																																							
PA 210 - 10 Year Duration																																							
PA 210 Benefit for Phase I (8 years)																																							
PA 210 Benefit for Phase II (8 years)																																							
						PA 210 Benefit Begins for both Phases																																	

October 4, 2021 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ to authorize the City Manager to enter into a one-year Professional Services Agreement with GDI Services of Southfield, Michigan to perform Janitorial Services for the City of Berkley municipal buildings, not to exceed \$85,227.72 annually. This expenditure will be charged to account numbers #101-265-811-000, #101-310-811-000, #101-441-811-000, #101-738-811-000, and #614-105-811-000.

Ayes:

Nays:

Motion:



# MEMO

To: Matthew Baumgarten, City Manager  
Cc: Victoria Mitchell, City Clerk  
From: Daniel Hill, Public Policy Assistant  
Date: September 29, 2021  
Subject: Recommendation for Janitorial Services

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On Friday, September 3, 2021 the City received eleven bids in response to the City's Janitorial Services Request for Proposals. Packages from each bidder, as well as, the bid tabulation sheet were prepared by the City Clerk. As you can see from the bid tabulation sheet, we received bids from a variety of interested parties all with their own strengths and weaknesses, and with a very broad range of pricing.

## **Request for Proposal**

In June 2020, City Council awarded a one-year contract as a result of a competition RFP process. Our experience with the selected contractor since July 2020 has been tumultuous; there have been very frequent quality issues, staffing concerns, and since July 2021 the company has increased its prices by 22%. These issues and the significant price increases led to administration moving forward with a new RFP process.

Within the Request for Proposal published by the City on the City's website and through the MITN BidNet database, we outlined the services the City would require on a daily, weekly, monthly, and quarterly basis. The services include everything from vacuuming and dusting, down to disinfecting phone receivers and sanitizing light switches. In contrast to our last process for janitorial services, we also requested statements on sustainability and chemical use, and outlines of the cleaning staff allocations between our five buildings. Our intent with this request for proposal was to attract contractors which not only promised great prices but also promised high quality cleanliness for our municipal buildings.

## **Bid Selection Process**

Within the bidding process this time, administration decided to require a multi-building walkthrough as a prerequisite to submitting a bid. In total sixteen vendors attended one of the two offered walkthroughs, a subsequent eleven submitted bids. Of the eleven bids submitted, four bids were disqualified due to missing requirements or information. The remaining seven bids were reviewed by staff representing all five municipal buildings based on the following standards; total cost, distribution of costs across buildings, services which match the request for proposal, staffing allocations, business experience, performance evaluation standards, and statements on sustainability and chemical use.

Following review of the seven bids the pool was quickly narrowed down to one vendor which not only impressed administration with their experience, green cleaning standards, and performance evaluation processes and technology, but they also came to be the lowest qualified bidder within the process. The references for the one selected bidder were also contacted and affirmed that GDI provides quality services and one reference stated that, "I'm not certain we have had any quality issues in my time working with them, and if there were, they would have remedied it immediately since they are so customer satisfaction focused."

It is my recommendation that the award of this bid be granted to GDI Services; this recommendation has support from the representatives that oversee the five building locations including Theresa McArleton, Derrick Schueller, Matt Church, and Corey Miller.

#### **Cost of Services**

As I previously noted, GDI is the lowest cost bidder and subsequently we would benefit from a reduction in total annual cost to the operating budget. The funds for this contract will come from the following accounts and result in the need for future budget adjustments to match:

<b>Account Number</b>	<b>Building Account</b>	<b>2020 Contract</b>	<b>2021 Increased Cost</b>	<b>GDI Services</b>
101-265-811-000	City Hall	\$15,600.00	\$18,252.00	\$19,997.40
101-310-811-000	Public Safety	\$24,000.00	\$27,720.00	\$20,438.28
101-441-811-000	Public Works	\$8,400.00	\$10,560.00	\$6,272.40
101-738-811-000	Library	\$18,000.00	\$21,912.00	\$23,486.04
614-105-811-000	Community Center	\$16,200.00	\$22,440.00	\$12,044.16
614-105-811-000	Oxford Park Restroom	NA	\$1,200.00	\$2,989.44
<b>TOTAL</b>		<b>\$82,200.00</b>	<b>\$101,084.00</b>	<b>\$85,227.72</b>

#### **Closing Consideration**

Now, more than ever before, it is extremely important that we select a janitorial company that can adequately service our municipal buildings and ensure that they are in the best condition possible for the health and safety of our staff and the countless community members who visit our buildings every day. I have confidence that GDI Services is the company that can best service our buildings and help to ensure we are taking proper care of our infrastructure to ensure the longest life possible.

Please do not hesitate to contact me with any questions or concerns regarding this matter, and as always, I will attend the October 4<sup>th</sup> City Council meeting to answer any questions as well.

Thank you,



Daniel S. Hill  
Public Policy Assistant

**CITY OF BERKLEY**  
**“Janitorial Services (II)”**  
**For the Office of the City Manager**  
***Bid Opening: Friday, September 3, 2021 @ 3 PM***

<b><u>Business Name</u></b>	<b><u>Address</u></b>	<b><u>Bid (Basis for Award)</u></b>	<b><u>Attend Mandatory Multi-building Walkthrough</u></b>	<b><u>References/ Non-Collusive Affidavit/Non-Discrimination</u></b>	<b><u>Conflict of Interest/ Hold Harmless/ Authorized Representative/ Iran Business Relationship</u></b>
Wilkins Pro Clean Inc.	18478 Wyoming Street Detroit, MI 48221	\$9,125 monthly	Yes	Y/Y(not notarized)/Y(not notarized)	Y/Y/Y/Y(not notarized)
DU-ALL CLEANING, INC.	35474 Mound Road Sterling Heights, MI 48310	\$9,027.00 monthly	Yes	Y/Y/Y	Y/Y/Y/Y
Chappy Group Investments LLC	29155 Northwestern Highway, Suite 437 Southfield, MI 48034	\$707,300 monthly	Yes	Y/Y/Y	Y/Y/Y/Y
Augies Building Services	4147 Darling Court Waterford, MI 48329	\$9,091.18 monthly	Yes	Y/Y/Y	Y/Y/Y/Y



CleanNet USA	30665 Northwestern Highway #203 Farmington Hills, MI 48393	\$9,686.95 monthly	Yes	Y(two reference letters)/Y/Y	Y/Y/Y(not signed)/Y
GDI Services	24300 Southfield Road, Suite 300 Southfield, MI 48075	\$7,102.31 monthly	Yes	Y/Y/Y	Y/Y/Y/Y
Jan-Pro of Detroit	15565 Northland Drive, Suite 503 Southfield, MI 48075	\$11,045 monthly	Yes	N/N/N	N/N/Y/N
A & C Property Services	11302 N. Haggerty Road Plymouth, MI 48170	\$N/A	Yes	Y/Y/Y	Y/Y/Y/Y
LGC Global Energy FM	7310 Woodward Ave., Suite 500 Detroit, MI 48202	\$13,679.71 monthly	Yes	Y/Y/Y	Y/Y/Y/Y
Giant Janitorial Service, Inc.	18485 Mack Avenue Detroit, Michigan, 48236	\$11,512.00 monthly	Yes	Y/Y/Y	Y/Y/Y/Y
VHM Enterprises, Inc.	24151 Telegraph Road, Suite 180 Southfield, MI 48033	\$9,250 monthly	Yes	Y/Y/Y	Y/Y/Y/Y

**AN ORDINANCE**

**of the City Council of the City of Berkley, Michigan to Amend Section 2-227 of Division 3 – Historical Committee, of Article V, of Chapter 2 - Administration, to delete the requirement that Historical Committee members be registered voters.**

**THE CITY OF BERKLEY ORDAINS:**

**SECTION 1:** Section 2-227 of Division 3 of Article V of Chapter 2 of the City of Berkley Code of Ordinances shall be amended, as follows:

**Sec. 2-227. – Composition; appointment; terms.**

The historical committee shall consist of any number of members appointed by the city council from time to time for a term of three years.

**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 a 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 30 days following the date of adoption.

**SECTION 5:** Publication

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

Introduced on the First Reading at the Regular City Meeting on Monday, October 4, 2021.

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Daniel J. Terbrack  
Mayor

Attest:

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Victoria Mitchell  
City Clerk

October 4, 2021 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember  
\_\_\_\_\_ to approve a collective bargaining agreement with the Command Division of  
the Police Officers Labor Council.

Ayes:

Nays:

Motion:

**THE CITY OF BERKLEY**

**-AND-**

**THE CITY OF BERKLEY  
COMMAND OFFICERS  
ASSOCIATION/POLC**

**TENTATIVE  
AGREEMENT**

**August 10, 2021**

*The parties reserve their rights to add to, amend or delete from their proposals during the course of negotiations.*

1. Duration: 4 years

July 1, 2021 – June 30, 2025

2. Wages:

July 1, 2021 3%

The parties agree that retroactive payment shall be made as follows and treated as wages.

Sgt. \$700.00

Lt. 800.00

July 1, 2022 2%

July 1, 2023 3%

July 1, 2024 2%

3. Article II: Article 206: Agency Shop

Update language to be consistent with the Supreme Court *Janus* decision.

A bargaining unit employee may sign an authorization for deduction of dues/fees for membership in the Union. The authorization for deduction of dues/fees may be revoked by the bargaining unit member upon written notice to the Employer, with copy to the Union and shall cease in accordance with the Union's by-laws and governing documents .

The amount of dues/fees shall be designated by written notice from the Union to the Employer. If there is a change in the amount of dues/fees, such change shall become effective the month following transmittal of the written notice to the Employer. The Employer shall deduct the dues/fees on a bi-weekly basis from the pay of the employees that have authorized such deductions.

Deduction of dues/fees shall be remitted to the Union. In the event a refund is due an employee for any sums deducted from wages and paid to the Union, it shall be the responsibility of such employee to obtain the appropriate refund from the Union.

If an authorized deduction for an employee is not made, the Employer shall make the deduction from the employee's next pay after the error has been called to the Employer's attention by the employee or Union.

The Union will protect, save harmless and indemnify the Employer from any and all claims, demands, suits and other forms of liability by reason of action taken by the Employer for the purpose of complying with this article of the agreement.

Unless otherwise provided in this article, all matters pertaining to a bargaining unit employee establishing or reestablishing membership in the Union, including requirements established by the Union for providing paid services to non-union bargaining unit employees, if permissible shall be governed by the internal conditions mandated by the Union pursuant to its authority under section 10(2) of the Public Employment Relations Act.

4. Article XIII: Promotions

B. Promotional Process from Sgt. to Lt.

- Sergeants are eligible after 3 years of being promoted to the rank of sergeant
- Written and Oral Board format
- Written test to be worth 40% of total score
- Oral Board to be worth 60% of total score
- Sergeants must pass the written test and oral board each with 70% minimum
- Sergeants who have a Bachelor's degree will get an additional 1 point added to total score
- City Manager will promote from top 4 passing scores
- Test scores will expire after 1 year from the date of the written exam or oral board, whichever is later.

5. Article XVII Pension Act 345:

Reduce the ability to purchase generic service credit for bargaining unit members to a total of two (2) years effective July 1, 2025.

6. Article XV: Insurance

The parties shall continue to opt out of the hard cap provisions of Public Act 152 of 2011. Provided the parties agree that there shall be a health care reopener the second and third year of the collective bargaining agreement sixty days in advance of the open enrollment period, in the event the premium increases in excess of 10% in either of those plan years.

7. Retirement Health Savings Account:

The City proposes that effective 7/1/21 the City shall contribute 4% of base wage into the RHSP. Members shall be required to contribute 1%.

8. 12-Hour Shifts: The parties agree to meet and incorporate the 12 hour shifts into the collective bargaining agreement, subject to mutual agreement of the parties, which is attached as an Exhibit.

9. The City shall establish a Short-Term Disability program. The plan shall be subject to the plan offerings of the carrier but provide for 13 weeks of wage loss at 70% of base wage. Plan benefits are subject to the provider guidelines

including elimination period. Members are permitted to use leave time to supplement their paid leave to 100%

The parties agree that the City shall provide paid leave time up to a total of four calendar weeks for approved non-intermittent FMLA Leave eligible uses as approved by the City Manager. Including maternity leave, paternity leave, care for a family member.

10. The optical care program shall consist of a reimbursement by the City up to a maximum amount of shown in the following schedule in a twenty-four (24) month period each covered individual described below:

a.) July 1, 2021: \$500.00

11. The parties agree to delete Section 1906.

12. 1602 Insurance for Retirees

#### Consolidation of Retiree Married Employees Coverages

1602.20 The City shall make an annual shared expense savings payment to the retirees covered under this agreement who choose not to be enrolled under the health and prescription benefit programs described in this article because they are covered under a similar program with their spouse.

1602.21 the payment amount shall be equal to 40% of the annual actual cash savings to the City in reduced premium expense.

1602.22 Payment shall be computed and paid once per year in July, for the prior year ending June 30<sup>th</sup>. The payment shall be adjusted/prorated if a retiree's coverage status changes during the year, including the start or termination of employment.

1602.23 In order to be eligible for health care opt-out, the retiree requesting the opt-out must have health care coverage and be covered by an entity other than the City of Berkley. Further, only one payout will be made if both spouses are or were employed by the City of Berkley.

1602.24 If the retiree wishes to opt back into the City health care program after opting out; the retiree must wait until the City's open enrollment period to opt back into the City health care program. The retiree will not have to wait for the open enrollment period to obtain City health insurance if there is a HIPPA qualifying event. A federal COBRA notice or documentation that the employer providing health insurance coverage is out of business or other documentation as determined by the City shall be required to prove that the prior health insurance has been eliminated or other qualifying event has occurred in order to place the retiree and if applicable, dependents, back on the City's health insurance.

13. All other provisions shall carry forward.

October 4, 2021 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember  
\_\_\_\_\_ to approve a collective bargaining agreement with the Patrol Division of  
the Police Officers Labor Council.

Ayes:

Nays:

Motion:



**THE CITY OF BERKLEY**

**-AND-**

**THE CITY OF BERKLEY PATROL  
OFFICERS /POLC**

**TENTATIVE AGREEMENT**

**August 24, 2021**

1. Duration: 4 years

July 1, 2021 – June 30, 2025

2. Wages:

July 1, 2021: 3%

A one time payment in lieu of retro payable as wages in the amount of \$600.00.

July 1, 2022: 2%

July 1, 2023: 3%

July 1, 2024: 2%

3. Agency Shop:

Update language to be consistent with the Supreme Court *Janus* decision.

A bargaining unit employee may sign an authorization for deduction of dues/fees for membership in the Union. The authorization for deduction of dues/fees may be revoked by the bargaining unit member upon written notice to the Employer, with copy to the Union and shall cease in accordance with the Union's by-laws and governing documents .

The amount of dues/fees shall be designated by written notice from the Union to the Employer. If there is a change in the amount of dues/fees, such change shall become effective the month following transmittal of the written notice to the Employer. The Employer shall deduct the dues/fees on a bi-weekly basis from the pay of the employees that have authorized such deductions.

Deduction of dues/fees shall be remitted to the Union. In the event a refund is due an employee for any sums deducted from wages and paid to the Union, it shall be the responsibility of such employee to obtain the appropriate refund from the Union.

If an authorized deduction for an employee is not made, the Employer shall make the deduction from the employee's next pay after the error has been called to the Employer's attention by the employee or Union.

The Union will protect, save harmless and indemnify the Employer from any and all claims, demands, suits and other forms of liability by reason of action taken by the Employer for the purpose of complying with this article of the agreement.

Unless otherwise provided in this article, all matters pertaining to a bargaining unit employee establishing or reestablishing membership in the Union, including requirements established by the Union for providing paid services to non-union bargaining unit employees, if permissible shall be governed by the internal conditions mandated by the Union pursuant to its authority under section 10(2) of the Public Employment Relations Act.

4. Promotions: Promotional Process from Ofc. to Sgt.
  - Written examination, conducted by an outside vendor, consisting of 100 questions-60% of final score. 70% required to move to the next phase of the examination.
  - Oral examination, conducted by an outside vendor 40% of final score 70% required to move to the next phase of the examination.
  - Upon completion of the written and oral examination additional points shall be added to the composite score as follows:
  - Full time service as a police officer or firefighter: .25 for each complete five years of service.
    - Berkely Field Training Officer 1.0 point
    - Instructor (firearms, defensive tactics, taser, fire, ems) 1.0 point
    - Fire company officer I & II: 1.0 point
    - Bachelors degree: 1.0 point
  - Passing score of 70% to proceed forward. Eligibility shall be four (4) years after the date of hire.
  - The Rule of Three (3). The City Manager shall be able to select from any of the top three (3) finishing candidates.
5. Article XVII Pension Act 345:

Reduce the ability to purchase generic service credit for members to a total of two (2) years effective July 1, 2025.
6. Article XV: Insurance

The parties shall continue to opt out of the hard cap provisions of Public Act 152 of 2011. Provided the parties agree that there shall be a health care reopener the second and third year of the collective bargaining agreement sixty days in advance of the open enrollment period, in the event the premium increases in excess of 10% in either of those plan years.
7. Retirement Health Savings Account:

The City proposes that effective 7/1/21 the City shall contribute 4% of base wage into the RHSP. Members shall be required to contribute 1%. Effective October 1, 2021.
8. 12-Hour Shifts: The parties agree to meet and incorporate the 12 hour shifts into the collective bargaining agreement, subject to mutual agreement of the parties.
9. The City shall establish a Short-Term Disability program. The plan shall be subject to the plan offerings of the carrier but provide for 13 weeks of wage loss

at 70% of base wage. Plan benefits are subject to the provider guidelines including elimination period. Members shall be permitted to supplement the 70% With accrued leave time.

The parties agree that the City shall provide paid leave time up to a total of four calendar weeks for approved non-intermittent FMLA Leave eligible uses as approved by the City Manager. Including maternity leave, paternity leave, care for a family member.

10. Comp Time: An employee may accumulate up to ~~150~~ 200 hours of overtime.
11. The City and the Union agree to delete or eliminate obsolete language subject to mutual agreement.
12. Continuation of benefits: Uniform Cleaning and Laundering shall state: the allowance shall be paid in two equal installments during the first (5) workdays for July and Janaury in the amount of \$600.00
13. The optical care program shall consist of a reimbursement by the City up to a maximum amount of \$500.00 in a twenty-four (24) month period each covered individual.
14. All other provisions shall carry forward.

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

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

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

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

October 4, 2021 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember  
\_\_\_\_\_ to approve a collective bargaining agreement with the Michigan  
Association of Public Employees (MAPE).

Ayes:

Nays:

Motion:

# Memo

To: Mayor Terbrack and City Council

From: Matthew Baumgarten, City Manager

Date: October 4, 2021

Subject: Tentative Agreement with DPW/MAPE for New Collective Bargaining Agreement

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Mr. Mayor and Members of City Council,

As you know, we have concluded our negotiations with our DPW staff with a tentative agreement as presented in this packet. The agreement covers a wide range of contractual items but I have outlined some of the items I view as most impactful in this memo.

First, please allow me to say thank you to the bargaining team elected to represent the Department of Public Works employees during this negotiation process. The last time the City and the DPW employees were at the bargaining table was 2015 and much has changed since that time. As you'll see below, the City and its DPW representatives have created a proposal with benefits for all involved. Most importantly, we were able to negotiate with the respect and civility that this process deserves. Service is what sets City of Berkley apart from other communities and when our residents brag about their community, it's services, safety, and schools (often in that order). I hope you'll see that our appreciation is reflected in the proposal below.

This tentative agreement contains a couple big changes from the "old way" of doing things. The first is the wage and promotion process will be completely replaced with the adoption of this contract. This change reflects a mutual dislike of our current system shared by both employee and employer. The City set out to create a strategy for consistent advancement of personnel, the mitigation of wage stagnation, a stronger incentive for licenses/certifications, and the acknowledgment of the current and future leaders within the department. Based on the input of DPW leadership, administration, and the bargaining team, the proposed system realizes these goals by increasing wages, removing the limits of staff allowed for each level of advancement, and offers a greater incentive to pursue professional development throughout an employee's career.

In addition to wages and advancement, the bargaining team worked with the City on developing a favorable contribution model for the individualized Retiree Health Savings Account (RHSA). Under previous contracts, an employee would contribute a flat amount of \$50.00 each paycheck and the City would match that with \$100.00 for those hired after 2008. In total, a DPW employee would contribute \$1,800 annually to their post-retirement health savings account. These fixed dollar amounts had not increased in several years and were not trending toward providing adequate funding for post-employment medical costs for our employees.

The City does not offer post-employment healthcare coverage so, in order to offer a higher level of financial security after retirement and until 65 years old, this contract proposes moving to a percentage-based system where contributions grow as wages also grow. Consistent with other contract proposals this year, funding would be structured so that an employee contributes 1% of their wages to their own RHSA and the City

matches at 4%. I have included an illustrative breakdown of those contributions in the tentative agreement. For this breakout, I used only the proposed base wages but, if approved, the application of this proposal will include overtime wages as well.

There are also proposed changes that would only apply to future Berkley DPW employees and not those currently employed. The City proposes that, starting after the ratification of this contract, new hires would receive a defined contribution (DC) retirement plan. Under this plan, the employee would contribute 4% of their wages to the retirement plan and the City would match it with a 10% contribution. This plan is structured with a six (6) year "vesting" period (that is time employed by the City of Berkley) before the employee is entitled to City's contribution in addition their own.

In addition to the changes for the new hires, existing employees enrolled in the Defined Benefit pension plan will be allowed to purchase up to two years of generic service time for the remainder of the proposed contract (ending on June 30, 2024). This time cannot be used for vesting purposes but can be credited to the total years of service upon retirement. Existing employees will also be able to participate in the 457 Plan that will be set up as an enhancement to the Defined Contribution plan for the new hires.

As mentioned, the full tentative agreement covers many aspects of the contract. Those are detailed in the agreement along with the proposed changes.

Thank you,

A handwritten signature in black ink, appearing to read "Matt Baumgarten", with a stylized, flowing script.

Matthew Baumgarten  
Berkley City Manager

**THE CITY OF BERKLEY**

**-AND-**

**THE CITY OF BERKLEY DEPARTMENT OF  
PUBLIC WORKS / MAPE**

**Tentative Agreement  
September 13, 2021**

*The Employer reserves its right to add to, amend or delete  
its proposal during the course of negotiations.*



### 1) Add language from LOU regarding DOT required rest periods

1. Agreement to incorporate this agreement into Section XIX: Safety.

19.2 DOT REQUIRED REST. Relief leave/rest pay is established when unforeseen circumstances require long, continuous hours of work without sufficient rest (e.g. snow removal, water main breaks, storm damage). While the decision to accept overtime is ultimately a voluntary decision by the employee, the City and the Union recognizes health and safety related tasks are critical and need to be completed at any hour of the day for as long as it takes to complete the job. Furthermore, many of the functions of DPW staff involve heavy machinery and are considered DOT "safety sensitive".

Should an employee work a fourteen (14) or more shift within a continuous twenty-four (24) hour period, he/she shall be released for a period of ten (10) hours before he/she is required to report to work for the next normal work day. If all and/or any part of the ten (10) hour rest period coincides with the employee's next normal work day, he/she shall suffer no loss of his/her straight time pay normally earned during such period.

These rest periods reflect the current standard adopted by the United States Department of Transportation (USDOT). Should USDOT update these standards prior to June 30, 2024, all parties agree to automatically adopt them as the standard for the City of Berkley as well.

### 2) Add language for Maternity/Paternity Leaves with pay

14.6 SHORT TERM DISABILITY. The City shall establish a Short-Term Disability program. The plan shall be subject to the plan offerings of the carrier but provide for 13 weeks of wage loss at 70% of base wage. Plan benefits are subject to the provider guidelines including elimination period. Members are permitted to use leave time to supplement their paid leave to 100%.

\*For the Appendix: Benefits would be payable on the 1st day of a non-work injury or 8th day of a sickness for a maximum of 13 weeks.

12.16 PAID FAMILY LEAVE TIME. The Parties agree that the City shall provide paid leave time up to a total of four calendar weeks for approved non-intermittent FMLA Leave eligible uses as approved by the City Manager. Including maternity leave, paternity leave, care for a family member. Approval shall not be unreasonably denied and the employee shall not be required to use vacation, sick or other accrued time to be paid.

### 3) Art 12, Sec 12.11 - City agrees to a limited change in language:

"Employees who resign or are terminate from employment *and not reinstated through the grievance procedure*, with a deferred retirement benefit which may be exercised at a later date shall not be eligible for payment of accumulated sick leave hours."

### 4) Art 14, Sec 14.1 Update Contract Duration Dates

14.1 HOSPITALIZATION INSURANCE.

Effective January 1, 2016 or soon thereafter, the City shall assume only the cost of BC-BS Community Blue Preferred Provider Organization (PPO) Customized Plan Number Four (4). The benefits are

outlined in the attached Benefits at a Glance. The City shall opt-out of Employee Premium sharing as defined in State of Michigan PA 152 From July 1, 2021 through June 30, 2024.

#### 5) Art 14, Sec 14.3 Increase Dental coverages

Both Parties agree to an \$250 Increase in annual benefit from \$1,500 to **\$1,750** as of July 1, 2021 as outlined in appendix titled "Dental and Vision Benefit Summary.

#### 6) Art 14, Sec 14.4 Increase Optical coverage

##### 14.4 OPTICAL CARE PROGRAM.

Optical benefits are provided each full time, non-union employee, spouse and dependent children in the amount of \$700.00 in a twenty-four (24) month period for each covered individual. A list of covered services includes:

- Eye examinations by a person licensed by the State of Michigan to perform same.
- Prescription lenses and frames.
- Prescription contact lenses.

The cost of the dental insurance shall be assumed by the City. Reimbursement shall be based upon paid receipts submitted to the carrier for rendered services.

#### 7) Art 15, Sec 15.3 Retiree Health Savings Account

Both parties agree to a new funding model for retiree health savings accounts. As such, effective 7/1/21, the City shall contribute 4% of base wage into the RHSA. Members shall be required to contribute 1%.

Retirement Health Saving Account					
Proposed			Employer	Employee	Total
Classification	Wage	Base Annual	4%	1%	Investment
Crew Leader 2	\$ 29.06	\$ 60,440.64	\$ 2,417.63	\$ 604.41	\$ 3,022.03
Crew Leader 1	\$ 27.52	\$ 57,241.60	\$ 2,289.66	\$ 572.42	\$ 2,862.08
Operator 2	\$ 25.98	\$ 54,042.56	\$ 2,161.70	\$ 540.43	\$ 2,702.13
Operator 1	\$ 24.44	\$ 50,843.52	\$ 2,033.74	\$ 508.44	\$ 2,542.18
Maintenance 2	\$ 22.91	\$ 47,644.48	\$ 1,905.78	\$ 476.44	\$ 2,382.22
Maintenance 1	\$ 21.37	\$ 44,445.44	\$ 1,777.82	\$ 444.45	\$ 2,222.27
Laborer	\$ 19.83	\$ 41,246.40	\$ 1,649.86	\$ 412.46	\$ 2,062.32

#### 8) Art 16, Sec 16.1 Wages

	Laborer	Maintenance 1	Maintenance 2	Operator 1	Operator 2	Crew leader 1	Crew leader 2 (max 3)
Wage	\$19.83	\$21.37	\$22.91	\$24.44	\$25.98	\$27.52	\$29.06
Minimum Years Required	Entry Level	Min 1 Year	Min 3yrs	Min 6 yrs	Min 9 yrs	Min 12 yrs	Min 15 yrs
Minimum licenses/Certs	Class B CDL with Air Brakes	Class B CDL with Air Brakes	S-4 Water License Preferred	Min S-4 Water License	Min S-3 Water License	Min S-2	Min S-2 and PACP Certified
Standard for Advancement		Proficiency in Small equipment	Proficiency in Medium equipment	Proficiency in Heavy equipment	Overall Job Performance Proficiency in All equipment	Overall Job Performance	Overall Job Performance

	Mechanic 1	Mechanic 2	Mechanic 3	Mechanic 4
Wage	\$24.44	\$25.98	\$27.52	\$29.06
Minimum Years Required	Min 1 yr	Min 3 yr	Min 7 yrs	Min 12 yrs
Minimum licenses/Certs	4 Mechanic Certs	6 Mechanic Certs	8 Mechanic Certs	Dual Master Mechanic Certs
Standard for Advancement			Overall Job Performance	Overall Job Performance

The parties agree to the wage and promotion scale in conjunction with the end of the practice of “out of class” pay. After adoption of above wage scale for 2021, wages would increase annually by 2% through June 30, 2024 with a one-time payment in lieu of retro payable as wages in the amount of \$600.00 owed to the Employee upon approval of the contract.

Annual Increases July 1, 2021 to July 1, 2024				
Classification	Wage	July 1, 2022	July 1, 2023	July 1, 2024
Crew Leader 2	\$29.06	\$29.64	\$30.23	\$30.84
Crew Leader 1	\$27.52	\$28.07	\$28.63	\$29.20
Operator 2	\$25.98	\$26.50	\$27.03	\$27.57
Operator 1	\$24.44	\$24.93	\$25.43	\$25.94
Maintenance 2	\$22.91	\$23.36	\$23.83	\$24.31
Maintenance 1	\$21.37	\$21.80	\$22.23	\$22.68
Laborer	\$19.83	\$20.23	\$20.63	\$21.04

#### 9) Art 16 Licenses and Certificates

Both Parties agree to a revision of the language in Section 16.4, an increase in stipends for “S” water distributions license, as well as the addition of a new section 16.5 which covers other certifications that both parties agree should be monetarily incentivized:

16.4 WATER LICENSE. The City supports members of bargaining unit in their pursuit of obtaining “S” water distribution license (referred to simply as “distribution licenses”). The City Manager and/or the DPW Director must first approve an individual to receive a distribution license. If approved the City shall pay all education costs to an approved employee associated with obtaining and maintaining a distribution license including lodging, meal per diem, mileage, tuition, testing, and renewal fees directly associated to the class and or seminar. These costs and classes must be pre-approved by the City Manager or DPW Director before the class/seminar is taken. Once the employee has obtained the distribution license City will pay the employee an annual stipend to maintain the water distribution license as follows:

License	Amount
S-2	\$400
S-3	\$350
S-4	\$300

The stipend shall be paid in the first pay of December in each fiscal year by the City and shall be prorated by day in the first year the license is obtained and the year the license is released.

16.5 OTHER CERTIFICATIONS. The City supports members of bargaining unit in their pursuit of obtaining additional certifications when applicable to their role. The City Manager and/or the DPW Director must first approve a member’s reimbursement of a certificate before the class/seminar is taken. Once approved the City shall pay all education costs to an approved employee associated with obtaining and maintaining a certification including lodging, meal per diem, mileage, tuition, testing, and renewal fees

directly associated to the class and or seminar. Once the employee has obtained one of the certificates below, City will pay the employee an annual stipend to maintain the water distribution license as follows:

<b>License</b>	<b>Amount</b>
PACP	\$500
Eight (8) Mechanic Certifications	\$400
Six (6) Mechanic Certifications	\$350
Four (4) Mechanic Certifications	\$300

The stipend shall be paid in the first pay of December in each fiscal year by the City and shall be prorated by day in the first year the license is obtained and the year the license is released.

10) Limit management performing Bargaining Unit work to only when no member is available

Language was suggested by MAPE however, both parties agreed to delay the discussion of this topic until subsequent contract discussion.

11) Duration 3 years

Both Parties agree to a three-year duration dating from July 1, 2021 to June 30, 2024

12) Annual Healthcare Reopener in Article XIV

The parties shall continue to opt out of the hard cap provisions of Public Act 152 of 2011. The Parties agree that in the event health care costs are projected to exceed a 10% increase, the parties will meet and discuss options sixty (60) calendar days prior to the open enrollment period beginning each year. The Employer shall provide the Union a complete copy of the projected change in rates at least thirty (30) days prior to the meeting.

13) Defined Contribution Plan for new hires in Article XV:

As stated above, the City agrees to increase contribution to 4% of wages that are matched by City plus an additional 6% for a total of 14% if MAPE agrees to begin offering to new hires as of ratification of this agreement by both parties. This plan shall have a six (6) year vesting period.

14) Remove references to a \$0.20 reduction in pay for entry rate in wage scale and in Section 21.2:

Entry rate shall be \$0.20 per hour less than rate shown. All new hires must stay in the entry hourly rate classification for a twelve (12) month period in accordance with section 2001.1. Entry rate shall be \$0.20 per hour less than rate shown.