

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

**CALL 39<sup>th</sup> COUNCIL TO ORDER  
APPROVAL OF AGENDA  
INVOCATION – DEACON DAN DARGA  
PLEDGE OF ALLEGIANCE  
PUBLIC COMMENT  
ORDER OF BUSINESS**

**Consent Agenda**

1. **APPROVAL OF THE MINUTES:** Matter of [approving the minutes](#) of the 39<sup>th</sup> Regular City Council meeting on Monday, February 7, 2022.
2. **ORDINANCE NO. O-01-22:** Matter of [considering the Second Reading and Adoption](#) of an Ordinance of the Council of the City of Berkley, Michigan to rezone properties described as 2465 and 2475 Cambridge Road, Lots 123 and 124, except that portion now included in Coolidge Highway, of Hannan's West Royal Oak Subdivision; and 2466 and 2476 Columbia Road, Lots 125 and 126, except west 10.25 feet of Lot 125 and west 10.23 feet of Lot 126, of Hannan's West Royal Oak Subdivision from Coolidge District to Gateway District.
3. **PROCLAMATION NO. P-02-22:** Matter of [proclaiming March 8th](#) as International Women's Day and recognizing March 2022 as Women's History Month in the City of Berkley.
4. **PROCLAMATION NO. P-03-22:** Matter of [proclaiming March 2022](#) as Severe Weather Month in the City of Berkley.

**Regular Agenda**

1. **RECOGNITIONS/PRESENTATIONS:** Matter of any recognitions or presentations from the Consent Agenda.
2. **MOTION NO. M-28-22:** Matter of [awarding the contract for the 2022 DPW Improvement](#) Project to the lowest qualified bidder, Quadrate Construction, LLC. of Macomb Township, Michigan, in an amount of \$966,208. In addition, to allocate \$38,430 for construction engineering services to Hubbell, Roth & Clark and \$75,000 for construction contingencies.
3. **MOTION NO. M-29-22:** Matter of [approving the "Berkley Days 2022" event](#) beginning May 12, 2022 and ending on May 15, 2022 located at the Berkley Community Center, 2400 Robina. Approval is conditional upon the submission of required items and documents prior to event dates.
4. **ORDINANCE NO. O-02-22:** Matter of [considering the First Reading of an Ordinance](#) of the City Council of the City of Berkley, Michigan to Amend Section 30-807 of Article XV of Chapter 30, Marihuana Businesses, to increase the License Limit and to Modify Penalties.

**COMMUNICATIONS**

**ADJOURN**

Note: The City of Berkley will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon four working days notice to the City. Individuals with disabilities requiring

auxiliary aids or services should contact the City by writing or calling: Victoria Mitchell, ADA Contact, Berkley City Hall, 3338 Coolidge Highway, Berkley, MI 48072 (1-248-658-3310).

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

**THE REGULAR MEETING OF THE THIRTY-NINTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN  
WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, FEBRUARY 7, 2022 BY MAYOR TERBRACK**

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

**ABSENT:** Ross Gavin

**APPROVAL OF AGENDA**

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

**INVOCATION:** Reverend Mandy Beal

**PUBLIC COMMENT**

Rachel Piacentini, Berkley, voiced concerns regarding what she believes is a violation with the City's Ethics Policy. She said she believes Councilmember Hennen is slandering and bullying people online. She requested the Oath and Ethics Policy is reviewed with him.

Jack Blanchard, Berkley, recognized Berkley American Legion Post 374 for supporting families during the holiday time. He said full meal baskets were given to 35 veteran families in the Detroit area as well as extra food donated to the Berkley Cares Food Pantry. He thanked the American Legion members, Berkley Area Schools PTSA, and Berkley Public Safety. He discussed other areas the American Legion is lending help. He said they are running a 50/50 raffle to benefit the American Legions in Kentucky to help support areas that have been damaged by the recent tornadoes.

Mike McGuinness, Downtown Development Authority Executive Director, invited the community to the Frozen February Block Party. He said it would take place this Saturday, February 12<sup>th</sup> from Noon to 4 p.m. He talked about all the different activities that would take place at 12 Mile and Robina. He said the Berkley High School Drama Department would be raising money for its spring musical this Saturday and in the weeks to come by partnering with downtown businesses. He said he hopes to see everyone this Saturday at 12 Mile and Robina.

***Consent Agenda***

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

**APPROVAL OF THE MINUTES:** Matter of approving the minutes of the 39<sup>th</sup> Regular City Council meeting on Tuesday, January 18, 2022.

**WARRANT:** Matter of approving Warrant No. 1371.

**PROCLAMATION NO. P-01-22:** Matter of approving a proclamation declaring February 2022 as "Black History Month" in the City of Berkley.

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

### ***Regular Agenda***

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

Mayor Terbrack read Proclamation No. P-01-22 into the record.

**OATHS OF OFFICE:** Oaths of Office to appoint Public Safety Officers Andrew Boring, Evan Beauchamp, and K-9 Bear along with recently promoted Sgt. Steve Mueller.

*City Clerk Victoria Mitchell administered the oath of office to Public Safety K-9, Bear.*

*City Clerk Victoria Mitchell administered the oath of office to newly appointed Public Safety Officer, Andrew Boring.*

Officer Andrew Boring thanked his wife for her years of support as well as his dad.

*City Clerk Victoria Mitchell administered the oath of office to newly appointed Public Safety Officer, Evan Beauchamp.*

Officer Evan Beauchamp thanked his family for supporting him as well as one of the Sergeants for teaching him how to be a cop.

*City Clerk Victoria Mitchell administered the oath of officer to newly appointed Public Safety Sergeant, Steve Mueller.*

Sergeant Steve Mueller thanked his wife for all her support as well as the support of his coworkers and City Council. He said he wants to keep Berkley one of the safest cities in Michigan.

Public Safety Chief Matt Koehn spoke and mentioned that Public Safety Officers Beauchamp and Boring are Berkley High School graduates. He said he is happy to have them and they will do everything they can to keep the city safe.

Mayor Terbrack recognized everyone and thanked them for being there.

**MOTION NO. M-24-22:** Matter of approving a Friends of Berkley Parks and Recreation event "Bacon Walk" on Oxford Park, Bacon Avenue, and Jaycee Park on Saturday, April 9, 2022 from 8-11 a.m. Approval is conditional upon the submission of required items and documents prior to the event dates. Mayor Pro Tem Dean moved to approve Motion No. M-24-22

Seconded by Councilmember Vilani

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

**ORDINANCE NO. O-01-22:** Matter of considering the First Reading of an Ordinance of the Council of the City of Berkley, Michigan to rezone properties described as 2465 and 2475 Cambridge Road, Lots 123 and 124, except that portion now included in Coolidge Highway, of Hannan's West Royal Oak Subdivision; and 2466 and 2476 Columbia Road, Lots 125 and 126, except west 10.25 feet of Lot 125

and west 10.23 feet of Lot 126, of Hannan's West Royal Oak Subdivision from Coolidge District to Gateway District.

Councilmember Baker moved to approve Ordinance No. O-01-22

Seconded by Mayor Pro Tem Dean

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

Nays: None

Absent: Gavin

Motion Approved.

**MOTION NO. M-25-22:** Matter of awarding the Forestry Services Contract to Hart Urban Forestry located in Sterling Heights, Michigan for a three-(3)-year term.

Councilmember Hennen moved to approve Motion No. M-25-22

Seconded by Councilmember Vilani

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

Nays: None

Absent: Gavin

Motion Approved.

**MOTION NO. M-26-22:** Motion to approve the appointments to various boards and commissions.

Councilmember Baker moved to approve Motion No. M-26-22

Seconded by Councilmember Price

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

Nays: None.

Abstain: Vilani

Absent: Gavin

Motion Approved.

**MOTION NO. M-27-22:** Matter of adopting the Berkley Support Debris Management Plan.

Mayor Pro Tem Dean moved to approve Motion No. M-27-22

Seconded by Councilmember Baker

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

Nays: None

Absent: Gavin

Motion Approved.

**RESOLUTION NO. R-02-22:** Matter of approving a Resolution of the Thirty-ninth Council of the City of Berkley, Michigan amending its Rules and Order of Procedure.

Councilmember Hennen moved to approve Resolution No. R-02-22

Seconded by Councilmember Vilani

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

Nays: None

Absent: Gavin

Motion Approved.

**Discussion:** Matter of discussing a third-place tie in marihuana business license score ranking.

Mayor Terbrack outlined the discussion before Council this evening. He said it would be a discussion with Council members regarding the tie and there would be public comment.

City Attorney Dan Christ said as Council knows, during the last City Council meeting in January, it affirmed and accepted the recommendations of the hearing officer with respect to City Manager Baumgarten's scoring as modified and adjusted. He said in light of that meeting, there are three general options for Council to consider:

1. Awarding the top two scores only. The City is not required to award all three licenses. He mentioned the three applicants that are tied for third could or may have started the process submitting their site plans for consideration at their own risk.

2. Do what was set forth in the ordinance, a lottery, and he said it would have to be determined to identify and break that tie.

3. Direct city staff to develop a proposed ordinance amendment that would allow for changes to what is stated currently in the existing ordinance that is limiting it to three businesses.

#### Public Comment:

Scott Roberts, attorney representing Seven Point Dispensary of Michigan, advocated for the third option mentioned by Attorney Christ to increase licenses from three to five. He explained the benefits of having more dispensaries, including increases in property values and jobs. He said Seven Point would donate 2 percent of profits to charities including youth assistance programs. He broke down the other profits that would be donated to Berkley organizations and public safety initiatives. He stated other communities in the area that are similar geographically currently have six marihuana businesses.

Kevin Blair, attorney representing Lume, advocated for option three to expand the number of licenses. He said he believes that five businesses are better. He discussed the cons regarding the other two options. He said if you pick five, there is a clear delineation between the top five and the rest of the pack. He said by going to five, the City would make up the lost excise tax as a result of the delay from litigation. He said the City has great candidates that want to be here and anything short of five would produce more delays from the other businesses opening.

Tony Moreno, Berkley, said it only makes sense to go with five licenses. He said you have five businesses that are well qualified when looking at the MERIT scoring system. He listed out the reasons why five would be better.

David King, Berkley, said he is a proponent of option three. He said he would like to see some revenue come into the City and is tired of looking at empty buildings.

Josh Rubin, Berkley, said he is in full support of the City of Berkley issuing five licenses. He said the other plans will lead to more lawsuits thus postponing the businesses opening. He also said the city would have fewer empty buildings and would look better.

Jack Blanchard, Berkley, said he was in favor of three, but after looking at geographic locations, he supports five businesses.

Mayor Terbrack said Council will now discuss the three options. He said he would do a straw poll with Council to see if there is something to offer as a directive to city staff regarding the next steps to take. He said he would like to go around and ask Council their preferred option. He outlined the process of how the straw poll process would take place and asked Council if they understand that process.

Mayor Terbrack recognized this has been a very lengthy process with all the litigation.

Mayor Terbrack asked who preferred the option of three licenses with a lottery breaking the tie.

*Councilmembers Hennen and Baker raised their hands.*

Mayor Terbrack asked Council who preferred the option to only recommend the top two applicants instead of a larger number opening in the community.

*No one present raised their hand.*

Mayor Terbrack recognized that even though Councilmember Gavin was not present, this would have been his preferred option. He stated that he is not present so that is not being officially counted.

Mayor Terbrack asked Council who preferred the option to recommend all of the top scoring applications, including all three applicants that tied for third place, therefore allowing a total of five applications to move forward.

*Councilmember Price, Mayor Pro Tem Dean, Councilmember Vilani, and Mayor Terbrack raised their hands.*

Mayor Terbrack stated they did have an option that received a majority vote of Council. He instructed City Manager Baumgarten and City Attorney Christ to do what is necessary to amend the ordinance in order to allow five applications to move forward instead of no more than three as the ordinance currently states.

City Manager Baumgarten recognized and understood the directive from Council.

Attorney Christ recognized and understood the directive from Council.

Mayor Terbrack said the City would move forward with its normal procedure to amend the current city ordinance as necessary in regards to the number of marihuana licenses to be issued.

## **COMMUNICATIONS**

**COUNCILMEMBER HENNEN:** stated the Zoning Board of Appeals (ZBA) would meet on Monday, February 14<sup>th</sup>. He said the ZBA will be looking at a dimensional variance for a home on Gardner. Also, they will be continuing their consideration for a request for zoning interpretation concerning a home-based business. He mentioned he has been reviewing the home-based business ordinance and said it looks like it needs to be updated. Councilmember Hennen stated the Tree Board will meet next on Monday, February 28<sup>th</sup>. He gave the latest vaccination booster data for Berkley provided by the State as of January 28<sup>th</sup>. He said that 85 percent of adults have received one shot but only 45 percent of adults have received a booster. As for children ages 5 to 17, he said 68 percent have received one shot but only 11 percent have received a booster. He urged people to receive their COVID-19 booster shots.

**COUNCILMEMBER PRICE:** said she is proud to live in a city that cares. She talked about how during the snowstorm last week she witnessed many residents pitching in to help each other in more ways than one. She said she is also proud to live in a community that recognizes the many achievements and contributions made by Black Americans to our economic, cultural, spiritual, and political development. She said that during Black History Month and always, Berkley recognizes the historical and systemic racism in our community and actively strives to be more welcoming and inclusive to all. Councilmember Price thanked Berkley Parks and Recreation for hosting a wonderful WinterFest this past Saturday. She said she and her kids, as well as other community members, had a wonderful time. She said she looks forward to returning to the outdoor ice rink all winter.

**COUNCILMEMBER BAKER:** said the Historical Committee was scheduled to meet tomorrow on February 8<sup>th</sup> but canceled that meeting. He said members are working on refining the Committee's mission and purpose statement. He mentioned that the Historical Museum is open on Wednesdays from 10 a.m. to 1 p.m. and Sundays from 2 to 4 p.m. He encouraged everyone to visit their website, [berkleyhistory.com](http://berkleyhistory.com). Councilmember Baker stated that the Downtown Development Authority (DDA) will be meeting next Wednesday, February 9<sup>th</sup>. He said the next DDA event, Frozen February Block Party, would be happening on Saturday, February 12<sup>th</sup> from noon to 4 p.m. He noted progress in the downtown including that Downtown Berkley received once again its National Accreditation from Main Street

America. He mentioned that Downtown Executive Director Mike McGuinness was accepted into the Michigan Downtown Association Professional Development Certificate Program and was only one out of five in the state to do so. He encouraged everyone to visit [downtownberkley.com](http://downtownberkley.com). He quoted Robert Louis Stevenson, "Don't judge each day by the harvest you reap but by the seeds that you plant." He said we have planted a lot of really good seeds. He said we are at the beginning of the budget season, which is time for seeds to be planted as they start to move forward with the FY 2022-2023 budget process. He said the City's budget is our document and it reflects the community's values and priorities. He said to please reach out by either emailing them at [council@berkleymich.net](mailto:council@berkleymich.net) or through the City Manager's Office, if there are items of value to have a home in our budget cycle. He said for everyone to stay safe and to hug someone they love.

**MAYOR PRO TEM DEAN:** said she has a few updates from the Parks and Recreation Department. She mentioned there are still some senior tax appointments available. She said seniors may call the Parks and Recreation Department at (248) 658-3470 to make an appointment for AARP representatives to help with income taxes. She discussed senior fitness availabilities at the Community Center. She said this program is offered two days a week from 10 to 11 a.m. and Fridays from 9:30 – 10:30 a.m. She said there is a drop-in fee for \$2. She said the complete list of classes offered is posted at [recreation.berkleymich.org](http://recreation.berkleymich.org). Mayor Pro Tem Dean thanked Parks and Recreation Director Theresa McArleton and her staff for a great Winterfest this past Saturday. She said attendance was around 800. She thanked everyone who came and participated in the WinterFest activities that afternoon as well.

**COUNCILMEMBER VILANI:** offered her congratulations to all of the officers and K-9 bear on their oaths of office. She thanked Berkley Public Safety for all that they do for the community. She gave a couple of updates from the Berkley Area Chamber of Commerce including that there is going to be a Chamber Chat on Friday, February 18<sup>th</sup> at Pinspiration from 8:30 to 9:30 a.m. She said the next Chamber meeting is Tuesday, February 15<sup>th</sup>. She said on March 18<sup>th</sup>, Berkley's University Series will return and the first topic will be how to avoid ID theft and bank fraud. She said the event will be held at the Berkley Public Library and to register online by going to [berkleychamber.com](http://berkleychamber.com). She said this Thursday, February 10<sup>th</sup> in the evening is the Second Annual Galentine's Day Soiree from 5 to 8 p.m. at Sum Girls Boutique, The Artsy Umbrella, and Nada & Company. All of these businesses are at 12 Mile and Robina. Councilmember Vilani provided an update from the Berkley Cares Food Pantry. She said they are located in the basement of the Berkley First Methodist Church at 12 Mile and Kipling. She said they are accepting food donations on the first and third Fridays of each month from 6 to 7 p.m. and also during their normal hours on Saturdays from 10 a.m. to noon. She said they also accept monetary donations through PayPal. She said more information is available on their website, [berkleycaresfoodpantry.com](http://berkleycaresfoodpantry.com).

**CITY MANAGER BAUMGARTEN:** talked about how the City is putting the infrastructure millage into good use this year. He said there will be another large project at Kenmore and Cornwall, just north of 12 Mile Road. He said there will be a virtual town hall on Wednesday, February 9<sup>th</sup> at 6:30 p.m. for the residents who live in that area. He reminded everyone that on Monday, February 21<sup>st</sup> city offices will be closed in observance of Presidents' Day. He said anyone who has questions or is interested in potential lead lines across the city, may visit a new section of the City's website addressing this topic. He said it may be found by going to the Public Works Department on the City's website and then selecting "Lead Service Line Replacement Project." He said the site will provide information about new State rules, how to help identify pipe materials inside your home, and how to initiate getting a lead service line replaced through the City's third-party program. He said that so far this program has received positive feedback. He recognized that his wife and two sons will be having birthdays at the end of the week and wished them all a Happy Birthday.

**ATTORNEY CHRIST:** had nothing to report this evening.



**MAYOR TERBRACK:** talked about gratitude. He said this is a topic discussed at his office. He continued to say that when someone is experiencing frustration, anxiety, or despair, thinking about gratitude will psychologically help change your mood. He wanted to show gratitude and thank the Parks and Recreation Department for putting on a wonderful WinterFest for the first time in a couple of years. He recognized Director Theresa McArleton and her staff. He expressed gratitude to the Department of Public Works and Department of Public Safety for all that they did during the recent snowstorm. He expressed gratitude for the officers sworn in earlier during the meeting. Mayor Terbrack wished his daughter, Olive, a Happy Birthday and will be turning 2 on Saturday. He encouraged everyone to be safe even though the number of COVID-19 cases has been going down.

#### **ADJOURNMENT**

Mayor Pro Tem Dean moved to adjourn the Regular Meeting at 8:34 p.m.

Seconded by Councilmember Vilani

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

Nays: None

Absent: Gavin

Motion Approved.

AN ORDINANCE

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

THE CITY OF BERKLEY ORDAINS:

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

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

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

from Coolidge District to Gateway District.

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

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

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

Passed on the Second Reading at the Regular City Council Meeting on Monday, March 7, 2022.

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Daniel J. Terbrack  
Mayor

Attest:

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Victoria Mitchell  
City Clerk

**A PROCLAMATION**  
**of the Council of the City of Berkley, Michigan**  
**Proclaiming March 8<sup>th</sup> as International Women's Day**  
**and Recognizing March 2022 as Women's History Month in the City of Berkley**

- WHEREAS,** In 1911, International Women's Day was first honored in Austria, Denmark, Germany, and Switzerland when more than one million people attended rallies campaigning for women's rights and for an end to gender discrimination; and
- WHEREAS,** Women of every race, class and ethnic background have made historic contributions to the growth and strength of our nation, state, and local communities in countless recorded and unrecorded ways; and
- WHEREAS,** Women have played and continue to play critical economic, cultural, and social roles in every sphere of life by constituting a significant portion of the working labor force, and historically providing a majority of the volunteer labor force; and
- WHEREAS,** Women are leaders, not only in securing their own rights of suffrage and equal opportunity but also in every major civil rights movement in modern history; and
- WHEREAS,** Despite these contributions, the role of women in history has been consistently overlooked and undervalued, both in literature and in the history books; and
- WHEREAS,** International Women's Day is a day to celebrate the collective power of women, uphold women's achievements, recognize challenges, focus greater attention on women's rights and gender equality, encourage and mobilize all people to do their part to bring about positive change.

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

- SECTION 1:** That March 8, 2022, shall be recognized and celebrated as International Women's Day in the City of Berkley.
- SECTION 2:** That the month of March 2022 shall be recognized and celebrated as Women's History Month in the City of Berkley.
- SECTION 3:** The City of Berkley urges the citizens, government agencies, public and private institutions, businesses, and schools in the City of Berkley to recommit to increasing our support and recognition of the contributions made by all women of our community.
- SECTION 4:** The Council of the City of Berkley encourages the citizens, government agencies, public and private institutions, businesses, and schools in the City of Berkley to #ChooseToChallenge gender stereotypes and bias, and to recommit to actively challenge all gender discrimination.

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

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

Attest:

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

**A PROCLAMATION**  
**of the Council of the City of Berkley, Michigan**  
**Proclaiming March 2022 as Severe Weather Month**

**WHEREAS,** Every year the state of Michigan experiences severe thunderstorms, heavy rainfall, and flooding which often result in disaster declarations due to widespread and severe damage; and

**WHEREAS,** Since 1950, 1,176 tornadoes have been reported in the state of Michigan, resulting in over \$1.1 Billion in property damage, over 3,000 direct injuries, and over 240 fatalities; and

**WHEREAS,** Severe weather, in the form of thunderstorms, windstorms, floods, and tornados, pose a significant threat to the health and safety of all Berkley residents; and

**WHEREAS,** Climate Change is increasing the frequency of severe weather incidences; and

**WHEREAS,** When residents know what to do before, during, and after severe weather events it saves countless lives.

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

**SECTION 1:** That March 2022 is hereby recognized as *Severe Weather Month* in the City of Berkley and urges all citizens, government agencies, public and private institutions, businesses, and schools to commit to learning and sharing proper safety and emergency procedures.

**SECTION 2:** That Severe Weather Awareness Week will be held March 20-26, 2022, with a Statewide Tornado Drill being conducted on March 23, 2022 at 1 p.m.

**SECTION 3:** That the City Council directs the City administration to actively share and communicate severe weather safety and preparedness materials provided by the Federal Emergency Management Agency through its social media and cable broadcasting channels.

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

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

Attest:

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

March 7, 2022 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ to award the contract for the 2022 DPW Improvement Project to the lowest qualified bidder, Quadrate Construction, LLC. of Macomb Township, Michigan, in an amount of \$966,208. In addition, to allocate \$38,430 for construction engineering services to Hubbell, Roth & Clark and \$75,000 for construction contingencies.

Ayes:

Nays:

Motion:

# Transmittal Memo

**To:** Matthew Baumgarten, City Manager (via email)

**cc:** Mark Pollock, Finance Director (via email)

**From:** Alex Brown, Facilities Manager

**Date:** February 28, 2022

**Subject:** 2022 DPW Improvement Project  
Recommendation for Award

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I am very pleased to submit the proposals for the DPW Improvement project along with the recommendation of award and bid tabulation from Hubbell, Roth & Clark. (HRC)

Bids were received electronically on February 15, 2022 from four (4) contractors (see attached bid tab). HRC has reviewed the bids and verified the references. I concur with the recommendation of HRC and propose awarding the bid to the lowest-qualified contractor, Quadrate Construction LLC. Of Macomb Township, Michigan in the amount of \$966,208.00.

At this time, I also recommend \$38,430.00 be approved for construction engineering services in accordance with the attached detailed proposal from HRC. These services cover many components including preconstruction/progress meetings, review of shop drawings, and bi-weekly site visits. HRC has also recommended a contingency of \$75,000 be added to the low bid amount for any unforeseen construction modifications.

The tentative construction schedule is to begin work mid-April 2022 with substantial completion by the end of June 2022.

Feel free to contact me with any questions or concerns.

February 22, 2022

City of Berkley – Department of Public Works  
3238 Bacon Ave.  
Berkley, Michigan 48072

Attn: Derrick Schueller, Director of Public Works

Re: Recommendation for Award and Bid Tabulation  
DPW Office Improvement Project

HRC Job No. 20200576

Dear Mr. Schueller:

We have reviewed the bids that were received electronically by the City on Wednesday, February 15, 2022, and forwarded to our office on the same day for the DPW Office Improvements Project and have found them to be in order. There were four (4) official bids received. One of the submitted bidders did not attend the mandatory pre-bid meeting and were therefore considered non-responsive. The apparent low bidder is Quadrate Construction, LLC of Macomb Township, Michigan. Please refer to the attached Bid Tabulation for an itemized bid breakdown of the bids.

The low bidder has submitted several satisfactory references for similar projects completed. HRC conducted the reference checks and reported that respondents indicated that the low bidder had performed well on their projects, coordinated their subcontractors well, and had no complaints with the quality of their work. Their company background appears to be well suited to provide the proposed work for the DPW project.

Based on the above, this office recommends award of the Contract to Quadrate Construction, LLC. of Macomb Township, Michigan with a total bid of **\$ \$966,208.00**, subject to the submission of the necessary bonds and insurance, which comply with the contract specifications. We also recommend that an additional **\$75,000** construction contingency be added to the low bid amount. In addition, HRC proposes a not-to-exceed Construction Engineering budget of **\$38,430.00** also be adopted. A breakdown of the construction engineering costs have been attached to this letter.

Based on the above, HRC recommends the City approve the total project construction budget for the DPW Office Improvements Project of **\$1,079,638.00** (not-to-exceed maximum, including costs for contingencies and construction engineering).

Enclosed, please find a copy of the Bid Tabulation for your records. If you have any questions or require any additional information, please contact the undersigned.

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

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

**Grand Rapids**  
1925 Breton Road SE  
Suite 100  
Grand Rapids, MI 49506  
616-454-4286

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

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

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

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

Very truly yours,

HUBBELL, ROTH & CLARK, INC.



Roland N. Alix, P.E.  
Vice President




Adrianna M. Melchior, AIA, LEED AP BD+C  
Associate

Attachment: Bid Tabulation  
HRC CE Services Breakdown

pc: City of Berkley; A. Brown  
HRC; File



BID LIST							
Project:	DPW Office Improvement Project						
Owner:	City of Berkley						
Bids Due:	3:00 PM	Date:	2/15/2022				
ENGINEER: HUBBELL, ROTH & CLARK, INC.							
BIDDER	ADDENDUM ACKNOWLEDGED	AMOUNT	POSITION	BERKLEY FORMS	BID BOND	SCHEDULE	ATTENDED PRE-BID MTG
Allied Building Service Company of Detroit	Y	\$1,204,488	4	Y	Y	Y	Y
LaSalle Group Inc.	Y	\$1,152,000	3	Y	Y	N	Y
North American Construction Enterprises	Y	\$1,071,290	2	Y	Y	Y	N
Quadrate Construction, LLC	Y	\$966,208	1	Y	Y	Y	Y

Item	Quantity			Total Cost		Total Cost		Total Cost		Total Cost		Total Cost	
Division I - Office Improvement Main Scope													
1. Sidewalks - Remove Exist. & Prov. New (incl. Re	1	LS	\$	10,000.00	\$	8,299.00	\$	17,885.00	\$	20,000.00	\$	11,840.00	
2. Interior Concrete Removal & Replacement	1	LS	\$	23,750.00	\$	20,866.00	\$	31,941.00	\$	30,000.00	\$	79,950.00	
3. Asbestos Abatement	1	LS	\$	3,500.00	\$	1,672.00	\$	6,568.00	\$	3,000.00	\$	5,166.00	
4. Cold Formed Metal Framing	1	LS	\$	21,000.00	\$	14,864.00	\$	27,094.00	\$	100,000.00	\$	21,054.00	
5. Masonry	1	LS	\$	66,000.00	\$	61,686.00	\$	93,984.00	\$	85,000.00	\$	119,310.00	
6. Doors, Frames & Door Hardware	1	LS	\$	44,000.00	\$	39,572.00	\$	43,890.00	\$	50,000.00	\$	4.00	^
7. Windows	1	LS	\$	36,000.00	\$	29,109.00	\$	40,735.00	\$	30,000.00	\$	40,750.00	
8. Drywall, Plywood, Insulation and Ceilings	1	LS	\$	63,000.00	\$	69,428.00	\$	70,838.00	\$	30,000.00	\$	50,004.00	^
9. Custom Cabinetry & Counters	1	LS	\$	36,400.00	\$	43,354.00	\$	45,508.00	\$	40,000.00	\$	39,730.23	
10. Fire Suppression System	1	LS	\$	18,000.00	\$	17,534.00	\$	18,950.00	\$	12,000.00	\$	21,164.61	
11. Fire Alarm System	1	LS	\$	15,000.00	\$	16,474.00	\$	10,790.00	\$	11,000.00	\$	10,620.00	
12. Mechanical	1	LS	\$	87,000.00	\$	105,288.00	\$	118,558.00	\$	104,000.00	\$	127,460.00	
13. Plumbing	1	LS	\$	54,000.00	\$	81,753.00	\$	59,532.00	\$	60,000.00	\$	115,957.00	
14. Electrical and Lighting	1	LS	\$	75,000.00	\$	126,606.00	\$	123,636.00	\$	100,000.00	\$	159,918.00	
15. Lockers	1	LS	\$	11,000.00	\$	21,305.00	\$	15,064.00	\$	15,000.00	\$	8,892.00	
16. Paint	1	LS	\$	12,000.00	\$	9,049.00	\$	24,234.00	\$	10,000.00	\$	5.00	^
17. Toilet/Shower Partitions and Accessories	1	LS	\$	8,500.00	\$	5,060.00	\$	9,499.00	\$	10,000.00	\$	3,960.00	
18. LVT, Carpet, Tile and Wall Base	1	LS	\$	43,200.00	\$	40,300.00	\$	54,645.00	\$	40,000.00	\$	57,026.00	
19. Miscellaneous: Sealant, Signage, Etc.	1	LS	\$	35,000.00	\$	54,997.00	\$	30,064.00	\$	10,000.00	\$	4,000.00	^
20. Furniture Allowance	1	LS	\$	30,000.00	\$	30,000.00	\$	30,000.00	\$	30,000.00	\$	30,000.00	^
21. Window Shades	1	LS	\$	3,500.00	\$	3,716.00	\$	9,728.00	\$	3,000.00	\$	4,725.00	
22. Appliances and Equipment (A-3 Legend)	1	LS	\$	7,500.00	\$	3,964.00	\$	15,032.00	* \$	6,000.00	\$	-	^
Division I Subtotal			\$	703,350.00	\$	804,896.00	\$	898,175.00	\$	799,000.00	\$	976,076.84	
Division II - Parts Vesibule													
1. Doors, Frames & Door Hardware	1	LS	\$	6,000.00	\$	6,253.00	\$	5,910.00	\$	10,000.00	\$	8,460.00	
2. Masonry	1	LS	\$	10,000.00	\$	3,951.00	\$	3,543.00	\$	26,000.00	\$	3,460.00	
3. Vestibule Electrical and Lighting	1	LS	\$	11,000.00	\$	991.00	\$	2,487.00	\$	20,000.00	\$	26,022.50	
4. Electrical Panel Updates at Parts Storage	1	LS	\$	12,000.00	\$	13,669.00	\$	11,469.00	\$	30,000.00	\$	26,022.50	
5. Miscellaneous: Sealant, Paint, Etc.	1	LS	\$	4,000.00	\$	1,115.00	\$	1,365.00	\$	10,000.00	\$	2,000.00	
Fiber Line Relocation, Complete (N/A)	1	LS					\$	7,128.00	⚡				
7. Alternate #1 Electrical Upgrades	1	LS	\$	20,000.00	\$	8,747.00	\$	24,212.00	\$	35,000.00	\$	40,005.00	
Division II Subtotal			\$	63,000.00	\$	34,726.00	\$	56,114.00	\$	131,000.00	\$	105,970.00	
Division III - Gates													
1. Automated Entry Gates, Complete	1	LS	\$	83,000.00	\$	90,451.00	\$	89,652.00	\$	85,000.00	\$	97,258.00	
Division III Subtotal			\$	83,000.00	\$	90,451.00	\$	89,652.00	\$	85,000.00	\$	97,258.00	
Division IV - Animal Shelter Work													
1. Doors, Frames & Door Hardware	1	LS	\$	6,500.00	\$	5,752.00	\$	5,180.00	\$	10,000.00	\$	7,215.20	
2. Masonry (inc. Window Removal)	1	LS	\$	15,000.00	\$	3,022.00	\$	3,184.00	\$	20,000.00	\$	-	^
3. Exterior Siding & Plywood Removal and Replace	1	LS	\$	18,000.00	\$	22,544.00	\$	9,784.00	\$	40,000.00	\$	5.00	^
4. Interior Concrete Removal & Replacement	1	LS	\$	1,500.00	\$	991.00	\$	705.00	\$	20,000.00	\$	-	^
5. Plumbing	1	LS	\$	2,500.00	\$	2,263.00	\$	2,920.00	\$	25,000.00	\$	0.50	^
6. Miscellaneous: Sealant, Paint, Etc.	1	LS	\$	2,000.00	\$	1,363.00	\$	4,768.00	\$	20,000.00	\$	50.00	^
7. Asbestos Abatement	1	LS	\$	1,000.00	\$	200.00	\$	808.00	\$	2,000.00	\$	50.00	^
Division IV Subtotal			\$	46,500.00	\$	36,135.00	\$	27,349.00	* \$	137,000.00	\$	25,182.70	
TOTAL BID AMOUNT:			\$	895,850.00	\$	966,208.00	\$	1,071,290.00	* \$	1,152,000.00	* \$	1,204,487.54	

\*Price corrected by Engineer  
^ Number could not be determined  
\\ Not part of scope

**2022 HRC Fee Breakdown**

 JOB NUMBER: **20200576**

 PROJECT NAME: **DPW Office Renovations Project - CE Services**

 PRINCIPAL: **R. ALIX**

 ASSOCIATE: **A. Melchior**

 DATE: **February 21, 2022**

	HRC STAFF POSITION															
	Vice President		Associate/Dept. Mgr		Senior Project Analyst (Arch)		Project Engineer - Electrical		Graduate Architect II		Senior Project Analyst (Mechanical)		Testing Tech/Coordinator		TOTAL	
	RATE	174.00	RATE	147.90	RATE	147.90	RATE	116.00	RATE	104.40	RATE	159.50	RATE			
TASK	HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE
<b>TASK NO.</b>																
1 Administration	4	\$696.00	8	\$1,183.20											12	\$1,879.20
2 Attend Pre-Con Mtg (incl. prep & minutes)			4	\$591.60					4	\$417.60					8	\$1,009.20
3 Review/comment on shop dwgs & submittals			4	\$591.60			8	\$928.00	32	\$3,340.80	8	\$1,276.00			52	\$6,136.40
4 Bi-Weekly Site Visits (assumes 4 month construction period)			16	\$2,366.40	32	\$4,732.80	8	\$928.00	32	\$3,340.80	8	\$1,276.00			96	\$12,644.00
5 Bi-Weekly Progress Meetings (assumes 4 month construction period)			16	\$2,366.40	32	\$4,732.80			32	\$3,340.80					80	\$10,440.00
6 RFI/ Change Order Review & Coordination			4	\$591.60			8	\$928.00	12	\$1,252.80	8	\$1,276.00			32	\$4,048.40
7 Pay Application Review (assumes 4)			6	\$887.40											6	\$887.40
8 As-Builts and Incorporation into GIS Data Base							2	\$232.00	8	\$835.20	2	\$319.00			12	\$1,386.20
9 Preliminary & Final Punchlists			2	\$295.80					8	\$835.20					10	\$1,131.00
<b>SUBTOTAL Construction Engineering</b>	4	\$696.00	60	\$8,874.00	64	\$9,465.60	26	\$3,016.00	128	\$13,363.20	26	\$4,147.00			298	\$38,430.80

PROPOSAL  
FOR  
DPW OFFICE IMPROVEMENT PROJECT  
CITY OF BERKLEY  
OAKLAND COUNTY, MICHIGAN

City of Berkley  
3338 Coolidge Highway  
Berkley, Michigan 48072

(Electronic) Bids Due: **Tuesday, February 15, 2022**  
On or Before: **3:00 pm, Local Time, <http://www.bidnetdirect.com>**  
HRC Job No. 20200576

To Prospective Bidders:

Name of Bidder: Quadrate Construction, LLC

Address: 15801 23 Mile Road, Macomb Township, MI 48042

Date: 2/15/2022 Telephone: 586-677-1111 Fax: 586-781-5829

The above, as Bidder, hereby declares this bid is made in good faith without fraud or collusion with any persons bidding, and that the Drawings, Specifications, and all other information referenced in the Instructions to Bidders have been examined. Further, the Bidder is familiar with the location of the work described herein and is fully informed as to the nature of the work and the conditions relating to the performance of the Contract.

The Bidder acknowledges that no representations or warranties of any nature whatsoever have been received, or are relied upon from the City, its agents or employees, as to any conditions to be encountered in accomplishing the work and that the bid is based solely upon the Bidder's own independent judgment.

The above, as Bidder, hereby certifies that the Drawings, Specifications, and other data provided by the Owner for bidding purposes have been examined. Further, the undersigned certifies that the proposed construction methods have been reviewed and found acceptable for the conditions which can be anticipated from the information provided for bidding.

The Bidder hereby affirms that the site of work has been inspected and further declares that no charges in addition to the Individual Unit Prices shall be made on account of any job circumstances or field conditions which were present and/or ascertainable prior to the bidding. In addition, The Contractor, as such and as Bidder, shall make the determination as to existing soil conditions and shall also complete the work under whatever conditions created by the Contractor/Bidder's sequence of construction, construction methods, or other conditions the Contractor/Bidder may create, at no additional cost to the Owner.

The above, as Bidder, confirms knowledge of the location of the proposed DPW Office Improvement Project and appurtenant construction in the City of Berkley, Oakland County, Michigan, and the conditions under which it must be constructed; and also declares to have carefully examined the Drawings, Specifications, and Contract Documents which the Bidder understands and accepts as sufficient for the purpose of constructing said DPW Office Improvement Project, and appurtenant work, and agrees to contract with the City of Berkley to furnish all labor, materials, tools, equipment, facilities and supervision necessary to do all the work specified and prescribed for the City of Berkley, in strict accordance with the Owner's General Conditions, and with the full intent of the Drawings and Specifications, prepared by Hubbell, Roth & Clark, Consulting Engineers, and will accept in full payment therefore the sum of the following:



The project consists of four (4) divisions. **Division I** includes the office improvement main scope project. **Division II** includes improvements to the Parts Vestibule. **Division III** includes the new automated entry gates. **Division IV** includes work at the Animal Control Area. **Each of the Divisions will need to be quoted in order for the overall bid to be considered responsive.**

**DIVISION I**

<u>Item</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Cost</u>
<b><u>OFFICE IMPROVEMENT MAIN SCOPE</u></b>			
1. Sidewalks - Remove Existing & Provide New (Includes Site Restoration)	1 LS	@ Lump Sum	= \$ 8,299
2. Interior Concrete Removal & Replacement	1 LS	@ Lump Sum	= \$ 20,866
3. Asbestos Abatement	1 LS	@ Lump Sum	= \$ 1,672
4. Cold Formed Metal Framing	1 LS	@ Lump Sum	= \$ 14,864
5. Masonry	1 LS	@ Lump Sum	= \$ 61,686
6. Doors, Frames & Door Hardware	1 LS	@ Lump Sum	= \$ 39,572
7. Windows	1 LS	@ Lump Sum	= \$ 29,109
8. Plywood, Drywall, Insulation & Ceilings	1 LS	@ Lump Sum	= \$ 69,428
9. Custom Cabinetry & Counters	1 LS	@ Lump Sum	= \$ 43,354
10. Fire Suppression System	1 LS	@ Lump Sum	= \$ 17,534
11. Fire Alarm System	1 LS	@ Lump Sum	= \$ 16,474
12. Mechanical	1 LS	@ Lump Sum	= \$ 105,288
13. Plumbing	1 LS	@ Lump Sum	= \$ 81,753
14. Electrical and Lighting	1 LS	@ Lump Sum	= \$ 126,606
15. Lockers	1 LS	@ Lump Sum	= \$ 21,305
16. Painting	1 LS	@ Lump Sum	= \$ 9,049
17. Toilet & Shower Partitions and Accessories	1 LS	@ Lump Sum	= \$ 5,060
18. LVT, Carpet, Tile and Wall Base	1 LS	@ Lump Sum	= \$ 40,300
19. Miscellaneous: Sealant, Signage, Etc.	1 LS	@ Lump Sum	= \$ 54,997
20. Furniture Allowance	1 LS	@ Lump Sum	= \$ <del>25,000.00</del> 30,000.00
21. Window Shades	1 LS	@ Lump Sum	= \$ 3,716
22. Appliances and Equipment (A-3 Legend)	1 LS	@ Lump Sum	= \$ 3,964
<b>TOTAL AMOUNT OF BID - DIVISION I</b>			<b>\$ 804,896</b>

**DIVISION II**

<u>Item</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Cost</u>
<u>PARTS VESIBULE</u>			
1. Doors, Frames & Door Hardware	1 LS	@ Lump Sum	= \$ 6,253
2. Masonry	1 LS	@ Lump Sum	= \$ 3,951
3. Vestibule Electrical and Lighting	1 LS	@ Lump Sum	= \$ 991
4. Electrical Panel Updates at Parts Storage Room	1 LS	@ Lump Sum	= \$ 13,669
5. Miscellaneous: Sealant, Paint, Etc.	1 LS	@ Lump Sum	= \$ 1,115
<b>TOTAL AMOUNT OF BID - DIVISION II</b>			<b>\$ 25,979</b>
6. Alternate #1 - Electrical Upgrades	1 LS	@ Lump Sum	= \$ 8,747
<b>TOTAL AMOUNT OF BID - DIVISION II with Alternate #1</b>			<b>\$ 34,726</b>

**DIVISION III**

<u>Item</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Cost</u>
1. Automated Entry Gates, Complete	1 LS	@ Lump Sum	= \$ 90,451
<b>TOTAL AMOUNT OF BID - DIVISION III</b>			<b>\$ 90,451</b>

**DIVISION IV**

<u>Item</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Cost</u>
<u>ANIMAL SHELTER WORK</u>			
1. Doors, Frames & Door Hardware	1 LS	@ Lump Sum	= \$ 5,752
2. Masonry (incl. Window Removal)	1 LS	@ Lump Sum	= \$ 3,022
3. Exterior Siding and Plywood Removal and Replacement	1 LS	@ Lump Sum	= \$ 22,544
4. Interior Concrete Removal & Replacement	1 LS	@ Lump Sum	= \$ 991
5. Plumbing	1 LS	@ Lump Sum	= \$ 2,263
6. Miscellaneous: Sealant, Paint, Etc.	1 LS	@ Lump Sum	= \$ 1,363
7. Asbestos Abatement	1 LS	@ Lump Sum	= \$ 200.00
<b>TOTAL AMOUNT OF BID - DIVISION IV</b>			<b>\$ 36,135</b>

**SUMMARY**

TOTAL AMOUNT OF BID - DIVISION I	\$ 804,896.00
TOTAL AMOUNT OF BID - DIVISION II	\$ 25,979.00
TOTAL AMOUNT OF BID - DIVISION III	\$ 90,451.00
TOTAL AMOUNT OF BID - DIVISION IV	\$ 36,135.00
<u>TOTAL AMOUNT OF BID - ALL DIVISIONS</u>	<u>\$ 957,461.00</u>
<u>TOTAL AMOUNT OF BID - ALL DIVISIONS (incl. Alt. #1)</u>	<u>\$ 966,208.00</u>

**ALTERNATES**

Voluntary Alternates proposed by the Bidder will not be considered. The Bidder shall submit his bid based on the information shown on the Drawings and Specifications. Alternates listed below are for the Owner's convenience and shall be priced as indicate by the work description. All alternates shall be clearly marked whether they represent an add or deduct to the Base Bid price quoted herein.

**Alternate #1:**

Division II - In lieu of Base Bid Line #4 "Electrical Panel Updates", provide new replacement Distribution & Lighting Panels per notes on E-2. This amount is to be added to the Base Bid for Division II - the amount as bid for Line #4 will not be deducted, so the Alternate #1 cost will reflect a credit for Line #4 Base Bid costs.

**OWNERS RIGHTS**

The Owner reserves the right to award Division I, any combination of Divisions, or all Divisions, depending upon the availability of funds. Further, the Owner reserves the right to award any, all, or none of the Alternates indicated herein. If the project is awarded, it will be to the low responsive, responsible bidder for the combined total bid of the Divisions and/or Alternates that are awarded. ALL DIVISIONS AND ALTERNATES MUST BE QUOTED IN ORDER FOR THE OVERALL BID TO BE CONSIDERED RESPONSIVE.

The Owner reserves the right to award any combination of Divisions and/or Alternates, depending upon the availability of funds. The Owner reserves the right to add or delete quantities from the Contract and adjustments will be subject to the availability of funds at the time of bid letting. Deletion of quantities and/or divisions shall not be grounds for the low qualified bidder to adjust unit prices for the project that the Owner intends to execute as a Contract, nor shall the Contractor be entitled to compensation from unrealized profits resulting from the deletion of quantities.



The Owner, at his sole discretion, reserves the right to award to the Bidder who, in the sole determination of the Owner, will best serve the interest of the Owner. The Owner reserves the right to accept any bid, to reject any or all bids, to waive any and all informalities involving price, time, or changes in the work, and to negotiate contract terms with the successful Bidder, and the right to disregard all nonconforming, nonresponsive, unbalanced or conditional bids. However, it is the intention of the Owner to award to the low total bid to one bidder. Also, the Owner reserves the right to reject the bid of any Bidder if the Owner believes that it would not be in the best interest of the Project to make an award to that Bidder, whether because the bid is not responsive or the Bidder is unqualified, of doubtful financial ability, or fails to meet any other pertinent standard or criteria established by the Owner.

**Each bidder agrees to waive any claim it has or may have against the Owner, the Architect/Engineer, and their respective employees, arising out of or in connection with the administration, evaluation, or recommendation of any bid.**

The Bidder is advised that in order to submit a bid on this project, the Bidder must download and complete the Proposal Form (Section 00300) and include the required Municipal references and a **scanned copy of their bid deposit** (in the form of a certified check, cashier's check or bid bond, executed by the bidder and Surety Company, payable to the City of Berkley in the amount of Five Percent (5%) of the amount of the Proposal) with their electronic bid submission. **The original bid deposit for the low bidder will be required to be submitted to the City following the bid letting.**

#### TAXES

The Bidder affirms that all applicable Federal, State and Local taxes of whatever character and description are included in all prices stated in this Form of Proposal.

#### ADDENDA

The Bidder acknowledges the following Addenda, covering revisions to the drawings or specifications and the cost, if any, of such revision has been included in the quoted proposal:

Addendum No. <u>1</u>	Dated <u>01/31/2022</u>
Addendum No. _____	Dated _____
Addendum No. _____	Dated _____
Addendum No. _____	Dated _____

#### FEES

The Bidder shall refer to the General Conditions for allowable Fees for additional work performed, upon Owner's written authorization, by Bidder's own forces and/or for additional work, upon Owner's written authorization, by Bidder's subcontractors.

#### CONSTRUCTION PERIOD

DPW operations are critical to the City, as such it is desired to have the interior of the Division I area of the garage closed for construction for as short a time period as possible. This area is to be closed for a period of no more than 90 days to accomplish this project, from start of demolition to Substantial Completion. Phasing



of construction at this work area will not be permitted. The unaffected areas of the garage will require full access by DPW personnel at all times, throughout the Construction. Additionally, only one of the site entry gates will be permitted to be worked on a time.

It is encouraged for the Contractor to submit shop drawings and procure all materials prior to closing the garage at the Division I area to ensure the most expeditious construction period possible. It is anticipated to award this project in early March 2022, thereby allowing ample time for the material procurement process. Contractor is to submit a list of long lead time items at the pre-construction meeting in order to show impacts to the construction schedule.

### **TIME OF COMPLETION**

If awarded the Contract for the DPW Office Improvement Project, the awarded Contractor agrees to have the work Substantially Complete by **Monday, August 15, 2022**.

Further, the awarded Contractor agrees to have all work on the project completed by **Friday, September 2, 2022**, including clean-up, punch-list items, final grading, and restoration of the disturbed areas.

The Bidder hereby agrees to furnish the required Bonds, Insurance Certificates, and Policies within ten (10) days after acceptance of this Proposal.

The execution of all work and specific constraints as described in the contract drawings and specifications herein must be strictly adhered to.

*Important: A tentative construction schedule is to be included with this proposal for Owner consideration.*

### **LIQUIDATED DAMAGES**

Time is of the essence for completion of this project in order to have the Project ready for the City of Berkley. The Bidder guarantees that the work will be completed within the time limit stated herein before or within the time as extended as provided elsewhere in the Specifications. Inasmuch as the damage and loss to the Owner which will result from the failure of the Bidder to complete the work within the stipulated time, will be most difficult or impossible to accurately determine, it is mutually agreed that the damages to the Owner for such delay and failure on the part of the Bidder shall be liquidated in the amount of Five Hundred Dollars (\$500.00), for each and every calendar day by which the Bidder shall fail to complete the work or any part thereof within the provisions hereof, and such liquidated damages shall not be considered as a penalty.

The Owner will deduct and retain out of any money due or to become due hereunder the amount of the liquidated damages, and in case those amounts are less than the amount of actual liquidated damages, the Bidder shall pay the difference upon demand of the Owner.

It is understand that liquidated damages may be assessed should the Contractor fail to meet the stipulated completion date. Specifically, liquidated damages will be assessed daily beginning **Tuesday, August 16, 2022** for **Substantial Completion**, and **Saturday, September 3, 2022 for the entire project**, until such a time that final completion is achieved.

### **QUALIFICATIONS/MUNICIPAL PROJECTS/REFERENCES**

The City of Berkley requires the Bidder, as the Prime Contractor, to include **three (3) references** for projects similar to the DPW Office Improvement Project, that included sidewalks, automated gates, office build outs

CITY OF BERKLEY  
DPW OFFICE  
IMPROVEMENT PROJECT

PROPOSAL  
00300 / 7

and renovation construction experience, as follows. The references will be checked prior to the award of the contract.

*Project No. 1: Name of Project:* Jam Best Fleet Service Additions

Project Completion Date: February 2020 Contract Amount: \$1,383,830.00

Name: Jim Jones Address:

Telephone: 419-799-0886 Firm: Jam Tire, Inc.

*Project No. 2: Name of Project:* Henshaw Build

Project Completion Date: December 2019 Contract Amount: \$7,315,943.00

Name: Justin Clark Address:

Telephone: 586-854-5664 Firm: Henshaw, Inc.

*Project No. 3: Name of Project:* LeCom

Project Completion Date: January 2022 Contract Amount:

Name: Joe Lentine Address:

Telephone: 810-343-6425 Firm: LeCom, Inc

**BIDS TO REMAIN FIRM**

The price stated in this Proposal shall be guaranteed for a period of not less than 60 days from the bid due date and if authorized to proceed within that period, the bidder agrees to complete the work covered by the Proposal at said price.

If this Proposal is accepted by the Owner and the undersigned shall fail to contract as aforesaid and to furnish the required surety bonds within fifteen (15) days after being notified of the acceptance of their bid, then the undersigned shall be considered to have abandoned the contract, and the Certified Check, Cashier's Check or Bid Bond accompanying this Proposal shall be forfeited to the City of Berkley.

If the undersigned enters into the contract in accordance with their proposal, or if their proposal is not accepted, then the accompanying bid guarantee shall be returned to the undersigned.

Company Name: Quadrade Construction, LLC.

Signature:  Title: Member

Address: 15801 23 Mile Road, Macomb Township, MI 48042

County: Macomb County State: MI

Telephone No.: 586-677-1111 Fax No.: 586-781-5829

Email Address: miked@quadratedevelopment.com



LEGAL STATUS OF BIDDER

This Bid is submittal in the name of:

(Print) Quadrate Construction, LLC

The undersigned hereby designates below the business address to which all notices, directions or other communications may be served or mailed:

Street 15801 23 Mile Road

City Macomb Township

State MI

Zip Code 48042

The undersigned hereby declares the legal status checked below:

☐ INDIVIDUAL

☐ INDIVIDUAL DOING BUSINESS UNDER AN ASSUMED NAME

☒ CO-PARTNERSHIP

The Assumed Name of the Co-Partnership is registered in the County of Macomb, Michigan

☐ CORPORATION INCORPORATED UNDER THE LAWS OF THE STATE OF \_\_\_\_\_

\_\_\_\_\_. The Corporation is

☐ LICENSED TO DO BUSINESS IN MICHIGAN

☐ NOT NOW LICENSED TO DO BUSINESS IN MICHIGAN

The name, titles, and home addresses of all persons who are officers or partners in the organization are as follows:

A corporation duly organized and doing business under the laws of the State of Michigan

NAME AND TITLE

HOME ADDRESS

Luigi Robert D'Agostini, Member

15801 23 Mile Road, Macomb Twp, MI 48042

Michael D'Agostini, Member

15801 23 Mile Road, Macomb Twp, MI 48042

Signed and Sealed this 15th

day of February, 20 22

By (Signature)

Michael D'Agostini

Printed Name of Signer

Member

Title

CITY OF BERKLEY  
DPW OFFICE  
IMPROVEMENT PROJECT

PROPOSAL  
00300 / 10

BID BOND

We, the undersigned, Quadrate Construction, LLC

15801 Twenty-three Mile Road, Macomb Township, MI 48042

As Principal, hereinafter called the Principal, and Liberty Mutual Insurance Company

175 Berkeley Street, Boston, MA 02116

A corporation duly organized under the laws of the State of Massachusetts

As surety, hereinafter called the SURETY, are held and firmly bound unto:

The Owner: City of Berkley, 3338 Coolidge Highway, Berkley, MI 48072

in the sum of Five Percent of the Amount of Bid----- Dollars (\$ -----5%-----),

For the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for DPW Office Improvement Project

NOW, THEREFORE, if the OWNER shall accept the bid of the Principal and the Principal shall enter into a contract with the OWNER in accordance with the terms of such bid, and give such bond or bonds as may be specified in the CONTRACT DOCUMENTS with good and sufficient surety for the faithful performance of such contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such contract and give such bond or bonds, if the Principal shall pay to the OWNER the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the OWNER may in good faith contract with another party to perform the work covered by said bid, then the obligation of the Principal shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 15th day of February, 20 22

Budger Kowale

(Witness)

Quadrate Construction, LLC

(Principal)

(Seal)

By:

(Title)

Liberty Mutual Insurance Company

Jill Moore

Jill Moore

(Witness)

(Surety)

By:

Holly Nichols  
(Title) Holly Nichols, Attorney-in-fact

END OF SECTION



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

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

<b>BID OPPORTUNITY:</b>	DPW Office Improvement Project - City of Berkley
-------------------------	--

<b>Name:</b>	Michael D'Agostini	<b>Company:</b>	Quadrate Construction, LLC
<b>Title:</b>	Member	<b>Address:</b>	15801 23 Mile Road, Macomb Township, MI 48042

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

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

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

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

Signature

02/15/2022

Date





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

## CITY OF BERKLEY BID OPPORTUNITY CONTRACTOR REFERENCES

<b>BID OPPORTUNITY:</b>	DPW Office Improvement Project - City of Berkley
-------------------------	--

### REFERENCE 1:

<b>COMPANY NAME</b>	Henshaw, Inc.
<b>ADDRESS</b>	
<b>TELEPHONE</b>	586-854-5664
<b>CONTACT PERSON</b>	Jim Jones
<b>CONTRACT DATES</b>	December 2019
<b>DESCRIPTION OF WORK</b>	Ground up construction of a new 75,863 SF industrial facility.

### REFERENCE 2:

<b>COMPANY NAME</b>	LeCom, Inc.
<b>ADDRESS</b>	
<b>TELEPHONE</b>	810-343-6425
<b>CONTACT PERSON</b>	Joe Lentine
<b>CONTRACT DATES</b>	January 2022
<b>DESCRIPTION OF WORK</b>	Ground up construction of a new 40,000 SF industrial facility.

### REFERENCE 3:

<b>COMPANY NAME</b>	Jam Tire, Inc.
<b>ADDRESS</b>	
<b>TELEPHONE</b>	419-779-0886
<b>CONTACT PERSON</b>	Jim Jones
<b>CONTRACT DATES</b>	February 2020
<b>DESCRIPTION OF WORK</b>	Ground up construction of a 10,449 SF addition to existing facility.



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

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

<b>BID OPPORTUNITY:</b>	DPW Office Improvement Project - City of Berkley
-------------------------	--

### **PURPOSE:**

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

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

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

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

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

### **PLEASE PRINT:**

**Quadrate Construction, LLC**

Contractor Name

**15801 - 23 Mile Road**

Contractor Street Address

**Macomb Township, MI 48042**

City, State, Zip Code

**586-677-1111**

Telephone

**Michael D'Agostini**

Authorized Representative

Signature

**02/15/2022**

Date

Witness





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

## CITY OF BERKLEY BID OPPORTUNITY IRAN BUSINESS RELATIONSHIP AFFIDAVIT

<b>BID OPPORTUNITY:</b>	DPW Office Improvement Project - City of Berkley
-------------------------	--

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

STATE OF MICHIGAN  
 COUNTY OF OAKLAND

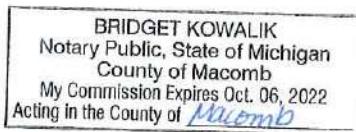
Quadrat Construction, LLC., BEING DULY SWORN  
 deposes and says that:

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

Subscribed and sworn to before me this  
15<sup>th</sup> day of February, 2022  
 a notary public in and for said County,

Bridget Kowalik  
 Notary Public

My Commission expires: 10-6-22



Authorized Signature

**Michael D'Agostini**

Printed Name of Signatory

**Quadrat Construction, LLC.**

Company Name

15801 23 Mile Road, Macomb Township, MI 48042

Address

**Macomb Township, MI 48042**

City, State, Zip Code

**586-677-1111**

Area Code & Phone Number

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



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

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

**BID OPPORTUNITY:** DPW Office Improvement Project - City of Berkley

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

STATE OF MICHIGAN  
COUNTY OF OAKLAND

Quadrat Construction, LLC., BEING DULY SWORN  
deposes and says that:

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

Subscribed and sworn to before me this  
15<sup>th</sup> day of February, 2022  
a notary public in and for said County,

Bridget Kowalik  
Notary Public

My Commission expires: 10-6-22

BRIDGET KOWALIK  
Notary Public, State of Michigan  
County of Macomb  
My Commission Expires Oct. 06, 2022  
Acting in the County of Macomb

[Signature]  
Authorized Signature

Michael D'Agostini

Printed Name of Signatory

Quadrat Construction, LLC.

Company Name

15801 23 Mile Road, Macomb Township, MI 48042  
Address

Macomb Township, MI 48042

City, State, Zip Code

586-677-1111

Area Code & Phone Number

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





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

## CITY OF BERKLEY BID OPPORTUNITY NON-DISCRIMINATION AFFIDAVIT

**BID OPPORTUNITY:** DPW Office Improvement Project - City of Berkley

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

STATE OF MICHIGAN  
 COUNTY OF OAKLAND

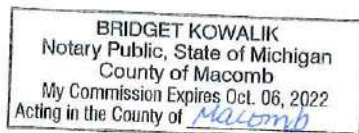
Quadrat Construction, LLC. \_\_\_\_\_, BEING DULY SWORN  
 deposes and says that:

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

Subscribed and sworn to before me this  
15<sup>th</sup> day of February, 2022  
 a notary public in and for said County,

Bridget Kowalik  
 Notary Public

My Commission expires: 10-6-22



[Signature]

Authorized Signature

Michael D'Agostini

Printed Name of Signatory

Quadrat Construction, LLC.

Company Name

15801 23 Mile Road, Macomb Township, MI 48042

Address

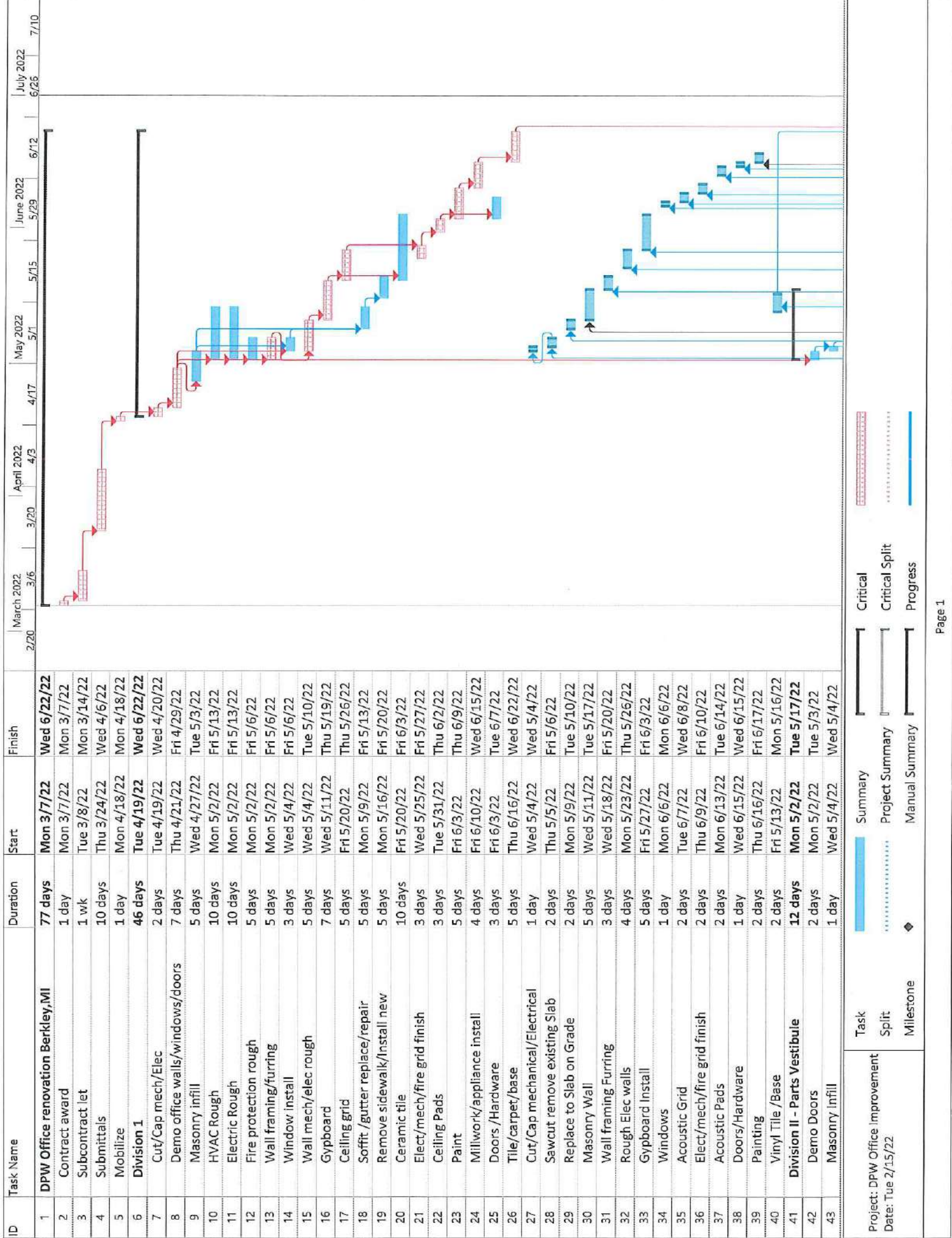
Macomb Township, MI 48042

City, State, Zip Code

586-677-1111










Area Code & Phone Number

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





ID	Task Name	Duration	Start	Finish
44	Install new door frames	1 day	Thu 5/5/22	Thu 5/5/22
45	Add panels /Switches new power/Fiber	10 days	Wed 5/4/22	Tue 5/17/22
46	New lighting /latch rough	2 days	Fri 5/6/22	Mon 5/9/22
47	Install Doors /Hardware	1 day	Fri 5/6/22	Fri 5/6/22
48	Paint ceiling /wall	1 day	Tue 5/10/22	Tue 5/10/22
49	<b>Division III - Automated entry Gates</b>	<b>22 days</b>	<b>Wed 5/4/22</b>	<b>Fri 6/3/22</b>
50	Move blocks/ demo gate 1	2 days	Wed 5/4/22	Thu 5/5/22
51	Install control power /loop	4 days	Fri 5/6/22	Wed 5/11/22
52	Pour foundations	2 days	Thu 5/12/22	Fri 5/13/22
53	Install Gates	3 days	Mon 5/16/22	Wed 5/18/22
54	Demo gate 2	2 days	Thu 5/19/22	Fri 5/20/22
55	Install control power /loop	4 days	Mon 5/23/22	Thu 5/26/22
56	Pour foundations	2 days	Fri 5/27/22	Tue 5/31/22
57	Install Gates	3 days	Wed 6/1/22	Fri 6/3/22
58	<b>Division IV - Animal Control</b>	<b>22 days</b>	<b>Fri 5/6/22</b>	<b>Tue 6/7/22</b>
59	Sawcut floor/Add Drain/place concrete	5 days	Fri 5/6/22	Thu 5/12/22
60	Masonry Wall Door frames	2 days	Fri 5/13/22	Mon 5/16/22
61	Remove siding/Install Vinyl siding	10 days	Mon 5/23/22	Mon 6/6/22
62	Add lighting	1 day	Tue 5/17/22	Tue 5/17/22
63	Install Doors /Hardware	1 day	Tue 5/17/22	Tue 5/17/22
64	Paint	1 day	Tue 6/7/22	Tue 6/7/22
65	Final Inspections	4 days	Thu 6/23/22	Tue 6/28/22
66	Punchlist	5 days	Thu 6/23/22	Wed 6/29/22
67	Project Turnover	1 day	Thu 6/30/22	Thu 6/30/22

Project: DPW Office Improvement Date: Tue 2/15/22	Task		Summary		Critical	
	Split		Project Summary		Critical Split	
	Milestone		Manual Summary		Progress	

Page 2

March 7, 2022 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ to approving the "Berkley Days 2022" event beginning May 12, 2022 and ending on May 15, 2022 located at the Berkley Community Center, 2400 Robina. Approval is conditional upon the submission of required items and documents prior to event dates.

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: BERKLEY DAYS

Event Date(s) MAY 12-15 2022 Location(s) 2400 ROBINA, HURLEY FIELD, CITY COMMUNITY PARK STREETS Event Hours VARIED

#### ORGANIZATION:

Organization Name:

BERKLEY DAYS ASSOCIATION

Headquarters Street Address:

P.O. BOX 721112

City:

BERKLEY

State:

MI

Zip Code:

48072

Phone:

Website:

BERKLEYDAYS.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:

INSURANCE  
will be provided  
if event is  
approved.

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

BLK 2-28-22

Public Works

PS 3-1-22

Building Official

N/A

Comments:

Presented to City Council:

Date:

\_\_\_\_\_

Approved:

\_\_\_ YES \_\_\_ NO

Organization Notified

\_\_\_ YES \_\_\_ NO



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

Event Name:

BERKLEY DAYS

Event Date(s)

MAY 12-15

Location(s)

2400 ROBIN

Event Hours

VARIED

## ORGANIZATION INFORMATION

Name:

BERKLEY DAYS ASSOCIATION

Street Address:

P.O. BOX 721112

City:

BERKLEY

State:

MI

Zip Code:

48072

Phone:

Website:

WWW.BERKLEYDAYS.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

DENISE DOWNEN

Title

CHAIRPERSON

Phone

Email

## AGENTS/OFFICERS OF ORGANIZATION

Name

DENISE KALLAS

Title

VICE CHAIRPERSON

Phone

Address

BERKLEY

Name

TOM KALLAS

Title

TREASURER

Phone

Address

LIVONIA

Name

BARB

Title

DIRECTOR

Phone

Address

BERKLEY

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

BERKLEY DAYS IS A FAIR ~~WAS~~ RUN BY VOLUNTEERS, WITH THE HELP FROM VARIOUS NON-PROFITS. MONIES RAISED AT BERKLEY DAYS IS DIVIDED AMONGST THE NON-PROFITS. ~~IT IS A LARGE COMMUNITY FUNDRAISER~~ IT IS A LARGE COMMUNITY FUNDRAISER



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:

Every person who participates is a volunteer. WE  
Have no paid staff.

Estimated cost of the solicitation

10,000.00

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.

Denise Downen DENISE DOWNEN  
Applicant Signature Print Name/Title

1-25-22  
Date

**For City Use Only**

Approved by

Title

Signature

Date



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

Event Name:

BERKLEY DAYS

Event Date(s)

MAY 12-15

Location(s)

2400 ROBINA, HURLY FIELD  
COMMUNITY PARK, CITY STREETS

Event Hours

VARIED

**ORGANIZATION:**

Organization Name:

BERKLEY DAYS ASSOCIATION

Headquarters Street Address:

P.O. BOX 72112 1

City:

BERKLEY

State:

MI

Zip Code:

48072

Phone:

Website:

WWW.BERKLEYDAYS.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

MSK 2-28-22

Public Works

DS 3-1-22

Building Official

N/A

Comments:

**Presented to City Council:**

Date:

Approved:

☐ YES ☐ NO

Organization Notified

☐ YES ☐ NO

Date



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

Print Form

## CITY OF BERKLEY, MICHIGAN COMMUNITY SPECIAL EVENT APPLICATION

Name of Event:

BERKLEY DAYS

**Organization / Contact:**

Name of Organization: BERKLEY DAYS ASSOCIATION Contact's Name: DENISE DOWNEN  
Address: \_\_\_\_\_ City: BERKLEY State/zip: MI, 48072  
Telephone: \_\_\_\_\_ 24 Hour Emergency Contact: SAME

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

Event Location: 2400 ROBINA, HURLEY FIELD, CITY STREETS, COMMUNITY FIELD

If the event involves city streets or sidewalks, include a map showing the location.  
A petition from affected businesses may be required.

Dates and Hours of Event:

MAY 9 CLOSE PARKING LOT 2400 ROBINA / MAY 12 9-11, MAY 13 9-11, MAY 14 10-11, MAY 15 10-11

How many employees or volunteers?

30

How will site be secured during off-hours?

Someone will stay on site overnight

What type of merchandise will be sold?

FAIR FOOD, WRIST BANDS, FOOD TRUCK FOOD, VENDOR MERCH

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

CARNIVAL & FOOD TRUCKS ARE RESPONSIBLE FOR THEMSELVES

Will there be any electricity outside the building (e.g., extension cords, heaters, lights)?

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

YES

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

PLEASE SEE ATTACHED

What are your plans for set up and removal?

CARNIVAL IS RESPONSIBLE FOR FAIR SHOULD BE GONE BY MAY 16<sup>TH</sup>

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

Non-Profit ☐ 501.C3 ☒ Other (specify) ☐

Include the following documents:

- ☐ Internal Revenue Service tax exempt documentation for the organization.
- ☐ Organization's financial report for the preceding fiscal year.
- ☐ Proof of Commercial Liability Coverage on an "occurrence basis", naming the City of Berkley as additional insured, with no less than \$1,000,000 per occurrence and/or combined single limit, Personal Injury, Bodily Injury, and Property Damage.
- ☐ Liquor Liability, \$500,000 per occurrence and \$500,000 aggregate. (if applicable)
- ☐ Special Event Hold Harmless Agreement signed by an authorized representative

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

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

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

Denise Downen  
Signature of Applicant

1.25.22  
Date

## APPROVALS

DEPARTMENT	Approve (YES/NO)	Signature	Date
Planning/Building		N/A	
Comments:			
Public Safety	yes	M. K.	2-20-22
Comments:			
Notify SMART, ambulance, and waste collection of any road closures.			
Public Works:	YES	REFERENCE EMAIL SENT PWS	3-1-22
Comments:			
Parks/Recreation	yes	T. Ross	2/24/22
Comments:			
City Clerk	yes	Victoria M. Stetson	3-1-2022
Comments:			
City Manager	yes	[Signature]	3/1/22
Comments:			

### For City Use Only:

Date Application Received

02/01/22

Receipt Number

PTU 22-0003

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

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

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

3/1/22

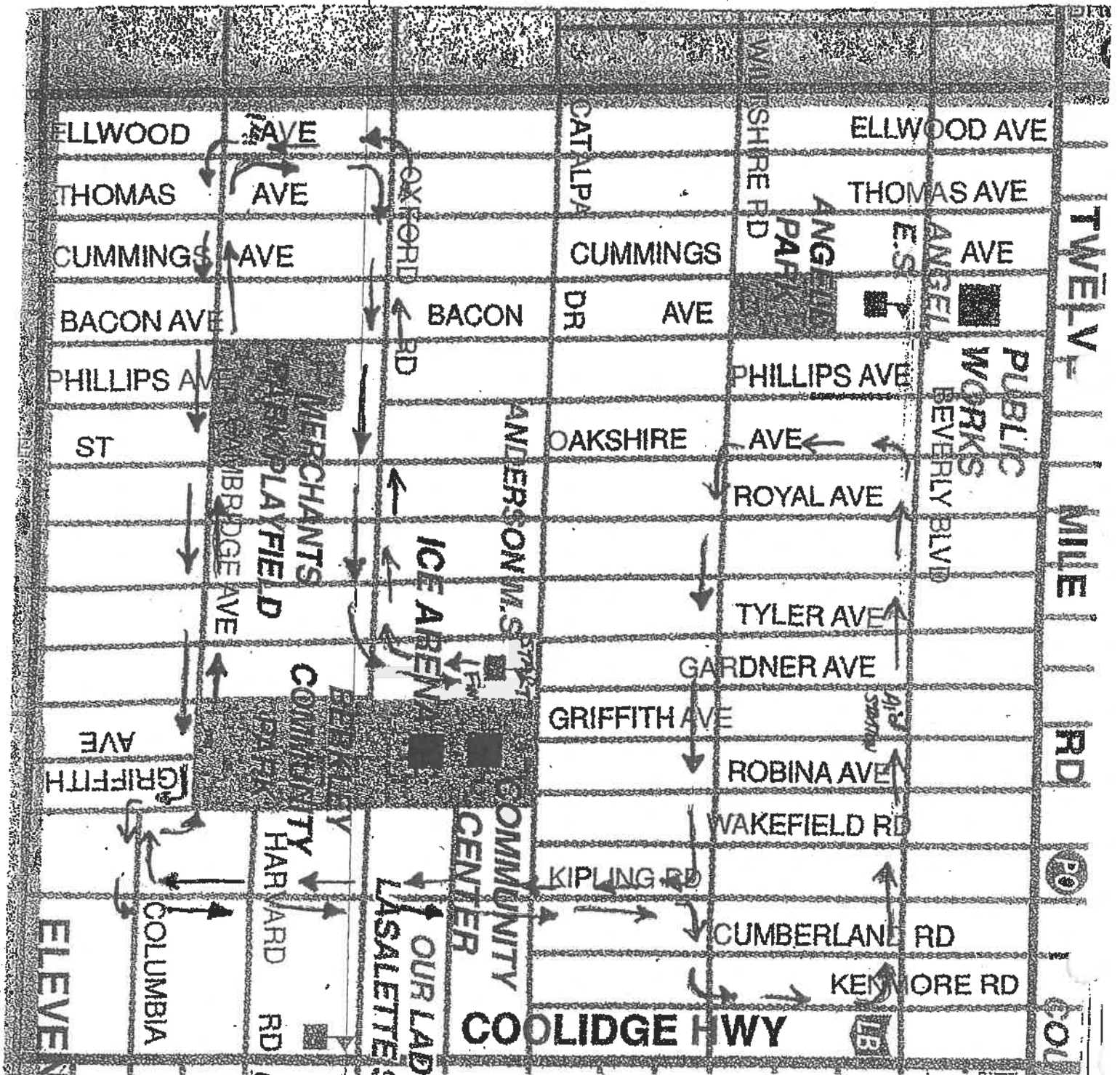
#### IF APPLICABLE:

Motion Number:

Conditions (if any):

Is fee to be reimbursed?

10K





# CITY OF BERKLEY, MICHIGAN

## TEMPORARY TRAFFIC CONTROL ORDER

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

T-03-22

(TCO NUMBER)

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

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

<b>PROJECT NAME:</b>	BERKLEY DAYS -
<b>Location</b>	2400 ROBINA, HURLEY FIELD, CITY STREETS
<b>DATE/S/TIMES:</b>	MAY 9 - 2400 ROBINA PARKING LOT (MAY 9-14) CLOSED
MAY 9-14 CARNIVAL EQUIPMENT.	MAY 12 - SUNNYKNOLL TO KIPLING - NO PARKING MAY 12-15
	MAY 14 - PLEASE SEE MAP
<b>RESPONSIBLE PARTY:</b>	BERKLEY DAYS
Name:	DENISE DOWNEN
Street Address:	
City/State/ZIP:	BERKLEY MI 48072
Contact Phone:	
Email address:	

PERMIT  
ONLY

### For Official Use Only:

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

Approved by: (Print name and title below)	Signature:	Date:
Public Safety	M. L.	2-28-22
Public Works	REFERENCE EMAIL SENT [Signature]	3-1-22
Building Official	N/A	

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

Submit completed form to City Clerk's Office

January 2017



TENNIS COURTS

Tent

Community  
Center

OUTDOOR  
Dining

GREEN  
SPACE

OUTDOOR  
Dining

Pottin' Farm/  
Pony Rides

Face Painting

Roll Your Ride

MIDWAY RIDES,  
FOOD & GAMES

CONCESSION  
STAND

Baseball  
Field  
PARK

Shaded area

PERMIT PARKING / LOADING ZONE

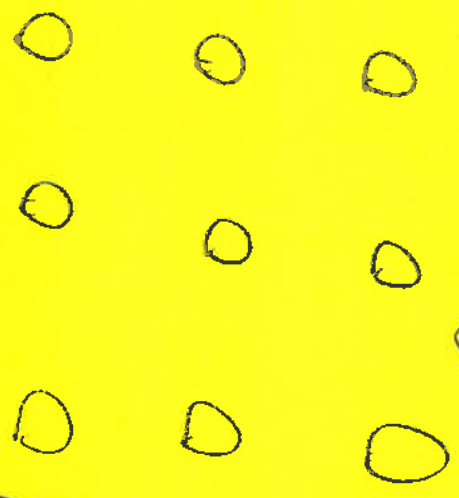
COMMUNITY CENTER

TRANSIT NO SIGES

BANDS BAR

BAR LINES

BEER TENT & DINING



CARNIVAL RIDES

CARNIVAL RIDES

FIRE ROUTE

ROBINA →

FOOD

TENNIS COURTS

MEDICAL TENT

CATALPA

CATALPA



# Application for Employer Identification Number

(For use by employers and others. Please read the attached instructions before completing this form.)

**CLIENT'S COPY**  
EIN

OMB No. 1545-0003  
Expires 4-30-94

Please type or print clearly.

1 Name of applicant (True legal name) (See instructions.)

**BERKLEY DAYS ASSOCIATION, INC.**

2 Trade name of business, if different from name in line 1

3 Executor, trustee, "care of" name

**C/O BARBARA J. MORRIS, CPA**

4a Mailing address (street address) (room, apt., or suite no.)

5a Address of business (See instructions.)

4b City, state, and ZIP code

**BERKLEY, MI 48072**

5b City, state, and ZIP code

**BERKLEY, MI 48072**

6 County and state where principal business is located

**OAKLAND**

7 Name of principal officer, grantor, or general partner (See instructions.) ▶ **HELEN A. VanHOUSEN**

8a Type of entity (Check only one box.) (See instructions.)

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Individual SSN  | <input type="checkbox"/> Estate   | <input type="checkbox"/> Trust                                    |
| <input type="checkbox"/> REMIC   | <input type="checkbox"/> Plan administrator SSN                           | <input type="checkbox"/> Partnership                              |
| <input type="checkbox"/> State/local government  | <input type="checkbox"/> Other corporation (specify)                      | <input type="checkbox"/> Farmers' cooperative                     |
| <input type="checkbox"/> National guard  | <input type="checkbox"/> Federal government/military                      | <input type="checkbox"/> Church or church controlled organization |
| <input checked="" type="checkbox"/> Other nonprofit organization (specify) <b>501(c)(3) Charitable</b> | <input type="checkbox"/> Nonprofit organization enter GEN (if applicable) |   |
| <input type="checkbox"/> Other (specify) ▶   |   |   |

8b If a corporation, give name of foreign country (if applicable) or state in the U.S. where incorporated ▶

Foreign country

State

**MICHIGAN**

9 Reason for applying (Check only one box.)

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Started new business         | <input type="checkbox"/> Changed type of organization (specify) ▶ |
| <input type="checkbox"/> Hired employees                         | <input type="checkbox"/> Purchased going business                 |
| <input type="checkbox"/> Created a pension plan (specify type) ▶ | <input type="checkbox"/> Created a trust (specify) ▶              |
| <input type="checkbox"/> Banking purpose (specify) ▶             | <input type="checkbox"/> Other (specify) ▶                        |

10 Date business started or acquired (Mo., day, year) (See instructions.)

**MARCH 2, 1993**

11 Enter closing month of accounting year. (See instructions.)

**DECEMBER**

12 First date wages or annuities were paid or will be paid (Mo., day, year). Note: If applicant is a withholding agent, enter date income will first be paid to nonresident alien. (Mo., day, year) ▶

13 Enter highest number of employees expected in the next 12 months. Note: If the applicant does not expect to have any employees during the period, enter "0."

Nonagricultural  
**0**

Agricultural  
**0**

Household  
**0**

14 Principal activity (See instructions.) ▶ **COMMUNITY ORGANIZATION - CHARITABLE**

15 Is the principal business activity manufacturing?

If "Yes," principal product and raw material used ▶

☐ Yes ☒ No

16 To whom are most of the products or services sold? Please check the appropriate box.

☐ Public (retail) ☐ Other (specify) ▶

☐ Business (wholesale)

☒ N/A

17a Has the applicant ever applied for an identification number for this or any other business?

Note: If "Yes," please complete lines 17b and 17c.

☐ Yes ☒ No

17b If you checked the "Yes" box in line 17a, give applicant's true name and trade name, if different than name shown on prior application.

True name ▶

Trade name ▶

17c Enter approximate date, city, and state where the application was filed and the previous employer identification number if known.

Approximate date when filed (Mo., day, year)

City and state where filed

Previous EIN

Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, it is true, correct, and complete.

Telephone number (include area code)

Name and title (Please type or print clearly.) ▶ **HELEN A. VanHOUSEN, PRESIDENT**

Signature ▶

Date ▶

Note: Do not write below this line. For official use only.

Please leave blank ▶

Geo.

Ind.

Class

Size

Reason for applying



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 BERKLEY DAYS ASSOCIATION (the Organization) and the City of Berkley, Michigan, (City) for the date(s) specified below.

Organization Name BERKLEY DAYS ASSOCIATION  
Address P.O. BOX 72112  
City BERKLEY State MI Zip 48072 Phone \_\_\_\_\_  
Event Name BERKLEY DAYS  
Event Location(s) 2400 ROSINA, HURLEY FIELD, CITY COMMUNITY PARK Event Date(s) MAY 12-15

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 DENISE DOWNEN Title CHAIRPERSON  
(Please print)  
Signature Denise Downen Date 1-25-22



City of Berkley  
Department of Public Safety



**INTEROFFICE CORRESPONDENCE**

**DATE:** February 28, 2022

**TO:** Matthew Baumgarten, City Manager

**FROM:** Matt Koehn, Director of Public Safety *MJK*

**SUBJECT:** BERKLEY DAYS 2022

The Berkley Days Association has submitted an application for "Berkley Days", with events being held:

Thursday, May 12 <sup>th</sup> , 2022:	5 PM to 9 PM
Friday, May 13 <sup>th</sup> , 2022:	4 PM to 11 PM
Saturday, May 14 <sup>th</sup> , 2022:	10 AM to 11 PM
Sunday, May 15 <sup>th</sup> , 2022:	10 AM to 6 PM

All of the events will take place and/or will start/end at, the Berkley Community Center. Events include: 10K Run, Softball Game, Beer Tent, Craft Show, Petting Zoo, Raffle, carnival rides, and other games. The 10K run will take place on Saturday May 14, 2022 in the morning (exact time TDB). The 10K run will follow the same routes as previous years and no road closures will take place.

The Department of Public Safety has reviewed the application and discussed the events with Ms. Denise Downen, Chairperson for the Berkley Days Association. The Berkley Days Association has a 501(c)(3) tax exempt status (EIN 38-3106231) and proceeds from the events will be donated to local community organizations. The event will be staffed by Berkley Days Association volunteers. Robina will be closed south of Catalpa (other than a dedicated fire lane).

It should be noted that the layout of the event has a few minor modifications (see attached).

The Department of Public Safety will collaborate with the Berkley Days Association and the Berkley Department of Public Works to work out all of the details of the various events and create an Emergency Operations Plan (EOP).

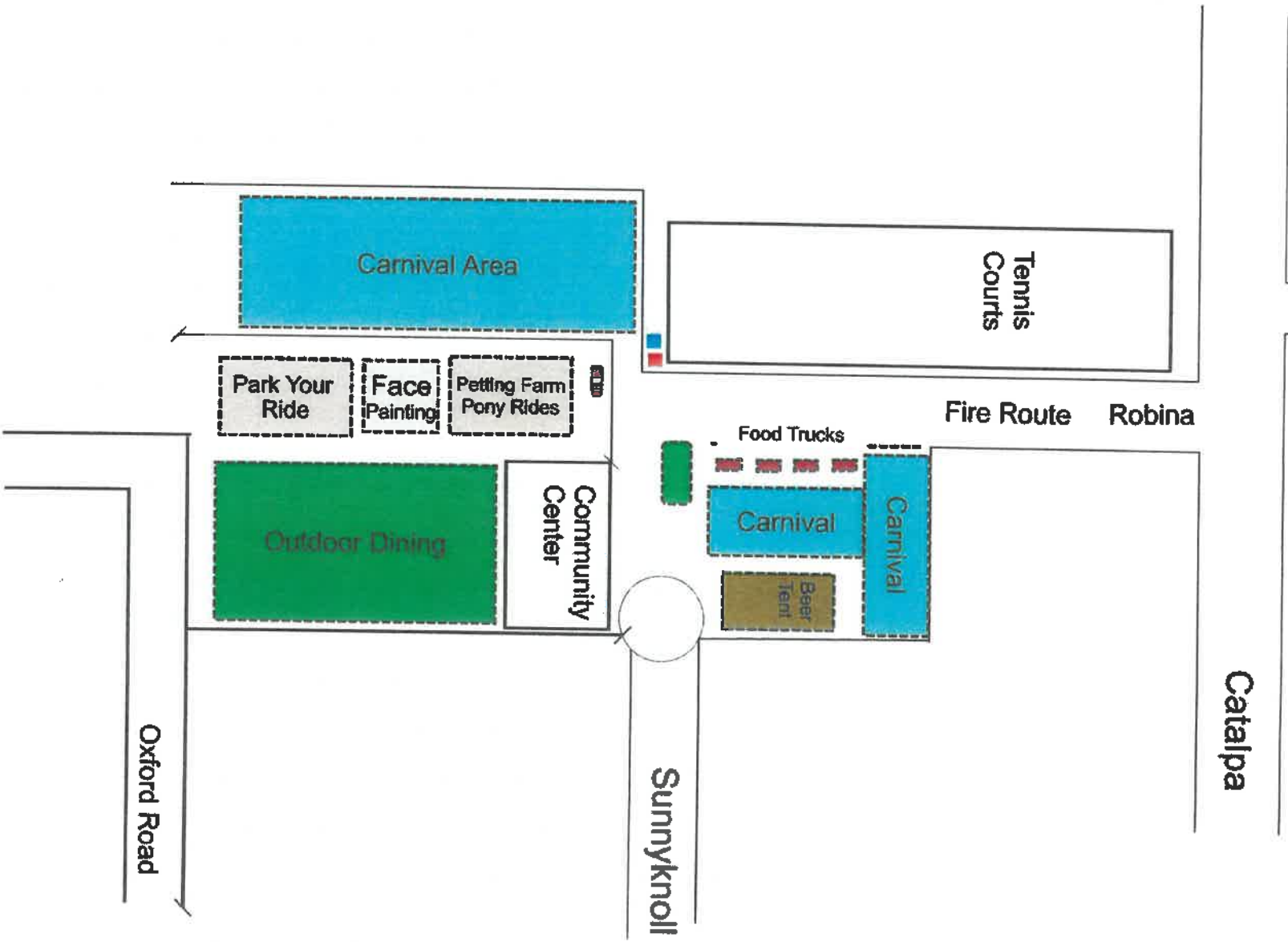
Ms. Downen has been advised that the Berkley Days Association will need to submit the following to the City Clerk's Office prior to the event:

- Proof of Commercial Liability Coverage on an "occurrence basis", naming the City of Berkley as additional insured, with no less than \$1,000,000 per occurrence and/or combined single limit, Personal injury, Bodily injury, and Property Damage
- Liquor Liability, \$500,000 per occurrence and \$500,000 aggregate
- Hold Harmless Agreements for other organizations involved in the event

There have not been significant problems at previous Berkley Days. The Department of Public Safety will assign personnel to monitor the event and/or monitor the event with on-duty personnel.

A Traffic Control Order (TCO) has been prepared by DPS for this event.

The Department of Public Safety recommends approval of Berkley Days 2022; contingent upon the Berkley Days Association providing proof of commercial liability coverage and additional hold harmless agreements prior to the event and approval of other city departments.





**CITY OF BERKLEY MICHIGAN**

**TRAFFIC CONTROL ORDER**

**T-03-22**

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

**PURPOSE:** Temporary vehicular traffic restriction for Berkley Days Carnival

**LOCATION:** Surrounding Streets of Community Center listed below / see map.

**DATE/S:** Thursday May 12<sup>th</sup>, 2022 at 5:00 PM through Sunday May 15<sup>th</sup>, 2022 at 7:00 PM

**ACTION:** Temporary "No Parking" signs to be displayed at below listed areas:

- Oxford from Kipling to Robina, both sides of the street
- Oxford from Tyler to Gardner, both sides of the street
- Gardner south of Oxford (up to 30 feet south of stop sign)
- Sunnyknoll from Kipling to the Community Center, both sides of the street

Road closed sign and barricades to be placed at Robina south of Catalpa, closing the parking lot and Robina Road to vehicular traffic.

Public Safety to monitor/assist as available and enforce.

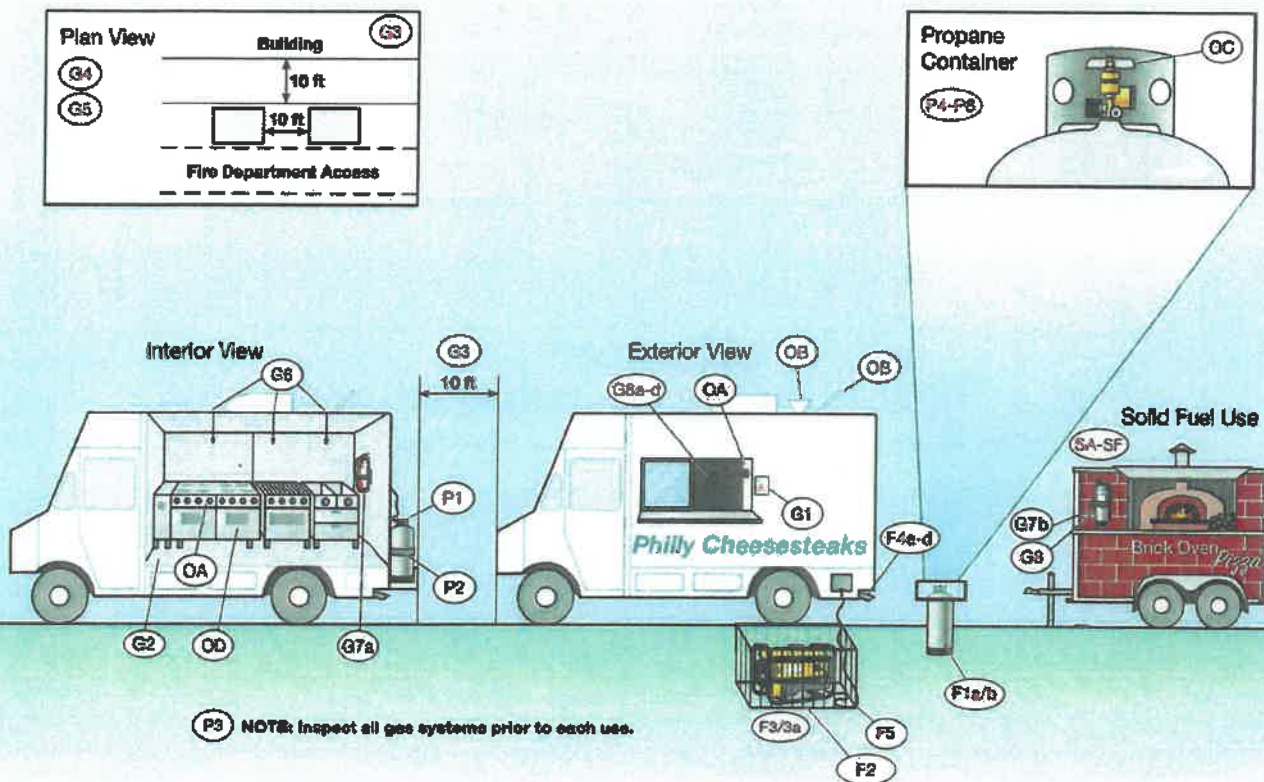
   
Matt Koehn  
Public Safety Director, Traffic Engineer  
February 28, 2022

**Distribution Copies**

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



## FOOD TRUCK SAFETY



NFPA code references are provided at the end of each item. The red keys correspond to the NFPA food truck safety diagram. For more detailed information, see NFPA 1 and Annex B in NFPA 96.

### General Safety Checklist

- ☐ Obtain license or permits from the local authorities. [1:1.12.8(a)] **G1**
- ☐ Ensure there is no public seating within the mobile food truck. [1:50.7.1.6.3] **G2**
- ☐ Check that there is a clearance of at least 10 ft away from buildings, structures, vehicles, and any combustible materials. [96:7.8.2; 96:7.8.3 for carnivals only] **G3**
- ☐ Verify fire department vehicular access is provided for fire lanes and access roads. [1:18.2.4] **G4**
- ☐ Ensure clearance is provided for the fire department to access fire hydrants and access fire department connections. [1:13.1.3; 1:13.1.4; 1:13.1.5] **G5**
- ☐ Check that appliances using combustible media are protected by an approved fire extinguishing system. [96:10.1.2] **G6**

- ☐ Verify portable fire extinguishers have been selected and installed in kitchen cooking areas in accordance with NFPA 10. [96:10.9.3] **G7a**
- ☐ Where solid fuel cooking appliance produce grease-laden vapors, make sure the appliances are protected by listed fire-extinguishing equipment. [96:14.7.1] **G7b**
- ☐ Ensure that workers are trained in the following: [96:B.15.1] **G8**
  - ☐ Proper use of portable fire extinguishers and extinguishing systems [10:1.2] **G8a**
  - ☐ Proper method of shutting off fuel sources [96:10.4.1] **G8b**
  - ☐ Proper procedure for notifying the local fire department [1:10.14.9 for carnivals only] **G8c**
  - ☐ Proper procedure for how to perform simple leak test on gas connections [58:6.16, 58:6.17] **G8d**

FOOD TRUCK SAFETY CONTINUED**Fuel & Power Sources Checklist**

- ❑ Verify that fuel tanks are filled to the capacity needed for uninterrupted operation during normal operating hours. [1:10.14.10.1 for carnivals only] **F1a**
- ❑ Ensure that refueling is conducted only during non-operating hours. [96:B.18.3] **F1b**
- ❑ Check that any engine-driven source of power is separated from the public by barriers, such as physical guards, fencing, or enclosures. [96:B.16.2.2] **F2**
- ❑ Ensure that any engine-driven source of power is shut down prior to refueling from a portable container. [1:11.7.2.1.2] **F3**
- ❑ Check that surfaces of engine-driven source of power are cool to the touch prior to refueling from a portable container. **F3a**
- ❑ Make sure that exhaust from engine-driven source of power complies with the following: **F4**
  - ❑ At least 10 ft in all directions from openings and air intakes [96:B.13] **F4a**
  - ❑ At least 10 ft from every means of egress [96:B.13] **F4b**
  - ❑ Directed away from all buildings [1:11.7.2.2] **F4c**
  - ❑ Directed away from all other cooking vehicles and operations [1:11.7.2.2] **F4d**
- ❑ Ensure that all electrical appliances, fixtures, equipment, and wiring complies with the NFPA 70® [96:B.18] **F5**

**Propane System Integrity Checklist**

- ❑ Check that the main shutoff valve on all gas containers is readily accessible. [58:6.26.4.1(3)] **P1**
- ❑ Ensure that portable gas containers are in the upright position and secured to prevent tipping over. [58:6.26.3.4] **P2**
- ❑ Inspect gas systems prior to each use. [96:B.19.2.3] **P3**
- ❑ Perform leak testing on all new gas connections of the gas system. [58:6.16:58:6.17] **P4**
- ❑ Perform leak testing on all gas connections affected by replacement of an exchangeable container. [58:6.16:58:6.17] **P5**
- ❑ Document leak testing and make documentation available for review by the authorized official. [58:6.26.5.1(M)] **P6**
- ❑ Ensure that on gas system piping, a flexible connector is installed between the regulator outlet and the fixed piping system. [58:6.26.5.1(B)] **P7**
- ❑ Where a gas detection system is installed, ensure that it has been tested in accordance with the manufacturer's instructions. [96:B.19.2.1] **P8**

**Operational Safety Checklist**

- ❑ Do not leave cooking equipment unattended while it is still hot. (This is the leading cause of home structure fires and home fire injuries.) **QA**
- ❑ Operate cooking equipment only when all windows, service hatches, and ventilation sources are fully opened. [96:14.2.2:96:14.2.3] **QB**
- ❑ Close gas supply piping valves and gas container valves when equipment is not in use. [58:6.26.8.3] **QC**
- ❑ Keep cooking equipment, including the cooking ventilation system, clean by regularly removing grease. [96:11.4] **QD**

**Solid Fuel Safety Checklist (Where Wood, Charcoal, Or Other Solid Fuel Is Used)**

- ❑ Fuel is not stored above any heat-producing appliance or vent. [96:14.9.2.2] **SA**
- ❑ Fuel is not stored closer than 3 ft to any cooking appliance. [96:14.9.2.2] **SB**
- ❑ Fuel is not stored near any combustible flammable liquids, ignition sources, chemicals, and food supplies and packaged goods. [96:14.9.2.7] **SC**
- ❑ Fuel is not stored in the path of the ash removal or near removed ashes. [96:14.9.2.4] **SD**
- ❑ Ash, cinders, and other fire debris should be removed from the firebox at regular intervals and at least once a day. [96:14.9.3.6.1] **SE**
- ❑ Removed ashes, cinders, and other removed fire debris should be placed in a closed, metal container located at least 3 ft from any cooking appliance. [96:14.9.3.8] **SF**

**NFPA RESOURCES**

NFPA 1, Fire Code, 2018 Edition

NFPA 1 Fire Code Handbook, 2018 Edition

NFPA 58, Liquefied Petroleum Gas Code, 2017 Edition

LP-Gas Code Handbook, 2017 Edition

NFPA 70®, National Electrical Code®, 2017 Edition

National Electrical Code® Handbook, 2017 Edition

NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2017 Edition

NFPA 96: Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations Handbook, 2017 Edition

➤ **BECOME AN NFPA MEMBER**  
FOR MORE OF THESE RESOURCES



IT'S A BIG WORLD.  
LET'S PROTECT IT TOGETHER.®

NOTE: This information is provided to help advance safety of mobile and temporary cooking operations. It is not intended to be a comprehensive list of requirements for mobile and temporary cooking operations. Check with the local jurisdiction for specific requirements. This safety sheet does not represent the official position of the NFPA or its Technical Committees. The NFPA disclaims liability for any personal injury, property, or other damages of any nature whatsoever resulting from the use of this information. For more information, go to [nfpa.org/foodtrucksafety](http://nfpa.org/foodtrucksafety).

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# ATTENTION.

## Food Truck Operators

### Are you aware that your compressed gas cylinders must be inspected?

Cylinders are required to be requalified, or replaced every 5-12 years depending on the cylinder type, condition, and previous requalification method (Ref. 49 CFR §§ 180.205(d) and 180.209).

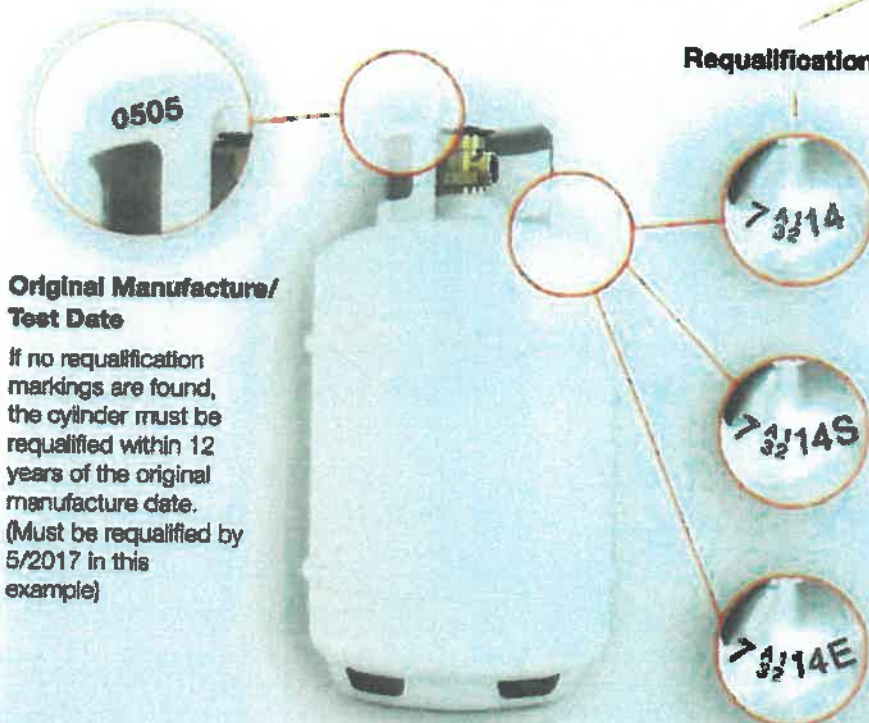
The original manufacture/test date and any requalification/retest dates must be presented in a specific manner. Cylinders that are overdue for requalification must not be refilled.

If propane tanks are manufactured to ASTM Standards and built into the truck's body making it difficult to remove, then these tanks are exempt from the DOT reinspection requirements.

For more information, contact the Hazmat Info-Center: 1-800-467-4922.



#### Requalification Date



#### Original Manufacture/ Test Date

If no requalification markings are found, the cylinder must be requalified within 12 years of the original manufacture date. (Must be requalified by 5/2017 in this example)

#### Volumetric Test.

Basic Marking. Must be requalified within 12 years of stamped date (Must be requalified by 7/2026 in this example)

#### Proof Pressure Test.

"S" indicates cylinder must be requalified within 7 years of stamped date (Must be requalified by 7/2021 in this example)

#### External Visual Test.

"E" indicates cylinder must be requalified within 5 years of stamped date (Must be requalified by 7/2019 in this example)



U.S. Department  
of Transportation

Pipeline and  
Hazardous Materials  
Safety Administration

If cylinder is out of test find an approved requalifier to requalify your cylinder. A list of DOT approved requalifiers is available from the PHMSA website:  
<https://portal.phmsa.dot.gov/rinlocator>



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

---

## Berkley Days Application

---

Theresa McArlenton &lt;tmcarleton@berkleymich.net&gt;

Tue, Feb 15, 2022 at 8:51 AM

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

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

Good morning Victoria,

I will communicated my questions with Denise Downen as well, but mine for the event are below:

- What hours do you need the Community Center open if any? And what will the use be *in* the Community Center (just restrooms or additional use of rooms?) We have to staff the building if it is open so I need to know those hours
- What will be used to keep the tents down in the green space behind the Community Center? I want to make sure the grass does not get torn up. Preferably no vehicles driving on the grass.
- If I missed the number of porta-potties my apologies, but these should be noted

Those are my main questions right now and again I will email Denise directly as well. I assume she can answer my questions and our department can sign off on the event.

Thank you,

Theresa

[Quoted text hidden]

--

Theresa K. McArlenton (she, her, hers)

Director of Parks & Recreation

248-658-3470

248-672-0295 (cell)

tmcarleton@berkleymich.net





Victoria Mitchell <vmitchell@berkleymich.net>

## Berkley Days Application

Theresa McArleton <tmcarleton@berkleymich.net>

Mon, Feb 28, 2022 at 1:18 PM

To: Victoria Mitchell <vmitchell@berkleymich.net>

Cc: Matthew Baumgarten <mbaumgarten@berkleymich.net>, Derrick Schueller <dschueller@berkleymich.net>, Matthew Koehn <mkoehn@berkleypublicsafety.net>, Corey Miller <cmiller@berkleypublicsafety.net>, Shawn Young <syoun@berkleymich.net>

Victoria,

I've spoken with Denise and feel satisfied with the questions I asked and the answers she provided. I signed off on this application last week.

Our department does provide staffing for the Community Center building throughout the four day event. We will work with Denise on hours and also on the general needs associated with the event and the property here at the Community Center complex.

Given my conversation with Denise, Parks & Recreation offers approval of the event from our perspective.

Please let me know if you have any questions.

Theresa



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

## Berkley Days Application

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

Tue, Feb 15, 2022 at 2:14 PM

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

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

Hi Victoria-

Public Works has reviewed the application for 2022 Berkley Days and the associated 10K run. The event is proposed from May 12 through May 15.

We offer the following comments and request they be forwarded to the applicant:

1. Sunnynoll is noted on the map as "Permit Parking/Loading Zone". Public Safety will need to approve this arrangement and please note the DPW does not have this type of signage in our inventory.
2. We recommend prior notification to all of the residents in the immediate area.
3. The proposed date and time of the 10K run shall be noted (Saturday is preferred to moderate OT costs).
4. Proof of liability insurance is outstanding-the applicant has indicated it will be provided if the event is approved.
5. Public Safety will need to produce a TCO for the event. Once the TCO is received, the event will be programmed in the DPW work order calendar.
6. Please note the cost to the City for DPW labor and equipment is approximately \$2,000 for this event (primarily staffing the 10K run).

Thank you.

On Fri, Feb 11, 2022 at 4:52 PM Victoria Mitchell &lt;vmitchell@berkleymich.net&gt; wrote:

[Quoted text hidden]

--

**Derrick L. Schueller**  
**Director of Public Works**  
City of Berkley  
3238 Bacon Ave.  
Berkley, Michigan 48072  
248.658.3499 direct  
248.658.3491 fax  
[dschueller@berkleymich.net](mailto:dschueller@berkleymich.net)

**AN ORDINANCE**

**of the City Council of the City of Berkley, Michigan to Amend Section 30-807  
of Article XV of Chapter 30, Marihuana Businesses, to Increase the License Limit and to  
Modify Penalties**

**THE CITY OF BERKLEY ORDAINS:**

**SECTION 1:** Section 30-807 of Article XV of Chapter 30 of the Berkley Code of Ordinances shall be amended, as follows:

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

**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 XV of Chapter 30 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 Council Meeting on Monday, March 7, 2022.

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Daniel J. Terbrack  
Mayor

Attest:

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Victoria Mitchell  
City Clerk