

**CITY OF BERKLEY PUBLIC NOTICE
REGULAR CITY COUNCIL MEETING
Monday, April 3, 2023
7:00 P.M. – City Hall
248-658-3300**

**CALL 39th COUNCIL TO ORDER
APPROVAL OF AGENDA
MAYOR-LED MOMENT OF REFLECTION
PLEDGE OF ALLEGIANCE
PUBLIC COMMENT
ORDER OF BUSINESS**

Consent Agenda

1. **APPROVAL OF THE MINUTES:** Matter of [approving the minutes](#) of the 39th Regular City Council meeting on Monday, March 20, 2023 and Special Work Session on Monday, March 13, 2023.
2. **PROCLAMATION NO. P-08-23:** Matter of [proclaiming and recognizing the volunteers](#) of the City of Berkley and declaring the week of Sunday, April 16–Saturday, April 22, 2023 as Volunteer Week.
3. **PROCLAMATION NO. P-09-23:** Matter of [proclaiming Sunday, April 23–Saturday, April 29](#), 2023 as Arbor Week.

Regular Agenda

1. **RECOGNITIONS/PRESENTATIONS:** Matter of any recognitions or presentations from the Consent Agenda.
2. **RESOLUTION NO. R-06-23:** Matter of [recognizing Natalie Price](#) for her years of service as Councilmember for the City of Berkley.
3. **MOTION NO. M-20-23:** Matter of [approving the “Berkley Art Bash”](#) event on Saturday, June 10, 2023 from 10 a.m.-6 p.m. on 12 Mile Road for the Berkley Area Chamber of Commerce, P.O. Box 72-1253. Approval is conditional upon the submission of required items and documents prior to event dates.
4. **MOTION NO. M-21-23:** Matter of [approving appointments](#) to the Berkley Downtown Development Authority Board of Directors.
5. **RESOLUTION NO. R-07-23:** Matter of [establishing the Berkley Outdoor Social Scene](#) (aka BOSS) Social District.
6. **RESOLUTION NO. R-08-23:** Matter of [considering the Maintenance and Operations](#) Plan for the Berkley Outdoor Social Scene (BOSS) Social District.
7. **ORDINANCE NO. O-06-23:** Matter of [considering the First Reading of an Ordinance](#) to the City Code to amend Article 5, Rental Property, in Chapter 30, Business of the City of Berkley Code of Ordinances to update provisions for rental property registrations and inspections.
8. **MOTION NO. M-22-23:** Matter of [approving a Letter of Understanding](#) with MAPE regarding promotions.

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 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, MARCH 20, 2023 BY MAYOR DEAN**

PRESENT: Councilmember Steve Baker Councilmember Gregory Patterson
 Councilmember Mike Dooley Councilmember Jessica Vilani
 Councilmember Dennis Hennen Mayor Bridget Dean

ABSENT: Councilmember Ross Gavin

OTHER STAFF PRESENT:

City Manager Matthew Baumgarten
City Clerk Victoria Mitchell
City Attorney Dan Christ
DDA Executive Director Mike McGuiness
Parks & Recreation Director Theresa McArleton

APPROVAL OF AGENDA:

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

PLEDGE OF ALLEGIANCE

Mayor Bridget Dean took a moment to acknowledge notable people in the audience including former Mayor Daniel J. Terbrack and the Terbrack family, including Mrs. Gilbert (Jacqueline's mother) and Roy and Fran Terbrack; Sen. Mallory McMorrow; Andy Meisner; former mayor Phil O'Dwyer; former councilmember Eileen Steadman; and Jack Blanchard.

PUBLIC COMMENT:

Audriana Allen, fourth-grade student at Rogers Elementary, stated she was in attendance to support her speech from last time to change the pet rule, Section 22-42 "Limitation on Number Kept." She said that she thinks people should have three of one animal and two of another. Stated that individuals will be able to save more animals. She shared that she has two old lady cats and a dog, and that if her family had another cat the neighbors would never notice. Said that pet lovers would appreciate the change. She thanked the Council for its time.

Sue Richardson & Jeff Tong, Chairperson and Curator of the Berkley Historical Committee, shared this year marks Berkley's 100-year anniversary of becoming a village. Ms. Richardson said one plan is to have a time capsule. She said a date is yet to be set, but will be sometime this summer. She said they are seeking suggestions for items to include in the time capsule. She said a committee member found tips for good things to put in a time capsule, to ensure they are in a recoverable state when it is dug up. She said the most relevant tips include ensuring that books and documents are printed on the highest quality paper and that black and white photographs hold up better than color. She said we're so used to technology but who knows what things will be like in 100 years so the suggestion is not to include anything that would need the type of technology we have today. If anyone would like to reach out with suggestions, the Committee is reachable at museum@berkleymich.net. The Berkley library is hosting an event on April 12th at 6 pm where experts on kit homes will be making a presentation. She said Berkley

has an amazing number of kit homes, especially the largest and most expensive ones around. The Committee is working with the Chamber of Commerce to have a tour of the kit homes later in the year. She thanked everyone for their time. Mr. Tong stated that in conjunction with the Library's talks on the kit homes, they will have a kit homes display in April. In May they will have a display on the history of Berkley Days including photos and memorabilia from every decade since it began in 1926. In June, they will highlight Berkley restaurants throughout the years. Items on display will include menus, photos of favorite restaurants from years past, and more. The museum is open to visitors on Sundays from 2-4 pm and Wednesdays from 10 am-1 pm.

Joel Ulferts, Berkley, thanked Councilmember Hennen for answering his question regarding the CIP. He said with it being roughly \$800,000 per year in the plan, he would hope to see the same revenue matching that. He said he spoke to the city manager regarding budget amendments. He said the engineering for Jaycee Park was duplicated in the budget and there was a possibility of amending the budget for the parking study. He said there has been an application for \$1.7 million in grants for all of the HVAC systems, said he wanted clarification on that number.

Clerk Mitchell read the following email into the record:

Robert Wittenberg, Oakland County Treasurer, submitted a letter regarding the Department's Foreclosure Prevention Efforts. The tax foreclosure deadline for the 2020 or prior year taxes is March 31, 2023. That means if these taxes aren't paid off by March 31st or any interested party hasn't entered into a repayment schedule with the Treasurer's Office by then, the property will be foreclosed.

The Treasurer's Office stresses it is here to help people keep their properties and has options and resources to do so. Some resources include Michigan Homeowners Assistance Fund, Financial Empowerment Center, and Lakeshore Legal Aid.

Taxpayers interested in scheduling a Taxpayer Assistance Meeting may call us at 248-858-0611 or they may visit www.oakgov.com/treasurer.

CONSENT AGENDA:

Councilmember Patterson moved to approve the following Consent Agenda
Seconded by Councilmember Hennen:

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 39th Regular and Special City Council meetings on Monday, March 6, 2023 and Special Work Session on Wednesday, February 28, 2023.

WARRANTS: Matter of approving Warrants No. 1383 and 1384.

PROCLAMATION NO. P-04-23: Matter of proclaiming April 2023 as Sexual Assault Awareness Month.

PROCLAMATION NO. P-05-23: Matter of proclaiming April 2023 as Child Abuse Prevention and Awareness Month.

PROCLAMATION NO. P-06-23: Matter of proclaiming April 2023 as Autism Awareness Month.

PROCLAMATION NO. P-07-23: Matter of proclaiming April 2023 as Fair Housing Month.

Ayes: Hennen, Patterson, Vilani, Baker, Dooley, and Dean
Nays: None
Absent: Gavin
Motion Approved.

REGULAR AGENDA:

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

None.

RESOLUTION NO. R-04-23: Matter of recognizing Daniel J. Terbrack for his years of service as Mayor for the City of Berkley.

Councilmember Baker moved to approve Resolution No. R-04-23

Seconded by Councilmember Dooley

Mayor Bridget Dean read Resolution No. R-04-23 in its entirety.

Councilmember Baker read a cover letter and resolution in honor of former Mayor Terbrack written by Oakland County Treasurer Robert Wittenberg.

Councilmember Dooley read a statement from Dale Goodcourage.

Sen. Mallory McMorrow stated that when Mayor Dean reached out and asked her to attend the meeting, it didn't even take her 30 seconds to know that she'd be there. She said you can tell the second you meet someone just how much they care about their community, about the potential of their community, and how much they give of themselves to that community. She said when she first decided to run for office, Dan didn't ignore her email to learn more about serving the residents of Berkley. She said he met her for coffee. She wanted to learn what it would take to be of service to the community in a really meaningful way. She said all levels of government are made better by working alongside people who make us better. She said that one of her favorite parts of representing Berkley is a spirit of fun, which is exuded by Dan every single day. She said as a state senator and as a neighbor, she is eternally grateful and she knows as a mom how precious time is. On behalf of the state of Michigan and on behalf of the 8th Senate district as well as the 10 million residents of the state of Michigan, she stated that Berkley is a really special place and is continuing on a special path in no small part because of Dan.

Andy Meisner, Huntington Woods, stated he is honored to commemorate a very important tenure. He said in order to talk about Dan's tenure you have to talk about the leaders that preceded him, Mayor O'Dwyer, Mayor Stephan, Mayor Mooney, because Berkley has always had a spirit of service transcending party affiliation. Municipal government is about getting things done. He said ultimately, we are supposed to put community first and Dan has done this with distinction for the past 10 years. He said that when Dan had the opportunity to become Mayor, he made the most of it. He said as a now private citizen himself, the water is good and he hopes the people of Berkley know what a great mayor we have now and had in Dan.

Phil O'Dwyer, Berkley, congratulated Dan on a splendid career serving Berkley. He said that about 15 years ago he got a call for a basement meeting. He said this young man asked to talk to him about running for city council. He thought, is this kid still in high school? And then he learned that Dan had completed college and a master's degree, was a teacher and the principal of a school. He said Dan is a third-generation Berkley resident, played baseball under the coaching of Dale Goodcourage and played hockey. He thought to himself, that's a fine combination. Dan then decided to throw his hat into the ring, and run for council. He said for the next 10 years it was a pleasure working with Dan, as a colleague on the council and as his Mayor Pro Tem, which is a critical person whose loyalty you count on every day. He said they counted on Dan especially when they competed against the Dad's Club in baseball. The enthusiasm Dan brought to that event was unparalleled and was the same enthusiasm he brought to serving the community. He said Berkley is in Dan's DNA and that he has a passion for doing the right thing. He said we also need to thank Jacqueline for her willingness to allow him the time to serve the community. His family made a massive contribution, including his four

beautiful girls. He congratulated Dan and thanked him for his service to the City. He also thanked Dan's family for being in attendance.

Jack Blanchard, Berkley, stated he served 10 years with Dan on Council. He said both Phil and Dan demonstrated extremely effective leadership of our city. He said Dan put a lot of time in it and was always available for a call or text. He also thanked Dan's wonderful family for providing the support so he could serve. He said Phil, Jack, and Dan are the only three people who have been thrown out of the City Manager's Office during the 2014 floods by the former city manager. He finished by stating that it was a pleasure to serve with Dan.

Dan Terbrack, Berkley, thanked everyone in attendance including his family. He said between Marilyn, Phil, Steve, Dale, and Andy Meisner, we could blame them for his involvement in the city council. He said without them, he wouldn't have served. He thanked everyone he served with, as well as city administration and staff. He said it is an incredibly special place to be. He said people ask him if he misses being mayor. He said at first, he thought no. But then he realized, yes, more than he anticipated. He said his family and his new role at his firm has to come first and he couldn't serve as the mayor if he couldn't put all the needed time in. He said he will miss the people the most. He said he has made a lot of decisions in the past 15 years, some have not been popular. He said in all of the conversations in which he and the other party may not have always agreed, they ended in mutual respect. He said he will miss that. He said he doesn't know what is going on in the city anymore and that is sad. He said he will miss the staff in all of the different departments because they are truly incredible people, which is why Berkley is such a special place. He said he has the utmost faith in all of Council right now and he knows what they deal with and goes through for our community and he is incredibly grateful. He said he loves Berkley and it was an absolute honor to be able to serve for the last 15 years.

Councilmember Hennen shared some things he admired about Dan including his love for Berkley, his knowledge from having lived here for his entire life, his ability to keep the meetings running smoothly, and his maintaining control. He thanked Dan for his service and said that his contributions will surely be missed.

Councilmember Baker stated in addition to highlighting the love, compassion, and dedication Dan brought to Berkley, he also wanted to mention his ability to extend that energy to our regional partners and neighbors. He said in addition to the tremendous relationships and partnerships within our community, Dan helped to bridge gaps and better unite the Woodward Corridor and many other communities. He said he enjoyed being his Mayor Pro Tem for two years and that Dan should enjoy all the beauty and love he has ahead of him.

Councilmember Patterson thanked Dan for getting him into all of this mess. He said it was a pleasure to work with Dan on the Planning and Parks & Rec commissions and that it is nice to also be able to call him his friend. He told Dan that he still has a lot of questions, so he should keep his phone on.

Councilmember Vilani stated that it was just about two years ago that she had a similar getting-to-know-you conversation with Dan when she was preparing to throw her hat into the ring. She said Dan was always super supportive and willing to take a risk. She said that it's clear his relationships and passion for the community are evident in everything he does. She said that even though it was for a short time, she appreciated being able to learn from him.

Councilmember Dooley thanked Dan. He said that he mostly witnessed Dan's work from afar, knowing what he did and trusting what he did. He knew the city was in good hands. He shared they had the opportunity to sit on the Parks & Rec advisory board together 10 years ago, and asked him to please admit that he couldn't beat the Dad's Club in baseball.

Councilmember Gavin stated via email that he thanked Dan for his guidance, thoughtfulness, dedication, and caring for the city and all of the residents. Berkley was incredibly lucky to have such a

wonderful public servant to guide the city on council, as mayor, and in all that Dan does. He concluded by thanking Dan from the bottom of his heart.

Mayor Bridget Dean gave Dan a simple and sincere thank you for his 15 years of service to the City of Berkley. She said that throughout the years his goal never changed, it was always what was best for Berkley. She said on a personal level as his Mayor Pro Tem, she was inspired by his incisive and visionary leadership. He weighed everything, his decisions never wavered and he always had what is best for Berkley in mind. She thanked him for being a wise and supportive voice as she seeks to extend his vision of what is best for Berkley.

Ayes: Patterson, Vilani, Baker, Dooley, Hennen, and Dean
Nays: None
Absent: Gavin
Motion Approved.

MOTION NO. M-18-23: Matter of approving the “Berkley Days Hometown Fair” event beginning May 11, 2023 and ending on May 14, 2023 located at the Berkley Community Center, 2400 Robina. Approval is conditional upon the submission of required items and documents prior to event dates. Councilmember Vilani moved to approve Motion No. M-18-23
Seconded by Councilmember Baker
Ayes: Vilani, Baker, Dooley, Hennen, Patterson, and Dean
Nays: None
Absent: Gavin
Motion Approved.

MOTION NO. M-19-23: Matter of authorizing the Mayor to execute a third-party Specialized Services Operating Assistance contract between SMART and the City of Berkley for public transportation services primarily designed for senior citizens and persons who are handicapped. The contract period for this program is from October 1, 2022 to September 30, 2023. Councilmember Patterson moved to approve Motion No. M-19-23
Seconded by Councilmember Vilani
Ayes: Baker, Dooley, Hennen, Patterson, Vilani, and Dean
Nays: None
Absent: Gavin
Motion Approved.

RESOLUTION NO. R-05-23: Matter of authorizing a resolution of the Council of the City of Berkley, Michigan establishing an 'Ad Hoc Woodward Dream Cruise Committee' coordinating the 2023 CruiseFest events for the City of Berkley. Councilmember Hennen moved to approve Resolution No. R-05-23
Seconded by Councilmember Baker
Ayes: Dooley, Hennen, Patterson, Vilani, Baker, and Dean
Nays: None
Absent: Gavin
Motion Approved.

COMMUNICATIONS:

COUNCILMEMBER HENNEN:

- Tree Board meets next on Monday, March 27 at 7 pm.
- Zoning Board of Appeals will meet on April 10th to consider a dimensional variance for a home on Kipling.

COUNCILMEMBER PATTERSON:

- Planning Commission will meet on Tuesday, March 28th at 7 pm.

- Parks & Rec update: Week-to-week registration for summer day camp opens on April 1st. Register at registration.berklemich.org
- A Hoppin' Good Time Bingo Celebration will be held on April 4th at 12:30 pm in the Community Center; the cost is \$10 and includes two bingo cards and lunch. Please register early, seats are limited.
- First ever Senior Road Rally on May 22nd: Solve puzzles, riddles, and brain teasers as you and your bus-mates travel from stop to stop and race around Detroit. The cost is \$20.
- Check out senior luncheons and trips online, as well as spring sessions for kids and adults.
- The Berkley Buzz was delivered, he hopes that people have given it a look.

COUNCILMEMBER DOOLEY:

- March is membership month for the Friends of the Berkley Public Library; the Friends are the group to thank for sponsoring all the great programs like the author talks, food programs, history talks, take-home kits, youth programs, and so much more. If you're not a member, please join to support those programs.

COUNCILMEMBER VILANI:

- Thanked everyone in attendance at the public information sessions on the millage. More opportunities to attend will be on April 4th and April 12th if you have questions you'd like answered.
- Citizen's Engagement Advisory Committee and the Technology Advisory Committee had a meeting on March 8th to discuss committee goals and roles. The next meeting will be on May 10th.
- Chamber Chat will be on April 21st from 8:30–9:30 am at the Woodward Corner Market. No registration is necessary.
- Berk Perk cards are still available for \$30 and provide a gateway to savings all across the Berkley area.
- The Chamber is seeking an events and operations person part-time, please reach out to their website to apply.
- Art Bash sponsors and food vendors must apply by April 1st. Applications are available online.

COUNCILMEMBER BAKER:

- Downtown Development Advisory Board met on Wednesday, March 8th. The third reading of the draft budget passed.
- Thanked everyone who made the downtown events this month a success, including the Leprechaun Scavenger Hunt, the Leprechaun's Day Out, and the Block Party at O'Mara's. Thursday, May 4th will be Ladies' Night Out.
- Four electric car chargers are now available at the public library; they've been receiving regular use which has been great to see people using those amenities.
- Visit downtownberkley.com to learn more about activities downtown.
- The Historical Committee met Tuesday, March 14th; they continue to prepare for the upcoming 100th anniversary of Berkley becoming a village. Draft articles for the 100th Anniversary magazine are being finalized. Visitors are always welcome; the museum is open Wednesdays from 10 am–1 pm and Sundays from 2-4 pm. More information is available at berkleyhistory.com
- March is Women's History Month as well as Arts Education Month. The theme for Women's History Month this year is 'Celebrating Women Who Tell Our Stories'; stories come in many shapes and approaches, whether it be literature, poetry, arts, music, etc. Sydney Clemens once said, "Art has the role in education of helping children become like themselves instead of becoming more like everyone else." Our school district's visual art department's mission is to provide engaging experiences to ignite students' artistic appreciation, creative spirits, and intellect. They participate in five annual exhibits throughout the school year; took a moment to thank and appreciate the staff of the visual arts department for all that they do.
- Asked people to please hug someone they love, they need it more than they think they do.

CITY MANAGER BAUMGARTEN:

- Thanked Councilmember Vilani for mentioning the millage information sessions. The next two sessions will be in April at Berkley City Hall. Please come out and if you can't make it, please send along whatever questions and comments you might have. All questions asked will feed the FAQs; we are a city of 15,000 people if you are thinking or wondering something there might be a couple of hundred people wondering and thinking the same thing. The more information we can give, the better-informed voters we can have. May 2nd is election day; absent voter applications are available now and ballots will be going out soon.

CITY ATTORNEY CHRIST:

- Extended his congratulations to former Mayor Terbrack for his service and mentioned that he hopes all his newfound free time will help him improve his short game for the Public Safety golf outing.

MAYOR DEAN:

- Thanked the Berkley Days and the CruiseFest committees for all the work that members do to make those events happen. She thanked all of the volunteers for stepping up because without them the events simply would not happen. Berkley has a great tradition of volunteerism; our residents come together like nowhere else to make these things happen.
- Millage vote will be on May 2nd. She asked that residents educate themselves before this important vote. Visit the millage dashboard on the city website for FAQs and a step-by-step breakdown. There will be two more public information sessions: Tuesday, April 4th at 7 pm at City Hall and Wednesday, April 12th at 7 pm also at City Hall. She invited residents to come to one or both.

ADJOURNMENT:

Councilmember Hennen moved to adjourn the Regular Meeting at 8:16 p.m.
Seconded by Councilmember Patterson
Ayes: Patterson, Vilani, Baker, Dooley, Hennen, and Dean
Nays: None
Absent: Gavin
Motion Approved.

Bridget Dean, Mayor

ATTEST:

Victoria Mitchell, City Clerk

**THE SPECIAL WORK SESSION OF THE THIRTY-NINTH COUNCIL OF THE CITY OF BERKLEY,
MICHIGAN WAS CALLED TO ORDER AT 11:03 AM ON MONDAY, MARCH 13, 2023 BY MAYOR DEAN**

PRESENT:

Councilmember Steve Baker
Councilmember Mike Dooley
Mayor Pro Tem Ross Gavin
Councilmember Dennis Hennen
Councilmember Greg Patterson
Councilmember Jessica Vilani
Mayor Bridget Dean

OTHER STAFF PRESENT:

City Manager Matthew Baumgarten
City Clerk Victoria Mitchell

APPROVAL OF AGENDA:

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT:

None

REGULAR AGENDA:

STRATEGIC PLANNING: Matter of conducting a strategic planning work session with JADE Strategies, Inc.

Jocelyn Davis of JADE Strategies, Inc. reviewed the points of order and what would be discussed during the session including:

1. Welcome & introductions
2. Organization identity & priority outcome statements
3. Council development: action planning
4. Governance & next steps

Ms. Davis opened with an icebreaker question.

After the icebreaker, Ms. Davis went over Culture-Shifting Strategies: Rules of Engagement that included levity, honesty, speaking your mind, being open-minded, listening to understand, assuming everyone has good intentions, transparency, inclusion, respect, not talking over each other, come prepared, and operate from the same set of facts. They discussed what should stay

and what should go from the list. They discussed keeping or deleting levity. There was discussion to replace levity with humanity and concluded to replace levity with humanity.

The group discussed having a public image and the differences between a formal council meeting and an informal work session.

They discussed high-functioning organizations. She discussed how important it is to function as a group and not as an individual in a group.

Ms. Davis reviewed the Characteristics of a Successful Organization:

- Shared vision
- Ongoing assessment/improvements
- Transparency
- The Six - Vision, expertise, motivation, plan, resources, evaluation
- Continuing education/development
- Effective marketing
- Stable finances
- Recognition
- People feel valued
- Energy/efforts align with vision
- Growth
- Personal mental health

Ms. Davis reviewed Leadership Visioning: Identity.

Ms. Davis reviewed the answers the group gave to the questions:

- Why does Berkley government exist?
- What do stakeholders value about City of Berkley (government)?
- How should the City of Berkley (government) be described in 10 years?

Ms. Davis reviewed the groups':

- Environmental assessment regarding partnerships and stakeholders and how this would impact future main stakeholders.
- Positive trends and opportunities they developed at the last session.
- Negative trends and challenges they developed during the last session

Ms. Davis reviewed the City's current mission, vision, and values for the body.

Ms. Davis reviewed a draft of their Strategic Priorities including:

- Administrative Operations
- Economic Development
- Effective Governance
- Facilities
- Marketing & Brand Management
- Stakeholders Engagement
- Revenue Generation

Ms. Davis went through each Strategic Priority in greater detail. They discussed the addition of the word, amenities.

Ms. Davis explained how to use the priorities - consider all of these priorities/questions and if it doesn't fit all, then it is a no-go.

Ms. Davis went through each Strategic Priority and the definition she wrote down before leading them in a discussion of their insights and opinions of each definition.

A recess was called at noon. The group reconvened at 12:30 p.m.

Following the break, Ms. Davis led the group in an exercise to identify specific measurable attainable relevant time-certain statements that would go into an effective governance priority statement action plan. She instructed the group to think aspirationally regarding what they would want to see now and in the near future.

“Effective governance - As a trusted community steward, Berkley’s City Council practices standards of excellence in government leadership and actively engages in strategies that realize priorities and achieve the City’s Vision.”

Each team went over their boards and explained what they identified. Some included:

- Build a framework to identify infrastructure issues
- Build a partnership with neighboring communities
- Expand regional relationships to exchange best practices
- Enact policies that promote diversity
- Implement strategies to nurture trust
- Establish clear performance metrics and criteria that align with a strategic plan for the city manager
- Longer-term economic forecast
- Increase community outreach as a body vs. individuals
- Help residents understand where to direct inquiries/complaints/Qs
- Coordinate boards w/ strategic vision
- Encourage ongoing training and education for Council development
 - Implement community surveys as what is working/not working
 - Create culture of identifying and mitigating issues
- Exercise financial stewardship
- Relationship building and conflict resolution
- Drive transparency & community engagement
- Training & best practices w/ outside expert organizations like MML & NLC
- Coordinate Council’s Legislative “muscle” to advocate policy changes in Lansing.

Ms. Davis said she will wordsmith all of their items for the next session.

Ms. Davis reviewed the difference between tactics (which would be the city manager’s responsibility) and objectives (City Council’s purview).

Ms. Davis discussed governance: Leadership Efficacy - Powers, functions, and duties of municipalities. She said there are several things they discussed today that spoke to this.

Ms. Davis reviewed a Leadership body effectiveness continuum:

- Foundational – basic compliance oversight; rarely makes tough decisions; plays an operational role.
- Developed – committees exist, but inconsistent participation, purpose and structure.
- Advanced – policies and procedures exist, as well as routine compliance and operations discussions.
- Strategic – offers perceptive, progressive insights to form a foundational strategy; fully actualized and high-performing; leaders take appropriate risks.

Ms. Davis reviewed low-performing bodies that usually require development in one or more of these areas:

- Clarity of role and responsibilities
- Process Management
- Alignment/agreement on strategy
- Team dynamics/collaborative culture
- Board Composition

Ms. Davis reviewed Governance: Leadership Efficacy:

- (Revamp the Agenda) From reviewing to planning
- (Routinely engage in healthy conflict) Facilitate high-quality debate
- (Evaluation & Communication) Strong feedback = strong performance
- (Be present and contribute) More than putting phone on vibrate

Ms. Davis discussed the importance of trust.

Ms. Davis reviewed the following best practices including:

- Partner with the City Manager
- Oversee business, affairs, and properties
- Ensure alignment with mission and purpose
- Honor fiduciary responsibility regarding financial standing
- Review organizational framework
- Approve strategic plan, operating budget

Ms. Davis provided recommendations including:

- Initiate regular performance evaluations based on strategic plan outcomes and a feedback process.
- Develop specific agendas based on the strategic plan

Ms. Davis reviewed the next steps of the process timeline.

Ms. Davis asked what questions we would want to ask a focus group to make a successful strategic plan and whom should that focus group be comprised of. Answers to that question included:

- What do you want to see out of Berkley in the next 10 years?
- What are services/amenities that you think are missing?
- What is working and what isn't working?
- Why Berkley?
- As a new resident, what do you wish you knew as far as garbage, parking, etc.?

- What and how are we communicating? Ask people how they prefer to get communications.

Ideas for pinpointing participants included:

- Reaching out to the last 10 people who submitted PTAs
- Talk to business owners – Mayor Dean elaborated that she heard it is hard to open a business in Berkley and she would like to know why. It was suggested to talk to people who don't know the process and also people who have completed the process.

Ms. Davis pointed out that this is two separate groups. They concluded that they would start with a residential focus group and Director Kapelanski could facilitate a business-forward focus group/evaluation.

Questions?

They discussed how to present questions and what type of questions and the timing of the focus group in relation to the budget and millage. They discussed the size of the focus group.

Ms. Davis concluded by collecting a-ha moments from the group.

Participants looked at their calendars to determine the next work session date. It was concluded the next work session will take place 2-4 pm Monday, April 10th in the Public Safety Second Floor Conference Room.

Mayor Dean thanked councilmembers and Ms. Davis for their time.

ADJOURNMENT:

Mayor Pro Tem Gavin moved to adjourn the Special Meeting at 2:10 p.m.

Seconded by Councilmember Vilani

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

Nays: None

Motion Approved.

Bridget Dean, Mayor

ATTEST:

Victoria Mitchell, City Clerk

A PROCLAMATION
of the Council of the City of Berkley, Michigan
Recognizing the Volunteers of the City of Berkley and
Declaring the week of Sunday, April 16 – Saturday, April 22, 2023
as Volunteer Week

- WHEREAS,** Throughout the history of the United States, the State of Michigan, and right here in the City of Berkley, citizens have actively volunteered their time, talent, and energy to improve the community; and
- WHEREAS,** Volunteers in Berkley enhance the quality of life of others by volunteering with service organizations, in schools, places of worship, hospitals, youth groups, as members of community boards, and with other organizations that benefit our community; and
- WHEREAS,** Volunteer service has been needed more than ever since the onset of the COVID-19 pandemic, with many individuals stepping up to assist others in need; and
- WHEREAS,** The spirit of volunteerism grows stronger in the face of even the most challenging situations; and
- WHEREAS,** National Volunteer Week was established 49 years ago in 1974 by President Nixon, as a special time to recognize the amazing contributions of volunteers.

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

- SECTION 1:** That the week of Sunday, April 16 – Saturday, April 22, 2023, shall be recognized as *Volunteer Week* in the City of Berkley.
- SECTION 2:** The Council of the City of Berkley extends immense gratitude to the many Berkley volunteers that devote countless hours each year to enhance and uplift our entire community.

Proclaimed this 3rd day of April 2023 at a Regular Meeting of the Berkley City Council.

Attest:

Bridget Dean, Mayor

Victoria Mitchell, City Clerk

A PROCLAMATION
of the Council of the City of Berkley, Michigan
Celebrating the 151st Anniversary of Arbor Day
and Designating the week of
Sunday, April 23rd– Saturday, April 29th, 2023 as Arbor Week

- WHEREAS,** Arbor Day was first celebrated in 1872 in Nebraska as a special day set aside for planting trees, and that first year it was observed by planting more than a million trees; and
- WHEREAS,** Arbor Day is now observed throughout the nation and the world; and
- WHEREAS,** The City of Berkley is proud to be a recipient of the Tree City USA Award for the 32nd consecutive year; and
- WHEREAS,** In 2004 Berkley became the first community in the State of Michigan to receive the Sterling Award as a leader and innovator in community forestry; and
- WHEREAS,** Trees can reduce erosion by wind and water, cut heating and cooling cost, moderate the temperature, clean the air, provide habitat for wildlife, increase property values, enhance the economic vitality of business areas, and beautify our community; and
- WHEREAS,** Trees in our city increase property values, enhance the economic vitality of our business areas, and beautify our community; and
- WHEREAS,** Trees play a critical role in controlling stormwater runoff by reducing the amount of water that enters combined sewer systems.

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

- SECTION 1:** That Friday, April 28th, 2023 shall be designated as Arbor Day in the City of Berkley.
- SECTION 2:** That the week of Sunday, April 23rd – Saturday, April 29th, 2023 shall be designated as Arbor Week in the City of Berkley.
- SECTION 3:** The City of Berkley urges all citizens, government agencies, public and private institutions, businesses, and schools in the City of Berkley to nurture and care for existing trees, as well as plant new ones, and to become aware of how beneficial trees are to the Earth’s beauty and environment.
- SECTION 4:** The City of Berkley urges all residents to support the Berkley Tree Board, celebrating their 33rd Anniversary, pursuing various programs with the goal of making the community aware of the importance of trees and other natural vegetation.
- SECTION 5:** In celebration of the above, the Department of Public Works and Tree Board will be planting new trees along Cass Boulevard near 11 Mile Road. The event is planned for 9AM on Saturday, April 29th.

Proclaimed this 3rd day of April 2023 at a Regular Meeting of the Berkley City Council.

Attest:

Bridget Dean, Mayor

Victoria Mitchell, City Clerk

A RESOLUTION
of the Council of the City of Berkley, Michigan
recognizing Natalie Price for her service
as Councilmember for the City of Berkley

WHEREAS, For the last five years, the City of Berkley had the honor of being represented by Natalie Price as Councilmember of the Council of the City of Berkley. Natalie was elected to serve the City as Councilmember on November 15, 2019, and has served generously since; and

WHEREAS, Natalie was elected to the Michigan House of Representatives as the State Representative for the Fifth District on Tuesday, November 8, 2022; and

WHEREAS, Natalie earned a Bachelor's Degree in English and Classics from Vassar College in 2004 and went on to pursue and gain her Master's of English Studies from the University of Exeter (UK) in 2006; and

WHEREAS, since making her home here in 2015, Natalie Price has devoted her time and energy to many worthwhile causes in Berkley, including serving as the council liaison to the Berkley Library Advisory Board as well as the Citizen's Engagement Advisory Committee; and

WHEREAS, Natalie's long civic career began in March 2018, when she was appointed to the Citizen's Engagement Advisory Committee and then went on to be elected to City Council in 2019 where she served.

WHEREAS, Natalie's reliance on the time-honored values of hard work and diligence has led to her immense success as a public servant and civic leader. Natalie's contributions to our community will be sorely missed; and

WHEREAS, During the course of these last six years, Natalie's duties and opportunities were varied. As the council liaison to the Library Board Natalie was always prepared, informed, insightful, and a voice of reason. Natalie has proven herself to be an estimable public servant who has dedicated her personal time, energy, and excellence to improving the quality of life of her fellow citizens; and

WHEREAS, Natalie has earned the respect and admiration of her colleagues and neighbors, as well as their great pride in her as State Representative for the Fifth District of the Michigan House of Representatives.

NOW, THEREFORE, THE CITY OF BERKLEY RESOLVES:

SECTION 1: That City Council, on behalf of all local residents, offers its genuine thanks and appreciation to Natalie Price for her dedicated service to the City of Berkley, and the City Council extends its congratulations on her election as State Representative for the Fifth District of the Michigan House of Representatives.

Introduced and passed at a Regular City Council Meeting on April 3, 2023.

Bridget Dean, Mayor

Attest:

Victoria Mitchell, City Clerk

April 3, 2023 City Council Meeting

Moved by Councilmember _____ and seconded by Councilmember _____ to approve the "Berkley Art Bash" event on Saturday, June 10, 2023 from 10 a.m.-6 p.m. on 12 Mile Road for the Berkley Area Chamber of Commerce, P.O. Box 72-1253. Approval is conditional upon the submission of required items and documents prior to event dates.

Ayes:

Nays:

Motion:



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

Event Name: Berkley Art Bash

Event Date(s) JUNE 10, 2023 Location(s) 12 MILE BETWEEN COOLIDGE HWY & BERKLEY HWY Event Hours 10AM - 6pm

ORGANIZATION:

Organization Name: <u>BERKLEY AREA CHAMBER OF COMMERCE</u>			
Headquarters Street Address: <u>PO BOX 7271253</u>			
City: <u>BERKLEY</u>	State: <u>MI</u>	Zip Code: <u>48072</u>	Phone: <u>248-444-9157</u>
Website: <u>BERKLEYCHAMBER.COM</u>			

Tax Exempt Status (as defined by the US Internal Revenue Service):
 Non-Profit 501(c)6 501(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 MBX 3-20-23 Public Works [Signature] 3-21-23
Planning Building Official [Signature]

Comments:

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



Print Form

CITY OF BERKLEY, MICHIGAN COMMUNITY SPECIAL EVENT APPLICATION

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

Name of Event: BERKLEY ART BAST

Organization / Contact: CHAMBER OF

Name of Organization: BERKLEY AREA COMMERCE Contact's Name: DARLENE ROYMAN

Address: PO Box 72-1253 State/zip: MI 48072

Telephone: 248-414-9157

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. ^{24 Hour Emer}

Event Location: 12 MILE RD BETWEEN COOLIDGE AND BUCKINGHAM BLVD
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: ROAD CLOSURE 4am to 10pm JUNE 10, 2023 EVENT HRS 10AM-6pm EVENT SETUP 6-7:30pm 6AM TEAR DOWN

How many employees or volunteers? 2 EMPLOYEES VOLUNTEERS; 3 TO 10 DEPENDING ON TIME. MORE AT SETUP & TEAR

How will site be secured during off-hours? NO OFF HRS. STAFF & VOLUNTEERS DURING SETUP & TEAR DOWN OPENING & CLOSING LET IN ARTIST

What type of merchandise will be sold? ART, CRAFTS, JEWELRY, FOOD

If you are selling food, include a copy of your receipt from Oakland County Health Department. WE PROVIDE LIST OF FOOD VENDORS TO HEALTH DEPT BEFORE EVENT TO CONFIRM THEY ARE LICENSED

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. NO

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

What are your plans for set up and removal? EACH ARTIST IS RESPONSIBLE FOR THEIR SETUP & TEAR DOWN. VOLUNTEERS OPEN & CLOSE BARRICADES TO LET IN & OUT ARTIST DURING SETUP & TEAR DOWN

Tax Exempt Status (as defined by the US Internal Revenue Service):
Non-Profit 501.C3 Other (specify) 501(c)6

- 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.
Darlene Royman
Signature of Applicant 2-18-23
Date

APPROVALS

DEPARTMENT	Approve (YES/NO)	Signature	Date
Planning/Bulking	yes	<i>[Signature]</i>	3/15/23
Comments:			
Public Safety	yes	<i>[Signature]</i>	3-20-23
Comments:			
Notify SMART, ambulance, and waste collection of any road closures.			
Public Works:	yes	<i>[Signature]</i>	3-21-23
Comments:			
Parks/Recreation	yes	<i>[Signature]</i>	2/27/23
Comments:			
City Clerk	yes	Victoria Mitchell	3/20/23
Comments:			
City Manager	yes	<i>[Signature]</i>	3/24/23
Comments:			

For City Use Only:

Date Application Received _____ Permit Receipt Number **PTU23-0002**

Received	Receipt Number	Date Received
Application Fee (\$200.00) <input checked="" type="checkbox"/>	120637227	3/21/2023
Clean up Bond (\$100.00) <input checked="" type="checkbox"/>	120637227	3/21/2023
Fee Waived	City Manager's approval required	

City Manager's Signature: _____ Date: _____

IF APPLICABLE:

Motion Number: _____

Conditions (if any): _____

Is fee to be reimbursed? _____



Berkley
AREA CHAMBER

March 10, 2023

TO: City of Berkley and Berkley City Council

FROM: April McCrumb, Art Bash Chairperson, and Owner of Catching Fireflies
& Yellow Door Art Market
Darlene Rothman, Executive Director, Berkley Area Chamber of Commerce

RE: 21st Annual Berkley Art Bash

The goal of the Berkley Art Bash is to hold a family-friendly event on 12 Mile Road that will promote downtown Berkley and provide excellent exposure for Berkley businesses.

Please note the following regarding this year's event:

- Date: Saturday, June 10, 2023 (we are returning to our usual date for the 2nd Saturday in June)
- Closing 12 Mile Road from Coolidge to Buckingham (same location as the past years). This will allow us to continue to space out booths for social distancing purposes. We expect about 150 art vendors with 10 to 12 food vendors and a children's art/craft area.
- Road Closure from 4 am to 10 pm (Note Berkley Public Works may ask for the road to be closed earlier and open later); Chamber set up begins at 6 am; Artist set up begins at 7 am; Art Fair is open to public between 10 am to 6 pm. We ask all vendors to have booths tore down by 7 pm. We provide volunteers to watch over the barricades at set up and tear down to ensure they close back up after an artist arrives/departs.
- Sidewalk Sales from Berkley businesses on 12 Mile Rd. and Coolidge Hwy.
- We will hand deliver notification of road closure to affected businesses approximately 6 weeks out from event.

This event is produced by the Berkley Area Chamber of Commerce. This will be the 21st Berkley Art Bash and we believe we've proven that the Chamber and the Berkley Art Bash are good for the downtown businesses and offer a fun event for the community.

If you have questions, please contact Darlene Rothman at darlene@berkleychamber.com or by phone at 248-892-3161.

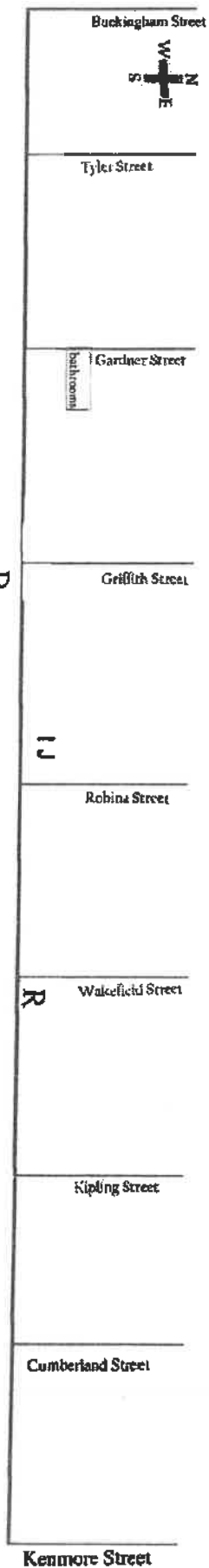
Thank you for your support.

Best Regards,

April McCrumb
Darlene Rothman

Numbers are artists; Letters are sponsors/food/other activities. Chamber Booth is letter H. I and J children's activities.

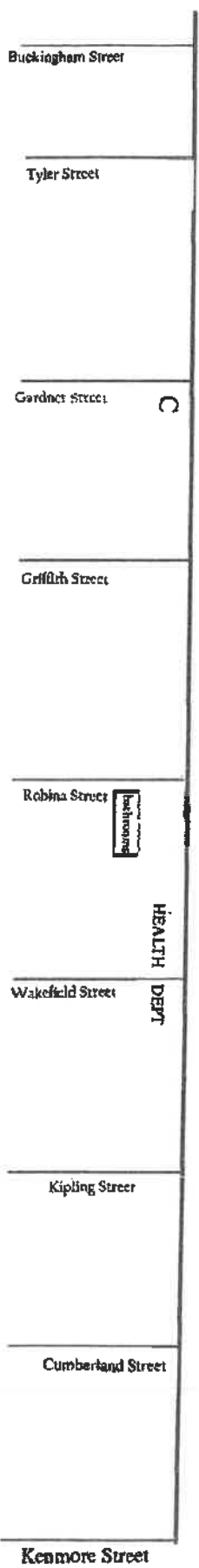
List of letters corresponding to vendors giving to Public Safety two to three weeks before event. We will expand vendors to Coolidge if have more vendors. Final map would be sent to Public Safety and Public Works two to three weeks before event.



D

ARTIST CHECK-IN

1-5 96-92	A	6-10 91-87	B	11-15 86-82	E	16-20 81-77	F	21-25 76-72	G	26-30 71-67	H	31-35 66-62	I	36-39 61-58	J	40-43 57-54	K	44-48 53-47	L	M	N	O	P	Q
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* Artists - Please park on side streets and leave main parking lot spaces open for your customers who are coming and going throughout the day
**DO NOT PARK ON THE SIDES OF THE STREETS DESIGNATED AS FIRE LANES
 YOU WILL BE TICKETED**

BERKELEY ART BASH SITE LAYOUT

For directions - enter this address into Google Maps: 3127 W 12 Mile Berkeley CA 48072
 Note - Map is for artist layout purposes & is not drawn to scale

CITY OF BERKLEY MICHIGAN

TEMPORARY TRAFFIC CONTROL ORDER

T-02-23
(TCO NUMBER)



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

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

PROJECT NAME:	BERKLEY ART BASH
Location	12 MILE BETWEEN COLLIDGE AND BUCKINGHAM
DATE/S/TIMES:	JUNE 10, 2023 ROAD CLOSURE 4 AM - 10 PM
RESPONSIBLE PARTY:	DARLENE ROTHMAN
Name:	BERKLEY AREA CHAMBER OF COMMERCE
Street Address:	PO BOX 72-1253
City/State/ZIP:	BERKLEY, MI 48072
Contact Phone:	248 - 1892 - 3161
Email address:	DARLENE@BERKLEYCHAMBER.COM

For Official Use Only:

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

Approved by: <i>(Print name and title below)</i>	Signature:	Date:
Public Safety		3-20-23
Public Works		3-21-23
Planning Building Official		3/15/23

**Original – Traffic Control File

Return copy of completed form to City Clerk's Office



City of Berkley
Department of Public Safety
Matt Koehn, Director



CITY OF BERKLEY MICHIGAN

TEMPORARY TRAFFIC CONTROL ORDER

T-02-23

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 Art Bash

LOCATION: W. Twelve Mile Road, from Buckingham to Coolidge Hwy, City of Berkley

DATES: Saturday, June 10, 2023 from 4:00 AM to 10:00 PM or completion of cleanup. (Event is 10:00 AM until 6:00 PM)

ACTION: DPW to add barricades and "road closed ahead" as appropriate and necessary on 12 Mile Road at Buckingham as well as 12 Mile Road and Coolidge Hwy, diverting traffic north and south onto Buckingham or Coolidge Hwy.

DPW to also shut down the north and south side of Wakefield, Robina, Griffith, Gardner and Tyler to restrict vehicular access to 12 Mile Road.

Additional "No Parking" temporary signs to be installed along side streets of Wakefield, Robina, Griffith, Gardner and Tyler, near 12 Mile Road, as well as on east/west roads of Beverly and Edwards as necessary. Public Safety or DPW to adjust accordingly if needed.

Shutdown to begin at 4:00 AM, and closed until cleanup is completed at approximately 10 PM.

DPW to notify Oakland County Road Commission of closure to divert emergency, bus and vehicular traffic in the area.

Public Safety to monitor and assist as necessary, as well as notification to Surrounding Police / Fire / EMS agencies.

A handwritten signature in blue ink, appearing to read "Matt Koehn".

Matt Koehn
City of Berkley
Public Safety Director
March 20, 2023

Distribution Copies

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



CITY OF BERKLEY COMMUNITY SPECIAL EVENT HOLD HARMLESS AGREEMENT

This Hold Harmless Agreement is between BERKLEY AREA CHAMBER OF COMMERCE (the Organization) and the City of Berkley, Michigan, (City) for the date(s) specified below.

Organization Name BERKLEY AREA CHAMBER OF COMMERCE
Address PO BOX 72-1253
City BERKLEY State MI Zip 48072 Phone 248-414-9159
Event Name ART BASH
Event Location(s) 12 MILE BETWEEN AND BUCKINGHAM Event Date(s) JUNE 10, 2023

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.

DARLENE ROTHMAN
 Authorized Representative Darlene Rothman Title EXEC. DIRECTOR
 Signature Darlene Rothman Date 2-15-23
 (Please print)



Department of the Treasury
Internal Revenue Service
Tax Exempt and Government Entities
P.O. Box 2508
Cincinnati, OH 45201

THE GREATER BERKLEY CHAMBER OF
COMMERCE
PO BOX 72 1253
BERKLEY, MI 48072

Date:
08/06/2021
Employer ID number:
Person to contact:
Accounting period ending:
December 31
Form 990/990-EZ/990-N required:
Yes
Effective date of exemption:
November 12, 2020
Contribution deductibility:
No
Addendum applies:
No
DLN:

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(6). This letter could help resolve questions on your exempt status. Please keep it for your records.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-NC" in the search bar to view Publication 4221-NC, Compliance Guide for Tax-Exempt Organizations (Other than 501(c)(3) Public Charities and Private Foundations), which describes your recordkeeping, reporting, and disclosure requirements.

We sent a copy of this letter to your representative as indicated in your power of attorney.

Sincerely,

Stephen A. Martin
Director, Exempt Organizations
Rulings and Agreements

INSURANCE COMPANY
6101 ANACAPRI BLVD., LANSING, MI 48917-3999

TAILORED PROTECTION POLICY DECLARATIONS

AGENCY EAGLE ROCK INSURANCE AGENCY INC
11-0080-00 MKT TERR 004 248-548-5530

Renewal Effective 03-09-2023

POLICY NUMBER

INSURED BERKLEY AREA CHAMBER OF COMMERCE

Company Use 04-23-MI-1003

ADDRESS PO BOX 1253
BERKLEY MI 48072

Company Bill	Policy Term	
	12:01 a.m. 03-09-2023	12:01 a.m. 03-09-2024

In consideration of payment of the premium shown below, this policy is renewed. Please attach this Declarations and attachments to your policy. If you have any questions, please consult with your agent.

55039 (11-87)

COMMON POLICY INFORMATION

Business Description: Chamber Of Commerce

Entity: Chamber Of Commerce

Discount Applies For Affiliation With: Berkley Chamber Of Commerce

THIS POLICY CONSISTS OF THE FOLLOWING COVERAGE PART(S):	PREMIUM
COMMERCIAL GENERAL LIABILITY COVERAGE	\$1,981.00
TOTAL	\$1,981.00
PAID IN FULL DISCOUNT	\$11.00
TOTAL POLICY PREMIUM IF PAID IN FULL	\$1,970.00
THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.	
The Paid in Full Discount does not apply to fixed fees, statutory charges or minimum premiums.	

Forms that apply to all coverage part(s) shown above (except garage liability, dealer's blanket, commercial automobile, if applicable):

55002 (07-12) 55056 (07-87) 59390 (11-20)

THIS POLICY IS EXEMPT FROM THE FILING REQUIREMENTS OF SECTION 2236 OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.2236.

Home-Owners Ins. Co.

Issued 03-06-2023

AGENCY EAGLE ROCK INSURANCE AGENCY INC
11-0080-00 MKT TERR 004

Company POLICY NUMBER
Bill 04-23-MI-1003

INSURED BERKLEY AREA CHAMBER OF COMMERCE

Term 03-09-2023 to 03-09-2024

55040 (11-87)

COMMERCIAL GENERAL LIABILITY COVERAGE

COVERAGE	LIMITS OF INSURANCE
General Aggregate (Other Than Products-Completed Operations)	\$2,000,000
Products-Completed Operations Aggregate	\$2,000,000
Each Occurrence	\$1,000,000
COMMERCIAL GENERAL LIABILITY PLUS ENDORSEMENT	
Damage to Premises Rented to You (Fire, Lightning, Explosion, Smoke or Water Damage)	\$300,000 Any One Premises
Medical Payments	\$10,000 Any One Person
Hired Auto & Non-Owned Auto	\$1,000,000 Each Occurrence
Expanded Coverage Details See Form:	
Extended Watercraft	
Broadened Supplementary Payments	
Broadened Knowledge Of Occurrence	
Additional Products-Completed Operations Aggregate	
Blanket Additional Insured - Lessor of Leased Equipment	
Blanket Additional Insured - Managers or Lessors of Premises	
Newly Formed or Acquired Organizations Extension	
Blanket Waiver of Subrogation	

Twice the "General Aggregate Limit", shown above, is provided at no additional charge for each 12 month period in accordance with form 55885.

AUDIT TYPE: Non-Audited

Forms that apply to this coverage:

CG2100 (07-98)	55405 (07-08)	59350 (01-15)	55146 (06-04)	CG0168 (10-92)
IL0017 (11-85)	IL0021 (07-02)	IL0286 (04-17)	CG2106 (05-14)	55091 (05-17)
CG2138 (11-85)	CG0001 (04-13)	55513 (05-17)	CG2109 (06-15)	55029 (05-17)
CG2196 (03-05)	CG2132 (05-09)	CG2147 (12-07)	55885 (05-17)	CG2037 (04-13)
CG2010 (04-13)	59325 (12-19)	CG2026 (04-13)	59390 (11-20)	

Home-Owners Ins. Co.

Issued 03-06-2023

AGENCY EAGLE ROCK INSURANCE AGENCY INC
11-0080-00 MKT TERR 004

Company POLICY NUMBER Bill
04-23-MI-1003

INSURED BERKLEY AREA CHAMBER OF COMMERCE

Term 03-09-2023 to 03-09-2024

LOCATION 0002 - BUILDING 0001

Location: 13142 Borgman Ave, Huntington Woods, MI 48070-1004

Territory: 003

County: Oakland

CLASSIFICATION	CODE	SUBLINE	PREMIUM BASIS	RATE	PREMIUM
Commercial General Liability Plus Endorsement Included At 7.5% Of The Premises Operation Premium	00501	Prem/Op	Prem/Op Prem Included	Included	Included
Special Event Per 55056 Attached - Premium Not Subject To Cancellation Adjustment	00505	Prem/Op Prod/Comp Op	Flat Charge 3 3		\$1,575.00 \$175.00
Professional And Trade Associations No Building Or Premises Owned Or Leased Except As Offices (For-Profit)	46881	Prem/Op Prod/Comp Op	Members 156 156	Each 1 .705 .007	\$110.00 \$1.00
Additional Interests	49950				
Designated Per/Organization L					
1. Berkley School Distr		Prem/Op Prod/Comp Op	Flat Charge Flat Charge		\$25.00 \$25.00
Cg2037 04-13 Add'L Ins - O/L/C					
1. City Of Berkley		Prod/Comp Op	Flat Charge		\$30.00
Cg2010 04-13 Add'L Ins-Excl Prod					
1. City Of Berkley		Prem/Op	Flat Charge		\$20.00

COMMERCIAL GENERAL LIABILITY COVERAGE - LOCATION 0002 SUMMARY	PREMIUM
TERRORISM - CERTIFIED ACTS SEE FORM: 59350, 55405, 59390	\$20.00
LOCATION 0002	\$1,981.00

Home-Owners Ins. Co.

Issued 03-06-2023

AGENCY EAGLE ROCK INSURANCE AGENCY INC
11-0080-00 MKT TERR 004

Company
Bill

POLICY NUMBER

04-23-MI-1003

INSURED BERKLEY AREA CHAMBER OF COMMERCE

Term 03-09-2023 to 03-09-2024

55056 (07-87)

SUPPLEMENTAL DECLARATIONS

SPECIAL EVENTS INCLUDE:

BERKLEY ART BASH - JUNE 2023

BERKLEY STREET ART FEST - JULY 2023

Home-Owners Insurance Company

COMMERCIAL GENERAL LIABILITY
CG 20 37 04 13

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - OWNERS, LESSEES OR CONTRACTORS - COMPLETED OPERATIONS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)	Location And Description Of Completed Operations
CITY OF BERKLEY	

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury" or "property damage" caused, in whole or in part, by "your work" at the location designated and described in the Schedule of this endorsement performed for that additional insured and included in the "products-completed operations hazard".

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not

be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
 2. Available under the applicable Limits of Insurance shown in the Declarations;
- whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

Berkley Chamber of Commerce – Art Bash 2022

70 PROGRAM EXPENSES

701 Art Fair Expense

701.1 Promotion 3,146.53

701.2 Entertainment 598.17

701.3 Miscellaneous 257.73

701.5 Rentals & Permits 1,596.98

Total 701 Art Fair Expense 5,599.41



Victoria Mitchell <vmitchell@berkleymich.net>

Berkley Art Bash Application

Shawn Young <syoun@berkleymich.net>

Tue, Mar 21, 2023 at 1:43 PM

To: Victoria Mitchell <vmitchell@berkleymich.net>

Cc: Matt Koehn <mkoehn@berkleypublicsafety.net>, Matthew Baumgarten <mbaumgarten@berkleymich.net>, Kristen Kapelanski <kkapelanski@berkleymich.net>, Theresa McArleton <tmcarleton@berkleymich.net>, Matt Church <mchurch@berkleymich.net>, Corey Miller <cmiller@berkleypublicsafety.net>, Andrew Hadfield <ahadfield@berkleypublicsafety.net>, Jordan Kobernick <jkobernick@berkleypublicsafety.net>, Jack Blanchard <jblanchard@berkleymich.net>

Victoria-

Public Works has reviewed the application for the proposed 2023 Art Bash and offers the following comments for your use and distribution to the applicant. The event is planned for Saturday, June 10th with a road closure requested between 4 AM and 10 PM. and a setup up time from 6AM until 7:30 PM.

1. As usual, RCOC will need to approve the 12 Mile Road closure between Buckingham and Coolidge. DPW staff will complete an application to the County approximately 45 days prior to the event.
2. Volunteer assistance is important to maintain barricade placements. The applicant has indicated there will be 3-10 volunteers with higher numbers at setup and teardown.
3. A signed petition has been provided by the applicant in previous years but was not included with the 2023 application packet.
4. The noted set up and tear down times will need to be followed to allow our staff time to place traffic control and hard closure barriers before the event and perform cleanup and removal work after the event.
5. 1 week prior to the event we would like to confirm our point of contact person for the day of. It has been our experience that this may sometimes differ from the original application.
5. Please note the cost to the City for DPW labor and equipment is approximately \$3,500 for this event.

[Quoted text hidden]

--

Shawn Young
Director of Public Works
City Of Berkley
3238 Bacon Ave
Berkley, Michigan 48072
248.658.3490
248.658.3491 fax
syoun@berkleymich.net



City of Berkley
Department of Public Safety



INTEROFFICE CORRESPONDENCE

DATE: March 20, 2023
TO: Matthew Baumgarten, City Manager
FROM: Matt Koehn, Director of Public Safety *MK*
SUBJECT: Berkley Art Bash

The Berkley Area Chamber of Commerce has submitted an application for the "Berkley Art Bash" which will take place on Saturday, June 10, 2023. The application indicates that the event will be held on 12 Mile Road between Buckingham and Coolidge Hwy between the hours of 10 AM and 6 PM. This event will require the closure of 12 Mile Road from 4 AM to 10 PM for set up and take down. The Berkley Art Bash features arts, crafts, jewelry, and food vendors.

The Department of Public Safety has reviewed the application and discussed the event with Ms. Darlene Rothman, Executive Director of the Berkley Area Chamber of Commerce. The Berkley Area Chamber of Commerce has been designated as a nonprofit organization by the Internal Revenue Service. The event will be staffed by two employees and three to 10 Berkley Area Chamber of Commerce volunteers, depending on time of day. Volunteers will be stationed at the road closure locations, especially from 6 AM to 10 AM and 6 PM to 8 PM when the barricades are moved for the set up and take down.

Department of Public Safety will collaborate with the Berkley Area Chamber of Commerce and Berkley Department of Public Works to work out all of the details of the event and create an Emergency Operations Plan (EOP). A Traffic Control Order (TCO) has been prepared.

There have not been significant problems at previous Annual Berkley Art Bashes. The Department of Public Safety will assign personnel to monitor the event.

The Department of Public Safety recommends approval of the Annual Berkley Art Bash, contingent upon the submission of:

- A petition of business owners in the footprint of the event requesting the road closure

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.



RIN number identifying retester/requalifier

7^{A1}₃₂ 14

Month last requalified Year last requalified

Requalification Date

Volumetric Test.

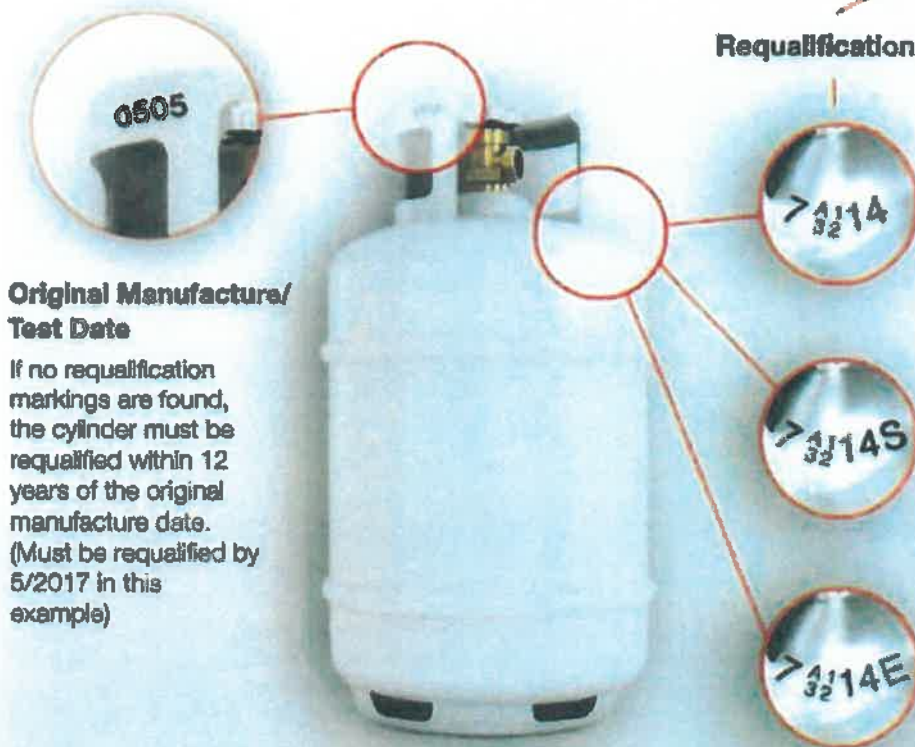
Basic Marking. Must be requalified within 12 years of stamped date (Must be requalified by 7/2026 in this example)

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)

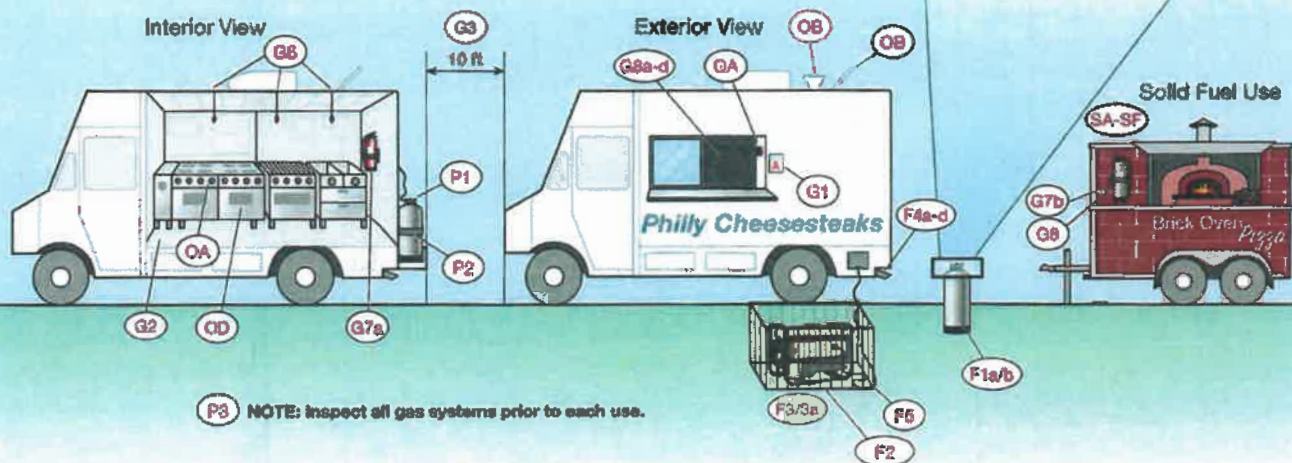
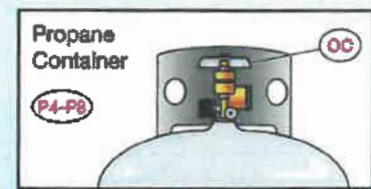
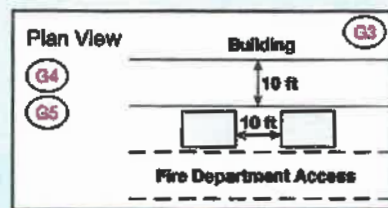


Original Manufacture/ Test Date

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)



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. [1:12.8(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: [96:8.15.1]: **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] **OB**
- Close gas supply piping valves and gas container valves when equipment is not in use. [58:6.26.8.3] **OC**
- Keep cooking equipment, including the cooking ventilation system, clean by regularly removing grease. [96:11.4] **OD**

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 RESOURCESNFPA 1, *Fire Code*, 2018 EditionNFPA 1 *Fire Code Handbook*, 2018 EditionNFPA 58, *Liquefied Petroleum Gas Code*, 2017 Edition*LP-Gas Code Handbook*, 2017 EditionNFPA 70®, *National Electrical Code®*, 2017 Edition*National Electrical Code® Handbook*, 2017 EditionNFPA 96, *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations*, 2017 EditionNFPA 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 nfsa.org/foodtrucksafety.

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April 3, 2023 City Council Meeting

Moved by Councilmember _____ and seconded by Councilmember _____ to approve appointments to the Berkley Downtown Development Authority Board of Directors.

Ayes:

Nays:

Motion:

TO THE HONORABLE MEMBERS OF THE BERKLEY CITY COUNCIL

**RECOMMENDATION OF KATIE FORTE TO
APPOINTMENT TO THE BERKLEY
DOWNTOWN DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS**



retro feel. metro appeal.

BACKGROUND:

The Berkley Downtown Development Authority Board of Directors has a vacant seat due to the departure of Jenna Hance, who had previously been a business owner on Coolidge and was appointed to a Coolidge seat on the Board. Coolidge business owner Katie Forte has submitted her application to the City of Berkley for consideration to be appointed to the Board of Directors. She is eligible to serve in the vacant Coolidge seat on the Board, as she is a proprietor of June & December located at 2670 Coolidge in the DDA District.

The DDA Board's Organization Committee was enthusiastic about her application, interviewed her for the role, and recommended to the full Board of Directors that her appointment be favorably recommended to the City Council. At the March 8, 2023 Board of Directors meeting, the Board voted unanimously to recommend Katie Forte to the Berkley City Council for appointment to the vacant Coolidge seat on our Board of Directors.

Thank you for your consideration of this recommendation from the Board of Directors. Please let me know of any questions.

A handwritten signature in blue ink, appearing to read "Mike McGuinness". The signature is fluid and cursive, with a small blue dot above the final letter.

- Mike McGuinness, Executive Director. March 20, 2023.

KATIE FORTE -- Board Application Responses

Current Employer: Self

Current Occupation: Owner of June & December

Please outline your specific qualifications for this appointment: Bachelor of Arts degree in Advertising from Michigan State University with a secondary focus in Graphic Design, 2000. Was an Art Director in Advertising on the Chevrolet Account at a local agency for several years doing print and tv ads before opening my own graphic design business prior to J&D.

In 2012, my husband and I joined forces and founded June & December. I currently implement and oversee the creative side of J&D which includes designing our growing eco-friendly product line which is currently sold in over 2000 stores of all sizes in all 50 states, as well as internationally. I implement and oversee all facets of our product development, branding, marketing, advertising, and event planning, as well as buying and merchandising for our store located in the front of our design studio.

I have a unique perspective in retail being on both sides of the equation - wholesale and retail, as well as a national viewpoint. I would help bring another perspective to the small-town charm of Berkley and continue supporting the great work that's already been started by the DDA.

RESOLUTION

Of the Council of the City of Berkley, Michigan
Establishing the Berkley Outdoor Social Scene (BOSS) Social District

WHEREAS: effective July 1, 2020, the State of Michigan adopted Public Act 124-2020, which allows local government units to create Social Districts for the consumption of alcoholic beverages in designated Commons Areas; and

WHEREAS: the boundary of the Social District will be as follows: All streets, sidewalks, public parking and other public spaces adjacent to and/or including the following parcels:

25-07-042-032	25-18-205-002
25-07-452-033	25-18-205-028
25-07-452-034	25-18-205-027
25-07-452-035	25-18-204-005
25-07-452-041	25-18-204-004
25-07-453-016	25-18-204-003
25-07-453-036	25-18-204-002
25-07-453-014	25-18-204-001
25-07-453-034	25-18-204-027
25-07-453-033	25-18-204-025
25-07-454-041	25-18-203-029
25-07-454-017	25-18-203-028
25-07-454-016	25-18-203-006
25-07-454-015	25-18-203-005
25-07-454-042	25-18-203-004
25-07-454-043	25-18-203-003
25-07-454-045	25-18-203-002
25-07-455-033	25-18-203-001
25-07-455-031	25-18-203-030
25-07-455-032	25-18-203-009
25-07-476-044	25-18-202-014
25-07-476-043	25-18-202-005

25-07-477-025	25-18-202-034
25-18-227-001	25-18-202-033
25-18-226-026	25-18-202-003
25-18-226-004	25-18-202-002
25-18-226-029	25-18-202-031
25-18-205-039	25-18-201-006
25-18-227-040	

; and

WHEREAS: the Berkley Community Development Department has composed a Management and Maintenance Plan that meets the Michigan Liquor Control Commission requirements; and

WHEREAS: the Berkley Public Safety Department is hereby permitted to enforce the rules and regulations of the Social District in accordance with State law and permit requirements; and

WHEREAS: the Road Commission for Oakland County has been notified of the City's intentions and noted no objections to the establishment of a social district within the aforementioned boundaries;

NOW, THEREFORE, THE BERKLEY CITY COUNCIL RESOLVES: The City of Berkley creates the Berkley Outdoor Social Scene (BOSS) Social District within the boundaries included and approves the Management and Maintenance Plan as presented.

BE IT FURTHER RESOLVED, the City Council of Berkley, Michigan, authorizes the Community Development Department Director and/or the City Manager to prepare and submit the application for the above-named project and to be designated as the authorized agent for all activities associated with securing and accepting any funding.

Introduced and passed at a Regular City Council Meeting on April 3, 2023.

Bridget Dean, Mayor

Attest:

Victoria Mitchell, City Clerk



CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

MEMORANDUM

To: City Council

From: Kristen Kapelanski, Community Development Director

Subject: Establishment of the Berkley Outdoor Social Scene (BOSS) Social District

Date: March 24, 2023

Over the past several months, the Community Development Department has been working in conjunction with the City Manager, Communication Director and DDA Director on the establishment of a social district as defined in the attached information from the Michigan Liquor Control Commission. A social district allows the consumption of alcoholic beverages sold by licensed establishments within an outside common area contiguous to two or more such licensed establishments. The boundaries of the common area must be clearly marked with pavement markings or signage.

The proposed Berkley Outdoor Social Scene (BOSS) social district would run along Twelve Mile Road from approximately Tyler to Kipling and include the municipal lots in that area as well. Refer to the included map for a visual representation. The first step in establishing such a district is a resolution of the City Council and the approval of a Maintenance and Operations plan, which has been included as a companion agenda item.

Should Council approve the resolution and Maintenance and Operations plan this evening, staff would file those items with the Michigan Liquor Control Commission (MLCC) for their approval. Licensed businesses wishing to participate would file separately with the MLCC once the establishment of the district has been approved.



BERKLEY
WE CARE

SOCIAL DISTRICT MAP



12 Mile Rd

Kipling Ave

Wakefield Rd

Robina Ave

Griffith Ave

Gardner Ave

Tyler Ave

Robina Ave

Griffith Ave

Gardner Ave

Tyler Ave



SOCIAL DISTRICT AGREEMENT

Social District Agreements must be submitted to the City of Berkley Community Development Department. They can be dropped off at City Hall, 3338 Coolidge Hwy, Berkley, MI 48072 **OR** can be emailed to building@berkleymich.net.

Name of Business: _____

Business Address: _____

LARA Business ID Number: _____

Contact Information

First and Last Name: _____

Mailing Address: _____

Phone: _____ Email: _____

APPLICANT ACKNOWLEDGEMENT

Before you submit your application, ***please read, review and initial*** each item below.

_____ All cups for serving beverages to be consumed in the Social District will be provided by the City of Berkley and City of Berkley Downtown Development Authority. (Instructions will be provided.)

_____ Stickers with your business name will be affixed to each drink served for consumption in the Social District. (You must provided your own stickers.)

_____ Extra trash receptacles will be placed at the entrances and exits of your business.

_____ Staff will be adequately trained to explain the rules of the Social District to patrons – specifically that they must stay in the designated Commons Area or the establishment where the beverage was purchased.

_____ Drinks to be consumed in the Social District will only be served during the designated hours of 11 a.m. to 10 p.m.

_____ All relevant business owners/operators have read the Social District Maintenance and Operations Plan.

Endorsement

I hereby acknowledge that all information contained herein is true and accurate to the best of my knowledge.

Applicant Name (print) Applicant Signature Date

Property Owner Name (print) Property Owner Signature Date



Michigan Liquor Control Commission (MLCC)
Constitution Hall, 2nd Floor, 525 W. Allegan St, Lansing, MI 48933
P.O. Box 30005, Lansing, MI 48909
866-813-0011 – www.michigan.gov/lcc

Social District Permit Information For Local Governmental Units

Pursuant to MCL 436.1551, the governing body of a local governmental unit may designate a Social District within its jurisdiction. Qualified licensees whose licensed premises are contiguous to the commons area within the Social District, and that have been approved for and issued a Social District Permit, may sell alcoholic liquor (beer, wine, mixed spirit drink, spirits, or mixed drinks) on their licensed premises to customers who may then consume the alcoholic liquor within the commons area of the Social District.

If a non-profit organization requests a Special License for a location within a Social District commons area, the governing body of the local unit of government shall delineate the portion of the commons area to be utilized exclusively by the Special Licensee and the portion of the commons area to be used exclusively by Social District permittees. The Special License applicant must submit documentation from the local governmental unit, including a clear diagram, with its application.

The term commons area is defined by MCL 436.1551(8)(a):

"Commons area" means an area within a social district clearly designated and clearly marked by the governing body of the local governmental unit that is shared by and contiguous to the premises of at least 2 other qualified licensees. Commons area does not include the licensed premises of any qualified licensee.

The term qualified licensee is defined by MCL 436.1551(8)(c):

"Qualified licensee" means any of the following:

- *A retailer that holds a license, other than a special license, to sell alcoholic liquor for consumption on the licensed premises. (This includes the following license types: Class C, Tavern, A-Hotel, B-Hotel, Club, G-1, G-2, Brewpub.)*
- *A manufacturer with an on-premises tasting room permit issued under section 536.*
- *A manufacturer that holds an off-premises tasting room license issued under section 536.*
- *A manufacturer that holds a joint off-premises tasting room license issued under section 536.*

A list of all licensees, sorted by county and local governmental unit, may be found on the MLCC website.

The governing body of a local governmental unit may designate a Social District pursuant to MCL 436.1551 under the following conditions:

- Designate a Social District that contains a commons area, as defined in MCL 436.1551(8)(a).
- Establish local management and maintenance plans, including hours of operation, for a commons area.
- Define and clearly mark with signs the designated commons area.
- A governing body of a local governmental unit shall not designate a Social District that would close a road unless the governing body receives prior approval from the road authority with jurisdiction over the road.
- The governing body shall maintain the commons area in a manner that protects the health and safety of the community.

- The governing body may revoke the designation if it determines that the commons area threatens the health, safety, or welfare of the public or has become a public nuisance. Before revoking the designation, the governing body must hold at least 1 public hearing on the proposed revocation. The governing body shall give notice as required under the open meetings act of the time and place of the public hearing before the public hearing.
- The governing body shall file the designation or revocation of the Social District with the MLCC.

Before applying to the MLCC for a Social District Permit, a qualified licensee must first obtain approval from the governing body of the local governmental unit. A fillable resolution for this approval is part of the Social District Permit Application (LCC-208).

Filing the Designation of a Social District with the MLCC

A local governmental unit must file the following items with the MLCC when designating a Social District:

- A copy of the resolution passed by the governing body designating the Social District and commons area.
- A copy of the management and maintenance plans, including the hours of operation, established by the local governmental unit for the Social District and commons area.
- A diagram or map that clearly shows the boundaries of the Social District and commons area. Please indicate the name, address, and location of the qualified licensees that are contiguous to the commons area on the diagram or map.

Submit the items above to:

By Mail: Michigan Liquor Control Commission - P.O. Box 30005 - Lansing, MI 48933

By Fax: (517) 763-0059

By Email: mlccrecords@michigan.gov

Additional sections of the Liquor Control Code for a local governmental unit to consider when establishing a Social District or commons area within a Social District:

MCL 436.1915 - Possessing or consuming alcoholic liquor on public highway or in park, place of amusement, or publicly owned area; authority of local governmental unit or state department or agency to prohibit possession or consumption of alcoholic liquor; definitions.

(1) Alcoholic liquor shall not be consumed on the public highways.

(2) Except as provided in subsections (3) and (4), alcoholic liquor may be possessed or consumed in public parks, public places of amusement, or a publicly owned area not licensed to sell for consumption on the premises.

(3) The governing body of a local governmental unit may prohibit by ordinance, order, or resolution the possession or consumption of alcoholic liquor in any public park, public place of amusement, or publicly owned area that is owned or administered, or both, by that local governmental unit. When land is leased from a department or agency of this state, an ordinance, order, or resolution adopted pursuant to this subsection shall be subject to the approval of the department or agency.

(4) A department or agency of this state that administers public lands may prohibit by rule, order, or resolution the possession or consumption of alcoholic liquor on the public land under its jurisdiction.

(5) As used in this section:

(a) "Local governmental unit" means a county, city, township, village, or charter authority.

(b) "Publicly owned area" means an area under the jurisdiction of a local governmental unit.

MCL 436.1913(1), (2), & (5) - Prohibited conduct; unlicensed premises or place; unlawful consumption of alcoholic liquor; exceptions; construction of section; "consideration" defined.

(1) A person shall not do either of the following:

(a) Maintain, operate, or lease, or otherwise furnish to any person, any premises or place that is not licensed under this act within which the other person may engage in the drinking of alcoholic liquor for consideration.

(b) Obtain by way of lease or rental agreement, and furnish or provide to any other person, any premises or place that is not licensed under this act within which any other person may engage in the drinking of alcoholic liquor for consideration.

(2) A person shall not consume alcoholic liquor in a commercial establishment selling food if the commercial establishment is not licensed under this act. A person owning, operating, or leasing a commercial establishment selling food which is not licensed under this act shall not allow the consumption of alcoholic liquor on its premises.

(5) As used in this section, "consideration" includes any fee, cover charge, ticket purchase, the storage of alcoholic liquor, the sale of food, ice, mixers, or other liquids used with alcoholic liquor drinks, or the purchasing of any service or item, or combination of service and item; or includes the furnishing of glassware or other containers for use in the consumption of alcoholic liquor in conjunction with the sale of food.

RESOLUTION
Of the Council of the City of Berkley, Michigan
Establishing the
Berkley Outdoor Social Scene (BOSS)
Social District Maintenance and Operations Plan

Introduction

On July 1, 2020, Michigan Public Act 124 of 2020 was signed into law, allowing local governments to establish 'Social Districts' within their jurisdictions. These Social Districts allow for 'common areas' where two or more contiguous licensed establishments (i.e., bars, distilleries, breweries, restaurants, tasting rooms) may sell alcoholic beverages in designated containers to be taken into the area for consumption. The City of Berkley, in coordination with the City of Berkley Downtown Development Authority, now seeks to establish such a Social District.

Management

The Berkley Outdoor Social Scene (BOSS) will be created and managed by the City of Berkley and City of Berkley Downtown Development Authority. The district management and operations will be supported by the Public Safety Department for Safety and the Department of Public Works for signage and maintenance.

District Boundaries

The boundaries of the BOSS social district would generally be as follows: All streets, sidewalks, public parking and other public spaces adjacent to and/or including the parcels listed immediately below. Refer to the map of the social district at the end of this document for reference.

25-07-042-032	25-18-205-002
25-07-452-033	25-18-205-028
25-07-452-034	25-18-205-027
25-07-452-035	25-18-204-005
25-07-452-041	25-18-204-004
25-07-453-016	25-18-204-003
25-07-453-036	25-18-204-002
25-07-453-014	25-18-204-001
25-07-453-034	25-18-204-027

25-07-453-033	25-18-204-025
25-07-454-041	25-18-203-029
25-07-454-017	25-18-203-028
25-07-454-016	25-18-203-006
25-07-454-015	25-18-203-005
25-07-454-042	25-18-203-004
25-07-454-043	25-18-203-003
25-07-454-045	25-18-203-002
25-07-455-033	25-18-203-001
25-07-455-031	25-18-203-030
25-07-455-032	25-18-203-009
25-07-476-044	25-18-202-014
25-07-476-043	25-18-202-005
25-07-477-025	25-18-202-034
25-18-227-001	25-18-202-033
25-18-226-026	25-18-202-003
25-18-226-004	25-18-202-002
25-18-226-029	25-18-202-031
25-18-205-039	25-18-201-006
25-18-227-040	

Potential Participating License Holders

As the Social District is established, the City will welcome businesses to participate once they apply for and receive their Social District license from the MLCC. All participating businesses will sign a Social District Agreement with the City. Potential participating liquor license holders within the Social District are listed below:

- El Patio
- Amici's Kitchen and Living Room
- Monger's Provisions
- Berkley Common
- 24 Seconds

Operations

The BOSS social district will operate year-round, seven days a week, from 11 a.m. to 10 p.m. The City of Berkeley and City of Berkeley Downtown Development Authority intends to establish the Social District upon approval from the MLCC.

District Designation and Logo

The Social District will utilize a unique logo – an example is depicted below. Boundaries of the Social District will be clearly marked with signs affixed to poles and/or pavement markings.



Beverage Containers and Rules of Use

Per PA 124 of 2020, the following regulations apply to containers within the Social District:

- The container prominently displays the Social District permittee’s trade name or logo or some other mark that is unique to the Social District permittee under the Social District permittee’s liquor license.
- The container prominently displays a logo or some other mark that is unique to the commons area.
- The container is not glass.
- The container has a liquid capacity that does not exceed 16 ounces.

The City of Berkeley and City of Berkeley Downtown Development Authority will provide containers meeting the state requirements to participating license holders. The City will provide participating license holders with stickers displaying their trade name or logo.

The following additional rules apply to the use of Social District containers:

- Social District cups may not be reused.
- Social District cups may only be consumed in the establishment where they were purchased or in the designated commons areas.
- Social District cups may not be taken into a bar or restaurant that did not sell the beverage but may be taken into retailers at the discretion of each business.

Financing

The BOSS social district will be funded by the City of Berkley and the City of Berkley Downtown Development Authority and local businesses.

Security and Enforcement

Security and enforcement in the Social District will be done by the City of Berkley Public Safety Department.

Insurance

The City of Berkley and City of Berkley Downtown Development Authority are not required to have additional insurance for social districts based on information provided by Meadowbrook on behalf of the Michigan Municipal League's Property and Liability Pool.

Sanitation and Maintenance

The City of Berkley Department of Public Services and existing maintenance contractor will provide sanitation services within the district including trash removal and litter pick up. Trash/recycling receptacles will be located at the boundaries of the Social District to encourage patrons to properly dispose of their used cups, as well as throughout the Social District as presently available.

Marketing and Promotion

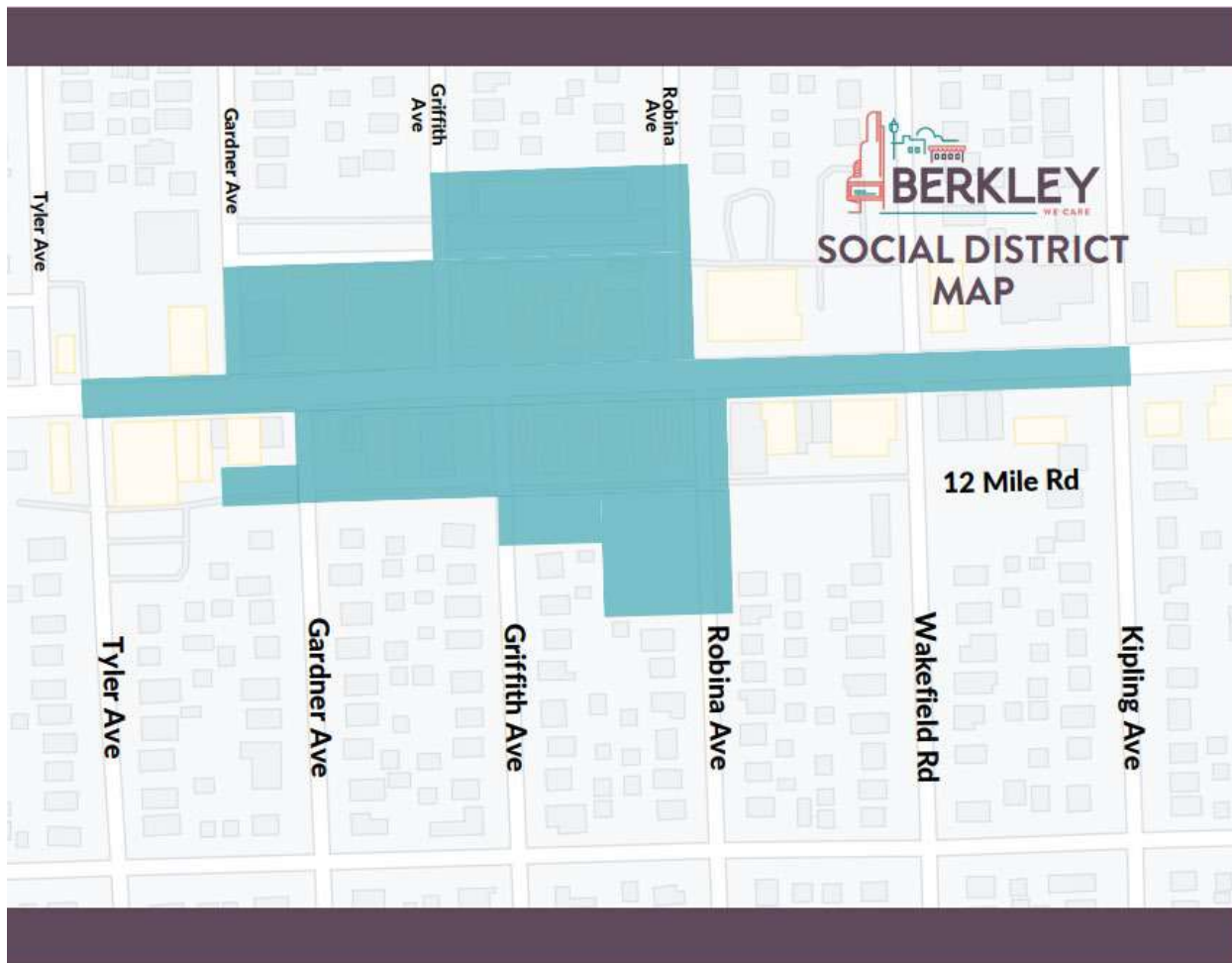
Marketing will be done by the City of Berkley and City of Berkley Downtown Development Authority.

Festivals and Special Events

PA 124 of 2020 does not allow special event liquor licenses to participate in a social district. If a special license for an event is issued within the social district, the holder of a social district permit shall not sell and serve alcoholic liquor during the effective period of the special license. If feasible, event perimeters can be established with clear signage that outside alcohol is not allowed into the event space.

How do businesses sign up?

Qualifying license holders will be required to sign a Social District Agreement with the City prior to applying for a permit through the MLCC. Once the agreement has been reviewed and authorized by the Community Development Director and/or City Manager, licensees must apply for a Social District Permit from the MLCC. Once approved, the license holder will place an order for cups and stickers.



Introduced and passed at a Regular City Council Meeting on April 3, 2023.

Bridget Dean, Mayor

Attest:

Victoria Mitchell, City Clerk



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

MEMORANDUM

To: City Council

From: Kristen Kapelanski, Community Development Director

Subject: Consideration of the Berkley Outdoor Social Scene (BOSS) Social District Maintenance and Operations Plan

Date: March 24, 2023

Per the Michigan Liquor Control Commission (MLCC), all established social districts are required to have an approved Maintenance and Operations Plan governing the day to day workings of the district and how the approving entity intends to meet required standards. The first step in establishing a social district is a resolution of the City Council, which has been included as a companion agenda item. Should the Council approve the resolution, they are asked to approve the attached Maintenance and Operations Plan.

Also provided for Council's information is a Social District Agreement, which each participating business would be required to file with the City as an acknowledgment that they understand the approved Maintenance and Operations Plan. This is not required by the MLCC but is a best practice based on a survey of other communities operating social districts.

AN
ORDINANCE
of the City Council of the City of Berkley, Michigan to Amend Article V, Rental
Property, in Chapter 30, Business of the City of Berkley Code of Ordinances to update
provisions for rental property registrations and inspections.

**THE CITY OF
BERKLEY ORDAINS:**

SECTION 1: Article 5 of Chapter 30 of the Berkley City Code is amended, as follows:

ARTICLE V. – RENTAL PROPERTY

DIVISION 1. – GENERALLY

Sec. 30-186. - Definitions

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

All terms used in this article ~~shall be~~ are defined in accordance with the housing law of Michigan, viz., Public Act No. 167 of 1917 (MCL 125.402 et seq.)

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

Cross reference – Definitions generally, §1-2.

Sec. 30-187. – General provisions.

No person ~~shall~~ may rent, lease or let any real property for any amount of time within the city unless the rental property is registered with the ~~city-manager~~ building official or their designee and unless the city has issued a certificate of compliance pursuant to this article. This article does not apply to single-room rentals in single or multiple family units or to single family dwellings and commercial buildings that are

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occupied exclusively by the owner thereof, nor does it apply to agreements allowing a seller of premises to temporarily continue to occupy or possess the premises post-closing.

Sec. 30-188. – Registration of rental properties.

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

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

- a) The ~~city manager or his~~ building official or their designee ~~shall~~ will inspect all buildings, structures, dwellings and units required to be registered under this article ~~within 60 days of their registration~~, pursuant to section 30-188. Thereafter, the ~~city manager or his~~ building official or their designee ~~shall~~ will inspect every such building, structure, dwelling or unit at two-year intervals. These inspections ~~shall be~~ are for the purposes of determining whether the building, structure, dwelling or unit complies with chapters 26, 50 and 138. The ~~city manager or his~~ building official or their designee may request permission to enter any premises regulated by this article at reasonable hours to undertake an inspection. Upon an emergency, the ~~city manager or his~~ building official or their designee may obtain a court order for the purpose of inspecting any premises regulated by this article. All inspections conducted pursuant to this section ~~shall~~ will be conducted in such a manner as to secure compliance with this article.
- b) For renewal of rental licenses, the owner must schedule the required inspection no later than 30 days before the expiration of their rental registration. Failure to schedule the inspection within the 30 day period will result in the immediate suspension of the existing rental registration and additional fees per Section 30-194. The City will provide advance notice to property owners a minimum of 30 days prior to expiration.

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- c) For new rental licenses, the owner must schedule the required inspection no later than 30 days after application for a rental license. Except in the case of active building permits, failure to schedule the inspection within the 30 day period will result in the cancellation of the rental application and forfeiture of the application and inspection fees.
- d) In addition to periodic inspections, the following may occur:
- 1) A complaint basis such that a regulated premises ~~shall~~ will be inspected within a reasonable time by the ~~city manager or his~~ building official or their designee upon receipt of a complaint, verbal or written, by a citizen or tenant that the regulated premises may be in violation of this Code.
 - 2) An area basis, such that all regulated premises in a predetermined geographical area will be inspected simultaneously or within a short period of time.
 - 3) A recurrent violation basis, such that those premises which are found to have a high incidence of recurrent or uncorrected violations will be inspected more frequently. The owner or agent ~~shall~~ must ensure that the premises regulated by this section are accessible for inspection during normal working hours of the city, except that an occupant of the premises may allow inspection at any time.

State Law reference – Biennial inspection of rooming houses and multiple dwellings, MCL 125.526.

Sec. 30-190. – Right of entry.

- a) If any owner, occupant or other person in charge of a structure subject to the provisions of this Code refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or premises where inspection authorized by this Code is sought, the ~~administrative authority shall be~~ building official or their designee is permitted to seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.
- b) In nonemergency situations, if the owner or occupant demands a warrant for inspection of the premises, the ~~city manager or his~~ building official or their designee shall obtain a warrant from a court of competent jurisdiction. The ~~city manager shall~~ building official or their designee will prepare the warrant, stating the address of the building to be inspected, the nature of the inspection, as defined in this section or other applicable codes or statutes, and the reasons for the inspection. It ~~shall be~~ is appropriate and sufficient to set forth the basis for inspection (e.g., area,

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complaint, recurrent violation or periodic basis) established in this section. ~~If the court finds that the warrant is in proper form and in accordance with this section, it shall be issued forthwith.~~

Sec. 30-191. – Procedures, inspection records and checklists.

- a) The inspection procedures set forth in this article are established in the public interest to secure the health and safety of the occupants of dwellings and of the general public.
- b) The ~~city manager or his~~ building official or their designee ~~shall~~ will keep a record of all inspections.
- c) The ~~city manager or his~~ building official or their designee ~~shall~~ will make available to the general public a checklist of commonly recurring violations for use in examining premises offered for occupancy.

Sec. 30-192. – Violation correction and inspection.

- a) If, upon inspection, the premises or any part of the premises are found to be in violation of any of the provisions of this article, the violation ~~shall~~ will be recorded by the ~~city manager or his~~ building official or their designee.
- b) The owner and the occupants ~~shall~~ will be notified, in writing, of the existence of the violation and ~~shall~~ will be ordered to correct the violation as provided in the Code.
- c) The ~~city manager or his~~ building official or their designee ~~shall~~ will reinspect after a reasonable time for the purpose of ascertaining whether or not the violation has been corrected.
- d) If any certificate of compliance or temporary certificate for compliance is revoked because of the condition of any dwelling unit, the registered owner or agent may appeal such revocation to the extent allowed by law.

Sec. 30-193. – Enforcement of article.

This article ~~shall~~ does not limit or eliminate any rights of action at common law or any enforcement of statutes regulating the subject matter of this article.

Sec. 30-194. – Fees.

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The city ~~shall~~ will charge a nonrefundable fee for the registration of each regulated premises and/or for each inspection made pursuant to this article. Failure to schedule the required inspection within the 30 day period may result in the imposition of additional fees as identified in the City's fee schedule. These fees shall be set from time to time by resolution of council and ~~shall~~ must be paid by the applicant at the time of registration and in advance of each inspection or reinspection.

~~Sec. 30-195. — Site maintenance agreements.~~

~~No certificate of compliance shall be issued pursuant to this article unless and until the owner of each rental property required to be registered shall sign a site maintenance agreement in a form which shall be approved by city council.~~

Sec. 30-196. — Violations

Violations of this Article V Rental Property, ~~shall be~~ are a civil infraction and will be prosecuted consistent with the provisions of Chapter 82, Article IX, pertaining to municipal civil infractions.

Sec. 30-196. Transfers

Upon the sale of a rental unit, the new owner must apply for an updated certificate of compliance pursuant to Section 30-187. Inspections may be transferred provided they comply with the time limits noted in Section 30-189.

Secs. 30-197 – 30-215. – Reserved.

DIVISION 2. – CERTIFICATE OF COMPLIANCE

Sec. 30-216. – Application

- a) When a certificate is withheld pending compliance, premises which have not been occupied or are not occupied for dwelling purposes ~~shall~~ cannot be occupied, and those premises which are occupied for dwelling purposes may be ordered vacated until reinspection and proof of compliance, at the discretion of the ~~city manager or his~~ building official or their designee.

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- b) A certificate of compliance ~~shall~~ will be issued on the condition that the premises remain in a safe, healthful and fit condition for occupancy. If upon reinspection, the ~~city manager~~ building official or their designee determines that conditions exist which constitute a hazard to health or safety, the certificate ~~shall~~ will be immediately revoked as to the affected premises and the premises may be vacated as provided in subsection (a) of this section.

Sec. 30-217. – Issuance; inspections; reinspections.

- a) Rental dwellings or commercial units required by this article to be registered ~~shall~~ cannot be occupied unless a certificate of compliance or conditional certificate for compliance has been issued by the building official or their designee ~~city manager~~. The certificate ~~shall~~ will be issued only upon an inspection of premises by the building official or their designee ~~city manager~~, except as provided in section 30-218. The certificate shall be issued within 15 days after written application therefor if the dwelling, at the time of application, meets the requirements of this Code.
- b) A violation of the Code ~~shall~~ does not prevent the issuance of a certificate, but the ~~city manager~~ or his building official or their designee ~~shall~~ may not issue a certificate when the existing conditions constitute a hazard to the health or safety of those who may occupy the premises.
- c) In the case of new construction, inspections shall be made prior to first occupancy. Such structures ~~shall be~~ will first be reinspected within three years and thereafter at two-year intervals. Upon a finding that there is no condition that would constitute a hazard to the health and safety of the occupants and that the premises are otherwise fit for occupancy, the certificate ~~shall~~ will be issued. If the finding is of a condition that would constitute a hazard to the health or safety, no certificate ~~shall~~ will be issued, and an order to comply with the Code ~~shall~~ will be issued immediately and served upon the owner in accordance with section 30-192. On reinspection and proof of compliance, the order ~~shall~~ will be rescinded and a certificate issued.
- d) Upon a finding that there is a violation of the Code, but that the violation does not constitute a hazard to the health and safety of the occupants, a conditional certificate ~~shall~~ will be issued, but such certificate ~~shall~~ will not affect enforcement of the violation under this article.

Sec. 30-218. – Conditional

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- a) An owner ~~shall~~ must apply for a certificate of compliance before any regulated premises may be occupied by any person other than the owner. Inspection and issuance of a certificate ~~shall~~ must be in accordance with the requirements of this article and with procedures established by the ~~city manager or his~~ building official or their designee. The ~~city manager or his~~ building official or their designee may authorize the issuance of conditional certificates for compliance without inspection for those premises in which there are no violations of record ~~as of Ord. No. 19-91~~ and issue such conditional certificates for compliance upon application in cases where inspections are not conducted within a reasonable time. Temporary certificates for compliance ~~shall be also~~ may also be issued for premises with violations of record, whether existing before or after such effective date, when the owner can show proof of having undertaken measures to correct such conditions, or when an owner rehabilitation plan has been accepted by the court.
- b) An application for certificate ~~shall~~ can be made:
- 1) When the owner or his agent registers the property with the city; or
 - 2) When 60 days prior to the automatic expiration of a certificate of compliance, but no less than 30 days prior to such certificate expiration.

SECTION 2: Severability Clause

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

SECTION 3: Penalty

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

SECTION 4: Effective Date

This Ordinance shall become effective 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, April 3, 2023 .

Adopted on the Second Reading at the Regular City Council Meeting on _____ .

Bridget Dean, Mayor

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Attest:

Victoria Mitchell, City Clerk

DRAFT

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CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

MEMORANDUM

To: City Council

From: Kristen Kapelanski, Community Development Director

Subject: Proposed Amendments to Ordinances Regulating Rental Licensing and Inspection

Date: March 24, 2023

Proposed are amendments to sections of the City Code regulating rental licensing and inspection. Many of the changes are meant to modernize the ordinance language but there are several substantive changes as well.

The ordinance makes a number of updates including:

- Providing a time frame for inspections of rental registration renewals and codifying the City's current practice of noticing property owners of upcoming rental registration expirations.
- Providing a time frame for inspections of new rental properties.
- Establishing the ability of the City to assess fees for the administrative cost of missed inspection follow-up and rental license expirations. While this ordinance amendment would permit the collection of such a fee, the exact fee will be incorporated in upcoming fee schedule updates.
- Providing provisions for the transfer of a rental registration/certificate of compliance.

City Council is asked to approve the first reading.

April 3, 2023 City Council Meeting

Moved by Councilmember _____ and seconded by Councilmember _____ to approve a Letter of Understanding with MAPE regarding promotions.

Ayes:

Nays:

Motion:

LETTER OF UNDERSTANDING

WHEREAS the City of Berkley (hereinafter the "Employer") and the Michigan Association of Public Employees (hereinafter the "Union") representing the City of Berkley Department of Public Works employees (hereinafter "Local #1021") in a Collective Bargaining Agreement covering wages, hours and other terms and conditions of employment from July 1, 2021 through and including June 30, 2024, and

WHEREAS the parties wish to modify the Collective Bargaining Agreement to provide for accelerated promotional opportunities, and

THEREFORE, the parties agree that the City may offer promotions to employees they have deemed to qualify them for an increase in pay and responsibilities regardless of years of service as required in Appendix A, Classifications and Wages.

The parties further agree that employees retain the right to turn down the promotion or if accepted, return to the previous position if they so choose without loss of seniority within the thirty (30) day trial period. The parties agree the City retains the right to revert an employee to his/her former job classification within the thirty (30) days period in accordance with Article 8, section 8.3, without loss of seniority.

The parties agree that all other terms and conditions, Article and Sections of the existing Collective Bargaining Agreement shall remain in full force and effect through and including June 30, 2024, unless modified by the parties in writing and signed by both parties hereto.

This Agreement shall be non-precedence setting and become part of the existing Collective Bargaining Agreement.

James J. Steffes MAPE

Shawn Young DPW Director

Kenneth J. Ozanich Local 1021

Matt Baumgarten City Manager

Adam Wozniak Local 1021

Date