

**CITY OF BERKLEY PUBLIC NOTICE
REGULAR CITY COUNCIL MEETING
Monday, April 17, 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, April 3, 2023 and Special Joint Work Session on Wednesday, April 5, 2023.
2. **WARRANT:** Matter of [approving Warrant No. 1385](#).
3. **ORDINANCE NO. O-06-23:** Matter of [considering the Second Reading and Adoption](#) of 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.
4. **PROCLAMATION NO. P-10-23:** Matter of [proclaiming May 2023](#) as Berkley History Month.
5. **PROCLAMATION NO. P-11-23:** Matter of [proclaiming May 2023](#) as Motorcycle Awareness Month.
6. **PROCLAMATION NO. P-12-23:** Matter of [proclaiming May 2023](#) as Mental Health Awareness Month.
7. **PROCLAMATION NO. P-13-23:** Matter of [proclaiming May 2023](#) as Building Safety Month.

Regular Agenda

1. **RECOGNITIONS/PRESENTATIONS:** Matter of any recognitions or presentations from the Consent Agenda.
2. **PRESENTATION:** Matter of receiving an introduction from 44th District Court Judge Andrew Kowalkowski.
3. **PRESENTATION:** Matter of receiving a presentation from DTE's governmental relations representative.
4. **MOTION NO. M-23-23:** Matter of [approving continuing partnership](#) with ERC (Energy Reduction Coalition) to provide and install LED lights at all baseball fields and tennis courts throughout the city.
5. **MOTION NO. M-24-23:** Matter of [approving appointments](#) to Boards & Commissions.
6. **ORDINANCE NO. O-07-23:** Matter of [considering the First Reading of an Ordinance](#) of the City Council of the City of Berkley, Michigan to Add Article XVII, Retail Dog and Cat Sales Temporary Moratorium, in Chapter 30, Businesses, of the Berkley City Code to Establish a Temporary Moratorium on New Businesses, or Expansion of Existing Businesses, that engage in the Retail Sale of Dogs or Cats.
7. **MOTION NO. M-25-23:** Matter of [approving an interlocal agreement](#) with Oakland County.
8. **MOTION NO. M-26-23:** Matter of [appointing Public Works Director](#) Shawn Young as the City of Berkley's representative and Assistant Director of Public Works Robert Chalmers as the alternate representative to the Southeastern Oakland County Resource Recovery Authority (SOCRRA) Board of Trustees for the remainder of the fiscal year ending on June 30, 2023; and instruct the City Clerk to send a copy of this motion to the SOCRRA Board.

9. **MOTION NO. M-27-23:** Matter of [appointing Public Works Director](#) Shawn Young as the City of Berkley's representative and Assistant Director of Public Works Robert Chalmers as the alternate representative to the Southeastern Oakland County Water Authority (SOCWA) Board of Trustees for the remainder of the fiscal year ending on June 30, 2023; and instruct the City Clerk to send a copy of this motion to the SOCWA Board.
10. **RESOLUTION NO. R-09-23:** Matter of [authorizing publication of a notice](#) of public hearing to be held May 15, 2023 regarding the proposed operating budget for the City of Berkley, Michigan for fiscal year 2023-2024.

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, APRIL 3, 2023 BY MAYOR DEAN**

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

OTHER STAFF PRESENT:

City Manager Matthew Baumgarten
City Clerk Victoria Mitchell
City Attorney John Staran
DDA Executive Director Mike McGuiness
Community Development Director Kristen Kapelanski
Community Engagement Director Torri Mathes
Library Director Matt Church

APPROVAL OF AGENDA:

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Mary Lynn Stapula, Berkley, said that on March 11 she went into Puppygram where she saw a mastiff puppy that looked unwell and distressed. She brought it to the attention of an employee. She said she made a complaint after being told by shoppers at Puppygram that the mastiff puppy was in bad shape on March 15. She said she tried to follow up with animal control. She said she is uncomfortable visiting the store due to the owner's behavior. She said to read the complaints from the other stores in other states. She said she knows there is a protocol and it is time consuming, saying that she hopes to be able to move forward quickly with closing Puppygram and enacting a law to prevent the sale of animals.

Matthew Lee, Huntington Woods, went over the research he conducted. He discussed the allegations in other states regarding puppy abuse. City Attorney Staran cautioned him regarding publicly disparaging individuals. He discussed a Facebook site that is protesting Miles Handy's businesses and treatment of animals. He said he was being truthful and honest. He said Jim Dillion spoke at the last meeting, however only identified himself as a concerned resident and not the Puppygram CFO. He stated that six states have outlawed the sale of puppies, kittens, and rabbits to the public. He read a list of the municipalities that have passed an animal humane ordinance.

Courtney Wooten, Berkley, said that as we all know, our community currently has a store selling dogs in retail space. She said so far no one has proved an ethical breeder that could or would do business in this type of environment. She said that Puppygram acts with a complete lack of transparency, despite its claims otherwise. Almost daily the existing business is posting dogs going to a new home. She said this company doesn't vet the home animals are going to. She said this company has close ties to breeders on the "Horrible 100" list, a list of some of the nation's worst offenders for animal welfare. She discussed USDA breeders and explained the conditions USDA breeders allow. She said there is no room in our community for this.

Rachel Schuler, Royal Oak, she said she is a previous resident of Berkley. She said she is embarrassed and a little concerned this store was able to open. She said she will help in any way she can. She said she will come to every meeting she can and help to prevent this store from being grandfathered in. She reminded council of the months-long public outcry regarding this issue.

Kevin Bradley, who comes from a vast background, said he doesn't know what is going on here. He said he spent two hours at Puppygram and it was so clean, he had puppies sleeping on his lap. He said there was not one animal misbehaving; they didn't smell. He said their fur and teeth were in good shape. He said the puppies were not excited or upset. He said that he is sharing his experienced truth.

Alexis Helton, Berkley, said she loves dogs. She said dogs helped her in her low times. She, and her boyfriend, has rescued nine dogs, two of which were returned to their owners. She talked about dogs on the run and how she has helped dogs. She asked how can we supply dogs in a place where we cannot house the dogs we already have. She said we should work to make buying dogs less convenient not more convenient. She said responsibility comes with owning a dog. She said she is happy to call Berkley her home where so many people feel similarly.

William Brett, Berkley, said he and his girlfriend spend most of their free time trapping and rescuing dogs on the street. He said it is a problem caused by puppy stores. He said it isn't just pit bulls or aggressive breeds, they are catching German Shepherds, Shiba Inu, and Huskies; breeds that are bred and sold at puppy stores. He said these puppy stores do not take back their dogs and they seek no responsibility for where the dogs go so they end up running in the streets. He said he is very proud of being a Berkley resident and a product of Berkley schools however he doesn't want to live in a city that doesn't care about its residents' concerns.

CONSENT AGENDA:

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

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.

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.

PROCLAMATION NO. P-09-23: Matter of proclaiming Sunday, April 23–Saturday, April 29, 2023 as Arbor Week.

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

REGULAR AGENDA:

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

None.

RESOLUTION NO. R-06-23: Matter of recognizing Natalie Price for her years of service as Councilmember for the City of Berkley.

Councilmember Baker moved to approve Resolution No. R-06-23

Seconded by Councilmember Vilani

Mayor Bridget Dean read Resolution No. R-06-23 in its entirety.

Councilmember Hennen thanked Rep. Price for her service to the city; said that her dedication was always inspiring and that he is glad to have a representative at the state level that sat in these seats.

Councilmember Patterson shared that although they did not serve on Council together, they worked together on many things. He thanked Rep. Price for always having an open mind and open heart. He said that he knows she will serve the citizens of Michigan well.

Councilmember Baker said it has been an amazing honor to know Rep. Price before, during, and after her time on Council. He said that he continues to appreciate not only her passion for the topics and interests that help advance our society and make our culture more just, progressive, diverse, and respectful. He said he also appreciates how she builds teams and looks forward to seeing that in action in Lansing.

Councilmember Gavin offered his thanks to Rep. Price and said her dedication, work ethic, and a deep and unshakeable desire to do what is best for the residents is an inspiration and will be for the residents of her new district. He said that Rep. Price continues to approach difficult problems with thoughtfulness, an open mind, and a sincere desire to make the lives of the residents better. He enjoyed the time they served together and thanked her again on behalf of Berkley and the whole fifth district.

Councilmember Vilani said she got to know Rep. Price while on the Community Engagement Advisory Committee, where Rep. Price served as the council liaison. She said it was very clear how dedicated Rep. Price was to the city. She still remembers the phone call where Rep. Price encouraged her to step up and run for council. She said she doesn't think she knows another leader who has such a big heart and always wants to do the right thing because it is the right thing. Said she hopes Rep. Price is able to share some of that with our colleagues in Lansing.

Councilmember Dooley thanked Rep. Price for her service and wished her good luck.

Jack Blanchard, Berkley, said he sat next to Rep. Price for a while on Council. He thanked her for her dedication to the things she does for the citizens of Berkley. He said he knows she strives to do her best for the residents and that she'll continue to do so in Lansing. He said it was a great run and he appreciates it.

Dallas Oliver, Berkley, said he and Rep. Price knocked on easily a hundred doors. He said Rep. Price is so impressive, and he said she is a great neighbor and a great mother.

Berkley Public Library Director Matt Church, Berkley, thanked Rep. Price on behalf of the library and the library board for supporting the library and everything it stands for.

State Rep. Natalie Price, Berkley, shared an update from Lansing; her colleague State Rep. Tsernoglou is working on getting stakeholder feedback on a bill to ban the sale of dogs, cats, and rabbits in Michigan. She co-sponsored the Bill.

Rep. Price thanked Councilmembers for all of their services. She said she is grateful for all they do. She thanked Steve Baker for being her main mentor when she decided to run for office and Bridget Dean and Ross Gavin for sharing the joys and struggles of her first campaign season. She said she is grateful for Dennis Hennen, Jack Blanchard, and Dan Terbrack; said that she learned a great deal from working alongside each of them. She thanked Jess Vilani, who she said continues to ensure that Berkley strives to be an intentionally welcoming and inclusive community. She said stepping away was hard. She thanked City Manager Matt Baumgarten and department heads who do a great job with limited resources. She said she saw first-hand how skilled the staff is when leading the Parent-Tot Play Group at the Community Center. She said she learned the magic of library programs through the hard work of Matt

Church and his team. She said their family is also forever grateful for the work of DPW and DPS. She said there is so many other staff who work so hard behind the scenes. She thanked Torri Mathes, Stan Lisica, Kristen Kapelanski, Victoria Mitchell, Gina Harold, the finance crew, and Mike McGuinness. She said she is most grateful to Berkey's residents for trusting her to serve her city, and now her region, to the best of her ability. She considers herself the luckiest state representative because she gets to call Berkley her home. She thanks them on behalf of her and her family. She said they are not leaving at all and that she cares as much as they do.

Mayor Bridget Dean said we all heard of the great attributes Rep. Price possesses, but that she wanted to mention her kindness. She said she noticed Rep. Price's kindness to others when she witnessed Rep. Price interacting with others. She said Rep. Price always made sure they were okay and felt acknowledged. She said she remembers an occasion on which Rep. Price was campaigning for her house seat. She said there was a little girl that was lost and Rep. Price jumped into action to help her. She said that she could go on with more examples and that she also experienced Rep. Price's kindness firsthand. Mayor Dean mentioned the ugly sweater contest at the American Legion where she didn't know anyone. She said Rep. Price and her husband left their people and sat with her and her husband to visit for a while. She said crying is ok; leaving an indelible mark on someone is something they don't forget. She said Berkley has benefited from Natalie's kindness in so many ways and we are proud that she calls Berkley home.

Natalie received a standing ovation.

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

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. Councilmember Patterson moved to approve Motion No. M-20-23
Seconded by Mayor Pro Tem Gavin
Ayes: Patterson, Vilani, Baker, Dooley, Gavin, Hennen, and Dean
Nays: None
Motion Approved.

MOTION NO. M-21-23: Matter of approving appointments to the Berkley Downtown Development Authority Board of Directors. Councilmember Baker moved to approve Motion No. M-21-23
Seconded by Councilmember Hennen
Ayes: Vilani, Baker, Dooley, Hennen, Patterson, and Dean
Nays: None
Motion Approved.

RESOLUTION NO. R-07-23: Matter of establishing the Berkley Outdoor Social Scene (aka BOSS) Social District. Councilmember Baker moved to approve Resolution No. R-07-23
Seconded by Councilmember Dooley

Jack Blanchard spoke as part of public comment and asked questions regarding the Outdoor Social Scene which were answered by Director Kapelanski.

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

RESOLUTION NO. R-08-23: Matter of considering the Maintenance and Operations Plan for the Berkley Outdoor Social Scene (BOSS) Social District.
Councilmember Vilani moved to approve Resolution No. R-08-23
Seconded by Councilmember Baker

Director Kapelanski read the following change to the Maintenance and Operations Plan that will be implemented:

“PA 124 of 2020 does not allow special event liquor licensees to participate in a social district. If a special licensee for an event is issued within the commons area of the social district, signs must be clearly posted showing 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. “

Executive Director Mike McGuiness spoke during public comment and stated he appreciated the City's receptivity to innovation. He stated this is about further cultivating our downtown as a destination. This will be another facet and tool in our economic toolbox.

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

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 with the change to Sec. 30-189 b) replacing the advance notice to property owners a minimum of 30 days prior to expiration to a minimum of 60 days.

Councilmember Gavin moved to approve Ordinance No. O-06-23
Seconded by Councilmember Hennen
Ayes: Gavin, Hennen, Patterson, Vilani, Baker, Dooley, and Dean
Nays: None
Motion Approved.

MOTION NO. M-22-23: Matter of approving a Letter of Understanding with MAPE regarding promotions.

Councilmember Patterson moved to approve Motion No. M-22-23
Seconded by Councilmember Dooley
Ayes: Hennen, Patterson, Vilani, Baker, Dooley, Gavin, and Dean
Nays: None
Motion Approved.

COMMUNICATIONS:

COUNCILMEMBER PATTERSON:

- Planning Commission did not meet due to lack of quorum.
- Thanked all that serve on boards and commissions for their countless hours working to serve those efforts.

COUNCILMEMBER HENNEN:

- Tree Board is busy working on its community outreach; will be at Berkley Days Friday–Sunday holding a tree raffle for five trees. Tickets will be \$2 each or 5 for \$5; proceeds will be used to fund more trees in the city.
- Eighteen new trees are scheduled for planting this spring and an additional two will be planted to celebrate Arbor Day and Arbor Week on Saturday, May 29th. The public is invited; the tree will be planted on Cass Boulevard near 11 Mile Road at 9 am.

- ZBA will meet on April 10th to consider a dimensional variance for a home on Kipling.

COUNCILMEMBER BAKER:

- Thanked all the volunteers who serve on boards and committees.
- Downtown Development Advisory Board meets on Wednesday, April 12th. Gave props to its Executive Director Mike McGuiness, who was recently named to the Oakland County 40 Under 40. His inclusion was touted with a particular tag of his association with Berkley.
- For more information, visit downtownberkley.com to learn more about activities downtown.
- The Historical Committee meets Tuesday, April 11th; events and celebrations will be happening throughout the year as the city celebrates 100 years as a village. The election to become a village was held on September 28, 1923. Officials were sworn in on October 8th. To learn more about that and other interesting things about our fair city, visit the Berkley Historical Museum, open on Wednesdays from 10 am–1 pm and Sundays from 2-4 pm. More information is available at berkleyhistory.com.
- Robin Williams once said, “Spring is nature’s way of saying ‘Let’s Party!’”
- April is Miss Dig Awareness Month; please remember to call 811 three days before you do any digging to keep you and your neighbors safe. Also available at missdig811.org.
- Asked people to please hug someone they love, they need it and you do too.

COUNCILMEMBER GAVIN:

- Echoed his colleagues’ sentiments of thanking volunteers.
- Environmental Advisory Committee will next meet on April 20th at 6:30 pm on the second floor of the Public Safety building.
- Registration is now open for the Family Dance Jam Band as well as week-to-week registration for Summer Day Camp. Day and night pickleball classes have been added. All registrations can be completed by visiting recreation.berkleymich.org.
- The April meeting of the Parks & Recreation Advisory Board has been canceled. The next meeting will be at 7 pm on Thursday, June 8th at the Community Center.

COUNCILMEMBER VILANI:

- Thanked all of the citizens and residents who volunteer on boards and commissions. Also thanked those that volunteer their time and efforts in less formal roles.
- Citizen’s Engagement Advisory Committee and the Technology Advisory Committee have no updates.
- Chamber Chat will be on Friday, April 21st from 8:30–9:30 am at the Woodward Corner Market. No registration is necessary.

COUNCILMEMBER DOOLEY:

- Thanked residents for the countless hours they put in volunteering, our city wouldn’t run without the support of everyone in it.
- The Library Board will meet next on April 15th. If you haven’t stopped by the library lately, please do. The painting project is coming along and looking good. The library offers free COVID tests and masks if anyone needs them. They are available at the front desk.

CITY MANAGER BAUMGARTEN:

- Thanked Rep. Price and said that Berkley is extremely lucky to have a member of its community serving in Lansing and we are extra grateful that it is she who gets to be the one to carry the torch for us.
- Thanked Sandra Rathburn, Berkley High School, whose classes he spoke to regarding Berkley’s initiatives to pursue sustainability and resiliency against our changing world and how that challenge is presented to local governments across the state and country.
- Thanked Torri Mathes, Shawn Young, Theresa McArleton, and Chief Koehn for creating videos to provide information about the millage vote coming up and what that means to each department.
- Cautioned there is a lot of information out there that is incorrect regarding the 2023 millage proposal, put out by individuals who are either knowingly misleading their audience or do not have

the necessary information to speak from a place of authority. Department directors are able to give firsthand direct information. The videos are available on all city social media channels.

CITY ATTORNEY STARAN:

- Joined the chorus to express thanks and admiration to former councilmember Price.
- Continues to work with staff on issues every day; does his best to help Mr. Baumgarten and his staff work through current issues.
- Continues to work on ordinances to come.
- Happy Spring and Happy Easter.

MAYOR DEAN:

- Thanked all volunteers within the city from the bottom of her heart. None of the events Berkley is known for could happen without the legions of volunteers.
- Thanked Katie for volunteering with the DDA and congratulated her on her new role.
- There will be two more public millage information sessions: Tuesday, April 4th at 7 pm at City Hall and Wednesday, April 12th at 7 pm also at City Hall. Those are the places to get accurate, truthful information about the upcoming vote on May 2nd.
- Congratulated Councilmember Baker on his recent engagement; wished him and Wendy so much happiness.

ADJOURNMENT:

Councilmember Vilani moved to adjourn the Regular Meeting at 8:27 p.m.

Seconded by Councilmember Patterson

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

Nays: None

Motion Approved.

Bridget Dean, Mayor

ATTEST:

Victoria Mitchell, City Clerk

THE SPECIAL WORK SESSION OF THE COUNCIL AND PLANNING COMMISSION OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON WEDNESDAY, APRIL 5, 2023 BY MAYOR DEAN

PRESENT:

Councilmember Dooley
Mayor Pro Tem Ross Gavin
Councilmember Dennis Hennen
Councilmember Greg Patterson
Councilmember Jessica Vilani
Mayor Bridget Dean
Commissioner Bartus
Commissioner Hamameh
Chair Kempner
Commissioner Passalacqua (arrived at 7:01 p.m.)
Commissioner Woods (arrived at 7:02 p.m.)

ABSENT:

Councilmember Steve Baker
Commissioner Shiloh Dahlin

OTHER STAFF PRESENT:

City Manager Matthew Baumgarten
City Clerk Victoria Mitchell
Community Development Director Kristen Kapelanski
Zoning Administrator Kim Anderson

APPROVAL OF AGENDA:

Councilmember Patterson moved to approve the Agenda
Seconded by Mayor Pro Tem Gavin
Ayes: Dooley, Gavin, Hennen, Patterson, Vilani, Dean, Bartus, Hamameh, Kempner, Passalacqua, and Woods
Nays: None
Absent: Baker and Dahlin
Motion Approved.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT:

None

REGULAR AGENDA:

DISCUSSION: Matter of participating in an Overview and Discussion of the Zoning Ordinance Rewrite Process.

Megan Masson-Minock, AICP, Principal Carlisle Wortman Associates, facilitated a discussion regarding the Zoning Ordinance Rewrite Process.

Ms. Masson-Minock discussed the process and what should go into the final project. She said they want to make it as thoughtful as possible.

She reviewed the process and timeline. She explained a technical review going on at the moment.

The process and timeline consists of four tasks in two years:

- Task 1: Ordinance Assessments (months 1-3)
 - Technical Review
 - Elected & Appointed Officials Joint Meeting
 - Schedule and Deliverables for Outreach Materials
 - Zoning Ordinance Update Steering Committee Launch
 - Zoning Education Workshop
 - Task 2 Schedule
- Task 2: Development of Draft Regulations (months 4-15)
 - Focused Area Workshops
 - Monthly Zoning Ordinance Update Steering Committee Meetings
 - Mid-year Check-in with Planning Commission and City Council
- Task 3: Full Draft for Review (months 16-18)
 - Planning Commission Review
 - City Council Review
 - Zoning Ordinance and Zoning Map Revision
- Task 4: Adoption (months 19-24)
 - On-line Draft Zoning Ordinance and Zoning Map
 - Office Hours for Zoning Questions
 - Community Presentation
 - Planning Commission Public Hearing
 - Zoning Ordinance and Zoning Map Revision
 - City Council Approval
 - Final Documents

Each Task was discussed in detail.

Ms. Masson-Minock discussed creating a community engagement schedule. She discussed our interested public base.

Ms. Masson-Minock stated the first Wednesday in May the Zoning Re-write Steering Committee will launch. She said they will ask members of Committee to report back to their respective bodies. Steering Committee meetings will take place monthly.

Ms. Masson-Minock stated in the Second Task Phase, while the Steering Committee is working, focused-area workshops could take place. This is where individual issues could be addressed like parking, accessory dwelling units, etc. She said please let her know if participants have ideas for those workshops.

Form-based code and Site-design code was discussed.

Ms. Masson-Minock said a mid-year checkin with City Council and Planning Commission would take place.

Ms. Masson-Minock said by month 15, they should have a full draft and begin the review. And hopefully at this point there wouldn't be a lot of changes.

Ms. Masson-Minock discussed how the adoption process would work including the interactive zoning map. She state she would hold office hours for zoning questions and a community presentation. The

planning commission would hold a public hearing. She stated the Planning Commission would make a recommendation and the City Council would approve. She stated adoption would require two readings.

Ms. Masson-Minock said it is a big item and the more communication the better. She said there has been great communication in the past with the city.

Ms. Masson-Minock discussed the format the final product would be in and made a strong recommendation the document is standalone as an appendix on the City's website. A discussion took place regarding format.

Ms. Masson-Minock went over the changes listed in the memo that included high-level points. She asked if there was anything in there that was missing or incomplete. Inconsistent language in the current code was mentioned. She said they will make sure they use the same terms throughout the entire code and eliminate a lot of the inconsistencies and inaccuracies. She said another way to go about that is to eliminate so much text.

Mayor Dean asked how you deal with what you don't know. She spoke in the context of how do you write a zoning ordinance to prevent a use that could pop up in the future. Ms. Masson-Minock discussed special land uses and amending the code right after. She said processes exist to handle these situations

Chair Kempner said it is important to know that you're never going to be able to address everything.

Ms. Masson-Minock stated the final topic to discuss is covering what their expectations are for the zoning rewrite. She went around the room and asked each participant to state their expectations in three words.

There was further dialogue regarding the final document and how large it would be. Ms. Masson-Minock stated there would be tools available to help digest the final product including interactive maps, red-lining, and an about eight-page memo that would provided a summary of each section.

Ms. Masson-Minock discussed with the group whether or not items like sustainability, green infrastructure, stormwater retention, etc. are important considerations. The group discussed the give and take regarding high costs and sustainability. It was mentioned not to price people out with requirements, but possibly instead offering incentives.

Chair Kempner asked if we have a plan to go over what is coming, and how do the people who don't live in Berkley find out all of this information. Community Development Director Kapelanski said she would like to use the Downtown Development Authority to spread the word to smaller developers and the Community Development Department for larger developers. Councilmember Hennen said the Chamber of Commerce would help too.

The discussion regarding communicating changes and nonconforming properties continued before the discussion item concluded.

DISCUSSION: Matter of discussing Potential Parklet Ordinances and Policies.

Before the parklets discussion began, a question was brought up regarding different concurrent planning initiatives and how they interrelate including the timing including discussing parklets, talking about the Zoning Ordinance Rewrite, and the parking study.

Community Development Director Kapelanski provided an update on the parking study.

It was brought up that all of these moving parts could be overseen.

Ms. Masson-Minock began facilitating the discussion regarding parklets.

Ms. Masson-Minock presented a map showing potential parklet locations identified following consultations with the city's Department of Public Works and engineers. She reviewed the parameters used to conduct research and evaluate whether a parklet could fit on a block.

Ms. Masson-Minock stated 39 blocks where parklets could potentially be located were identified after considering the parameters:

- Nineteen blocks on 12 Mile Road or side streets between Garland and Cumberland
- Six blocks on side streets off of 11 Mile Road between Ellwood and Buckingham
- Fourteen blocks on Coolidge and Dorothea between Edgewood and 11 Mile Road

The blocks were highlighted on the map.

Ms. Masson-Minock asked based on these locations, is this something they would want to pursue.

A discussion ensued regarding what locations would be appropriate to consider parklets. Considerations included:

- Speed Limit
- Alignment with the Social District
- Other surrounding parking availability
- Requests received so far

It was asked if parklets would be business-driven. The answer was yes.

Ms. Masson-Minock said parklets are a way to have a more lively downtown. She listed out other benefits.

Ms. Masson-Minock recapped what she was hearing from the group following the discussion. She stated her takeaway was that possibly on 12 Mile Road, but they need to see tangible businesses that want to have one.

Community Development Director Kapelanski said there would be specific prescriptive standards for the parklets. It was stated parklets would be an accessory use approved by staff. It was stated there would be a permitting fee to cover staff costs and engineering costs would need to be covered.

Discussion continued regarding whether or not to have parklets and where they would be located.

Ms. Masson-Minock asked if the next step would be to talk to business owners to gauge interest.

Community Development Director Kapelanski explained this would be for the future. She said this would really be for people to plan for spring 2024.

Further discussion took place.

Ms. Masson-Minock said the concept of parklets began in the late teens as really a sustainability issue. Then when the pandemic happened, that's when parklets took off in Michigan. She said cities have allowed them and then started realizing they work. She said there isn't a pilot program.

Following further discussion, Ms. Masson-Minock asked for direction.

The response was businesses would be polled to see if they are interested for next season and to have City Manager Matt Baumgarten to check with the Coad Commission for Oakland County on rights of way.

ADJOURNMENT:

Councilmember Patterson moved to adjourn the Special Work Session at 8:41 p.m.
Seconded by Councilmember Vilani
Ayes: Gavin, Hennen, Patterson, Vilani, Dean, Bartus, Hamameh, Kempner, Passalacqua, Dooley, and Woods
Nays: None
Absent: Baker and Dahlin
Motion Approved.

Bridget Dean, Mayor

ATTEST:

Victoria Mitchell, City Clerk

DRAFT



**CITY OF BERKLEY
CHECK WARRANT
#1385
MARCH 2023**

Check Date	Bank	Check #	Payee	Description	Amount
03/02/2023	GEN	71558	KIMBERLY FENCE CO.	BUILDING MAINTENANCE	1,500.00
03/02/2023	GEN	71559	MISDU	PAYROLL DEDUCTIONS	648.74
03/02/2023	GEN	71560	MISSION SQUARE RETIREMENT-107930	ICMA 457 W/H 401 ICMA DEFERRED	236.54 425.77 ----- 662.31
03/02/2023	GEN	71561	MISSION SQUARE RETIREMENT-107930	ICMA 457 W/H 401 ICMA DEFERRED	236.54 425.77 ----- 662.31
03/02/2023	GEN	71562	MISSION SQUARE RETIREMENT-107930	ICMA 457 W/H 401 ICMA DEFERRED	236.54 425.77 ----- 662.31
03/02/2023	GEN	71563	MISSION SQUARE RETIREMENT-303792	ICMA 457 W/H	13,148.39
03/02/2023	GEN	71564	MISSION SQUARE RETIREMENT-706259	ICMA ROTH IRA	440.00
03/02/2023	GEN	71565	NATIONWIDE RETIREMENT SOLUTIONS	NATIONWIDE 457 W/H	5,249.07
03/09/2023	GEN	71566	THE HARTFORD	DENTAL/VISION/LIFE-LTD/RHCS DENTAL/VISION/LIFE-LTD/RHCS	4,448.78 93.63

				DENTAL/VISION/LIFE-LTD/RHCS	138.67
				DENTAL/VISION/LIFE-LTD/RHCS	129.45
				DENTAL/VISION/LIFE-LTD/RHCS	62.23
				DENTAL/VISION/LIFE-LTD/RHCS	69.71
				DENTAL/VISION/LIFE-LTD/RHCS	251.43
				DENTAL/VISION/LIFE-LTD/RHCS	400.41
					<hr/>
					5,594.31
03/15/2023	GEN	71567	21ST CENTURY MEDIA - MICHIGAN	ADVERTISING	646.04
				ADVERTISING	338.33
					<hr/>
					984.37
03/15/2023	GEN	71568	A&M TOWING	FIRE TRUCK MAINTENANCE	200.00
03/15/2023	GEN	71569	ADVANCED BUILDERS	BBA22-0154 - PB22-0306	20.00
03/15/2023	GEN	71570	AIRGAS USA, LLC	PROGRAM SUPPLIES	31.38
03/15/2023	GEN	71571	AIS CONSTRUCTION EQUIPMENT	VEHICLE SUPPLIES	593.81
				VEHICLE MAINTENANCE	18,302.90
					<hr/>
					18,896.71
03/15/2023	GEN	71572	ALL TIME HOME IMPROVEMENTS	BBA19-0110 - PB19-0221	55.00
03/15/2023	GEN	71573	ALLIANCE MOBILE HEALTH	BLOOD DRAWS	3,108.00
03/15/2023	GEN	71574	ALPHA PSYCHOLOGICAL SERVICES	PUBLIC SAFETY MEDICAL EXPENSES	775.00
03/15/2023	GEN	71575	AMAZON CAPITAL SERVICES	SUPPLIES	11.25
				VEHICLE SUPPLIES	20.23
				EQUIPMENT SUPPLIES	28.25
				OFFICE SUPPLIES	39.39
					<hr/>

					99.12
03/15/2023	GEN	71576	AMERICAN METAL ROOFS INC.	BBA20-0076 - PB20-0140	100.00
03/15/2023	GEN	71577	AMERICAN STANDARD ROOFING LLC	BBA20-0050 - PB20-0088	50.00
				BBB20-0037 - PB20-0133	75.00

					125.00
03/15/2023	GEN	71578	ANDREW R & SARAH R CHERLUCK	BBA20-0061 - PB20-0103	50.00
03/15/2023	GEN	71579	ANTO GLASS BLOCK INC	BBA23-0016 - PB23-0030	50.00
03/15/2023	GEN	71580	APPLIED INNOVATION	OFFICE EQUIPMENT RENTAL	10.74
				OFFICE EQUIPMENT RENTAL	0.42
				OFFICE EQUIPMENT MAINTENANCE	11.49
				OFFICE EQUIPMENT RENTAL	0.41

					23.06
03/15/2023	GEN	71581	AT&T	TELEPHONE	210.48
				TELEPHONE	553.88
				TELEPHONE	99.70
				TELEPHONE	99.70
				CONTRACTUAL SERVICES	149.00
				TELEPHONE	144.01

					1,256.77
03/15/2023	GEN	71582	AT-LESS DRAIN CLEANING	BSW23-0009 - PUT23-0014	500.00
03/15/2023	GEN	71583	AUTUMN HOWE AND LESLIE HOWE	TAXES PAYABLE	120.98
03/15/2023	GEN	71584	AXON ENTERPRISE, INC.	EQUIPMENT	26,889.77
03/15/2023	GEN	71585	BELL EQUIPMENT COMPANY	VEHICLE SUPPLIES	5,892.63

03/15/2023	GEN	71586	BERKLEY DAYS	DDA - EVENTS	300.00
03/15/2023	GEN	71587	BERKLEY SCHOOL DISTRICT	CONTRACTUAL SERVICES	2,280.00
03/15/2023	GEN	71588	BIG D LOCK CITY	BUILDING MAINTENANCE	123.99
03/15/2023	GEN	71589	BILLINGS LAWN EQUIPMENT	VEHICLE SUPPLIES	752.13
03/15/2023	GEN	71590	BLUE CROSS BLUE SHIELD OF MICH	ACCRUED HEALTH CARE	193,291.23
03/15/2023	GEN	71591	BONGERO CONSTRUCTION CO.	BBD22-0011 - PB22-0234	410.00
03/15/2023	GEN	71592	BRENNAN FERRILLA AND MEGAN MCMICHAEL	TAXES PAYABLE	204.28
03/15/2023	GEN	71593	BRODART CO.	OFFICE SUPPLIES	498.56
03/15/2023	GEN	71594	CAMELOT CLEANERS	PRISONER BOARD	134.75
03/15/2023	GEN	71595	CARDCONNECT	CONTRACTUAL SERVICES	25.00
03/15/2023	GEN	71596	CARL'S ROOFING	BBA23-0012 - PB23-0019	50.00
03/15/2023	GEN	71597	CARLISLE / WORTMAN	CONSULTANT	3,897.50
03/15/2023	GEN	71598	CATHERINE DUGALIN	CONTRACTUAL SERVICES	105.00
03/15/2023	GEN	71599	CHESS HOME IMPROVEMENT	BBB20-0023 - PB20-0092	75.00
03/15/2023	GEN	71600	CINTAS	MEDICAL SUPPLIES	102.89
				CUSTODIAL SERVICES	141.27
				CUSTODIAL	141.28

					385.44
03/15/2023	GEN	71601	CITY OF FARMINGTON	FIRE GEAR	2,390.00
03/15/2023	GEN	71602	COLLABORATIVE SUMMER LIBRARY PROG.	PROGRAM SUPPLIES	233.74
03/15/2023	GEN	71603	CONTRACTORS CLOTHING CO.	UNIFORMS	25.88
				UNIFORMS	50.09
				UNIFORMS	150.83
				UNIFORMS	35.99

					262.79
03/15/2023	GEN	71604	CONTRACTORS CONNECTION	VEHICLE SUPPLIES	1,741.65

03/15/2023	GEN	71605	COY CONSTRUCTION	BBA22-0238 - PB22-0477	65.00
03/15/2023	GEN	71606	CUMMINS SALES AND SERVICE	FUEL & OIL	237.00
03/15/2023	GEN	71607	DEALER AUTO PARTS SALES	VEHICLE SUPPLIES	607.08
03/15/2023	GEN	71608	DELANG FLUID POWER, INC.	VEHICLE SUPPLIES	325.50
03/15/2023	GEN	71609	DELWOOD SUPPLY CO.	VEHICLE SUPPLIES	99.73
03/15/2023	GEN	71610	DETROIT SALT COMPANY	PROGRAM SUPPLIES	8,278.55
				PROGRAM SUPPLIES	3,547.98

					11,826.53
03/15/2023	GEN	71611	DRAIN DETECTIVES LLC	BSW23-0004 - PUT23-0007	500.00
03/15/2023	GEN	71612	DURST LUMBER CO	MAINTENANCE SUPPLIES	54.87
				MAINTENANCE SUPPLIES	3.59
				BUILDING MAINTENANCE	64.97
				OFFICE SUPPLIES	2.50
				MAINTENANCE SUPPLIES	23.99
				VEHICLE SUPPLIES	92.12
				OFFICE SUPPLIES	2.49
				EQUIPMENT	109.20
				EQUIPMENT SUPPLIES	31.99
				PROGRAM SUPPLIES	101.94

					487.66
03/15/2023	GEN	71613			** VOIDED **
03/15/2023	GEN	71614	ED RINKE CHEVROLET	VEHICLE SUPPLIES	253.68
03/15/2023	GEN	71615	ELITE TRAUMA CLEAN-UP	BUILDING MAINTENANCE	2,292.00
03/15/2023	GEN	71616	EMERGENCY EGRESS LLC	BBA20-0095 - PB20-0165	50.00

03/15/2023	GEN	71617	ERC-LED, LLC	UTILITIES	506.95
				UTILITIES	626.24

					1,133.19
03/15/2023	GEN	71618	ETNA SUPPLY	EQUIPMENT	2,119.84
03/15/2023	GEN	71619	EVA MITCHELL	CONTRACTUAL SERVICES	210.00
03/15/2023	GEN	71620	EVERDRY WATERPROOFING	BBA22-0222 - PB22-0438	100.00
03/15/2023	GEN	71621	FERGUSON WATERWORKS #3386	CURB STOP	34,982.36
03/15/2023	GEN	71622	FIRE DEFENSE EQUIPMENT COMPANY	BUILDING MAINTENANCE	582.95
03/15/2023	GEN	71623	FOUNDATION SYSTEMS OF MICHIGAN	BBB20-0116 - PB20-0447	75.00
				BBA23-0006 - PB23-0007	100.00
				BBA20-0203 - PB20-0379	50.00

					225.00
03/15/2023	GEN	71624	GDI SERVICES INC.	CUSTODIAL	1,703.19
				CUSTODIAL SERVICES	261.35
				CUSTODIAL	261.35
				CUSTODIAL SERVICES	1,003.68

					3,229.57
03/15/2023	GEN	71625	GRAYS PLUMBING INC	BSW22-0054 - PSW22-0232	500.00
03/15/2023	GEN	71626	GREAT LAKES PEST CONTROL CO	BUILDING MAINTENANCE	60.00
				UTILITIES	40.00

					100.00

03/15/2023	GEN	71627	GREAT WESTERN STATES SUPPLY LLC	SUPPLIES	437.00
03/15/2023	GEN	71628	GRISSOM GARAGE BUILDERS, INC	BBA20-0079 - PB20-0144	50.00
03/15/2023	GEN	71629	HENRY BIRDSEYE	PROGRAM SUPPLIES-CONTRIBUTIONS - LIBF	150.00
03/15/2023	GEN	71630	HENRY FORD HEALTH SYSTEM	MEDICAL EXPENSES	329.00
				PUBLIC SAFETY MEDICAL EXPENSES	40.00
				MEDICAL EXPENSES	173.00

					542.00
03/15/2023	GEN	71631	HIGH LIGHTING SERVICE COMPANY	CONTRACTUAL SERVICES	5,300.00
03/15/2023	GEN	71632	HOME DEPOT CREDIT SERVICES	BUILDING IMPROVEMENTS	329.99
03/15/2023	GEN	71633	HUBBELL, ROTH & CLARK	CONSULTANT	1,136.04
03/15/2023	GEN	71634	HUNT CONSTRUCTION CO. INC.	BSB23-0003 - PS23-0003	50.00
03/15/2023	GEN	71635	HUNT SIGN CO LTD	PROGRAM SUPPLIES	217.50
03/15/2023	GEN	71636	HYDROCORP	CROSS CONNECTIONS	1,658.00
03/15/2023	GEN	71637	IAN KINDER LLC	CONTRACTUAL SERVICES	315.00
03/15/2023	GEN	71638	IMAGE PRINTING	OFFICE SUPPLIES	850.00
03/15/2023	GEN	71639	INDIGITAL	E-911 EQUIPMENT MAINTENANCE	593.26
03/15/2023	GEN	71640	INTEGRATED SUPPLY NETWORK	VEHICLE SUPPLIES	1,358.14
				TOOLS	96.04

					1,454.18
03/15/2023	GEN	71641	ITALY AMERICAN CONSTRUCTION	BBB19-0140 - PB19-0518	75.00
				BBA20-0046 - PB20-0081	50.00

					125.00
03/15/2023	GEN	71642	J.H. HART URBAN FORESTRY	CONTRACTUAL SERVICES	7,042.83

				CONTRACTUAL SERVICES	16,433.24
					23,476.07
03/15/2023	GEN	71643	JACK DOHENY COMPANIES, INC.	EQUIPMENT	2,147.31
03/15/2023	GEN	71644	JENNIFER BECKSTROM	YOUTH CAMP - REFUND	175.00
				YOUTH CAMP - PARTIAL REFUND	20.00
					195.00
03/15/2023	GEN	71645	JOHN T NAGLE	BBA20-0043 - PB20-0078	50.00
03/15/2023	GEN	71646	KANOPY, INC.	DOWNLOADABLE CONTENT	159.80
03/15/2023	GEN	71647	KATHRYN POZNIAK	YOUTH CAMP	40.00
03/15/2023	GEN	71648	KEARNS BROS. INC.	BBA22-0197 - PB22-0391	50.00
				BBA22-0239 - PB22-0391	50.00
				BBA19-0149 - PB19-0321	50.00
				BBB19-0110 - PB19-0394	75.00
				BBA21-0229 - PB21-0473	50.00
				BBB20-0042 - PB20-0169	75.00
					350.00
03/15/2023	GEN	71649	KIMBERLY ANDERSON	PROFESSIONAL DEVELOPMENT	178.50
03/15/2023	GEN	71650	KONICA MINOLTA BUSINESS SOLUTIONS	OFFICE EQUIPMENT MAINTENANCE	11.82
03/15/2023	GEN	71651	LANDSCAPE STRUCTURES INC.	LAND IMPROVEMENTS	241,055.40
03/15/2023	GEN	71652	LARRY'S WELDING SUPPLY	PROGRAM SUPPLIES	62.65
03/15/2023	GEN	71653	LERATA LLC	SUNDRY REVENUE	320.35
03/15/2023	GEN	71654	LIFEWORX PRODUCTIONS	SUPPLIES	2,095.25
03/15/2023	GEN	71655	LSIS, LLC DBA SKYVIEW DETROIT	BBA22-0106 - PB22-0194	100.00
03/15/2023	GEN	71656	MAIN DRAIN SEWER & REPAIR LLC	BSW23-0007 - PUT23-0012	500.00

03/15/2023	GEN	71657	MALONEY TRUCKING	DPW CONTRACTUAL	3,570.00
03/15/2023	GEN	71658	MCGRATH ELECTRIC, LLC	EVIDENCE ROOM ELECTRICAL WORK	350.00
03/15/2023	GEN	71659	MCLEAN CONSTRUCTION	BBA20-0049 - PB20-0086	50.00
03/15/2023	GEN	71660	METRO PUMP SERVICE	FUEL & OIL	410.00
03/15/2023	GEN	71661	MICHIGAN GRAPHICS & AWARDS	BUILDING MAINTENANCE	25.00
03/15/2023	GEN	71662	MICHIGAN HOMES SOLUTIONS LLC	BBA19-0225 - PB19-0468	50.00
03/15/2023	GEN	71663	MICHIGAN MUNICIPAL LEAGUE	MEMBERSHIPS	6,816.00
03/15/2023	GEN	71664	MICHIGAN PETROLEUM	FUEL & OIL	1,644.53
03/15/2023	GEN	71665	MIDWEST TAPE	DOWNLOADABLE CONTENT	1,459.90
03/15/2023	GEN	71666	NELSON BROTHERS SEWER & PLUMBING	BSW23-0003 - PUT23-0004	500.00
				BUILDING MAINTENANCE	145.00

					645.00
03/15/2023	GEN	71667	NYE UNIFORM	UNIFORMS-CLEANING & PURCHASES	2,332.80
03/15/2023	GEN	71668	O'REILLY AUTOMOTIVE, INC.	VEHICLE SUPPLIES	255.08
03/15/2023	GEN	71669	OAK ELECTRIC SERVICES, INC	BBA23-0004 - PB23-0005	100.00
03/15/2023	GEN	71670	OAKLAND COUNTY	BULK SEWAGE	91,999.94
				STORM FLOW	156,648.56

					248,648.50
03/15/2023	GEN	71671	OAKLAND COUNTY	TAXES PAYABLE	1,221.78
03/15/2023	GEN	71672	OLIVER CONSTRUCTION	BBE22-0017 - PB22-0199	800.00
				BE22-0006 - PR22-0007	850.00

					1,650.00

03/15/2023	GEN	71673	P. A. MORRIS COMPANY	SECRETARIAL SERVICES	150.00
03/15/2023	GEN	71674	PERRI BUILDING COMPANY	BBB19-0141 - PB19-0521	75.00
03/15/2023	GEN	71675	PITNEY BOWES INC.	OFFICE EQUIPMENT RENTAL	5.00
03/15/2023	GEN	71676	POMP'S TIRE SERVICE, INC.	VEHICLE SUPPLIES	2,471.39
03/15/2023	GEN	71677	PRINTING SYSTEMS	STATIONARY	793.43
03/15/2023	GEN	71678	QUANTUM SERVICES GROUP, LLC	SOFTWARE MAINT AND SUBSCRIPTIONS	900.00
				CONTRACTUAL SERVICES	542.00

					1,442.00
03/15/2023	GEN	71679	RAD HATTER MARKETING	ADVERTISING/MARKETING	8,400.00
03/15/2023	GEN	71680	RKA PETROLEUM COS, INC	INVENTORY - FUEL & OIL	2,039.88
03/15/2023	GEN	71681	ROAD COMMISSION OF OAKLAND CO	ROAD SUPPLIES	997.71
				EQUIPMENT MAINTENANCE	1,356.34
				ROAD SUPPLIES	427.59
				EQUIPMENT MAINTENANCE	150.70

					2,932.34
03/15/2023	GEN	71682	ROCHESTER MIDLAND	MAINTENANCE SUPPLIES	80.01
03/15/2023	GEN	71683	ROOF ONE LLC	BBB19-0119 - PB19-0430	75.00
03/15/2023	GEN	71684	ROOT MASTERS SEWER & DRAIN	BSW23-0008 - PUT23-0013	500.00
03/15/2023	GEN	71685	ROOTER MD PLBG LLC	BBP23-0003 - PUT23-0008	5,000.00
03/15/2023	GEN	71686	ROYAL OAK FORD	VEHICLE MAINTENANCE - DPW	1,834.28
03/15/2023	GEN	71687	S/E OAK. CTY WATER AUTHORITY	BULK WATER	64,945.22
03/15/2023	GEN	71688	SAFLITE AUTOGLASS	VEHICLE MAINTENANCE - DPW	477.48
03/15/2023	GEN	71689	SOCRRA	RUBBISH COLLECTION	63,585.44
				TRASH DISPOSAL	37,240.80

					100,826.24
03/15/2023	GEN	71690	STAPLES	HISTORIC COMMITTEE	224.68
				OFFICE SUPPLIES	434.24
				SUPPLIES	1,064.09
				PROGRAM SUPPLIES	48.41
				OFFICE SUPPLIES	477.07
				PROGRAM SUPPLIES	48.42

					2,296.91
03/15/2023	GEN	71691	STATE INDUSTRIAL PRODUCTS	VEHICLE SUPPLIES	305.00
03/15/2023	GEN	71692	STATE OF MICH-DEPT OF TREASURY	STATE WITHHOLDING TAXES	22,967.81
03/15/2023	GEN	71693	STATE OF MICH-DEPT OF TREASURY	STATE WITHHOLDING TAXES	3,887.41
03/15/2023	GEN	71694	STATE OF MICHIGAN	MEMBERSHIPS	230.00
03/15/2023	GEN	71695	STATE OF MICHIGAN	CONTRACTUAL SERVICES	30.00
03/15/2023	GEN	71696	SYSTEMP CORPORATION	BUILDING MAINTENANCE	350.00
				EQUIPMENT MAINTENANCE	13,250.00

					13,600.00
03/15/2023	GEN	71697	T-MOBILE	CORONAVIRUS EXPENSES	477.76
03/15/2023	GEN	71698	TERESA D'ESPOSITO	SUNDRY REVENUE	166.70
03/15/2023	GEN	71699	TINSLEY LANDSCAPE AND HARDSCAPE	CDBG EXPENSES-PROGRAM YEAR 2022-202	950.00
03/15/2023	GEN	71700	TITTLE BROTHERS CONSTRUCTION LLC	BBA19-0238 - PB19-0494	100.00
03/15/2023	GEN	71701	TRANSUNION RISK AND ALTERNATIVE	MEMBERSHIPS	111.00
03/15/2023	GEN	71702	TRESNAK CONSTRUCTION	BBB20-0022 - PB20-0089	75.00
03/15/2023	GEN	71703	TRINITY STAR LLC	BBA22-0024 - PB22-0044	50.00
				BBA22-0200 - PB22-0398	100.00

					150.00
03/15/2023	GEN	71704	TRINTON PLUMBING	BSW23-0002 - PUT23-0003	500.00
03/15/2023	GEN	71705	TROY COMMUNITY CENTER	CONTRACTUAL SERVICES	1,690.00
03/15/2023	GEN	71706	TRUCK & TRAILER SPECIALTIES, INC.	VEHICLE SUPPLIES	818.90
03/15/2023	GEN	71707	UNIQUE MANAGEMENT SERVICES, INC.	CONTRACTUAL SERVICES	46.60
03/15/2023	GEN	71708	UNITED STATES POSTAL SERVICE	POSTAGE-PRINTING-MAILING	1,500.00
03/15/2023	GEN	71709	VERIZON WIRELESS	TELEPHONE	38.01
				CORONAVIRUS EXPENSES	114.03
				TELEPHONE	38.01
				TELEPHONE	76.02

					266.07
03/15/2023	GEN	71710	WEX BANK	FUEL & OIL	6.62
03/15/2023	GEN	71711	WINDSTREAM	TELEPHONE	476.96
				TELEPHONE	68.14
				TELEPHONE	34.07
				TELEPHONE	34.07
				TELEPHONE	68.14

					681.38
03/15/2023	GEN	71712	WOW! BUSINESS	CONTRACTUAL SERVICES	783.06
03/21/2023	GEN	71713	MISDU	PAYROLL DEDUCTIONS	648.74
03/21/2023	GEN	71714	MISSION SQUARE RETIREMENT-107930	ICMA 457 W/H	236.54
				401 ICMA DEFERRED	425.77

					662.31
03/21/2023	GEN	71715	MISSION SQUARE RETIREMENT-303792	ICMA 457 W/H	3,452.65
03/21/2023	GEN	71716	MISSION SQUARE RETIREMENT-706259	ICMA ROTH IRA	110.00
03/21/2023	GEN	71717	NATIONWIDE RETIREMENT SOLUTIONS	NATIONWIDE 457 W/H	5,766.36
03/21/2023	GEN	71718	OAKLAND COUNTY TREASURER	DELINQUENT PPT RECEIVABLE	15.13
03/30/2023	GEN	71719	4 TECH SIGNS INC.	BSB23-0002 - PS23-0002	50.00
03/30/2023	GEN	71720	A & B ALARM SYSTEMS, INC.	BUILDING MAINTENANCE	279.00
03/30/2023	GEN	71721	ADN ADMINISTRATORS, INC.	CONSULTANT	983.25
03/30/2023	GEN	71722	AIS CONSTRUCTION EQUIPMENT	VEHICLE SUPPLIES	112.13
03/30/2023	GEN	71723	ALLEN INDUSTRIES	BSB21-0021 - PS21-0021	50.00
03/30/2023	GEN	71724	AMANDA SLUSARSKI	PROFESSIONAL DEVELOPMENT	214.16
03/30/2023	GEN	71725	AMAZON CAPITAL SERVICES	OFFICE SUPPLIES	60.15
				SUPPLIES	118.15
				BUILDING MAINTENANCE	59.99
				VEHICLE SUPPLIES	178.00
				EQUIPMENT SUPPLIES	79.61
				EQUIPMENT	291.06

					786.96
03/30/2023	GEN	71726	ANDREW MUTCH	PROGRAM SUPPLIES-CONTRIBUTIONS - LIBF	100.00
03/30/2023	GEN	71727	APPLIED INNOVATION	OFFICE EQUIPMENT RENTAL	2.47
03/30/2023	GEN	71728	AUDRIK, INC. DBA ROTO ROOTER	BSW23-0011 - PUT23-0019	500.00
03/30/2023	GEN	71729	AXON ENTERPRISE, INC.	EQUIPMENT	1,062.40
03/30/2023	GEN	71730	BALDWIN PUBLIC LIBRARY	LIBRARY COOP	18.40
03/30/2023	GEN	71731	BASIC	CONSULTANT	55.00
03/30/2023	GEN	71732	BELL EQUIPMENT COMPANY	VEHICLE SUPPLIES	409.67
03/30/2023	GEN	71733	BERKLEY DAYS ASSOCIATION INC	HISTORIC COMMITTEE	1,000.00
03/30/2023	GEN	71734	BEST CHOICE TOTAL HOME IMPROV	BBB19-0151 - PB19-0543	75.00

03/30/2023	GEN	71735	BIG D LOCK CITY	MAINTENANCE SUPPLIES	6.00
				SUPPLIES	47.30
				FUEL & OIL	200.00
				BUILDING MAINTENANCE	356.80
					610.10
03/30/2023	GEN	71736	BILLINGS LAWN EQUIPMENT	VEHICLE SUPPLIES	176.15
03/30/2023	GEN	71737	BLUE CROSS BLUE SHIELD OF MICHIGAN	HEALTH CARE-BC/BS RETIREE-MED ADVANT	12,618.12
				HEALTH CARE-BC/BS RETIREE-MED ADVANT	10,514.72
					23,132.84
03/30/2023	GEN	71738	BROWNIE SIGNS, LLC	BSB22-0010 - PS22-0010	50.00
03/30/2023	GEN	71739	BRUCE R. CORRIGAN-SALTER	BBA20-0100 - PB20-0180	50.00
03/30/2023	GEN	71740	CBTS	OFFICE EQUIPMENT	1,636.69
03/30/2023	GEN	71741	CHERENE REESE	BOARD OF REVIEW	200.00
03/30/2023	GEN	71742	CINTAS	BUILDING MAINTENANCE	203.33
				CUSTODIAL SERVICES	141.28
				CUSTODIAL	141.27
				CONTRACTUAL SERVICES	142.99
					628.87
03/30/2023	GEN	71743	CITI ROOFING COMPANY	BBB22-0086 - PB22-0318	40.00
03/30/2023	GEN	71744	CITY OF FARMINGTON	FIRE GEAR	2,390.00
03/30/2023	GEN	71745	CITY OF FARMINGTON HILLS	PROFESSIONAL DEVELOPMENT	200.00

03/30/2023	GEN	71746	CONTRACTORS CLOTHING CO.	UNIFORMS	267.64
				UNIFORMS	25.18
				UNIFORMS	355.41
					<hr/>
					648.23
03/30/2023	GEN	71747	CUMMINS SALES AND SERVICE	BUILDING MAINTENANCE	1,060.66
03/30/2023	GEN	71748	DAN MCMINN	PROFESSIONAL DEVELOPMENT	94.64
03/30/2023	GEN	71749	DANA STEVENS ARBORIST, INC.	CONTRACTUAL SERVICES	150.00
				CONTRACTUAL SERVICES	200.00
					<hr/>
					350.00
03/30/2023	GEN	71750	DANSWAY CONSTRUCTION	BBA21-0136 - PB21-0304	100.00
03/30/2023	GEN	71751	DEALER AUTO PARTS SALES	VEHICLE MAINTENANCE - DPW	11.86
03/30/2023	GEN	71751	DEALER AUTO PARTS SALES	VEHICLE SUPPLIES	27.65
					<hr/>
					39.51
03/30/2023	GEN	71752	DINVERNO REMODELING & CONSTRUCTION	BBA22-0261 - PB22-0511	100.00
03/30/2023	GEN	71753	DONALD M. CALLIHAN	HISTORIC COMMITTEE	139.21
03/30/2023	GEN	71754	DURST LUMBER CO	SUPPLIES	10.77
				VEHICLE SUPPLIES	23.99
				EQUIPMENT	139.40
					<hr/>
					174.16
03/30/2023	GEN	71755	EASY EXIT EGRESS WINDOWS LLC	BBA22-0186 - PB22-0364	50.00

03/30/2023	GEN	71756	EVA MITCHELL	CONTRACTUAL SERVICES	326.25
03/30/2023	GEN	71757	FERGUSON WATERWORKS #3386	CONTRACTUAL SERVICES	23,289.90
				CURB STOP	2,589.75
					25,879.65
03/30/2023	GEN	71758	FIRE DEFENSE EQUIPMENT COMPANY	FIRE TRUCK MAINTENANCE	247.80
				BUILDING MAINTENANCE	27.00
					274.80
03/30/2023	GEN	71759	FOUNDATION SYSTEMS OF MICHIGAN	BBA22-0204 - PB22-0405	15.00
				BBA21-0022 - PB21-0046	100.00
					115.00
03/30/2023	GEN	71760	GALAXY SIGN & HOISTING CO.	BSB22-0015 - PS22-0014	50.00
03/30/2023	GEN	71761	GDI SERVICES INC.	CUSTODIAL SERVICES	261.35
				CUSTODIAL	261.35
					522.70
03/30/2023	GEN	71762	GERALD MALISZEWSKI	BBA22-0256 - PB22-0503	100.00
03/30/2023	GEN	71763	GOBIE APPLIANCE	BSB22-0031 - PS22-0029	50.00
03/30/2023	GEN	71764	GOODYEAR AUTO SERVICE CENTER	VEHICLE MAINTENANCE - DPW	483.36
				VEHICLE SUPPLIES	24.00
					507.36

03/30/2023	GEN	71765	GORDON FOOD SERVICE INC.	CONTRACTUAL SERVICES	169.58
03/30/2023	GEN	71766	GRACIE GLOBAL LLC	RANGE/TRAINING SUPPLIES	1,200.00
03/30/2023	GEN	71767	GRAINGER	VEHICLE SUPPLIES	73.32
03/30/2023	GEN	71768	GREAT LAKES PEST CONTROL CO	BUILDING MAINTENANCE	60.00
				PEST CONTROL	40.00

					100.00
03/30/2023	GEN	71769	GREAT LAKES WATER AUTHORITY	NONRESIDENTIAL SURCHARGE	3,182.62
03/30/2023	GEN	71770	GREATER HOME SERVICES LLC	BBA23-0014 - PB23-0023	100.00
03/30/2023	GEN	71771	GUNNERS METERS & PARTS INC.	EQUIPMENT	1,521.00
03/30/2023	GEN	71772	HENRY FORD @ WORK	MEDICAL EXPENSES	91.00
				MEDICAL EXPENSES	216.00

					307.00
03/30/2023	GEN	71773	HOME DEPOT CREDIT SERVICES	BUILDING IMPROVEMENTS	263.74
03/30/2023	GEN	71774	HOMESTEAD CONSTRUCTION CO	BD20-0019 - PB20-0392	1,000.00
03/30/2023	GEN	71775	HUBBELL, ROTH & CLARK	CONTRACTUAL SERVICES	2,712.84
				CONSTRUCTION - SIDEWALKS	145,699.50

					148,412.34
03/30/2023	GEN	71776	HUNT SIGN CO LTD	BSB22-0011 - PS22-0011	50.00
				PROGRAM SUPPLIES	117.00
				PROGRAM SUPPLIES	273.00
				EQUIPMENT SUPPLIES	384.00

					824.00
03/30/2023	GEN	71777	IAN KINDER LLC	CONTRACTUAL SERVICES	147.00
03/30/2023	GEN	71778	ICCA	CABLE FRANCHISE ADMIN FEE	5,269.44
03/30/2023	GEN	71779	INDUSTRIAL PAINTING CONTRACTORS, IN	BUILDING IMPROVEMENTS	16,450.00
03/30/2023	GEN	71780	ISCG	BUILDING IMPROVEMENTS	1,313.74
03/30/2023	GEN	71781	ITALY AMERICAN CONSTRUCTION	BBA21-0115 - PB21-0260	100.00
03/30/2023	GEN	71782	J.H. HART URBAN FORESTRY	CONTRACTUAL SERVICES	4,749.40
				CONTRACTUAL SERVICES	11,081.91
					15,831.31
03/30/2023	GEN	71783	JABORO CONSTRUCTION LLC	BBD22-0006 - PB22-0115	500.00
03/30/2023	GEN	71784	JAMES SWIFT CONSTRUCTION	BBB23-0003 - PB23-0024	75.00
03/30/2023	GEN	71785	JEFF TONG	BOARD OF REVIEW	240.00
03/30/2023	GEN	71786	JENKINS CONTRACTING SERV INC	BBB22-0139 - PB22-0493	75.00
03/30/2023	GEN	71787	KAREN SMITH	BOARD OF REVIEW	150.00
03/30/2023	GEN	71788	KONICA MINOLTA BUSINESS SOLUTIONS	OFFICE EQUIPMENT RENTAL	412.51
				OFFICE EQUIPMENT RENTAL	132.96
				OFFICE EQUIPMENT RENTAL	132.95
				OFFICE EQUIPMENT RENTAL	81.40
					759.82
03/30/2023	GEN	71789	LEVINE & SONS INC.	BBP22-0049 - PP22-0183	1,069.94
03/30/2023	GEN	71790	LITHIA MOTORS SUPPORT SERVICES	VEHICLE MAINTENANCE	7.36
03/30/2023	GEN	71791	MATRIX BASEMENT SYSTEMS	BBD22-0019 - PB22-0484	500.00
03/30/2023	GEN	71792	METRO PUMP SERVICE	FUEL & OIL	410.00
03/30/2023	GEN	71793	MICHIGAN PETROLEUM	FUEL & OIL	628.85

03/30/2023	GEN	71794	MICHIGAN.COM	BOOKS / PERIODICALS	13.00
03/30/2023	GEN	71795	MISSION SQUARE RETIREMENT-107930	ICMA 457 W/H	236.54
				401 ICMA DEFERRED	425.77
					662.31
03/30/2023	GEN	71796	MISSION SQUARE RETIREMENT-303792	ICMA 457 W/H	3,031.14
03/30/2023	GEN	71797	MISSION SQUARE RETIREMENT-706259	ICMA ROTH IRA	110.00
03/30/2023	GEN	71798	MITYLITE, INC.	FURNITURE	4,933.20
03/30/2023	GEN	71799	MJR SERVICES, LLC	BBA22-0269 - PB22-0529	100.00
03/30/2023	GEN	71800	MR. ROOF HOLDING COMPANY LLC	BBA22-0237 - PB22-0476	50.00
03/30/2023	GEN	71801	MUSCO SPORTS LIGHTING, LLC	EQUIPMENT MAINTENANCE	1,425.00
03/30/2023	GEN	71802	NATALIE SMITH	CONTRACTUAL SERVICES	48.75
03/30/2023	GEN	71803	NCS CONSTRUCTION SERVICES, LLC	BBD22-0022 - PB22-0537	500.00
03/30/2023	GEN	71804	NELSON BROTHERS SEWER & PLUMBING	BUILDING MAINTENANCE	345.00
03/30/2023	GEN	71805	NYE UNIFORM	UNIFORMS-CLEANING & PURCHASES	382.50
				SUPPLIES - OWI 2ND/3RD FORFEITURE	3,199.69
					3,582.19
03/30/2023	GEN	71806	OAKLAND COUNTY HEALTH DIVISION	CONTRACTUAL SERVICES	298.00
03/30/2023	GEN	71807	OAKLAND COUNTY REGISTER OF DEEDS	CONTRACTUAL SERVICES	210.00
03/30/2023	GEN	71808	OAKLAND COUNTY TACTICAL TRAINING	PROFESSIONAL DEVELOPMENT	1,200.00
03/30/2023	GEN	71809	P. A. MORRIS COMPANY	CONTRACTUAL	150.00
03/30/2023	GEN	71810	PALMETTO SOLAR LLC	BBA22-0253 - PB22-0500	100.00
03/30/2023	GEN	71811	PAUL EDWARD FERRETTI	BBA22-0115 - PB22-0231	100.00
03/30/2023	GEN	71812	PITNEY BOWES GLOBAL FINANCIAL SERV.	OFFICE EQUIPMENT RENTAL	799.14
				OFFICE EQUIPMENT RENTAL	924.72

					1,723.86
03/30/2023	GEN	71813	PITNEY BOWES INC.	OFFICE EQUIPMENT RENTAL	5.00
				POSTAGE-PRINTING-MAILING	182.16
					----- 187.16
03/30/2023	GEN	71814	PRINTING SYSTEMS	STATIONARY	1,054.91
03/30/2023	GEN	71815	QUANTUM SERVICES GROUP, LLC	CONTRACTUAL SERVICES	1,083.15
03/30/2023	GEN	71816	REBECCA STOUT	PROGRAM SUPPLIES	161.42
03/30/2023	GEN	71817	RKA PETROLEUM COS, INC	INVENTORY - FUEL & OIL	1,734.43
03/30/2023	GEN	71818	ROAD COMMISSION OF OAKLAND CO	ROAD SUPPLIES	1,042.72
				EQUIPMENT MAINTENANCE	684.32
				ROAD SUPPLIES	446.88
				EQUIPMENT MAINTENANCE	76.04
					----- 2,249.96
03/30/2023	GEN	71819	ROCKET ENTERPRISE INC.	PROGRAM SUPPLIES	161.25
03/30/2023	GEN	71820	ROMA CEMENT CO.	BS22-0009 - PZC22-0079	200.00
03/30/2023	GEN	71821	ROYAL PLUMBING LLC	BSW23-0013 - PUT23-0038	500.00
				BSW23-0010 - PUT23-0017	500.00
					----- 1,000.00
03/30/2023	GEN	71822	SEHI COMPUTER PRODUCTS	SUPPLIES	762.36
03/30/2023	GEN	71823	SERVICE GIANT LLC	BSW23-0006 - PUT23-0009	500.00
03/30/2023	GEN	71824	SHOWCASES	OFFICE SUPPLIES	451.44
03/30/2023	GEN	71825	SMOLYANOV HOME IMPROVEMENT	BBA23-0018 - PB23-0032	100.00

03/30/2023	GEN	71826	SOCRRA	RUBBISH COLLECTION	31,792.72
				TRASH DISPOSAL	15,511.90
				CONTRACTUAL SERVICES	10,263.50
					57,568.12
03/30/2023	GEN	71827	STEWART & SONS CONCRETE	BS22-0019 - PZC22-0126	200.00
				BBB22-0028 - PB22-0132	75.00
				BBB22-0130 - PB22-0457	75.00
					350.00
03/30/2023	GEN	71828	SUZANNE THIEDE	BOARD OF REVIEW	200.00
03/30/2023	GEN	71829	SWEETWATER SPRINKLERS	EQUIPMENT	314.30
03/30/2023	GEN	71830	SYSTEMP CORPORATION	BUILDING MAINTENANCE	3,420.00
				BUILDING MAINTENANCE	1,509.95
					4,929.95
03/30/2023	GEN	71831	THE LIBRARY NETWORK	BOOKS	2,767.31
				RENTED MATERIALS	422.97
				CDBG EXPENSES-PROGRAM YEAR 2022-202	444.67
					3,634.95
03/30/2023	GEN	71832	THOMAS BYARS	BOARD OF REVIEW	200.00
03/30/2023	GEN	71833	TJ SMIGELS	BBB22-0044 - PB22-0195	75.00
03/30/2023	GEN	71834	VANCE OUTDOORS, INC.	RANGE/TRAINING SUPPLIES	1,446.00

03/30/2023	GEN	71835	VERIZON WIRELESS	TELEPHONE	131.08
				TELEPHONE	80.72
				TELEPHONE	45.36
				TELEPHONE	40.36
				TELEPHONE	308.09
				CAR COMPUTERS	60.39
				TELEPHONE	93.11
				TELEPHONE	45.36
				TELEPHONE	80.72
				SOFTWARE MAINT AND SUBSCRIPTIONS	123.75
				TELEPHONE	90.72
				TELEPHONE	45.36
				TELEPHONE	436.33
				CONTRACTUAL SERVICES	45.43
				TELEPHONE	263.99
				CONTRACTUAL SERVICES	163.88
				TELEPHONE	40.97
				TELEPHONE	40.36
					<hr/>
					2,135.98
03/30/2023	GEN	71836	VESCO OIL CORPORATION	CONTRACTUAL SERVICES	109.75
03/30/2023	GEN	71837	VIGILANTE SECURITY, INC.	BUILDING MAINTENANCE	312.00
03/30/2023	GEN	71838	WESTLEY IAN MARTIN	BBB22-0074 - PB22-0270	75.00
03/30/2023	GEN	71839	WINDER POLICE EQUIPMENT	VEHICLE MAINTENANCE - DPW	127.20
03/30/2023	GEN	71840	WOLVERINE FREIGHTLINER EASTSIDE	VEHICLE MAINTENANCE	1,035.00
03/30/2023	GEN	71841	XEROX CORPORATION	OFFICE EQUIPMENT MAINTENANCE	191.08
				TOTAL OF 284 CHECKS	1,529,363.95
				VOIDED CHECKS - 1	0.00

**CITY OF BERKLEY
ACH TRANSACTIONS**

DATE	VENDOR	AMOUNT
3/3/2023	ALERUS	1,688.58
3/6/2023	CONSUMERS ENERGY	1,773.65
3/6/2023	CONSUMERS ENERGY	940.90
3/6/2023	CONSUMERS ENERGY	3,849.81
3/6/2023	CONSUMERS ENERGY	1,478.71
3/6/2023	CONSUMERS ENERGY	2,655.24
3/6/2023	CONSUMERS ENERGY	747.17
3/6/2023	DTE ENERGY	26.29
03/7/2023	DTE ENERGY	76.59
03/7/2023	DTE ENERGY	31.54
03/7/2023	DTE ENERGY	3,849.29
03/7/2023	DTE ENERGY	69.17
03/7/2023	DTE ENERGY	158.47
03/7/2023	DTE ENERGY	578.85
03/7/2023	DTE ENERGY	79.64
03/7/2023	DTE ENERGY	466.54
03/7/2023	DTE ENERGY	37.32
03/7/2023	DTE ENERGY	1,109.47
03/7/2023	DTE ENERGY	14.89
03/7/2023	DTE ENERGY	58.85
03/7/2023	DTE ENERGY	707.22
3/8/2023	INTERNAL REVENUE SERVICE	15,826.41
3/8/2023	INTERNAL REVENUE SERVICE	51,369.78
3/8/2023	PSO UNION DUES	400.00
3/8/2023	PSO UNION DUES	720.00
3/8/2023	DPW UNION DUES	240.00
3/8/2023	PITNEY BOWES - POSTAGE	4,000.00
3/9/2023	CARDMEMBER SERVICES - CREDIT CARD PMT	14,648.29
3/20/2023	MERS	103,377.97

3/13/2023	HARTFORD	4,892.87
3/13/2023	DTE ENERGY	19,074.85
3/16/2023	DTE ENERGY	195.45
3/22/2023	INTERNAL REVENUE SERVICE	47801.12
3/23/2023	PSO UNION DUES	400.00
3/23/2023	PSO UNION DUES	720.00
3/23/2023	PITNEY BOWES - POSTAGE	4,000.00
3/31/2023	PSO UNION DUES	400.00
3/31/2023	PSO UNION DUES	720.00
3/31/2023	PSO UNION DUES	400.00
3/31/2023	DPW UNION DUES	240.00
3/31/2023	PSO UNION DUES	680.00
03/31/2023	CONSUMERS ENERGY	1,125.62
03/31/2023	CONSUMERS ENERGY	755.13
03/31/2023	CONSUMERS ENERGY	3,583.80
03/31/2023	CONSUMERS ENERGY	596.60
03/31/2023	CONSUMERS ENERGY	2,124.49
3/31/2023	ALERUS	8,672.54
3/31/2023	ALERUS	8,966.60
03/31/2023	DTE ENERGY	15,464.62
03/31/2023	DTE ENERGY	27.14
03/31/2023	DTE ENERGY	1,195.35
03/31/2023	DTE ENERGY	100.30
03/31/2023	DTE ENERGY	37.64
03/31/2023	DTE ENERGY	521.24
03/31/2023	DTE ENERGY	496.86
		334,172.86

We hereby certify that the foregoing is a true and correct list of bills and that they have been approved by the City Council and this is the authority to issue checks in

the amounts stated and charge them in the various accounts.

Bridget Dean, Mayor

Victoria Mitchell, City Clerk

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 60 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. 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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Blue underlined text is proposed to be inserted: example

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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Blue underlined text is proposed to be inserted: example

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. 30-196.5. – 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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Blue underlined text is proposed to be inserted: example

- 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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Blue underlined text is proposed to be inserted: example

- 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 Monday, April 17, 2023.

Bridget Dean, Mayor

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Attest:

Victoria Mitchell, City Clerk

DRAFT

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Blue underlined text is proposed to be inserted: example



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: April 4, 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 approved the first reading with the recommendation to change the required staff notice time in Section 30-189 from thirty to sixty days. That change has been incorporated into the second reading.

A PROCLAMATION
of the Council of the City of Berkley, Michigan
Proclaiming May 2023 as Berkley History Month

- WHEREAS,** In 1819, the first settlers arrived in what is now Oakland County, and in 1825, a four-day steamboat service between Detroit and Buffalo, enabled many settlers to shorten their journey west as they made their way from New York and New Jersey. Travelers were greeted at Red Tavern owned by Mother Handsome at Woodward and Columbia Road. John Benjamin made his journey from New York and purchased 80 acres of land and built a barn on the site where Roseland Cemetery now sits; and
- WHEREAS,** The settlers continued arriving, building their farms and raising their families. The first school was built in what is now Berkley in the late 1830's. The first phone line was strung for 10 homes along 11 Mile Road between Berkley and Royal Oak. In 1919, a town pump was built and electric lighting arrived. In 1923, Berkley became a Village and in 1926 the first Berkley Days was held; and
- WHEREAS,** On May 23, 1932, during the Great Depression, and with just under 6,000 residents, the Village of Berkley became a City with a Mayor, six Commissioners, a City Clerk, Treasurer, Assessor, Judge and Constable; and
- WHEREAS,** Since its early days, Berkley has flourished into a city of approximately 15,000 residents, 6 incredible schools, 9 parks, a public library designated as “Hip” by the Detroit Free Press, over 6000 homes, and a unique downtown district; and
- WHEREAS,** The Berkley Historical Committee works tirelessly to compile information and artifacts from around the city in order to preserve our community’s history, and to allow for it to be treasured by all for years to come.

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

- SECTION 1:** That the month of May 2023 shall be recognized as Berkley History Month in the City of Berkley.
- SECTION 2:** The City Council urges those familiar with stories and legends of the early days in Berkley to share their accounts and photos with the Historical Committee, and further encourages every citizen to become acquainted with the City’s rich and interesting history.

Proclaimed this 17th day of April 2023 at a Regular Meeting of the Berkley City Council.

Bridget Dean, Mayor

Attest:

Victoria Mitchell, City Clerk

A PROCLAMATION
of the Council of the City of Berkley, Michigan
Proclaiming May 2023 as Motorcycle Awareness Month

- WHEREAS,** The City of Berkley has many citizens who actively enjoy motorcycles for daily transportation, touring, and recreation; and
- WHEREAS,** The month of May is recognized nationally as the month that motorcycles become more prevalent on our streets, and the need to be more aware of their presence is of the utmost urgency; and
- WHEREAS,** Due to Michigan being a destination hot spot for travelers during the summer months there will likely be an influx of motorcycle enthusiasts; and
- WHEREAS,** An overwhelming number of accidents involving automobiles and motorcycles could be avoided with due regard, respect, and awareness of motorcycles on the streets and in intersections; and
- WHEREAS,** It is in the interest of our community and the citizens of the City of Berkley to note the increase in the volume of motorcycle traffic as we enter the warm months, to enable the reduction of accidents and injuries involving motorcyclists.

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

- SECTION 1:** That the month of May 2023 shall be recognized as *Motorcycle Awareness Month* in the City of Berkley.
- SECTION 2:** The City Council calls upon the citizens, government agencies, public and private institutions, businesses, and schools in the City of Berkley to recommit our community to increasing awareness and ensuring that we are all respectfully sharing our roadways with motorcyclists.

Proclaimed this 17th day of April 2023 at a Regular Meeting of the Berkley City Council.

Bridget Dean, Mayor

Attest:

Victoria Mitchell, City Clerk

A PROCLAMATION
of the Council of the City of Berkley, Michigan
Proclaiming May 2023 as Mental Health Awareness Month

- WHEREAS,** Mental health is important for our individual well-being and vitality, as well as that of our families, communities, and businesses; and
- WHEREAS,** One in five Americans experience a mental health disorder that requires treatment at some point in their lives; and
- WHEREAS,** One in ten children has a serious emotion disturbance, that if left untreated, can lead to failure in school, physical illness, substance use and abuse, entrance into the criminal justice system, and even suicide; and
- WHEREAS,** Stigma and stereotypes associated with mental illnesses often keep people from seeking treatment that could improve their quality of life and potentially save their own life; and
- WHEREAS,** Mental health disorders are biologically based brain disorders that cannot be overcome through “will power” and is not related to a defect in a person’s “character” or intelligence; and,
- WHEREAS,** Mental health recovery is a journey of healing and transformation, enabling people with a mental illness to live within a community of their choice while striving to achieve their full potential; and
- WHEREAS,** Mental health recovery not only benefits individuals with mental health disorders by focusing on their abilities to live, work, learn, and fully participate in our society, but also enriches the culture of our community life; and
- WHEREAS,** The COVID-19 pandemic has exacerbated rising mental health issues worldwide, and increasing research has indicated that survivors of COVID-19 infections have higher rates of developing a mental health disorder; and
- WHEREAS,** the Oakland Community Health (OCHN), and its service provider agencies are committed to inspiring hope, empowering people, and strengthening communities.

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

- SECTION 1:** That the month of May 2023 shall be recognized as *Mental Health Awareness Month* in the City of Berkley.
- SECTION 2:** The City Council calls upon the citizens, government agencies, public and private institutions, businesses, and schools in the City of Berkley to recommit our community to increasing awareness and understanding of mental health disorders, and the need for appropriate and accessible services for all people with mental health disorders to promote their recovery and healing.

Proclaimed this 17th 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
Proclaiming May 2023 as Building Safety Month

- WHEREAS,** The City of Berkley is committed to recognizing that our growth and strength depend on the safety and economic value of the homes, buildings, and infrastructure that serve our citizens, both in everyday life and in times of disaster; and
- WHEREAS,** our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant public servants—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings; and
- WHEREAS,** Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities’ largely unknown protectors of public safety—our local code officials—who assure us of safe, sustainable, energy efficient and livable buildings that are essential to America’s prosperity; and
- WHEREAS,** “*Building Safety Starts with You!*” the theme for Building Safety Month 2023, encourages all Americans to raise awareness about the importance of building codes in ensuring safety in the spaces we live, work, play, and learn.

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

- SECTION 1:** That the month of May 2023 shall be recognized as *Building Safety Month* in the City of Berkley.
- SECTION 2:** The City Council recognizes the devotion of those who work to ensure the safe construction here in the City of Berkley, and asks that anyone engaging in construction and building activities in the City of Berkley to commit to improving building safety and to further strive to adhere to safe practices outlined in the International Codes.

Proclaimed this 17th day of April 2023 at a Regular Meeting of the Berkley City Council.

Attest:

Bridget Dean, Mayor

Victoria Mitchell, City Clerk

April 17, 2023 City Council Meeting

Moved by Councilmember _____ and seconded by Councilmember _____ to approve continuing partnership with ERC (Energy Reduction Coalition) to provide and install LED lights at all baseball fields and tennis courts throughout the city.

Ayes:

Nays:

Motion:

MEMORANDUM



To: Matthew Baumgarten, City Manager

From: Alex Brown, Facilities Manager

Date: April 11, 2023

Subject: Approving partnership with ERC to complete field lighting conversion.

In the process of reducing energy costs throughout the city, I was able to secure a partnership with ERC (Energy Reduction Coalition) to convert lights at all of the city's baseball fields and tennis courts.

Since the cost to convert all of the field lights exceeds the cumulative savings from the conversion there is a \$128,000 shortfall. This will be paid by the city interest free over the next 30 years. The additional cost will decrease every year until the shortfall is made up. All of the equipment provided and installed by ERC is warranted for as long as we remain in the program. This includes labor to replace any defective bulbs.

This process will not only provide a better on field experience for all members of the community but it will drastically reduce energy consumption thereby reducing our annual electric bill. ERC has already converted all 348 light fixtures at City Hall and the Community Center and we are seeing those savings already.

The installation process will require two crews and will take about a month to complete. ERC has assured me once approved the conversion will be complete before the end of baseball season.

Please feel free to contact me with any questions or concerns.

City of Berkley
April 17, 2023 City Council Meeting
Conversion of the Field Lights to LED

ERC, Berkley City Employees, and the owner of Electrical Syatems Inc performed an assessment of the 183 fixtures that light the following fields:

109 fixtures on 14 poles at community fields 1, 2, and 3

24 fixtures on 8 poles at community tennis courts

22 fixtures on 6 poles at Lazenby field

20 fixtures on 6 poles at Merchants field

8 fixtures on 4 poles horseshoe lights – in the field behind the community center and next to main baseball fields

Because of there limited use, the cost to convert the field lights exceeds the 30 year lighting cost reduction by \$128K, based on today's rates.

Due to the location of the poles, and the connection and height of the light fixtures on the poles, it was determined that a 2nd lift would be needed which doubled the labor and equipment rental cost.

Additionally, due to the multiple locations of the field light, there was an increase in cost to transport the lifts (loading, transporting, and unloading).

If future electrical rates continue to rise, the benefit from the conversion will also rise which will reduce the \$128K conversion shortfall.

ERC is offering to absorb \$4,500 of \$128,000 and spread the remaining \$123,500 over 30 years, interest free

ERC will warranty the field lights for as long as the City stays in the program and due to the high conversion cost, we also increased the labor reimbursement stipend we will pay the City on future repairs.

Due to the material 1-time equipment and labor cost to convert the field lights, if the City exercises its right to return product under the termination provision in the Agreement, it will also be responsible for the remaining unpaid field light conversion cost that was spread out over 30 years.

86.2: City of Berkley (City Hall, Rec Center, and Ball Fields): 3/15/23 Plan
Plan Summary (Projections, listed by Completion Status)

v39.1	3/15/23	None Yet		1/31/23		1/31/23	
	ERC	Alex Brown		Installation Contractor		Alex Brown	
	Approved	Reviewing	Signed	Scheduling	Installed	Checking	Initialed
Non-converted Lighting Product included in ERC LCP							
Fixture Count	531	183	348	0	348	0	348
Lamp Count	895	183	712	0	712	0	712
Ballast Count	476	183	293	0	293	0	293
Non-Converted Electricity Rates (blended average)							
Non-converted Energy Cost per KWH	\$0.127780	\$0.127780	\$0.127780	\$0.000000	\$0.127780	\$0.000000	\$0.127780
Non-converted Demand Charge per KW per month	\$0.00000	\$0.00000	\$0.00000	\$0.00000	\$0.00000	\$0.00000	\$0.00000
Non-Converted Annual Lighting Costs							
Non-converted Electricity Cost	\$24,186	\$14,834	\$9,353	\$0	\$9,353	\$0	\$9,353
Non-converted Replacement Cost	\$3,614	\$2,706	\$907	\$0	\$907	\$0	\$907
Non-converted Disposal Cost	\$84	\$16	\$68	\$0	\$68	\$0	\$68
Non-converted Maintenance Cost	\$18,777	\$17,486	\$1,291	\$0	\$1,291	\$0	\$1,291
Non-converted Lighting Cost	\$46,661	\$35,041	\$11,620	\$0	\$11,620	\$0	\$11,620
Lighting Cost Reduction Rates (LCRRs)							
Prior Periods, if any	0.00000%						
Next Full Year	-19.15816%	-25.51099%	0.00000%	0.00000%	0.00000%	0.00000%	0.00000%
Final Year of Increasing Benefit Period	-2.46861%	-3.28719%	0.00000%	0.00000%	0.00000%	0.00000%	0.00000%
Lighting Cost Reduction (LCR)							
Prior Periods, if any	\$0						
Next Full Year	(\$8,939)	(\$8,939)	\$0	\$0	\$0	\$0	\$0
Final Year of Increasing Benefit Period	(\$1,152)	(\$1,152)	\$0	\$0	\$0	\$0	\$0
Total during the 30-year Increasing Benefit Period	(\$123,501)						
Post-Conversion Electricity Rates (blended average)							
Post-conversion Energy Cost per KWH	\$0.127780	\$0.127780	\$0.127780	\$0.000000	\$0.127780	\$0.000000	\$0.127780
Post-conversion Demand Charge per KW per month	\$0.00000	\$0.00000	\$0.00000	\$0.00000	\$0.00000	\$0.00000	\$0.00000

Monthly Excess Benefit Payment	Approved	Reviewing	Signed	Scheduling	Installed	Checking	Initialed
Next Full Year	\$4,002.33	\$3,281	\$721	\$0	\$721	\$0	\$721
Final year of Increasing Benefit Period	\$3,353.37	\$2,632	\$721	\$0	\$721	\$0	\$721
Post-Conversion Annual Lighting Costs	Approved	Reviewing	Signed	Scheduling	Installed	Checking	Initialed
Post-conversion Electricity Cost (Next)	\$7,572.54	\$4,607	\$2,966	\$0	\$2,966	\$0	\$2,966
Post-conversion Excess Benefit payment (Next)	\$48,027.90	\$39,374	\$8,654	\$0	\$8,654	\$0	\$8,654
Post-conversion Lighting Cost (Next)	\$55,600.44	\$43,981	\$11,620	\$0	\$11,620	\$0	\$11,620
Post-conversion Electricity Cost (Final)	\$7,572.54	\$4,607	\$2,966	\$0	\$2,966	\$0	\$2,966
Post-conversion Excess Benefit payment (Final)	\$40,240.38	\$31,587	\$8,654	\$0	\$8,654	\$0	\$8,654
Post-conversion Lighting Cost (Final)	\$47,812.92	\$36,193	\$11,620	\$0	\$11,620	\$0	\$11,620

ERC Products included in ERC LCP

	All
ERC Product Count - (to be or already) Installed	2,369
ERC Product Count - (to be or already) Inventory	17
Total Count (See Bill Of Materials for detail)	2,386

Environmental Benefits	All		All
KW Reduction	220.89	Average Pounds of CO ₂ per KWH (MI)	1.347
Annual KWH Reduction	130,019	Pounds Annual CO ₂ Emission Reduction	175,138

The color-coded values **above** are calculated on other schedules, which highlight the values with the same color-coding.

The ERC Product information is from the "**Bill Of Materials**".

All other color-coded values are calculated on the "**Plan Detail**". The Plan Detail starts with the data provided in the assessment, and calculates all other values.

The monthly values of some of these annual numbers are also found on the "**Payment Summary**".

Please refer to these detailed schedules to review the calculations and related summary information. **By signing below, the Parties acknowledge an understanding of the data provided and confirm the reasonability of the resulting projections and summary data.**

X

For ERC: James Lamerato

Date

X

For City of Berkley: Alex Brown

Date

86.2: City of Berkley (City Hall, Rec Center, and Ball Fields): 3/15/23 Plan
Plan Summary (Projections, listed by Summary Report Identifier), Page 1

Non-converted Lighting Product included in ERC LCP	City Hall	Community Center	Field Lights
Fixture Count	202	146	183
Lamp Count	445	267	183
Ballast Count	178	115	183
Non-Converted Electricity Rates (blended average)	City Hall	Community Center	Field Lights
Non-converted Energy Cost per KWH	\$0.127780	\$0.127780	\$0.127780
Non-converted Demand Charge per KW per month	\$0.00000	\$0.00000	\$0.00000
Non-Converted Annual Lighting Costs	City Hall	Community Center	Field Lights
Non-converted Electricity Cost	\$4,779	\$4,574	\$14,834
Non-converted Replacement Cost	\$544	\$364	\$2,706
Non-converted Disposal Cost	\$40	\$28	\$16
Non-converted Maintenance Cost	\$777	\$514	\$17,486
Non-converted Lighting Cost	\$6,140	\$5,480	\$35,041
Lighting Cost Reduction Rates (LCRRs)	City Hall	Community Center	Field Lights
Prior Periods, if any			
Next Full Year	0.00000%	0.00000%	-25.51099%
Final Year of Increasing Benefit Period	0.00000%	0.00000%	-3.28719%
Lighting Cost Reduction (LCR)	City Hall	Community Center	Field Lights
Next Full Year	\$0	\$0	(\$8,939)
Final Year of Increasing Benefit Period	\$0	\$0	(\$1,152)
Post-Conversion Electricity Rates (blended average)	City Hall	Community Center	Field Lights
Post-conversion Energy Cost per KWH	\$0.127780	\$0.127780	\$0.127780
Post-conversion Demand Charge per KW per month	\$0.00000	\$0.00000	\$0.00000

Monthly Excess Benefit Payment	City Hall	Community Center	Field Lights
Next Full Year	\$378.83	\$342.33	\$3,281.17
Final year of Increasing Benefit Period	\$378.83	\$342.33	\$2,632.21
Post-Conversion Annual Lighting Costs	City Hall	Community Center	Field Lights
Post-conversion Electricity Cost (Next)	\$1,594	\$1,372	\$4,607
Post-conversion Excess Benefit payment (Next)	\$4,546	\$4,108	\$39,374
Post-conversion Lighting Cost (Next)	\$6,140	\$5,480	\$43,981
Post-conversion Electricity Cost (Final)	\$1,594	\$1,372	\$4,607
Post-conversion Excess Benefit payment (Final)	\$4,546	\$4,108	\$31,587
Post-conversion Lighting Cost (Final)	\$6,140	\$5,480	\$36,193

The color-coded values **above** are calculated on other schedules, which highlight the values with the same color-coding.

The ERC Product information is from the **"Bill Of Materials"**.

All other color-coded values are calculated on the "Plan Detail".

The Plan Detail starts with the data provided in the assessment, and calculates all other values.

The monthly values of some of these annual numbers are also found on the **"Payment Summary"**.

City of Berkley
April 17, 2023 City Council Meeting
Company History

ERC has been partnering with organizations to convert their inefficient lighting systems to high efficiency LED lights for 12 years
We have partnered with over 60 organizations, over half of which are municipalities.
The value of the projects total over \$22.5M

The local communities we have partnered with include the following:

- Auburn Hills
- Shelby Township
- Rochester
- Center Line
- Hamtramck
- Lathrup Village
- Oxford
- Northville

We have also partnered with over a dozen communities along the I-69 corridor and a dozen out-state or out-of-state communities.

We have considerable field light conversion experience as we have converted field and tennis court lights at the following organizations

- Shelby Township
- Rochester
- Center Line
- Reese
- Mackinaw City
- Wembley Tennis club

Lighting Conversion Agreement

This Agreement is entered into between **ERC-LED, LLC**, a Michigan Limited Liability Company (“ERC”), and the party identified on the signature page as “Partner,” effective as of the date fully executed by the parties. The parties agree as follows:

Planning and Conversion

- (1) Partner shall supply ERC or its agents with electric bills and information on lighting costs and hours of use. Partner shall provide access to facilities, review proposals, and inform ERC of any special lighting needs throughout the conversion process.
- (2) At no charge to Partner, ERC shall pay, or reimburse, the costs to gather and analyze indoor and outdoor lighting data and to prepare a detailed report on the costs of Partner’s current non-converted lighting systems when fully functional, along with a proposal for conversion of Partner’s lighting to LED or other highly efficient lighting (“NewLP”).
- (3) Upon Partner approving the Pre-Conversion Plan, ERC shall manage its execution and pay the costs of implementing it. Partner shall inform ERC or its agents of any concerns it has with the installation of the NewLP before installation is completed and provide ERC reasonable opportunity to correct any deficiencies and respond to any concerns. Unless requested by Partner to leave discarded product onsite, ERC or its agents will dispose of replaced lighting products at ERC’s expense.
- (4) Changes to the Pre-Conversion Plan during installation shall be deemed approved by Partner if they do not increase the Optional Buyout Cost or the initial Excess Benefit by more than 10%. ERC shall be the owner of all products installed. Partner is granted an unlimited license to operate the products while in compliance with this Agreement, until it is properly terminated.

Operations and Maintenance

- (5) ERC shall pay or reimburse the costs to supply (and replenish as needed) an inventory of 2% of consumable NewLP, rounded, and any products not in inventory as needed to keep the NewLP operational. Partner shall maintain the NewLP lighting using only inventory and product approved by ERC. Partner must reimburse ERC for NewLP which fails due to casualty or misuse.
- (6) If NewLP fails under normal use, ERC shall pay Partner a maintenance stipend at the same rate pre-conversion maintenance labor was calculated in the Plan with respect to the pre-conversion lighting replaced by ERC.
- (7) ERC shall pay all cost to provide Partner with an updated Post-Conversion Plan and Bill of Materials. The Post-Conversion Plan shall project Total Benefit, which is the difference between the pre-conversion cost of lighting (both electricity and maintenance) and the post-conversion cost of electricity. Retained Benefit is the share of Total Benefit reserved for Partner. Excess Benefit is the remainder after subtracting Partner’s Retained Benefit from the Total Benefit. Every year during an Increasing Benefit Period up to 30 years, Partner’s Retained Benefit will increase unless agreed otherwise.
- (8) Partner shall render all payments of Excess Benefits to ERC, or to its assignee, as calculated using the method to identify Excess Benefit in the most recently provided Plan Summary. Excess Benefits shall become payable as each lighting fixture is converted according to the installer’s log of work completed. Excess Benefits are due on the 21st of the month of service if paying by check or the 28th of the month of service if paying by ACH.
- (9) Each time any Excess Benefit is not paid when due, the Plan Summary Retained Benefit schedule may be decreased by 1%.
- (10) Payments shall be adjusted prospectively once per year to reflect changing inputs affecting lighting cost. If newly available information indicates previously projected payments were inaccurate, then payments shall be adjusted to offset any inaccuracy. This process requires Partner to provide ERC with all electric bills for the 24 months pre-conversion through the recalculation date, as well as inform ERC of any changes to other lighting cost inputs. If Partner does not provide this information, ERC may use hours that are unchanged or changed based on changed kilowatt-hours billed by the utility and increase the prior year’s cost data by the most recent 30-year Constant Maturity Treasury Rate published by the U.S. Treasury.

Termination

- (11) Any time after two years following the completion of the most recent installation of NewLP, if Partner is in full compliance with this Agreement, Partner may give three months or more advance notice of intent to terminate and, upon return to ERC in useful form of all NewLP installed and in inventory and payment of all Excess Benefits due (plus late charges) up to the time ERC receives the NewLP, Partner and ERC will be released from further obligation under this Agreement.

(12) Although Partner is not required to use the NewLP, Partner may not remove NewLP and substitute other lighting product except following a proper termination of this Agreement or for normal maintenance in accordance with this Agreement.

(13) Partner may take possession of and responsibility for the condition and further maintenance of no less than all the NewLP by paying an Optional Buyout Cost ("OBC") equal to the prevailing cost to properly remove, return, and replace the NewLP with comparable product, and all Excess Benefits (plus late charges) due up to the time ERC receives payment of the OBC. Upon payment of the OBC and Excess Benefits, both parties will be released from any further obligations under this Agreement.

(14) ERC may terminate this Agreement upon five business days advance notice if Partner is or has been delinquent on any two or more payments due ERC. This does not relieve Partner of its obligations under this Agreement. Upon such termination, Partner agrees it shall pay the OBC and all Excess Benefits (plus late charges through the date of payment) due within twenty days of the date of notice of termination.

(15) ERC at its sole option may terminate its obligations under this Agreement at any time by transferring ownership of the NewLP to Partner, without cost or further obligation of Partner or ERC.

(16) ERC may terminate this Agreement without notice if Partner becomes insolvent or any bankruptcy, receivership or insolvency proceeding is instituted by or against Partner. Upon such termination, the OBC and all Excess Benefits due (plus late charges) up to the point of termination shall become immediately due and payable.

General Terms

(17) ERC may record a UCC financing statement regarding the NewLP.

(18) ERC plans and reports are unique and proprietary. Partner agrees not to share them with anyone outside of Partner's organization without prior, written permission from ERC.

(19) Partner agrees to name ERC as an additional insured with respect to the NewLP for no less than the amount of the OBC on any property or casualty insurance respecting the premises where the NewLP is installed, or inventory is maintained.

(20) Except as required for normal maintenance or public safety, Partner shall not, or allow others to, alter, remove, or uninstall the NewLP or inventory. Partner is responsible for any damage to NewLP caused by Partner or others.

(21) Partner shall pay ERC all costs of purchase, handling, and shipping for NewLP provided to replace NewLP which has failed from other than normal use. No maintenance stipend shall be paid for such replacements.

(22) ERC and Partner agree this Agreement imposes on each party an obligation to deliver cash to the other party, and to that other party a right to receive cash, and that such obligations may be settled on a net basis.

(23) Partner agrees that ERC may assign this Agreement to a funding agency if required to do so under a funding agreement, and that any recourse Partner may have for breach of this Agreement is against ERC, and not the funding agency.

(24) Any dispute or claim between the parties arising out of or relating to this agreement shall be submitted to binding arbitration by a single arbitrator and administered by the American Arbitration Association under its Commercial Arbitration Rules. Such arbitration shall be conducted in Oakland County, Michigan. The award rendered by the arbitrator shall be final and binding, and judgment may be entered in any court having jurisdiction over the parties for the dispute.

(25) Any project scope limitations or other project-specific modifications to this Agreement are provided in a separate "Attachment to the Lighting Conversion Agreement: Clarifications" and are effective when such is signed by both parties.

IN WITNESS WHEREOF, the parties have executed and delivered this Agreement as of the listed dates:

Partner: _____

ERC-LED, LLC

Signature: _____

Signature: _____

Date: _____

Date: _____

By (*Print*): _____ Its: _____

By (*Print*): _____ Its: _____

April 17, 2023 City Council Meeting

Moved by Councilmember _____ and seconded by Councilmember _____ to approve appointments to Boards & Commissions.

Historical Committee

Dorothy Bennoune, appointment to a term expiring July 1, 2025.
Steven Patterson, appointment to a term expiring July 1, 2025.

Environmental Advisory Committee

Donald Kaylor, appointment to a partial term expiring July 1, 2024.

Ayes:

Nays:

Motion:



Rachel Patterson <rpatterson@berkleymich.net>

Fwd: Berkley Boards and Commissions Application - Dorothy Bennoune

1 message

Victoria Mitchell <vmitchell@berkleymich.net>
To: Rachel Patterson <rpatterson@berkleymich.net>

Tue, Apr 4, 2023 at 4:05 PM

----- Forwarded message -----

From: 'Dorothy Bennoune' via Boards and Commissions <boards@berkleymich.net>
Date: Thu, Sep 22, 2022 at 7:17 PM
Subject: Re: Berkley Boards and Commissions Application - Dorothy Bennoune
To: <boards@berkleymich.net>

 **Berkley Boards and Commissions Application**

Full Name	Dorothy Bennoune
Current Address	Street Address: Thomas
Email Address	
Cell Phone Number	
How many years have you lived in Berkley?	77
Indicate which Board/Commission committee this application is for:	Historical Committee
If you selected more than one Board/Commission committee, please indicate which is your top choice down to your last choice.	I only selected one committee
Current Employer:	n/a
Current Occupation:	n/a
Please outline your specific qualifications for this appointment:	I know a fair amount about Berkley since 1944. Will enjoy keeping the history up to date.

--
Victoria Mitchell, MiPMC
City Clerk
City of Berkley
3338 Coolidge Highway



Rachel Patterson <rpatterson@berkleymich.net>

Fwd: Berkley Boards and Commissions Application - Steven Patterson

----- Forwarded message -----

From: 'Steven Patterson' via Boards and Commissions <boards@berkleymich.net>

Date: Tue, Nov 15, 2022 at 6:43 PM

Subject: Re: Berkley Boards and Commissions Application - Steven Patterson

To: <boards@berkleymich.net>

 **Berkley Boards and Commissions Application**

Full Name	Steven Patterson
Current Address	Street Address: Phillips Ave
Email Address	
Cell Phone Number	
How many years have you lived in Berkley?	4.5
Indicate which Board/Commission committee this application is for:	Historical Committee
If you selected more than one Board/Commission committee, please indicate which is your top choice down to your last choice.	N/A
Current Employer:	None
Current Occupation:	Retired Veteran
Upload Resume	SP RESUME.docx
Please outline your specific qualifications for this appointment:	I am an artist with general handyman skills as well as a genuine interest in Berkley history.

--
Victoria Mitchell, MiPMC
City Clerk
City of Berkley



Charlaine Stevenson <cstevenson@berkleymich.net>

Re: Berkley Boards and Commissions Application - Donald Kaylor

1 message

'Donald Kaylor' via Boards and Commissions <boards@berkleymich.net>

Tue, Apr 4, 2023 at 12:01 PM

Reply-To: dawsonite@msn.com

To: boards@berkleymich.net

Berkley Boards and Commissions Application

Full Name	Donald Kaylor
Current Address	Street Address: BUCKINGHAM AVE

Email Address

Cell Phone Number

How many years have you lived in Berkley?	28
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Indicate which Board/Commission committee this application is for:	Environmental Advisory Committee
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If you selected more than one Board/Commission committee, please indicate which is your top choice down to your last choice.	N/A
--	-----

Current Employer:	Testing Engineers & Consultants, Inc.
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Current Occupation:	Environmental Consultant
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Upload Resume	Kaylor.pdf
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Please outline your specific qualifications for this appointment:	<p>I have Bachelor's and Master's degrees in Geology, as well as a Graduate Diploma in Environmental Engineering, and am a Professional Geologist (PG) and Environmental Professional (EP) with 32+ years of experience in environmental consulting in Michigan. Activities include long-time mentoring of a senior engineering class at Wayne State, being a member of the Local Planning Committee for the 2023 Brownfields Training Conference in Detroit (August), and previously being a member of the State of Michigan's Underground Storage Tank advisory committee, as well as being a past-president of the Michigan Association of Environmental Professionals (MAEP).</p>
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AN ORDINANCE
of the City Council of the City of Berkley, Michigan to Add Article XVII, Retail Dog and Cat Sales Temporary Moratorium, in Chapter 30, Businesses, of the Berkley City Code to Establish a Temporary Moratorium on New Businesses, or Expansion of Existing Businesses, that engage in the Retail Sale of Dogs or Cats.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: New Article XVII shall be added to Chapter 30, Businesses, of the Berkley Code of Ordinances, as follows:

ARTICLE XVII. RETAIL DOG AND CAT SALES TEMPORARY MORATORIUM

Sec. 30-910. Purpose.

The purpose of this Article is to lessen and discourage the inhumane treatment of animals. Some commercial animal breeders operate unsanitary and inhumane breeding facilities for dogs and cats in which the health of the animals is disregarded. Some retail pet sales establishments purchase animals from commercial breeders that operate unsanitary and inhumane breeding facilities. For these reasons jurisdictions in Michigan and other states have in recent years adopted regulations and prohibitions applicable to the retail sale of dogs and cats.

The Berkley City Council is in the process of examining options appropriate to the City of Berkley to regulate retail pet sales in the City. While examining this issue, the City Council finds that it is in the best interest of the City, and the life, health, safety, and welfare of residents, animals, and potentially impacted businesses, to avoid the potential expansion of commercial establishments engaging in the retail sale of dogs or cats. For this reason, the Berkley City Council finds that it is appropriate to institute a 6 month moratorium on the permitting or approval of additional or expanded retail sale of dogs and cats in the City of Berkley. This temporary moratorium is needed to prevent the increase and sale of potentially unhealthy or inhumanely bred animals while the Berkley City Council considers policy options related to pet sales in the City of Berkley.

Sec. 30-911. Moratorium

(a) A temporary moratorium on the addition or expansion of commercial locations engaging, or intending to engage, in the retail sale of dogs or cats in the City is established. This moratorium will go into effect on the effective date of this Article and will continue in effect for a period of 6 calendar months. During the moratorium period the City of Berkley will not approve any permits or business licenses for new businesses engaging or intending to engage in the retail sale of dogs or cats in the City and will not approve any revisions to existing permits that would change or increase the permitted locations for such sales. Any existing commercial pet store that is lawfully operating on or before the effective date of this moratorium is permitted to continue the retail sale of dogs or cats. As a condition of continued operation during the moratorium period, a commercial pet store is prohibited from increasing or enlarging the square-footage dedicated to

the retail sale of dogs or cats and is prohibited from opening any new locations in the City of Berkley.

(b) City of Berkley Staff will engage in fact-finding related to potential regulations to ensure that pet sales in the City of Berkley are well structured to ensure transparency, adherence to humane practices, and protection of consumers.

(c) The moratorium may be shortened prior to the end of the 6 month period with the adoption of regulations pertaining to the sale of pets in the City of Berkley.

Sec. 30-912. Violation.

A violation of this article is a municipal civil infraction, and upon determination of responsibility shall be punishable by a civil fine of not more than \$500, and/or such other sanctions and remedies as authorized in Article IX of Chapter 82 of the Code of Ordinances.

SECTION 2: Severability Clause

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

SECTION 3: Effective Date

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

SECTION 4: Publication

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

Introduced on the First Reading at the Regular City Council Meeting on Monday, April 17, 2023.
Adopted on the Second Reading at the Regular City Council Meeting on _____.

Bridget Dean, Mayor

Attest:

Victoria Mitchell, City Clerk

April 17, 2023 City Council Meeting

Moved by Councilmember _____ and seconded by Councilmember _____ to approve an interlocal agreement with Oakland County.

Ayes:

Nays:

Motion:

AGREEMENT FOR LOCAL FISCAL RECOVERY FUND DISTRIBUTION BETWEEN OAKLAND COUNTY AND

City of Berkley

This Agreement (the "Agreement") is made between Oakland County, a Municipal and Constitutional Corporation, 1200 North Telegraph Road, Pontiac, Michigan 48341 ("County"), and the City of Berkley ("Public Body") 3338 Coolidge Hwy, Berkley, Michigan 48072. County and Public Body may be referred to individually as a "Party" and jointly as "Parties".

PURPOSE OF AGREEMENT. On March 11, 2021, the President of the United States signed the American Rescue Plan Act of 2021 ("ARPA") into law. Section 9901 of ARPA amended Title VI of the Social Security Act to add section 603, which establishes the Coronavirus Local Fiscal Recovery Fund. Oakland County has been allocated \$244,270,949 in Local Fiscal Recovery Fund ("LFRF") dollars under ARPA.

The United States Department of Treasury has issued an interim final rule, and other guidance for qualified uses of LFRF. Those qualified uses include funding for water and sewer infrastructure projects that align with projects that would be eligible to receive financial assistance through the Environmental Protection Agency's Clean Water State Revolving Fund (CWSRF) or the Drinking Water State Revolving Fund (DWSRF). County has determined that the distribution of funds in accordance with this Agreement is a qualified use of LFRF funds pursuant to the interim rule and other applicable Department of Treasury guidance.

The Oakland County Board of Commissioners has approved Miscellaneous Resolutions #21-303 and #21-382 assigning \$2,400,000 in ARPA LFRF funding for a grant program to provide Oakland County local governments with financial assistance for costs associated with the planning and design of critical ARPA eligible sewer and water infrastructure projects and a grant administration plan.

County and Public Body enter into this Agreement pursuant to the Urban Cooperation Act of 1967, 1967 Public Act 7, MCL 124.501 *et seq.*, for the purpose of County distributing a portion of its LFRF funds to Public Body.

In consideration of the mutual promises, obligations, representations, and assurances in this Agreement, the Parties agree to the following:

1. **DEFINITIONS.** The following words and expressions used throughout this Agreement, whether used in the singular or plural, shall be defined, read, and interpreted as follows:
 - a. **Agreement** means the terms and conditions of this Agreement and any other mutually agreed to written and executed modification, amendment, Exhibit and attachment.
 - b. **Claims** mean any alleged losses, claims, complaints, demands for relief or damages, lawsuits, causes of action, proceedings, judgments, deficiencies, liabilities, penalties, litigation, costs, and expenses, including, but not limited to, reimbursement for reasonable attorney fees, witness fees, court costs, investigation expenses, litigation expenses, amounts paid in settlement, and/or other amounts or liabilities of any kind which are incurred by or asserted against County or Public Body, or for which County or Public Body may become legally and/or contractually obligated to pay or defend against, whether direct, indirect or consequential, whether based upon any alleged violation of the federal or the state constitution, any federal or state statute, rule, regulation, or any alleged violation of federal

or state common law, whether any such claims are brought in law or equity, tort, contract, or otherwise, and/or whether commenced or threatened.

- c. **County** means Oakland County, a Municipal and Constitutional Corporation, including, but not limited to, all of its departments, divisions, the County Board of Commissioners, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, agents, volunteers, and/or any such persons' successors.
 - d. **Day** means any calendar day beginning at 12:00 a.m. and ending at 11:59 p.m.
 - e. **Public Body** means the City of Berkley including, but not limited to, its council, its Board, its departments, its divisions, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, agents, subcontractors, attorneys, volunteers, and/or any such persons' successors.
 - f. **Public Body Employee** means any employees, officers, directors, members, managers, trustees, volunteers, attorneys, representatives of Public Body, licensees, concessionaires, contractors, subcontractors, independent contractors, agents, and/or any such persons' successors or predecessors (whether such persons act or acted in their personal, representative or official capacities), and/or any persons acting by, through, under, or in concert with any of the above who use or have access to the funds provided under this Agreement. "Public Body Employee" shall also include any person who was a Public Body Employee at any time during the term of this Agreement but, for any reason, is no longer employed, appointed, or elected in that capacity.
2. **GRANT.** Subject to the terms and condition of this Agreement, and in reliance upon the Public Body's affirmations set forth below, the County agrees to make, and the Public Body agrees to accept, the grant funds.
- a. County will distribute \$100,000 in grant funds to Public Body for the project scope it included in its application to the County, which is attached and incorporated into this Agreement as **Exhibit A**.
 - b. Public body unique entity identifier (or DUNS number): ZJCKGPLD4NJ7.
 - c. Federal award identification number (FAIN): SLFRP2640
 - d. Catalog of federal domestic assistance (CFDA) number: 21.027
 - e. Federal award date: May 28, 2021
 - f. Subaward period of performance start and end date: April 2023 to October 2023.
 - g. Award is not for research & development (R&D): Funds cannot be used for research and development related expenditures.
 - h. Indirect cost rate for federal award: Indirect costs are not eligible for this Agreement.
 - i. Contact person for county/pass through entity: Kenneth Dobson.
 - j. Defined use of funds: All grant funds must be expended in accordance with this Agreement and the guidelines for ARPA funds.

3. **PUBLIC BODY'S RESPONSIBILITIES.**

- a. Public Body's grant match requirements, if any, are detailed in **Exhibit B** attached hereto and incorporated as part of this Agreement.
- b. Public Body shall submit to Oakland County quarterly reporting on the grant funds including:
 - 1. Project progress report including completion of deliverables included in project scope;
 - 2. Accounting of expenses incurred and grant funds expended; and 3. Any other relevant information or records, to be determined by County.
- c. Public Body shall submit to Oakland County a final report by the end of the Agreement or within 30 days after final Project completion, whichever date is sooner, on the grant funds including:
 - 1. Project completion report;
 - 2. Full accounting of its expenditure of grant funds;
 - 3. Certification of its use of grant funds and fulfillment of the terms of the Agreement; and
 - 4. Any other relevant information or records, to be determined by County.
- d. Public Body shall respond to and be responsible for Freedom of Information Act requests relating to Public Body's records, data, or other information.
- e. Public Body must comply with any other reporting requirements as may be necessary for accepting the grant funding provided for in this Agreement.

4. **COUNTY'S RESPONSIBILITIES.**

- a. County shall designate in writing a department, individual, or other entity to oversee the reporting requirements set forth in Section 3 above to ensure timely reporting, accurate accounting, and verification of final certification.

5. **PUBLIC BODY AFFIRMATIONS.**

- a. Public Body affirms that any and all representations made to County in connection with its application and this grant were accurate, truthful and complete and remain so. Public Body acknowledges that all representations and information provided have been relied on by the County to provide funding under this Agreement. Public Body shall promptly notify County, in writing, of the occurrence of any event or any material change in circumstances which would make any Public Body representation or information untrue or incorrect or otherwise impair Public Body's ability to fulfill its obligations under this Agreement.
- b. Public Body will comply with any federal, state, or local public health orders or mitigation recommendations regarding the COVID-19 pandemic which are in effect as of the date this Agreement is signed by both Parties.
- c. Public Body may not use grant funds for expenses for which the Public Body has received any other federal funds or emergency COVID-19 supplemental funding, whether it be state, federal, or private in nature, for the same expense. No portion of grant funds may be used for

the purpose of obtaining additional Federal funds under any other law of the United States, except if authorized by law. Public Body shall promptly notify County if it receives insurance proceeds or other disaster assistance (public or private) that duplicates the funding received under this Agreement. Grant funds may not be used to cover expenses that were reimbursed by insurance.

- d. Public Body shall not carry out any activities under this Agreement that results in a prohibited duplication of benefits as defined by Section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155) and in accordance with Section 1210 of the Disaster Recovery Reform Act of 2018 (division D of Public Law 115–254; 132 Stat. 3442), which amended Section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155). If the Public Body receives duplicate benefits from another source for projects related to this disaster, the Public Body must refund the benefits provided by the County to the County. Duplication of benefits occurs when Federal financial assistance is provided to a person or entity through a program to address losses resulting from a Federally-declared emergency or disaster, and the person or entity has received (or would receive, by acting reasonably to obtain available assistance) financial assistance for the same costs from any other source (including insurance), and the total amount received exceeds the total need for those costs.
 - e. Public Body shall use all grant funds it receives under this Agreement by December 31, 2026. Any grant funds not used by that date must be returned to County.
 - f. Public Body understands that the grant funds it receives under this Agreement are a subaward of County’s LFRF funds, and that County is required to manage and monitor any subrecipient of LFRF funds. Therefore, Public Body agrees to comply with any subrecipient monitoring requirements established by County or by Federal law.
6. **REPAYMENT REMEDIES.** Public Body is subject to repayment to the County of an amount equal to the grant funds received by Public Body in the event Public Body has made material misrepresentations to the County in its application, voluntary bankruptcy or insolvency proceeding are commenced against the Public Body and not set aside within sixty (60) days, or the Public Body fails to otherwise comply with the requirements of this Agreement. In the event County later determines the information Public Body provided in conjunction with this Agreement, or that Public Body was ineligible for the grant funds, or that Public Body’s use of the grant funds following receipt was contrary to this Agreement, Public Body agrees to repay the grant funds to County in full. County further retains all rights and remedies allowed in law or equity, including seeking payment of its reasonable costs and expenses incurred enforcing its rights and remedies.
7. **TAX LIABILITY.** County and Public Body agree that to the extent that any part of the aforementioned funds are deemed to be taxable, that Public Body agrees to be fully responsible for the payment of any taxes, including withholding payments, social security, or other funds which are required to be withheld. Public Body agrees to provide County with all information and cooperation necessary to execute a completed 1099-G form; which County will file with the United States Internal Revenue Service. Public Body acknowledges that Public Body will consult with a tax professional regarding the tax implications, if any, of the grant funds, and/or hereby waives the option to do so. Public Body further agrees to indemnify and hold County harmless for the payment of any tax or withholding payments, including any penalty assessed it may owe under this Agreement.

8. **CONFLICT OF INTEREST.** Pursuant to Public Act 317 and 318 of 1968, as amended (MCL 15.301, *et seq.* and MCL 15.321, *et seq.*), to avoid any real or perceived conflict of interest, Public Body shall disclose to County the identity of all Public Body Employees and all relatives of Public Body Employees who: a) are employed by the County or are elected or appointed officials of the County, on the date this Agreement is executed; and b) becomes employed or appointed by the County or becomes an elected official of County during the term of the Agreement.
9. **ACCESS TO RECORDS AND AUDIT.** Payments from ARPA funds are subject to 2 C.F.R. 200.303 regarding internal controls, 2 C.F.R. 200.331-333 regarding subrecipient monitoring and management, and 2 C.F.R. Part 200 Subpart F regarding audit requirements. Where applicable, these requirements are considered legally binding and enforceable under this Agreement. Oakland County reserves the right to use any legal remedy at its disposal including, but not limited to, disallowance of costs, withholding of funds or recoupment as may be necessary to satisfy requirements. Subawards or subcontracts, if any, shall contain a provision making them subject to all of the provisions in this Agreement.

Public Body shall maintain all records pertinent to the Agreement and any amendments, including backup copies, for a period of five (5) years. The records shall be kept in accordance with generally accepted accounting practices, utilize adequate internal controls and shall maintain necessary documentation for all costs incurred, including documentation and an inventory of all equipment purchased with grant funds. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

In addition to County, the U.S. Department of Treasury, or their authorized representatives, shall be provided the right to audit all records pertaining to the expenditure and use of grant funds. All records with respect to any matters covered by this Agreement shall be made available to County, the Federal awarding agency, and the Comptroller General of the United States or any of their authorized representatives, at any time during normal business hours, as often as deemed necessary, to audit, examine, and make excerpts or transcripts of all relevant data. Any deficiencies noted in audit reports must be fully cleared by Public Body within 30 days after receipt by the Public Body. Failure of Public Body to comply with the audit requirements will constitute a violation of this Agreement.

Fund payments are considered “other federal financial assistance” under Title 2 C.F.R. 200 – Uniform

Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards (“Uniform Guidance”) and are subject to the Single Audit Act Amendments of 1996 (31 U.S.C. 7501-7507 or program specific audit pursuant to 2 C.F.R. 200.501(a) when Public Body spends \$750,000 or more in federal awards during their fiscal year.

Fund payments are subject to 2 C.F.R. 200.303 regarding internal controls. Subrecipient must establish and maintain effective internal control over the Federal award that provides reasonable assurance that the Subrecipient is managing the award in compliance with Federal statutes, regulations, and the terms and conditions of the award.

Fund payments are subject to 2 C.F.R. 200.330 through 200.332 regarding Public Body monitoring and management. Fund payments are subject to Subpart F regarding audit requirements. Failure of

Public Body to comply with the audit requirements will constitute a violation of this Agreement. Public Body may be required to submit a copy of that audit to the County in accordance with the Uniform Guidance.

10. **COMPLIANCE WITH LAWS.** Public Body shall comply with all federal, state, and local laws, statutes, ordinances, regulations, and all requirements applicable to its activities under the Agreement and grant. This includes the following:

- a. Public Body must comply with 2 C.F.R. 200.303(e) and take reasonable measures to safeguard protected personally identifiable information, as defined in 2 C.F.R. 200.82, and other information County designates as sensitive or the Public Body considers sensitive consistent with applicable Federal, state, and local laws regarding privacy and obligations of confidentiality.
- b. Public Body must comply with 2 C.F.R. 200.322 if it is passing through grant funds/issuing subawards to other entities.
- c. Public Body must comply with 31 U.S.C. Chapter 38, Administrative Remedies for False Claims and Statements. Public Body will not pass-through grant funds to an entity listed in the SAM Exclusions. SAM Exclusions is the list maintained by the General Services Administration that contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549. SAM exclusions can be accessed at www.sam.gov.
- d. Public Body must register at sam.gov.
- e. Public Body must comply with Title VI of the Civil Rights Act of 1964, and any implementing regulations, which prohibits entities receiving Federal financial assistance from excluding from a program or activity, denying benefits or services, or otherwise discriminating against a person on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity). All applicable U.S. Department of Treasury Title VI regulations are incorporated into this Agreement and made a part of this Agreement.

11. **DURATION OF INTERLOCAL AGREEMENT.**

- a. This Agreement shall be effective when executed by both Parties with resolutions passed by the governing bodies of each Party. The approval and terms of this Agreement shall be entered in the official minutes of the governing bodies of each Party. An executed copy of this Agreement and any amendments shall be filed by the County Clerk with the Secretary of State.
- b. This Agreement shall remain in effect until December 31, 2026, or until cancelled or terminated by any of the Parties pursuant to the terms of the Agreement. Public Body shall comply with the record keeping, reporting, audit response, and fund return requirements of this Agreement after the termination of this Agreement.

12. **ASSURANCES.**

- a. **Responsibility for Claims.** Each Party shall be responsible for any Claims made against that Party by a third party, and for the acts of its employees arising under or related to this Agreement.

- b. **Responsibility for Attorney Fees and Costs.** Except as provided for in Section 14, in any Claim that may arise from the performance of this Agreement, each Party shall seek its own legal representation and bear the costs associated with such representation, including judgments and attorney fees.
- c. **No Indemnification.** Except as otherwise provided for in this Agreement, neither Party shall have any right under this Agreement or under any other legal principle to be indemnified or reimbursed by the other Party or any of its agents in connection with any Claim.
- d. **Costs, Fines, and Fees for Noncompliance.** Public Body shall be solely responsible for all costs, fines and fees associated with any misuse of the the grant funds and/or for noncompliance with this Agreement by Pubic Body Employees.
- e. **Reservation of Rights.** This Agreement does not, and is not intended to, impair, divest, delegate or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty, or immunity of the Parties. Nothing in this Agreement shall be construed as a waiver of governmental immunity for either Party.
- f. **Authorization and Completion of Agreement.** The Parties have taken all actions and secured all approvals necessary to authorize and complete this Agreement. The persons signing this Agreement on behalf of each Party have legal authority to sign this Agreement and bind the Parties to the terms and conditions contained herein.

13. **TERMINATION OR CANCELLATION OF AGREEMENT.**

- a. County may terminate or cancel this Agreement at any time if it determines that Public Body has expended the grant funds in violation of ARPA requirements or this Agreement. If County terminates or cancels this Agreement, Public Body shall be liable to repay County the amount of money expended in violation of ARPA requirements or this Agreement. County may utilize the provisions in Section 14 to recoup the amount of money owed to County by Public Body.
- b. Public Body may terminate or cancel this Agreement at any time. If Public Body terminates or cancels this Agreement, it shall immediately return to County any and all grant funds it has already received.
- c. If either Party terminates or cancels this Agreement they shall provide written notice to the other Party in the manner described in Section 21.

14. **SETOFF OR RETENTION OF FUNDS**

- a. In any case where Public Body is required to return an amount of money to County under this Agreement, Public Body agrees that unless expressly prohibited by law, County or the Oakland County Treasurer, at their sole option, shall be entitled to set off from any other Public Body funds that are in County's possession for any reason, including but not limited to, the Oakland County Delinquent Tax Revolving Fund ("DTRF"), if applicable. Any setoff or retention of funds by County shall be deemed a voluntary assignment of the amount by Public Body to County. Public Body waives any Claims against County or its Officials for any acts related specifically to County's offsetting or retaining of such amounts. This paragraph shall not limit Public Body's legal right to dispute whether the underlying amount retained by County was actually due and owing under this Agreement.

- b. Nothing in this Section shall operate to limit County's right to pursue or exercise any other legal rights or remedies under this Agreement or at law against Public Body to secure payment of amounts due to County under this Agreement. The remedies in this Section shall be available to County on an ongoing and successive basis if Public Body becomes delinquent in its payment. Notwithstanding any other term and condition in this Agreement, if County pursues any legal action in any court to secure its payment under this Agreement, Public Body agrees to pay all costs and expenses, including attorney fees and court costs, incurred by County in the collection of any amount owed by Public Body.
15. **DELEGATION OR ASSIGNMENT.** Neither Party shall delegate or assign any obligations or rights under this Agreement without the prior written consent of the other Party.
16. **NO THIRD-PARTY BENEFICIARIES.** Except as provided for the benefit of the Parties, this Agreement does not and is not intended to create any obligation, duty, promise, contractual right or benefit, right to indemnification, right to subrogation, and/or any other right in favor of any other person or entity.
17. **NO IMPLIED WAIVER.** Absent a written waiver, no act, failure, or delay by a Party to pursue or enforce any rights or remedies under this Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this Agreement. No waiver of any term, condition, or provision of this Agreement, whether by conduct or otherwise, in one or more instances shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Agreement. No waiver by either Party shall subsequently affect its right to require strict performance of this Agreement.
18. **SEVERABILITY.** If a court of competent jurisdiction finds a term or condition of this Agreement to be illegal or invalid, then the term or condition shall be deemed severed from this Agreement. All other terms, conditions, and provisions of this Agreement shall remain in full force.
19. **PRECEDENCE OF DOCUMENTS.** In the event of a conflict between the terms and conditions of any of the documents that comprise this Agreement, the terms in the Agreement shall prevail and take precedence over any allegedly conflicting terms and conditions.
20. **CAPTIONS.** The section and subsection numbers, captions, and any index to such sections and subsections contained in this Agreement are intended for the convenience of the reader and are not intended to have any substantive meaning. The numbers, captions, and indexes shall not be interpreted or be considered as part of this Agreement. Any use of the singular or plural, any reference to gender, and any use of the nominative, objective or possessive case in this Agreement shall be deemed the appropriate plurality, gender or possession as the context requires.
21. **NOTICES.** Notices given under this Agreement shall be in writing and shall be personally delivered, sent by express delivery service, certified mail, or first class U.S. mail postage prepaid, and addressed to the person listed below. Notice will be deemed given on the date when one of the following first occur: (i) the date of actual receipt; (ii) the next business day when notice is sent express delivery service or personal delivery; or (iii) three days after mailing first class or certified U.S. mail.
- a. If Notice is sent to County, it shall be addressed and sent to: Oakland County Executive, Attention: Kenneth Dobon, 2100 Pontiac Lake Rd., Waterford, MI, 48328
- b. If Notice is sent to Public Body, it shall be addressed to: City of Berkley, 3338 Coolidge Hwy, Berkley, Michigan 48072.

22. **GOVERNING LAW/CONSENT TO JURISDICTION AND VENUE.** This Agreement shall be governed, interpreted, and enforced by the laws of the State of Michigan. Except as otherwise required by law or court rule, any action brought to enforce, interpret, or decide any Claim arising under or related to this Agreement shall be brought in the 6th Judicial Circuit Court of the State of Michigan, the 50th District Court of the State of Michigan, or the United States District Court for the Eastern District of Michigan, Southern Division, as dictated by the applicable jurisdiction of the court. Except as otherwise required by law or court rule, venue is proper in the courts set forth above.

23. **SURVIVAL OF TERMS.** The Parties understand and agree that all terms and conditions of this Agreement that require continued performance, compliance, or effect beyond the termination date of the Agreement shall survive such termination date and shall be enforceable in the event of a failure to perform or comply.

24. **ENTIRE AGREEMENT.**

- a. This Agreement represents the entire agreement and understanding between the Parties regarding the grant funds, and supersedes all other oral or written agreements between the Parties.
- b. The language of this Agreement shall be construed as a whole according to its fair meaning, and not construed strictly for or against any Party.

IN WITNESS WHEREOF, Matthew Baumgarten, City Manager hereby acknowledges that he/she has been authorized by a resolution of the City of Berkley, a certified copy of which is attached, to execute this Agreement on behalf of Public Body and hereby accepts and binds Public Body to the terms and conditions of this Agreement.

EXECUTED: _____
Matthew Baumgarten, City Manager, City of Berkley

DATE: _____

WITNESSED: _____
Victoria Mitchell, City Clerk

DATE: _____

IN WITNESS WHEREOF, David Woodward, Chairperson, Oakland County Board of Commissioners, hereby acknowledges that he has been authorized by a resolution of the Oakland County Board of Commissioners to execute this Agreement on behalf of Oakland County, and hereby accepts and binds Oakland County to the terms and conditions of this Agreement.

EXECUTED: _____
David Woodward, Chairperson
Oakland County Board of Commissioners

DATE: _____

WITNESSED: _____
Oakland County Board of Commissioners
County of Oakland

EXHIBIT A

EXHIBIT B

[Type text]

Memorandum

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

From: Edward Zmich, Manager

Date: March 31, 2022

Subject: Project Summary for City of Berkley Water Service Line Verification
Oakland County Local Government Critical Infrastructure Grant

HRC Job No. 20220098

WATER SERVICE LINE VERIFICATIONS

The following is a summary of the proposed City of Berkley Water Service Line (WSL) Verifications, specifically related to developing a service line inventory through field verifications. This is provided as supplemental information for an application for funding through the Oakland County Local Government Critical Infrastructure Grant program. The proposed project also includes additional planning work for the City's combined sewer system, which is described in a separate document.

Executive Summary:

The proposed scope of work to be performed with this grant funding includes the following:

1. Actions related to inventory the materials of water service lines.
2. By applying for this funding, it is anticipated that the City will be able to comply with the verification of service line materials regulatory requirement for a complete distribution system materials inventory (CDSMI) by January 1, 2025.

Statement of Need:

This project will include the material verification of water service lines in order to comply with the State requirement under the revised Lead and Copper Rule. Each water system is required to verify materials at specific locations along a certain number of service lines (364 for the City of Berkley) in order to effectively evaluate the accuracy of service line records and predict service line materials throughout the water system to make strategic decisions regarding future lead service line replacements. By performing the water service line material verifications as required by EGLE, the City will be able to develop an inventory of the water system's service lines, strategically plan and budget for replacement of known lead service lines, and remove potential risks to public health. Because this is a mandated expense, the City receipt of grant money would lessen the burden on the rate payers.

Methods and Strategies:

The proposed scope of work and proposed service providers for the WSL verification efforts are as follows:

- 1) The City and their contracted consulting engineers will perform the professional services work associated with this project. Professional services include:
 - a) Planning and coordinating the verification locations
 - b) Scheduling, tracking, and observing the work

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

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

Grand Rapids
81925 Breton Road SE
Suite 100
Grand Rapids, MI 49506
616-454-4286

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

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

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

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

- c) Internal service line verifications
 - d) Organizing the collected information
 - e) Finalizing restoration items
 - f) Administration of grant reporting and reimbursements
- 2) The City has a competitively bid contract already in place through the Southeastern Oakland County Water Authority's (SOCWA) Water Service Line Replacement Program, of which the City is a customer of, to complete any non-professional services associated with this project. Non-professional services include:
- a) Permit acquisition
 - b) Physical verification of service line materials (including via cost-effective technologies of hydroexcavation, air-knifing, machine learning, etc.)
 - c) Site restoration of service line work area.
- 3) A portion of this WSL verifications work is being requested for inclusion in this grant program. The City plans to have approximately 156 (of the 364 total) WSL field verifications performed in 2022 as part of this grant, at a total cost of \$156,000.

Desired Outcomes:

The proposed project addresses the following Oakland County Local Government Critical Infrastructure Planning Grant Program priorities:

1) **Protect Public Health.**

- Removal of Lead Services protect public health
- Inventory is first step in developing a Lead Service Line Replacement (LSLR) Program
- Inventory of service lines can accelerate and streamline development and implementation of LSLR Program

Exposure to lead is a paramount public health concern and the removal of lead water service lines minimizes the opportunity for lead particulate to leach into drinking water. Historically, water supplies were not required to document service line information on the "private" side of the service line (from the curb stop into the building/premises). In addition, the origin of the City's water distribution system dates back to the early 1920's with nearly all of the system developed by 1960, so record information of the "public" side of the service line (from the water main to the curb stop) can be incomplete and ambiguous. Developing a service line inventory through the field verification of service line materials will assist the City to identify and predict where lead service lines are located within their water system and streamline the development of a lead service line replacement program; ultimately removing lead service lines from the City water system and protecting public health.

2) **Preserve Natural Resources and a Healthy Environment.**

- Clean, fresh drinking water is essential for quality of life
- Removal of lead service lines improves water quality
- Service line verifications are required by regulatory order

Safe drinking water is of the utmost importance to the City and essential to the quality of life of its customers. Developing a systematic approach to remove all lead service lines from the distribution system, starting with developing an inventory through the verification of service line materials, is paramount to the health and safety of water customers. The verification of service line materials would allow the City to comply with the regulatory requirement for a complete distribution system materials inventory (CDSMI) by January 1, 2025.

3) **Maintain Reliable, High-Quality Service.**

- Inventory provides transparency and strengthens customer confidence
- Improved customer confidence supports the cost of service and fees for O&M and CIPs
- Accurate inventory supports long-term fiscal sustainability
- Methods of inventorying supports cost-effective technologies of hydroexcavation, air-knifing, machine learning, etc.

Completing and maintaining an inventory of water service line materials provides a platform to deliver information to customers. Water service line information will be disseminated per regulatory guidance and as requested by customers to provide transparent and reliable data on City municipal assets and help strengthen customer confidence in their leadership. Customers that are provided with the data used to make decisions on how their tax dollars and service fees are spent typically understand the circumstances in which municipal operations are faced, and therefore are more likely to support increased fees for the operation and maintenance and capital improvement planning for infrastructure systems. A complete, accurate, and well-maintained service line asset inventory supports long-term fiscal sustainability by providing reliable data to make calculated decisions for removal of lead service lines and future regulatory requirements regarding water systems. Lastly, the methods to physically verify water service lines for inventorying purposes and evaluating and/or predicting the accuracy of existing service line material information will utilize state-of-the-art, emerging technologies such as hydroexcavation, air-knifing, and potentially machine learning.

4) **Assure Value for Investment.**

- Material investigations provides information for the “current state of assets” which is one of the 5 core principles of asset management planning.
- Inventory provides information to make strategic and optimal decisions about LSLRs to ensure greater value for investments
- Promotes the use of decision support tools to project service line materials throughout water systems

Performing service line verifications for the purposes of developing an asset inventory is critical to the successful management of the City’s water service lines. Successfully managing this asset includes coordinating lead service line replacement efforts across different infrastructure projects, understanding how many lead services are in the system and where they are located to help make strategic and optimal decisions to ensure greater value for investments. Performing the physical verification of a statistically sound subset service line materials will promote the use of a decision support tool to extrapolate the data and minimize the number of service line verifications needed to complete the required complete distribution system materials inventory (CDSMI) thus reducing the investment needed in digging up water service lines and gaining the most value from the limited financial resources in the City.

5) **Contribute to Economic Prosperity.**

- Customers expect to receive high-quality, safe drinking water; a transparent inventory of water service line materials supports this expectation
- Planning for the removal of lead service lines supports meeting the current needs and expectations of customers
- Investment in the planning for lead service line removal enhances property values
- Inventory supports Project Plan development for LSLR projects

Drinking water is expected to be free from potentially harmful contaminants. Both the Environmental Protection Agency and the Centers for Disease Control and Prevention agree that there is no known safe level of lead for consumption. It is known that the water purchased from Great Lakes Water Authority (GLWA) through SOCWA and delivered through the City’s distribution system does not contain lead and that the predominant location of exposure to lead during water delivery is at the water service line. Therefore, inventorying water service lines, providing a platform for this information to be shared with customers, and subsequently planning a lead service line replacement program supports the

expectation that water will be delivered to a customers' tap free from harmful contaminants. Support of this inventory, data transparency, and promotion of the planning for lead service line removals encourages investment into the community and enhances property values and economic prosperity. Lastly, the creation of the service inventory will aide in the potential development of Drinking Water State Revolving Fund (DWSRF) Project Plans for Lead Service Line Replacements to take advantage of proposed Infrastructure Investment and Jobs Act which has proposed at this time to set aside over \$55 billion dollars in investments to eliminate lead service lines throughout the United States.

Critical Infrastructure Planning Grant Priorities:

The proposed project addresses the Oakland County Local Government Critical Infrastructure Planning Grant program's priorities:

- 1) **Serious risk to public health**— The project has a substantial impact on public health as described in the previous section.
- 2) **Compliance with Federal and State regulations**— This project will include the verification of water service lines in order to comply with the State requirement under the revised Lead and Copper Rule.
- 3) **Assistance for systems experiencing the greatest affordability needs**—Asset management based planning will assist the City in determining the appropriate projects to ensure customers are getting their desired level of service at the lowest costs.
- 4) **Meeting Customer expectations for Reliable, High-Quality Service** – Water system customers expect clean drinking water from their taps, and the development of this service line inventory will lead directly to a plan to remove these potential sources of lead contamination in City drinking water supplies.

Budget:

The proposed budget for this grant for the water service line material verifications is \$156,000. Each service line verification is estimated at \$1,000 each, which includes notifications, communications, scheduling, internal verifications, mobile application setup and GIS support, field physical verifications at the curb stop and the organization, documentation and reporting of the work.

Project Estimates:

The competitively bid field verifications contract is provided herewith. The City plans to only utilize the field verifications of WSL points 2 & 3 for this grant.

Schedule:

All proposed work shall be completed on or before September 30, 2023. Work is anticipated to begin in the next several months. The following is a basic preliminary schedule for the proposed work:

Resident Notifications – May 2022 – September 2022

Service Line Material Verifications – September 2022 - September 2023

Contacts:

City of Berkeley

Matthew Baumgarten (City Manager)

mbaumgarten@berkeleymich.net

Hubbell, Roth & Clark, Inc.

Edward Zmich (Manager)

ezmich@hrcengr.com

Memorandum

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

From: Edward Zmich, Manager

Date: March 31, 2022

Subject: Project Summary for City of Berkley Combined Sewer System Planning HRC Job No. 20220098
Oakland County Local Government Critical Infrastructure Grant

Statement of Need:

The following is a summary of the proposed City of Berkley Combined Sewer Investigation and Planning, specifically related to planning efforts for components of the combined sewer system. This is provided as supplemental information for an application for funding through the Oakland County Local Government Critical Infrastructure Grant program. The proposed project also includes additional planning work for the City's water distribution system, which is described in a separate document.

In Fall, 2017, the City of Berkley tasked their consulting engineers, Hubbell Roth & Clark, Inc. (HRC) to prepare a City-wide Combined Sewer Capacity Study in response to basement flooding occurrences that several residents experienced during a high intensity rain event earlier that year. The study, which was developed and presented to City Council in July 2018, was also intended to explore the benefits of a catch basin restriction program expansion in reducing peak flows in the sewer system. Historically, Berkley residents have experienced basement flooding during extreme rain events; however, the occurrences were scarce following large-scale improvements made to the City and County drain systems in the 1960's and 1970's. There have been several large, intense rain events over the last few years that have caused renewed concern with the potential for basement flooding occurrences.

Several factors that can cause sewage back-up and basement flooding include the system simply being overwhelmed by the volume and intensity of storm water, a blockage (e.g., debris, roots, pipe collapse, etc.) in the City's sewer or County drain, or a blockage in the private sewer lead (from the home/business to the City's main). Frequently, private (residential, commercial, and school properties) sewer back-ups are a result of the lead being overwhelmed by the amount of storm water entering it from downspouts, footing drains and sump pumps that are directly connected. Downspouts have the most direct impact on the combined sewer; thus, it is highly recommended that all downspouts be disconnected from the sewer and instead discharged at grade.

Executive Summary:

By updating the City's Combined Sewer System Study report and investigating additional basement flooding mitigation opportunities and programs, this project will provide tangible and phased steps to reduce flow into the City's combined sewer system during heavy rain events and to identify opportunities in flood prevention and mitigation for both the City and their residential and commercial property owners which will allow the City to be better prepared for and likely eligible to apply for funding of future projects through federal and/or state revolving loan programs. An additional goal of this project is to provide the City with the information to support the prioritization of future capital improvement projects (CIP).

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

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

Grand Rapids
81925 Breton Road SE
Suite 100
Grand Rapids, MI 49506
616-454-4286

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

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

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

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

Methods and Strategies:

The proposed scope of work to be performed with this grant funding includes the following professional and non-professional tasks, or services:

1. Phase II- Combined Sewer System Study (Update to Phase I report)
 - A. Restricted Catch Basin Covers
 - Using GIS, re-inventory all covers in ROW and City property
 - Using initial Sewer Study, make recommendations for additional restricted covers in key areas (to take place over several years)
 - B. Commercial Property/Schools Analysis
 - Impervious surface calculations to identify key flow contributors (Review SEMCOG data, etc.)
 - Restricted covers, detention, downspout inventory
 - Investigate potential equivalent residential unit (ERU) impacts, incentives
 - Review and explore revisions to the current Standards for Development for both commercial and residential properties, alongside the Storm Water Ordinance, in particular, for requiring catch basin restriction and onsite detention, lot coverage restrictions, etc. Further, the newly updated Oakland County stormwater design standards will be utilized to update the City ordinance accordingly.
 - C. Green Infrastructure
 - Reference previous Clinton Watershed/WaterTowns presentation and recommendations
 - Identify City locations for new rain gardens, bioswales, etc.
2. Research and Evaluate Community Basement Backup Protection Programs (Backwater Valves) in place in neighboring communities for potential adoption in the City of Berkeley (i.e., education, cost sharing options/arrangements, etc.).

A portion of this work is being requested for inclusion in this grant program. The City plans to allocate a total approximate amount of \$43,400 for the above referenced tasks/services.

Desired Outcomes:

The proposed project addresses the Oakland County Local Government Critical Infrastructure Planning Grant program's priorities:

- 1) **Protect Public Health.** The efforts proposed as part of this project would review the City's existing catch basin cover inventory via their GIS framework and assess all commercial and school properties (as well as all City-owned parking lots and facilities) and the existing drainage structure covers, downspout discharge points, existing detention and/or restriction components, and other pertinent site and facility features. This information would allow the City to provide recommendations to reduce flow into the City's combined sewer system and identify opportunities in flood prevention and mitigation and protect public health by reducing incidents related to sewer infrastructure overload and potential failure and reduction in system blockages and backups.
- 2) **Preserve Natural Resources and a Healthy Environment.** The project will address essential planning work to evaluate the City's restricted cover inventory, commercial and school properties, and City-owned properties resulting in proper, efficient conveyance of both stormwater and wastewater which is essential for quality of life. In addition, the information obtained from this planning work will directly contribute to reducing the potential for an overburdened, surcharging sewer system and basement backups, which is a significant benefit to the environment.
- 3) **Maintain Reliable, High-Quality Service.** The project will perform essential planning work to update and complete evaluation of the City's commercial and school properties as well as City-owned properties and set the City up for long-term fiscal sustainability. The property evaluation work will culminate an updated CIP that prioritizes cost-effective rehabilitation to reduce the probability and consequence of overburdened, surcharging sewers and basement sewage backups. The CIP will assist the City in developing a longer, more stable rate structure that reflects the required

maintenance needs and provides the transparency necessary for its customer base to support the cost of service.

- 4) **Assure Value for Investment.** Development of an updated CIP will support wise investment in the City's infrastructure and reduce the overall cost of the proposed work by allowing coordination of sewer repairs with other flood-mitigating infrastructure projects. By performing this coordination, the City can make strategic and optimal decisions about their infrastructure repair and replacement projects and reduce the overall impact of construction disruption on the residents and community. Creation of a CIP will reduce the overall cost of the proposed work by allowing coordination of sewer repairs with other infrastructure. A CIP plan that is coordinated across water, sewer and road projects has been shown to reduce infrastructure costs.
- 5) **Contribute to Economic Prosperity.** It is important for Berkeley to create and implement a coordinated plan to minimize long term costs and maximize value to the rate payers. This will support economic prosperity of the City and maintain, or even enhance, property values. Reducing the amount of inflow and infiltration also reduces the cost to the system associated with transport and treatment of clear water.

Critical Infrastructure Planning Grant Priorities:

The proposed project addresses the Oakland County Local Government Critical Infrastructure Planning Grant program's priorities:

- 1) **Serious risk to public health** - The project has a substantial impact on public health as described in the previous section.
- 2) **Assistance for systems experiencing the greatest affordability needs** - Like all sewer systems, asset management-based planning is important for making sure that customers are getting the appropriate level of service at the lowest costs.

Budget & Project Estimates:

- ≡ The City plans to have allocate a total approximate cost of \$44,000 for the above referenced tasks/services.

Schedule:

All proposed work shall be completed on or before September 30, 2023 with preliminary planning starting within the next few months.

Contacts:

City of Berkeley
Matthew Baumgarten (City Manager)
mbaumgarten@berkleymich.net

Hubbell, Roth & Clark, Inc.
Edward Zmich (Manager)
ezmich@hrcenr.com

April 17, 2023 City Council Meeting

Moved by Councilmember _____ and seconded by Councilmember _____ to appoint Public Works Director Shawn Young as the City of Berkley’s representative and Assistant Director of Public Works Robert Chalmers as the alternate representative to the Southeastern Oakland County Resource Recovery Authority (SOCRRA) Board of Trustees for the remainder of the fiscal year ending on June 30, 2023; and instruct the City Clerk to send a copy of this motion to the SOCRRA Board.

Ayes:

Nays:

Motion:

April 17, 2023 City Council Meeting

Moved by Councilmember _____ and seconded by Councilmember _____ to appoint Public Works Director Shawn Young as the City of Berkley's representative and Assistant Director of Public Works Robert Chalmers as the alternate representative to the Southeastern Oakland County Water Authority (SOCWA) Board of Trustees for the remainder of the fiscal year ending on June 30, 2023; and instruct the City Clerk to send a copy of this motion to the SOCWA Board.

Ayes:

Nays:

Motion:

A RESOLUTION OF THE CITY OF BERKLEY, MICHIGAN
AUTHORIZING PUBLICATION OF A NOTICE OF PUBLIC HEARING REGARDING THE
PROPOSED OPERATING BUDGET FOR THE CITY OF BERKLEY, MICHIGAN
FOR FISCAL YEAR 2023/24

Whereas, Michigan Compiled Law Section 141.412(2) requires each local unit of government to hold a public hearing on its proposed operating budget; and

Whereas, it is the intent of the Berkley City Council to establish the date, time and location of the public hearing on the proposed 2023/24 operating budget and to authorize publication of a notice of the public hearing in a newspaper of general circulation within the municipality.

NOW THEREFORE THE CITY OF BERKLEY RESOLVES,

SECTION 1: That the Berkley City Council will hold a public hearing on the proposed city operating budget for the fiscal year commencing July 1, 2023 and ending June 30, 2024 during the course of its regular city council meeting to be held on May 15, 2023; and

SECTION 2: That the Finance Director is hereby directed to cause a notice, to publish one time in a newspaper of general circulation, announcing a Public Hearing on Monday, May 15, 2023 at 7:00 pm at a regular city council meeting as follows:

**CITY OF BERKLEY, MICHIGAN NOTICE OF
PUBLIC HEARING REGARDING THE PROPOSED 2023/24
CITY OPERATING BUDGET**

The City Council of the City of Berkley, Michigan will hold a public hearing during its regularly scheduled electronic Meeting of the City Council at 7 p.m. on May 15, 2023. **The property tax millage rate proposed to be levied to support the proposed operating budget of the City will be a subject of this hearing.** The maximum millage rates proposed to be levied for operating purposes is as follows net of tax increment capture:

Purpose:	Rate Per \$1,000 Taxable Assessed Value	Estimated Net Tax Levy Revenues
General Operation	5.3747	\$3,915,724
General Operation – Voted	2.5552	\$1,861,584
Public Safety Operation	1.6120	\$1,174,418
Sanitation Operation	1.6120	\$1,174,418
Community Promotion	.0652	\$47,501
Public Safety Pension	2.7000	\$1,751,844
2021 Capital Improvement Projects	1.8507	1,231,062
Debt Millage	0.000	0.00
Total Proposed City Operating Levy	15.9886	\$10,451,316
Downtown Development Authority	\$ 1.8225	\$37,863

Copies of the proposed operating budget will be available for public inspection on the City of Berkley website at www.berkleymich.org and through the office of the Berkley City Clerk starting on May 1, 2023.

The City of Berkley will make reasonable arrangements to accommodate special needs upon receiving 72-hour advance notice. Contact Victoria Mitchell, City Clerk at (248) 658-3319 at Berkley City Hall for special services.

Victoria Mitchell, City Clerk
City of Berkley

Published Friday, April 21, 2023

Introduced and passed at a Regular City Council Meeting on Monday, April 17, 2023.

Bridget Dean, Mayor

Attest:

Victoria Mitchell, City Clerk