

**CITY OF BERKLEY PUBLIC NOTICE
REGULAR CITY COUNCIL MEETING
Monday, March 6, 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, February 6, 2023 and Special Work Session on Wednesday, February 8, 2023.
2. **ORDINANCE NO. O-01-23:** Matter of [considering the Second Reading](#) and Adoption of an Ordinance of the City Council of the City of Berkley, Michigan to Amend Section 2-39 of Article II, Officers and Employees, of Chapter 2 - Administration, to Modify Provisions Relating to Insurance and Indemnification of City Officials, Employees, and Board and Commission Members.
3. **ORDINANCE NO. O-02-23:** Matter of [considering the Second Reading](#) and Adoption of an Ordinance to the City Code to amend Section 94-9, Portable signs, in Chapter 94, Signs, and Section 138-108 - Promotional events, in Chapter 138, Zoning of the City of Berkley Code of Ordinances to remove the requirements for annual permits for portable signs and clarify portable sign regulations in relation to temporary events.
4. **ORDINANCE NO. O-03-23:** Matter of [considering the Second Reading](#) and Adoption of an Ordinance to amend Section 138-32, Section 138-387, Section 138-394, Section 138-419, Section 138-427, Section 138-457, Section 138-487, and Section 138-529 of Chapter 138 - Zoning of the City of Berkley Code of Ordinances in order to regulate vape shops.
5. **ORDINANCE NO. O-04-23:** Matter of [considering the Second Reading](#) and Adoption of an Ordinance to amend Section 138-458 of Chapter 138 - Zoning in order to add nursery schools, day nurseries, and child centers to the Twelve Mile District as a special use.

Regular Agenda

1. **RECOGNITIONS/PRESENTATIONS:** Matter of any recognitions or presentations from the Consent Agenda.
2. **MOTION NO. M-17-23:** Matter of [awarding the contract](#) for the Library painting project to Industrial Painting Contractors, Inc of Taylor, Michigan in the amount of \$24,650. In addition, allocate \$2,500 for contingencies. These funds will come from account 101-738-976-000.
3. **ORDINANCE NO. O-05-23:** Matter of [considering the First Reading](#) of an Ordinance of the City Council of the City of Berkley, Michigan to Add Article V, Retail Pet Store Sales, in Chapter 2, Animals, of the Berkley City Code to Prohibit Retail Pet Stores in the City from Selling Dogs or Cats.
4. **RESOLUTION NO. R-03-23:** Matter of [authorizing the execution](#) of the Public Unit Master Signature Authorization Agreement between the City of Berkley and Flagstar Bank to provide the necessary authorizations for deposits, withdrawals, and other basic bank business on behalf of the City of Berkley.

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, FEBRUARY 6, 2023 BY MAYOR DEAN**

PRESENT: Councilmember Steve Baker
Councilmember Mike Dooley
Mayor Pro Tem 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 Dan Christ
DPW Superintendent Shawn Young
Facilities Manager Alex Brown
DDA Executive Director Mike McGuinness
Deputy City Clerk Rachel Patterson

APPROVAL OF AGENDA:

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

MAYOR-LED MOMENT OF REFLECTION

Mayor Dean led a moment of silence for Tyree Nichols and remembering him. She stated she looks forward to the day where we don't have to have a moment of silence for things like this.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT:

Joel Ulferts, Berkley, said he was here 10 years ago to talk about Coolidge. He referenced emails he sent in the past and today. He stated he would like the reasoning and true cost of any resolution on the agenda or in the minutes, especially projects where the cost is spread over two resolutions or shared by two departments. He said he would add multiple years to that. He said it's complicated to look at the budget especially when items are split between departments. Regarding Headlee Override, he said forecasts show to add \$2.5 million to next year's operating budget, bringing the total operating budget to \$11.75 million. He said the millage would continue in perpetuity and more than counteract the effect of Headlee rollbacks since the last override. He said the point is that revenue is not declining. He asked if the City knows how it will spend the money for the millage? He referenced the dashboard and stated what else he would like to see there. He asked other questions regarding revenue and city spending.

Michael McGuinness, Downtown Development Authority executive director, stated that councilmembers and city leaders are invited to a ribbon cutting at Core LP Fitness 5 p.m. Friday, February 10th. He stated there are many new businesses joining the Berkley family, and that Core LP Fitness is the latest addition.

Mayor Dean asked City Manager Baumgarten to follow up with Mr. Ulferts regarding corrections to Mr. Ulferts' statements. She stated there are plenty that need to be addressed. Mr. Baumgarten thanked Mr.

Ulferts for sharing questions both in person and via emails prior to the meeting. Mr. Baumgarten said he will follow up directly with Mr. Ulferts as well as add his questions to the City's FAQs available on Berkley's website. Mr. Baumgarten said millage information is available at berkleymich.org/millage. He explained that property taxable values are not increasing with expenditures. He said it is a real challenge to understand that Michigan laws are set up to ensure that this is the case largely to the detriment of Michigan communities. He said the budgeting process has begun and staff is working on two budgets (one with success at the ballot box and one without). He stated department directors are subject-matter experts in their fields and work to develop the best budgets for their departments. He read a statement listing factors included in those budget development considerations. He encourages everyone interested to review previous budget meetings on our website and on YouTube. He thanked Mr. Ulferts and stated that it is important to get those questions out and answered. He stated the dashboard will be continuously updated to continue the conversation.

CONSENT AGENDA:

Mayor Pro Tem Gavin 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, January 9, 2023 and Special City Council meeting on January 23, 2023.

WARRANT: Matter of approving Warrant No. 1382.

PROCLAMATION NO. P-02-23: Matter of proclaiming March 2023 as Women's History Month.

PROCLAMATION NO. P-03-23: Matter of proclaiming March 2023 as Severe Weather Month.

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.

Councilmember Vilani read Proclamation No. P-02-23 in its entirety.

OATHS OF OFFICE: Councilmember Gregory Patterson and Deputy Clerk Rachel Patterson received an Oath of Office from the City Clerk.

PRESENTATIONS: Matter of receiving a presentation from the Accounting Aid Society.

- Presentation – Accounting Aid Society President and CEO Priscilla Perkins and COO Gabrielle Thomas were present at the meeting. Ms. Thomas stated the Accounting Aid Society is the best kept secret in town. She said it is a 50-year-old nonprofit that uses taxes to build relationships, and relationships to build futures. She said taxes are a very important part of our lives. Ms. Thomas said the Society is committed to creating an economy that works for everybody. She said the Society serves individuals and business with the job of making sure that people have the financial stability to grow and enjoy their lives. She said the Society is comprised of subject matter experts with 3 CPAs, 2 enrolled agents and 26 advanced certified staff. She said the Society's impact is far-reaching. She said programs include:
 - Volunteer Income Tax Assistance at 22 locations in southeast Michigan

- Access to important Credits like EITC, CTC, Homestead
- Highest Accuracy Rate out of all tax preparers - 94 percent
- Year-round availability
- All staff and volunteers are certified by the IRS
- Services are available for free for everyone that makes under \$60k a year.
- Low Income Taxpayer Clinic:
 - Assists taxpayers to resolve IRS Issues
 - Provides individual and community education
 - Provides year-round availability
 - Staffed by CPAs, attorneys, and enrolled agents
- Accounting Aid Academy:
 - Helps small business owners build a solid financial foundation
 - Provides education, technical assistance, one-on-one coaching, and tax preparation
 - Provides tools to understand financial systems and decision making to increase revenue employment and growth
 - Wide network of referral sources

Ms. Thomas went over the Society's 2022 impact. She said to spread the word, the Society is on all social media channels, has QR codes, and provides flyers. She said they also like to attend community meetings.

Councilmember Baker asked if there is a specific website. AccountingAidSociety.org.

Mayor Pro Tem Gavin thanked Gabby as he said they had the chance to work together for a long time. He said the services the Accounting Aid Society provides is invaluable.

MOTION NO. M-11-23: Matter of authorizing the City Manager to approve the proposal from Quadrate Construction LLC to replace underground conduits and wiring connecting City Hall to Public Safety and install sub meter to accurately track City Hall electric usage at a cost not to exceed \$120,126. In addition, allocate \$12,000 for contingencies.

Mayor Pro Tem Gavin moved to approve Motion No. M-11-23
Seconded by Councilmember Vilani

PUBLIC COMMENT FOR MOTION NO. M-11-23

Joel Ulferts, Berkley, asked if this was shown in the budget or the capital improvement plan.

City Manager Baumgarten said it was reflected in the capital improvement plan.

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

Nays: None

Motion Approved.

MOTION NO. M-12-23: Matter of approving a proposal from Hubbell, Roth and Clark for assistance with Water Service Line Material Verification, GIS Mapping, and Reporting with a not-to-exceed amount of \$50,741.51. Funding for this work was previously approved under account number 592-536-818-000 and would be eligible for reimbursement under the Oakland County Local Government Critical Infrastructure Grant that was recently awarded to the City of Berkley.

Councilmember Hennen moved to approve Motion No. M-12-23

Seconded by Councilmember Baker

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

Nays: None

Motion Approved.

MOTION NO. M-13-23: Matter of approving applicant for issuance of an on-premise liquor license under Section 521a (1) (b) of 2006 PA 501 (MCL 436.1521a (1) (b)). Applicant: Little Lou's Hot Chicken, 2626 Coolidge Highway, Berkley, MI 48072.

Councilmember Vilani moved to approve Motion No. M-13-23

Seconded by Councilmember Dooley

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

Nays: None

Motion Approved.

RESOLUTION NO. R-02-23: Matter of approving the Resolution for updated Poverty Exemption Guidelines.

Councilmember Patterson moved to approve Resolution No. R-02-23

Seconded by Mayor Pro Tem Gavin

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

Nays: None

Motion Approved.

MOTION NO. M-14-23: Matter of authorizing the City Manager to approve the proposal from Carlisle Wortman Associates to provide professional services to update the Zoning Ordinance at a cost of \$88,000 to be extended over two fiscal years. Funds from this expenditure will come from account 101-801-818-000.

Mayor Pro Tem Gavin moved to approve Motion No. M-14-23

Seconded by Councilmember Hennen

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

Nays: None

Motion Approved.

ORDINANCE NO. O-01-23: Matter of considering the First Reading of an Ordinance of the City Council of the City of Berkley, Michigan to Amend Section 2-39 of Article II, Officers and Employees, of Chapter 2 - Administration, to Modify Provisions Relating to Insurance and Indemnification of City Officials, Employees, and Board and Commission Members.

Councilmember Hennen moved to approve Ordinance No. O-01-23

Seconded by Councilmember Patterson

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

Nays: None

Motion Approved.

ORDINANCE NO. O-02-23: Matter of considering the First reading of an Ordinance to the City Code to amend Section 94-9, Portable signs, in Chapter 94, Signs, and Section 138-108 - Promotional events, in Chapter 138, Zoning of the City of Berkley Code of Ordinances to remove the requirements for annual permits for portable signs and clarify portable sign regulations in relation to temporary events.

Councilmember Patterson moved to approve Ordinance No. O-02-23

Seconded by Councilmember Vilani

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

Nays: None

Motion Approved.

ORDINANCE NO. O-03-23: Matter of considering the First reading of an Ordinance to amend Section 138-32, Section 138-387, Section 138-394, Section 138-419, Section 138-427, Section 138-457, Section 138-487, and Section 138-529 of Chapter 138 - Zoning of the City of Berkley Code of Ordinances in order to regulate vape shops.

Councilmember Baker moved to approve Ordinance No. O-03-23

Seconded by Councilmember Dooley

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

Nays: None

Motion Approved.

ORDINANCE NO. O-04-23: Matter of considering the First reading of an Ordinance to amend Section 138-458 of Chapter 138 - Zoning in order to add nursery schools, day nurseries, and child centers to the Twelve Mile District as a special use.

Mayor Pro Tem Gavin moved to approve Ordinance No. O-04-23

Seconded by Councilmember Vilani

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

Nays: None

Motion Approved.

MOTION NO. M-15-23: Matter of authorizing the Non-Corporate Resolution approving Accountant Laurie Fielder to conduct financial transactions on behalf of the City of Berkley with MultiBank Securities for investment purposes within the guidelines of Public Act 20 of the Michigan Public Acts.

Councilmember Patterson moved to approve Motion No. M-15-23

Seconded by Councilmember Dooley

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

Nays: None

Motion Approved.

MOTION NO. M-16-23: Matter of authorizing the amendment of the 2022-2023 Budget as presented.

Councilmember Hennen moved to approve Motion No. M-16-23

Seconded by Councilmember Baker

PUBLIC COMMENT FOR MOTION NO. M-16-23

Joel Ulferts, Berkley, stated he believed the hook truck was budgeted in 2021.

City Manager Baumgarten explained governmental finance is a highly regulated industry and items ordered hit our budget when we take delivery. He stated if items are delivered in a different budget year, the funds are held in a reserve account. He stated he would follow up with Mr. Ulferts with specific information.

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

Nays: None

Motion Approved.

COMMUNICATIONS:

MAYOR PRO TEM GAVIN

- Thanked the Parks & Recreation staff and sponsors for Winterfest 2023 and extended a thank you to all joyful faces who attended. He said there was a huge turnout and it was a lot of fun.
- Senior Valentine's Day Bingo will be held at the Community Center on Tuesday, February 14th from 12:30–2:30 p.m. The cost is \$10 and includes lunch and two bingo cards.
- AARP tax aid is now available at the Berkley Senior Center. Appointments must be made, and can be done by calling Parks & Rec at 248-658-3470.
- Registration for Early-Bird Summer Day Camp is now open. Register at registration.berkleymich.org.
- Next Parks & Rec meeting is Thursday, February 9th at 7 p.m.
- The Environmental Advisory Committee had a great discussion about an Earth Day event in conjunction with Royal Oak. Next month, Department of Public Works Director Shawn Young will be at February meeting taking about green stormwater infrastructure. There was also general discussion on what projects EAC will take part in this year including rain barrel classes, bike corral expansion, SOCRRA Recycling Day in Berkley, as well as other general speakers at the library. The next meeting is the 16th at 6:30 p.m. on the second floor of the Public Safety building.

COUNCILMEMBER VILANI:

- Extended her congrats to Councilmember Patterson on his first meeting and swearing in.
- Berkley Area Chamber will be holding a ribbon cutting this Friday at 5 p.m. for Core LP Fitness on 12 Mile.
- Chamber Chat will be next Friday, February 17th from 8:30–9:30 a.m. at the American Legion. No registration is necessary.
- For business owners in the area, the new member packet deadline is February 10th. This is an opportunity to get flyers and promotional materials to introduce new residents to your businesses. If you are interested, drop off 50 of your item to the Therapeutic Rehab building on Coolidge.
- No updates for the Community Engagement Advisory /Technology Advisory committees. The next meeting is February 15th from 6:30–7:30 p.m. at the Berkley Public Safety Building.
- Wished good luck to the Anderson Middle School girls volleyball team.

COUNCILMEMBER DOOLEY:

- Congratulated Councilmember Patterson and Deputy City Clerk Patterson. He welcomed them aboard.
- Nothing more to report, wished everyone a great week.

COUNCILMEMBER PATTERSON:

- Planning Commission (PC) met on January 24th, two of the ordinances the Commission worked on were presented tonight. There was also a discussion on outdoor seating.
- An open house on parking was held on January 31st at Berkley High School. It was a nice night.
- The next meeting will be a work session between the PC and City Council on February 28th to discuss parklets.
- Thanked City Manager Matt Baumgarten for training and stated that he is scheduled to attend his first virtual elected officials academy through the Michigan Municipal League.
- Thanked Councilmember Hennen for the Academy information and efforts in getting him up to speed quickly.

COUNCILMEMBER HENNEN:

- Welcomed Councilmember Patterson.
- Zoning Board of Appeals had no cases to hear in January and none are scheduled for February.
- In its January meeting, the Tree Board made plans for 2023 initiatives that includes increasing community education and outreach and continuing to find more ways to get more trees into the city.
- Next meeting is on Monday, February 27th at 7 p.m.
- Reminded the people at home that visitors are always welcome to attend board and commission meetings.

COUNCILMEMBER BAKER:

- Welcomed Councilmember Patterson and Deputy City Clerk Patterson and stated that she is a vibrant member of the Historical Committee as well.
- DDA Board meets on Wednesday, February 8th at 8:30 a.m. Topics from the most recent meeting on January 11th included a draft budget for the upcoming fiscal year, downtown promotional events strategy, parking study progress (survey has gone out), Coolidge complete streets and crosswalks action, Robina north conceptual design, the art space at Coolidge and Catalpa, strategic approaches to enhancing the mural program, and more. Stay tuned for a monthlong leprechaun scavenger hunt in March, as well as a Leprechaun's Day Out from March 16–19th. For more information, please visit downtownberkeley.com.
- The Historical Committee meets Tuesday, February 21st at 7 p.m. Members continue to prepare for the upcoming 100th anniversary of Berkley becoming a village. The January meeting was cancelled, so the size and location of the time capsule will be determined at the next meeting. New to the museum is a phone booth that was originally in Pattengill in the 50s before being removed in the 1970s. The Historical Committee would like to extend its gratitude to Judy Berry for the gift

as well as the DPW for their assistance. Work is under way for historic plaques for both Pattengill and Angell schools. Visitors are always welcome; the museum is open Wednesdays from 10 a.m.– 1 p.m. and Sundays from 2 p.m. –4 p.m. More information is available at berkeleyhistory.com.

- Stated that he wanted to highlight an important topic in light of Black History Month and shared a quote from the book “Sundown Towns.” “For decades, sundown towns kept out African Americans. Some excluded other groups, such as Mexican-Americans, Native Americans, Asian Americans, Jews, even Catholics and Mormons. They were called sundown towns because some, in past decades, placed signs at their city limits, typically saying some version of ‘N-word don’t let the sun go down on you in this town.’” Councilmember Baker aid the dangers were great, and that awareness should be raised because there were more than 10,000 documented sundown towns in America and over 100 in Michigan including Royal Oak, Troy, Lathrup Village, Birmingham and so many others. He said Berkley has its own history of racial discrimination; the museum has full page ads printed in the paper promoting homeownership in our city declaring the city to be for whites only. He stated that Berkley has come a long way, but wanted to highlight the opportunities for learning and progress both on an individual and institutional level.
- Asked people to please hug someone they love, folks need that and you will feel better too.

CITY MANAGER BAUMGARTEN:

- For those following Berkley by email, you saw that on January 31st we had the first water main break of the year. Despite the temperature being 6 degrees, DPW workers were able to make the necessary repairs despite being blistered by cold weather. Stated this is a microcosm of the level of service we provide here and what city employees do, and thanked them each for their hard work. He stated there was another water main break that day. Stated it is not all that more pleasant making repairs in 40 degrees.

CITY ATTORNEY CHRIST:

- No report.

MAYOR DEAN:

- Welcomed Councilmember Patterson and Deputy City Clerk Rachel Patterson, stated that she’s happy to have them with us in moving the city forward together.
- There are two surveys regarding parking open until February 24th. Links are available on the City’s website.
- Urged voters to educate themselves regarding the millage vote in May by going to the city’s website and clicking on the 2023 millage link. Stated that the information posted will be updated continuously and includes a calculator where you can see the exact cost for your household based on your address. Reiterated that voters should educate themselves using the city website, not social media or hearsay.
- Citizen’s group is forming to help bridge the gap between information and advocacy, please email any councilmember or council@berkleymich.net for more information.
- Expressed how much fun she and her grandson had at Winterfest, stated that her favorite part of the event was the community and seeing more than 1,300 people out in the sun. Thanked Parks & Rec and especially Amanda in spearheading the event and making it the success it was.

ADJOURNMENT:

Councilmember Baker moved to adjourn the Regular Meeting at 8:22 p.m.

Seconded by Councilmember Hennen

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

Nays: None

Motion Approved.

Bridget Dean, Mayor

ATTEST:

Victoria Mitchell, City Clerk

THE SPECIAL WORK SESSION OF THE THIRTY-NINTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 3:38 PM ON WEDNESDAY, FEBRUARY 8, 2023 BY MAYOR DEAN

PRESENT:

Councilmember Steve Baker
Mayor Pro Tem Ross Gavin
Councilmember Dennis Hennen
Councilmember Jessica Vilani
Mayor Bridget Dean

OTHER STAFF PRESENT:

City Manager Matthew Baumgarten
City Clerk Victoria Mitchell

APPROVAL OF AGENDA:

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT:

None

REGULAR AGENDA:

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

Jocelyn Davis of JADE Strategies, Inc. introduced herself to Council and provided her resume.

Ms. Davis outlined the objectives of the session and reviewed the agenda.

The session began with an icebreaker.

Ms. Davis reviewed the advantages of planning.

Ms. Davis helped the group create rules of engagement and explained what that means and why that is important. The rules included: levity, honesty, listening to understand, assuming everyone has good intentions, speaking your mind, being open-minded, transparency/inclusion, level of respect, not talking over someone, coming prepared, etc.

There was a pause to resolve technical issues.

Ms. Davis reviewed a model of sustainable progress which included vision, expertise, motivation, blueprint, resources, and ongoing evaluation.

Ms. Davis explained they are going to work on vision.

Ms. Davis reviewed the meaning of this quote, "Servant leadership is a philosophy and set of practices that enriches the lives of individuals, builds better organizations, and ultimately creates a more just and caring community." Dr. Martin Luther King Jr.

Ms. Davis conducted an exercise where councilmembers chose the top three soft-skill qualities they believe are the most important in effective servant leadership. She reviewed the definition of servant leadership.

Ms. Davis then asked what are the characteristics of a successful organization. Answers included shared vision, transparency, a place where people feel valued, ongoing assessment and improvement, energy and efforts align with everyone's vision, continuing education, stable finances, recognition, cool logo/effective marketing, growth, personal mental health, a plan, and "the six."

Ms. Davis said organizational health will one day surpass all other disciplines in business as the greatest opportunity for improvement and competitive advantage. She went over the differences between a SMART organization and a HEALTHY organization.

Ms. Davis reviewed a collaborative culture. She said trust is the foundation and is about being vulnerable. Next is healthy conflict, commitment meaning that you have buy-in, accountability and finally focusing on results.

A recess was called at 4:50 pm and the work session resumed at 4:58 pm.

Ms. Davis began a strategic planning exercise/assessment. The assignment goals were looking at environment assessment (external), culture assessment (internal), stakeholder engagement, action planning, and evaluation.

Ms. Davis went over her method of strategic planning following questions from Councilmember Baker. They discussed the master plan vision statement and how it applies. They discussed a values statement. She discussed the difference between an overall organizational mission and an internal mission statement.

Ms. Davis went over strategy, vision, and tactics. Ms. Davis discussed the process timeline including future meetings with the city council, staff, focus group, staff, and then finally council/staff. The process is expected to conclude in May.

Ms. Davis led a group exercise. Categories included challenges, partners, stakeholders, positive trends, opportunities, and negative trends. Councilmembers along with Mr. Baumgarten went around the room and wrote down their thoughts for each category. Ms. Davis then asked everyone to go around the room and place stickers on the top ideas per category/page that they identified with.

Councilmember Gavin exited at 5:36 p.m.

Ms. Davis asked what they thought of the exercise. She then let them know their information would be compiled and interpreted by her.

Ms. Davis asked questions including how does the City of Berkley serve? And what do stakeholders value about the City of Berkley? Some of the answers include the reliability of services and safety, stability, solid foundation, accessibility to leaders and staff, cool logo, being personable, accessible geography/size, and service.

Ms. Davis covered what would come next in the process. She asked what would be a good date to meet for a second City Council strategic workshop. She also discussed the next step for discussion and action. They all discussed dates that may work for the next session.

Ms. Davis closed the meeting asking for an ah-ha moment. She discussed how the information would be framed for the future.

ADJOURNMENT:

Councilmember Vilani moved to adjourn the Special Meeting at 6:21 p.m.
Seconded by Councilmember Hennen
Ayes: Hennen, Vilani, Baker, and Dean
Nays: None
Motion Approved.

Bridget Dean, Mayor

ATTEST:

Victoria Mitchell, City Clerk

AN ORDINANCE

of the City Council of the City of Berkley, Michigan to Amend Section 2-39 of Article II, Officers and Employees, of Chapter 2 - Administration, to Modify Provisions Relating to Insurance and Indemnification of City Officials, Employees, and Board and Commission Members.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 2-39 of Article II of Chapter 2 of the City of Berkley Code of Ordinances shall be amended, as follows:

Sec. 2-39. Insurance and indemnification of city officials and employees.

- (a) Each elected and appointed official and employee of the city, and members of all boards, commissions, committees, authorities, or other similar public bodies for and established by the City, now or hereafter serving as such, shall be indemnified by the city against any and all claims and liabilities to which they become subject by reason of serving or having served as such official employee, or member, or by reason of any action alleged to have been taken, omitted or neglected by them as such official, employee, or member which occurred in the course of their employment or service and within the scope of their authority; and the city shall provide legal representation for or reimburse each such person for all legal expenses reasonably incurred by them in connection with any such claim or liability; provided, however, that no such person shall be indemnified against, or be reimbursed for any expense incurred in connection with any claim or liability arising out of their own willful misconduct or gross negligence.
- (b) The amount paid to any official, employee, or member by way of indemnification shall not exceed their actual, reasonable and necessary expenses incurred in connection with the matter involved, and such additional amount as may be fixed by the council, and any determination so made shall be prima facie evidence of the reasonableness of the amount fixed or binding on the indemnified official, employee, or member.
- (c) The right of indemnification hereinabove provided for shall not be exclusive of any rights to which any official, employee, or member may otherwise be entitled by law.

SECTION 2: Severability Clause

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

SECTION 3: Penalty

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

SECTION 4: Effective Date

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

SECTION 5: Publication

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

Introduced on the First Reading at the Regular City Council Meeting on February 6, 2023.

Bridget Dean
Mayor

Attest:

Victoria Mitchell
City Clerk

DRAFT

AN
ORDINANCE
of the City Council of the City of Berkley, Michigan to Amend Section 94-9, Portable signs, in Chapter 94, Signs, and Section 138-108 – Promotional events, in Chapter 138, Zoning of the City of Berkley Code of Ordinances to remove the requirement for annual permits for portable signs and clarify portable sign regulations in relation to temporary events.

**THE CITY OF
BERKLEY ORDAINS:**

SECTION 1: Section 94-9 of Chapter 94 of the Berkley City Code is amended, as follows:

Sec. 94-9. Portable signs.

~~An annual permit is required for portable signs that will be displayed more than four weeks annually. For signs to be displayed less than four weeks per year, see Chapter 138 Zoning, Article III General Provisions, Division 3 Temporary Use Permits. The sign shall be approved by the city to ensure that it maintains the standards as set forth in section 94 1.~~ Portable signs must meet the standards set forth below:

Districts Permitted	Maximum Sign Area	Number Permitted per Business	Maximum Height	Placement	Other Regulations
Twelve Mile, Eleven Mile, Coolidge, Local Business, Downtown, Industrial	6 square feet per sign face	1	3.5 feet	The sign shall be placed in a manner so it maintains five feet of pedestrian passage, does not cause a sight obstruction and does not hinder ingress or egress from buildings or parked cars. Signs shall be stored indoors when business is closed.	Signs may include the name of the business, the word "Open," hours of operation and one other line of text. Graphics including a business's logo shall be permitted but individual product logos shall be prohibited. No sign shall be connected to any power source. No sign shall be chained or otherwise secured to a building, bench or pole.

SECTION 2: Section 138-108 of Chapter 94 of the Berkley City Code shall be amended, as follows:

Red, strikethrough text is proposed to be deleted: ~~example~~
Blue underlined text is proposed to be inserted: example

Sec. 138-108. Promotional events.

Promotional events shall include the sale of promotion of merchandise or services in a location or manner that is otherwise prohibited by the city Code. Promotional events shall include, but not be limited to, sidewalk sales, outside displays or normally prohibited signage, such as banners, or balloons ~~or~~ ~~portable signs~~.

A promotional event permit shall be valid for no more than two weeks from its date of issuance.

The business owner shall be required to apply for a promotional event permit. A current business license and site maintenance agreement shall be on file at the city prior to approval of a promotional event permit. Upon receipt of a complete application, an applicant shall be notified of a city's disposition.

SECTION 3: 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 4: 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 5: Effective Date

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

SECTION 6: 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, February 6, 2023 .

Adopted on the Second Reading at the Regular City Council Meeting on Monday, March 6, 2023 .

Bridget Dean, Mayor

Attest:

Victoria Mitchell, City Clerk

Red, strikethrough text is proposed to be deleted: ~~example~~
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 Section 94-9 of the City Code: Second Reading

Date: February 28, 2023

Proposed are amendments to Section 94-9 of the Sign Ordinance of the City Code regulating portable signs. Prior to the COVID 19 pandemic, portable signs (such as sandwich board signs) were permitted subject to a number of standards provided an applicant applied for and received an annual permit. As part of the City's efforts to boost businesses during the pandemic, the need for a permit was suspended but the regulations remained in place. Over the past few years, the Community Development Department has found the regulations (which are proposed to remain) for portable signs can easily be enforced through code enforcement actions and a permit is an unnecessary additional step. The text of the amendment maintains all previous standards for the portable sign itself but removes the provisions requiring an annual permit.

City Council approved the first reading on February 6, 2023 and is asked to approve the second reading. Minor typographical errors have been corrected.

**AN
ORDINANCE**

of the City Council of the City of Berkey, Michigan to Amend Sec. 138-32, Section 138-387, Sec. 138-394, Sec. 138-419, Sec. 138-427, Sec. 138-457, Sec. 138-487, and Sec. 138-529 of Chapter 138 – Zoning in order to regulate vape shops.

**THE CITY OF BERKLEY
ORDAINS:**

SECTION 1: Section 138-32 of Chapter 138 of the Berkley City Code is amended, as follows:

Tobacco and vape shop. ~~Any establishment having more than 30 percent of shelf space devoted to selling of tobacco, cigarette, cigars, or smoking paraphernalia.~~ Any establishment dedicated to the retail sale of tobacco, tobacco products, alternative nicotine products, nicotine products, vapor products, vapor devices or tobacco paraphernalia as its primary source of income, with the prohibition of onsite smoking and/or lounge. Any grocery store or similar retail use that sells cigars, cigarettes, vapor products or tobacco as an ancillary sale is not included in this definition. The following definitions are provided:

- (1) Alternative nicotine product: A noncombustible product containing nicotine that is intended for human consumption whether chewed, absorbed, dissolved, inhaled or ingested by any other means.
- (2) E-liquid: A liquid that is converted into an aerosol by an e-cigarette or vapor device. It is typically a mixture of water, food grade flavoring, a range of nicotine levels, cannabis, propylene glycol (PG) or vegetable glycerin (VG)
- (3) Nicotine product: A product that does not contain tobacco, but delivers nicotine, including vapor products, and other nicotine delivery methods and devices.
- (4) Tobacco paraphernalia: Any equipment, device, or instrument that is primarily designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco, tobacco products, or other controlled substances as defined in Section 2 of the Tobacco Products Tax Act, 1993 PA 327, MCL 205.422. Items or devices classified as tobacco paraphernalia include, but are not limited to, the following: pipes, punctured metal bowls, bong, water bong, electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material. Lighters and matches are excluded from the definition of tobacco paraphernalia.
- (5) Tobacco product: A product that contains tobacco and is intended for human consumption including, but not limited to, cigarettes, cigars, non-cigarette smoking tobacco, chewing tobacco, tobacco snuff or smokeless tobacco as those terms are defined in Section 2 of the Tobacco Products Tax Act, 1993 PA 327, MCL 205.422.
- (6) Vapor device: A device that employs a heating element, power source, electronic circuit, or other electric, chemical, or mechanical means regardless of shape or size that can be used to

produce vapor from substances, including nicotine, cannabidiol and synthetic cannabinoids, in a solution or other form. Vapor devices include, but are not limited to a disposable electronic cigarette (E cigarette), an e-cigarette with a prefilled or refillable cartridge, a modifiable device allowing the user to customize the substances uses (mod), a prefilled or refillable pod cartridge with a modifiable system (pod-mod), an electronic pipe, an electronic hookah, a vaporizer, or similar product or device

- (7) Vapor product: A noncombustible product containing nicotine, cannabidiol and synthetic cannabinoids, in a solution or other form. Vapor products include, but are not limited to e-liquid, nicotine salt, a prefilled or refillable vapor cartridge, sub-ohm tanks, or other container of nicotine in a solution or other form that is intended to be used with or in a vapor device.
- (8) Vaporizer. An inhalation device used to release the active substances of organic or inorganic materials in the form of an aerosol through the application of non-combusting heat.

SECTION 2: Section 138-387 of Chapter 138 of the Berkley City Code is amended, as follows:

Sec. 138-387. – Principal Uses permitted.

Principal uses permitted in the LB district are as follows:

- (1) Any generally recognized retail business whose principal activity is the sale of commodities on the premises, in a completely enclosed building including, but not limited to, the sale of groceries, meats, dairy products, baked goods and other food items dispensed for consumption off the site, drugs, pharmaceutical, apothecary items, flowers, dry goods, furnishings, jewelry, clothing millinery, shoes, books and periodicals, stationery and office supplies and hardware.
- (2) Specialty shops such as, but not limited to, antique shops, craft shops and shops for the sale of gifts and notions.
- (3) Personal service establishments which perform services on the premises directly for the consumer such as, but not limited to, repair shops (shoes, watches, jewelry, radios, televisions, small appliances, vacuum and sewing machines, etc.), beauty salons, hair salons, barber shops, manicuring studios, tanning salons, massage facilities, spa service facilities, self-service laundries, reproduction/copy centers, printing, mailing/shipping centers, while prohibiting service facilities of package shipping providers, but which may require a retail adjunct.
- (4) Any service establishments including a showroom or workshop of an electrician, decorator, caterer, baker, painter, upholsterer, tailor, seamstress/dressmaker, photography studios and similar service establishments that require a retail adjunct.
- (5) Dry cleaning establishments of a retail nature. Strictly wholesale dry cleaning establishments must be prohibited.
- (6) Business establishments which perform services on the premises such as, but not limited to, banks, credit unions, savings and loan associations, loan companies, insurance offices, travel services, and real estate offices. Bank, savings and loan associations and credit

unions may include drive-up facilities only as an accessory use subject to the required provisions for stacking or waiting space, apart from required off street parking areas, at the rate of 4 car spaces for each service window or pedestal, in addition to providing a full car length space at the window or pedestal.

- (7) Offices for any of the following occupations: executive, administrative, manufacturer representatives, building/construction company or contract sales headquarters, professional, accounting, writing, clerical, stenographic, drafting and real estate sales, subject to the limitations contained in section 138-390.
- (8) Professional offices for medical (doctors, osteopaths, chiropractors, psychologists, and psychiatrists) dental and optical, including clinics (outpatient service only); and other similar or allied professions subject to the limitations contained in section 138-390.
- (9) Professional offices for lawyers, architects, landscape architects, urban planners, engineers and other similar or allied professions, subject to the limitations contained in section 138-390.
- (10) Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
- (11) Places of worship.
- (12) Commercial recreational uses such as bowling alleys, billiard halls, indoor archery ranges, indoor skating rinks, indoor tennis courts, athletic or health clubs, schools of dance, schools of martial arts, or similar forms of indoor commercial recreation.
- (13) Restaurants, bars, lounges or other places serving food or beverage within enclosed buildings, not including drive-in, drive-through or outdoor service-eating establishments.
- (14) Single-family, two-family and multiple-family dwellings when located on the second floor or above a first floor permitted or special use. Single-family detached dwellings and first floor dwelling units are prohibited.
- (15) Accessory structures and uses customarily incidental to the above permitted uses.
- (16) Marihuana retailers and medical marihuana provisioning centers.
- (17) [Tobacco and vape shops.](#)

SECTION 3: Section 138-394 of Chapter 138 of the Berkley City Code is amended, as follows:

Sec. 138-394. – Principal uses permitted.

Principal uses permitted in the Greenfield district are as follows:

- (1) Single family homes, townhouses, and apartments.
- (2) Professional offices for medical (doctors, osteopaths, chiropractors, psychologists, and psychiatrists) dental and optical, and other similar or allied professions.

- (3) Offices for any of the following occupations: executive, administrative, manufacturer representatives, building/construction company or contract sales headquarters, professional, accounting, insurance, travel services, drafting and real estate sales.
- (4) Professional offices for lawyers, architects, landscape architects, urban planners, engineers and other similar or allied professions.
- (5) Places of worship.
- (6) Assembly halls.
- (7) Senior housing facilities, including assisted living and nursing homes.
- (8) Day care centers.
- (9) Dwellings when located above a business or office use.
- (10) [Tobacco and vape shops.](#)

SECTION 4: Section 138-419 of Chapter 138 of the Berkley City Code is amended, as follows:

Sec. 138-419. Prohibited uses.

The following uses shall be prohibited within the downtown district:

- (1) Gas stations.
- (2) Auto repair shops.
- (3) Drive through uses.
- (4) Tattoo, body piercing studios.
- (5) Tobacco [and vape](#) shops.
- (6) Stores selling live animals.
- (7) Parking lots, as a principal use.
- (8) First floor residences.

SECTION 5: Section 138-427 of Chapter 138 of the Berkley City Code is amended, as follows:

Sec. 138-427. Principal uses permitted.

Principal uses permitted in the Gateway district are as follows:

- (1) Any generally recognized retail business whose principal activity is the sale of commodities on the premises, in a completely enclosed building including, but not limited to, the sale of groceries, meats, dairy products, baked goods and other food items dispensed for consumption off the site, drugs, pharmaceutical, apothecary items, flowers, dry goods, furnishings, jewelry, clothing millinery, shoes, books and periodicals, stationery and office supplies and hardware.

- (2) Specialty shops such as, but not limited to, antique shops, craft shops and shops for the sale of gifts and notions.
- (3) Personal service establishments which perform services on the premises directly for the consumer such as, but not limited to, repair shops (shoes, watches, jewelry, radios, televisions, small appliances, vacuum and sewing machines, etc.), beauty salons, hair salons, barber shops, manicuring studios, tanning salons, massage facilities, spa service facilities, self-service laundries, reproduction/copy centers, printing, mailing/shipping centers, while prohibiting service facilities of package shipping providers, but which may require a retail adjunct.
- (4) Any service establishments including a showroom or workshop of an electrician, decorator, caterer, baker, painter, upholsterer, tailor, seamstress/dressmaker, photography studios and similar service establishments that require a retail adjunct.
- (5) Dry cleaning establishments of a retail nature. Strictly wholesale dry cleaning establishments must be prohibited.
- (6) Business establishments which perform services on the premises such as, but not limited to, banks, credit unions, savings and loan associations, loan companies, insurance offices, travel services, and real estate offices. Bank, savings and loan associations and credit unions may include drive-up facilities only as an accessory use subject to the required provisions for stacking or waiting space, apart from required off street parking areas, at the rate of 4 car spaces for each service window or pedestal, in addition to providing a full car length space at the window or pedestal.
- (7) Offices for any of the following occupations: executive, administrative, manufacturer representatives, building/construction company or contract sales headquarters, professional, accounting, writing, clerical, stenographic, drafting and real estate sales, subject to the limitations contained in section 138-410.
- (8) Professional offices for medical (doctors, osteopaths, chiropractors, psychologists, and psychiatrists) dental and optical, including clinics (outpatient service only); and other similar or allied professions subject to the limitations contained in section 138-410.
- (9) Professional offices for lawyers, architects, landscape architects, urban planners, engineers and other similar or allied professions, subject to the limitations contained in section 138-410.
- (10) Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
- (11) Places of worship.
- (12) Commercial recreational uses such as bowling alleys, billiard halls, indoor archery ranges, indoor skating rinks, indoor tennis courts, athletic or health clubs, schools of dance, schools of martial arts, or similar forms of indoor commercial recreation.
- (13) Restaurants, bars, lounges or other places serving food or beverage within enclosed buildings, not including drive-in, drive-through or outdoor service-eating establishments.
- (14) Single-family, two-family and multiple-family dwellings when located on the second floor or above a first floor permitted or special use. Single-family detached dwellings and first floor dwelling units are prohibited.
- (15) Accessory structures and uses customarily incidental to the above permitted uses.

- (16) Marihuana retailers and medical marihuana provisioning centers.
- (17) [Tobacco and vape shops.](#)

SECTION 6: Section 138-457 of Chapter 138 of the Berkley City Code is amended, as follows:

Sec. 138-457. Principal uses permitted.

Principal uses permitted in the twelve mile district are as follows:

- (1) Any generally recognized retail business whose principal activity is the sale of commodities on the premises, in a completely enclosed building including, but not limited to, the sale of groceries, meats, dairy products, baked goods and other food items dispensed for consumption off the site, pharmaceuticals, apothecary items, flowers, dry goods, furnishings, jewelry, clothing, shoes, books and periodicals, stationery and office supplies and hardware.
- (2) Specialty shops such as, but not limited to, antique shops, craft shops and shops for the sale of gifts and notions.
- (3) Personal service establishments which perform services on the premises directly for the consumer such as, but not limited to, repair shops (shoes, watches, jewelry, small appliances, etc.), hair salons, barber shops, manicuring studios, spa service facilities, self-service laundries, reproduction/copy centers, printing, mailing/shipping centers, while prohibiting service facilities of package shipping providers, but which may require a retail adjunct.
- (4) Any service establishments including a showroom or workshop of an electrician, decorator, caterer, baker, painter, upholsterer, tailor, photography studios and similar service establishments that require a retail adjunct.
- (5) Dry cleaning establishments of a retail nature. Strictly wholesale dry cleaning establishments shall be prohibited.
- (6) Offices for any of the following occupations: executive, administrative, manufacturer representatives, building/construction company or contract sales headquarters, professional, accounting, writing, clerical, stenographic, drafting and real estate sales.
- (7) Professional offices for medical (doctors, osteopaths, chiropractors, psychologists, and psychiatrists) dental and optical, including clinics (outpatient service only); and other similar or allied professions.
- (8) Professional offices for lawyers, architects, landscape architects, urban planners, engineers and other similar or allied professions.
- (9) Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
- (10) Places of worship.
- (11) Commercial recreational uses such as bowling alleys, billiard halls, indoor archery ranges, indoor skating rinks, indoor tennis courts, athletic or health clubs, schools of dance, schools of martial arts, or similar forms of indoor commercial recreation.

- (12) Restaurants, bars, lounges or other places serving food or beverage within enclosed buildings, not including drive-in, drive-through or outdoor service eating establishments.
- (13) Apartments or townhouses,
- (14) Dwellings above a business use.
- (15) Accessory structures and uses customarily incidental to the above permitted uses.
- (16) Marihuana retailers and medical marihuana provisioning centers.
- (17) [Tobacco and vape shops.](#)

SECTION 7: Section 138-487 of Chapter 138 of the Berkley City Code is amended, as follows:

Sec. 138-487. Principal uses permitted.

Principal uses permitted in the eleven mile district are as follows:

- (1) Warehousing and wholesale establishments, and storage (other than accessory to a permitted retail use).
- (2) Communications and information businesses.
- (3) The design, manufacture, and testing of such technology as electronics, robotics, medical devices and instruments.
- (4) Establishments involved in chemistry, biotechnology and nanotechnology.
- (5) The design, manufacture, and testing of alternative energy and power generation.
- (6) The compounding, processing, packaging or treatment of such products as: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die, gauge and machine shops from the following previously prepared materials: canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semiprecious metals or stones, shell, textiles, tobacco, wax, wire, wood and yarns.
- (7) Welding or metal fabrication.
- (8) The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
- (9) Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other small molded rubber products.
- (10) Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs (excluding large stampings).
- (11) Laboratories, experimental, film or testing.
- (12) Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
- (13) Building material sales.

- (14) Warehouse, storage and transfer and electric and gas service buildings and yards, heating and electric power generating plants and all necessary uses, coal, coke and fuel yards, water supply and sewage disposal plants, water and gas tanks and holders.
- (15) Automobile service or repair establishments.
- (16) Carwashes.
- (17) Artist studios or florists, where retail sales are accessory to the primary use.
- (18) Reserved.
- (19) Professional offices for lawyers, architects, landscape architects, urban planners, engineers or other similar or allied professions.
- (20) Accessory uses.
- (21) Other uses of a similar and no more objectionable character.
- (22) Marihuana retailers and medical marihuana provisioning centers.
- (23) [Tobacco and vape shops.](#)

SECTION 8: Section 138-529 is added to Division 6 of Chapter 138 of the Berkley City Code, as follows:

Sec. 138-529. - Tobacco and vape shop regulations.

The City of Berkley finds it necessary to regulate tobacco and vape shops as a matter to preserve the public health, safety and welfare of the community. The City has enacted these regulations in order to limit the concentration of tobacco and vape shops resulting in undesirable impacts to the community. Among these impacts are increased potential for tobacco sales to minors, greater opportunity for the sale of illegal drug paraphernalia that is marketed as tobacco paraphernalia, and heightened risk of negative aesthetic impacts, blight, and loss of property values of residential neighborhoods and businesses in close proximity to such uses. These regulations are consistent with zoning and planning practices to address such negative impacts of tobacco and vape shops while providing a reasonable number of locations and zonings for such uses to locate within the City of Berkley.

All tobacco and vape shops must comply with the following regulations:

- (a) The property where a tobacco and vape shop will be located must not be within 1,000 feet of another tobacco and vape shop within the boundaries of the City of Berkley.

Introduced on the First Reading at the Regular City Council Meeting on Monday, February 6, 2023 .

Adopted on the Second Reading at the Regular City Council Meeting on Monday, March 6, 2023 .

Bridget Dean, Mayor

Attest:

Victoria Mitchell, City Clerk

DRAFT



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 Various Sections of the Zoning Ordinance to Regulate Tobacco and Vape Shops: Second Reading

Date: February 28, 2023

Proposed are amendments to the Zoning Ordinance to provide regulations for the location of vape shops and update regulations for tobacco shops in an effort to limit the concentration of these shops, including limiting the proximity of tobacco and vape shops near schools.

The Planning Commission has been working on this text in earnest in conjunction with the City's planning consultant, Carlisle Wortman, off and on for the last six months.

The ordinance makes a number of updates including:

- an updated definition to include vape shops and better define tobacco shops and related products;
- clarification in the permitted uses of various districts to limit tobacco and vape shops in areas near schools and to allow tobacco and vape shops in areas where retail uses are permitted; and
- limiting the number of tobacco and vape shops permitted City-wide by including a provision that new tobacco and vape shops cannot be located within 1,000 feet of another tobacco and vape shop.

The Planning Commission held the required public hearing and has recommended approval.

City Council approved the first reading of the amendment on February 28, 2023 and is asked to approve the second reading. No changes have been made.

AN
ORDINANCE
of the City Council of the City of Berkley, Michigan to Amend Sec. 138-458 of Chapter 138 – Zoning in order to add nursery schools, day nurseries and child care centers to the Twelve Mile District as a special use.

THE CITY OF BERKLEY
ORDAINS:

SECTION 1: Section 138-458 of Chapter 138 of the Berkley City Code is amended, as follows:

The following special uses shall be permitted in the twelve mile district, subject to the regulations in article VI, division 6, special uses of this chapter:

- (1) Automobile service stations, subject to the requirements of section 138-409.
- (2) Drive-in and drive-through eating establishments.
- (3) Open air business uses when developed as uses accessory to primary uses and structures in the twelve mile district as follows:
 - a. Outdoor seating areas for restaurants or other food serving establishments.
 - b. Outdoor retail sales of fruits, vegetables and plant materials not grown on site and sales of lawn furniture, playground equipment, hardware supplies and other home garden supplies.
 - c. Businesses in the character of open store fronts.
- (4) Nursery schools, day nurseries and child care centers, provided:
 - a. Applicants are licensed through the Michigan Department of Licensing and Regulatory Affairs (LARA). Proof of licensing shall be provided to the city when submitting an application for a business license.
 - b. Facilities meet the minimum requirements established by the Michigan Department of Licensing and Regulatory Affairs (LARA) and meeting the minimum standards of section 138-461 Area and bulk requirements and section 138-462 Building design requirements.
 - c. Facilities meet screening requirements as deemed reasonable by the planning commission, including masonry walls up to six feet in height, decorative fencing or landscaping.
 - d. Applications, staff and facilities meet the minimum standards established by the Michigan Child Care Organizations, MCL 722.111 et. Seq., as amended.

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

Text proposed for insertion: [Example](#)

Text proposed for deletion: ~~Example~~

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, February 6, 2023 .

Adopted on the Second Reading at the Regular City Council Meeting on Monday, March 6, 2023.

Bridget Dean, Mayor

Attest:

Victoria Mitchell, City Clerk



CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

MEMORANDUM

To: City Council

From: Kristen Kapelanski, Community Development Director

Subject: Proposed Amendments to Section 138-458 of the City Code: Second Reading

Date: February 28, 2023

City staff was recently approached by an area business owner who is interested in expanding their child care business to a location in the Twelve Mile District. Child care centers are not currently permitted in the Twelve Mile District, making this use a non-conforming use in the district.

The Planning Commission considered the proposed amendment and held the required public hearing, recommending approval of the amendment.

City Council approved the first reading at their February 6, 2023 meeting and is asked to approve the second reading. No changes have been made since the first reading.

March 6, 2023 City Council Meeting

Moved by Councilmember _____ and seconded by Councilmember _____ to award the contract for the Library painting project to Industrial Painting Contractors, Inc of Taylor, Michigan in the amount of \$24,650. In addition, allocate \$2,500 for contingencies. These funds will come from account 101-738-976-000.

Ayes:

Nays:

Motion:

MEMORANDUM



To: Matthew Baumgartner, City Manager
From: Alex Brown, Facilities Manager
Date: February 28, 2023
Subject: Awarding of contract for Library painting project

As part of the 2022/2023 budget process, funds were allocated for painting of the interior and exterior of the library.

Bids were received electronically on February 7, 2023 from six (6) contractors and after reviewing the bids and checking references I recommend awarding the bid the Industrial Painting Contractors, Inc of Taylor, Michigan in the amount of \$24,650. Also, I recommend allocating \$2500 for contingencies. These expenditures will be coming from account # 101-738-9976-000.

The interior work is set to begin on March 8, 2023 and should take 2-3 weeks. Exterior work will begin as soon as the weather is appropriate, and will be completed no later than June 2, 2023.

Please feel free to contact me if there any questions or concerns.

CITY OF BERKLEY
“Berkley Library Painting Project”
For the Facilities Department
Bid Opening: Tuesday, February 7, 2023 @ 10 AM

<u>Business Name</u>	<u>Address</u>	<u>Bid (Base Services)</u>	<u>References Non-Collusive Affidavit Authorized Representative</u>	<u>Conflict of Interest Hold Harmless Iran Affidavit</u>
Du-All Cleaning, Inc.	35474 Mound Sterling Heights, MI 48310	\$19,200	Y/Y/X	Y/Y/Y
Industrial Painting Contractors, Inc.	25163 Darin Road Taylor, MI 48180	\$24,650	Y/Y/Y	Y/Y/Y
Key Construction Group LLC/Renu Painting	835 Mason St. Suite C-348 Dearborn, MI 48124	\$30,000	Y/Y/Y	Y/Y/Y
L.G.K. Building Inc.	1851 Lone Pine Road Bloomfield Hills, MI 48302	\$64,600	Y/Y/Y	Y/Y/Y
Northstar Painting	600 Old Woodward Suite 305 Birmingham, MI 48009	\$28,775	Y/Y/Y	Y/Y/Y
TN Construction LLC	14123 Redwood Dr. Shelby Township, MI 48315	\$29,270	Y/Y/Y	Y/Y/Y



CITY OF BERKLEY MICHIGAN
LIBRARY PAINTING PROJECT
Authorized Representative

The City is seeking a contractor that is conscientious, has integrity, and is able to complete the work in a timely manner. The successful contractor must perform the work in an appropriate manner while on City premises.

Provide the name, title and contact information for the individual authorized to represent your company.

Industrial Painting Contractors
COMPANY NAME

ADDRESS

CITY STATE ZIP

PHONE NUMBER

angel@1-dustrialpaintingcontractors.com
EMAIL ADDRESS

[Handwritten Signature]
AUTHORIZED SIGNATURE
ANGELAS BARRAS / RESIDENT
PRINT NAME & TITLE

**CITY OF BERKLEY: BERKLEY PUBLIC LIBRARY
 BID PROPOSAL FORM FOR LIBRARY PAINTING PROJECT**

The undersigned hereby proposes to deliver the following described service and certifies that this proposal is in accordance with the terms and specifications, as prepared by the City of Berkley, subject only to those exceptions as noted below. The City reserves the right to accept or reject any part of this entire proposal. The right is further reserved to accept a bid higher than the low bid, when in the opinion of the City Council, the public interest will be better served. The undersigned declares that this proposal is made in good faith and without collusion or affiliation with any other person or persons bidding on the same service.

1. Interior Work	\$ <u>16,450.00</u>
2. Exterior Work	\$ <u>8,200.00</u>
Total Cost	\$ <u>24,650.00</u>

**CITY OF BERKLEY: BERKLEY PUBLIC LIBRARY
 BID PROPOSAL FORM FOR LIBRARY PAINTING PROJECT**

Company	<u>Industrial Painting Contractors, Inc</u>
Name of Primary Contact	<u>Angelos Bafas</u>
Address	
Phone number	
Email address	<u>angelos@industrialpaintingcontractors.com</u>

The undersigned hereby proposes to deliver the following described service and certifies that this proposal is in accordance with the terms and specifications, as prepared by the City of Berkley, subject only to those exceptions as noted below. The City reserves the right to accept or reject any part of this entire proposal. The right is further reserved to accept a bid higher than the low bid, when in the opinion of the City Council, the public interest will be better served. The undersigned declares that this proposal is made in good faith and without collusion or affiliation with any other person or persons bidding on the same service.

<u>Angelos Bafas</u>	<u>Industrial Painting Contractors</u>	
Contact Person	Organization	Phone / Email
		<u>angelos@industrialpaintingcontractors.com</u>



CITY OF BERKLEY MICHIGAN
LIBRARY PAINTING PROJECT

Use this form to provide the names, and contact information for three references (firms) for whom similar services have been provided in the past 2 years. Failure to provide qualified references may be grounds for disqualification of your bid.

REFERENCE 1:

COMPANY NAME: Wixom Public Library
 ADDRESS: 49015 Post Oak Trail, Wixom, MI 48893
 TELEPHONE: 248.624.2512
 CONTACT PERSON: Andrea Dickson
 CONTRACT DATE: Dec 30, 2021
 DESCRIPTION OF WORK: Remove wallpaper, remove repairs, & painting

REFERENCE 2:

COMPANY NAME: City of Allen Park
 ADDRESS: 15015 Southfield Rd, Allen Park, MI
 TELEPHONE: 313.928.4447
 CONTACT PERSON: Matt Baker
 CONTRACT DATE: August 15, 2022
 DESCRIPTION OF WORK: Allen Park Historical Museum Repairs + Painting

REFERENCE 3:

COMPANY NAME: Bob Lunn
 ADDRESS: 32059 Schuoncraft Rd, Luoma, MI
 TELEPHONE: 734.347.7352
 CONTACT PERSON: Terry Powers
 CONTRACT DATE: March 30, 2022
 DESCRIPTION OF WORK: Remove Repairs, and Painting offices & Hallways



**CITY OF BERKLEY MICHIGAN
NON-COLLUSIVE AFFIDAVIT**

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

STATE OF MICHIGAN
COUNTY OF OAKLAND

FRANCIS BURNS BEING DULY SWORN
deposes and says that:

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

Subscribed and sworn to before me this

6 day of 2 2023
a notary public in and for said County.

Amy Hall
Notary Public

My commission expires: 7/13/2027

**AMY HALL
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF WAYNE
My Commission Expires 07/13/2027
Acting in the County of: Wayne**

[Signature]
Authorized Signature

FRANCIS BURNS
Printed Name of Signatory

TRANSFORM PRINTING CORP
Company Name

Address

City State Zip Code

Area Code & Phone Number

Please note: City of Berkley employees cannot notarize this document.



CITY OF BERKLEY MICHIGAN CONFLICT OF INTEREST DISCLOSURE FORM

Date: FEB 7, 2023	
Name: EUNGERES BAKAS	Title: PRESIDENT
Company: Industrial Power Co	Address: _____

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

I have the following conflict of interest to report.

I have the following potential conflict of interest to report.

I have no circumstances that I believe could contribute to an actual or perceived conflict of interest.

Signature:

A handwritten signature in blue ink, appearing to be "E. Bakas", written over a horizontal line.

Date:

FEB 7, 2023



CITY OF BERKLEY MICHIGAN HOLD HARMLESS AND INDEMNITY FORM

PURPOSE:

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

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

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

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

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

PLEASE PRINT:

COMPANY NAME Insurance Process Corporation Inc

AUTHORIZED REPRESENTATIVE Emmanuel Bakas
(Print Name)

SIGNATURE [Signature]

COMPANY ADDRESS _____

PHONE _____

WITNESS Sarah Bakas

DATE 2/7/2023



CITY OF BERKLEY MICHIGAN Iran Business Relationship Affidavit

All bids, proposals and/or qualification statements received in the State of Michigan must comply with the "Iran Economic Sanctions Act". The following certification is to be signed and submitted with the other required documents included in the request for proposal:

Pursuant to the Michigan Iran Economic Sanctions Act, 2012 P.A. 517, by submitting a bid, proposal or response, the respondent certifies, under civil penalty for false certification, that it is not an "Iran linked business," as that term is defined in the Act.

Signature

A handwritten signature in blue ink, appearing to be "P. Prasad", written over a horizontal line.

Title

The word "PRESIDENT" written in blue ink, slanted upwards, over a horizontal line.

Company

The company name "INDUSTRIAL PROCESS CONTRACTORS" written in blue ink, slanted upwards, over a horizontal line.

Date

The date "FEB 7, 2023" written in blue ink, slanted upwards, over a horizontal line.

AN ORDINANCE
of the City Council of the City of Berkley, Michigan to Add Article V, Retail Pet Store Sales, in Chapter 2, Animals, of the Berkley City Code to Prohibit Retail Pet Stores in the City from Selling Dogs or Cats.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: New Article V, Retail Pet Store Sales, shall be added to Chapter 22, Animals, of the Berkley Code of Ordinances, as follows:

ARTICLE V. RETAIL PET STORE SALES

Sec. 22-100. Purpose.

The purpose of this Article is to prohibit retail pet stores in the City from selling dogs or cats.

Sec. 22-101. Definitions.

For the purposes of this Article, the following terms have the following meanings:

- (a) *Retail pet store* means a commercial establishment that sells or offers for sale animals on its premises at retail.
- (b) *Sell or offer for sale* means to sell, offer, or display for sale or exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer.
- (c) *Animal rescue organization* means a non-profit organization incorporated under the law of any state and exempt from federal taxation under Section 501(c)(3) of the U.S. Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt and place them in good homes. "Animal rescue organization" does not include any organization that breeds animals or that (1) is located on the same premises as; (2) has any personnel in common with; (3) obtains, in exchange for payment or any other form of compensation, dogs or cats from; or (4) facilitates the sale of dogs or cats obtained from a person that breeds animals.
- (d) *Animal control shelter* means a facility operated by or under contract with the State, County, or City for the impoundment and care of animals that are delivered to the facility, including found, recovered, abandoned, unwanted, or surrendered animals.

Sec. 22-102. Prohibition of Sale of Dogs or Cats by Retail Pet Stores.

- (a) A retail pet store located in the City is prohibited from selling or offering for sale a dog or cat.

- (b) This section does not prohibit a retail pet store from providing space to an animal rescue organization or an animal control shelter to publicly showcase dogs or cats available for adoption.

Sec. 22-103. Existing Retail Pet Stores Exception.

Notwithstanding the prohibition in Sec. 22-102, above, a retail pet store that is in operation in the City and in compliance and good standing with applicable state laws and city ordinances on the effective date of this article, and that prior to the effective date of this article engaged in selling or offering for sale dogs or cats as a regular and principal business activity, may lawfully continue to sell or offer for sale dogs or cats at that store through and until October 20, 2023.

Sec. 22-104. 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, March 6, 2023.

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

Bridget Dean, Mayor

Attest:

Victoria Mitchell, City Clerk

A RESOLUTION

Of the Council of the City of Berkley, Michigan
Authorizing the execution of the Public Unit Master Signature Authorization Agreement between
the City of Berkley and
Flagstar Bank to provide the necessary authorizations for deposits, withdrawals and other basic
bank business on behalf of the City of Berkley

WHEREAS, on 5/31/2016, Matthew C. Baumgarten was appointed the City Manager of the City of Berkley by the City Council; and

WHEREAS, on 9/23/19, Victoria Mitchell was appointed as the Clerk of the City of Berkley by the City Manager; and

WHEREAS, on 2/6/23, Laurie Fielder was appointed as the Interim Finance Director of the City of Berkley by the City Manager; and

WHEREAS, Section 8.7(d) and 8.9(f) of the Berkley City Charter requires that the City Clerk or the City Council's designee to countersign all checks issued by the City; and

WHEREAS, It is an important internal control over disbursements to have a segregation of duty between processing payroll and invoices for payment and actually signing and issuing vendor and payroll checks to approved vendors and employees.

NOW THEREFORE, BE IT RESOLVED THAT:

SECTION 1: The Berkley City Council hereby approves the recommendation that effective 2/6/23, Laurie Fielder shall be added to the City's Flagstar Master Signature Authorization Agreement and that Matthew Baumgarten and Victoria Mitchell shall continue to be authorized signers on the Flagstar Master Signature Authorization Agreement.

SECTION 2: The City Council approves the City Manager and Finance Department staff as the only authorized individuals to be allowed to execute ACH transmittals and wire authorizations as necessary at Flagstar Bank.

Introduced and passed at regular City Council meeting on Monday, March 6, 2023.

Bridget Dean, Mayor

Attest:

Victoria Mitchell, City Clerk



**GOVERNMENT BANKING
PUBLIC UNIT RESOLUTION AND MASTER SIGNATURE
AUTHORIZATION AGREEMENT**

Public Unit Name: CITY OF BERKLEY
 Address: 3338 COOLIDGE HWY
 City: BERKLEY State: MI Zip Code: 48072
 Telephone: 248 546 2470 Fax: _____ Email: _____
 Tax ID #: 4538 Date: 02/09/2023 RM: BS/SAS

The undersigned certifies that the following is a true and correct representation of the intention of the governing body of the above-named Public Unit, as reflected in resolutions adopted by the governing body of the Public Unit at a legally convened meeting. The Public Unit resolves that:

- Flagstar Bank, N.A. ("Flagstar") is designated as a depository of the Public Unit and is hereby authorized to accept monies, wire and other electronic fund transfers, checks, drafts, notes, acceptances or other evidences of indebtedness for deposit, or for collection by Flagstar and deposit upon receipt of payment therefor by Flagstar, to the credit of the Public Unit in such account or accounts as the Public Unit may have with Flagstar, without the endorsement of the Public Unit appearing thereon, and Public Unit promises to pay Flagstar for any items (defined below) that are returned for lack of endorsement. The below-named Authorized Signers (and those Authorized Signers named on the Additional Signers addendum attached hereto, if any) are authorized to open or close deposit accounts with Flagstar and to instruct Flagstar as to the disposition of funds in any account to be closed, all by instruction to Flagstar by any one (1) of the Authorized Signers as provided in paragraph 4 of this Agreement. The depository accounts to which these resolutions apply include existing depository accounts of the Public Unit and all future depository accounts opened by the Public Unit with Flagstar pursuant to this section.
- The Public Unit has designated the following individuals as Authorized Signers (including those on the Additional Signers addendum attached hereto, if any) for any deposit account or other financial accommodation:

Authorized Signer(s):	Signature(s):
Name: VICTORIA MITCHELL Title: CITY CLERK	
Name: LAURIE FIELDER Title: INTERIM FINANCE DIRECTOR	
Name: MATT BAUMGARTEN Title: CITY MANAGER	
Name:	
Title:	
Name:	
Title:	

Each of the Authorized Signers holds the office, title or status with the Public Unit specified and the actual signature of each Authorized Signer appears next to such Authorized Signer.

- Unless otherwise specified in the "Public Unit Special Instructions Addendum", any one (1) of the Authorized Signers is authorized, for and on behalf of the Public Unit, to:
 - make deposits to and withdrawals from any account at Flagstar, and to generally transact any and all business with respect to such account (including the ability to transact such business with Flagstar via telephone request, email request, or facsimile transmission). This authority includes, without limitation, the authority to sign, execute, deliver and negotiate checks, drafts, bills of exchange, acceptances, wire transfers and other instruments or withdrawal orders from or drawn on the depository accounts of the Public Unit with Flagstar ("Items"). The signatures of all Authorized Signers must appear on the account signature card for the applicable account.



**GOVERNMENT BANKING
PUBLIC UNIT RESOLUTION AND MASTER SIGNATURE
AUTHORIZATION AGREEMENT**

- b. execute and deliver any documents, agreements, instruments, amendments, signature cards, or certificates (each an "Account Agreement") related to any account at Flagstar or any product or service offered by Flagstar. Execution and delivery of any Account Agreement by an Authorized Signer shall be conclusive evidence such Account Agreement is necessary, appropriate or desirable to effectuate the intent of, or matters reasonably contemplated by, these resolutions.
 - c. appoint any individual ("Authorized Representative") to transact business on Public Unit's accounts (including the ability to transact such business via telephone request, email request, and/or facsimile transmission), including, without limitation, designating Authorized Representatives to sign, execute, deliver and negotiate items.
4. Flagstar is authorized, in its sole discretion, to take any action authorized hereunder based upon: (i) the signature of any Authorized Signer or Authorized Representative that is delivered to Flagstar in writing, including by facsimile transmission, (ii) electronic mail that Bank reasonably believes is from any Authorized Signer or Authorized Representative; or (iii) the telephone request of any person purporting to be an Authorized Signer or Authorized Representative (if followed-up by a written authorization).
 5. A certified copy of these resolutions be delivered to Flagstar and that these resolutions will remain in full force and effect until express written notice of its rescission or modification has been received and recorded by Flagstar. Any and all prior resolutions adopted by the Public Unit and certified to Flagstar as governing the operation of the Public Unit's accounts, are in full force and effect, until Flagstar receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to Flagstar, establishing the authority for the changes.
 6. The Public Unit agrees to the terms and conditions of any account agreement, disclosure, or other agreement for any account opened by an Authorized Signer in Public Unit's name.
 7. The Public Unit agrees that Flagstar may furnish automated access devices to Authorized Signers to facilitate those powers authorized by these resolutions. The term "automated access device" includes, but is not limited to, credit cards, automated teller machine (ATM) cards, and debit cards.
 8. These resolutions now stand of record on the books of the Public Unit, are in full force and effect and have not been modified or revoked in any manner whatsoever. Nothing in the foregoing resolutions violates the charter, by-laws or regulations, or other organizational documents of the Public Unit.
 9. The individual (s) signing as witness below, attest they are authorized by the public entity to certify signers for the organization.

IN WITNESS WHEREOF, I/We have affixed my/our name(s) on February 15 20²³
Month Day Year

Signature: Victoria Mitchell
Name: VICTORIA MITCHELL
Title: CITY CLERK

Signature: Laurie Fielder
Name: LAURIE FIELDER
Title: INTERIM FINANCE DIRECTOR



Authorization and Agreement for Cash Management Services

Effective Date: 02-09-2023Customer: CITY OF BERKELEYTax I.D.# 4538

A. Consent to Cash Management Master Agreement.

1. This Authorization and Agreement for Cash Management Services ("Authorization") is provided to Flagstar Bank N.A. ("Bank") by the above listed Customer with respect to any and all cash management products and services that Bank provides or will provide in the future to Customer. By execution of this Authorization, the Customer hereby agrees to the representations and terms set forth herein. In addition, Customer acknowledges receipt of the Bank's Cash Management Master Agreement (the "Master Agreement") and hereby agrees to be bound by the Master Agreement, as well as the terms and conditions for each Service for which Customer shall enroll, as amended from time to time, and any corresponding documentation provided by Bank in accordance with the Master Agreement. Capitalized terms used herein and not otherwise defined, shall have the meanings given to them in the Master Agreement. The terms of each Service shall apply to Customer at any time Customer uses the Service, whether or not Customer has submitted, or Bank has accepted, such forms.
2. Upon execution of this Authorization, Customer may from time to time request Bank to provide the Services described in the Master Agreement. Customer may begin to use any such Service once Customer has properly executed and delivered any required forms and completed any other required action to enroll in the Service and Bank has approved the use of the Service.
3. This Authorization is in addition to any other authorizations in effect and will remain in force until Bank receives written notice of its revocation. Any change(s) to this Authorization will take effect only after Bank receives written notice of such change(s) and has had a reasonable time to verify and act on the change(s). All prior authorizations and certifications made by the Customer shall remain in effect except as modified by this Authorization. The Customer hereby ratifies all transactions purportedly done on its behalf with Bank before the delivery of this Authorization.
4. If Customer elects to use the Commercial Online Banking Service, Customer acknowledges that a Customer Administrator is required to be in place at all times. Customer hereby authorizes and designates the person named in Schedule 1 to act as Customer Administrator for the Commercial Online Banking Service. The Customer Administrator shall have the obligations and the responsibilities as set forth in the Master Agreement. Bank shall be entitled to rely upon the authority of the Customer Administrator until the Bank receives a written revocation of such authorization and has a reasonable time to act on such written notice re-assigning the person designated as Customer Administrator.

B. Certifications.

The undersigned hereby certifies and agrees that:

1. The undersigned is an officer, member, manager, director, general partner or authorized representative of Customer who has the full power and authority to execute this Authorization on behalf of Customer and to enter into all Services provided under the Master Agreement. The signature(s) and title(s) of the person(s) signing this Authorization and any addenda, attachments and exhibits, including the Service Documentation, are the genuine signatures and titles of the person(s).
2. This Authorization and all actions contemplated therein have been duly adopted by resolution by Customer's governing body. Customer's resolution, authorization and/or consent remains in effect and has not been changed in any way and is not in violation of any provision of Customer's articles of incorporation, articles of organization, bylaws, or any other document by which Customer is bound. Customer will, upon request of Bank, deliver certified copies of all resolutions and other documents evidencing such necessary corporate authorization, as well as such additional authorizations and approvals with respect to the services offered under the Master Agreement as Bank may request.
3. No other person's signature or authorization is required to bind Customer with respect to this Authorization or the Master Agreement.



Authorization and Agreement for Cash Management Services

IN WITNESS WHEREOF, the Customer and the Bank, intending to be legally bound, have entered into this Authorization and Agreement for Cash Management Services and the Cash Management Master Agreement as of the Effective Date above.

Customer:

Signature: Victoria Mitchell

Print Name: VICTORIA MITCHELL

Title: CITY CLERK

Flagstar Bank N.A.:

Signature: _____

Print Name: _____

Title: _____

If two signatures are required by Customer:

Customer:

Signature: _____

Print Name: _____

Title: _____

Address for Notices:

Customer:

CITY OF BERKLEY

3338 COOLIEDE HWY

BERKLEY MI 48072

Telephone: 2485482470

Facsimile: _____

Email: _____

Attn: _____

Flagstar Bank N.A.:

Treasury Management Group Flagstar Bank
5151 Corporate Drive
Troy, MI 48098
Telephone: (888) 248-6423
Facsimile: (866) 332-9827
E-Mail: treasurymanagement@flagstar.com



Schedule 1
Customer Administrator for Commercial Online Banking
Service

Company Name: CITY OF BERKLEY

The undersigned Customer hereby designates the following individual as its Customer Administrator for the commercial online banking service. Pursuant to the Cash Management Master Agreement, the responsibilities of Customer Administrator includes, but are not limited to: (i) receiving and maintaining all Security Credentials for the Online Banking Service; (ii) designating Authorized Users, (iii) adding or removing eligible Accounts from the Online Banking Service; (iv) establishing limits, if any, on each Authorized User's authority to access specific information and/or conduct transactions; (v) promptly removing access for terminated employees or for employees no longer authorized to access or to perform specific duties, (vi) distributing and maintaining Security Credentials to Customer's Authorized Users and implement strong password usage controls, (vii) reviewing Authorized User access periodically to ensure access to the Online Banking Service is restricted to users who need it in the performance of their job functions and (viii) properly securing Customer's equipment and network systems to prevent inappropriate use. Bank may act on the instruction of Customer Administrator until Bank shall have received written notice to the contrary from an Authorized Representative of Customer. Bank shall be given a reasonable time to act on such written notice re-assigning the person designated as Customer Administrator.

Customer may notify Bank of a change to the Customer Administrator by delivering a new Schedule 1.

Authorized Account Signer	
Name (print or type): VICTORIA MITCHELL	
Title: CITY CLERK	
Telephone: 248 546 2470	
Email Address: vmitchell@berkleymich.net	
Signature: <i>Victoria Mitchell</i>	Date Signed: 2/9/2023

Customer Administrator - (If different than Authorized Account Signer)	
Name (print or type): LAURIE FIELDER	
Title: INTERIM FINANCE DIRECTOR	
Telephone: 248 658-3342	
Email Address: lfielder@berkleymich.net	

This Authorization will remain in effect until either amended or cancelled in writing.

Implementation Use Only:

Organization ID:

Administrator ID:

Business

Address:

Federal Tax ID:



Authorization and Agreement for Cash Management Services

Effective Date: 02-09-2023Customer: CITY OF BERKELEYTax I.D.# 4538

A. Consent to Cash Management Master Agreement.

1. This Authorization and Agreement for Cash Management Services ("Authorization") is provided to Flagstar Bank N.A. ("Bank") by the above listed Customer with respect to any and all cash management products and services that Bank provides or will provide in the future to Customer. By execution of this Authorization, the Customer hereby agrees to the representations and terms set forth herein. In addition, Customer acknowledges receipt of the Bank's Cash Management Master Agreement (the "Master Agreement") and hereby agrees to be bound by the Master Agreement, as well as the terms and conditions for each Service for which Customer shall enroll, as amended from time to time, and any corresponding documentation provided by Bank in accordance with the Master Agreement. Capitalized terms used herein and not otherwise defined, shall have the meanings given to them in the Master Agreement. The terms of each Service shall apply to Customer at any time Customer uses the Service, whether or not Customer has submitted, or Bank has accepted, such forms.
2. Upon execution of this Authorization, Customer may from time to time request Bank to provide the Services described in the Master Agreement. Customer may begin to use any such Service once Customer has properly executed and delivered any required forms and completed any other required action to enroll in the Service and Bank has approved the use of the Service.
3. This Authorization is in addition to any other authorizations in effect and will remain in force until Bank receives written notice of its revocation. Any change(s) to this Authorization will take effect only after Bank receives written notice of such change(s) and has had a reasonable time to verify and act on the change(s). All prior authorizations and certifications made by the Customer shall remain in effect except as modified by this Authorization. The Customer hereby ratifies all transactions purportedly done on its behalf with Bank before the delivery of this Authorization.
4. If Customer elects to use the Commercial Online Banking Service, Customer acknowledges that a Customer Administrator is required to be in place at all times. Customer hereby authorizes and designates the person named in Schedule 1 to act as Customer Administrator for the Commercial Online Banking Service. The Customer Administrator shall have the obligations and the responsibilities as set forth in the Master Agreement. Bank shall be entitled to rely upon the authority of the Customer Administrator until the Bank receives a written revocation of such authorization and has a reasonable time to act on such written notice re-assigning the person designated as Customer Administrator.

B. Certifications.

The undersigned hereby certifies and agrees that:

1. The undersigned is an officer, member, manager, director, general partner or authorized representative of Customer who has the full power and authority to execute this Authorization on behalf of Customer and to enter into all Services provided under the Master Agreement. The signature(s) and title(s) of the person(s) signing this Authorization and any addenda, attachments and exhibits, including the Service Documentation, are the genuine signatures and titles of the person(s).
2. This Authorization and all actions contemplated therein have been duly adopted by resolution by Customer's governing body. Customer's resolution, authorization and/or consent remains in effect and has not been changed in any way and is not in violation of any provision of Customer's articles of incorporation, articles of organization, bylaws, or any other document by which Customer is bound. Customer will, upon request of Bank, deliver certified copies of all resolutions and other documents evidencing such necessary corporate authorization, as well as such additional authorizations and approvals with respect to the services offered under the Master Agreement as Bank may request.
3. No other person's signature or authorization is required to bind Customer with respect to this Authorization or the Master Agreement.