

BIRMINGHAM CITY COMMISSION AGENDA
SEPTEMBER 18, 2023
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Therese Longe, Mayor

II. ROLL CALL

Alexandria Bingham, City Clerk

III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS.

ANNOUNCEMENTS

- Happy Birthday Mayor Pro Tem McLain
- The Friends of the Birmingham Museum will be holding their annual tour of Greenwood Cemetery on Saturday, September 23, rain or shine. Guests should meet at the east gate at 1 PM. Tours are \$10 and feature colorful characters from Birmingham's past, including pioneer founding families and Elijah Fish and George and Eliza Taylor and their connection to the Underground Railroad.

APPOINTMENTS

- A. Design Review Board
1. Keith W. Deyer
 2. Dustin Kolo

To appoint _____, as a regular member of the Design Review Board to serve a three-year term to expire September 25, 2026.

To appoint _____, as a regular member of the Design Review Board to serve a three-year term to expire September 25, 2026.

- B. Historic District Commission
1. Keith W. Deyer
 2. Dustin Kolo

To appoint _____, as a regular member of the Historic District Commission to serve a three-year term to expire September 25, 2026.

To appoint _____, as a regular member of the Historic District Commission to serve a three-year term to expire September 25, 2026.

- C. Architectural Review Committee
1. Javier Alvarez-Isasi

To appoint _____ as a regular member to the Architectural Review Committee to serve a three-year term to expire April 11, 2025.

To appoint _____ as a regular member to the Architectural Review Committee to serve a three-year term to expire April 11, 2026.

EMPLOYEE RECOGNITION

- Department of Public Works
 - Charles Markus

IV. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

V. CONSENT AGENDA

All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a Commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

*Meeting minutes for the special workshop and regular meeting of September 11, 2023 will be presented at the October 2, 2023 City Commission meeting.

- A. Resolution to approve the warrant list, including Automated Clearing House payments, dated September 13, 2023, in the amount of \$44,456,834.51.
- B. Resolution to approve the deaccession and return of redundant personal family items from collection 2020.37.1 in the Birmingham Museum’s permanent collection in accordance with the Birmingham Museum Collection Policy.
- C. Resolution to approve an agreement with Enseicom for the manufacturing and delivery of two complete bus shelters and parts to repair a third currently owned by the City in the amount not to exceed \$50,590.50. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City and further, to approve the appropriations and amendment to the Capital Projects budget as follows:

Revenues:

Local Contributions – SMART	403.0-901.020-587.0000	\$50,590.50
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Expenses:

Capital Projects Fund – Capital Outlay	403.0-901.020-971.0100	\$50,590.50
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- D. Resolution to approve a request from the Birmingham Shopping District to hold the 2023 Winter Markt special event on Friday, December 1 – Sunday, December 3, 2023 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- E. Resolution to approve a request by the Birmingham Shopping District to hold the 2023 Santa House special event beginning the weekend of November 25, 2023 through

December 24, 2023 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

- F. Resolution to approve the budget amendment of \$17,260.00 for professional engineering services for Tee No. 1. Further to charge the additional cost to account #584.1-753.001-981.0100, and further to approve the appropriations and amendment to the Lincoln Hills Golf Course Fund as follows:

Revenues:		
Appropriation from Net Position	584.1-000.000-400.0000	\$17,260
Expenses:		
Lincoln Hills Golf Course – Capital Outlay	584.1-753.001-981.0100	\$17,260

VI. UNFINISHED BUSINESS

None

VII. NEW BUSINESS

- A. Resolution to authorize the City Clerk to enter into an agreement and partnership with Oakland County, Bloomfield Township, and Southfield Township to conduct early voting to meet all legal/administrative requirements pursuant to new legislation regarding the implementation of early voting in the State of Michigan.
- B. Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.
- C. Commission discussion on items from a prior meeting.

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

- A. David Cook – Letter Regarding Water Bill

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of Intention to appoint to the Ad Hoc Aging in Place Committee
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions’ Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. City Manager’s Report

INFORMATION ONLY

XI. ADJOURN

Should you wish to participate in this meeting, you are invited to attend the meeting in person or virtually through ZOOM: <https://zoom.us/j/655079760> Meeting ID: 655 079 760

You may also present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.

NOTICE: Individuals requiring accommodations, such as mobility, visual, hearing, interpreter or other assistance, for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice), or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.

Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al (248) 530-1880 por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).



**NOTICE OF INTENTION TO APPOINT TO
DESIGN REVIEW BOARD**

At the regular meeting of Monday, September 18, 2023, the Birmingham City Commission intends to appoint two regular members and to the Design Review Board to serve a three-year term to expire September 25, 2026.

Interested parties may submit an application available from the city clerk's office on or before noon on Wednesday, September 13, 2023. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

The function and duty of the Design Review Board is to advise the City Commission in regard to the proper development of the City. The Design Review Board is specifically charged with carrying out the goals, objectives and intent of the City's adopted master plan and urban design plan and other development-oriented plans which may subsequently be adopted. The Design Review Board is authorized to advise and cooperate with the City Commission, City Planning Board, Historic District Commission and other City advisory boards and cooperate with the planning, historic district and legislative bodies of other governmental units in any area outside the boundaries of the City.

Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications
Keith W. Deyer	Retired engineer, current member of DRB and HDC. Past Chairman of HDDRC and past member of HDSC.
Dustin Kolo	Regional VP, current member of DRB and HDC.

NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.

SUGGESTED ACTION:

To appoint _____, as a regular member of the Design Review Board to serve a three-year term to expire September 25, 2026.

To appoint _____, as a regular member of the Design Review Board to serve a three-year term to expire September 25, 2026.



OFFICE USE ONLY	
Meets Requirements?	Yes No
Will Attend / Unable to Attend	

APPLICATION FOR CITY BOARD OR COMMITTEE

Thank you for your interest in serving on a Board or Committee. The purpose of this form is to provide the City Commission with basic information about applicants considered for appointment. NOTE: Completed applications are included in the City Commission agenda packets. The information included on this form is open to the public. All Board and Committee members are subject to the provisions of the Ethics Ordinance (Chapter 2, Article IX of the City Code).

Information on various Boards and Committees and a list of current openings can be found on the City website at www.bhamgov.org/boardopportunities.

(Please print clearly)

Board/Committee of Interest HDC and DRB

Specific Category/Vacancy on Board _____ (see back of this form for information)

Name Keith W Deyer Phone 1-248-882-2359

Residential Address 1283 Buckingham Email * kwdeyer@comcast.net

Residential City, Zip Birmingham Length of Residence 47 years

Business Address N/A Occupation Retired Engineer

Business City, Zip _____

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied _____

Past Chair of HDDRC, HDC, DRB and member HDSC. Home is currently in process of seeking historic designation. Interested in controlled growth of Birmingham while keeping its charm.

List your related employment experience Worked overseas for 20 years and lived in Japan for 4 years. Project & Program managed projects world wide.

List your related community activities Past chair of The Community House Building & Grounds Committee, President of Birmingham PTSA and Birminham Estates, President & Treasurer of Birchwood Farms Country Club

List your related educational experience BSME from Kettering and MBA in Advanced Management from MSU

To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: No

Do you currently have a relative serving on the board/committee to which you have applied? No

Are you an elector (registered voter) in the City of Birmingham? Yes

Signature of Applicant *Keith W Deyer* Date Aug 21, 2023

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to clerksoffice@bhamgov.org or by fax to 248.530.1080. Updated 3/24/2021

**By providing your email to the City, you agree to receive news & notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.*



OFFICE USE ONLY
Meets Requirements? Yes No
Will Attend / Unable to Attend

APPLICATION FOR CITY BOARD OR COMMITTEE

Thank you for your interest in serving on a Board or Committee. The purpose of this form is to provide the City Commission with basic information about applicants considered for appointment. NOTE: Completed applications are included in the City Commission agenda packets. The information included on this form is open to the public. All Board and Committee members are subject to the provisions of the Ethics Ordinance (Chapter 2, Article IX of the City Code).

Information on various Boards and Committees and a list of current openings can be found on the City website at www.bhamgov.org/boardopportunities.

(Please print clearly)

Board/Committee of Interest _____

Specific Category/Vacancy on Board _____ (see back of this form for information)

Name _____

Phone _____

Residential Address _____

Email * _____

Residential City, Zip _____

Length of Residence _____

Business Address _____

Occupation _____

Business City, Zip _____

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied _____
 Having joined the DRB in 2021, I have gained an understanding of our local ordinances, districts, and design plans that will become increasingly important as we continue to grow. I am passionate about preserving the character, cohesion, and walkability that defines our city.

List your related employment experience _____
 As a Regional Vice President for a Fortune 500 company I have the background to understand and implement plans, effectively communicate to overcome obstacles, and to work with a team to drive results.

List your related community activities _____

List your related educational experience _____

To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: _____

Do you currently have a relative serving on the board/committee to which you have applied? _____

Are you an elector (registered voter) in the City of Birmingham? _____

Dustin Kolo

 Signature of Applicant

 Date

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to clerksoffice@bhamgov.org or by fax to 248.530.1080. Updated 3/24/2021

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DESIGN REVIEW BOARD

Ordinance #1882

Terms: 3 years

Members: One member of the Design Review Board shall be an architect duly registered in this state, if such person is available. The other members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions.

Duties: The function and duty of the Design Review Board is to advise the city commission in regard to the proper development of the city. The Design Review Board is specifically charged with carrying out the goals, objectives and intent of the city's adopted master plan and urban design plan and other development-oriented plans which may subsequently be adopted. The Design Review Board is authorized to advise and cooperate with the City Commission, city Planning Board, Historic District Commission and other city advisory boards and cooperate with the planning, historic district and legislative bodies of other governmental units in any area outside the boundaries of the city.

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Cappello 160 Larchlea Drive	Samantha	(248)914-2930 <i>samanthacappello@yahoo.com</i>	11/23/2020 Alternate	9/25/2025
Deyer 1283 Buckingham	Keith	(248)642-6390 <i>kwdeyer@comcast.net</i>	9/25/2006 Engineer	9/25/2023
Dukas 1352 Suffield	Natalia	(248) 885-8535 <i>nataliadukas@yahoo.com</i>	9/9/2013 Finance	9/25/2025
Henke 724 South Bates	John	(248) 789-1640 <i>jwhenke@aol.com</i>	9/25/2006 Historical preservation organization member	9/25/2024
Kolo 851 Ann St.	Dustin	(248)935-3651 <i>dustinkolo@gmail.com</i>	11/23/2020	9/25/2023

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Lanfear 833 Hazel	Dennis (Sam)	(248)798-3817 <i>dlanfear@outlook.com</i>	9/19/2022 Alternate	9/25/2025
Lang 1023 Floyd St.	Patricia	(248) 540-0991 <i>pal.family.friends@gmail.com</i>	12/10/2018	9/25/2024
Rasawehr 221 Baldwin Road	Julijana	(586)201-5470 <i>jmisich@yahoo.com</i>	9/20/2021 Planning & zoning director	9/25/2024
Weinberg	Ian		2/27/2023 Student representative	12/31/2023
Willoughby 667 Greenwood	Michael	(248) 760-8903 <i>mwilloughby@mwa-architects.com</i>	3/22/2010 Architect	9/25/2025

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **DESIGN REVIEW BOARD**

Year: **2023**

Members Required for Quorum: **4**

MEMBER NAME	1/4	1/18	2/1	2/15	3/1	3/15	4/19	5/3	5/17	6/7	7/5	7/19	8/2	8/16	9/6	9/20	10/4	10/18	11/1	11/15	12/6	12/20	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																									
John Henke	P	P	CM	P	A	CM	CM	A	A	P	CM	P											5	3	63%
Keith Deyer	P	P	CM	P	P	CM	CM	A	P	P	CM	A											6	2	75%
Julie Rasaweher	P	P	CM	A	A	CM	CM	P	A	A	CM	P											4	4	50%
Natalia Dukas	P	P	CM	A	P	CM	CM	A	P	A	CM	A											4	4	50%
Dustin Kolo	P	P	CM	P	A	CM	CM	P	P	P	CM	A											6	2	75%
Patricia Lang	A	P	CM	P	P	CM	CM	A	A	P	CM	A											4	4	50%
Michael Willoughby	P	P	CM	P	A	CM	CM	P	P	A	CM	P											6	2	75%
ALTERNATES																									
Samantha Cappello	P	P	CM	P	P	CM	CM	P	A	P	CM	A											6	2	75%
Sam Lanfear	A	A	CM	P	P	CM	CM	A	P	A	CM	P											4	4	50%
Ian Weinberg (Stdnt)	NA	NA	NA	NA	NA	CM	CM	P	P	A	CM	P											3	1	75%
TOTAL	7	8	0	7	5	0	0	4	5	5	0	4	0	0	0	0	0	0	0	0	0	0			

- KEY:**
- A** = Member absent
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 - NA** = Member not appointed at that time
 - NM** = No meeting scheduled that month
 - CM** = Meeting canceled for lack of business items

Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **DESIGN REVIEW BOARD**

Year: **2022**

Members Required for Quorum: **4**

MEMBER NAME	1/5	1/19	2/2	2/16	3/16	4/6	4/20	5/4	5/18	6/1	6/15	7/6	7/20	8/3	8/17	9/7	9/21	10/19	11/2	11/16	12/7	12/21	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																									
John Henke	CM	A	A	CM	CM	CM	CM	CM	P	CM	P	P	P	CM	A	CM	P	P	CM	CA	P	CM	7	4	64%
Keith Deyer	CM	P	P	CM	CM	CM	CM	CM	P	CM	A	A	P	CM	A	CM	A	P	CM	CA	P	CM	6	5	55%
Julie Rasaweher	CM	P	P	CM	CM	CM	CM	CM	A	CM	A	P	A	CM	P	CM	P	P	CM	CA	P	CM	7	4	64%
Natalia Dukas	CM	P	P	CM	CM	CM	CM	CM	P	CM	P	P	A	CM	P	CM	A	P	CM	CP	P	CM	9	2	82%
Dustin Kolo	CM	P	A	CM	CM	CM	CM	CM	P	CM	P	A	P	CM	P	CM	A	P	CM	CA	A	CM	6	5	55%
Patricia Lang	CM	P	P	CM	CM	CM	CM	CM	P	CM	P	P	P	CM	A	CM	A	P	CM	CP	P	CM	9	2	82%
Michael Willoughby	CM	A	P	CM	CM	CM	CM	CM	P	CM	P	P	P	CM	A	CM	P	A	CM	CP	P	CM	8	3	73%
ALTERNATES																									
Samantha Cappello	CM	P	A	CM	CM	CM	CM	CM	P	CM	P	A	P	CM	P	CM	P	P	CM	CA	P	CM	8	3	73%
Kathleen Kriel	CM	P	P	CM	CM	CM	CM	CM	A	CM	A	A	A	CM	A	CM	NA	NA	CM	NA	NA	CM	2	5	29%
Sam Lanfear	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	A	A	A	A	A	CM	0	5	0%
Meghan Murray (Stdnt)	CM	NA	NA	CM	CM	CM	CM	CM	P	CM	P	P	P	CM	P	CM	P	P	CM	CA	P	CM	8	1	89%
Charlie Vercellone (Stdnt)	CM	NA	NA	CM	CM	CM	CM	CM	P	CM	P	A	P	CM	A	CM	P	P	CM	CP	P	CM	7	2	78%
TOTAL	0	7	6	0	0	0	0	0	7	0	6	5	6	0	4	0	4	7	0	0	0	0			

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Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **DESIGN REVIEW BOARD**

Year: **2021**

Members Required for Quorum: **4**

MEMBER NAME	1/6	1/20	2/3	3/3	3/17	4/7	4/21	5/5	5/19	6/2	6/16	7/7	7/21	8/4	9/1	10/6	10/20	11/3	11/17	12/1	12/15	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																										
John Henke	P	P	P	P	P	A	CM	CM	P	P	P	A	A	P	P	CM	P	P	P	A	P			14	4	78%
Keith Deyer	P	P	P	P	P	P	CM	CM	P	P	P	P	A	P	A	CM	A	P	P	P	A			14	4	78%
Gigi Debbrecht	P	P	A	P	P	P	CM	CM	P	P	P	P	A	P	P	CM	NA	NA	NA	NA	NA			11	2	85%
Julie Rasaweher	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	CM	P	P	P	P	P			5	0	100%
Natalia Dukas	P	P	P	P	P	P	CM	CM	P	A	P	P	P	P	P	CM	A	P	P	P	P			16	2	89%
Dustin Kolo	P	P	P	P	P	P	CM	CM	P	P	P	P	P	A	P	CM	P	P	P	P	A			16	2	89%
Patricia Lang	P	A	P	P	P	A	CM	CM	P	P	P	P	P	P	A	CM	A	A	A	P	P			12	6	67%
Michael Willoughby	P	P	P	P	P	P	CM	CM	P	P	A	P	P	P	P	CM	A	P	P	P	P			16	2	89%
ALTERNATES																										
Samantha Cappello	P	A	P	P	P	P	CM	CM	A	P	P	A	P	P	P	CM	P	P	A	P	P			14	4	78%
Kathleen Kriel	P	A	A	A	A	P	CM	CM	A	P	P	A	A	A	A	CM	P	P	A	A	A			6	12	33%
Charles Cusimano (Stdnt)	NA	NA	NA	P	P	P	CM	CM	P	P	P	A	P	P	P	CM	P	P	P	P	P			14	1	93%
Elizabeth Wiegand (Stdnt)	NA	NA	NA	p	A	P	CM	CM	P	P	P	P	P	P	A	CM	P	P	P	P	P			13	2	87%
TOTAL	9	6	7	8	8	7	0	0	7	8	8	6	5	7	6	0	5	8	6	7	6	0	0			

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Department Head Signature

ARTICLE V. - DESIGN REVIEW BOARD

Footnotes:

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Cross reference— *Boards and commissions, § 2-171 et seq.*

Sec. 82-98. - Created.

There is hereby created a design review board for the city. The design review board is a locally organized board and is not established under the Municipal Planning Commission Act, Act No. 285 of the Public Acts of Michigan of 1931 (MCL 125.31 et seq.), as amended.

(Ord. No. 1882, 7-24-06)

Sec. 82-99. - Composition.

- (a) The design review board shall consist of seven members whose residences are located in the city.
- (b) One member of the design review board shall be an architect duly registered in this state, if such person is available. The other members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions.
- (c) The city planner, or the authorized representatives of any of them, and the student representative, shall be members ex officio of the design review board and shall have all rights of membership thereon, except the right to vote.
- (d) The city commission may appoint two alternate members to serve as needed on the design review board during their term of appointment. An alternate member may be called on a rotating basis to sit as a regular member of the design review board in the absence of a regular member. An alternate member may also be called to service in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member having been appointed shall serve in the case until a final decision has been made. An alternate member shall have the same voting rights as a regular member of the design review board.

(Ord. No. 1882, 7-24-06; Ord. No. 1975, 10-13-08; Ord. No. 2202, 10-10-16)

Sec. 82-100. - Terms.

Members of the design review board shall be appointed by the city commission for terms of office of three years; except that two members of the first board shall be appointed to serve for a term of one year, two for terms of two years, and three for terms of three years. All members shall hold office until their successors are appointed. A vacancy occurring in the membership of the design review board for any cause shall be filled by a person appointed by the city commission for the duration of the unexpired term.

(Ord. No. 1882, 7-24-06)

Sec. 82-101. - Removal of members.

- (a) Members of the design review board may, after a public hearing, be removed for cause.
- (1) As used in this section, the term "cause" is defined as a determination by the city commission that a sufficient reason exists, as determined and defined by the city commission in its sole discretion, for the removal of a member of the design review board. The decision by the city commission to remove a member of the design review board shall be final and binding upon such member of the design review board and no appeal shall arise therefrom.
- (2) As used in this section, the term "public hearing" is designed as an open meeting at which the determination is made by the city commission, in its sole discretion, that cause exists for the removal of a member of the design review board. For purposes of an orderly presentation, the city attorney shall serve as chairperson of the public hearing, and the city manager, or his/her designee, may present information to the city commission with respect to the potential removal of a member of the design review board. The city manager or his/her designee will be afforded the opportunity to address the city commission with respect to such information for a period not to exceed 30 minutes. The affected member of the design review board or his/her designated representative will be afforded the opportunity to address the city commission with respect to such information for a period not to exceed 30 minutes. The presentation of information by the city manager or his/her designee and the presentation of information by the affected member or his/her designated representative may, in accordance with applicable law, be conducted in a closed session. This section shall not be construed as creating a right to a due process or evidentiary hearing.
- (b) This section shall not be construed as creating or bestowing upon a member of the design review board any employment status, property interest or any vested interest or right to continued membership on the design review board.

(Ord. No. 1882, 7-24-06)

Sec. 82-102. - Compensation.

The members of the design review board shall serve as such without compensation.

(Ord. No. 1882, 7-24-06)

Sec. 82-103. - Organization and meetings.

- (a) The design review board shall, from its appointed members, elect a chairman and vice-chairman whose terms of office shall be fixed by the design review board. The chairman shall preside over the design review board and shall have the right to vote. The vice-chairman shall, in the case of absence or disability of the chairman, perform the duties of the chairman. The city planner or their authorized representative shall act as secretary of the design review board and shall keep a record of all of its proceedings.
- (b) At least four members of the design review board shall constitute a quorum for the transaction of its business.

- (c) The design review board shall:
- (1) Adopt rules for the transaction of its business, which provide for the time and place of holding regular meetings.
 - (2) Provide for the calling of special meetings by the chairman or by at least two members of the design review board.
 - (3) Keep a full and complete record of its resolutions, transactions, findings and determinations, which record shall be available to the city commission and to the public upon request.
- (d) All meetings of the design review board shall be open to the public, and any person or his duly constituted representative shall be entitled to appear and be heard on any matter applicable to the business at hand before the design review board makes its decision.
- (e) The concurring affirmative vote of four members of the design review board shall be required for approval of plans before it for review or for the adoption of any resolution, motion or other action by the design review board.

(Ord. No. 1882, 7-24-06)

Sec. 82-104. - Assistance.

The design review board may call upon the city manager for such services and data from the various departments as it may require. The design review board may recommend to the city commission the securing of such professional and consulting services as it may require; however, no expenditures of funds shall be made or contracts entered into for providing such professional or consulting services unless the same shall first be approved and authorized by the city commission.

(Ord. No. 1882, 7-24-06)

Sec. 82-105. - Duties.

- (a) It shall be the function and duty of the design review board to advise the city commission in regard to the proper development of the city. The design review board is specifically charged with carrying out the goals, objectives and intent of the city's adopted master plan and urban design plan and other development-oriented plans which may subsequently be adopted. The design review board is authorized to advise and cooperate with the city commission, city planning board, historic district commission and other city advisory boards and cooperate with the planning, historic district and legislative bodies of other governmental units in any area outside the boundaries of the city.
- (b) The design review board is also authorized to recommend for the guidance of the city commission amendments to this Code relating to the control and development of lands within historic districts. The design review board may, from time to time, amend, extend or add to such recommendations; and the same shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs.
- (c) The design review board may hold such public meetings and/or hearings from time to time as it may

deem advisable or necessary in connection with the proper performance of its functions under this article.

- (d) Not later than April 1 of each year, the design review board shall prepare and submit to the city manager a tentative outline of its program for the ensuing year. Joint meetings of the city commission and of the design review board shall be held at least annually, at a time designated by the mayor. It shall be the duty of the mayor to call such meeting in accordance with the provisions of this section.

(Ord. No. 1882, 7-24-06)

Sec. 82-106. - Review and recommendations.

- (a) The design review board shall have the responsibility for sign and design review for non-historic properties as outlined in chapter 126. It shall be the function of the design review board to pass upon all matters referred to it by the city commission and to give to the city commission the benefit of its judgment with relation to such matters so referred. Matters so referred may include but not necessarily be restricted to:
- (1) Requests for change of zoning;
 - (2) Requests for issuing building permits;
 - (3) Requests for sign and design review text amendments;
 - (4) Requests for special land use permits; and
 - (5) Any other matters which bear relation to the physical development or growth of the municipality.
- (b) When any recommendation has been made by the design review board, the same shall be referred to the city commission or other appropriate city boards.

(Ord. No. 1882, 7-24-06)

CITY COMMISSION MEETING MINUTES
JULY 24, 2006
MUNICIPAL BUILDING, 151 MARTIN
7:30 PM

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Scott D. Moore called the meeting to order at 7:30 PM.

II. ROLL CALL

PRESENT: Mayor Moore
Commissioner Carney
Commissioner Hoff
Mayor Pro Tem McDaniel
Commissioner McKeon
Commissioner Plotnik
Commissioner Sherman

ABSENT: None

ADMINISTRATION: Manager Markus, Clerk Weiss, Attorney Currier, Planners Ecker, Bashiri and Robinson, Assistant DPS Director Fox, Museum Director McElhone, Finance Director Ostin, Management Specialist Valentine

07-256-06 HISTORIC DISTRICT ORDINANCES

Sheila Bashiri explained these ordinances which would eliminate any reference to the Historic District and Design Review Commission. Ms. Bashiri stated this would then create two new boards, the Historic District Commission and the Design Review Board. Ms. Bashiri explained that the current members of the HDDRC would serve on both boards until terms are expired, at which time, new members would be sought.

Commissioner McKeon objected to the current members serving on both boards and felt that new boards should be appointed immediately. Commissioners Sherman and Hoff agreed that the new boards should be appointed as soon as possible.

Commissioner Plotnik pointed out that it may be difficult to fill seven seats on each board immediately, which would cause problems achieving a quorum. The commissioner suggested that HDDRC board members be given an option of which board they would like to serve. The commissioner stated that new board members could be sought immediately, but current HDDRC members would serve on both boards until new members are appointed.

The mayor agreed that would be the appropriate direction.

Commissioner McKeon pointed out that some of the addresses of the historical properties have been changed.

MOTION: Motion by Carney, seconded by McDaniel:
To suspend the rules to vote for all seven ordinances in one motion.

VOTE: Yeas, 7

Nays, None
Absent, None

MOTION: Motion by Hoff, seconded by McKeon:

To adopt the following ordinances:

1. ORDINANCE CREATING CHAPTER 127, HISTORIC DISTRICTS, OF THE CODE OF THE CITY OF BIRMINGHAM TO CREATE THE HISTORIC DISTRICT COMMISSION AND ESTABLISH AMENDED HISTORIC DISTRICT REGULATIONS.
2. ORDINANCE AMENDING CHAPTER 62, HISTORICAL PRESERVATION, OF THE CODE OF THE CITY OF BIRMINGHAM TO DELETE ARTICLES III, IV, V, SECTIONS 62-56 TO 62-111, TO ELIMINATE THE HISTORIC DISTRICT AND DESIGN REVIEW COMMISSION, REMOVE ALL HISTORIC DISTRICT PROVISIONS, REMOVE ALL PROVISIONS REGARDING THE HISTORIC DISTRICT STUDY COMMITTEE FOR THE PURPOSE OF RELOCATING THESE PROVISIONS TO THE NEW CHAPTER 127, HISTORIC DISTRICTS.
3. ORDINANCE AMENDING CHAPTER 82, PLANNING, OF THE CODE OF THE CITY OF BIRMINGHAM TO AMEND ARTICLE II, SECTION 82-34 AND ARTICLE III, SECTION 82-56, TO REMOVE ALL REFERENCES TO THE HISTORIC DISTRICT AND DESIGN REVIEW COMMISSION AND REPLACE WITH THE APPROPRIATE BOARD AND COMMISSION AND CREATE THE DESIGN REVIEW BOARD.
4. ORDINANCE AMENDING CHAPTER 22, COMMUNITY DEVELOPMENT REGULATIONS, OF THE CODE OF THE CITY OF BIRMINGHAM TO AMEND ARTICLE I, SECTION 22-7, PLANNING BOARD AND HISTORIC DISTRICT AND DESIGN REVIEW COMMISSION APPROVAL, TO REMOVE ALL REFERENCES TO THE HDDRC AND REPLACE WITH THE APPROPRIATE BOARD OR COMMISSION.
5. ORDINANCE AMENDING CHAPTER 78, PARKS AND RECREATION, OF THE CODE OF THE CITY OF BIRMINGHAM TO AMEND ARTICLE V, SECTION 78-103, COMPOSITION AND TERMS OF MEMBERS, TO REMOVE ALL REFERENCES TO THE HISTORIC DISTRICT AND DESIGN REVIEW COMMISSION AND REPLACE WITH THE APPROPRIATE BOARD AND COMMISSION.
6. ORDINANCE AMENDING CHAPTER 86, SIGNS, OF THE CODE OF THE CITY OF BIRMINGHAM TO AMEND ARTICLE I, SECTIONS 86-1, 86-2, 86-3 and 86-4 AND ARTICLE II, SECTION 86-28, TO REMOVE ALL REFERENCES TO THE HDDRC AND REPLACE WITH THE APPROPRIATE BOARD OR COMMISSION.
7. ORDINANCE AMENDING CHAPTER 98, NEWSRACKS, OF THE CODE OF THE CITY OF BIRMINGHAM TO AMEND ARTICLE VII, SECTIONS 98-161, 98-166, AND 98-169, TO REMOVE ALL REFERENCES TO THE HDDRC AND REPLACE WITH THE APPROPRIATE BOARD OR COMMISSION.

Russ Dixon suggested the commission consider that the planning board could handle sign review and design review. Mr. Dixon stated that zoning ordinance amendments could be handled by a new board inclusive of members of other boards.

VOTE: Yeas, 7
Nays, None
Absent, None



**NOTICE OF INTENTION TO APPOINT TO
HISTORIC DISTRICT COMMISSION**

At the regular meeting of Monday, September 18, 2023 the Birmingham City Commission intends to appoint two regular members to the Historic District Commission to serve a three-year term to expire September 25, 2026.

Interested parties may submit an application available from the City Clerk's Office on or before noon on Wednesday, September 13, 2023. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

The function and duty of the Historic District Commission is to advise the City Commission with respect to the proper development of the City with primary emphasis upon the City's established historic districts, sites, properties and historic resources. The Commission is also authorized to recommend for the guidance of the City Commission amendments to the City Code relating to the control and development of lands within historic districts.

Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria	Qualifications
	Must be a resident	A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation.
Keith W. Deyer	Resident of Birmingham	Retired engineer, current member of DRB and HDC. Past Chairman of HDDRC and past member of HDSC.
Dustin Kolo	Resident of Birmingham	Regional VP, current member of DRB and HDC.

NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.

SUGGESTED ACTION:

To appoint _____, as a regular member of the Historic District Commission to serve a three-year term to expire September 25, 2026.

To appoint _____, as a regular member of the Historic District Commission to serve a three-year term to expire September 25, 2026.



OFFICE USE ONLY	
Meets Requirements?	Yes No
Will Attend / Unable to Attend	

APPLICATION FOR CITY BOARD OR COMMITTEE

Thank you for your interest in serving on a Board or Committee. The purpose of this form is to provide the City Commission with basic information about applicants considered for appointment. NOTE: Completed applications are included in the City Commission agenda packets. The information included on this form is open to the public. All Board and Committee members are subject to the provisions of the Ethics Ordinance (Chapter 2, Article IX of the City Code).

Information on various Boards and Committees and a list of current openings can be found on the City website at www.bhamgov.org/boardopportunities.

(Please print clearly)

Board/Committee of Interest HDC and DRB

Specific Category/Vacancy on Board _____ (see back of this form for information)

Name Keith W Deyer Phone 1-248-882-2359

Residential Address 1283 Buckingham Email * kwdeyer@comcast.net

Residential City, Zip Birmingham Length of Residence 47 years

Business Address N/A Occupation Retired Engineer

Business City, Zip _____

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied _____

Past Chair of HDDRC, HDC, DRB and member HDSC. Home is currently in process of seeking historic designation. Interested in controlled growth of Birmingham while keeping its charm.

List your related employment experience Worked overseas for 20 years and lived in Japan for 4 years. Project & Program managed projects world wide.

List your related community activities Past chair of The Community House Building & Grounds Committee, President of Birmingham PTSA and Birminham Estates, President & Treasurer of Birchwood Farms Country Club

List your related educational experience BSME from Kettering and MBA in Advanced Management from MSU

To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: No

Do you currently have a relative serving on the board/committee to which you have applied? No

Are you an elector (registered voter) in the City of Birmingham? Yes

Signature of Applicant *Keith W Deyer* Date Aug 21, 2023

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to clerksoffice@bhamgov.org or by fax to 248.530.1080. Updated 3/24/2021

**By providing your email to the City, you agree to receive news & notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.*



OFFICE USE ONLY
Meets Requirements? Yes No
Will Attend / Unable to Attend

APPLICATION FOR CITY BOARD OR COMMITTEE

Thank you for your interest in serving on a Board or Committee. The purpose of this form is to provide the City Commission with basic information about applicants considered for appointment. NOTE: Completed applications are included in the City Commission agenda packets. The information included on this form is open to the public. All Board and Committee members are subject to the provisions of the Ethics Ordinance (Chapter 2, Article IX of the City Code).

Information on various Boards and Committees and a list of current openings can be found on the City website at www.bhamgov.org/boardopportunities.

(Please print clearly)

Board/Committee of Interest _____

Specific Category/Vacancy on Board _____ (see back of this form for information)

Name _____ Phone _____

Residential Address _____ Email * _____

Residential City, Zip _____ Length of Residence _____

Business Address _____ Occupation _____

Business City, Zip _____

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied _____

Having served on the HDC since 2021 I am very familiar with the standards, ordinances, and plans that allow us to drive historic preservation in Birmingham and am passionate about the sense of place and belonging that our historical structures provide for the community

List your related employment experience _____

As a Regional Vice President for a Fortune 500 company I have the background to understand and implement plans, effectively communicate to overcome obstacles, and to work with a team to drive results.

List your related community activities _____

List your related educational experience _____

To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: _____

Do you currently have a relative serving on the board/committee to which you have applied? _____

Are you an elector (registered voter) in the City of Birmingham? _____

Signature of Applicant

Date

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to clerksoffice@bhamgov.org or by fax to 248.530.1080. Updated 3/24/2021

*By providing your email to the City, you agree to receive news & communications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.





HISTORIC DISTRICT COMMISSION

Ordinance #1880

Terms: 3 years

Members: A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. Two members shall be appointed from a list submitted by duly organized local historic preservation organizations. If available, one member shall be an architect who has two years of architectural experience or who is duly registered in the State of Michigan.

Duties: The function and duty of the Historic District Commission is to advise the City Commission with respect to the proper development of the city with primary emphasis upon the city's established historic districts, sites, properties and historic resources. The Commission is also authorized to recommend for the guidance of the City Commission amendments to the City Code relating to the control and development of lands within historic districts.

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Debbrecht 564 Frank St	Gigi	(248) 882-9906 <i>gigidebrecht@yahoo.com</i>	12/3/2018 realtor	9/25/2024
Deyer 1283 Buckingham	Keith	(248) 642-6390 <i>kwdeyer@comcast.net</i>	9/25/2006	9/25/2023
Dukas 1352 Suffield	Natalia	(248) 885-8535 <i>nataliadukas@yahoo.com</i>	9/9/2013	9/25/2025
Henke 724 South Bates	John	(248) 789-1640 <i>jwhenke@aol.com</i>	9/25/2006 historical preservation organization member	9/25/2024
Jaye 288 Ravine	Mary	(248)760-9638 <i>mejaye@gmail.com</i>	1/9/2023 Alternate	9/25/2025

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Kolo 851 Ann St	Dustin	(248) 935-3651 <i>dustinkolo@gmail.com</i>	11/23/2020	9/25/2023
Lang 1023 Floyd St.	Patricia	(248) 540-0991 <i>pal.family.friends@gmail.com</i>	12/3/2018	9/25/2024
Lemberg 648 S. Bates	Steven	(248) 971-9494 <i>slemberg@comcast.net</i>	12/8/2020 Alternate	9/25/2025
Weinberg	Ian		2/27/2023 Student representative	12/31/2023
Willoughby 667 Greenwood	Michael	(248) 760-8903 <i>mwilloughby@mwa-architects.com</i>	3/22/2010 architect	9/25/2025

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **HISTORIC DISTRICT COMMISSION** Year: **2023**

Members Required for Quorum: **4**

MEMBER NAME	1/4	1/18	2/1	2/15	3/1	3/15	4/19	5/3	5/17	6/7	7/5	7/19	8/2	8/16	9/6	9/20	10/4	10/18	11/1	11/15	12/6	12/20	Total Mtgs. Att.	Total Absent	Percent Attended Available	
REGULAR MEMBERS																										
John Henke	P	P	CM	P	A	A	P	CM	A	P	CM	P												6	3	67%
Keith Deyer	P	P	CM	P	P	P	A	CM	P	P	CM	A												7	2	78%
Gigi Debbrecht	P	P	CM	P	A	P	P	CM	P	P	CM	P												8	1	89%
Natalia Dukas	P	P	CM	A	P	P	P	CM	P	A	CM	A												6	3	67%
Dustin Kolo	P	P	CM	P	A	A	P	CM	P	P	CM	A												6	3	67%
Patricia Lang	A	P	CM	P	P	P	P	CM	A	P	CM	A												6	3	67%
Michael Willoughby	P	P	CM	P	A	P	P	CM	P	A	CM	P												7	2	78%
ALTERNATES																										
Steven Lemberg	A	P	CM	A	P	A	A	CM	P	A	CM	P												4	5	44%
Mary Jaye	NA	A	CM	P	P	P	P	CM	A	P	CM	P												6	2	75%
Ian Weinberg (Stdnt)	NA	NA	NA	NA	NA	P	P	CM	P	P	CM	P												5	0	100%
TOTAL	6	8	0	7	5	6	7	0	6	6	0	5	0	0	0	0	0	0	0	0	0	0				

- KEY:**
- A = Member absent**
 - P = Member present or available**
 - CP = Member available, but meeting canceled for lack of quorum**
 - CA = Member not available and meeting was canceled for lack of quorum**
 - NA = Member not appointed at that time**
 - NM = No meeting scheduled that month**
 - CM = Meeting canceled for lack of business items**

Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **HISTORIC DISTRICT COMMISSION** Year: **2022**

Members Required for Quorum: **4**

MEMBER NAME	1/5	1/19	2/2	2/16	3/16	4/6	4/20	5/4	5/18	6/1	6/15	7/6	7/20	8/3	8/17	9/7	9/21	10/19	11/2	11/16	12/7	12/21	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																									
John Henke	CM	A	A	CM	A	P	P	A	P	P	P	P	P	CM	A	P	CP	P	CM	A	P	CM	10	6	63%
Keith Deyer	CM	P	P	CM	P	A	A	A	P	P	A	A	P	CM	A	P	CA	P	CM	A	P	CM	9	8	53%
Gigi Debbrecht	CM	P	P	CM	P	P	P	P	P	P	P	P	A	CM	P	P	CA	P	CM	P	P	CM	15	2	88%
Natalia Dukas	CM	P	P	CM	P	P	A	P	P	A	P	P	A	CM	P	A	CA	P	CM	P	P	CM	12	5	71%
Dustin Kolo	CM	P	A	CM	P	P	P	P	P	P	P	A	P	CM	P	P	CA	P	CM	A	A	CM	12	5	71%
Patricia Lang	CM	P	P	CM	P	P	P	A	P	P	P	P	P	CM	A	P	CA	P	CM	P	P	CM	14	3	82%
Michael Willoughby	CM	A	P	CM	P	A	P	P	P	A	P	P	P	CM	A	P	CP	A	CM	P	P	CM	11	5	69%
ALTERNATES																									
Steven Lemberg	CM	P	P	CM	A	A	P	A	A	P	A	A	P	CM	P	A	CA	P	CM	P	P	CM	9	8	53%
Cassandra McCarthy	CM	A	A	CM	A	A	A	A	A	A	A	A	A	CM	A	A	NA	NA	NA	NA	NA	NA	0	13	0%
Megham Murray (Stdnt)	CM	NA	NA	CM	P	P	P	P	P	P	P	P	P	CM	P	P	CP	P	CM	A	P	CM	13	1	93%
Charlie Vercellone (Stdnt)	CM	NA	NA	CM	P	P	P	P	P	P	P	A	P	CM	A	P	CP	P	CM	P	P	CM	12	2	86%
TOTAL	0	6	6	0	6	5	6	4	7	6	6	5	6	0	4	6	0	7	0	5	7	0			

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 - CP** = Member available, but meeting canceled for lack of quorum
 - CA** = Member not available and meeting was canceled for lack of quorum
 - NA** = Member not appointed at that time
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 - CM** = Meeting canceled for lack of business items

Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **HISTORIC DISTRICT COMMISSION** Year: **2021**

Members Required for Quorum: **4**

MEMBER NAME	1/6	1/20	2/3	3/3	3/17	4/7	4/21	5/5	5/19	6/2	6/16	7/7	7/21	8/4	9/1	10/6	10/20	11/3	11/17	12/1	12/15	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																										
John Henke	P	P	P	P	P	A	CM	CM	P	P	P	A	A	P	P	CM	P	P	P	A	P			14	4	78%
Keith Deyer	P	P	P	P	P	P	CM	CM	P	P	P	P	A	P	A	CM	A	P	P	P	A			14	4	78%
Gigi Debbrecht	P	P	A	P	P	P	CM	CM	P	P	P	P	A	P	P	CM	P	P	P	P	A			15	3	83%
Natalia Dukas	P	P	P	P	P	P	CM	CM	P	A	P	P	P	A	P	CM	A	P	P	P	P			15	3	83%
Dustin Kolo	P	P	P	P	P	P	CM	CM	P	P	P	P	P	A	P	CM	P	P	P	P	A			16	2	89%
Patricia Lang	P	A	P	P	P	A	CM	CM	P	P	P	P	P	P	A	CM	A	A	A	P	P			12	6	67%
Michael Willoughby	P	P	P	P	P	P	CM	CM	P	P	A	P	P	P	P	CM	A	P	P	P	P			16	2	89%
ALTERNATES																										
Steven Lemberg	P	P	A	P	P	A	CM	CM	P	P	P	P	A	P	P	CM	P	P	P	P	P			15	3	83%
Cassandra McCarthy	A	P	P	P	A	P	CM	CM	A	P	A	P	A	A	A	CM	P	A	A	A	A			7	11	39%
Charles Cusimano (Stdnt)	NA	NA	NA	P	P	P	CM	CM	P	P	P	A	P	A	P	CM	P	P	P	P	P			13	2	87%
Elizabeth Wiegand	NA	NA	NA	P	A	P	CM	CM	P	P	P	P	A	P	A	CM	P	P	P	P	P			12	3	80%
TOTAL	8	8	7	9	8	6	0	0	8	8	7	8	4	6	6	0	5	7	7	7	5	0	0			

- KEY:**
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 - P** = Member present or available
 - CP** = Member available, but meeting canceled for lack of quorum
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 - NA** = Member not appointed at that time
 - NM** = No meeting scheduled that month
 - CM** = Meeting canceled for lack of business items

Department Head Signature

Sec. 127-6. - Historic district commission.

- (a) The city commission may establish a commission to be called the historic district commission. Each member of the commission shall reside within the city limits. The commission shall consist of seven members. Members shall be appointed by the city commission. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. Members shall be appointed for a term of three years, except the initial appointments of three members for a term of two years and two members for a term of one year. Subsequent appointments shall be for three-year terms. Members shall be eligible for reappointment. In the event of a vacancy on the commission, interim appointments shall be made by the city commission within 60 calendar days to complete the unexpired term of such position. Two members shall be appointed from a list submitted by duly organized local historic preservation organizations. If such a person is available for appointment, one member shall be an architect who has two years of architectural experience or who is duly registered in the state.
- (b) The city commission may appoint two alternate members to serve as needed on the historic district commission during their term of appointment. An alternate member may be called on a rotating basis to sit as a regular member of the historic district commission in the absence of a regular member. An alternate member may also be called to service in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member having been appointed shall serve in the case until a final decision has been made. An alternate member shall have the same voting rights as a regular member of the historic district commission.
- (c) The commission shall, from its appointed members, elect a chairman and vice-chairman. Each officer will serve a one-year term and may be re-elected. The chairman shall preside over the commission and shall have a right to vote. The vice-chairman shall, in the case of absence or disability of the chairman, perform the duties of the chairman. The city planner or an authorized representative shall act as secretary of the commission and shall keep a record of all its proceedings.
- (d) The commission may call upon the city manager for such services and data from the various departments as it may require. The commission may recommend to the city commission the securing of such professional and consulting services as it may require; however, no expenditures of funds shall be made, or contracts entered into for providing such professional or consulting services, unless the same shall first be approved and authorized by the city commission.
- (e) The city commission may prescribe powers and duties of the commission, in addition to those prescribed in this chapter, that foster historic preservation activities, projects, and programs in the local unit.
- (f) Members of the commission may, after a public hearing, be removed for cause.
- (1) As used in this section, the term "cause" is defined as a determination by the city commission that sufficient reason exists, as determined and defined by the city commission in its sole discretion, for the removal of a member of the commission. The decision by the city commission to remove a member shall be final and binding upon such member of the commission and no appeal shall arise therefrom.
- (2) As used in this section, the term "public hearing" is defined as an open meeting at which the determination is made by the city commission, in its sole discretion, that cause exists for the removal of a member of the commission. For purposes of an orderly presentation, the city attorney shall serve as chairperson of the public hearing, and the city manager, or his/her designee, may present information to

the city commission with respect to the potential removal of a member of the commission. The city manager or his/her designee will be afforded the opportunity to address the city commission with respect to such information for a period of not to exceed 30 minutes. The affected member of the commission or his/her designated representative will be afforded the opportunity to address the city commission with respect to such information for a period not to exceed 30 minutes. The presentation of information by the city manager or his/her designee and the presentation of information by the affected member or his/her designated representative may, in accordance with applicable law, be conducted in a closed session. This section shall not be construed as creating a right to a due process or evidentiary hearing.

- (3) This section shall not be construed as creating or bestowing upon a member of the commission any employment status, property interest or any vested interest or right to continued membership on the commission.
- (g) It shall be the function and duty of the commission to advise the city commission with respect to the proper development of the city with primary emphasis upon the city's established historic districts, sites, properties and historic resources. The commission is also authorized to recommend for the guidance of the city commission amendments to the City Code relating to the control and development of lands within historic districts.

(Ord. No. 1880, 7-24-06; Ord. No. 1976, 10-13-08; Ord. No. 2201, 10-10-16)

Sec. 127-7. - Historic district commission meetings, recordkeeping and rules of procedure.

- (a) The historic district commission shall meet at least quarterly or more frequently at the call of the commission. Not later than April 1 of each year, the commission shall prepare and submit to the city manager a tentative outline of its program for the ensuing year. Joint meetings of the city commission and the commission shall be held at least annually at a time designated by the mayor.
- (b) The business that the commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended. Public notice of the date, time, and place of the meeting shall be given in the manner required by Public Act 267. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the commission.
- (c) At least four members of the commission shall constitute a quorum for the transaction of its business. The commission shall adopt its own rules of procedure and shall adopt design review standards and guidelines to carry out its duties under this chapter.
- (d) The commission shall keep a record of its resolutions, proceedings, and actions. A document prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information, Public Act 442 of 1976, as amended.

(Ord. No. 1880, 7-24-06)

CITY OF BIRMINGHAM
ORDINANCE NO. 1880

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO CREATE CHAPTER 127, HISTORIC DISTRICTS, OF THE CODE OF THE CITY OF BIRMINGHAM TO CREATE THE HISTORIC DISTRICT COMMISSION AND ESTABLISH AMENDED HISTORIC DISTRICT REGULATIONS.

:

1.1 SHORT TITLE

This Ordinance shall be known as the "Historic Districts Ordinance of the City of Birmingham".

1.2 STATEMENT OF PURPOSE

Historic preservation is hereby declared to be a public purpose and the City Commission of the City of Birmingham may hereby regulate the construction, addition, alteration, repair, moving, excavation, and demolition of resources in historic districts within the City limits. The purpose of this Ordinance is to:

1. Safeguard the heritage of the City of Birmingham by preserving districts that reflect elements of its history, architecture, archaeology, engineering, or culture.
2. Stabilize and improve property values in each district and surrounding areas.
3. Foster civic beauty.
4. Strengthen the local economy.
5. Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the City of Birmingham and of the State of Michigan.

The City of Birmingham may by Ordinance establish one or more historic districts. The historic district(s) shall be administered by the Historic District Commission and pursuant to this Ordinance.

1.3 DEFINITIONS

1. "Alteration" means work that changes the detail of a resource but does not change its basic size or shape.
2. "Certificate of Appropriateness" means the written approval of a permit application for work that is appropriate and does not adversely affect a resource.
3. "Commission" means the Historic District Commission of the City of Birmingham.
4. "Committee" means a historic district study committee appointed by the Birmingham City Commission pursuant to Section 1.4.
5. "Demolition" means the razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.
6. "Demolition by Neglect" means neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.
7. "Denial" means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.

8. "Fire alarm system" means a system designed to detect and annunciate the presence of fire or by-products of fire. Fire alarm system includes smoke alarms.
9. "Historic District" means an area or group of areas, not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archaeology, engineering, and/or culture.
10. "Historic Preservation" means the identification, evaluation, establishment, and protection of resources significant in history, architecture, archaeology, engineering, and/or culture.
11. "Historic Resource" means a publicly or privately owned building, structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, and/or culture of the City of Birmingham, State of Michigan, or the United States.
12. "Notice to Proceed" means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under Section 399.205(6) of Public Act 169 of 1970, as amended.
13. "Open Space" means undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or buffer between other resources.
14. "Ordinary Maintenance" means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for the purposes of this Ordinance.
15. "Proposed Historic District" means an area or group of areas, not necessarily having contiguous boundaries, that have delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.
16. "Repair" means to restore a decayed or damaged resource to good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for the purposes of this Ordinance.
17. "Resource" means one or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features, or open spaces located within a historic district.
18. "Smoke alarm" means a single-station or multiple-station alarm responsive to smoke and not connected to a system. As used in this subsection, "single-station alarm" means an assembly incorporating a detector, the control equipment, and the alarm sounding device into a single unit, operated from a power supply either in the unit or obtained at the point of installation. "Multiple-station alarm" means two or more single-station alarms that are capable of interconnection such that actuation of one alarm causes all integrated separate audible alarms to operate.
19. "Work" means construction, addition, alteration, repair, moving, excavation, or demolition.

- 1) The City Commission shall appoint a standing committee to serve as the Historic District Study Committee. The Committee shall consist of seven (7) members in addition to a city appointed Liaison. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation, although city residency is not required if an expert on the potential historic district topic is not available among city residents. Members shall be appointed for a term of three (3) years, except the initial appointments of three (3) members for a term of two (2) years and two (2) members for a term of one year. Subsequent appointments shall be for three-year terms. Members shall be eligible for reappointment. In the event of a vacancy on the Committee, interim appointments shall be made by the City Commission within sixty (60) calendar days to complete the unexpired term of such position. The Committee shall include representation of at least one member appointed from one or more duly organized local historic preservation organizations.
- 2) The Committee shall establish a schedule of regular meetings. The business that the Committee may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended. Public notice of the date, time, and place of the meeting shall be given in the manner required by Public Act 267. A meeting agenda shall be part of the notice and shall include a listing of each potential district to be reviewed or considered by the Committee.
- 3) Upon a resolution passed by the City Commission, the standing Historic District Study Committee shall do all of the following:
 - a) Conduct a photographic inventory of resources within each proposed historic district following procedures established by the State Historic Preservation Office of the Michigan Historical Center.
 - b) Conduct basic research of each proposed historic district and historic resources located within that district.
 - c) Determine the total number of historic and non-historic resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the Committee shall be guided by the Criteria for Evaluation issued by the United States Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR part 60, and criteria established or approved by the State Historic Preservation Office of the Michigan Historical Center.
 - d) Prepare a preliminary Historic District Study Committee report that addresses at a minimum all of the following:
 1. The charge of the Committee.
 2. The composition of Committee membership.
 3. The historic district(s) studied.
 4. The boundaries of each proposed historic district in writing and on maps.
 5. The history of each proposed historic district.
 6. The significance of each district as a whole, as well as the significance of sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.
 - e) Transmit copies of the preliminary report for review and recommendations to the City of Birmingham Planning Board, the State Historic Preservation Office of the Michigan Historical Center, the Michigan Historical Commission, and the State Historic Preservation Review Board.
 - f) Make copies of the preliminary report available to the public pursuant to Section 399.203 (4) of Public Act 169 of 1970, as amended.
 - g) Not less than sixty (60) calendar days after the transmittal of the preliminary report, the Historic District Study Committee shall hold a

public hearing in compliance with Public Act 267 of 1976, as amended. Public notice of the time, date and place of the hearing shall be given in the manner required by Public Act 267. Written notice shall be mailed by first class mail not less than fourteen (14) calendar days prior to the hearing to the owners of properties within the proposed historic district, as listed on the most current tax rolls. The report shall be made available to the public in compliance with Public Act 442 of 1976, as amended.

- h) After the date of the public hearing, the Committee and the City Commission have not more than one year, unless otherwise authorized by the City Commission, to take the following actions:
 - 1. The Committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the City of Birmingham Planning Board and the Historic District Commission, to the City Commission as to the establishment of a Historic District(s). If the recommendation is to establish a Historic District(s), the final report shall include a draft of the proposed ordinance(s).
 - 2. After receiving a final report that recommends the establishment of a Historic District(s), the City Commission, at its discretion, may introduce and pass or reject an ordinance(s). If the City Commission passes an ordinance(s) establishing one or more Historic Districts, the City shall file a copy of the ordinance(s), including a legal description of the property or properties located within the Historic District(s) with the Register of Deeds. The City Commission shall not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed historic district, as listed on the tax rolls of the local unit, have approved the establishment of the historic district pursuant to a written petition.
- i) A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function of the Historic District Commission should be made available to the public in compliance with Public Act 442 of 1976, as amended.

1.5 ESTABLISHING ADDITIONAL, MODIFYING, OR ELIMINATING HISTORIC DISTRICTS

- 1) The City Commission may at any time establish by ordinance additional historic districts, including proposed districts previously considered and rejected, may modify boundaries of an existing historic district, or may eliminate an existing historic district. Before establishing, modifying, or eliminating a historic district, the Standing Historic District Study Committee, as established in 1.4 Section 4, shall follow the procedures as stated in section 1.4 of this Chapter. The committee shall consider any previously written committee reports pertinent to the proposed action.
- 2) In considering elimination of a historic district, a Committee shall follow the procedures set forth in section 1.4 of this Chapter, as amended for the issuance of a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing one or more of the following:
 - a) The historic district has lost those physical characteristics that enabled the establishment of the district.
 - b) The historic district was not significant in the way previously defined.
 - c) The historic district was established pursuant to defective procedures.

1.6 THE HISTORIC DISTRICT COMMISSION

- 1) The City Commission may establish a commission to be called the Historic District Commission. Each member of the Commission shall reside within the city limits. The Commission shall consist of seven (7) members.

Members shall be appointed by the City Commission. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. Members shall be appointed for a term of three (3) years, except the initial appointments of three (3) members for a term of two (2) years and two (2) members for a term of one year. Subsequent appointments shall be for three-year terms. Members shall be eligible for reappointment. In the event of a vacancy on the Commission, interim appointments shall be made by the City Commission within sixty (60) calendar days to complete the unexpired term of such position. Two (2) members shall be appointed from a list submitted by duly organized local historic preservation organizations. If such a person is available for appointment, one member shall be an architect who has two years of architectural experience or who is duly registered in the State of Michigan.

- 2) The Commission shall, from its appointed members, elect a chairman and vice-chairman. Each officer will serve a one-year term and may be re-elected. The chairman shall preside over the Commission and shall have a right to vote. The vice-chairman shall, in the case of absence or disability of the chairman, perform the duties of the chairman. The city planner or an authorized representative shall act as secretary of the Commission and shall keep a record of all its proceedings.
- 3) The Commission may call upon the city manager for such services and data from the various departments as it may require. The Commission may recommend to the City Commission the securing of such professional and consulting services as it may require; however, no expenditures of funds shall be made, or contracts entered into for providing such professional or consulting services, unless the same shall first be approved and authorized by the City Commission. (Code 1963 § 5.094)
- 4) The City Commission may prescribe powers and duties of the Commission, in addition to those prescribed in this Ordinance, that foster historic preservation activities, projects, and programs in the local unit.
- 5) Members of the Commission may, after a public hearing, be removed for cause.
 - a) As used in this section, the term "cause" is defined as a determination by the City Commission that sufficient reason exists, as determined and defined by the City Commission in its sole discretion, for the removal of a member of the Commission. The decision by the City Commission to remove a member shall be final and binding upon such member of the Commission and no appeal shall arise therefrom.
 - b) As used in this section, the term "public hearing" is defined as an open meeting at which the determination is made by the City Commission, in its sole discretion, that cause exists for the removal of a member of the Commission. For purposes of an orderly presentation, the city attorney shall serve as chairperson of the public hearing, and the city manager, or his/her designee, may present information to the City Commission with respect to the potential removal of a member of the Commission. The city manager or his/her designee will be afforded the opportunity to address the City Commission with respect to such information for a period of not to exceed 30 minutes. The affected member of the Commission or his/her designated representative will be afforded the opportunity to address the City Commission with respect to such information for a period not to exceed 30 minutes. The presentation of information by the city manager or his/her designee and the presentation of information by the affected member or his/her designated representative may, in accordance with applicable law, be conducted in a closed session. This section shall not be construed as creating a right to a due process or evidentiary hearing.
 - c) This section shall not be construed as creating or bestowing upon a member of the Commission any employment status, property interest or any vested interest or right to continued membership on the Commission.

- 6) It shall be the function and duty of the Commission to advise the City Commission with respect to the proper development of the city with primary emphasis upon the city's established historic districts; sites, properties and historic resources. The Commission is also authorized to recommend for the guidance of the City Commission amendments to the City Code relating to the control and development of lands within historic districts.

1.7 HISTORIC DISTRICT COMMISSION MEETINGS, RECORDKEEPING & RULES OF PROCEDURE

- 1) The Historic District Commission shall meet at least quarterly or more frequently at the call of the Commission. Not later than April 1 of each year, the Commission shall prepare and submit to the city manager a tentative outline of its program for the ensuing year. Joint meetings of the City Commission and the Commission shall be held at least annually at a time designated by the mayor.
- 2) The business that the Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended. Public notice of the date, time, and place of the meeting shall be given in the manner required by Public Act 267. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the Commission.
- 3) At least four members of the Commission shall constitute a quorum for the transaction of its business. The Commission shall adopt its own rules of procedure and shall adopt design review standards and guidelines to carry out its duties under this Chapter.
- 4) The Commission shall keep a record of its resolutions, proceedings, and actions. A document prepared, owned, used, in the possession of, or retained by the Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information, Public Act 442 of 1976, as amended.

1.8 DELEGATION OF MINOR CLASSES OF WORK

The Commission may delegate the issuance of Certificates of Appropriateness for specified minor classes of work to the Planning Division. The Commission shall provide to the Planning Division specific written standards for issuing Certificates of Appropriateness under this subsection. The Commission shall review the Certificates of Appropriateness issued by the Planning Division on at least a quarterly basis to determine whether or not the delegated responsibilities should be continued.

1.9 ORDINARY MAINTENANCE

- 1) Nothing in this Ordinance shall be construed to prevent ordinary maintenance or repair of a resource within a historic district or to prevent work on any resource under a permit issued by the Building Official or other duly delegated authority before the Ordinance was enacted.
- 2) The exterior of every resource within a historic district shall be so maintained by the owner or person in control thereof so as to preserve the character of its district, promote the purpose of this chapter and so as not to have a detrimental effect upon the district. The exterior of every resource shall be maintained in a workmanlike manner, and all surfaces thereof shall be kept painted or protected with other approved coatings or materials. Permanent repairs to a building shall be made with the same or similar materials used in the construction of the building and in such a manner as to permanently repair the damaged area. Exterior surfaces of every building shall be maintained free of broken, loose, rotting, crumbling, missing, or inadequately finished materials.

- 3) Neglect of a resource resulting in serious health or safety hazards shall constitute demolition by neglect, as discussed in Section 1.19 of this chapter.

1.10 REVIEW BY THE COMMISSION

- 1) All plans that include work, such as addition/alteration, to the exterior of the resource and/or its site shall be reviewed by the Commission. Applications, supporting documents and the performance bond set forth in section 1.12 must be submitted two weeks prior to the scheduled Commission date.
- 2) The Commission shall review and act upon only exterior features of a resource, and except for noting compliance with the requirement to install a fire alarm system or a smoke alarm, shall not review and act upon interior arrangements unless specifically authorized to do so by the City Commission or unless interior work will cause visible change to the exterior of the resource. The Commission shall not disapprove an application due to considerations not prescribed in section 1.11 of this Chapter.

1.11 DESIGN REVIEW STANDARDS AND GUIDELINES

- 1) In reviewing plans, the Commission shall follow the U.S. Secretary of the Interior's *Standards for Rehabilitation* and guidelines for rehabilitating historic buildings as set forth in 36 C.F.R. part 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the Commission may be followed if they are equivalent in guidance to the Secretary of Interior's *Standards* and guidelines and are established or approved by the State Historic Preservation Office of the Michigan Historical Center.

The U. S. Secretary of the Interior Standards for Rehabilitation are as follows:

- a) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- b) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- c) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- d) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- e) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- g) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

- h) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- 2) In reviewing plans, the Commission shall also consider all of the following:
- a) The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.
 - b) The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area.
 - c) The general compatibility of the design, arrangement, texture, and materials proposed to be used.
 - d) Other factors, such as aesthetic value, that the commission finds relevant.
 - e) Whether the applicant has certified in the application that the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.
- 3) The Commission shall have the responsibility to review proposed projects on all properties within a designated historic district (both historic and non-historic resources). Upon completion of their review, the Commission will: issue a Certificate of Appropriateness; prepare a notice to proceed; or deny the proposed project, as determined by a majority vote.

1.12 PERFORMANCE BOND

- a. A performance bond is required for all work set forth in section 1.10. The performance bond shall be posted and a copy presented to the Building Official before a permit application will be presented to the Commission for consideration. The amount of the performance bond shall be determined by the Building Official and shall be sufficient to cover all costs and expenses anticipated to complete the work requested and insure sufficient funds are available to fully restore and repair the resource should the resource be damaged or destroyed.
- b. A performance bond shall also be required upon a finding by the Commission under section 1.19 that demolition by neglect has occurred. Should the property owner fail to post a bond after such a determination, the city may seek a court order requiring the property owner to do so or provide an equivalent security, in addition to any other remedies available to the city.
- c. A performance bond shall not be required for ordinary maintenance or repair items covered by section 1.9. A performance bond shall not be required for work delegated to the planning division under section 1.8 unless the Building Official deems it appropriate.

1.13 PERMIT APPLICATIONS

- 1) A permit and the performance bond set forth in section 1.12 shall be obtained before any work affecting the exterior appearance of a resource

is performed within a historic district or, if required under section 1.10(2), work affecting the interior arrangements of a resource is performed within a historic district. The person, individual, partnership, firm, corporation, organization, institution, or agency of government proposing to do that work shall file an application for a permit and a copy of the performance bond with the building official. Upon receipt of a complete application and a copy of the performance bond, the building official shall immediately refer the application, along with all required supporting materials that make the application complete, to the Commission. A permit shall not be issued and proposed work shall not proceed until the a copy of the performance bond is received and the Commission has acted on the application by issuing a Certificate of Appropriateness or a Notice to Proceed as prescribed in this Ordinance. The Commission shall not issue a Certificate of Appropriateness unless the applicant certifies in the application that the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501 to 125.1531.

- 2) The Commission shall file Certificates of Appropriateness, Notices to Proceed, and Denials of applications for permits with the building official. A permit shall not be issued until the Commission has acted as prescribed by this Ordinance and the performance bond has been received.
- 3) If an application is for work that will adversely affect the exterior of a resource the Commission considers valuable to the City of Birmingham, the State of Michigan, or the nation, and the Commission determines that the alteration or loss of that resource will adversely affect the public purpose of the city, state, or nation, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for the preservation of the resource.
- 4) An application for repair or alteration affecting the exterior appearance of a resource or for its moving or demolition shall be approved by the Commission if upon a finding by the Commission that any of the following conditions prevail:
 - a) The resource constitutes a hazard to the safety of the public or the occupants.
 - b) The resource is a deterrent to a major improvement program which will be of substantial benefit to the community.
 - c) Retention of the historic resource would cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the historic resource for sale at its fair market value or moving the historic resource to a vacant site within the historic district, have been attempted and exhausted by the owner.
 - d) Retention of the historic resource would not be in the interest of the majority of the community.
- 5) The failure of the Commission to act on an application within sixty (60) calendar days after the date a complete application and the performance bond is filed with the Commission, unless an extension is agreed upon in writing by the applicant and the Commission, shall constitute approval of the application.
- 6) The applicant shall pay the fee to process a permit application as set forth in Appendix A.

1.14 EXPIRATION OF THE CERTIFICATE OF APPROPRIATENESS

Projects approved by the Commission will be issued a Certificate of Appropriateness. This certificate shall be valid for a period of one year from the date it is granted. Upon request, the Commission may grant an extension of not

in excess of one year to the applicant prior to the expiration date and so long as proof that the performance bond remains in place is provided.

1.15 DENIALS

If a permit application is denied, the decision shall be binding on the building official or other authority. A Denial shall be accompanied by a written explanation by the Commission of the reasons for denial and, if appropriate, a notice that an application may be re-submitted for Commission review when the suggested changes have been made. The Denial shall also include the notification of the applicant's right to appeal to the State Historic Preservation Review Board and to the circuit court.

1.16 NOTICE TO PROCEED

Work within a historic district shall be permitted through the issuance of a Notice to Proceed by the Commission if the proposed work can be demonstrated by a finding of the Commission to be necessary to substantially improve or correct any of the following:

- a) The resource constitutes a hazard to the safety of the public or to the structure's occupants.
- b) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
- c) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.
- d) Retaining the resource is not in the interest of the majority of the community.

1.17 APPEAL OF A COMMISSION DECISION

- 1) An applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal with the State Historic Preservation Review Board. The appeal shall be filed within sixty (60) calendar days after the decision is furnished to the applicant. The appellant may submit all or part of the appellant's evidence and arguments in written form. The State Historic Preservation Review Board shall consider an appeal at its first regularly scheduled meeting after receiving the appeal. A permit applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the Oakland County Circuit Court.
- 2) Any citizen or duly organized historic preservation organization in the City of Birmingham, as well as resource property owners, jointly or severally aggrieved by a decision of the Commission may appeal the decision to the Oakland County Circuit Court, except that a permit applicant aggrieved by a decision rendered under this Ordinance may not appeal to the Oakland County Circuit Court without first exhausting the right to appeal to the State Historic Preservation Review Board under section 1.17(1) of this Chapter.

1.18 WORK WITHOUT A PERMIT OR PERFORMANCE BOND

When work has been done upon a resource without a permit and/or a performance bond, and the Commission finds that the work does not qualify for a Certificate of Appropriateness, the Commission may require an owner to restore the resource to the condition that the resource was in before the

inappropriate work or to modify the work so that it qualifies for a Certificate of Appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, the Commission may seek an order from the Oakland County Circuit Court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a Certificate of Appropriateness. If the owner does not comply or cannot comply with the order of the Oakland County Circuit Court, the Commission or its agents may make a claim against the performance bond, if any, and enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a Certificate of Appropriateness in accordance with the court's order. The costs of the work done shall be charged to the owner, and may be levied by the City of Birmingham as a special assessment against the property. When acting pursuant to an order of the Oakland County Circuit Court, the Historic District Commission or its agents may enter a property for purposes of this section.

1.19 DEMOLITION BY NEGLECT

Upon a finding by the Commission that a historic resource within a historic district or a proposed historic district subject to its review and approval is threatened with Demolition by Neglect, the Commission may do either of the following:

- a) Require the owner of the resource to obtain a performance bond under section 1.12 and repair all conditions contributing to demolition by neglect.
- b) If the owner does not obtain a performance bond and make repairs within a reasonable time, the Commission or its agents may enter the property and make such repairs as necessary to prevent Demolition by Neglect. The costs of the work shall be charged to the owner, and may be levied by the City of Birmingham as a special assessment against the property. The Commission or its agents may enter the property for purposes of this section upon obtaining an order from the District or Circuit Court.

1.20 REVIEW OF WORK IN PROPOSED DISTRICTS

Upon receipt of substantial evidence showing the presence of historic, architectural, archaeological, engineering, or cultural significance of a proposed historic district, the City Commission may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the Historic District Commission as prescribed in Section 1.13 of this Ordinance. The Historic District Commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than one year, or until such time as the City Commission approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

1.21 EMERGENCY MORATORIUM

If the City Commission determines that pending work will cause irreparable harm to resources located within an established or proposed historic district, the City Commission may elect to, but is not required to, by resolution declare an emergency moratorium on all such work for a period not to exceed six (6) months. The City Commission may elect to, but is not required to, extend the emergency moratorium for an additional period not to exceed six (6) months, upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

1.22 PENALTIES FOR VIOLATIONS

- 1) A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this ordinance is responsible for a civil violation and may be fined up to \$500.00.

- 2) A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this ordinance may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated, or demolished.

1.23 ACCEPTANCE OF GIFTS OR GRANTS

The City Commission may accept state or federal grants for historic preservation purpose; may participate in state and federal programs that benefit historic preservation, and may accept public or private gifts for historic preservation purposes. The City Commission may appoint the Historic District Commission to accept and administer grants, gifts, and program responsibilities.

1.24 ACQUISITION OF HISTORIC RESOURCES

If all efforts by the Commission to preserve a resource fail, or if it is determined by the City Commission that public ownership is most suitable, the City Commission, if considered to be the public interest, may acquire the resource using public funds, public or private gifts, grants or proceeds from the issuance of revenue bonds. The acquisition shall be based upon the recommendation of the Commission or the Historic District Study Committee. The Commission is responsible for maintaining publicly owned resources using its own funds, if not specifically designated for other purposes, or public funds committed for that use by the City Commission. Upon recommendation of the Commission or the Historic District Study Committee, the City may sell resources acquired under this section with protective easements included in the property transfer documents, if appropriate.

1.25 HISTORIC DISTRICT BOUNDARIES

The boundaries of the Shain Park Historic District, the Central Business Historic District, and the Bates Street Historic District are as shown on the maps which are on file in the City Clerk's office. Such maps with all notations, references, and other information shown thereon are incorporated and are a part of this ordinance.

Unless otherwise shown or noted in the following descriptions, the boundaries of all districts shall be lot lines and/or centerlines of streets or alleys or such lines extended.

1. Bates Street Historic District

The Bates Street Historic District consists of all of the lands and resources within the boundaries of the Bates Street Historic District as established on the district maps which are on file with the city clerk.

The Bates Street Historic District contains the following lands and historic resources:

- i. United Presbyterian Parsonage, 539 S. Bates:
Assessor's Replat Torrey's, Hood's and Smith Addition, Lot 49.
- ii. Koontz House, 544 S. Bates:
Assessor's Replat Torrey's, Hood's and Smith Addition east 120 feet of the north 66 feet of Lot 21.
- iii. Peck House, 571 S. Bates:
Assessor's Replat Torrey's, Hood's and Smith Addition north 1/2 of west 1/2 of Lot 52.
- iv. John Hall House, 584-588 S. Bates:

Assessor's Replat Torrey's, Hood's and Smith Addition east 120 feet of Lot 23.

v. Major Jones House, 607 S. Bates:

Part of Lot 53 of Assessor's Replat of part of Torrey's Addition, Hood's Addition and Smith Addition, commencing at the southwest corner of Lot 53, for a point of beginning; thence N 01°09'00" E, 86.68 feet (previously recorded as 86.72 feet), along the westerly line of Lot 53, to the northwest corner of Lot 53; thence S 88°02'03" E, 121.76 feet, along the northerly line of Lot 53; thence S 00°59'29" W, 86.70 feet to the southerly line of Lot 53; thence N 88°01'30" W, 122.00 feet, along the southerly line of Lot 53, to the point of beginning.

vi. Frank Schlaack House, 612 S. Bates:

Assessor's Replat Torrey's, Hood's and Smith Addition, Lot 24, except west 120 feet.

vii. John W. Perry House, 651 S. Bates:

Assessor's Replat Torrey's, Hood's and Smith Addition, Lot 54.

viii. McBride House, 668 S. Bates:

McBride Subdivision of the north 261.3 feet of Lot 29 Wm. Torrey Addition, Lot 8.

(Code 1963, § 5.702(4); Ord. No. 1668, 2-9-98)

2. Central Business Historic District

The Central Business Historic District consists of all of the lands and resources within the boundaries of the Central Business Historic District as established on the district maps which are on file with the City Clerk.

The Central Business Historic District contains the following historic resources:

- i. Wabeek Building, 256 W. Maple.
- ii. Leonard Building, 166 W. Maple.
- iii. Quarton Building, 142 W. Maple.
- iv. Blakeslee Building, 138 W. Maple.
- v. Billy McBride Building, 122 W. Maple.
- vi. Ford Building, 101 N. Old Woodward and 120 W. Maple.
- vii. Erity and Nixon Building, 163-167 N. Old Woodward.
- viii. Bell Building, 191 N. Old Woodward.
- ix. Schlaack Building and Huston Building 1916, 205-219 N. Old Woodward.
- x. Huston Building 1923 , 237-243 N. Old Woodward.
- xi. National Bank Building, 152-176 N. Old Woodward.
- xii. Wooster Building, 132-136 N. Old Woodward.

- xiii. Parks Building, 110-116 N. Old Woodward.
- xiv. Madison Building, 297-323 E. Maple.
- xv. Hawthorne Building, 361 E. Maple.
- xvi. Shain Townhouses, 378, 386, 390 E. Maple and 112, 120, 124 Brownell.
- xvii. Briggs Building, 111 S. Old Woodward.
- xviii. Birmingham Theater Building, 211 S. Old Woodward.
- xix. Ford-Peabody Mansion, 325 S. Old Woodward.
- xx. Detroit Edison Building, 220 E. Merrill.
- xxi. D.U.R. Waiting Room, 138 S. Old Woodward.
- xxii. McBride Building, 124-128 S. Old Woodward.
- xxiii. Johnston-Shaw Building, 112-114 S. Old Woodward.
- xxiv. O'Neal Building, 106-110 S. Old Woodward.
- xxv. St. Clair Edison Building, 135-159 Pierce.
- xxvi. Telephone Exchange Building, 148 Pierce.
- xxvii. Bigelow-Shain Building, 115 W. Maple.
- xxviii. Field Building, 135-141 W. Maple.

3. Shain Park Historic District

The Shain Park Historic District consists of all of the land and resources within the boundaries of the Shain Park Historic District as established on the historic district maps which are on file with the City Clerk.

The Shain Park Historic District contains the following described historic resources:

- i. Municipal Building, 151 Martin Street.
- ii. Shain Park.
- iii. Baldwin Public Library, 300 Merrill Street.
- iv. Birmingham Community House, 380 S. Bates.
- v. United States Post Office, 322 Martin.

(Code 1963, § 5.702(2))

4. Mill Pond Neighborhood

The Mill Pond Neighborhood contains the following historic districts:

- i. Historical Park Historic District:

Willit's Northern, Lot 57.

- ii. Baldwin Park Historic District:
- a. Part of the northwest 1/4 of Section 36, described as follows: Bounded on the north by Maple Avenue; on the east by Southfield Avenue; on the south and west by Bird's Addition and A.P. No. 12.
 - b. A parcel of land in the northwest 1/4 of Section 36, described as: Beginning at a point on the east line of Baldwin Avenue located N 87°51'25" E, 279.10 feet along the north line of Section 36, and S 3°31'35" W, 179.00 feet along the east line of Baldwin Avenue from the northwest corner of Section 36; thence southeasterly upstream 50 feet more or less along the centerline of a branch of the River Rouge to a point which is located S 3°31'35" W, 28.00 feet along the east line of Baldwin Avenue, and S 61°54'35" E. 28.00 feet from the point of beginning; thence S 61°54'35" E, 72.00 feet; thence N 82°44'00" E, 120.00 feet; thence N 3°54'15" E, 127.00 feet; thence N 87°50'60" E, 5.33 feet; thence N 01°20'40" E, 120 feet more or less to a point on the north line of Section 36; thence N 87°51'25" E, 651.20 feet along the north line of Section 36 to a point; thence S 2°15'41" E, 45.73 feet to a point on the north line of West Maple Avenue; thence westerly along such northerly line of West Maple Avenue to the easterly line of Baldwin Avenue. Thence northerly along the easterly line of Baldwin Avenue to the point of beginning.
- iii. John W. Hunter House and Allen House, (500 and 556 West Maple):
- Beginning at a point on the south line of Section 25 which is bearing N 87°51'25" E, along the south line a distance of 1,116.90 feet from the southwest corner of Section 25; from the point of beginning thence N 1°54'25" W, 267.22 feet; thence N 87°51'25" E, 301.44 feet plus; thence S 1°35'30" E, 234.23 feet plus or minus to the northerly line of Maple Avenue; thence S 87°44'19" W, 20.35 feet; thence on a curve to the left with a radius of 442.25 feet, a central angle of 31°42'37", a long chord of 241.70 feet, which bears S 71°53'01" W, and an arc of 244.76 feet to a point; thence S 56°01'42" W, 26.96 feet; thence N 2°15'41" W, 45.73 feet; thence S 87°51'25" W, 24.90 feet plus or minus to the point of beginning.
- iv. Mill Pond Historic District:
- a. Land in the northwest 1/4 of Section 36, being covered by the following description except the northerly 160 feet thereof as measured on east and west lines bounded on the east by Baldwin Avenue; on the south by Maple Avenue on the west by Replat of Lots 175 to 178 of Quarton Lake Estates; on the north by Whitehead and Mitchell Addition.
 - b. Lots 1, 2, 3, 4 and Overbrook Drive of Replat of Lots 175 to 178 inclusive and part of Lots 179 to 186 inclusive of Quarton Lake Estates Replat of East Park; except lands now platted in Millrace Park Subdivision. Waterfall Lane Subdivision, and that portion of Lot 4 lying westerly of the easterly line, as extended of Waterfall Lane Subdivision, and lying southerly of Lot 5 of Waterfall Lane Subdivision; also excepting lands being used for Maple Avenue right-of-way.

- c. Quarton Lake Estates Replat of East Part of Quarton Lake Estates Subdivision. Outlot A, except that part in Millrace Park Subdivision; also Quarton Lakeside Subdivision Lots 1 to 6 inclusive, also Lots 4, 5 and 6 of Millrace Park.
- v. Village Waterworks Historic District:
Assessor's Plat No. 12, Lot 7. Also Birmingham Park Allotment Subdivision, Lots 109 and 111.
- vi. Chatfield-Campbell House Historic District (460 W. Maple):
Willets Addition, all of Lot 11, also the southerly 20 feet of Lot 14, except that part taken for street right-of-way.
- vii. Edwin Baldwin House Historic District (484 W. Maple):
Lot 12 and the southerly 16.5 feet of Lot 13 Willets Addition and part of the southwest 1/4 of Section 25 described as beginning at the southwest corner of Lot 12 Willets Addition west 20 feet, north 133 feet, east 20 feet, south 133 feet, on the west line of Lots 12 and 13 to the point of beginning.
- viii. Edgar Lamb House Historic District (474 Willits):
North 100 feet of Lot 13, Willets Addition and part of the southwest 1/4 of Section 25 described as beginning at the northwest corner of Lot 13 Willets Addition, west 20 feet on straight line, south 100 feet, east 20 feet, north 100 feet on the west line of Lot 13 to the point of beginning.
- ix. Stickney House Historic District (412 Willits):
Willits Northern Lot 48
- x. Ebenezer Raynale House Historic District (300 Warren Court):
Warrens Replat of Lot 45 and part of Lots 46 and 54 Willits Northern Addition, Lot 5.
- xi. Benjamin Daniels House Historic District (372 Harmon):
Part of Lot 10 of Assessors Plat No. 17, a replat of part of Lot 61 of Willits Northern Addition, described as beginning at the southeast corner of Lot 10; thence along the northerly right-of-way line of Harmon Street S 81°48'24" W, 99.15 feet; thence N 08°42'14" W, 116.75 feet thence N 81°48'24" E, 99.00 feet; thence S 08°46'33" E, 116.75 feet to the point of beginning.
- xii. Greenwood Cemetery Historic District
All that parcel of land in the northwest 1/4 of Section 25, described as follows: Beginning at the west 1/4 corner of Section 25; thence S 8°14' E, 694.57 feet; thence N 0°31' E 498.45 feet; thence N 83°15'30" W, 203.28 feet; thence N 78°34' W 487.74 feet; thence S 1°46'30" W, 580.16 feet to the point of beginning.

(Code 1963, § 5.702(1); Ord. No. 1549, 12-14-92)

5. Merrill – Townsend - Brown Neighborhood

The Merrill, Townsend, Brown Neighborhood consists of the following historic districts:

- i. Abigail Carter House Historic District (415 Merrill Street):
Castle Addition, Lot No. 18, except that part taken for road right-of-way.
- ii. Irving House Historic District (439 Merrill):
Castle Addition, Lot 19.
- iii. Daisy Benedict House Historic District (535 Merrill):
Castle Addition Historic District Lots 24 and 25.
- iv. Hewitt House Historic District (211 Townsend):
Merrill's Plat, all of Lot 115 and the easterly 35 feet of Lot 16.
- v. Langley House Historic District (404 S. Bates):
Merrill's Plat, Lots 121 and 122.
- vi. Townsend House Historic District (339 Townsend):
Merrill's Plat, Lot 123.
- vii. Toms-Dickinson House Historic District (464 Townsend):
Castle Addition, Lot 36.
- viii. Hoston-Logan House Historic District (504-506 Townsend):
Castle Addition, Lot 34.
- ix. Stewart House Historic District (505 Townsend):
Castle Addition, Lot 43.
- x. Fall House Historic District (523 Townsend):
Castle Addition, Lot 44 also east 1/2 vacated alley.
- xi. Schuyler House Historic District (544 Townsend):
Castle Addition, Lot 32 and west 1/2 vacated alley, also east 10 feet of Lot 31.
- xii. Cinderilla Patch House Historic District (347 W. Brown):
Assessor's Replat Torrey's, Hood's and Smith Addition, west 60 feet of Lots 19 and 20 as measured on side lot lines.
- xiii. William Bell House Historic District (384 West Brown):
Torrey's Addition, Lots 2, 3 and 4 excepting part taken for street widening.

(Code 1963, § 5.702(3))

6. Hood House Historic District (555 Stanley):
Assessor's Replat Torrey's, Hood's and Smith Addition, Lot 9.
7. Grooms House Historic District (587 Stanley):
Assessor's Replat Torrey's, Hood's and Smith Addition, Lot 10.

8. Trollop House Historic District (536 Southfield Road):

Stanley and Clizbe Subdivision. The northerly 13 feet of Lot 25, such northerly 13 feet being 13 feet as measured on easterly and westerly lot lines, also all of Lot 26.
9. Richard Erwin House Historic District (1119 Southfield Road):

Birmingham Crestview Subdivision, Lot 1.
10. Randall-Latham House Historic District (1128 Southfield Road):

McCormick Subdivision, Lot 4.
11. Daniels House Historic District (1128 Pierce):

Place de la Miche'le Subdivision, Lot 1.
12. Eli Wooster House Historic District (1876 Northlawn):

Assessor's Plat No. 9, south 1/2 of the west 20 feet of Lot 26, also the south 1/2 of Lot 27.
13. Schlaack House Historic District (839 Knox):

H.A. Poppleton's Addition, Lot 5, Block 4.
14. King-Argus House Historic District (743 West Frank):

Argus Addition, Lot 19 and the easterly 25 feet of Lot 18.
15. Stewart-Watkins House Historic District (146 Puritan):

Quarton Lake Estates Subdivision, Lot 277 except the south 40 feet thereof, all of Lot 278 also part of Lot 279 described as beginning at the southeast corner; thence northerly along the east line 8.0 feet; thence westerly parallel to the south line of Lot 52; thence southwesterly 8.50 feet to a point on the south line of such lot, 55 feet west of the southeast corner of such lot; thence easterly along the south line 55.0 feet to the point of beginning.
16. Quarton Homestead Historic District (1155 Quarton):

A parcel of land in Section 26 described as follows: beginning at a point at the north line of Section 26, such point being $88^{\circ}43' W$, 405.87 feet from the northeast corner of Section 26; thence $S 1^{\circ}30'45'' W$, 229.67 feet; thence $S 89^{\circ}46'30'' W$, 511.36 feet; thence $N 1^{\circ}51'30'' E$, 242.90 feet to the north line of Section 26; thence $S 88^{\circ}43' E$, along the north line of Section 26, 509.67 feet to the point of beginning.
17. Birmingham Grand Trunk Western Railroad Depot Historic District (245 S. Eton):

A parcel of land located in the north half of Section 31, Township of Troy (now City of Birmingham) more particularly described as: Beginning at the point on the east line of Eton Road (as relocated), such point being $N 88^{\circ}y 16' 37'' 117.95$ feet along the east-west section line in Maple Road (66 feet wide) and $S 34^{\circ}11'27'' E$, 87.17 feet along the easterly right-of-way line of Eton Road (50 feet wide) extended from the north quarter corner of Section 31; thence continuing $S 34^{\circ}11'27'' E$, 112.57 feet along such right-of-way line; thence $S 1^{\circ}59'10'' W$ 236.98 feet along the east line of Eton Road; thence $S 88^{\circ}20'47'' E$, 245.76 feet; thence $N 33^{\circ}44'54'' W$, 390.56 feet parallel and 0.5 feet westerly of an existing concrete retaining wall; thence $S 56^{\circ}34'45'' W$, 16.90 feet; thence $N 33^{\circ}36'11'' W$, 57.77 feet to the south line of Maple Road as widened for railroad bridge (43 feet = 1/2 right-of-way); thence $N 88^{\circ}16'37'' W$, 22.56 feet along such right-of-way; thence $S 29^{\circ}04' W$, 31.10 feet along

the easterly right-of-way of Eton Road as relocated to the point of beginning and containing 1.056 acres or 45,977 square feet of land, together with the Grand Trunk Western Railroad's right-of-way located immediately adjacent to and northeast of such parcel.

18. Quarton Maple Avenue House Historic District (1158 West Maple Road):

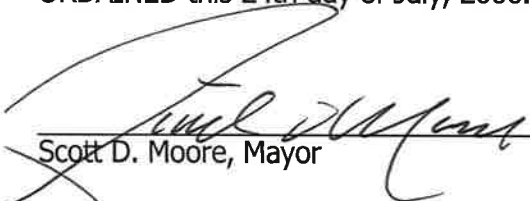
T2N, R10E, Sections 26 and 35 part of southeast quarter of Section 26 and part of northeast quarter of Section 35 beginning at the northeast corner of Lot 329 of Quarton Lake Estates Subdivision; thence S 89°05'30" E, 105.00 feet; thence S 16°17'30" W, 288.21 feet; thence N 67°06'00" W, 102.67 feet; thence N 16°30'30" E, 246.97 feet to the point of beginning.

19. Wallace Frost House Historic District (579 Tooting Lane):

Assessor's Plat No. 7, Lots 7 and 12, excluding the following description as beginning at the southwest corner of Lot 12, thence northerly 25 feet, thence easterly to the southeast corner of Lot 7, thence southwesterly 105.79 feet to beginning.

(Code 1963, § 5.702(5); Ord. No. 1585, 4-11-94; Ord. No. 1750, 3-19-01)

ORDAINED this 24th day of July, 2006. Effective upon publication.



Scott D. Moore, Mayor



Nancy M. Weiss, City Clerk

I, Nancy M. Weiss, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the commission of the City of Birmingham, Michigan at a regular meeting held July 24, 2006 and that a summary was published June 30, 2006.



Nancy M. Weiss, City Clerk



**NOTICE OF INTENTION TO APPOINT TO
ARCHITECTURAL REVIEW COMMITTEE**

At the meeting of Monday, September 18, 2023 the Birmingham City Commission intends to appoint one regular member to the Architectural Review Committee to serve a three-year term to expire April 11, 2025, and one regular member to serve the remainder of a three-year term to expire April 11, 2026. Members of this Committee will be appointed by the Commission. The Committee shall consist of three Michigan licensed architects who reside in the City of Birmingham.

The purpose of this committee is to review certain public improvement projects initiated by the City and referred to the committee by the City Manager or his/her designee. The Committee is expected to offer opinions as to what physical alterations or enhancements could be made to these projects in order to improve the aesthetic quality of the project and the City's overall physical environment.

Interested citizens may submit an application available at the City Clerk's Office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, September 13, 2023. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

Applicant Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications
Javier Alvarez-Isasi	Applicants must be a Michigan Licensed Architect & Resident of the City of Birmingham. MI Licensed Architect and Birmingham resident

NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.

SUGGESTED RESOLUTION:

To appoint _____ as a regular member to the Architectural Review Committee to serve a three-year term to expire April 11, 2025.

To appoint _____ as a regular member to the Architectural Review Committee to serve a three-year term to expire April 11, 2026.



OFFICE USE ONLY
Meets Requirements? Yes No
Will Attend / Unable to Attend

APPLICATION FOR CITY BOARD OR COMMITTEE

SEP 9 2023

RECEIVED

Thank you for your interest in serving on a Board or Committee. The purpose of this form is to provide the City Commission with basic information about applicants considered for appointment. NOTE: Completed applications are included in the City Commission agenda packets. The information included on this form is open to the public. All Board and Committee members are subject to the provisions of the Ethics Ordinance (Chapter 2, Article IX of the City Code).

Information on various Boards and Committees and a list of current openings can be found on the City website at www.bhamgov.org/boardopportunities.

Board/Committee of Interest Architectural review committee / Multi-modal transportation Housing board of appeals / public Arts / Historic District

Specific Category/Vacancy on Board _____ (see back of this form for information)

Name Javier Alvarez-Isasi

Phone 718-490-9833

Residential Address 937 Smith Ave

Email * jalvarez.isasi@gmail.com

Residential City, Zip Birmingham, 48009

Length of Residence 2 1/2 years

Business Address _____

Occupation Architect

Business City, Zip _____

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied _____

I am an architect in practice w/ experience in design, construction, and facilities.

List your related employment experience About 25 years. I currently work on transportation projects (METRA & CTB). Also I worked in skyscrapers in NYC @ the World Trade Center.

List your related community activities _____

List your related educational experience M.S. in Communication, B.S. ~~Architecture~~ Architecture

To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: No

Do you currently have a relative serving on the board/committee to which you have applied? _____

Are you an elector (registered voter) in the City of Birmingham? yes.

Signature of Applicant J. Alvarez-Isasi

Date 9/1/2023

SEP - 5 2023
RECEIVED
Clerk's Office
City of Birmingham, MI

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to clerk@bhamgov.org or fax to 248.530.1080. Updated 11/18/2020

*By providing your email to the City, you agree to receive news & notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.

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ARCHITECTURAL REVIEW COMMITTEE

Resolution #: 03-101-04

Purpose: To review certain public improvement projects initiated by the city and referred to the committee by the city manager or his/her designee. The committee is expected to offer opinions as to what physical alterations or enhancements could be made to these projects in order to improve the aesthetic quality of the project and the city's overall physical environment.

Members: The committee shall consist of three Michigan licensed architects who reside in the City of Birmingham.

Term: Three years

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Bertollini	Larry	(248) 646-6677 <i>lbertollini@att.net</i>	6/25/2012 Michigan Licensed Architect & Resident of Birmingham	4/11/2024
Vacated	4/11/2022			4/11/2025 Michigan Licensed Architect & Resident of Birmingham
Vacated	4/11/2023			4/11/2026 Michigan Licensed Architect & Resident of Birmingham

03-29-04

03-101-04 AD HOC ARCHITECTURAL REVIEW COMMITTEE

Mr. Sabo introduced this resolution and stated that this committee does not create another level of review.

Commissioner Hoff suggested that architects be considered who work in the city as well as live in the city.

Mr. Markus responded that he felt that members who lived in the city would be more practical with the city taxes.

MOTION: Motion by Thorsby, seconded by Plotnik:

Whereas, the Downtown Birmingham 2016 report Process Two, page 45, of the final report dated November 1, 1996 found that certain discretionary aesthetic decisions are, of necessity, made by City staff, and

Whereas, in the discussion of Process Two it was noted that the physical design of certain improvements within the City do not receive the benefit of an eye worthy of a City that considers itself the artistic capital of the region, and

Whereas, in the recommendation of Process Two it was suggested that the position of consulting town architects could be created to advise staff in matters of design review, and

Whereas, the Planning Division recommended, in a report to the City Commission dated February 23, 2004, that an architectural review Ad Hoc committee be created for a one year trial period, and

Whereas, the Birmingham City Commission determined that such an Ad Hoc committee should be created for a one year trial basis for purposes of reviewing certain public improvement projects and offering advisory opinions.

Now Therefore Be It Resolved that an Ad Hoc Architectural Review Committee for review of certain public improvement projects is hereby established and is subject to the following provisions:

1. A three member committee shall consist of three Michigan licensed architects who reside in the City of Birmingham. The members shall be appointed by the City Commission for a term of one year from the date of appointment.
2. The purpose of the Architectural Review Committee shall be to meet in properly noticed public meetings to review certain public improvement projects initiated by the City and referred to the committee by the City Manager or his/her designee. The committee is expected to offer advisory opinions as to what physical alterations or enhancements could be made to these projects in order to

improve the aesthetic quality of the project and the City's overall physical environment.

3. Only those public projects which are initiated after the appointment of all Ad Hoc Architectural Committee members and which are referred by the City Manager or his/her designee shall be reviewed by the committee. Generally, only those projects which are above grade improvements, and/or for which no other appointed board or committee review is conducted, and/or for which no adopted City standard is in place for the proposed improvement would be reviewed by the committee.
4. It is intended that the review process will not cause additional time to be added to the improvement process so as to be seamless in the review of certain public improvement projects. It is anticipated that the committee and appropriate City staff will arrange for an orderly flow of meetings early enough in the improvements process to minimize the added cost of any aesthetic enhancement that may be added to a public improvement. The City Manager or his/her designee will be the final determinant in deciding whether to incorporate the advisory recommendations or not. The determination will be reported to the committee and included in the minutes/records of the committee.
5. The City staff will keep minutes/records of the meetings of the committee which will be available to the public.
6. The committee will operate for a period of one year from the date of the last appointment of the three member committee.
7. During the last month of the operation of the committee the City Manager or his/her designee will file a report with the City Commission as to the operation of the committee so that the Commission may determine if they wish to continue the operation of the committee beyond the one year trial period.
8. The City Clerk is hereby directed to advertise the vacancies on this committee and arrange for the applicants to be interviewed by the City Commission for appointment to this committee.

Mr. Markus responded to Clinton Baller that this could become a standing committee after a trial period. Mr. Baller also suggested that the language include landscape architects as well. Mr. Markus clarified that only city projects which are not already designed by architects or landscape architects would be sent to this review committee.

VOTE: Yeas, 7
 Nays, None
 Absent, None

ARCHITECTURAL REVIEW COMMITTEE FOR REVIEW OF CERTAIN PUBLIC
IMPROVEMENT PROJECTS

Whereas, the Downtown Birmingham 2016 report Process Two, page 45, of the final report dated November 1, 1996 found that certain discretionary aesthetic decisions are, of necessity, made by City staff, and

Whereas, in the discussion of Process Two it was noted that the physical design of certain improvements within the City do not receive the benefit of an eye worthy of a City that considers itself the artistic capital of the region, and

Whereas, in the recommendation of Process Two it was suggested that the position of consulting town architects could be created to advise staff in matters of design review, and

Whereas, the Planning Division recommended, in a report to the City Commission dated February 23, 2004, that an architectural review Ad Hoc committee be created for a one year trial period, and

Whereas, on March 29, 2004, the City Commission created an Architectural Review Ad Hoc committee for a one year trial period for purposes of reviewing certain public improvement projects and offering advisory opinions, and

Whereas the City Commission has determined that the involvement of the Ad Hoc Architectural Review Committee has been beneficial and should be created as a standing committee.

Now Therefore Be It Resolved that an Architectural Review Committee for review of certain public improvement projects is hereby established as a standing committee and is subject to the following provisions:

1. A three member committee shall consist of three Michigan licensed architects who reside in the City of Birmingham. The members shall be appointed by the City Commission for a term of three years from the date of appointment. The initial terms of the committee shall be one term for one (1) year, one term for (2) years, and one term for three (3) years beginning from the date of appointment. Thereafter, all terms shall be for three years. Members shall serve without compensation and shall serve until replaced. Members may be removed by majority vote of the city commission.
2. The purpose of the Architectural Review Committee shall be to meet in properly noticed public meetings to review certain public improvement projects initiated by the City and referred to the committee by the City Manager or his/her designee. The committee is expected to offer advisory opinions as to what physical alterations or enhancements could be made to these projects in order to improve the aesthetic quality of the project and the City's overall physical environment.

3. Only those public projects which are initiated after the appointment of all Ad Hoc Architectural Committee members and which are referred by the City Manager or his/her designee shall be reviewed by the committee. Generally, only those projects which are above grade improvements, and/or for which no other appointed board or committee review is conducted, and/or for which no adopted City standard is in place for the proposed improvement would be reviewed by the committee.
4. It is intended that the review process will not cause additional time to be added to the improvement process so as to be seamless in the review of certain public improvement projects. It is anticipated that the committee and appropriate City staff will arrange for an orderly flow of meetings early enough in the improvements process to minimize the added cost of any aesthetic enhancement that may be added to a public improvement. The City Manager or his/her designee will be the final determinant in deciding whether to incorporate the advisory recommendations or not. The determination will be reported to the committee and included in the minutes/records of the committee.
5. The City staff will keep minutes/records of the meetings of the committee which will be available to the public.



MEMORANDUM

Department of Public Services

DATE: September 14, 2023

TO: Jana L. Ecker, City Manager

FROM: Scott Zielinski, P.E. Director of Public Services

SUBJECT: Introduction to City Commission – Manager of Public Services

Charles Markus has over 13 years of municipal experience, having worked for Bloomfield Township in the Engineering and Environmental Services Department. During his time at Bloomfield Township he was responsible for the running the Township's Tree and Fertilizer Ordinances, Safety Path, West Nile Virus, and Spongy Moth Programs along with dealing with resident concerns. He worked with all departments, but most of his assistance was lent to the Building Planning Ordinance Department, the Department of Public Works and the Police Department along with Public Outreach. Charles also has prior experience working for a private urban forestry contractor, and experience in residential building.

Charles has a bachelor's degree from Wayne State University in Business Administration and is planning on getting in master's degree in Public Administration.

City of Birmingham
Warrant List Dated 09/14/2023

Meeting of 09/18/2023

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
294058	*	005430	21ST CENTURY MEDIA- MICHIGAN	1,231.25
294059		009699	ADVANCED VETERINARY MEDICAL CENTER	357.75
294060	*	TAXMISC	ANTHROPOLOGIE URBN US RETAIL LLC	480.77
294061		009202	AQUARIUM DESIGN INC	240.00
294062		000500	ARTECH PRINTING INC	130.00
294063	*	009358	BEASLEY MEDIA GROUP, LLC	5,000.00
294064	*	004931	BIDNET	2.50
294065		000522	BIG BEAVER PLUMBING, HEATING INC.	550.00
294066		002231	BILLINGS LAWN EQUIPMENT INC.	165.25
294067		003914	BOOK PAGE	720.00
294068	*	005706	DAVID A. BOUTETTE	200.00
294069		008256	BRAINFUSE, INC.	4,500.00
294070	*	003786	C & G PUBLISHING INC.	525.70
294071	*	000444	CDW GOVERNMENT INC	1,653.17
294072		002234	CMP DISTRIBUTORS INC	349.00
294073		MISC	COLUMBIA UNIVERSITY	15.00
294074	*	007774	COMCAST BUSINESS	1,376.74
294075		004386	CYNERGY PRODUCTS	2,179.45
294076		009024	THE D.M. BURR GROUP	4,819.00
294077		009130	DOG WASTE DEPOT	1,175.64
294078		009689	ELITE TEXTILE TRADING LLC	26,280.00
294079		008139	ENVISIONWARE INC.	6,745.00
294080	*	005446	ETHNIC ARTWORK, INC	949.50
294081		001495	ETNA SUPPLY	2,430.00
294082	*	008574	DENNIS FARAC	200.00
294083		009600	COMFORT ZONE HEATING AND COOLING	219.00
294084	*	004604	GORDON FOOD	1,969.84
294085		000249	GUARDIAN ALARM	263.58
294086	*	006554	H & P PROTECTIVE SERVICES, INC.	635.95
294087	*	001956	HOME DEPOT CREDIT SERVICES	614.51
294088		009551	INTERMEDIA. NET INC	755.20
294089		000344	J.T. EXPRESS, LTD.	1,916.25
294090	*	005465	RYAN KEARNEY	2,750.00
294091		004904	KONICA MINOLTA BUSINESS SOLUTIONS	1,819.00
294092		004904	KONICA MINOLTA BUSINESS SOLUTIONS	2,400.25
294093	*	009626	MICHELLE FRANCIS	1,836.00
294094		009375	LITHIA MOTORS, INC SUPPORT SERVICES	2,796.05
294095	*	009350	LITTLE GUIDE LLC	1,000.00
294096	*	001171	JIM LOTRIDGE	162.17
294097	*	009726	MATTHEW WALKER	327.25
294098		009351	MERRITT CIESLAK DESIGN PLC	2,000.00
294099		000639	MICHIGAN LIBRARY ASSN	245.00

City of Birmingham

Warrant List Dated 09/14/2023

Meeting of 09/18/2023

Check Number	Early Release	Vendor #	Vendor	Amount
294100		009630	MIDWAY CLEANING CO, LLC	800.00
294101		001950	MILLER CANFIELD PADDOCK AND	910.00
294102		008319	MKSK INC	8,683.75
294103	*	007744	MOHAMED F. CHAMMAA	41.27
294104	*	009047	ROBERT MONTELEONE	200.00
294105		MISC	NEW DOMION GROWTH PARTNERS LLC	147.85
294106	*	000477	OAKLAND COUNTY	5,320.93
294107		006117	OAKLAND PRESS	1,852.50
294108		009151	PARAGON LABORATORIES INC	2,046.00
294109		007823	PITNEY BOWES GLOBAL FINANCIAL	479.25
294110	*	005501	POISON IVY CONTROL OF MI, LLC	7,850.00
294111		009666	RAM CONSTRUCTION SERVICES OF MICHIG	291,256.20
294112	*	009710	ROBERT STEPHEN SKON	200.00
294113	*	002806	SAM'S CLUB/SYNCHRONY BANK	505.42
294114		007098	SHAW SYSTEMS & INTEGRATION	4,411.00
294115		008815	SHI INTERNATIONAL CORP.	1,613.76
294116	*	007907	SP+ CORPORATION	500.00
294117		000260	SPARTAN DISTRIBUTORS INC	221.99
294118		006783	STATE OF MICHIGAN	30.00
294119		007408	T-MOBILE	649.57
294120	*	008145	TOWN SQUARE PUBLICATIONS	865.00
294121	*	004379	TURNER SANITATION, INC	4,382.50
294122	*	000808	UNIVERSAL CONTAINER CORP	700.00
294123		008941	UPTOWN MARKET OF BIRMINGHAM	230.74
294124		007226	VALLEY CITY LINEN, INC	302.12
294125	*	000293	VAN DYKE GAS CO.	58.40
294126	*	000158	VERIZON WIRELESS	3.00
294127	*	000158	VERIZON WIRELESS	990.43
294128	*	000158	VERIZON WIRELESS	1,230.65
294129	*	003932	WDIV/TV4	3,500.00
294130		001438	WINDER POLICE EQUIPMENT, INC	731.00
294131	*	007362	WINTERGREEN CORPORATION	19.90
294132	*	006863	WXYZ/TV 7	3,000.00
294133	*	009460	BRANDON WYNN	906.92

SUBTOTAL PAPER CHECK \$428,625.92

ACH TRANSACTION

9010		008847	ABS- AUTOMATED BENEFIT SVCS, INC	102.94
9011	*	009323	ALEXANDRIA BINGHAM	157.20
9012		009731	ANTHONY ALTOVILLA	31.17
9013	*	000517	BEIER HOWLETT P.C.	288.75
9014		006683	BIRMINGHAM LAWN MAINTENANCE, INC	294.00
9015	*	008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	14,981,897.12
9016	*	000542	BLUE WATER INDUSTRIAL PRODUCTS INC	118.50

City of Birmingham
Warrant List Dated 09/14/2023

Meeting of 09/18/2023

Check Number	Early Release	Vendor #	Vendor	Amount
9017		008545	JAIMI BROOK	433.26
9018		000605	CINTAS CORPORATION	181.89
9019		000605	CINTAS CORPORATION	38.82
9020		009540	CIVICPLUS, LLC	572.00
9021	*	008044	CLUB PROPHET	554.00
9022		002668	CONTRACTORS CLOTHING CO	86.29
9023	*	009557	ZECO, LLC	330.00
9024		009515	KAMERON DIMITRY	408.72
9025	*	006528	DOWNTOWN PUBLICATIONS INC	1,206.00
9026		001077	DUNCAN PARKING TECH INC	6,393.15
9027		001063	EASTMAN FIRE PROTECTION INC	209.54
9028	*	003801	JANA ECKER	477.80
9029		000213	FIRE DEFENSE EQUIP CO INC	39.00
9030	*	000243	GRAINGER	601.36
9031	*	001672	HAYES PRECISION INC	90.00
9032		007927	MICHELLE HOLLO	533.75
9033		000331	HUBBELL ROTH & CLARK INC	1,206.41
9034		008378	THE HUNTINGTON NATIONAL BANK	51,561.25
9034	*	008378	THE HUNTINGTON NATIONAL BANK	1,514,150.00
9035		000261	J.H. HART URBAN FORESTRY	49,322.00
9036	*	009249	JCC CREATIVE LLC	250.00
9037	*	003458	JOE'S AUTO PARTS, INC.	1,604.66
9038		004085	KONE INC	407.39
9039	*	001505	MEADOWBROOK INSURANCE GROUP	12,928.33
9040		006409	MOSHER & ASSOCIATES LLC	680.00
9041		007755	NETWORK SERVICES COMPANY	1,354.50
9042	*	006359	NYE UNIFORM COMPANY	1,281.00
9043	*	008843	OAKLAND COUNTY TREASURER- TAX PYMNT	26,923,535.81
9044	*	009739	OPENGOV, INC	78,997.00
9045	*	009740	OPENGOV, INC	33,555.20
9046	*	002767	OSCAR W. LARSON CO.	1,596.55
9047	*	005688	PEGASUS ENTERTAINMENT INC	6,373.99
9048	*	000897	PRINTING SYSTEMS INC	1,739.70
9049		009301	SECURE-CENTRIC INC	1,512.00
9050	*	003785	SIGNS-N-DESIGNS INC	70.00
9051	*	006591	MICHAEL SLACK	729.00
9052		000254	SOCRRA	86,202.00
9053	*	001097	SOCWA	250,061.46
9054		005787	SOUTHEASTERN EQUIPMENT CO. INC	2,430.00
9055		009266	US SIGNAL COMPANY LLC	9,444.78
9056	*	007278	WHITLOCK BUSINESS SYSTEMS, INC.	2,167.30
			SUBTOTAL ACH TRANSACTION	\$44,028,205.59

City of Birmingham
Warrant List Dated 09/14/2023

Meeting of 09/18/2023

Check Number	Early Release	Vendor #	Vendor	Amount
GRAND TOTAL				\$44,456,831.51

All bills, invoices and other evidences of claim have been audited and approved for payment.



Mark Gerber
Finance Director/ Treasurer

*-Indicates checks released in advance and prior to commission approval in order to avoid penalty or to meet contractual agreement/obligation.



MEMORANDUM

Museum

DATE: September 8, 2023

TO: Jana Ecker, City Manager

FROM: Leslie Pielack, Museum Director

SUBJECT: Collection Deaccession-Birmingham Museum Family Materials

INTRODUCTION:

The Birmingham Museum's permanent collection contains a range of objects, photographs, and documents from various sources relating to Birmingham history. On occasion, personal or family materials are donated that have historic interest, or provide important context. If deemed appropriate, these items are accessioned into the collection following the established policy and procedures. Materials may also be deaccessioned under certain circumstances, as provided for in the policy. Recently, a family learned that personal materials were unintentionally released following a family death, and became part of the museum's permanent collection through a third party donation. The family is seeking the return of selected items from the collection that have personal meaning, including photos, childhood mementos, and family letters.

The **Birmingham Museum Collections Policy** was approved by the City Commission on December 7, 2020. It provides a specific deaccession process that is consistent with museum best practices and requires a careful review at multiple levels before coming to the City Commission for final approval. In accordance with this procedure, the Museum Board recommends that the City Commission approve the deaccession and return of the items requested by the family.

BACKGROUND:

In 2020, personal family materials were donated to the museum by a third party who had acquired them at an estate sale following a family member's death just before the COVID-19 shutdown. The family discovered that the unintentionally released materials included a variety of personal photos and documents. When the family learned of the whereabouts of the materials, they contacted the museum to request that selected items from the collection, such as photos and childhood mementos, be returned. As the items have been digitized by the museum, the original items are redundant and not needed in the permanent collection.

The Museum Board Collections Subcommittee met on August 30, 2023 and, in accordance with the Museum Board Collections Policy, voted to recommend approval of the proposed deaccession at the Museum Board level. On September 7, 2023, the Museum Board reviewed the Collections Subcommittee recommendations, and voted unanimously to recommend that the City Commission give final approval to the deaccession as proposed so the family could have the items returned to them.

LEGAL REVIEW:

In 2020, City Attorney Mary Kucharek provided a legal review of the Birmingham Museum Collections Policy, including the procedures for deaccession of items from the permanent collection prior to its submission for City Commission approval on December 7, 2020.

FISCAL IMPACT:

None.

SUSTAINABILITY COMMENTS:

The items recommended for removal from the permanent collection have been digitized, which will allow for sustainable storage and retrieval as needed.

PUBLIC COMMUNICATIONS:

None.

SUMMARY:

The City of Birmingham owns the Birmingham Museum collection, which is professionally managed and cared for by museum staff according to accepted museum standards for the proper care and management of the object as long as it remains in the permanent collection. The Birmingham Museum also deaccessions objects under specific circumstances in accordance with its Collection Policy. To protect the collection, the level of approval for deaccessioning includes several specified levels of authority before deaccession and disposal can occur.

After careful review by the Museum Director, the Museum Board Collections Subcommittee, and the Museum Board, it is recommended that the City Commission approve the proposed deaccession of the selected family items from the Birmingham Museum's permanent collection.

ATTACHMENTS:

1. August 18, 2023 Birmingham Museum Proposed Deaccession Record and Report
2. August 30, 2023 Museum Board Collections Subcommittee approved minutes (New Business), https://cms7files1.revize.com/birmingham/Document_Center/Agenda%20&%20Minutes/Museum%20Board/Minutes/2023/20230830-Collection%20Subcommittee%20Meeting%20Minutes.pdf
3. September 7, 2023 draft minutes, Museum Board
4. Birmingham Museum Collection Policy, https://cms7files1.revize.com/birmingham/Document_Center/Birmingham%20Museum/About%20Us/20201202-FINAL%20Collections%20Policy.pdf

SUGGESTED ACTION:

Make a motion adopting a resolution to approve the deaccession and return of redundant personal family items from collection 2020.37.1 in the Birmingham Museum's permanent collection in accordance with the Birmingham Museum Collection Policy.

Object Deaccession Record



Object/Title: Family archive collection (partial) Object ID Number(s): 2020.37.1

Justification for deaccessioning:

- Out of scope
- Poor condition/loss of integrity
- Redundant
- Storage, display, or conservation needed exceed resources
- Non-legal possession
- Fake, forgery, or reproduction
- Enhancement of remaining collection

Remarks: Family has requested the return of several items that have been digitized due to unintentional donation of the original items.

Restrictions: None

Donor or IRS

[Signature] 8-18-2023

Signed: Museum Staff

Date

Approved by Museum Director (date) 8/18/2023

Reviewed by Collections Subcommittee (date) 8/30/2023

Approved by Museum Board (date) 9/7/2023

Approved by City Commission (date) _____

Method of Disposition (if approved by City Commission)

Transferred Recipient: _____
 Address: _____
 Shipped via: _____ Picked up: _____ Date: _____

Sold Recipient: _____
 Address: _____
 Date sold: _____ Sale price: _____
 Shipped via: _____ Picked up: _____ Date: _____

Destroyed Method: _____

Removal of object ID# (date) _____

PastPerfect, individual object, and deaccession records complete: (date) _____

Signed: (museum staff) _____ Signed: (Museum Director) _____



Date: 08/18/2023

Proposed Deaccession for: 2020.37.1 - partial deaccession

Reason for Deaccession:

The accession 2020.37 is a collection of personal items once belonging to a family who resided in Birmingham. Several items that were part of the accession were unintentionally released by the family. The family has asked for the return of several of these personal items. All the information contained within the items requested have been digitized, making the physical materials redundant. In light of this redundancy, museum staff recommend the return of the requested items.

Museum Staff: Donna Casaceli

Title: Museum Specialist / Archivist

List of items to be deaccessioned:

1. Three photographs
2. High School diploma
3. Baby book (record of 1st year) and contents
4. Four personal letters/correspondence
5. Postcard invitation
6. Commencement book for graduation
7. Commencement announcement/invitation and contents
8. National Honor Society Patch for a jacket
9. Huckleberry Hound children's book

All original items have been digitized and separated. Copies of the originals have been placed back into the collection for reference.



**CITY OF BIRMINGHAM
MUSEUM BOARD MEETING
556 W. Maple
Thursday, September 7, 2023
5:00 PM**

Members Present: Caroline Ashleigh, Bev Erickson, Alexandra Harris, Judith Keefer, Marty Logue, Jay Shell
Members Absent: Kristy Barrett (Alternate), Pat Hughes
Student Members Present: Alexandria Schaufler
Administration: Museum Director Leslie Pielack
Guests: None

The meeting was called to order at 5:00 PM by Chairperson Logue.

**Approval of the Minutes
Minutes of August 3, 2023**

MOTION: by Keefer, seconded by Harris:

To approve the minutes of August 3, 2023.

VOTE: Yeas, 6
Nays, 0

Unfinished Business

The final sections of the Museum Site Interpretive Plan were reviewed by members based on museum staff recommendations. The following implementation methodologies and evaluation plan were finalized by the Board:

Methodology and Implementation

- Physical features of site and Allen House
 - Preservation/restoration/reconstruction
 - Public access development/expansion
- Themes and story-based content
 - Interactive media and virtual content
 - Social media
 - Video/audio materials/podcast
 - Exhibits and online materials and resources (incl digital access)
 - Programs/lectures/tours-adult and children, on and off-site, virtual and physical
 - Print (e.g., brochures, educational materials, booklets)
 - Traveling exhibits and off-site displays

Evaluation

- Review data and adjust plan regularly; every 3 to five years, as conditions change.

The Board also reviewed the components that will be included in the Birmingham Museum Interpretive Plan, and determined that it complies with the following best practices that make a historic site interpretive plan effective:

- Identify physical improvements or budgetary needs
- Clarify some of our site's main stories
- Tell our stories more effectively
- Identify opportunities for programming
- Seek potential new audiences
- Help audiences form connections to the museum, Birmingham, and its stories
- Demonstrate preparedness and planning to potential funders

MOTION: by Harris, seconded by Ashleigh:

To approve the Birmingham Museum Site Interpretive Plan, including objectives, themes, historic and cultural resources, methodology, implementation, and evaluation components as established by the Museum Board.

VOTE: Yeas, 6
Nays, 0

New Business

Director Pielack summarized the proposed deaccession. Personal items were unintentionally released by a local family after the death of a family member during the COVID pandemic, and a third party acquired them at an estate sale. They were donated to the museum and accessioned into the permanent collection. When the family discovered the situation, they requested that some items be returned. The original items have been digitized and are considered redundant, and therefore museum staff recommended the deaccession. The Collections Subcommittee met on August 30 and voted to recommend to the Museum Board that the deaccession move forward. Ms. Keefer and Mr. Shell of the Collections Subcommittee reiterated their support.

MOTION: by Erickson, seconded by Shell:

To approve the deaccession of selected items from the 2020.37.1 family collection as recommended by the Museum Board Collection Subcommittee on August 30, 2023 and recommend final approval by the City Commission.

VOTE: Yeas, 6
Nays, 0

Communication and Reports

Director Pielack provided updates to the Director's Report and reviewed the 2024 calendar in anticipation of finalizing the Museum Board schedule next month. She also shared information regarding an upcoming City Commission discussion workshop regarding flooding and sewer issues in Birmingham. In response to member questions, she provided a brief history of Creem Magazine in Birmingham, and how the museum became the repository for the unique collection of corporate papers, art director files, and other archives from the rock magazine.

Member Comments

Members briefly mentioned upcoming scheduling issues for the remainder of 2023.

Public Comments

None.

The next Regular Meeting is scheduled for Thursday, October 5, 2023, at 5:00 PM.

Ms. Logue adjourned the meeting at 5:46 PM.



MEMORANDUM

Planning Division

DATE: September 14, 2023

TO: Jana L. Ecker, City Manager

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Bus Shelter Purchase

INTRODUCTION:

The City of Birmingham has 65 bus stops serving 8 different routes that come through the City. Of these many stops, 10 of them have shelters. The Planning Division is requesting a budget amendment to purchase 2 new shelters to be located on S. Old Woodward, and to purchase replacement parts for an existing shelter that the City is currently storing at the Department of Public Services to be placed at Maple and Pleasant.

BACKGROUND:

On September 17, 2018 ([Agenda](#) – [Minutes](#)) the City Commission approved a list of priority bus shelter locations that was developed by the Multi-Modal Transportation Board. The list included 8 locations to consider for shelters, one of which has been completed. Based on the remaining list, the southbound stop at S. Old Woodward and Daines, the northbound stop at S. Old Woodward and Bowers, and the eastbound stop at Maple and Pleasant should receive shelters next. This does not follow rank order, rather the feasibility/preparedness of each location at this time.

This request is solely for the fabrication and delivery of these shelters and parts. The installation will be performed by a local firm that has installed several shelters for the City, who is also the installer for SMART. Once the purchase of the shelters is approved, staff will engage with the installer and return to the City Commission for approval of another budget amendment for the installation of the three bus shelters.

LEGAL REVIEW:

The City Attorney has reviewed this item and has no concerns as to form and content.

FISCAL IMPACT:

The proposed bus shelter purchase was not budgeted in the current fiscal year (23-24). The City obtained a quote from Enseicom for a total of \$50,590.50 for all of the shelter-related items

required for the installation of three shelters, plus transport costs. This manufacturer is considered a sole source vendor due to the custom style of Birmingham’s bus shelters. A budget amendment will be required for this item. The City currently has approximately \$60,000 in funding from SMART for this project.

SUSTAINABILITY:

Improving options for mass transit are an inherently sustainable task. While we have many bus stops along our main thoroughfares, making stops more comfortable/useful for riders of mass transit will directly support the City’s sustainability goals.

PUBLIC COMMUNICATIONS:

There are no public communications required for this agenda item.

SUMMARY:

The Planning Division requests that the City Commission approve a budget amendment and purchase agreement with Enseicom to provide the City of Birmingham with two new bus shelters and replacement parts for a third.

ATTACHMENTS:

Please see the following documents attached for your review:

- Bus Shelter Quote
- Enseicom Purchase Agreement (Not Executed)
- Bus Stop Inventory 2023

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve an agreement with Enseicom for the manufacturing and delivery of two complete bus shelters and parts to repair a third currently owned by the City in the amount not to exceed \$50,590.50. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City and further, to approve the appropriations and amendment to the Capital Projects budget as follows:

Revenues:

Local Contributions - SMART	403.0-901.020-587.0000	\$50,590.50
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Expenses:

Capital Projects Fund – Capital Outlay	403.0-901.020-971.0100	\$50,590.50
----------------------------------------	------------------------	-------------

JUNE 08, 2023		QUOTATION		QT21-22-0179C-R1	
Project: SHELTER		Sales Rep: JEAN-PAUL CHAUVIN			
Billing Address: CITY OF BIRMINGHAM		Contact : NICHOLAS DUPUIS Phone : - Fax : - Cell : - Email : -			
Site Address: BIRMINGHAM, MICHIGAN USA		Contact : Phone: Fax: Cell : Email:			
Item No.	Description	Drawing No.	Quantity	Unit Price	Extended Price
1	FRONT GLASS		2	\$ 830,50	\$ 1 661,00
2	REAR GLASS		1	\$ 742,50	\$ 742,50
3	SHELTER		2	\$ 16 016,00	\$ 32 032,00
4	BENCH		3	\$ 2 090,00	\$ 6 270,00
5	TEMPLATE + ANCHORS		1	\$ 800,00	\$ 800,00
6	TRANSPORT COST TO SHIP 1 SET OF TEMPLATE AND ANCHORS BEFORE SHIPPING THE SHELTER SHIPMENT		1	\$ 340,00	\$ 340,00
				\$ -	\$ -
	SITE SURVEY				
	DESIGN		1	INCLUDED	INCLUDED
	TECHNICAL		1	INCLUDED	INCLUDED
	ENGINEERING		1	INCLUDED	INCLUDED
	ENGINEERING STAMP (IF REQUIRED)		1	\$ 1 650,00	\$ 1 650,00
	ESA CERTIFICATION				
	CRATING		2	\$ 742,50	\$ 1 485,00
	LOADING		2	\$ 495,00	\$ 990,00
	TRANSPORT		1	\$ 4 620,00	\$ 4 620,00
	INSTALLATION				
	PERMITS & PERMITS PREPARATION ARE EXTRA IF REQUIRED				
	FOUNDATIONS				
NOTES This quotation is valid for (30) days after date of submission.			Sub-total		\$ 50 590,50
					\$ -
			TOTAL	USD	\$ 50 590,50
			DEPOSIT	50%	\$ 25 295,25
			BALANCE		\$ 25 295,25
<p>Order placed this _____ day of _____ 2023, and accepted by:</p>					
ENSEICOM INC.			CITY OF BIRMINGHAM		
_____ <i>Signature</i>			_____ <i>Signature</i>		
JEAN-PAUL CHAUVIN (Printed Name and Title)			NICHOLAS DUPUIS (Printed Name and Title)		
Required installation date _____ 2023					

AGREEMENT FOR BUS SHELTERS

THIS AGREEMENT is entered into this ___ day of _____, 2023, by and between the **CITY OF BIRMINGHAM**, whose address is 151 Martin Street, Birmingham, MI 48009 (hereinafter referred to as the City) and ENSEICOM INC. a Canadian BUSINESS CORPORATION, whose address is 225 rue Norman, Montreal, Quebec, Canada H8R 1A3, (hereafter referred to as CONTRACTOR) and the foregoing shall collectively be referred to as the parties.

WHEREAS, the City desires to purchase fabrication and delivery services for two (2) complete bus shelters, parts to repair a shelter currently owned by the City, and template and anchors for one shelter.

WHEREAS, the CONTRACTOR has unique and sole source qualifications that meet the project requirements and has provided a cost proposal to perform fabrication and installation services for two (2) complete bus shelters, parts to repair a shelter currently owned by the City, and template and anchors for one shelter..

NOW, THEREFORE, in consideration of the foregoing preambles, the adequacy of which is acknowledged by and between the parties to this Agreement, the parties agree as follows:

1. MUTUALLY AGREE: It is mutually agreed by and between the parties that the CONTRACTOR'S cost proposal dated June 8, 2023, which includes a quote for the furnishing and installation of two (2) complete bus shelters, parts to repair a shelter currently owned by the City, and template and anchors for one shelter shall be fully incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto (attached hereto as Attachment "A").

2. TERM: This Agreement shall have a term of two (2) years from the date stated above. The City shall have the right to unilaterally terminate this Agreement on thirty (30) days written notice. In the event of termination, the CONTRACTOR shall receive compensation for services to the date the termination takes effect and the City shall be entitled to retain and use the results of all wayfinding signs prepared by the CONTRACTOR through such date.

3. TERMS OF PAYMENT: The CONTRACTOR will invoice monthly for all labor supplied and work completed. In no event shall invoices be submitted more than 45 days after completion of services. Submitted invoices shall include the following detailed information: the type of work performed, the time spent on the work, the individual who performed the work and the per hour billing rate charged. The City may, at its sole discretion demand review and the right to request at any time further detailed accounting information for any or all bills. The right to inspection of any bill and invoice shall never be at any cost or billings to the City, nor shall preparation of said invoices be billed to the City or against the general retainer. Payment terms will be net 30 days unless otherwise specified by the City.

4. The CONTRACTOR shall employ personnel of good moral character and fitness in performing all services under this Agreement.

5. INSURANCE SUBMISSION REQUIREMENTS: The CONTRACTOR has submitted proof to the City that it meets all City insurance requirements. Insurance, with coverage amounts at no less than the City's minimum requirements, must be held by the CONTRACTOR throughout the term of this Agreement. Certificates of insurance as stated below will be required

no later than five (5) business days from the date of CONTRACTOR acceptance of the terms of this Agreement.

6. CONFIDENTIAL AND OR PROPRIETARY INFORMATION: The CONTRACTOR acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The CONTRACTOR recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the CONTRACTOR agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The CONTRACTOR shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The CONTRACTOR further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.

7. INDEPENDENT CONTRACTOR: The CONTRACTOR and the City agree that the CONTRACTOR is acting as an independent contractor with respect to the CONTRACTOR'S role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the CONTRACTOR nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the CONTRACTOR shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The CONTRACTOR shall not be considered entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.

8. COMPLIANCE WITH LAWS: The CONTRACTOR agrees to fully and faithfully carry out the duties of set forth herein using its best efforts in accomplishing all assignments from the City, and further, in addition to upholding all federal, and state laws and applicable codes of professional conduct to which the CONTRACTOR is subject, The CONTRACTOR hereby agrees to be bound by all Federal, State, or City of Birmingham ordinances, rules, regulations and policies as are amended from time to time, and including without limitation the Fair Labor Standards Act, the Equal Employment Opportunity rules and regulations, the Transportation Safety Act and the Occupational Safety and Health Acts.

9. NON-COMPLIANCE WITH INSURANCE REQUIREMENTS: Failure to deliver and maintain insurance in accordance with the terms of this Agreement will be cause for the City, by and through its City Manager, to terminate this Agreement, or at the City's option, the City may purchase on the open market such required insurance and shall be entitled to charge any additional cost to the CONTRACTOR, either by offset to any amounts due and owing the CONTRACTOR for services provided to the City, or, by separate bill and demand for payment. Nothing in this paragraph shall be deemed to create or be interpreted as establishing a "for cause" termination; The CONSULTANT agrees and understands that its engagement is at will and may be terminated by the City Manager for any cause or no cause.

10. INDEMNIFICATION: To the fullest extent permitted by law, the CONTRACTOR and any entity or person for whom the CONTRACTOR is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on their behalf against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on their behalf, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arise out of the acts, errors or omissions of the CONTRACTOR including its employees and agents, in the performance of this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City.

11. STANDARD INSURANCE REQUIREMENTS:

The CONTRACTOR shall maintain during the life of this Agreement the applicable types of insurance coverage and minimum limits as set forth below:

A. Workers' Compensation Insurance:

For Non-Sole Proprietorships: The CONTRACTOR shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers 4 Liability Coverage, in accordance with all applicable statutes of the State of Michigan.

For Sole Proprietorships: The CONTRACTOR shall complete and furnish to the City prior to the commencement of work under this Agreement a signed and notarized Sole Proprietor Form, for sole proprietors with no employees or with employees, as the case may be.

B. Commercial General Liability Insurance: The CONTRACTOR shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than **\$1,000,000** per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent CONTRACTOR Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.

C. Motor Vehicle Liability: The CONTRACTOR shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

E. Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following **Additional Insureds: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions**

and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.

F. Professional Liability: If applicable, professional liability insurance with limits of not less than \$2,000,000 per claim if CONTRACTOR will provide services that are customarily subject to this type of coverage.

G. Coverage Expiration: If any of the above coverages expire during the term of this Agreement, the CONTRACTOR shall deliver renewal certificates and/or policies to the City at least (10) days prior to the expiration date.

H. Proof of Insurance Coverage: The CONTRACTOR shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.

1. Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance, or a signed and notarized copy of the Sole Proprietor Form;
2. Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
3. Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
4. Two (2) copies of Certificate of Insurance for Professional Liability Insurance, if applicable;
5. If so requested, Certified Copies of all policies mentioned above will be furnished.

I. Maintaining Insurance: Upon failure of the CONTRACTOR to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.

12. WRITTEN NOTICES: Written notices regarding this Agreement shall be addressed to the following:

City: City of Birmingham
151 Martin St.
Birmingham, Michigan 48009
Attn: Nicholas Dupuis, Planning Director

Enseicom, INC.:

Attn: _____

13. COVID: The CONTRACTOR shall follow all of the City's COVID-19 safety protocols while on City property. Additionally, CONTRACTOR staff which will be in physical contact with city staff must have current vaccinations against COVID-19. The City, at its discretion, may ask for proof of vaccination of CONTRACTOR staff. Failure to provide proof of vaccination when requested will cause the City to request un-vaccinated personnel to leave, request alternate staff, and if the CONTRACTOR is unable to comply, this violation of safety protocols will constitute a breach of contract by the CONTRACTOR.

14. AMENDMENTS: No amendment, modification or supplement to this Agreement shall be binding unless it is in writing and signed by authorized representatives of the parties.

15. WAIVER OF BREACH: No waiver by either party of any breach of any of the terms, covenants or conditions herein contained by the other party shall be construed as a waiver of any succeeding breach of this same or of any other term, covenant or condition.

16. COMPLETE AGREEMENT: The parties agree that the conditions set forth in this Agreement sets forth all terms and conditions of the CONTRACTOR'S agreement with the City of Birmingham. This Agreement supersedes all prior agreements or understandings between the parties. There are no promises, conditions or understandings other than those stated herein, and, that any prior negotiations, terms or conditions discussed between the City and the CONTRACTOR shall not constitute a part of this Agreement. The term "agreement" as used in this clause shall include any future written amendments, modifications, or supplements made in accordance herewith.

17. DIRECT OR INDIRECT INTEREST: If, after the effective date of this Agreement, any official of the City, or spouse, child, parent or in-law of such official or employee shall become directly or indirectly interested in this Agreement or the affairs of the CONTRACTOR, the City shall have the right to terminate this Agreement without further liability to the CONTRACTOR if the disqualification has not been removed within thirty (30) days after the City has given the CONTRACTOR notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.

18. FAILURE TO PERFORM. If the CONTRACTOR fails to perform its obligations hereunder, the City may take any and all remedial actions provided by the general specifications or otherwise permitted by law.

19. LEGAL PROCEEDINGS: Any controversy or claim arising out of or relating 7 to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature

Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL §600.5001 et seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in a federal or state court with jurisdiction over Oakland County, Michigan.

20. COST PROPOSAL: The CONTRACTOR shall be held to and bound by all terms, conditions, warranties and representations which it made in its written response dated June 8, 2023 (attached hereto as Attachment "B"). In the event of a conflict in any of the terms of this Agreement and the CONTRACTOR'S June 8, 2023 response, the terms of this Agreement shall prevail.

21. FAIR PROCUREMENT OPPORTUNITY: Procurement for the City of Birmingham will be handled in a manner providing fair opportunity for all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.

IN WITNESS WHEREOF, the parties hereto agree to be bound by the above terms and conditions, and the CONTRACTOR, by its authorized signature below, expressly accepts this Agreement upon the above provided terms and conditions contained in this Agreement as of the date first above written.

(This space intentionally left blank)

CONTRACTOR

Enseicom, INC.

By: _____

Its: _____

STATE OF MICHIGAN)
) ss:
COUNTY OF OAKLAND)

On this _____ day of _____, 20____, before me personally appeared _____, who acknowledged that with authority on behalf of _____ to do so he/she signed this Agreement.

Notary Public
_____ County, Michigan
Acting in _____ County, Michigan
My commission expires: _____

CITY OF BIRMINGHAM:

By: _____
Therese Longe, Mayor

By: _____
Alexandria D. Bingham, City Clerk

APPROVED:

Jana L. Ecker, City Manager
(Approved as to substance)

Nicholas Dupuis, Planning Director
(Approved as to substance)

Mary M. Kucharek, City Attorney
(Approved as to form)

Mark A. Gerber, Finance Director
(Approved as to Financial Obligation)

Birmingham Bus Stops - 2023

Stop ID #	Route	Location	Shelter	Style	Amenities*	Sign	Priority
12082	Southbound 450	Woodward & Bennaville	No	-	None	Pole Mounted	5
	Southbound 460						
12084	Northbound 450	Woodward & Fourteen Mile	Yes	FAST	Emergency Phone, Illumnated Sign, Trash Receptacle	Pole Mounted	
	Northbound 460						
	Northbound 461						
	Northbound 462						
12085	Northbound 450						
	Northbound 460	Taunton & Woodward	No	-	None	Pole Mounted	
12086	Northbound 450	Chapin & Woodward	No	-	None	Pole Mounted	
	Northbound 460						
12088	Northbound 450	Bowers & Elm	No	-	None	Mounted on Telephone Pole	
	Northbound 460						
10676	Northbound 450	Bowers & S. Old Woodward	No	-	None	Mounted to Private Building	6
	Northbound 460						
12081	Southbound 450	Bowers & S. Old Woodward	No	-	None	Pole Mounted	
	Southbound 460						
11305	Southbound 450	E. Lincoln & Woodward	Yes	Birmingham	Trash Receptacle, Bike Rack	Pole Mounted	
	Southbound 460						
12087	Northbound 450	Worth & Woodward	No	-	None	Pole Mounted	
	Northbound 460						
705	Northbound 450	Daines & S. Old Woodward	No	-	None	Pole Mounted	
	Northbound 460						
1652	Southbound 450	Daines & S. Old Woodward	No	-	None	Pole Mounted	4
	Southbound 460						
22166	Northbound 450	Merrill & S. Old Woodward	Yes	Birmingham	Digital Route Map	Pole Mounted	
	Northbound 460						
12080	Southbound 450	Merrill & S. Old Woodward	Yes	Birmingham	Digital Route Map	Pole Mounted	
	Southbound 460						
10677	Northbound 450	Oakland & N. Old Woodward	Yes	Birmingham	Benches, Bike Rack, Trash Receptacle, Public Art	Pole Mounted	
12089	Northbound 450	Harmon & N. Old Woodward	No	-	Bench, Trash Receptacle	Mounted to Street Light Pole	
22171	Southbound 450	Harmon & N. Old Woodward	No	-	Trash Receptacle	Mounted to Street Light Pole	
706	Northbound 450	Oak & N. Old Woodward	No	-	None	Mounted on Telephone Pole	
23367	Southbound 450	Oak & N. Old Woodward	No	-	None	Mounted to Speed Limit Pole	
11299	Southbound 450	Maywood & Woodward	No	-	None	Pole Mounted	
12074	Southbound 450	Colonial Ct. & Woodward	No	-	None	Pole Mounted	
12072	Southbound 450	Quarton & Woodward	No	-	None	Pole Mounted	
22059	Southbound 460	Coolidge & Maple	Yes	Birmingham	Trash Receptacle, Digital Route Map	Pole Mounted	1
	Westbound 780						
10686	Southbound 460	St. Andrews & Maple	No	-	None	Pole Mounted	
10687	Southbound 460	Edenborough & Maple	No	-	None	Pole Mounted	
	Westbound 780						
11303	Southbound 460	S. Eton & Maple	No	-	None	None	
	Westbound 780						
10049	Northbound 460	S. Eton & Maple	No	-	None	Pole Mounted	
	Eastbound 780						
10684	Northbound 460	Cambridge & Maple	No	-	None	Pole Mounted	
	Eastbound 780						
10688	Southbound 460	Cambridge & Maple	No	-	None	Pole Mounted	
	Westbound 780						
10689	Southbound 460	Rugby & Maple	No	-	None	Pole Mounted	
	Westbound 780						

10048	Northbound 460 Eastbound 780	Rugby & Maple	No	-	None	Pole Mounted	
10683	Northbound 460 Eastbound 780	Adams & Maple	No	-	Bench, Trash Receptacle	Pole Mounted	
10690	Southbound 460 Westbound 780	Worth & Maple	No	-	None	Mounted to Street Light Pole	
10047	Northbound 460	Poppleton & Maple	No	-	None	None	
12101	Northbound 460 Eastbound 780	Maple & Woodward	Yes	Birmingham	Bike Rack, Trash Receptacle, Digital Route Map	Pole Mounted	
10691	Southbound 460 Westbound 780	Maple & Woodward	No	-	None	Pole Mounted	8
23829	Northbound 460 Northbound 461						
23830	Southbound 460 Southbound 461	Maple & Woodward	No	-	None	Pole Mounted	
	Southbound 462	Maple & Woodward	Yes	FAST	Emergency Phone, Illumnated Sign, Trash Receptacle, Benches	Pole Mounted	
22438	Northbound 460	Humphrey & Woodward	No	-	None	Pole Mounted	
11300	Eastbound 780	Maple & Old Woodward	No	-	None	None	2
1277	Westbound 780	Maple & Old Woodward	No	-	None	Mounted to Pedestrian Light Pole	3
12071	Eastbound 780	Maple & Bates	No	-	None	None	
10692	Westbound 780	Maple & Bates	No	-	None	None	
11304	Westbound 780	Maple & Woodland Villa Ct.	No	-	Bench, Trash Receptacle	Pole Mounted	
10682	Eastbound 780	Maple & Valley View Ln.	No	-	None	Mounted to Street Light Pole	
12110	Westbound 780	Maple & Hawthorne	No	-	None	None	
12100	Eastbound 780	Maple & Linden	No	-	None	Pole Mounted	
10693	Westbound 780	Maple & Shirley	No	-	None	Mounted to Street Light Pole	
12111	Westbound 780	Maple & Pilgrim	No	-	None	Pole Mounted	
12099	Eastbound 780	Maple & Pleasant	No	-	None	Pole Mounted	7
12112	Westbound 780	Maple & Fairfax	No	-	None	None	
10695	Eastbound 780	Maple & Larchlea	No	-	None	Pole Mounted	
10051	Westbound 780	Maple & Larchlea	No	-	None	Pole Mounted	
12098	Eastbound 780	Maple & Tilbury	No	-	None	Pole Mounted	
760	Eastbound 780	Maple & Cranbrook	Yes	Birmingham	Trash Receptacle	Pole Mounted	
11297	Southbound 420	Fourteen Mile & Mankato	No	-	None	Pole Mounted	
11298	Southbound 420	Fourteen Mile & Tonawanda	No	-	None	Pole Mounted	
12061	Southbound 420	Fourteen Mile & Eton	No	-	None	Pole Mounted	
22375	Southbound 420	Fourteen Mile & Woodward	Yes	Birmingham	Bench, Trash Receptacle	Pole Mounted	
657	Southbound 420	Fourteen Mile & Greenfield	No	-	None	Mounted on Telephone Pole	
12066	Southbound 420	Fourteen Mile & Grant	No	-	None	Mounted on Telephone Pole	
12067	Southbound 420	Fourteen Mile & Pierce	No	-	None	Mounted on Telephone Pole	
23393	Southbound 420	Fourteen Mile & Bates	No	-	None	Mounted on Telephone Pole	
12068	Southbound 420	Fourteen Mile & Washington	No	-	None	Mounted on Telephone Pole	
12069	Southbound 420	Fourteen Mile & Maryland	No	-	None	Mounted on Telephone Pole	
22155	Southbound 420	Fourteen Mile & Shipman	No	-	None	None	

*Amenities beyond the shelter and included bench

Need to Verify

<http://www.smartbus.org/Schedules/View-Routes>



MEMORANDUM

City Clerk

DATE: September 14, 2023
TO: Jana L. Ecker, City Manager
FROM: Alexandria Bingham, City Clerk
SUBJECT: Special Event - 2023 Winter Markt

INTRODUCTION:

The Birmingham Shopping District (BSD) has submitted a Special Event application to hold the 2023 Winter Markt event on December 1-3, 2023 in Shain Park and on the surrounding streets. Set-up for the event is scheduled for November 27 – December 1, 9 a.m. – 8 p.m. Thursday November 30th, street closures will begin at 8 a.m.

Winter Markt hours of operation will be:

Friday, December 1	4:00 p.m. – 9:00 p.m.
Saturday, December 2	10:00 a.m. – 9:00 p.m.
Sunday, December 3	10:00 a.m. – 4:00 p.m.

Tear-down is scheduled on December 3 from 4:00 p.m. – 9:00 p.m. and December 4 from 7 a.m. – 12 p.m.

BACKGROUND:

Prior to application submission, the Police Department reviewed the proposed event details for street closures and the need for safety personnel and approved the details. Department of Public Services (DPS), Planning, Building, Engineering, Police, and Fire have indicated their approval. SP+ Parking has been notified of the event for planning purposes.

The following events occur in December in Birmingham and do not pose a conflict for this event:

- | | | |
|--------------------|-------------------|------------|
| • Menorah Lighting | Dec. 10 – Dec. 31 | Shain Park |
| • Nativity Scene | Nov. 22 – Dec. 29 | Shain Park |
| • Santa House | Nov. 25 – Dec. 24 | Shain Park |

LEGAL REVIEW:

No legal review is required for this action.

FISCAL IMPACT:

All costs associated with this event will be paid by the applicant.

SUSTAINABILITY:

There were no sustainability considerations for this event.

PUBLIC COMMUNICATIONS:

The Birmingham Shopping District notified residents and businesses regarding the details of the event by postcard mailed at least two weeks prior to the Commission meeting. Addresses were notified within 300 feet of the event space.

SUMMARY:

The City Commission is being asked to approve a special event permit for the 2023 Winter Markt to be held December 1-3, 2023. Set up will begin in Shain Park, Monday, November 27 – Friday December 1. Thursday, November 30th street closures will begin at 8 a.m. Tear down will begin December 3 from 4:00 p.m. – 9:00 p.m. and December 4 from 7 a.m. – 12 p.m.

ATTACHMENTS:

1. Special Event application
2. Notification letter with map of event area distributed to residents/businesses within 300 feet of the event area dated August 21, 2023. Notification addresses are on file in the Clerk's Office.
3. Event site map
4. Certificate of Insurance
5. Department Approval page with comments and estimated costs

SUGGESTED COMMISSION ACTION:

To make a motion adopting a resolution to approve a request from the Birmingham Shopping District to hold the 2023 Winter Markt special event on Friday, December 1 – Sunday, December 3, 2023 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.



**CITY OF BIRMINGHAM
APPLICATION FOR SPECIAL EVENT PERMIT
PARKS AND PUBLIC SPACES**

IMPORTANT: EVENTS UTILIZING CITY SIDEWALKS AND/OR STREETS MUST MEET WITH POLICE DEPARTMENT SPECIAL EVENT OFFICE TO REVIEW PROPOSED EVENT DETAILS PRIOR TO SUBMITTING APPLICATION.

Police Department acknowledgement: [Signature]

I. EVENT DETAILS

- **Incomplete applications will not be accepted.**
- **Changes in this information must be submitted to the City Clerk, in writing, at least three weeks prior to the event**

FEES: **FIRST TIME EVENT:** **\$200.00**
 ANNUAL APPLICATION FEE: **\$165.00**

(Please print clearly or type)

Date of Application August 21, 2023

Name of Event Birmingham Winter Market

Detailed Description of Event (attach additional sheet if necessary) _____

A charming German styled holiday market for all to enjoy. The event will include food, craft, and gift vendors. We will also have live music throughout the event. A highlight will be the official holiday tree lighting on Friday evening.

Location Merrill St., Bates St., Henrietta St., Martin St., and Shain Park

Date(s) of Event December 1-3, 2023 Hours of Event 4-9 p.m., 10 a.m.- 9 p.m., 10 a.m. - 4 p.m.

Date(s) of Set-up Nov. 27 - Dec 1, 2023 Hours of Set-up Shain Park M-W 9 a.m. - 8 p.m., street closures begin Th. 7 a.m.

NOTE: No set-up to begin before 7:00 AM, per city ordinance.

Date(s) of Tear-down December 3 & 4 Hours of Tear-down Dec. 3rd 4-9 p.m. & Dec. 4th 7 a.m. - 12 p.m.

Organization Sponsoring Event Birmingham Shopping District

Organization Address 151 Martin St., Birmingham, MI 48009

Organization Phone 248-530-1200

Contact Person Jaimi Brook

Contact Phone 248-530-1254

Contact Email jbrook@bhamgov.org

II. EVENT INFORMATION

1. Organization Type city- BSD
(city, non-profit, community group, etc.)

2. Additional sponsors or participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.) TBD

3. ***The city encourages collaboration amongst non-profit organizations to bring the greatest benefit to the community. Please explain your efforts to do so** _____

We invite non-profits to host Kinderhaus to gain awareness in the community as well as offering them an opportunity to volunteer at Santa House and benefit from donations received.

Local school and community groups are also invited to perform at the event.

4. Is the event a fundraiser? YES NO

List beneficiary _____

List expected income _____ Attach information about the beneficiary.

5. First time event in Birmingham? YES NO

If no, describe This is an annual event.

6. Total number of people expected to attend per day 4,000

7. The event will be held on the following City property: (Please list)

Street(s) Merrill between Bates & Chester, Bates between Merrill & Martiin and 20' south of Bates.

Henrietta between Merrill & Martin, one parking space in City Hall lot for a dumpster and Martin from Chester to Henrietta

Sidewalk(s) _____

Park(s) Shain Park

8. Will street closures be required? YES NO

(Police Department acknowledgement prior to submission of application is required) (initial here) RK

What parking arrangements will be necessary to accommodate attendance?

Describe free parking in Chester and Pierce structures for the tree lighting on 12/1 only

9. Will staff be provided to assist with safety, security and maintenance? YES NO

If yes, please provide number of staff to be provided and any specialized training received.

Describe 1-3 BSD staff members will be on-site at all times during the event as well as up to 4 volunteers at a time. All will be trained prior to the start of their shift(s).

10. Will the event require safety personnel (police, fire, paramedics)? YES NO

(Police Department acknowledgement prior to submission of application is required.) (initial here) RK

Describe Police presence during the tree lighting on 12/1 then on call status

11. Will alcoholic beverages be served? YES NO

If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission.

12. Will music be provided? YES NO

Live Amplification Loudspeakers

Recorded Time music will begin throughout the event

Time music will end 9 p.m. Friday and Saturday, 4 p.m. on Sunday

Location of live band, DJ, loudspeakers, equipment must be shown on the layout map.

13. Will there be signage in the area of the event? YES NO

Number of signs/banners 2-4

Size of signs/banners A-frame signs

Submit a photo/drawing of the sign(s). **A sign permit is required.**

14. Will food/beverages/merchandise be sold? YES NO

- Peddler/vendor permits must be submitted to the Clerk's Office, **at least two weeks prior to the event.**
- You must obtain approval from the Oakland County Health Department for all food/beverage sales/donations. Contact ehclerk@oakgov.com or 248-535-9612 to obtain Health Department approval.
- There is a \$50.00 application fee for all vendors and peddlers, in addition to the \$10.00 daily fee, per location.

LIST OF VENDORS/PEDDLERS
(attach additional sheet if necessary)

VENDOR NAME	GOODS TO BE SOLD	WATER HOOK-UP REQUIRED?	ELECTRIC REQUIRED?
TBD			

III. EVENT LAYOUT

- Include a map showing the park set up, street closures, and location of each item listed in this section.
- Include a map and written description of run/walk route and the start/finish area

1. Will the event require the use of any of the following municipal equipment?
(show location of each on map)

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables		6 for \$500.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles	20	\$10.00 each includes 1 bag For additional bags, the cost is \$32/per case.	Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.
Dumpsters	BSD will provide	\$350.00/per dumpster per day	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric)	TBD # of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant		\$224.75/per hydrant Includes the use of 5,000 gallons of water. Any additional water usage will be billed.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

2. Will the following be constructed or located in the area of the event? YES NO
(show location of each on map) NOTE: Stakes are not allowed.

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 400 square feet)	approx. 50	various
Portable Toilets	4-6	
Rides		
Displays		
Vendors	TBD	TBD
Temporary Structure (must attach a photo)		
Other (describe)		

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Winter Markt

EVENT DATE December 1 - 3, 2023

The Birmingham City Commission shall have sole and complete discretion in deciding whether to issue a permit. Nothing contained in the City Code shall be construed to require the City Commission to issue a permit to an applicant and no applicant shall have any interest or right to receive a permit merely because the applicant has received a permit in the past.

As the authorized agent of the sponsoring organization, I hereby agree that this organization shall abide by all conditions and restrictions specific to this special event as determined by the City administration and will comply with all local, state and federal rules, regulations and laws.


Signature

8-22-23
Date

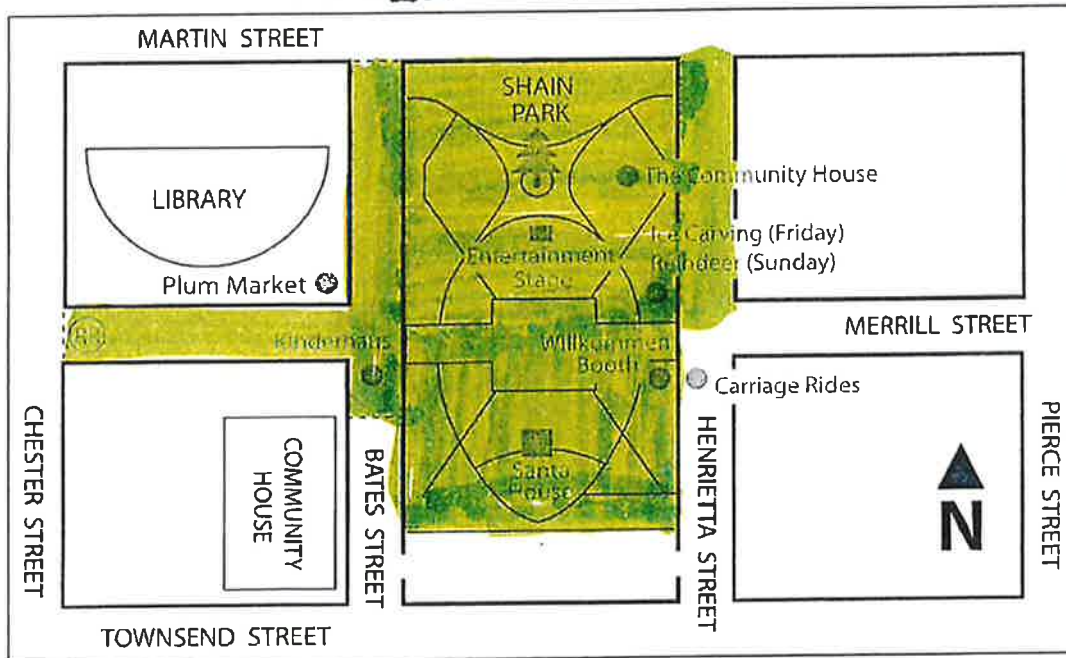
*By providing your e-mail to the City, you agree to receive news and notifications from the City.
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IV. SAMPLE LETTER TO NOTIFY ANY AFFECTED
PROPERTY/BUSINESS OWNERS

- Organizer must notify all potentially affected residential property and business owners of the date and time this application will be considered by the City Commission. (Sample letter attached to this application.)
- Attach a copy of the proposed letter to this application. The letter will be reviewed and approved by the Clerk's Office. The letter must be distributed at least two weeks prior to the Commission meeting.
- A copy of the letter and the distribution list must be submitted to the Clerk's Office at least two weeks prior to the Commission meeting.
- If street closures are necessary, a map must be included with the letter to the affected property/business owners.



2021 EVENT MAP



Birmingham Map - Winter Market 2023

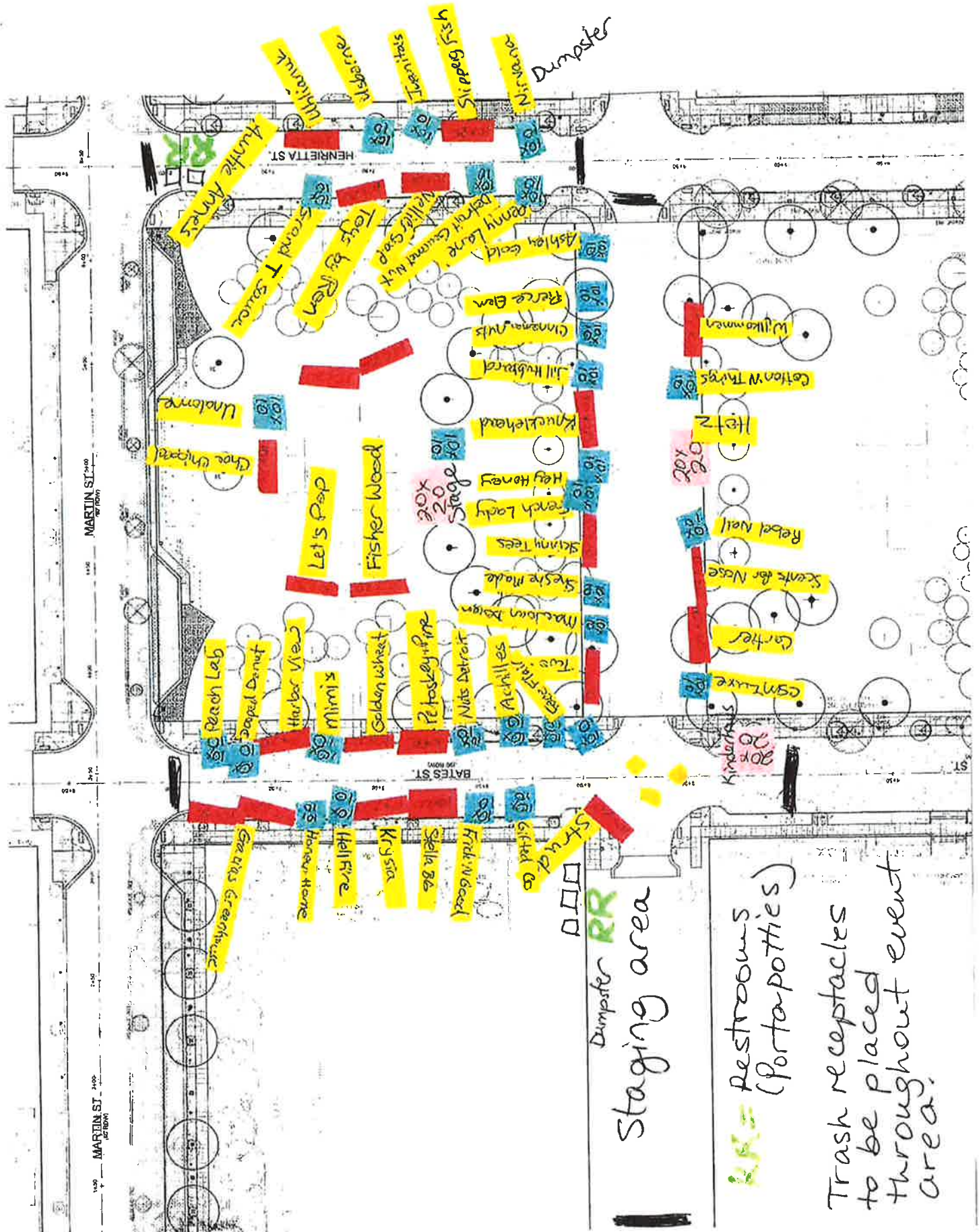
Legend
City Boundary
Lakes and Rivers
Streams
Parcels



RR - portapotties
Trash receptacles
to be placed throughout
event area
- vendors on streets + paved
portions of Shain Park

DISCLAIMER:
The information provided on this site is for convenience only and is compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. Much of the data was not compiled or created by the City of Birmingham. In the preparation of this report, extensive efforts have been made to offer the most current, correct, and clearly expressed information possible. However, inadvertent errors, inaccuracies, and omissions can occur. Official versions should be used as a primary information source for verification of the information provided on these pages. Users are advised that their use of any of this information is at their own risk. The City of Birmingham, its consultants and data providers, do not assume, and hereby disclaim, legal responsibility for the information contained herein which is provided "as is" with no warranties of any kind whether such errors, inaccuracies or omissions result from negligence, accident or any other cause.

Sample



2' x 3'

WILLKOMMEN



BIRMINGHAM

Winter Markt

Friday, December 3 • 4 p.m. to 9 p.m.
 Saturday, December 4 • 10 a.m. to 9 p.m.
 Sunday, December 5 • 10 a.m. to 4 p.m.

For details visit www.ALLINBirmingham.com/WinterMarkt



Mercedes-Benz
of Bloomfield Hills



CHIEF FINANCIAL
CREDIT UNION
... more than money



Sample

NOTIFICATION

August 21, 2023

TO: Property/Business Owner

The Birmingham City Code requires that we receive approval from the Birmingham City Commission to hold the following special event(s). The code further requires that we notify any property owners or business owners that may be affected by the special event(s) of the date and time that the City Commission will consider our request so that an opportunity exists for comments prior to this approval.

NAME OF EVENT(S): 1) Winter Markt and 2) Santa House

LOCATION: 1) Shain Park and surrounding streets (see reverse for map)
2) Shain Park

DATES & TIMES: 1) Winter Markt - December 1 - December 3, various hours
2) Santa House - weekends throughout holidays.

DATE/TIME OF CITY COMMISSION MEETING: Monday, 2023 at 7:30 pm

The City Commission will meet in the Municipal Building. Should you have any statement regarding the above, you are invited to attend the meeting in person or virtually through ZOOM: <https://zoom.us/j/655079760> Meeting ID: 655079760 You may also present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.

EVENT ORGANIZER: Birmingham Shopping District

ADDRESS: 151 Martin Street

PHONE: 248-530-1200

For questions on day of event, contact BSD Operations & Events Manager, Jaimi Brook at 248-508-5518

5D

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Birmingham Shopping District
151 Martin Street
Birmingham, MI 48009

«MAPLE RING LLC»
«CENTRAL PARK PROPTS III»

«112 PEABODY ST»
«BIRMINGHAM» «MI» «48009»

Winter Markt & Santa House
2023



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2023

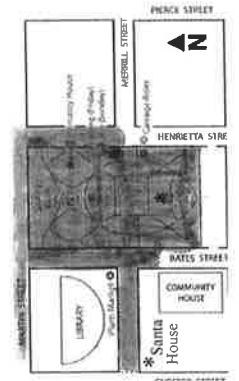


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«112 PEABODY ST»
«BIRMINGHAM» «MI» «48009»

Winter Markt & Santa House
2023





michigan municipal league

Liability & Property Pool

CERTIFICATE OF COVERAGE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED AS LISTED BELOW.

Name and Address of Participant:

City of Birmingham

151 Martin St., PO Box 3001
Birmingham, MI 48012-3001

Coverage Afforded:

Michigan Municipal League Liability and Property Pool
1675 Green Road
Ann Arbor, MI 48105-2530

Name and Address of Service Provider:

Meadowbrook, Inc.
P.O. Box 2054
Southfield, MI 48037-2054

This is to certify that the coverage listed below has been issued to the participant named above and is in-force at this time. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the coverage afforded herein is subject to all the terms, exclusions and conditions of the Pool contract.

Coverage	Contract Number	Expiration Date	Limits of Liability
<u>General Liability</u>	MML001444022	7/1/2024	\$10,000,000
<u>Automobile Liability</u>			Bodily Injury & Property Damage Combined Single Limit
<u>Other</u>			

Description of Operations/Locations/Vehicles:

Certificate Holder Additional Insured solely with respect to: Services provided on behalf of the City of Birmingham.

CANCELLATION: Should any of the above described coverages be canceled before the expiration date thereof, the administrator will endeavor to mail 60 days' written notice to the certificate holder named below, but failure to mail such notice shall impose no obligation or liability of any kind upon the Pool.

Name and Address of Certificate Holder:

Birmingham Principal Shopping District
151 Martin St.
Birmingham, MI 48009

Date Issued: 6/2/2023

By: *[Signature]*
Authorized Representative

RECEIVED JUN 13 2023

DEPARTMENT APPROVALS

EVENT NAME: Winter Market

COMMISSION HEARING DATE: 09/18/23

DATE OF EVENT: 12/1/23 – 12/3/23

LICENSE NUMBER # 23-00012253

NOTE TO STAFF: Please submit approval by 09/11/23

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
PLANNING 101.0-000.000-636.0005 248.530.1855	BC	No Cost no comment		\$0	
BUILDING 101.0-000.000.636.0005 248.530.1850	MJM	All tents over 400 Square feet require a permit.		\$174.90	
FIRE 101.0-000.000-636.0004 248.530.1900	Jeff Scaife	<p>Food truck inspection required on all food trucks, trailers and tents service food (see food vendor safety check list for requirements).</p> <p>Five pound, ABC fire extinguisher required for tents that are 20x20 or larger.</p> <p>LP gas cylinders to be secured to solid object at all times.</p> <p>Tents for food service require proper clearances and fire extinguisher mounting.</p> <p>Burn barrels shall have proper clearance from combustibles and be supervised at all times. Barrels to be a minimum of 20 feet from structures or vehicles. Five lb., ABC fire extinguisher required near burn barrels. Fire wood to be stacked orderly and away from burn barrels by 10 feet.</p> <p>Fire lanes shall be 16' wide and 13'6" vertical clearance at all times.</p> <p>Extension cords shall be protected and covered with a wire bridge and unplugged</p>		\$0.00	

		after use each day. Soft barriers only for road closures. All structures and event grounds to be inspected prior to event opening by Assistant Building Official and Fire Marshal.			
POLICE 101.0-000.000.636.0003 248.530.1870	RK	Personnel and barricades for street closure. A temporary liquor license is required from the LCC with the City Commission and Chief of Police approval. Placement of signs indicating alcoholic beverages must remain within the closed area where beverages are being served. Must have personnel to monitor the entrance/exit area to ensure no alcoholic beverages are removed from the closed area. 2 officers will be assigned for tree lighting		\$750	\$750
PUBLIC SERVICES 101.0-000.000-636.0002 248.530.1642	Carrie Laird	Costs include: barricade placement and removal, sign/banner placement and removal, set up and clean-up costs. A hydrant permit must be obtained and event will be charged for water usage.	Hydrant Permit	\$8,000	
ENGINEERING 101.0-000.000.636.0002 248.530.1839	Melissa Coatta	An obstruction will be required for the road closures	Obstruction Permit	\$100	
SP+ PARKING	Aaron Ford	Free parking in the Chester and Pierce Garages for the tree lighting (12/1/23) only.	None	\$0	\$0
INSURANCE 248.530.1807		Need to submit COI no less than 2 weeks prior to event Need to submit Hold Harmless Agreement	None		
CLERK 101.0-000.000-614.0000 248.530.1803		Notification letters to be mailed by applicant no later than 09/01/23. Notification addresses on file in the Clerk's Office.	Applications for vendors license must be submitted no later than ____.	0	0

			TOTALS: Estimated and Actual Costs		
--	--	--	---------------------------------------------------	--	--

FOR CLERK'S OFFICE USE
Deposit paid _____
Actual Cost _____
Due/Refund _____

Rev. 9/13/23
h:\shared\special events\general information\approval page.doc



MEMORANDUM

City Clerk

DATE: September 14, 2023

TO: Jana L. Ecker, City Manager

FROM: Alexandria Bingham, City Clerk

SUBJECT: 2023 Santa House and Small Business Saturday

INTRODUCTION:

The Birmingham Shopping District (BSD) has submitted a Special Event application to hold the 2023 Santa House event beginning weekends from November 25th through December 24th during various hours. Set-up for the event is to be coordinated with Department of Public Services (DPS) during the week of November 13th. Tear-down is scheduled to begin the week of January 8, 2024 and will be coordinated with DPS.

BACKGROUND:

Prior to application submission, the Police Department reviewed the proposed event details for street closures and the need for safety personnel and approved the details. DPS, Planning, Building, Engineering, Police, and Fire have indicated their approval. SP+ Parking has been notified of the event for planning purposes.

The following events occur in December in Birmingham and do not pose a conflict for this event:

- | | | |
|--------------------|-------------------|------------|
| • Menorah Lighting | Dec. 10 – Dec. 31 | Shain Park |
| • Nativity Scene | Nov. 22 – Dec. 29 | Shain Park |
| • Winter Markt | Nov. 25 – Dec. 4 | Shain Park |

In addition to welcoming Santa on Saturday, November 25, merchants will be offering specials and incentives to encourage shoppers to shop local for Small Business Saturdays on November 25, December 9, December 16, and December 23. The BSD will also set up a tent on the corner of the sidewalk at Maple & Old Woodward that will offer holiday treats and incentives to shoppers.

LEGAL REVIEW:

No legal review is required for this action.

FISCAL IMPACT:

All costs associated with this event will be paid by the applicant.

SUSTAINABILITY:

There were no sustainability considerations for this event.

PUBLIC COMMUNICATIONS:

The Birmingham Shopping District notified residents and businesses regarding the details of the event by postcard mailed at least two weeks prior to the Commission meeting. Addresses were notified within 300 feet of the event space.

SUMMARY:

The City Commission is being asked to approve the 2023 Santa House to begin the weekend of November 25th with set-up to begin the week of November 13th. Tear-down is scheduled to begin during the week of January 8, 2024.

ATTACHMENTS:

1. Special Event application
2. Notification letter with map of event area distributed to residents/businesses within 300 feet of the event area dated August 21, 2023. Notification addresses are on file in the Clerk's Office.
3. Certificate of Insurance
4. Department Approval page with comments and estimated costs

SUGGESTED COMMISSION ACTION:

To make a motion adopting a resolution to approve a request by the Birmingham Shopping District to hold the 2023 Santa House special event beginning the weekend of November 25, 2023 through December 24, 2023 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

AUG 23 2023



**CITY OF BIRMINGHAM
APPLICATION FOR SPECIAL EVENT PERMIT
PARKS AND PUBLIC SPACES**

IMPORTANT: EVENTS UTILIZING CITY SIDEWALKS AND/OR STREETS MUST MEET WITH POLICE DEPARTMENT SPECIAL EVENT OFFICE TO REVIEW PROPOSED EVENT DETAILS PRIOR TO SUBMITTING APPLICATION.

Police Department acknowledgement: _____
(Handwritten signature)

I. EVENT DETAILS

- **Incomplete applications will not be accepted.**
- **Changes in this information must be submitted to the City Clerk, in writing, at least three weeks prior to the event**

FEES:	FIRST TIME EVENT:	\$200.00
	ANNUAL APPLICATION FEE:	\$165.00

(Please print clearly or type)

Date of Application August 21, 2023

Name of Event Santa House and Small Business Saturday

Detailed Description of Event (attach additional sheet if necessary) See Attachment

Location Shain Park, Corner of Maple & Old Woodward, W. Maple, S. Old Woodward & Merrill

Date(s) of Event Weekends Nov. 25- Dec. 24, 2023 Hours of Event various

Date(s) of Set-up Week of November 13, 2023 Hours of Set-up details to be worked out with DPS

NOTE: No set-up to begin before 7:00 AM, per city ordinance.

Date(s) of Tear-down week of January 8, 2024 Hours of Tear-down details to be worked out with DPS

Organization Sponsoring Event Birmingham Shopping District

Organization Address 151 Martin St., Birmingham, MI 48009

Organization Phone 248-530-1200

Contact Person Jaimi Brook

Contact Phone 248-530-1254

Contact Email jbrook@bhamgov.org

II. EVENT INFORMATION

1. Organization Type city- BSD
(city, non-profit, community group, etc.)

2. Additional sponsors or participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.) TBD

3. ***The city encourages collaboration amongst non-profit organizations to bring the greatest benefit to the community. Please explain your efforts to do so** We will invite
non-profits to have their volunteers staff Santa House. In exchange for their volunteer hours, they will benefit from the donations that visitors make when they see Santa.

4. Is the event a fundraiser? YES NO
List beneficiary TBD
List expected income TBD Attach information about the beneficiary.

5. First time event in Birmingham? YES NO
If no, describe Santa House has been located in Shain Park for many years.

6. Total number of people expected to attend per day 200

7. The event will be held on the following City property: (Please list)
 Street(s) _____
 Sidewalk(s) Corner of Maple & Old Woodward for a 10'x10' tent
 Park(s) Shain Park

8. Will street closures be required? YES NO
(Police Department acknowledgement prior to submission of application is required) (initial here) RK

What parking arrangements will be necessary to accommodate attendance?
Describe On November 25 only, there will be free parking at the meters and the structures. Other days will be regular parking.

9. Will staff be provided to assist with safety, security and maintenance? YES NO
If yes, please provide number of staff to be provided and any specialized training received.

Describe At least one BSD staff member will be on-site as well as 2 volunteers per shift to help with Santa visits and photos.
All will receive training prior to the start of their shift.

10. Will the event require safety personnel (police, fire, paramedics)? YES NO
(Police Department acknowledgement prior to submission of application is required.) (initial here) RK

Describe To assist with morning Santa Walk on Saturday, November 25, 2023

11. Will alcoholic beverages be served? YES NO
If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission.

12. Will music be provided? YES NO
Live Amplification Loudspeakers

Recorded Time music will begin _____

Time music will end _____

Location of live band, DJ, loudspeakers, equipment must be shown on the layout map.

13. Will there be signage in the area of the event? YES NO

Number of signs/banners 3-5

Size of signs/banners 2'x3'

Submit a photo/drawing of the sign(s). **A sign permit is required.**

14. Will food/beverages/merchandise be sold? YES NO

- Peddler/vendor permits must be submitted to the Clerk's Office, **at least two weeks prior to the event.**
- You must obtain approval from the Oakland County Health Department for all food/beverage sales/donations. Contact ehclerk@oakgov.com or 248-535-9612 to obtain Health Department approval.
- There is a \$50.00 application fee for all vendors and peddlers, in addition to the \$10.00 daily fee, per location.

LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

VENDOR NAME	GOODS TO BE SOLD	WATER HOOK-UP REQUIRED?	ELECTRIC REQUIRED?

III. EVENT LAYOUT

- Include a map showing the park set up, street closures, and location of each item listed in this section.
- Include a map and written description of run/walk route and the start/finish area

1. Will the event require the use of any of the following municipal equipment?
(show location of each on map)

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables		6 for \$500.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles		\$10.00 each includes 1 bag For additional bags, the cost is \$32/per case.	Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.
Dumpsters		\$350.00/per dumpster per day	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric)	# of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant		\$224.75/per hydrant Includes the use of 5,000 gallons of water. Any additional water usage will be billed.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

2. Will the following be constructed or located in the area of the event? YES NO
(show location of each on map) NOTE: Stakes are not allowed.

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 400 square feet)	2	10'x10'
Portable Toilets		
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Santa House

EVENT DATE Weekends November 25 - December 24, 2023

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As the authorized agent of the sponsoring organization, I hereby agree that this organization shall abide by all conditions and restrictions specific to this special event as determined by the City administration and will comply with all local, state and federal rules, regulations and laws.


Signature


Date

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- A copy of the letter and the distribution list must be submitted to the Clerk’s Office at least two weeks prior to the Commission meeting.
- If street closures are necessary, a map must be included with the letter to the affected property/business owners.

Santa House

Santa House is located in Shain Park and offers an opportunity for children to visit with Santa and have their picture taken. A warming tent will be erected next to Santa House.

We will have a special welcome for Santa at 9:30 a.m. on Saturday, November 25. This will involve Santa walking around the block starting at the corner of W. Maple and Bates. The group will head east to Old Woodward and turn right. Another right turn will be made at Merrill to bring the group to Shain Park and Santa House. Per conversation with the BPD, it will not involve any street closures.

Complimentary horse drawn carriage rides will be offered with similar hours to Santa House.

The BSD has also invited the Birmingham Public Arts Board to collaborate on this event by having their volunteers decorate the spherical bollards in the park with holiday themed yarn/knit covers from November 20, 2023 through January 9, 2024.

Small Business Saturday and other Saturdays

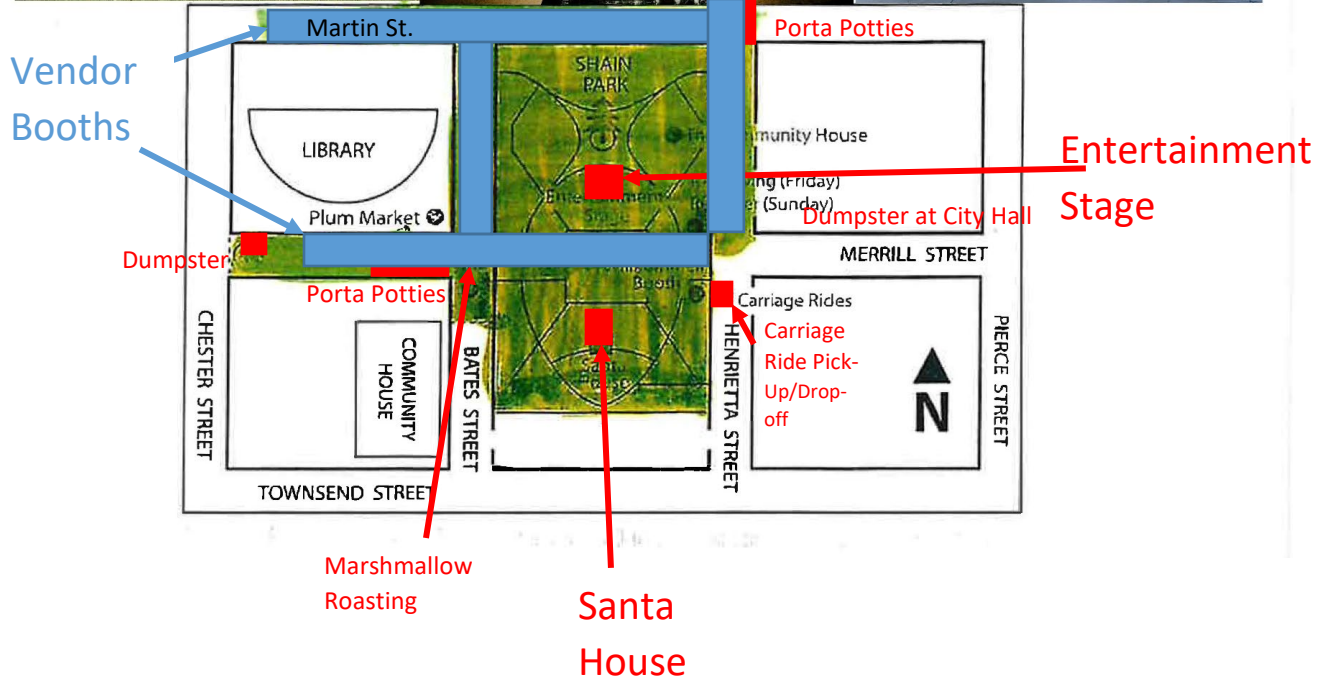
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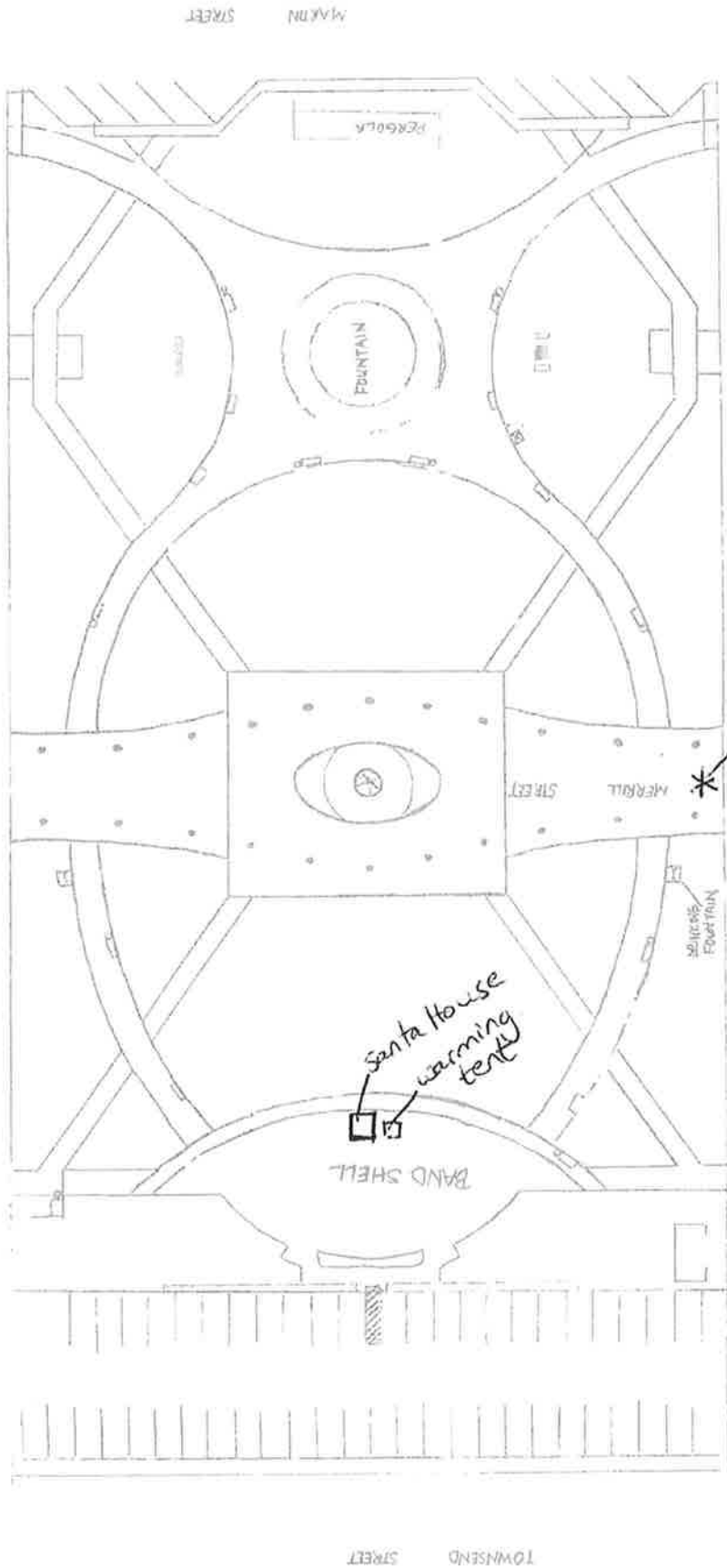
Saturdays, November 25, December 9, and December 16, and December 23, the BSD will set-up a 10'x10' tent on the corner of the sidewalk at Maple & Old Woodward that will offer holiday treats and incentives to shoppers.

Thursdays

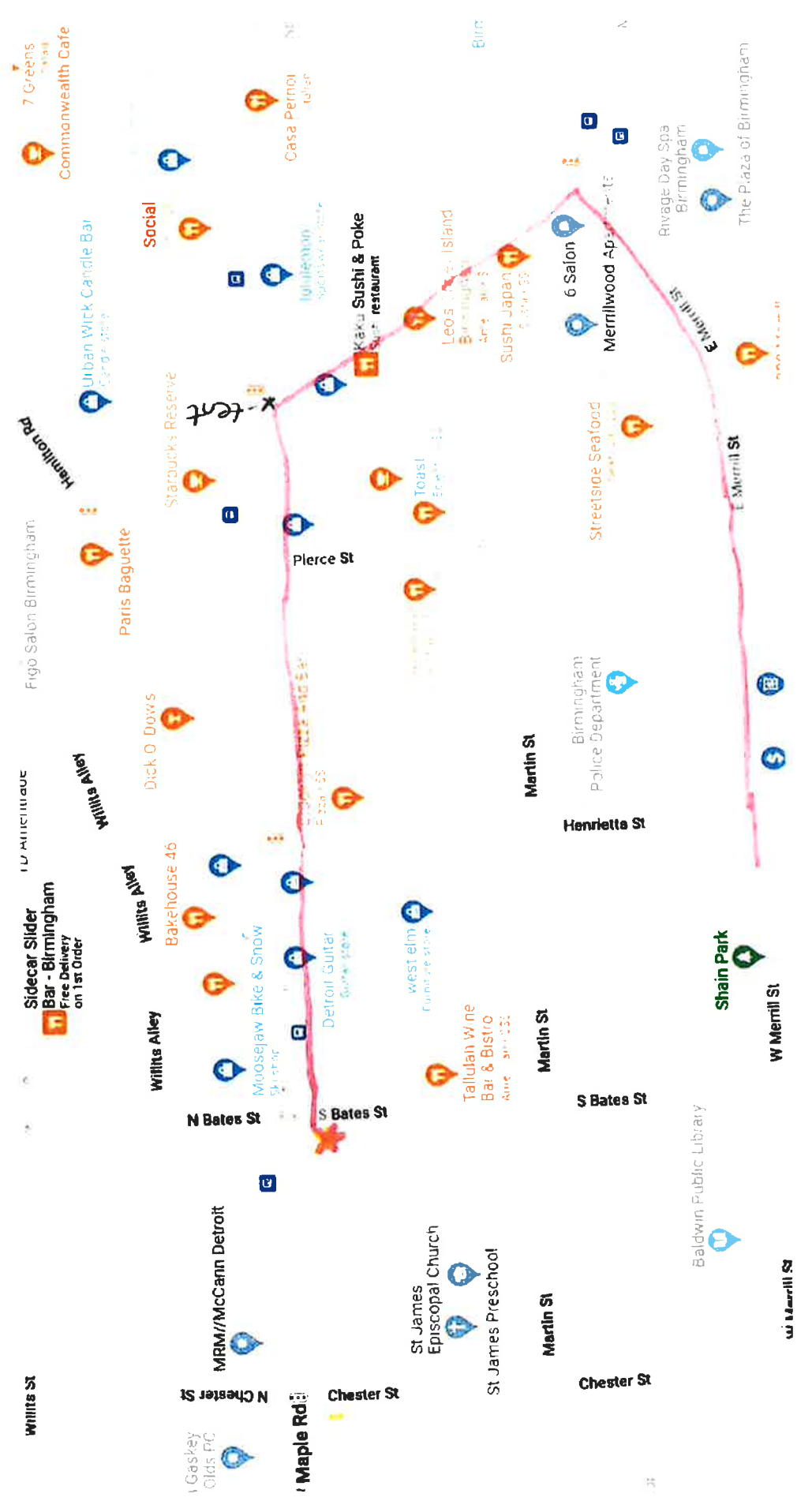
The Birmingham Shopping District is encouraging businesses to extend their hours on Thursday evenings between Thanksgiving and Christmas (November 30, December 7, 14, and 21) to allow for more evening shopping. To help it feel more festive we may do things like set-up a 10'x10' tent on the corner of the sidewalk at Maple & Old Woodward that will offer holiday treats and incentives to shoppers, or having strolling carolers. We are also exploring the possibility of having a free trolley bring shoppers from the heart of downtown to the merchants on N. Old Woodward.

2023 Winter Markt & Santa House Event Map





**Shain Park Map
5E**



*Santa Walk Route
sidewalks only - no street closures*

BIRMINGHAM
**HOLIDAY
ACTIVITIES**

2021

- ★ Small Business Saturday & Santa Walk • 11/27
- ★ Winter Markt & Tree Lighting • 12/3 - 12/5
- ★ Carriage Rides • Weekends
- ★ Scavenger Hunt* • Weekends
- ★ Santa Visits* • Weekends
- ★ Complimentary Refreshments • Select Saturdays



*Registration Required.

ALLINBirmingham.com/events

Enjoy 2-hour free parking in structures



Mercedes-Benz
of Bloomfield Hills

CHIEF FINANCIAL
CREDIT UNION
...more than money.

WELLS
FARGO
ADVISORS



DANTON



THE
SURNOW
COMPANY

VIEW CALENDAR

BIRMINGHAM
The Shopping District

BIRMINGHAM SHOPPING DISTRICT @BHAMSHOPPING

Sample

2' x
3'

SANTA HOUSE

2' x 3'

Families are invited to schedule an appointment to visit with Santa.

www.ALLINBirmingham.com/events



SCAN FOR APPOINTMENT

SANTA HOUSE HOURS:

- November 27: 12 p.m. – 4 p.m.
- November 28: 10 a.m. – 4 p.m.
- December 3: 7 p.m. – 8 p.m.*
- December 4: 10 a.m. – 8 p.m.*
- December 5: 10 a.m. – 4 p.m.*
- December 11: 10 a.m. – 4 p.m.
- December 12: 10 a.m. – 4 p.m.
- December 18: 10 a.m. – 7 p.m.
- December 19: 10 a.m. – 4 p.m.
- December 24: 10 a.m. – 4 p.m.

* No appointment needed.



A special thank you to our 2021 Santa House Sponsor: SHAIN PARK REALTORS



Please contact the Birmingham Shopping District at 248-530-1200 if you need special accommodations.



All activities are in accordance with City of Birmingham & Oakland County COVID-19 health & safety guidelines.

Sample









NOTIFICATION

August 21, 2023

TO: Property/Business Owner

The Birmingham City Code requires that we receive approval from the Birmingham City Commission to hold the following special event(s). The code further requires that we notify any property owners or business owners that may be affected by the special event(s) of the date and time that the City Commission will consider our request so that an opportunity exists for comments prior to this approval.

NAME OF EVENT(S): 1) Winter Markt and 2) Santa House

LOCATION: 1) Shain Park and surrounding streets (see reverse for map)
2) Shain Park

DATES & TIMES: 1) Winter Markt - December 1 - December 3, various hours
2) Santa House - weekends throughout holidays.

DATE/TIME OF CITY COMMISSION MEETING: Monday, 2023 at 7:30 pm

The City Commission will meet in the Municipal Building. Should you have any statement regarding the above, you are invited to attend the meeting in person or virtually through ZOOM: <https://zoom.us/j/655079760> Meeting ID: 655079760 You may also present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.

EVENT ORGANIZER: Birmingham Shopping District

ADDRESS: 151 Martin Street

PHONE: 248-530-1200

For questions on day of event, contact BSD Operations & Events Manager, Jaimi Brook at 248-508-5518



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PHONE: 248-530-1200

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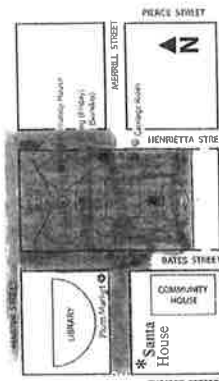
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Birmingham Shopping District
151 Martin Street
Birmingham, MI 48009

Winter Markt & Santa House
2023

«MAPLE RING LLC»
«CENTRAL PARK PROPTS III»

«112 PEABODY ST»
«BIRMINGHAM» «MI» «48009»



Birmingham Shopping District
151 Martin Street
Birmingham, MI 48009

Winter Markt & Santa House
2023

«MAPLE RING LLC»
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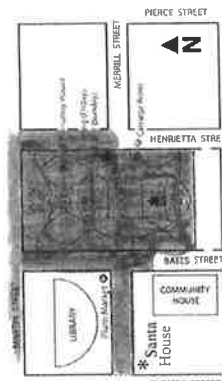


Birmingham Shopping District
151 Martin Street
Birmingham, MI 48009

Winter Markt & Santa House
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Birmingham Shopping District
151 Martin Street
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Winter Markt & Santa House
2023

«MAPLE RING LLC»
«CENTRAL PARK PROPTS III»

«112 PEABODY ST»
«BIRMINGHAM» «MI» «48009»





michigan municipal league

Liability & Property Pool

CERTIFICATE OF COVERAGE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED AS LISTED BELOW.

Name and Address of Participant:

City of Birmingham

151 Martin St., PO Box 3001
Birmingham, MI 48012-3001

Coverage Afforded:

Michigan Municipal League Liability and Property Pool
1675 Green Road
Ann Arbor, MI 48105-2530

Name and Address of Service Provider:

Meadowbrook, Inc.
P.O. Box 2054
Southfield, MI 48037-2054

This is to certify that the coverage listed below has been issued to the participant named above and is in-force at this time. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the coverage afforded herein is subject to all the terms, exclusions and conditions of the Pool contract.

Coverage	Contract Number	Expiration Date	Limits of Liability
<u>General Liability</u>	MML001444022	7/1/2024	\$10,000,000
<u>Automobile Liability</u>			Bodily Injury & Property Damage Combined Single Limit
<u>Other</u>			

Description of Operations/Locations/Vehicles:

Certificate Holder Additional Insured solely with respect to: Services provided on behalf of the City of Birmingham.

CANCELLATION: Should any of the above described coverages be canceled before the expiration date thereof, the administrator will endeavor to mail 60 days' written notice to the certificate holder named below, but failure to mail such notice shall impose no obligation or liability of any kind upon the Pool.

Name and Address of Certificate Holder:

Birmingham Principal Shopping District
151 Martin St.
Birmingham, MI 48009

Date Issued: 6/2/2023

By: *[Signature]*
Authorized Representative

RECEIVED JUN 13 2023

DEPARTMENT APPROVALS

EVENT NAME: Santa House

COMMISSION HEARING DATE: 09/18/23

DATE OF EVENT: 11/25/23 – 12/24/23

LICENSE NUMBER # 23-00012252

NOTE TO STAFF: Please submit approval by 09/11/23

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
PLANNING 101.0-000.000-636.0005 248.530.1855	BC	No cost no comment		\$0	
BUILDING 101.0-000.000.636.0005 248.530.1850	MJM	Building can inspect during normal business hours.		\$0	
FIRE 101.0-000.000-636.0004 248.530.1900	Jeff Scaife	Provide mounted 5 lb. ABC fire extinguisher for structure. Fire extinguisher to be tagged with current year service tag. Carbon monoxide detector required to be installed inside of structure. Smoke detector to be installed inside of structure. Site inspection required prior to use.		0.00	
POLICE 101.0-000.000.636.0003 248.530.1870	RK	On-duty personnel will provide extra patrol.		\$0	\$0
PUBLIC SERVICES 101.0-000.000-636.0002 248.530.1642	Carrie Laird	DPS will assist with this event including delivery, set up and removal.		\$8,500	
ENGINEERING 101.0-000.000.636.0002 248.530.1839	Melissa Coatta	Not affected, no permits required	None	\$0	\$0

SP+ PARKING	Aaron Ford	Not affected, no permits required	None	\$0	\$0
INSURANCE 248.530.1807		Need to submit COI no less than 2 weeks prior to event Need to submit Hold Harmless Agreement	None		
CLERK 101.0-000.000-614.0000 248.530.1803		Notification letters to be mailed by applicant no later than 9/1/23. Notification addresses on file in the Clerk's Office.	Applications for vendors license must be submitted no later than ____.	0	0
			TOTALS: Estimated and Actual Costs		

FOR CLERK'S OFFICE USE

Deposit paid _____

Actual Cost _____

Due/Refund_____



MEMORANDUM

Engineering Department

DATE: September 14, 2023

TO: Jana L. Ecker, City Manager

FROM: Melissa A. Coatta, City Engineer

SUBJECT: Project Budget Amendment Lincoln Hills Golf Course Tee No. 1 Project
Professional Engineering Services

INTRODUCTION:

The City awarded professional engineering services for the Lincoln Hills Golf Course Tee No. 1 project to Nowak and Fraus Engineers (NFE). The initial budget for the proposed services was \$54,740.00. The Engineering Department is requesting City Commission approval of a budget amendment for the project to cover additional construction engineering costs, due to soil conditions encountered.

BACKGROUND:

On November 28, 2022, the City Commission approved a contract for professional engineering services for Lincoln Hills Golf Course Tee No. 1 project with NFE. Professional engineering services included design and construction engineering of the project, and a subcontract with G2 Consulting, to provide geotechnical support and testing, quality assurance and quality control support for the project.

During construction, the contractor encountered poor soil conditions at a several locations at the bottom of the proposed wall. The additional costs were accrued by NFE to determine the limits of the poor soil areas through a topographic survey, and by G2 to conduct soil testing and analysis, provide a recommendation for soil remediation, and for oversight during the soil repair. The additional cost for professional engineering services during construction is \$17,260.00.

LEGAL REVIEW:

Legal review is not required as this is a budget adjustment only.

FISCAL IMPACT:

A budget amendment is needed for the additional professional engineering services of \$17,260.00. The additional costs will be charged to Recreation & Culture – Public Improvements, account number 584.1-753.001-981.0100.

SUSTAINABILITY:

N/A

PUBLIC COMMUNICATIONS:

Neighboring property owners were contacted during the construction of the project.

SUMMARY:

The Engineering Department recommends that the City Commission authorize a budget amendment for professional engineering services in the amount of \$17,260.00.

ATTACHMENTS:

- November 28, 2022, City Commission Report for Lincoln Hills Golf Course Tee No. 1 project professional engineering services.

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve the budget amendment of \$17,260.00 for professional engineering services for Tee No. 1. Further to charge the additional cost to account #584.1-753.001-981.0100, and further to approve the appropriations and amendment to the Lincoln Hills Golf Course Fund as follows:

Revenues:

Appropriation from Net Position	584.1-000.000-400.0000	\$17,260
---------------------------------	------------------------	----------

Expenses:

Lincoln Hills Golf Course – Capital Outlay	584.1-753.001-981.0100	\$17,260
--------------------------------------------	------------------------	----------



MEMORANDUM

Engineering Department

DATE: November 28, 2022

TO: Thomas M. Markus, City Manager

FROM: Melissa A. Coatta, City Engineer

SUBJECT: Lincoln Hills Golf Course Tee No. 1 Project
Professional Engineering Service

INTRODUCTION:

Improvements are recommended around Tee No. 1 at Lincoln Hills Course for the existing cart path, retaining walls, and staircase. The Engineering Department recommends the City use Nowak & Fraus Engineers (NFE) to provide engineering services for this project through their existing Professional Service Contract.

BACKGROUND:

On Monday, October 31, 2022, a field meeting was held to review the existing conditions of the golf cart path, retaining walls, and staircase near Tee No. 1. The existing cart path is uneven in several locations due to tree roots and the age of the asphalt. There is an area along the cart path where the slope is 18%, and the existing handrail just east of the cart path is loose in several locations. There are three existing wood retaining walls near the tees for Hole No. 1, one with timber west of the cart path, and two east of the path with one made of timber and the other plywood, that are showing signs of deterioration and minor settlement. The existing staircase west of Tee No. 1 has loose boards and handrails. Both the cart path near Tee No. 1 and the staircase are now closed.

The Engineering Department and Department of Public Service held an onsite meeting on Friday, November 4, 2022, with three (3) Engineering Consulting Firms, that have an existing professional service contract with the City, to review the existing conditions and discuss the project. Each firm provided pricing for the project, and Nowak and Fraus's proposal was the most responsive and concise. Their pricing included a topographic survey, a conceptual engineering design, soil borings, construction and bid documents, construction assistance, construction staking, as-built, and geotechnical oversight during construction.

NFE provided a conceptual sketch of the new cart path location, retaining wall, and staircase, and a conceptual construction cost of \$500,000.00 - \$600,000.00. The design for the project will be

based on field investigations of topographic survey and soil borings to determine the existing ground conditions. The tentative schedule for this project is:

- January 2023: Issue project for bids
- February 2023: Award the project and execute the contract, and pre-construction meeting
- March 2023: Start construction towards the beginning of March 2023 dependent on weather.
- April 2023: Have the project substantially completed allowing the use of the cart path once the golf course opens.
- June 2023: Final completion of the project.

LEGAL REVIEW:

The City Attorney was present at the Monday, October 31, 2022 field meeting and will review future agreements for this project.

FISCAL IMPACT:

This item was not budgeted in the fiscal year 2022-2023, therefore a budget amendment is recommended if the City Commission approves these professional services.

During the design process, a review will occur of sustainability material options and restoration areas with low to no maintenance grass.

PUBLIC COMMUNICATIONS:

Public communication will not be necessary for the design phase of the project. Neighboring property owners will be contacted during construction.

SUMMARY:

The Engineering Department recommends that Nowak and Fraus Engineers be engaged to provide professional service for design and construction engineering as specified in their proposal for the project at Lincoln Hills Golf Course Tee No. 1.

ATTACHMENTS:

- Location Map
- Photos of Existing Conditions
- NFE Proposal
- NFE Conceptual Sketch
- NFE Conceptual Cost Estimate

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve professional service for design and construction engineering with Nowak and Fraus Engineers as specified in their proposal, for the project at Lincoln Hill Golf Course Tee No. 1 in an amount not to exceed of \$54,740.00, further charge this service to account number 584.1-753.001-981.0100, and further appropriate and amend the 2022-2023 Lincoln Hills Golf Course Fund budget as follows:

Revenues:

Draw from Net Position	584.1-000.000-400.0000	\$54,740
------------------------	------------------------	----------

Expenses:

Recreation & Culture - Public Improvement	584.1-753.001-981.0100	\$54,700
-------------------------------------------	------------------------	----------

Lincoln Hills Golf Course Tee No. 1





View Northwest of Cart Path



View North of Cart Path



View West of Tee and Cart Path



View West of Tee and Cart Path



View North from Tee of Cart Path



View South from Tee



View North from Tee



View North of Staircase



View Northeast of Staircase and Part of Tee



View East of Staircase



View Southeast of Staircase



View South west of Staircase



View West from Tee towards Staircase



CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS

November 11, 2022

Melissa A. Coatta, P.E., City Engineer
City of Birmingham
Department of Engineering
151 Martin Street, P.O. Box 3001
Birmingham, MI 48012-3001

RE: Proposal #4-1730 to provide professional services for Lincoln Hills Golf Course, City of Birmingham, Oakland County, Michigan

Dear Ms. Coatta:

Per your request, we are pleased to submit this Proposal to provide professional services on the above described project.

UNDERSTANDING OF PROJECT: The City is planning an emergency relocation of the existing exiting golf cart path from the first hole tee box. The existing path is too steep and requires to be relocated further to the west. The existing stairway will be removed and replaced to coordinate with the relocated cart path. Also, the work will require replacement of the existing timber retaining wall, with a desired limestone ledge rock boulder wall.

SCOPE OF WORK & FEE: The intent of this proposal is to provide professional land surveying, design and construction assistance as noted herein:

Topographic Survey: Provide a field measured topographic and utility survey of the specified area on the enclosed map. Trees will be located with sizes. Existing utilities observed will be located and shown with sewer pipe inverts, sizes, and directions at manholes/catch basins. Utility records will also be reviewed for mapping existing underground utilities onto the survey. Spot elevations with 1' contours will be shown on City of Birmingham Datum, detailing grade breaks, with finished grades at building corners and entrances/doors. Also, locations of all other improvements (walls, steps, light poles, benches, etc.) will be shown. The survey will be drawn to scale in AutoCAD for design purposes. **Estimated Fee: \$5,800.00.** Estimated completion date: 2-3 weeks from authorization (est. 12/1/2022).

Concept Engineering: After completion of survey, prepare concept of design for initial City review. **Estimated Fee: \$3,500.00.** Estimated completion date: 1 week after survey (est. 12/8/2022).

G2 Proposal 220902 - Design: Geotechnical investigation and structural engineering (see attached proposal). **Estimated Fee: \$14,775.00.** Completion date: in coordination with project schedule.

Construction/Bid Documents: After tentative conceptual engineering design and approval of concept by the City, prepare final construction plans and bidding documents for the project in coordination with the City Engineering Department. **Estimated Fee: \$12,840.00.** Estimated completion dates: Preliminary review: 12/28/2022. Final bidding date: January 9, 2023 (dates can be adjusted based on coordination with City).

NOWAK & FRAUS ENGINEERS

46777 WOODWARD AVENUE
PONTIAC, MI 48342-5032

WWW.NOWAKFRAUS.COM

VOICE: 248.332.7931
FAX: 248.332.8257

City of Birmingham
Department of Engineering – LHGC Cart Path Relocate
RE: PROPOSAL #4-1730
November 11, 2022
Page 2

Construction Assistance: Assist City with construction administration tasks, excluding full time inspections (assumed to be provided by City staff). **Estimated Fee: \$ 4,500.00.** Target completion of work: April 1, 2023.

Construction Staking/As-Builts: Provide construction stakeout and as-built services as requested. **Estimated Fee: \$8,500.00.** Requires 3-business day scheduling in advance of requested stakeout/as-built services.

G2 Proposal 220902 - CE: Geotechnical oversight during construction (see attached proposal). **Estimated Fee: \$4,825.00.** Completion date: in coordination with project schedule.

Total estimated not to exceed fee for above services: \$54,740.00.

PAYMENT FOR SERVICES & EXPENSES

It is our intent to not invoice the City beyond the limits of the amount indicated, unless authorization is obtained to provide additional services beyond the scope of work proposed herein. Our invoice will be submitted to the City for payment upon completion of the work.

Also, the reproduction costs for providing blackline prints, mylar drawings, photos and other reproductions and copies, etc., as required by the project, will be invoiced per copy issued, in accordance with our various rates for providing these items. Also, any additional services you may require, or for work beyond the scope of services described herein, will be provided, and invoiced for on an hourly basis, or as mutually agreed upon.

ACCEPTANCE & AUTHORIZATION TO PROCEED

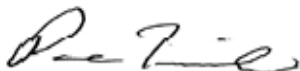
The estimated milestone completion dates herein assume authorization will be granted no later than 12pm on Monday, November 14, 2022. Please do not hesitate to contact us should you have any questions regarding this Proposal to provide services for the project described herein. We understand that if our Proposal is acceptable, you will so advise us, and then issue a Purchase Order in accordance with the said Engineering Consulting Contract that exists between the City and Nowak & Fraus Engineers (2020-2025).

Thank you for choosing Nowak & Fraus Engineers.

Sincerely,



Brett Buchholz, P.E.
Principal



Paul Tulikangas, P.E.
Associate/Engineering Manager

Enclosures

NOWAK & FRAUS ENGINEERS

46777 WOODWARD AVENUE
PONTIAC, MI 48342-5032

WWW.NOWAKFRAUS.COM

VOICE: 248.332.7931
FAX: 248.332.8257

Lincoln Hills GC



Ex. Stairs will be removed by golf course prior to construction - shoot corners for reference but no need to detail

Also shoot north edges or pond (T/bank and E/water) for drawing linework

Approx Topo limits

Pond End Sections

Also shoot south bldg corners for drawing linework

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

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

OAKLAND
 COUNTY EXECUTIVE
 David Coulter
 Oakland County Executive

Date Created: 11/2/2022

 NORTH
 1 inch = 100 feet



CONSULTING
GROUP

November 10, 2022

Mr. Brett J. Buchholz, P.E.
Principal
Nowak & Fraus Engineers, Inc.
47777 Woodward Avenue
Pontiac, Michigan 48342

RE: Proposal for Geotechnical Investigation
Lincoln Hills Golf Course Hole #1 Path Realignment
Birmingham, Michigan
G2 Proposal No: 220902

Dear Mr. Buchholz:

This letter will serve as our proposal and agreement to perform a geotechnical investigation for the proposed cart path and associated retaining walls at the Lincoln Hills Golf Course in Birmingham, Michigan. We understand the existing cart path between the two tee boxes leading to the west side of the pond is too steep and will be relocated west of the tee boxes with a flatter grade. Timber retaining walls with an approximate maximum height of 6 feet encircle the north sides of the two tee boxes. The ground in front of the retaining walls slopes down toward the pond with an overall grade change of approximately 20 feet. We understand these retaining walls will be removed as part of the path realignment and one or both will be reconstructed using natural, stacked stone. An existing staircase is located west of the tee boxes. This staircase will be removed and reconstructed as part of the project.

SCOPE OF WORK

A licensed professional engineer acting as a Project Manager will direct the soil exploration. Our proposed scope of services will consist of the following items:

Geotechnical Investigation

1. Once the approximate pathway alignment is determined, G2 Consulting Group, LLC (G2) will field locate the soil boring locations by measuring from existing site features using conventional taping methods.
2. G2 will contact the local utility locating company "MISS DIG". It should be noted that "MISS DIG" requires a minimum of 72 hours to locate utilities. Private utilities are not located by "MISS DIG". Therefore, any information you have pertaining to private utilities should be forwarded to us prior to drilling operations commencing. We will use reasonable care to avoid underground utilities; however, G2 will not be responsible for any damage to utilities not marked or incorrectly marked. In addition, any special access issues or requirements regarding the site should be provided to G2 prior to commencement of our on-site work.
3. G2 will drill a total of seven (7) soil borings in conjunction with the project. The borings will be performed at the approximate locations shown on the attached Proposed Soil Boring Location Plan, adjusted for proposed structure locations, at the following locations and depths:

g2consultinggroup.com

Headquarters	1866 Woodslee St	Troy, MI 48083	P 248.680.0400	F 248.680.9745
Ann Arbor	1350 Eisenhower Pl	Ann Arbor, MI 48108	P 734.390.9330	F 734.390.9331
Chicagoland	1186 Heather Dr	Lake Zurich, IL 60047	P 847.353.8740	F 847.353.8742



Structure/Purpose	Soil Boring Nos.	Proposed Depth
Retaining Wall Design/Global Stability	B-1 and B-2	40 feet
Global Stability	B-3	15 feet
Staircase/Cart Path	B-4 and B-5	15 feet
Cart Path	B-6 and B-7	5 feet

Our proposal fee is based on a total drilling depth of 135 vertical feet. We will obtain soil samples at regular intervals by the Standard Penetration Test Method (ASTM D 1586). The boreholes will be backfilled with auger cuttings after completion of drilling operations. It should be understood that some settlement of the borehole fill may occur and no future maintenance of the holes is included in our fee.

4. We will perform laboratory testing to determine the physical characteristics of the subsurface soils. The testing program may include determination of the unconfined compressive strength, dry density, natural moisture content, organic matter content, and soil classification in accordance with the Unified Soil Classification System.
5. We will prepare an engineering report summarizing our findings and presenting evaluations, conclusions, and recommendations about the following items:
 - Soil and groundwater conditions
 - Recommendations and design parameters for retaining walls
 - Allowable soil bearing pressures for different soil strata
 - Recommended foundation type(s) for the proposed staircase
 - Estimates of settlement associated with staircase foundations
 - Groundwater control in construction excavations
 - Recommendations for pathway construction, including design cross-sections
 - Earthwork operations to prepare the site for development, including requirements for undercuts, excavation support and for fill materials and placement
 - Other subsurface conditions which may impact design and construction of the proposed pathway, staircase, and retaining walls

Retaining Wall Design Services

1. We will use the available geotechnical information and provided wall cross-sections and grading plan to develop retaining wall design sections.
2. We will develop detailed calculations for the critical cross-sections for the boulder walls. G2 will not be responsible for the selection, design or location of ancillary features such as ground surface treatment, surface drainage, fencing or vegetation. Design calculations will include internal stability, external stability, and global stability.
3. We will provide retaining wall details and specifications for Nowak & Fraus Engineers, Inc. (NFE) to use in the construction plans.
4. We will review the final construction plans and provide comments relative to the retaining wall details.



Construction Engineering Services

- We will make site visits during construction to observe retaining wall and pathway construction and provide testing services for soil compaction operations. We will advise the contractor as to their conformance with the project plans and specifications. Testing is expected to include determination of the maximum dry density of soil per the Modified proctor method, ASTM D1557 and grain size distribution per ASTM D422. Percent compaction of retaining wall infill soil and bituminous concrete for pathway will be performed using a nuclear density gauge.

PROFESSIONAL FEES

We propose to perform the services outlined in this proposal for the following fees:

Geotechnical Investigation	\$10,275 Lump Sum
Retaining Wall Design Services	\$4,500 Lump Sum
Construction Engineering Services	
<i>Modified Proctor Test (Granular Soil)</i>	\$225 each
<i>Grain Size Analysis</i>	\$225 each
<i>Construction Observation and Compaction Testing</i>	\$550 per half day \$950 per full day

Half day rate includes up to 4 hours of work including travel from our office in Troy, Michigan. Full day rate includes up to 8 hours of work including travel. Overtime hours in excess of 8 hours will be billed at \$104 per hour. We anticipate two modified proctor tests will be required, two grain size distribution tests, two full day site visit, and five half day site visits; therefore, our estimated total budget for the project is **\$19,600**. Should the number of proctor tests or site visits change, we will invoice for the actual number of tests performed and days worked.

The lump sum fee for the geotechnical investigation is based on using a track-mounted, all-terrain vehicle (ATV), rotary drilling rig to access the boring locations for a maximum of two days. If additional drilling is required due to poor soils, we will charge \$40 per foot of additional drilling to a depth of 50 feet. Our fees also do not include the repair or restoration of any landscape or hardscape damaged during our drilling operations.

Flowing confined aquifers are known to be present in the immediate vicinity. If confined aquifer conditions are encountered, we will terminate the soil boring and backfill the borehole with cement-bentonite grout. We will charge \$8 per foot of grouting, as required.

Should you or field conditions require additional work, beyond the scope outlined in this proposal, we would contact your office with an estimate and obtain your permission prior to performing such services. Charges for additional services, including meetings, will be based on the attached Fee and Rate Schedule.

PROJECT SCHEDULE

Drilling operations can be scheduled within approximately 3 to 4 weeks following notice to proceed from the client and utility clearance through the MISS DIG network. Fieldwork is expected to take one to two days, provided weather and/or site conditions permit. The geotechnical report will be available within approximately 12 to 15 working days following completion of the field operations. Preliminary verbal

recommendations should be available within several days after completion of the drilling operations. We will provide an electronic (pdf) copy of the report.

Retaining wall design for initial submittal can be completed approximately 10 to 12 business days after notice to proceed.

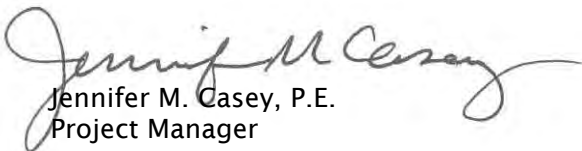
TERMS AND CONDITIONS

General conditions relating to the performance of our services are presented in the attached General Conditions and are made part of this proposal. As authorization, please return one signed copy or prepare a project specific Professional Services Agreement similar to past projects. The prices discussed in this proposal remain valid for a period of 60 days from the date of this proposal. After 60 days, we reserve the right to revise our prices.

We appreciate the opportunity to be of service to Nowak & Fraus Engineers, Inc. and the City of Birmingham and look forward to working with you on this project. If you have any questions regarding our proposed scope of work or any other matter pertaining to the project, please do not hesitate to call.

Sincerely,

G2 Consulting Group, LLC



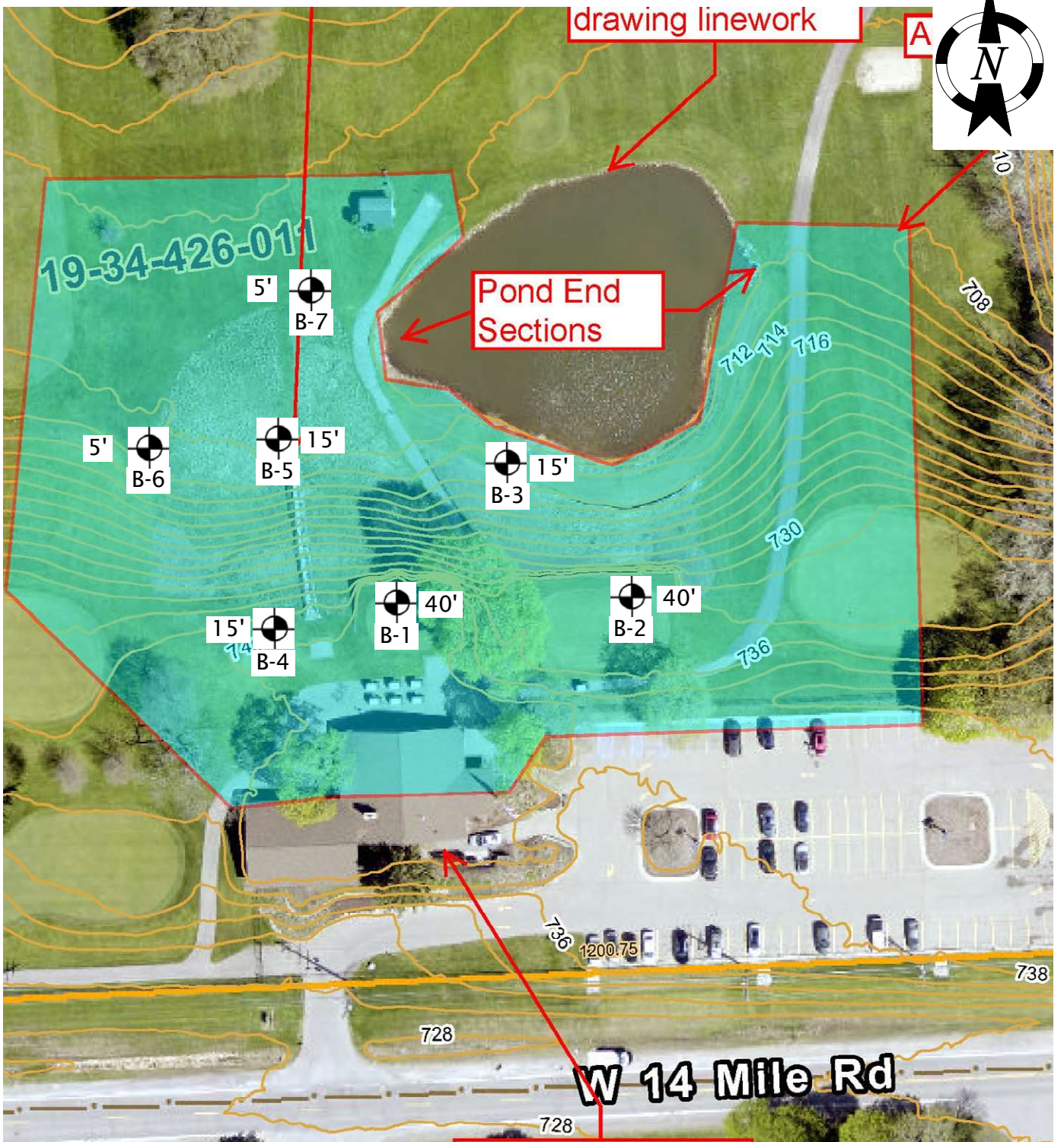
Jennifer M. Casey, P.E.
Project Manager




Noel J. Hargrave-Thomas, P.E.
Principal

JMC/NJHT/ljv

Encl: Proposed Soil Boring Location Plan
Fee and Rate Schedule
General Conditions



Legend

 Soil Borings

Proposed Soil Boring Location Plan
 Lincoln Hills Golf Course Hole #1 Path
 Realignment
 Birmingham, Michigan



Proposal No. 220902	
Drawn by: JMC	
Date: 11/9/22	Plate No. 1
Scale: NTS	



**FEE AND RATE SCHEDULE
PROFESSIONAL SERVICES**

PERSONNEL

Fees for our services will be based upon the time worked on the project by professional, technical, and clerical personnel according to the following schedule:

PER HOUR		
Principal	.....	\$201.00
Project Consultant	.....	\$185.00
Project Manager	.....	\$182.00
Senior Project Engineer	.....	\$147.00
Project Engineer	.....	\$142.00
Senior Environmental Scientist	.....	\$138.00
Senior Staff Engineer	.....	\$121.00
Staff Engineer	.....	\$104.00
Field Engineer	.....	\$104.00
Field Coordinator*	.....	\$100.00
Senior Technician*	.....	\$97.00
Technician II*	.....	\$90.00
Technician I*	.....	\$75.00
Word Processor*	.....	\$72.00

*For these personnel, overtime work will be charged at a rate equal to 1.5 times the Standard Rate.

A premium of 50 percent will be added to hourly rates for expert testimony and depositions.

G2 Consulting Group technicians include Engineering, Environmental, and Construction Materials technical specialists.

G2 operates on a strong project management system, and a Project Manager is appointed for each project.

EXPENSES

The following expenses, when incurred in direct connection with the project, will be charged at the rate shown:

Transportation, Lodging, and Subsistence for Out of Town Travel	.....	Cost + 15%
Printing, Reproduction, Photographs, Long Distance Telephone and Telecopier Charges, Shipping Charges and Material Purchases	.....	Cost + 15%
Vehicle Travel for Projects	.....	\$0.80/Mile

SUBCONTRACTORS/SUBCONSULTANTS

On projects requiring subcontractors or subconsultants, we will obtain the services of reputable contractors or consultants to perform such work. The fees of these contractors or consultants plus a 15 % service charge will be added to our invoices.

INVOICES

Progress invoices will be submitted to the client monthly and a final bill will be submitted upon completion of our services. Invoices will show charges for different personnel and expense classifications. Each invoice is due on presentation and is past due thirty (30) days from invoice date. Client agrees to pay a finance charge of one and one-half percent (1.5%) per month on past due accounts.

We reserve the right to suspend or terminate work under our agreement upon failure of the client to pay invoices when due.



GENERAL CONDITIONS

PUBLIC LIABILITY INSURANCE

We represent and warrant that we and our agents, staff and consultants employed by us are protected by worker's compensation insurance and that we have coverage under public liability and property damage insurance policies which we deem to be adequate. Certificates for all such policies of insurance can be provided to the client upon request. Within the limits and conditions of such insurance, we agree to indemnify and save clients harmless from and against any loss, damage or liability arising from any negligent acts by us, our agents, staff or consultants employed by us. We shall not be responsible for any loss, damage or liability beyond the amounts, limits and conditions of such insurance. We shall not be responsible for any loss, damage or liability arising from any negligent acts by our client, its agents, staff and other consultants employed by client.

LIMITATION OF PROFESSIONAL LIABILITY

In performing our professional services, we will use that degree of care and skill ordinarily exercised under similar circumstances by members of our profession. No warranty, express or implied, is made or intended by our proposal for consulting services, by our furnishing oral or written reports, or by our observation of work. Client recognizes that actual conditions may vary from those encountered at the location where borings, surveys or explorations are made by us or provided by others, and that our data, interpretations and recommendations are based solely on the information available to the client. We will be responsible for those data, interpretations and recommendations, but shall not be responsible for the interpretation by others of the information developed. Client also recognizes that monitoring of construction by a qualified engineer is essential to verify that designs are appropriate for actual site conditions.

Should we or any of our professional employees be found to have been negligent in the performance of professional services or to have made and breached any expressed or implied warranty, the client agrees that the maximum aggregate amount of our liability and/or that of said professional employees shall be limited to \$25,000.00 or the amount of the fee paid us for professional services on this project, whichever amount is greater.

WAIVER OF LIMITATION OF PROFESSIONAL LIABILITY

In the event the client is unwilling or unable to limit liability in accordance with the provisions set forth in the paragraph hereinbefore, we agree to waive this limitation upon written notice from the client received within ten (10) days after date of contract, and client agrees to pay us a sum equivalent to ten (10) percent additional of the total fee to be charged for the professional services, said sum to be called "Waiver of Limitation of Liability Charge". This charge will in no way be construed as being a charge for insurance of any type, but will be increased consideration for the greater risk involved in performing work in which there is no limitation of liability.

RIGHT OF ENTRY

The client will provide for right of our entry and all necessary equipment, in order for us to complete the work. While we will take reasonable precautions to minimize any damage to the property, it is understood by client that in the normal course of work some damage may occur, the correction of which is not part of this agreement.

DISCOVERY OF UNANTICIPATED HAZARDOUS MATERIALS

Client represents that client has made a reasonable effort to evaluate if hazardous materials including gases are on or near the project site, and that client has informed us of client's findings relative to the possible presence of such materials.

Hazardous materials may exist at a site where there is no reason to believe they could or should be present. We and client agree that the discovery of unanticipated hazardous materials constitutes a changed condition mandating a renegotiation of the scope of work or termination of services. We and client also agree that the discovery of unanticipated hazardous materials may make it necessary for us to take immediate measures to protect health and safety. Client agrees to compensate us for any equipment decontamination or other costs incident to the discovery of unanticipated hazardous materials.

We agree to notify client when unanticipated hazardous materials or suspected hazardous materials are encountered. Client agrees to make any disclosures required by law to the appropriate governing agencies. Client also agrees to hold us harmless for any and all consequences of disclosures made by us which are required by governing law. In the event the project site is not owned by client, client recognizes that it is client's responsibility to inform the property owner of the discovery of unanticipated hazardous materials or suspected hazardous materials.



Notwithstanding any other provisions of the agreement, client waives any claim against us and, to the maximum extent permitted by law, agrees to defend, indemnify, and save us harmless from any claim, liability, and/or defense costs for injury or loss arising from our discovery of unanticipated hazardous materials or suspected hazardous materials, including, but not limited to, any costs created by delays of the project and any cost associated with possible reduction of the property's value. Client will be responsible for ultimate disposal of any samples secured by us which are found to be contaminated.

UTILITIES

In the prosecution of the work, we will take reasonable precaution to avoid damage or injury to subterranean structures or utilities. The client agrees to hold us harmless for any damages to subterranean structures which are not called to our attention and correctly shown or described on the documents furnished.

OWNERSHIP OF DOCUMENTS

All reports, drawings, plans, specifications, field data, field notes, calculations, estimates and other documents we prepare, as instruments of service, shall remain our property. Client agrees that all reports and other work furnished to the client or his agents, which is not paid for, will be returned upon demand and will not be used by the client for any purpose whatever. We will retain pertinent records relating to the services performed for a period of five (5) years following submission of the report, during which period the records will be made available to the client at reasonable times for a reasonable fee.

RESOLUTION OF DISPUTES

All claims, disputes and other matters in controversy arising out of or in any way related to this agreement will be submitted to Alternative Dispute Resolution (ADR) before and as a condition precedent to other remedies provided by law. If and to the extent we have agreed on methods for resolving such disputes, then such methods will be set forth in the "Alternate Dispute Resolution Agreement" which, if attached, is incorporated into and made a part of this agreement. If no specific ADR procedures are set forth in the agreement, then it shall be understood that the parties shall submit disputes to mediation as a condition precedent to litigation.

If a dispute at law arises from matters related to the services provided under this agreement and that dispute requires litigation instead of ADR as provided above, then:

- (1) the claim will be brought and tried in the judicial jurisdiction of the court where our principal place of business is located and the client waives the right to remove the action to any other judicial jurisdiction, and
- (2) the prevailing party will be entitled to recovery of all reasonable costs incurred, including staff time, court costs, attorney's fees, and other claim-related expenses.

TERMINATION

This agreement may be terminated by either party upon seven (7) days written notice in the event of substantial failure by the other party in accordance with the terms hereof. Such termination shall not be effective if that substantial failure has been remedied before expiration of the period specified in the written notice. In the event of termination, we shall be paid for services performed to the termination notice date plus reasonable termination expenses.

In the event of termination, or suspension for more than three (3) months, prior to completion of all reports contemplated by this agreement, we may complete such analyses and records as are necessary to complete our files and may also complete a report on the services performed to the date of notice of termination or suspension. The expenses of termination or suspension shall include all our direct costs in completing such analyses, records and reports.

ASSIGNS

Neither the client nor our firm may delegate, assign, sublet or transfer its duties or interest in this agreement without the written consent of the party.

Representative Client Services

Geotechnical Engineering

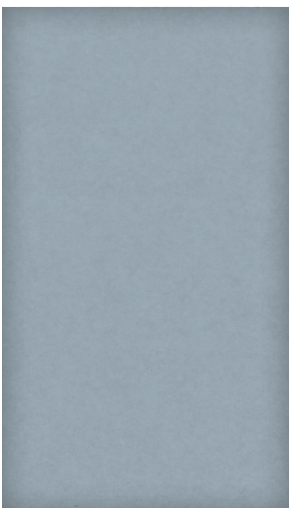
- Soil investigations, including soil borings and test pits
- Design recommendations for foundations, pavements, underground construction and earthwork
- Design of dewatering systems
- Soil dynamic studies, vibrations monitoring and evaluation
- Pile load tests, static and dynamic pile analyses
- Investigation of soil related failures
- Soil and foundation instrumentation
- Laboratory testing of soils

Geoenvironmental Engineering

- Phase I/II Environmental Site Assessment (ESA)
- Baseline Environmental Assessments (BEA)
- National Environmental Policy Act (NEPA) compliance
- Due Care Plan
- Wetland determination/delineation
- Floodplain and wetland permitting
- Hazardous materials evaluations
- Comprehensive asbestos surveys
- Lead based paint evaluations
- Brownfield studies
- Environmental drilling and sampling
- Groundwater monitoring
- Indoor air quality studies
- Water Intrusion/mold evaluations

Construction Engineering

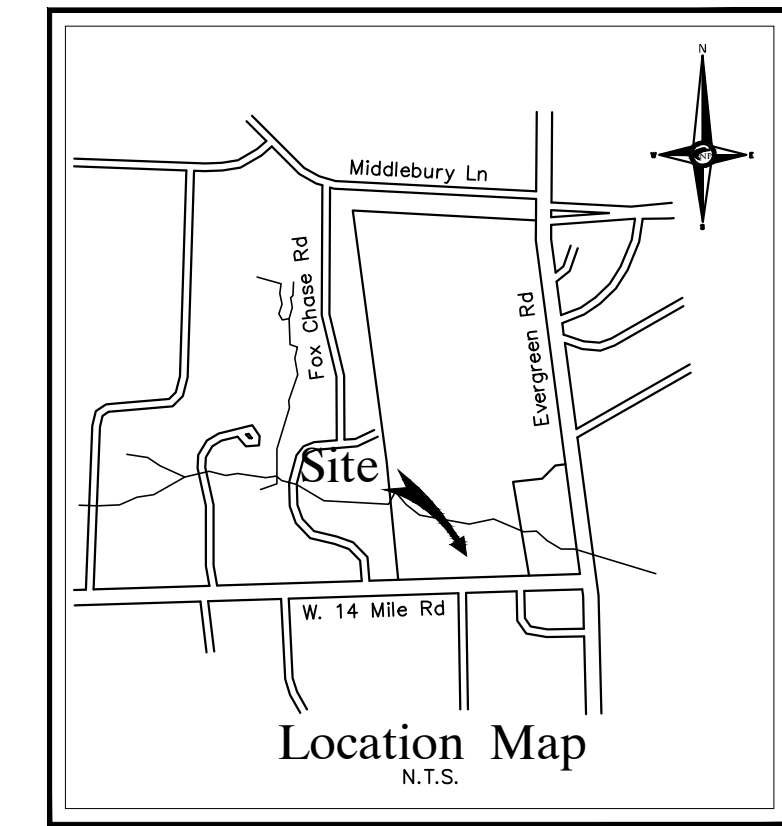
- Field observation and testing
- Earthwork operations
- Foundation construction
- Concrete materials and placement
- Bituminous paving materials and placement
- Masonry
- Laboratory testing of aggregates, concrete, bituminous and masonry
- Construction material evaluation
- AASHTO Accredited Laboratory
- AASHTO R18
- ASTM C1077



Earth Retention Wall Design and Construction

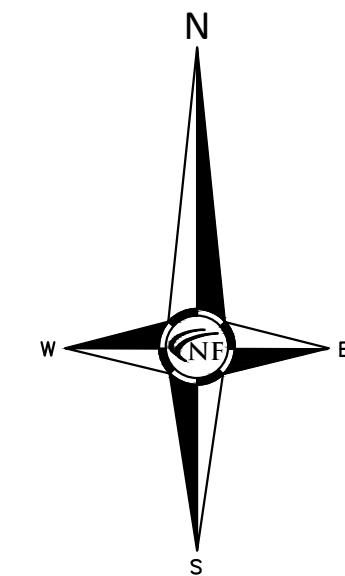


Road Infrastructure Design & Construction



NF ENGINEERS
 CIVIL ENGINEERS
 LAND SURVEYORS
 LAND PLANNERS

NOWAK & FRAUS ENGINEERS
 46777 WOODWARD AVE.
 PONTIAC, MI 48342-5032
 TEL. (248) 332-7931
 FAX. (248) 332-8257
 WWW.NFE-ENGR.COM



SEAL

PROJECT
 Lincoln Hills Golf Course
 Hole #1 Tee-Box & Cart
 Path Improvements

CLIENT
 Lincoln Hills Golf Course
 2666 W. 14 Mile Rd.
 Birmingham, MI 48009

PROJECT LOCATION
 Part of the SE 1/4
 of Section 34
 T.2N., R.10E.,
 City of Birmingham,
 Oakland County, Michigan

SHEET
 Conceptual Site Plan



DATE ISSUED/REVISED
 11-17-22 CONCEPT PLAN

PAVING LEGEND	
	PROPOSED CONCRETE PAVEMENT
	PROPOSED ASPHALT PAVEMENT

LEGEND	
	MANHOLE
	HYDRANT
	MANHOLE CATCH BASIN
	UTILITY POLE
	GUY POLE
	C.O.
	HYDRANT
	INLET
	MANHOLE
	GATE VALVE
	C.B.
	MANHOLE
	PROPOSED LIGHT POLE
	EXISTING SANITARY SEWER
	SAN. CLEAN OUT
	EXISTING WATERMAIN
	EXISTING STORM SEWER
	EX. R. Y. CATCH BASIN
	EXISTING BURIED CABLES
	OVERHEAD LINES
	LIGHT POLE
	SIGN
	EXISTING GAS MAIN
	PR. SANITARY SEWER
	PR. WATER MAIN
	PR. STORM SEWER
	PR. R. Y. CATCH BASIN

DRAWN BY:
 J. Lawrey

DESIGNED BY:
 P. Tulikangas

APPROVED BY:
 P. Tulikangas

DATE:
 November 17, 2022

SCALE: 1" = 20'

NFE JOB NO. SHEET NO.
 N342 SP1



NOWAK & FRAUS ENGINEERS
 46777 WOODWARD AVE.
 PONTIAC, MI 48342-5032
 TEL. (248) 332-7931
 www.nfe-engr.com

CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS

**Lincoln Hills Golf Course - Birmingham, MI -
 Hole #1 Tee-Box & Cart Path Improvements
 ENGINEER'S CONCEPTUAL COST ESTIMATE - Site/Civil Work
 Based on Concept Drawing Dated 11/17/22**

Item	Description	Quantity	Unit	Unit Cost	Total Cost
I.	Demolition & Earthwork				
	Earthwork Balancing (Cut/Fill/Haul-Off)	1	LS \$	50,000.00	\$ 50,000.00
	Remove Ex. Asphalt Cartpath	700	SY \$	15.00	\$ 10,500.00
	Remove Ex. Timber Retaining Wall	1	LS \$	15,000.00	\$ 15,000.00
	Remove Ex Tree	1	EA \$	2,000.00	\$ 2,000.00
	Subtotal Demolition & Earthwork				\$ 77,500.00
II.	Retaining Walls & Steps				
	Limestone Ledge Rock Retaining Wall	3500	FSF \$	50.00	\$ 175,000.00
	6" Underdrain	450	LF \$	25.00	\$ 11,250.00
	Replacement Steps and Handrail	1	LS \$	35,000.00	\$ 35,000.00
	Subtotal Retaining Walls & Steps				\$ 221,250.00
III.	Paving & Restoration				
	6" Thick Concrete Cart Path (10' Wide)	7,760	SF \$	8.00	\$ 62,080.00
	6" Thick 21AA Limestone Agregate Base	900	SY \$	10.00	\$ 9,000.00
	Lawn Restoration (3" Topsoil, Seed, Mulch Blankets)	3,800	SY \$	10.00	\$ 38,000.00
	Landscaping	1	LS \$	25,000.00	\$ 25,000.00
	Subtotal Paving & Restoration				\$ 134,080.00
V.	Soil Erosion Controls				
	Silt Fabric Fencing	1,250	LF \$	2.25	\$ 2,812.50
	Construction Access Staging Area	500	SY \$	15.00	\$ 7,500.00
	Subtotal Soil Erosion Controls				\$ 10,312.50
	SUB-TOTAL Site/Civil Estimate				\$ 443,142.50
	25% Contingency				\$ 110,785.63
	TOTAL Site/Civil Estimate				\$ 553,928.13

- Notes:
1. This list is for informational purposes only, and was prepared based upon the concept drawing dated 11-17-22.
 2. The cost figures provided above are solely the opinion of the Engineer. The actual bid cost of construction will only be known after bids are received from Contractors. No guarantee can be given that the site improvements can be constructed for the opinion of cost stated above.
 3. Excludes costs for surveying and design fees, and review, permit, inspection, and any other required municipal fees.



MEMORANDUM

City Clerk's Office

DATE: September 13, 2023
TO: Jana L. Ecker, City Manager
FROM: Alexandria D. Bingham, City Clerk
SUBJECT: Early Voting

INTRODUCTION:

In November 2022, Michigan voters approved Proposal 22-2, a constitutional amendment that gives voters the right to vote early and in person at early voting sites before State and Federal elections. The proposal passed with 59.99% (2,586,269 voters) voting yes and 40.01% (1,725,130 voters) voting no. Communities may also choose to provide early voting for local elections.

Early voting allows a voter to cast a ballot before Election Day, in an experience similar to voting on Election Day.

County and municipal clerks are responsible for implementing and administering early voting for communities. Local clerks are encouraged to collaborate with their neighboring jurisdictions and/or the county to run early voting in an efficient manner.

The City Clerk recommends partnering with Oakland County, Bloomfield Township and Southfield Township to provide early voting at the Bloomfield Township Library. This proposed early voting partnership is the most cost efficient, sustainable, and practical method to meet the new constitutional requirements.

BACKGROUND:

Article 2, section 4(m) of the Michigan Constitution now requires each municipality to have at least one early voting site for State and Federal elections. To achieve that, the following three options are available to municipalities: (1) Entering into a county agreement with the county (and potentially other municipalities) and authorizing the county to conduct early voting; (2) Entering into a municipal agreement and jointly conducting early voting with one or more other municipalities in the same county; or (3) Offering early voting as a single municipality. The Michigan Bureau of Elections has drafted model agreements and plans to facilitate that process.

At least one early voting site must be available to all voters in every city and township. In partnering with Oakland County, a regional early voting site will be provided that hosts early voting for the Birmingham, Bloomfield Township and Southfield Township voters. Additionally, Oakland County will provide a countywide location for early voting at Waterford Oaks where voters of all participating jurisdictions in the countywide agreement may vote early.

For this countywide agreement, the Oakland County Elections Division worked with local clerks to identify regional partnerships (groupings of cities and townships) and select the number and locations of early voting sites that would work best for the county-wide plan. Local and county officials worked together to examine Oakland County's population density, site accessibility, and expected voter turnout.

In preparation for early voting, the City Clerk has been reviewing communications and materials from the Bureau of Elections, Michigan Association of Municipal Clerks and the Oakland County Elections Division as well as taking the following steps as outlined below:

- In February of 2023, the Clerk's Office Staff brainstormed possible locations to host early voting in the City of Birmingham including:
 - Baldwin Public Library
 - The Birmingham YMCA
 - City Hall
- By April 3, 2023, the City Clerk replied to Oakland County Elections Division that the City would be interested in hearing about how an early voting partnership would work with Oakland County.
- On June 5, 2023, Oakland County met with Birmingham, Bloomfield Township and Southfield Township to discuss regional early voting site opportunities. The City of Birmingham offered the YMCA site and Bloomfield Township offered the Bloomfield Township Library site.
- On June 29, 2023, Oakland County Elections Division, Bloomfield Township Clerks, Southfield Township Clerks and the City of Birmingham Clerk conducted site tours to evaluate the Bloomfield Township Library and the Birmingham YMCA for early voting.
 - During the site visit there was a consensus that the best location to host early voting was the Bloomfield Township Library. See the Early Voting Site Visit Summary – Clerk Bingham, June 2023 in the attachments for more information regarding the considering factors in determining the early voting site.
- July 13, 2023, the Oakland County Clerk's Association held their quarterly meeting. In the update from Oakland County, county officials reaffirmed the position that piloting early voting in November 2023 is ideal for preparing for the 2024 Election Cycle.
- August 30, 2023, the Bureau of Elections gave an update to clerks across the state at the Michigan Association of Municipal Clerks Education Day regarding the status of legislation and next steps for early voting.
 - See the Bureau of Elections Early Voting Update Highlights in the attachments for more information.
- September 13, 2023 – Meeting with Oakland County, Bloomfield Township, and Southfield Township to review and finalize the details of the early voting agreement and plan.
 - Oakland County will conduct early voting this November 2023 in order to be more prepared for the 2024 election cycle where all jurisdiction must provide early voting

- A final agreement will be available to clerks by Friday, September 15, 2023, all agreements are due to be executed as soon as possible.
- The Oakland County Election Commission will be approving the early voting site locations.
- Oakland County Elections Division is working on the usage agreements between the County and the early voting locations such as the Bloomfield Township Library.
- Oakland County is working on the design of post cards for all electors in the countywide agreement to inform the voters of the early voting locations and hours of operation.
- More meetings will be scheduled to inform and prepare local clerks.

LEGAL REVIEW:

The City Attorney concurs with the recommended action. The new Constitutional provision requires the City to offer in person early voting for at least nine consecutive days prior to an election and can allow for early voting for up to 29 consecutive days. The Constitutional amendment requirement takes effect for the 2024 Presidential election, although the City may opt to provide early voting earlier than 2024. Partnering with the County and other municipalities is provided for in the Bill. The suggested agreement as attached to this memo complies with all requirements in the Bill.

FISCAL IMPACT:

Communities across Michigan have the opportunity to receive a State funded grant to purchase election equipment and to cover administrative costs. Grants are distributed from a \$30 million appropriation by the State legislature for the implementation of early voting. Grant money will be distributed to the counties with a prescribed formula as set by the state for dispersing funds from the county to the local jurisdictions.

The State is encouraging jurisdictions enter into county wide agreements by offering a higher percentage of reimbursement and grant funding opportunities to county partnerships rather than jurisdictions who decide to conduct early voting on their own.

Below are the likely funding percentages presented from the Michigan Bureau of Elections based on the type of site (the actual percentage will depend on the total number of sites and estimated costs):

- For multijurisdictional sites, at least 80 percent of additional total costs.
- For single-jurisdiction sites, at least 40 percent of additional total costs.

Coordinated sites will save jurisdictions money in two ways: first, by pooling resources to provide early voting sites and reducing the total cost per jurisdiction; and second, by triggering a higher funding percentage allocation under the grant program.

SUSTAINABILITY:

The most sustainable option for providing early voting is through the county-wide partnership with Oakland County. The regional plan brings Southfield Township, Bloomfield Township and the City of Birmingham together to provide one location, which saves these jurisdictions on cost of utilizing a location, equipment, staffing, training and supplies.

Smart Bus routes 780 and 375 could be used to transport voters from the City of Birmingham to Bloomfield Township Library for early voting. Visit <http://www.smartbus.org/Schedules/Trip-Planner> for more information.

PUBLIC COMMUNICATIONS:

All voters will be notified by postcard of their early voting locations and hours of operation, notices will also be posted on the county clerk website and the on local websites. In the future, voter ID cards will also include early voting location information. This information will also be made available as soon as possible on the City’s website bhamgov.org/elections, social media, newsletters, in the Manager’s Report, and any other means available in order to inform voters regarding the new early voting program.

SUMMARY:

The City Clerk recommends partnering with Oakland County, Bloomfield Township and Southfield Township to provide early voting at the Bloomfield Township Library. This proposed early voting partnership is the most cost efficient, sustainable, and practical method to meet the new constitutional requirements.

ATTACHMENTS:

1. Resolution
2. DRAFT Agreement prepared by Oakland County Elections Division
3. Sample Agreement from the Michigan Bureau of Elections
4. Early Voting Site Visit Summary – Clerk Bingham, June 2023
5. August 30, 2023 Bureau of Elections Early Voting Update Highlights
6. [Department of State Early Voting FAQ](#)
7. [House Fiscal Agency – Ballot Proposal 2 of 2022](#)

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to authorize the City Clerk to enter into an agreement and partnership with Oakland County, Bloomfield Township, and Southfield Township to conduct early voting to meet all legal/administrative requirements pursuant to new legislation regarding the implementation of early voting in the State of Michigan.

**RESOLUTION
EARLY VOTING**

Moved by _____

Seconded by _____

WHEREAS, Proposal Two of 2022 amended the Michigan Constitution to add the right to no less than nine days of early voting in each State and Federal election (even year elections) for no less than eight hours per day;

WHEREAS, this Constitutional Amendment permits a local jurisdiction to hold more days of early voting, to be open more hours for early voting and also offer early voting for smaller local elections;

WHEREAS, this Constitutional Amendment permits jurisdictions to offer early voting independently, in a group with other municipalities, or within a county-wide arrangement;

WHEREAS, the Michigan legislature has introduced bills to enact the Constitutional provisions;

WHEREAS, the Birmingham City Commission who is designated with the duties of Election Commission pursuant to Birmingham City Code, has resolved to establish early voting in accordance with the State Constitution; and

NOW, THEREFORE, BE IT RESOLVED, the City Commission supports the operation of an early voting site at the Bloomfield Township Library and supports the City entering a countywide early voting program;

BE IT FURTHER RESOLVED, the City Commission supports offering early voting for all elections, including smaller local elections beginning November 2023, if reasonable and practical to establish, otherwise, beginning with elections in 2024 and beyond;

BE IT FURTHER RESOLVED, the City Commission authorizes the City Clerk to enter into an agreement and partnership with Oakland County, Bloomfield Township, and Southfield Township to conduct early voting to meet all legal/administrative requirements pursuant to the legislation regarding the implementation of early voting in the State of Michigan.

Passed, adopted and approved this 18th day of September 2023.

AYES: _____

NAYS: _____

PRESENT: _____

ABSENT:

CERTIFICATION

I, Alexandria D. Bingham, being the duly appointed and qualified Clerk of the City of Birmingham, Oakland County, Michigan, do hereby certify and declare that the foregoing is a true and correct copy of the Resolution, the original of which is on file in my office, adopted by the City of Birmingham Commission at a regular meeting held on September 18, 2023.

Alexandria D. Bingham, City Clerk

AGREEMENT FOR ELECTION SERVICES
 BETWEEN OAKLAND COUNTY AND CHARTER TOWNSHIP OF BLOOMFIELD And TOWNSHIP OF
 SOUTHFIELD And CITY OF BIRMINGHAM

This County Early Voting Site Agreement (the "Agreement") is made between Oakland County, 1200 N. Telegraph Road, Pontiac, Michigan 48341 (the "County") and Charter Township of Bloomfield, 4200 Telegraph Road, P. O. Box 489, Bloomfield Hills, Michigan 48303, Township of Southfield, 18550 W. Thirteen Mile Road, Beverly Hills, Michigan 48025, City of Birmingham, 151 Martin Street, P. O. Box 3001, Birmingham, Michigan 48009 ("Municipality") (the County and each municipality are sometimes referred to as the "Parties"). In this Agreement, the County and each municipality are represented by their respective clerks in their official capacities.

PURPOSE OF THE AGREEMENT. The County and the municipalities enter into this Agreement pursuant to Article II, Section 4(m) of the Michigan Constitution of 1963 and the Michigan Election Law, 1954 Public Act 116, MCL 168.720a *et seq.*, for the purpose of operating an early voting site.

Name of county
Oakland County

Name of municipality	Number of precincts in municipality	Number of registered electors in municipality
Charter Township of Bloomfield	18	37,555
Township of Southfield	10	12,645
City of Birmingham	9	18,793

1. **DEFINITIONS.** The following words and expressions used throughout this Agreement, whether used in the singular or plural, shall be defined, read, and interpreted as follows:
 - 1.1 **Agreement** means the terms and conditions of this Agreement and any other mutually agreed to written and executed modification, amendment, exhibit, and attachment to this Agreement.
 - 1.2 **Coordinator** means the individual appointed by the County Clerk and identified as the individual responsible for providing oversight to ensure sufficient resources are available and timely dispatched to each early voting site and monitoring the administrative requirements of early voting for the participating municipalities.
 - 1.3 **Early Voting Plan** means the document and any addenda to the document outlining the manner in which early voting will be provided in a county or municipality, as described in MCL 168.720a *et seq.* The requirements of an Early Voting Plan are described in MCL 168.720h(3).
 - 1.4 **Election Services** encompasses the following individual Election Services provided by the County Clerk's Elections Division: Conduct and Administration of Early Voting.
 - 1.5 **Legislative Body of the Municipality** means the city or township governing board elected or appointed and serving in the municipality.

- 1.6 **Municipality** means any participating municipality, which are entities created by the State or local authority or which are primarily funded by or through State or local authority, including, but not limited to, their council, Board, departments, divisions, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, agents, subcontractors, attorneys, volunteers, and/or any such persons' successors.
- 1.7 **QVF** means the Qualified Voter File as described in MCL 168.509m.
- 1.8 **QVF Controller** means the individual appointed by the County Clerk and identified as the Qualified Voter File (QVF) administrator of early voting information within the QVF.
- 1.9 **Site Supervisor** means the participating municipal clerk or a member of the County Clerk's staff who shall act as supervisor for each day of early voting. The County Clerk may appoint a different participating municipal clerk or member of the County Clerk's staff to act as a supervisor for different days of early voting.

2. **SCOPE OF THE AGREEMENT.**

- 2.1 The Parties agree that early voting will be provided for all statewide and federal elections, and all other non-statewide elections conducted in the county.

3. **COORDINATOR.**

- 3.1 The Oakland County Director of Elections will serve as the Coordinator of each early voting site and will be responsible for organizing and monitoring the administrative requirements, including staffing, of early voting for the participating municipalities.
- 3.1.1 In the event that that the Coordinator is unable to personally supervise and staff each early voting site on each day of early voting, the Coordinator may designate early voting site supervisors to assist with the staffing and supervision of early voting.
- 3.2 If the Coordinator becomes unavailable for any reason, the Coordinator role will be filled as follows:
- 3.2.1 The County Clerk will appoint a new Coordinator.
- 3.2.2 The new Coordinator will assume the responsibilities of the Coordinator on either a temporary or permanent basis.

4. **QVF CONTROLLER.**

- 4.1 The Oakland County Director of Elections will serve as the Qualified Voter File (QVF) administrator of early voting information within the QVF. The QVF Controller's duties will involve setting up the necessary voting regions, user access, and application access needed for the site(s) designated in the Agreement. The QVF Controller may designate these duties to a member of his/her staff.

5. **APPROVAL OF EARLY VOTING SITES.**

- 5.1 Pursuant to MCL 168.662, the County Clerk, after consulting the participating municipal clerks, will submit each early voting site location to the board of County Election Commissioners for approval.

5.2 A regional early voting site will serve all electors covered by this Agreement. The electors covered by this Agreement will also be served by the County's central early voting site.

6. **APPOINTMENT OF ELECTION INSPECTORS.**

- 6.1 The Board of County Election Commissioners is responsible for the appointment of Election Inspectors.
- 6.2 At least 21 days before each election, the Board of County Election Commissioners will appoint for each early voting site at least 3 Election Inspectors and as many more as, in its opinion, are required for the efficient, speedy, and proper conduct of the election.
- 6.3 The Board of County Election Commissioners will further designate one appointed Election Inspector from each early voting site as chairperson.
- 6.4 The selection of Election Inspectors will be governed by MCL 168.674.

7. **APPROVAL OF EARLY VOTING HOURS.**

- 7.1 The Parties agree to all of the following:
 - 7.1.1 Early voting will be conducted for the nine days guaranteed by the Constitution. The hours will be from 8:30am-4:30pm each day, except that Thursday the hours will be from 12pm-8pm.
 - 7.1.2 The days and hours specified in this Agreement apply to early voting at all elections conducted in the County.

8. **NOTICE OF EARLY VOTING HOURS.**

- 8.1 Not less than 45 days before Election Day, the County Clerk and the clerk of each participating municipality agree to give public notice of the dates and hours for early voting at the regional early voting site and central early voting site by posting information on the County's and each municipality's website. If the municipality does not maintain a website, it shall post the notice in the same manner as it posts other notices.

9. **BUDGET AND COST SHARING.**

- 9.1 The Parties agree to the following cost sharing and chargeback procedures as follows:
 - 9.1.1 The County agrees to request funding and/or reimbursement from the State, local school district or other entity responsible for costs related to early voting.
 - 9.1.2 The County agrees to assume all costs related to the acquisition of equipment, software and supplies.
 - 9.1.3 The costs related to staffing the regional early voting site with Election Inspectors, publications and facility rental/cleaning charges that are not reimbursed by the State or other entity shall be equally divided amongst the participating municipalities. Payment will be remitted to the County within 30 days of receipt of the invoice.

10. **STAFFING AND SUPERVISION**

- 10.1 The Coordinator is responsible for ensuring adequate staffing and supervision at the regional early voting site, and central early voting site, including selection of the site supervisor who oversees the site(s).
- 10.2 The site supervisor shall operate in the same manner and have the same authority as a municipal clerk operates in an election day polling place.
- 10.3 The site supervisors for early voting sites shall be designated for each election on the attached Exhibit B.

11. TABULATORS AND EARLY VOTING POLL BOOK LAPTOPS AT EARLY VOTING SITE(S).

- 11.1 The Parties agree to all of the following:
 - 11.1.1 The Coordinator, in consultation with the participating municipal clerks, will determine the number of tabulators and early voting poll book laptops or other voting equipment that are necessary at the regional early voting site.
 - 11.1.2 The County will provide the tabulators, early voting poll book laptops, other necessary voting equipment and supplies.
- 11.2 The Board of County Election Commissioners will be responsible for conducting testing of the electronic voting equipment.
- 11.3 The Coordinator, or designated site supervisor, will be responsible for taking necessary steps to set up the early voting poll book laptops.

12. CANVASS OF EARLY VOTE RETURNS AND REPORTING OF EARLY VOTING RESULTS

- 12.1 The Board of County Election Commissioners is responsible for appointing the receiving board or group of election inspectors to canvass the early vote returns on Election Day and report early voting results to the County Clerk.

13. EARLY VOTING PLAN.

- 13.1 No later than 120 days before the first statewide or federal election in each even numbered year, the Coordinator will be responsible for ensuring an Early Voting Plan, attached as Exhibit A, is filed with the County Clerk of the county in which the municipalities are located.

14. NOTICE TO SOS OF CHANGES TO LOCATIONS, DAYS, AND HOURS OF EARLY VOTING.

- 14.1 Not less than 45 days before the first early voting day allowed by statute, the Coordinator will be responsible for providing the Secretary of State any changes made to a previously submitted Early Voting Plan that affect the locations, days, and hours of operation for each early voting site operated by the County.

15. DURATION OF AGREEMENT.

- 15.1 This Agreement and any amendments will be effective when executed by all Parties, as evidenced by the signature of the County Clerk and each participating municipal clerk, unless the Agreement has an effective date specifically entered on the signature page.

- 15.2 This Agreement has no fixed termination date and may be terminated pursuant to its terms.

16. CANCELLATION, MODIFICATION, AND TERMINATION OF AGREEMENT.

- 16.1 The County may withdraw from this Agreement for any reason. If the County withdraws from the Agreement for any reason, the Agreement will cease to exist, and the clerk of each participating municipality must submit a revised Early Voting Plan to the State Bureau of Elections outlining the manner in which early voting will be provided.
- 16.2 If a municipality withdraws from the Agreement for any reason during the statutory timeframe, the clerk of the municipality withdrawing from the Agreement must submit a revised Early Voting Plan to the State Bureau of Elections outlining the manner in which early voting will be provided.

17. GENERAL PROVISIONS

- 17.1 County shall not be liable for any consequential, incidental, indirect, remote, speculative, punitive, exemplary, liquidated, treble, or special damages, including, but not limited to, loss of profit, opportunity, use, revenue, data, or goodwill, whether based in whole or in part in contract, tort, equity, strict liability, under statute, or any other theory of liability, regardless of whether such damages were foreseeable or contemplated and even if County was advised or aware of the possibility of such damages.
- 17.2 This Agreement shall be governed, interpreted, and enforced by the laws of the State of Michigan, excluding Michigan's conflict of law principles. Except as otherwise required by law or court rule, any action brought to enforce, interpret, or decide any claim arising under or related to this Agreement shall be brought in the Sixth Judicial Circuit Court of the State of Michigan, the 50th District Court of the State of Michigan, or the United States District Court for the Eastern District of Michigan, Southern Division, as dictated by the applicable jurisdiction of the court. Except as otherwise required by law or court rule, venue is proper in the courts set forth above. The choice of forum set forth above shall not be deemed to preclude the enforcement of any judgment obtained in such forum or taking action under this Contract to enforce such judgment in any appropriate jurisdiction.
- 17.3 This Agreement represents the entire agreement and understanding between the Parties. This Agreement supersedes all other prior oral or written understandings, communications, agreements, or contracts between the Parties, except the accompanying license agreement which is incorporated by reference. The language of this Agreement shall be construed as a whole according to its fair meaning and not construed strictly for or against any Party.
- 17.4 "Confidential Information" means all information and data that the County is required or permitted by law to keep confidential, which includes computer software, cybersecurity assessments and plans and measures to protect the County's copyrighted training materials.

17.5 Municipality shall use appropriate safeguards to protect the confidentiality and integrity of Confidential Information. Municipality shall not reproduce, provide, disclose, or give access of Confidential Information to any Municipality Employee or third-party not having a legitimate need to know. Municipality and Municipality Employees shall only use the Confidential Information for performance of this Agreement. Notwithstanding the foregoing, Municipality may disclose the Confidential Information, if required by law, statute, or other legal process; provided that Municipality: (a) gives the County prompt written notice of the impending disclosure; (b) provides reasonable assistance to the County in opposing or limiting the disclosure; and (c) makes only such disclosure as is compelled or required. This Agreement imposes no obligation upon Municipality with respect to any Confidential Information which Contractor can establish by legally sufficient evidence: (a) was in possession of or was known by Municipality, prior to its receipt from the County, without any obligation to maintain its confidentiality; or (b) is obtained by Municipality from a third-party having the right to disclose it, without an obligation to keep such information confidential.

DRAFT

Lisa Brown
Oakland County Clerk

Signature of County Clerk

Date

Martin C. Brook
Charter Township of
Bloomfield Clerk

Signature of Clerk

Date

Eileen Harryvan
Township of Southfield Clerk

Signature of Clerk

Date

Alexandria Bingham
City of Birmingham Clerk

Signature of Clerk

Date

DRAFT

EXHIBIT A: Early Voting Plan

No later than 120 days before the first statewide or federal election in each even numbered year, the Coordinator will file an Early Voting Plan, covering the Parties to the County Agreement, with the County Clerk of the County.

Not less than 45 days before the first early voting day allowed by statute, the Coordinator will provide the Secretary of State any changes made to a previously submitted Early Voting Plan that affect the locations, dates, and hours of operation for each joint early voting site operated by the participating County and municipalities to ensure that the correct information is posted on the Michigan Voter Information Center (MVIC) portion of the Department of State's website.

Plan Coverage: County Agreement

Coordinator of County Agreement:

Name of Coordinator	Position	Email Address	Phone Number
Joseph J. Rozell	Director of Elections	rozellj@oakgov.com	(248) 858-0564

County:

Name of county	Clerk of County
Oakland County	Lisa Brown

Municipality 1:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality
Charter Township of Bloomfield	Martin C. Brook	18	37,555

Municipality 2:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality
Township of Southfield	Eileen Harryvan	10	12,645

Municipality 3:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality
City of Birmingham	Alexandria Bingham	9	18,793

Early Voting Location Information:

	Early voting site #1	Early voting site #2
Location of site	Bloomfield Township Library, 1099 Long Pine Road, Bloomfield Hills, Michigan 48302	Waterford Oaks Activity Center, 2800 Watkins Lake Road, Waterford, Michigan 48328
Municipalities served at site	3	45
Number of Election Workers at site	7	7
Is this an EV site for all 9 days of Constitutionally-required early voting? (Y/N)	Yes	Yes
Hours for 9 days of Constitutionally-required early voting	8:30 - 4:30 p.m. Thursday 12 - 8 p.m.	8:30 - 4:30 p.m. Thursday 12 - 8 p.m.
How many (if any) additional days of early voting will be provided at this site?	None	None
Hours for any additional days of early voting	N/A	N/A
Is this site ADA compliant?	Yes	Yes
In selecting this site, did you take into account expected turnout, population density, public transportation, accessibility, travel time, travel patterns, and any other relevant considerations?	Yes	Yes

Early Voting Equipment Information:

	Early voting site #1	Early voting site #2
Number of tabulators at site		
Municipality responsible for providing tabulators		
Number of early voting poll book laptops		
Municipality responsible for providing early voting poll book laptops		
Clerk responsible for taking necessary steps to set up the early voting poll book laptops		

Describe the communication strategy for informing electors of their opportunity for early voting:

Social media, websites, community newsletters, and other mediums deemed appropriate by clerks.

DRAFT

EXHIBIT B: SITE SUPERVISORS

Regional Early Voting Site Number: _____

Election Date: _____

Early Voting Site Supervisors:

	Primary Site Supervisor	Backup Site Supervisor
Early Voting Day 1		
Early Voting Day 2		
Early Voting Day 3		
Early Voting Day 4		
Early Voting Day 5		
Early Voting Day 6		
Early Voting Day 7		
Early Voting Day 8		
Early Voting Day 9		

DRAFT

MODEL¹ AGREEMENT FOR ELECTION SERVICES
 BETWEEN [INSERT COUNTY NAME] AND [INSERT MUNICIPALITY A NAME] And [INSERT MUNICIPALITY B
 NAME]

This County Early Voting Site Agreement (the “Agreement”) is made between [Insert County Name], [insert address], [Insert Municipality A name], [insert address], and [insert Municipality B name], [insert address]. In this Agreement, the county and each municipality will be represented by their respective clerk in their official capacity.

PURPOSE OF THE AGREEMENT. The county and the municipalities enter into this Agreement pursuant to Article II, Section 4(m) of the Michigan Constitution of 1963 and the Michigan Election Law, 1954 Public Act 116, MCL 168.720a *et seq.*, for the purpose of operating a joint early voting site.

Name of county

Name of municipality	Number of precincts in municipality	Number of registered electors in municipality

1. **DEFINITIONS.** The following words and expressions used throughout this Agreement, whether used in the singular or plural, shall be defined, read, and interpreted as follows:
 - 1.1 **Agreement** means the terms and conditions of this Agreement and any other mutually agreed to written and executed modification, amendment, exhibit, and attachment to this Agreement.
 - 1.2 **Coordinator** means the individual appointed by the county clerk and identified as the individual responsible for providing oversight to ensure sufficient resources are available and timely dispatched to each early voting site and monitoring the administrative requirements of early voting for the participating municipalities.
 - 1.3 **Early Voting Plan** means the document and any addenda to the document outlining the manner in which early voting will be provided in a county or municipality, as described in MCL 168.720a *et seq.* The requirements of an early voting plan are described in MCL 168.720h(3).
 - 1.4 **Election Services** encompasses the following individual Election Services provided by the county or either municipality’s Elections Division, if applicable:

[insert applicable Election Services]

¹ The Bureau of Elections has published this Model Agreement for a joint early voting site, as required by MCL 168.720d. Jurisdictions may add, remove, or modify language in this Agreement and should consult their own counsel in developing and signing any agreement regarding a joint early voting site.

- 1.5 **Legislative Body of the Municipality** means the city or township council elected or appointed and serving in the municipality.
- 1.6 **Municipality** means any participating municipality, which are entities created by state or local authority or which are primarily funded by or through state or local authority, including, but not limited to, their council, Board, departments, divisions, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, agents, subcontractors, attorneys, volunteers, and/or any such persons' successors.
- 1.7 **QVF** means the Qualified Voter File as described in MCL 168.509m.
- 1.8 **QVF Controller** means the individual appointed by the county clerk and identified as the Qualified Voter File (QVF) administrator of early voting information within the QVF.
- 1.9 **Site Supervisor** means the participating municipal clerk or a member of the county clerk's staff who shall act as supervisor for each day of early voting. The county clerk may appoint a different participating municipal clerk or member of the county clerk's staff to act as a supervisor for different days of early voting.

2. PARTIES TO AN AGREEMENT.

- 2.1 An Agreement may be entered into between one or more municipalities wholly or partially located within the same county and the county clerk of that county.
- 2.2 A municipality located in multiple counties can only enter into an Agreement with one of the counties in which the municipality is located.

3. SCOPE OF THE AGREEMENT.

- 3.1 The parties must decide among themselves and include in the Agreement the elections to which the Agreement applies. Early voting must be provided for all statewide and federal elections, but parties may extend early voting to non-statewide elections at their discretion.

4. COORDINATOR.

- 4.1 **[Insert coordinator name]** will serve as coordinator of the joint early voting site and will be responsible for organizing and monitoring the administrative requirements, including staffing, of early voting for the participating municipalities.
 - 4.1.1 In the event that that coordinator is unable to personally supervise and staff each early voting site on each day of early voting, the coordinator may designate early voting site supervisors to assist with the staffing and supervision of early voting.
- 4.2 If the coordinator becomes unavailable for any reason, the role will be filled in one of the following ways, as determined by the parties upon execution of this Agreement:
 - 4.2.1 The county clerk will appoint the new coordinator.
 - 4.2.2 **[Insert backup coordinator name]** as backup coordinator, would assume the responsibilities of coordinator. If the backup coordinator is unavailable for any reason, the county clerk will appoint the new coordinator.

5. QVF CONTROLLER.

- 5.1** [Insert QVF Controller name] will serve as the Qualified Voter File (QVF) administrator of early voting information within the QVF. The controller's duties will involve setting up the necessary voting regions, user access, and application access needed for the sites designated in the Agreement. The QVF controller must meet the security requirements of a QVF user. The QVF controller can be the same as the coordinator as long as the appropriate QVF training is completed.

6. APPROVAL OF EARLY VOTING SITES.

- 6.1** Pursuant to MCL 168.662, the county clerk, after consulting the participating municipal clerks, must submit each early voting site location to the board of county election commissioners for approval.
- 6.2** Each early voting site may serve all electors covered by the county Agreement, the electors in specific municipalities, the electors of one municipality, or any combination of these options, as long as each elector in the county is served by one or more early voting sites.

7. APPOINTMENT OF ELECTION INSPECTORS.

- 7.1** The board of county election commissioners is responsible for the appointment of election inspectors.
- 7.2** At least 31 days before each statewide and federal election, the board will appoint for each early voting site at least 3 election inspectors and as many more as, in its opinion, are required for the efficient, speedy, and proper conduct of the election.
- 7.3** The board will further designate one appointed election inspector from each early voting site as chairperson.
- 7.4** The selection of election inspectors will be governed by MCL 168.674.

8. APPROVAL OF EARLY VOTING HOURS.

- 8.1** Prior to the submission of an Agreement or early voting plan, the county clerk and the clerks of the participating municipalities will do all of the following:
- 8.1.1** For the nine early voting days guaranteed by the Constitution, decide among themselves the hours that early voting will be provided at the approved joint early voting site or sites and include those hours in this Agreement.
- 8.1.2** For any dates or hours beyond the dates and hours guaranteed by the Constitution, the county clerk may set hours without regard to the required hours for early voting on the nine required days of early voting and include those days and hours in this Agreement.
- 8.1.3** Indicate whether the days and hours specified in this Agreement apply to all elections or only to statewide and federal elections.

9. NOTICE OF EARLY VOTING HOURS.

- 9.1** Not less than 45 days before Election Day, the county clerk and the clerk of each participating municipality will give public notice of the dates and hours for early voting at the joint early voting site or sites by posting of the notice on the county's and each

municipality's website and any other publication or posting the clerk considers advisable.

10. BUDGET AND COST SHARING.

- 10.1** Prior to the submission of an Agreement or early voting plan, the county clerk and the clerks of the participating municipalities will produce a proposal for the early voting budget and cost sharing and chargeback procedures and enter the terms here. Examples of budget, cost-sharing and chargeback procedures are as follows:
 - 10.1.1** Designate the county as the party responsible for requesting and dispensing all funds related to early voting.
 - 10.1.2** Make each municipality responsible for the fraction of costs corresponding to the fraction of registered voters in the Qualified Voter File for each municipality's jurisdiction.
 - 10.1.3** Share the costs equally among the participating municipalities.
 - 10.1.4** An alternate cost-sharing option agreed upon by the clerks of the participating municipalities and the county.

11. STAFFING AND SUPERVISION

- 11.1** The coordinator is responsible for ensuring adequate staffing and supervision at early voting sites including selection of the site supervisor who oversees a specific early voting site(s).
- 11.2** The site supervisor shall operate in the same manner and have the same authority as a municipal clerk operates in an election day polling place.
- 11.3** The site supervisors for early voting sites must be listed in the attached Exhibit B.

12. TABULATORS AND EARLY VOTING POLL BOOK LAPTOPS AT EARLY VOTING SITE(S).

- 12.1** Prior to the submission of the Early Voting Plan, the county clerk and the clerks of the participating municipalities will do all of the following:
 - 12.1.1** Determine the number of tabulators and early voting poll book laptops or other voting equipment that are necessary at each early voting site.
 - 12.1.2** Determine whether the county or a municipality will provide the tabulators and early voting poll book laptops or other voting equipment.
- 12.2** The board of county election commissioners will be responsible for conducting testing of the electronic voting equipment.
- 12.3** The coordinator will be responsible for taking necessary steps to set up the early voting poll book and early voting poll book laptops.
 - 12.3.1** If the coordinator is not a clerk, the county clerk and the clerks of the participating municipalities must decide among themselves which clerk is responsible for taking necessary steps to set up the early voting poll book and early voting poll book laptops.
- 12.4** Tabulators and early voting poll book laptops used at each joint early voting site must be configured in one of the ways set forth in MCL 168.720j(5).

13. CLOSING PROCEDURES DURING EARLY VOTING AND ON ELECTION DAY

- 13.1** During Early Voting, the coordinator must ensure compliance with the closing procedures described in MCL 168.720j(8) and 720j(9) and any instructions issued by the Secretary of State
- 13.2** During Early Voting, the coordinator must ensure that specified election materials are secured in compliance with MCL 168.720j(10) and any instructions issued by the Secretary of State.
- 13.3** At the conclusion of Election Day, the coordinator must ensure compliance with the closing procedures described in MCL 168.720j(11) and any instructions issued by the Secretary of State.

14. CANVASS OF EARLY VOTE RETURNS AND REPORTING OF EARLY VOTING RESULTS

- 14.1** The board of county election commissioners is responsible for appointing the receiving board or group of election inspectors to canvass the early vote returns on Election Day and report early voting results to the county clerk.
- 14.2** At the conclusion of Election Day, the coordinator must ensure compliance with the canvass and reporting requirements described in MCL 168.720j(11)-(14) and MCL 168.801-810.

15. EXECUTION OF COUNTY JOINT EARLY VOTE SITE AGREEMENT.

- 15.1** A county Early Voting Site Agreement must be finalized and signed by the participating county and all municipalities:
 - 15.1.1** No later than 125 days before the first regularly scheduled statewide or federal election in each even numbered year.
 - 15.1.2** No later than 90 days before a special statewide or federal election.

16. EARLY VOTING PLAN.

- 16.1** No later than 120 days before the first statewide or federal election in each even numbered year, the coordinator will be responsible for ensuring an early voting plan, attached as Exhibit A, is filed with the county clerk of the county in which the municipalities are located.

17. NOTICE TO SOS OF CHANGES TO LOCATIONS, DAYS, AND HOURS OF EARLY VOTING.

- 17.1** Not less than 45 days before the first early voting day allowed by statute, the coordinator will be responsible for providing the Secretary of State any changes made a previously submitted Early Voting Plan that affect the locations, dates, and hours of operation for each joint early voting site operated by the participating county and municipalities. This ensure that the correct information is posted on the Michigan Voter Information Center (MVIC) portion of the Department of State’s website.

18. DURATION OF COUNTY JOINT EARLY VOTE SITE AGREEMENT.

- 18.1** This Agreement and any amendments will be effective when executed by all Parties, as evidenced by the signature of the county clerk and each participating municipal clerk.

18.2 County and municipalities must agree how long the Agreement will stay in effect and how it will be cancelled, modified, or terminated. An Agreement may provide that the Agreement has no fixed termination date.

19. CANCELLATION, MODIFICATION, AND TERMINATION OF COUNTY JOINT EARLY VOTE SITE AGREEMENT.

- 19.1** If the county clerk withdraws from the Agreement for any reason, the Agreement will cease to exist and the clerk of each participating municipality must submit a revised early voting plan to the Department outlining the manner in which early voting will be provided.
- 19.2** If the parties terminate Agreement for any reason, the clerk of each participating municipality must submit a revised early voting plan to the Department outlining the manner in which early voting will be provided.
- 19.3** If a party withdraws from the Agreement for any reason, the clerk of the municipality withdrawing from the Agreement must submit a revised early voting plan to the Department outlining the manner in which early voting will be provided. A party to a municipal Agreement may withdraw from the Agreement by providing at least 30 days' written notice to the other Parties to the Agreement.
- 19.4** A Party may not withdraw from the Agreement during the period beginning 150 days before the first statewide November election in an even numbered year and ending on the completion of the county canvass for the statewide general November election in that even numbered year.
- 19.5** If the Agreement covers any elections in addition to statewide and federal elections, a Party may not withdraw from the Agreement during the period beginning 150 days before the election covered under the Agreement and ending on the completion of the county canvass for that election.

_____	_____	_____
Printed name of County Clerk	Signature of County Clerk	Date
_____	_____	_____
Printed name of Clerk 1	Signature of Clerk 1	Date
_____	_____	_____
Printed name of Clerk 2	Signature of Clerk 2	Date

EXHIBIT A: Early Voting Plan

No later than 120 days before the first statewide or federal election in each even numbered year, the coordinator is responsible for ensuring an Early Voting Plan, covering the parties to the County Agreement, is filed with the county clerk of the county.

Not less than 45 days before the first early voting day allowed by statute, the coordinator will be responsible for providing the Secretary of State any changes made a previously submitted Early Voting Plan that affect the locations, dates, and hours of operation for each joint early voting site operated by the participating county and municipalities. This ensure that the correct information is posted on the Michigan Voter Information Center (MVIC) portion of the Department of State's website.

Plan Coverage: County Agreement

Coordinator of County Agreement:

Name of Coordinator	Position	Email Address	Phone Number

County:

Name of county	Clerk of County

Municipality 1:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality

Municipality 2:

Name of municipality	Clerk of municipality	Number of precincts in municipality	Number of registered electors in municipality

Early Voting Location Information:

	Early voting site #1	Early voting site #2	Early voting site #3
Location of site			
Municipalities served at site			

Number of Election Workers at site			
Is this an EV site for all 9 days of Constitutionally-required early voting? (Y/N)			
Hours for 9 days of Constitutionally-required early voting			
How many (if any) additional days of early voting will be provided at this site?			
Hours for any additional days of early voting			
Is this site ADA compliant?			
In selecting this site, did you take into account expected turnout, population density, public transportation, accessibility, travel time, travel patterns, and any other relevant considerations?			

Early Voting Equipment Information:

	Early voting site #1	Early voting site #2	Early voting site #3
Number of tabulators at site			
Municipality responsible for providing tabulators			
Number of early voting poll book laptops			
Municipality responsible for providing early voting poll book laptops			
Clerk responsible for taking necessary steps to set up the early voting poll book laptops			

Describe the communication strategy for informing electors of their opportunity for early voting:

EXHIBIT B: SITE SUPERVISORS

Early Voting Site Supervisors:

	Supervisor at Early voting site #1	Supervisor at Early voting site #2	Supervisor at Early voting site #3
Early Voting Day 1			
Early Voting Day 2			
Early Voting Day 3			
Early Voting Day 4			
Early Voting Day 5			
Early Voting Day 6			
Early Voting Day 7			
Early Voting Day 8			
Early Voting Day 9			

Criteria	Birmingham YMCA	Bloomfield Township Library
Building overall condition and appearance	Outdated	Recently Renovated
Regular Parking	68 (+ 53 in adjacent city park)	244
Accessible Parking	6	8
Electrical	2 outlets in the gym	Multiple outlets around the room
Generator	Only runs emergency lights Birmingham FD can provide lights and a generator	Only runs emergency lights Bloomfield Twp. FD can provide lights and a generator
Wi-Fi	Yes	Yes
Hallways/Doors ADA	Meets minimum standards	Exceeds minimum standards
Accessible Bathrooms	1 (down the hall out of the voters route)	1 family restroom, 1 accessible stall in each men's and women's restroom (in route for voters)
Regular Bathroom Stalls	2 stalls in each men's and women's restrooms (down the hall out of the voters route)	Women's 4 regular stalls, Men's 2 stalls and 1 urinal (in route for voters)
Floor Proposed	First Floor, Gym	First Floor, Multipurpose community room
Lockable Storage Room	Yes	Yes
Interruption to other services provided		
<i>November 2023</i>	<i>Can cancel classes (will affect 100+ users)</i>	<i>Minimal/No interruption for other services</i>
<i>Feb 2024</i>	<i>Can cancel classes (will affect 100+ users)</i>	<i>Minimal/No interruption for other services</i>
<i>Aug 2024</i>	<i>Can cancel classes (will affect 100+ users)</i>	<i>Minimal/No interruption for other services</i>
<i>Nov 2024</i>	<i>Can cancel classes (will affect 100+ users)</i>	<i>Minimal/No interruption for other services</i>
Rental fees	None	None
Building Hours	YMCA can staff to open early for Sunday (reg hrs are 10-5) all other days the YMCA would be open for the proposed early voting times	BTPL can have staff available for open/closing during early voting hours
Parking Concerns	Tuesday/Thursday mornings are busiest, August with adjacent baseball could be an issue	None
Voter flow	Tight hallway space for people entering and exiting	Wide hallways easy flow for people entering and exiting
Additional amenities		A variety of wheelchairs, walkers, ADA accessible resources at the library entrance, automatic doors Refrigerator, microwave, and kitchenette available for election workers

PROP 2022-02 UPDATE MAMC EDUCATION DAY

Bureau of Elections
August 30, 2023



PROPOSAL 2022-2 LEGISLATION

Public Acts 81-88 of 2023



8-BILL EARLY VOTING PACKAGE

Early Voting	PA 81 of 2023	(SB 367)
<i>Omnibus Budget Bill</i>	<i>PA 119 of 2023</i>	<i>(HB 4437)</i>
Prepaid postage/signature cure	PA 82 of 2023	(SB 370)
Early voting penalties	PA 83 of 2023	(HB 4696)
Ballot tracking	PA 84 of 2023	(SB 339)
Drop boxes	PA 85 of 2023	(HB 4697)
Permanent mail ballot list	PA 86 of 2023	(HB 4699)
Election ID definition	PA 87 of 2023	(SB 373)
Precinct size	PA 88 of 2023	(HB 4702)

Signed by the governor July 18, 2023

Effective 90 days after *sine die* (the date the legislature adjourns for the year)

EARLY VOTING REQUIREMENTS FOR BOE

Requirements for Secretary of State/Bureau of Elections (MCL 168.720c(2))

- Issue instructions and procedures to county and municipal election officials on the administration and conduct of early voting
- Advise and direct county and municipal election officials on conducting early voting
- Develop, acquire, or approve new technology for the early voting pollbook
- Create model county and municipal agreement templates that can be completed online
- Create model early voting plan templates for municipalities and counties that can be electronically transmitted to BOE
- Evaluate new voting system technology that produces ballots on demand or that may be used to cast and tabulate EV ballots
- Provide resources to prevent an elector from casting more than one ballot
- Provide guidance regarding the process for securing equipment and ballots after each day of EV
- Issue instructions regarding ballots produced by an on-demand ballot printing system

EARLY VOTING ADMINISTRATION

All voters must have access to an EV site. In order to achieve that, municipalities must do one of the following:

- Conduct EV as a **single municipality** as described in MCL 168.720e (municipality may go solo for presidential primary and enter agreement for following elections under 720d(4))
- Enter into a **municipal agreement** and jointly conduct EV with one or more other municipalities in the same county as described in MCL 168.720f
- Enter into a **county agreement** and authorize the county to conduct EV as described in MCL 168.720g

MUNICIPAL-COUNTY AGREEMENT REQUIREMENTS

- Names of participating municipalities/counties, and number of precincts in each participating municipality
- Name of the coordinator organizing and monitoring EV
- Name of the QVF controller
- Name of the board of election commissioners that will be appointing election inspectors and conducting testing of election equipment

MUNICIPAL-COUNTY AGREEMENT: PROCESS REQUIREMENTS

- Supervision and staffing of EV sites during each EV day
- Communication strategy for informing electors and publicizing EV
- Processes for the following:
 - Approving EV sites, days, and hours
 - Developing the EV budget and cost-sharing agreement
 - Determining which party will provide tabulators and poll books
 - Withdrawing from the agreement (requires 30 days' notice; cannot withdraw during the period beginning 150 days before first statewide general November election in an even year and ending after the county canvass)

EARLY VOTING MODEL AGREEMENT

MODEL¹ AGREEMENT FOR ELECTION SERVICES
BETWEEN [INSERT COUNTY NAME] AND [INSERT MUNICIPALITY A NAME] And [INSERT MUNICIPALITY B NAME]

This County Early Voting Site Agreement (the "Agreement") is made between [Insert County Name], [insert address], [Insert Municipality A name], [insert address], and [insert Municipality B name], [insert address]. In this Agreement, the county and each municipality will be represented by their respective clerk in their official capacity.

PURPOSE OF THE AGREEMENT. The county and the municipalities enter into this Agreement pursuant to Article II, Section 4(m) of the Michigan Constitution of 1963 and the Michigan Election Law, 1954 Public Act 116, MCL 168.720a *et seq.*, for the purpose of operating a joint early voting site.

Name of county

Name of municipality	Number of precincts in municipality	Number of registered electors in municipality

1. **DEFINITIONS.** The following words and expressions used throughout this Agreement, whether used in the singular or plural, shall be defined, read, and interpreted as follows:

1.1 **Agreement** means the terms and conditions of this Agreement and any other mutually agreed to written and executed modification, amendment, exhibit, and attachment to this Agreement.

TIMELINE

2024 Presidential Primary: February 27, 2024
(pending immediate effect or early *sine die* adjournment)

SEP 25, 2023

155 days before:
County clerk notifies municipal clerks whether county intends to conduct EV through county agreement

SEP 30, 2023

150 days before:
Municipal clerks notify county clerk whether municipality will conduct EV as a single municipality, enter into a municipal agreement, or enter into a county agreement

OCT 25, 2023

125 days before:
Municipal agreements and county agreements must be finalized and signed (90 days before a special statewide or federal election)

OCT 30, 2023

120 days before:
EV plans prepared (single municipalities and municipal agreements file with county clerk; county clerk that is party to a county plan prepares plan)

TIMELINE

2024 Presidential Primary: February 27, 2024
(pending immediate effect or early *sine die* adjournment)

NOV 9, 2023

110 days before:
County clerks
submit countywide
EV plan to SOS

NOV 29, 2023

90 days before:
Configuration
finalized for those
participating in
municipal or county
agreements

DEC 29, 2023

60 days before:
EV locations finalized

FEB 27, 2024

Presidential
Primary

(Presidential
primary will be
March 12, 2024 if
PA 2 of 2023 does
not take effect in
time)

EARLY VOTING PLANS

Early Voting Plans must be created by all three categories for EV (single municipalities, parties to a municipal agreement, and parties to a county agreement) and must include many of the same items required for the municipal and county agreements

- All single municipality plans and plans for those participating in a municipal agreement must be submitted to the relevant county clerk
- The county clerk will review all submissions for compliance and create a countywide early voting plan to SOS
- The county clerk must certify that the electors of each municipality are served by one or more EV site
- If any municipalities fail to submit an EV plan, the county clerk must indicate their names and what steps the county clerk has taken to determine their plan

ELECTION DOCUMENTS TO BE UPDATED

- Election Official Accreditation Manual
- Election Inspectors' Procedure Manual (Flip Chart)
- Voter Information Posters (posted in polling places)

Possible Additions:

- Early Voting Signage
- Voter education information

TRAINING UPDATE FOR 2024

- September 2023: Clerk Focus Groups on Early Voting Procedures and Forms—3 in-person, 1 virtual
- September/October 2023: Regional Early Voting Procedure and Forms Training
- October 2023: Updated in-person Election Official Accreditation
- December 2023/January 2024: Train the Trainer Certification
- February 2024: Introduction of Early Voting for County Canvassers
- February 2024: Early Voting Tool Training
- June 2024: Election Cycle Update/Prop 2 focused County by County Training
- July 2021: Continuation of County Canvasser Training

September 8, 2023

SEP 11 2023

Birmingham City Manager
151 Martin Street
Birmingham, MI 48009

RECEIVED 11:52 AM

Subject: City Water Bill

Ms. Ecker,

My water bill is up 25% and this does not make me happy. The service information and detailed water information on the water bill are incomplete. It is very hard for me to manage my water consumption without this information. I feel that I am paying for water, sewer and an incomplete water bill. There for I am DECLINING to pay the water bill without this information.

Please include this letter in the Commissioners' packet.

Sincerely,

David Cook
1515 Fairway



**NOTICE OF INTENTION TO APPOINT TO THE
AD HOC AGING IN PLACE COMMITTEE**

At the regular meeting of Monday, October 16, 2023, the Birmingham City Commission intends to appoint one alternate member to the Ad Hoc Aging in Place Committee to serve a term commensurate with the regular members to end January 31, 2025.

The Ad Hoc Aging in Place Committee consists of seven regular members appointed by the City Commission and one alternate member. A majority of the members shall be residents of Birmingham and qualified voters. When available, preferred qualifications/areas of professional expertise and experience include: gerontologist, senior health or nutrition, adult education, elder law, representative of Birmingham NEXT, and intergenerational specialist. Staff from the Managers Office will serve as ex-officio member(s) of the committee.

The function of the Ad Hoc Aging in Place Committee (AIP) is to study current demographic trends, evaluate the needs of the City’s aging population, and to prepare a City-wide action plan outlining the vision and goals to improve the health, safety and welfare of senior citizens and encourage residents to age comfortably in Birmingham.

Interested citizens may submit an application available at the City Clerk’s Office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk’s Office on or before noon on October 11, 2023. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and voter on appointments.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
The majority of members must be Birmingham Residents and Electorates. Preferred qualifications / areas of professional expertise and experience include: gerontologist, senior health or nutrition, adult education, elder law, representative of Birmingham NEXT, and intergenerational specialist.	10/11/23	10/16/23

NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.



CITY MANAGER'S REPORT

September 2023

Baldwin Public Library

Staff Development Day

The Baldwin Public Library will be closed Friday, September 22 for Staff Development Day. This is an annual training day for all staff members and we have an exciting and educational lineup for the day.

Library Board

The Library Board will meet on September 18, 2023 at 7:30 p.m. for its regular meeting. Board meetings are held in the second floor Board Room. The next board meeting will be held on Monday, October 16 at 7:30 p.m.

Phase 3 Construction Project of the Library's Front Entrance

Follow along with the library's construction project at www.baldwinlib.org/renovation. The September 2023 renovation report is now available online.

Library Tour

If you would like to learn even more about the library, join Associate Director Jaclyn Miller for a Behind the Scenes Tour. You will visit staff areas, learn how items are added to the collection, and hear about new programs and services. The next tour will meet in the library's Claudia Ireland room on Wednesday, October 25 at 4:00 p.m.

Upcoming Events of Interest

The library's fall newsletter was mailed to all homes in Birmingham, Beverly Hills, Bingham Farms and the City of Bloomfield Hills. The newsletter shares all upcoming programs, a few of which are highlighted below. Register for these programs and more online at www.baldwinlib.org/calendar.

Creative Composting...with a Sense of Humus!

Monday, September 25, at 7:00 p.m.

Join Master Composter Lillian Dean for a one hour hands-on class in making and using earth-friendly compost. Topics include: natural mulches, materials for composting, compost maintenance, the "underground" soil food web, how to use compost, and compost benefits for healthy plants and planet Earth. Registration required.

Slavery and Its Role at the Constitutional Convention: Lifelong Learning Great Presenters Series

Wednesday, September 27, at 10:00 a.m.

Richard Bell, history professor at the University of Maryland, takes a deep dive into the darkest corners of the 1787 Federal Constitution to explore the wicked alchemy of the Three-Fifths Clause and its affect

on U.S. History before the Civil War. Dr. Bell explores how the delegates did their work, reconstructs the contemporary opposition their work generated, and considers the legacy of clauses like the Three-Fifths in our post-slavery world.

Read in the Park with Rhonda Gowler Greene and Frank Anthony Polito

Saturday, September 30, from 11:00 a.m. - 3:00 p.m.

Head to Beverly Park for the fifth annual Read in the Park event! Meet the authors, walk the Storybook Trail, and enjoy beautiful Beverly Park. At 11:00 a.m. visit with Rhonda Gowler Greene, author of over twenty-five children's books including the new book, *Supergran!* Afterwards, walk the Story Book Trail featuring one of Rhonda Gowler Greene's books. At 1:00 p.m. visit with Hazel Park native Frank Anthony Polito. Mr. Polito has published numerous novels, most recently "Rehearsed to Death" the second in a series of cozy mysteries set in the fictional town of Pleasant Woods. He is a contributor to the lifestyle blog *Kenneth* and his home was featured on an episode of *House Hunters*. Both authors will take questions from the audience and sign books after they speak. Local bookseller The Book Beat of Oak Park will be on site selling books from both authors. This event is presented by Baldwin Public Library and The Village of Beverly Hills Parks & Recreation, with support from the Friends of Baldwin Public Library.

The Birmingham Museum

Fall Lecture Series

The Birmingham Museum's free fall lecture series at the Baldwin Public Library will resume via Zoom at 7 PM on the first Thursday of the month (except October) throughout the fall and winter, with monthly programs reflecting National Heritage month themes. October 12th's program will present, "Carlos Lopez: The Painter Behind the Controversy", in honor of Hispanic Heritage Month. Lopez was an important Cuban American muralist who painted the 1942 federally funded mural for the Birmingham Post Office (now the Surnow Building). Despite his superior credentials and reputation, he was criticized by a small but verbal few for the diversity represented in the mural, which depicts a pioneer period picnic in Birmingham. Lopez prevailed, however, and the mural still exists, and has been fully restored. A large-scale reproduction of it is featured in the museum's current exhibit, "A Tapestry of Birmingham: Exploring Our Diversity." The lecture will explore the amazing career behind the controversy. Registration for the video program is available through the [library's website](#). The exhibit can be seen at the museum Tuesday-Friday from 1 to 4 p.m. Admission is \$7 for adults, \$5 for students and seniors, and children 5 and under and members of the Friends of the Birmingham Museum are free.



Image courtesy of Surnow Company.

Birmingham Shopping District (BSD)

Events

Art Walk

The second annual Art Walk is planned for October 12 in Downtown Birmingham from 5-8 p.m. Merchants are encouraged to sign-up now to host an artist and be a part of the route. Entertainment along the route will be provided this year, and the BSD is once again partnering with the BBAC to feature artists in stores.

Holidays

The BSD is gearing up for the holidays and will have the Winter Markt, Small Business Saturday, Santa House and Carriage Ride activities going before the City Commission for approval this month. This year, the BSD plans to include late night shopping on Thursdays with participating merchants.

Special Event Planning

The BSD Board will be setting its 2024 event calendar at its next meeting in October. The BSD is considering adding two new events, including: a winter event (name TBD) in January featuring food trucks, outdoor activities and winter white sales at local businesses; and in the fall, the Birmingham Burger competition to award the best burger in town!

Business Development

Business Recruitment

A summary of the business usage survey will be assembled and available for the public next month. Almost 300 residents, visitors, businesses and employees participated in the survey.

Property Owner & Broker Round Table

The BSD will host a property owner and broker round table on October 19 from 3-5 p.m. at Boji Group offices above CB2. The round table discussion will include a presentation on the business mix analysis, recruitment strategy, and an overview of business and development processes in the City.

Maintenance & Capital Improvements

Holiday Décor

DPS has begun installing the holiday lights around the downtown, and the BSD is finalizing other decor plans and ideas for the future, including a revamp of the lighted chandeliers, planters and new elements for Booth Park and North Old Woodward.

Landscaping

DPS is installing new perennials in the landscape beds south of Maple along South Old Woodward.

Marketing & Advertising

Brand Extension

The BSD is developing new logos and brand elements for its signature events and seasonal campaigns to complement the new City and BSD brands. Expect to see the holidays with a fresh new look this year!

Video Features

Also in the beginning stages of development are new downtown videos geared at business recruitment and tourism. The BSD will be taking a deeper dive into the amazing assets of the community and business industries, creating unique stories about Downtown Birmingham.

Holiday Marketing

Marketing plans for the holidays are being wrapped up and completed over the next month, including the Holiday Gift Guide, digital marketing and promotions. The BSD will hold a Merchant Meeting in October to share the plans and assist businesses with how they can utilize the promotions and collaborate with the BSD.

Organization

Grant Funding

Although small, the BSD received a mighty grant of \$1,000 from Main Street Oakland County to put towards its new CRM tool that will help to improve efficiency of collecting business data and website connections.

Advisory Committees

As noted previously, the BSD is establishing three new advisory committees and focus groups to help expand its reach, communications and collaborations with specific industries and areas of the district, including tourism, restaurants and North Old Woodward. The Tourism Advisory Committee will be appointed by the BSD Board at its October meeting, and the restaurant and North Old Woodward focus groups will be an open invitation to a meeting this Fall. Those interested in participating in either the advisory committee or focus groups should contact BSD Executive Director Cristina Sheppard-Decius at csdecius@bhamgov.org.

Volunteers Needed

The BSD hosts a number of events throughout the year in which volunteers are needed. This is a great opportunity to network with businesses and the community, as well as a great cause – supporting Birmingham! Volunteers are currently needed for the following events:

- Santa House - call for non-profit organizations to volunteer and raise funds! Every weekend in December up until Christmas.

Volunteer duties include event set-up, tear-down, information booth, check-in and monitoring kids activities. Please contact Jaimi Brook at jbrook@bhamgov.org for more information.

BSD Fall Calendar of Events

Birmingham Farmers Market	Every Sunday now until Oct. 29 at Lot 6
Art Walk	October 12
Property Owner & Broker Round Table	October 19

2023 Dashboard Metrics

Retail Occupancy Rate - 99% (out of 1.5 million sq.ft.)

Office Occupancy - 89% (out of 2 million sq.ft.)

13 New Business Openings in 2023 (11 more in process)

75/25% Local vs. National Mix

Commercial, Mixed-Use & Residential Development Projects In Construction/Planning - 12 projects totaling 827,727 sq. ft.

31 Active Volunteers (Board and Committee members)

Building Department

Board of Zoning Appeals

There are currently five cases on the agenda for the October 10, 2023 Board of Zoning Appeals regular meeting:

1. 1395 Northlawn: Requesting a variance from the minimum distance between the existing house under construction and the neighbor's house to the east. See further explanation below.
2. 1115 Chapin: Requesting similar variances denied last month regarding maximum lot coverage and building height to construct a new detached garage. The appellants feel they reduced their request enough for the board to hear it again.
3. 321 Lake Park: Seeking a variance from the limitation of paved surfaces in the front open space to construct circular driveway.
4. 604 Hanna: Variance from the maximum lot coverage to construct a pergola attached to the rear of the existing home.
5. 660 Mohegan: Requesting a variance from the minimum rear yard setback to construct an addition to an existing home.

Further details for 1395 Northlawn: The building permit to construct the new house was issued to the property owner on May 1, 2018, and it has been under construction since that date. There have been numerous delays for various reasons sparking complaints from some of the neighbors. After the department threatened condemnation earlier this year due to lack of progress, the owner hired Templeton Building Company to complete the construction of the house. Templeton Building Company is familiar with our Zoning Ordinance and after having the as-built survey performed pointed out to the Building Official that the distance between principal structures on the east side does not comply with the ordinance. The Building Official reviewed the matter and determined that the department did not accurately determine the minimum distance when performing the original plan review. The Building Official informed the builder that the first step in resolving the deficiency is to seek a variance from the Board of Zoning Appeals. The required distance is 15.50 feet and the actual distance is 14.59 feet requiring a variance of 0.91 feet.

Landlord Code of Conduct

The department prepared a letter that we will begin sending to landlords this week announcing the Landlords Code of Conduct that the City is promoting. A copy of the [Code of Conduct \(linked here\)](#) will be included with the letter for landlords to voluntarily sign and proudly display in their offices to promote their pledge to the code. We are encouraging all landlords to sign the document by offering to include their names on a list of those who have pledged to abide by the code, which will be maintained on our website.

Online Permit Applications

In the month of August we processed 406 permits online, bringing this year's total permits processed electronically to 3,089.

Monthly Report

The [Building Department's monthly report](#) provides an update on the following construction activity: building permits issued, building inspections conducted, trades permits issued and trades inspections conducted.

City Clerk's Office

Calling All Election Inspectors!

The City Clerk's Office is taking applications for election inspectors. The November 7, 2023 election will be a great learning opportunity for all elections inspectors of all levels of experience as we head into the 2024 election cycle.

Becoming an election inspector is a valuable opportunity to actively support our democratic process. As an election inspector, you play an essential role in ensuring fair and transparent elections, while safeguarding the rights of your fellow citizens. With training and experience, election inspectors build a deeper understanding of the election process and all of the safety and security measures in place to ensure that elections continue to be conducted with accuracy and efficiency in a safe manner.

Below is the [link](#) for signing up as an election inspector for the November 7, 2023 election. All the training classes are included along with placement requests and the additional information the Clerk's Office will need. There have been some updates to the form so please take your time to fill everything out completely.

Birmingham Election Inspectors Training Selection & Placement Form:

<https://forms.gle/qeFcieg4QZwUeNez8>

Please email elections@bhamgov.org with any questions you may have.

Keep in mind the following dates for 2024

- Presidential Primary February 27, 2024 (most likely) but could be on March 12, 2024 depending on when pending legislation takes effect
- State Primary - August 6, 2024
- General Election - November 5, 2024

General Election on November 7, 2023

Birmingham will hold a general election on Tuesday, November 7, 2023. At this time, the ballot will include four Birmingham Commissioner seats and three Birmingham Library Board positions, all for four-year terms. Birmingham residents will vote on a senior millage proposition and a proposed Marihuana Sales ordinance amendment. Information regarding the senior millage is available on the City's website at www.bhamgov.org/seniormillage. Information regarding the Ordinance Amending Prohibition of Marihuana Sales is available on the City's website at www.bhamgov.org/cannabis.

What is on the ballot?

Candidate Section

Birmingham Commissioner (Vote for not more than 4, 4 Year Term)

- Clinton Baller
- Brad Host
- Anthony Long
- Therese Longe

Library Board Member (Vote for no more than 3, 4 Year Term)

- Wendy Friedman
- Karen Gilbert Rock
- Curtis Trimble
- Jennifer Wheeler

Proposal Section

Senior Millage Proposition

Do you approve of the addition of a new 0.33 mill levy to collect approximately \$1,053,750 per year in revenue to be disbursed to the City of Birmingham for the purpose of making interim improvements and establishing a sinking fund for a senior center that will provide an array of services for older citizens for a three year term, ending on July 1, 2027?

- Yes
- No

Ordinance Amending Prohibition of Marihuana Sales

Shall the Birmingham City Code ordinance, Chapter 26 – Businesses, Article XII, which currently prohibits the sale of marihuana in the City of Birmingham, be amended to authorize and allow one (1) medical marihuana facility and one (1) marihuana recreational establishment to operate in the City of Birmingham?

- Yes
- No

Absentee Ballot Applications

All voters on the permanent absentee ballot application list should have received their application by mail for the November 7, 2023 election. If for some reason you did not receive your absentee ballot application or you are away from your regular mailing address, submit an absentee ballot application online through mi.gov/vote.

***Keep in mind that a ballot cannot be forwarded,** be sure to review your mailing address information and any departure/return dates to ensure your ballot is delivered to the proper location. If you are unsure about the address you have on file, please reach out to elections@bhamgov.org or 248-530-1880.

Initial Absentee Ballot Mailing

Absentee ballots will be mailed out near the end of September to voters who submitted an application. Absentee ballots can be returned in person to the Clerk's Office, in the dropbox located behind City Hall, or mailed to City Clerk, P.O. Box 3001, Birmingham, MI 48012.

***Remember to use only the drop boxes for your jurisdiction.**

Drop boxes are specific to a voter's jurisdiction. For example, a Birmingham voter can only use a Birmingham drop box. If the Birmingham voter uses a drop box in a neighboring jurisdiction such as Royal Oak, Bloomfield Township or Southfield Township, there will likely be a delay in getting those documents to the Birmingham City Clerk's office in order to be processed. Absentee Ballot Applications and Absentee Ballot Return Envelopes always have your jurisdiction's address and return information on the outside of the postcard or envelope.

Proposal 22-2

New Permanent Ballot List

One of the requirements in Proposal 2022-2 is that clerks now maintain a Permanent Ballot List. The application for the upcoming November 7, 2023 election will include new checkbox language for voters to opt into receiving a ballot for every election. Going forward, absentee ballot applications will not be required for any voter who has opted into the Permanent Ballot List. During partisan primary elections, such as the presidential primary in March 2024, permanent ballot voters will need to respond to a mailing and select which ballot type they would like to receive. Typically the ballot types are Democratic Party Presidential Primary, Republican Party Presidential Primary, and if applicable, a ballot without the Presidential Primary if there is a non-partisan question accompanying the Presidential Primary Election. A preview of the application is pictured below with the new check box to opt into the Permanent Ballot List.

APPLICATION FOR ABSENT VOTER'S BALLOT

SEE REVERSE SIDE FOR INSTRUCTIONS 

NOVEMBER 7, 2023 ELECTION

I certify that I am a United States citizen and a qualified and registered elector in the CITY OF BIRMINGHAM, County of OAKLAND, State of Michigan. I apply for an official ballot, to be voted by me in the election above, and the statements in this application are true.

COMPLETE TO JOIN PERMANENT LIST:

I want to vote absentee in all elections. Automatically send me an absent voter ballot for all elections.

WARNING: A PERSON WHO MAKES A FALSE STATEMENT IN THIS DECLARATION IS GUILTY OF A MISDEMEANOR.

FOR CLERK'S USE ONLY

1 Sign/Date

I certify that I am a United States citizen and that the statements in this Absent Voter Ballot application are true.

VOTER SIGN HERE  X
Power of attorney is not acceptable

Signature of Absent Voter _____

Date ____/____/____

2 Complete

YEAR OF BIRTH

____/____/____

3 Complete

VOTER CONTACT INFORMATION

(____) _____
Phone Email

Filed _____
Mailed _____
Ballot # _____
Returned _____
Wd./Pct. # _____
Clerk _____

NOTE: Michigan law requires that A.V. Ballots be sent to your registered address unless you are hospitalized, institutionalized, or at an address outside of your community. Complete the following ONLY if you want your ballot sent to an address outside of your community or to a hospital or other institution. **Absentee ballots will not be forwarded by USPS.**

4 Complete If Needed

Complete Only If You Want Your Ballot Sent To A Temporary Address. We can mail it to you where you are. If additional addresses are needed or plans change, contact your local clerk.

Date Leaving For Temporary Address ____/____/____	Date of Return ____/____/____	(PLEASE PRINT) Temporary Address _____ City _____ State _____ Zip _____
------------------------------------------------------	----------------------------------	-------------------------------------------------------------------------------

No Postage Necessary!

Starting with the November 7, 2023 general election all absentee ballot applications and absentee ballot return envelopes for the entire State of Michigan are equipped with a business reply mail permit that will cover the cost of postage for any ballot or application mailed within the United States.

New Look to Return Envelopes

Starting with the November 7, 2023 general election all absentee ballot return envelopes will be purple. The United States Post Office and Michigan Bureau of Elections worked to redesign these envelopes and changed the color from green to purple to increase the efficiency of processing election mail.

To be opened only by the Precinct or Absent Voter Ballot Counting Board



Official Ballot Return Envelope

Drop off or mail your ballot so that it is returned by the deadline.

For deadline information, drop box location(s), or to track your ballot, go to mi.gov/vote

FORM #695 www.PrintingSystems.us
(R 05/23) (P 05/23)

Office of the City Clerk
City of Birmingham
151 Martin Street
P.O. Box 3001
Birmingham, MI 48012-3001



NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES



SIGN BACK OF ENVELOPE



BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 185 LANSING, MI
POSTAGE WILL BE PAID BY ADDRESSEE

**OFFICE OF THE CITY CLERK
CITY OF BIRMINGHAM
151 MARTIN ST
PO BOX 3001
BIRMINGHAM MI 48012-9902**



IMPORTANT! DID YOU...

- Sign in the box below in your own handwriting?
- Put your ballot in the envelope?
- Return ballot to the local clerk or drop box by the deadline?
For deadline information or drop box location(s) go to mi.gov/vote

I assert that:

- I am a United States citizen.
- I am qualified and registered to vote at the address listed.
- I am voting in conformity with state election law.
- I marked my ballot and placed it in this envelope without showing it to anyone.
- I am returning my ballot to the local clerk or drop box by delivering it myself or a member of my immediate family or household, or sending it by public postal, express mail, parcel post service, or other common carrier.

I understand that knowingly making a false statement is a misdemeanor.

VOTER sign here in ink. Power of attorney is not acceptable.

X _____ Date / /
Signature of Absent Voter

This box must be signed or your vote will not be counted.

If someone assists you or helps you mark your ballot, they must sign and identify themselves.

I assisted the voter who is disabled or unable to mark their ballot according to their directions and without showing it to another person.

Signature of Person Assisting Voter

Print Name of Person Assisting Voter

Address of Person Assisting Voter City State Zip

A person who assists an absent voter and who knowingly makes a false statement is guilty of a felony.

FOR CLERK'S USE ONLY

Returned: _____ Precinct No. _____
Date and Time _____ Ballot No. _____

Voter signature verified (Initials) _____

Rejected? Reason _____

Keep your ballot secure.

It is a felony for anyone to be in possession of an absent voter ballot except authorized election officials, employees of postal services or other common carriers during the normal course of their job handling mail, or a member of the voter's immediate family or household who the absent voter has asked to return the ballot.

Precinct No. _____

VOTER SIGNATURE REQUIRED

Early Voting

Another component of proposal 2022-2 includes a Constitutional right to no less than 9 days of early voting in each State and Federal election (even year election) for no less than 8 hours per day. Although the upcoming November 7, 2023 election is not a State or Federal election, Oakland County Elections Division, the City of Birmingham, Bloomfield Township and Southfield Township plan to work together to pilot and offer early voting at the Bloomfield Township Library. Oakland County also plans on hosting a county-wide Early Voting Location at Waterford Oaks. Stay tuned for more information on Early Voting.

New Military and Overseas Voter Changes

The governor signed legislation on May 3, 2023 to allow additional time to receive absentee voter ballots from military and overseas voters. This change comes after Michiganders approved Ballot Proposal 22-2 to amend the state's Constitution last year. The new law states that absentee ballots from military and overseas voters will be counted if the ballot return envelope was postmarked on or before Election Day and received within six days following the election. Voters who are in the military or will be overseas during the November 7, 2023 election must apply for a MOVE ballot at <https://www.fvap.gov/michigan>.

Greenwood Cemetery Advisory Board (GCAB)

The GCAB recently completed their 2022-2023 Annual Report which was received by the City Commission on September 11, 2023. The next meeting for the Greenwood Cemetery Advisory Board will be Friday, October 6, 2023 at 8:30 am. To view Greenwood Cemetery Advisory Board agendas and minutes visit www.bhamgov.org/GCAB.

Board of Ethics

The next Board of Ethics meeting date has been set for Tuesday, September 26, 2023 at 1:00 p.m. to review the draft opinion for Commission Baller regarding the establishment and administration of foundations. More information on the Board of Ethics is available at www.bhamgov.org/ethics.

Board Appointments

The City of Birmingham is looking for dedicated individuals who want to give back to their community by serving on one of our many boards or commissions. Birmingham's different boards and commissions make recommendations that shape the City's future. Serving on a board or commission is a great way to get involved in your community, meet new people and make a positive impact. Visit www.bhamgov.org/boardopportunities to view all the available openings and apply to make a difference.

Board	Openings	Application Due by Noon	Interview/ Appointment at City Commission meeting 7:30 p.m.
Ad Hoc Aging in Place Committee	1 Alternate Member	10/11/23	10/16/23
Advisory Parking Committee	3 regular members (large retail, restaurant owner, downtown employee) 1 regular member term ending 9/1/2024, 2 regular members term ending 9/1/2026 1 alternate member term expiring 9/1/2026	Until Filled	
Architectural Review Committee	1 regular member term ending 4/11/2026 1 regular member term ending 4/11/2025	Until Filled	
Birmingham Shopping District	1 regular member, A resident from an adjacent neighborhood, 4-year term ending 11/16/2027 1 regular member, A resident within the Principal Shopping District, 4-year term ending 11/16/2027 2 members, A majority of members shall be business operators or persons with interest in property located within the district, 4-year term ending 11/16/2027	10/11/23	10/16/23
Birmingham Area Cable Board	1 regular Birmingham resident, term ending 3/30/24 1 regular Birmingham resident, term ending 3/30/26 1 alternate Birmingham resident, term ending 3/30/25	Until Filled	
Board of Review	2 alternate members term ending 12/31/2025	Until Filled	
Board of Zoning Appeals	1 alternate members term ending 2/18/2026 2 regular members term ending 10/10/2026	9/27/23	10/2/23
Brownfield Redevelopment Authority	1 Regular Members term ending 5/23/2026 1 regular member Term ending 5/23/2024	Until Filled	

Design Review Board	2 Regular members expiring 9/25/26	9/13/23	9/18/23
Ethics Board	2 Alternate members term ending 6/30/2026	Until Filled	
Historic District Commission	2 Regular members expiring 9/25/26	9/13/23	9/18/23
Historic District Study Committee	1 Regular member term ending 6/25/2026	Until Filled	
Housing Board of Appeals	3 Regular Members, terms ending 5/4/2026	Until Filled	
Martha Baldwin Park Board	1 Regular member term ending 5/1/2024 1 Regular members term ending 5/1/2027	Until Filled	
Public Arts Board	1 alternate member term ending 1/28/2025 1 alternate member 1/28/2026	Until Filled	
Stormwater Utility Appeals Board	3 regular member term ending 1/31/2026 2 alternate members 1/31/2025	Until Filled	
Triangle District Corridor Improvement Authority	1 regular business owner term ending 12/15/2026	Until Filled	

City Manager’s Office

Baldwin House Update

The City Manager’s Office is pleased to announce that the Baldwin House parking matter will be completed and presented to the City Commission on Monday, October 16, 2023 at the regular meeting. The Manager’s Office, together with the City Attorney, has been able to complete a very thorough investigation. We have conducted written and verbal interviews with most of the residents affected by the Baldwin House parking situation. We have taken the time to cross reference all of the data and have made agreements with the Baldwin House representatives. All of our findings, conclusions and resolutions to make Baldwin House residents whole will be presented to the City Commission.

YMCA Building Update

The Birmingham YMCA project continues as City staff met with two YMCA officials, seeking preliminary building use needs for the Y's continued use of the building with Next after the current three-year agreement expires. City staff and an official from Next also met with Congresswoman Haley Stevens and Congresswoman Rashida Tlaib to discuss the services offered by Next and the City's purchase of the YMCA. Both congresswomen toured Next's current facility and spoke with a number of Next members who were in the building. City staff will be meeting with Next officials to discuss their preliminary building needs at the YMCA moving forward.

Ad Hoc Aging in Place Committee

The Ad Hoc Aging in Place Committee met on August 30, 2023. The guest speaker was Cris Braun, Executive Director of Next. Ms. Braun provided a comprehensive overview of Next and the services provided by Next. The committee also examined City census and demographic data, the SEMCOG Southeast Michigan Regional Forecast through 2050, the SEMCOG Economic and Demographic Outlook for Southeast Michigan through 2050, the Next 2022 Community Survey, the Area Agency 1-B (AAA 1-B) Services Information Sheet and 2019 Oakland County Poll Research Study and lastly, the AARP Guide for Family Caregivers.

The next meeting is scheduled for Wednesday, September 27, 2023. City Planner Dupuis will present on aging in place matters as identified in the 2040 Citywide Master Plan, and Assistant Building Official Morad will present on current City zoning laws that may affect progressive strategies relating to aging in place.

Communications

Around Town e-Newsletter

October Edition

The communications team is working on the October edition of the Around Town e-Newsletter, which will include information about the Fire Department Open House, the November 7, 2023 election, discounted fall golf rates, the Birmingham Art Walk event, leaf collection and more. Follow [this link to view the September edition](#) of the Around Town e-Newsletter.

High Open and Click Rate

We are pleased to report the average open rate for the Around Town e-Newsletter is 68% and the average click rate is 12%, far exceeding the average government open rate of about 32% and 3% click rate. The communications team strives to provide timely and informative articles, videos and images for our readers.



City Calendar (Print Edition) Reminder

There is a misprint in the City calendar (print edition) for the meetings listed below. All meetings are accurate on the City website and gmail calendars. We have added messaging to our communications calendar for the October meetings.

Meeting	Calendar Misprint (Print Edition)	Correct Dates
Joint City Commission/Planning Board	October 9, 2023	October 23, 2023
City Commission Meeting	October 23, 2023	October 16, 2023

Educational Video Series

Behind the Scenes with Birmingham Uncovered Podcast

Go behind the scenes with Birmingham Museum Specialist Caitlin Donnelly in our new educational video where Caitlin shows us her studio and discusses the inner workings of her popular podcast, Birmingham Uncovered. The recently launched podcast already has nearly 600 downloads and has been accessed all over the world. Follow [this link](#) to access the short video, and listen to the podcast in your device's play store or at www.bhamgov.org/birminghamuncovered.



BIRMINGHAM CITY COMMISSION - UPCOMING AGENDA ITEMS

Meeting	Topic	Commissioner	Dates Addressed	Status (resolved/ongoing)
8/28/23	City water and sewer system	M: McLain S: Host	8/28/23 9/11/23	In progress
8/28/23	Biodiversity	M: Haig S: Host	8/28/23 9/11/23	In progress
6/5/23	Discuss unimproved streets and infrastructure	M: Host S: McLain	Upcoming Workshop	In progress
5/8/23	Parking operations	M: Baller S: Host	5/8/23 5/22/23	In progress
5/8/23	Woodward noise	M: Host S: McLain	5/8/23 6/5/23	In progress
2/27/23	Bench and Little Library for Pat Andrews	M: Host S: McLain	3/13/23 5/8/23	In progress
1/10/22	Leaf blowers	M: Baller S: Host	1/24/22 10/3/22 4/3/23 5/8/23 6/5/23 8/14/23 9/11/23	In Progress
8/15/22	Speed bumps & traffic mitigation efforts		8/29/22 8/14/23	In progress

Resolved

Meeting	Topic	Commissioner	Status
11/14/22	Renters Rights	M: Host	Resolved
12/5/22	Mayor/MPT Selection	McLain	Resolved
4/11/22	BBCC - Mental Health Workshop - More time to talk	M: Baller S: Haig	Resolved
5/9/22	Pickleball	Baller, no vote	Installed on 6-3-22
1/24/22	Social Districts	M: Schafer S: Boutros	No formal action taken by the Commission

5/23/22	Commission Meeting Start Time	Baller	No changes for now
8/15/22	Birmingham Country Club	M: Host S: Haig	Resolved, letter sent
9/12/22	Banner	M: Baller S: Host	Completed
12/5/22	Lighting to sustainability board	Haig	To be explored by Sustainability Board
6/13/22	Sustainability Board	M: Schafer S: Host	Resolved
1/10/22	Food Trucks	M: Host S: Schafer	Staff monitoring
4/25/22	Improvements in Information Provision and Methodology	M: Haig S: Baller	Resolved
3/13	Community foundation (review former letter from Kucharek)	Baller	Resolved
3/28/22	City Manager Selection Process	M: Host S: Boutros	Resolved
1/9/23	Ad Hoc Senior Services Committee	M: Baller S: Longe	Resolved
1/10/22	Commissioner Conduct	No vote	Resolved
8/28/23	Add an Alternate to Ad Hoc Aging in Place Committee	M: McLain S: Host	Resolved

Engineering Department

2023 Construction Update

The following construction projects are currently underway:

- Parking Lot No. 5 Slope Repair: Fence installation is complete; planting will occur at the end of the summer.
- 2022-2023 Cape Seal Program (southeast corner of the City): Cape seal treatment has been completed and the contractor is completing punch list items to close out the project.
- Cranbrook Road Non-Motorized Pathway Improvement Program: Construction started for this project on Cranbrook Road. The contractor began work on 14 Mile and is working north.
- 2023 Concrete Sidewalk Program: The contractor began work on the following items: residential area 6: Quarton Road to Maple Road, and western City limits to Lakeside Drive, downtown area 1A: Chester Road to N. Old Woodward, and Rouge River to Maple Road, ADA Ramps within the

Downtown Area, miscellaneous repairs throughout the City, miscellaneous sidewalk repairs in Shain Park, installation of bicycle pads and racks in various locations throughout the City.

- Pierce Street Paving Project (14 Mile Road to Lincoln): Construction is continuing on the water main replacement and road installation. As a reminder, Pierce Street is closed between 14 Mile Road and E. Southlawn, and between E. Southlawn and Lincoln is one-way northbound traffic.
- 2023 Asphalt Resurfacing Program: Paving has been completed on the proposed streets, and the contractor will complete crack sealing on streets east of S. Eton between Villa and Attard, in addition to punch list items.
- 2023 Sewer Rehabilitation Project: This project will begin soon and includes cleaning and televising the sewer, and sewer lining at various locations throughout the City.
- 2023 Sidewalk Trip Hazard Program: The contractor has started work in the City. They completed the remaining work in Area 6, and will start work in Area 7: Maple Road to Quarton Road, and Quarton Lake to Adams.
- Lincoln Hills Golf Course Tee No. 1 Tee-Box and Cart Path Improvements: The contractor has completed the restoration of the project and they are completing punch list items. The upper tee should be opened shortly:



- Brown Street Paving Project (City's Project): Brown Street between S. Old Woodward and Woodward was opened to traffic on August 17, 2023. The contractor is completing punch list items to close out the project.



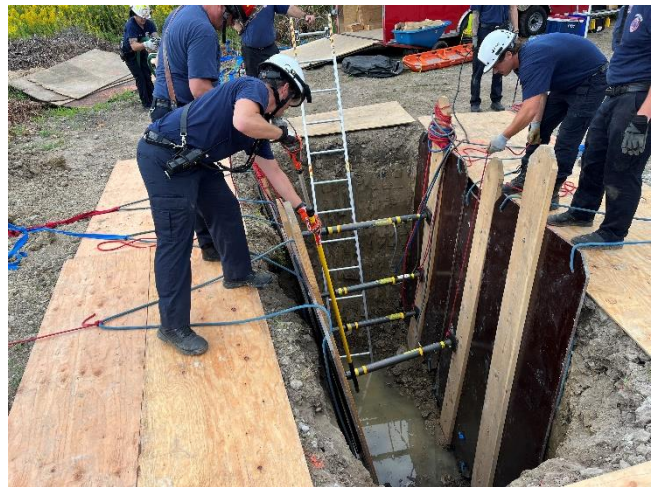
- Woodward Ave and Brown/Forest Intersection Improvements (MDOT): In the next couple of weeks, MDOT will be starting on construction of improved pedestrian crossings and traffic signals at Woodward and Brown, and Woodward and Forest. There will be a one-lane closure on Woodward Avenue during construction, and there will be times when Brown Street and Forest Street will be closed for up to 10 days for construction. The City will share information with the public about upcoming lane and road closures.

Affected property owners will receive information about these projects. For more information regarding these projects, please contact the Engineering Department at (248) 530-1840.

Fire Department

Trench Rescue Training

During the week of September 4, 2023, all Birmingham firefighters completed trench rescue training at the northern end of Springdale Golf Course property. This training simulated a person who was trapped and partially covered under dirt and mud while trying to repair a sewer or water main. The OAKWAY technical rescue team, which Birmingham has trained members on, has responded to several of these types of emergencies in the past throughout southeastern Michigan. The goal of this training is to have all Birmingham personnel prepared to make a rescue without having to wait for outside assistance. The department was also joined by DPS members throughout the week to observe the training and learn of the possible dangers. The Fire Department would like to thank DPS for digging the hole and providing a location for the training.



Human Resources

New Hires

The City of Birmingham extends warm congratulations to our newly hired employees from August 13, 2023 to September 12, 2023. Their skills, expertise, and enthusiasm are a valuable addition to our team. We welcome them to our staff!

Department	Position	Name	Type
DPS	Public Services Manager	Markus, Charles	FT Admin/Management
Treasury	Support Staff	Rais, Elizabeth	FT AFSCME

Police	Crossing Guard	Sczesny, Diane	PT Seasonal
Police	Crossing Guard	Kirkpatrick, Elesha	PT Seasonal
Police	Crossing Guard	Rehm, Linda	PT Seasonal
Police	Police Officer	Walker, Matthew	FT BPOA
Police	Police Officer	Lease, Cameron	FT BPOA

July Hiring Anniversaries

The City of Birmingham celebrated the hiring anniversaries of several employees. We extend our heartfelt appreciation for their exceptional service and unwavering dedication. Their contributions are deeply valued and recognized.

Years Of Service	Employee	Department	Position
33	Folk, Connie	DPS	Recreation Coordinator
25	Davis, Jennifer	Police	Support Staff
23	Reed, Pamela	Treasury	Support Staff
23	Koch, Christopher	Police	Police Captain
8	Syts, Stefan	Police	Police Officer
8	Craft, Rebekah	Library	Library Dir
8	Morton, Christopher	Engineering	Engineering Tec
8	Hill, Nicholas	Police	Police Officer
7	Ljungvall, Brandi	Police	Support Staff
6	Brook, Jaimi	BSD	Communication & Special Events
5	Erickson, Andrew	Community Development	Building Inspector

5	Rondeau, Jeffrey	Community Development	Building Inspector
4	Waynick, Richard	Police	Parking Meter Maintenance Assistant
3	Sweeting, Sheila	Library	Library Assistant
1	Pitts, Valerie	Treasury	Support Staff
1	Coatta, Melissa	Engineering	City Engineer
1	Watson, Destinee	Police	Pt Dispatcher

Employment Opportunities

The City is currently accepting applications for the following positions. To submit an application or for more information go to www.bhamgov.org/jobs.

Department	Position	Type	Application Closing
Building	Plumbing Inspector	Full Time	Until Filled
DPS	Fleet Mechanic (Teamsters)	Full Time	Until Filled
DPS	Ice Arena Concessions & Maintenance	Part Time	Until Filled
DPS	Streets Sewer Water Operator (Teamsters)	Full Time	Until Filled
Community Development	Support Staff A (AFSCME)	Full Time	Until Filled

Information Technology

IT Assistant Position

The IT department is currently reviewing candidates for the open IT assistant position. We hope to have that position filled soon.

IT Conferences

The IT Manager has two conferences he is attending this month. The first is the Michigan Government Management Information Sciences conference. Their mission is to provide a forum for public sector agencies to exchange information and technology best practices that enhance the delivery of governmental services across the State of Michigan. The second is the Government Technology Michigan Digital Government Summit. The Digital Government Summit brings together technology focused public-sector professionals with leading industry partners to connect on innovative approaches, get inspired and

discover new technologies. IT Manager Eric Brunk is on the advisory board for this event and was on a Digital Transformation panel at the summit last year.

AI Committee

The AI committee is currently working on guidelines for generative AI usage by City personnel. The goal is not to limit or restrict the usage of generative AI but to guide users who are interested in adding generative AI as a tool to support their daily tasks.

Planning Department

Planning Board

A tentative Planning Board schedule of scheduled and/or recently completed items is provided below:

1. Health Club/Studio Use in B4 Zoning District – Completed
2. Dumpster Enclosures – Study Session (October 11, 2023)
3. Triangle District Mixed-Use Standards – Study Session (October 11, 2023)
4. 388 S. Bates – Community House – Community Impact Study & Preliminary Site Plan Review (September 27, 2023)
5. 720 S. Adams – Community Impact Study & Preliminary Site Plan Review (October 25, 2023)

Multi-Modal Transportation Board (MMTB)

The MMTB is reviewing upcoming capital improvement projects for FY 2024-2025. Accommodating space for sidewalks along Shirley Drive and Arlington Road will be part of the review process.

Public Arts Board (PAB)

Marshall Frederick's sculpture "Freedom of the Human Spirit" in Shain Park was recently cleaned and waxed for general upkeep. The PAB will provide signage and wayfinding for the Birmingham Art Walk on Thursday, October 12, 2023.

Sustainability

The Environmental Sustainability Committee (ESC) is deep into the data gathering phase of the Greenhouse Gas Emissions inventory, which is slated to be complete, or near complete by the end of the year. The ESC has held several public engagement outreach efforts to help inform the Sustainability and Climate Action Plan, which is the second task that the ESC will be completing in 2024. The remaining scheduled engagement activities for the first leg of this project are as follows:

- Birmingham Engage Survey – [Environmental Sustainability](#) (LIVE NOW)
- Municipal Round Tables – September – October 2023

In the meantime, the Planning Division has continued to grow its knowledge base and contribute to sustainability efforts in the City. At this time, the Planning Division is participating, or has participated in the following groups:

- **SEMCOG Healthy Climate Task Force** – In September 2023, Planning Director Nicholas Dupuis was appointed to the Healthy Climate Task Force. With funding from the Inflation Reduction Act through the US EPA's Climate Pollution Reduction Grant, SEMCOG will develop a Healthy Climate Plan for Southeast Michigan. This plan will connect and uplift existing state, regional and local plans, while preparing communities to be competitive for \$4.6 billion in implementation grant funding for the policies and programs it identifies.

- **Catalyst Leadership Circle** – The Catalyst Leadership Circle (CLC) is a peer networking group of sustainability leaders in Michigan that falls under EGLE’s Catalyst Communities program. Planning Director Nicholas Dupuis and City Planner Leah Blizinski have been participating in the program since 2022 after receiving Silver Level recognition from the Michigan Green Communities challenge.
- **SolSmart** – The City recently signed a letter of commitment to join the SolSmart Program. The program is a no-cost technical assistance program that is funded by the U.S. Department of Energy Solar Energy Technologies Office and led by the [ICMA](#) and [IREC](#). By participating in this program, the City will learn from national best practices to expand solar energy use in the City of Birmingham. In the end, Birmingham will be recognized with a designation of Bronze, Silver, Gold, or Platinum.
- **EV Smart Cities** – EV Smart Cities is a recognition program designed to provide cities with a roadmap to electric vehicle (EV) readiness, including securing funding and getting projects off the ground. The path to becoming EV ready involves a portfolio of best practices and actions that include both simple steps and more complicated initiatives that make it possible for any community to participate. The Planning Division is currently working on completing the self-directed portions of the program.
- **Michigan Green Communities** – Michigan Green Communities (MGC) is a Statewide sustainability benchmarking, networking, and technical assistance program. Aside from annual participation in the MGC Challenge, the Planning Division regularly attends webinars and trainings that MGC offers.
- **Birmingham Green Group** – The Planning Division coordinates a regular monthly meeting of City staff to discuss sustainability issues that are new or ongoing, large or small. This group challenges each other to think green wherever possible, and fosters essential collaboration between departments in the sustainability realm.
- **Friends of the Rouge Partnership** – The Planning Division has recently begun a partnership with the Friends of the Rouge that will permit for regular monitoring of the Rouge River corridor in Birmingham and will provide for opportunities for residents to get involved in activities such as spring and fall bug hunts. The City will receive data on the health of the river and its ecosystems that will help protect Birmingham’s most valuable natural resource.

In addition to all of the above activities, the Planning Division continues to maintain regular Birmingham Green newsletter columns, provides feedback on various departmental activities, and continues to seek out grants for sustainability related projects.

Police Department

CoRe Grant Update

When the Police Department entered into an agreement with the Oakland County Health Network (OCHN), the Auburn Hills Police Department and the Bloomfield Township Police Department to create our CoRe program, a grant through the Substance Abuse and Mental Health Services Administration (SAMHSA) was applied for. This grant was scheduled to expire in September of this year, at which time the City would then be responsible for our share of the cost of the program. There are funds still remaining in the grant and at recent meetings with members of the CoRe program, it was determined that OCHN would file for an extension to allow more time to utilize these remaining funds. The Police Department has received notification from OCHN that the extension request was approved by SAMHSA, which extends our project period until 09/29/2024. However, based on the fund balance, OCHN provided a projection that the funds are expected to last until the beginning of March 2024.

Parking Systems Update

Construction

Repairs continue at the North Old Woodard Garage, including: concrete restoration, handrails, painting of ceilings, walls, and stairwell walls, and the installation of LED lights.

The exterior walls of the garage are also being painted to help improve the look of the garage.

Finances

Beginning in October, the City will begin collecting all revenue from its five parking garages. The City hired SP+ as its third party operator over 30 years ago. During that time, SP+ collected the revenue on the City's behalf. This change will help streamline operations and allow the City to collect all parking revenue. The City already collects revenue from parking meters and citations.

Park Street Parking Structure Backup

On Wednesday, September 6, 2023 there was a technical error with the new parking equipment at the Park Street garage that caused a significant backup resulting in some guests waiting 20-30 minutes to exit the garage.

SP+, the City's third party operator, had staff onsite trying to correct the issue and assist guests who were exiting the garage. Unfortunately, there was a communication breakdown that led to several issues that have been addressed:

- Patron delays in exiting the garage. The City has spoken with SP+ about this and reiterated the desire to expedite patron's exiting the structure in the future. While the City understands SP+'s desire to make sure processes are followed for compliance with tickets and revenue, it is the City's policy to always be empathetic with the public who are waiting in lines caused by equipment issues or any other type of issue.
- The Police Dispatch phone tree has been updated and they now know to not only call the SP+ office, but also the SP+ Facility Manager and the City's Parking Manager.
- If a situation like this occurs in the future, SP+ representatives have been reminded to contact the Parking Manager for input, direction and awareness.
- The Police Department/Parking Enforcement was not aware of how to remove the gate arms on the recently installed TIBA equipment. The arms can be removed to allow immediate exit from any parking structure. Procedures have been created explaining how to remove the TIBA gate arms so staff will know how to perform the task in the future.
- It has been reinforced to SP+ that if the Police Department or Parking Enforcement Assistant responds to an issue at one of the parking structures, all SP+ employees should defer to their judgement. While SP+ has their own policies and procedures, City policies and decisions should be primary in these situations.

The Parking Manager is following up on these issues to ensure they don't happen again. This is the first known equipment issue since the new TIBA equipment was installed. The issue has been resolved and all equipment is functioning properly.

Occupancy

AUGUST AVG CAPACITY	
Chester Garage (880)	16.00%
Old Woodward (745)	23.00%
Park Garage (811)	30.00%
Peabody Garage (437)	45.00%
Pierce Garage (706)	36.00%

Future Agenda Items

Download a summary of [future agenda items](#).

Future Workshop Items

Download a summary of [future workshop items](#).



September 6, 2023

Ms. Alexandria Bingham, Clerk
City of Birmingham
151 Martin St.
Birmingham, MI 48012-3001

Dear Ms. Bingham:

We are committed to keeping you and our customers informed about changes to Xfinity TV services. Accordingly, please note that:

- The INSP channel will be relocated to the More Sports and Entertainment pack. The change will occur on or after September 26, 2023.

Please feel free to contact me at 248-924-4917, if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Eric M. Woody".

Eric Woody
Manager of External Affairs
Comcast, Heartland Region
41112 Concept Drive
Plymouth, MI 48170

INFORMATION ONLY

Co-responders bring mental health expertise to police situations

BY ANNE RUNKLE

ARUNKLE@MEDIANEWSGROUP.COM

A resident is hoarding items in his Birmingham home, generating calls to the police from neighbors.

Dealing with hoarding, often the result of mental illness, is likely outside the training police officers receive.

Enter the co-responder, someone with mental health training, who can navigate the sources of help available.

That's more likely to result in a lasting solution to the problem, rather than officers repeatedly returning to the hoarder's home to address complaints, said Capt. Ryan Kearney of the Birmingham Police Department.

The benefits are twofold.

"It's a better life for them and a better use of our resources," he said.

Without the expertise of a co-responder, "it's a Band-Aid approach. It's not correcting the deep-rooted problem," he said.

At least seven Oakland County communities use co-responders. They work for Oakland Community Health Network and are contracted out to police in Auburn Hills, Birmingham, Bloomfield Township, Rochester and Troy. The co-responders also work in Pontiac and Rochester Hills, which receive police services from the Oakland County Sheriff's Office.

In some communities, the police department supplies the co-responder with a patrol car and other equipment and a space to work at the police station.

All the co-responders have backgrounds in social work or a related field.

Co-responders may go on incident calls with police where their expertise could be helpful. They also work behind the scenes, assisting families of the person whose mental health issue may have caused an interaction with police.

The co-responder also has knowledge of court arrangements that can benefit those with mental illness.

INFORMATION ONLY

Need is increasing

Birmingham began the program in August 2021 with one co-responder; the department now has two, Kearney said.

Sheriff's deputies in Pontiac also found an increased need for a co-responder, who was first assigned to that city's substation in August 2022.

There were times the co-responder was tied up on other calls and unable to assist at other incidents that required her expertise, the Sheriff's Office said in a statement.

In July, Major Andre Ewing approved the creation of a specific patrol car for the co-responder and a deputy trained in mental health crisis intervention. This patrol car does not take standard calls, freeing the co-responder to respond to any incident where she could provide assistance.

From mid-July to early September, the "crisis car" responded to 137 calls involving mental health emergencies.

Help for those falling through the cracks

Ken Stein, a co-responder for the Troy Police Department, is grateful to be in the position because it gives him the opportunity to help people who could otherwise "fall through the cracks."

He has helped connect people with transportation services, food assistance and more, often after they've come in contact with the police. "After EMS leaves, after the police leave, where do we go from here?" he said. "The police have to go on to the next call."

The co-responder program has given officers "another layer of service," said Sgt. Jason Clark of the Troy Police Department.

"Before this program, our officers didn't have the ability to really help someone dealing with a mental health crisis," Clark said. "We could only drop them off at a hospital, not knowing what would happen. Ken Stein has been able to respond to scenes, accompany our officers to the hospital and offer followup resources to the individual."