

BIRMINGHAM CITY COMMISSION AGENDA
OCTOBER 16, 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

- Registered voters in the City of Birmingham will be receiving a postcard soon with information about early voting.

Early Voting Dates:

Saturday	10/28	8:30 a.m. to 4:30 p.m.
Sunday	10/29	8:30 a.m. to 4:30 p.m.
Monday	10/30	8:30 a.m. to 4:30 p.m.
Tuesday	10/31	8:30 a.m. to 4:30 p.m.
Wednesday	11/1	8:30 a.m. to 4:30 p.m.
Thursday	11/2	12:00 p.m. to 8:00 p.m.
Friday	11/3	8:30 a.m. to 4:30 p.m.
Saturday	11/4	8:30 a.m. to 4:30 p.m.
Sunday	11/5	8:30 a.m. to 4:30 p.m.

Early Voting Locations:

- Bloomfield Township Public Library, 1099 Lone Pine Rd. Bloomfield Hills, MI 48302
- Waterford Oaks Activities Center, 2800 Watkins Lake Road, Waterford, MI 48328

Absentee Ballots

Absentee ballots are available at the City Clerk's office by mail until Friday, November 3, 2023 or in person until 4:00 p.m. on Monday, November 6, 2023.

Extra Office Hours for Voters

The City Clerk's Office will be open on Saturday, November 4, 2023 from 8:00 a.m.-4:00 p.m. for your last minute absentee voting needs.

Election Day – Tuesday, November 7, 2023

All Birmingham voting locations will be open from 7:00 a.m. - 8:00 p.m. on Election Day.

Voters with questions about their polling location and registration status should visit mi.gov/vote, email elections@bhamgov.org, or call the Clerk's Office at 248-530-1880.

- Springdale Golf Course has closed for the season. Discounted fall rates are in effect at Lincoln Hills Golf Course, which is now open to everyone – no membership required. Visit bhamgov.org/golf for more information.

APPOINTMENTS

- A. Birmingham Shopping District
1. Zachary Kay
 2. Michael McKenzie
 3. Sam Surnow
 4. Michele Taddei

Resolution to concur with the City Manager's appointment of returning board members Zachary Kay (business representative in the BSD), Michael McKenzie (resident from adjacent neighborhood) and Sam Surnow (nominee of a business located with the BSD and with an interest in property located in the BSD), as well as the City Manager's appointment of a new board member, Michele Taddei, (representative of a business that owns greater than 5% of the total square footage of assessed property located in District 1 of the BSD), with each to serve a 4 year term expiring November 16, 2027.

- B. Ad Hoc Aging in Place
1. Jay Reynolds

To appoint _____ to the Ad Hoc Aging in Place Committee as alternate member to serve a term consistent with regular members to expire January 31, 2025.

- C. Public Arts Board
1. Elaine Carey

To appoint _____ to the Public Arts Board as an alternate member to serve the remainder of a three-year term to expire January 28, 2026.

To appoint _____ to the Public Arts Board as an alternate member to serve the remainder of a three-year term to expire January 28, 2025.

- D. Board of Zoning Appeals
1. Nicole Braddock

To appoint _____ as an alternate member to the Board of Zoning Appeals to serve the remainder of a three-year term to expire February 18, 2026.

To appoint _____ as a regular member to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2026.

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.

- A. Resolution to approve the City Commission Workshop meeting minutes of October 2, 2023.
- B. Resolution to approve the City Commission meeting minutes of October 2, 2023.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated October 5, 2023 in the amount of \$1,114,020.01.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated October 12, 2023, in the amount of \$1,403.677.43.
- E. Resolution to approve the FY 2024 Emergency Management Performance Grant Work Agreement and approve the awarded FY 2023 EMPG/ARPA funds totaling \$30,454.00. Further, to direct the Mayor to sign the agreements on behalf of the City and any required quarterly reports or surveys associated with the EMPG grant and to authorize the Fire Chief as the sub-recipient authorized representative in order to sign any related EMPG documents on the City's behalf.
- F. Resolution to approve the Oakland County Incident Management Team Interlocal Agreement between Oakland County and the Birmingham Fire Department. In addition, to authorize the Fire Chief to sign the Agreement on behalf of the Birmingham Fire Department.
- G. Resolution to approve an increase to the City's credit card limit to \$45,000.
- H. Resolution to set November 27, 2023 as the public hearing date for the Program Year 2024 Community Development Block Grant Program.
- I. Resolution prohibiting parking on the south side of Cole St. between S. Eton St. and Commerce St. and to direct staff to install no parking signs in this area.
- J. Resolution to install a yield sign on Brandon St. at the Shirley Rd. approach.
- K. Resolution to approve the purchase a 2023 Street Sweeper from Bell Equipment Company, located at 78 Northpointe Drive, Lake Orion, MI 48359, through the MI-Deal Contract #071B7700091, in an amount not to exceed \$303,647.00, upon the completion of signed contract by Bell Equipment. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funds for this purchase are available in the FY 2023-2024 Auto Equipment Fund account #661.0-441.006.971.0100.
- L. Resolution to set a Public Hearing of Necessity for installing sidewalk, meeting the requirements for assessment, for all properties within the project area on Redding Road between Lake Park Drive and Woodward Ave. on Monday, November 27, 2023, at 7:30 P.M.; and

If necessity is determined on November 27, 2023, to meet on Monday, December 4, 2023, at 7:30 P.M., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for sidewalk installation meeting the requirements for assessment, for all properties within the project area on Redding Road between Lake Park Drive and Woodward Ave.

VI. UNFINISHED BUSINESS

- A. Resolution to direct the City Attorney to work with the Finance Director to issue checks to the Baldwin House residents who paid for parking at the Chester Street deck when parking should have been provided free of charge.

VII. NEW BUSINESS

- A. Resolution to approve a Construction Staging Area and Construction Coordination Agreement with Markus Management Group, LLC and The Alan Group for the coordination of construction activities related to 479 S. Old Woodward on Hazel Street and S. Old Woodward and to authorize the Mayor and the City Clerk to sign the agreement on behalf of the City.
 - B. Green Infrastructure: Sustainable and Biodiverse Landscaping
 - C. 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.
 - D. Commission discussion on items from a prior meeting.
- None.

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

- A. Commissioner Reports
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. 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).*



MEMORANDUM

City Manager's Office

DATE: October 12, 2022

TO: City Commission

FROM: Jana L. Ecker, City Manager

SUBJECT: Notice of intention to appoint members to the Birmingham Shopping District Board of Directors

INTRODUCTION:

The Birmingham Shopping District Board has one vacant position with a term ending November 16, 2026, and four current board members also have terms that expire on November 16, 2023. Three current board members (Zachary Kay, Michael McKenzie and Sam Surnow) have applied to renew their appointments, and Steven Quintal will be stepping down from the BSD board as he plans his retirement. With the concurrence of the Commission, the City Manager intends to renew the appointment of Zachary Kay, Michael McKenzie and Sam Surnow, as well as appoint a new board member, Michele Taddei. All four appointments shall be for four year terms, expiring November 16, 2027.

BACKGROUND:

The Birmingham Shopping District Board consists of 12 members. One member shall be the City Manager, one shall be a resident of an area designated as a principal shopping district, and one shall be a resident of an adjacent residential area. A majority of the members shall be nominees of individual businesses located within a principal shopping district who have an interest in property located within the district. The remaining members shall be representatives of businesses located in the district.

Pursuant to Ordinance 1534, the City Manager has the authority to appoint members to the Birmingham Shopping District with the concurrence of the City Commission.

The following applications have been received:

- **Zachary Kay** submitted an application to renew his appointment as a representative of a business located in the BSD on October 2, 2023. Mr. Kay is the owner of Found Objects in Downtown Birmingham and therefore fulfills the criteria of being a business representative in the BSD.
- **Michael McKenzie** submitted an application to renew his appointment as a resident of a neighborhood adjacent to the BSD on October 2, 2023, and fulfills the residency requirement for this position.
- **Sam Surnow** submitted an application to renew his appointment as a nominee of a business located with the BSD and with an interest in property located in the BSD on September 15, 2023. Mr. Surnow is the owner of a business located within the BSD, with an interest in property located within the BSD, and is also a resident of Birmingham, and fulfills the criteria for this position.
- **Michele Taddei** submitted an application as a representative of a business that owns greater than 5% of the total square footage of assessed property located in District 1 of the BSD on October 3, 2023. Mr. Taddei is a manager at Fuller Central Park Properties in Downtown Birmingham and therefore fulfills the criteria of being a representative of a business that owns greater than 5% of the total square footage of assessed property located in District 1 of the BSD. Mr. Taddei will be succeeding Mr. Quintal upon his retirement from Central Park Properties.

After the confirmation of the above appointments, there will be one remaining vacancy on the Birmingham Shopping District board. The Clerk's office will accept applications for this position until filled.

LEGAL REVIEW:

The City Attorney has reviewed this item and has no concerns to the process.

FISCAL IMPACT:

This item has no fiscal impact.

PUBLIC COMMUNICATIONS:

The board openings are publicized in the City Manager's report, the Around Town e-newsletter, and on the Boards and Commissions webpage.

SUMMARY:

The City Commission is being asked to concur with the City Manager's appointment of returning board members Zachary Kay, Michael McKenzie and Sam Surnow, as well as the City Manager's appointment a new board member, Michele Taddei, for the board positions noted above. All four appointments shall be for four year terms, expiring November 16, 2027.

ATTACHMENTS:

- Birmingham Shopping District Board Roster
- Zachary Kay's Application
- Michael McKenzie's Application

- Sam Surnow's Application
- Michele Taddei's Application
- Attendance Records
- Birmingham Shopping District Map
- Birmingham Shopping District Ordinance

SUGGESTED COMMISSION ACTION:

To make a motion to concur with the City Manager's appointment of returning board members Zachary Kay (business representative in the BSD), Michael McKenzie (resident from adjacent neighborhood) and Sam Surnow (nominee of a business located with the BSD and with an interest in property located in the BSD), as well as the City Manager's appointment of a new board member, Michele Taddei, (representative of a business that owns greater than 5% of the total square footage of assessed property located in District 1 of the BSD), with each to serve a 4 year term expiring November 16, 2027.



BIRMINGHAM SHOPPING DISTRICT BOARD

Ordinance 1534 - Adopted September 14, 1992

The Board shall consist of 12 members as follows:

- a) City Manager.
- b) Resident from an area designated as a principal shopping district.
- c) Resident from an adjacent residential area.
- d) A majority of the members shall be nominees of individual businesses located within a principal shopping district who have an interest in property located in the district.
- e) The remaining members shall be representatives of businesses located in the district.

4-Year Terms

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Astrein 13125 Ludlow Huntington Woods	Richard 48070	(248) 399-4228 (248) 644-1651 <i>richard@astreins.com</i>	11/16/1992 Business nominated with interest in property located in district	11/16/2025
Ecker 151 Martin Birmingham	Jana 48009	(248) 530-1811 <i>jecker@bhamgov.org</i>	City Manager	
Eid 1800 Rathnmor Bloomfield Hills 588 S. Old Woodward Birmingham	Samy 48304 48009	(248) 840-8127 <i>samyeid@mac.com</i>	11/14/2016 Business nominated with interest in property located in district	11/16/2025

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Fehan	Douglas	(248)705-3000 <i>godug@aol.com</i>	Director Emeritus	
Hussey	Beth	(248)765-0237 <i>beth@eatathazels.com</i>	11/28/2022 Business representative	11/16/2026
3422 Chickering Lane Bloomfield Hills 4830 24977 Woodward Ave Suite 100 Birmingham 48009				
Kay	Zachary	(248) 220-4999 <i>zak@shopfoundobjects.com</i>	7/9/2018 Business representative	11/16/2023
168 South Old Woodward Birmingham 48009				
Lipari	Sarvy	(248) 321-8895 <i>srilipari@gmail.com</i>	5/10/2021 District resident	11/16/2024
359 Ferndale Birmingham 48009				
McKenzie	Michael	(312) 785-4906 <i>mike_mckenzie@mac.com</i>	11/23/2020 Resident from adjacent neighborhood	11/16/2023
2123 Windemere Birmingham 48009				

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Pohlod 1360 Edgewood Birmingham 912 South Old Woodward Birmingham	Amy 48009 48009	(248) 219-5042 <i>amypohlod@hotmail.com</i>	7/25/2016 Business nominated with interest in property located in district	11/16/2026
Quintal 880 Ivy Lane Bloomfield Hills 112 Peabody St Birmingham	Steven 48304 48009	248-642-0024 <i>steve@fullercentralpark.com</i>	12/8/2003 Member greater than 5% total sq ft in SAD 1	11/16/2023
Roberts 320 Martell Ct Bloomfield Hills 273 Pierce Birmingham	William 48304 48009	(248) 463-8606 (248) 646-6395 <i>BR@RobertsRestaurantGroup.com</i>	11/10/1997 Business representative	11/16/2025
Surnow 320 Martin, Ste. 100 Birmingham	Sam 48009	(248) 877-4000 (248) 865-3000 <i>sam@surnow.com</i>	11/23/2015 Business nominated with interest in property located in district	11/16/2023
Vacant				11/16/2026 Business representative

<p>OFFICE USE ONLY Meets Requirements? Yes No Will Attend / Unable to Attend</p>
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APPLICATION FOR CITY BOARD OR COMMITTEE

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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 BSD

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

Name Zachary Kay Phone 248-770-0646

Residential Address 173 N Groganwy Rd Email ZAKESHOPFOUND

Residential City, Zip Bloomfield Hills 48301 Length of Residence OBJECTS.COM

Business Address 168 S Old Woodward Occupation Owner

Business City, Zip Bham 48009

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

Renewal of Membership

List your related employment experience Bham Business Owner
for 10 years

List your related community activities BSD Marketing & Events
Committees

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: _____

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? NO

Signature of Applicant Zachary Kay

Date 10/2/23

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 **3A** & 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	

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(Please print clearly)

Board/Committee of Interest Birmingham Shopping District Board

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

Name Michael K McKenzie

Phone (312) 785-4906

Residential Address 2123 Windemere Rd.

Email * mike-mckenzie@mac.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 5.5 years

Business Address /

Occupation Director @ PwC

Business City, Zip /

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

Applying for a second term. My entire career has focused on assessing markets for strategic growth opportunities. On the BSD Board I led the business mix analysis, and participated in identifying retailers/dining to attract so that the BSD is differentiated in SE Michigan and continues to thrive.

List your related employment experience I joined PwC in 2002 and served in roles based in Detroit, Chicago and Los Angeles. I work in the Office of the Chairman where I use quantitative & qualitative analytics to better inform global leadership decision-making.

List your related community activities Current BSD Board member. Co-chair of business development committee.

List your related educational experience I have a B.A. in International Relations with a specialization in Economics from Michigan State University's James Madison College.

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]
Signature of Applicant

10/2/2023
Date

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Meets Requirements? Yes No
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(Please print clearly)

Board/Committee of Interest Principal Shopping District

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

Name Sam Surnow

Phone 248-877-4000

Residential Address 1310 S Bates

Email * sam@surnow.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 10 Years

Business Address 320 Martin St #100

Occupation Real Estate Developer

Business City, Zip Birmingham, MI 48009

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

I have been on the board for the last 7 years

List your related employment experience Property owner and developer

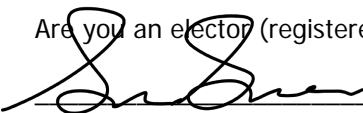
List your related community activities Volunteer in Birmingham and participant in various community events and sponsorships

List your related educational experience Graduate Schoo, CPA

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

9/15/23

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 clerk@bhamgov.org or fax to 248.530.1080. Updated 11/18/2020

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

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(Please print clearly)

Board/Committee of Interest: **BIRMINGHAM SHOPPING DISTRICT BOARD**
 Specific Category/Vacancy on Board _____ (see back of this form for information)

Name: Michele Taddei Phone: +1 248-275-3126
 Residential Address: 500 E Long Lake RD Email: michele@fullercentralpark.com
 Residential City, Zip: Bloomfield Hills, 48304 Length of Residence: 3 months
 Business Address: 112 Peabody st. Occupation: Engineer
 Business City, Zip: Birmingham, 48009

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

I am an Engineer, with a specialization in Mechanical Engineering. I have been managing commercial real estate in San Marino and Italy for 15 years and now also in Birmingham, Michigan. I have also worked as an Engineer serving the Utility Service sector of San Marino and in the Emilia Romagna region of Italy doing wastewater surveys and mapping using the software Geographical Information System (GIS). I feel that the collaboration between the city officials and the local public is the best strategy to improve and make important decisions for the benefit of all interested.

List your related employment experience:

- I currently employed at the management at Fuller Central Park Properties
- I have worked in Italy and San Marino for the Utility Services sector managing and mapping the wastewater pipes and system using GIS
- I have been a part of the design and construction management of commercial and residential properties
- I was the construction manager of a Biomass plant in Rimini, Italy that produces 1000 kWh of electric energy per day.
- I managed a Reverse Osmosis plant that produces 1MG per day of fresh drinkable water and a Waste Water Treatment Plant of 500,000 G per day in Exuma, Bahamas.

List your related community activities:

- I participated on a Governmental Committee in the Republic of San Marino brainstorming ideas to best treat and or reuse the solid waste and wastewater.

List your related educational experience:

- Engineering Degree from the University of Bologna in 2006. Specializing in Energetic Systems with practical experience in Mechanical, Structural, Environmental and Electrical Engineering.
- Certifications in GIS at the second level ESRI, Construction Safety, Fire Hydrant systems, energy and environmental design for homes and building.

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? NO

Signature of Applicant *Michele Taddei* Date *10/03/2023*

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

Updated 11/18/2020

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CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Birmingham Shopping District

Year: 2020

Members Required for Quorum: 7

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Richard Astrein	P	A	P	P	P	P	P	P	P	P	P	P			11	1	92%
Samy Eid	P	P	P	A	P	P	P	P	A	P	P	A			9	3	75%
Doug Fehan	P	P	P	P	P	P	P	A	A	P	P	P			10	2	83%
Geoffrey Hockman	P	P	P	P	P	P	P	P	P	A	P	P			11	1	92%
Zachary Kay	P	P	P	P	P	P	P	P	P	P	P	P			12	0	100%
Jessica Lundberg	P	A	P	P	P	P	A	P	P	P	P	P			10	2	83%
Amy Pohlod	P	P	P	P	P	P	P	P	P	P	P	P			12	0	100%
Steve Quintal	A	P	P	P	P	P	P	P	P	P	P	P			11	1	92%
Bill Roberts	P	P	P	P	P	P	P	P	P	P	P	P			12	0	100%
Judy Solomon	A	P	A	A	A	A	P	A	A	A	A				2	9	18%
Sam Surnow	A	P	P	P	P	P	P	P	A	P	P	A			9	3	75%
Joe Valentine	P	P	P	P	P	P	P	P	P	P	P	P			11	0	100%
Mike McKenzie												P			1	0	100%
Reserved															0	0	#DIV/0!
Present or Available	9	10	11	10	11	11	11	10	8	10	11	10	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: Birmingham Shopping District

Year: 2021

Members Required for Quorum: 7

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG 4/23	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Richard Astrein	P	P	P	P	P	P	NM	P	P	P	P	P	P		12	0	100%
Samy Eid	A	P	P	A	A	P	NM	P	P	P	A	P	P		8	4	67%
Geoffrey Hockman	P	P	P	P	P	P	NM	P	P	P	P	P	P		12	0	100%
Zachary Kay	P	P	P	P	P	P	NM	P	P	P	P	P	P		12	0	100%
Sarvy Lipari	NA	NA	NA	NA	NA	P	NM	P	P	P	A	P	NA		5	1	83%
Jessica Lundberg	A	P	P	P	P	P	NM	A	P	P	P	P	P		10	2	83%
Tom Markus	P	P	P	P	P	P	NM	A	P	P	A	P	P		10	2	83%
Mike McKenzie	P	P	P	P	P	P	NM	P	P	P	P	A	P		11	1	92%
Amy Pohlod	P	P	P	P	P	P	NM	P	P	P	P	P	P		12	0	100%
Steve Quintal	A	P	P	P	P	P	NM	P	A	P	P	P	P		10	2	83%
Bill Roberts	P	P	P	P	P	P	NM	A	P	P	P	P	P		11	1	92%
Sam Surnow	A	P	A	P	P	P	NM	A	A	P	A	A	P		6	6	50%
Reserved															0	0	#DIV/0!
Doug Fehan	NA	NA	NA	P	P	P	NM	A	A	A	P	P	A		5	4	56%
Present or Available	7	11	10	10	10	12	0	8	10	12	8	10	11	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: **Birmingham Shopping District**

Year: **2022**

Members Required for Quorum: **7**

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG 4/23	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Richard Astrein	CP	P	P	P	P	P	NM	P	A	P	P	P			9	1	90%
Samy Eid	CP	P	P	A	P	P	NM	P	P	P	A	P			8	2	80%
Geoffrey Hockman	CP	P	P	P	P	P	NM	P	A	P	P	P			9	1	90%
Beth Hussey	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P			1	0	100%
Zachary Kay	CP	P	P	P	P	P	NM	P	P	P	P	P			10	0	100%
Sarvy Lipari	CP	P	P	P	P	P	NM	P	P	P	P	P			10	0	100%
Jessica Lundberg	CP	P	P	P	P	A	NM	P	P	A	A	P			7	3	70%
Tom Markus	CP	P	P	P	P	P	NM	P	P	P	A	A			8	2	80%
Mike McKenzie	CP	A	P	P	P	P	NM	P	P	P	P	P			9	1	90%
Amy Pohlod	CP	P	P	A	P	P	NM	A	P	P	P	P			8	2	80%
Steve Quintal	CP	P	P	P	P	A	NM	P	P	P	P	P			9	1	90%
Bill Roberts	CP	A	P	P	P	P	NM	P	P	P	P	P			9	1	90%
Sam Surnow	CP	P	P	A	P	P	NM	P	A	P	P	P			8	2	80%
Doug Fehan	CP	P	P	P	P	P	NM	A	A	P	P	P			8	2	80%
Present or Available	11	9	11	9	11	9	0	10	9	10	8	11	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: **Birmingham Shopping District**

Year: **2023**

Members Required for Quorum: **7**

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Richard Astrein	P	P	A	Ae	P	P	A	P	A						5	4	56%
Samy Eid	A	P	P	P	P	A	P	P	P						7	2	78%
Beth Hussey	P	P	P	P	P	P	P	P	P						9	0	100%
Zachary Kay	P	P	P	P	P	P	P	P	A						8	1	89%
Sarvy Lipari	P	P	P	Ae	P	A	A	P	P						6	3	67%
Tom Markus/Jana Ecker	P	A	P	P	P	P	P	P	P						8	1	89%
Mike McKenzie	P	P	P	P	P	A	P	A	A						6	3	67%
Amy Pohlod	P	P	P	P	P	P	A	P	P						8	1	89%
Steve Quintal	P	P	P	P	P	P	P	A	P						8	1	89%
Bill Roberts	P	P	P	P	P	P	P	P	P						9	0	100%
Sam Surnow	A	P	P	P	P	P	P	P	P						8	1	89%
Reserved															0	0	#DIV/0!
Doug Fehan	P	P	A	P	P	P	P	A	A						6	3	67%
Present or Available	9	10	10	9	11	8	8	9	8	0	0	0	0	0%			

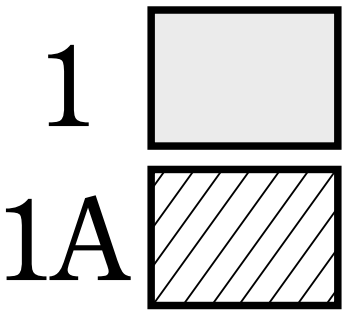
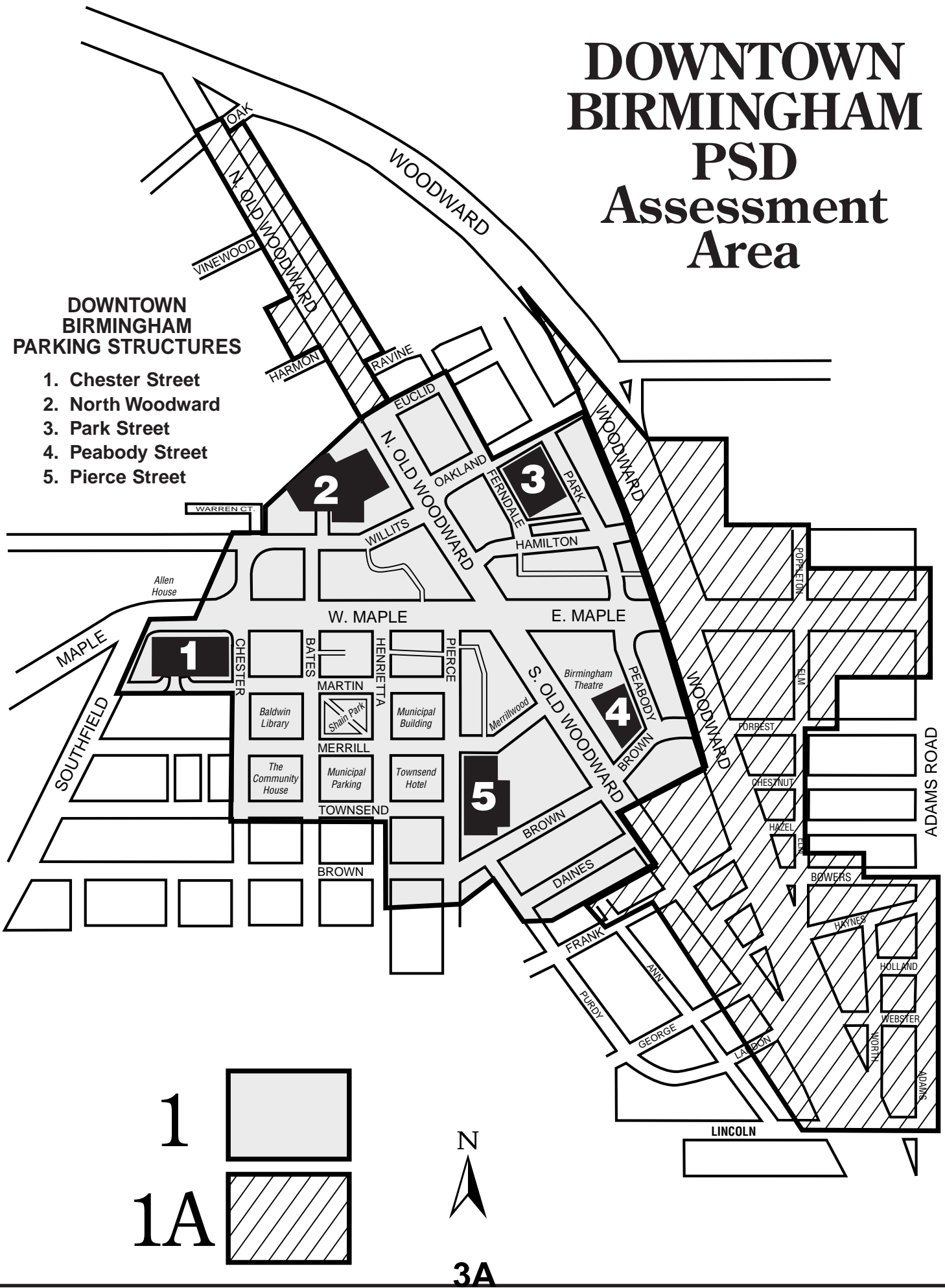
- KEY:**
- A** = Member absent
 - Ae** = Member absent excused
 - P** = Member present or available
 - CP** = Member available, but meeting canceled for lack of quorum
 - CA** = Member not available and meeting was canceled for lack of quorum
 - NA** = Member not appointed at that time
 - NM** = No meeting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

Department Head Signature

DOWNTOWN BIRMINGHAM PSD Assessment Area

DOWNTOWN BIRMINGHAM PARKING STRUCTURES

1. Chester Street
2. North Woodward
3. Park Street
4. Peabody Street
5. Pierce Street



3A

BIRMINGHAM CODE OF ORDINANCES – CHAPTER 82

DIVISION 2. - SHOPPING DISTRICT BOARD

Sec. 82-91. - Created.

A shopping district board is hereby created and shall exercise its powers within the boundaries of the principal shopping districts established by the city commission. (Code 1963, § 1.801; Ord. No. 1541, § 1.801, 11-23-92)

Sec. 82-92. - Composition; appointment.

- (a) The shopping district board shall consist of 12 members. One member shall be the city manager, one shall be a resident of an area designated as a principal shopping district, and one shall be a resident of an adjacent residential area. A majority of the members shall be nominees of individual businesses located within a principal shopping district who have an interest in property located in the district. The remaining members shall be representatives of businesses located in the district.
- (b) The board shall be appointed by the city manager with the concurrence of the city commission. However, if all the following requirements are met, a business may appoint a member of the board, which member shall be counted toward the majority of members required to be nominees of businesses located within a principal shopping district:
 - (1) The business is located within a principal shopping district.
 - (2) The business is located within a special assessment district established by the city commission to defray all or a portion of the costs of the board's activities under this article.
 - (3) The special assessment district is divided into special assessment rate zones reflecting varying levels of special benefits.
 - (4) The business is located in the special assessment rate zone with the highest special assessment rates.
 - (5) The square footage of the business is greater than five percent of the total square footage of businesses in the special assessment rate zone.

If a member is appointed by a business meeting the requirements of this section at a time all 12 positions on the board are filled, the city commission shall, by resolution, remove one or more members of the board in order that its membership not exceed 12 in number. (Code 1963, § 1.801; Ord. No. 1541, § 1.801, 11-23-92)

Sec. 82-93. - Terms.

Of the members first appointed to the shopping district board, an equal number of the members, as near as practicable, shall be appointed for one-year, two-year, three-year and four-year terms. A member shall hold office until the member's successor is appointed. Thereafter, each member shall serve for a term of four years. An appointment to fill a vacancy shall be made by the city manager, with the concurrence of the city commission, for the unexpired term only. (Code 1963, § 1.802; Ord. No. 1534, § 1.802, 9-14-92)

Sec. 82-94. - Organization and compensation.

The shopping district board shall, from its appointed members, elect a chairperson who shall be the presiding officer of the board, and a vice-chairperson, who shall serve in the absence of the chairperson. A secretary, who shall keep and maintain proceedings of the board, shall be appointed by the board. The secretary need not be a member of the board. The officers shall each serve for one year and until their successors have been elected by the board. Members shall serve without compensation, but shall be reimbursed for actual and necessary expenses. (Code 1963, § 1.803; Ord. No. 1534, § 1.803, 9-14-92)

Sec. 82-95. - Meetings and quorum.

The shopping district board shall hold at least one regular public meeting each month at such time and place as may be established by the board. Public notice of the time, date and place of all meetings shall be given in the manner required by the Open Meetings Act (MCL 15.261, MSA 4.1800(11) et seq.). Special meetings may be called by the secretary at the written request of the chairperson or any three members of the board on at least two days' notice. A quorum for the transaction of business at regular and special meetings shall be a majority of the current members of the board. (Code 1963, § 1.804; Ord. No. 1534, § 1.804, 9-14-92)

Sec. 82-96. - Records and budget.

The shopping district board shall keep minutes of its meetings and records of all expenses incurred by it in the performance of its duties. The board shall prepare and submit annually for approval of the city commission a budget for its activities for the ensuing fiscal year. The budget shall be prepared in the manner and contain the information required of municipal departments. (Code 1963, § 1.805; Ord. No. 1534, § 1.805, 9-14-92)

Sec. 82-97. - Goal and powers.

- (a) The goal of the shopping district board shall be to promote economic activity in the principal shopping districts of the city by undertakings including, but not limited to, conducting market research and public relations campaigns, developing, coordinating and conducting retail and institutional promotions, and sponsoring special events and related activities. In furtherance of its goal, the board may recommend to the city commission that the city undertake one or more of the following in a principal shopping district:

- (1) Open, widen, extend, realign, pave, maintain or otherwise improve highways and construct, reconstruct, maintain or relocate pedestrian walkways.
 - (2) Prohibit or regulate vehicular traffic where necessary to carry out the purposes of a development or redevelopment project.
 - (3) Regulate or prohibit vehicular parking on highways.
 - (4) Acquire, own, maintain or operate off-street parking lots or structures.
 - (5) Contract for the operation or maintenance by others of city off-street parking lots or structures, or appoint agents for the operation or maintenance of those lots or structures.
 - (6) Construct, maintain and operate malls with bus stops, information centers and other buildings that will serve the public interest.
 - (7) Acquire by purchase, gift or condemnation, and own, maintain, or operate real or personal property necessary to implement the goals of the board.
 - (8) Provide for the maintenance, security and operation of a district.
- (b) The board may expend funds it determines reasonably necessary to achieve its goal, within the limits of those monies made available to it by the city commission from the financing methods specified in this article.

(Code 1963, § 1.806; Ord. No. 1534, § 1.806, 9-14-92)



**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 consistent with regular members expiring January 31, 2025.

The Ad Hoc Aging in Place Committee consists of seven regular members and one alternate member appointed by the City Commission. 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.

Applicant(s) Presented for City Commission Consideration:

Applicant Name	Criteria A majority of members must be Birmingham Residents and electorates	Qualifications 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.
Jay Reynolds	Birmingham Resident	Current past president of NEXT board, Detroit Goodfellows member, Birmingham Youth Assistance Member

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 _____ to the Ad Hoc Aging in Place Committee as alternate member to serve a term consistent with regular members to expire January 31, 2025.



Ad Hoc Aging in Place Committee

Resolution # 04-093-23

The Ad Hoc Aging in Place Committee consists of seven members appointed by the City Commission. 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.

Resolution # 09-209-23

Resolution to add an alternate position to the Ad Hoc Aging in Place Committee for a term consistent with all regular members of the committee ending in January 2025.

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Braun 320 Fairfax	Cris	586-295-8849 <i>crisbraun24@gmail.com</i>	Representative from NEXT Senior Services, Birmingham voter	1/31/2025
Clemence 151 Martin Street	Mark	248-530-1809 <i>Mclemence@bhamgov.org</i>	Ex-Officio From Manager's Office	1/31/2025
Craft	Rebekah	248-554-4681 <i>rebekah.craft@baldwinlib.org</i>	Representative from Baldwin Library	1/31/2025

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
DeWeese 932 Purdy	Pamela	248-642-4256 <i>pamdeweese@comcast.net</i>	gerontologist, senior health or nutrition, adult education, elder law, representative of Birmingham NEXT, and intergenerational specialist	1/31/2025
Hoff 941 Arden	Rackeline	248-642-1957 <i>rackyhoff@hotmail.com</i>	Senior resident, Birmingham voter	1/31/2025
Mark 635 Puritan	Melissa	248-644-8451 <i>weir527@gmail.com</i>	Representative from Baldwin Library, senior resident, Birmingham voter	1/31/2025
O'Malley 1255 Birmingham Blvd	Rosemary	248-225-5920 <i>rjoh20@gmail.com</i>	Adult education, Birmingham voter	1/31/2025
Pielack	Leslie	248-530-1682 <i>LPielack@bhamgov.org</i>	Representative from Birmingham Museum	1/31/2025
Vacant			Alternate	1/31/2025



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 Ad Hoc Aging in Place Committee

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

Name Jay Reynolds

Phone (415) 248-645-9671

Residential Address 718 Colonial Ct.

Email * Jay W. Reynolds@gmail.com

Residential City, Zip Birmingham, 48009

Length of Residence 40 years

Business Address —

Occupation retired

Business City, Zip —

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

retired sailor, I think my involvement with several non-profits has given me experience that will enable me to help with the needs of our senior population.

List your related employment experience Retired in 2009 after 28 years with MSCO corporation, also worked at Chrysler Corporation for 9 years.

List your related community activities current past president of the NETA board, Detroit Golf Fellows member, Birmingham Youth Assistance member and mentor with B.C. Mentors Plus, and FBI Detroit Citizens Academy board member.

List your related educational experience Bachelor of Business Administration, Eastern Michigan Univ. and Master of Arts - Business Management, Central Michigan Univ.

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: NONE.

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 Jay W. Reynolds

Date 8-15-2023

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.



**BIRMINGHAM CITY COMMISSION
REGULAR MEETING
APRIL 24, 2023
RESOLUTION #04-093-23**

MOTION: Motion by Commissioner Haig, seconded by Mayor Pro Tem McLain

To establish the Ad Hoc Aging in Place Committee for a term of 18 months, and to direct staff to advertise for upcoming appointments to this committee; further, once established, to direct staff to facilitate the requested studies and research needed to develop an action plan to improve the health, safety and welfare of senior citizens in Birmingham.

PRESENT: Mayor Longe, Mayor Pro Tem McLain, Commissioners Baller, Boutros, Haig, Host, Schafer

ABSENT: None

Ayes, Mayor Longe
Mayor Pro Tem Mclain
Commissioner Boutros
Commissioner Haig
Commissioner Host
Commissioner Baller
Commissioner Schafer

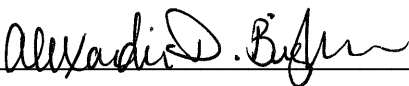
Nays, None

Absent, None

Passed, adopted and approved this 24th day of April 2023.

CERTIFICATION

I, Alexandria Bingham, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on April 24, 2023.



Alexandria Bingham, City Clerk

Fwd:

1 message

Jana Ecker <Jecker@bhamgov.org>
To: City Commission <city-commission@bhamgov.org>

Wed, Jun 28, 2023 at 12:09 PM

FYI

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

From: **Jana Ecker** <Jecker@bhamgov.org>
Date: Wed, Jun 28, 2023 at 12:09 PM
Subject: Re:
To: Mary Kucharek <Mkucharek@bhlaw.us.com>
Cc: Rebekah Craft <rebekah.craft@baldwinlib.org>

Thank you for your response.

On Wed, Jun 28, 2023 at 11:35 AM Mary Kucharek <Mkucharek@bhlaw.us.com> wrote:

Dear Ms. Ecker,

At the City Commission meeting of Monday June 26, 2023, a question arose as to whether a Baldwin Library Board member may serve on the ad hoc Aging Committee. I have reviewed the City's Charter, ordinances and the Baldwin Board bylaws and rules and find prohibitions against the dual service. While it is a policy, and at times an ordinance endorsed mandate, that persons not serve on two boards or committees at once, ad hoc committees have at times deviated from this policy. Therefore, it is my opinion that Melissa Mark's appointment by the City Commission should stand.

Thank you.

Mary M. Kucharek

Attorney-at-Law

Beier Howlett, P.C.

Direct Dial (248)282-1075

(248) 645-9400 Ext. 211

mkucharek@bhlaw.us.com

--
Jana L. Ecker

Assistant City Manager
City of Birmingham
248-530-1811

Important Note to Residents

Let's connect! Join the Citywide Email System to receive important City updates and critical information specific to your neighborhood at www.bhamgov.org/citywideemail.

--

Jana L. Ecker

***Assistant City Manager
City of Birmingham
248-530-1811***

Important Note to Residents

Let's connect! Join the Citywide Email System to receive important City updates and critical information specific to your neighborhood at www.bhamgov.org/citywideemail.

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You received this message because you are subscribed to the Google Groups "City Commission" group. To unsubscribe from this group and stop receiving emails from it, send an email to city-commission+unsubscribe@bhamgov.org.

To view this discussion on the web visit https://groups.google.com/a/bhamgov.org/d/msgid/city-commission/CAKdt6zFqz5C2W0wZmcYtz%2BUHoucWW2Z4r7_kSDRd5CLg%2Bv04Vw%40mail.gmail.com.



**BIRMINGHAM CITY COMMISSION
REGULAR MEETING
SEPTEMBER 11, 2023
RESOLUTION #09-209-23-5D**

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Host

Resolution to add an alternate position to the Ad Hoc Aging in Place Committee for a term consistent with all regular members of the committee ending in January 2025 and to further direct the City Clerk to notice the available alternate Ad Hoc Aging in Place Committee member position and begin the process of filling this vacancy.

PRESENT: Mayor Longe, Mayor Pro Tem McLain, Commissioners Baller, Boutros, Haig, Host, Schafer

ABSENT: None

Ayes, Mayor Longe
Mayor Pro Tem Mclain
Commissioner Boutros
Commissioner Haig
Commissioner Host
Commissioner Baller
Commissioner Schafer

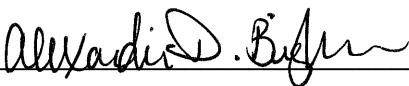
Nays, None

Absent, None

Passed, adopted and approved this 11th day of September 2023.

CERTIFICATION

I, Alexandria Bingham, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on September 11, 2023.



Alexandria Bingham, City Clerk



**NOTICE OF INTENTION TO APPOINT TO
PUBLIC ARTS BOARD**

At the regular meeting of Monday, October 16, 2023 the Birmingham City Commission intends to appoint to the Public Arts Board to fill a vacant position of one alternate member term ending January 28, 2025 or one alternate member term ending January 28, 2026.

In so far as possible, the members shall represent a major cultural institution, a registered architect of the State of Michigan, an artist, an art historian, and an art consultant. Members may also be members of the Historic District Commission, Design Review Board, the Parks and Recreation Board, or the Planning Board. At least four members of the Board shall be residents of the City of Birmingham.

The objectives of the Public Arts Board are to enrich the City's civic and cultural heritage; to promote a rich, diverse, and stimulating cultural environment in order to enrich the lives of the City's residents, business owners, employees, and all visitors; and to establish an environment where differing points of view are fostered, expected, and celebrated by providing the opportunity for such expression through the display of public art.

Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria	Qualifications
	At least four members must be a resident of the City of Birmingham	Members shall, <u>in so far as possible</u> , represent a major cultural institution, a registered architect of the State of Michigan, an artist, an art historian, and an art consultant. Members may also be members of the Historic District Commission, Design Review Board, the Parks and Recreation Board, or the Planning Board.
Elaine Carey	Birmingham Resident	Dean of College of Arts & Sciences at Oakland University, Board of Directors Meadowbrook Theater, Former Board of Directors Southshore Arts Council (2018-2021)

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 _____ to the Public Arts Board as an alternate member to serve the remainder of a three-year term to expire January 28, 2026.

To appoint _____ to the Public Arts Board as an alternate member to serve the remainder of a three-year term to expire January 28, 2025.

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 Public Arts Board, Historical District Study Commission, Historic District Commission

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

Name Elaine Carey

Phone 718-490-9837

Residential Address 937 Smith Ave

Email * elcarey@gmail.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 2.3 yrs

Business Address College of Arts & Sciences,

Occupation Academic Dean / Historian

Business City, Zip Verne Hall, 217, 371 Verne Dr, Rochester, MI 48309

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

the dean of the College of Arts & Sciences at Oakland Univ. I oversee galleries, performance venues as well as faculty in the arts. I have served on arts and performing arts boards. I understand questions of rights, intellectual property, creative process, arts awards and grants.

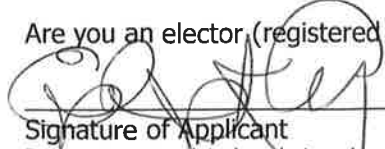
List your related community activities Historic Southfield Conference Committee, 2023 to present; Board of Directors, Meadowbrook Theatre (LO&T/Actor's Equity); Board of Directors, Southshore Arts Council (2018-2021); BOD, Theatre at the Center (Actor's Equity) 2017-2021

List your related educational experience I am a Latin American historian who writes on crime and social movements. I have also written on media, performance, and art in Mexico.

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? NO

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


Signature of Applicant

8/7/23
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 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.

DR. ELAINE K. CAREY

937 Smith Ave; Birmingham MI, 48009 | 718/490-9837 | ekcarey@gmail.com

October 8, 2023

Birmingham City Commission
151 Martin St
Birmingham, MI 48009

RE: Alternate for Public Arts board

Dear Colleagues:

I moved to Birmingham in 2021. Most mornings, I walk to Barnum Park where I see Gary Kulak's *Windswept*, a large installation piece. During those first months, I walked to and around the park. I would routinely stop at Kulak's metal sculpture to observe its uniqueness and ponder its beauty on a crisp autumn day or a dreary grey morning. Two years later, *Windswept*, welcomes me to the park like an old friend who patiently waits for visits from its neighbors.

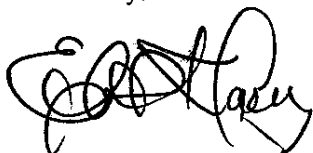
Public art helps to fosters a sense of community by contributing to social interaction between residents while also offering spaces for self-awareness and reflection on the art and the artist. The pieces throughout Birmingham add an intrinsic value to the lived experiences through accessible art to consider, even for brief moments, the art, the street, the landscape, and the community.

My interests in the board stems from my ongoing observation of public art. I am a professional historian, as well as an academic dean, who has spent my career studying urban spaces and the people who have lived in those spaces over time. My research has focused on social protests in Mexico and Central America and history of crime in the Americas. On the surface, these fields seem unrelated to public art, but art emerges from social protests. For example, social activists in the 1960s used art and theatre to craft messages to engender solidarity. More recently, artists use installations, posters, and paintings to bring attention to egregious crimes and human rights violations due to drug violence. The ability to convey a message in an image, sculpture, performance, or painting stimulates questioning, learning, and understanding of a particular issue or moment. These efforts are approaches that I have written about in my own work.

Art should surround us. It enhances our connections to one another, and it provides a respite during our busy lives. Over the years, I have served on other art and performing arts boards; and I have critique artists' grants and fellowship applications for the Fulbright-García Robles Commission and other Fulbright Commissions in the Americas. I also have worked with arts my entire career as a scholar and an academic dean. Attached to statement is a brief professional biography.

If you have any questions, please call me at 718-490-9837 or email me at ekcarey@gmail.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elaine K. Carey', written in a cursive style.

Elaine K. Carey

Brief Bio:

Elaine Carey is the Dean of the College of Arts and Sciences at Oakland University. She is also a historian of Mexico and Latin America, crime, social movements, and gender. Formerly, she was chair of the History Department at St. John's University in Queens, New York and the Founding Dean of the College of Humanities, Education, and Social Sciences at Purdue University Northwest.

She is the author of over seventy articles, both scholarly and popular, and the books *Plaza of Sacrifices: Gender, Power, and Terror in 1968 Mexico* (2005) and the award-winning *Women Drug Traffickers: Mules, Bosses, and Organized Crime* (2014). She also co-edited *Smugglers, Brothels, and Twine: Transnational Flows of Contraband and Vice in North America* (2011) and the textbook *Protests in the Streets: 1968 Across the Globe* (2016). She has held appointments and research affiliations with the Universidad Nacional Autónoma de México (National Autonomous University of Mexico), El Colegio de México, and Universidad Iberoamericana (Iberoamericana University).

From 2013-2016, Elaine served as the Vice President for the Teaching Division of the American Historical Association (AHA). From 2008-2017, she held the Lloyd Sealy Research Fellowship at CUNY's John Jay College of Criminal Justice while researching women involved in organized crime in the Americas. She has received numerous grants for research, teaching, and public history projects including two prestigious research Fulbright-García Robles fellowships in Mexico as well as grants from the National Historical and Research Commission of the National Archives of the United States, the National History Center, and the National Endowment for the Humanities. Currently, she is on the advisory board of the Gates Ventures World History Project.

Along with her scholarly work, she has served as an expert witness on human rights and narcotics cases across the United States, and she has consulted for archives, museums, libraries, nonprofits, radio, television, film, K-12 schools and organizations, universities, social service agencies, and arts and community organizations.



PUBLIC ARTS BOARD

City Code - Chapter 78, Article V

Terms - 3 years

7 regular members - At least 4 members shall be residents of the City of Birmingham. The remaining members may or may not be residents of Birmingham. In so far as possible, the members shall represent a major cultural institution, a registered architect of the State of Michigan, an artist, an art historian, and an art consultant. Members may also be members of the Historic District Commission, Design Review Board, the Parks and Recreation Board, or the Planning Board.

2 alternate members - must meet one of the already established criteria for regular members

Objectives -

- to enrich the City's civic and cultural heritage;
- to promote a rich, diverse, and stimulating cultural environment in order to enrich the lives of the City's residents, business owners, employees, and all visitors;
- to establish an environment where differing points of view are fostered, expected, and celebrated by providing the opportunity for such expression through the display of public art.

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Andi 1819 Washington Blvd Birmingham	Harris 48009	(248)765-3202 <i>andi.celeste.harris@gmail.com</i>	3/27/2023 Regular member	1/28/2026
DeSanto	Luca		2/27/2023 Student representative	12/31/2023
Eddleston 892 Purdy Birmingham	Jason 48009	(248) 703-3808 <i>jason28e@yahoo.com</i>	12/5/2016 Regular member	1/28/2025
Graham 884 Knox Birmingham	Pam 48009	(248) 408-6277 <i>pamcracker@gmail.com</i>	2/27/2023 Regular member	1/28/2026

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Heller 176 Linden Birmingham	Barbara 48009	(248) 540-1310 (313) 833-7834 <i>bheller@dia.org</i>	1/28/2002 Regular member	1/28/2024
McLean	Andrew		2/27/2023 Student representative	12/31/2023
Neville 1516 E. Melton Birmingham	Monica 48009	(248) 321-1776 <i>monica.neville1@gmail.com</i>	2/27/2017 Regular member	1/28/2024
Ritchie 1455 South Eton Birmingham	Anne 48009	(248) 635-1765 <i>anneritchie7@yahoo.com</i>	9/12/2016 Regular member	1/28/2025
Vacant				1/28/2026 Alternate member
Vacant				1/28/2025 Alternate member
VanGeldereren 3795 Loch Bend Commerce Twp.	Annie 48382	(248) 408-6132 <i>annievangeldereren@bbartcenter.org</i>	1/13/2020 Artist/major cultural institution	1/28/2026

ARTICLE V. - PUBLIC ARTS BOARD

Footnotes:

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Editor's note— *Ord. No. 1773, adopted December 17, 2001, enacted provisions intended for use as §§ 78-100—78-112. To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as §§ 78-101—78-113.*

Sec. 78-101. - Definitions.

Art, civic means visual art pertaining to a person, place or event relating to or belonging to a city or municipality.

Art, public means one or more pieces of civic, visual or performance art designed specifically for ownership by the public or display on property owned by the public.

Art, visual means the conscious production or arrangement of colors, forms or other elements in a manner that affects the human senses in a graphic or plastic medium.

Competition means a process established by the public arts board to review specific art work(s) for a specific site, for the purposes of making a recommendation to the public arts board.

Jury means an ad hoc committee or individual appointed by the public arts board to review specific art work(s) for the purposes of making a recommendation to the public arts board.

Performance art means works of art that create a situation and are conducted for a duration determined by the artist and/or spectator.

Rules of procedure means a written description of the board's mission statement, objectives, organization of meetings, membership, terms of service, procedure for the election of officers, and procedures for the review of public art work.

(Ord. No. 1773, 12-17-01)

Sec. 78-102. - Created.

There is hereby created a public arts board for the city. The public arts board is a locally organized board and is not established by any enabling legislation of the state.

(Ord. No. 1773, 12-17-01)

Sec. 78-103. - Composition and terms of members.

The public arts board shall be appointed by the city commission and consists of the city manager and his/her designated representative(s) as nonvoting ex-officio members and seven voting members.

At least four members of the public arts board shall be residents of the city. The remaining members and ex-officio members may or may not be residents of the city.

In so far as possible, the members shall represent a major cultural institution such as Cranbrook Academy and/or the Detroit Institute of Arts, the Birmingham/Bloomfield Arts Council (BBAC), a registered architect of the state, an artist, an art historian and an art consultant. Members of the public arts board may also be members of the design review board, the historic district commission, the parks and recreation board, or the planning board.

The initial members of the public arts board shall be appointed for the following terms: Two for one year, two for two years and three for three years. Thereafter, all such appointments, except to fill vacancies, shall be for a term of three years.

The city commission may appoint two alternate members to serve as needed on the public arts board during their term of appointment. An alternate member may be called on a rotating basis to sit as a regular member of the public arts 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 public arts board.

(Ord. No. 1773, 12-17-01; Ord. No. 1884, 7-24-06; Ord. No. 2234, 5-22-17)

Sec. 78-104. - Vacancies.

All appointments for the purpose of filling vacancies occurring otherwise than by expiration of term of office, shall be for the remainder of the term of office.

(Ord. No. 1773, 12-17-01)

Sec. 78-105. - Compensation.

The members of the public arts board shall serve as such without compensation.

(Ord. No. 1773, 12-17-01)

Sec. 78-106. - Removal.

Members of the public arts board may, after a public hearing, may be removed without cause by a majority vote of the city commission.

(Ord. No. 1773, 12-17-01)

Sec. 78-107. - Organization and election of officers.

The public arts board shall, from its appointed members, annually elect a chairperson and vice-chairperson whose terms of office shall be fixed by the rules of procedure of the public arts board. The chairperson shall preside over the public arts board and shall have the right to vote. The vice-chairperson shall, in absence, or disability of the chairperson perform the duties of the chairperson and shall have the right to vote. The city manager or his or her authorized representative shall act as secretary of the public arts board, and maintain a record of all of its proceedings.

The public arts board shall, at its first meeting establish the rules of procedure for conducting its business.

(Ord. No. 1773, 12-17-01)

Sec. 78-108. - Meetings and quorum.

The public arts board shall set a time and place for a regular meeting which will be held at least four times annually and shall determine the manner in which special meetings may noticed and held.

All meetings of the public arts board shall be open to the public. 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 public arts board makes its recommendation to the city commission.

At least four members of the public arts board shall constitute a quorum for the transaction of its business.

The proceedings of each meeting of the public arts board, shall be recorded by the city manager or his or her authorized representative, acting as secretary.

(Ord. No. 1773, 12-17-01)

Sec. 78-109. - Assistance.

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

(Ord. No. 1773, 12-17-01)

Sec. 78-110. - Objectives.

To enrich the city's civic and cultural heritage, the public arts board is established to provide a level of expertise and objectivity to recommend to the city commission works of art to become the property of or for display upon property owned by the city.

To promote a rich, diverse, and stimulating cultural environment in order to enrich the lives of the city's residents, business owners, employees and visitors and to enhance the city's image both nationally and internationally.

To establish an environment where differing points of view are fostered, expected and celebrated by providing the opportunity for such expression through the display of public art.

(Ord. No. 1773, 12-17-01)

Sec. 78-111. - Duties.

The public arts board shall establish rules of procedure to describe the board's mission statement, objectives, organization of meetings, membership, terms of service, procedure for the election of officers, and procedures for the review of public art work. See section 78-106.

With the exception of art works to be placed in museums or art galleries, the public arts board shall have the responsibility to review all works of art to become the property of or placed upon property owned by the city. See section 78-109.

The public arts board shall have the responsibility to review publicly owned property for the purposes of consideration for the display of public art. The public arts board shall recommend to the city commission the establishment of general guidelines for site selection, maintenance program(s) for ensuring the structural integrity and aesthetic quality of the site and any work of art, including the removal of any work of art.

The public arts board shall have the responsibility to pursue sources of public funding for arts and cultural education, design competitions, special events etc., that may be necessary to advance the objectives of the public arts board. See section 78-109. In fulfilling such duties, the public arts board may seek assistance from city staff, and others for the completion of applications for grants, scholarships and other sources of public funding, including the administration of such funds. See section 78-108. The city may also accept private donations and gifts to advance the goals, objectives and duties of the public arts board. The city manager shall be responsible for the administration of any funds, account or endowments created to accept such gifts or donations and to administer any honorariums or other expenses incurred for the activities of the public arts board including but not limited to juries and design competitions.

It shall also be the responsibility of the public arts board to increase public awareness and promote education of the importance of public art as an enrichment of the quality of life for the residents, business owners, employees and visitors to the city.

The public arts board shall prepare an annual report of its activities, accomplishments and a description of how the public arts board has attempted to achieve its objectives. See section 78-109. This report shall be presented to the city commission.

(Ord. No. 1773, 12-17-01)

Sec. 78-112. - Review of public art.

The public arts board, within its rules of procedure, as set forth in section 78-106, shall establish its vision statement and processes for the review of public art works. The public arts board may also appoint a jury or hold design competitions for the selection and review of public art works. See section 78-108.

The public arts board shall make a recommendation regarding the proposed public art work to the city commission. However, a positive recommendation shall not be required to advance the proposed artwork for review by the city commission.

In the event that a display and/or installation of civic, public or visual art is proposed on a site that is within the jurisdiction of another board of this city, it shall be reviewed by and reported on by such board before it is presented to the city commission.

(Ord. No. 1773, 12-17-01)

Sec. 78-113. - Scope of authority.

The public arts board may select and appoint a jury or hold a competition for the review of any public art project as provided for in sections 78-106 and 78-111. The jury or competition held for any public art project shall serve the public arts board as an ad hoc committee for the duration of the project only.

The public arts board is a non-administrative board serving to make recommendations to the city commission but may not assume any legislative or administrative authority in the operation of any city department or publicly owned property, except as specifically provided in this article.

(Ord. No. 1773, 12-17-01)

EXCERPT
BIRMINGHAM CITY COMMISSION MINUTES
MAY 22, 2017
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Mark Nickita called the meeting to order at 7:30 PM.

II. ROLL CALL

ROLL CALL: Present,	Mayor Nickita Mayor Pro Tem Harris Commissioner Bordman Commissioner Boutros Commissioner DeWeese Commissioner Hoff Commissioner Sherman
Absent,	None

Administration: City Manager Valentine, City Attorney Currier, City Clerk Brown, Police Commander Grewe, City Planner Ecker, Finance Director Gerber, Assistant to the City Manager Haines, City Engineer O'Meara, Library Director Koschik

05-139 -17 USE OF ALTERNATES, REPORTING BOARD ATTENDANCE, AND MODIFYING REQUIREMENTS FOR BOARD MEMBERS

Assistant to the City Manager Haines presented results of a review of board and committee attendance suggesting that three groups might benefit from having two alternate positions added to increase attendance and/or achieve quorum: 1) Advisory Parking Committee, 2) Parks and Recreation Board, and 3) Public Arts Board.

Assistant to the City Manager Haines also presented, based on review of current methods of using alternates, the following recommended process for use of alternates to be consistent for all boards and committees, with the exception of the Zoning Board of Appeals.

1. Alternates are to be called on a rotating basis to sit as a regular member in the absence of a regular member.
2. Alternates are provided the same access (printed or electronic) to the agenda packet as regular members, regardless if they have been called to sit in as an alternate or not.
3. Alternates are to be contacted with as much lead time before the meeting date as possible. Staff will ask during each meeting if any regular member is planning to be absent at the upcoming meeting. Staff will also email regular members at least two days prior to the meeting date to confirm attendance. The appropriate alternate (using a rotating schedule) is contacted by staff and confirms or denies the offer to sit in. A record of their attendance is maintained by staff based on if they were called and turned down the opportunity; then it would count as an absence. Not being asked does not constitute an absence and would be left blank in the attendance record.
4. Alternates are expected to be familiar with current board issues either by attending live meetings, watching live broadcast remotely, reviewing archived video recordings of the

meetings, or by reading the meeting minutes. In meetings where an issue discussed will be continued at a future meeting, it is appropriate to require that same alternate to come back, and the regular member to recuse his or herself based on their earlier absence.

5. Alternates under consideration for selection and addition to a committee or board, must meet one of the already established criteria for one of the regular members.

Commissioner Hoff asked why the rosters for some boards were included in the packet, and Assistant to the City Manager Haines explained the Commission had asked which boards used the language "in so far as possible" in regards to qualifications for appointment.

Commissioner Hoff stated the requirement for alternates to be aware of issues is an important point.

Commissioner Bordman advocated for alternates being required to attend all meetings, explaining that being present in the meeting room will elevate the status of alternates, promote comradery between the alternates and the regular board members, establish continuity in discussions, and allow alternates to be fully prepared. She further proposed that every member of a board or committee who misses a meeting be required to either read the minutes or watch the video of the meeting in order to keep up.

Regarding attendance:

- Commissioner Boutros noted the importance of enforcing attendance of regular members as well as alternates, and suggested a minimum attendance requirement for reappointment eligibility.
- Mayor Nickita said attendance is documented for all appointees. He was not in favor of instituting a minimum attendance requirement, but suggested the Commission review attendance to determine whether or not reappointing a member would be appropriate.
- Commissioner DeWeese concurred that attendance be taken for both regular and alternate members, and believed recording attendance results in self-adjustment. He recommended the attendance recording document contain no blanks, as blanks signify something missed.

The Commission was generally in favor of Commissioner Bordman's requirement for alternates to attend all meetings and discussed ways in which to implement the requirement into recommended process for use of alternates. Commissioner Sherman suggested Assistant to the City Manager Haines revise the policy in conformity with the Commission's discussion, rather than either the Commission trying to draft new language at the table, or having staff bring a revised policy back.

Assistant to the City Manager Haines summarized the discussion, noting the Commission wants clarification that alternates are required to attend all meetings, that a record of attendance of both alternates and regular members be maintained, and that the language is clear that the expectation of the alternate is the same level as that of a regular member.

MOTION: Motion by Commissioner Bordman, seconded by Mayor Pro Tem Harris:
To amend the ordinances of the Advisory Parking Committee, the Parks and Recreation Board, and the Public Arts Board, to add 2 alternate positions to each as follows:

To amend Resolution No. 08-882-84 – August 6, 1984, Advisory Parking Committee, Members.

AND

To amend Part II of the City Code, Chapter 78, Parks and Recreation, Article II., Parks and Recreation Board, Section 78-26, Created; composition.

AND

To amend Part II of the City Code, Chapter 78, Public Arts Board, Article V., Public Arts Board, Section 78-103, Composition and terms of members.

AND

To direct the city clerk to standardize the attendance reporting of all city boards and committees as outlined in the May 12, 2017 memorandum to the city manager and as clarified by the Commission and to direct staff to amend the Recommended Process for Use of Alternates as clarified by Commissioner Bordman.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

CITY OF BIRMINGHAM

ORDINANCE NO. 2234

AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 78 PUBLIC ARTS BOARD, ARTICLE V. PUBLIC ARTS BOARD, SECTION 78-103 COMPOSITION AND TERMS OF MEMBERS.

THE CITY OF BIRMINGHAM ORDAINS:

Part II of the City Code, Chapter 78 Public Arts Board, Article V. Public Arts Board, Section 78-103 Composition and terms of members, as follows:

ARTICLE V. – PUBLIC ARTS BOARD

Sec. 78-103. – Composition and terms of members.

The public arts board shall be appointed by the city commission and consists of the city manager and his/her designated representative(s) as nonvoting ex-officio members and seven voting members.

At least four members of the public arts board shall be residents of the city. The remaining members and ex-officio members may or may not be residents of the city.

In so far as possible, the members shall represent a major cultural institution such as Cranbrook Academy and/or the Detroit Institute of Arts, the Birmingham/Bloomfield Arts Council (BBAC), a registered architect of the state, an artist, an art historian and an art consultant. Members of the public arts board may also be members of the design review board, the historic district commission, the parks and recreation board, or the planning board.

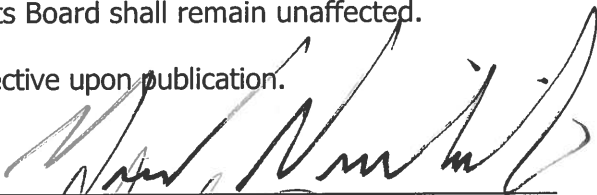
The initial members of the public arts board shall be appointed for the following terms: Two for one year, two for two years and three for three years. Thereafter, all such appointments, except to fill vacancies, shall be for a term of three years.

The city commission may appoint two alternate members to serve as needed on the Public Arts Board during their term of appointment. An alternate member may be called on a rotating basis to sit as a regular member of the Public Arts 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 Public Arts Board.

(Ord. No. 1773, 12-17-01; Ord. No. 1884, 7-24-06)

All other Sections of Chapter 78 Public Arts Board shall remain unaffected.

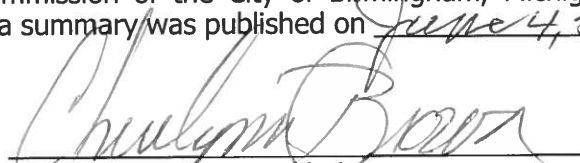
Ordained this 22nd day of May, 2017. Effective upon publication.



Mark Nickita, Mayor

Cherilynn Brown, City Clerk

I, Cherilynn Brown, 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 5-22-17 and that a summary was published on June 4, 2017.



Cherilynn Brown, City Clerk



Expectations of Alternates on City Boards or Committees

The following guidelines have been adopted from the May 22, 2017 Birmingham City Commission meeting. The Commission gave direction regarding alternates being required to attend all meetings, explaining that by being present in the room, it will elevate the status of alternates, promote comradery between the alternates and the regular board members, establish continuity in discussions, and allow alternates to be fully prepared. Further, it was proposed that every member of a board or committee who misses a meeting be required to either read the minutes or watch the video of the meeting in order to keep up. The expectation of the alternate is the same level of that of a regular member. The expectations are as follows:

1. Alternates are expected to attend all meetings of their appointed board just as regular members are expected to attend all meetings. Alternates are to be utilized on a rotating basis to sit as a regular member in the absence of a regular member, except the Board of Zoning Appeals (BZA) may continue the existing practice of utilizing alternates by seniority.
2. Alternates are provided the same access (printed or electronic) to the agenda packet as regular members.
3. A record of attendance for all members, regular and alternates, is maintained by the staff person assigned to each board. If a member or an alternate cannot make a meeting, he or she should contact the staff person and advise them of their intended absence.
4. In meetings where an issue discussed will be continued at a future meeting, and an alternate was utilized for that specific meeting, it is appropriate that the same alternate be utilized for that issue, and the regular member to recuse his or herself for that issue based on their earlier absence.
5. Alternates under consideration for selection and addition to a committee or board as a regular member, must meet one of the already established criteria for one of the regular members.



**NOTICE OF INTENTION TO APPOINT TO
BOARD OF ZONING APPEALS**

At the regular meeting of Monday, October 16, 2023, the Birmingham City Commission intends to appoint one regular member to the Board of Zoning Appeals to serve a three year term to expire October 10, 2026, and one alternate member to the Board of Zoning Appeals to serve the remainder of a three-year term to expire February 18, 2026.

Interested parties may recommend others or themselves for these positions by submitting a form available from the City Clerk's office. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, October 11, 2023. Applications will appear in the public agenda at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

Duties of Board

The Board of Zoning Appeals acts on questions arising from the administration of the zoning ordinance, including the interpretation of the zoning map. The Board hears and decides appeals from and reviews any order, requirement, decision or determination made by the Building Official.

Applicant Name	Criteria Applicants shall be property owners of record and registered voters.	Qualifications
Nicole Braddock	Birmingham Property owner and registered voter	Current Sustainer Advisor and Past President of Birmingham Junior League, Board of Trustees CARE House of Oakland County, Board of Directors Athlete's Unlimited, Board of Directors Great Lakes Chamber Music Festival

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 an alternate member to the Board of Zoning Appeals to serve the remainder of a three-year term to expire February 18, 2026.

To appoint _____ as a regular member to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2026.



BOARD OF ZONING APPEALS

Chapter 126 – Section 126-671 – Seven Members – Three Year Terms
 Requirements – Property owners of record and registered voter

The Board of Zoning Appeals acts on questions arising from the administration of the zoning ordinance, including the interpretation of the zoning map. The board hears and decides appeals from and reviews any order, requirement, decision or determination made by the building official.

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Hart 2051 Villa	Kevin	(248) 4967363 <i>khartassociates@aol.com</i>	2/27/2012 Architect	10/10/2023
Kona 439 W. Merrill St	Carl	(248)540-2810 <i>carlsbox@hotmail.com</i>	4/25/2022 Alternate Member, Financial Services	2/18/2026
Lilley 648 Cherry Ct.	Richard	248-594-6737 <i>dicklilley@icloud.com</i>	9/6/2018 Regular Member	10/10/2025
Miller 544 Brookside	John	(248) 703-9384 <i>jnmillerstudio@gmail.com</i>	1/23/2012 Architect	10/10/2024
Morganroth 631 Ann	Erik	(248) 762-9822 <i>emorganroth@comcast.net</i>	10/12/2015 Real Estate/Builder	10/10/2024
Reddy 763 Wallace	Ron	(313) 820-7491 <i>ron.reddy01@gmail.com</i>	2/11/2019 Regular member	10/10/2025

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Vacant			Attorney	10/10/2026
Vacant			Alternate Member	2/18/2026
Yaldo 1936 Graefield	Pierre	(248) 534-5585 <i>pierreyaldo1@gmail.com</i>	2/28/2022 Attorney	10/10/2025

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 BOARD OF ZONING APPEALS

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

Name NICOLE BRADDOCK Phone 248-640-1347

Residential Address 647 N. OLD WARD Email * nicolembraddock@aol.com

Residential City, Zip BIRMINGHAM MI 48009 Length of Residence 12 yrs

Business Address TAPPERS SOMERSET MAN 2800 WEST BIG BEAVER Occupation Manager

Business City, Zip TROY, MI 48064

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

Ive lived in town for awhile and understand community needs & concerns. In addition I serve on multiple boards for non profits.

List your related employment experience 22 years in my career and leadership and management.

List your related community activities past president Junior League of Birmingham & a member for 15 years

BOARD OF DIRECTORS: CARE House Cabland County, Athletics Great Lakes Chamber Music Festival & Community House Unlimited

List your related educational experience BAA of Applied Arts Resume Attached

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 [Signature] Date 9/14/2023

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to 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.

Education
Central Michigan University

BAA: Bachelor of Applied Arts
Major: Apparel Merchandising & Design
Minor: Marketing CSA

Skills

Adobe Illustrator, Adobe Photoshop, Mikalis PDM, Macromedia Dreamweaver, Lectra U4IA, Microsoft Power Point, Word, & Excel

Personal Attributes

Enthusiastic
Team player
Self-starter
Supportive
Inspires
Builds positive team Relationships
Ethical
Motivating
Dedicated
Passionate
Integrity
Superb people and sales skills
Resolve issues in a solution-oriented, objective and productive manner
Open to trying new ideas
Leads change effectively
Encourage Others
Organized
Future Focused
Determined

Nicole Braddock CSA

647 N. Old Woodward
Birmingham, MI 48009
(p) 248.640.1367 (e) nicolebraddock@aol.com

Areas of Expertise

- 22 years of experience in the hospitality/retail industry, 17 years in management & development
- Develop and train individuals to attain unprecedented levels of skill and ability, while delivering outstanding service
- Develops, coordinates and conducts effective developmental and leadership trainings
- Intuitive understanding of staff, clientele and business needs
- Creating an enthusiastic and passionate environment for superior customer service
- Possess strong commitment to achieving personal and professional goals
- Effective execution and planning of events
- Builds and maintains relationships with staff, customers, vendors, and community
- Field experience in philanthropy and non-profit sector, public relations, event planning, F&B, recruitment, fund development, training and development, donor relations, university environments, marketing, & operations

Professional Profile

2017-2021

Store Director

Tapper's Diamonds & Fine Jewelry Headquarters

2021-Present

Assistant Store Manager

Tapper's Diamonds & Fine Jewelry

Somerset Collection

- *Oversee and Manage over \$30M worth of business in Fine Jewelry & Timepieces, this includes Loose Diamonds, Custom Jewelry, Timepieces, Bridal, and Luxury Brands including Rolex, Cartier, Pomellato, David Yurman, Mikimoto, Marco Bicego, John Hardy, IWC, Breitling, Grand Seiko, and Charles Krypell.*
- *Merchandise Manager for the store overseeing product needs & assortment with buying office.*
- *Hired, on-boarded, trained, and developed staff while immersing employees with core values and culture of the company*
- *Coached and trained staff to achieve goals and improve skill set to grow business and to elevate the client experience. This included increasing leadership capability, placing Brand Ambassadors, and growing business YOY*

2015-2017

Division Manager, Designer RTW

Contemporary Collections (additional responsibility 2016-2017)

Saks Fifth Avenue, Troy, MI

- *Managed approximately \$12M worth of multiple businesses in a flagship Saks Fifth Avenue*
- *Hired, on-boarded, trained, and developed staff while immersing employees with core values and culture of the company*
- *Coached and trained staff to achieve goals and improve skill set to grow business and to elevate the client experience. This included increasing leadership capability and placing Brand Ambassadors. Employee's generated \$7.5M in personal sales*
- *Managed and developed (3) Million Dollar books of business*
- *Identified needs of division and developed key strategies to implement to ensure an elevated experience for customer*

- *Coordinated and conducted trainings with vendors; responsibilities included booking, F&B, providing training materials, and execution of training*
- *Planned and executed special events including off site, for high profile clientele and vendors; responsibilities included logistics, marketing, merchandise, special orders, elevated client appointments, and employee training and development*
- *Built and maintained relationships with vendors, clientele, and employees*
- *Worked closely with vendors to manage the store matrix in Designer (30+ vendors) and contemporary collections (50+ vendors) including buying and assortment, including new hard shop openings such as Valentino, CELINE, and Prada*
- *Executed CHANEL off-site event in Detroit with CHANEL NYC team, this included logistics, marketing, merchandise, special orders, elevated client appointments, associate training, and creating materials needed for organizational effectiveness of the event*

2012-2015

Designer Point Person, Department Manager, Designer RTW and Via C Nordstrom Somerset Collection North, Troy, MI

- *Conducted, organized, and prepared materials all store designer trainings for new hires, selling, and product immersion*
- *Prepared reporting and materials to lead monthly associate and manager trainings for all designer employees including RTW, shoes, handbags, and men's designer*
 - *Doubled RTW designer volume in 2 years*
 - *Recruited, hired, and on-boarded top talent, which includes a Pace Setter & Customer Service All Star*
 - *Coached staff to achieve goals and improve skill set to grow business and to elevate the client experience*
 - *Worked closely with vendors and buyers to add 6 new points of distribution to department to total 20+ points of distribution. Evaluated and communicated developmental needs of the department to ensure the right mix of product, sizing, and depth*
 - *Consistently hit sell through expectations and had YOY increases*
 - *Planned and executed successful events for Designer areas of business*
 - *Managed all operations of department including visual merchandising, inventory control, & scheduling*

2011-2012

Department Manager, BP Department

Nordstrom Somerset Collection North, Troy, MI

- *Managed the 2nd largest square foot BP. department in the company; multi-million dollar business that is fast-paced & unit-intense, comprised of clothing, accessories, and jewelry*
- *YOY increase and used effective hiring, on-boarding, developmental training, and creative scheduling to build passionate and effective staff to increase business*
- *Identified future opportunities to affect product offering with collaboration with buying office.*
- *Managed a team of over 25+ associates and promoted 4 assistant managers into managerial leadership roles*
- *Coached staff to achieve goals and improve skill set to grow business and to elevate the client experience*
- *Managed all operations of department including visual merchandising, inventory control, & scheduling*

2007-2011

Opening Department Manager, BP. Department

Nordstrom Twelve Oaks, Novi MI

- *Opened full line store, recruited, hired, and on-boarded entirely new team of over 25 people*
- *Developed training materials and conducted ongoing training for new employees*
- *Promoted 5 assistant managers into managerial leadership roles*
- *During the crash of 2008, was the only women's apparel department to have an increase over LY*
- *YOY increases and grew the business consistently for 4 years*
- *With growing new store, ensured we had the right product mix, breadth and depth, and had the right staffing to drive effective business by identify opportunities and needs of the business*
- *Managed all operations of department including visual merchandising, inventory control, & scheduling*

2007-2007

Department Manager, BP. Department

Nordstrom Somerset Collection North, Troy, MI

- *Managed, coached, and developed team of 40 employees of different skill sets and responsibilities from salespeople, fitting room attendants, cashiers, and clothes runners*
- *Hired, on boarded, and developed 2 new assistant managers with key leadership skills*
- *Managed all operations of department including visual merchandising, inventory control, & scheduling*

2006-2007

Assistant Department Manager, BP. Department

Nordstrom Somerset Collection North, Troy, MI

- *Manager of Fashion Board Internship; consisted of 20 young high school women looking for careers in fashion leadership. Mentored young women and developed skill sets for collegiate leadership and work experiences*
- *Recruited, prepared, and led trainings at local high schools regarding Nordstrom and the Fashion Board Internship and conducted monthly meetings for Fashion Board*
- *Directly supervised management of 40 employees*
- *Coached and developed team comprised of sales and support roles*

2001-2006

Sales & Support Roles, BP. Department

- *Clothes Runner, Fitting Room Attendant, Cashier, & Salesperson*
- *Responsible for overall cleanliness of fitting rooms and ensured merchandise is put back timely on the sales floor. This includes stock management, and department is sized, colorized, and filled in from back stock*
- *Handled all register operations and gave superior service to all customers.*
- *Exceeded personal sales goals, and received many customer service letters in regards to an exceptional experience*

Professional Affiliations and Associations

Sustainer Advisor, Membership & Recruitment, Junior League of Birmingham (2018-Present)

- *Assists with planning and executing of Recruitment Events & New Member Meetings and Education*
- *Actively recruits members and participates in all activities in with engaging prospective members*
- *Actively participates and hosts New Member Meetings at the BAC*

Immediate Past President, Nominating Committee, Junior League of Birmingham (2017-2018)

- *Assumes duties as the Immediate Past President of the organization to ensure the effective governance and fiduciary responsibility of the Junior League is followed*
- *Nominating Committee interviews, slates, and presents upcoming leadership into the organization*

President, Board of Directors, Junior League of Birmingham (2016-2017)

- **Chief Governance Officer:** *assure the effective governance and fiduciary responsibility of the Junior League through its duly elected board of directors. This ensuring duty of care, duty of loyalty, and duty of obedience is followed*
- **Chief Executive Officer:** *assure the effective operations of the Junior League through the Board's oversight of programs and activities. Ensuring the mission, planning and policy making, prudent board operations, membership, programming, marketing, public relations, legal compliance, and financial management are followed and executed*
- **Mission:** *Promote voluntarism, develop the potential of women, and improve community through effective action and leadership of trained volunteers, it's purpose is exclusively educational and charitable*
- *Prepared materials and conducted Board of Directors meetings, general membership meetings, league developmental trainings, board of director & management team leadership trainings & transitions*

President Elect & Executive Vice President, Board of Directors, JLB 2015-2016

- *Oversee all operations of the league as noted under the President*
- *Responsible for organizational management of league*
- *Prepared materials and conducted monthly Management Team meetings*
- *Responsible for the Management Team, comprised of Secretary, Fund Development, Membership, Sustainer, Communication, and Community Impact Council Directors, Assistant Treasurer, Secretary directly overseeing the day to day operations of the league*

Fund Development Council Director, Board of Directors, JLB 2013-2015

- *Oversee all fundraising elements of the organization, includes developmental training, budgets, profit and loss statements, member of the finance committee, and event planning*
- *Oversaw annual revenue of over \$100,000, and monitored budget and spending*
- *Maintained all donor relations and sponsorship packages of the organization*
- *Oversee 5 committees of 80 women, which includes preparing and conducting training*

Social Fundraising Chairman, JLB 2012-2013

- *Led and oversaw all operations of a committee of 15 women*
- *Planned and executed 8 events and exceed budgeted fundraising goal by 35%*
- *Responsibilities included soliciting donations, booking venues, planning all interworking of events, contracts, food & beverage, labor, PR, operations, ticket sales, and marketing*

IT Committee, JLB 2011-2012

- *Gathered information and created the electronic email blasts that went to league members*

Social Fundraising Committee, JLB 2010-2011

- *Member of committee that executed monthly social events for league and the community*
- *Responsibilities included, soliciting donations, booking venues, planning all interworking of events, contracts, food & beverage, labor, PR, operations, ticket sales, and marketing*

American Girl Committee, JLB 2009-2010

- *Signature Fundraising Event held at the Townsend in Birmingham*
- *Responsibilities included, soliciting donations, planning all interworking of event, food & beverage, labor, PR, operations, ticket sales, merchandise sales, seating and marketing*

Board of Trustee's (2015-Present) & Executive Committee (2015-2017), CARE House of Oakland County

- *Child Advocacy Center that provides services to victims of child abuse and neglect*
- **Mission:** *To be an advocate for the safety of all children through education, intervention, treatment, and research, in collaboration with the community*
- *Board of Trustee's governs this non-profit organization, overseeing \$2M annual budget, to support its programs and services it provides to the community of 5,000 people actively taking part in*

Board of Directors, Athlete's Unlimited, (2018-Present)

- *Athletes Unlimited is a non-profit organization dedicated to providing social, recreational and athletic outlets to people with disabilities. Our guiding philosophy is that life is not intended to be a spectator sport. Everyone, regardless of ability, can benefit from participating in sports. It continues to be Athletes Unlimited's primary goal to provide these opportunities to as many physically challenged individuals as possible.*
- *Actively fundraises and executes the Annual Golf Outing, by raising funds by donations with Sponsorship Packages, securing donations for Silent Auction & Raffle, creating informational collateral to send to prospective donors and executed Auction & Raffle.*

Board of Directors, Great Lakes Chamber Music Festival, (2018-Present)

- *GLCMF is to be an ongoing program of international stature which brings together people of diversity to celebrate and foster the special intimate musical conversation that is central to great chamber music. Each June, the GLCMF brings a contingent of the world's finest chamber musicians to metro Detroit for two weeks of performances in spectacular downtown and suburban venues.*

Fitness Committee, Birmingham Athletic Club (2019-Present)

- *Assist the club in providing effective action in regards to our fitness center, staff, services offered, and equipment.*

Membership Committee Chairman, Birmingham Athletic Club (2021)

Membership Committee, Birmingham Athletic Club (2019-Present)

- *Assist the club on retaining and recruitment members, member satisfaction, club concerns, hosting member centric events, hosting recruitment events, reviewing member qualifications and applications.*

F&B Committee, Michigan Opera Theatre, BravoBravo! (2013-2017)

- *Sole largest fundraiser for the Detroit Opera House*
- *Procured donations for silent auction, assisted with restaurants (30) participating in event, execution of event setup with committee members*
- *Event raises \$150,000 annually*
- *Filling the Detroit Opera House with an event capacity of 2,500 patrons for over 15 years, and includes, food, beverage, and music from all over the Metro Detroit Area. Specifically targeted to the young professionals demographic, 21-50 year old, predominately educated, successful professional with sincere interest in assisting and support of this major cultural resource of the City of Detroit and the State of Michigan. Since the event launch in 1999, this fundraising has brought more than 1.5M that directly supports our artistic and educational endeavors and the continued improvement and sustainability of the Detroit Opera House*

College Chapter Director, Appointed Officer, Delta Zeta, Eastern Michigan University (2011-2019)

- *Manage and individually develop women's leadership organization of 55*
- *Oversee all entities of organization which includes, policies, procedures, federal laws, housing, billing/financial, recruitment, membership, fundraising, leadership skills, risk management, academics, service, ADA requirements, and leadership training*
- *Manage working annual budget of roughly \$50,000 for the chapter*
- *Prepare and Conduct developmental trainings for the organization at large, including executive board and advisory board*

Philanthropic Collegiate Leadership

Vice President of Recruitment, Delta Zeta Sorority

Continuous Open Bidding Chairman, Delta Zeta Sorority

Junior Invitation Committee Representative, Delta Zeta Sorority

Junior Nominating Committee Representative, Delta Zeta Sorority

Social Chairman, New Member Class, Delta Zeta Sorority

Social Chairman, College PanHellenic Council, Central Michigan University

Fashion Association of Merchandising & Design, Member, Central Michigan University

Kappa Omicron Nu, Honors Fraternity, Member, Central Michigan University

Public Relations Chairman, Threads Fashion Show, Central Michigan University

Teacher Assistant, Threads Fashion Show, Central Michigan University

Nordstrom, Internship, BP. Department, Somerset Collection North

Fashion Group International, Chicago, IL

GAMMA

Michigan Humane Society, Mega March for Animals

CHAPTER 126 - ZONING

ARTICLE 8: ENFORCEMENT AND PENALTIES

8.01 The Board of Zoning Appeals

- A. Establish: There shall be established and appointed by the City Commission, in accordance with Section 5, Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.585, MSA 5.2935), as amended, a Board of Zoning Appeals consisting of seven members each to be appointed for a term of three years.
- B. Alternate Members: The City Commission may also appoint not more than two alternate members for the same term as regular members of the Board of Zoning Appeals. The alternate member may be called on a rotating basis to sit as a regular member of the Board of Zoning Appeals 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. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Board of Zoning Appeals.
- C. Procedure: Meetings of the Board of Zoning Appeals shall be held at the call of the chairperson, and at such other times as the Board of Zoning Appeals may determine. Such chairperson, or in his/her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. The Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and the action thereon, which shall be a public record.
- D. Appeals: An appeal to the Board of Zoning Appeals, based in whole or in part on the provisions of the Zoning Ordinance, may be taken by any person aggrieved, or by any governmental officer, department, Board of Zoning Appeals or bureau affected by the decision of the Building Official. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, on forms provided by the Building Official, specifying the ground thereof, and by paying the required fee. The Building Official shall transmit to the Board of Zoning Appeals all papers constituting the records upon which the appeal action was taken.
- E. Hearing and Notice: The Board of Zoning Appeals shall fix a reasonable time for the hearing of an appeal and shall give due notice of the appeal to the persons to whom real property within 300 feet of the premises in question is assessed, and to the occupants of single- and two-family dwellings within 300 feet, the notice to be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. A notice sign shall also be posted in a conspicuous place on the subject property. Notice signs will be provided by the City of Birmingham. It is the responsibility of the applicant to post the notice sign as required, to ensure that the notice sign remains posted during the entire notice period and to remove the notice sign the day after the public hearing the notice sign was advertising. At the hearing, any person or party may appear in person, by agent or by attorney. All such hearings shall be open to the public.
- F. Powers and Duties: The Board of Zoning Appeals shall have the powers and duties set forth in MCL 125.581 et seq., MSA 5.2931 et seq. and as more particularly hereinafter enumerated. The Board of Zoning Appeals shall not have the power to change the zoning district of any property. The Board of Zoning Appeal's power and duties shall include the following:
1. Review of administrative decisions.
 - a. The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of the Zoning Ordinance.
 - b. It may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the situation, and to that end shall have all the powers of the officer from whom the appeal is taken.
 2. Mapping disputes.
 - a. Where disputes arise as to the location of the floodplain boundary or the limits of the floodway, the Board of Zoning Appeals shall resolve the dispute and establish the boundary location in accordance with Section 1.15.

In all cases, the decision of the Board of Zoning Appeals shall be based upon the most current floodplain studies issued by the Office of Federal Insurance and Hazard Mitigation. Where the Office of Federal Insurance and Hazard Mitigation information is not available, the best available floodplain information shall be utilized.

- b. Where a dispute involves an allegation that the boundary is incorrect as mapped and Office of Federal Insurance and Hazard Mitigation floodplain studies are being questioned, the Board of Zoning Appeals shall modify the boundary of the floodplain or the floodway only upon receipt of an official letter of map amendment issued by the Office of Federal Insurance and Hazard Mitigation.

3. Variances.

- a. The Board of Zoning Appeals shall hear and grant or deny requests for variances from the strict application of the provisions of the Zoning Ordinance where there are practical difficulties or unnecessary hardships in carrying out the strict letter of such chapter. In granting a variance, the Board of Zoning Appeals may attach such conditions as it may deem reasonably necessary to promote the spirit and intent of the Zoning Ordinance. The Board of Zoning Appeals shall not grant any variance unless it first determines that:
 - i. Because of special conditions applicable to the property in question, the provisions of the Zoning Ordinance, if strictly applied, unreasonably prevent the property owner from using the property for a permitted purpose;
 - ii. Literal enforcement of the chapter will result in unnecessary hardship;
 - iii. The granting of the variance will not be contrary to the spirit and purpose of the Zoning Ordinance nor contrary to the public health, safety and welfare; and
 - iv. The granting of the variance will result in substantial justice to the property owner, the owners of property in the area and the general public.
- b. Variances from the provisions of Section 4.13, Floodplain Regulations, shall only be granted by the Board of Zoning Appeals upon a determination of compliance with the general standards for variances contained in the Zoning Ordinance and in accordance with the following:
 - i. The variance granted will not result in flood heights in excess of those permitted by the Zoning Ordinance, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
 - ii. The variance granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.
 - iii. Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Michigan Historic Markers listing of historic sites, or any other state register of historic places without meeting the requirements of this section.
- c. Sign Variance Procedure. Any person who feels aggrieved by a decision of the City Planner or Design Review Board may have the sign reviewed by the Board of Zoning Appeals. A variance may be granted by the Board of Zoning Appeals only in cases involving practical difficulties when the evidence in the official record of the appeal supports all the following affirmative findings:
 - i. That the alleged practical difficulties are peculiar to the property of the person requesting the variance by reasons of the physical and/or dimensional constraints of the building and/or site, and result from conditions which do not exist generally throughout the City;
 - ii. That the granting of the requested variance would not be materially detrimental to the property owners in the immediate vicinity;
 - iii. That the granting of the variance would not be contrary to the general objectives of this Chapter and is in keeping with the spirit and intent of this ordinance; and
 - iv. That granting the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board of Zoning Appeals to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.

- v. In granting a variance, the Board of Zoning Appeals may attach such conditions as it may deem reasonably necessary to promote the spirit and intent of the Zoning Ordinance and the conditions specified in the sign ordinance, Chapter 86, Article 02, Section 2.06.

G. Miscellaneous:

1. No order of the Board of Zoning Appeals permitting the erection or alteration of buildings shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is commenced and proceeds to completion in accordance with the terms of such permit.
2. No order of the Board of Zoning Appeals permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that if the use of such permit is dependent upon the erection or alteration of a building, such order shall continue in full force and effect if a building permit for such use, erection or alteration is obtained within such period and such erections or alterations are commenced and proceed to completion in accordance with the terms of such permit.

**CITY OF BIRMINGHAM
BOARD OF ZONING APPEALS
RULES OF PROCEDURE**

ARTICLE I - Appeals

- A. Appeals may be filed under the following conditions:
1. A property owner may appeal for variance, modification or adjustment of the requirements of the Zoning Ordinance.
 2. A property owner may appeal for variance, modification or adjustment of the requirements of the Sign Ordinance.
 3. Any aggrieved party may appeal the decision of the Planning Board and/or the Building Official in accordance with the City of Birmingham Zoning Ordinance, Article Eight, Section 8.01 (D) Appeals. If an appellant requests a review of any determination of the Building Official, a complete statement setting forth the facts and reasons for the disagreement with the Building Official's determination shall include the principal point, or points on the decision, order or section of the ordinance appealed from, on which the appeal is based.
- B. Procedures of the Board of Zoning Appeals (BZA) are as follows:
1. Regular BZA meetings, which are open to the public, shall be held on the second Tuesday of the month at 7:30 P.M. provided there are pending appeals. There will be a maximum of seven appeals heard at the regular meeting which are taken in the order received. If an appeal is received on time after the initial seven appeals have been scheduled, it will be scheduled to the next regular meeting.
 2. All applications for appeal shall be submitted to the Community Development Department on or before the 12th day of the month preceding the next regular meeting. If the 12th falls on a Saturday, Sunday, or legal holiday, the next working day shall be considered the last day of acceptance.
 3. All property owners and occupants within 300 feet of the subject property will be given written notice of a hearing by the City of Birmingham.
 4. See the application form for specific requirements. If the application is incomplete, the BZA may refuse to hear the appeal. The Building Official or City Planner may require the applicant to provide additional information as is deemed essential to fully advise the Board in reference to the appeal. Refusal or failure to comply shall be grounds for dismissal of the appeal at the discretion of the Board.

5. In variance requests, applicants must provide a statement that clearly sets forth all special conditions that may have contributed to a practical difficulty that is preventing a reasonable use of the property.
6. Where the Birmingham Zoning Ordinance requires site plan approval of a project by the City Planning Board before the issuance of a building permit, applicants must obtain preliminary site plan approval by the Planning Board before appeal to the BZA for a variance request. If such appeal is granted by the BZA, the applicant must seek final site plan and design review approval from the Planning Board before applying for a building permit.
7. An aggrieved party may appeal a Planning Board decision. Such appeal must be made within 30 days of the date of the decision. The BZA, in its discretion, may grant additional time in exceptional circumstances.
8. Appeals from a decision of the Building Official shall be made within 30 days of the date of the order, denial of permit, or requirement or determination contested. The BZA, in its discretion, may grant additional time in exceptional circumstances.
9. An appeal stays all proceedings in accordance with Act #110, Public Acts of 2006, Article VI, Section 125.3604 (3).

C. The order of hearings shall be:

1. Presentation of official records of the case by the Building Official or City Planner as presented on the application form.
2. Applicant's presentation of his/her case—the applicant or his/her representative must be present at the appeal hearing.
3. Interested parties' comments and view on the appeal.
4. Rebuttal by applicant.
5. The BZA may make a decision on the matter or request additional information.

D. Motions and Voting

1. A motion is made to either grant or deny a petitioner's request
 - a) For a motion to grant or deny a non-use variance request, the motion must receive four (4) affirmative votes to be approved.
 - b) For a motion to grant or deny a use variance request, the motion must receive five (5) affirmative votes to be approved.
 - c) For a motion to grant or deny an appeal of a decision or order by an administrative official or board, the motion must receive four (4) affirmative votes to be approved.

2. When a motion made is to approve or deny a petitioner's request and if there is a tie vote, then the vote results in no action by the board and the petitioner shall be given an opportunity to have his or her request heard the next regularly scheduled meeting when all the members are present.
3. When there are less than seven (7) members of the board present for a meeting, then a petitioner requesting a use variance shall be given an opportunity at the beginning of the meeting to elect to have it heard at the next regularly scheduled meeting.
4. When there are less than six (6) members present for a meeting, then all petitioners shall be given an opportunity at the beginning of the meeting to elect to have the request heard at the next regularly scheduled meeting.

ARTICLE II - Results of an Appeal

- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall not become final until the expiration of five (5) days from the date of entry of such orders or unless the Board shall find that giving the order immediate effect is necessary for the preservation of property and/or personal rights and shall so certify on the record.
- C. Whenever any variation or modification of the Zoning Ordinance is authorized by resolution of the BZA, a Certificate of Survey must be submitted to the Community Development Department with the building permit application. A building permit must be obtained within one year of the approval date.
- D. Failure of the appellant, or his representative, to appear for his appeal hearing will result in the appeal being adjourned to the next regular meeting. If, after notice, the appellant fails to appear for the second time, it will result in an automatic withdrawal of the appeal. The appellant may reapply to the BZA.
- E. Any applicant may, with the consent of the Board, withdraw his application at any time before final action.
- F. Any decision of the Board favorable to the applicant is tied to the plans submitted, including any modifications approved by the Board at the hearing and agreed to by the applicant, and shall remain valid only as long as the information or data provided by the applicant is found to be correct and the conditions upon which the resolution was based are maintained.

ARTICLE III - Rehearings

A. No rehearing of any decision of the Board shall be considered unless new evidence is submitted which could not reasonably have been presented at the previous hearing or unless there has been a material change of facts or law.

B. Application or rehearing of a case shall be in writing and subject to the same rules as an original hearing, clearly stating the new evidence to be presented as the basis of an appeal for rehearing.

I certify that I have read and understand the above rules of procedure for the City of Birmingham Board of Zoning Appeals.

Signature of Applicant

CITY AND VILLAGE ZONING ACT (EXCERPT)
Act 207 of 1921

***** 125.585 THIS SECTION IS REPEALED BY ACT 110 OF 2006 EFFECTIVE JULY 1, 2006 *****

125.585 Board of appeals; rules governing procedure; appointment and terms of members; powers and duties of board; appeals; variances; remuneration; finality of decision; judicial review.

Sec. 5. (1) The legislative body of a city or village may act as a board of appeals upon questions arising under a zoning ordinance. The legislative body may establish rules to govern its procedure as a board of appeals. In the alternative, the legislative body may appoint a board of appeals consisting of not less than 5 members, each to be appointed for a term of 3 years. Appointments of the first members shall be for terms of 1, 2, and 3 years, respectively, so as nearly as possible to provide for the subsequent appointment of an equal number of members each year. After the initial appointments, each member shall hold office for the full 3-year term.

(2) Under procedures specified in the zoning ordinance, the legislative body of a city or village may appoint not more than 2 alternate members for the same term as regular members of the board of appeals. The alternate members may be called on a rotating basis as specified in the zoning ordinance to sit as regular members of the board of appeals in the absence of a regular member. An alternate member may also be called to serve 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. The alternate member called shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the board of appeals.

(3) The board of appeals shall hear and decide appeals from and review any order, requirements, decision, or determination made by an administrative official or body charged with the enforcement of an ordinance adopted under this act. The board of appeals shall also hear and decide matters referred to the board or upon which the board is required to pass under an ordinance adopted under this act. For special land use and planned unit development decisions, an appeal may be taken to the board of appeals only if provided for in the zoning ordinance.

(4) In a city or village having a population of less than 1,000,000, the concurring vote of a majority of the members of the board is necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the board is required to pass under an ordinance, or to effect a variation in an ordinance except that a concurring vote of 2/3 of the members of the board is necessary to grant a variance from uses of land permitted in an ordinance. In a city having a population of 1,000,000 or more, the concurring vote of 2/3 of the members of the board is necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the board is required to pass under an ordinance, or to grant a variance in an ordinance.

(5) An appeal may be taken by a person aggrieved, or by an officer, department, board, or bureau of the city or village. In addition, a variance in an ordinance may be applied for and granted pursuant to section 4 of the uniform condemnation procedures act, 1980 PA 87, MCL 213.54, and this act. A board of rules or board of building appeals of a city or village may be enlarged to consist of not less than 5 members, and these may be appointed as the board of appeals as provided in this section.

(6) An appeal under this section shall be taken, within a time prescribed by the board of appeals by general rule, by filing, with the officer or body from whom the appeal is taken and with the board of appeals, a notice of appeal specifying the grounds for the appeal. The officer or body from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(7) An appeal under this section stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the board of appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would in the opinion of the officer or body cause imminent peril to life or property. If such a certification is filed, the proceedings shall only be stayed by a restraining order. A restraining order may be granted by the board of appeals or by the circuit court, on application, on notice to the officer or body from whom the appeal is taken and on due cause shown.

(8) The board of appeals shall fix a reasonable time for the hearing of the appeal and give notice of the appeal to the persons to whom real property within 300 feet of the premises in question is assessed, and to the occupants of single and 2-family dwellings within 300 feet. The notice shall be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll. If a

tenant's name is not known, the term "occupant" may be used. Upon the hearing, a party may appear in person or by agent or by attorney.

(9) The board of appeals shall decide the appeal within a reasonable time. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make an order, requirement, decision, or determination as in the board's opinion ought to be made in the premises, and to that end shall have all the powers of the officer or body from whom the appeal is taken. If there are practical difficulties or unnecessary hardship in carrying out the strict letter of the ordinance, the board of appeals may in passing upon appeals grant a variance in any of its rules or provisions relating to the construction, or structural changes in, equipment, or alteration of buildings or structures, or the use of land, buildings, or structures, so that the spirit of the ordinance shall be observed, public safety secured, and substantial justice done.

(10) The board of appeals may impose conditions upon an affirmative decision, as provided in section 4c(2). The legislative body of a city or village may authorize the remuneration of the members of the board for attendance at each meeting.

(11) The decision of the board of appeals is final. However, a person having an interest affected by the zoning ordinance may appeal to the circuit court. Upon appeal, the circuit court shall review the record and decision of the board of appeals to ensure that the decision meets all of the following requirements:

- (a) Complies with the constitution and laws of this state.
- (b) Is based upon proper procedure.
- (c) Is supported by competent, material, and substantial evidence on the record.
- (d) Represents the reasonable exercise of discretion granted by law to the board of appeals.

(12) If the court finds the record of the board of appeals inadequate to make the review required by this section, or that additional material evidence exists that with good reason was not presented to the board of appeals, the court shall order further proceedings before the board of appeals on conditions that the court considers proper. The board of appeals may modify its findings and decision as a result of the new proceedings, or may affirm the original decision. The supplementary record and decision shall be filed with the court.

(13) As a result of the review required by this section, the court may affirm, reverse, or modify the decision of the board of appeals.

History: 1921, Act 207, Imd. Eff. May 17, 1921;—CL 1929, 2637;—Am. 1941, Act 306, Eff. Jan. 10, 1942;—Am. 1947, Act 272, Eff. Oct. 11, 1947;—CL 1948, 125.585;—Am. 1952, Act 97, Eff. Sept. 18, 1952;—Am. 1968, Act 202, Eff. Nov. 15, 1968;—Am. 1973, Act 204, Imd. Eff. Jan. 11, 1974;—Am. 1978, Act 638, Eff. Mar. 1, 1979;—Am. 1979, Act 180, Eff. Mar. 18, 1980;—Am. 1986, Act 191, Imd. Eff. July 8, 1986;—Am. 2000, Act 20, Imd. Eff. Mar. 8, 2000.

STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUCTION CODE ACT (EXCERPT)
Act 230 of 1972

125.1514 Construction board of appeals; creation; appointment, qualifications, and terms of members; appeal to board; hearing; decision; statement of reasons for decision; appeal to commission; copy of decision; additional powers or duties; procedures; conducting business at public meeting; notice; availability of certain writings to public.

Sec. 14. (1) A construction board of appeals for each governmental subdivision enforcing the code shall be created consisting of not less than 3 nor more than 7 members, as determined by the governing body of the governmental subdivision. Unless otherwise provided by local law or ordinance, the members of the board of appeals shall be appointed for 2-year terms by the chief executive officer of a city, village, or township and the chairperson of the county board of commissioners of a county. A member of the board of appeals shall be qualified by experience or training to perform the duties of members of the board of appeals. A person may serve on the board of appeals of more than 1 governmental subdivision. If an enforcing agency refuses to grant an application for a building permit, or if the enforcing agency makes any other decision pursuant or related to this act, or the code, an interested person, or the person's authorized agent, may appeal in writing to the board of appeals. The board of appeals shall hear the appeal and render and file its decision with a statement of reasons for the decision with the enforcing agency from whom the appeal was taken not more than 30 days after submission of the appeal. Failure by the board of appeals to hear an appeal and file a decision within the time limit is a denial of the appeal for purposes of authorizing the institution of an appeal to the commission. A copy of the decision and statement of the reasons for the decision shall be delivered or mailed, before filing, to the party taking the appeal.

(2) This act does not prevent a governmental subdivision from granting its board of appeals additional powers or duties not inconsistent with this act, or from establishing procedures to be followed by its board of appeals insofar as the procedures do not conflict with this act. Except as otherwise provided by this act, or by other laws or ordinances, a board of appeals may by rules establish its own procedures.

(3) The business which the board of appeals may perform shall be conducted at a public meeting of the board of appeals held in compliance with Act No. 267 of the Public Acts of 1976. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(4) A record of decisions made by the board of appeals, properly indexed, and any other writing prepared, owned, used, in the possession of, or retained by the board of appeals in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976.

History: 1972, Act 230, Eff. Jan. 1, 1973;—Am. 1977, Act 195, Imd. Eff. Nov. 17, 1977;—Am. 1978, Act 442, Imd. Eff. Oct. 9, 1978.

Popular name: Act 230

Popular name: Uniform Construction Code

**Birmingham City Commission
Special Meeting Minutes - Workshop
Monday, October 2, 2023
6:15 p.m.**

Vimeo Link: <https://vimeo.com/870466920>

This will be considered a workshop session of the City Commission. No formal actions will be taken. The purpose of this workshop is to participate in a discussion on Unimproved Streets.

I. Call to Order

Therese Longe, Mayor

II. Roll Call

City Clerk Bingham called the roll.

Present: Mayor Longe
Mayor Pro Tem McLain
Commissioner Baller
Commissioner Boutros
Commissioner Haig
Commissioner Host
Commissioner Schafer

Absent: None

Staff: Assistant City Manager Fairbairn; Assistant City Manager Mark Clemence, City Clerk Bingham, City Engineer Coatta, Finance Director Gerber, City Attorney Gojcaj

III. Presentation & Discussion

CE Coatta presented the topic. Staff answered informational questions from the Commission.

Commissioner discussion was as follows:

- Commission priorities were to accelerate the process of improving roads and to consider different payment options;
- The City could afford to improve about a mile of road per year since the City pays entirely for the costs of updating the water and sewer infrastructure;
- Based on how costs are presently distributed, an individual resident would not experience a cost breakeven to improve their road versus cape sealing until approximately 40 years in the future;
- In reply to the previous comment, it was noted that individual financial considerations were not the only basis for determining the value of improved roads. Improved roads provide a number of benefits to the residents, and are more representative of Birmingham as a community;
- A decrease in State revenue sharing led to a decrease in infrastructure maintenance in the City. The City should reprioritize investments in infrastructure. Political will would be required to do so, and bonds would likely be part of the required funding;

- In reply to the previous comment, it was noted that the City has made regular multimillion dollar investments into its infrastructure, and that bonds may or may not be appropriate per the work done by the Ad Hoc Unimproved Street Study Committee (AHUSSC);
- The ranking system should be clarified based on the particularities of individual neighborhoods;
- Most residents with concerns about streets are concerned about the street surfaces;
- In reply to the previous comment, it was noted that, even though it may not be well-known, the underlying infrastructure of the roads impacts the quality of the road surfaces;
- The Commission and City administration must address residents' concerns about infrastructure safety and functioning;
- This topic has been studied at a number of levels for a number of years at this point. The Commission should move forward with some kind of implementation;
- The most effective way for the Commission to expedite this process would be to make the budgetary changes necessary to increase the allocation for road improvements in the City budget;
- The roads should be improved per the AHUSSC's recommendations regarding infrastructure, longevity, and surface quality;
- While improving the roads would not alleviate all of the drainage issues in the City, it would help reduce them;
- Large infrastructure projects in the City would likely be limited by available contractors and available materials. Staging issues would also have to be addressed; and,
- A well-developed plan on this topic, optimized to facilitate ease of communication with the residents, would be a boon.

IV. Public Comment

Andrew Baran made a comment attesting to public awareness of, and support for, road improvements.

Herb Lawson made a comment in support of the personal, financial, and communal benefits of road improvements.

Staff answered informational questions from Mr. Baran.

The Mayor told Mr. Lawson that Staff would follow up regarding Lakeside's ranking.

V. Adjourn

Mayor Longe adjourned the meeting at 7:23 p.m.

Alexandria Bingham, City Clerk



Laura Eichenhorn, City Transcriptionist

Birmingham City Commission Minutes
October 2, 2023
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: <https://vimeo.com/870466920>

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Therese Longe, Mayor, opened the meeting with the Pledge of Allegiance.

II. ROLL CALL

City Clerk Bingham called the roll.

Present: Mayor Longe
Mayor Pro Tem McLain
Commissioner Baller
Commissioner Boutros
Commissioner Haig
Commissioner Host
Commissioner Schafer

Absent: None

Staff: Assistant City Manager Fairbairn; Assistant City Manager Mark Clemence, City Clerk Bingham, City Engineer Coatta, Planning Director Dupuis, Parking Services Manager Ford, City Attorney Gojcaj

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

Announcements

- Happy Birthday Commissioner Haig
- The second annual Birmingham Art Walk is October 12, 2023, from 5-8 p.m. This free strolling event will feature local artists and shops, entertainment and more throughout downtown Birmingham! Stop by participating merchants to meet local artists and enjoy special promotions. For more information visit allinbrimingham.com.
- Next Saturday, October 14, from 1-4 p.m., the Birmingham Fire Department will be hosting their annual open house. The day will be filled with many fire education opportunities, including a live vehicle extrication demonstration. This kid-friendly event will have face painting, popcorn, hot dogs, firehouse chili, and much more. The open house will take place at Station 1, located at 572 S. Adams Rd.
- Proclamation in recognition of Robert S. Kenning's 100th birthday on September 20, 2023

Appointments

10-227-23 Board of Zoning Appeals

Kevin D. Hart was interviewed by the Commission.

MOTION: Nomination by MPT McLain:

To appoint Kevin D. Hart as a regular member to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2026.

VOICE VOTE: Ayes, MPT McLain
 Commissioner Host
 Mayor Longe
 Commissioner Haig
 Commissioner Boutros
 Commissioner Schafer
 Commissioner Baller

Nays, None

Board of Zoning Appeals

Jason Canvasser was interviewed by the Commission.

Given that Mr. Canvasser serves as an equity partner in a firm presently in a legal dispute with the City, his reappointment was postponed pending an advisory opinion from the Board of Ethics.

It was stated that the City Manager’s Office would file a request for an advisory opinion with the City Clerk.

Commissioner Haig clarified that the advisory opinion would be regarding the situation, and not regarding Mr. Canvasser himself.

The Commission and CA Gojcaj confirmed.

Commissioner Baller asked that the Board of Ethics clarify whether Mr. Canvasser would be permitted to serve after the resolution of the present legal dispute.

The Mayor noted that Mr. Hart would be sworn in in-person at a later date.

EMPLOYEE RECOGNITION

- City Clerk’s Office
 - Megan Trapp (postponed)

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

David Bloom made a comment supporting more detail in the minutes.

V. CONSENT AGENDA

10-228-23 Consent Agenda

The following items were pulled from the Consent Agenda:

- Commr. Haig: Item L – Set a Public Hearing to amend Chapter 126 (Zoning), Article 2, Section 2.37 and Article 5, Section 5.12 to allow health club/studio uses in the B4 Business Residential District in the basement levels and floors two and above
- MPT McLain: Item D – Warrant List – September 21, 2023
- Public: Item B – City Commission Minutes of September 11, 2023
- Commr. Baller: Item K – Reduction of Advisory Parking Committee

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Host:
To move the Consent Agenda excluding Items B, D, K, and L.

ROLL CALL VOTE: Ayes, MPT McLain
Commissioner Host
Mayor Longe
Commissioner Haig
Commissioner Schafer
Commissioner Boutros
Commissioner Baller

Nays, None

- A. Resolution to approve the City Commission Workshop meeting minutes of September 11, 2023.
- C. Resolution to approve the City Commission meeting minutes of September 18, 2023.
- E. Resolution to approve the warrant list, including Automated Clearing House payments, dated September 28, 2023, in the amount of \$1,340,637.27.
- F. Resolution appointing election inspectors, absentee voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the November 7, 2023 General Election pursuant to MCL 168.674, and further grant the City Clerk the authority to make emergency appointments of qualified candidates should circumstances warrant in order to maintain adequate staffing in the various precincts, counting boards and receiving boards.

And

Authorize the use of the Oakland County Absent Voter Counting Board for the purpose of processing and tabulating absent voter ballots on November 7, 2023, as prescribed in the terms and responsibilities previously agreed upon at the July 12, 2020 meeting by Commission resolution 07-120-20.

- G. Resolution to approve a special event permit as requested by the Lutheran Church of the Redeemer to hold the 2023 Christmas Nativity Display daily, beginning on November 22, 2023 and ending December 29, 2023, contingent upon compliance with all permit and insurance requirements and payment of all fees, and further pursuant to any minor modifications or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event.
- H. Resolution authorizing the City Manager to cast a vote, on the City's behalf, for the three (3) candidates for the Michigan Municipal League Liability and Property Pool Board of Directors for three-year terms, beginning January 1, 2024.
- I. Resolution to authorize the City Clerk to complete the Local Approval Notice at the request of Churchill's Cigar Shop, Inc. approving the request for a transfer of shares for a business which holds the Class C and SDM License with Sunday Sales (PM) and Outdoor Service Area located at 116-118 S. Old Woodward Ave., Birmingham, Oakland County, MI to now include Mazin Samona Living Trust, 306 Shares, and John Samona Living Trust, 102 Shares.
- J. Resolution to approve the Memorandum of Understanding with Oakland Community Health Network and to authorize the Chief of Police to sign the agreement on behalf of the City.

10-229-23 Set a Public Hearing to amend Chapter 126 (Zoning), Article 2, Section 2.37 and Article 5, Section 5.12 to allow health club/studio uses in the B4 Business Residential District in the basement levels and floors two and above (Item L)

It was confirmed that staff would clarify the potential structural needs of a health club or studio on the second floor.

MOTION: Motion by Commissioner Haig, seconded by Commissioner Host:
 To set a public hearing date of November 13, 2023 to consider the proposed ordinance amendments to Chapter 126 (Zoning), Article 2, Section 2.37 and Article 5, Section 5.12 to allow health club/studio uses in the B4 Business Residential District in the basement levels and floors two and above.

ROLL CALL VOTE: Ayes, MPT McLain
 Commissioner Host
 Mayor Longe
 Commissioner Haig
 Commissioner Schafer
 Commissioner Boutros
 Commissioner Baller

Nays, None

10-230-23 Warrant List – September 21, 2023 (Item D)

MPT McLain noted for the public that payments were made to the 48th District Court as part of

this warrant list and that she was keeping track of the running total of payments made to the 48th District Court.

MOTION: Motion by MPT McLain, seconded by Commissioner Boutros:
To approve the warrant list, including Automated Clearing House payments, dated September 21, 2023, in the amount of \$2,666,040.44.

ROLL CALL VOTE: Ayes, MPT McLain
Commissioner Host
Mayor Longe
Commissioner Haig
Commissioner Schafer
Commissioner Boutros
Commissioner Baller

Nays, None

10-231-23 City Commission Minutes of September 11, 2023 (Item B)

The Mayor clarified for Mr. Bloom that the comments he made at the September 11, 2023 meeting were referenced in the meeting minutes.

MOTION: Motion by Commissioner Haig, seconded by MPT McLain:
To approve the City Commission meeting minutes of September 11, 2023.

ROLL CALL VOTE: Ayes, MPT McLain
Commissioner Host
Mayor Longe
Commissioner Haig
Commissioner Schafer
Commissioner Boutros
Commissioner Baller

Nays, None

10-232-23 Reduction of Advisory Parking Committee (Item K)

Commissioner Baller stated that the operations of the Advisory Parking Committee should be reviewed as part of the Commission's upcoming parking operations workshop.

The Mayor requested that staff schedule the parking operations workshop.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Boutros:
To approve reducing the Advisory Parking Committee from eleven (11) members to nine (9) members by removing one downtown employee position and one restaurant owner position.

VOICE VOTE: Ayes, MPT McLain
Commissioner Host

Mayor Longe
Commissioner Haig
Commissioner Schafer
Commissioner Boutros
Commissioner Baller

Nays, None

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

10-233-23 Michigan Hazard Mitigation Grant Agreement – Parking Lot #6 Floodwall

CE Coatta presented the item and answered informational questions from the Commission.

Commission comments were as follows:

- The floodwall would protect private property, but would not protect nearby public property;
- The floodwall would be installed very close to where the Tiger Dam is located when it is deployed; and,
- Some of the buildings adjacent to where the floodwall would be located flood frequently when it rains. This floodwall would benefit the businesses located in those buildings.

MOTION: Motion by Commissioner Host, seconded by Commissioner Boutros:
To approve the State of Michigan Hazard Mitigation Assistance Grant Agreement for DR-4607-MI Hazard Mitigation Grant Program between the Michigan Department of State Police, Emergency Management and Homeland Security Division, and the City of Birmingham. In addition, authorize the Mayor to sign the agreement on behalf of the City.

AND

To adopt a resolution to charge the cost of this project to account #403.0-901.018-981.0100, and further to approve the appropriations and amendment to the Capital Project Funds – Streambank Improvement as follows:

Revenues:		
Appropriation from Fund Balance	403.0-000.000-400.0000	\$ 44,020
Federal Grants	403.0-901.018-503.0000	<u>264,120</u>
Total Revenues		\$308,140

Expenses:		
Capital Projects Fund – Capital Outlay	403.0-901.018-981.0100	\$308,140

ROLL CALL VOTE: Ayes, MPT McLain
Commissioner Host

Mayor Longe
Commissioner Haig
Commissioner Schafer
Commissioner Boutros
Commissioner Baller

Nays, None

Commission Items for Future Discussion

10-234-23 Discussion of Crosswalk Standards

MOTION: Motion by Commissioner Baller, seconded by Commissioner Boutros:
To put the implementation of crosswalk standards on the next reasonable agenda, with a report from staff.

VOICE VOTE: Ayes, MPT McLain
Commissioner Host
Mayor Longe
Commissioner Haig
Commissioner Schafer
Commissioner Boutros
Commissioner Baller

Nays, None

Commission Discussion On Items From A Prior Meeting

10-235-23 Infrastructure & Flooding Abatement

Commissioner Host presented the item.

MOTION: Motion by Commissioner Host, seconded by Commissioner Haig:
To discuss infrastructure and flooding abatement and to receive a report from the City about citizen reports and patterns of flooding.

The Mayor requested that Staff present the data collected from residents about flooding issues.

MPT McLain recommended that someone from the City go door-to-door in the areas with issues to solicit reports.

Commissioner Host noted that there were a number of areas in the City experiencing issues with flooding.

The Commission was asked to encourage residents to call in their reports or to use the GovAlert app to submit their reports.

VOICE VOTE: Ayes, MPT McLain

Commissioner Host
Mayor Longe
Commissioner Haig
Commissioner Schafer
Commissioner Boutros
Commissioner Baller

Nays, None

10-236-23 Remediation Strategies for Rodents and Vermin

Commissioner Haig presented the item.

MOTION: Motion by Commissioner Haig, seconded by MPT McLain:
To discuss our current rat mitigation policies, future policies, and alternatives to poison as a strategy.

VOICE VOTE: Ayes, MPT McLain
Commissioner Host
Mayor Longe
Commissioner Haig
Commissioner Schafer
Commissioner Boutros
Commissioner Baller

Nays, None

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of Intention to appoint to the Ad Hoc Aging in Place Committee
 - 2. Notice of Intention to appoint to the Triangle District
- B. Commissioner Comments

MPT McLain recommended that the Commission have a discussion regarding Robert’s Rules, the Open Meetings Act, and an opinion from the Parliamentarian regarding how the meeting minutes were being prepared.

MPT McLain was informed that the Board of Ethics and City Administration were in discussion to schedule training on those topics for after the November election.

- C. Advisory Boards, Committees, Commissions’ Reports and Agendas

1. Ethics Opinion 2023-02 Requested by Commissioner Clinton Baller regarding the potential establishment and management of a private, non-profit community foundation in Birmingham

Commissioner Baller summarized the advisory opinion. He informed the Commission that he intended to move forward with the establishment of a community foundation.

- D. Legislation
- E. City Staff
 1. EGLE Water Violation Report
 2. Policy Regarding Email Distribution Lists

ACM Fairbairn summarized the two items.

The Commission thanked the staff for their work on sending out the EGLE Water Violation Report letters.

INFORMATION ONLY

XI. ADJOURN

Mayor Longe adjourned the meeting at 8:54 p.m.



Alexandria Bingham, City Clerk

Laura Eichenhorn, City Transcriptionist

City of Birmingham

Warrant List Dated 10/05/2023

Meeting of 10/16/2023

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
294317	*	005123	2400 LINCOLN, LLC	208,503.37
294318		BDREFUND	4 WAY CEMENT	100.00
294319	*	006965	7UP DETROIT	120.00
294320		009346	ACCUFORM PRINTING & GRAPHICS, INC	4,380.00
294321		006638	ACTION MAT & TOWEL RENTAL, INC	40.00
294322		BDREFUND	ALLEN BROTHERS INC.	200.00
294323		009440	ALLIANCE ENTERTAINMENT, LLC	777.76
294324		BDREFUND	ALLSHIRE BUILDING	400.00
294325	*	009393	AMANDA MCBRIDE	500.00
294326		009126	AMAZON CAPITAL SERVICES INC	13.99
294327		002488	AMERICAN TEST CENTER, INC.	1,030.00
294328		002484	APPLIED CONCEPTS INC	131.10
294329		BDREFUND	APS RESIDENTIAL SERVICES	100.00
294330		000500	ARTECH PRINTING INC	49.00
294331		006759	AT&T	420.20
294332	*	006759	AT&T	3,122.81
294333	*	009541	AUGUST, LLC	31,815.05
294334		BDREFUND	B NOBLE CONSTRUCTION LLC	200.00
294335	*	008165	B5 INVESTMENTS, LLC	3,188.84
294336		000843	BAKER & TAYLOR BOOKS	32.77
294337		009609	BALIAN LEGAL, PLC	1,740.00
294338		BDREFUND	BCM HOME IMPROVEMENT	100.00
294339		BDREFUND	BERNS LANDSCAPING SERVICES	100.00
294340		002231	BILLINGS LAWN EQUIPMENT INC.	214.98
294341		BDREFUND	BRICK & LEVEL MASONRY RESTORATION L	100.00
294342	*	006953	JACQUELYN BRITO	24.00
294343		003907	CADILLAC ASPHALT, LLC	699.99
294344	*	003904	CAPITAL ONE BANK	18,427.70
294345		007732	CAPITAL TIRE, INC.	810.56
294346	*	MISC	CAROL ANN OWENS	375.00
294347		000595	CARRIER & GABLE INC	3,036.00
294348	*	009137	CGS, INC	6,200.00
294349		008243	CHARTER TOWNSHIP OF BLOOMFIELD	1,474.88
294350		BDREFUND	CONSTANTINE CONSTRUCTION INC	200.00
294351		BDREFUND	CONSTRUCTION BY CHAMPAGNE INC.	100.00
294352	*	008512	COOL THREADS EMBROIDERY	634.92
294353	*	TAXMISC	CORELOGIC TAX SERVICE	4,998.94
294354		007822	REBEKAH CRAFT	180.00
294355		BDREFUND	CRAIGIE, LESLIE ANN	100.00
294356		BDREFUND	DAVID B KINDERVATER	100.00
294357		009309	DEALER AUTO PARTS	346.50
294358		000575	DEMCO, INC	308.79

City of Birmingham
Warrant List Dated 10/05/2023

Meeting of 10/16/2023

Check Number	Early Release	Vendor #	Vendor	Amount
294359	*	TAXMISC	DENNIS ABNEY	813.35
294360	*	009744	DIGICOM GLOBAL INC	385.00
294361	*	MISC	DOUG MCCUISTON	10.00
294362	*	000190	DOWNRIVER REFRIGERATION	400.36
294363	*	000179	DTE ENERGY	7,876.13
294364	*	000179	DTE ENERGY	22.49
294365	*	000179	DTE ENERGY	2,059.45
294366	*	000179	DTE ENERGY	47.86
294367	*	000179	DTE ENERGY	353.82
294368	*	000179	DTE ENERGY	8,684.15
294369	*	000179	DTE ENERGY	1,556.09
294370	*	000179	DTE ENERGY	3,817.23
294371	*	000179	DTE ENERGY	2,219.92
294372	*	000179	DTE ENERGY	14.87
294373	*	000179	DTE ENERGY	1,168.59
294374	*	000179	DTE ENERGY	39.28
294375	*	000179	DTE ENERGY	15.64
294376	*	000179	DTE ENERGY	438.51
294377	*	000179	DTE ENERGY	39.28
294378		000179	DTE ENERGY	24.22
294379	*	000179	DTE ENERGY	906.44
294380	*	000179	DTE ENERGY	17.98
294381	*	000179	DTE ENERGY	21.01
294382	*	000274	E-Z-GO DIVISION OF TEXTRON INC	160.35
294383		008164	GARY EISELE	61.57
294384		004493	ELITE IMAGING SYSTEMS, INC	571.59
294385		BDREFUND	EMERGENCY EGRESS LLC	100.00
294386		BDREFUND	FIRST CHOICE BUILDING & MAINTENANCE	1,000.00
294387		BDREFUND	FIRST CHOICE BUILDING & MAINTENANCE	2,400.00
294388	*	007314	FLEIS AND VANDENBRINK ENG INC	1,758.00
294389	*	009307	FLS PROPERTIES #5, LLC	206,779.36
294390		BDREFUND	FORTUNA, STEFAN B	100.00
294391		BDREFUND	FOUR SEASONS ROOFING & SHEET METAL	100.00
294392		MISC	GA BUSINESS PURCHASER LLC	263.58
294393		BDREFUND	GEORGE GROSE	100.00
294394		BDREFUND	GGC CONSTRUCTION LLC	100.00
294395	*	MISC	GLS NORTH AMERICA	350.00
294396	*	004604	GORDON FOOD	802.97
294397	*	000245	GREAT LAKES POPCORN CO	397.75
294398	*	000726	GUARDIAN ALARM	98.20
294399		001531	GUNNERS METER & PARTS INC	355.00
294400	*	001377	HAGOPIAN CLEANING SERVICES	2,268.00
294401	*	006346	HARRELL'S LLC	366.68

City of Birmingham
Warrant List Dated 10/05/2023

Meeting of 10/16/2023

Check Number	Early Release	Vendor #	Vendor	Amount
294402		BDREFUND	HELLER & ASSOCIATES INC	300.00
294403	*	001956	HOME DEPOT CREDIT SERVICES	2,451.53
294404		BDREFUND	HRH CONSTRUCTION LLC	1,000.00
294405		000342	IBS OF SE MICHIGAN	783.05
294406		BDREFUND	IDEAL CUSTOM BUILDERS INC	300.00
294407		001090	INGRAM LIBRARY SERVICES	2,129.02
294408	*	009401	IRENE S WASSEL	600.00
294409		BDREFUND	JOHN LINDSAY MAYER LANDSCAPE ARCHIT	100.00
294410		000347	JOHN R. SPRING & TIRE CENTER INC.	3,422.70
294411	*	008413	KARANA REAL ESTATE, LLC	10,774.09
294412		BDREFUND	KENDALL DESIGN AND BUILD	300.00
294413		BDREFUND	LAKES DEVELOPMENT GROUP	1,060.00
294414		BDREFUND	LAPERRE, ROBERT	500.00
294415		MISC	LAURA DIDINATO-SHAPIRO	7.49
294416	*	009386	LAW OFFICE OF BRIAN P. FENECH	1,680.00
294417	*	009388	LAW OFFICE OF PATRICK G. GAGNIUK	300.00
294418		BDREFUND	LYNCH CUSTOM HOMES	2,000.00
294419		BDREFUND	MAINSTREET DESIGN & BUILD	600.00
294420		BDREFUND	MAJIC WINDOW COMPANY	100.00
294421	*	000369	MCFI	377.00
294422		009445	MCSA GROUP, INC.	1,901.00
294423	*	009085	MGSE SECURITY LLC	382.00
294424		002207	MICHIGAN AUTOMATIC SPRINKLER, INC.	787.50
294425		006459	MICHIGAN SHOOTING CENTERS INC	990.00
294426	*	002089	MICHIGAN SHIGA SISTER STATE BOARD	100.00
294427		BDREFUND	MIGHTY DOG ROOFING	200.00
294428		000230	MIKE SAVOIE CHEVROLET INC	355.00
294429		BDREFUND	NATIONAL MECHANICAL SERV LLC	2,950.00
294430		009704	NOAR TECHNOLOGIES	500.00
294431		BDREFUND	NORBER BUILDERS	200.00
294432	*	009749	DAVID DECKER	726.88
294433		BDREFUND	NORWOOD HOMES LTD	100.00
294434		000919	OAKLAND COUNTY TREASURER	12,827.92
294435	*	009478	ODP BUSINESS SOLUTIONS, LLC	233.08
294436		009698	PCI INDUSTRIES, INC	343,352.55
294437		BDREFUND	PCI INDUSTRIES, INC.	5,500.00
294438		BDREFUND	PERFORMANCE RESIDENTIAL REMODELING	100.00
294439		007588	PERMACARD	563.96
294440		BDREFUND	PERSPECTIVES CUSTOM CABINETRY INC	200.00
294441		009612	PLAYAWAY PRODUCTS LLC	293.69
294442		BDREFUND	PMS DIVERSIFIED CONSTRUCTION SERVIC	200.00
294443		005501	POISON IVY CONTROL OF MI, LLC	549.00
294444	*	MISC	PURE OAKLAND WATER	105.00

City of Birmingham
Warrant List Dated 10/05/2023

Meeting of 10/16/2023

Check Number	Early Release	Vendor #	Vendor	Amount
294445	*	004137	R & R FIRE TRUCK REPAIR INC	6,350.02
294446		BDREFUND	RANDY PIZZUTI	1,500.00
294447		MISC	RAY WIEGAND'S NURSERY	764.25
294448		007252	RAY WIEGAND'S NURSERY INC.	2,275.00
294449		BDREFUND	ROBERT J SOWLES	2,000.00
294450		000218	ROYAL OAK P.D.Q. LLC	42.95
294451	*	002806	SAM'S CLUB/SYNCHRONY BANK	741.09
294452		009548	SHARE CORPORATION	610.05
294453	*	009009	SIGNATURE CLEANING LLC	7,075.99
294454		BDREFUND	SMOLYANOV HOME IMPROVMENT	100.00
294455	*	005079	STATE OF MICHIGAN	100.00
294456		BDREFUND	STEWART BUILDING	1,000.00
294457		004544	STRYKER SALES CORPORATION	9,456.00
294457	*	004544	STRYKER SALES CORPORATION	(1,000.00)
294458		BDREFUND	THE FELDMAN GROUP	100.00
294459		BDREFUND	TOTTEN HOMES	200.00
294460		BDREFUND	TRESNAK CONSTRUCTION INC	200.00
294461	*	004379	TURNER SANITATION, INC	290.00
294462	*	001279	US FIGURE SKATING ASSOC.	700.00
294463		BDREFUND	USZTAN LLC	200.00
294464		007226	VALLEY CITY LINEN, INC	48.00
294465	*	000293	VAN DYKE GAS CO.	300.00
294466	*	000158	VERIZON WIRELESS	936.31
294467	*	000158	VERIZON WIRELESS	904.17
294468		BDREFUND	WALLSIDE INC	500.00
294469	*	004497	WATERFORD REGIONAL FIRE DEPT.	180.00
294470		BDREFUND	WEATHERGUARD ROOFING	500.00
294471		008408	WISS, JANNEY, ELSTNER ASSOC. INC	17,600.00
294472	*	009460	BRANDON WYNN	405.00

SUBTOTAL PAPER CHECK \$1,000,443.16

ACH TRANSACTION

9143	*	009383	BATTI LAW PLLC	600.00
9144		006683	BIRMINGHAM LAWN MAINTENANCE, INC	25,182.00
9145	*	007624	BIRMINGHAM OIL CHANGE CENTER, LLC	55.97
9146		009183	BOB ADAMS TOWING	101.50
9147	*	003282	LISA MARIE BRADLEY	322.00
9148	*	008983	BRENNA SANDLES	499.00
9149		007875	CANFIELD EQUIPMENT SERVICE INC.	9,130.36
9150	*	009396	CECILIA QUIRINDONGO BAUNSOE	300.00
9151		000605	CINTAS CORPORATION	181.89
9152	*	000605	CINTAS CORPORATION	178.02
9153		000605	CINTAS CORPORATION	38.82
9154	*	000605	CINTAS CORPORATION	124.32

City of Birmingham
Warrant List Dated 10/05/2023

Meeting of 10/16/2023

Check Number	Early Release	Vendor #	Vendor	Amount
9158		002668	CONTRACTORS CLOTHING CO	236.44
9159	*	009557	ZECO, LLC	550.00
9160	*	009181	DELTA TEMP SERVICES INC	300.50
9161	*	007359	DETROIT CHEMICAL & PAPER SUPPLY	515.78
9162	*	003801	JANA ECKER	500.00
9163	*	007538	EGANIX, INC.	720.00
9164	*	000243	GRAINGER	20.32
9165	*	009390	IDUMESARO LAW FIRM, PLLC	630.00
9166	*	007870	J.C. EHRLICH CO. INC.	162.84
9167		000261	J.H. HART URBAN FORESTRY	52,123.49
9168		009298	JCR SUPPLY INC	147.80
9168	*	009298	JCR SUPPLY INC	2,509.30
9169	*	003458	JOE'S AUTO PARTS, INC.	622.81
9170	*	007827	HAILEY R KASPER	574.00
9171	*	009287	KYLE KRAFT	420.00
9172	*	009392	LAMB LEGAL CONSULTING SERVICES	300.00
9173	*	009385	LAW OFFICE OF MICHAEL J. DICK	510.00
9174	*	009385	LAW OFFICE OF MICHAEL J DICK	300.00
9175	*	009398	MARCIA C ROSS PC	900.00
9176		002013	MIDWEST TAPE	1,992.78
9177	*	005634	GINA MOODY	370.42
9178	*	001035	MUNICIPAL EMERGENCY SERVICES INC	137.55
9179		009331	MY CONCIERGE MICHIGAN, LLC	125.00
9180	*	001194	NELSON BROTHERS SEWER	321.00
9181	*	009706	NORTHSTAR MAT SERVICE	299.74
9182	*	006359	NYE UNIFORM COMPANY	1,158.50
9183	*	009395	ORLANDO LAW PRACTICE PC	300.00
9184	*	006853	PAUL C SCOTT PLUMBING INC	895.70
9185	*	001753	PEPSI COLA	321.90
9186		006729	QUENCH USA INC	419.90
9187	*	009397	RABAA PLLC	500.00
9188	*	001181	ROSE PEST SOLUTIONS	925.00
9189	*	002037	TOTAL ARMORED CAR SERVICE, INC	281.45
9190	*	007278	WHITLOCK BUSINESS SYSTEMS, INC.	2,060.75
9191	*	009379	YELLOW DOOR LAW	4,710.00
SUBTOTAL ACH TRANSACTION				\$113,576.85

City of Birmingham
Warrant List Dated 10/05/2023

Meeting of 10/16/2023

Check Number	Early Release	Vendor #	Vendor	Amount
GRAND TOTAL				\$1,114,020.01

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.

City of Birmingham
Warrant List Dated 10/12/2023

Meeting of 10/23/2023

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
294473		BDREFUND	4 WAY CEMENT	100.00
294474	*	007266	AETNA BEHAVIORAL HEALTH LLC	579.09
294475	*	009694	ALPINA RESTORATION LLC	5,500.00
294476	*	009393	AMANDA MCBRIDE	300.00
294477		BDREFUND	ANTHONY BRANHAM	100.00
294478		009202	AQUARIUM DESIGN INC	340.00
294479		000500	ARTECH PRINTING INC	929.00
294479	*	000500	ARTECH PRINTING INC	60.00
294480		009609	BALIAN LEGAL, PLC	450.00
294481		BDREFUND	BAZO CONSTRUCTION	500.00
294482	*	009358	BEASLEY MEDIA GROUP, LLC	4,500.00
294483		002231	BILLINGS LAWN EQUIPMENT INC.	46.12
294484		007540	BIO SYSTEMS, INC.	1,245.00
294485		008355	BIRMINGHAM PUBLIC SCHOOLS	35.00
294486		BDREFUND	BLACKSTONE BUILDING COMPANY LLC	200.00
294487		003526	BOUND TREE MEDICAL, LLC	2,539.26
294488	*	003786	C & G PUBLISHING INC.	525.60
294489		003907	CADILLAC ASPHALT, LLC	327.58
294490		008082	CAMFIL USA INC	169.38
294491	*	009078	CANON SOLUTIONS AMERICA INC	473.72
294492		007732	CAPITAL TIRE, INC.	360.00
294493		009597	CAROL BACAK-EGBO	400.00
294494		000444	CDW GOVERNMENT INC	256.52
294494	*	000444	CDW GOVERNMENT INC	3,687.07
294495		BDREFUND	CEDAR WORKS INC	200.00
294496	*	MISC	CITY OF ROCHESTER HILLS	129.31
294497		007774	COMCAST BUSINESS	1,338.69
294498	*	000627	CONSUMERS ENERGY	685.17
294499		008582	CORE & MAIN LP	1,450.00
294500		BDREFUND	COUNTRYSIDE CONSTRUCTION COMPANY, I	200.00
294501	*	009145	CREATIVE COLLABORATIONS	3,800.00
294502	*	MISC	DOMINIC LANE	95.00
294503	*	000179	DTE ENERGY	19.06
294504	*	000179	DTE ENERGY	183.38
294505	*	000179	DTE ENERGY	691.23
294506	*	000179	DTE ENERGY	97.58
294507	*	000179	DTE ENERGY	90.66
294508	*	000179	DTE ENERGY	158.67
294509	*	000179	DTE ENERGY	1,508.02
294510	*	000179	DTE ENERGY	185.86
294511	*	000179	DTE ENERGY	1,373.60
294512	*	000179	DTE ENERGY	835.38

City of Birmingham
Warrant List Dated 10/12/2023

Meeting of 10/23/2023

Check Number	Early Release	Vendor #	Vendor	Amount
294513	*	000179	DTE ENERGY	1,124.67
294514	*	000179	DTE ENERGY	1,121.67
294515	*	000179	DTE ENERGY	30.14
294516	*	000179	DTE ENERGY	39.27
294517	*	005446	ETHNIC ARTWORK, INC	1,042.00
294518		001495	ETNA SUPPLY	5,355.00
294519		BDREFUND	FOUNDATION SYSTEMS OF MICHIGAN INC.	100.00
294520	*	009556	MADELINE GOLD	110.50
294521	*	004604	GORDON FOOD	724.79
294522	*	009750	GRATEFUL GLAMPER LLC	1,680.00
294523		009275	GREAT LAKES COCA-COLA DISTRIBUTION	333.72
294524		009030	SYNTHA GREEN	70.91
294525		001531	GUNNERS METER & PARTS INC	180.00
294526		008481	HART INTERCIVIC, INC	730.00
294527	*	001956	HOME DEPOT CREDIT SERVICES	911.39
294528	*	009659	EMILY JOY HOWARD	200.00
294529		000948	HYDROCORP	1,381.00
294530		003530	INFORMATION TODAY INC	323.53
294531		009551	INTERMEDIA. NET INC	755.44
294532	*	009559	JENETTE MAITZ	1,439.25
294533	*	009403	JUSTIN ZAYID	400.00
294534		BDREFUND	KBJ GROUP LLC	2,000.00
294535	*	002659	CHRISTOPHER KOCH	1,259.73
294536	*	000362	KROGER COMPANY	93.80
294537	*	007096	CANDACE KUK-LAFERLE	315.00
294538		BDREFUND	LAKES DEVELOPMENT GROUP	300.00
294539		000784	LAKESHORE LEARNING	136.85
294540	*	009386	LAW OFFICE OF BRIAN P. FENECH	1,500.00
294541	*	009388	LAW OFFICE OF PATRICK G. GAGNIUK	1,500.00
294542		006817	LEXISNEXIS RISK DATA MANAGEMENT INC	100.00
294543	*	009422	ALEX LINKE	236.86
294544		UBREFUND	LIVE WELL CUSTOM HOMES LLC	68.93
294545	*	002648	MARC DUTTON IRRIGATION INC	256.25
294546		BDREFUND	MAYDAY CONSTRUCTION LLC	500.00
294547		009351	MERRITT CIESLAK DESIGN PLC	2,000.00
294548	*	003459	MICHIGAN DOWNTOWN ASSOCIATION	2,200.00
294549	*	008126	MICHIGAN.COM	1,245.81
294550		009630	MIDWAY CLEANING CO, LLC	800.00
294551		000230	MIKE SAVOIE CHEVROLET INC	3,624.88
294552	*	007744	MOHAMED F. CHAMMAA	53.71
294553		BDREFUND	MR ROOF HOLDING CO LLC	100.00
294554		BDREFUND	NC CEMENT	100.00
294555		009704	NOAR TECHNOLOGIES	1,400.00

City of Birmingham
Warrant List Dated 10/12/2023

Meeting of 10/23/2023

Check Number	Early Release	Vendor #	Vendor	Amount
294556	*	000477	OAKLAND COUNTY	525,061.68
294557	*	009478	ODP BUSINESS SOLUTIONS, LLC	433.14
294558		BDREFUND	PASKIEWICZ FAMILY TRUST	100.00
294559		002518	PITNEY BOWES INC	398.38
294560		BDREFUND	PMS DIVERSIFIED CONSTRUCTION SERVIC	100.00
294561		007252	RAY WIEGAND'S NURSERY INC.	149.00
294562	*	MISC	REBEKAH SPRINGER	249.00
294563		008852	REDGUARD FIRE & SECURITY INC	300.00
294564		006130	RESCUE RESPONSE GEAR INC	166.00
294565		002566	REYNOLDS WATER	132.90
294566	*	009710	ROBERT STEPHEN SKON	200.00
294567	*	003365	EDWARD ROSETT	70.00
294568	*	004727	MARGARET SCHMALTZ	200.00
294569		007098	SHAW SYSTEMS & INTEGRATION	88.00
294570		BDREFUND	SONNTAG, ANDREW	100.00
294571		007907	SP+ CORPORATION	20.00
294571	*	007907	SP+ CORPORATION	500.00
294572		000260	SPARTAN DISTRIBUTORS INC	417.90
294573	*	008396	REBEKAH SPRINGER	230.58
294574	*	006783	STATE OF MICHIGAN	850.00
294575	*	004544	STRYKER SALES CORPORATION	4,621.98
294576		007408	T-MOBILE	688.80
294577	*	BDREFUND	TASKER, SCOTT M	10,000.00
294578	*	009658	STEVE TAYLOR MUSIC	200.00
294579	*	009384	THE EDITH BLAKNEY LAW FIRM, PLLC	600.00
294580		BDREFUND	THOMAS SEBOLD & ASSOCIATES, IN	500.00
294581		000275	TIRE WHOLESALERS CO INC	2,260.10
294582		009552	TRAFFIC & SAFETY CONTROL SYSTEMS	3,362.00
294583		BDREFUND	TRESNAK CONSTRUCTION INC	100.00
294584	*	004379	TURNER SANITATION, INC	632.87
294585		008941	UPTOWN MARKET OF BIRMINGHAM	166.78
294586		007226	VALLEY CITY LINEN, INC	24.00
294587	*	000293	VAN DYKE GAS CO.	184.80
294588	*	000158	VERIZON WIRELESS	103.04
294589	*	000158	VERIZON WIRELESS	147.42
294590	*	000158	VERIZON WIRELESS	76.02
294591	*	000158	VERIZON WIRELESS	1,432.01
294592	*	000158	VERIZON WIRELESS	150.94
294593	*	009705	VIKING ESP CORPORATION	1,372.63
294594	*	002996	GREG WALD	55.14
294595	*	009052	ISABEL WALLACE	200.00
294596		BDREFUND	WALLSIDE INC	100.00
294597	*	004497	WATERFORD REGIONAL FIRE DEPT.	1,298.50

City of Birmingham
Warrant List Dated 10/12/2023

Meeting of 10/23/2023

Check Number	Early Release	Vendor #	Vendor	Amount
294598	*	004672	WEST MARINE PRO	192.87
SUBTOTAL PAPER CHECK				\$632,746.53
<u>ACH TRANSACTION</u>				
9192	*	008649	ROBERT ABRAHAM JR.	269.87
9193		008847	ABS- AUTOMATED BENEFIT SVCS, INC	25.83
9193	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	3,466.94
9194	*	003946	ARAMARK	340.73
9195	*	001357	ART/DESIGN GROUP LTD	81.25
9196	*	009383	BATTI LAW PLLC	550.00
9197	*	000517	BEIER HOWLETT P.C.	247.50
9198	*	007345	BEVERLY HILLS ACE	103.72
9199	*	008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	207,376.62
9200	*	000542	BLUE WATER INDUSTRIAL PRODUCTS INC	118.50
9201	*	009304	DUSHAWN BRANDY	25.00
9202		008545	JAIMI BROOK	35.92
9203	*	009396	CECILIA QUIRINDONGO BAUNSOE	2,186.00
9204	*	009352	CHRISTINA WOODS	69.44
9205	*	009122	CLAIRE CHUNG	546.25
9206		000605	CINTAS CORPORATION	181.89
9207		009540	CIVICPLUS, LLC	230.00
9208	*	008044	CLUB PROPHET	554.00
9209		001367	CONTRACTORS CONNECTION INC	103.95
9210	*	009557	ZECO, LLC	330.00
9211		009181	DELTA TEMP SERVICES INC	1,376.73
9212		009515	KAMERON DIMITRY	375.32
9213	*	000565	DORNBOS SIGN & SAFETY INC	60.75
9214		001077	DUNCAN PARKING TECH INC	7,833.15
9215		000196	EJ USA, INC.	2,231.98
9216	*	001230	FIRE SYSTEMS OF MICHIGAN LLC	197.50
9217	*	009758	SUBURBAN AUTOMOTIVE CONSULTANTS, IN	1,750.00
9218	*	000243	GRAINGER	336.44
9219	*	001672	HAYES PRECISION INC	90.00
9220	*	009390	IDUMESARO LAW FIRM, PLLC	320.00
9221	*	008851	INSIGHT INVESTMENT	5,812.96
9222		000186	JACK DOHENY COMPANIES INC	290.00
9223	*	009249	JCC CREATIVE LLC	500.00
9224		009298	JCR SUPPLY INC	370.16
9225	*	003458	JOE'S AUTO PARTS, INC.	2,693.50
9226	*	005876	KROPF MECHANICAL SERVICE COMPANY	440.50
9227	*	009392	LAMB LEGAL CONSULTING SERVICES	300.00
9228	*	009385	LAW OFFICE OF MICHAEL J. DICK	1,250.00
9229	*	005550	LEE & ASSOCIATES CO., INC.	1,034.90
9230		001417	MAJIK GRAPHICS INC	235.00

City of Birmingham
Warrant List Dated 10/12/2023

Meeting of 10/23/2023

Check Number	Early Release	Vendor #	Vendor	Amount
9231	*	009398	MARCIA C ROSS PC	300.00
9232	*	009573	MICHIGAN ECON DEVELOPMENT CORP.	17,490.00
9233	*	009242	MILES PARTNERSHIP LLLP	1,430.00
9234		006409	MOSHER & ASSOCIATES LLC	680.00
9235		009331	MY CONCIERGE MICHIGAN, LLC	249.00
9235	*	009331	MY CONCIERGE MICHIGAN, LLC	339.00
9236	*	007856	NEXT	31,658.00
9237	*	008843	OAKLAND COUNTY TREASURER- TAX PYMNT	351,127.43
9238	*	005688	PEGASUS ENTERTAINMENT INC	3,000.00
9239	*	009397	RABAA PLLC	300.00
9240	*	005344	RESERVE ACCOUNT	8,000.00
9241		009301	SECURE-CENTRIC INC	1,512.00
9242	*	003785	SIGNS-N-DESIGNS INC	70.00
9243		000254	SOCRRA	86,202.00
9244		009266	US SIGNAL COMPANY LLC	10,091.66
9245	*	000969	VIGILANTE SECURITY INC	195.00
9246	*	009379	YELLOW DOOR LAW	4,368.00
9247		009185	ZOOM VIDEO COMMUNICATIONS INC	9,576.50
SUBTOTAL ACH TRANSACTION				\$770,930.89
GRAND TOTAL				\$1,403,677.42

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

Fire Department

DATE: October 3, 2023

TO: Jana L. Ecker, City Manager

FROM: Paul A. Wells, Fire Chief

SUBJECT: Emergency Management Performance Grant (EMPG)

INTRODUCTION:

The City of Birmingham operates an emergency management program. The Emergency Management Performance Grant (EMPG), through the Department of Homeland Security Appropriations Act, has granted the City \$30,454.00 for the State's fiscal year (FY 2023) performance period 10/1/2022-9/30/2023. The total funding of \$30,454.00 is comprised of \$21,546.00 coming from EMPG funds along with supplemental American Rescue Plan Act (ARPA) funds awarded in the amount of \$8,908.00.

In addition to the FY 2023 EMPG grant the City was given an official amendment for the FY 2021 EMPG of a surplus of \$15,654.00, which also came from ARPA funds. The funds have already been received by the City.

The FY 2024, EMPG work agreement is attached for the continuation of this grant. These funds are for developing and maintaining the City's emergency management program.

BACKGROUND:

The City of Birmingham is unique in that it has an emergency management program separate from Oakland County. This program falls under the Michigan Emergency Management Act 390 of 1976. The advantage of Birmingham having its own program is that the City has direct contact with State and Federal agencies. This allows the City to recoup funds directly, provides for more training opportunities, allows us to directly control all emergency response and much more. The City also has the support of the Oakland County Emergency Management Division and maintains regular training with the County and State.

The Fire Chief serves as the Emergency Manager for the City of Birmingham. The EMPG supports a comprehensive, all-hazard emergency preparedness system to build and sustain the capabilities of the emergency management program. The grant funds are used to support core areas such as prevention, protection, mitigation, response, and recovery after emergencies. This year the

grant is awarding \$30,454.00 to the City of Birmingham. The grant amount is based on a percentage of the Emergency Manager's (Fire Chief) salary as well as a one-time supplemental award of ARPA funds. The awarded grant is a partial reimbursement of the Fire Chief's annual compensation.

Each year the City is required to sign an agreement for the previous performance period (10/1/2022-9/30/2023) in order to accept the awarded EMPG funds, as well as sign a work agreement for the current performance period (10/1/2023-9/30/2024) covering the latest EMPG work period. The work agreement details the program's plan for activities, training, reporting, etc.

Attached is the notification of an amended FY 2021 EMPG grant award that included an additional \$15,654.00 of ARPA funds that the City previously received, however, a grant agreement was not previously provided until present.

LEGAL REVIEW:

A legal review was conducted and no legal concerns were identified.

FISCAL IMPACT:

This grant award was included in the City's FY 2023-2024 budget.

SUSTAINABILITY:

N/A

PUBLIC COMMUNICATIONS:

None required.

SUMMARY:

It is recommended that the City Commission approve the FY 2024 Emergency Management Performance Grant Work Agreement and the FY 2023 EMPG funds of \$30,454.00. The funds will be used to support the City's Emergency Management program.

ATTACHMENTS:

1. State of Michigan FY 2021 Emergency Management Performance Grant Award amended ARPA allocation.
2. State of Michigan FY 2023 Emergency Management Performance Grant Award.
3. State of Michigan FY 2024 Emergency Management Performance Grant Work Agreement.

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve the FY 2024 Emergency Management Performance Grant Work Agreement and approve the awarded FY 2023 EMPG/ARPA funds totaling \$30,454.00. Further, to direct the Mayor to sign the agreements on behalf of the City and any required quarterly reports or surveys associated with the EMPG grant and to authorize the Fire Chief as the sub-recipient authorized representative in order to sign any related EMPG documents on the City's behalf.



STATE OF MICHIGAN
DEPARTMENT OF STATE POLICE
LANSING

GRETCHEN WHITMER
GOVERNOR

COL. JOSEPH M. GASPER
DIRECTOR

August 24, 2023

Dear Local Emergency Management Coordinator:

Please accept this letter as an official amendment to the Fiscal Year (FY) 2021 Emergency Management Performance Grants American Rescue Plan Act (EMPG ARPA), grant agreement package for City of Birmingham, amendment number one. This amendment increases the total allocation to include partial reimbursement of the local emergency manager's salary and fringe benefits under the FY 2023 Emergency Management Performance Grant (EMPG) Work Agreement. All terms and conditions included in the original EMPG ARPA grant agreement package still apply.

The following language details the changes to the Federal Award Identification Cover Page, Grant Agreement, and FY 2021 EMPG ARPA Supplemental Match Certification:

Federal Award Identification Sheet

- Subaward Performance Period: Added dates, FROM: 10/1/2022, TO: 9/30/2023.
- Federal Funds Obligated by this Action: Replace, "\$15,654", with, "FY 21 \$15,654, FY 23 \$8,908".
- Total Federal Funds Obligated to Subrecipient: Replace, "\$15,654", with, "FY 21 \$15,654, FY 23 \$30,454".
- Total Amount of Federal Award: Replace, "\$15,654", with, "FY 21 \$15,654, FY 23 \$24,562".
- Details: Changed to, "The 2021 EMPG ARPA allocation is 17.13% of the Subrecipient's emergency program manager's salary and fringe benefits which covers FY 21 EMPG work activities. An additional allocation of 8.77854% is awarded to cover FY 23 EMPG work activities. A cost-match is required under this program. The Federal share used towards the EMPG budget shall not exceed 50% of the total budget."
- Changed DUNS Number to UEI

Grant Agreement

- Header: Change the period of performance date to read "October 1, 2020, to September 30, 2021, and October 1, 2022, to September 30, 2023".
- Section III, Subsection A (page 2): Change "The City of Birmingham awarded \$15,654 or 17.13% of the Subrecipients local emergency manager's salary and fringe benefits under the **FY 2021 EMPG**" to "The City of Birmingham awarded \$15,654 or 17.13% of the Subrecipients local emergency manager's salary and fringe benefits under the **FY 2021 EMPG** and \$8,908 or 8.77854% of the Subrecipients local emergency manager's salary and fringe benefits under the **FY 2023 EMPG**".

- Section III, Subsection B (page 2): Change the period of performance date to read “October 1, 2020, to September 30, 2021, and October 1, 2022, to September 30, 2023”.
- Changed “...the FY 2021 EMPG Work Agreement...” to “...the FY 2021 and FY 2023 EMPG Work Agreement...” to all references to the FY 2021 EMPG Work Agreement which can be found in the following sections of the grant agreement:
 - Section IV, Subsection E (page 3).
 - Section VI, Subsection A (page 8).
 - Section VI, Subsection C (page 8).
- Section XI (page 10): Change the period of performance date to read “October 1, 2020, to September 30, 2021, and October 1, 2022, to September 30, 2023”.

Supplemental Match Certification

- Added the following paragraphs:

The initial allocation under the standard EMPG 23 grant program is 21.23394% of the total local emergency management coordinator payroll costs submitted to Michigan State Police, Emergency Management and Homeland Security Division. With this one-time, additional funding, each EMPG funded local emergency management program will receive supplemental funding to bring the 2023 percentage to 30.01247%. This ARPA supplemental award under EMPG 21 has the same requirements as the standard EMPG program with a 50% cost match requirement (cash or in-kind) as authorized by the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (Public Law 93-288), as amended, 42 USC 5121-5207. Specifically, Title VI, sections 611(j) and 614. Unless otherwise authorized by law, federal funds cannot be matched with other federal funds.

Acceptance of funds certifies local EMPG funded emergency management coordinators salary and fringe costs are local general funds, are not from federal funds, and have not been used as a match for any other federal grant program.

- Added Funding Table for FY 23.

City of Birmingham

Original Funding Allocation at 21.23394%	\$21,546
Supplemental ARPA Awarded Allocation at 8.77854%	\$8,908
Total Awarded Funds for FY 23 EMPG at 30.01247%	\$30,454

Please keep a copy of this letter with your FY 2021 EMPG ARPA and FY 2023 EMPG grant agreements along with the enclosed Federal Award Identifier Coversheet, which has been modified to reflect the changes noted above.

If you have any questions regarding this correspondence, or the FY 2023 Emergency Management Performance Grant, please contact me at RichmondK@michigan.gov or 517-204-0211.

Sincerely,



Capt. Kevin Sweeney, Commander
Emergency Management
and Homeland Security Division

Michigan State Police
Emergency Management
and
Homeland Security
Division



Grant Agreement

FEDERAL AWARD IDENTIFICATION

SUBRECIPIENT NAME	GRANT NAME	CFDA NUMBER
City of Birmingham	Emergency Management Performance Grants American Rescue Plan Act	97.042
SUBRECIPIENT IRS/VENDOR NUMBER	FEDERAL AWARD IDENTIFICATION NUMBER (FAIN)	FEDERAL AWARD DATE
38-6004664	EMC-2021-EP-00006	9/02/2021
SUBRECIPIENT UEI	SUBAWARD PERFORMANCE PERIOD	FROM TO
J32HKEJRJNJ8		10/1/2020 9/30/2021 10/1/2022 9/30/2023
RESEARCH & DEVELOPMENT	Funding	Total
N/A	Federal Funds Obligated by this Action	FY 21:\$15,654 FY 23: \$8,908
INDIRECT COST RATE	Total Federal Funds Obligated to Subrecipient	FY 21:\$15,654 FY 23: \$30,454
None on file	Total Amount of Federal Award Committed	FY 21: \$15,654 FY 23: \$24,562

FEDERAL AWARD PROJECT DESCRIPTION

2021 Emergency Management Performance Grants American Rescue Plan Act

DETAILS

The 2021 EMPG ARPA allocation is 17.13% of the Subrecipient's emergency program manager's salary and fringe benefits which covers FY 21 EMPG work activities. An additional allocation of 8.77854% is awarded to cover FY 23 EMPG work activities. A cost-match is required under this program. The Federal share used towards the EMPG budget shall not exceed 50% of the total budget.

FEDERAL AWARDDING AGENCY

Federal Emergency Management Agency - GPD
400 C Street, SW, 3rd floor
Washington, D.C. 20472-3645

PASS-THROUGH ENTITY (RECIPIENT) NAME

Michigan State Police
Emergency Management and
Homeland Security Division
P.O. Box 30634
Lansing, MI 48909

Michigan State Police
Emergency Management
and
Homeland Security
Division



Grant Agreement

FEDERAL AWARD IDENTIFICATION

SUBRECIPIENT NAME	GRANT NAME	ASSISTANCE LISTING
City of Birmingham	Emergency Management Performance Grants	97.042
SUBRECIPIENT IRS/VENDOR NUMBER	FEDERAL AWARD IDENTIFICATION NUMBER (FAIN)	FEDERAL AWARD DATE
38-6004664	EMC-2023-EP-00005	9/12/2023
SUBRECIPIENT UEI	SUBAWARD PERFORMANCE PERIOD	FROM TO
J32HKEJRJNJ8	BUDGET PERIOD	10/1/2022 9/30/2023 10/1/2022 9/30/2023
RESEARCH & DEVELOPMENT	Funding	Total
N/A	Federal Funds Obligated by this Action	\$21,546
INDIRECT COST RATE	Total Federal Funds Obligated to Subrecipient	\$21,546
None on file	Total Amount of Federal Award Committed	\$21,546

FEDERAL AWARD PROJECT DESCRIPTION

2023 Emergency Management Performance Grants (EMPG)

DETAILS

The 2023 EMPG allocation is 21.23% of the Subrecipient's emergency program manager's salary and fringe benefits. A cost-match is required under this program. The Federal share used towards the EMPG budget shall not exceed 50% of the total budget.

FEDERAL AWARDDING AGENCY	PASS-THROUGH ENTITY (RECIPIENT) NAME
Federal Emergency Management Agency - GPD 400 C Street, SW, 3 rd floor Washington, DC 20472-3645	Michigan State Police Emergency Management and Homeland Security Division PO Box 30634 Lansing, MI 48909

State of Michigan FY 2023 Emergency Management Performance Grant Grant Agreement

October 1, 2022 to September 30, 2023

Assistance Listing: 97.042 Grant Number: EMC-2023-EP-00005

This Fiscal Year (FY) 2023 Emergency Management Performance Grant (EMPG) grant agreement is hereby entered into between the Michigan Department of State Police, Emergency Management and Homeland Security Division (hereinafter called the Recipient), and the

CITY OF BIRMINGHAM
(hereinafter called the Subrecipient)

I. Purpose

The purpose of this grant agreement is to provide federal pass-through funds to the Subrecipient for the development and maintenance of an emergency management program capable of protecting life, property, and vital infrastructure in times of disaster or emergency.

The FY 2023 EMPG program plays an important role in the implementation of the National Preparedness System (NPS) by supporting the building, sustainment, and delivery of core capabilities essential to achieving the National Preparedness Goal of a secure and resilient Nation. The objective of the NPS is to facilitate an integrated, all-of-nation/whole community, risk driven, capabilities-based approach to preparedness.

In support of the National Preparedness Goal, the FY 2023 EMPG supports a comprehensive, all-hazard emergency preparedness system to build and sustain core capabilities across the Prevention, Protection, Mitigation, Response, and Recovery mission areas.

For more information on the NPS, federally designated priorities, and the FY 2023 EMPG objectives, as well as guidance on allowable costs and program activities, please refer to the FY 2023 EMPG Notice of Funding Opportunity (NOFO) and the Federal Emergency Management Agency (FEMA) Preparedness Grants Manual located at <https://www.fema.gov/grants>.

II. Statutory Authority

Funding for the FY 2023 EMPG is authorized by Section 662 of the *Post-Katrina Emergency Management Reform Act of 2006* (PKEMRA), as amended, (Pub. L. No. 109-295) (6 U.S.C. § 762); the *Robert T. Stafford Disaster Relief and Emergency Assistance Act*, as amended (Pub. L. No. 93-288) (42 U.S.C. §§ 5121 et seq.); the *Earthquake Hazards Reduction Act of 1977*, as amended (Pub. L. No. 95-124) (42 U.S.C. §§ 7701 et seq.); and the *National Flood Insurance Act of 1968*, as amended (Pub. L. No. 90448) (42 U.S.C. §§ 4001 et seq.).

Appropriation authority is provided by the *Consolidated Appropriates Act, 2023* (Pub. L. No. 117-328; *Compact of Free Association Amendments Act of 2003* (Pub. L. No. 108-188 (2003))).

The Subrecipient agrees to comply with all FY 2023 EMPG program requirements in accordance with the FY 2023 EMPG NOFO, and the FY 2023 FEMA Preparedness Grants Manual; both are located at <https://www.fema.gov/grants/preparedness/emergency-management-performance>; the *Michigan*

Emergency Management Act of 1976, as amended (Public Act 390) at <http://www.legislature.mi.gov/doc.aspx?mcl-Act-390-of-1976>; the *Robert T. Stafford Disaster Relief and Emergency Assistance Act*, as amended (Pub. L. No. 93-288) (42 U.S.C. §§ 5121 et seq.) located at <https://www.fema.gov/disaster/stafford-act>; and the *FY 2023 EMPG Agreement Articles Applicable to Subrecipients*. The *FY 2023 EMPG Agreement Articles Applicable to Subrecipients* document is included for reference in the grant agreement packet.

The Subrecipient shall also comply with the most recent version of:

- A. 2 CFR, Part 200 of the Code of Federal Regulations (CFR), *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* located at <http://www.ecfr.gov>.
- B. The FEMA Policy #108-023-1 *Grant Programs Directorate Environmental Planning and Historic Preservation Policy Guidance*.

III. Award Amount and Restrictions

- A. The **City of Birmingham** is awarded **\$21,546** or **21.23%** of the Subrecipients local emergency manager's salary and fringe benefits under the **FY 2023 EMPG**. The Subrecipient may receive less than the allocated amount if the Subrecipient's cost share (match) of wages and fringe benefits paid to the local emergency manager are less than the total allocation. The Subrecipient's EMPG program budget must be documented on the Local Budget for Emergency Management Performance Grant form (EMHSD-17).
- B. The FY 2023 EMPG covers eligible costs from October 1, 2022, to September 30, 2023. The funds awarded in the grant agreement shall only be used to cover allowable costs that are incurred during the agreement period. Grant funds shall not be used for other purposes. For guidance on allowable costs, please refer to the EMPG Appendix in the FEMA Preparedness Grants Manual.
- C. This grant agreement designates EMPG funds for the administration and oversight of an approved emergency management program. **The Subrecipient may utilize grant funds for the reimbursement of salary, overtime, compensatory time off, and associated fringe benefits for the local emergency manager.** Up to 5% of the total allocation may be utilized for other allowable organization costs after all payroll costs for the grant award year have been reimbursed. No other expenditures are allowed. If other organization costs are requested, a narrative must be submitted detailing the expenses that are included in these costs.
- D. The FY 2023 EMPG program has a 50% cost share (cash or in-kind) requirement, as authorized by the *Robert T. Stafford Disaster Relief and Emergency Assistance Act*, as amended, (Pub. L. No. 93-288) (42 U.S.C. §§ 5121 et seq.), specifically, Title VI, sections 611(j) and 613. Federal funds cannot exceed 50% of eligible costs. Unless otherwise authorized by law, federal funds cannot be matched with other federal funds.

The FEMA administers cost sharing requirements in accordance with 2 CFR § 200.306. To meet matching requirements, the Subrecipient contributions must be reasonable, allowable, allocable, and necessary under the grant program and must comply with all federal requirements and regulations.

See the FY 2023 EMPG NOFO and FEMA Preparedness Grants Manual for additional cost share guidance, definitions, basic guidelines, and governing provisions.

- E. All EMPG funded personnel must complete either the Independent Study courses identified in the Professional Development Series, or the National Emergency Management Basic Academy delivered either by the Emergency Management Institute or a sponsored state, local, tribal, territorial, regional, or other designated location and record proof of completion. All EMPG funded personnel must also participate in exercises consistent with the requirements outlined in the EMPG Guidebook and work agreement.

The EMPG funded programs are required to complete a quarterly training and exercise report identifying training and exercises completed during the quarter. Guidance for accomplishing these requirements is provided by the Recipient.

- F. Upon request, the Subrecipient must provide to the Recipient information necessary to meet any state or federal subaward reporting requirements.
- G. In the event that the U.S. Department of Homeland Security (DHS) determines that changes are necessary to the award document after an award has been made, including but not limited to, changes to period of performance or terms and conditions, Subrecipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate Subrecipient acceptance of the changes to the award.

IV. Responsibilities of the Subrecipient

- A. **Grant funds must supplement, not supplant, state or local funds.** Federal funds must be used to supplement existing funds, not replace (supplant) funds that have been appropriated for the same purpose. Potential supplanting will be carefully reviewed in subsequent monitoring reviews and audits. Subrecipients may be required to supply documentation certifying that a reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.
- B. The Subrecipient agrees to comply with all applicable federal and state regulations; the FY 2023 EMPG NOFO; the FEMA FY 2023 Preparedness Grants Manual; the FY 2023 EMPG *Agreement Articles Applicable to Subrecipients*, included with the grant agreement package for reference; and the EMPG Guidebook (EMD-PUB 208).
- C. The subrecipient shall not use FY 2023 EMPG funds to generate program income.
- D. In addition to this grant agreement, the Subrecipient shall complete, sign, and submit to the Recipient the following documents, which are incorporated by reference into this grant agreement:
 - 1. Subrecipient Risk Assessment Certification.
 - 2. Standard Assurances.
 - 3. Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements.
 - 4. Audit Certification (EMD-053).
 - 5. Request for Taxpayer Identification Number and Certification (W-9).
 - 6. Other documents that may be required by federal or state officials.
- E. Complete and submit quarterly work reports, the Quarterly Training and Exercise Worksheet, and the Annual Training and Exercise Plan Worksheet in accordance with the schedule outlined in the FY 2023 EMPG Work Agreement/Quarterly Report (EMHSD-31).
- F. Enact enabling legislation establishing the local emergency management program and ensure a copy of the local resolution or ordinance is on file with the Recipient.

- G. Appoint an emergency management program manager who can assume responsibility for the functions outlined in section 4 of the EMPG Guidebook.
- H. Provide the Recipient with a complete job description for the federally funded EMPG local emergency manager, including non-EMPG duties if applicable.
- I. Notify the Recipient immediately of any changes in the EMPG funded local emergency manager's position.
- J. The Subrecipient will contribute to the development and maintenance of the state's multi-year Training and Exercise Plan. This will include conducting exercises that comply with local, state, and federal requirements, including the Homeland Security Exercise and Evaluation Program and the EMPG Guidebook, to accomplish this goal.
- K. Ensure the EMPG funded local emergency manager completes training as required by the annual EMPG Work Agreement.
- L. Have an approved and current emergency operations plan on file with the Michigan State Police, Emergency Management and Homeland Security Division (MSP/EMHSD) District Coordinator.
- M. The Subrecipient agrees to prepare the form EMHSD-007 - EMPG Quarterly Billing Cover Sheet. The Subrecipient agrees to submit this form with supporting documentation, including all required authorized signatures and required reimbursement documentation to the appropriate MSP/EMHSD District Coordinator by the due date following the end of **each** quarter, as identified in FY 2023 Emergency Management Report Schedule. The most current EMHSD-007 form must be used and can be obtained from the MSP/EMHSD District Coordinator, or by visiting https://www.michigan.gov/msp/0,4643,7-123-72297_60152_95164_95317---,00.html under Finance Forms.
- N. Comply with applicable financial and administrative requirements set forth in the current edition of 2 CFR, Part 200, including, but not limited to, the following provisions:
 - 1. Account for receipts and expenditures, maintain adequate financial records, and refund expenditures disallowed by federal or state audit.
 - 2. Retain all financial records, statistical records, supporting documents, and other pertinent materials for at least three years after the grant is closed by the awarding federal agency for purposes of federal and/or state examination and audit.
 - 3. Non-federal organizations which expend \$750,000 or more in all federal funds during their current fiscal year are required to have an audit performed in accordance with the Single Audit requirements under 2 CFR, Part 200, Subpart F.
- O. Comply with all reporting requirements, including special reporting, data collection, and evaluation requirements, as prescribed by law or program guidance.
- P. Maintain a valid Unique Entity Identifier through SAM.gov at all times during the performance period of this grant.
- Q. The Subrecipient must acknowledge and agree to comply with applicable provisions governing the DHS access to records, accounts, documents, information, facilities, and staff. The Subrecipient also agrees to require any subrecipients, contractors, successors, transferees, and assignees to acknowledge and agree to comply with these same provisions. Detailed information on record access provisions can be found in the *DHS Standard Administrative Terms and Conditions* located at <https://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions>, specifically in the DHS General Acknowledgements and Assurances on page 1..

- R. Subrecipients must carry out their programs and activities in a manner that respects and ensures the protection of civil rights for protected populations. These populations include but are not limited to individuals with disabilities and others with access and functional needs, individuals with limited English proficiency, and other diverse racial and ethnic populations, in accordance with Section 504 of the *Rehabilitation Act of 1973*, Title VI of the *Civil Rights Act of 1964*, and Executive Order (EO) 13347.
- S. Comply with the Build America, Buy America provisions of the Infrastructure Investment and Jobs Act and EO 14005.

V. Responsibilities of the Recipient

The Recipient, in accordance with the general purposes and objectives of this grant agreement, will:

- A. Administer the grant in accordance with all applicable federal and state regulations and guidelines and submit required reports to the awarding federal agency.
- B. Provide direction and technical assistance to the Subrecipient.
- C. Provide to the Subrecipient any special report forms and reporting formats (templates) required for administration of the program.
- D. Reimburse the Subrecipient, in accordance with this grant agreement, based on appropriate documentation submitted by the Subrecipient.
- E. At its discretion, independently, or in conjunction with the federal awarding agency, conduct random on-site reviews of the Subrecipient(s).

VI. Reporting Procedures

- A. The Subrecipient agrees to prepare quarterly work reports using the FY 2023 EMPG Work Agreement/Quarterly Report (EMHSD-31) and submit them through EMHSD's online reporting tool by the due date following the end of **each** quarter. Reimbursement of expenditures by the Recipient is contingent upon the Subrecipient's completion of scheduled work activities. Reporting periods and due dates are listed in the FY 2023 EMPG Work Agreement/Quarterly Report (EMHSD-31). The FY 2023 EMPG Work Agreement can be located at www.michigan.gov/emhsd under Grants Programs, EMPG.
- B. If the Subrecipient fails to complete the scheduled work activities during a quarter, the Recipient will withhold reimbursement until either the work is completed, or the Deputy State Director of Emergency Management approves a delay in the completion of the activity. Forfeiture of funds may result if scheduled work activities are not completed according to established deadlines.
- C. A Subrecipient that fails to complete the annual exercise requirements, as scheduled within the FY 2023 EMPG Work Agreement/Quarterly Report, may be ineligible for EMPG funding for that quarter and all subsequent quarters.
- D. The Subrecipient's failure to fulfill the quarterly reporting requirements, as required by the grant, may result in the suspension or loss of grant funding.

VII. Payment Procedures

- A. The Subrecipient agrees to prepare the form EMHSD-007 - EMPG Quarterly Billing Cover Sheet. The Subrecipient agrees to submit this form with supporting documentation, including all required

authorized signatures and required reimbursement documentation, to the MSP/EMHSD District Coordinator by the due date following the end of **each** quarter, as identified in FY 2023 Emergency Management Report Schedule. The most current EMHSD-007 form must be used and can be obtained from the MSP/EMHSD District Coordinator, or by visiting www.michigan.gov/emhsd under Grant Programs, EMPG, Grant Forms, Finance Forms.

- B. If the Subrecipient submits required quarterly reports that are late or incomplete, the reimbursement may not be processed until the following quarter. Forfeiture of funds may result if quarterly reports are not completed according to established deadlines.
- C. The Subrecipient agrees to return to the Recipient any unobligated balance of funds held by the Subrecipient at the end of the agreement period or handle them in accordance with the instructions provided by the Recipient.

VIII. Employment Matters

The Subrecipient shall comply with Title VI of the *Civil Rights Act of 1964*, as amended; Title VIII of the *Civil Rights Act of 1968*; Title IX of the *Education Amendments of 1972 (Equal Opportunity in Education Act)*; the *Age Discrimination Act of 1975*; Titles I, II and III of the *Americans with Disabilities Act of 1990*; the *Elliott-Larsen Civil Rights Act, 1976 PA 453*, as amended, MCL 37.2101 *et seq.*; the *Persons with Disabilities Civil Rights Act, 1976 PA 220*, as amended, MCL 37.1101 *et seq.*, and all other federal, state and local fair employment practices and equal opportunity laws and covenants. The Subrecipient shall not discriminate against any employee or applicant for employment, to be employed in the performance of this grant agreement, with respect to their hire, tenure, terms, conditions, or privileges of employment; or any matter directly or indirectly related to employment because of their race, religion, color, national origin, age, sex, height, weight, marital status, limited English proficiency, or handicap that is unrelated to the individual's ability to perform the duties of a particular job or position. The Subrecipient agrees to include in every contract or subcontract entered into for the performance of this grant agreement this covenant not to discriminate in employment. A breach of this covenant is a material breach of the grant agreement.

The Subrecipient shall ensure that no subcontractor, manufacturer, or supplier of the Subrecipient for projects related to this grant agreement appears on the Federal Excluded Parties List System located at <https://www.sam.gov>.

IX. Limitation of Liability

The Recipient and the Subrecipient to this grant agreement agree that each must seek its own legal representative and bear its own costs, including judgments, in any litigation that may arise from performance of this contract. It is specifically understood and agreed that neither party will indemnify the other party in such litigation.

This is not to be construed as a waiver of governmental immunity for either party.

X. Third Parties

This grant agreement is not intended to make any person or entity, not a party to this grant agreement, a third party beneficiary hereof or to confer on a third party any rights or obligations enforceable in their favor.

XI. Grant Agreement Period

This grant agreement is in full force and effect from October 1, 2022, to September 30, 2023. No costs eligible under this grant agreement shall be incurred before the starting date of this grant agreement,

except with prior written approval. This grant agreement may be terminated by either party by giving 30 days written notice to the other party stating reasons for termination and the effective date, or upon the failure of either party to carry out the terms of the grant agreement. Upon any such termination, the Subrecipient agrees to return to the Recipient any funds not authorized for use, and the Recipient shall have no further obligation to reimburse the Subrecipient.

XII. Entire Grant Agreement

This grant agreement is governed by the laws of the state of Michigan and supersedes all prior agreements, documents, and representations between the Recipient and the Subrecipient, whether expressed, implied, or oral. This grant agreement constitutes the entire agreement between the parties and may not be amended except by written instrument executed by both parties prior to the grant end date. No party to this grant agreement may assign this grant agreement or any of their rights, interest, or obligations hereunder without the prior consent of the other party. The Subrecipient agrees to inform the Recipient in writing immediately of any proposed changes of dates, budget, or services indicated in this grant agreement, as well as changes of address or personnel affecting this grant agreement. Changes in dates, budget, or services are subject to prior written approval of the Recipient. If any provision of this grant agreement shall be deemed void or unenforceable, the remainder of the grant agreement shall remain valid.

The Recipient may suspend or terminate grant funding to the Subrecipient, in whole or in part, or other measures may be imposed for any of the following reasons:

- A. Failure to expend funds in a timely manner consistent with the grant milestones, guidance, and assurances.
- B. Failure to comply with the requirements or statutory objectives of federal or state law.
- C. Failure to make satisfactory progress toward the goals or objectives set forth in the annual EMPG Work Agreement.
- D. Failure to follow grant agreement requirements or special conditions.
- E. Failure to submit required reports.
- F. Filing of a false certification in the application or other reports or documents.

Before taking action, the Recipient will provide the Subrecipient reasonable notice of intent to impose corrective measures and will make every effort to resolve the problem informally.

XIII. Business Integrity Clause

The Recipient may immediately cancel the grant without further liability to the Recipient or its employees if the Subrecipient, an officer of the Subrecipient, or an owner of a 25% or greater share of the Subrecipient is convicted of a criminal offense incident to the application for or performance of a state, public, or private grant or subcontract; or convicted of a criminal offense, including, but not limited to any of the following: embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, attempting to influence a public employee to breach the ethical conduct standards for State of Michigan employees; convicted under state or federal antitrust statutes; or convicted of any other criminal offense which, in the sole discretion of the Recipient, reflects on the Subrecipient's business integrity.

XIV. Freedom of Information Act

Much of the information submitted in the course of applying for funding under this program, or provided in the course of grant management activities, may be considered law enforcement-sensitive or otherwise critical to national security interests. This may include threat, risk, and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures. Therefore, each Subrecipient agency Freedom of Information Officer will need to determine what information is to be withheld on a case-by-case basis. The Subrecipient should be

familiar with the regulations governing Protected Critical Infrastructure Information (6 CFR, Part 29) and Protection of Sensitive Security Information (49 CFR, Part 1520), as these designations may provide additional protection to certain classes of homeland security information.

XV. Official Certification

For the Subrecipient

The individual or officer signing this grant agreement certifies by their signature that they are authorized to sign this grant agreement on behalf of the organization they represent. The Subrecipient agrees to complete all requirements specified in this grant agreement.

City of Birmingham
Subrecipient Name

J32HKEJRJNJB
Subrecipient UEI

For the Chief Elected Official

Therese Longe
Printed Name

Mayor
Title

Signature

Date

For the Local Emergency Manager

Paul Wells
Printed Name

Fire Chief / EM
Title


Paul Wells
Signature

10-3-2023
Date

For the Recipient (Michigan State Police, Emergency Management and Homeland Security Division)

Capt. Kevin Sweeney,
Printed Name

Commander, Emergency Management
and Homeland Security Division
Title



Signature

9-20-23
Date

**(Enter Jurisdiction Name)
Emergency Management
Fiscal Year 2024
Emergency Management Grant (EMPG)
Work Agreement/Quarterly Report**

Initial Work
Agreement

<input type="checkbox"/> 1 st Quarter	<input type="checkbox"/> 2 nd Quarter	<input type="checkbox"/> 3 rd Quarter	<input type="checkbox"/> 4 th Quarter
SIGNATURE OF CHIEF ELECTED OFFICIAL	DATE	SIGNATURE OF EMERGENCY MANAGEMENT COORDINATOR	DATE
<i>Pave Well</i>	10-3-2023	<i>Pave Well</i>	10-3-2023
SIGNATURE OF EMERGENCY MGMT. PROGRAM MANAGER	DATE	SIGNATURE OF DISTRICT COORDINATOR	DATE

This survey functions as the 2024 EMPG work agreement/quarterly report. The objectives of this work agreement are based upon standards identified in the Michigan State Police, Emergency Management and Homeland Security Division (MSP/EMHSD) Publication 206 - Local Emergency Management Program Standards Workbook. Activities for each objective have been determined by a group of local and state emergency management subject matter experts who maintain a baseline set of standards for emergency management programs in the state of Michigan. Survey responses will assist in the assessment of emergency management programs, determine how EMPG funds are utilized and help validate the importance of these emergency management activities to all levels of government.

The Emergency Management Coordinator (EMC) shall ensure that the jurisdiction promulgates laws, ordinances, resolutions, policies, and procedures to carry out emergency financial and administrative responsibilities. The EMPG funded emergency manager shall provide a copy of their job description(s) that incorporate their Emergency Management (EM) activities. Emergency Management activities of the EMC and other response personnel shall be identified in the EM ordinance, resolution, and county plans.

Planned Activities	Action Taken (Local EM Status Report)
<ul style="list-style-type: none"> ▪ Submit documents for 2024 EMPG work agreement to EMHSD financial staff by 10/1/23. ▪ Complete FY 24 Executive Compensation form and 	Position Description Submitted: Yes/No EMHSD-17 Form Submitted: Yes/No EMHSD-31 Form Submitted: Yes/No



MEMORANDUM

Fire Department

DATE: October 4, 2023

TO: Jana L. Ecker, City Manager

FROM: Paul A. Wells, Fire Chief

SUBJECT: Oakland County Incident Management Team (OCIMT) Interlocal Agreement

INTRODUCTION:

The Birmingham Fire Department is a member of the OAKWAY Mutual Aid Association and Michigan Automatic Box Alarm System (MABAS) which is a State mutual aid group. MABAS requests for assistance occur a few times each year within the State. Other States can request MABAS resources for assistance during large-scale incidents through the Michigan Emergency Management Assistance Compact (MEMAC). During any large-scale event, an Incident Management Team (IMT) will be called in order to help coordinate the emergency resources at the scene.

BACKGROUND:

Oakland County Emergency Management Division which is part of the County Office of Homeland Security started the Oakland County Incident Management Team (OCIMT) in 2006. The team was created to standardize large incident response. OCIMT is an all-hazard approach to managing incidents or supporting Unified Commands with personnel trained and qualified in the National Incident Management System (NIMS), Incident Command System (ICS), and specific ICS positions. The OCIMT will provide support to an Incident Commander by performing ICS functions as required by the incident kind, type, and complexity. The goal is to work together to implement and achieve the NIMS Implementation Objectives of Command and Management at the scene of an incident/emergency, disaster, or catastrophe.

The OCIMT is composed of first responders and civilians throughout the County. The OCIMT trains monthly for each function offered during assistance. Firefighter/Paramedic Robert Abraham of the Birmingham Fire Department was invited to join the communications branch of OCIMT. Robert has extensive knowledge of radio communications and has recently led our department's transition from the outdated County Open Sky radio system to the new County P25 Motorola system.

As a member of the team, Robert will have additional communications training that will be beneficial to the City of Birmingham and the Birmingham Fire Department. Participating on the team will also help those communities that are less fortunate in times of need during a large-scale incident.

LEGAL REVIEW:

A legal review was conducted and no legal concerns were identified.

FISCAL IMPACT:

Monthly required training has been budgeted in the FY 23-24 fire budget. Extended deployments over twelve hours are reimbursed back to the City for all labor and equipment costs.

SUSTAINABILITY:

N/A

PUBLIC COMMUNICATIONS:

None required.

SUMMARY:

Allowing Firefighter/Paramedic Robert Abraham to be a member of the OCIMT will be beneficial to Birmingham, the County, and the State. Deployments are voluntary and participation will be decided on a case-by-case basis depending on Robert's schedule and the Fire Department's needs. The County or Department can end the agreement at any time with 30 days written notice.

ATTACHMENTS:

1. Oakland County Incident Management Team Interlocal Agreement

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve the Oakland County Incident Management Team Interlocal Agreement between Oakland County and the Birmingham Fire Department. In addition, to authorize the Fire Chief to sign the Agreement on behalf of the Birmingham Fire Department.

OAKLAND COUNTY INCIDENT MANAGEMENT TEAM
Interlocal Agreement between Oakland County and The Birmingham Fire Department

This Agreement (the "Agreement") is made between Oakland County, a Municipal and Constitutional Corporation, 1200 North Telegraph Road, Pontiac, Michigan 48341 ("County"), and the Birmingham Fire Department located at 572 South Adams Road, Birmingham Michigan 48009 ("Participating Agency"). County and Participating Agency may be referred to individually as a "Party" and jointly as "Parties".

PURPOSE OF AGREEMENT

Pursuant to the Urban Cooperation Act of 1967, 1967 Public Act 7, MCL 124.501 *et seq.*, the County and the Participating Agency enter into this Agreement for the purpose of delineating the Parties' roles and responsibilities for their participation in the Oakland County Incident Management Team ("OCIMT") under the direction and supervision of the Oakland County Emergency Management Division ("Emergency Management Division").

The Parties understand that the OCIMT is an all-hazard approach to managing incidents or supporting Unified Commands with personnel trained and qualified in the National Incident Management System ("NIMS"), Incident Command System ("ICS"), and specific ICS positions. The OCIMT will provide support to an Incident Commander by performing ICS functions as required by the incident kind, type, and complexity. The goal is to work together to implement and achieve the NIMS Implementation Objectives of Command and Management at the scene of an incident/emergency, disaster, or catastrophe.

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

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

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

- c. **County** means Oakland County, a Municipal and Constitutional Corporation, including, but not limited to, all of its departments, divisions, the County Board of Commissioners, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, agents, volunteers, and/or any such persons' successors.
- d. **Day** means any calendar day beginning at 12:00 a.m. and ending at 11:59 p.m.
- e. **Participating Agency** means the Birmingham Fire Department including, but not limited to, its council, its Board, its departments, its divisions, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, agents, subcontractors, attorneys, volunteers, and/or any such persons' successors.
- f. **Participating Agency Employee** means any employees, officers, directors, members, managers, trustees, volunteers, attorneys, representatives of Participating Agency, licensees, concessionaires, contractors, subcontractors, independent contractors, agents, and/or any such persons' successors or predecessors (whether such persons act or acted in their personal, representative or official capacities), and/or any persons acting by, through, under, or in concert with any of the above. "Participating Agency Employee" shall also include any person who was a Participating Agency Employee at any time during the term of this Agreement but, for any reason, is no longer employed, appointed, or elected in that capacity.

2. **PARTICIPATING AGENCY'S RESPONSIBILITIES.** Subject to the terms and conditions of this Agreement and applicable changes in law, the Participating Agency shall provide at least one Participating Agency Employee for membership in the OCIMT ("Participating Member"). All costs associated with employment, including, but not limited to wages, salary, overtime, benefits, local, state and federal taxes associated with employment, and Worker's Compensation Coverage, shall be the sole responsibility of the Participating Agency. The Participating Agency further understands and agrees that all Participating Members shall:

- a. Complete an application for membership and any other paperwork to be determined by the Emergency Management Division. It is within the sole discretion of the Emergency Management Division whether any Participating Agency's Employee shall become and remain a Participating Member. Participating Agency and Participating Member understand that if accepted to serve as a member of the OCIMT, the Participating Member may be deployed for a period of up to fourteen (14) Days. The length of deployment will depend on the incident type, but the Participating Agency must anticipate the maximum duration.
- b. Comply with all of the OCIMT's policies and procedures.
- c. Attend and successfully complete the following training:
 - i. NIMS ICS-100, 200, 700, and 800 (pre-requisites for OCIMT membership).
 - ii. NIMS IS-300 and 400 (pre-requisites for OCIMT membership).

- iii. Command and General Staff Functions for Local IMT.
 - iv. Position specific training, which will include classroom instruction, exercises, field experience, and completion of Position Task Books.
 - v. Any other training to be determined by the OCIMT.
- d. Maintain annual continuing education requirements.
 - e. Maintain the ability to respond, when activated, for exercise or deployment within a time frame determined by the OCIMT.
 - f. Attend and participate in activation drills, whether deployed or not, for readiness assessment.
 - g. Not suffer any loss of pay, rank, leave time, or opportunity by the Participating Agency while participating in any training, deployment, drill, and/or exercise required by the OCIMT.
3. **PARTICIPATING AGENCY'S INSURANCE REQUIREMENTS.** The Participating Agency shall have adequate insurance coverage to protect it from any Claims arising under or related to this Agreement and its participation in the OCIMT.
4. **COUNTY'S RESPONSIBILITIES.**
- a. The County shall provide reimbursement to the Participating Agency in accordance with Section 6.
 - b. The County shall provide the Participating Agency with a copy of the OCIMT's policies and procedures.
5. **SCOPE OF AUTHORITY.** The OCIMT will provide support to an Agency having Jurisdiction (AHJ) during an incident/emergency, disaster, or catastrophe. However, the OCIMT will not take over the incident command and management from the AHJ, unless the OCIMT receives a Delegation of Authority from the AHJ.
6. **REIMBURSEMENT.**
- a. Reimbursement is not guaranteed and is contingent upon the County receiving reimbursement to pass through to the Participating Agency.
 - b. Any reimbursement shall be consistent with the Michigan Emergency Management Act (MCL 30.401 *et seq.*) and any existing mutual aid agreements, including the Michigan Emergency Mutual Aid Compact (Intrastate) and/or the Emergency Management Mutual Aid Compact (Interstate). If there is a Presidential Disaster Declaration for an incident/emergency, disaster, or catastrophe and the OCIMT is deployed, then the County may seek reimbursement in accordance with Federal Emergency Management Agency reimbursement policies.
 - c. If the Participating Agency has not executed a mutual aid agreement, then any reimbursement to the Participating Agency shall be made pursuant to the written procedures and policies established by the Director of the Emergency Management & Homeland Security Department, which may be amended from time to time in the sole discretion of the Director, upon written notice to the Participating Agency.

- d. All reimbursement requests shall be supported by adequate documentation, as determined by the Emergency Management Division.
7. **OVERSIGHT.** The Oakland County Grant Allocation Committee (“GAC”) is comprised of representatives from local response agencies, organizations, and special operations teams that receive grant funding. GAC will provide recommendations and counsel regarding the direction and operation of the OCIMT.
 8. **COMPLIANCE WITH LAWS.** Each Party shall comply with all federal, state, and local statutes, ordinances, regulations, administrative rules, and requirements applicable to its activities performed under this Agreement.
 9. **PERMITS AND LICENSES.** Each Party shall be responsible for obtaining and maintaining, throughout the term of this Agreement, all licenses, permits, certificates, and governmental authorizations for its employees and/or agents necessary to perform all of its obligations under this Agreement. Upon request, a Party shall furnish copies of any permit, license, certificate, or governmental authorization to the requesting Party.
 10. **DURATION OF INTERLOCAL AGREEMENT.**
 - a. The Agreement and any amendments hereto shall be effective when executed by both Parties with concurrent resolutions passed by the governing bodies of each Party, and when the Agreement is filed in accordance with MCL 124.510. The approval and terms of this Agreement and any amendments hereto shall be entered into the official minutes of the governing body of each Party.
 - b. This Agreement shall remain in effect until cancelled or terminated by either Party pursuant to Section 13.
 11. **ASSURANCES.**
 - a. **Responsibility for Claims.** Each Party shall be responsible for any Claims made against that Party by a third party, and for its own acts and the acts of its employees, agents, and subcontractors arising under or related to this Agreement.
 - b. **Responsibility for Attorney Fees and Costs.** In any Claim that may arise from the performance of this Agreement, each Party shall seek its own legal representation and bear the costs associated with such representation, including judgments and attorney fees.
 - c. **No Indemnification.** Except as otherwise provided for in this Agreement, neither Party shall have any right under this Agreement or under any other legal principle to be indemnified or reimbursed by the other Party or any of its agents in connection with any Claim.
 - d. **Authorization and Completion of Agreement.** The Parties have taken all actions and secured all approvals necessary to authorize and complete this Agreement. The persons signing this Agreement on behalf of each Party have

legal authority to sign this Agreement and bind the Parties to the terms and conditions contained herein.

12. **DISCRIMINATION**. The Parties shall not discriminate against an employee or an applicant for employment in hiring, any terms and conditions of employment or matters related to employment regardless of race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, genetic information, height, weight, disability, veteran status, familial status, marital status or any other reason, that is unrelated to the person's ability to perform the duties of a particular job or position, in accordance with applicable federal and state laws.
13. **TERMINATION OR CANCELLATION OF AGREEMENT**.
 - a. Either Party may terminate or cancel this Agreement for any reason upon 30 Days written notice before the effective date of termination or cancellation. The effective date for termination or cancellation shall be clearly stated in the notice.
 - b. The County may immediately terminate or cancel this Agreement or a Participating Member's membership in the OCIMT, if the Participating Agency or Participating Member failed to comply, within the County's discretion, with federal, state, or local law, or any requirements contained in this Agreement. The County shall incur no penalty, expense, or liability if it terminates or cancels this Agreement in accordance with this Section.
14. **AGREEMENT MODIFICATION OR AMENDMENT**. Any modifications, amendments, rescissions, waivers, or releases to this Agreement must be in writing and agreed to by both Parties. Unless otherwise agreed, the modification, amendment, rescission, waiver, or release shall be signed by the same persons who signed the Agreement or other persons authorized by the Party's governing body.
15. **DELEGATION OR ASSIGNMENT**. Neither Party shall delegate or assign any obligations or rights under this Agreement without the prior written consent of the other Party.
16. **RESERVATION OF RIGHTS**. This Agreement does not, and is not intended to, impair, divest, delegate or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty, or immunity of the Parties. Nothing in this Agreement shall be construed as a waiver of governmental immunity for either Party.
17. **NO THIRD-PARTY BENEFICIARIES**. Except as provided for the benefit of the Parties, this Agreement does not and is not intended to create any obligation, duty, promise, contractual right or benefit, right to indemnification, right to subrogation, and/or any other right in favor of any other person or entity.
18. **NO IMPLIED WAIVER**. Absent a written waiver, no act, failure, or delay by a Party to pursue or enforce any rights or remedies under this Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this Agreement. No waiver of any term, condition, or provision of this Agreement, whether by conduct or otherwise, in one or more instances shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Agreement. No waiver by either Party shall subsequently affect its right to require strict performance of this Agreement.

19. **SEVERABILITY**. If a court of competent jurisdiction finds a term or condition of this Agreement to be illegal or invalid, then the term or condition shall be deemed severed from this Agreement. All other terms, conditions, and provisions of this Agreement shall remain in full force.
20. **CAPTIONS**. The section and subsection numbers, captions, and any index to such sections and subsections contained in this Agreement are intended for the convenience of the reader and are not intended to have any substantive meaning. The numbers, captions, and indexes shall not be interpreted or be considered as part of this Agreement. Any use of the singular or plural, any reference to gender, and any use of the nominative, objective or possessive case in this Agreement shall be deemed the appropriate plurality, gender or possession as the context requires.
21. **NOTICES**. Notices given under this Agreement shall be in writing and shall be personally delivered, sent by express delivery service, certified mail, or first-class U.S. mail postage prepaid, and addressed to the person listed below. Notice will be deemed given on the date when one of the following first occur: (i) the date of actual receipt; (ii) the next business day when notice is sent express delivery service or personal delivery; or (iii) three Days after mailing first class or certified U.S. mail.
- a. If Notice is sent to County, it shall be addressed and sent to: Andrew D. Zaccagnini
Oakland County Homeland Security, 1200 North Telegraph Road, Pontiac, Michigan
48341
- b. If Notice is sent to Participating Agency, it shall be addressed and sent to: Chief Paul
Wells, 572 South Adams Road, Birmingham Michigan 48009.
22. **GOVERNING LAW/CONSENT TO JURISDICTION AND VENUE**. This Agreement shall be governed, interpreted, and enforced by the laws of the State of Michigan. Except as otherwise required by law or court rule, any action brought to enforce, interpret, or decide any Claim arising under or related to this Agreement shall be brought in the 6th Judicial Circuit Court of the State of Michigan, the 50th District Court of the State of Michigan, or the United States District Court for the Eastern District of Michigan, Southern Division, as dictated by the applicable jurisdiction of the court. Except as otherwise required by law or court rule, venue is proper in the courts set forth above.
23. **SURVIVAL OF TERMS**. The Parties understand and agree that all terms and conditions of this Agreement that require continued performance, compliance, or effect beyond the termination date of the Agreement shall survive such termination date and shall be enforceable in the event of a failure to perform or comply.
24. **ENTIRE AGREEMENT**. This Agreement represents the entire agreement and understanding between the Parties, and supersedes all other prior oral or written understandings, communications, agreements, or contracts between the Parties. The language of this Agreement shall be construed as a whole according to its fair meaning and not construed strictly for or against any Party.

IN WITNESS WHEREOF, Fire Chief Paul Wells hereby acknowledges that he has been authorized by a resolution of the Birmingham City Commission, a certified copy of which is

attached, to execute this Agreement on behalf of Participating Agency and hereby accepts and binds Participating Agency to the terms and conditions of this Agreement.

EXECUTED: _____ DATE: _____
Paul Wells, Chief
Birmingham Fire Department

WITNESSED: _____ DATE: _____
Mathew Bartalino, Assistant Fire Chief
Birmingham Fire Department

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

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

WITNESSED: _____ DATE: _____
Oakland County Board of Commissioners
County of Oakland



MEMORANDUM

Finance Department

DATE: October 2, 2023

TO: Jana L. Ecker, City Manager

FROM: Mark Gerber, Finance Director

SUBJECT: Credit Limit – City Credit Card

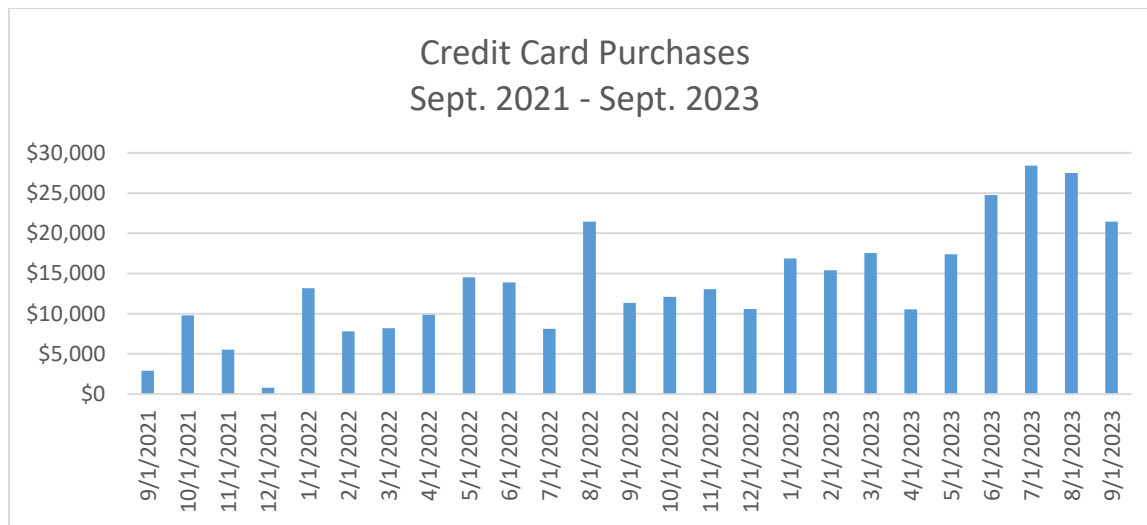
INTRODUCTION:

The Finance Director is seeking approval to increase the City credit card limit to \$45,000.

BACKGROUND:

In October of 2021, the City Commission approved the new credit card policy allowing department heads to have their own cards. At that time, the credit limit was set at \$25,000. At the City Commission meeting on February 27, 2023, the City Commission increased the credit limit to \$35,000.

Credit card use has expanded since February 2023 to include Amazon payments and more staff are attending conferences than two years ago during the pandemic. Our credit card utilization has increased to approximately \$25,000 per month as shown in the graph below.



Since our credit card is not paid until the 15th of the month, we are continually hitting our limit before our due date, which has caused some issues with department heads being able to use their credit cards. Our limit should take into consideration the period of time between the end of the month and the 15th of the following month. Based on our recent usage, an increase to the credit limit of \$10,000 to \$45,000 is justified.

LEGAL REVIEW:

No legal review required.

FISCAL IMPACT:

Increasing the credit limit will allow more transactions to be conducted via credit card instead of check or ACH. In addition, the increased spending will result in a larger credit card rebate for the City and lower staff time resolving accounts payable issues with vendors.

SUSTAINABILITY:

Processing more payments for small purchases through credit cards reduces paper waste such as invoices and envelopes and reduces the need for physically mailing checks.

PUBLIC COMMUNICATIONS:

No public communications are required.

SUMMARY:

The Finance Department is recommending the City Commission approve increasing the City's credit card limit to \$45,000.

ATTACHMENTS:

There are no attachments.

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve an increase to the City's credit card limit to \$45,000.



MEMORANDUM

Finance

DATE: October 9, 2023

TO: Jana L. Ecker, City Manager

FROM: Mark Gerber, Finance Director-Treasurer

SUBJECT: Public Hearing for Program Year 2024 Community Development Block Grant Application

INTRODUCTION:

The Finance Department is requesting that the City Commission set a public hearing for November 27, 2023 in order to hear public comments on the City's 2024 Community Development Block Grant (CDBG) application.

BACKGROUND:

Every year the City receives a grant for the Community Development Block Grant program. This is a federal grant program which is administered by Oakland County. The purpose of the grant is to:

- Primarily benefit low- or moderate-income persons or households
- Aid in the elimination of slum or blight conditions
- Meet an urgent community need

Previously, the City has used these funds to assist low income seniors and to make ADA compliant renovations to City property.

Oakland County has given the City a planning allocation of \$36,912 for the 2024 program year (July 2024 – June 2025). This is the same amount which was originally allocated to the City for the 2023-2024 program year and is subject to change.

In order to be eligible to receive these funds, the City must conduct a public hearing to receive citizen input, make a determination of eligible projects to be pursued and submit a completed application to Oakland County by December 1, 2023. The public hearing must be noticed at least 10 days in advance of the meeting.

LEGAL REVIEW:

None required.

FISCAL IMPACT:

None.

SUSTAINABILITY:

Not applicable.

PUBLIC COMMUNICATIONS:

If the City Commission approves the public hearing, the hearing notice will be published in the newspaper.

SUMMARY:

It is recommended that the City Commission set November 27, 2023 as the date to conduct the required public hearing. If the public hearing is set for November 27, 2023, a list of recommended projects and funding allocation will be presented to the public and commission for consideration at that time.

ATTACHMENTS:

None.

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to set November 27, 2023 as the public hearing date for the Program Year 2024 Community Development Block Grant Program.



MEMORANDUM

Police Department

DATE: October 11, 2023

TO: Jana L. Ecker, City Manager

FROM: Ryan J. Kearney, Police Captain

APPROVED BY: Scott A Grewe, Chief of Police

SUBJECT: Cole Street Parking

INTRODUCTION:

The City has received several complaints regarding the narrow width of the Rail District's Cole St. and how on-street parking on both sides makes two-way navigation difficult. Cole is 28' wide, which is the City standard for residential streets (28', from back of curb to back of curb). This area of Cole is strictly commercial and has grown over the years, perpetuating the problem.

BACKGROUND:

The Police Department has received several citizen complaints regarding gridlocked traffic during rush hours due to parking on both sides of Cole east of S. Eton. In recent years, there has been increased business occupancy and traffic along this stretch of Cole, and most have onsite parking. Therefore, it was evaluated to determine if parking could be reduced to one side of the street to increase traffic flow and safety.

Traffic crash data was reviewed, showing ten accidents involving sideswiping or parking-related movements over the last five years. In addition, traffic volume on this portion of Cole is approximately triple that of the residential stretch west of S. Eton.

A parking study was completed, showing parking can be accommodated in other areas if the 15 spaces on the south side are removed from Cole, between S. Eton and Commerce. There is already no parking on the south side of Cole east of Commerce. Thus, prohibiting parking between Commerce and S. Eton would make it consistent.

On Thursday, September 7, 2023, the issue was presented to the Multi-Modal Transportation Board (MMTB). The MMTB passed a motion to recommend to the City Commission to remove parking on the south side of Cole, between S. Eton and Commerce, which was carried 5-0.

LEGAL REVIEW:

N/A

FISCAL IMPACT:

There will be a minimal cost associated with installing no parking signs, estimated to be less than \$500.00.

SUSTAINABILITY:

N/A

PUBLIC COMMUNICATIONS:

The Planning Department sent mailers to all businesses along Cole in August 2023 advising of the parking review and the corresponding MMTB meeting. The issue went before the MMTB on September 7, 2023, and postcards were mailed to adjacent properties advising them of the MMTB meeting.

SUMMARY:

Increased business occupancy and traffic have made Cole St. difficult and dangerous to navigate during peak hours. Many of the businesses have large, underutilized on-site parking lots. A parking study was conducted and demonstrated that parking could be removed from the south side and still be accommodated on the north side of Cole.

ATTACHMENTS:

1. Cole St. parking diagrams.
2. MMTB packet from September 7, 2023, including Cole St. parking study.
3. MMTB meeting minutes from September 7, 2023.

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution prohibiting parking on the south side of Cole St. between S. Eton St. and Commerce St. and to direct staff to install no parking signs in this area.

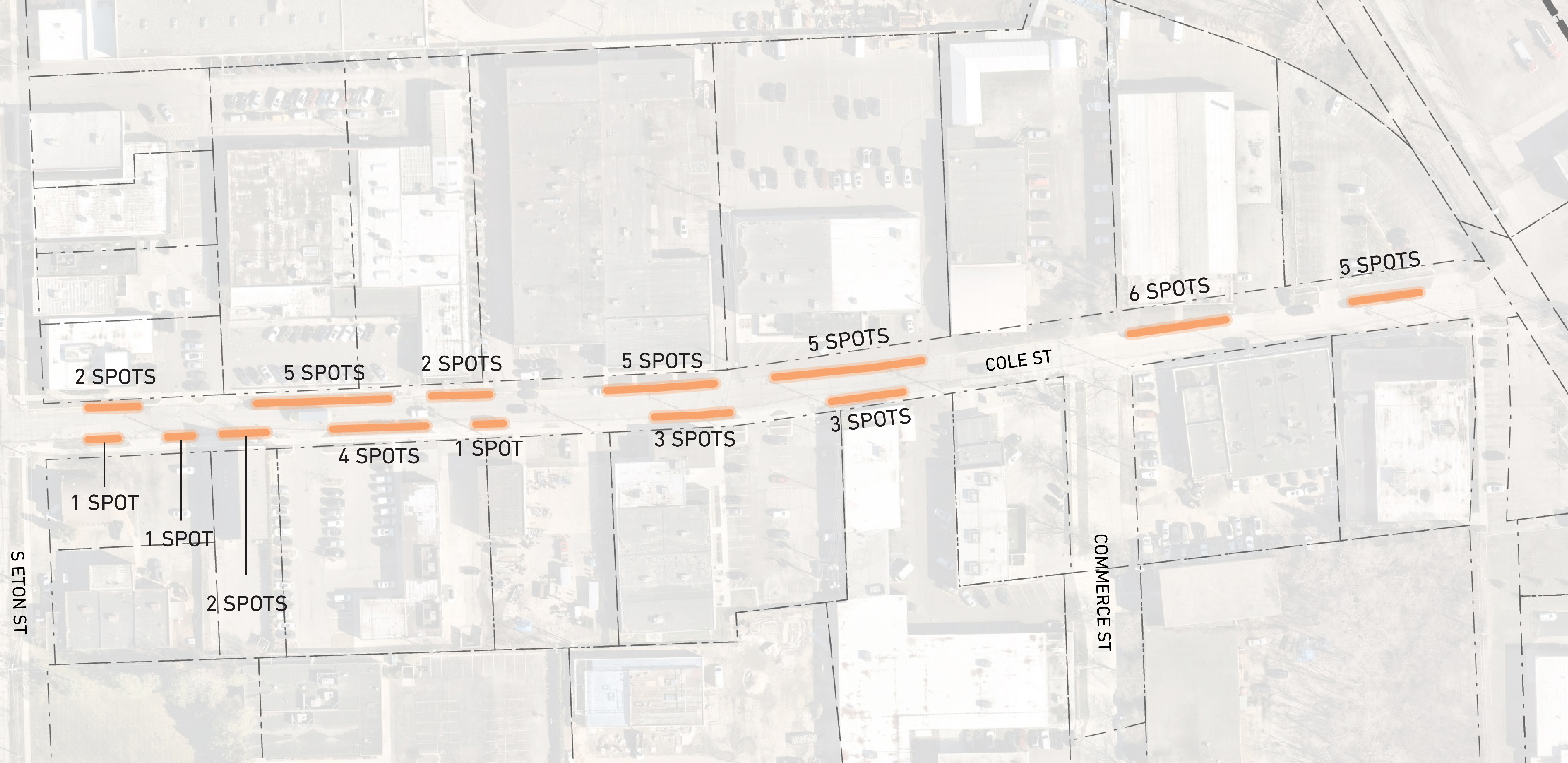
COLE STREET ON-STREET PARKING

EXISTING PARKING ALONG COLE STREET SHOWN BELOW:

PARKING SPACES ALONG COLE STREET: 




TOTAL NORTH SIDE PARKING SPACES: 30

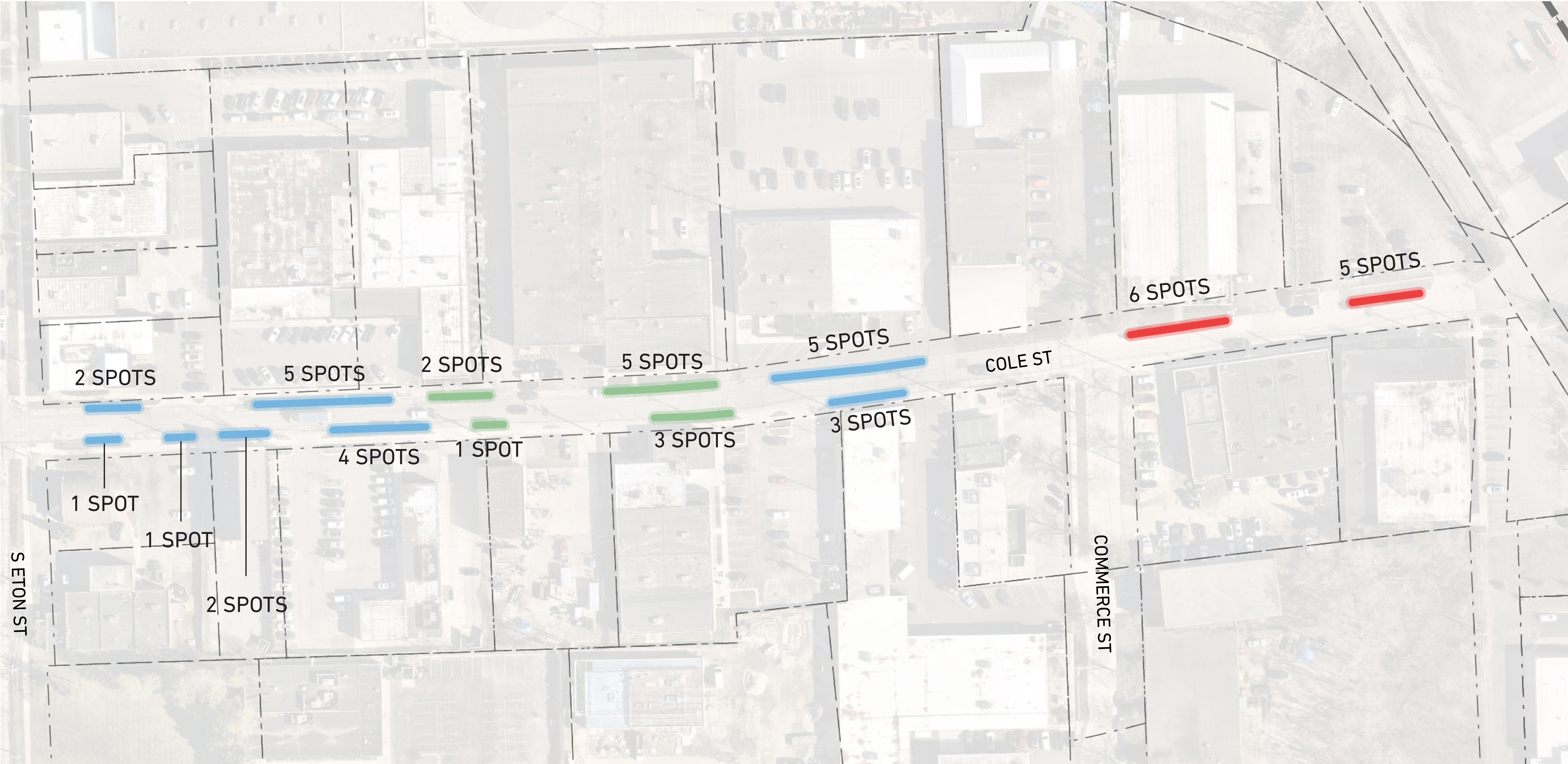
TOTAL SOUTH SIDE PARKING SPACES: 15



COLE STREET ON-STREET PARKING

COUNTS TAKEN THREE TIME PER DAY FROM JULY 10TH THROUGH JULY 16TH. AVERAGE PERCENTAGE OF SPOTS FILLED ARE SHOWN BELOW:

- PARKING SPOTS <20% FILLED 
- PARKING SPOTS BETWEEN 21-70% FILLED 
- PARKING SPOTS >70% FILLED 





MEMORANDUM

Police Department

DATE: September 1, 2023

TO: Multi-Modal Transportation Board

FROM: Brooks Cowan, City Planning
Ryan Kearney, Police Captain
Melissa Coatta, Engineering Department
Brad Strader, MKSK
Julie Kroll, Fleis & Vandenbrink

SUBJECT: Cole Street Parking

INTRODUCTION:

The City has received a number of complaints regarding the Rail District's Cole Street and how the narrow width (28') and on-street parking on both sides make two-way navigation difficult.

BACKGROUND:

In 2022, the police department received complaints regarding gridlocked traffic during rush hours due to parking on both sides of Cole St. east of S. Eton. In addition, there were no yellow curbs in front of the Barre Code (2010 Cole St.), compounding the problem and making it difficult to see upon entering or exiting the business. Yellow curbs were repainted, and the area was monitored, though the City has continued to receive complaints regarding gridlock on this street.

In recent years, there has been increased business occupancy and traffic along this stretch of Cole, and most have onsite parking. Therefore, it was evaluated to determine if parking could be reduced to one side of the street to increase traffic flow and safety.




Upon review of the issue, a parking study was completed, showing parking can still be accommodated by removing parking from the south side of Cole St. The Planning Department sent a mailer to Cole St. businesses advising of the parking review and the corresponding Multi-Modal Board meeting.

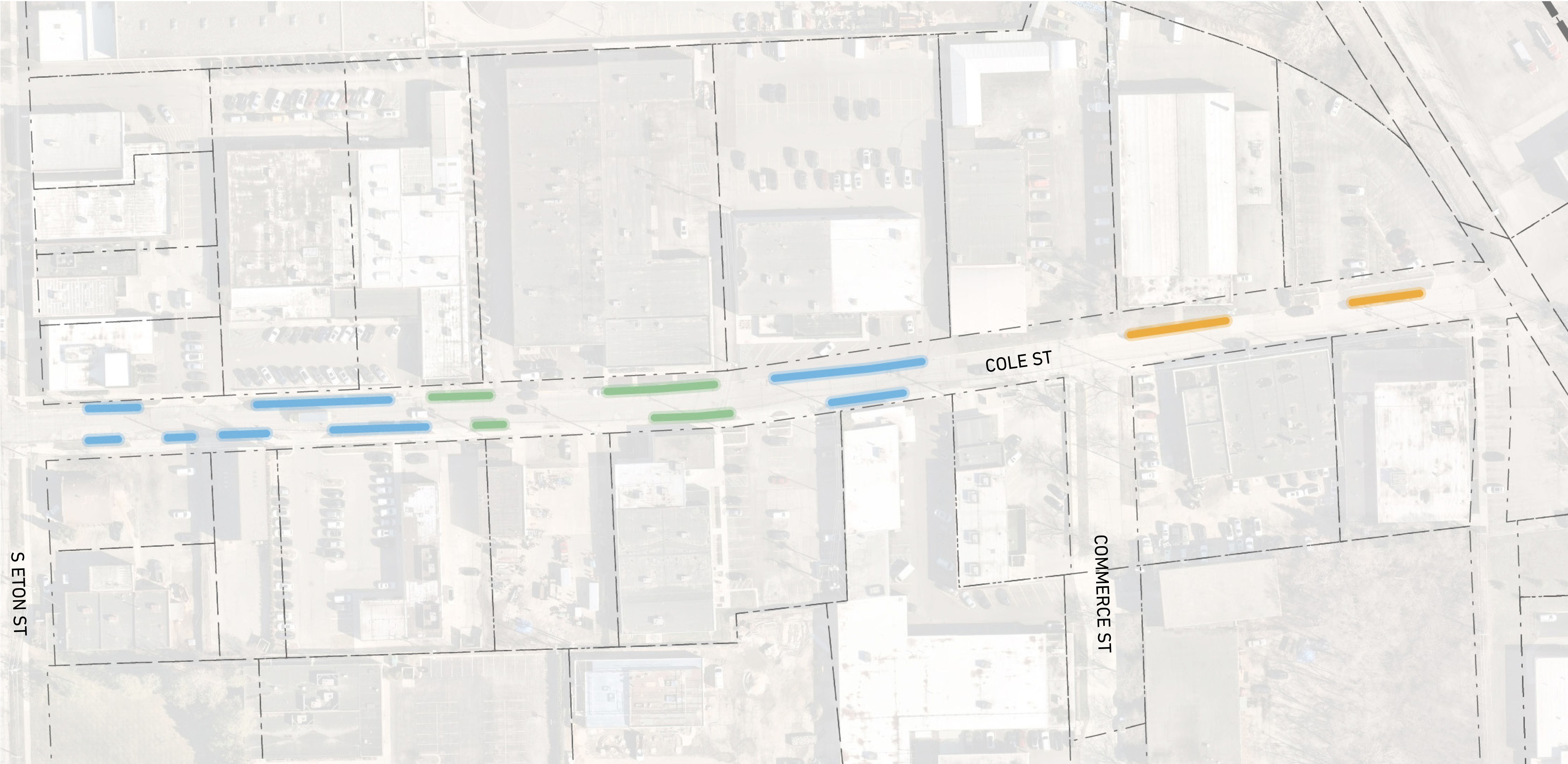
SUGGESTED RECOMMENDATION:

Make a motion to remove parking on the south side of Cole St, east of S. Eton St.

COLE STREET ON-STREET PARKING

COUNTS TAKEN THREE TIME PER DAY FROM JULY 10TH THROUGH JULY 16TH. AVERAGE PERCENTAGE OF SPOTS FILLED ARE SHOWN BELOW:

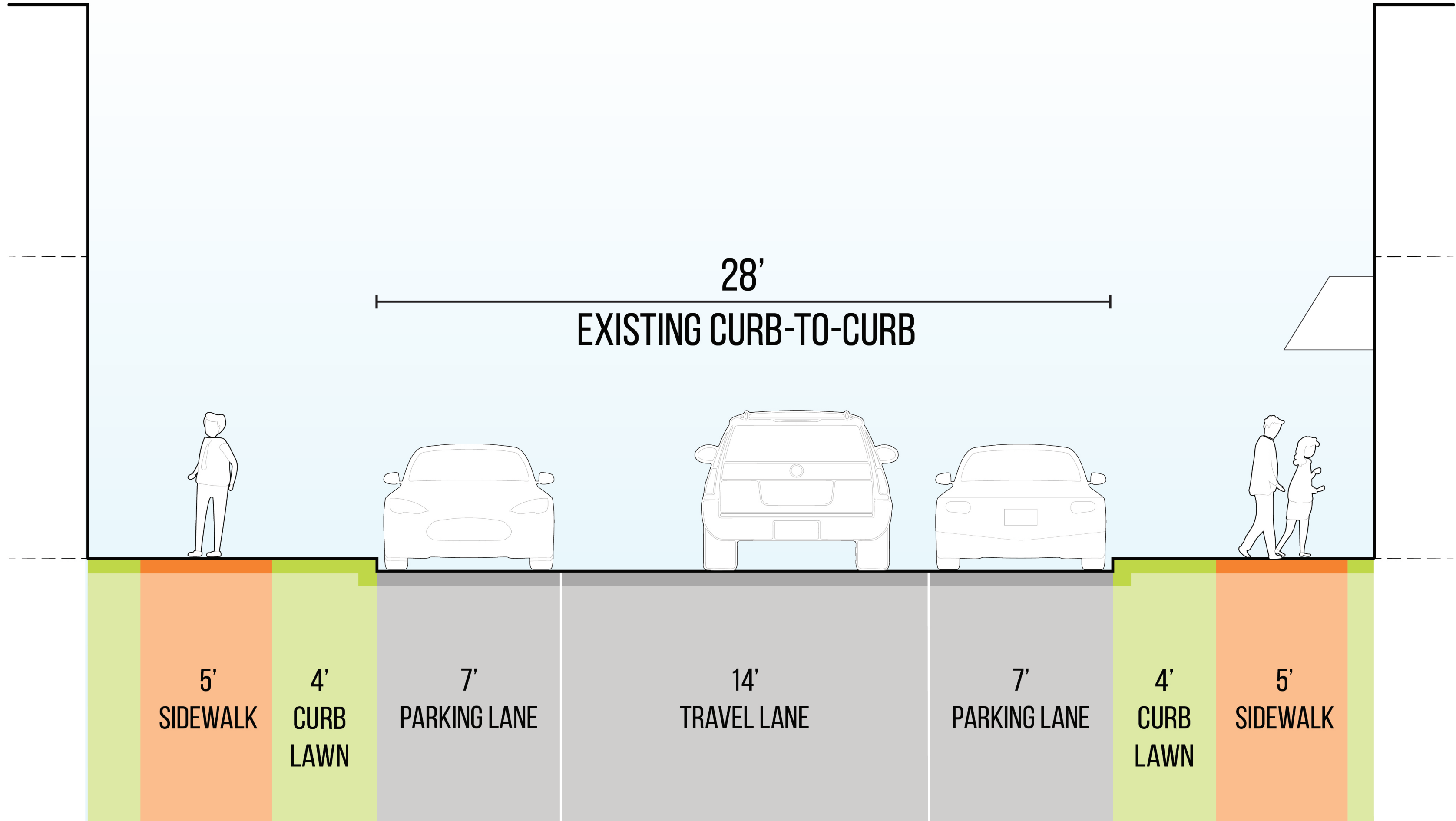
- PARKING SPOTS <20% FILLED 
- PARKING SPOTS BETWEEN 21-70% FILLED 
- PARKING SPOTS >70% FILLED 



COLE STREET CROSS SECTIONS

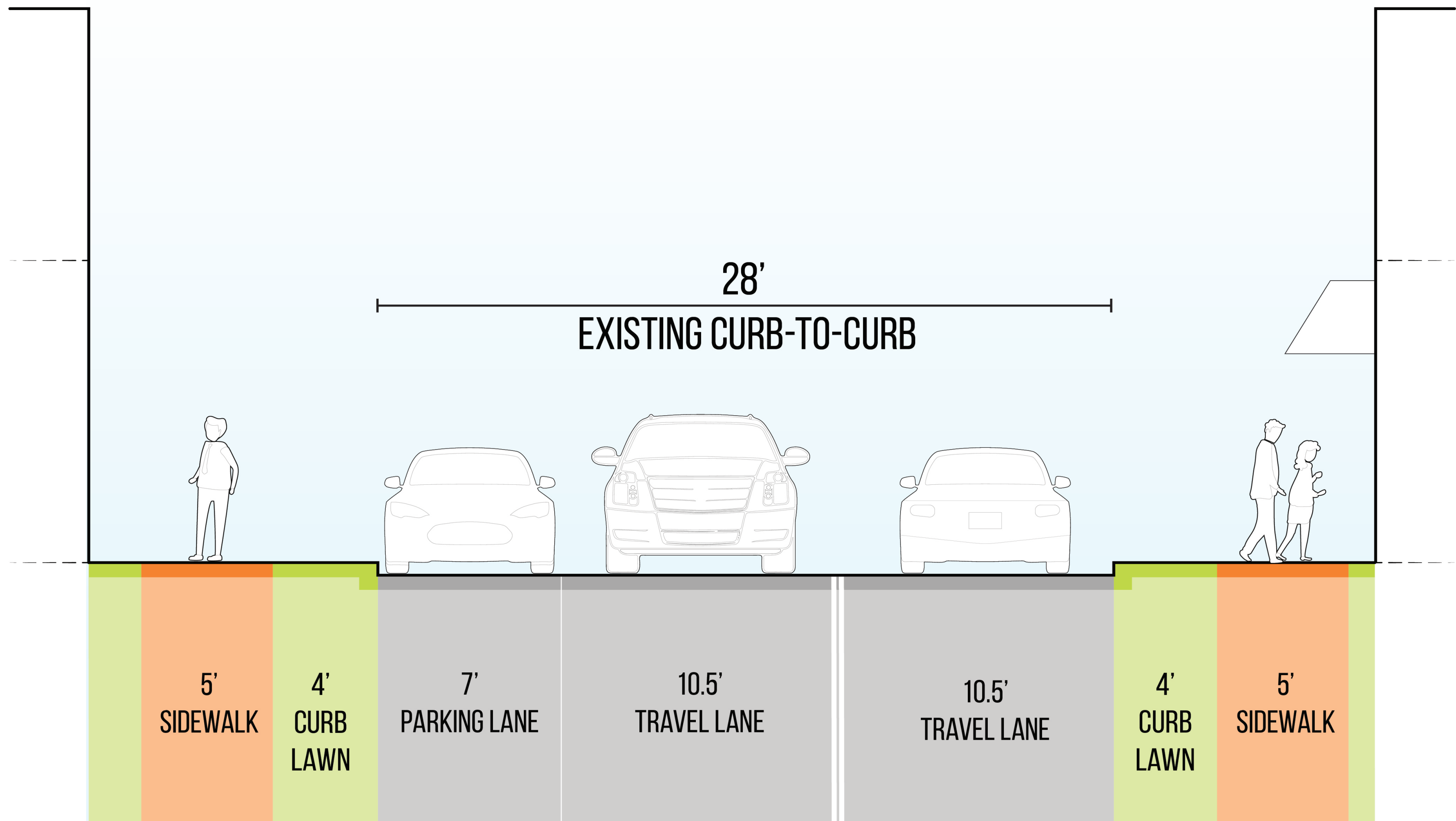
EXISTING

- Two on-street parking lanes on each side of street (east and west bound)
- 14-foot travel lane for two-way traffic
- Traffic needs to either slow or stop in order for cars to pass one another



POTENTIAL OPTION

- One on-street parking lane along the north side of the side (west bound side)
- Two 10.5-foot travel lanes (one EB and one WB)
- Cars have dedicate travel lane for each direction



City of Birmingham

Report a Concern

Admin

Reference #: RAC-2023-00181

Source: Web Form

Status: Closed

Disposition:

Date Entered: 3/21/2023 4:38:00 PM

Date In Progress: 03/22/2023

Closed Date: 03/22/2023

Concern Details

Type: Other Flow of traffic

Description: Cole Street is a very narrow road and allowing people to park on both sides makes it nearly impossible to get through, especially during higher traffic times. I have had to wait more than ten minutes for oncoming traffic to let me through.

Address: 2300 COLE ST , BIRMINGHAM CITY

Block:

Lot: 25

Location:

Complainant Details

Name: Matthew Hanson

Address: 2834 Manchester Road Birmingham MI 48009

Email: hanson28@msu.edu

Phone # (248) 224-0025

Property Owner Details

Name: FRANK,LINDA A

Address: 5123 MAPLE RIDGE RD STERLING ,MI 48659

Email:

Work Details

Total Hours: 0.00

Total Labor: \$0.00

Total Material: \$0.00

Total Cost: \$0.00

Status	Date Assigned	Date Completed	Employee Assigned	Work Cost	License Plate #
--------	---------------	----------------	-------------------	-----------	-----------------

Violation Details

Notice Date:

Comply Date:

Status	Date Abated	Ordinance	Comments
--------	-------------	-----------	----------

Summons Details

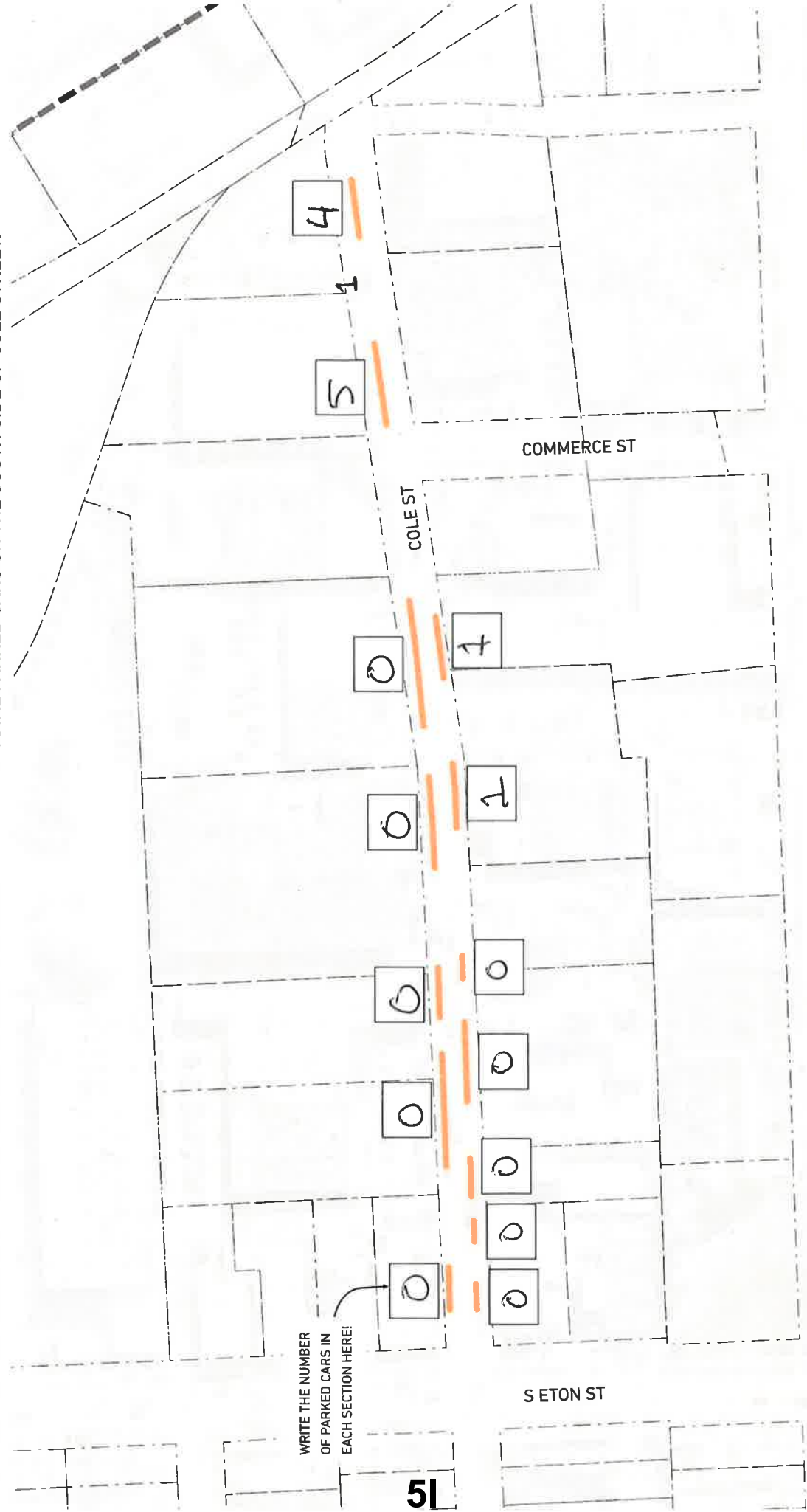
Summons #	Issue Date	Ordinance	Disposition
-----------	------------	-----------	-------------

Notes

Date & Time	By	Note Type	Note
3/22/2023 10:50:00 AM	Ryan Kearney	Internal Note	
3/22/2023 10:49:00 AM	Ryan Kearney	Note to Complainant	Email sent to complainant

EXISTING ON-STREET PARKING SPOTS:  TOTAL PARKED CARS ON THE NORTH SIDE OF COLE STREET:

FILL IN THE BOXES WITH THE NUMBER OF PARKED CARS THAT ARE ALONG THE STREET TOTAL PARKED CARS ON THE SOUTH SIDE OF COLE STREET:



WRITE THE NUMBER OF PARKED CARS IN EACH SECTION HERE!

DATE: 7/10/23

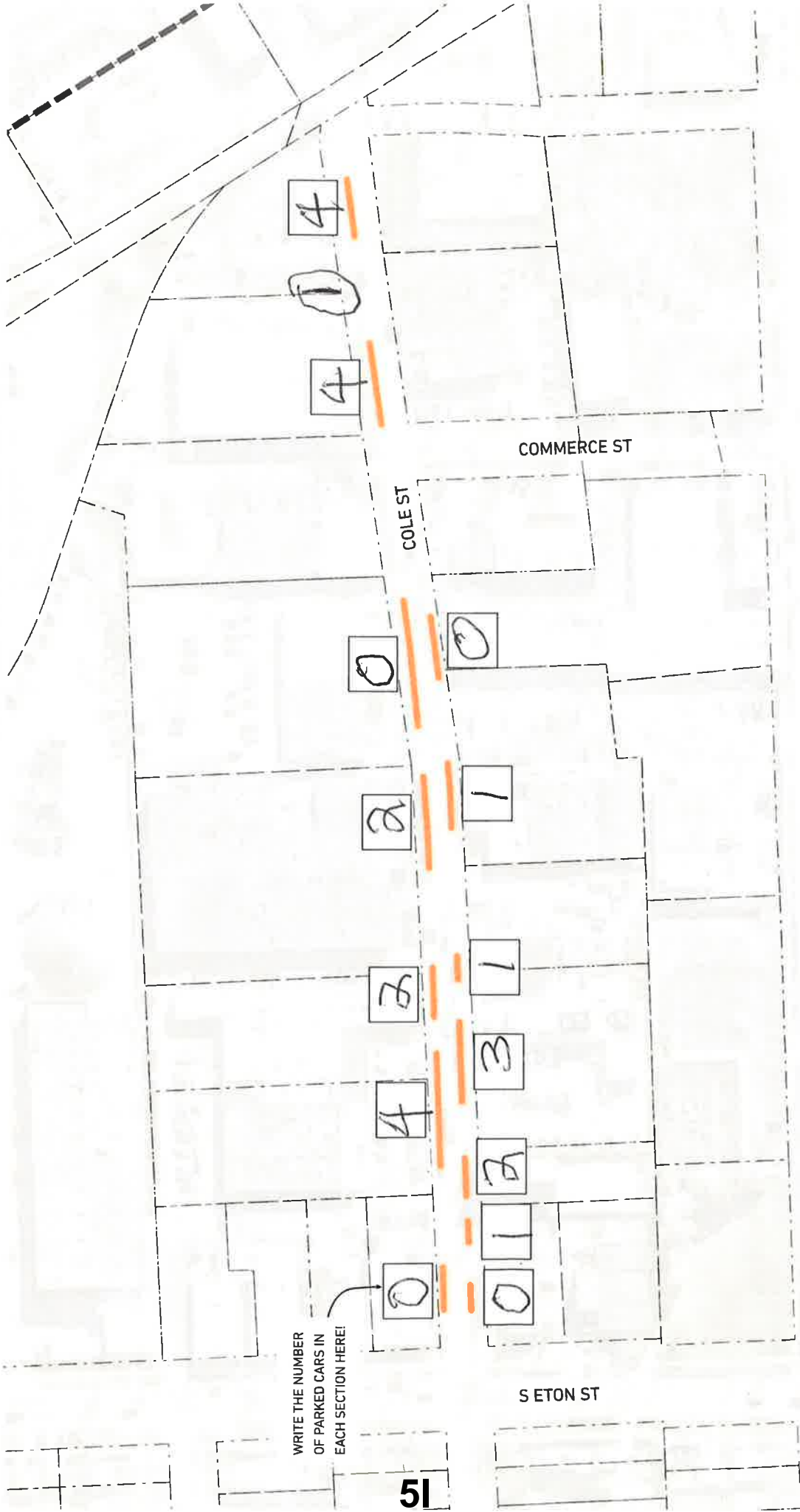
TIME: 8:09 AM

EXISTING ON-STREET PARKING SPOTS: 

FILL IN THE BOXES WITH THE NUMBER OF PARKED CARS THAT ARE ALONG THE STREET

TOTAL PARKED CARS ON THE NORTH SIDE OF COLE STREET:

TOTAL PARKED CARS ON THE SOUTH SIDE OF COLE STREET:



WRITE THE NUMBER OF PARKED CARS IN EACH SECTION HERE!

DATE: 7/10/23

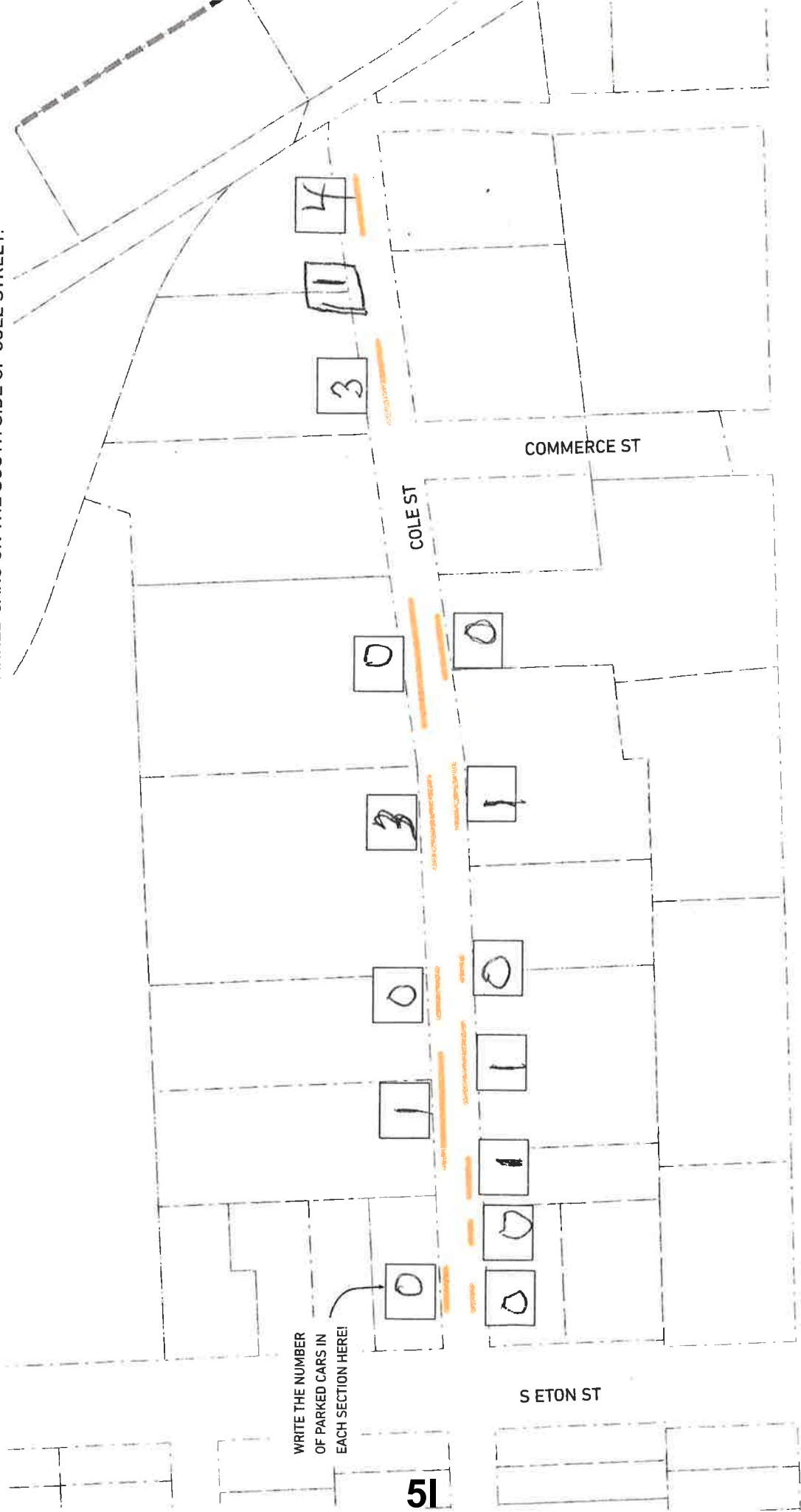
TIME: 1205 pm

EXISTING ON-STREET PARKING SPOTS:

FILL IN THE BOXES WITH THE NUMBER OF PARKED CARS THAT ARE ALONG THE STREET

TOTAL PARKED CARS ON THE NORTH SIDE OF COLE STREET:

TOTAL PARKED CARS ON THE SOUTH SIDE OF COLE STREET:



WRITE THE NUMBER OF PARKED CARS IN EACH SECTION HERE!

TIME: 4:20 PM

DATE: 7-10-23

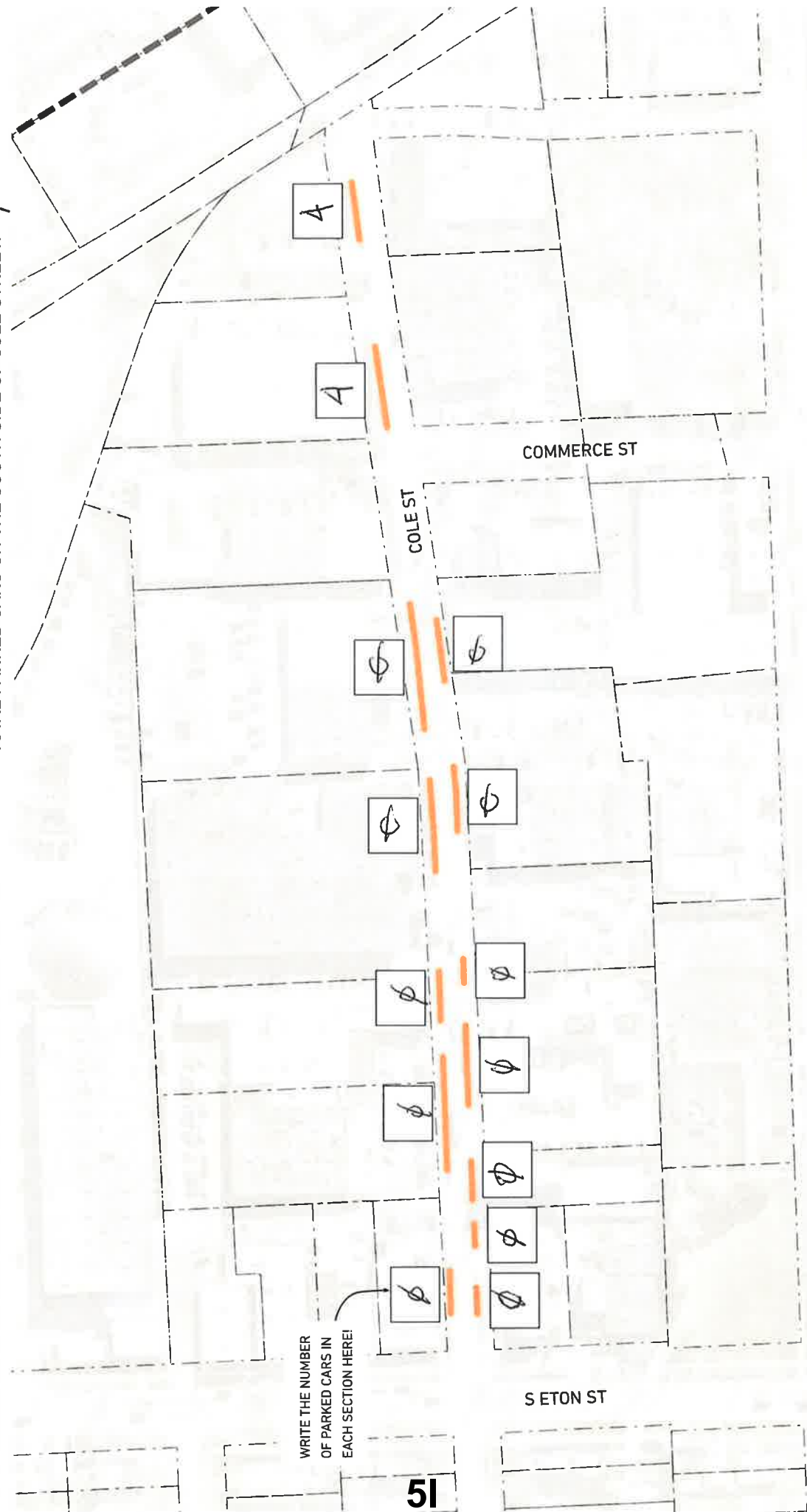
DATE:

EXISTING ON-STREET PARKING SPOTS: 

FILL IN THE BOXES WITH THE NUMBER OF PARKED CARS THAT ARE ALONG THE STREET

TOTAL PARKED CARS ON THE NORTH SIDE OF COLE STREET: 8

TOTAL PARKED CARS ON THE SOUTH SIDE OF COLE STREET: 0



WRITE THE NUMBER OF PARKED CARS IN EACH SECTION HERE!

51

DATE: 7/11/23

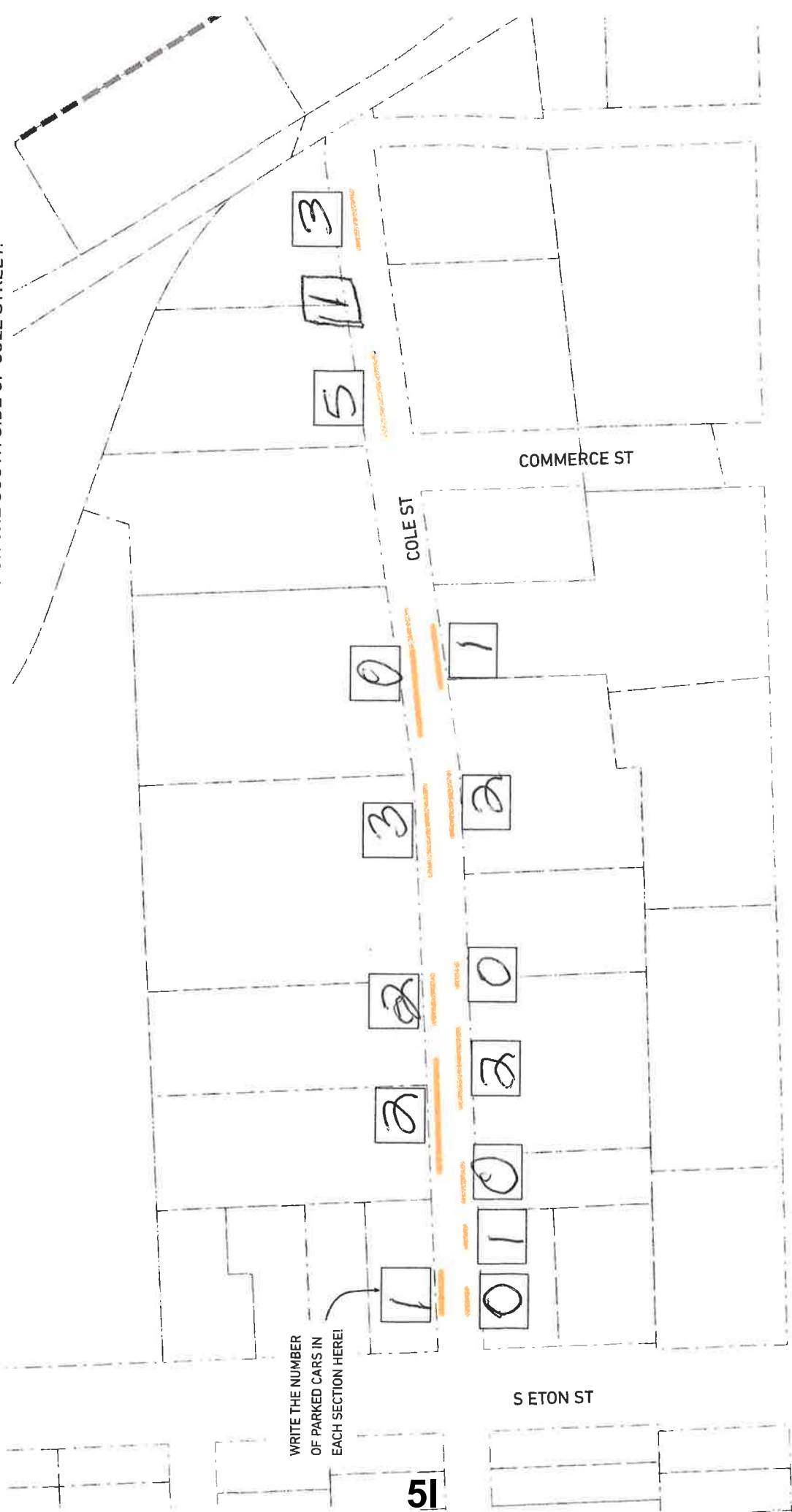
TIME: 0745

EXISTING ON-STREET PARKING SPOTS: 

FILL IN THE BOXES WITH THE NUMBER OF PARKED CARS THAT ARE ALONG THE STREET

TOTAL PARKED CARS ON THE NORTH SIDE OF COLE STREET:

TOTAL PARKED CARS ON THE SOUTH SIDE OF COLE STREET:



WRITE THE NUMBER OF PARKED CARS IN EACH SECTION HERE!

51

DATE:

7/11/23

TIME:

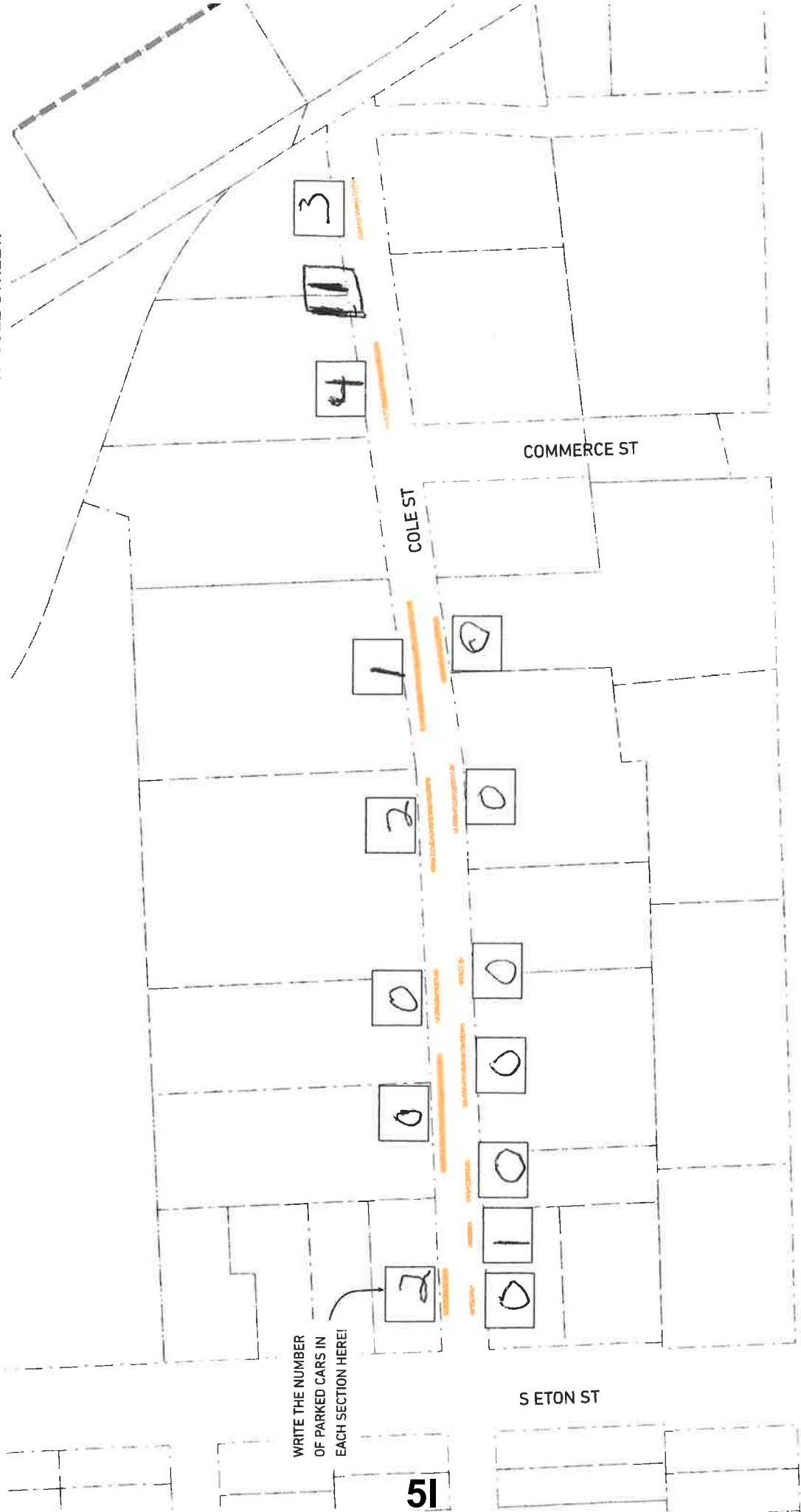
11:22 AM

EXISTING ON-STREET PARKING SPOTS:

FILL IN THE BOXES WITH THE NUMBER OF PARKED CARS THAT ARE ALONG THE STREET


TOTAL PARKED CARS ON THE NORTH SIDE OF COLE STREET:

TOTAL PARKED CARS ON THE SOUTH SIDE OF COLE STREET:



DATE: 7-11-23

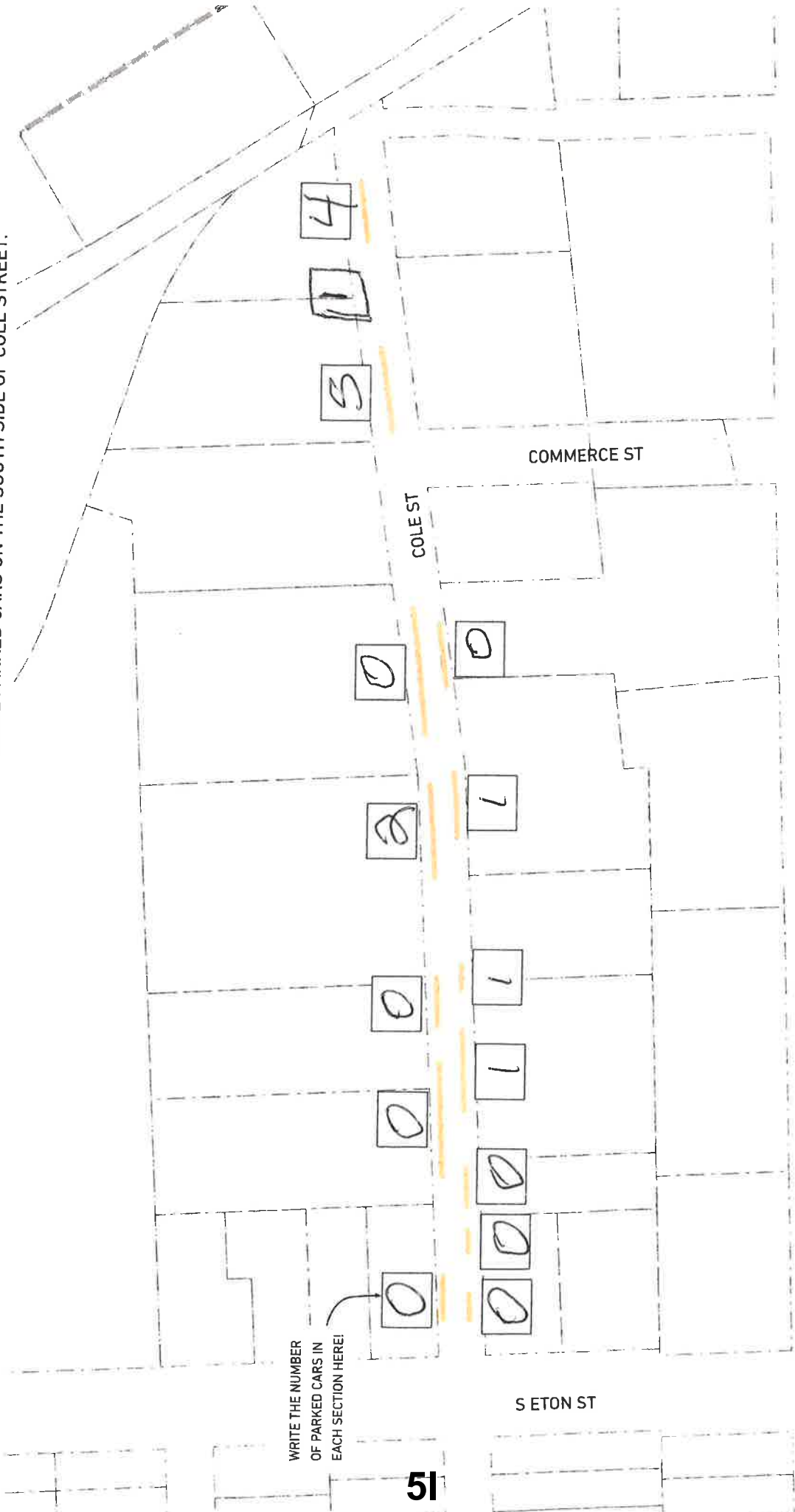
TIME: 5:10 PM

EXISTING ON-STREET PARKING SPOTS: 

FILL IN THE BOXES WITH THE NUMBER OF PARKED CARS THAT ARE ALONG THE STREET

TOTAL PARKED CARS ON THE NORTH SIDE OF COLE STREET:

TOTAL PARKED CARS ON THE SOUTH SIDE OF COLE STREET:



WRITE THE NUMBER OF PARKED CARS IN EACH SECTION HERE!

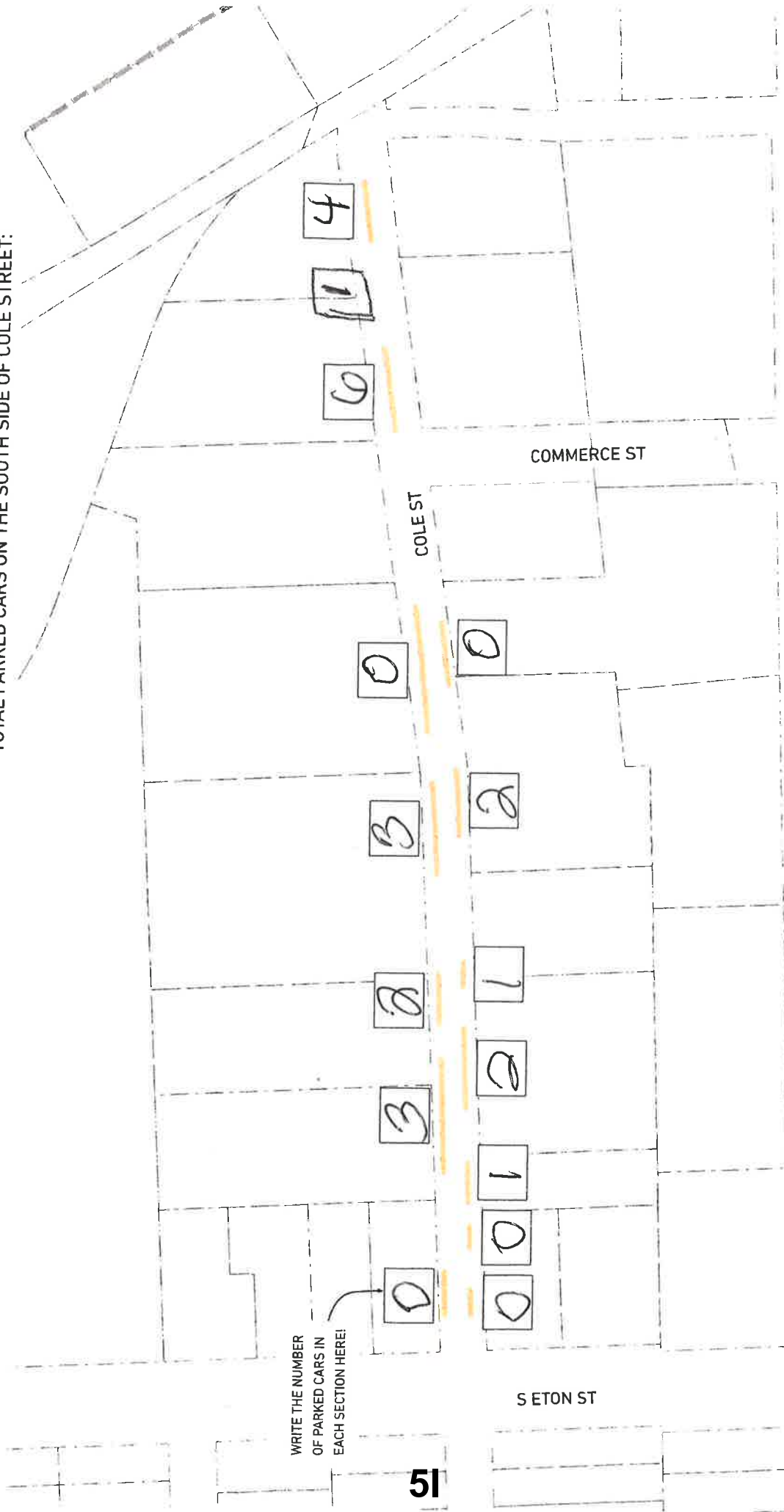
DATE: 7/12/23 TIME: 8:40 am

EXISTING ON-STREET PARKING SPOTS: 

FILL IN THE BOXES WITH THE NUMBER OF PARKED CARS THAT ARE ALONG THE STREET

TOTAL PARKED CARS ON THE NORTH SIDE OF COLE STREET:

TOTAL PARKED CARS ON THE SOUTH SIDE OF COLE STREET:



WRITE THE NUMBER OF PARKED CARS IN EACH SECTION HERE!

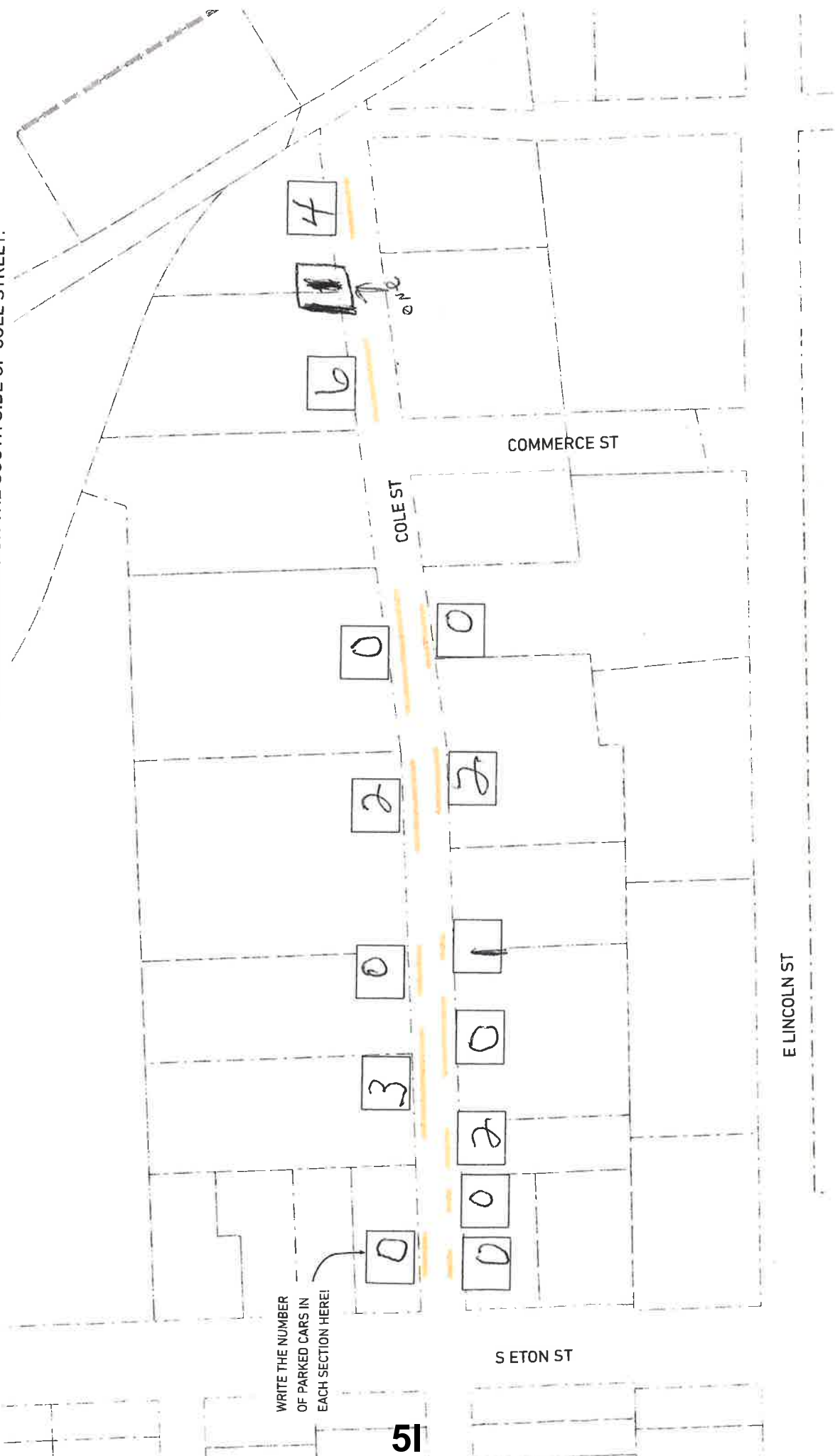
DATE: 7/12/23 TIME: 11:30 AM

EXISTING ON-STREET PARKING SPOTS:

FILL IN THE BOXES WITH THE NUMBER OF PARKED CARS THAT ARE ALONG THE STREET

TOTAL PARKED CARS ON THE NORTH SIDE OF COLE STREET:

TOTAL PARKED CARS ON THE SOUTH SIDE OF COLE STREET:



WRITE THE NUMBER OF PARKED CARS IN EACH SECTION HERE!

51

DATE:

7-12-23

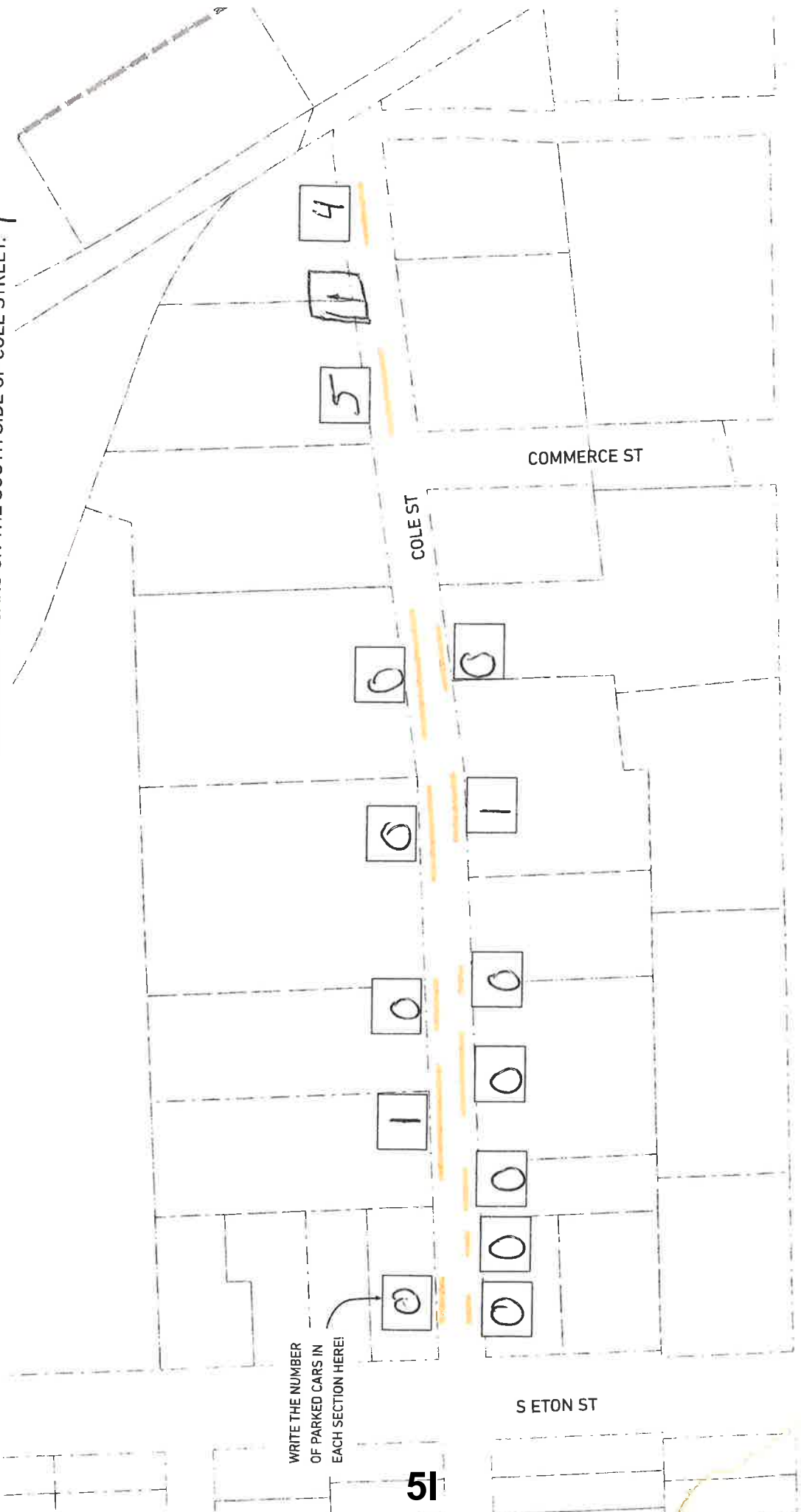
TIME: 4:50 PM

EXISTING ON-STREET PARKING SPOTS: _____

FILL IN THE BOXES WITH THE NUMBER OF PARKED CARS THAT ARE ALONG THE STREET

TOTAL PARKED CARS ON THE NORTH SIDE OF COLE STREET: 11

TOTAL PARKED CARS ON THE SOUTH SIDE OF COLE STREET: 7



WRITE THE NUMBER OF PARKED CARS IN EACH SECTION HERE!

DATE: 7/13/23

TIME: 7^{AM} - 9^{AM}

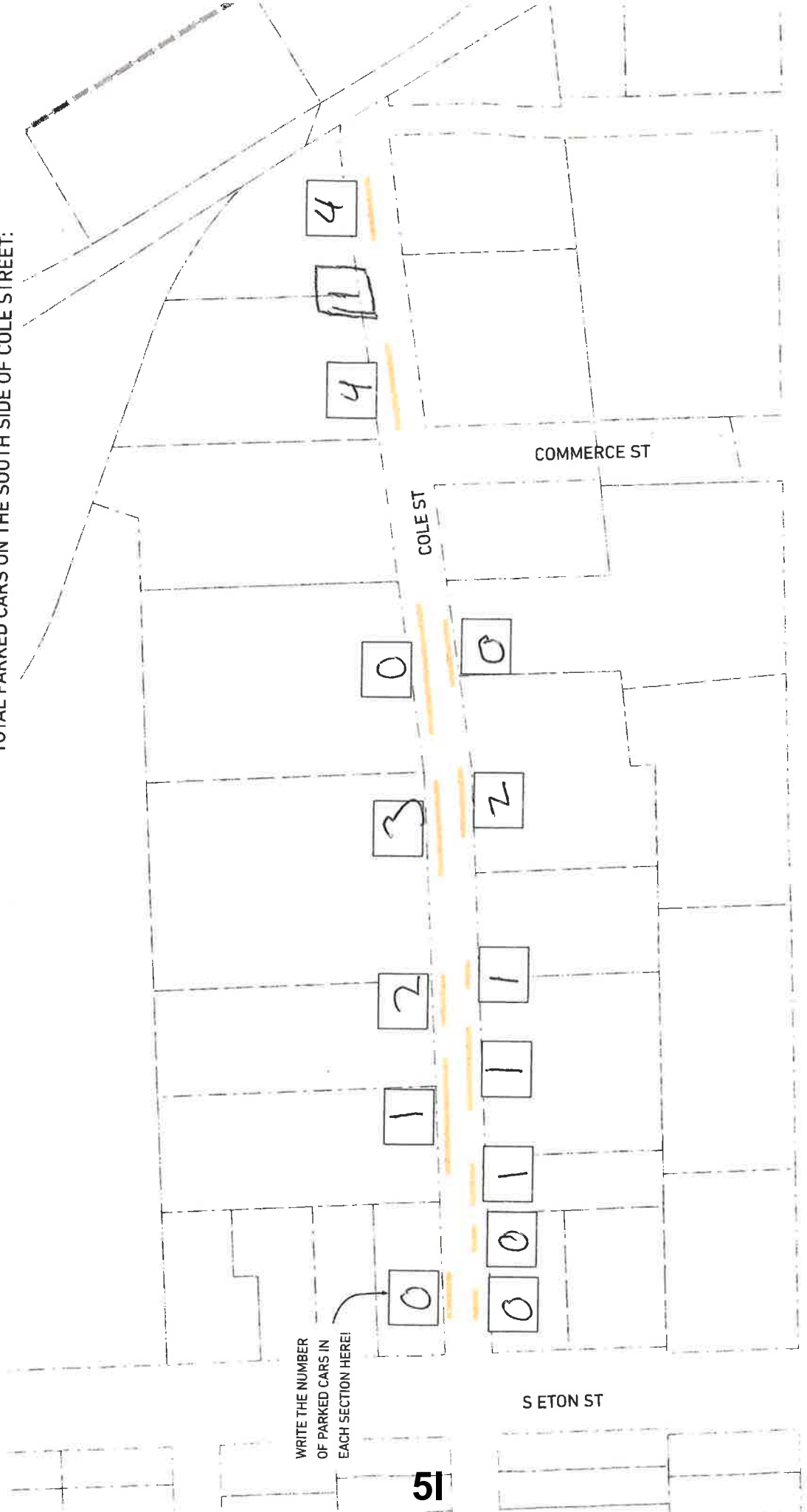
830 AM

EXISTING ON-STREET PARKING SPOTS:

FILL IN THE BOXES WITH THE NUMBER OF PARKED CARS THAT ARE ALONG THE STREET

TOTAL PARKED CARS ON THE NORTH SIDE OF COLE STREET:

TOTAL PARKED CARS ON THE SOUTH SIDE OF COLE STREET:



WRITE THE NUMBER OF PARKED CARS IN EACH SECTION HERE!

DATE: 7/13/23

TIME: 11 AM - 1 PM

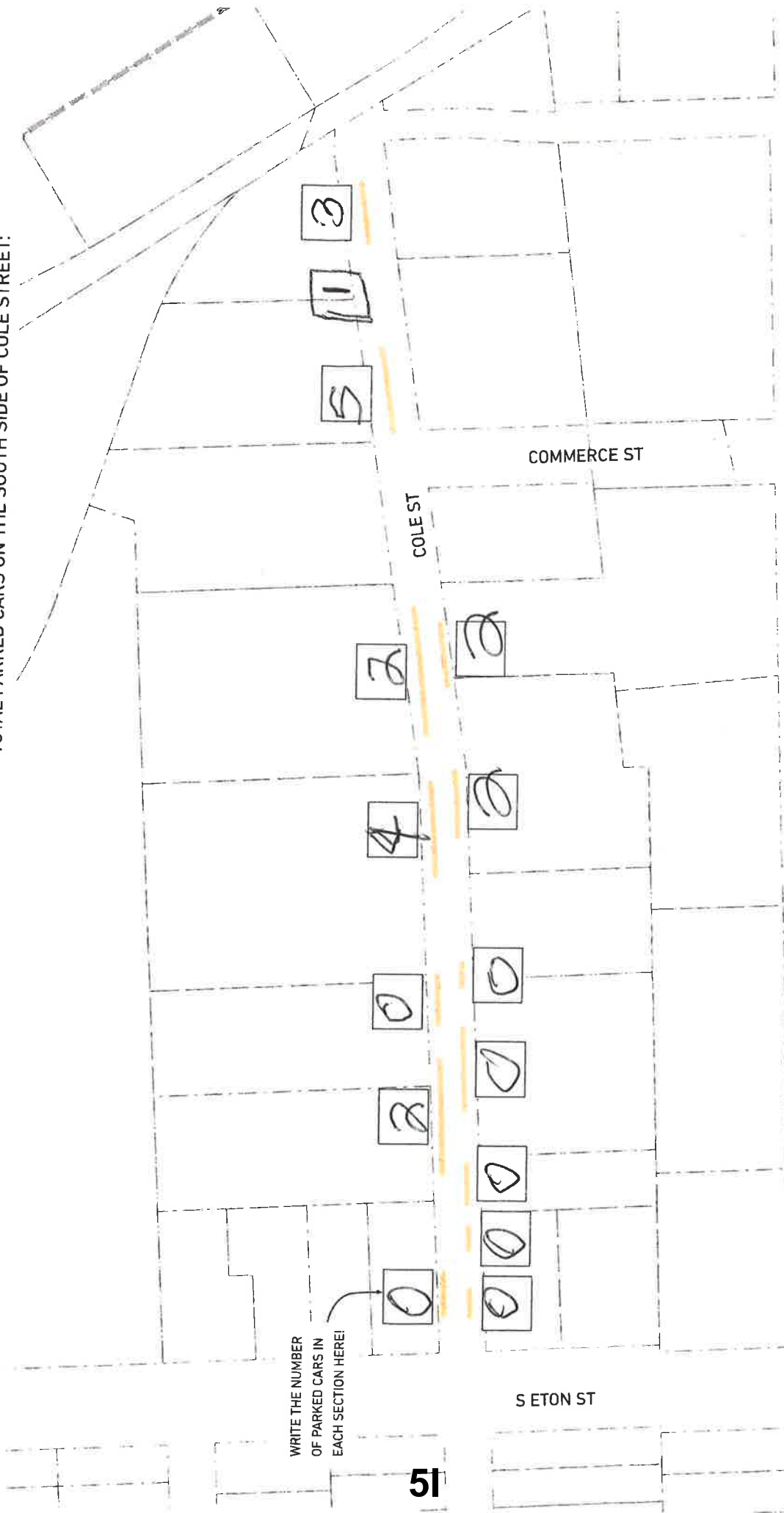
11:30 am

EXISTING ON-STREET PARKING SPOTS:

FILL IN THE BOXES WITH THE NUMBER OF PARKED CARS THAT ARE ALONG THE STREET

TOTAL PARKED CARS ON THE NORTH SIDE OF COLE STREET:

TOTAL PARKED CARS ON THE SOUTH SIDE OF COLE STREET:



WRITE THE NUMBER OF PARKED CARS IN EACH SECTION HERE!

DATE:

7/13/23

TIME:

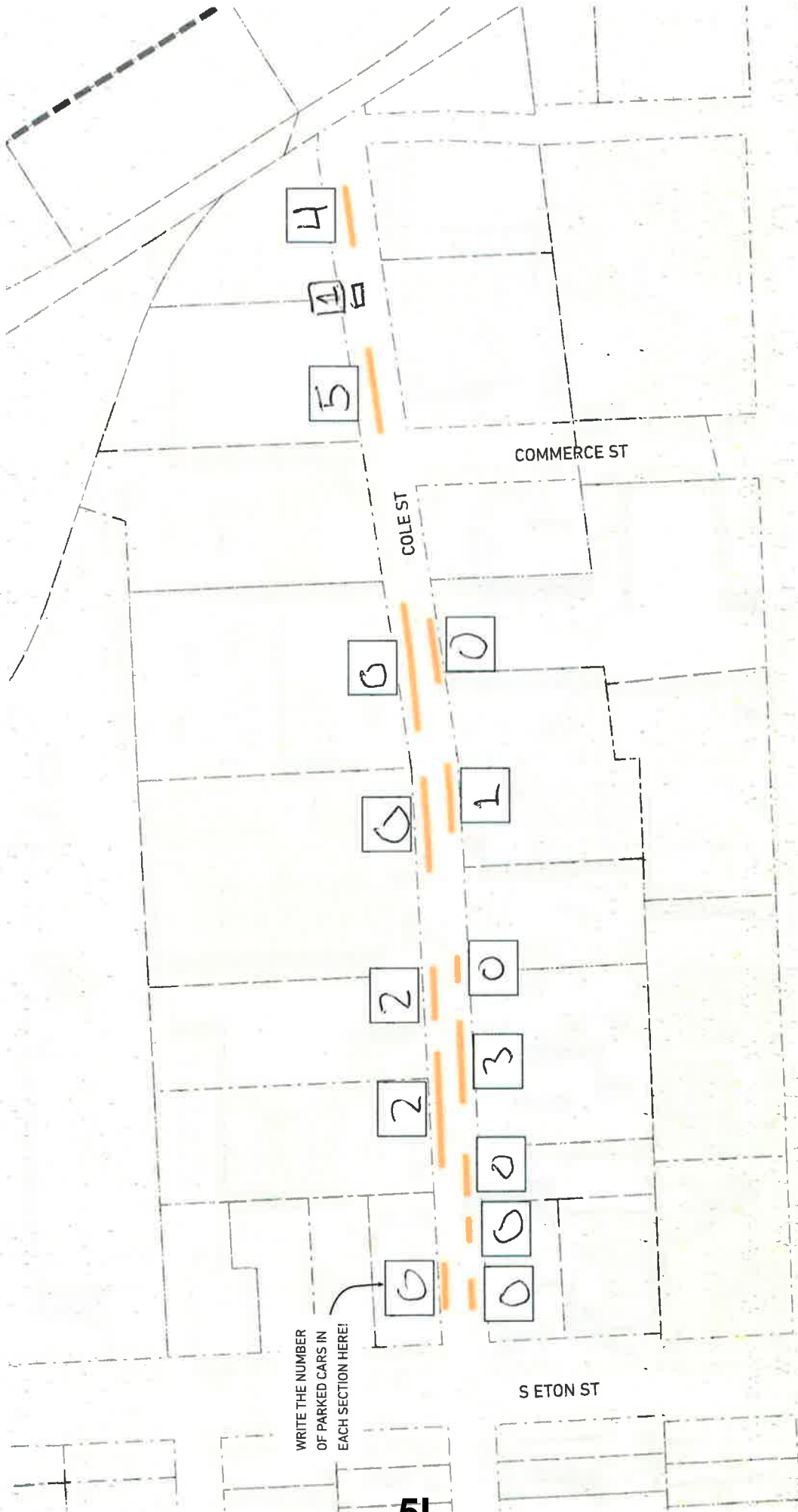
4:00 PM

EXISTING ON-STREET PARKING SPOTS:

FILL IN THE BOXES WITH THE NUMBER OF PARKED CARS THAT ARE ALONG THE STREET

TOTAL PARKED CARS ON THE NORTH SIDE OF COLE STREET:

TOTAL PARKED CARS ON THE SOUTH SIDE OF COLE STREET:



DATE: 7/14/2023

TIME: 0730

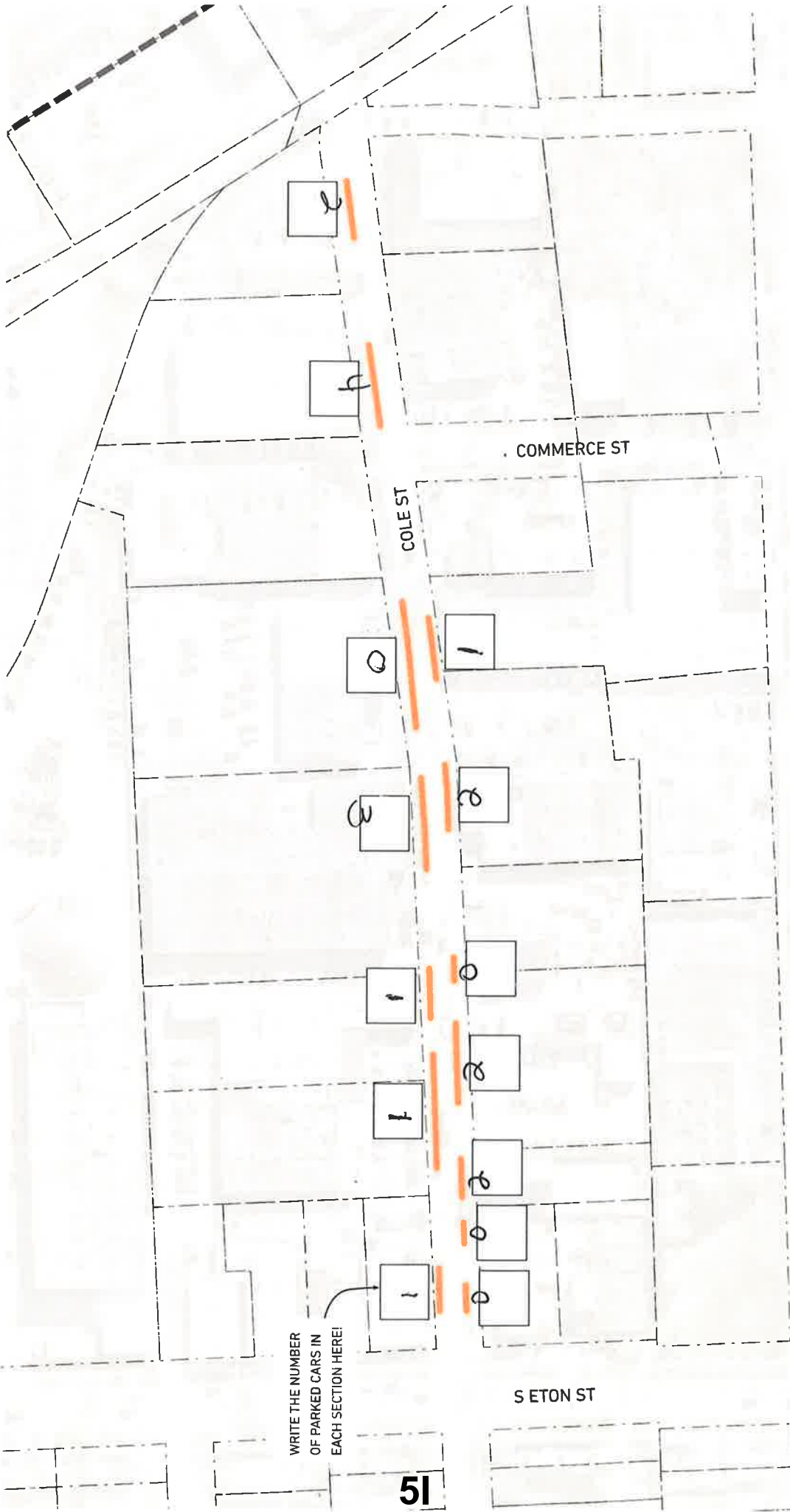
NR52

EXISTING ON-STREET PARKING SPOTS:

FILL IN THE BOXES WITH THE NUMBER OF PARKED CARS THAT ARE ALONG THE STREET

TOTAL PARKED CARS ON THE NORTH SIDE OF COLE STREET:

TOTAL PARKED CARS ON THE SOUTH SIDE OF COLE STREET:



WRITE THE NUMBER OF PARKED CARS IN EACH SECTION HERE!

51

DATE: July 14, 2023 Friday TIME: 12:30 p.m.

E LINCOLN ST

S ETON ST

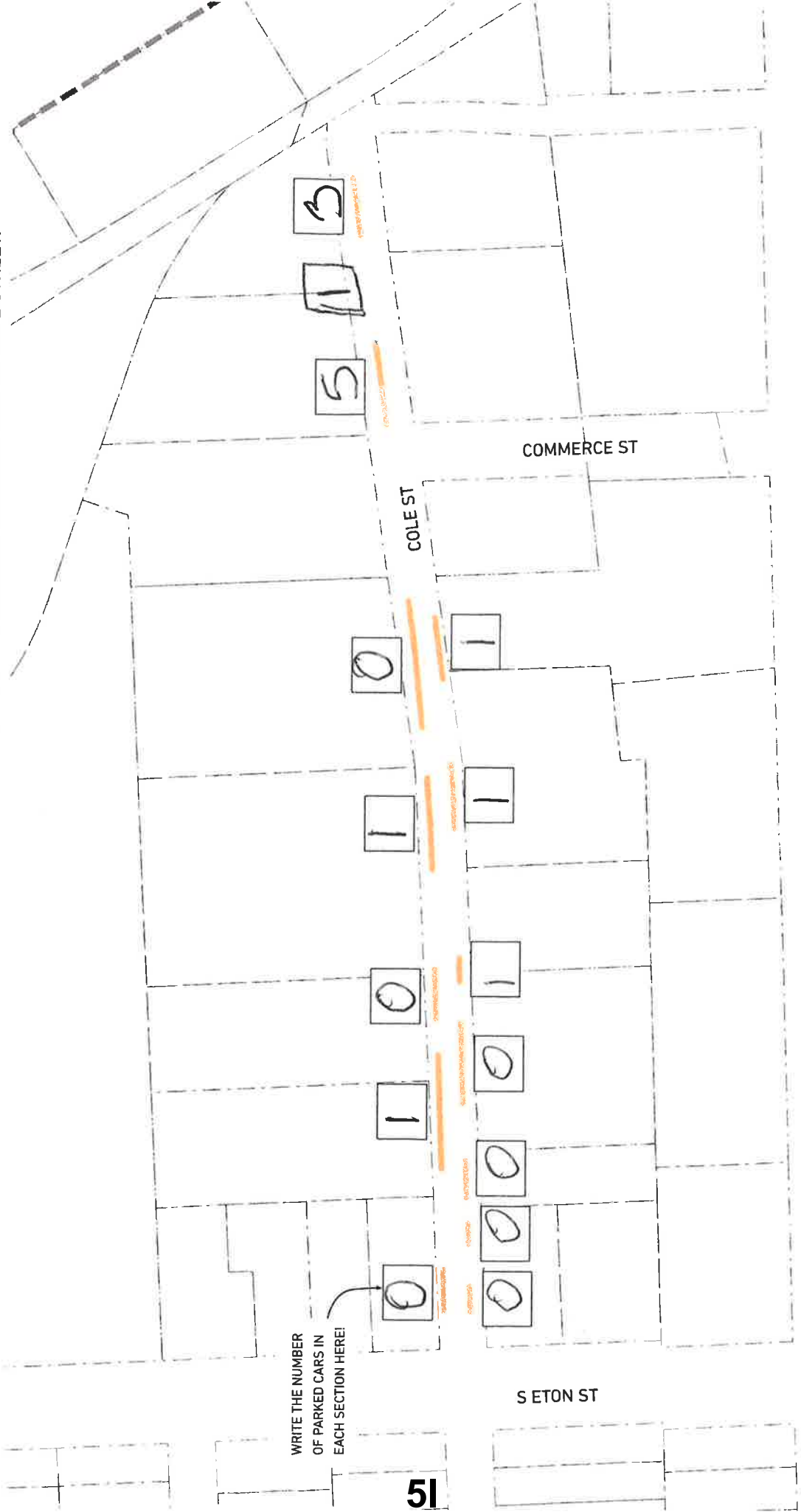
COMMERCE ST

TOTAL PARKED CARS ON THE NORTH SIDE OF COLE STREET:

TOTAL PARKED CARS ON THE SOUTH SIDE OF COLE STREET:

EXISTING ON-STREET PARKING SPOTS:

FILL IN THE BOXES WITH THE NUMBER OF PARKED CARS THAT ARE ALONG THE STREET



WRITE THE NUMBER OF PARKED CARS IN EACH SECTION HERE!

51

TIME: 4:20 pm

DATE: 7/14/23

DATE:

E LINCOLN ST

COMMERCE ST

S ETON ST

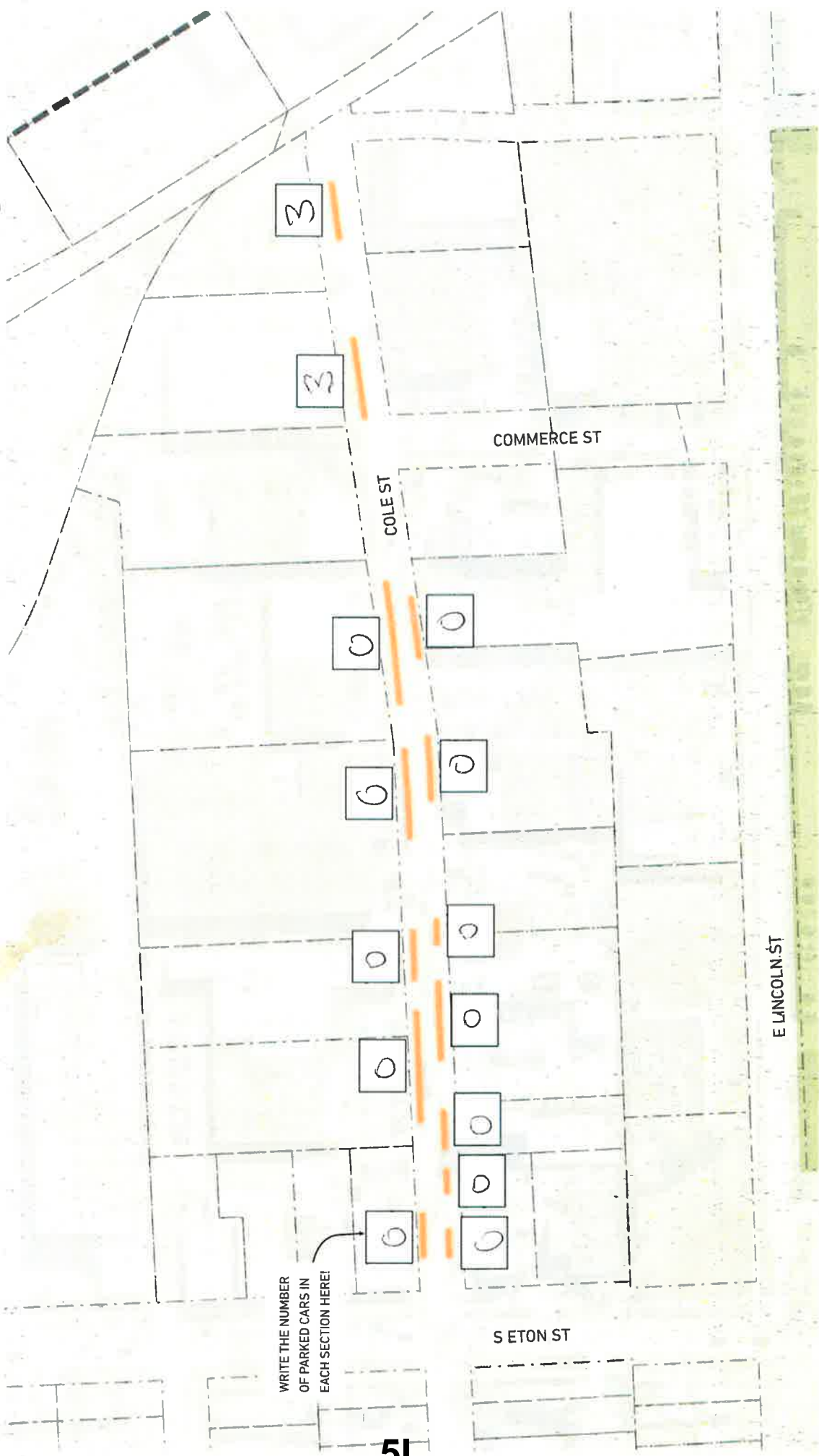
EXISTING ON-STREET PARKING SPOTS:

FILL IN THE BOXES WITH THE NUMBER OF PARKED CARS THAT ARE ALONG THE STREET

TOTAL PARKED CARS ON THE NORTH SIDE OF COLE STREET:

TOTAL PARKED CARS ON THE SOUTH SIDE OF COLE STREET:

60



WRITE THE NUMBER OF PARKED CARS IN EACH SECTION HERE!

51

DATE: 7/15/23

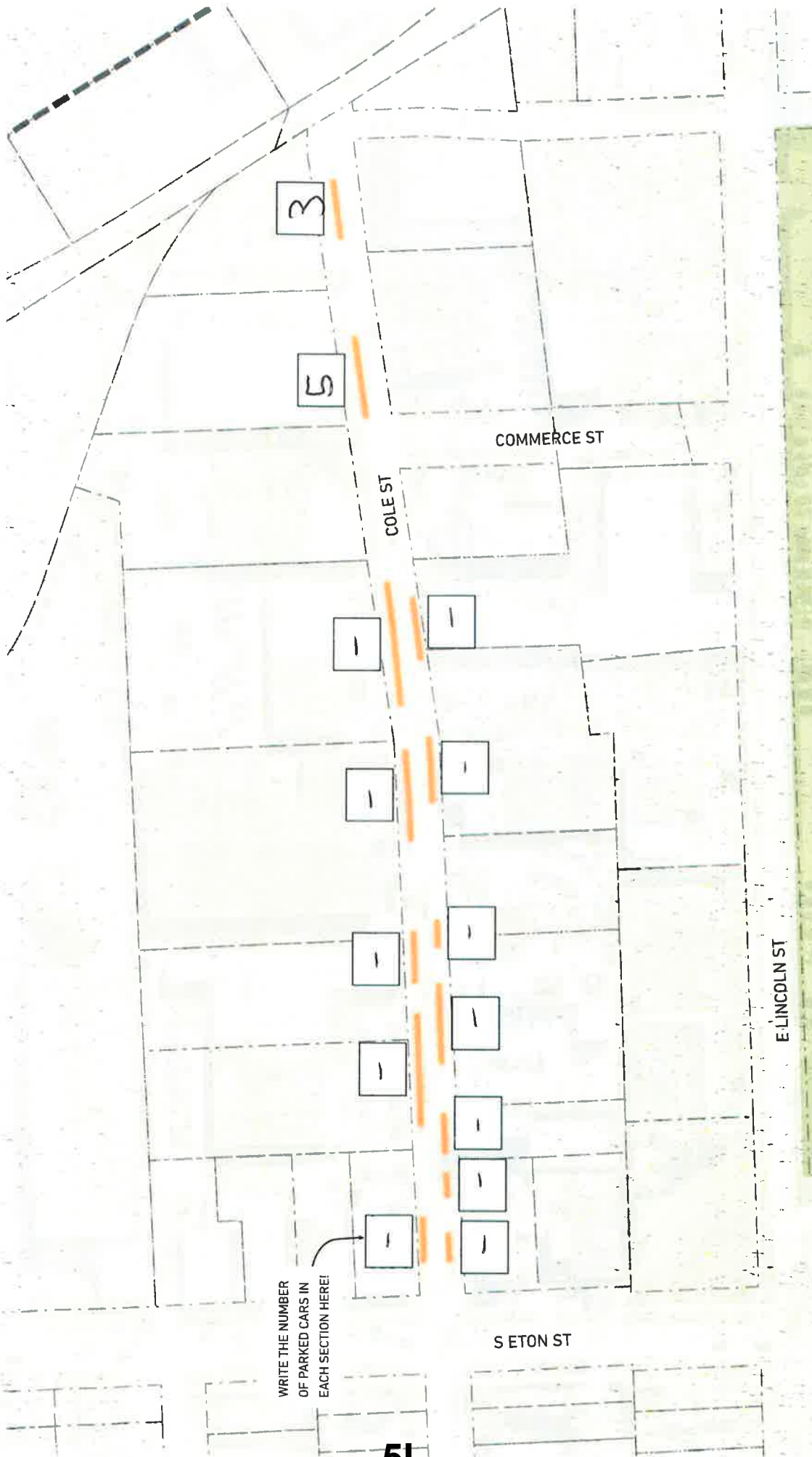
TIME: 7:15am

EXISTING ON-STREET PARKING SPOTS:

FILL IN THE BOXES WITH THE NUMBER OF PARKED CARS THAT ARE ALONG THE STREET

TOTAL PARKED CARS ON THE NORTH SIDE OF COLE STREET:

TOTAL PARKED CARS ON THE SOUTH SIDE OF COLE STREET:



WRITE THE NUMBER OF PARKED CARS IN EACH SECTION HERE!

DATE: 07/15/23

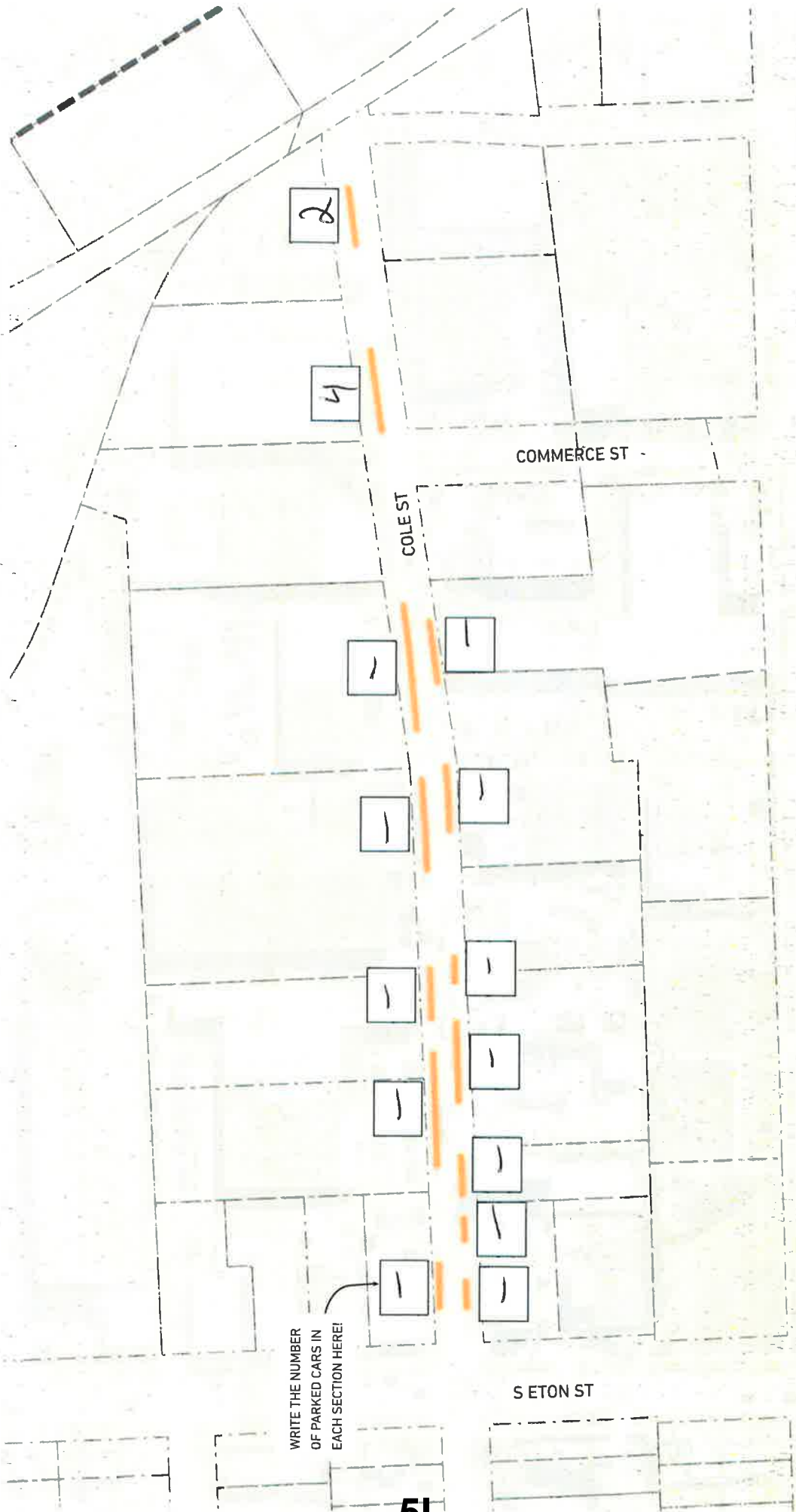
TIME: 12:35

EXISTING ON-STREET PARKING SPOTS:

FILL IN THE BOXES WITH THE NUMBER OF PARKED CARS THAT ARE ALONG THE STREET

TOTAL PARKED CARS ON THE NORTH SIDE OF COLE STREET:

TOTAL PARKED CARS ON THE SOUTH SIDE OF COLE STREET:



WRITE THE NUMBER OF PARKED CARS IN EACH SECTION HERE!

DATE: 07/15/23

TIME: 1605

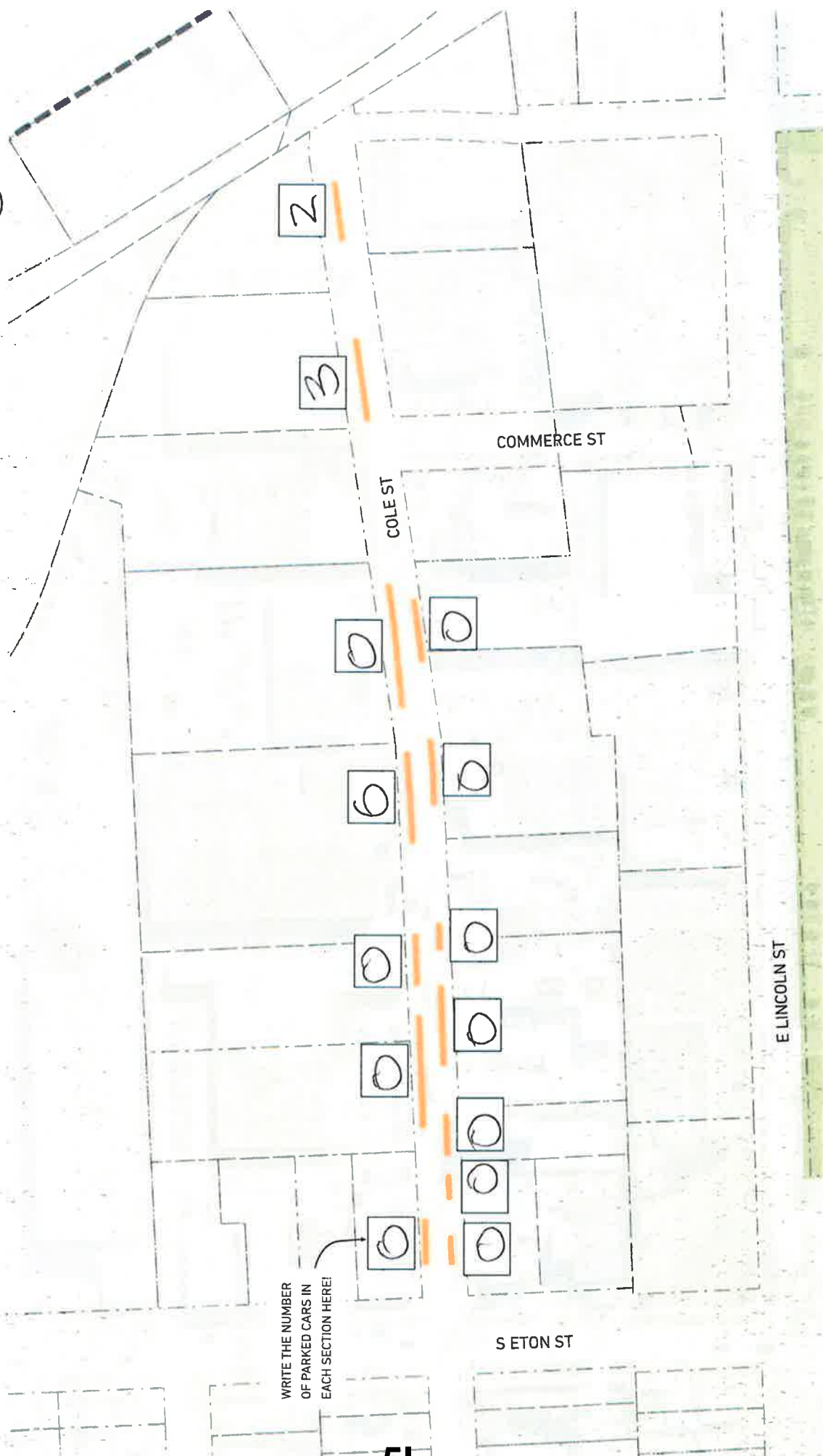
EXISTING ON-STREET PARKING SPOTS: 

FILL IN THE BOXES WITH THE NUMBER OF PARKED CARS THAT ARE ALONG THE STREET

TOTAL PARKED CARS ON THE NORTH SIDE OF COLE STREET:

TOTAL PARKED CARS ON THE SOUTH SIDE OF COLE STREET:

50



WRITE THE NUMBER OF PARKED CARS IN EACH SECTION HERE!

51

DATE:

7/16/23

TIME:

7:25am

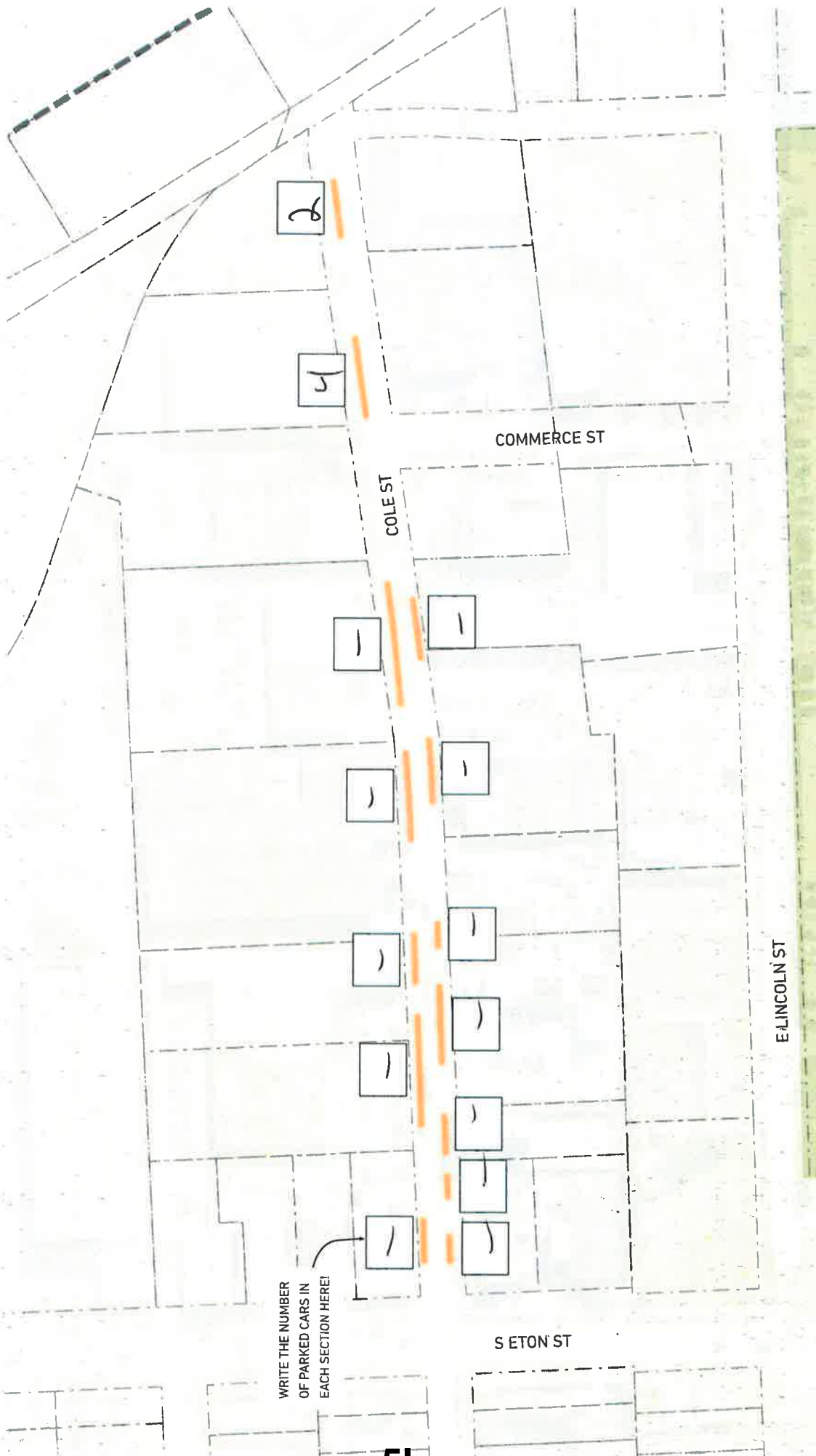
MRS

EXISTING ON-STREET PARKING SPOTS: —

FILL IN THE BOXES WITH THE NUMBER OF PARKED CARS THAT ARE ALONG THE STREET

TOTAL PARKED CARS ON THE NORTH SIDE OF COLE STREET:

TOTAL PARKED CARS ON THE SOUTH SIDE OF COLE STREET:



WRITE THE NUMBER OF PARKED CARS IN EACH SECTION HERE!

DATE:

7/16/23

TIME:

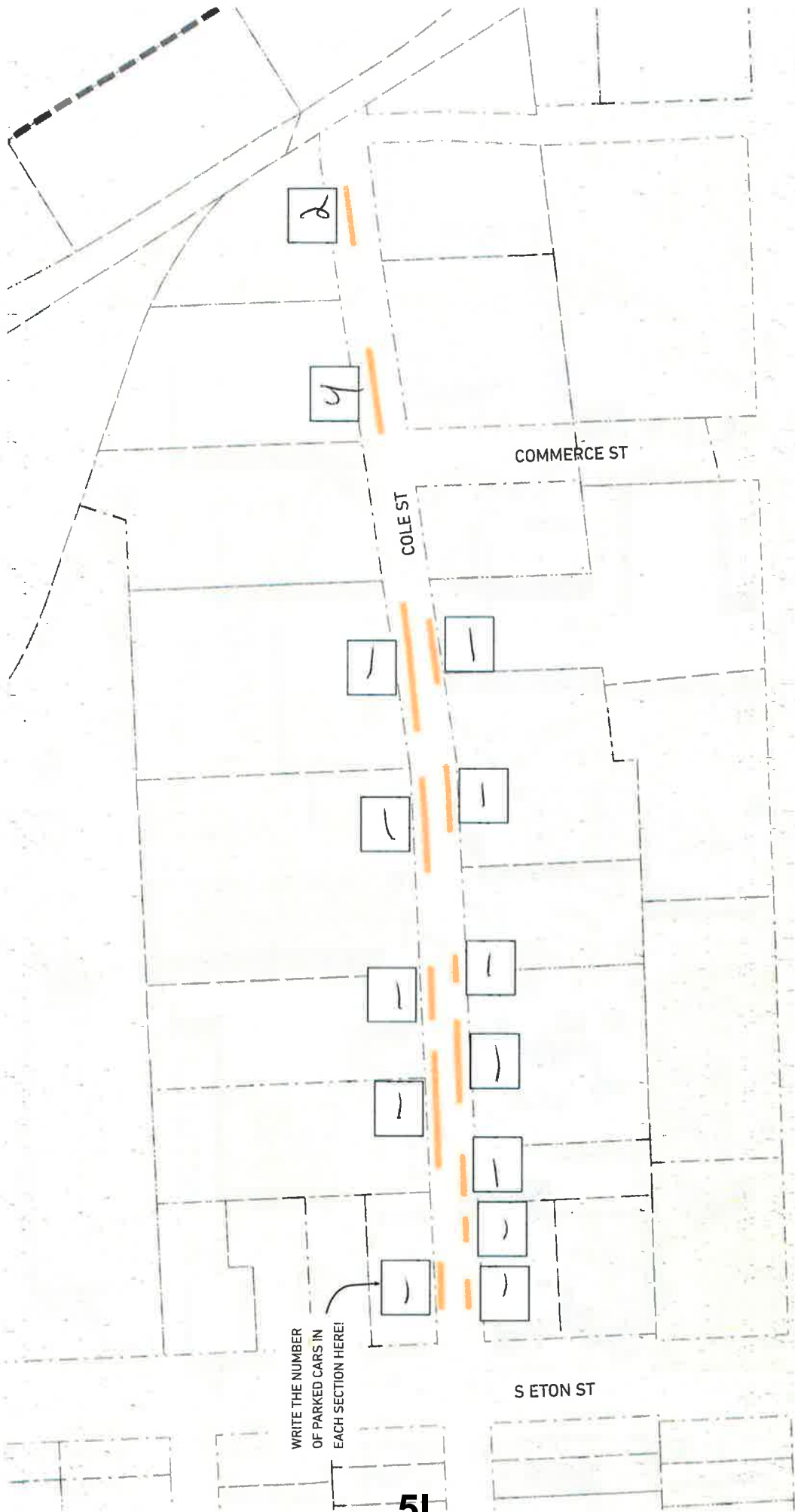
1208

EXISTING ON-STREET PARKING SPOTS: 

FILL IN THE BOXES WITH THE NUMBER OF PARKED CARS THAT ARE ALONG THE STREET

TOTAL PARKED CARS ON THE NORTH SIDE OF COLE STREET:

TOTAL PARKED CARS ON THE SOUTH SIDE OF COLE STREET:



DATE: 

7/16/23

TIME:

1655

City Of Birmingham Multi-Modal Transportation Board
Thursday, September 7, 2023

151 Martin Street, City Commission Room 205, Birmingham, MI

Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, September 7, 2023. Vice-Chair Peard convened the meeting at 6:00 p.m.

A. Rollcall

Present: Vice-Chair Tom Peard; Board Members David Hocker, Victoria Policicchio; Alternate Board Members Gordon Davies, Patrick Hillberg

Absent: Chair Doug White; Board Members Mark Doolittle, Anthony Long, Joe Zane; Student Representatives Sophie Hanawalt, Angie Sharma

Staff: Senior Planner Cowan; City Engineer Coatta, Police Captain Kearney

F&V: Julie Kroll

MKSK: Brad Strader

B. Introductions & Chair Comments

Ms. Policicchio provided the Board's introductory comments.

C. Review of the Agenda

D. Approval of MMTB Minutes of May 4, 2023

Motion by Mr. Hocker

Seconded by Ms. Policicchio to approve the MMTB Minutes of May 4, 2023 as amended.

Motion carried, 5-0.

VOICE VOTE

Yeas: Hocker, Peard, Policicchio, Hillberg, Davies

Nays: None

E. Approval of MMTB Minutes of June 1, 2023

Motion by Mr. Hillberg

Seconded by Mr. Hocker to approve the MMTB Minutes of June 1, 2023 as amended.

Motion carried, 5-0.

VOICE VOTE

Yeas: Hocker, Peard, Policicchio, Hillberg, Davies

Nays: None

E. New Business

1. Brandon & Shirley Stop/Yield Sign Review

SP Cowan introduced the item. Ms. Kroll presented the item. Ms. Kroll and SP Cowan answered informational questions from the Board.

Motion by Ms. Policicchio

Seconded by Mr. Hillberg to recommend to City Commission that the City pursue a Minor Street YIELD Control on Brandon Street at the Shirley Road approach.

Motion carried, 5-0.

VOICE VOTE

Yeas: Hocker, Peard, Policicchio, Hillberg, Davies

Nays: None

2. Cole Street Parking Review

SP Cowan introduced the item. PC Kearney and Mr. Strader presented the item. Staff answered informational questions from the Board.

Public Comment

A representative for a landlord on Cole Street made a comment regarding the proposal.

Joe Jacob of Bob Adams Towing made a comment in support of diverting traffic from Cole.

Individual Board comments were as follows:

- The City should pursue some sort of a study to investigate the recommendation made by Mr. Jacob;
- Removing the spots from the south side could be done on a trial basis with the option to re-evaluate if requested by the public. This street as-is has had a relatively high number of accidents, which means it would likely be safer to remove the parking from the south side;
- The data demonstrates that parking on the south side was less than 20% full most of the time. Parking on the north side usually was only 70% utilized. The parking being removed from the south side would solve the safety issue and could be absorbed by the parking on the north side. Creating a new road would be a longer term solution, whereas there was a request before the Board to resolve an issue with Cole presently; and,
- Both sides of the street may be relatively full during certain hours. Even if another road were created, there would still be issues with trucks.

Motion by Mr. Hillberg

Seconded by Ms. Policicchio to remove parking from the south side of Cole Street east of S. Eton Street.

Motion carried, 5-0.

ROLL CALL VOTE

Yeas: Hocker, Peard, Policicchio, Hillberg, Davies

Nays: None

It was noted that over the longer term the City could study connectivity issues in the Rail District.

3. 2024-2025 Capital Improvement Projects Review

SP Cowan introduced the item. Mr. Strader presented the item. Staff and Mr. Strader answered informational questions from the Board.

Board comments were as follows:

- Once Arlington is repaved, the driving speeds would likely increase. Adding a sidewalk to one or both sides of Arlington would have beneficial traffic calming effects;
- Creating a sidewalk on the east side of Arlington would make the most sense since it would link up with the crossing a Maple and Lake Park. It would also connect well to Linden Park;
- The proposal would not be a significant change, and would improve the safety of walking on Arlington. Adding a sidewalk on the east side of Arlington would not involve the removal of any mature trees;
- Staff could solicit resident feedback on the Arlington proposal at the October 2023 Board meeting;
- Investing more in the Maple crossing at Arlington would make sense; and,
- There is a future planned little library at the corner of Fairfax and Maple.

F. Unfinished Business

G. Meeting Open to the Public for items not on the Agenda

A Board member recommended that using machine learning to control traffic be added to a future agenda.

Another Board member asked that the Parks and Recreation Board (PR Board) present its Trail Improvement Plan to the MMTB so that the MMTB can remain sensitive to the changes the PR Board hopes to make.

H. Miscellaneous Communications

I. Next Meeting

J. Adjournment

No further business being evident, the Board adjourned at 7:14 p.m.





MEMORANDUM

Police Department

DATE: October 11, 2023

TO: Jana L. Ecker, City Manager

FROM: Ryan J. Kearney, Police Captain

APPROVED BY: Scott A. Grewe, Chief of Police

SUBJECT: Shirley and Brandon Yield Sign

INTRODUCTION:

The City received a request from Commissioner Baller to evaluate traffic safety measures for the intersection of Brandon St. & Shirley Rd., as there is no current traffic control device at this intersection.

BACKGROUND:

Shirley is a residential street that runs between W. Maple and Lincoln. Brandon is also a residential street that connects Shirley to Linden and perpendicularly intersects Shirley. Currently, there are no traffic safety measures, such as a yield sign or stop sign at the intersection of Shirley & Brandon.

The City's traffic consultants Fleis and Vandebriink (F&V) evaluated the intersection's traffic patterns and concluded the following:

- There is adequate intersection and stopping sight distance.
- The Brandon St. approach is the only minor street intersection on either Shirley or Arlington with no traffic control.
- There is no lighting at the Shirley and Brandon intersection.
- During hours of darkness, there is no indication on the Brandon St. approach that the roadway intersects Shirley.

The intersection lacks traffic volumes exceeding 6,000 vehicles per day, does not have a restricted view, or a history of crashes related to the intersection geometry. Therefore, the intersection does not satisfy the qualifications of the Michigan Manual on Uniform Traffic Control Devices for a stop sign. However, it does satisfy the approach criteria for a yield sign. Hence,

it was recommended that the City pursue a yield sign at the intersection of Shirley and Brandon.

The study was presented to the Multi-Modal Transportation Board (MMTB) on September 7, 2023. A motion was made to recommend to the City Commission that the City install a Minor Street YIELD Control on Brandon St. at the Shirley Rd. approach, which carried 5-0.

LEGAL REVIEW:

N/A

FISCAL IMPACT:

A minimal cost will be associated with the City adding a yield sign at the intersection, estimated to be less than \$100.00.

SUSTAINABILITY:

N/A

PUBLIC COMMUNICATIONS:

The traffic study was presented at a public meeting before the MMTB on September 7, 2023.

SUMMARY:

The intersection of Shirley and Brandon was reviewed to determine whether a traffic control device would be warranted to improve safety. The City's traffic consultants F&V conducted a study and recommended installing a yield sign on Brandon St. at the Shirley Rd. approach.

ATTACHMENTS:

1. MMTB packet from September 7, 2023, including Brandon & Shirley intersection study.
2. MMTB meeting minutes from September 7, 2023.

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to install a yield sign on Brandon St. at the Shirley Rd. approach.



MEMORANDUM

Planning Division

DATE: September 1st, 2023

TO: Multi-Modal Transportation Board

FROM: Brooks Cowan, City Planning
Ryan Kearney, Police Lieutenant
Melissa Coatta, Engineering Department
With assistance from:
Brad Strader, MKSK
Julie Kroll, Fleis & Vandenbrink

SUBJECT: Brandon Street and Shirley Road

INTRODUCTION:

The City has received a request to evaluate traffic safety measures for the intersection of Brandon Street & Shirley Road.

BACKGROUND:

Shirley Road is a residential street that runs between W. Maple Rd and Lincoln Street. Brandon Street is also a residential street that connects Shirley Road to Linden Road and intersects Shirley Rd in a perpendicular manner. At the moment, there are no traffic safety measures such as a yield sign or stop sign at the intersection of Shirley & Brandon.

Upon request of the residents, Fleis and Vandebrink has conducted an evaluation of the intersection's traffic patterns and provided their findings in the attached report below. Key findings were as follows:

- There is adequate intersection and stopping sight distance.
- The Brandon Street approach is the only minor street intersection on either Shirley Road or Arlington Street that does not have any traffic control.
- There is no intersection lighting at the Shirley Road and Brandon Street intersection.
- During hours of darkness there is no indication on the Brandon Street approach that the roadway intersects Shirley Road.

In regards to a stop sign, the intersection does not have traffic volumes exceeding 6,000 vehicles per day, does not have a restricted view, and does not have a history of crashes related to the intersection geometry, therefore the subject intersection does not satisfy Michigan traffic code's qualifications for a stop sign. However, the subject intersection does satisfy the approach criteria for a yield sign. Hence, Fleis & Vandebriink recommends that the City pursue a yield sign at the intersection of Shirley and Brandon.

RECOMMENDATION:

Move to recommend to City Commission that the City pursue a Minor Street YIELD Control on Brandon Street at the Shirley Road approach.

MEMO

VIA EMAIL: RKearney@bhamgov.org

To: Cpt. Ryan Kearney
Birmingham Police Department

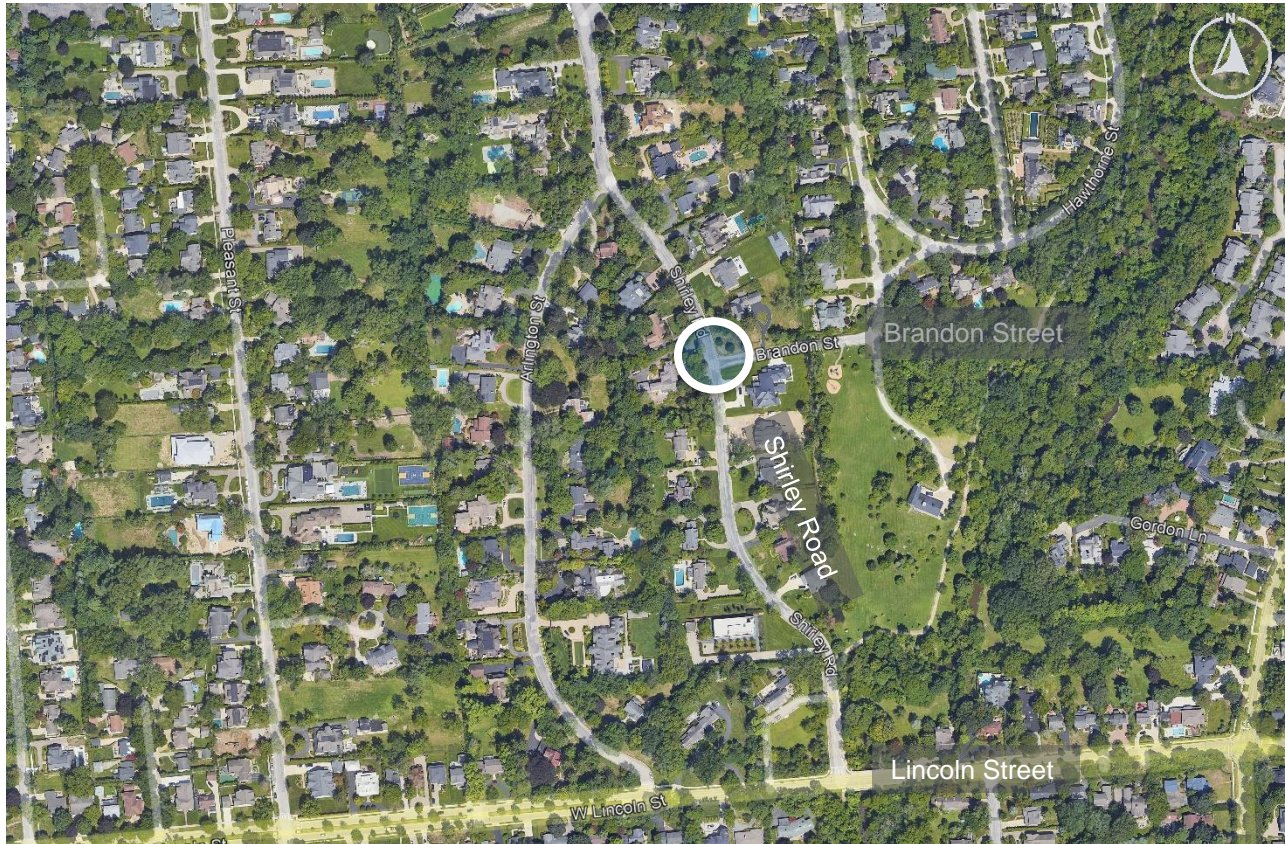
From: Julie M. Kroll, PE, PTOE
Fleis & VandenBrink Engineering

Date: September 1, 2023

Re: **Brandon Street and Shirley Road
Intersection Evaluation**

Fleis & VandenBrink (F&V) staff is pleased to present this memorandum to the City of Birmingham for your use in evaluating recommended traffic control signing for the intersection of Brandon Street and Shirley Road, shown in Figure 1 below. This study was performed to determine what intersection traffic control measures (if any) should be provided at the study intersection.

FIGURE 1: STUDY INTERSECTION LOCATION MAP



27725 Stansbury Boulevard, Suite 195
Farmington Hills, MI 48334
P: 248.536.0080
F: 248.536.0079
www.fveng.com

Guidance regarding regulatory traffic measures is provided in the *Michigan Manual of Uniform Traffic Control Devices (MMUTCD)* Sections 2B.04 and 2B.06. Additional information is provided in the American Association of State Highway and Transportation Officials (AASHTO) *Geometric Design of Highway and Streets (Green Book)*. F&V referenced *MMUTCD* and additional documents to evaluate existing intersection conditions and develop a recommendation. Results of the analysis and recommendations are included herein.

FIELD REVIEW

F&V staff performed a field review of the intersection on July 24, 2023, to review the intersection, sight distance and concerns as noted in the GovPilot request for traffic control. The photos taken during the field visit are attached.

Key findings from the field review are summarized below:

- There is adequate intersection and stopping sight distance.
- The Brandon Street approach is the only minor street intersection on either Shirley Road or Arlington Street that does not have any traffic control.
- There is no intersection lighting at the Shirley Road and Brandon Street intersection.
- During hours of darkness there is no indication on the Brandon Street approach that the roadway intersects Shirley Road.

Results of the review of the intersection indicate that intersection traffic control is recommended at this intersection. Further analysis was performed to determine the recommended control type at this intersection.

INTERSECTION ANALYSIS-STOP CONTROL

The study intersection of Brandon Street and Shirley Road is a three-leg intersection with no traffic control measures on any of the approaches. The intersection location and geometry are shown on the attached exhibit. Section 2B.06 of the *MMUTCD* provides the following set of criteria to evaluate in order to determine when the installation of a stop sign should be considered at an intersection.

The use of STOP signs on the minor-street approaches should be considered if engineering judgment indicates that a stop is always required because of one or more of the following conditions:

A. The vehicular traffic volumes on the through street or highway exceed 6,000 vehicles per day;

B. A restricted view exists that requires road users to stop in order to adequately observe conflicting traffic on the through street or highway; and/or

C. Crash records indicate that three or more crashes that are susceptible to correction by the installation of a STOP sign have been reported within a 12-month period, or that five or more such crashes have been reported within a 2-year period. Such crashes include right-angle collisions involving road users on the minor-street approach failing to yield the right-of-way to traffic on the through street or highway.

A. TRAFFIC VOLUMES

*The vehicular traffic volumes on the through street or highway exceed 6,000 vehicles per day. **Not met.***

The Birmingham Police Department (BPD) collected traffic volume data on Shirley Road at Brandon Street September 20-26, 2022. The average daily traffic volume was 883 vehicles per day, with a maximum of 1,306 vehicles per day. Therefore, the traffic volumes fall well below the given thresholds.

B. SIGHT DISTANCE

*A restricted view exists that requires road users to stop in order to adequately observe conflicting traffic on the through street or highway. **Not Met.***

F&V conducted an evaluation of the corner clearance for the intersection of Brandon Street and Shirley Road and compared existing conditions to the requirements for corner clearance outlined in the AASHTO *Green Book*. The evaluation indicates that the study intersection of Brandon Street and Shirley Road has the necessary intersection corner clearance provided there are no vehicles parked within 50 feet of the intersection. There are parking restrictions on Shirley Road adjacent to the Brandon Street intersection to prohibit vehicles from parking within the sight triangle.

C. CRASH HISTORY

Crash records indicate that three or more crashes that are susceptible to correction by the installation of a STOP sign have been reported within a 12-month period, or that five or more such crashes have been reported within a 2-year period. Such crashes include right-angle collisions involving road users on the minor-street approach failing to yield the right-of-way to traffic on the through street or highway. **Not met.**

The BPD provided crash data for the last 5 years. The data showed that there were two (2) crashes in the vicinity of the intersection, and both were related to parked vehicles. Therefore, there were no crashes reported at the study intersection that were correctable with STOP control on the Brandon Street approach.

SUMMARY

Results of the analysis show stop control on Brandon Street is not warranted. The analysis results are summarized below.

Stop Sign Criterion (MMUTCD Section 2B.06)		Met?
A. Traffic Volumes	<i>The vehicular traffic volumes on the through street or highway exceed 6,000 vehicles per day.</i>	No
B. Sight Distance	<i>A restricted view exists that requires road users to stop in order to adequately observe conflicting traffic on the through street or highway.</i>	No
C. Crashes	<i>Crash records indicate that three or more crashes that are susceptible to correction by the installation of a STOP sign have been reported within a 12-month period, or that five or more such crashes have been reported within a 2-year period. Such crashes include right-angle collisions involving road users on the minor-street approach failing to yield the right-of-way to traffic on the through street or highway.</i>	No
Stop Control Recommended		No

INTERSECTION ANALYSIS-YIELD CONTROL

At intersections where a full stop is not necessary at all times less restrictive measures such as YIELD signs are considered. The YIELD sign assigns right-of-way to traffic on certain approaches to an intersection. Vehicles controlled by a YIELD sign need to slow down to a speed that is reasonable for the existing conditions or stop when necessary to avoid interfering with conflicting traffic. (MMUTCD Section 2B.08)

There are several use cases for the installation of YIELD Signs, for this site the following criterion were considered (MMUTCD Section 2B.09):

Yield Sign Applications (MMUTCD Section 2B.09)		Met?
A. Intersection Approach	<i>On the approaches to a through street or highway where conditions are such that a full stop is not always required</i>	Yes
B. Special Case	<i>At an intersection where a special problem exists and where engineering judgment indicates the problem to be susceptible to correction by the use of the YIELD sign.</i>	Yes
Yield Control Recommended		Yes

RECOMMENDATIONS

- Based on the results of this study, Minor Street YIELD Control is recommended on Brandon Street at the Shirley Road approach. The YIELD control is recommended to identify there is an intersection cross-street at Shirley Road and establish intersection right-of-way for vehicles on the minor street.

If you have any questions or concerns regarding this engineering analysis, please do not hesitate to contact our office.

cc: Brooks Cowan, City Planner
Melissa Coatta, PE, City Engineer

Attachments: Intersection Photos



Brandon Street approach at Shirley Road
Looking West

5J



Brandon Street approach at Shirley Road
Looking North



Brandon Street approach at Shirley Road
Looking South

5J

City Of Birmingham Multi-Modal Transportation Board
Thursday, September 7, 2023

151 Martin Street, City Commission Room 205, Birmingham, MI

Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, September 7, 2023. Vice-Chair Peard convened the meeting at 6:00 p.m.

A. Rollcall

Present: Vice-Chair Tom Peard; Board Members David Hocker, Victoria Policicchio;
Alternate Board Members Gordon Davies, Patrick Hillberg

Absent: Chair Doug White; Board Members Mark Doolittle, Anthony Long, Joe Zane;
Student Representatives Sophie Hanawalt, Angie Sharma

Staff: Senior Planner Cowan; City Engineer Coatta, Police Captain Kearney

F&V: Julie Kroll

MKSK: Brad Strader

B. Introductions & Chair Comments

Ms. Policicchio provided the Board's introductory comments.

C. Review of the Agenda

D. Approval of MMTB Minutes of May 4, 2023

Motion by Mr. Hocker

Seconded by Ms. Policicchio to approve the MMTB Minutes of May 4, 2023 as amended.

Motion carried, 5-0.

VOICE VOTE

Yeas: Hocker, Peard, Policicchio, Hillberg, Davies

Nays: None

E. Approval of MMTB Minutes of June 1, 2023

Motion by Mr. Hillberg

Seconded by Mr. Hocker to approve the MMTB Minutes of June 1, 2023 as amended.

Motion carried, 5-0.

VOICE VOTE

Yeas: Hocker, Peard, Policicchio, Hillberg, Davies

Nays: None

E. New Business

1. Brandon & Shirley Stop/Yield Sign Review

SP Cowan introduced the item. Ms. Kroll presented the item. Ms. Kroll and SP Cowan answered informational questions from the Board.

Motion by Ms. Policicchio

Seconded by Mr. Hillberg to recommend to City Commission that the City pursue a Minor Street YIELD Control on Brandon Street at the Shirley Road approach.

Motion carried, 5-0.

VOICE VOTE

Yeas: Hocker, Peard, Policicchio, Hillberg, Davies

Nays: None

2. Cole Street Parking Review

SP Cowan introduced the item. PC Kearney and Mr. Strader presented the item. Staff answered informational questions from the Board.

Public Comment

A representative for a landlord on Cole Street made a comment regarding the proposal.

Joe Jacob of Bob Adams Towing made a comment in support of diverting traffic from Cole.

Individual Board comments were as follows:

- The City should pursue some sort of a study to investigate the recommendation made by Mr. Jacob;
- Removing the spots from the south side could be done on a trial basis with the option to re-evaluate if requested by the public. This street as-is has had a relatively high number of accidents, which means it would likely be safer to remove the parking from the south side;
- The data demonstrates that parking on the south side was less than 20% full most of the time. Parking on the north side usually was only 70% utilized. The parking being removed from the south side would solve the safety issue and could be absorbed by the parking on the north side. Creating a new road would be a longer term solution, whereas there was a request before the Board to resolve an issue with Cole presently; and,
- Both sides of the street may be relatively full during certain hours. Even if another road were created, there would still be issues with trucks.

Motion by Mr. Hillberg

Seconded by Ms. Policicchio to remove parking from the south side of Cole Street east of S. Eton Street.

Motion carried, 5-0.

ROLL CALL VOTE

Yeas: Hocker, Peard, Policicchio, Hillberg, Davies

Nays: None

It was noted that over the longer term the City could study connectivity issues in the Rail District.

3. 2024-2025 Capital Improvement Projects Review

SP Cowan introduced the item. Mr. Strader presented the item. Staff and Mr. Strader answered informational questions from the Board.

Board comments were as follows:

- Once Arlington is repaved, the driving speeds would likely increase. Adding a sidewalk to one or both sides of Arlington would have beneficial traffic calming effects;
- Creating a sidewalk on the east side of Arlington would make the most sense since it would link up with the crossing a Maple and Lake Park. It would also connect well to Linden Park;
- The proposal would not be a significant change, and would improve the safety of walking on Arlington. Adding a sidewalk on the east side of Arlington would not involve the removal of any mature trees;
- Staff could solicit resident feedback on the Arlington proposal at the October 2023 Board meeting;
- Investing more in the Maple crossing at Arlington would make sense; and,
- There is a future planned little library at the corner of Fairfax and Maple.

F. Unfinished Business

G. Meeting Open to the Public for items not on the Agenda

A Board member recommended that using machine learning to control traffic be added to a future agenda.

Another Board member asked that the Parks and Recreation Board (PR Board) present its Trail Improvement Plan to the MMTB so that the MMTB can remain sensitive to the changes the PR Board hopes to make.

H. Miscellaneous Communications

I. Next Meeting

J. Adjournment

No further business being evident, the Board adjourned at 7:14 p.m.





MEMORANDUM

Department of Public Services

DATE: October 11, 2023

TO: Jana L. Ecker, City Manager

FROM: Charles T. Markus, Public Services Manager
Scott D. Zielinski, DPS Director

SUBJECT: Street Sweeper Purchase

INTRODUCTION:

The Department of Public Services (DPS) currently has two highly utilized street sweepers, and would like to add a third street sweeper to the fleet.

BACKGROUND:

The City currently has two street sweepers – a 2019 Elgin Pelican and a 2013 Autocar Xpert. Due to the nature of work required for the sweepers, the majority of the year they are used six to seven days per week. The highest use periods occur in the spring and fall, when the DPS regularly has both sweepers out for a combined 20 hours per day. Sweepers are used more than most equipment in the DPS fleet and are prone to break down due to the excessive work load.

The DPS recommends adding a third sweeper to the fleet due to the age and condition of the current street sweepers, which have been in the garage for repairs more this year compared to previous years. The addition of a third sweeper will increase our ability to ensure continued regular cleaning of the streets. Utilizing three sweepers would also afford us the opportunity to expedite cleaning in the spring, fall and after major storm events, maintaining the high level of service to which our residents are accustomed.

The street sweeper is to be purchased from Bell Equipment Company, located at 78 Northpointe Drive, Lake Orion, MI 48359 under the MiDeal Cooperative Agreement, Contract #071B7700091.

LEGAL REVIEW:

This purchase has been reviewed and approved by the City Attorney.

FISCAL IMPACT:

The cost for an additional street sweeper is \$303,647.00. Funds are available in the Auto Equipment Fund, account #661.0-441.006-971.0100.

5K

SUSTAINABILITY:

Currently, no EV or hybrid models that will suit the department's needs are available for purchase.

PUBLIC COMMUNICATIONS:

N/A

SUMMARY:

Based on age, condition and the intended use of the current fleet of street sweepers, the Department of Public Services recommends the addition of a third street sweeper to the current fleet.

ATTACHMENTS:

- Street Sweeper Purchase Agreement and Bell Equipment Company Quote, which includes the specifications and warranty information.

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve the purchase a 2023 Street Sweeper from Bell Equipment Company, located at 78 Northpointe Drive, Lake Orion, MI 48359, through the MI-Deal Contract #071B7700091, in an amount not to exceed \$303,647.00, upon the completion of signed contract by Bell Equipment. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funds for this purchase are available in the FY 2023-2024 Auto Equipment Fund account #661.0-441.006.971.0100.

AGREEMENT FOR EQUIPMENT PURCHASE BETWEEN THE CITY OF BIRMINGHAM & BELL EQUIPMENT COMPANY

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 Bell Equipment Company a Michigan Corporation, whose address is 78 Northpointe Drive, Lake Orion, MI 48359, (hereafter referred to as Vendor) and the foregoing shall collectively be referred to as the parties, and effective upon the date of the Mayor's signature.

WHEREAS, the City desires to purchase a street sweeper, through a government cooperative purchasing agreement (MI-Deal Contract #071B7700091), as described in Attachment "A"; and

WHEREAS, Vender has qualifications that meet the project requirements and has provided a response and cost proposal to perform the sale through the government cooperative agreement MI-Deals of a required Elgin Pelican Dual Street Sweeper.

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 Vendor's Quotation for the Elgin Pelican Dual Street Sweeper dated September 26, 2023, which includes a description of and street sweeper package details, 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 and Ownership: This is an outright purchase and shall have no term, and ownership of the Elgin Pelican Dual Street Sweeper to the City shall commence upon delivery to the Department of Public Service, located at 851 S. Eton Street, Birmingham, Mi., 48009.

3. TERMS OF PAYMENT: The Vendor will invoice the City for the sale. 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. Vendor shall employ personnel of good moral character and fitness in performing all services under this Agreement.

5. CONFIDENTIAL AND OR PROPRIETARY INFORMATION: While the City acknowledges it is unlikely, the Vendor 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 Vendor recognizes that unauthorized exposure of such confidential or proprietary

information could irreparably damage the City. Therefore, the vendor agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The vendor 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 vendor further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.

6. INDEPENDENT CONTRACTOR: The Vendor and the City agree that the Vendor is acting as an independent contractor with respect to the Vendor role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Vendor 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 Vendor 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 vendor 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.

7. COMPLIANCE WITH LAWS: The Vendor 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 Vendor is subject, Vendor 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.

8. 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 Vendor, either by offset to any amounts due and owing Vendor 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; Vendor agrees and understands that its engagement is at will and may be terminated by the City Manager for any cause or no cause.

9. INDEMNIFICATION: To the fullest extent permitted by law, the Vendor and any entity or person for whom the Vendor 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 Vendor 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.

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

City: City of Birmingham
851 S. Eton Rd.
Birmingham, Michigan 48012
Attn: Scott Zielinski, PE

Bell Equipment Company
78 Norhpointe Drive
Lake Orion, Michigan 48359
Attn: Clark R. Bushman

11. COVID: The Vendor shall follow all of the City's COVID-19 safety protocols while on City property. Additionally, Vendor 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 Vendor 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 Vendor is unable to comply, this violation of safety protocols will constitute a breach of contract by the Vendor.

12. 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.

13. 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.

14. COMPLETE AGREEMENT: The parties agree that the conditions set forth in this Agreement sets forth all terms and conditions of Vendor 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 Vendor 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.

15. 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 Vendor, the City shall have the right to terminate this Agreement without further liability to the Vendor if the disqualification has not been removed within thirty (30) days after the City has given the Vendor 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.

16. FAILURE TO PERFORM. If Vendor 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.

17. LEGAL PROCEEDINGS: Any controversy or claim arising out of or relating 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.

18. RESPONSE TO REQUESTS FOR PROPOSALS: The Vendor shall be held to and bound by all terms, conditions, warranties and representations which it made in its written response dated Vendor, to the City's Request for Proposals dated September 26, 2023 (attached hereto as Attachment "A"). In the event of a conflict in any of the terms of this Agreement and the Vendor on September 26, 2023 response, the terms of this Agreement shall prevail.

19. 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 Vendor, by its authorized signature below, expressly accepts this Agreement upon the above provided terms and conditions contained in this Agreement as of the date provided below the signature of Mayor Therese Q. Long on the following page.

Bell Equipment Company

By: _____

Its: _____

STATE OF MICHIGAN)
) ss:
COUNTY OF OAKLAND)

On this _____ day of _____, 2023, 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 Q. Longe, Mayor
On the date of: _____

By: _____
Alexandria D. Bingham, City Clerk

APPROVED:

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

Scott D. Zielinski, PE, Public Services Director
(Approved as to substance)

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

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

ATTACHMENT A

Date: September 26, 2023

Quote prepared for: Mr. Chad Check

City of Birmingham
 851 S. Eaton
 Birmingham, MI 48009



Qty	Description	Your Price (each)	Total
1	Elgin Pelican NP Dual Street Sweeper Equipped As Follows		
	Dual steering, dual side brooms, John Deere diesel engine, air conditioning		
	Midwest auto-lube system, AM/FM/Bluetooth, dual side broom tilt		
	Cab mounted green and amber alternating strobe lights with guards		
	Painted white with red swoosh logo package, 2.5 LB. fire extinguisher		
	Heated, motorized mirrors, lower roller deflector, lower conveyor washout		
	Conveyor stall alarm, battery disconnect, engine pre-cleaner		
	Hydraulic level, temperature shutdown, triangle/flare package		
	Dual limb guards, sliding rear window, (2) keys, strip style main broom		
	All operators, parts, service manuals, cab air restriction gauge		
	LED turn, tail, backup lights		
	Delivery and training, 1-year sweeper warranty, 2-year engine warranty		
	DELIVERED PURCHASE PRICE		\$303,647.00
	NOTE: THIS SWEEPER IS ON ORDER AND CAN BE DELIVERED BY 11/15/2024. IF YOU WERE TO PLACE NEW ORDER DELIVERY WOULD BE JULY OF NEXT YEAR AND PRICE WOULD BE APPROXIMATELY \$10,000.00 MORE.		
	MI-DEAL CONTRACT #071B7700091		

Delivery:
 F.O.B.

If you wish to proceed with the quote provided, please sign and return.

Authorized Signature: _____

Thank you for considering **Bell Equipment Company** for your equipment needs.

Clark R. Bushman, Vice President/Sales

Cell: 248-705-1353

Prices are as of this date. Buyer should confirm pricing after 30 days.





MEMORANDUM

Engineering Department

DATE: October 11, 2023

TO: Jana L. Ecker, City Manager

FROM: Melissa A. Coatta, City Engineer

SUBJECT: Redding Road Project #9-23 (S)
Set Public Hearing Dates for Notice of Necessity and Confirmation of Roll for Sidewalk Special Assessment District (S.A.D.)

INTRODUCTION:

The Redding Road Project will be issued for bids on October 30, 2023. The project includes the replacement of the water main and storm sewer on Redding Road between Lake Park Drive and Woodward Ave and the repaving of the roadway. The City intends to install a sidewalk on the north side of Redding Road between Lake Park Drive and the Rouge River where no sidewalk exists while public investments are being made in this project.

BACKGROUND:

There is currently no existing sidewalk along the north side of Redding Road between Lake Park Drive and the Rouge River. A new sidewalk will be installed in this location as part of the Redding Road Project. A Sidewalk SAD is required for the installation of a new sidewalk where currently none exists.

The parcels within the project zone that are subject to the sidewalk assessment are highlighted on the attached map. The Engineering Department will provide additional details along with estimated construction costs to be assessed at the Hearing of Necessity.

LEGAL REVIEW:

Chapter 94 – Special Assessments of the Birmingham City Code outlines the process by which a special assessment is conducted in the City of Birmingham. This project will follow the prescribed City Code procedures.

FISCAL IMPACT:

Revenue generated from the Sidewalk SAD for the Redding Road project will defray the costs incurred by the City for the construction of these improvements.

SUSTAINABILITY:
N/A

PUBLIC COMMUNICATIONS:

Notice for the Hearing of Necessity and Confirmation of the Roll is to be distributed by the Clerk's Office. The Engineering Department plans to send all property owners a letter explaining the associated work and an explanation of assessment costs based on the engineer's estimate.

SUMMARY:

The Engineering Department recommends that a Public Hearing of Necessity to form a Special Assessment District for the installation of a sidewalk as part of the Redding Road Project be scheduled at the regularly scheduled City Commission meeting on November 27, 2023, followed by a Public Hearing for Confirmation of the Roll on December 4, 2023.

ATTACHMENTS:

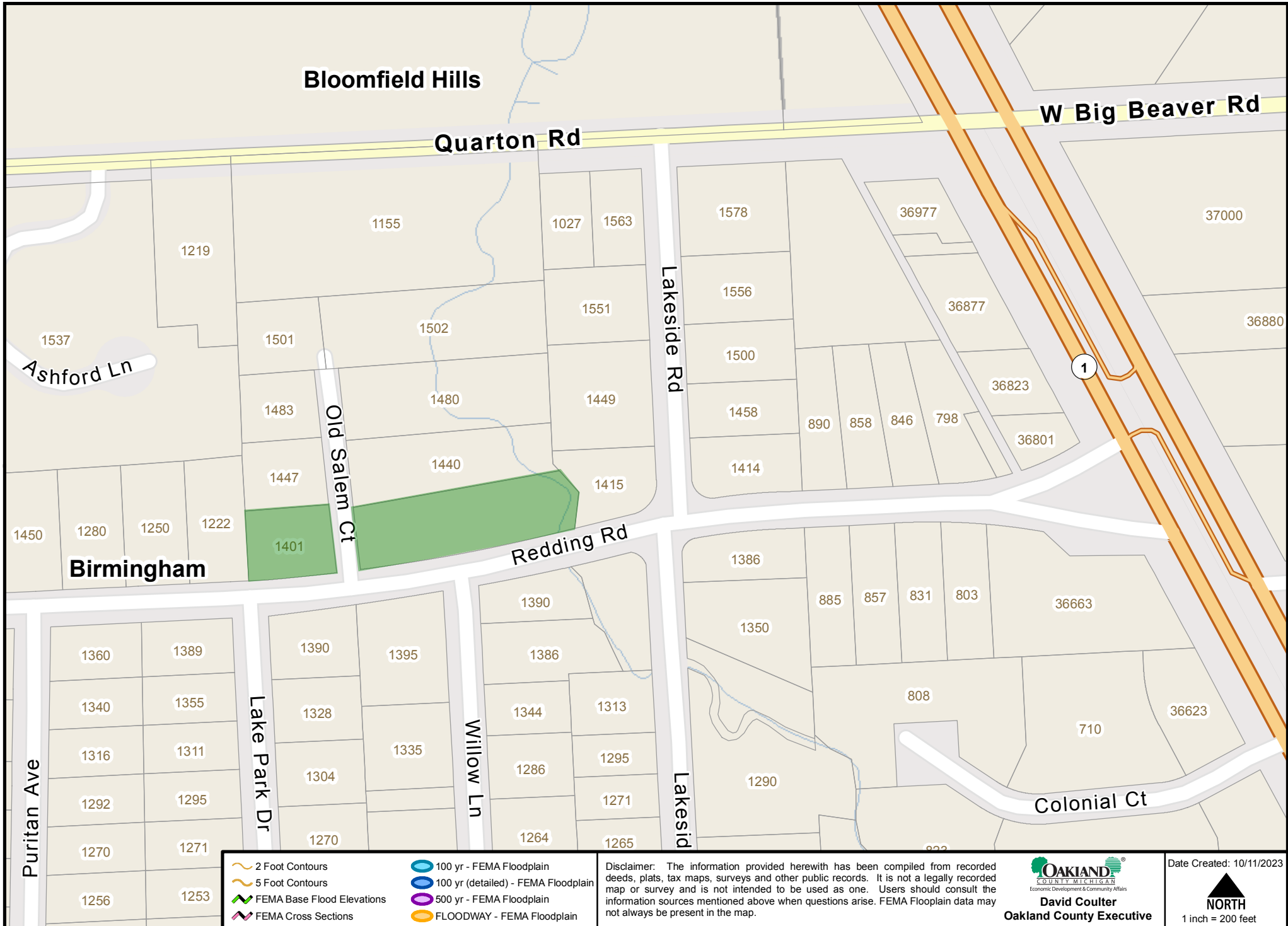
- Map of Proposed Special Assessment District for Sidewalk (1 page)

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to set a Public Hearing of Necessity for installing sidewalk, meeting the requirements for assessment, for all properties within the project area on Redding Road between Lake Park Drive and Woodward Ave. on Monday, November 27, 2023, at 7:30 P.M.; and

If necessity is determined on November 27, 2023, to meet on Monday, December 4, 2023, at 7:30 P.M., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for sidewalk installation meeting the requirements for assessment, for all properties within the project area on Redding Road between Lake Park Drive and Woodward Ave.


Redding Road Sidewalk Special Assessment District



-  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 in the map.


David Coulter
 Oakland County Executive

Date Created: 10/11/2023

 1 inch = 200 feet



MEMORANDUM

Legal – City Attorney

DATE: October 9, 2023

TO: Jana L. Ecker, City Manager

FROM: Mary M. Kucharek, City Attorney

SUBJECT: Baldwin House Parking Costs to Tenants

INTRODUCTION:

The purpose of this memorandum is to provide a final analysis as to the Baldwin House parking situation that came to the City's attention in 2022 regarding the erroneous payments for parking by Baldwin House residents to Baldwin House, SP Plus, and the City. After an exhaustive investigation and analysis, the residents of Baldwin House who improperly paid for parking can finally be made whole and the City will assure compliance with the Parking Agreement going forward.

BACKGROUND:

In 1975, the City agreed to sell to Baldwin House, Inc., the site of the former Baldwin School, to develop senior housing. Four (4) Birmingham churches had created Baldwin House, Inc., funded and served as its directors. The City voters approved the sale of the school site in a referendum in April of 1976. Birmingham then entered into an Agreement in December of 1976 with Baldwin House, Inc. Baldwin was able to obtain Michigan State Housing Development Authority (MSHDA) financing within one (1) year. It also planned to seek rent subsidies from U.S. Department of Housing and Urban Development. A condition of the MSHDA financing was that "family housing was required to be part of the project as well as senior housing." Apparently, that requirement had not been highlighted or discussed during the earlier referendum.

In February of 1977, MSHDA initially indicated that it would require one (1) family housing unit for every two (2) units of senior housing. Opposition to the proposal began developing shortly thereafter, and negotiations between Baldwin and the City were deferred and extended. Baldwin was unable to complete negotiations with MSHDA.

In April of 1978, the City held another referendum regarding the vote for the Baldwin House proposal, and it was defeated. The contract to sell the property was extended and expired in June of 1978, after which a federal court case was filed claiming that the City had violated the

Fair Housing Act of the 1968 Civil Rights Act due to racial discrimination when the vote failed regarding family housing.

In 1982, the District Court ruled that the City was required to sell the property to Baldwin, and could not interfere with the construction of low income and senior housing on the site. The City was also required to provide reasonable access to City owned parking for free use by the residents.

In 1982, the City entered into an Agreement to sell the property to the Baldwin House. The 1982 Agreement provides that land conveyed from the City to Baldwin is exempt from taxes for as long as federally aided financing is in effect, provided that such exemption shall not exceed 50 years.

Finally, in 1986, after Baldwin House was able to obtain financing from MSHDA, the Court ordered and approved the project which had 100 senior units and 30 family units. The Court also noted that there was a proposed mortgage loan of 30 years to finance the property. Baldwin is required under a June 29, 1982 agreement to manage the project through a professional management company, and is required to lease to elderly or handicapped persons and to provide those whose income qualifies for rent subsidy or other governmental assistance rental opportunities.

Finally, the Parking Agreement dated March 26, 1990, provides:

"1. Commencing with the date that a certificate of occupancy is issued for the occupancy of the housing project known as Baldwin House, the City shall provide without charge sixty nine (69) parking spaces in the Chester Street Parking Structure for the exclusive use of Baldwin House tenants and their guests. The parking spaces provided shall be at such location or locations as the City may determine. The City shall furnish the sixty nine (69) parking spaces subject to the following conditions:

- A. The City's obligations to furnish parking spaces as set forth above shall terminate and the City shall no longer be required to furnish such spaces free of charge upon the happening of any one of the following:
 - i. The expiration of a period of thirty (30) years following the date on which the Certificate of Occupancy is issued;
 - ii. The housing project known as Baldwin House is no longer a 'qualified low income housing project' as currently defined in Section 42 (g) of the Internal Revenue Code of 1988 or otherwise does not qualify under a then existing state or federal low-income housing program;
 - iii. 75% of the 100 units located in the housing project known as Baldwin House currently designated for the elderly are not occupied or available for occupancy by either at least one person 55 years of age or older or elderly person(s) as defined by state law for housing purposes EXCEPT in the event the project is receiving federal funding in which case at least 75% of said elderly units are not occupied or available for occupancy

by elderly persons as defined by the U.S. Department of Housing and Urban Development or its successor.”

Baldwin House has the option to purchase a right to lease the sixty-nine (69) spaces upon termination. It is important to note that condition ii. and iii. above continue to be met, therefore, at the end of September of 2024, the Agreement to provide sixty-nine (69) parking spaces will cease. The Agreement has a process by which Baldwin House may have an opportunity to purchase the right to lease these spaces upon termination.

As of last year, it became known that many persons from Baldwin House had paid for parking when they should not have. We were able to identify that persons paid monies directly to Baldwin House, and in varying amounts, since approximately 2009. We were also able to identify that persons also paid parking directly into the Birmingham Parking system of different varying amounts also since 2009. We also learned that some employees may have used the parking deck for free since 2009. When the Baldwin House was apprised of the situation and the practice to receive monies from residents, or to allow employees to park in these free sixty-nine (69) spaces, the practice immediately ceased. We have gone through an extensive investigation which included Baldwin House tenant surveys, SP Plus record searches, and the enlisting of help from Baldwin House to also identify monies received. We were able to cross reference all information so that we could come to a final list of all those persons who should be reimbursed. There are residents that need to be reimbursed by Baldwin House directly. We believe there were eight (8) persons who paid directly to Baldwin House and those eight (8) residents have been reimbursed completely. The amount owed was Thirteen Thousand Eight Hundred Seven and 50/100 Dollars (\$13,807.50). We believe Baldwin House, although it is impossible to recreate or find evidence to determine how many employees park at Baldwin House, Baldwin House nonetheless negotiated with the City approximating if two (2) employees parked in the lot each day, that the City of Birmingham would be owed approximately Twelve Thousand Dollars (\$12,000.00). Baldwin House has negotiated with us and to date has paid directly to residents Twenty-three Thousand Five Hundred Twenty-seven Dollars (\$23,527.00). A little over Twelve Thousand Dollars (\$12,000.00) would be returned for employee parking to the City. We were also able to identify those persons who paid the City money through our parking management system and that is approximately thirty-seven (37) persons. I say approximate as there is some cross referencing wherein there were times when some people were paying Baldwin House, and sometimes they were paying the City. As of this date, we believe that approximately Sixty-six Thousand Eight Hundred Sixteen and 50/1000 Dollars (\$66,816.50) is owed to the thirty-seven (37) residents that paid into the City system. Therefore, with the City Commission’s approval, I would like to meet with the City’s Finance Director, Mark Gerber, to issue checks to reimburse each of these residents for the monies they paid for parking.

LEGAL REVIEW:

Some persons have alleged that Baldwin House acted criminally when they received this money from residents, or some have speculated that residents were told to pay into the parking system by Baldwin House. We do not have evidence of intentional criminal wrongdoing. We believe that Baldwin House could have erroneously not known about the Parking Agreement or believed erroneously that the Parking Agreement allowed for them to receive money. While an argument can be made that their mistake was more than an error, however, there is no evidence to substantiate those allegations. By the same token, there is no way for the City to prove how many employees utilized the free parking without paying. Finally, the question remains as to why

the City's Parking Management Company accepted monies from persons with a Baldwin House address. While it is unfortunate that some proofs as to how all of this occurred cannot be ascertained, what is the most important aspect of all of this is that residents will be made whole. It is our hope that once everyone is paid, if there are any residents who believe that they still have not been made whole, they will come forward, because again it is the intent to do the right thing for all of the people who have paid when they should not have.

FISCAL IMPACT:

The City of Birmingham received almost Sixty-seven Thousand Dollars (\$67,000.00) it should not have for parking in the Chester parking structure, therefore, Sixty-seven Thousand Dollars (\$67,000.00) should be spent to reimburse these property owners.

SUSTAINABILITY:

Not applicable.

PUBLIC COMMUNICATIONS:

The residents of Baldwin House have been extremely helpful in helping the City staff finally determine what occurred so the residents of Baldwin House can be made whole. We have been providing public communication through City Commission agenda and minutes, and this meeting has been publicized.

SUMMARY:

The Baldwin House parking issue can finally be resolved to make the residents whole.

ATTACHMENTS:

None

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to direct the City Attorney to work with the Finance Director to issue checks to the Baldwin House residents who paid for parking at the Chester Street deck when parking should have been provided free of charge.



MEMORANDUM

Engineering Department

DATE: October 11, 2023

TO: Jana L. Ecker, City Manager

FROM: Melissa A. Coatta, City Engineer

SUBJECT: Birmingham Towers Construction Staging and Construction Coordination Agreement

INTRODUCTION:

The owners of the proposed Birmingham Towers development at 479 S. Old Woodward are requesting the use of the City's right-of-way as their construction staging area. City Staff recommends a Construction Staging and Construction Coordination Agreement between the City, Markus Management Group, LLC, and The Alan Group to outline the rights and obligations of using the City's right-of-way on Hazel Street, and on S. Old Woodward.

BACKGROUND:

Markus Management LLC, the owner of 479 S. Old Woodward, received approval to demolish the existing building in August 2023. They are currently applying for their foundation permit on a new five (5) story building that will include two levels of underground parking, one story of retail, two stories of office, and two stories of residential.

Markus Management LLC is requesting to use portions of the City's right-of-way on Hazel Street, and a portion of the S. Old Woodward sidewalk for a portion of their construction staging area during the construction of the new building through July 1, 2025. City staff recommends an agreement between the City, Markus Management Group, LLC, and The Alan Group to reconstruct and install proposed streetscape improvements on Hazel Street upon completion of the building.

LEGAL REVIEW:

The City Attorney has reviewed and approved the proposed Construction Staging area and Construction Coordination Agreement between the City, Markus Management Group, LLC, and The Alan Group.

FISCAL IMPACT:

There are no proposed fiscal impacts to the City. All proposed improvements on Hazel Street, and S. Old Woodward will be completed at the expense of Markus Management Group, LLC and/or The Alan Group.

SUSTAINABILITY:

N/A

PUBLIC COMMUNICATIONS:

There have been previous public meetings during the site plan approval process. City Departments have had meetings with Markus Management Group, LLC and The Alan Group concerning coordination, and the City has approved their logistic plans. Any additional required construction communication is the responsibility of Markus Management Group, LLC, and The Alan Group.

SUMMARY:

City Staff recommends the City Commission approve the attached Construction Staging Area and Construction Coordination Agreement with Markus Management Group, LLC and The Alan Group to ensure the proper use of the City's right-of-way for construction staging and final restoration of the City property.

ATTACHMENTS:

- 479 S. Old Woodward/Birmingham Towers Construction Staging Area and Construction Coordination Agreement with Exhibits

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve a Construction Staging Area and Construction Coordination Agreement with Markus Management Group, LLC and The Alan Group for the coordination of construction activities related to 479 S. Old Woodward on Hazel Street and S. Old Woodward and to authorize the Mayor and the City Clerk to sign the agreement on behalf of the City.

**CONSTRUCTION STAGING AREA AND
CONSTRUCTION COORDINATION AGREEMENT**

THIS CONSTRUCTION STAGING AREA AND CONSTRUCTION COORDINATION AGREEMENT ("the Agreement") is made this _____ day of, _____ 2023 by and between the CITY OF BIRMINGHAM, a Michigan municipal corporation, whose address is 151 Martin Street, Birmingham, MI 48009 ("City"), MARKUS MANAGEMENT GROUP, LLC, a Michigan Corporation, whose address is 251 East Merrill Street, Suite #205, Birmingham , MI 48009 ("Markus Management Group") and THE ALAN GROUP, a Michigan Corporation, whose address is 1800 Brinston Drive, Troy, MI 48083 ("Alan Group").

RECITALS

- A. Markus Management Group is the owner of the property located at 479 S. Old Woodward Avenue, Birmingham, ("the Parcel") upon which Markus Management Group will demolish two existing buildings and construct a new five (5) story building that will include two levels of underground parking, one story of retail, two stories of office and two stories of residential ("the Building") commencing in the fall of 2023 with a planned completion date of Summer 2025. The Parcel's western border runs parallel with and adjacent to S. Old Woodward, the Parcel's east border runs parallel with and adjacent to Woodward Avenue, and the Parcel's southern border runs parallel with and adjacent to Hazel Street. The legal description of the Markus Management Group Parcel is attached as Exhibit A.
- B. S. Old Woodward and Hazel Street are public rights of way owned by the City. Woodward Ave. right of way is owned by the Michigan Department of Transportation ("MDOT").
- C. All construction on the Markus Management Group Parcel will be completed by Alan Group Construction. Representatives of Markus Management Group and Alan Group Construction have met with the City to coordinate the construction activities related to the Building. To construct the Building, it will be necessary to secure a Construction Staging Area ("the CSA") for storage and staging during construction, which will include the Markus Management Group Parcel and a portion of the S. Old Woodward, and Hazel Street rights of way as shown in Exhibit B.
- D. As Markus Management Group and/or Alan Group will be occupying the portion of the CSA located in the S. Old Woodward, and Hazel Street rights of way, it will be necessary for Markus Management Group and/or Alan Group to perform a complete reconstruction of the roadway and streetscape in the CSA, at their cost, after construction of the Building is complete in accordance with the plans detailed in Exhibit C.

THEREFORE, the Parties agree as follows:

- 1. Recitals. The Recitals above are hereby incorporated into and made a part of this Agreement.

2. Construction Staging Area. The City shall permit Markus Management Group and/or Alan Group to utilize public property along S. Old Woodward, and Hazel Street as a CSA in accordance with Exhibit B. Markus Management Group and/or Alan Group shall be responsible, at their own expense, for the installation and maintenance of signs, barricades, fencing, and gates to enclose the CSA and to prohibit access to the staging area by the public. Markus Management Group and/or Alan Group shall utilize jersey barriers with 6' high chain link fencing with privacy screening along Woodward Ave. and S. Old Woodward, and 6' high chain link fencing with privacy screening on Hazel to enclose the CSA. Appropriate signage shall be erected indicating that the staging area is closed to the public and directing pedestrians to alternate access routes. The barriers and signage shall not be constructed until requisite approvals and permits are given and issued by the City, and thereafter shall be constructed in accordance with applicable laws, ordinances, and regulations and the drawing marked as Exhibit D.
3. Maintenance of CSA. Markus Management Group and/or Alan Group shall maintain the CSA in a secure and safe condition throughout the term of this Agreement. All water valves and storm and sanitary manholes within the CSA shall be accessible to the City or its contractors at all times for operation and maintenance. Placing any materials or parking any vehicles or equipment over the manholes or valve boxes is prohibited. Fire hydrants shall be accessible to the Birmingham Fire Department, and a three (3) foot clear zone around the fire hydrant must be maintained at all times, except for any fire hydrant that the City agrees should be removed and the supply capped (both at Markus Management Group 's expense) for reinstallation once the Building is completed. The Birmingham Fire Department may require, and Markus Management Group and/or Alan Group shall install signage over the fire hydrants on the fencing to indicate "hydrant." "Knox Box" padlocks keyed for Birmingham, Michigan will be required for CSA fencing gate access. These locks will be married with an ordinary padlock and chain for emergency access. Markus Management Group and/or Alan Group is further responsible to contact the provider(s) of other utility, energy or telecommunication lines to ensure that access to those providers' lines is not adversely affected during this time.
4. Construction Site Enclosure. Markus Management Group and/or Alan Group shall provide building plans that detail the actual distances to scale between the Building and the construction barriers for each stage of the demolition and construction. Compliance with Sec. 3306 of the Michigan Building Code must be demonstrated for barrier placements. Barrier placements must be placed in a manner to protect pedestrians from any and all construction activity. Construction fencing and barriers are permitted on City property in the locations shown on the approved Logistics Plan attached as Exhibit E.
5. Construction Crane Placement. Markus Management Group and/or Alan Group shall obtain approval from the City for the location of the base of the crane, which shall be determined and agreed upon by the City prior to the commencement of any construction activity. The crane is allowed on Hazel Street. Should any portion of the crane project into any other private or public air space, Markus Management Group and/or Alan Group shall obtain a written agreement from the necessary property owners.

6. Building Construction Oversight. Markus Management Group and/or Alan Group acknowledges that there shall be periodic safety checks at the construction site by the City to ensure Code compliance. Markus Management Group and/or Alan Group agree to provide contact information for a locally residing project manager prior to any work commencing.
7. Vehicular Circulation and Ingress/Egress. Markus Management Group and/or Alan Group shall require all construction and related vehicles to follow the ingress/egress plan attached as part of the Logistics Plan attached as Exhibit E. The City shall allow Markus Management Group and/or Alan Group to use S. Old Woodward, and Hazel Street, with the provision that no construction traffic will be permitted on S. Old Woodward north of the Parcel.
8. Pedestrian Circulation. Markus Management Group and/or Alan Group shall ensure pedestrian route signage is installed in accordance with the pedestrian plan attached as part of the Logistics Plan attached as Exhibit E.
9. Road Closures. Markus Management Group and/or Alan Group shall inform the City of any temporary street or lane closures throughout the entirety of the project, and obtain the required permits for closure. Markus Management Group and/or Alan Group shall coordinate with adjacent property owners to minimize the closure of lanes and for public protection. Markus Management Group road closures shall be coordinated with City project closures.
10. Reconstruction of Hazel Street Right of Way. Markus Management Group agrees that it will reconstruct the Hazel Street right of way from the north Hazel right of way line to the back of the south sidewalk line on the south portion of Hazel Street, at its own cost. Markus Management Group and/or Alan Group shall match the road elevation at the gutter pan at S. Old Woodward and Woodward Ave. when the area is constructed by Markus Management Group and/or Alan Group. Markus Management Group and/or Alan Group shall retain design professionals beyond the design and execution of the construction of the streetscape and shall monitor the construction to ensure that the construction of the streetscape is performed according to plan and acceptable to the City of Birmingham. The City reserves the right to approve the design professionals selected as well as the contractor who performs the work. The concrete work is highly specialized, therefore, pre-approval by the City of the list of contractors must be provided prior to construction. Markus Management Group and/or Alan Group shall provide the City with approved shop drawings and certifications showing compliance with the specifications provided in Exhibit F, as well as the opportunity for the City to perform inspections of all forms for streetscape items, including but not limited to, form inspections for concrete work. Markus Management Group and/or Alan Group shall provide the City with copies of all third party testing for items associated with the roadway and streetscape items to be installed in the CSA along S. Old Woodward.

11. Condition of S. Old Woodward and Hazel Street Right of Way at Expiration of Agreement. Unless otherwise agreed by the parties, at the conclusion of the term of this Agreement, Markus Management Group and/or Alan Group shall remove all barricades, signs, equipment, construction materials, and debris from the CSA located on S. Old Woodward and Hazel Street. The City shall require Markus Management Group and/or Alan Group to repave Hazel and to remove and replace any curb, gutters, and sidewalks on S. Old Woodward at the sole discretion and direction of the City.
12. Term of Agreement. This Agreement shall commence on the date of the Mayor's signature below, provided, however, that Markus Management Group and/or Alan Group shall notify the City not less than seven (7) days in advance of the date when Markus Management Group and/or Alan Group intends to commence construction of barricades to enclose the CSA. This Agreement shall terminate upon completion of construction of the Building, or on July 1st, 2025, whichever occurs first, subject to an extension of up to 60 days upon written notice from Markus Management Group and/or Alan Group and agreement by the City, not less than thirty (30) days prior to termination date if an extension is necessary in order to complete the Building.
13. Insurance. Markus Management Group and Alan Group shall obtain and maintain the following and the City as an insured or additional insured:
 - a. Workers' Compensation Insurance: Procure and maintain during the life of this contract, Workers' Compensation Insurance, including Employer's Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
 - b. Commercial General Liability Insurance: Procure and maintain during the life of this contract, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$3,000,000 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 Contractors 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: Procure and maintain during the life of this contract Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$3,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
 - d. Pollution Liability Insurance: Procure and maintain during the life of this Agreement Pollution Liability Insurance, with limits of liability of not less than \$1,000,000, per occurrence preferred.
 - e. Additional Insured: Commercial General Liability, Motor Vehicle Liability Insurance, and Pollution Insurance, as described above, shall include an endorsement starting the following shall be Additional Insureds. The City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities, and board members, including employees and volunteers thereof. This coverage shall be primary to

any coverage that may be available to the additional insured, whether any other available coverage be primary, contributing or excess.

- f. Cancellation Notice: Workers' Compensation Insurance, Commercial General Liability Insurance, Motor Vehicle Liability Insurance, and Pollution Liability Insurance as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal shall be sent to the Finance Department, City of Birmingham, P.O. Box 3001, 151 Martin Street, Birmingham, Michigan 48012.
- g. Owners Contractors Protective Liability: Procure and maintain during the life of this contract, an Owners Contractors Protective Liability Policy with limits of liability not less than \$3,000,000 per occurrence, combined single limit, Personal Injury, Bodily Injury, and Property Damage. The City of Birmingham shall be "Named Insured" on said coverage. Thirty (30) days Notice of Cancellation shall apply to this policy.

Markus Management Group and Alan Group shall maintain insurance coverage throughout the term of the Agreement in accordance with insurance binders attached as Exhibit G.

- 14. Hold Harmless and Indemnification. To the fullest extent permitted by law, Markus Management Group and Alan Group and any entity and/or person for whom Markus Management Group or Alan Group 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 Markus Management Group and/or Alan Group, including their employees and agents, in the performance of the 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.
- 15. Disputes. Any controversy or claim arising out of or relating 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 all 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. This Agreement shall be governed by the laws of the State

of Michigan and the arbitrations 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 the Oakland County Circuit Court or the 48th District Court.

16. Permits. Markus Management Group and/or Alan Group shall apply for, secure and maintain all permits and approvals as may be required in accordance with all applicable laws and ordinance of the City, State of Michigan, Federal agencies, and any other governmental entities.
17. Default. Any violation of this Agreement may result in a Stop Work Order until compliance is achieved. Should Markus Management Group and/or Alan Group fail to perform any of its obligations hereunder, Markus Management Group and/or Alan Group shall be in default of this Agreement and the City may take any and all remedial actions including, but not limited to, completion of the work set forth in this Agreement and/or site restoration and/or termination of the Special Land Use Permit for Markus Management Group. Upon default, should the City elect to perform said work, the City shall provide invoices to Markus Management Group and/or Alan Group for the work performed. Markus Management Group and/or Alan Group shall immediately reimburse the City for all costs of work performed and necessitated by the default, including attorney fees. In the event Markus Management Group and/or Alan Group fails to reimburse the City, or any part thereof, the City may transfer said amount to the tax roll for the Markus Management Group Parcel in accordance with Section 1-14 of the Birmingham City Code.
18. Interpretation. This Agreement is to be construed and interpreted under the laws of the State of Michigan. This Agreement contains the entire agreement between the parties as to its subject matter and may not be modified or amended except in writing signed by both parties. The captions are for reference only and shall play no part in the interpretation of this Agreement. The recitals and all attached exhibits are integral parts of this Agreement.
19. Binding Effect/Third Parties. This Agreement is binding on and shall inure to the benefit of the parties to this Agreement and their respective successor(s), but it may not be assigned by any party without the prior written consent of the other parties, which shall not be unreasonably denied. The parties do not intend to confer any benefits on any person, firm, corporation, or other entity, which is not a party to this Agreement.
20. Notices. All notices and communications required or permitted under this Agreement shall be in writing and shall be deemed given when delivered personally, or one (1) day after being sent by overnight courier, or three (3) days after being mailed by registered mail, return receipt requested, to the following address (or any other address that is specified in writing by either party):

STATE OF MICHIGAN)
) ss:
COUNTY OF OAKLAND)

On this 11th day of October, 2023, before me personally appeared Brad Chynacki, who acknowledged that with authority on behalf of The Alan Group to do so he/she signed this Agreement.

Natasha Ouro

Notary Public

Oakland County, Michigan
Acting in Oakland County, Michigan
My commission expires: 4-18-25

NATASHA OURO
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Apr 18, 2025
ACTING IN COUNTY OF Oakland

CITY OF BIRMINGHAM:

By: _____
Therese Longe, Mayor

Date: _____

By: _____
Alexandria D. Bingham, City Clerk

Date: _____

APPROVED:

Jana L. Ecker

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

Bruce R. Johnson

Bruce R. Johnson, Building Official
(Approved as to substance)

Mary M. Kucharek

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

Melissa A. Coatta

Melissa A. Coatta, City Engineer
(Approved as to substance)

EXHIBIT A

PARCEL "A" LEGAL DESCRIPTION

(per Fidelity National Title Insurance Company, Commitment No. 17-110744, dated January 5, 2017)

LAND SITUATED IN THE CITY OF BIRMINGHAM, COUNTY OF OAKLAND, AND STATE OF MICHIGAN, DESCRIBED AS:

SOUTH PART OF LOT 7 OF ASSESSOR'S PLAT NO. 13, CITY OF BIRMINGHAM, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 51 OF PLATS, PAGE 15, OAKLAND COUNTY RECORDS, DESCRIBED AS BEGINNING AT SOUTHWEST CORNER LOT 7; THENCE NORTHERLY ON WEST LINE SAID LOT, 40.28 FEET; THENCE EASTERLY 58.9 FEET; THENCE NORTHERLY AT RIGHT ANGLE 14.96 FEET; THENCE EASTERLY AT RIGHT ANGLE 65.37 FEET; THENCE NORTHERLY AT RIGHT ANGLE 8.4 FEET; THENCE EASTERLY AT RIGHT ANGLE 104.44 FEET TO EAST LINE SAID LOT; THENCE SOUTHERLY ALONG EAST LOT LINE, 66.25 FEET TO SOUTHEAST CORNER SAID LOT; THENCE WESTERLY ALONG SOUTH LOT LINE 211.66 FEET TO POINT OF BEGINNING.

PARCEL "B" LEGAL DESCRIPTION

(per First American Title Insurance Company, Commitment No. TC13-69882, dated February 9, 2017)

LAND SITUATED IN THE CITY OF BIRMINGHAM, COUNTY OF OAKLAND, AND STATE OF MICHIGAN, DESCRIBED AS:

THE NORTHERLY PART OF LOT 7 OF ASSESSOR'S PLAT NO. 13, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 51 OF PLATS, PAGE 15, OAKLAND COUNTY RECORDS, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 7 ON THE EASTERLY LINE OF 100 FOOT WOODWARD AVENUE; THENCE EASTERLY ALONG NORTHERLY LINE OF SAID LOT, A DISTANCE OF 234.96 FEET TO THE WESTERLY LINE OF 200 FOOT HUNTER BLVD. OF THE NORTHEAST CORNER OF SAID LOT 7; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID HUNTER BLVD. OR EASTERLY LINE OF SAID LOT 7, A DISTANCE OF 21.15 FEET TO EXTENSION OF NORTH FACE OF WALL OF GARAGE BUILDING LOCATED ON SOUTHERLY PART OF SAID LOT 7; THENCE WESTERLY ALONG SAID EXTENSION OF NORTH FACE OF WALL AND ALONG SAID NORTH FACE OF WALL 104.44 FEET TO A CORNER OF SAID GARAGE BUILDING; THENCE SOUTHERLY AT RIGHT ANGLES ALONG WESTERLY FACE OF WALL OF SAID GARAGE BUILDING 8.40 FEET TO A CORNER OF SAID GARAGE BUILDING; THENCE WESTERLY AT RIGHT ANGLES ALONG NORTH FACE OF WALL OF SAID GARAGE BUILDING 65.37 FEET TO A CORNER OF SAID GARAGE BUILDING; THENCE SOUTHERLY AT RIGHT ANGLES ALONG WEST FACE OF WALL OF SAID GARAGE BUILDING 14.96 FEET TO A CORNER OF SAID GARAGE BUILDING; THENCE WESTERLY AT RIGHT ANGLES ALONG NORTH FACE OF WALL OF SAID GARAGE BUILDING AND EXTENSION OF SAME 58.90 FEET TO WESTERLY LINE OF SAID LOT 7; THENCE NORTHERLY ALONG SAID WESTERLY LINE 40.28 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

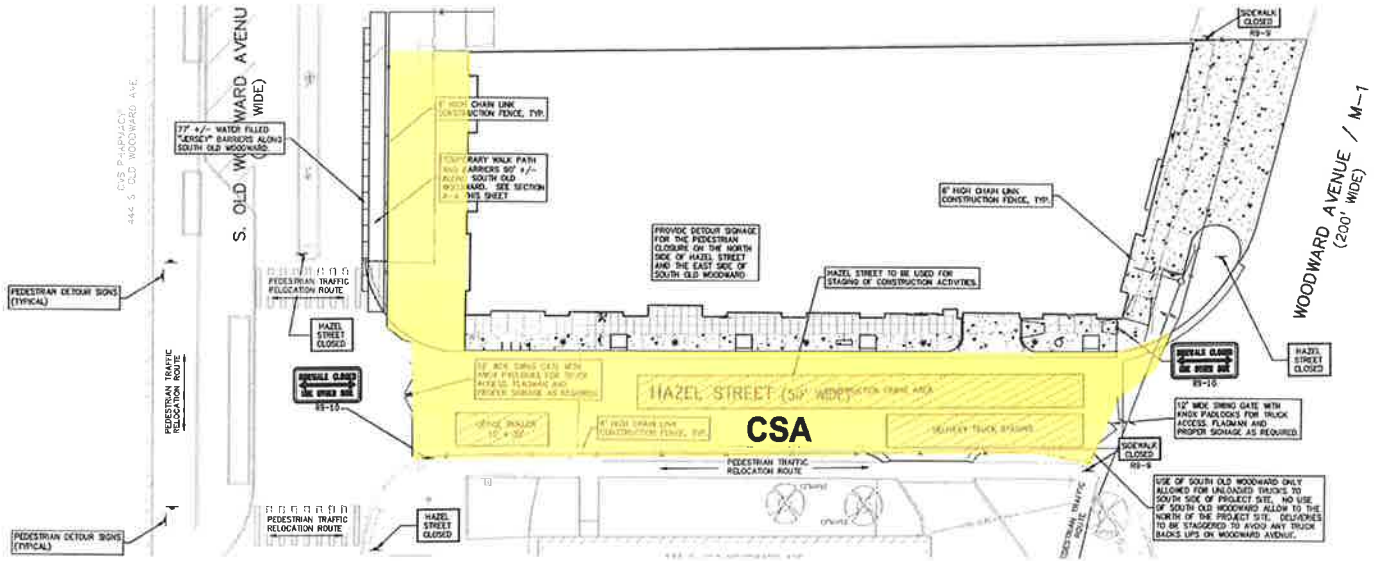


EXHIBIT C - SHEET 1 OF 4

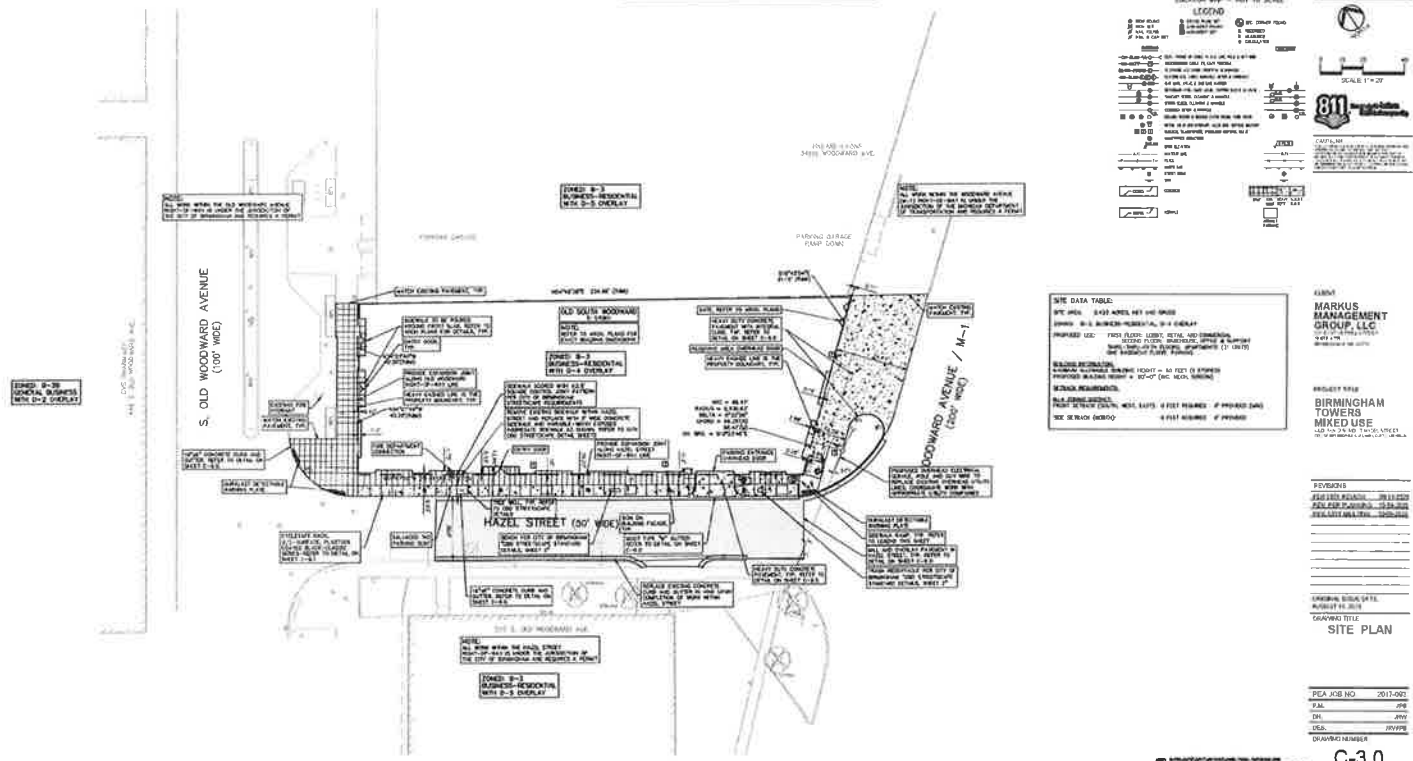
NOTIFICATION:
 ALL CONTRACTORS SHALL BE ADVISED BY THE CITY OF BIRMINGHAM THAT THE CITY OF BIRMINGHAM IS NOT RESPONSIBLE FOR THE DESIGN OF ANY STRUCTURE OR EQUIPMENT THAT IS NOT DESIGNED BY THE CITY OF BIRMINGHAM. THE CITY OF BIRMINGHAM IS NOT RESPONSIBLE FOR THE DESIGN OF ANY STRUCTURE OR EQUIPMENT THAT IS NOT DESIGNED BY THE CITY OF BIRMINGHAM.

GENERAL NOTES:
 1. ALL DIMENSIONS SHOWN ARE TO FACE UNLESS OTHERWISE NOTED.
 2. REFER TO SHEET C-2 FOR THE SITE PLAN DETAILS.
 3. REFER TO SHEET C-3 FOR THE GENERAL NOTES DETAILS.
 4. NO PARKING OR STANDING SHALL BE ALLOWED ALONG ALL THE LINES AT ANY TIME UNLESS OTHERWISE NOTED BY THE CITY OF BIRMINGHAM.
 5. ALL STRUCTURES SHALL BE IN ACCORDANCE WITH THE CITY OF BIRMINGHAM CURRENT STANDARDS AND REGULATIONS.
 6. ALL CONTRACTORS SHALL NOTIFY THE CITY ENGINEER AND THE CITY OF BIRMINGHAM BEFORE ANY CONSTRUCTION BEGINS.
 7. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF BIRMINGHAM STANDARDS AND REGULATIONS.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN OF ALL STRUCTURES AND EQUIPMENT THAT ARE NOT DESIGNED BY THE CITY OF BIRMINGHAM.

ROCKWALK RAMP LEGEND:
 1. ROCKWALK RAMP TYPE 1
 2. ROCKWALK RAMP TYPE 2
 3. ROCKWALK RAMP TYPE 3
 4. ROCKWALK RAMP TYPE 4
 5. ROCKWALK RAMP TYPE 5
 6. ROCKWALK RAMP TYPE 6
 7. ROCKWALK RAMP TYPE 7
 8. ROCKWALK RAMP TYPE 8
 9. ROCKWALK RAMP TYPE 9
 10. ROCKWALK RAMP TYPE 10



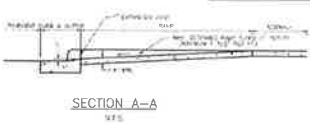
PEA GROUP
 4000 13TH AVENUE
 BIRMINGHAM, AL 35203
 www.peagroup.com



SITE DATA TABLE:
 SITE NO. 1000 WOODWARD AVENUE
 OWNER: B. B. BIRMINGHAM HOLDINGS, L.P.
 PREPARED BY: PEAK GROUP, LLC
 DATE: 08/15/2018
 SCALE: 1/8" = 1'-0"

MARKUS MANAGEMENT GROUP, LLC
 PROJECT TITLE: BIRMINGHAM TOWERS MIXED USE
 DRAWING NUMBER: C-3.0

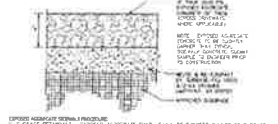
EXHIBIT C - SHEET 3 OF 4



SECTION A-A
N.T.S.



SECTION G-G
N.T.S.



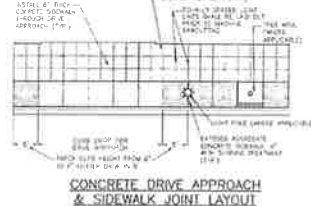
EXPOSED AGGREGATE WALK DETAIL
N.T.S.

1. EXPOSED AGGREGATE WALK DETAIL SHALL BE CONSTRUCTED AS SHOWN IN SECTION G-G.

2. CONCRETE SHALL BE 4" THICK UNLESS OTHERWISE NOTED. A MINIMUM FINISH SHALL BE REQUIRED.

3. EXPOSED AGGREGATE WALK DETAIL SHALL BE CONSTRUCTED AS SHOWN IN SECTION G-G.

4. EXPOSED AGGREGATE WALK DETAIL SHALL BE CONSTRUCTED AS SHOWN IN SECTION G-G.



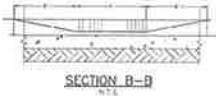
CONCRETE DRIVE APPROACH & SIDEWALK JOINT LAYOUT
N.T.S.

CONCRETE SIDEWALK MIX DESIGNS
N.T.S.

TYPE 1 (SIDEWALK)
4" THICK CONCRETE
CONCRETE AGGREGATE SHALL BE 1/2" MAXIMUM SIZE
CURE TIME 7 DAYS
MINIMUM STRENGTH 4000 PSI
MINIMUM AIR CONTENT 5%
MINIMUM SLUMP 4"

TYPE 2 (SIDEWALK)
4" THICK CONCRETE
CONCRETE AGGREGATE SHALL BE 1/2" MAXIMUM SIZE
CURE TIME 7 DAYS
MINIMUM STRENGTH 4000 PSI
MINIMUM AIR CONTENT 5%
MINIMUM SLUMP 4"

TYPE 3 (SIDEWALK)
4" THICK CONCRETE
CONCRETE AGGREGATE SHALL BE 1/2" MAXIMUM SIZE
CURE TIME 7 DAYS
MINIMUM STRENGTH 4000 PSI
MINIMUM AIR CONTENT 5%
MINIMUM SLUMP 4"



SECTION B-B
N.T.S.



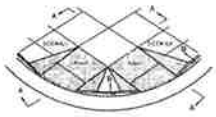
SECTION H-H
N.T.S.



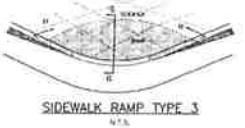
CURB RAMP FOR DISABLED
N.T.S.



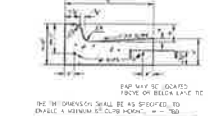
PLAN VIEW
N.T.S.



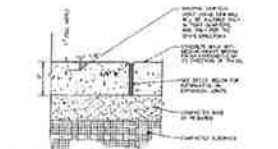
SIDEWALK RAMP TYPE 1
(TWO RAMP ARE SHOWN)
N.T.S.



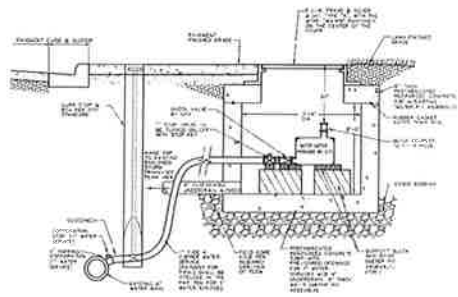
SIDEWALK RAMP TYPE 3
N.T.S.



MOOT DETAIL F
(WITH ASPHALT OVERLAY)
N.T.S.



SAWCUT AND EXPANSION JOINT
DETAIL FOR CONCRETE SIDEWALK
N.T.S.



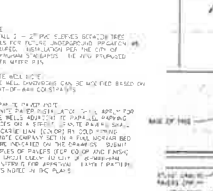
WATER METER PIT ASSEMBLY AND 1" WATER SERVICE
N.T.S.

NOTES:

1. SURFACE FINISH OF SIDEWALK SHALL BE FINISH GRINDING BY CORUS PROCESS, TRANSPARENT TO THE SURFACE.
2. CURB SHALL BE 4" THICK TO PROVIDE A MINIMUM CURB ON SIDEWALK RAMP. FREE OF SLOPE AND CURB SHALL BE FINISH GRINDING.
3. IF POSSIBLE, DRAINAGE STRUCTURES SHALL NOT BE INSTALLED IN LINE WITH RAMP. EXCEPT WHERE DRAINAGE STRUCTURES ARE BEING INSTALLED IN THE NEW CONSTRUCTION LOCATION OF THE RAMP. PROVIDE FREE FLOWING DRAINAGE STRUCTURE.
4. SIDEWALK RAMP SHALL BE FINISH GRINDING BY CORUS PROCESS.
5. SINKS AND SERVICE CONCRETE CURB AND CURB SECTION AT CURB ENDS ON 100' ASPHALT SURFACES OUTSIDE. (SEE SECTION 02100 FOR CURB AND SERVICE CONCRETE CURB). CURB SHALL BE FINISH GRINDING BY CORUS PROCESS. CURB SHALL BE FINISH GRINDING BY CORUS PROCESS. CURB SHALL BE FINISH GRINDING BY CORUS PROCESS.



TREE WELL DETAIL #1
N.T.S.

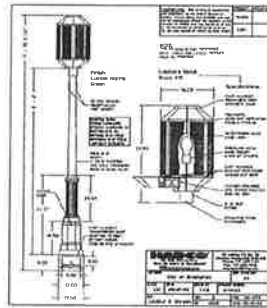
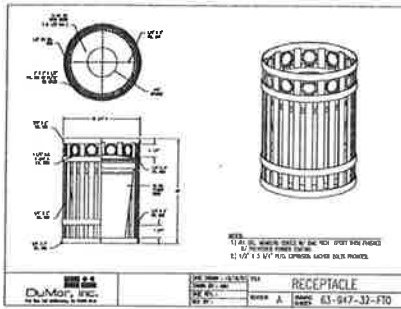


TREE WELL DETAIL #2
N.T.S.

PROJECT NO.	CITY OF BIRMINGHAM, MECHANICAL ENGINEERING DEPARTMENT
SUBJECT	CBD STREETSCAPE STANDARD DETAILS
SCALE	AS SHOWN
DATE	APR 1, 2021
DESIGNED BY	SEE DRAWING
CHECKED BY	SEE DRAWING
DATE	APR 1, 2021

EXHIBIT C - SHEET 4 OF 4

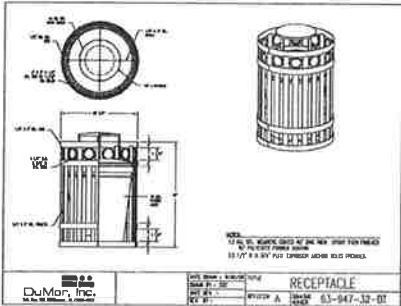
STREETLIGHT STANDARDS



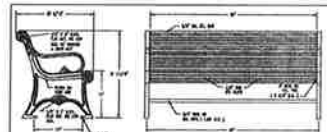
City of Birmingham Concrete Planters



NOTE: ALL DIMENSIONS SHALL BE IN INCHES UNLESS OTHERWISE SPECIFIED.
 1. 1/2" ± 0.015" DIA. TYP. DRILL AND REAM.
 2. 1/2" ± 0.015" DIA. TYP. DRILL AND REAM.



DOWNTOWN BENCH STANDARDS



CLASSIC WOODEN (27 SPACES)

DESCRIPTION	QTY	UNIT PRICE	TOTAL PRICE
BENCH	19-50		

PARK BENCH STANDARDS



PAINT COLORS

Item Name	Description	Vendor
Parking Meter Posts and Pedestals, Traffic Signs, and Traffic Signal Cabinets	White with Red and Blue Lettering and Symbols	City of Birmingham
Streetlights, Light Poles, Traffic Signs, and Pedestals	White with Red and Blue Lettering and Symbols	City of Birmingham
Streetlights, Light Poles, Traffic Signs, and Pedestals	White with Red and Blue Lettering and Symbols	City of Birmingham
Streetlights, Light Poles, Traffic Signs, and Pedestals	White with Red and Blue Lettering and Symbols	City of Birmingham
Streetlights, Light Poles, Traffic Signs, and Pedestals	White with Red and Blue Lettering and Symbols	City of Birmingham
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Streetlights, Light Poles, Traffic Signs, and Pedestals	White with Red and Blue Lettering and Symbols	City of Birmingham
Streetlights, Light Poles, Traffic Signs, and Pedestals	White with Red and Blue Lettering and Symbols	City of Birmingham
Streetlights, Light Poles, Traffic Signs, and Pedestals	White with Red and Blue Lettering and Symbols	City of Birmingham

PRINTED ITEMS

Approximate	Qty	Vendor
Parking Meter Posts and Pedestals, Traffic Signs, and Traffic Signal Cabinets	19-50	City of Birmingham
Streetlights, Light Poles, Traffic Signs, and Pedestals	19-50	City of Birmingham
Streetlights, Light Poles, Traffic Signs, and Pedestals	19-50	City of Birmingham
Streetlights, Light Poles, Traffic Signs, and Pedestals	19-50	City of Birmingham
Streetlights, Light Poles, Traffic Signs, and Pedestals	19-50	City of Birmingham
Streetlights, Light Poles, Traffic Signs, and Pedestals	19-50	City of Birmingham
Streetlights, Light Poles, Traffic Signs, and Pedestals	19-50	City of Birmingham
Streetlights, Light Poles, Traffic Signs, and Pedestals	19-50	City of Birmingham
Streetlights, Light Poles, Traffic Signs, and Pedestals	19-50	City of Birmingham
Streetlights, Light Poles, Traffic Signs, and Pedestals	19-50	City of Birmingham



STANDARDS FOR PUBLIC FURNITURE AND PRINTED MATERIALS

REVISION	DATE	DESCRIPTION
1	01/15/10	Initial Release

CITY OF BIRMINGHAM, MICHIGAN
 ENGINEERING DEPARTMENT

CBD STREETScape STANDARD DETAILS

SCALE: HORIZONTAL: 1"=10'
 VERTICAL: 1"=4'

DESIGNED BY: J.M.
 CHECKED BY: J.M.
 DATE: June 8, 2007



HANGING BASKET PLANTER

Vertical, one hanging planter contains the old fashioned spring hanging basket look with green, 6" x 12" hangers, instead of chains. The hanger clip attaches onto the rim of the basket, but are detachable for ease of shipping and storage.

Kirwan Company M.D.
 P.O. Box 428
 Piquetteville, Pennsylvania 19147
<http://www.kirwancompany.com/kirwan/garden/basket/basket.htm>

610-263-8888
 P.O. 1-800-333-4146
 Fax: 215-766-5634



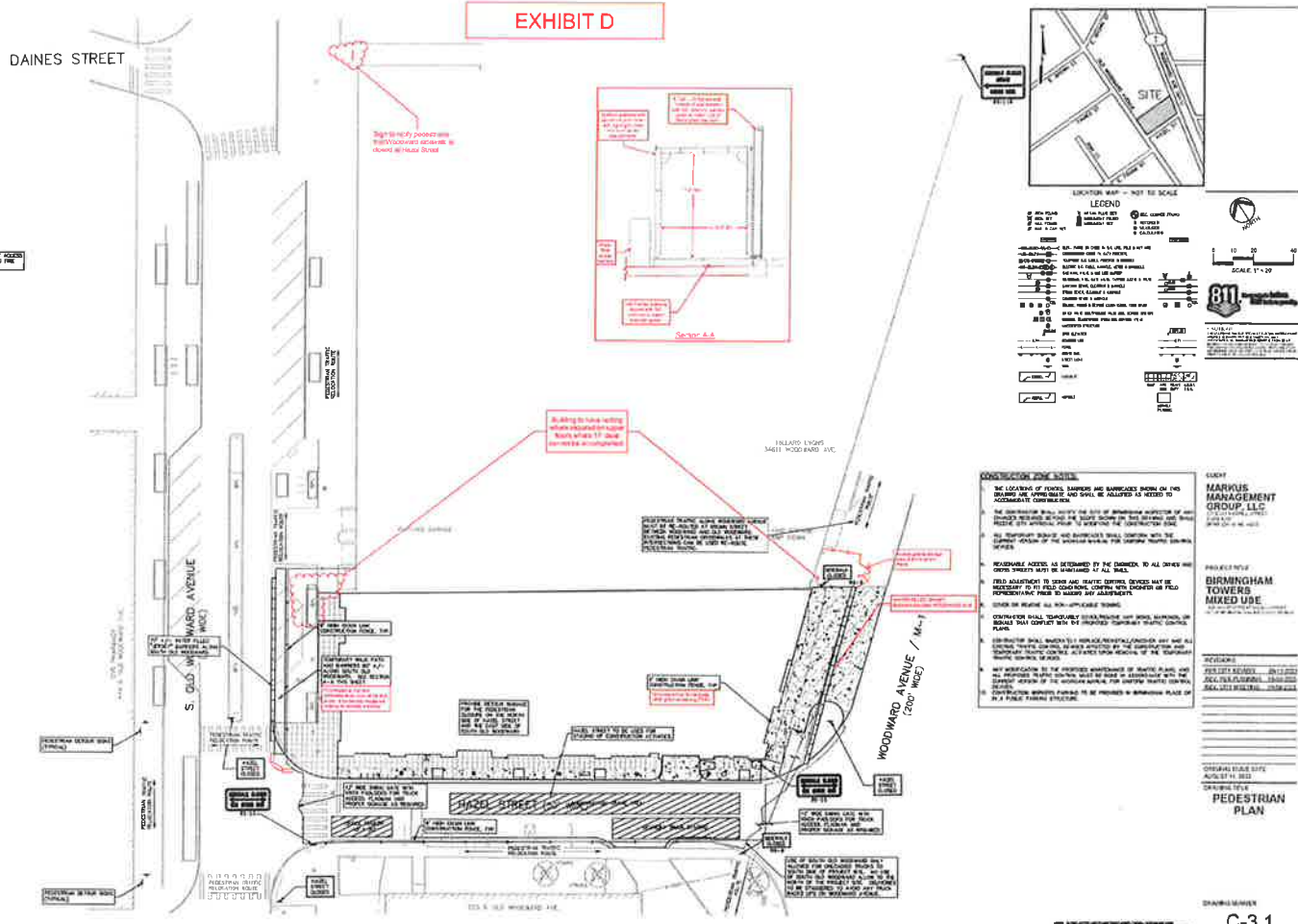


EXHIBIT D



LEGEND

Symbol	Description
Circle with 'X'	EXISTING POINT
Square with 'X'	EXISTING POINT
Circle with 'O'	EXISTING POINT
Square with 'O'	EXISTING POINT
Circle with 'X'	EXISTING POINT
Square with 'X'	EXISTING POINT
Circle with 'O'	EXISTING POINT
Square with 'O'	EXISTING POINT
Circle with 'X'	EXISTING POINT
Square with 'X'	EXISTING POINT
Circle with 'O'	EXISTING POINT
Square with 'O'	EXISTING POINT

CONSTRUCTION ZONE SHIELD

THE LOCATION OF FENCES, BARRIERS AND SIGNAGE SHOWN ON THIS SHIELD ARE APPROXIMATE AND SHALL BE ADJUSTED AS NECESSARY TO ACCOMMODATE CONSTRUCTION.

THE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF BIRMINGHAM ORDINANCES AND ANY OTHER REGULATIONS THAT MAY BE APPLICABLE TO THIS PROJECT.

NECESSARY ACCESS IS GRANTED TO ALL DRIVEWAYS AND DRIVEWAYS SHALL BE MAINTAINED AT ALL TIMES.

FIELD ADJUSTMENT TO SIGN AND SIGNS SHALL BE NECESSARY TO ACCOMMODATE CONSTRUCTION AND FIELD REPRESENTATIVE SHALL BE NECESSARY TO MAINTAIN SIGN ADJUSTMENTS.

CONTRACTOR SHALL TEMPORARILY MAINTAIN AND REPAIR SIGNAGE ON SITES THAT COMPLETE WITH PROPOSED CONSTRUCTION PLANS.

CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES THAT MAY OCCUR DURING CONSTRUCTION.

CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES THAT MAY OCCUR DURING CONSTRUCTION.

CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES THAT MAY OCCUR DURING CONSTRUCTION.

CLIENT
 MARKUS MANAGEMENT GROUP, LLC
 1000 17TH AVENUE, SUITE 1000
 BIRMINGHAM, AL 35203

PROJECT TITLE
 BIRMINGHAM TOWERS MIXED USE

DATE
 08/11/2023

SCALE
 1" = 20'

DRAWN BY
 [Name]

CHECKED BY
 [Name]

APPROVED BY
 [Name]

DATE
 08/11/2023

ORIGINAL SCALE SITE
 AS SHOWN BY THE
 SURVEYING ENGINEER
PEDESTRIAN PLAN

DRAWN BY
 [Name]

C-3.1

EXHIBIT F - SHEET 1 OF 5

CONCRETE MATERIALS

1. CONCRETE STRENGTH SHALL MEET THE FOLLOWING 28-DAY COMPRESSIVE STRENGTHS (f' c), UON:

RETAINING WALLS:	4,000 PSI	①
ACIP PILES:	5,000 PSI	
MAT FOUNDATIONS:	4,000 PSI	
GRADE BEAMS:	4,000 PSI	
NON-SHRINK GROUT:	8,000 PSI	
SLAB ON GRADE:	4,000 PSI	
CONCRETE ON STEEL DECK:	4,000 PSI LIGHTWEIGHT	
FORMED CONCRETE SLABS AND BEAMS:	5,000 PSI	③
CONCRETE SHEAR WALLS (STAIR & ELEVATOR CORE BELOW GRADE):	5,000 PSI	

2. PROVIDE NORMALWEIGHT CONCRETE WITH CURED DENSITY OF 145 +/- 5 PCF, AND AGGREGATE CONFORMING TO ASTM C33, UON. WHERE INDICATED, PROVIDE LIGHTWEIGHT CONCRETE WITH CURED DENSITY OF 112 +/- 3 PCF AND AGGREGATE CONFORMING TO ASTM C330.
3. THE USE OF CALCIUM CHLORIDE AND OTHER CHLORIDE CONTAINING AGENTS IS PROHIBITED, THE USE OF RECYCLED CONCRETE IS PROHIBITED. PLACEMENT WITHIN AND CONTACT BETWEEN ALUMINUM ITEMS, INCLUDING ALUMINUM CONDUIT, AND CONCRETE IS PROHIBITED.

CONCRETE REINFORCEMENT

1. ALL CONCRETE SHALL INCLUDE REINFORCEMENT. IF REINFORCEMENT IS NOT SPECIFICALLY INDICATED ON THE DRAWINGS VERIFY WITH THE EOR
2. REINFORCEMENT SHALL CONFORM TO THE FOLLOWING STANDARDS AND MATERIAL PROPERTIES UON:

DEFORMED BARS:	ASTM A615 GRADE 60
WELDABLE DEFORMED BARS:	ASTM A706
EPOXY COATED DEFORMED BARS:	ASTM A615 / A775
WELDED WIRE REINFORCEMENT:	ASTM A1084
EPOXY COATED WELDED WIRE REINFORCEMENT:	ASTM A1084 / A884

3. DETAIL REINFORCEMENT BASED ON THE PROJECT REQUIREMENTS, ACI-318 AND ACI-315, UON.
4. WHERE A 90-DEG, 135-DEG OR 180-DEG HOOK IS GRAPHICALLY INDICATED, PROVIDE CORRESPONDING ACI STANDARD HOOKS UON.
5. DOWELS SHALL MATCH SIZE AND SPACING OF MAIN REINFORCEMENT UON.
6. REINFORCEMENT SHALL HAVE CONCRETE PROTECTION (CLEAR COVER) PER ACI 318 UNLESS OTHERWISE INDICATED ON THE DRAWINGS.
7. LAP REINFORCEMENT ONLY AT LOCATIONS AS SPECIFICALLY DETAILED ON THE DRAWINGS EXCEPT REINFORCEMENT MARKED AS CONTINUOUS CAN BE SPLICED AT LOCATIONS DETERMINED BY CONTRACTOR USING TENSION LAP SPLICES (LTS). SEE LAP SPLICE AND EMBEDMENT SCHEDULE
8. UNLESS OTHERWISE NOTED ALL LAP SPLICES ARE TO BE TENSION LAP SPLICES PER LAP SPLICE AND EMBEDMENT SCHEDULE.
9. PROVIDE MECHANICAL SPLICES FOR BARS LARGER THAN #11 OR WHERE INDICATED. PROVIDE TENSILE, PRE-QUALIFIED, WELDED OR THREADED MECHANICAL SPLICES UON.
10. LAP WELDED WIRE REINFORCEMENT TWO PANEL SPACINGS, UON.
11. PROVIDE LAP SPLICE LOCATIONS AS FOLLOWS, UON:

- A. GRADE BEAM / WALL (TOP HORIZONTAL REINFORCEMENT): AT CENTER OF SPAN
- B. GRADE BEAM / WALL (BOTTOM HORIZONTAL REINFORCEMENT): AT SUPPORTS
- C. WALL INSIDE FACE (VERTICAL REINFORCEMENT): AT SUPPORT
- D. WALL OUTSIDE FACE (VERTICAL REINFORCEMENT): AT STORY MIDHEIGHT OF WALL FOR BELOW GRADE FOUNDATION WALLS. AT SUPPORT FOR OTHER WALLS
- E. UNLESS OTHERWISE NOTED TERMINATE BARS AT DISCONTINUOUS ENDS WITH STANDARD HOOKS.

12. PROVIDE EPOXY COATED REINFORCEMENT AND ACCESSORIES IN AREAS OF DIRECT EXPOSURE TO THE ENVIRONMENT, CHEMICALS, OR DE-ICING FOR THE AREAS INDICATED ON THE DRAWINGS.

CONCRETE CONSTRUCTION AND CONTRACTION JOINTS

1. PROVIDE CONSTRUCTION JOINTS IN ACCORDANCE WITH ACI-318. SUBMIT SHOP DRAWINGS SHOWING PROPOSED CONSTRUCTION JOINT LOCATIONS, DETAILS AND THE PLACEMENT SEQUENCE FOR THE EOR'S APPROVAL PRIOR TO PROCEEDING WITH WORK.
2. UNLESS SPECIFICALLY SHOWN ON THE DRAWINGS, HORIZONTAL CONSTRUCTION JOINTS SHALL NOT BE PERMITTED IN FOOTINGS, SLABS, AND FOUNDATION WALLS WITHOUT PRIOR WRITTEN APPROVAL FROM THE EOR BEFORE CONSTRUCTION.
3. PROVIDE CONTINUOUS WATERSTOPS AT ALL CONSTRUCTION JOINTS EXPOSED TO SOIL OR WATER, AS DESCRIBED IN THE SPECIFICATIONS AND WHERE INDICATED IN THE ARCHITECTURAL DOCUMENTS.
4. UNLESS OTHERWISE INDICATED ON DRAWINGS, PROVIDE CONTRACTION JOINTS IN CONCRETE SLAB ON GRADE AT COLUMN CENTERLINES AND BETWEEN COLUMN CENTERLINES AT A SPACING NOT TO EXCEED 36 X THE SLAB THICKNESS. REFER TO TYPICAL CONCRETE SLAB ON GRADE DETAIL FOR ADDITIONAL INFORMATION

EXHIBIT F - SHEET 3 OF 5

REVISIONS

NO. 000
 DATE 11/20/13
 BY [Signature]
 DESCRIPTION: CORRECTED THE PROPERTY CORNER HAZEL STREET AND WOODWARD AVENUE TO BE AT THE CORNER OF THE LOT.

NO. 001
 DATE 11/20/13
 BY [Signature]
 DESCRIPTION: CORRECTED THE PROPERTY CORNER HAZEL STREET AND WOODWARD AVENUE TO BE AT THE CORNER OF THE LOT.

NO. 002
 DATE 11/20/13
 BY [Signature]
 DESCRIPTION: CORRECTED THE PROPERTY CORNER HAZEL STREET AND WOODWARD AVENUE TO BE AT THE CORNER OF THE LOT.

NO. 003
 DATE 11/20/13
 BY [Signature]
 DESCRIPTION: CORRECTED THE PROPERTY CORNER HAZEL STREET AND WOODWARD AVENUE TO BE AT THE CORNER OF THE LOT.

PEA GROUP
 1-844-833-2840
 www.peagroup.com

LEGEND

1.00' CONC. DRIVE PAVEMENT
 1.50' CONC. DRIVE PAVEMENT
 2.00' CONC. DRIVE PAVEMENT
 2.50' CONC. DRIVE PAVEMENT
 3.00' CONC. DRIVE PAVEMENT
 3.50' CONC. DRIVE PAVEMENT
 4.00' CONC. DRIVE PAVEMENT
 4.50' CONC. DRIVE PAVEMENT
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 7.00' CONC. DRIVE PAVEMENT
 7.50' CONC. DRIVE PAVEMENT
 8.00' CONC. DRIVE PAVEMENT
 8.50' CONC. DRIVE PAVEMENT
 9.00' CONC. DRIVE PAVEMENT
 9.50' CONC. DRIVE PAVEMENT
 10.00' CONC. DRIVE PAVEMENT

SCALE 1" = 20'

811

CLIENT
 MARKUS MANAGEMENT GROUP, LLC
 1000 17TH AVENUE, SUITE 1000
 BIRMINGHAM, AL 35203

PROJECT TITLE
 BIRMINGHAM OVERSEAS MARKETPLACE
 1000 17TH AVENUE, SUITE 1000

DESIGNED BY
 PEAGROUP

DRAWING NO.
 2013-200

DATE
 11/20/13

SCALE
 1" = 20'

PROJECT NO.
 2013-200

DATE
 11/20/13

SCALE
 1" = 20'

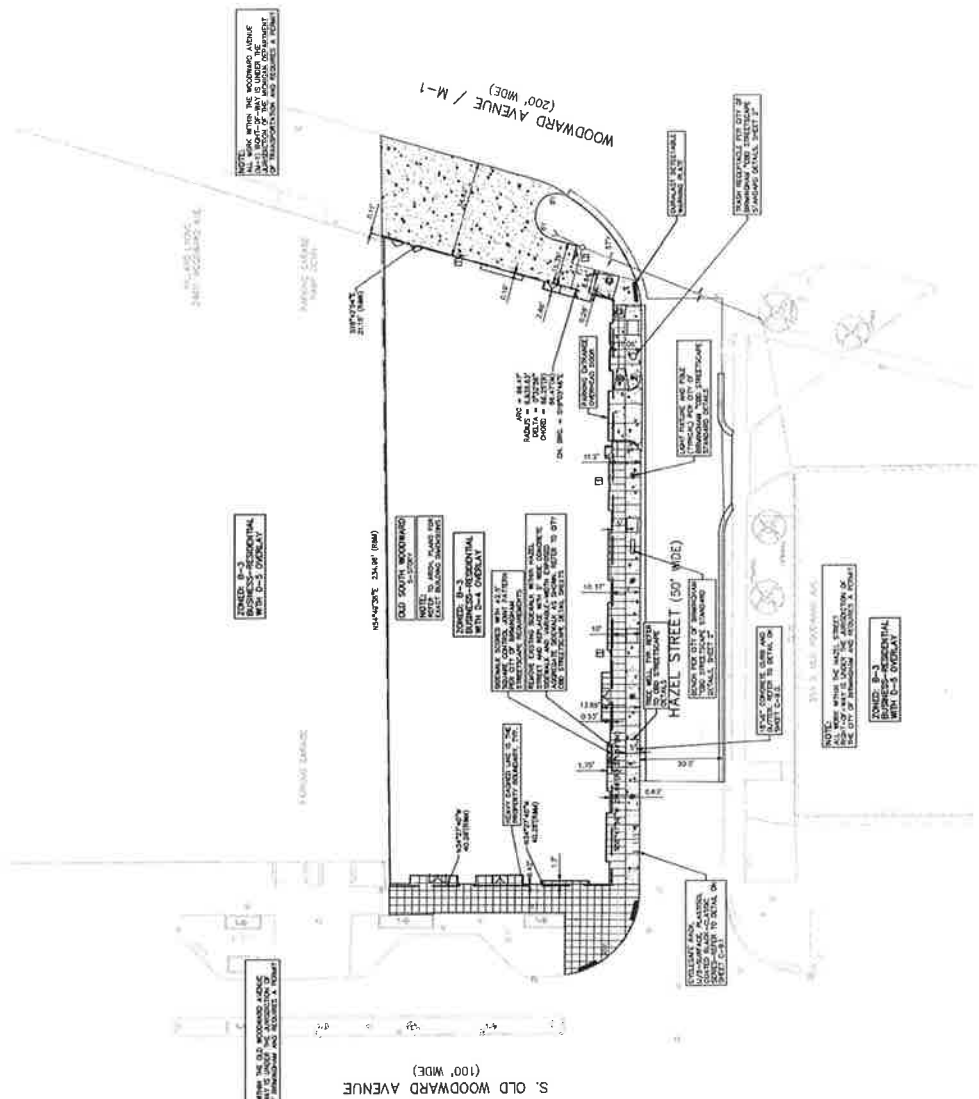
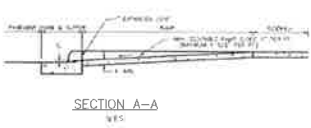


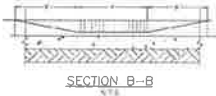
EXHIBIT F - SHEET 4 OF 5



SECTION A-A
N.T.S.



SECTION G-G
N.T.S.



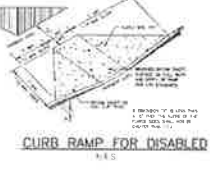
SECTION B-B
N.T.S.



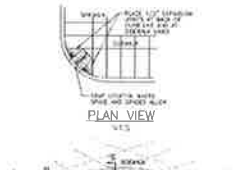
SECTION H-H
N.T.S.



SIDEWALK RAMP TYPE 1
(TWO RAMPS ARE SHOWN)
N.T.S.



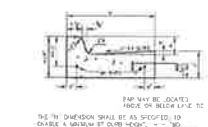
CURB RAMP FOR DISABLED
N.T.S.



PLAN VIEW
N.T.S.



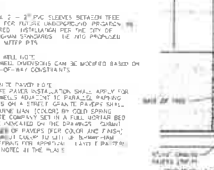
SIDEWALK RAMP TYPE 3
N.T.S.



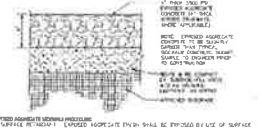
MOOT DETAIL E
(WITH ASPHALT OVERLAY)
N.T.S.



TREE WELL DETAIL #1
N.T.S.



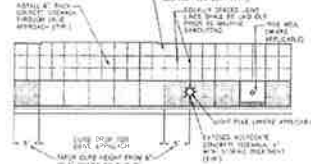
TREE WELL DETAIL #2
N.T.S.



EXPOSED AGGREGATE WALK DETAIL
N.T.S.



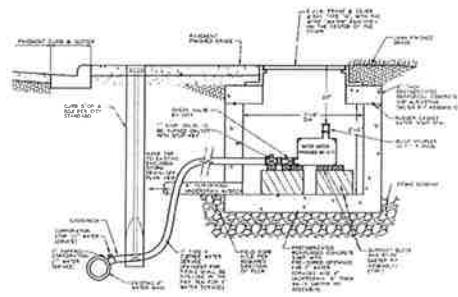
SAWCUT AND EXPANSION JOINT
DETAIL FOR CONCRETE SIDEWALK
N.T.S.



CONCRETE DRIVE APPROACH
& SIDEWALK JOINT LAYOUT
N.T.S.

CONCRETE SIDEWALK MIX DESIGNS
N.T.S.

CLASS	FINISH	MIN. THICKNESS	MIN. COMPRESSIVE STRENGTH	MIN. AIR CONTENT	MIN. SLUMP	MIN. FREE WATER	MIN. W/C RATIO	MIN. MAXIMUM SIZE AGGREGATE	MIN. MAXIMUM SPACING	MIN. MINIMUM SPACING
CLASS 1	ASPHALT	4" MIN.	4000 PSI	5%	12"	35%	0.45	1 1/2"	18"	12"
		5" MIN.	4000 PSI	5%	12"	35%	0.45	1 1/2"	18"	12"
CLASS 2	ASPHALT	4" MIN.	4000 PSI	5%	12"	35%	0.45	1 1/2"	18"	12"
		5" MIN.	4000 PSI	5%	12"	35%	0.45	1 1/2"	18"	12"
CLASS 3	ASPHALT	4" MIN.	4000 PSI	5%	12"	35%	0.45	1 1/2"	18"	12"
		5" MIN.	4000 PSI	5%	12"	35%	0.45	1 1/2"	18"	12"



WATER METER PIT ASSEMBLY AND 1" WATER SERVICE
N.T.S.

- NOTES:
1. SURFACE FINISH OF SIDEWALK SHALL BE THAT OBTAINED BY A COURSE FINISH, TRANSVERSE TO THE SLOPE OF 1/2" IN 12".
 2. CURB SHALL BE FINISHED TO MATCH THE DRIVEWAY GRADE TO THE CURB FACE.
 3. IF POSSIBLE, DRAINAGE STRUCTURES SHOULD NOT BE PLACED IN THE WALK RAMP, EXCEPT WHERE EXISTING DRAINAGE STRUCTURES ARE BEING REPLACED. IN THE NEW CONSTRUCTION, LOCATION OF THE RAMP SHOULD TAKE PRECEDENCE OVER LOCATION OF DRAINAGE STRUCTURE.
 4. SIDEWALK RAMP SHALL BE FINISHED TO 2" MIN. ABOVE FINISH GRADE.
 5. DRIVEWAY AND SIDEWALK CONCRETE CURB AND CURB SECTION AT CLASS DROPS ON NON-ASPHALT SURFACES OUTSIDE LOCAL JURISDICTIONS OF CURB SHALL BE FINISHED TO 1/2" MIN. ABOVE FINISH GRADE. CURB SHALL BE FINISHED TO 2" MIN. ABOVE FINISH GRADE AT MAXIMUM OF 2" FROM BACK OF CURB. FINISH GRADE SHALL BE FINISHED TO CURB FACE WITH HOOD 3/8" TO 1" DEEP AT MAXIMUM OF 4" O.C.

REVISION	NO.	DATE	BY	DESCRIPTION
	1			

CITY OF BIRMINGHAM, MICHIGAN
ENGINEERING DEPARTMENT

CBD STREETSCAPE STANDARD DETAILS

SCALE: HORIZONTAL: 1" = 10'-0"
VERTICAL: 1" = 4'-0"
DESIGNED BY: [Signature]
CHECKED BY: [Signature]
DATE: [Date]



EXHIBIT G

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/9/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER VTC Insurance Group Troy Office 1175 W. Long Lake Ste. 200 Troy MI 48098-4960	CONTACT NAME: Linda Austin PHONE (A/C, No, Ext): (248) 828-3377 E-MAIL ADDRESS: laustin@vtcins.com	FAX (A/C, No): (248) 828-3741
	INSURER(S) AFFORDING COVERAGE	
INSURED The Alan Group Inc. Alan Group Constructors, LLC 1800 Brinston Street Troy MI 48083	INSURER A: The Phoenix Insurance Company	NAIC # 25623
	INSURER B: Charter Oak Fire Insurance	25615
	INSURER C: Travelers Prop. Cas.Co. Of Ame	25674
	INSURER D: The Travelers Indemnity Co.	25658
	INSURER E: Allied World Assurance Co (US) Inc.	19489
	INSURER F:	

COVERAGES

CERTIFICATE NUMBER: 23-24 Master

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. 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 INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> X C U Included	X	Y	COO0750764	1/1/2023	1/1/2024	EACH OCCURRENCE \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Employee Benefits \$ 1,000,000
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS	X	Y	BA0T750819	1/1/2023	1/1/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS						BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Uninsured Motorists \$ 1,000,000
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB			CUP0T751226	1/1/2023	1/1/2024	EACH OCCURRENCE \$ 10,000,000
	<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE						AGGREGATE \$ 10,000,000 DED <input checked="" type="checkbox"/> RETENTION \$ 0
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	UB0T751195	1/1/2023	1/1/2024	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER
							E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
E	Leased/Rented Equipment			63028839794	1/1/2023	1/1/2024	Deductible \$2,500 Limit \$200,000
	Professional/Pollution Liab			0313-2055	1/1/2023	1/1/2024	Deductible \$15,000 Limit \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Where required by written contract, City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities, and board members, including employees and volunteers thereof are add'l insured for General Liability (GL) as respects ongoing & completed operations on a primary & non-contributory basis and add'l insured with respects to Automobile liability. GL, Auto & Workers Comp policies include waiver of subrogation on behalf of the additional insured as required by written contract and where allowed by law. Umbrella/Excess liability coverage follows form over GL, Auto & Employers Liability. Insurer will endeavor to mail 30 days written notice of

CERTIFICATE HOLDER**CANCELLATION**

City of Birmingham 151 Martin Street Birmingham, MI 48009	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Alan Chandler/DMIRCH <i>Alan P. Chandler</i>
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ACORD 25 (2014/01)
INS025 (201401)

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COMMENTS/REMARKS

cancellation to the certificate holder for the additional insured, however, failure to do so will impose no liability of any kind upon the insurer or its agents or representatives..



MEMORANDUM

Department of Public Services

DATE: October 12, 2023

TO: Jana Ecker, City Manager

FROM: Scott Zielinski, Director of Public Services
 Carrie Laird, Parks and Recreation Manager
 Brendan McGaughey, Parks and Forestry Foreman

SUBJECT: Green Infrastructure: Sustainable and Biodiverse Landscaping

INTRODUCTION:

The Department of Public Services (DPS), Planning Department and Engineering Department have been working together on implementing sustainable landscaping features over the past decade. The DPS is also planning additional areas where sustainable landscaping can be used (rain gardens, bioswales, native planting beds, green stormwater capture beds, etc.), while working to keep a biodiverse environment.

BACKGROUND:

The City Commission prioritized sustainability by setting goals in 2022 and bringing it to the forefront of their efforts and discussions. The DPS, Engineering and Planning work together closely and take direction from the City Manager in helping to achieve these goals.

As the City has been working on improving the sustainability and biodiversity of our public land for some time, below is a list of current sustainable landscaping features in City parks and properties:

Location	Sustainable Features	Maintenance Requirements	Additional Info
Adams Park	Rain Garden	Moderate	No annuals in park
South Old Woodward Streetscape	Rain Garden	High	Weeding/maintenance visits required, large scale
	Green Stormwater Capture Beds	Moderate	Weeding/maintenance visits required
	Raised Beds	Moderate	Some native species, deadheading required and hanging baskets require additional maintenance
Brown St Streetscape (Woodward-OWW)	Green Stormwater Capture Beds	Moderate	Weeding/maintenance visits required

	NE Corner -Native Planting Bed	Minimal	Replaced annuals with perennials (Fall 2023), weeding/maintenance visits required
Barnum Park	Native/Natural No-Mow Areas	High	Annual controlled burn and weeding/maintenance visits required
	Green Stormwater Capture Bed	High	Annual controlled burn, catch basin cleaning and weeding/maintenance visits required
Booth Park	Riparian Zones (no mow areas along water)	Minimum	Currently minimally maintained, may require additional modification to improve stormwater capture
Fairway Park	Groundwater Energy Passive System (GEPS)	Zero	GEPS area balances groundwater to correct a standing water issue. Other benefits: exlterra.com
Martha Baldwin Park	Bioswale	Moderate	Weeding/maintenance visits required, monarch butterfly waystation
Quarton Lake Park & Waterfall Park	Riparian zones (no mow areas along water)	Moderate	Native plantings, weeding/maintenance visits required
Baldwin Library	Native Planting Beds	Moderate	Replaced annuals with perennials (Fall 2023), weeding/maintenance visits required
Park St Parking Structure	Native Planting Beds	Moderate	Replaced annuals with perennials (Fall 2023), weeding/maintenance visits required
Lot 6	Rain Garden	High	Flooding conditions and installation design for swale area require additional modification and maintenance
	Native Planting Bed	Minimal	Replaced annuals with perennials (Fall 2023), weeding/maintenance visits required
Lot 9	Native Planting Bed	Minimal	Replaced nonnative shrubs with native perennials (Fall 2023), weeding/maintenance visits required
Lot 5 (Upcoming)	Rain Garden	Unknown	Engineering- Plant material installation Fall 2023 or Spring 2024

Sustainability is one of the key goals and is being thoroughly explored during the development of the 2024-2028 Parks and Recreation Master Plan. The DPS aims to have the master plan help identify areas where additional sustainable landscape features can be implemented. A wide variety of sustainable features (no-mow areas, pesticide-free properties, native species walking trails, etc.) are being discussed during the master plan's progression, and these considerations will be combined with feedback from the public when the consultant makes final recommendations.

The DPS is currently evaluating all planting areas with annual plantings and working to replace annuals with perennials. Areas without irrigation are specifically being targeted first for

replacement to enable limited use of watering carts and labor for upkeep. In cases involving replacement of annuals in locations without irrigation, plants with low watering requirements will be selected. In some cases (small annual bed planting areas) the City may elect to eliminate planting entirely. These choices in replacements help reduce energy and water consumption for the City as a whole.

It is considered to be a sustainable best practice to select native plants and trees whenever possible. While still providing aesthetic beauty and flowers for pollination, we are able to achieve biodiversity and provide a habitat to help support native animals and insects. Biodiversity is critical to our urban forest and ecosystem, so it is important to not overuse a single species simply because it is native, and visually pleasing. A great example being Ash trees, which are native to Michigan and tolerant of urban pollution, but the population was all but eradicated due to the infestation of the invasive Emerald Ash Borer.

Opportunities are being explored as part of the City's work with the 2024-2028 Parks and Recreation Master Plan. In addition to native planting opportunities, public properties also provide opportunities for sustainable landscape features, including but not limited to no mow areas, where native plants are allowed to grow in a natural state.

FISCAL IMPACT:

There are general fiscal considerations to take into account when it comes to sustainable landscaping features:

1. Often sustainable and native plantings can result in larger installation costs and increased early maintenance costs (e.g. sod is cheaper to install and maintain than a native planting bed – it is cheaper to cut 24x annually instead of landscaping requiring 12-14x weeding/deadheading visits annually).
2. Sustainable options can be fiscally responsible long term if proper consideration is taken into account, and a formalized maintenance plan (specific to each sustainable feature as they can vary greatly) is provided and adhered to. Often times, features such as rain gardens have significant labor costs for the first 3-5 years but will decrease over time with plant maturity and proper weed control.
3. The DPS budgets for invasive species removal, native planting and general maintenance of green infrastructure areas throughout the park system and currently has an approved contract with Stantec through an Oakland County Cooperative Purchasing Agreement for Natural Areas Maintenance for an amount not to exceed \$66,300 in 2023.
4. Additional DPS staffing and an increased budget to properly maintain existing and future sustainable landscape features and improvements needs to be considered by the City Commission. The DPS currently contracts out approximately \$140,000.00 per year in general weed elimination services beyond the scope that current staff can be scheduled for.

SUMMARY:

Birmingham has been implementing sustainable design, green infrastructure and native plantings whenever it has been feasible for the past decade. The DPS continues to strive to make conscious decisions where green infrastructure is feasible and appropriate for the desired locations.

City properties offer robust opportunities to advance the City's environmental sustainability goals. The diverse options of sustainable landscaping and green stormwater infrastructure are virtually limitless, as are the installation costs and maintenance requirements for each item.

The City has been, and continues to be committed to exploring the incorporation of sustainable design, landscaping and green infrastructure for current and future City projects and in park improvements.

The 2024-2028 Parks and Recreation Master Plan will additionally make recommendations that combine feedback from the public and McKenna's vast knowledge and resources of sustainability and inclusivity specifically within municipal parks and recreation systems.

ATTACHMENTS:

1. Rain Garden Maintenance Manual (Rutgers)
2. Annual Report Summary provided by (Stantec)
3. Map of Sustainable features existing in
Birmingham
4. Presentation for 10/16/2023 Commission Meeting

Rain Garden Maintenance Manual

Elmer Ambulance Corps

30 Broad Street

Elmer

Salem County

New Jersey

July 2018

Contents

Rain Garden Description ...	1
Responsible Owner Information ...	1
Preventative and Corrective Maintenance ...	2
Equipment, tools, and supplies ...	3
Maintenance Schedule ...	3
Estimated Costs ...	3
Maintenance and Inspection Checklist ...	3
Construction and Planting Plan ...	3
Attachments ...	4

Rain Garden Description

A rain garden is a landscaped, shallow depression that captures, filters, and infiltrates stormwater runoff. The rain garden removes nonpoint source pollutants from stormwater runoff while recharging groundwater. A rain garden has two main goals. The first goal is to serve as a functional system to capture, filter, and infiltrate stormwater runoff at the source, and the second goal is to be an aesthetically pleasing garden. Rain gardens are an important tool for communities and neighborhoods to create diverse, attractive landscapes while protecting the health of the natural environment. Rain gardens:

- capture stormwater runoff reducing erosion and sedimentation and the amount of water that flows to our streams and waterways during rain storms
- protect water quality by filtering out and breaking down pollutants
- infiltrate runoff and thereby recharge groundwater supplies and provide baseflow to nearby streams and waterways
- provide the opportunity to establish native plant communities to promote biodiversity and habitat for beneficial wildlife
- integrate necessary soil improvements and native plants adapted to periodic wet and dry periods mimicking our New Jersey natural landscape

To a certain extent, a traditional landscaped bed or flower garden can provide functions similar to a rain garden. But, to provide all the benefits of a rain garden including capturing, filtering, and infiltrating stormwater runoff, a shallow basin must be dug and planted slightly below-grade to store water. Ideally, a rain garden is planted with a variety of grasses, wildflowers, and woody plants that are adapted to the soil, precipitation, climate, and other specific site conditions. Using native plants with deeper root systems facilitates infiltration and also sustains the landscape through periods of drought.

(SOURCE: "Rain Garden Manual of New Jersey," Rutgers Cooperative Extension)

Responsible Owner Information

The following individual/s are responsible for preventative and corrective maintenance of the rain garden installed on the property located at 30 Broad Street, Elmer, NJ.

NAME: Elmer Ambulance Corps

ADDRESS: 30 Broad Street, Elmer, NJ

PHONE NUMBER: 856-358-3845

NOTE: Responsibility for maintaining the rain garden shall remain with the owner of the property

Preventative and Corrective Maintenance

Proper and timely maintenance is important for continuous, effective function of the rain garden. Access to the rain garden from surrounding lawn areas should be maintained at all times. The following maintenance actions are required to keep the rain garden functioning properly.

WATERING

Water is essential for the survival of a newly installed rain garden. The garden should be watered regularly during the first three months and as needed throughout the future in times of drought. Plants should be watered every day for the first week they are in the ground and then once a week after that, unless there is substantial rainfall. In hot weather or times of drought, the rain garden will need water one to two times a week to prevent the loss of plants, even if the garden is already established.

WEEDING

Remove unwanted weeds from the garden by hand. Pull them from the base of the weed to remove the roots. As the garden becomes established, the rain garden plants will spread and out-compete unwanted weeds.

MULCHING

Mulch is used to prevent weeds and retain moisture in the rain garden. During the first year the garden is growing, maintain a 3-inch layer of mulch between plants. As the rain garden plants spread and become denser, you may find mulching the garden more difficult. Mulching beyond the first year is optional. Please be careful not to excessively mulch the garden, and keep mulch away from any drain inlets and outlets.

INSPECTING AND CLEANING INLETS/OUTLETS

Inspect the rain garden's inlets monthly, and be sure to remove any leaves, trash, or debris that may prevent water from passing through. Observe the inlet during rainstorms to make sure stormwater is flowing into the rain garden. After rainstorms, please check the garden to be sure drainage outlet paths are clear and that water is not ponding for more than 48 hours. All structural components should be inspected at least once each year.

MOWING

DO NOT mow or use a line-trimmer inside of the rain garden. This damages the plants and can destroy the rain garden.

VEGETATION AND PLANTINGS

During rain garden establishment, vegetation should be inspected bi-weekly. Vegetated areas must be inspected at least once each year for erosion, scour, and unwanted growth. Unwanted growth should be removed from the rain garden. Remove and replace any dead plants in the garden as needed.

PRUNING

Prune overgrown material in the garden annually when the plants are dormant. Remove dead plant material and deadhead flowers. This will encourage dense, new vegetative growth.

DRAINAGE

The rain garden is to be inspected twice each year to determine if permeability of the bed has decreased. The rain garden is designed to infiltrate all stormwater runoff within 48 hours. No standing water should be visible 48-72 hours after a storm event. If standing water remains in the rain garden after 72 hours, corrective actions will be needed.

Equipment, tools, and supplies

No specialized equipment is needed for routine rain garden maintenance. A garden shovel, rake, pruning shears, and water hose are all that is required to keep the rain garden working and healthy.

Maintenance Schedule

Each month and following storm events, the rain garden should be inspected. A schedule with specific inspection notes is attached. It is recommended that photographs be taken during inspections to document conditions.

Estimated Costs

Regular maintenance activities can be completed by the property owner at no additional cost. Below are estimated costs for plants and materials that may be needed as the rain garden matures and develops:

Replacement perennial plantings (1 gallon pots)	\$7.00 - \$10.00/plant
Replacement shrub plantings (3 gallon pots)	\$25.00 - \$40.00/plant
Triple-shredded hardwood mulch	\$15.00 - \$25.00/cubic yard

Maintenance and Inspection Checklist

In addition to the schedule, a maintenance and inspection checklist is attached to assist with documenting the condition, function, and establishment of the rain garden. In addition to completing the form, it is recommended that photos be taken and kept on file.

Construction and Planting Plan

For reference purposes, a copy of the construction plans and final planting plan are attached as part of the maintenance plan. These documents provide guidance for all components of the rain garden and the plantings that were installed when the system was constructed.

ATTACHMENTS

Maintenance Schedule

Maintenance and Inspection Checklist

Construction and Planting Plans

Elmer Ambulance Corps, 30 Broad Street

Schedule for Maintenance and Inspection

	First Quarter (Jan-Mar)	Second Quarter (Apr-June)	Third Quarter (July-Sept)	Fourth Quarter (Oct-Dec)
Year 1	Conduct monthly inspection of plantings. Inspect & clean outlet structures after each significant storm event (> 1"). Conduct annual pruning and removal of dead vegetation. Add mulch as desired. Inspect and clear all gutters, downspouts, and piping.	Conduct monthly inspection of plantings. Inspect and clean outlet structures after each significant storm event (> 1"). Repair erosion and replace plantings as needed.	Conduct monthly inspection of plantings. Inspect and clean outlet structures after each significant storm event (> 1"). Remove invasive species/weeds if needed. Inspect and clear all gutters, downspouts, and piping.	Conduct monthly inspection of plantings. Inspect and clean outlet structures after each significant storm event (> 1"). Repair erosion if necessary.
Year 2	Conduct a single quarterly inspection of plantings. Inspect and clean inlet and outlet structures. Conduct annual pruning and removal of dead vegetation. Add mulch as desired. Inspect and clear all gutters, downspouts, and piping.	Conduct a single quarterly inspection of plantings. Inspect and clean inlet and outlet structures. Repair erosion and replace plantings as needed.	Conduct a single quarterly inspection of plantings. Inspect and clean inlet and outlet structures. Remove invasive species/weeds if needed. Inspect and clear all gutters, downspouts, and piping.	Conduct a single quarterly inspection of plantings. Inspect and clean inlet and outlet structures. Repair erosion if necessary.
Year 3	Conduct a single quarterly inspection of plantings. Inspect and clean inlet and outlet structures. Conduct annual pruning and removal of dead vegetation. Add mulch as desired. Inspect and clear all gutters, downspouts, and piping.	Conduct a single quarterly inspection of plantings. Inspect and clean inlet and outlet structures. Repair erosion and replace plantings as needed.	Conduct a single quarterly inspection of plantings. Inspect and clean inlet and outlet structures. Remove invasive species/weeds if needed. Inspect and clear all gutters, downspouts, and piping.	Inspect and clean inlet and outlet structures. Repair erosion if necessary.
Year 4	Inspect and clean inlet and outlet structures. Conduct annual pruning and removal of dead vegetation. Add mulch as desired. Inspect and clear all gutters, downspouts, and piping.	Repair erosion and replace plantings if necessary.	Inspect and clean inlet and outlet structures. Remove invasive species/weeds if needed. Inspect and clear all gutters, downspouts, and piping.	Inspect and clean inlet and outlet structures. Repair erosion if necessary.
Year 5 & Beyond	Inspect and clean inlet and outlet structures. Conduct annual pruning and removal of dead vegetation. Add mulch as desired. Inspect and clear all gutters, downspouts, and piping.		Inspect and clean inlet and outlet structures. Remove invasive species/weeds if needed. Inspect and clear all gutters, downspouts, and piping.	



William Penn Foundation
Green Infrastructure Maintenance Report Form



GENERAL INFORMATION	
Name(s) of person inspecting the green infrastructure system:	Date:
Location (address and cross streets/site location name):	Property Owner / Tax Parcel Block & Lot:
Property owner contact information:	Type of green infrastructure system:
EXISTING CONDITIONS	
Description of the current site conditions and specific condition of the system:	

GENERAL OBSERVATIONS	YES	NO	COMMENTS
1) Any reports of the system not functioning?			
2) Are there any unauthorized or malfunctioning structures located in the system?			
3) Is the system overgrown with vegetation or contain excessive debris/trash?			
4) Is there standing water or evidence of standing water?			
5) Signs of breakage, damage, corrosion or rusting of any structures or components?			
6) Debris or sediment accumulation clogging the system?			
7) Signs of erosion, disturbance, or vandalism?			
8) Is vegetation healthy and thriving?			
9) Is there evidence that anyone has maintained the system in the recent past?			



**William Penn Foundation
Green Infrastructure Maintenance Report Form**



ADDITIONAL OBSERVATIONS

RECOMMENDED MAINTENANCE NEEDS	
<p><i>Circle all that apply:</i></p> <ol style="list-style-type: none"> 1) Remove litter/debris 2) Remove sediment 3) Manage vegetation (weed, prune, water, edge) 4) Clean inlet and/or outlet 5) Vacuum or power wash 6) Replace: mulch - stone - plants 7) Winterize system - spring set up (cisterns/planter boxes) 8) Repairs needed: (indicate specific requirements) 	<p><i>Additional notes for maintenance:</i></p>

MAINTENANCE SUMMARY	
<p>1) Were all recommended maintenance activities noted above completed? Indicate how many staff and how much time was spent to complete all maintenance activities.</p>	<p><i>Description:</i></p>
<p>2) Were new materials placed or installed? (Plants, mulch, or stone). Indicate how much material and/or specific plantings used. Attach invoice or purchase order.</p>	<p><i>Description:</i></p>
<p>3) Are there any indications of the system not functioning properly or any components that need to be repaired or replaced?</p>	<p><i>Description:</i></p>
<p>4) Is there evidence of significant damage due to vandalism that should be noted and addressed with the owner and/or the authorities?</p>	<p><i>Description:</i></p>



**William Penn Foundation
Green Infrastructure Maintenance Report Form**



SUMMARY AND NOTES (briefly describe work completed, effort required, and any contact with property owner, questions, or site specific recommendations for future maintenance):

Be sure to photograph the system before and after maintenance activities!

PLAN NOTES:

1. CONTRACTOR SHALL SCHEDULE MEETING WITH ENGINEER AND PROPERTY OWNER PRIOR TO MOBILIZATION AND CONSTRUCTION.
2. CONTRACTOR SHALL VERIFY ALL INFORMATION INCLUDING ELEVATIONS AND UTILITIES PRIOR TO CONSTRUCTION.
3. CONTRACTOR SHALL VERIFY ALL PROPOSED MATERIALS WITH PROPERTY OWNER AND ENGINEER PRIOR TO CONSTRUCTION.
4. CONTRACTOR SHALL STAKE OUT LOCATIONS OF PROPOSED RAIN GARDENS, STONE CHANNELS, AND TRENCH DRAIN AND OBTAIN APPROVAL FROM ENGINEER PRIOR TO INSTALLATION.
5. CONTRACTOR SHALL INSTALL CONVENTIONAL ASPHALT AS SHOWN ON PLAN. THE ASPHALT AND CONCRETE MIXING PLANT, HAULING AND PLACING EQUIPMENT, AND INSTALLATION SHALL BE IN CONFORMANCE WITH NAPA IS 131 AND THE NJDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, 2007 OR LATEST VERSION.
6. CONTRACTOR SHALL GRADE SITE AS SHOWN ON PLAN. CUT SOIL SHALL BE REUSED ON SITE FOR FILL LOCATIONS.
7. CONTRACTOR SHALL HAUL EXCESS SOIL OFF SITE UNLESS OTHERWISE NOTED BY PROPERTY OWNER.
8. ALL FINISHED ELEVATIONS SHALL MATCH ADJOINING PAVEMENT ENSURING SMOOTH TRANSITIONS AND NO TRIPPING HAZARDS
9. CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL AREAS DISTURBED DURING CONSTRUCTION TO ORIGINAL CONDITIONS.

NOTE 1: STONE SHALL BE COMPRISED OF 3"-5" DIAMETER CLEAN, WASHED RIVER STONE. ALL AREAS OF EROSION PROTECTION STONE SHALL BE UNDERLAIN WITH GEOTEXTILE FABRIC (GEOTEX 801 BY PROPEX OR APPROVED EQUIVALENT).

NOTE 2: UNDERDRAIN TO BE IMPLEMENTED IF INFILTRATION IS INADEQUATE AT THE SITE.

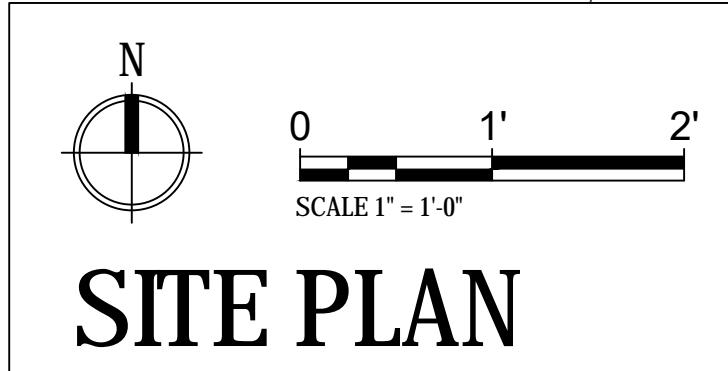
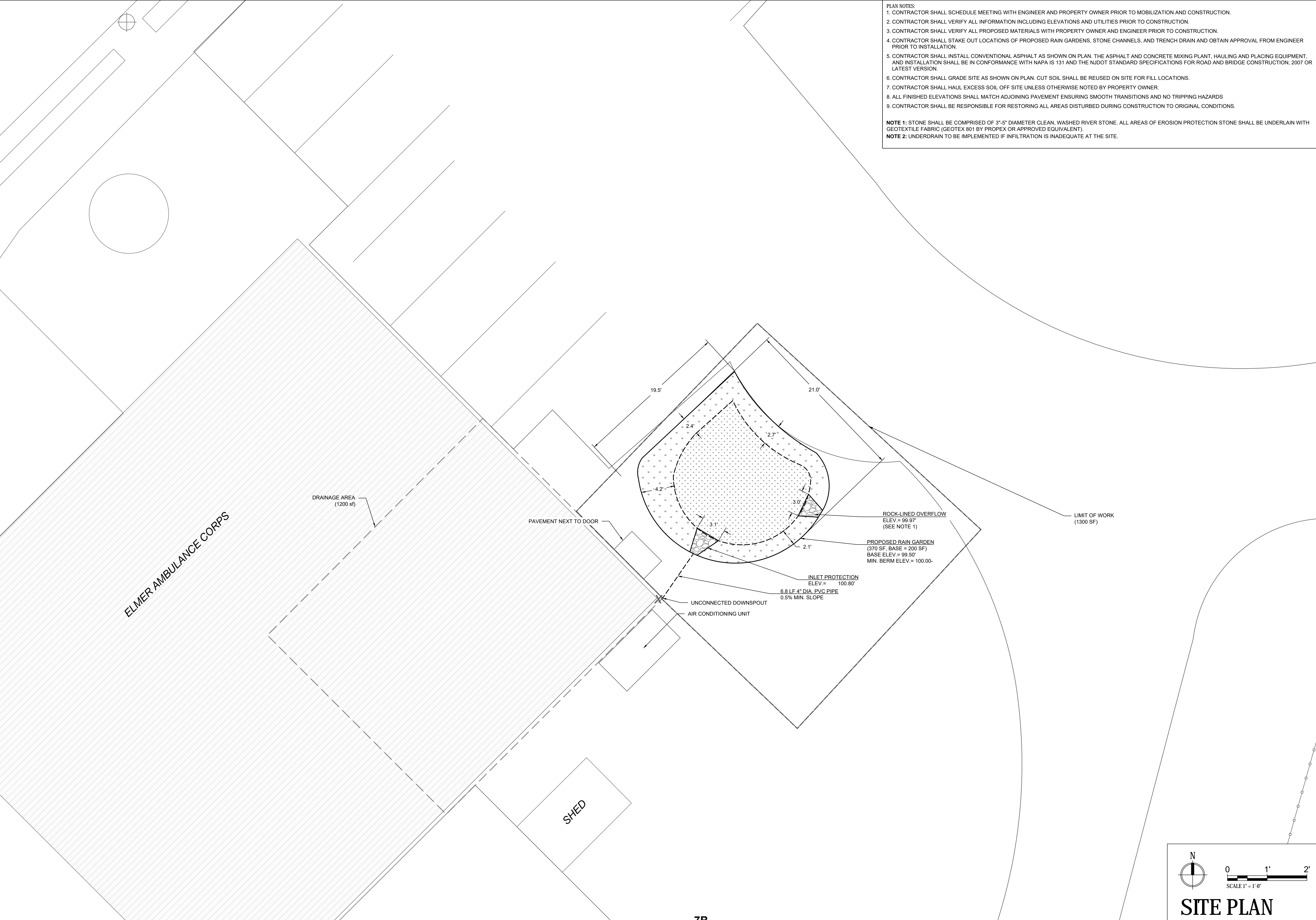
CHRISTOPHER C. OBROPTA, Ph.D., P.E.
 PROFESSIONAL ENGINEER - NJ LICENSE # 37532
 DATE XXXXXX
 CHECKED XXX
 APPROVED CCO
 DATE 06.16.17

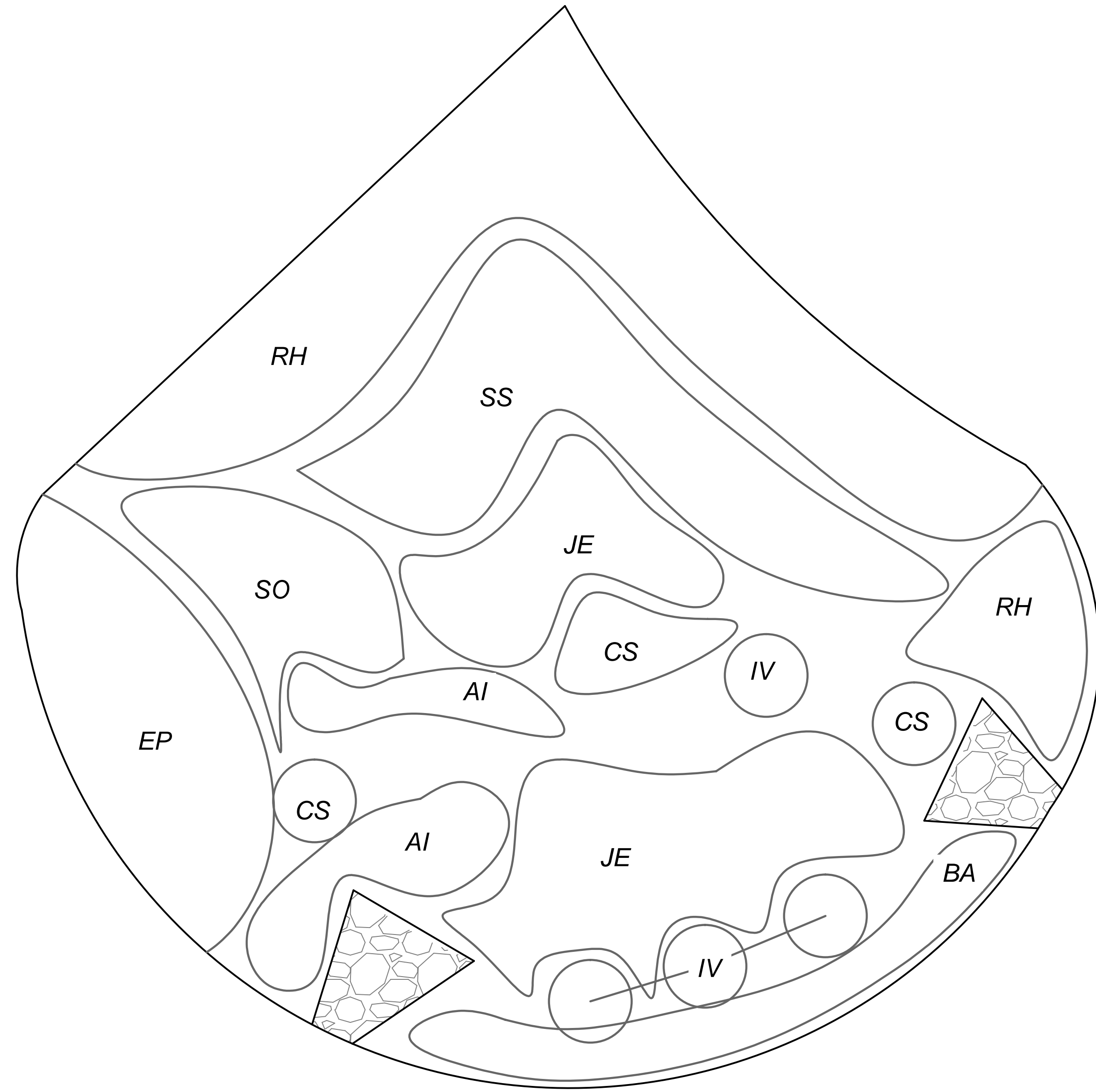
REVISIONS	No.	DATE	DESCRIPTION

**ELMER AMBULANCE CORPS
 RAIN GARDEN IMPLEMENTATION PROJECT**
 45 BROAD ST., ELMER
 SALEM COUNTY, NJ
PROPOSED SITE PLAN



SHEET NAME
P-2



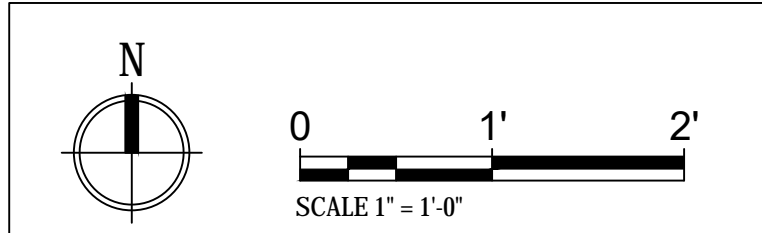


PLANTING SCHEDULE					
PLANT SPECIES				QUANTITY	SIZE
TYPE	KEY	BOTANICAL NAME	COMMON NAME		
PERENNIALS	AI	<i>Asclepias incarnata</i>	SWAMP MILKWEED	5	1 QUART
	BA	<i>Baptisia australis</i>	BLUE WILD INDIGO	6	1 QUART
	CS	<i>Cornus sericea</i>	RED TWIG DOGWOOD	3	1 QUART
	EP	<i>Echinacea purpurea</i>	PURPLE CONEFLOWER	5	1 QUART
	IV	<i>Itea Virginica</i>	VIRGINIA SWEETSPIRE	4	1 QUART
	JE	<i>Juncus effusus</i>	SOFT RUSH	6	1 QUART
	RH	<i>Rudbeckia hirta</i>	BLACK EYED SUSANS	14	1 QUART
	SO	<i>Symphotrichum oblongifolius</i>	AROMATIC ASTER	3	1 QUART
	SS	<i>Schizachyrium scoparium</i>	LITTLE BLUE STEM	8	1 QUART

CHRISTOPHER C. OBROPTA, Ph.D., P.E.
 PROFESSIONAL ENGINEER - NJ LICENSE # 37532
 DATE XXXXXX
 CHECKED XXX
 APPROVED CCO
 DRAWN MT
 DATE 06.16.17

REVISIONS	No.	DATE	DESCRIPTION

ELMER AMBULANCE CORPS
 RAIN GARDEN IMPLEMENTATION PROJECT
 45 BROAD ST., ELMER
 SALEM COUNTY, NJ
 PLANTING PLAN



PLANTING PLAN

SHEET NAME
 P-3



***Concept Drawing, Elmer Ambulance Corps,
30 Broad Street, Elmer, NJ***

7B



***Before, Elmer Ambulance Corps,
30 Broad Street, Elmer, NJ***



***After, Rain Garden,
30 Broad Street, Elmer, NJ***



THE CITY OF BIRMINGHAM:
MAINTENANCE 2022 - ANNUAL
REPORT SUMMARY

This report acts as a summary of tasks accomplished throughout the project timeline for the given areas: Quarton Lake, Martha Baldwin, the Museum, Barnum Park, and the Willits Plantings.

March 3, 2023

Prepared for:
City of Birmingham
Department of Public Services
P.O. Box 3001

Prepared by:
Kasandra Lackhouse
Field Supervisor for Stantec

Project Number:
238101114

Revision	Description	Author	Date	Quality Check	Date	Independent Review	Date



The conclusions in the Report titled THE CITY OF BIRMINGHAM: MAINTENANCE 2022 - ANNUAL REPORT SUMMARY are Stantec's professional opinion, as of the time of the Report, and concerning the scope described in the Report. The opinions in the document are based on conditions and information existing at the time the scope of work was conducted and do not take into account any subsequent changes. The Report relates solely to the specific project for which Stantec was retained and the stated purpose for which the Report was prepared. The Report is not to be used or relied on for any variation or extension of the project, or for any other project or purpose, and any unauthorized use or reliance is at the recipient's own risk.

Stantec has assumed all information received from City of Birmingham (the "Client") and third parties in the preparation of the Report to be correct. While Stantec has exercised a customary level of judgment or due diligence in the use of such information, Stantec assumes no responsibility for the consequences of any error or omission contained therein.


This Report is intended solely for use by the Client in accordance with Stantec's contract with the Client. While the Report may be provided by the Client to applicable authorities having jurisdiction and to other third parties in connection with the project, Stantec disclaims any legal duty based upon warranty, reliance or any other theory to any third party, and will not be liable to such third party for any damages or losses of any kind that may result.

Prepared by: 
Signature

Hasandra Lackhouse
Printed Name

Reviewed by: 
Signature

Charlie Dunn
Printed Name

Approved by: 
Signature

Shawn Duke
Printed Name



Table of Contents

1	2022 SCOPE	1
1.1	Martha Baldwin	1
1.2	Quarton Lake	2
1.3	Barnum Park	4
1.4	Museum	5
1.5	Willits Restoration	6
2	2023 MANAGEMENT RECOMMENDATIONS	7
2.1	Martha Baldwin	7
2.2	Quarton Lake	7
2.3	Barnum Park	8
2.4	Museum	8
2.5	Willits Restoration	8

LIST OF FIGURES

Figure 1	2
Figure 2	3
Figure 3	5
Figure 4	6
Figure 5	7



1 2022 Scope

1.1 Martha Baldwin

Throughout the year of 2022, Stantec performed maintenance visits consisting of hand pulling, spot treatments, mulching, and seeding. Consistent maintenance meant we were able to keep up on the management of the noxious species that are growing in the basin.

Starting in May, hand pulling of invasives species, such as barnyard grass, willowherb sp. and bidens sp., took place as soon as possible. The idea of this is to give the native species enough room to grow and get established early in the season, eliminating the chance of the invasive species overgrowing the bioswale. It was not until late August, that another day of hand pulling was needed. Overall, approximately 15 bags of hand pulled invasives were eradicated from the bioswale between the two visits, which is less than what had been pulled in one visit last year. All the bags were hauled away and disposed of offsite.

In October, the small population of phragmites was treated using an aquatic approved chemical at a controlled rate. It is best to treat phragmites in the fall before they seed to ensure the best results. It is especially important to continue the treatments annually, as the highly invasive species will use up high amounts of water the bioswale provides, making that water resource more limited to the present native species. A few weeks later, the seeds of the treated phragmites were cut and disposed of, to prevent the spread of seeds. During this visit, it was discussed that more mulch was needed and that it would be beneficial to add an emergent seed mix to the inside of the bioswale.

Originally, there was a supplemental planting of an additional 250 plugs that were going to be installed into the bioswale. Due to environmental conditions and the timing, it was thought that it would be best to carry out with installation of an emergent seed mix. With that, it will be better planned out to proceed with an additional 250 plugs come 2023.

Later November, approximately 20 bags of mulch was laid around the outside perimeter of the bioswale, and in any dry, open areas within the bioswale. In the more wet sections, an emergent seed mix was spread and pushed through the layer of mossy vegetation. The species within this seed mix includes swamp rose mallow, northern blue flag, cardinal flower, arrow arum, pickerel weed, and common arrowhead. With the embellishment of



these species, it will bring a new collection of native species to the community, along with an array of vibrant colors.



Figure 1 Bioswale Interpretation Sign at Martha Baldwin December 2022

Although it was predicted to get an interpretive sign installed earlier this spring, it got pushed back to December. With the concerns of the ground being frozen by then, we waited for a warmer day to dig the holes for the posts. Fortunately, the ground had not been frozen the day of installation. Now lies a beautiful interpretation sign with information regarding “What is a Bioswale?”

1.2 Quarton Lake

As we continue to treat invasive species along the lake, the population continues to slowly decline, resulting in lower amounts of herbicide applications needed. This summer, two foliar herbicide treatments took place from May to August this year using aquatic approved herbicide at regulated amounts. These visits covered the whole park from the bridge at Oak Ave,



down to the wetland south of the dam. Although the treatments are gradually suppressing the invasive species population, it is still important to regularly monitor these treatment areas and continue to install supplemental plantings and apply herbicide when necessary. This will result in more space for the potential of native species resprouting from previous seedings and plantings that have been conducted over the years.

In Mid-October, there were approximately 450 native plugs were planted along the south edge of the lake near the dam. These species include butterfly weed, sky blue aster, Virginia wild rye, white wild indigo, prairie coreopsis, Indian grass, rough blazing star, and sweet black-eyed susan.

During the previous visits, it was noticed that there were some woody invasive species that needed to be treated but were too large to be affected by foliage treatments. Therefore, once the weather started to cool in mid-November, brush cutters were used to remove the few buckthorn and honeysuckle species, followed by a concentrated herbicide treatment on the stumps.



Figure 2 *Quarton Lake after cut-stump treatment November 2022*



1.3 Barnum Park

Our maintenance visits went from May through November, and spot treatments occurred throughout the natural areas. Early in the season we were able to conduct hand pulling throughout both western swales within the park, followed by herbicide treatments in all the planted areas. It was especially important to treat the eastern planting areas in the park to give defined outlines of where native plugs should be planted later in the season.

During the earlier visits, it was observed that there were mulberry trees that should be eradicated but were too large to be treated by foliar spraying. Come November, we were able to execute cut-stump treatments for all the mulberry trees within the natural areas.

In Mid-October, there were approximately 500 native plugs planted throughout the beds on the eastern side of the park. These species include purple coneflower, prairie dropseed, brown fox sedge, Virginia wild rye, early goldenrod, butterfly weed, and Canada wild rye.

Although the plugs filled in most of the beds, there were a few large bare spots that would've taken a lot of plugs to cover the areas. Therefore, we prepped the bare spots by mowing the perimeters and sparse vegetation, to then disperse a seed mix combination of basic prairie seed mix and a pollinator seed mix.





Figure 3 *Northeastern natural area after seeding and blanketing in November 2022*

1.4 Museum

Later in the summer, there were a couple times while being in Birmingham for other site maintenance visits, a site visit to monitor phragmites in the Museum wetland took place. It wasn't until Mid-October that the minimal amount of phragmites in the wetland was ready to be treated. Unfortunately, the first treatment did not seem to affect the phragmites as soon as expected, potentially due to what could have been environmental conditions such as accumulated frost, melting frost, humidity levels, or precipitation. In October, there is a wide variety of environmental/ weather conditions. Therefore, early November there was a retreatment in the wetland as an extra precaution.

Just before the initial phragmites treatment, approximately 125 plugs were planted throughout the wetland. These plugs included species that could tolerate wet conditions, as well as some fluctuations in water level such as great blue lobelia, blue vervain, and smooth tall iron weed. Instead of planting additional plugs, it was thought to be more beneficial to spread a wide variety of emergent species seed within the entire wetland.



Later in November a couple weeks after the phragmites retreatment was implemented, we went back to cut down the standing dead phragmites and spread 0.75 acres of emergent wetland seed mix. The seed mix used was slightly modified based on prior monitoring of the wetland. Factors that were considered when customizing the mix, included the species densities in the wetland, and which species from previous plantings were surviving. A few species that have continuously done well from previous plantings that were in this seed mix, are joe-pye weed, great blue lobelia, monkey flower, rose mallow, sweet flag, swamp milkweed, and hard stemmed bulrush. Species that were noticeably not resprouting, such as boneset, were not included in the seed mix. Once the seed mix was spread, three straw/ coconut blankets with 100% biodegradable natural net were placed over the seeded areas.



Figure 4 *Museum wetland after seeding and blanketing in November*

1.5 Willits Restoration

Over the summer, the Willits Restoration proposal was approved, and the first week of November, it was implemented. The project consisted of planting a total of 74 trees and shrubs in the given area on Willits St., making sure to evening distribute the plants by size. These species included red maple, sycamore, red osier dogwood, redbud, spicebush, elderberry, and Michigan



holly. In addition, all the 7 gallon and 5-gallon plants were mulched, using a total of six bags of mulch.



Figure 5 *Willits Restoration site after the project was implemented in November 2022*

2 2023 Management Recommendations

2.1 Martha Baldwin

- o Additional mulching, weeding, & spot treatments
- o Installation of 250 plugs (moved from 2022)

2.2 Quarton Lake

- o Shoreline restoration: seeding, blanketing, & planting
- o West side: woody resprout treatment & cut-stump treatment
 - o Seeding & blanketing



2.3 Barnum Park

- Mowing & continued spot treatment
- Additional seeding and blanketing where bare spots persist
- Plug planting

2.4 The Museum

- Extend cut-stump treatments across the river
- Herbicide retreatments (woody resprouts & phragmites)
- Supplemental planting and seeding in wetland pocket

2.5 Willits Restoration

- Perform invasive species control
- Maintain trees and shrubs
- Replace plants as needed



Design with
community in mind

City of Birmingham Sustainability Natural Features

- Bioswale
- Native Planting Bed
- Rain Garden
- Native Planting No Mow Area
- Groundwater Energy Passive System
- Green Stormwater Capture Beds
- Riparian Zones No Mow Area



Department of Public
Services

Presented by: Scott Zielinski

Carrie Laird

Brendan McGaughey

Date: October 16, 2023

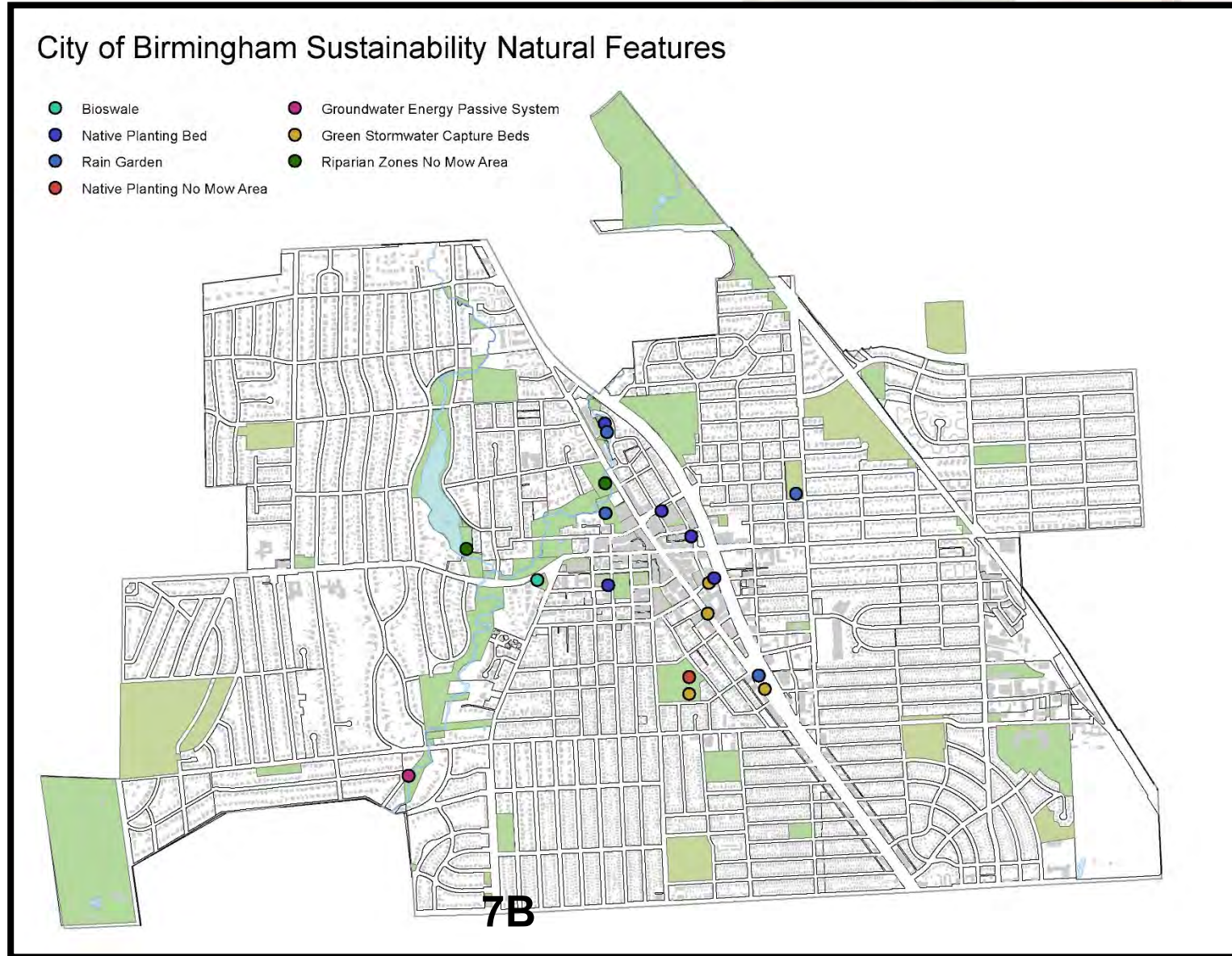
Green Infrastructure: Sustainable & Biodiverse Landscaping



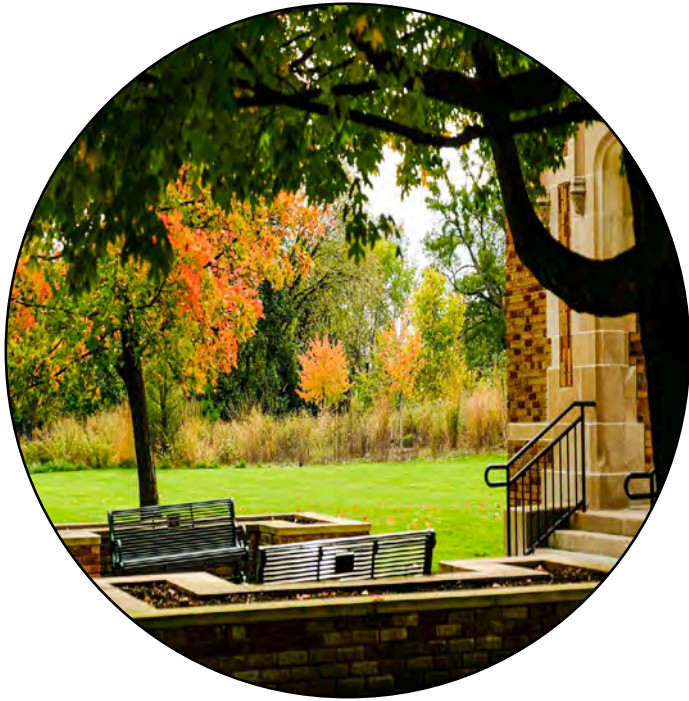
What we already have:

Location	Sustainable Features	Maintenance Requirements	Additional Info
Adams Park	Rain Garden	Moderate	No annuals in park
South Old Woodward Streetscape	Rain Garden	High	Weeding/maintenance visits required, large scale
	Green Stormwater Capture Beds	Moderate	Weeding/maintenance visits required
	Raised Beds	Moderate	Some native species, deadheading required and hanging baskets require additional maintenance
Brown St Streetscape (Woodward-OWW)	Green Stormwater Capture Beds	Moderate	Weeding/maintenance visits required
	NE Corner-Native Planting Bed	Minimal	Replaced annuals with perennials (Fall 2023), weeding/maintenance visits required
Barnum Park	Native/Natural No-Mow Areas	High	Annual controlled burn and weeding/maintenance visits required
	Green Stormwater Capture Bed	High	Annual controlled burn, catch basin cleaning and weeding/maintenance visits required
Booth Park	Riparian Zones (no mow areas along water)	Minimum	Currently minimally maintained, may require additional modification to improve stormwater capture
Fairway Park	GEPS	Zero	Groundwater Energy Passive System (GEPS) area balances groundwater correct a standing water issue, other benefits exlerra.com
Martha Baldwin Park	Bioswale	Moderate	Weeding/maintenance visits required, monarch butterfly waystation
Quarton Lake Park & Waterfall Park	Riparian zones (no mow areas along water)	Moderate	Native plantings, weeding/maintenance visits required
Baldwin Library	Native Planting Beds	Moderate	Replaced annuals with perennials (Fall 2023), weeding/maintenance visits required
Park St Parking Structure	Native Planting Beds	Moderate	Replaced annuals with perennials (Fall 2023), weeding/maintenance visits required
Lot 6	Rain Garden	High	Flooding conditions and installation design for swale area require additional modification and maintenance
	Native Planting Bed	Minimal	Replaced annuals with perennials (Fall 2023), weeding/maintenance visits required
Lot 9	Native Planting Bed	Minimal	Replaced nonnative shrubs with native perennials (Fall 2023), weeding/maintenance visits required
Lot 5 (Upcoming)	Rain Garden	Unknown	Engineering- Plant material installation Fall 2023 or Spring 2024

What we already have:



What we already have:



Barnum Park
Native No-Mow
Areas



What we already have:



Martha Baldwin Park Bioswale



Adams Park Rain Garden

What we already have:



Booth Park Riparian Zones

What we already have:



Quarton Lake Riparian Zones

What we already have:



Stormwater Capture Beds



Rain Garden

South Old Woodward
7B

What we already have:



Stormwater Capture Beds



Brown Streetscape



Replaced Annual Flowers with Native Perennials

What we already have:



Rain Garden



Replaced Annual Flowers with Native Perennials

Parking Lot 6

7B

What we already have:



Replaced Annual Flowers with Native Perennials
Park Street Structure



Replaced Non-native Shrubs and Invasive Weeds with Native Perennials
Parking Lot 9

Maintenance of Rain Gardens/Bioswales

- 3 to 5 years for establishment-higher maintenance costs and more frequent visits in the beginning
- Monitoring after storm events
- Cleaning of inlets/outlets
- Plant replacement and deadheading



South Old Woodward Rain Garden

Maintenance of native no-mow/riparian zones

- Prescribed Annual Burns
- Weeding and Invasive Species Monitoring and Removal
- Erosion Control
- Plant Replacement and Supplementation



Annual Burn at Barnum



Quarton Lake



Seed blanket along Rouge River behind Museum



Booth Park Burn (2019)

Planning for the future

- Parks and Recreation Master Plan recommendations will include developing design guidelines for future capital and park improvements and encourage low maintenance alternatives
- Create demonstration areas, set an example, educate public, interpretive signage
- Seek opportunities for green stormwater infrastructure in all future park designs
- Low-maintenance/No-Mow options in ROW Spaces
- Increased staffing and budget for maintenance needs



CITY MANAGER'S REPORT

October 2023

Baldwin Public Library

Library Board

The Library Board will meet on October 16, 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, November 20 at 7:30 p.m.

Staff Development Training

Baldwin was closed on Friday, September 22 for staff development training. During the day, 55 staff members attended a variety of learning sessions on different topics, including: Introduction to Restorative Practices in Libraries with Stephen Jackson, Ask a Social Worker with Hillary Nusbaum of the BPD, Library Trends with Rebekah Craft, Book Bike training, copier and printing training, general maintenance refresher, Virtual Reality headset practice, readers advisory training, and departmental meetings.

Phase 3 Construction of the Library's Front Entrance

Follow along with the library's construction project at www.baldwinlib.org/renovation. The October 2023 renovation report is now available online.

Library Tour

If you'd like to learn even more about the library, join Associate Director Jaclyn Miller for a Behind the Scenes Tour. You'll 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

UFOs Over Michigan

Monday, October 23, at 7:00 p.m.

Did you know that Michigan has some of the biggest UFO cases on record? The 1966 sightings over Southeast Michigan and 1994 sightings over Grand Rapids each had literally hundreds of eyewitnesses, including law enforcement and radar returns. Find out more about these incredible events as well as several other unusual and well-documented UFO sightings from the Great Lakes State. This program is presented by Bill Konkolesky, State Director for the Michigan Chapter of the Mutual UFO Network (2004-present).

Speaking with the Dead: What Bones Can Tell Us About Life in the Past

Saturday, November 4 at 3:00 p.m.

Dead men tell no tales - unless of course they are being looked at by an archaeologist! Then they often can tell quite a few tales, from where they grew up to what they ate to how old they were when they

died. Join archaeologist Ellen Green to see how skeletons can help us build biographies of the people they once were, and how that helps us understand past civilizations. Learn how the latest forensic and medical knowledge can be applied to people who died thousands of years ago in order to create a window into their lives and their deaths. This presentation will include pictures of (archeological) human remains. This is a virtual event. Registration is required.

Parenting Strategy Sessions: Behavioral Support with Littles

Thursday, November 9, at 7:00 p.m.

Jessica Cortez, LMSW, founder of Bloomfield Child and Family Counseling, and her staff will discuss different parenting topics along with concrete strategies and insights for parents. This is a hybrid event. Everyone who registers will receive the Zoom link and you may choose to attend in person or via Zoom.

The Birmingham Museum

Native American Heritage Month

November is Native American Heritage Month in the U.S., and the Birmingham Museum will be celebrating our local Indigenous heritage by spotlighting a recent donation of traditional Great Lakes tribal basketry. The peoples of the Great Lakes, also known as the *Anishnaabeg*, include the culturally related Odawa, Ojibwe, and Potawatomi tribes who occupied Oakland County and southeast Michigan before European settlement. Their basketry work used locally available materials in traditional ways, but the techniques and artistry were often unique and personal. In recent months, the museum has received a generous donation of *Anishnaabeg* baskets that reflect varying tribal traditions in the use of split ash, birch bark, sweet grass, decorative vegetable dyes, and quillwork design. The baskets, while not antique, are historically important and provide a look at Michigan's Indigenous people through their expression of the craft of basketry and their connection to the land and their long traditions. The museum is planning a physical exhibit of the baskets in the future, but for November, will be creating a virtual exhibit that can be accessed at www.bhamgov.org/indigenous.

Birmingham Shopping District (BSD)

Events

Art Walk

The second annual Art Walk took place on October 12 in Downtown Birmingham from 5-8 p.m. with support from the Public Arts Board. Over 20 merchants participated this year by featuring local artists. Entertainment was provided along the event route.

Holidays

Before you know it, the holidays will be here! The BSD will be hosting its Winter Markt, Small Business Saturday promotions, Santa Walk, Santa House and Carriage Ride activities again this year. New this year is Thursday Late Night Shopping until 8 p.m. with participating merchants, as well as a trolley for families to ride and to encourage shoppers to visit all ends of the downtown.

The BSD also recently supported \$2,500 toward the The Great Decorate, a non-profit holiday decorating competition in Downtown Birmingham amongst local businesses. Funds raised go to the Michigan Adoption Resource Exchange to help teens who have aged out of the foster care system with getting a fresh start on their own. Two businesses have a chance to win the decorating competition of \$5,000 grants. Last year, the event raised \$58,351, had 43 participating merchants and helped 20 teens.

New Winter Event in the Works

The BSD Board recently approved moving forward with a new community event on January 27 to draw both a regional and local audience to Downtown Birmingham to activate the area during mid-winter and encourage shoppers to take advantage of winter sales. It will feature a zip line, food trucks, marshmallow roasting, warming tent and hot cocoa stations. This event will be coming before the City Commission in November for approval, as well as a budget amendment to coincide with the event.

Business Development

Business Recruitment

A business recruitment strategy is being finalized for presentation at the Property Owner and Broker Round Table meeting (see below). The strategy will be made available online, as well as some of the key findings of the community usage survey and business mix analysis.

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 with the City.

Business Anniversaries

The Birmingham Shopping District recognizes and celebrates long-standing businesses with the Business Anniversary Recognition Program. [View a list](#) of businesses celebrating 10 years or more within the district. Recently the Board recognized SEE Eyewear which started here in Birmingham 25 years ago and has grown nationally with over 40 locations, as well as Todd's Room for 25 years in business and an amazing team that has made their success possible.

Maintenance & Capital Improvements

Holiday Décor

The DPS has begun installing the holiday lights around the downtown, and the BSD is revamping the design of the planters and exploring new elements for Booth Park and North Old Woodward in future years. New this year will be lights along South Old Woodward now that the streetscape is complete.

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. A merchant meeting was held last week at the Daxton Hotel, garnering great attendance and interest into the plans for the

holidays. Two areas of concern were discussed at that time, including ease of parking for customers along Maple between Woodward and Old Woodward, as well as a review of the future landscaping plans shifting from annuals to perennials for sustainability purposes.

Organization

Grant Funding

Unfortunately, the City of Birmingham was not awarded the RAP 2.0 grant from the MEDC for the Pierce Street VIA, however, we were not alone. Only one community in Oakland County (Auburn Hills) received funding out of the \$100 million appropriated to address the COVID-19 impacts and community revitalization needs in Michigan communities. These funds were intended to invest in projects that enable population and tax revenue growth through rehabilitation of vacant and blighted buildings and historic structures, rehabilitation and development of vacant properties, and development of permanent place-based infrastructure associated with social zones and traditional downtowns, outdoor dining, and place-based public spaces.

Advisory Committees

A new Tourism Advisory Committee was appointed by the BSD Board at its October meeting, focused on developing collaborations and a strategy for tourism marketing. This committee will provide recommendations to the Board and Committees of the BSD to strengthen the downtown's tourism economy. The committee will meet monthly beginning in November for the next few months, and then quarterly thereafter. The BSD also plans to hold focus group meetings with restaurateurs and North Old Woodward businesses to better understand their needs and inform our strategies moving forward.

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.
- Winter Markt - December 1-3

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
Santa Walk & Small Business Saturday	November 25
Winter Markt	December 1-3
Late Night Thursday Shopping	November 30 and December 7, 14 and 21

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 were five cases on the Board of Zoning Appeals September 12, 2023 agenda. The following is a brief description of each request along with the result of the appeal.

1. 680 Fairfax: A 9.71 percent variance from the minimum 40% required open space to remove and replace an existing pool deck. After a brief discussion, the appellant requested the appeal be postponed to allow him to clarify the impervious percentages on the site plan. The BZA moved 6/0 to postpone the case until the October 10, 2023 regular meeting.
2. 1340 Puritan: Requesting a 1.20-foot variance from the minimum total combined side yard setbacks to construct a second floor addition on an existing nonconforming home. The request was approved 6/0 with the condition that the second floor cantilever be removed.
3. 1450 Bird: Requesting a 1.00 percent variance from the maximum lot coverage requirement and a 1.00 foot variance from the maximum height regulation to reconstruct an existing detached garage that was damaged by fire. The BZA approved the lot coverage request 6/0. The board 6/0 denied the request for additional height.
4. 2649 Yorkshire: Requesting a 2.75-foot variance from the minimum distance between houses to construct an addition to an existing nonconforming home. The BZA approved the request 6/0 with the condition that staff verify the variance amount is consistent along the entire length of the neighbor's house.
5. 220 Park: A variance to remove one directly accessible storefront from the public sidewalk facing Hamilton Row. The existing accessible storefront entrances on Park Street and Woodward Avenue would remain. The BZA approved the appeal with the condition that the access be reinstalled in the future if the use of the space changes from office to retail.

Online Permit Applications

In the month of September, we processed 365 permits online bringing this year's total permits processed electronically to 3,449.

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

Early Voting Update

All registered voters in the City of Birmingham will receive a postcard notice pictured below in your mailbox soon!

IMPORTANT NOTICE

With the passage of Proposal 22-2, voters now have the right to vote in-person at an early voting site prior to Election Day.

YOUR EARLY VOTING SITE OPTIONS

Regional Early Voting Site #10

Bloomfield Township Public Library
1099 Lone Pine Rd.
Bloomfield Hills, MI 48302

Central Early Voting Site #19

Waterford Oaks Activity Center
2800 Watkins Lake Rd.
Waterford, MI 48328

EARLY VOTING SCHEDULE

DAYS - Early voting is open nine (9) consecutive days beginning on the second Saturday before the election and ending on the Sunday before the election.

TIME - Early voting is 8:30 a.m. to 4:30 p.m., except Thursday when hours are noon to 8:00 p.m.

QUESTIONS?

Contact your local clerk's office with any questions.

City of Birmingham Clerk's Office
(248) 530-1880



Early Voting Dates:

Saturday	10/28	8:30 a.m. to 4:30 p.m.
Sunday	10/29	8:30 a.m. to 4:30 p.m.
Monday	10/30	8:30 a.m. to 4:30 p.m.
Tuesday	10/31	8:30 a.m. to 4:30 p.m.
Wednesday	11/1	8:30 a.m. to 4:30 p.m.
Thursday	11/2	12:00 p.m. to 8:00 p.m.
Friday	11/3	8:30 a.m. to 4:30 p.m.
Saturday	11/4	8:30 a.m. to 4:30 p.m.
Sunday	11/5	8:30 a.m. to 4:30 p.m.

Early Voting Locations:

- Waterford Oaks Activities Center, 2800 Watkins Lake Road, Waterford, MI 48328
- Bloomfield Township Public Library, 1099 Lone Pine Rd. Bloomfield Township, MI 48302

Early voting will look and feel just like voting on Election Day. The voter will fill out an application to vote, be checked into the poll book, receive a ballot, mark their ballot, and run their ballot through a tabulator just like voting in person on Election Day.

Early voting is a component of proposal 2022-2 and includes a Constitutional right to no less than 9 days of early voting in each Statewide and Federal election (even year election) for no less than 8 hours per day. Although the upcoming November 7, 2023 election is not a Statewide or Federal election, Oakland

10E1

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 is also providing a County-wide early voting location at Waterford Oaks.

For more information on early voting, visit bhamgov.org/vote.

Voter Registration Deadlines

Check your voter registration status online at mi.gov/vote.

Until - Oct 23th 15 days before the Election	Oct 24th - Nov 7th During the 2 weeks before the Election.	On Election Day Nov 7, 2023
Register at: <ul style="list-style-type: none"> • Any Secretary of State branch office • Your township, city or county clerk’s office • A designated state agency • By mail 	Register: <ul style="list-style-type: none"> • In person with your township or city clerk 	Register and vote: <ul style="list-style-type: none"> • In person with your township or city clerk, <u>not</u> at a precinct. <p>Voters who register on Election Day get a ballot and can vote that day.</p>
<div style="border: 1px solid black; padding: 10px; background-color: #fff9e6;"> <p>Residency verification required.</p> <p><i>Acceptable documents include:</i></p> <ul style="list-style-type: none"> • Driver’s license • State ID card • Current utility bill • Bank statement • Paycheck • Government check • Other government document <p><i>Documents must have name and current address.</i></p> <p><i>Digital copies are acceptable.</i></p> </div>		

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.

Fill out this 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 (most likely) but could be on March 12 depending on when pending legislation takes effect
- State Primary - August 6
- General Election - November 5

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. 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, voters can submit an absentee ballot application online through mi.gov/vote ([apply online](#)).

***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.

Absentee Ballot Update

The initial mailing of absentee ballots occurred on Thursday, September 26, 2023. All voters who have submitted an absentee ballot application should have received their ballot in the mail by now. All new absentee ballot requests are mailed out the same day or next day. Voters may also pick their ballot up by visiting the Clerk's Office during office hours.

As of October 10, 2023 almost 4,000 absentee ballots have been issued and almost 15% of those ballots have been returned.

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

10/10/2023

JURISDICTION: BIRMINGHAM CITY (08640)

COMBINED	AV Ballots Issued	Returned on Time / %	Pending / %
00001	511	96 - 18.79%	415 - 81.21%
00002	477	64 - 13.42%	413 - 86.58%
00003	339	48 - 14.16%	291 - 85.84%
00004	490	117 - 23.88%	373 - 76.12%
00005	482	79 - 16.39%	403 - 83.61%
00006	576	84 - 14.58%	492 - 85.42%
00007	439	43 - 9.79%	396 - 90.21%
00008	389	36 - 9.25%	353 - 90.75%
00009	275	29 - 10.55%	246 - 89.45%
Total	3978	596 - 14.98%	3382 - 85.02%

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 absentee 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

Filed _____
 Mailed _____
 Ballot # _____
 Returned _____
 Wd./Pct. # _____
 Clerk _____

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 _____

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

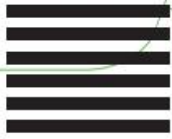
Starting with the November 7, 2023 General Election all absentee ballot return envelopes will be purple. The United States Post Office and Michigan Bureau of Elections worked to redesign these envelopes and changed the color from green to purple to increase the efficiency of processing election mail.

To be opened only by the
Precinct or Absent Voter
Ballot Counting Board

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



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)

**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 _____ / /
Signature of Absent Voter Date

This box must be signed or your vote will not be counted.

**VOTER
SIGNATURE
REQUIRED**

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. _____

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 Greenwood Cemetery Advisory Board met on Friday, October 6, 2023 at 8:30 a.m. to review their strategic plan. The next meeting for the GCAB will be held on Friday, December 1, 2023. To view Greenwood Cemetery Advisory Board agendas and minutes visit www.bhamgov.org/GCAB.

Board of Ethics

The Board of Ethics met on Tuesday, September 26, 2023 at 1:00 p.m. to review and approve their opinion on case 2023-02 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. Don't miss out on the chance to make a difference - go to www.bhamgov.org/boardopportunities to view all available openings.

City Manager's Office

Setting the Record Straight

At the October 2, 2023 regular meeting of the City Commission, resident David Bloom asserted that the City is using a "new policy" to create meeting minutes that "obscure[s] what residents say."

The City has no new policy regarding meeting minutes. The City Clerk follows Birmingham's [Rules of Procedure for the City Commission](#) to draft meeting minutes. The Rules of Procedure for the City Commission were first drafted in June 1991 and have been reviewed and revised by the Commission several times. The rules for meeting minutes are as follows:

Minutes

The minutes shall include the mandatory information as required by the Open Meetings Act 267 of 1976; Section 15.269. The minutes shall reflect an overview or brief summary of the subject matter and any Commission comments that may have had an effect on the outcome. Commission comments may include a summary in support or opposed and discussion which may be relevant for future reference.

The minutes shall include a participating citizen's name and position on an issue when there is public comment during the commission meeting in all of the following instances: (1) a public hearing, (2) an agenda item or (3) recognition of citizens in the audience.

The Rules of Procedure for the City Commission and the City Clerk’s meeting minutes are compliant with the State of Michigan Open Meetings Act 267 of 1976 (OMA) and Robert’s Rules of Order.

Mr. Bloom later pulled the September 11, 2023 minutes from the consent agenda and claimed that his comments regarding minutes were not included. After the Mayor indicated to Mr. Bloom where he could find his comments in the minutes, he apologized and departed from the meeting.

YMCA Building Update

The City met with officials from both the YMCA and Next to discuss building operations for the next three years. Both the YMCA and Next discussed where their respective operations were headed and what building uses they would need and/or desire. The YMCA of Metropolitan Detroit named Parrish Underwood as its new CEO at the end of September 2023. Mr. Underwood is familiar with Birmingham as he was the past director of the Birmingham YMCA. Mr. Underwood will replace Helene Weir, who is retiring. City staff is looking forward to meeting Mr. Underwood and will continue to meet with both the YMCA and Next while awaiting the results of the proposed senior millage vote in November before taking any future steps.

Ad Hoc Aging in Place Committee

On Wednesday, October 11, 2023 the AIPC held a public workshop to discuss and develop a community survey. The purpose of the community survey is to assess current and future older person needs. With the input of the AIPC, a proposed community survey will be presented at the regular meeting of the AIPC on Wednesday, October 25, 2023 for final review and edit. Once completed, the community survey will be distributed to the public and will be available in both print and electronic form.

Communications

Around Town e-Newsletter

November Edition

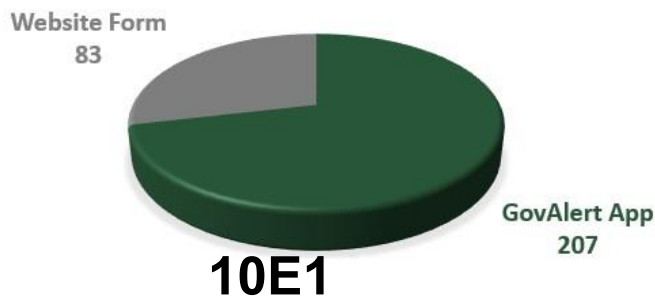
The communications team is working on the November edition of the Around Town e-Newsletter, which will include information about the November 7, 2023 election, Veterans Day Ceremony, leaf collection, holiday events and more. Follow [this link to view the October edition](#) of the Around Town e-Newsletter.



GovPilot Quarterly Report

During the third quarter of 2023, we received a total of 290 citizen requests through the GovPilot system, 207 of which were received via the GovAlert app, and 83 via our website form. So far this year, we have received a total of 713 citizen requests through the GovPilot system, 455 of which were received via the GovAlert App, and 258 via our website form.

GOVPILOT QUARTERLY REPORT JULY - SEPTEMBER 2023 290 CITIZEN REQUESTS RECEIVED



BIRMINGHAM CITY COMMISSION - UPCOMING AGENDA ITEMS

In Progress

Meeting	Topic	Commissioner	Dates Addressed	Status (resolved/ongoing)
10/2/23	Roberts Rules	McLain	10/2/23 Upcoming Workshop	In progress
10/2/23	Implementation of crosswalk standards	M: Baller S: Boutros	10/2/23	In progress
9/18/23	Short Term Rentals	M: Host S: Boutros	9/18/23	In progress
9/18/23	Infrastructure, Flooding Abatement	M: Host S: Baller	9/18/23 10/2/23	In progress
9/18/23	Remediation Strategies for Rodents and Vermin	M: Haig S: Host	9/18/23 10/2/23	In progress
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	10/2/23 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

Department of Public Services

Parks & Recreation Master Plan Update

A draft of the plan will be presented at a special meeting of the Parks and Recreation Board on October 24, 2023. Shortly thereafter, there will be a 30-day public review and comment period, anticipated for November 1 through December 4. The City Commission will consider adoption of the plan in December.

MI Sparks Grant Application

The City's application for Trail Improvements in the Booth Park section was not recommended for funding. The department will continue to explore funding opportunities.

Forestry Quarterly Update

The 2023 Fall Tree Plant and Purchase was awarded to KLM Landscape to supply and install 150 trees throughout the City in right-of-ways and parks. There are a total of 25 different species and cultivars being planted to help diversify Birmingham's urban forest.

Seven dams were cleared recently throughout the trail system along the Rouge River corridor. This work is typically performed annually by JH Hart in the late summer or early fall.

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 this month.
- 2022-2023 Cape Seal Program (Southeast corner of the City): Cape seal treatment has been completed and the contractor is finishing punch list items to close out the project.
- Cranbrook Road Non-Motorized Pathway Improvement Program: The contractor is constructing the concrete sidewalk on 14 Mile and the east side of Cranbrook Road.
- 2023 Concrete Sidewalk Program: The contractor is continuing 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 E. Southlawn and Lincoln, and between 14 Mile and W. Southlawn is open for one-way northbound traffic.
- 2023 Asphalt Resurfacing Program: Paving has been completed on the proposed streets, and the contractor will complete punch list items and crack sealing on streets east of S. Eton between Villa and Attard.
- 2023 Sewer Rehabilitation Project: This project started and includes cleaning and televising sewer, and adding sewer lining at various locations throughout the City.
- 2023 Sidewalk Trip Hazard Program: The contractor completed work in Area 6 and Area 7, and is now working in Area 5: Maple Road to Saxon/14 Mile Road, and west City limits to the Rouge River/Southfield Road.
- Lincoln Hills Golf Course Tee No. 1 Tee-Box and Cart Path Improvements: The contractor is completing punch list items.
- Brown Street Paving Project (City's project): The contractor is completing punch list items to close out the project.

- Woodward Ave and Brown/Forest Intersection Improvements (MDOT): MDOT will be starting in the next couple of weeks on an intersection project to improve pedestrian crossing and traffic signals at Woodward and Brown/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.

Lead Service Replacement Program:

Property owners with known lead water services recently received a letter from the City, prompting them to schedule replacement of their water service for free. Those who received letters are instructed to follow the described steps to schedule your water service replacement.

Affected property owners will receive information about projects listed above. For more information regarding these projects or programs, please contact the Engineering Department at 248-530-1840.

Fire Department

During the month of October, the Fire Department is recognizing breast cancer awareness and supporting those facing that battle. The Fire Department personnel designed and sold shirts for the campaign. Proceeds will be used to help a local breast cancer warrior. The Fire Department plans to continue this tradition annually and is very proud of all participating firefighters.



Human Resources

New Hires

The City of Birmingham extends warm congratulations to our newly hired employees from September 13, 2023 to October 12, 2023. Their skills, expertise, and enthusiasm are a valuable addition to our team.

Department	Position	Name	Type
IT	Hilla, Brent	IT Assistant	Part-Time
DPS	Zbozen, Zachary	Fleet Mechanic	Full-Time
Planning	Ricketts, Edward	Administrative Assistant	Full-Time
Building	Brzozowski, Patrick	Code Enforcement Officer Coordinator	Full-Time

October 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
1	Mcinerney, Steven	Fire	Fire / AEMT
1	Righter, Donald	Police	Crossing Guard
1	Sotirovski, Nadezda	Police	Crossing Guard
1	Katz, Ryan	Treasury	Deputy Treasurer
2	Strassburg, Justin	Fire	Fire / AEMT
2	Pranger, Michael	Police	Police Officer
2	Glenn, Lawson	Library	Library Operations Assistant
3	Jurek, Sara	Library	Library Substitute Librarian
3	Haddock, Ingrid	Clerks	Part-Time Clerical Assistant
3	Summers, Cynthia	Library	Library Assistant I
3	Whitted, Faith	Library	Library Page
3	Peterson, Nolan	Library	Library Page
3	Nash, Phoenix	Library	Library Ref. Assistant
3	Bassett, Erika	BSD	BSD PR Marketing Specialist

4	Fairbairn, Melissa	Managers Office	Assistant City Manager
4	Pleasant, Allister	DPS	SSW Technician
6	Abraham, Jr, Robert	Fire	Fire / AEMT
6	Gillick, Hunter	Fire	Fire / AEMT
6	Cowan, Thomas	Planning	Senior City Planner
6	Mcnab, Bradley	DPS	P&F Assistant Foreman
8	Richards, James	Library	Library IT Coordinator
10	Wheeler, Carolyn	Library	Library Substitute Librarian
10	Morad, Michael	Building	Asst. Building Official
11	Gamboa, Marianne	Managers Office	Communications Director
12	Klimmek, Stephanie	Library	Library Department Head
13	Slack, Michael	Fire	Battalion Chief
14	Eisele, Gary	Library	Library Assistant II
19	Bouse, Adam	DPS	SSW Technician
19	Jones, Shon	DPS	SSW Foreman

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
Clerks	Clerical Assistant	Part Time	Until Filled
Clerks	Deputy City Clerk	Full Time	Until Filled
Building	Plumbing Inspector	Full Time	Until Filled
DPS	Ice Arena Concessions & Maintenance	Part Time	Until Filled

Planning Department

Planning Board

A tentative Planning Board list of scheduled and/or recently completed items is provided below:

1. Dumpster Enclosures – Study Session (October 11, 2023)
2. Triangle District Mixed-Use Standards – Study Session (October 11, 2023)
3. 380 S. Bates – Community House – Rezoning (October 25, 2023)
4. 720 S. Adams – Community Impact Study & Preliminary Site Plan Review (October 25, 2023)
5. 380 S. Bates – Community House – Community Impact Study & Preliminary Site Plan Review (November 8, 2023)

6. 377 Hamilton Row – Birmingham Sushi Café – Special Land Use, Final Site Plan & Design Review (November 8, 2023)

Historic District Commission & Historic District Study Committee

On September 26, 2023 ([Agenda](#)), the Historic District Study Committee moved to direct City Staff to transmit copies of the Preliminary Historic District Study Committee report for 1283 Buckingham to each entity required in Chapter 127, Section 127-4 (5) of the Birmingham Code of Ordinances. Not less than 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.

In regards to the Historic District Commission (HDC), the work on the Historic Preservation Master Plan will continue through the fall/winter with public engagement, surveys, and meetings with historic property owners to fully inform the plan. At the same time, the HDC has been studying plans from other jurisdictions around the country to get an idea of what could be included.

Multi-Modal Transportation Board

The Multi-Modal Transportation Board is in the process of reviewing upcoming construction projects for Shirley Dr. and Arlington Rd. and is considering the installation of sidewalks for each road.

Public Arts Board

There was an unveiling celebration for the sculpture “Shooting Star” by John Henry at S. Old Woodward on Thursday, October 12, 2023 at 4:30 p.m. The unveiling took place immediately before the BSD’s Birmingham Art Walk event from 5 - 8 p.m., which featured local artists who displayed their work at participating downtown stores.

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 will be Municipal Round Tables held this month.

Police Department

Thank you, Jim Lotridge

On Friday, September 29, 2023, after 28 years of employment with the Police Department as a Parking Enforcement Assistant, Jim Lotridge has retired. PEA Lotridge is well-known in the community for his years of walking downtown speaking with and greeting business owners and patrons. He will be missed, not only by the Police Department but also by numerous City employees and community members for his positive attitude, ability to put a smile on your face, and his infamous storytelling.

Drone Purchase

The Birmingham Police Department has purchased its first drone. The Matrice 350 RTK safety drone was purchased from NOAR Technologies, a local Clawson-based company. This drone will be used for a variety of law enforcement situations and can be used for other City related incidents and projects. The Police Department began the selection process for training and Ofc. Stephan Syts is the first to obtain the required FAA training and certification. Additional officers will be sent for training to provide increased availability of certified officers to deploy the drone when needed.

Pistol Range HVAC System

The HVAC system at the Birmingham Police Pistol Range was found to be totally inoperable after major damage was found to the system. This system, which is well over 20 years old and beyond its serviceable

life expectancy, was found to have a major crack in the system components due to age and use. Quotes were obtained for its replacement and Delta Temp Service was selected for \$13,545.00 to remove and install a new 4-ton unit.

New Radio Communications System

On Monday, September 25, the Birmingham Police and Fire Departments converted to a new radio communications system. The culmination of a four-year 58 million dollar project, Birmingham, along with every other public safety agency in Oakland County, converted to the Michigan Public Safety Communication System (MPSCS). The MPSCS system geographically covers 100% of the state and has over 90% of all public safety agencies as users. This will allow for greater interoperability between agencies and is built with multiple layers of redundancy to withstand large-scale emergencies. The previous system, Harris Opensky, was owned and operated by Oakland County and had reached end of life. Harris Opensky only allowed for interoperability within Oakland County, and between Oakland County agencies. The new MPSCS system is one of the most technically advanced in the world and will allow for instant communication with almost any public safety agency in the state.

Parking Systems Update

Construction

Repairs are starting to wrap up at the N. Old Woodard Garage, including concrete restoration, handrail repair, painting of ceilings, walls, and stairwell walls, and the installation of LED lights. The exterior walls of the garage were also painted to help improve the look of the garage.

Finances

On October 1, the City began 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.

EV Charging

The City will post a Request for Proposal for EV charging in late October. The City is looking to pilot approximately 20 EV chargers, 10 in Lot 7 (the Shain Park lot), and 10 in the Chester St. Garage. The City is seeking qualified vendors who are willing to design, build, and operate the EV chargers.

Occupancy:

SEPTEMBER AVG CAPACITY	
Chester Garage (880)	13.00%
Old Woodward (745)	21.00%
Park Garage (811)	25.00%
Peabody Garage (437)	30.00%
Pierce Garage (706)	33.00%

Future Agenda Items

Download a summary of [future agenda items](#).

Future Workshop Items

Download a summary of [future workshop items](#).



September 27, 2023

Ms. Alexandria Bingham, Clerk
City of Birmingham
151 Martin St.
Birmingham, MI 48012-3001

RE: Price Changes to Curiosity Stream, Viaplay, Midnight Pulp, and Screambbox

Dear Ms. Bingham:

We are committed to keeping you and our customers informed about changes to Xfinity TV services. Accordingly, please note that:

- Curiosity Stream will be increasing its per month price from \$2.99 to \$4.99 effective October 31, 2023.
- Viaplay will be increasing its per month price from \$4.99 to \$5.99 effective October 31, 2023.
- Midnight Pulp (formerly ConTV) will be increasing its per month price from \$4.99 to \$5.99 and \$49.99 to \$59.99 annually effective October 31, 2023.
- Screambbox will be increasing its per month price from \$4.99 to \$6.99 and \$49.99 to \$59.99 annually effective October 31, 2023.

Additionally, effective November 1, 2023, the reactivation fee for TV, Internet, Voice and/or Home Security will change from \$6.00 per service to a flat fee of \$12.00 regardless of the number of services being reactivated.

Please feel free to contact me at 248-924-4917, if you have any questions.

Sincerely,

Eric Woody
Manager of External Affairs
Comcast, Heartland Region
41112 Concept Drive
Plymouth, MI 48170

INFORMATION ONLY



City of Birmingham
151 Martin St.
P.O. Box 3001
Birmingham, MI 48012-9902

RETURN SERVICE REQUESTED

PRESORTED
FIRST CLASS
U.S. POSTAGE

PAID
ROYAL OAK MI
PERMIT 14



IMPORTANT!

Early In-Person
Voting Information

INFORMATION ONLY



LISA BROWN
CLERK/REGISTER OF DEEDS



IMPORTANT NOTICE

With the passage of Proposal 22-2, voters now have the right to vote in-person at an early voting site prior to Election Day.

YOUR EARLY VOTING SITE OPTIONS

Regional Early Voting Site #10

Bloomfield Township Public Library
1099 Lone Pine Rd.
Bloomfield Hills, MI 48302

Central Early Voting Site #19

Waterford Oaks Activity Center
2800 Watkins Lake Rd.
Waterford, MI 48328

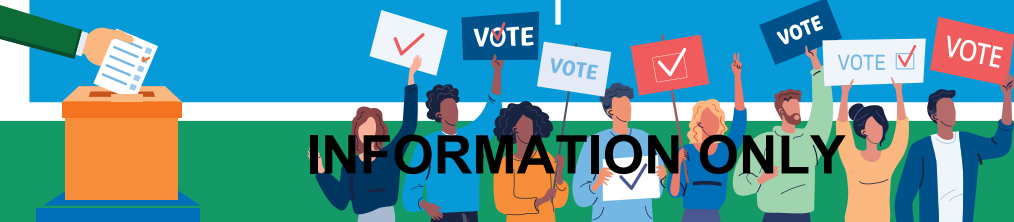
EARLY VOTING SCHEDULE

DAYS - Early voting is open nine (9) consecutive days beginning on the second Saturday before the election and ending on the Sunday before the election.

TIME - Early voting is 8:30 a.m. to 4:30 p.m., except Thursday when hours are noon to 8:00 p.m.

QUESTIONS?

Contact your local clerk's office with any questions.
City of Birmingham Clerk's Office
(248) 530-1880



INFORMATION ONLY