

# **BIRMINGHAM CITY COMMISSION AGENDA**

**FEBRUARY 24, 2020**

**MUNICIPAL BUILDING, 151 MARTIN**

**7:30 P.M.**

## **I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Pierre Boutros, Mayor

## **II. ROLL CALL**

Cheryl Arft, Acting City Clerk

## **III. PUBLIC COMMENT**

The City of Birmingham welcomes public comment limited at the Mayor's discretion on items that do not appear in the printed agenda in order to allow for an efficient meeting. The Commission will not participate in a question and answer session and will take no action on any item not appearing on the posted agenda. The public can also speak to agenda items as they occur when the presiding officer opens the floor to the public. When recognized by the presiding officer, please step to the microphone, state your name for the record, and direct all comments or questions to the presiding officer.

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

### **ANNOUNCEMENTS:**

- Senator McMorrow
- As the Presidential Primary election draws closer, the City Clerk's Office reminds you that Absent Voter ballots are available for the March 10, 2020 Presidential Primary election. Voters are required to complete a written and signed application prior to receiving a ballot. The staff strongly suggests you replicate the signature on your driver's license to avoid delays in the processing of your request. Remember that this is a Closed Primary, which means you must designate the type of ballot you wish to vote: Democrat, Republican, or a ballot for the proposals only. Sample ballots will be available on our website and at our office in the next week.
- The Birmingham Museum and Baldwin Public Library will present "Wonder Women of Birmingham", an adult lecture series in honor of the centennial of the 19<sup>th</sup> Amendment giving women the right to vote. On March 12<sup>th</sup>, "Early Aviation and the Ferguson Women" will be presented, and on April 9<sup>th</sup>, the presentation will be "The Three Prindle Sisters who tamed the Wilderness". Both lectures begin at 7:00 PM at the Baldwin Library.

## **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 approving the amended regular City Commission meeting minutes of January 27, 2020.
- B. Resolution approving the amended City Commission Special meeting minutes of February 1, 2020.
- C. Resolution approving the City Commission regular meeting minutes of February 10, 2020.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated February 12, 2020 in the amount of \$3,329,147.20.
- E. Resolution approving the warrant list, including Automated Clearing House payments, dated February 19, 2020 in the amount of \$384,152.08.
- F. Resolution approving a Special Event permit as requested by the LUNGeivity Foundation for the Breathe Deep Michigan 5K Walk & Fun Run to End Lung Cancer event on Saturday, May 30, 2020, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- G. Resolution awarding the Landscape Maintenance Services contract to Superior Scape, Inc. in an amount not to exceed \$66,896.00 per year with a total project cost of \$194,802.00 for a three (3) year period. Funds for this project are available in the following accounts: Property Maintenance; Other Contractual Services #101-441.003-811.0000, Parks; Other Contractual Services #101-751.000- 811.0000, and Major Streets Other Contractual Services #202-449-003-937.0400. Further, authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.
- H. Authorize the IT department to purchase the Nutanix extended service agreement from CDWG for a total cost not to exceed \$7,460.00. Funds are available in the Computer Maintenance fund account # 636-228.000-933.0600.
- I. Resolution setting Monday, March 9, 2020 at 7:30 PM to consider the renewal of all existing liquor licenses in the city.
- J. Resolution confirming the City Manager's authorization for the emergency expenditure regarding the repair and replacement of first floor drainage system components at the Pierce Street parking structure in an amount not to exceed \$9,080.00 to be paid to Nelson Brothers Plumbing from the Parking Fund account #585-538.002-977.0000, pursuant to Sec. 2-286 of the City Code.

**VI. UNFINISHED BUSINESS**

**VII. NEW BUSINESS**

- A. Resolution approving the street light agreement between the City of Birmingham and DTE Energy Co. regarding the removal, manufacture and installation of 42 street lights within the Maple Road reconstruction limits and to charge those costs to account number 401-901.010-981.0100. Further, directing the Mayor to sign the agreement on behalf of the City.

**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. Ad Hoc Clerk Selection Committee special meeting minutes of February 12, 2020, and Long Range Planning meeting minutes, submitted by Acting City Clerk Arft

INFORMATION ONLY

**XI. ADJOURN**

**PLEASE NOTE: Due to building security, public entrance during non-business hours is through the Police Department – Pierce St. entrance only.**

*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](tel:248-530-1880) por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).*

# BIRMINGHAM CITY COMMISSION MINUTES

JANUARY 27, 2020

MUNICIPAL BUILDING, 151 MARTIN

7:30 P.M.

## I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Pierre Boutros called the meeting to order at 7:30 P.M.

## II. ROLL CALL

Present: Mayor Boutros  
Mayor Pro Tem Longe  
Commissioner Baller  
Commissioner Hoff  
Commissioner Host  
Commissioner Nickita  
Commissioner Sherman

Absent: None

Administration: City Manager Valentine, Assistant City Manager Gunter, City Attorney Currier, Acting City Clerk Arft, Human Resource Manager Myers, DPS Director Wood, City Engineer Fletcher, Assistant City Engineer Bridges, Police Commander Grewe, Police Chief Clemence, City Planner Ecker, IT Director Brunk, BSD Executive Director Tighe, Building Official Johnson

## III. PUBLIC COMMENT

The City of Birmingham welcomes public comment limited at the Mayor's discretion on items that do not appear in the printed agenda in order to allow for an efficient meeting. The Commission will not participate in a question and answer session and will take no action on any item not appearing on the posted agenda. The public can also speak to agenda items as they occur when the presiding officer opens the floor to the public. When recognized by the presiding officer, please step to the microphone, state your name for the record, and direct all comments or questions to the presiding officer.

- Louis Meldman, 1825 Yosemite, lives with his wife Carole DeLong and they are both so delighted that the Commission has seen fit to take comment early enough in the evening so that they could stay up for it. He referenced their kids, Dr. and Mrs. Jason Schairer, 1444 Chesterfield, has to get up early to work and take the children to school at Quarton Elementary. He went on to say it is hard for all ages to stay up late at night, although appearing before this commission is a privilege and a pleasure. Mr. Meldman thanked everyone for their great work on this note alone.
- Betty Gusho, 1195 Lyonhurst, spoke about the small cell towers that would be emitting 5G once the infrastructure is put up. She read the following: "The small cell towers that are being installed in this community that will eventually support the 5G infrastructure are being put up on telephone posts in front of homes and schools resulting in mandatory exposure for all residents 24/7/365. It has not been proven safe,

esthetically displeasing, and will reduce property values. It is with the world's leading independent radio frequency scientists who have been studying this issue for decades that are coming out to alert policy makers that 5G wireless technology is not safe. The FCC exposure standards are in question and considered by these experts to be obsolete as the standards were set 20 years ago and is not protective of human health. Thousands of independent studies over more than 30 years show clear biological harm from radio frequency non-ionized radiation. No studies have been produced showing safety of 5G. Legislators have requested and are waiting for this proof from the telecommunication companies. Cities around the world are taking protective action for their citizens and communities and stopping the roll out of 5G until it is proven safe by independent researchers and studies. Cities in the US are creating protective ordinances that cover both radio frequency public exposure and municipal rights. Each telecom company has the right to install small cells every three to ten homes in every neighborhood and every five hundred feet in all public places. This means that everyone would be exposed to radio frequency 24/7/365 without proof that it is safe for our health. No one would be able to escape it. The effects are cumulative." Prior to going any further with 5G in Birmingham, she suggested that the City consult with the independent leading experts about the health and safety of 5G wireless who have offered to provide consults to policy makers per request. She also suggested that the City consult with attorneys who are working on this issue and agree to work with municipalities. She went further to suggest town hall meetings to educate the public on small cells and get community input and feedback. Create a working group, board, task force of residents to review information on 5G small cell towers and present recommendations to the City. The City should provide on-line access to each current small cell location and frequency and areas where permits have been requested. She also recommended an organization called Protect to get help with right of ways. She offered a video on 5G and passed out booklets on the information.

- Stacy Barnes, Beverly Hills, is speaking out of concern for the implementation of 5G technology. Some, until recently knew nothing about cell phone towers and wireless devices had low levels of radiation. She discovered the information from her daughter's physician posting a picture on-line showing cell phone towers surrounding the football field at Seaholm. She then started noticing them around town. She went on to talk about her 14-year-old daughter Emma, who has PANDAS, a pediatric autoimmune disease for the past 7 years. She asked what the community leaders are doing to insure that our children are safe. She went on to express what she knows about the current technology (3G and 4G).
  - Studies showing harmful effects.
  - Children and Children with chronic illnesses are the most vulnerable.
  - Radiation from Wi-Fi and cell towers can exert a disorganizing effect on the ability to learn and remember.
  - Destabilizing to immune and metabolic functions.

5G will not only utilize current 3G and 4G wireless frequency, it will add higher frequency in order to transmit data. Over 200 physicians and scientists have issued declarations calling for a moratorium on the increase 5G cell antennas citing human health effects and impact to wild life. The safety has never been tested. Lastly, do the benefits outweigh the risks? She urged the City to stop the rollout of 5G in this community and take the time needed to determine whether it is safe before implementing it.

- Ann Kozel, Royal Oak resident, expressed that she dittoed what the previous women said in their comments relative to 5G infrastructure.

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

**01-017-20 ANNOUNCEMENTS**

Restaurant week continues this week through January 31<sup>st</sup>, then continues Monday, February 3<sup>rd</sup> through Friday, February 7<sup>th</sup>. Please visit [www.allinbirmingham.com](http://www.allinbirmingham.com) for more information or call 248-530-1200.

**01-018-20 APPOINTMENT TO THE PUBLIC ARTS BOARD**

City Manager Valentine presented Jason Eddleston for re-appointment to the Public Arts Board as a regular member.

**MOTION:** Motion by Mayor Pro Tem Longe:  
To appoint Jason Eddleston to the Public Arts Board as a resident member to complete a three-year term to expire January 18, 2022.

VOTE:                   Ayes,               7  
                              Nays,               0

**01-019-20 APPOINTMENT TO THE STORM WATER UTILITY APPEALS BOARD**

The City Commission interviewed existing member James Partridge for re-appointment to the Storm Water Utility Appeals Board.

**MOTION:** Motion by Commissioner Sherman:  
To appoint James Partridge to the Storm Water Utility Appeals Board as a regular member for a three-year term to expire January 31, 2023.

VOTE:                   Ayes,               7  
                              Nays,               0

**01-020-20 ADMINISTRATION OF OATHS**

Acting City Clerk Arft administered the oath of office to the new appointees.

**V. CONSENT AGENDA**

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**01-021-20 APPROVAL OF CONSENT AGENDA**

The following items were removed from the Consent Agenda:

- Commissioner Hoff                   Item A, Approval of the January 13, 2020 City Commission Meeting Minutes.  
  Item O, Professional Services Agreement with Hubbell, Roth & Clark, Inc.
- Commissioner Nickita               Item G, BSD Farmer's Market
- Commissioner Baller                 Item N, IT System Improvements

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Hoff:

To approve the Consent Agenda, with the exception of Items A, G, N, and O.

ROLL CALL VOTE:      Ayes:            Mayor Boutros  
   Mayor Pro Tem Longe  
   Commissioner Baller  
   Commissioner Hoff  
   Commissioner Host  
   Commissioner Nickita  
   Commissioner Sherman  
   Nays:            None

- B. Resolution approving the warrant list, including Automated Clearing House payments, dated January 15, 2020 in the amount of \$7,000,316.24.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated January 22, 2020 in the amount of \$325,763.51.
- D. Resolution authorizing the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and to approve the liquor license request of Bus Bar, LLC that requests a transfer of Ownership and Location of an Original 550 Resort Class C and SDM Liquor License with Sunday Sales (AM and PM) to be issued under MCL 436.1531(2) with Outdoor Service (2 Area), New Entertainment Permit and 3 New Additional Bar Permits to be located at 2159 E. Lincoln, Birmingham, Oakland County, MI 48009. Furthermore, pursuant to Birmingham City Ordinance, authorizing the City Clerk to complete the Local Approval Notice at the request of Bar Bus, LLC approving the liquor license transfer request of Bus Bar, LLC that requested a Resort Class C and SDM Liquor License with Sunday Sales (AM and PM) be transferred under MCL 436.1531(2) with Outdoor Service (2 Area), New Entertainment Permit and 3 New Additional Bar Permits to be located at 2159 E. Lincoln, Birmingham, Oakland County, MI 48009.
- E. Resolution approving the split award of the MITN cooperative bid of unleaded gasoline and diesel fuel for truck transport deliveries to RKA Petroleum Companies, Inc., 28340 Wick Road, Romulus, MI 48174 and Petroleum Traders Corporation, 7120 Inverness Way, Fort Wayne, IN 46804; and further, approving the award for tank wagon deliveries to RKA Petroleum Companies, 28340 Wick Rd., Romulus, MI, 48174 and Atlas Oil Company, 24501 Ecorse Road, Taylor, MI 48180; based on bid factors included in the respective bids for a two-year period from February 1, 2020 through February 1, 2022, with the option to extend the terms and conditions an additional two years, upon mutual consent. Funds for this purchase of gasoline and diesel fuels are budgeted in Auto Equipment Fund – Fuel Expense account #641-441.006-737.0000.
- F. Resolution approving a request from the Huntington Disease Society of America-MI Chapter to hold Yoga in the Park in Shain Park on June 27, 2020 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- H. Resolution approving a request from the Birmingham Shopping District to hold the 2020 Day on the Town special event on Saturday, July 25, 2020, using either Plan A or Plan B dependent on Maple Rd. construction as submitted in the application, and contingent upon

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

- I. Resolution approving a request from the Birmingham Shopping District to hold the 2020 Birmingham Cruise special event, on Saturday, August 15, 2020 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- J. Resolution approving a special event permit as requested by the Birmingham Shopping District to hold the 2020 Movie Nights on Fridays, June 12, July 17, and August 21, 2020, with rain dates scheduled on Saturdays, June 13, July 18, and August 22, 2020. Approval is contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- K. Resolution approving a request from Common Ground to hold the Art Fair in Shain Park and on the surrounding streets on September 26 & 27, 2020 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- L. Resolution authorizing the IT department to purchase the Security Subscription, Support and License renewals for the Palo Alto Firewall and Traps Server and endpoint clients from AmeriNet. The purchase price not to exceed \$27,690.40. Funds are available in the IT Computer Maintenance fund account # 636-228.000-933.0600.
- M. Resolution authorizing the IT department to purchase the License and support renewal for the ArcGIS software from ESRI Inc. Total cost not to exceed \$9,332.19. Funds are available in the Computer Maintenance fund account # 636-228.000-933.0600.

**01-022-20 APPROVAL OF THE JANUARY 13, 2020 CITY COMMISSION MEETING MINUTES (ITEM A).**

Commissioner Hoff noted, on page 6, the vote on D5 Zoning reflected three ayes in error. The actual vote was four ayes. On page 5, she corrected the spelling of the attorney's name representing 555 from Rick Radner to Rick Rattner.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Sherman:  
To approve the regular City Commission meeting minutes of January 13, 2020 as corrected.

VOTE:           Ayes,           7  
                  Nays,           0

**01-023-20 APPROVAL FOR THE 2020 FARMERS MARKET (ITEM G).**

Commissioner Nickita asked about the process of setting up the Farmers Market. He also asked if there are any new configurations planned due to recent expansion of the lot. Executive Director Tighe explained the process and expressed that the team conducted an after action review and

is planning to activate the spare space to offer healthy initiatives that are attractive to Birmingham residents.

Commissioner Hoff suggested that the BSD recruit more vendors to revitalize this event. Director Tighe expressed that the team is actively seeking ways to incentivize vendors to participate.

**MOTION:** Motion by Commissioner Nickita, seconded by Commissioner Hoff:  
To approve a request from the Birmingham Shopping District to hold the 2020 Farmers Market season beginning Sunday, May 3rd, 2020 to October 25th, 2020 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

VOTE:           Ayes,           7  
                  Nays,           0

**01-024-20                   APPROVAL AUTHORIZING THE IT DEPARTMENT TO PURCHASE DARKTRACE ENTERPRISE IMMUNE SYSTEM (ITEM N).**

Commission Baller pulled this item to express the importance of this very large expenditure and asked the City Manager to explain this item. City Manager Valentine gave an overview of the necessity for this expenditure to keep the City's critical assets secure from ransomware attacks.

**MOTION:** Motion by Commissioner Baller, seconded by Commissioner Host:  
To approve the resolution authorizing the IT department to purchase the Darktrace enterprise immune system from SHI international using Michigan Master Computing Program Contract - 071B6600113-MIDEAL with a total purchase price not to exceed \$239,292.00. Paid in 4 annual installments of \$59,823.00 beginning 2020, and ending in 2023; purchase to be charged to account #636-228.000-973.0400; and further approving the appropriation and amendment to the fiscal year 2019-2020 Computer Equipment Fund budget.

VOTE:           Ayes,           7  
                  Nays,           0

**01-025-20                   PROFESSIONAL SERVICES AGREEMENT WITH HUBBELL, ROTH & CLARK, INC. (ITEM O).**

Commissioner Hoff pulled this item because it is an outside firm being contracted to do residential site evaluation reviews previously done by City staff. She wanted to understand how the staff would be using their time in lieu of doing site evaluation reviews. Commissioner Hoff also asked would this service agreement only cover new builds. If not, what other type of work would be covered in the agreement. She also expressed concerns about the increase in fees that are being proposed.

Assistant City Engineer Bridges explained that the increase in construction activities and recent loss of staff to retirement has put a strain on current staff. This is an opportunity for the City to support staff in performing duties in a timely manner. She went on to say that the services will be primarily for new builds until it is established how much of the additions or accessory structures will be offered in this agreement. In terms of the increase in fees, Assistant City Engineer Bridges expressed that if this service remains in-house, it would cost more to provide than the fee for service would bring in to the City. The proposed fees in this service agreement is comparable to other communities to review and revise plans used in new builds.

City Manager Valentine clarified that the City was not covering cost previously and an adjustment was needed. In using this outside consultant, fees are adjusted to cover the cost. In addition, the City would be able to provide a guarantee of turnaround time on project reviews and demonstrate improved efficiencies.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Sherman: Approving the resolution for the Professional Services Agreement with Hubbell, Roth & Clark, Inc. for Residential Site Evaluation Services for a 1-year term, extendable at the discretion of the City Commission up to three years. Further, to direct the Mayor and City Clerk to sign the agreement on behalf of the City.

**AND**

Resolution amending the Schedule of Fees, Charges, Bonds, and Insurance, in the Community Development section as indicated by the consultant fee proposal.

VOTE:           Ayes,           7  
                  Nays,           0

**VI. UNFINISHED BUSINESS**

None

**VII. NEW BUSINESS**

**01-026-20           ORDINANCE AMENDING PART II OF THE CITY CODE, CHAPTER 74  
                          OFFENSES, ARTICLE I – GENERAL, SEC. 74-6**

Commander Scott Grewe presented the proposed amendment, which would replace the current ordinance with an updated version to include electric personal assistive mobility devices.

Commissioner Nickita expressed concerns that this amendment would mandate use of motorized devices to the sidewalk. As an urban designer, he found that bikes on the sidewalk are problematic especially in active pedestrian areas, and felt that motorized devices would be more problematic on the sidewalk.

Mayor Boutros and City Manager Valentine clarified the difference between the existing ordinance and the proposed amendment.

Commissioner Baller expressed that he would like to see a presentation clarifying the use of all motorized and non-motorized devices prior to a vote. His concern was being able to communicate the ordinance to the public with clarity.

Commissioner Hoff commented on the definitions and felt a diagram defining the devices and where they should be operated would be helpful.

Commissioner Nickita would like the street boundaries referenced to be defined and would need more clarity overall to support the suggested resolution.

City Manager Valentine offered to seek counsel to make the amendment clearer and bring it back to the commission later with more detail.

Mayor Boutros suggested that no action be taken and the commissioners agreed.

Commissioner Hoff noted that the current ordinance was not attached to the amendment. She felt it would be more helpful if it were included, with the changes highlighted when brought back to the commission.

Commissioner Baller expressed while safety is important, he does not want to discourage a good safe alternative form of transportation.

Commissioner Nickita suggested looking at the zoning ordinance to better align the amendment.

Public Comment:

Mary Neff, has a son who rides an electric skateboard, commented on the conflict he has had in using the device in the City. She would like to see clarity in the ordinance.

**01-027-20                    ORDINANCE AMENDING PART II OF THE CITY CODE, CHAPTER 74 OFFENSES, ARTICLE VII.**

Commander Scott Grewe presented this amendment and stated that it would be in line with current State laws.

Commissioner Baller asked if the ordinance was a boilerplate or written by the City specifically for the Birmingham community.

Mary Kucharek, City Attorney's office, expressed that it is in line with the State law. The language was not created by the City, but the City is duty bound to follow the new regulations regarding the use of marihuana.

Commissioner Hoff asked if this amendment is in addition to the existing City Code and asked why there is a different spelling of marihuana.

Ms. Kurcharek affirmed that it is in addition to the existing code and that both spellings of marihuana/marijuana are correct.

**MOTION:**                    Motion by Commissioner Baller, seconded by Commissioner Host:  
Approving an ordinance amending Part II of the City Code, Chapter 74–Offenses Against Public Morals, Division 5 – Controlled Substances, shall be amended to add Sec. 74-310 Marihuana Regulations. Furthermore, authorizing the Mayor and City Clerk to sign the ordinance on behalf of the city.

VOTE:                    Ayes,                    7  
                              Nays,                    0

**01-028-20                    CHANGE ORDER #1 FOR THE OAK STREET SEWER REHABILITATION PROJECT.**

City Engineer Fletcher presented this item.

Mayor Boutros clarified that Bidigare Contracting is currently under contract with the City. This change order reflects additional worked requested by the City.

Commissioner Hoff reflected that at the last commission meeting, lead and copper compliance testing was approved for an amount that is very close to what is being proposed tonight. She asked what the difference is between the two services. She also asked if this is what it would cost to mitigate all identified properties.

City Engineer Fletcher explained that the first request was for testing and this request is for actual work to become compliant.

City Manager Valentine explained that testing revealed that the action level on the identified properties needed to be mitigated quickly and it is a relatively small project. However, moving forward, there will be a much larger project specified and the City would be working with multiple communities and the cost will drop considerably for the next round of abatements.

Commissioner Baller questioned if this is in fact the best price. City Manager Valentine affirmed that it is the best price.

**MOTION:** Motion by Commissioner Nickita, seconded by Mayor Pro Tem Longe: Approving Change Order #1 for the Oak Street Sewer Rehabilitation Project, Contract #11-19(S), to Bidigare Contracting, Inc., in the amount of \$66,500, to be charged to account number 591-537.005-811.0000; and further approving the appropriation and amendment to the 2019-2020 Water Supply System Receiving Fund budget.

VOTE:           Ayes,           7  
                  Nays,           0

**01-029-20                   RESOLUTION TO MEET IN CLOSED SESSION**

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Hoff: To meet in closed session to discuss pending litigation in the matter of Schneider v City of Birmingham pursuant to Section 8(e) of the Open Meetings Act, MCL 15.261 – 15.275.

**ROLL CALL VOTE:**

Ayes,	Mayor Boutros Mayor Pro Tem Longe Commissioner Baller Commissioner Hoff Commissioner Host Commissioner Nickita Commissioner Sherman
Nays,	None

No action was anticipated as a result of the closed session.  
(A roll call vote is required and the vote must be approved by a 2/3 majority of the commission. The commission will adjourn to closed session after all other business has been addressed in open session and reconvene to open session, after the closed session, for purposes of taking formal action resulting from the closed session and for purposes of adjourning the meeting.)

**VIII. REMOVED FROM CONSENT AGENDA**

## IX. COMMUNICATIONS

## X. REPORTS

### A. Commissioner Reports - None

### B. Commissioner Comments

- Commissioner Host commented on 5G, and referenced Europe's experience with this technology. He further suggested that there be an annual audit of RFP's.
- Commissioner Baller asked about the status of the North Bates Street site and suggested it be included in the Master Plan.
- Mayor Boutros asked about Commissioner Baller's plan for that site in lieu of a failed bond.
- Commissioner Hoff asked for clarification on the subject matter and Mayor Boutros clarified that the discussion was about the project that the City referred to as the NOW project. She went on to say that there has to be a discussion among the commission to set forth a plan for North Bates Street with a purpose. The initial plan was to address parking needs and expand parking; but the bond failed.
- Mayor Pro Tem Longe suggested including North Bates Street in the 20/40 draft.
- City Manager Valentine offered to get a proposal from DPZ to bring back before the commission with a clear understanding of the scope of work for the aforementioned site.
- Commissioner Nickita added that the commission is not prepared to discuss a plan for Bates Street at this meeting. The commission would have to be caught up with the background studies used to develop a plan to move forward.
- Commissioner Sherman found it interesting that a commissioner who was firmly opposed to any development on the NOW site and two other commissioners who were against the NOW project that was in place; now want to see the space better utilized with a project plan. He went on to question what types of uses these commissioners have in mind and, advised that a RFP would not lead to a plan before the commission has an opportunity for discussion.
- Commissioner Baller was clear that a community consensus, not just a commission consensus was required to identify the site use.
- Commissioner Sherman agreed.
- Mayor Boutros commented on the desire to develop that land and wants direction on how to move forward.
- Commissioner Hoff reminded everyone that DPZ was directed not to work on that piece of land as part of the Master Plan.
- City Manager Valentine offered that if the intent is to start a discussion on this property, this commission before moving forward with the consultant should define what is to be accomplished. Expectations must be clear.
- Commissioner Nickita expressed that there is a deficiency of 750 parking spaces in the City of Birmingham and there is no plan in place to address it. While many options were previously analyzed, Bates Street was the best option to address the needs of the City. He went on to say that the driver for new development must make sense and meet the demands and needs of the community. To do this properly, the discussion must continue with the City's Planning Board so that all of the elements are being considered in planning a 4-acre parcel of land responsibly.
- Commissioner Nickita announced that Birmingham has received accolades recently being identified among nearly 200 cities studied as the ***#1 City in***

*Michigan to live.* He went on to commend City Manager Valentine, boards and commissions, department heads, and staff for doing an exceptional job. He also, commended the former commissioners who were instrumental in getting Birmingham to this point.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff

Mayor Boutros recessed to closed session at 9:18 P.M.

<b>XI. ADJOURN</b>
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Mayor Boutros adjourned the meeting at 10:00 P.M.

**BIRMINGHAM CITY COMMISSION  
SPECIAL MEETING MINUTES  
FEBRUARY 1, 2020  
MUNICIPAL BUILDING, 151 MARTIN  
12:00 PM**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Pierre Boutros, Mayor  
12:00 PM

**II. ROLL CALL**

ROLL CALL: Present: Mayor Boutros  
Mayor Pro Tem Longe  
Commissioner Baller  
Commissioner Hoff  
Commissioner Host  
Commissioner Sherman  
Absent: Commissioner Nickita

Administration: City Manager Valentine, Assistant City Manager Gunter, City Attorney Currier,  
Acting City Clerk Arft

**III. PUBLIC COMMENTS**

The City of Birmingham welcomes public comment limited at the Mayor's discretion on items that do not appear in the printed agenda in order to allow for an efficient meeting. The Commission will not participate in a question and answer session and will take no action on any item not appearing on the posted agenda. The public can also speak to agenda items as they occur when the presiding officer opens the floor to the public. When recognized by the presiding officer, please step to the microphone, state your name for the record, and direct all comments or questions to the presiding officer.

None

**IV. NEW BUSINESS**

**01-030-20 N. OLD WOODWARD PARKING STRUCTURE REPAIRS**

City Manager Valentine presented this item explaining the need to move forward with the suggested resolution in a timely manner. Options have been evaluated and the primary objective, at this time, is to repair the façade and preserve public safety.

Assistant City Manager Gunter provided additional detail of the structure failure and repair options available to the City. She also assured the commission that the contractor is prepared to move forward and is able to mobilize immediately.

Commissioner Hoff asked if any commissioners went over to look at the failing structure and asked if it is unusual that chunks of concrete would fall off.

Mayor Boutros did drive by the structure and witnessed the fallen concrete.

Assistant City Manager Gunter affirmed

- That the driveways and parking spaces are solid; she went on to say that,

- The façade system surrounding the structure is a vehicle barrier and safety design feature that is not a part of the structure, but a substructure.
- The facade has been subject to erosion from precipitation in its individual pieces, which are held together by steel components that are failing due to accumulated rust, and expansion and contraction from the elements.

Commissioner Hoff asked are any of the City's other structures constructed in this way.

Assistant City Manager Gunter replied that the façade on this structure is unique and is not used anywhere else.

Commissioner Hoff asked about taking the structure down as an option.

City Manager Valentine stated:

- The time frame required to plan a demolition project is months and perhaps years away.
- In the current environment and interest of public safety, it would be prudent to act now.

Commissioner Baller asked:

- How long would the project be expected to be completed.
- How many parking spaces would be taken out of service during the construction.

Assistant City Manager Gunter offered:

- The best-case scenario of 2 months, and worst case would be 3 months depending on The extent of difficulty anticipated in removing the corroded brackets.
- That approximately 120 parking spaces out of service at any given time.

Mayor Pro Tem Longe asked:

- If the cabling system is intended to be a temporary or permanent fix.
- Will it prohibit us from doing something down the road to the exterior façade.

City Manager Valentine affirmed:

- That it is intended to be a permanent fix being done on the inside.
- Options to improve the exterior façade down the road are available and a separate project.

Commissioner Sherman commented that:

- By way of an emergency meeting being held today, this is a public health, safety and welfare issue.
- It is the administration's duty to protect the community. Therefore, there is not a lot to discuss as far as what has to be done.
- He would expect that more information, as it becomes available, would be circulated to the commission and appear on upcoming agendas whether it is a regular meeting or special meeting.
- This is not a meeting to discuss aesthetics.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Host: To authorize the agreement with DRV Contractors to replace the existing barrier façade system surrounding the N. Old Woodward parking structure and install a new cable barrier system for an amount not to exceed \$591,000 from account #585-538.005-977.0000. Further, directing the City Mayor and City Clerk to sign the agreement on behalf of the City.

AND

To authorize the agreement with WJE Engineers and Architects, PC to design the barrier cable system for the N. Old Woodward parking structure and to provide construction observation services for an amount not to exceed \$25,000 from account #585-538.005-977.0000. Further directing the City Mayor and City Clerk to sign the agreement on behalf of the City.

Commissioner Baller commented that:

- He has a problem moving the resolution quickly because design authority is not included in the resolution.
- He could only support the resolution if architects are involved and the City Commission has input.

Assistant City Manager Gunter shared:

- That the contractor, WJE, is a team of engineers and architects, and has the capacity to advance the full team.
- That there have been discussions on the awareness of aesthetics and the goal is to develop a scalable design.

Commissioner Hoff agreed:

- That the suggested resolution is a safety issue and does not include design; so it should not be a part of the discussion.
- That the focus should be the emergency at hand.

Commissioner Baller expressed that there are many instances where cable systems are the façades; and it is possible that the City could end up with this type of façade. In order to support this motion, he wants to make sure that the façade ultimately is aesthetically pleasing.

City Manager Valentine went on to say that, nothing would be installed until the commission has an opportunity to review it.

Public Comment:

- Michael Poris, Architect, commented on the cost of installing facades, and stabilizing the structure in the meantime.
- Chris Longe, Architect, commented on Mr. Poris' statements and the current condition of the parking structure.
- Cindy Rose commented on securing the sculpture purchase on the site before beginning construction.

Commissioner Hoff commented on additional options to create a barrier.

VOTE:           Yeas,           6  
                  Nays,           0  
                  Absent,        1 (Nickita)

**V. ADJOURN**

The meeting adjourned at 12:59 PM.

Respectfully submitted,

Cheryl Arft  
Acting City Clerk

**BIRMINGHAM CITY COMMISSION MINUTES**  
**FEBRUARY 10, 2020**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Pierre Boutros called the meeting to order at 7:33 p.m.

**II. ROLL CALL**

Present: Mayor Boutros  
Mayor Pro Tem Longe  
Commissioner Baller  
Commissioner Hoff  
Commissioner Host  
Commissioner Nickita  
Commissioner Sherman

Absent: None

Administration: City Manager Valentine, Assistant City Manager Gunter, City Attorney Currier, Acting City Clerk Arft, Human Resource Manager Myers, DPS Director Wood, City Engineer Fletcher, Assistant City Engineer Bridges, Police Commander Grewe, Police Chief Clemence, City Planner Ecker, IT Director Brunk, BSD Executive Director Tighe, and Building Official Johnson.

**III. PUBLIC COMMENT**

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- Rob Bowen, Harmon Street between Woodward and Quarton Lake, representing the DIA.
  - ✓ Provided information about the DIA
  - ✓ Described how services are provided
  - ✓ The History of Ownership
  - ✓ Tax Support
  - ✓ Free Admission
  - ✓ Discounted Tickets to Ticketed Exhibitions
  - ✓ Bus Transportation
  - ✓ Professional Development for Educators
  - ✓ Senior Programs

- ✓ Public Art Programs
- ✓ Murals in the Communities
- ✓ Upcoming Events

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

**MOTION:** Motion by Manager Pro Tem Longe, seconded by Commissioner Sherman To amend the agenda under Staff Reports to include a third item for an update on the North Old Woodward garage.

VOTE:                   Ayes,               7  
                               Nays,               0

**02-030-20                   ANNOUNCEMENTS:**

- Mayor Boutros announced that Commissioner Nickita was celebrating a birthday. After a rendition of Happy Birthday, he invited everyone to be his guest for coffee and cookies in the back after the meeting.
- The City Clerk’s Office reminds you that Absent Voter ballots are available now for the March 10, 2020 Presidential Primary election. Voters are required to complete a written and signed application prior to receiving a ballot. We also want to remind voters that this is a Closed Primary which means you must designate the type of ballot you wish to vote: Democrat, Republican, or a ballot for the proposals only. Sample ballots will be available on our website and at our office in the next week.
- On Wednesday, February 12<sup>th</sup> at 7:30 PM Room 205 in City Hall, the Planning Board will meet to review and discuss Master Plan Premises and The Future City (vision). The public is encouraged and invited to attend. If you are unable to attend, the meeting will be televised, and you may submit comments or questions by calling the Community Development office at 248-530-1850 during regular business hours, or email to [jecker@bhamgov.org](mailto:jecker@bhamgov.org).
- The Birmingham Museum is launching its new exhibit, "Beyond Suffrage: Empowering Birmingham's Women" in February. The exhibit, which is a celebration of the centennial of the 19th Amendment giving women the right to vote, will run through 2020 and features the stories of remarkable women in Birmingham's history.

**02-031-20                   RECOGNITION OF 2019 STUDENT REPRESENTATIVES TO CITY BOARDS AND COMMITTEES**

Assistant to the City Manager Gallagher, on behalf of the City, recognized and thanked the student representatives who served on boards and committees in 2019; and to welcome the incoming group of students from the 2020 cohort. Suzanne O’Leary is the representative from Seaholm High School for this educational partnership between Birmingham Public Schools and the City dating back to 1996. The program was designed to promote citizenship, leadership, and encourage future participation in Government. She thanked everyone for the opportunity to participate in this program.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Nickita:

To approve the resolution recognizing the following seven student representatives for their service in 2019 on Birmingham Boards and Committees and awarding each student a certificate in appreciation for their civic involvement:

- John Utley – Planning Board – Seaholm High School
- Sophia Trimble – Planning Board – Seaholm High School
- John Butcher – Parks & Recreation Board – Seaholm High School
- Meredith Weddell – Museum Board – Seaholm High School
- Bennett Pompei – Multi-Modal Transportation Board – Seaholm High School
- Chris Capone – Multi-Modal Transportation Board – Seaholm High School
- Klea Shmet – Historic District Commission and Design Review Board - Seaholm High School

**02-032-20                    STUDENT APPOINTMENTS TO CITY BOARD AND COMMITTEES:**

Assistant to the City Manager James Gallaher presented the students desiring appointments to City Boards for 2020 to be interviewed by the City Commission.

Commissioner Hoff noted a discrepancy in Mr. Watkinson's name; while his application addressed him as James, his teachers addressed him as Hayden. She asked him how would he like to be addressed. Mr. Watkinson replied "Hayden" is his preference.

Commissioner Nickita commented about his experience with students serving on the planning board and encouraged them to take advantage of the opportunity and participate on a high level. He referenced Mr. Greg Moore, who took advantage of this opportunity, participated, worked hard, was recognized for an internship, and is now working as a successful licensed architect. He went on further to say that if the students really want to embrace the opportunity; it will advance them quite a bit.

Commissioner Baller commented by piggybacking on Commissioner Nickita's remarks and expressed to the students that they are valued as the future of Birmingham. He expressed that he would like to see the number of students participating increase annually and would like to also see private schools included in the partnership.

**MOTION:**                    Motion by Commissioner Sherman, seconded by Commissioner Hoff:

To appoint the following students as non-voting members to their respective boards for the calendar year 2020:

- James Hayden Watkinson, Seaholm High School - Parks & Rec Board
- Mallory Windsor, Seaholm High School – Parks & Rec Board
- June Lee, Seaholm High School – Planning Board
- Rachel Hester, Seaholm High School – Planning Board

VOTE:                            Ayes,                    7  
                                      Nays,                    0

**02-033-20                    ADMINISTRATION OF OATH**

Acting City Clerk Arft administered the Oath of Office.



- I. Resolution approving the appointment of election inspectors, absent voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the March 10, 2020 Presidential Primary Election pursuant to MCL 168.674(1), setting 10:00 a.m. as the start time for the Absent Voter Counting Board, and granting the City Clerk authority to make emergency appointments of qualified candidates should circumstances warrant to maintain adequate staffing in the various precincts, counting boards and receiving boards.
- J. Resolution approving the purchase and installation of LED lights from Smart Lighting, LLC for the lighting project at the Birmingham Ice Sports Arena at a total project cost not to exceed \$17,850. Funds are available from the Capital Projects Fund-Ice Arena. Further, authorizing the Mayor and City Clerk to sign the agreement on behalf of the City, contingent upon all required insurances.
- K. Resolution confirming the City Manager's authorization for the emergency expenditure related to the repair of vehicle #211 by Cummins Bridgeway for \$14,031.33 to be charged to the Auto Equipment account #641-441.006-933.0200, pursuant to Sec. 2-286 of the City Code.
- L. Resolution confirming the City Manager's authorization for the emergency expenditure related to the repair of two garage hoists by Allied Incorporated for \$10,258.66 from the Auto Equipment Fund account #641-441.006-933.0200, pursuant to Sec. 2-286 of the City Code.
- M. Resolution approving the 2020 annual flower purchase from Croswell Greenhouse Inc. in the amount not to exceed \$20,589.55. Funds are available from the General Fund – Property Maintenance – Operating Supplies account #101-441.003-729.0000.
- N. Resolution awarding the 2019-2020 Public Services contract totaling \$10,827.00 for Yard Services and Senior Outreach Services to NEXT under the Community Development Block Grant Program; and further, authorizing the Mayor to sign the contract on behalf of the City.
- O. Resolution approving the Addendum to the Public Services contract between NEXT and the City to include Minor Home Repair and extending the contract until June 30, 2020, and authorizing the Mayor to sign the Addendum on behalf of the City.
- Q. Resolution setting Monday, March 9, 2020 at 7:30 PM for a public hearing to consider the proposed lot combination of 1680 and 1698 S. Bates Street.

**02-034-20                      RESOLUTION APPROVING THE CITY COMMISSION GOAL SETTING WORKSHOP MINUTES OF JANUARY 29, 2020 (ITEM C).**

Commissioner Host expressed that he had spoken with Acting City Clerk Arft and City Manager Valentine because he felt that the remarks and synopsis of the meeting from Lew Bender,

workshop facilitator, should be considered in the minutes. He went on to say that he did not want it to appear to be a closed meeting. The public was invited and should be able to see the facilitator's synopsis.

Commissioner Hoff expressed that the minutes are present and the synopsis that Mr. Bender prepared could perhaps be attached, but the synopsis was not presented in the meeting.

City Manager Valentine expressed that the synopsis came after the meeting, it was not a record of the meeting. He added that as a procedural matter, it could perhaps be attached subsequent. City Manager Valentine went on to explain that if it does not happen during the meeting, it is a byproduct of the meeting provided after the fact. Finally, including the synopsis in the minutes would not be an accurate reflection of the meeting because it came subsequent as a document.

Commissioner Hoff agreed to an attachment, but does not want anyone to think it was a closed meeting.

Mayor Boutros reiterated that it was a public meeting and met all of the requirements of a public meeting.

Commissioner Sherman reiterated that it was a workshop session and stated that there are other ways to include Mr. Bender's report in the record history; but feels to have the report in the minutes is not the way to do it.

Commissioner Host asked for suggestions to include the report in the record.

City Manager Valentine explained that in as much as the document was received after the workshop, it would be put before the City Commission at a later meeting. At that time, it would become a record of that meeting.

**MOTION:** Motion by Commissioner Host, seconded by Commissioner Hoff:  
To approve the City Commission Goal Setting workshop minutes of January 29, 2020.

Commissioner Nickita pointed out that the minutes clearly reflected a public meeting because comments were captured from Cindy Rose, who attended the meeting in a public capacity and spoke under Public Comment as set forth on the Agenda.

David Bloom expressed that Birmingham has been an outstanding community to live in especially from a government standpoint. Birmingham has always gone above and beyond on what has been required by the law in terms of engaging participation, keeping records, being inclusive, and inviting the community. He sees it falling off; an example is the North Old Woodward project and other matters. He also sees it in the quality of the minutes. He went on to say that the minutes may meet the legal or parliamentary requirements but does not meet the Birmingham requirement or standard of what has been done in past practice. Mr. Bloom went on to say that the minutes are not acceptable to him and should not be acceptable to anyone else. He asked that the minutes be redrafted in accordance with what happened in that meeting commensurate with the previous standards that have been held in Birmingham.

VOTE:                   Ayes,               7  
                              Nays,               0

**02-035-20               RESOLUTION APPROVING A REQUEST FROM THE BIRMINGHAM  
                              BLOOMFIELD CHAMBER OF COMMERCE TO HOLD THE ANNUAL  
                              VILLAGE FAIR AND PRIVATE PARTY IN SHAIN PARK (ITEM G).**

Commissioner Hoff pulled this item because it is the Annual Village Fair and there are unique situations surrounding the event. Work is scheduled for Maple Road at the same time that the Library's children section is being reconstructed. While she was not clear what changes the Village Fair organizers had planned due to the construction schedule around the site, Commissioner Hoff sees that it is moving forward. She asked for more information on how the event would work and be successful under the aforementioned circumstances.

Joe Bauman, President of the Birmingham Bloomfield Chamber of Commerce, addressed the commission with gratitude. He expressed that his team from the Chamber of Commerce have had a series of meetings with the City of Birmingham administration and businesses for feedback because of the challenges from construction that this event would be facing. Based on the feedback, the organization drafted an amended plan as follows:

- Takes it off Martin St. and moves it further south, to keep traffic patterns available for Police and fire, and maintain other emergency access.
- The large dumpster that is usually in lot #6 would be moved onto Merrill St.
- While the Chamber realizes that the fair will be disruptive, they are bringing thousands to the City not only for the fair, but to shop and eat.
- The Chamber is comfortable with the modifications recommended by staff and are prepared to do what needs to be done to show the community that downtown Birmingham is still open despite construction of Maple Road.

Commissioner Hoff asked would Martin St. be open all the way. Mr. Bauman stated that Martin would be closed from Henrietta to Bates.

Commissioner Hoff also asked about the private party scheduled for the Wednesday night before the event. She understands that this event is important to the chamber, but asked how important would the party be to the chamber this year; because it would add a day to the event.

Mr. Bauman replied that this year the chamber partnered with the Young Presidents Organization, an association of Corporate CEO's under the age of 45. The members live in the Birmingham/Bloomfield area and are planning to bring 200 families, a much smaller group. It is a major source of income and will be generating income for the Community House as well. He assured Commissioner Hoff that this event would not add an additional day to the fair because the streets would still close on Tuesday setup.

Commissioner Sherman commented that there was discussion about moving the fair to S. Old Woodward in the triangle area, and wondered what happened to the idea.

Mr. Bauman expressed that the challenges were crowd control, and the safety of the crowd while crossing Woodward. One of the great things about the current location is that it is enclosed, not visible, and the families feel more secure.

Commissioner Hoff stated that since it has been approved by all of the departments and is a very popular event in Birmingham, she will support it.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Nickita:  
To approve a request from the Birmingham Bloomfield Chamber of Commerce to hold the Annual Village Fair and private party in Shain Park and on the surrounding streets and sidewalks, May 27th through May 31st, 2020, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

VOTE:                   Ayes,            7  
                          Nays,            0

**02-037-20                   RESOLUTION APPROVING THE ASSIGNMENT OF THE BOB ADAMS TOWING CITY CONTRACT TO JAKE'S AUTOMOTIVE (JAKE'S TOWING) (ITEM P).**

Item P- Commissioner Hoff pulled this item because she did not understand the terms of the contract. Police Chief Clemence clarified that it is the original contract through 2021 with an option to renew for two additional years at current pricing.

Commissioner Hoff noted that Jakes Automotive is located in Auburn Hills while Bob Adams was located in Birmingham. Chief Clemence said that Jakes would be in Bob Adams current location and everything would remain the same. The contract requires Jakes Automotive to be in Birmingham.

**MOTION:**                   Motion by Commissioner Hoff, seconded by Commissioner Sherman:  
To approve the assignment of the Bob Adams Towing City contract for the towing and storage of impounded, abandoned, accident and other motor vehicles to Jake's Automotive (Jake's Towing) pursuant to all the terms and conditions of the existing agreement.

VOTE:                   Ayes,            7  
                          Nays,            0

Police Chief Clemens took the opportunity to recognized Terry and Sandy Adams of Bob Adams Towing, as being great vendors to the City of Birmingham for the last 25 years. He went further to acknowledge that they have been great members of the community and good partners with the City. He wished them the best in their retirement on behalf of the City, Police Department, and the City Commission.

**02-038-20                   RESOLUTION APPROVING THE CITY COMMISSION LONG RANGE PLANNING MEETING MINUTES OF JANUARY 25, 2020 (ITEM A).  
RESOLUTION APPROVING THE REGULAR CITY COMMISSION MEETING MINUTES OF JANUARY 27, 2020 (ITEM B).  
RESOLUTION APPROVING THE CITY COMMISSION SPECIAL MEETING MINUTES OF FEBRUARY 1, 2020.**

David Bloom, 1591 Stanley, pulled these items from the Consent Agenda because the publics' comments were not detailed. He wants the comments to be included in keeping with the Birmingham traditions of being inclusive and providing robust record keeping with regards to what happens in the City's meetings.

Commissioner Baller commented that the issue for him is consistency. He went on to say that some meetings are televised and streamed, and some are not. Meeting minutes are thorough, some do include substance of comments, and some do not. He feels that the community ought to be able to expect some amount of consistency in all of those things. He does not know why some are televised or audio taped, and some are not. He also does not understand why the substance of some comments are included and some are not.

Commissioner Host commented that he was at the Long Range Planning Session and remembered what people said, with the exception of the younger man who mentioned about pathways. The specifics of those comments were not put in the comments.

Mayor Pro Tem Longe expressed that she agrees that the substance of comments are important and provides an important context when people go back in time and look at the way that the commission makes decisions. She felt it was important to document that Scott Klein was the chairman of the planning board and that he was encouraging people to participate in the sessions that are going to be held to discuss the Master Plan. She reflected that they had detailed comments and minutes on the Parks and Recreation board so that you can go back and follow through time who appeared and what they proposed. She thinks that it was extraordinarily helpful and wanted to state for the record that she prefers minutes that go above and beyond what is required for recording votes and parliamentary procedure and she thinks that they do not have to be book length but a summary of the substance is important and should be included where permissible.

Acting City Clerk Arft advised the commission that there were four sets of minutes in seven days. She went on to say that the minutes presented were meant to be just a draft with a plan to go back and provide a more complete set of works.

Commissioner Sherman expressed that he did not understand the Acting City Clerks comment. He asked if the minutes are to come back revised. He felt that the minutes for the 27<sup>th</sup> were more complete than the other minutes; and expressed if the intention was to revise the minutes, than the recommendation should be to send back Items A, B, and D for revisions.

Commissioner Baller suggested that Item C be unapproved and sent back.

Commissioner Nickita clarified that there are four meetings on one agenda which is not typical. There is also a special meeting, again not typical, included. An emergency meeting for the parking deck which had to be put together in 18 hours. He went on to say that there is an aspect of consistency, all of the meetings that are noticed as regular meetings are televised and there are votes on specific issues at all of those meetings. The aforementioned types of meeting are different from meetings that are essentially workshops for long range planning that range 6-7 hours in duration. Televising this type of meeting is prohibitive due to other scheduled programming set forth by the service provider. He went on to point out that there is a way that the commission has held these meetings in the past and it has not changed. It is not typical that a workshop is televised. The commission has been consistent.

Commissioner Hoff observed that when a decision has to be made, the comments on why people are voting the way that they vote is important. In a workshop situation, comments may not be included because decisions regarding City business are not being made. She went further to express that during regular meetings of the City Commission when decisions are being made and votes are being taken, she has seen supporting comments reflected in the meeting minutes.

Commissioner Baller asked about the costs of televising meetings; and further wanted to know if it has been communicated to the public.

City Manager Valentine affirmed that there is a nominal cost. The challenge of televising the Long Range Planning meeting was the duration and it made programming problematic.

Mayor Boutros added that all of the meetings are publicized and they are always welcome to attend. He asked the commission not to make an issue of something that is not an issue.

David Bloom commented that the two most important meetings that the City holds annually are the Long Range Planning meeting and the budget hearings in March. It sets the tone and is very important to record what everyone says.

By consensus, Items A, B, and D are to be amended and brought back.

## VI. UNFINISHED BUSINESS

**02-039-20                    ORDINANCE AMENDING PART II OF THE CITY CODE, CHAPTER 74 OFFENSES, ARTICLE I. – GENERAL, SEC 74-6, TO REPLACE THE CUR- RENT ORDINANCE TO INCLUDE BICYCLING AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES**

Commander Grewe presented this item.

Definitions of the devices referenced were taken from State law.

- Any area with a speed limit of 25 miles per hour or less including all sidewalks ***all devices*** are permitted in those areas.
- Roadways with a speed limit above 25 miles per hours, only devices with handle bars are permitted.

Mayor Boutros thanked Commander Grewe for his thorough presentation informing the commission about the changes proposed to the existing City Code.

Commissioner Nickita complemented Commander Grewe and his team for the work put into this item. He went on to express appreciation for the presentation and the alignment of the proposed ordinance with State law. Commissioner Nickita went on to say that his questions were clarified and he agrees with the plan for the Central Business District, Birmingham Shopping District, and others outlined on the map. He went further to recommend including the ½ mile along Woodward between Lincoln and 14 Mile Road in the plan due to the consistent pedestrian condition with the businesses situated so close to the street.

Commissioner Hoff questioned the definition of pedestrian, which states that it is a person on foot or skateboard. She went on to ask about the electric skateboard. To clarify, according to State law, skateboards are allowed on the sidewalk but not electronic skateboards.

Commander Grewe went on to clarify that, according to State law, skateboards are allowed on the sidewalk but not electric skateboards. However, the law does permit Cities to develop codes to restrict skateboards of all kinds on the sidewalk in designated areas; and the City of Birmingham has restricted them in the Central Business District including Shain Park.

Commissioner Host asked Commander Grewe to respond to Commissioner Nickita's assertion that North Old Woodward and East Maple are similar to Woodward between Lincoln and 14 Mile Road. Commissioner Host agreed that the Lincoln area should be included in the proposed amendment as well.

Commander Grewe expressed that it is an enforcement issue.

Commissioner Baller asked for a better definition of the problem associated with the increased calls regarding people riding electric devices in the downtown area. He asked if Commander Grewe has any data to support the perception of the problem.

Commander Grewe expressed that he does not have exact number of calls. While there has been no accidents, the department does witness excessive speeds with the potential for accidents but is unable to do anything about it. The current City code only addresses devices under human

compulsion; therefore, the department is proposing the suggested resolution for the sake of pedestrian/public safety.

Mayor Boutros asked for clarification of his understanding that this amendment is the City trying to be proactive rather than to wait for an accident to happen. He expressed that amending the code will not hurt the City but an accident would hurt the City.

Commander Grewe agreed.

Mayor Pro Tem Longe concurred with Mayor Boutros and his desire to prevent injuries. She referenced a report from Detroit Receiving Hospital enumerating a number of patients seen there for injuries related to accidents from electric skateboards. She felt that this is a worthwhile amendment. Mayor Pro Tem Longe expressed that if the City is going to regulate skateboards, then electric bicycles should also be included. She asked Commander Grewe to explain B5 of the City Code.

Commander Grewe explained that coasters referred to in B5 of the code, are roller skates and fit-type devices in the roadway.

Mayor Boutros expressed that he would not object to moving this item forward and amending it later to include the Lincoln area proposed by Commissioner Nickita and concurred with by Commissioner Host.

#### Public Comment

- Mary Neff, has a son who was once an electric skateboarder and now has a scooter, spoke on behalf of her son enjoying what Birmingham has to offer via electric devices due to the lack of parking in the City. She felt that forcing these scooters into the road on Woodward would be a safety issue especially around Dairy Mat. Ms. Neff expressed that the electric devices are the wave of the future – they are sold at Costco and are a very handy mode of transportation in the summer. She suggested that maybe the City restrict speed limits such as on Woodward sidewalks. She does not want to see selective enforcement of scooters as opposed to bikes.

Commissioner Nickita expressed it is very wise that the commission is doing what they are doing in terms of this amendment. There is a popularity growth of encouraging more walking, biking, and an increase in these vehicles. While there are a lot of dynamics surrounding this issue, such as a growing elderly population and an increased use of assistance devices; by doing this we're getting in front of it. Commissioner Nickita asked how much more difficult would it be to enforce S. Old Woodard vs. N. Old Woodward. He walks a lot South of Lincoln on Woodward; so he encourages extending the amendment to the south initially and if unable to enforce it, alter it later.

City Manager Valentine clarified the procedure for modification of the suggested resolution. He would prefer to have that language in final form for the commission to adopt the ordinance with the language included as opposed to trying to define an area to add the language now. He suggested that the item be tabled and come back with a modified boundary; or pass it this evening and have it come back with a new boundary as an amendment to the amendment.

Commissioner Nickita agreed with City Manager Valentine, extending it into the south is logical and consistent with the current approach.

Commissioner Hoff asked if the City would be restricting young families from riding into town on their electric scooters and limiting them to the neighborhood only.

Commander Grewe confirmed that as the amendment was being proposed, they would be allowed to ride in the street only.

Commissioner Baller commented with regard to the boundaries, the CBD makes sense but the areas around the BSD appear to be arbitrary boundaries and does not make sense. He went on to say that the area South of Lincoln to 14 Mile Road is problematic and he agrees with Commissioner Nickita's point of view. He believes that there will be many violations and the amendment needs more nuance.

Commissioner Sherman agreed with Commissioner Hoff. He reminisced about his own childhood and the excitement surrounding a trip downtown. He believes it is unreasonable that folks would allow small children to ride their scooters in the street. He suggest that the amendment receive more thought. Especially the how, whys, and possible exceptions.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Host: To approve an Ordinance amending Part II of the City Code, Chapter 74 Offenses, Article I. – General, Sec 74-6, to replace the current ordinance to include Bicycling and Electric Personal Assistive Mobility Devices in the **(Central Business District)**. Furthermore, authorizing the Mayor and City Clerk to sign the ordinance on behalf of the city.

Commissioner Nickita expressed that the Commander's team did a good job bringing the amendment this far, and he does support the motion; but there are some gaps. He further concur that he has some concerns about lumping in the Triangle District because there are some areas that may require exceptions to preserve the integrity of public safety.

Mayor Pro Tem Longe expressed that she supports the motion, but believes that BSD boundaries are overkill due to front parking.

Public Comment

Mary Kerr asked if bikes will be included, and further warned that some of the boundaries may not be expanded and still stay compliant with State law.

VOTE:                      Ayes,                      7  
                                    Nays,                      0

**VII                      NEW BUSINESS**

**02-040-20                      HEALTH EFFECTS OF SMALL CELL TOWERS BUILT TO ACCOMMODATE 5G TECHNOLOGY**

City Manager Valentine presented this item that is being pushed by the FCC.

Jane Awdish, City Attorney Currier's associate from Beier Howlett, walked the commission through the framework of this new technology and what authority the City has in regulating 5G relative to federal law:

- The FCC regulates all communications.
- Municipalities are banned from prohibiting small cell facilities.
- Current Case Law is attempting to repeal the Moritorium Order and Small Cell Order, which regulates the technology, but it will take a long time to get a decision.

Commissioner Baller asked if municipalities are free to develop installation guidelines. Ms. Awdish answered no and clarified that the City is prohibited from regulating the facilities. He further asked if the installers would need to come to the City for permits and would the City have the authority to deny the permits.

City Attorney Currier explained the process to the commission. There is a great demand for this technology on a federal and state level. Pole pollution is imminent.

Commissioner Baller expressed that he received an email with an alternative resolution that could be sent to Lansing. He further asked City Attorney Currier if there are other options.

City Attorney Currier nor Ms. Awdis saw any emails offering an alternate resolution.

City Manager Valentine expressed that there are certainly different alternatives that may be adopted; in working with legal counsel, other resolutions were evaluated but caution must be exercised so that the Federal government addresses health and safety concerns.

Commissioner Hoff asked if small cells replace the traditional wireless antenna or in addition to what already exist and who receives the revenue.

City Attorney Currier affirmed that they are in addition and the revenue is minimal based on State statute.

Mayor Boutros suggested that the commission just focus on what is before them now. The suggested resolution is to initiate a health study and guidelines to protect the health and welfare of the residents of Birmingham.

City Manager Valentine reminded Mayor Boutros that the commission does not have approval authority just a process to review.

City Attorney Currier added that because the entities installing the technology try to be good corporate citizens, the City may have some ability to discuss and impact aesthetics.

Commissioner Hoff expressed that the suggested resolution was written for Birmingham to send to State and Federal legislators. It is not to change anything but for the City to urge them to initiate a study of the health effects of 5G and develop guidelines to protect our citizenry.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Hoff:

Resolution urging the state legislature and federal government to initiate a study of the health effects of small cell towers built to accommodate 5G technology and to develop installation guidelines protecting the health and welfare of residents.

Commissioner Host suggested an amendment to include stronger language into the suggested resolution. Such as putting forth a moratorium on 5G until the exact health benefits are known.

#### Public Comment

- Betty Gusho, 1195 Lyonhurst Street, expressed that New Hampshire has a safety commission that started in September through November 2020. Therefore, she felt there is no need to put forth a resolution for another safety study. A resolution for a moratorium on 5G until it is proven safe. She also encouraged protecting folks dependent on pace makers, etc.
- Ann Bray, 1260 Buckingham, stated that there are a coalition of groups adjoined with municipalities from Grand Rapids, E. Grand Rapids, Rochester, and surrounding municipalities regarding wireless infrastructure in the public right-of-ways throughout Michigan. Municipal lawyers from other states who are successful in implementing protective policies and ordinances following the many lawsuits. She went further to say that the government is still dealing with the health consequences of 4G technology. Safe technology is available but it is not wireless. It must be hardwired.
- Christa Odell, 959 Kennesaw, she strongly encouraged the commission to support the suggested resolution, and agreed with Commissioner Host suggestion of stronger language. She asked that the City Commission be the voice of Birmingham.
- Lindsay Flatter, 19541 Wilshire, Franklin, was relieved that the commission is open minded to their suggestions. She expressed that she is concerned that from a legal standpoint, that a moratorium may not be available. She said that San Francisco has found a loophole and is not able to not allow towers for aesthetic reasons. She feels that this is a human rights issue because everyone is at risk for health problems.
- Serena Sedat, 2601 Leroy, West Bloomfield, suggested that everyone review YouTube video to educate themselves on the dangers of this technology.
- Stacy Barnes, Beverly Hills, had her home tested for RF threats by a building biologist, which were cordless phones and wifi. Where the house is a safe distance from 4G cell tower, the levels of RF in the rear of her home were very high and is afraid of what 5g would do.

Commissioner Baller asked if attorneys had read the resolution brought to the meeting by the public.

Mayor Boutros commented that he is supportive of all the concerns expressed, but he let everyone know that the City has limitations on their authority and a specific resolution is before the commission tonight that need a vote.

Mayor Pro Tem Longe expressed that she is greatly concerned about the potential health effects, and knows how long studies could take. She felt that the right thing to do is pass the recommended resolution and send out to the State legislators. She feels the City should continue to look for loopholes; but most importantly move forward with the resolution.

VOTE:                   Ayes,               7  
                              Nays,               0

**02-041-20                   BFA LOCAL 911 GRIEVANCE OF NOVEMBER 5, 2019.**

HR Manager Myers described the grievance as being appealed to the commission as Step 4 in the grievance procedure of the bargaining unit agreement.

Commissioner Baller wanted to know how many years the grievant has been a fire fighter for the City of Birmingham. HR Manager Myers affirmed 24 years.

City Manager Valentine reminded the commission of the issue before them and that it is a labor management issue sensitive in nature. The suggested resolution does not provide for discussion at this time, only an action as to whether the grievance will be heard by the City Commission.

Commissioner Baller continued to inquire about the merits of the case.

Commissioner Sherman called for a point of order.

Mayor Boutros intervened that the question was asked and answered.

Commissioner Baller expressed that his primary inclination was to hear the case because the primary responsibility of the commission is oversight and this is an excellent opportunity to exercise that duty. However, he does not want to sit as a jury.

**MOTION:**                   Motion by Commissioner Baller, seconded by Commissioner Host:  
To waive consideration of the Birmingham Firefighters Association Local 911 grievance of November 5, 2019.

VOTE:                   Ayes,               7  
                              Nays,               0

**VIII.       REMOVED FROM CONSENT AGENDA**

None

**IX. COMMUNICATIONS**

None

**X. REPORTS**

A. Commissioner Reports

1. Notices of Intent to appoint the Parks and Recreation Board, Multi-Modal Transportation Board, Planning Board and Cablecasting Board on March 9, 2020.

B. Commissioner Comments

- Commissioner Nickita reported on Birmingham being named 1 of the safest cities in the United States to buy a home, by the group Lend EDV. They analyze FBI crime

databases to find the most safest and dangerous regions in the U.S. Out of 1250 cities of over 10,000 people around the country and identified Birmingham as 137<sup>th</sup> safest city. A big thanks to the Chief of Police and staff. He further pointed out that a Detroit Free Press article on Feb 3, 2020 about a shortage of City Hall job seekers in particular City Managers. Apparently, there are a small number of City Managers and it is difficult to find a good one. It is a difficult market in the Detroit metropolitan area and a difficult job and spreading nationally. Birmingham has a very good City Manager; and Joe Valentine is highly respected and valued in the Municipal community.

- Commissioner Sherman reported on the Ad Hoc Unimproved Streets Committee. He went on to say that they met a week prior to this meeting and received the 1<sup>st</sup> draft of the committee's findings. It was reviewed carefully and is a very thorough document of approximately 72 pages. The anticipated completion date is the beginning of March.
- Commissioner Sherman also reported that Lew Bender's notes from the Commissioner's Work Shop of January 29, 2020 was received by email and he would like to incorporate them into this meeting's minutes (See Attachment A). Commissioner Sherman mentioned that there were certain ground rules agreed to by the commission and it would be good to list them and acknowledge the ground rules that would be abided by.
- Commissioner Host thanked Commissioner Sherman because two other thing in those minutes is that the commission should have more workshops and would like to see them televised. He would also like to attempt to get the agenda a lot earlier and hopefull with a lot more input from the commission.
- Commissioner Nickita commented about the discussion earlier on meeting minutes and documentation of Commission Meetings. He pointed out that over the course of 10 years on the commission and prior to that the planning board, he has reviewed roughly 500 sets of minutes. He went on to say that there has been a lot of different levels of quality; with that said, some of the minutes in recent months have been quite exceptional. He futher expressed that he is impressed with the quality of the minutes and the succinct documentation of the essence of the dialog. He is actually quite surprised how well the points of view carry forth. He commended Cheryl and her team on a job well done.

C. Advisory Boards, Committees, Commissions' Reports and Agendas

1. Public Arts Board annual report

D. Legislation

E. City Staff

1. 2nd Quarter Financial Report, submitted by Finance Director Gerber
2. 2<sup>nd</sup> Quarter Investment Report, submitted by Finance Director Gerber
3. N. Old Woodward Garage – Vehicle Barrier System and Exterior Façade Options
  - Assistant City Manager Gunter gave an update on the issue that required a special meeting on February 1, 2020. She explained the preliminary design proposal and considerations. Staff began moving immediately. The plan is to do one side at a time, meeting daily with all of the departments involved working through the logistics of the plan.
  - Matt Lewis talked about vehicle barrier design.

- Commissioner Hoff asked if the plan is to install the barrier cable system before taking down the façade. She also expressed that she understood the façade to be the problem and is deteriorating, so she wonders why the barrier system is being installed first. Lastly, she asked if the façade would be moved from the inside or out and the distance between the barrier and the current facade.
- Mr. Lewis responded that it is important to have a system in place when the façade is removed in the interest of public safety. Currently the area is barricaded. He went on to say that it is more of a constructability concern than an engineering issue.
- Derek Vetor with DRV Contractors noted that it is safer for the workers, vehicular traffic, and pedestrians. He went on to answer that it would be done inside and outside and the distance between the façade and barrier is approximately 12 inches inboard from the edge of the slab.
- Commissioner Nickita asked about the potential for cars to damage the posts. He further asked if the worst-case scenario had been considered; if so, is everyone comfortable with the resulting vulnerabilities.
- Mr. Lewis assured Commissioner Nickita that the vehicle barrier is designed to withstand the impact per building code.
- Commissioner Baller suggested concrete bumpers and asked what materials are being used in the existing plan.
- Mr. Vetor replied galvanized dipped steel is being used. It is a material commonly used in exposed environments.
- Commissioner Hoff questioned why old concrete wall is being left. Mr. Lewis responded that they are part of the structure, and sound. There have been no issues identified.

INFORMATION ONLY

<b>XI. ADJOURN</b>
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Meeting adjourned at 10:45 p.m. by Mayor Boutros.

## City of Birmingham Leadership Team Workshop Summary January 29, 2019

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### I. **Facilitator Observations:**

On Wednesday, January 29, 2020, the Mayor, Commissioners, and City Manager of the City of Birmingham, Michigan, met to discuss ways to serve its citizens better. This elected leadership team has experienced significant issue-oriented and inter-personal conflicts over the past year. The depth of these conflicts has extended to the community and have surfaced in a recent election, social media and other venues.

Given the depths of the passions, this facilitator was impressed by the shared desire by each commissioner to find a constructive pathway to work together. Indeed, each commissioner faces the challenge of moving from political posturing and games to the essential process of governing. This means each person must “draw the line” in the sand and decide to follow the rules and expectations identified in this document.

In my view, this means several things:

- Not seeking ways to remind each other of past inter-personal and policy disagreements
- Discussing issues/ideas with each other and not using social media or other platforms to undermine the Mayor, Manager or a Commissioner or his/her position(s)
- Simply doing the things identified in this document that every member agreed to support.

This document summarizes the discussion that focused on these three questions:

- 1) *What are the expectations of the Mayor, City Manager, and Commissioners?*
- 2) *What are the ground rules?*
- 3) *What do we need to do differently to be more effective?*

### II. **Questions for the Leadership Team:**

#### 1) *What are the Expectations of the Mayor?*

- Leadership (2)
- Remain neutral
- Open-minded
- Fair
- Firm
- Respectful
- Personable
- Knowledgeable
- First among equals
- Run meetings fairly, efficiently, and professionally

- Represent the city at public events
- Ethical behavior and integrity

**2) *Expectations of the City Manager?***

- Supportive
- Honest
- Non-political
- Responsive
- Professional and ethically based decision making
- Accessible
- Innovative
- Professional
- Call out micro-managing “fouls”
- Manage the staff
- Leadership
- Administration
- Primary information source
- Ethical behavior and integrity
- Represents the City

**3) *Expectations of the Board of Commissioners?***

- Forthcoming and honest
- Open-minded
- Collaborative
- Don't personalize issues, grab a drink on occasion
- Be supportive of each other, the manager, and the staff
- Represent the entire community, not personal interests
- Make decisions in the best interest of the City
- Be prepared and do your homework
- Listen
- Accept the majority opinion
- Voice your opinion
- No personal attacks – in session or out

**4 What are the ground rules?**

- Treat each other with respect and civility.
- Follow the rules of procedure adopted by the City Commission.
- When you do not agree, do not conduct personal attacks on one another in any venue.
- All commissioners are equal elected officials.
- Be honest – expect and promote a high level of integrity.

- Focus decision-making on the best interest of all City constituents not just election supports.
- Do not discuss pending litigation in venues that do not comply with the Open Meetings Act.
- No personal agendas.
- Focus on the future and avoid seeking ways to remind each other of past issues of debate.

**5 What do we need to do differently to be more effective?**

- Talk more – formally and informally
- Conduct more workshops and study sessions
- Prioritization
- Education
- Communication
- Be willing to work together
- Accept decisions of the vote of the commission majority and move on.

**6 Suggested Next Steps**

- Improve communications and Commission decision-making process by experimenting with a work session process. My revised suggestion is that the Commission should pick two (non-controversial) topics that require more in-depth discussions. Do two work sessions and then decide how you wish to proceed with this approach.
- After experimenting with two-topic-work sessions, create a list of topics for further work session discussion. Also, create a schedule that suits the members.
- Consider examining and experimenting with the Commission packet. Does it meet Commissioners' needs? Should the schedule be offered?
- Periodically discuss these notes. Are members living up to the expectations that each one agreed to?
- Meet with Lew circa April-May.

*Respectfully submitted:*  
*Lewis G. Bender, Ph.D.*  
 618-792-6103 (Cell)  
 February 3, 2020

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---

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*Lewis G. Bender, Ph.D.*  
 618-792-6103 (Cell)  
 February 3, 2020

**City of Birmingham**  
**Warrant List Dated 02/12/2020**

Meeting of 02/24/2020

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
271664	*	001956	HOME DEPOT CREDIT SERVICES	10,868.65
271665	*	000819	44TH DISTRICT COURT	500.00
271666	*	000855	48TH DISTRICT COURT	100.00
271667	*	000855	48TH DISTRICT COURT	100.00
271668	*	000855	48TH DISTRICT COURT	500.00
271669	*	000855	48TH DISTRICT COURT	300.00
271670	*	000855	48TH DISTRICT COURT	200.00
271671	*	000855	48TH DISTRICT COURT	100.00
271672	*	000855	48TH DISTRICT COURT	100.00
271673	*	000855	48TH DISTRICT COURT	500.00
271674	*	007266	AETNA BEHAVIORAL HEALTH LLC	457.47
271675		MISC	ALEX LINKE	102.20
271675	*	MISC	ALEX LINKE	124.99
271676		007745	ALL COVERED	2,286.35
271677		008015	ALL PHASE LOCK AND SAFE	90.00
271678	*	001206	AMERICAN MIDWEST PAINTING INC	2,580.00
271679		008304	AMERINET	26,485.60
271680		MISC	ANTHONY PAUL SCIGLIANO	225.00
271681	*	008977	JOBMATCH LLC DBA APPLICANTPRO	338.00
271682		MISC	AQUILINA, DAVID	97.74
271683	*	007437	CHERYL ARFT	112.70
271684	*	006759	AT&T	304.13
271685	*	006759	AT&T	307.07
271686	*	004027	AUTOMATED BENEFIT SVCS INC	6,652.25
271687	*	006534	BADER AND SONS CO	109.54
271688		MISC	BADHWAR, SANDEEP	262.79
271690		003012	BATTERIES PLUS	176.35
271691		MISC	BELAGGIO HOMES INC	1,000.00
271692	*	005274	LEWIS BENDER	3,040.00
271693		MISC	BERNIER, JONATHAN	77.43
271696	*	001086	CITY OF BIRMINGHAM	402.96
271698		MISC	BLEZNAK, MITCHELL	125.85
271700		006520	BS&A SOFTWARE, INC	25,970.00
271702		MISC	CAROL LEWIS DAY SPA	100.00
271705		007134	CERTIFIED POWER, INC	75.59
271706		MISC	CHET'S CLEANING INC	150.00
271707		MISC	CICOTTE PLUMBING	7.00
271708		000605	CINTAS CORPORATION	334.94
271709		001318	CLOVERDALE EQUIPMENT CO	1,569.52
271710	*	004026	COFINITY	1,521.00
271711	*	008955	COMCAST	213.43
271712	*	007774	COMCAST BUSINESS	258.35

**City of Birmingham**  
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Meeting of 02/24/2020

Check Number	Early Release	Vendor #	Vendor	Amount
271713		000979	COMERICA BANK	2,039.68
271714	*	000627	CONSUMERS ENERGY	1,422.54
271715		001367	CONTRACTORS CONNECTION INC	355.55
271716	*	009145	CREATIVE COLLABORATIONS	3,800.00
271718		MISC	DANIEL BRAND	500.00
271719		MISC	DEN-MAN CONTRACTORS	1,000.00
271720	*	006907	DENTEMAX, LLC	153.00
271721		005318	DEWOLF & ASSOCIATES	745.00
271723	*	006700	DRV CONTRACTORS, LLC	800.00
271724	*	000179	DTE ENERGY	149.10
271725	*	000179	DTE ENERGY	148.22
271726	*	000179	DTE ENERGY	123.23
271727	*	000179	DTE ENERGY	2,122.14
271728	*	000179	DTE ENERGY	155.16
271729	*	000179	DTE ENERGY	2,108.14
271730	*	000179	DTE ENERGY	92.91
271731	*	000179	DTE ENERGY	1,018.79
271732	*	000179	DTE ENERGY	67.48
271733	*	000179	DTE ENERGY	294.30
271734		MISC	DUONG, DANG	9.61
271736	*	007538	EGANIX, INC.	720.00
271737	*	007399	EL CENTRAL HISPANIC NEWS	80.00
271738		MISC	ENGLE II, BARRY LEE	122.22
271740		009100	ENZO WATER SERVICE	210.00
271741		003253	ESRI, INC	9,332.19
271742		MISC	FAMILY HEATING CO INC	60.75
271743		000936	FEDEX	23.04
271744	*	004514	FEDEX OFFICE	40.00
271745		MISC	FRICK, ROBERT K	500.00
271746		MISC	GARATONI, LISA	39.11
271747		007172	GARY KNUREK INC	214.90
271749		MISC	GINO LUIGI DAGOSTINI	20.00
271751	*	004604	GORDON FOOD	255.61
271753		001531	GUNNERS METER & PARTS INC	725.00
271754		MISC	GUTTER SYSTEMS OF MICHIGAN	100.00
271755		001377	HAGOPIAN CLEANING SERVICES	442.00
271756		MISC	HENDERSON, JESSE D	204.96
271757		MISC	HOME DEPOT USA INC	500.00
271758		MISC	HOME INSPECTION PLUS INC	100.00
271760		000948	HYDROCORP	1,315.00
271761		001234	IAFC MEMBERSHIP	215.00
271762		000342	IBS OF SE MICHIGAN	481.90
271763		008564	JERRY'S TIRE	1,716.58

**City of Birmingham**  
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Meeting of 02/24/2020

Check Number	Early Release	Vendor #	Vendor	Amount
271764	*	007827	HAILEY R KASPER	189.00
271766		MISC	KELLETT CONSTRUCTION COMPANY	100.00
271767		000353	KNAPHEIDE TRUCK EQUIPMENT	338.81
271768		MISC	KNIGHT, JENNIFER	89.43
271770	*	002466	MIKE LABRIOLA	325.00
271771	*	004890	CARRIE A. LAIRD	38.53
271772		006817	LEXISNEXIS RISK DATA MANAGEMENT INC	149.75
271773		MISC	LL CUSTOM CONTRACTING OF MICHIGAN	200.00
271774	*	008158	LOGICALIS INC	9,700.00
271776		MISC	LYNCH CUSTOM HOMES	14.78
271777		003934	MADISON GENERATOR SERVICE INC	219.90
271778		001417	MAJIK GRAPHICS INC	242.00
271779		009169	MANAGEENGINE	1,588.50
271780		MISC	MASSIMO D AGOSTINO	100.00
271781		000888	MCKENNA ASSOCIATES INC	67,442.50
271782		008793	MERGE MOBILE, INC.	73.00
271783		008207	METAL MART U.S.A.	369.40
271784	*	004663	MGIA-MICHIGAN GREEN INDUSTRY ASSOC.	765.00
271785	*	008279	MICHIGAN MUNICIPAL EXECUTIVES	140.00
271786	*	001387	MICHIGAN MUNICIPAL LEAGUE	31,341.70
271788	*	006461	MID AMERICA RINK SERVICES	479.35
271790	*	007462	MICHAEL MORAD	235.00
271792	*	006371	MPELRA	60.00
271794	*	001194	NELSON BROTHERS SEWER	4,500.00
271796		008687	NORTH BREATHING AIR, LLC	520.00
271798	*	000477	OAKLAND COUNTY	808,530.88
271799	*	004370	OCCUPATIONAL HEALTH CENTERS	177.00
271801	*	000481	OFFICE DEPOT INC	624.44
271802		MISC	PALMER, RICHARD F	219.37
271803		MISC	PERSPECTIVES CUSTOM CABINETRY INC	200.00
271804		008901	PLANTE & MORAN CRESA, LLC	4,500.00
271805		009166	PLAYGROUND PLASTICS	1,550.00
271806	*	001132	PRIMO'S PIZZA	655.60
271807		MISC	PRM CUSTOM BUILDERS LLC	19.16
271808		004137	R & R FIRE TRUCK REPAIR INC	1,245.28
271809		008852	REDGUARD FIRE & SECURITY	6,300.00
271810		003447	RAFT	600.00
271811		MISC	RENEWAL BY ANDERSEN	500.00
271812		MISC	RENEWAL BY ANDERSEN LLC	500.00
271814		005344	RESERVE ACCOUNT	8,000.00
271816		MISC	RIVERA, RICHARD	172.16
271817		MISC	ROBERT DENTON	119.50
271818		MISC	ROOT, PETER ALEXANDER	262.79

**City of Birmingham**  
**Warrant List Dated 02/12/2020**

Meeting of 02/24/2020

Check Number	Early Release	Vendor #	Vendor	Amount
271819		MISC	ROSS NORMAN SCHOENHERR	100.00
271820	*	000218	ROYAL OAK P.D.Q. LLC	64.00
271821		002263	SAFETY SERVICES INC	248.70
271822	*	002806	SAM'S CLUB/SYNCHRONY BANK	1,350.44
271823		MISC	SARGENT, GRADY HARRIS	10.11
271824		007142	SHERWIN-WILLIAMS COMPANY	5.28
271825	*	004202	SHRED-IT USA	293.90
271826		MISC	SIMCOR CONSTRUCTION INC	100.00
271827		MISC	SIVER, PAUL	500.00
271828		MISC	SOULLIERE STONE DESIGN	100.00
271831		001005	STATE OF MICHIGAN	3,000.00
271832		000256	SUBURBAN BUICK GMC INC	1,237.67
271835		MISC	THORNTON & GROOMS INC.	850.00
271836		000275	TIRE WHOLESALERS CO INC	653.00
271837		MISC	TOTAL ENGERY SYSTEMS, LLC	525.00
271838		MISC	TRENTO CONSTRUCTION CO	100.00
271839	*	000293	VAN DYKE GAS CO.	119.10
271840	*	000158	VERIZON WIRELESS	76.02
271841	*	000158	VERIZON WIRELESS	153.07
271842	*	000158	VERIZON WIRELESS	854.62
271843	*	001536	JEFFREY WHIPPLE	65.70
271846		MISC	Z&G RENOVATIONS, LLC	200.00
271847		MISC	ZAHNOW JR, JOHN R	31.90
SUBTOTAL PAPER CHECK				\$1,087,386.35
<u>EFT TRANSFER</u>				
" "		008732	AMAZON.COM, INC	521.54
" "		MISC	BRYCER LLC	30.00
" "		008730	FACEBOOK HEADQUARTERS	1,495.74
" "		MISC	HONEYBAKED HAM COMPANY	776.21
" "		001085	ICSC	630.00
" "		007662	MIFMA	300.00
" "		005284	RADISSON HOTEL LANSING	403.80
" "		000758	SCHOOLCRAFT COLLEGE	550.00
" "		MISC	TICKETBUD	250.00
" "		008732	AMAZON.COM, INC	275.00
" "		002429	BIRMINGHAM BLOOMFIELD CHAMBER	90.00
" "		MISC	BRYCER LLC	45.00
" "		006119	CITY OF FERNDALE	3.00
" "		MISC	EB ZONING BOARD OF APPEARS TRAINING	120.00
" "		008730	FACEBOOK HEADQUARTERS	804.74
" "		000377	MICHIGAN MUNICIPAL LEAGUE	250.00
" "		004457	PAPA JOE'S MARKET	893.90
" "		002997	RADISSON PLAZA HOTEL	(24.30)

**City of Birmingham**  
**Warrant List Dated 02/12/2020**

Meeting of 02/24/2020

Check Number	Early Release	Vendor #	Vendor	Amount
" "		MISC	YIFTEE EGIFT CARDS	422.00
SUBTOTAL EFT TRANSFER				\$7,836.63
<u>ACH TRANSACTION</u>				
2044	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	23,631.54
2045		008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	1,465,624.99
2046		008843	OAKLAND COUNTY TREASURER- TAX PYMNT	489,763.23
2049	*	000517	BEIER HOWLETT P.C.	40,287.30
2050	*	000518	BELL EQUIPMENT COMPANY	1,654.22
2051	*	007345	BEVERLY HILLS ACE	81.60
2053	*	000995	EQUATURE	100.00
2054	*	000207	EZELL SUPPLY CORPORATION	620.66
2055		001672	HAYES PRECISION INC	30.50
2056		000331	HUBBELL ROTH & CLARK INC	28,016.40
2057	*	007465	IN-HOUSE VALET INC	3,000.00
2058	*	002407	J & B MEDICAL SUPPLY	765.09
2059		000261	J.H. HART URBAN FORESTRY	12,974.38
2060	*	002576	JAX KAR WASH	272.00
2061	*	003458	JOE'S AUTO PARTS, INC.	353.14
2062	*	000891	KELLER THOMA	1,320.00
2063	*	005550	LEE & ASSOCIATES CO., INC.	390.00
2065		001864	NOWAK & FRAUS ENGINEERS	25,275.36
2066	*	006359	NYE UNIFORM COMPANY	1,473.90
2067	*	003352	JAMIE CATHERINE PILLOW	2,116.50
2068		008269	PREMIER SAFETY	1,551.01
2069	*	001062	QUALITY COACH COLLISION	1,010.00
2071	*	001097	SOCWA	128,286.92
2072		005787	SOUTHEASTERN EQUIPMENT CO. INC	470.04
2074	*	000969	VIGILANTE SECURITY INC	835.00
2075		002088	WM. CROOK FIRE PROTECTION CO.	3,410.44
2076		004512	WOLVERINE POWER SYSTEMS	610.00
SUBTOTAL ACH TRANSACTION				\$2,233,924.22

**City of Birmingham**  
**Warrant List Dated 02/12/2020**

Meeting of 02/24/2020

Check Number	Early Release	Vendor #	Vendor	Amount
GRAND TOTAL				\$3,329,147.20

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 02/19/2020**

Meeting of 02/24/2020

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
271848		005430	21ST CENTURY MEDIA- MICHIGAN	666.75
271849	*	000855	48TH DISTRICT COURT	69.00
271850	*	000855	48TH DISTRICT COURT	100.00
271851		007071	AIRE SERV	2,794.37
271852		003708	AIRGAS USA, LLC	613.06
271854		007033	APPLIED IMAGING	6,399.00
271855	*	006759	AT&T	295.22
271857		003012	BATTERIES PLUS	73.75
271858		002231	BILLINGS LAWN EQUIPMENT INC.	27.77
271859	*	006953	JACQUELYN BRITO	1,635.94
271861		008488	CARLETON EQUIPMENT	54.83
271862		000595	CARRIER & GABLE INC	189.20
271863		005238	CBTS	3,961.50
271864	*	000444	CDW GOVERNMENT INC	118.68
271865	*	009174	CHERYL RESTIVO	1,405.00
271866		007710	CINTAS CORP	255.75
271867		000605	CINTAS CORPORATION	257.22
271868	*	000912	MARK CLEMENCE	655.25
271869		001318	CLOVERDALE EQUIPMENT CO	355.00
271870	*	000627	CONSUMERS ENERGY	9,083.22
271871		002167	CONTR. WELDING & FABRICATING INC	5,995.00
271872		008582	CORE & MAIN LP	96.15
271874		000233	DEAN SELLERS	287.12
271875		000177	DELWOOD SUPPLY	79.61
271877	*	007980	CURTIS DAVID DICHO	545.00
271878		000190	DOWNRIVER REFRIGERATION	53.80
271879	*	000180	DTE ENERGY	53,514.09
271880	*	000179	DTE ENERGY	13.69
271881		001495	ETNA SUPPLY	4,180.00
271882		009131	FAITHFUL COMPANION	100.00
271883		008656	FBINAA	110.00
271884	*	000936	FEDEX	544.02
271885	*	000213	FIRE DEFENSE EQUIP CO INC	5.40
271886		005964	FIRE SUPPRESSION PRODUCTS, INC	1,085.00
271887		007172	GARY KNUREK INC	298.95
271888		001233	GCSAA	455.00
271889	*	004604	GORDON FOOD	273.86
271890		008293	GRAINGER	995.92
271891		MISC	GREAT LAKES PROPERTY HOLDING INC	501.34
271892		000249	GUARDIAN ALARM	239.17
271893	*	003824	THOMAS I. HUGHES	86.83
271894		004837	IDEACORE, LLC	75.00

**City of Birmingham**  
**Warrant List Dated 02/19/2020**

Meeting of 02/24/2020

Check Number	Early Release	Vendor #	Vendor	Amount
271895		000344	J.T. EXPRESS, LTD.	3,119.74
271896	*	MISC	JASDEEP SINGH	1,900.00
271897		008564	JERRY'S TIRE	584.00
271898		000353	KNAPHEIDE TRUCK EQUIPMENT	1,531.91
271899		008450	KNOWBE4, INC	3,060.00
271900	*	000352	JILL KOLAITIS	1,377.50
271901		004085	KONE INC	1,953.95
271902		001417	MAJIK GRAPHICS INC	645.00
271903		008817	MARCO TECHNOLOGIES, LLC.	92.00
271904	*	008000	MARXMODA	1,389.29
271905		008201	MECHANICAL DESIGN & INSTALLTN LLC	1,315.00
271906		009085	MGSE SECURITY LLC	357.50
271907		004687	MICHIGAN DEPT. OF TRANSPORATION	1,403.78
271908		007214	MIDWEST ARBORIST SUPPLIES	82.80
271910		001194	NELSON BROTHERS SEWER	473.00
271911		007755	NETWORK SERVICES COMPANY	759.47
271912	*	003461	OBSERVER & ECCENTRIC	65.00
271913	*	000481	OFFICE DEPOT INC	403.70
271914		008669	OHM ADVISORS INC	10,357.50
271915		003881	ORKIN PEST CONTROL	5,340.00
271917		006625	PACIFIC TELEMANAGEMENT SERVICES	78.00
271918	*	001753	PEPSI COLA	312.73
271920	*	MISC	RAN J. CHARBY	118.05
271921		002263	SAFETY SERVICES INC	54.98
271922	*	007898	JEFFREY SCHEMANSKY	80.00
271923		008815	SHI INTERNATIONAL CORP.	59,823.00
271924		009002	SIC PRODUCTS LLC	408.00
271925	*	008073	SITEONE LANDSCAPE SUPPLY, INC	194.53
271926		001104	STATE OF MICHIGAN	1,113.56
271927		001076	TAYLOR FREEZER OF MICH INC	325.00
271929		000275	TIRE WHOLESALERS CO INC	509.28
271931	*	000293	VAN DYKE GAS CO.	158.80
271932	*	000158	VERIZON WIRELESS	165.12
271933	*	000158	VERIZON WIRELESS	378.33
271934	*	005794	WINDSTREAM	769.47
271935	*	007362	WINTERGREEN CORPORATION	4,246.80
271936	*	007900	RYAN WISEMAN	80.00
271937		004512	WOLVERINE POWER SYSTEMS	610.00
271938	*	003890	LAUREN WOOD	525.00
271939	*	008391	XEROX CORPORATION	604.50
271940	*	009147	SCOTT ZIELINSKI	410.15
SUBTOTAL PAPER CHECK				\$205,721.90

ACH TRANSACTION

**City of Birmingham**  
**Warrant List Dated 02/19/2020**

Meeting of 02/24/2020

Check Number	Early Release	Vendor #	Vendor	Amount
2077	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	45,592.38
2078	*	002284	ABEL ELECTRONICS INC	201.99
2080	*	000518	BELL EQUIPMENT COMPANY	237.83
2081	*	007624	BIRMINGHAM OIL CHANGE CENTER, LLC	79.92
2082	*	000542	BLUE WATER INDUSTRIAL PRODUCTS INC	33.75
2083		007875	CANFIELD EQUIPMENT SERVICE INC.	3,717.45
2084	*	003825	DEERE ELECTRIC INC	800.00
2085	*	003825	DEERE ELECTRIC INC	282.80
2086	*	001077	DUNCAN PARKING TECH INC	9,762.75
2087	*	000592	GAYLORD BROS., INC	132.05
2088	*	000243	GRAINGER	97.00
2089		000261	J.H. HART URBAN FORESTRY	22,908.00
2090	*	003458	JOE'S AUTO PARTS, INC.	1,051.68
2093		001864	NOWAK & FRAUS ENGINEERS	14,737.00
2094	*	006359	NYE UNIFORM COMPANY	56.00
2095	*	000897	PRINTING SYSTEMS INC	2,064.72
2096	*	003785	SIGNS-N-DESIGNS INC	645.00
2097		000254	SOCRRA	75,379.00
2098		000273	TERMINAL SUPPLY CO.	106.91
2098	*	000273	TERMINAL SUPPLY CO.	323.45
2100	*	000969	VIGILANTE SECURITY INC	220.50
SUBTOTAL ACH TRANSACTION				\$178,430.18
GRAND TOTAL				\$384,152.08

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

City Clerk's Office

**DATE:** February 10, 2020

**TO:** Joseph A. Valentine, City Manager

**FROM:** Cheryl Arft, Acting City Clerk

**SUBJECT:** Special Event Application  
Breathe Deep Michigan Walk & Fun Run to End Lung Cancer

**INTRODUCTION:**

The LUNGeivity Foundation has submitted a Special Event application to hold the 2020 Breathe Deep Michigan Walk & Fun Run to End Lung Cancer on Saturday, May 30, 2020. The event is from 9:00 a.m. until 12:00 p.m. and will begin and end in Booth Park.

**BACKGROUND:**

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

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

Art Birmingham	May 9, 10	Shain Park
Memorial Day Service	May 25	Shain Park
Farmers Market	Sundays May and June	Parking Lot #6

**LEGAL REVIEW:**

n/a

**FISCAL IMPACT:**

n/a

**SUMMARY**

The City Commission is being asked to approve a special event permit for the 2020 Breathe Deep Michigan 5K Walk & Fun Run to End Lung Cancer event to be held Saturday, May 30, 2020 from 9:00 a.m. until 12 p.m. with set-up to begin at 7:00 a.m. and tear down to conclude at 2:00 p.m.

**ATTACHMENTS:**

1. Special Event application
2. Notification letter with map of event area distributed to residents/businesses within 300 feet of the event area on February 5, 2020. Notification addresses are on file in the Clerk's Office.
3. Certificate of Insurance (expiration date must be updated); Hold Harmless

agreement in file

4. Department Approval page with comments and estimated costs

**SUGGESTED RESOLUTION:**

To approve a Special Event permit as requested by the LUNGeivity Foundation for the Breathe Deep Michigan 5K Walk & Fun Run to End Lung Cancer event on Saturday, May 30, 2020, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

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

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

**Police Department acknowledgement:** \_\_\_\_\_

**I. EVENT DETAILS**

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

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

**(Please print clearly or type)**

Date of Application January 28, 2020

Name of Event Breathe Deep Michigan Walk & Fun Run to End Lung Cancer

Detailed Description of Event (attach additional sheet if necessary) Breathe Deep Michigan is an annual 5K walk and fun run that raises awareness and funds for lung cancer research, education, and support programs. Proceeds benefit LUNgevity Foundation.

Location Booth Park

Date(s) of Event May 30, 2020            Hours of Event 9:00am-12:00pm

Date(s) of Set-up May 30, 2020            Hours of Set- 7:00am - 9:00am

up **NOTE: No set-up to begin before 7:00 AM, per City**

Date(s) of Tear-down May 30, 2020            Hours of Tear-down 12:00pm - 1:00pm

Organization Sponsoring Event LUNgevity Foundation

Organization Address 228 South Wabash Avenue, Suite 700, Chicago, IL 60604

Organization Phone 312-407-6100

Contact Allison Thompson, Logistics Manager            Person \_\_\_\_\_

Contact 312-407-6103            Phone \_\_\_\_\_

Contact Email athompson@lungevity.org

II. EVENT INFORMATION

1. Organization Type Non-profit organization  
(city, non-profit, community group, etc.)
2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event. ) Additional sponsors include National Breathe Deep sponsors Genentech, Novartis, and Pfizer. Numerous other national, regional, and local companies will be solicited for support.
3. Is the event a fundraiser? YES  NO   
List LUNgevity Foundation beneficiary       
List \$100,000 expected income       
Attach information about the beneficiary.
4. First time event in Birmingham? YES  NO   
If no, describe Breathe Deep Michigan was started in 2012.
5. Total number of people expected to attend per day 400
6. The event will be held on the following City property: (Please list)  
 Street(s)       
 Sidewalk(s) 5K walk and fun run through surrounding neighborhood  
 Park(s) Booth Park for check-in/registration, refreshments, activities, walk kickoff, and speaking program.
7. Will street closures be required? YES  NO   
**(Police Department acknowledgement prior to submission of application is required (initial here)**
8. What parking arrangements will be necessary to accommodate attendance? Public parking

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

Describe Apx. 32 LUNGevity staff and volunteers will help with event set-up, breakdown, registration, and walk/run route. All volunteers are trained by experienced LUNGevity staff.

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

Describe \_\_\_\_\_

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

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

Time music will begin 9:00am

Time music will end 12:00pm

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

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

Number of signs/banners 30

Size of signs/banners Signs - 18"x24", Banners - 2'x4' and 3'x6'

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

14. Will food/beverages/merchandise be sold? YES  NO
- Peddler/vendor permits must be submitted to the Clerk's Office, **at least two weeks prior to the event.**
  - You must obtain approval from the Oakland County Health Department for all food/beverage sales/donations. Contact [ehclerk@oakgov.com](mailto:ehclerk@oakgov.com) or 248-535-9612 to obtain Health Department approval.
  - There is a \$50.00 application fee for all vendors and peddlers, in addition to the \$10.00 daily fee, per location.

**LIST OF VENDORS/PEDDLERS**

(attach additional sheet if necessary)

<b>VENDOR NAME</b>	<b>GOODS TO BE SOLD</b>	<b>WATER HOOK-UP REQUIRED?</b>	<b>ELECTRIC REQUIRED?</b>

### III. EVENT LAYOUT

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

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

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables		6 for \$500.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles	4	\$6.00 each includes 1 bag. For additional bags, the cost is \$32/per case.	Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.
Dumpsters		\$350.00/per dumpster per day.	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric)	# of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant		\$224.75/per hydrant. Includes the use of 5,000 gallons of water. Any additional water usage will be billed.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

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

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 120 sq ft)	1	20'x20'
Portable Toilets	2	
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		

**SIGNATURE OF APPLICANT REQUIRED**

EVENT NAME Breathe Deep Michigan Walk & Fun Run to End Lung Cancer

EVENT DATE Saturday, May 30, 2020

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

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

Allison Thompson 1-28-20  
Signature Date

IV. SAMPLE LETTER TO NOTIFY ANY AFFECTED PROPERTY/BUSINESS OWNERS

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



[Date]

[Residential Property or Business Owner]  
[Address]  
[City, State, ZIP]

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

**EVENT INFORMATION**

NAME OF EVENT: Breathe Deep Michigan Walk & Fun Run to End Lung Cancer

LOCATION: Booth Park

DATE OF EVENT: Saturday, May 30, 2020

HOURS OF EVENT: 9AM-12PM

BRIEF DESCRIPTION OF EVENT: Breathe Deep Michigan is a 5K walk and fun run to raise awareness and funds for lung cancer research, education, and support. Proceeds benefit LUNGEvity Foundation.

DATE OF SET-UP: May 30, 2020                      HOURS OF SET-UP: 7-9AM

DATE OF TEAR-DOWN: May 30, 2020   HOURS OF TEAR-DOWN: 12-1PM

DATE OF CITY COMMISSION MEETING: February 24, 2020

The City Commission meets in room 205 of the Municipal Building at 151 Martin at 7:30PM. **A complete copy of the application to hold this special event is available for your review at the City Clerk's Office (248-530-1880).** Log on to [www.bhamgov.org/events](http://www.bhamgov.org/events) for a complete list of special events.

EVENT ORGANIZER: LUNGEvity Foundation

ADDRESS: 228 S. Wabash, Suite 700, Chicago, IL 60604

PHONE: 312-407-6100

**FOR QUESTIONS ON DAY OF EVENT, CONTACT:** Allison Thompson, Logistics Manager of Grassroots Events, [athompson@Lungevity.org](mailto:athompson@Lungevity.org) or 312-407-6103

LUNGEVITY FOUNDATION'S  
**BREATHE DEEP**  
MICHIGAN

# COURSE MAP





Harmon St

Booth Park

WALK ROUTE

START/  
FINISH  
AREA

AUDIENCE

DANCE  
PERFORMANCE  
AREA

DJ

FACE PAINTER STRYVE NOVARTIS

CHECK-IN

— = TABLES  
● = CHAIRS

RAFFLE

20' x 20' TENT

REGISTRATION

VOLUNTEER TABLE

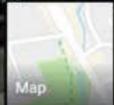
REFRESHMENTS

TOILETS

Google

N Old Woodward Ave

Rouge River



Map

Map data ©2019 Google

20' x 20' Tent

Raffle

NO SMOKING

EXIT

8' Tables

Volunteers

T-Shirts

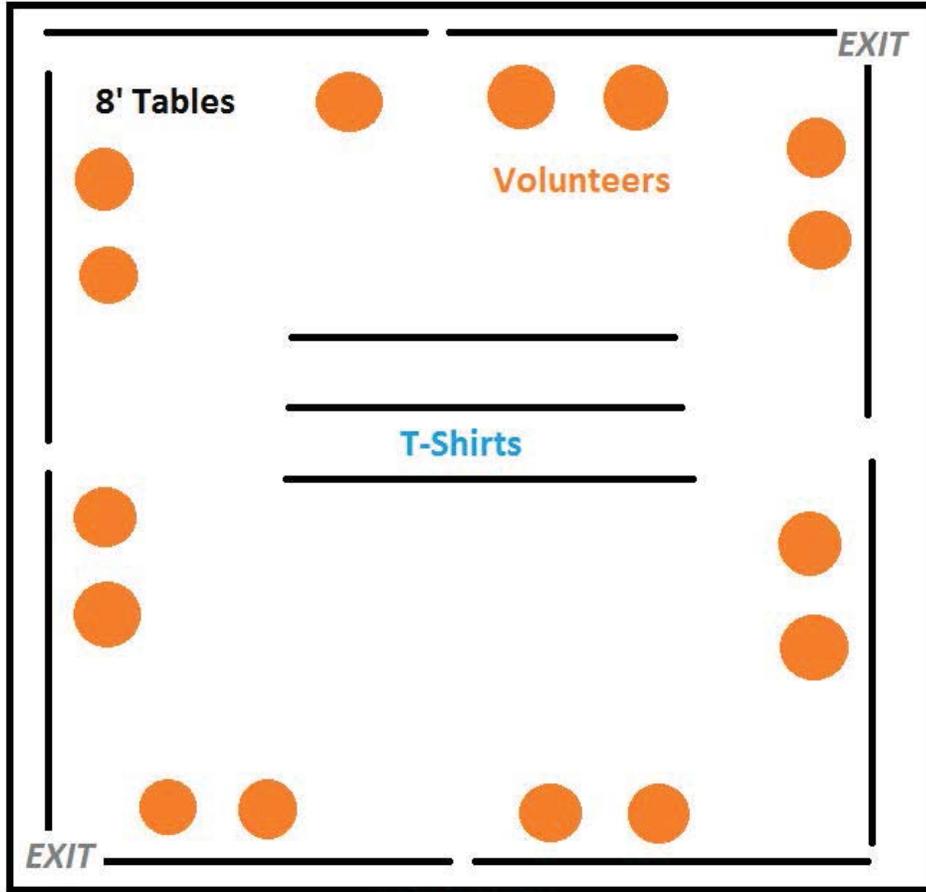
NO SMOKING  
Check-In

Refreshments  
NO SMOKING

EXIT

NO SMOKING

Registration





[©LUNgevity. This copy is for personal use only.](#)

## Mission, Vision, & History

*Our vision is a world where no one dies of lung cancer.*

### OUR MISSION

LUNgevity Foundation is firmly committed to making an immediate impact on increasing quality of life and survivorship of people with lung cancer by accelerating research into early detection and more effective treatments, as well as providing community, support, and education for all those affected by the disease.

### OUR VALUES

We believe it's important for our board, our staff, and our constituents to know the values that drive all our actions. We are:

#### FOCUSED ON SURVIVORSHIP

100% dedicated to increasing and improving lung cancer survivorship

#### RESULTS-ORIENTED

Always challenging the status quo and seeking a more efficient and effective way  
Rigorously measuring our performance to ensure maximum impact

#### COMPASSIONATE AND RESPECTFUL

Building and sustaining a community for all those affected by lung cancer  
Respectful of all people with lung cancer, caregivers, loved ones, medical professionals, donors, board members, and employees

#### COLLABORATIVE

Committed to being good partners and strategic collaborators to enable us to reach our goal more quickly and efficiently, including through our scientific endeavors

#### TRANSPARENT

Fiscally responsible and holding ourselves to the highest ethical standards

### OUR HISTORY

The LUNgevity Foundation of today was created in June 2010, when LUNgevity Foundation and Protect Your Lungs joined forces to form the premier lung cancer organization in the US. We owe our strength to the courage and inspiration of the individuals behind each organization.

### The Original LUNgevity Foundation

<https://www.lungevity.org/about-us/mission-vision-history>

LUNgevity Foundation was founded in 2001 by seven people who had each had been diagnosed with lung cancer. It was their vision and passion for finding a cure that resulted in LUNgevity’s phenomenal growth. In starting a small Chicago-born organization and nurturing it to become the nation’s fastest-growing charity in less than ten years, these very special people left an indelible legacy.



Kay Barnore



Marge Breil



Patti Heffand



Gayle Levy



Dick Pemble



Dena Wrick



Melissa Lumberg Zagon

### The Inspiration Behind Protect Your Lungs



Patricia A. Stern, the inspiration behind Protect Your Lungs, died in March 2008 after being diagnosed with Stage IV lung cancer. Despite Pat’s vigilance with her annual physicals and chest x-rays, the disease developed undetected until it was too late to treat. Pat’s family decided to do something about this and prevent it from happening to other families.

LUNGEVITY FOUNDATION'S  
**BREATHE DEEP**  
**MICHIGAN**

JOIN TOGETHER TO END LUNG CANCER!

**BREATHE DEEP**  
**MICHIGAN**  
**THIS WAY**

[LUNGevity.org/michigan](http://LUNGevity.org/michigan)

LUNGEVITY FOUNDATION'S  
**BREATHE DEEP**  
**MICHIGAN**  
JOIN TOGETHER TO END LUNG CANCER

**REGISTER HERE**

[www.LUNgevity.org/michigan](http://www.LUNgevity.org/michigan)

LUNGEVITY FOUNDATION'S  
**BREATHE  DEEP**

**MICHIGAN**

5K WALK & FUN RUN

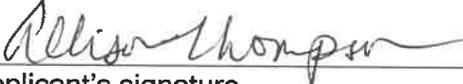
**TO END LUNG CANCER**

[LUNgevity.org/michigan](http://LUNgevity.org/michigan)



## HOLD-HARMLESS AGREEMENT

To the fullest extent permitted by law, the LUNGevity Foundation and any entity or person for whom the LUNGevity Foundation 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 behalf of the City of Birmingham 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 of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this activity/event. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of the City of Birmingham, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.

  
Applicant's signature

1-16-20  
Date



**NOTEPAD:**

HOLDER CODE

LUNGE-1

PAGE 2

INSURED'S NAME Lungevity Foundation

OP ID: JB

Date 03/06/2019

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 is an additional insured with respects to General Liability when required by written contract or agreement, but solely with respect to that organizations liability arising out of the named insured's operations or premises owned by the named insured.

Event: Breathe Deep Michigan Walk/Run on June 1, 2019 from 6AM-2PM with 400 participants.

# DEPARTMENT APPROVALS

EVENT NAME BREATHE DEEP WALK & FUN RUN

LICENSE NUMBER #20-00011716

COMMISSION HEARING DATE: FEB. 10, 2020

NOTE TO STAFF: Please submit approval by **1/20/2020**

DATE OF EVENT: MAY 30, 2020

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
<b>PLANNING</b> 101-000.000-634.0005 248.530.1855	TBC	No Cost No Comment			
<b>BUILDING</b> 101-000.000.634.0005 248.530.1850	MJM	400 sqft tent requires permit and inspection	Tent permit	\$221.48 plus permit fee	
<b>FIRE</b> 101-000.000-634.0004 248.530.1900	JMC	<ol style="list-style-type: none"> <li>1. No Smoking in any tents or canopy. Signs to be posted.</li> <li>2. All tents and Canopies must be flame resistant with certificate on site.</li> <li>3. No open flame or devices emitting flame, fire or heat in any tents. Cooking devices shall not be permitted within 20 feet of the tents.</li> <li>4. Tents and Canopies must be properly anchored for the weather conditions, no stakes allowed.</li> <li>5. Clear Fire Department access of 12 foot aisles must be maintained, no tents, canopies or other obstructions in the access</li> </ol>		\$45	

aisle unless approved by the Fire Marshal.

6. Pre-event site inspection required.
7. A prescheduled inspection is required for food vendors through the Bldg. dept. prior to opening.
8. All food vendors are required to have an approved 5lbs. multi-purpose (ABC) fire extinguisher on site and accessible.
9. Cords, hoses, etc. shall be matted to prevent trip hazards.
10. Exits must be clearly marked in tents/structures with an occupant load over 50 people.
11. Paramedics will respond from the fire station as needed. Dial 911 for fire/rescue/medical emergencies.
12. A permit is required for Fire hydrant usage.
13. Do Not obstruct fire hydrants or fire sprinkler connections on buildings.
14. Provide protective barriers between hot surfaces and the public.
15. All cooking hood systems that capture grease laden vapors must have an approved suppression system and a K fire extinguisher in addition to the ABC Extinguisher.
16. Suppression systems shall be inspected, tested, and properly tagged prior to the event. All Sprinkler heads shall be of the 155 degree Quick Response type unless serving an area of high heat and approved by the Fire

		Marshal. The suppression system shall have a continuous water supply as well as a secondary back up supply. Activation of the suppression system will shut down the ride and cause illumination of the exits.			
<b>POLICE</b> 101-000.000.634.0003 248.530.1870	SG	Must have sufficient volunteers to assist participates at intersections. Participants must obey all traffic control and remain on the sidewalk. On duty officers will provide extra patrol.		\$0	\$0
<b>PUBLIC SERVICES</b> 101-000.000-634.0002 248.530.1642	Carrie Laird	Trash receptacles- pick up and removal (if needed).		\$40	
<b>ENGINEERING</b> 101-000.000.634.0002 248.530.1839	A.F.	Approved	None	\$0	\$0
<b>SP+ PARKING</b>					
<b>INSURANCE</b> 248.530.1807	ca	Need to submit updated Col to cover event date; Hold Harmless Agreement in file	None	\$0	\$0
<b>CLERK</b> 101-000.000-614.0000 248.530.1803		Notification letters to be mailed by applicant no later than 1/25/20. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than 5/22/20.	Applications for vendors license must be submitted no later than 5/22/20.	\$165 pd	
				<b>TOTAL DEPOSIT REQUIRED</b>  <b>\$306.48</b>	<b>ACTUAL COST</b>

**FOR CLERK'S OFFICE USE**

Deposit paid \_\_\_\_\_

Actual Cost \_\_\_\_\_

Due/Refund \_\_\_\_\_



# MEMORANDUM

Department of Public Services

**DATE:** February 11, 2020

**TO:** Joseph A. Valentine, City Manager

**FROM:** Lauren A. Wood, Director of Public Services  
Carrie A. Laird, Parks and Recreation Manager

**SUBJECT:** Landscape Maintenance Services (Three-Year Period)

**INTRODUCTION:**

The City of Birmingham received sealed bids on January 30, 2020 for professional firms to perform landscape maintenance services at several locations throughout the City of Birmingham. The request for proposals (RFP) was entered into the Michigan Inter-Governmental Trade Network (MITN) purchasing system.

**BACKGROUND:**

The Department of Public Services (DPS) is responsible for many landscape beds in various locations throughout the City, totaling forty-nine (49) locations. This has increased by six (6) locations from 2018 when there was forty-three (43) locations. It is important to note that one of the new locations includes Old Woodward & Maple curbed beds, which alone includes 66 planter beds. Other locations include City Hall, the Baldwin Public Library, Shain Park, the Birmingham Museum & Park, Barnum Park, Booth Park, Kenning Park, City property along parking structures, roadsides, or on roadway islands in various locations. Many sites have several landscape beds of various shapes and sizes at one location, such as the Old Woodward & Maple beds.

With the constant increase in the quantity of new landscape beds on public properties, this results in the increasing demand for more frequent upkeep of existing landscape beds. DPS has limited available resources to be able to maintain these manicured areas on a regular basis up to our expectations, which has resulted in hiring a company to assist in managing specific locations. These include pocket parks, median islands, property upgrades and projects such as Old Woodward are examples of recent upgrades and upcoming enhancements all requiring time and attention to detail. In 2018, the City requested proposals for landscape maintenance services and hired Superior Scape, Inc. to provide maintenance for seventeen (17) locations for a two (2) year period ending in 2019.

Proposals were solicited per the City of Birmingham purchasing guidelines asking qualified vendors to provide landscape bed maintenance services at twenty-three (23) locations for a contract period of three (3) years, with an option to extend an additional two (2) years. Despite reaching out to an assortment of qualified bidders, only one bidder responded submitting the results below.

Company	Proposed Cost (3 year period)
Superior Scape, Inc.	\$194,802.00

The twenty-three (23) locations throughout the City include Kenning Park Complex, Booth Park, Barnum Park, Old Woodward & Maple curbed beds and in addition to these large areas, several other various City properties. Scope of work includes spring and fall cleanup at each location, mulch supply and installation, maintaining beds bi-weekly, keeping beds weed free, deadheading and perennial upkeep and cutting down tulips where applicable.

**LEGAL REVIEW:**

The City Attorney has completed a review of this contract agreement and approved with signature.

**FISCAL IMPACT:**

The cost for Landscape Maintenance Services is \$64,934.00 per year, with a three-year total of \$194,802.00. This service was included in the 2019-2020 Approved Budget. The project awarded in 2018 totaled \$33,448.00 per year. The increase of \$31,486.00 per year is due to the increased quantity of City areas required to maintain. Old Woodward alone added sixty-six (66) additional planting beds, adding \$18,435.00 per year and the newly developed Municipal Lot #6 adds another \$4,055.00 per year. The complete cost proposal as attached has a breakdown of all locations and associated costs.

**PUBLIC COMMUNICATIONS:**

This does not apply for this project.

**SUMMARY:**

Contracting out appropriate landscape maintenance has proven successful for us both in time management and more cost effective. Superior Scape performed the landscape maintenance services for the City of Birmingham during the past two (2) years and the City is satisfied with their qualifications and quality of work. The Department of Public Services recommends awarding the Landscape Maintenance Services contract to Superior Scape, Inc.

The cost is \$64,934.00 per year, with a 3-year contract term with an option to extend for an additional two (2) years. The term will be from 2020-2022. Funds are available from the Property Maintenance; Other Contractual Services account #101-441.003-811.000 and Parks; Other Contractual Services account #101-751.000-811.0000 and Major Streets; Other Contractual Services account #202-449.003-937.0400 for this project.

**ATTACHMENTS:**

The Agreement including the required Insurance Certificate, Bidder's Agreement, Cost Proposal, Site Visit, and Iran Sanctions Act Vendor Certification Form are included herein.

**SUGGESTED RESOLUTION:**

To award the Landscape Maintenance Services contract to Superior Scape, Inc. in an amount not to exceed \$66,896.00 per year with a total project cost of \$194,802.00 for a three (3) year period. Funds for this project are available in the following accounts: Property Maintenance; Other Contractual Services #101-441.003-811.0000, Parks; Other Contractual Services #101-751.000-811.000 and Major Streets Other Contractual Services #202-449-003-937.0400. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.

**ATTACHMENT A - AGREEMENT**  
**For Landscape Bed Maintenance Services**

---

This AGREEMENT, made this \_\_\_\_ day of \_\_\_\_\_, 2020, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and Superior Scape, Inc., having its principal office at 51989 Schoenherr Rd (hereinafter called "Contractor"), provides as follows:

**WITNESSETH:**

**WHEREAS**, the City has heretofore advertised for bids for the procurement and performance of services required to provide landscape bed maintenance services in select parks and city properties located throughout the City of Birmingham, and in connection therewith has prepared a request for sealed proposals ("RFP"), which includes certain instructions to bidders, specifications, terms and conditions.

**WHEREAS**, the Contractor has professional qualifications that meet the project requirements and has made a bid in accordance with such request for cost proposals to provide landscape bed maintenance services in select parks and city properties located throughout the City of Birmingham.

**NOW, THEREFORE**, for and in consideration of the respective agreements and undertakings herein contained, the parties agree as follows:

1. It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to provide landscape bed maintenance services in select parks and city properties located throughout the City of Birmingham. The Contractor's cost proposal dated January 28, 2020 shall be incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto. If any of the documents are in conflict with one another, this Agreement shall take precedence, then the RFP.
2. The City shall pay the Contractor for the performance of this Agreement in an amount not to exceed \$194,802.00, as set forth in the Contractor's January 28, 2020 cost proposal.
3. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Proposals.
4. The Contractor shall employ personnel of good moral character and fitness in performing all services under this Agreement.
5. The Contractor and the City agree that the Contractor is acting as an independent Contractor with respect to the Contractor's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the

Contractor nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Contractor shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Contractor shall not be 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.

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

7. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. The Contractor agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.

8. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.

9. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Contractor without the prior written consent of the City. Any attempt at assignment without prior written consent shall be void and of no effect.

10. The Contractor agrees that neither it nor its subcontractors will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Contractor shall inform the City of all claims or suits asserted against it by the Contractor's employees who work pursuant to this Agreement. The Contractor shall

provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

11. The Contractor shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with carriers acceptable to the City of Birmingham.

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

A. Workers' Compensation Insurance:

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

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

B. Commercial General Liability Insurance: Contractor shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent 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: Contractor shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

D. Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.

- E. Professional Liability: Professional liability insurance with limits of not less than \$1,000,000 per claim if Contractor will provide service that are customarily subject to this type of coverage.
  - F. Pollution Liability Insurance: Contractor shall 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, but claims made accepted.
  - G. Owners Contractors Protective Liability: The Contractor shall 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 "Name Insured" on said coverage.
  - H. Cancellation Notice: Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.
  - I. Proof of Insurance Coverage: Contractor shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
    - 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
    - 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
    - 3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
    - 4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
    - 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
  - J. Coverage Expiration: If any of the above coverages expire during the term of this Agreement, Contractor shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.
  - K. Maintaining Insurance: Upon failure of the Contractor to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.
13. To the fullest extent permitted by law, the Contractor and any entity or person for whom the Contractor is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and

appointed officials, employees and volunteers and others working on behalf of the City of Birmingham 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 and the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with 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 of Birmingham.

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

15. If Contractor fails to perform its obligations hereunder, the City may take any and all remedial actions provided by the general specifications or otherwise permitted by law.

16. All notices required to be sent pursuant to this Agreement shall be mailed to the following addresses:

City of Birmingham  
Attn: Brendan McGaughey  
851 S. Eton St.  
Birmingham, MI 48009  
bmcgaughey@bhamgov.org  
248-530-1715

CONTRACTOR:  
Superior Scape, Inc.  
51989 Schoenherr Rd 48315  
586-739-9630

17. 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 the Oakland County Circuit Court or the 48th District Court.

18. 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 said parties have caused this Agreement to be executed as of the date and year above written.

WITNESSES:

  
\_\_\_\_\_

CONTRACTOR  
  
By: \_\_\_\_\_  
Its: Vice President

CITY OF BIRMINGHAM

Pierre Boutros  
By: \_\_\_\_\_

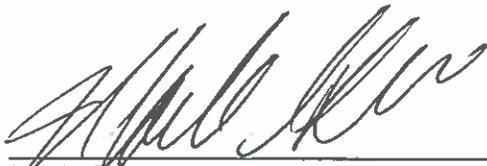
Its: Mayor

By: \_\_\_\_\_

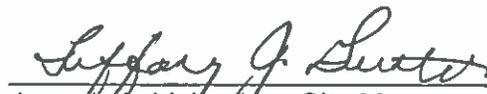
Cheryl Arft  
Its: Acting City Clerk

Approved:

  
\_\_\_\_\_  
Lauren Wood, Director of Public Services  
(Approved as to substance)

  
\_\_\_\_\_  
Mark Gerber, Director of Finance  
(Approved as to financial obligation)

  
\_\_\_\_\_  
Timothy J. Currier, City Attorney  
(Approved as to form)

  
\_\_\_\_\_  
Joseph A. Valentine, City Manager  
(Approved as to substance) *TIFFANY J. GRANT  
ACM*



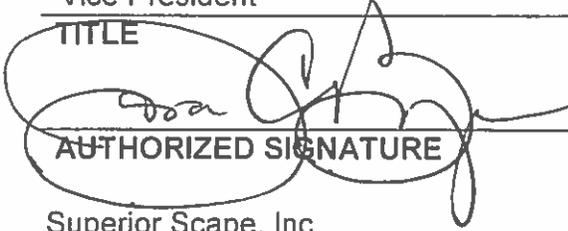
**ATTACHMENT B - BIDDER'S AGREEMENT**  
**For Landscape Bed Maintenance Services**

---

In submitting this proposal, as herein described, the Contractor agrees that:

1. They have carefully examined the specifications, terms and Agreement of the Request for Proposal and all other provisions of this document and understand the meaning, intent, and requirement of it.
  
2. They will enter into a written contract and furnish the item or items in the time specified in conformance with the specifications and conditions contained therein for the price quoted by the proponent on this proposal.

Jason C. Bryan	1/28/2020
<b>PREPARED BY</b> (Print Name)	<b>DATE</b>
Vice President	1/28/2020
<b>TITLE</b>	<b>DATE</b>

	jbryan@superiorscape.com
<b>AUTHORIZED SIGNATURE</b>	<b>E-MAIL ADDRESS</b>

Superior Scape, Inc.  
**COMPANY**

51989 Schoenherr Rd Shelby Twp, MI 48315	586-739-9630
<b>ADDRESS</b>	<b>PHONE</b>

N/A	N/A
<b>NAME OF PARENT COMPANY</b>	<b>PHONE</b>

N/A  
**ADDRESS**

**ATTACHMENT C - COST PROPOSAL**  
**For Landscape Bed Maintenance Services**

In order for the bid to be considered valid, this form must be completed in its entirety. The cost for the Scope of Work as stated in the Request for Proposal documents shall be a lump sum, as follows:

*Attach technical specifications for all proposed materials as outlined in the Contractor's Responsibilities section of the RFP (p. 6)*

SITE	2020	2021	2022	3-Year Total
Kenning Complex	\$5,364	\$5,346	\$5,346	\$16,092
Adams Fire Station	\$1,452	\$1,452	\$1,452	\$4,356
Woodward and Lincoln Bus Stop	\$684	\$684	\$684	\$2,052
Martinizing Corner	\$1,084	\$1,084	\$1,084	\$3,252
Tree Rings (7) North of Lincoln along Woodward Avenue	\$497	\$497	\$497	\$1,491
Barnum Park	\$2,457	\$2,457	\$2,457	\$7,371
Baldwin Public Library	\$3,496	\$3,496	\$3,496	\$10,488
Corner of W. Maple and Chester	\$1,156	\$1,156	\$1,156	\$3,468
Birmingham Museum & Historical Hunter House	\$3,143	\$3,143	\$3,143	\$9,429
Martha Baldwin Park	\$4,256	\$4,256	\$4,256	\$12,768
Quarton Lake Dam & Grist Mill Beds	\$1,180	\$1,180	\$1,180	\$3,540
Oak & Lakeside Corner	\$779	\$779	\$779	\$2,337
Oak & Lake Park Median	\$149	\$149	\$149	\$447
Booth Park	\$5,733	\$5,733	\$5,733	\$17,199
Hunter Tank	\$2,079	\$2,079	\$2,079	\$6,237
Eton & Maple Staircase	\$2,045	\$2,045	\$2,045	\$6,135
Municipal Lot #6	\$4,055	\$4,055	\$4,055	\$12,165
Fire Station #2 (Chesterfield)	\$2,430	\$2,430	\$2,430	\$7,290
Maple and Baldwin Median	\$535	\$535	\$535	\$1,605

Maple and Lake Park Median	\$535	\$535	\$535	\$1,605
Mill Race Cul-de-sac	\$860	\$860	\$860	\$2,580
Derby Tank	\$2,530	\$2,530	\$2,530	\$7,590
Old Woodward & Maple Curbed Beds	\$18,435	\$18,435	\$18,435	\$55,359
<b>TOTALS:</b>	\$64,934	\$64,934	\$64,934	\$194,802

Firm Name Superior Scape, Inc.

Authorized signature

Date 1-30-2020

**ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM**  
**For Landscape Bed Maintenance Services**

---

Pursuant to Michigan Law and the Iran Economic Sanction Act, 2012 PA 517 ("Act"), prior to the City accepting any bid or proposal, or entering into any contract for goods or services with any prospective Vendor, the Vendor must certify that it is not an "Iran Linked Business", as defined by the Act.

By completing this form, the Vendor certifies that it is not an "Iran Linked Business", as defined by the Act and is in full compliance with all provisions of the Act and is legally eligible to submit a bid for consideration by the City.

Jason C. Bryan

1/28/2020

**PREPARED BY**  
**(Print Name)**

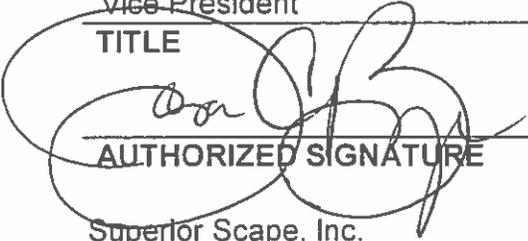
**DATE**

Vice President

1/28/2020

**TITLE**

**DATE**



**AUTHORIZED SIGNATURE**

jbryan@superiorscape.com

**E-MAIL ADDRESS**

Superior Scape, Inc.

**COMPANY**

51989 Schoenherr Rd Shelby Twp, MI 48315 586-739-9630

**ADDRESS**

**PHONE**

N/A

N/A

**NAME OF PARENT COMPANY**

**PHONE**

N/A

**ADDRESS**

38-2848225

**TAXPAYER I.D.#**



# MEMORANDUM

IT Department

**DATE:** 02/24/2020  
**TO:** Joseph A. Valentine, City Manager  
**FROM:** Eric Brunk, IT Manager  
**SUBJECT:** Nutanix extended service renewal

---

**Introduction:**

The current service agreement for our Nutanix Hyper-Converged server environment expires April 27<sup>th</sup> 2020. The extended service agreement, which includes onsite maintenance for our Nutanix Hyper-converged Server environment is setup to extend our current contract as yearly renewal.

**Background:**

The City of Birmingham purchased our Nutanix Hyper-converged server environment through CDWG. The system came with an initial 2 year onsite support contract with the option to renew the onsite support and maintenance on a yearly basis after that initial contract expired. That contract will expire April 27<sup>th</sup> 2020. The support contract keeps the environment updated with the latest operating software and firmware and allows for the IT department to get support and parts for the environment as needed.

**Fiscal Impact:**

Total expense for the renewal is \$7460.00 and there is money in the Computer maintenance fund account # 636-228.000-933.0600 to cover this expense.

**Summary:**

The IT department would like authorization to purchase the extended service agreement from CDWG and extend support for our Nutanix service agreement to April 27<sup>th</sup>, 2021 at a total cost of \$7,460.00.

**Attachments:**

The quote from CDWG for purchase of the extended service agreement.

**Suggested Resolution:**

Authorize the IT department to purchase the Nutanix extended service agreement from CDWG for a total cost not to exceed \$7,460.00. Funds are available in the Computer Maintenance fund account # 636-228.000-933.0600

# QUOTE CONFIRMATION



DEAR ERIC BRUNK,

Thank you for considering CDW•G for your computing needs. The details of your quote are below. [Click here](#) to convert your quote to an order.

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
LDTN372	1/16/2020	LDTN372	5969901	\$7,460.00

QUOTE DETAILS				
ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
<a href="#">Nutanix Production - extended service agreement (renewal) - 1 year - on-sit</a> Mfg. Part#: RS-PRD-1065-G5-1YR UNSPSC: 81112305 17SM6C140277 28-Apr-20 27-Apr-21 Electronic distribution - NO MEDIA Contract: MARKET	1	4469749	\$7,460.00	\$7,460.00

PURCHASER BILLING INFO		SUBTOTAL	\$7,460.00
<b>Billing Address:</b> CITY OF BIRMINGHAM ACCOUNTS PAYABLE 151 MARTIN ST PO BOX 3001 BIRMINGHAM, MI 48009-3368 <b>Phone:</b> (248) 530-1850 <b>Payment Terms:</b> Net 30 Days-Govt State/Local		SHIPPING	\$0.00
		SALES TAX	\$0.00
		GRAND TOTAL	<b>\$7,460.00</b>
		<b>DELIVER TO</b>	
<b>Shipping Address:</b> CITY OF BIRMINGHAM ERIC BRUNK 151 MARTIN ST BIRMINGHAM, MI 48009-3368 <b>Phone:</b> (248) 530-1885 <b>Shipping Method:</b> ELECTRONIC DISTRIBUTION		CDW Government 75 Remittance Drive Suite 1515 Chicago, IL 60675-1515	

### Need Assistance? CDW•G SALES CONTACT INFORMATION



Ryan Marron

(877) 219-8208

ryamarr@cdwg.com

This quote is subject to CDW's Terms and Conditions of Sales and Service Projects at <http://www.cdwg.com/content/terms-conditions/product-sales.aspx>  
For more information, contact a CDW account manager

© 2020 CDW•G LLC, 200 N. Milwaukee Avenue, Vernon Hills, IL 60061 | 800.808.4239



# **MEMORANDUM**

Clerk's Office

**DATE:** February 14, 2020

**TO:** Joseph A. Valentine, City Manager

**FROM:** Cheryl Arft, Acting City Clerk

**SUBJECT:** Set date for City Commission's review of 2019 Liquor License and consideration of 2020 Liquor License Renewals

---

**INTRODUCTION:**

Annually, the City Commission reviews the liquor licenses of establishments which sell intoxicating liquor for consumption on the premises in the city and to consider the renewal of those licenses. The Commission is requested to set the date of Monday, March 9, 2020 at 7:30 PM for the review and renewal of the licenses, as required by Chapter 10, Alcoholic Liquors of the Birmingham Code of Ordinances.

**BACKGROUND:**

After reviewing the results of the annual investigation by the Building, Planning, Police, Fire and Finance Departments, the City Commission considers renewal of all existing licenses for consumption of intoxicating liquor on the premises in the city.

**LEGAL REVIEW:**

None required.

**FISCAL IMPACT**

No fiscal impact.

**ATTACHMENTS:**

None

**SUGGESTED RESOLUTION:**

Resolution setting Monday, March 9, 2020 at 7:30 PM to consider the renewal of all existing liquor licenses in the city.



# MEMORANDUM

Office of the City Manager

**DATE:** February 24, 2020

**TO:** Joseph A. Valentine, City Manager

**FROM:** Tiffany J. Gunter, Assistant City Manager

**SUBJECT:** Pierce Street Deck – First Floor Drainage Repair and Replacement Work

---

## INTRODUCTION:

The preliminary review of the on-going structural and safety assessment program of the elevated parking structures identified unacceptable conditions on the first floor (basement) of the Pierce Street deck as they relate to drainage. The issues identified needed to be addressed to mitigate the concerns expressed by staff given the large areas of freezing water that made it difficult for users to walk on that level either to/from their car. There were several slip and fall incidents reported during 2019 and despite our efforts to aggressively salt and monitor, the thawing and refreezing water made this virtually impossible to manage.

Given the timing of the assessment, staff was left with a narrow window available to accomplish this work before having a repeat of the previous year given changing weather conditions.

The work that has been completed involved addressing those critical concerns by replacing all of the broken stacks at their base (where the flooding would occur), cleaning the drains and replacing the missing caps, and doing visual inspections to determine additional work necessary to maintain reliable operation of the drain system.

The proposed work was conducted as an emergency repair in an effort to mitigate slip and fall incidents this winter. There will be additional drainage repair work proposed for the Pierce Street deck at the conclusion of the Structural and Safety Assessment that will conclude in Spring/Summer 2020.

## BACKGROUND:

N/A

## LEGAL REVIEW:

N/A

**FISCAL IMPACT:**

The cost to repair and replace the missing or excessively corroded/blocked components of the Pierce Street deck first floor drains was \$9,500 and paid from account #585-538.002-977.0000.

**PUBLIC COMMUNICATIONS:**

A notification was shared with users of the Pierce Street parking deck the week prior to the work commencing and posted in the stairwells.

**SUMMARY:**

The first floor of the drainage system at the Pierce Street parking deck required work to be performed to mitigate issues associated with pooling water that would freeze and thaw making the ability to maneuver on that level very difficult without risk of a fall. The work that has been completed involved addressing those critical concerns by replacing all of the broken stacks at their base (where the flooding would occur), cleaning the drains and replacing the missing caps, and doing visual inspections to determine additional work necessary to maintain reliable operation of the drain system.

The City will continue to work with WJE and Nelson Brothers to complete the drainage assessment throughout all levels of the deck. We do not anticipate that the proposed repairs on the upper levels will be deemed emergencies.

**ATTACHMENTS:**

Nelson Brothers Proposal

**SUGGESTED RESOLUTION:**

To confirm the City Manager’s authorization for the emergency expenditure regarding the repair and replacement of first floor drainage system components at the Pierce Street parking structure in an amount not to exceed \$9,080.00 to be paid to Nelson Brothers Plumbing from the Parking Fund account #585-538.002-977.0000, pursuant to Sec. 2-286 of the City Code.

**Established 1925**

**PROPOSAL**

**NELSON BROTHERS SEWER & PLUMBING, INC.**  
**4<sup>th</sup> Generation Family Owned & Operated**  
**1115 E. 11 Mile Rd. Royal Oak, MI 48067**  
**(248) 541-0819 Fax (248) 541-9046**  
**www.nelsonbrothersplumbing.com**

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Proposal Submitted to: City Of Birmingham	Date: 2/5/2020
Service Address: 333 Pierce	Phone: 248-540-9690
City, State and Zip: Birmingham	Alt Phone
Billing Name & Address:	Email: SBURTON@SPPLUS.COM

---

**Repair as many stacks in garage as possible in two days this price includes material and jack hammer. \$5,336.00**

**Snake storm lines in parking garage. \$3,744.00**

**Note: At the end of two days we will know if there will be any other repairs needed.**

**Note: Will need to break concrete at the base of some stacks in order to do proper repair.**

**Note: Nelson Bros will use PVC and ARC ferncos to make repairs.**

**Note: Plumbing permits will be pulled for all repairs.**

---

**We Propose**, to hereby to furnish material and labor – complete in accordance with above specifications, for the sum of: **\$9,080.00**

Payment due upon completion as follows: **Deposit: \$4,500.00**

**Balance due on completion.**

*All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed and will become an extra charge over and above the estimate. Nelson Bros. is licensed and fully insured. All work warranted for one year unless otherwise stated. A mobilization, administration, and restocking fee **will** be assessed for all contracts cancelled less than 48 hours of the scheduled start date. It is understood any litigation will be in the venue of the Royal Oak district court and all legal fees will be the responsibility of the customer. Any payments not made as agreed in this contract within 10 days will be assessed a 10% penalty, full interest, and possible attorney fees, including cost incurred in collecting funds owed to Nelson Bros.*

Authorized Signature: Richard Taylor

Date: 2/5/2020

**Nelson Bros. may withdraw this proposal if not accepted within 30 days.**

**Acceptance of Proposal – The above prices, specifications and conditions are satisfactory and are hereby accepted. Nelson Bros. is authorized to do the work as specified. I agree to the payment terms outlined above. I understand there is a 10% charge added to the total cost if payment in full is not received within 10 days from the date of completion.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

---

**ELIMINATE DOUBT CHECK US OUT. Get a FREE Business Reliability Report 24 hours a day from your BBB at WWW.EASTERNMICHIGANBBB.ORG**

---

**DATE:** February 14, 2020

**TO:** Joseph A. Valentine, City Manager

**FROM:** Austin W. Fletcher, Assistant City Engineer

**SUBJECT:** Maple Road Reconstruction – Phase II-  
DTE Energy Street Light Agreement

---

**INTRODUCTION:**

As part of the Maple Road Reconstruction – Phase II project, the right-of-way will be updated to the City's Standard Streetscape to include new Hadco street lights.

**BACKGROUND:**

The Maple Road Reconstruction – Phase II Project will include the removal of the existing sidewalks, City trees, parking meters and City streetlights in order to upgrade this area to the current City's Standard Streetscape and to provide wider sidewalks and larger tree wells. The project area includes all of Maple Road between Chester Street and Pierce Street and Maple Road between Old Woodward Avenue and Woodward Avenue. A total of forty-eight (48) existing streetlights will be removed within the project area. In their place, a total of forty-two (42) will be installed. These lights will not have electrical outlets installed as a new underground electrical system will be installed as part of the Maple Road project that will provide power at each proposed tree well. The reduced number of lights is a function of the new sidewalk design as proposed by our planning consultant (MKSK), wherein the tree wells are elongated. This design reduces the number of tree wells, and the number of streetlights accordingly.

In addition to the removal, suppling and installation of the streetlights, this proposal also includes the costs to tie over existing streetlights in the downtown area that would be disconnected due to the above described activity. Based on previous estimates for work of this nature, this cost is reasonable.

**LEGAL REVIEW:**

In accordance with other DTE Street Lighting projects, the attached standard form agreement prepared by DTE Energy Co. has been reviewed and approved by the City Attorney's office.

**FISCAL IMPACT:**

As noted in the agreement, the cost being charged to the City for the installation of these street lights is \$269,983.32. While the City will be responsible for payment to DTE Energy Co., payment will not be required until the work is 100% complete. The City will be responsible for this cost, based on the fact that these properties were assessed for the lighting upgrade many years ago, and the replacement is considered maintenance at this time.

**SUMMARY:**

It is recommended that the Commission authorize the Mayor to sign the attached Agreement for Municipal Street Lighting presented by DTE Energy relative to the Maple Road – Phase II reconstruction project. All costs relative to this agreement will be charged to the Capital Improvements Fund – 401-901.010-981.0100.

**ATTACHMENTS:**

- Agreement prepared by DTE Energy Co. to remove, supply and install forty-two (42) new street lights within the Maple Road reconstruction limits including a sketch of proposed work, as prepared by DTE Energy Co. – (thirteen pages);
- Maple Road Streetlighting Plan Sheets 055 & 056 – (two sheets).

**SUGGESTED RESOLUTION:**

To approve the street light agreement between the City of Birmingham and DTE Energy Co. regarding the removal, manufacture and installation of 42 street lights within the Maple Road reconstruction limits and to charge those costs to account number 401-901.010-981.0100. Further, to direct the Mayor to sign the agreement on behalf of the City.



February 13, 2020

City of Birmingham  
151 Martin St, PO Box 3001  
Birmingham, MI 48012  
Attn: Austin Fletcher

Re: DTE Street Lighting: Maple Rd Reconstruction

Attached is the Purchase Agreement for the street lighting associated with the Maple Rd Reconstruction Project. A detailed description of the project is outlined in the agreements. Please print **TWO** copies. Please sign **BOTH** copies in the designated areas. A check or Purchase Order in the amount of **\$269,983.32** is also required at this time. Please return **BOTH** signed agreements (as well as check or Purchase Order...made payable to **DTE Energy**) to the following address:

DTE Energy  
8001 Haggerty Rd.  
Belleville, MI 48111  
140 WWSC-Brandon Faron

Please call if you have questions, 734-397-4017.

Sincerely,

*Brandon R. Faron*

Brandon R. Faron  
Account Manager  
Community Lighting

**Exhibit A to Master Agreement**

**Purchase Agreement**

This Purchase Agreement (this "Agreement") is dated as of February 13, 2020 between DTE Electric Company ("Company") and the City of Birmingham ("Customer").

This Agreement is a "Purchase Agreement" as referenced in the Master Agreement for Municipal Street Lighting dated April 11, 2013 (the "Master Agreement") between Company and Customer. All of the terms of the Master Agreement are incorporated herein by reference. In the event of an inconsistency between this Agreement and the Master Agreement, the terms of this Agreement shall control.

Customer requests the Company to furnish, install, operate and maintain street lighting equipment as set forth below:

1. DTE Work Order Number:	55337964	
	If this is a conversion or replacement, indicate the Work Order Number for current installed equipment: N/A	
2. Location where Equipment will be installed:	[Maple Rd between Chester St and Woodward Ave], as more fully described on the map attached hereto as <u>Attachment 1</u> .	
3. Total number of lights to be installed:	42	
4. Description of Equipment to be installed (the " <u>Equipment</u> "):	<p>Install forty-two (42) Special Order Material Birmingham Green Philips/Signify Birmingham style 68w LED luminaires, and forty-two (42) Special Order Material Birmingham Green Philips/Signify Birmingham style posts (no GFIs) on concrete foundations.</p> <p>Remove forty-eight (48) existing posts and luminaires.</p>	
5. Estimated Total Annual Lamp Charges	\$11,002.32	
6. Estimated Total Annual Post Charges if selected	\$0.00	
7. Computation of Contribution in aid of Construction (" <u>CIAC Amount</u> ")	Total estimated construction cost, including labor, materials, and overhead:	\$302,990.28
	Credit for 3 years of lamp charges:	\$33,006.96
	<b>CIAC Amount (cost minus revenue)</b>	<b>\$269,983.32</b>
	Credit for Post Charge, if selected	\$0.00
8. Payment of CIAC Amount:	Due promptly upon execution of this Agreement <b>\$269,983.32</b>	
9. Term of Agreement	<p>5 years. Upon expiration of the initial term, this Agreement shall continue on a month-to-month basis until terminated by mutual written consent of the parties or by either party with thirty (30) days prior written notice to the other party.</p> <p>If Post Charge "box" <input type="checkbox"/> is checked the Customer agrees to following term:</p>	

	<p>10 years. Upon expiration of the initial term, this Agreement shall continue on a month-to-month basis until terminated by mutual written consent of the parties or by either party with thirty (30) days prior written notice to the other party.</p>
<p>10. Does the requested Customer lighting design meet IESNA recommended practices?</p>	<p>(Check One)      <input type="checkbox"/> YES    <input checked="" type="checkbox"/> NO          If "No", Customer must sign below and acknowledge that the lighting design does not meet IESNA recommended practices          _____ </p>
<p>11. Customer Address for Notices:</p>	<p>City of Birmingham          151 Martin St.          Birmingham, MI 48012          Attn: Austin Fletcher</p>

12. Special Order Material Terms:

All or a portion of the Equipment consists of special order material: (check one)  YES  NO

If "Yes" is checked, Customer and Company agree to the following additional terms.

A. Customer acknowledges that all or a portion of the Equipment is special order materials ("SOM") and not Company's standard stock. Customer will purchase and stock replacement SOM and spare parts. When replacement equipment or spare parts are installed from Customer's inventory, the Company will credit Customer in the amount of the then current material cost of Company standard street lighting equipment.

B. Customer will maintain an initial inventory of at least 3 posts and 3 luminaires and any other materials agreed to by Company and Customer, and will replenish the stock as the same are drawn from inventory. Costs of initial inventory are included in this Agreement. The Customer agrees to work with the Company to adjust inventory levels from time to time to correspond to actual replacement material needs. If Customer fails to maintain the required inventory, Company, after 30 days' notice to Customer, may (but is not required to) order replacement SOM and Customer will reimburse Company for such costs. Customer's acknowledges that failure to maintain required inventory could result in extended outages due to SOM lead times.

C. The inventory will be stored at City of Birmingham DPW Yard. Access to the Customers inventory site must be provided between the hours of 9:00 am to 4:00 pm, Monday through Friday with the exceptions of federal Holidays. Customer shall name an authorized representative to contact regarding inventory: levels, access, usage, transactions, and provide the following contact information to the Company:

Name: Austin Fletcher Title: Assistant City Engineer

Phone Number: 248.530.1839 Email: afletcher@bhamgov.org

The Customer will notify the Company of any changes in the Authorized Customer Representative. The Customer must comply with SOM manufacturer's recommended inventory storage guidelines and practices. Damaged SOM will not be installed by the Company.

D. In the event that SOM is damaged by a third party, the Company may (but is not required to) pursue a damage claim against such third party for collection of all labor and stock replacement value associated with the damage claim. Company will promptly notify Customer as to whether Company will pursue such claim.

E. In the event that SOM becomes obsolete or no longer manufactured, the Customer will be allowed to select new alternate SOM that is compatible with the Company's existing infrastructure.

F. Should the Customer experience excessive LED equipment failures, not supported by LED manufacturer warranties, the Company will replace the LED equipment with other Company supported Solid State or High Intensity Discharge luminaires at the Company's discretion. The full cost to complete these replacements to standard street lighting equipment will be the responsibility of the Customer.

\*\*\*\*\*

Company and Customer have executed this Purchase Agreement as of the date first written above.

Company:

DTE Electric Company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Customer:

City of Birmingham

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_



**Attachment 1 to Purchase Agreement**

**Map of Location**

[To be attached]







Know what's below.  
Call before you dig

Removals 3 of 3

### JOB NOTES:

STREETLIGHTS ARE TRUCK ACCESSIBLE.

ALL CIRCUIT TIES ARE TEMPORARY, UNTIL INSTALLS HAVE BEEN COMPLETED.

ST CIR 8065 BIHAM TIED TO 7001 BIHAQ  
ST CIR 9720 BIHAM TIED TO 7368 BIHAM  
ST CIR 9731 BIHAM TIED TO 7205 BIHAM  
ST CIR 9730 BIHAM TIED TO 8102 BIHAM

TO BE FOLLOWED UP WITH CWO 55338047 AND CWO 55338075 TO INSTALL CABLE, FOUNDATIONS, POSTS AND LUMS.

PERMIT NOT REQUIRED.

### LEGEND

- LIGHTING CONTROL
- DECO POLE
- CABLE POLE
- STREETLIGHT ON POST
- STREETLIGHT ON POLE
- PADMOUNT TRANSFORMER
- SECONDARY PEDESTAL
- 120/240 V LINE
- 4.8 KV LINE
- 13.2 KV LINE
- CABLE IN CONDUIT
- DIRECTIONAL BORE CABLE IN CONDUIT
- TRENCH

# BROWN ST.

# OLD WOODWARD AVE.

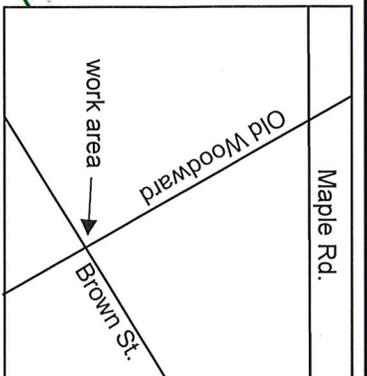
ST CIR 9730 BIHAM

TAP STREETLIGHT CABLE IN POST  
SERIAL #: AFW205

ST CIR 8102 BIHAM

TAP STREETLIGHT CABLE IN POST  
SERIAL #: OH984

IN: #2AL X 2, #4AL X 1  
IN: BORE W/ 2" HDPE CONDUIT  
TIE 9730 TO 8102



## SHEET 3 OF 3

### DTE Electric - Distribution Engineering and Planning

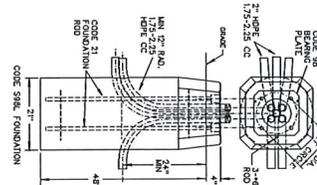
PARENT WORK ORDER: 55337964  
DRAWING SIZE: 8 1/2" x 11" - ANSIA

Service Planner		Work Order Description	
Mira, Christopher	SL-Birmingham-Maple from Southfield to Woodward-REMOVALS		
Phone	55338028	GIS-DSN	55338029
586.783.1969		COH	55338039
Supervisor		Circuit #1	
Brian R Kinnick	Service Center	Worksite City	Worksite Twp
Phone	PON	BIRMINGHAM (PONTIAC)	BLM
734.397.4024	JU Work to be Performed		JU
Planning Engineer	NONE		
	JU Company	Contact	Email
Phone	JU Company	Contact	Email
CUE Number	Ver	Plot Date	Scale
985835	1	1/27/2020	NONE
			Town
			02N
			Range
			10E
			Section
			36
			Qtr



Know what's below.  
Call before you dig

NOTE: FOUNDATION MARKERS ARE SQUARE IN RELATIONSHIP TO THE CURB. ALL FOUNDATION MARKERS ARE TO BE FOUND FROM THE CURB. FOUNDATION MARKERS ARE TO BE FOUND FROM THE CURB. FOUNDATION MARKERS ARE TO BE FOUND FROM THE CURB. FOUNDATION MARKERS ARE TO BE FOUND FROM THE CURB.

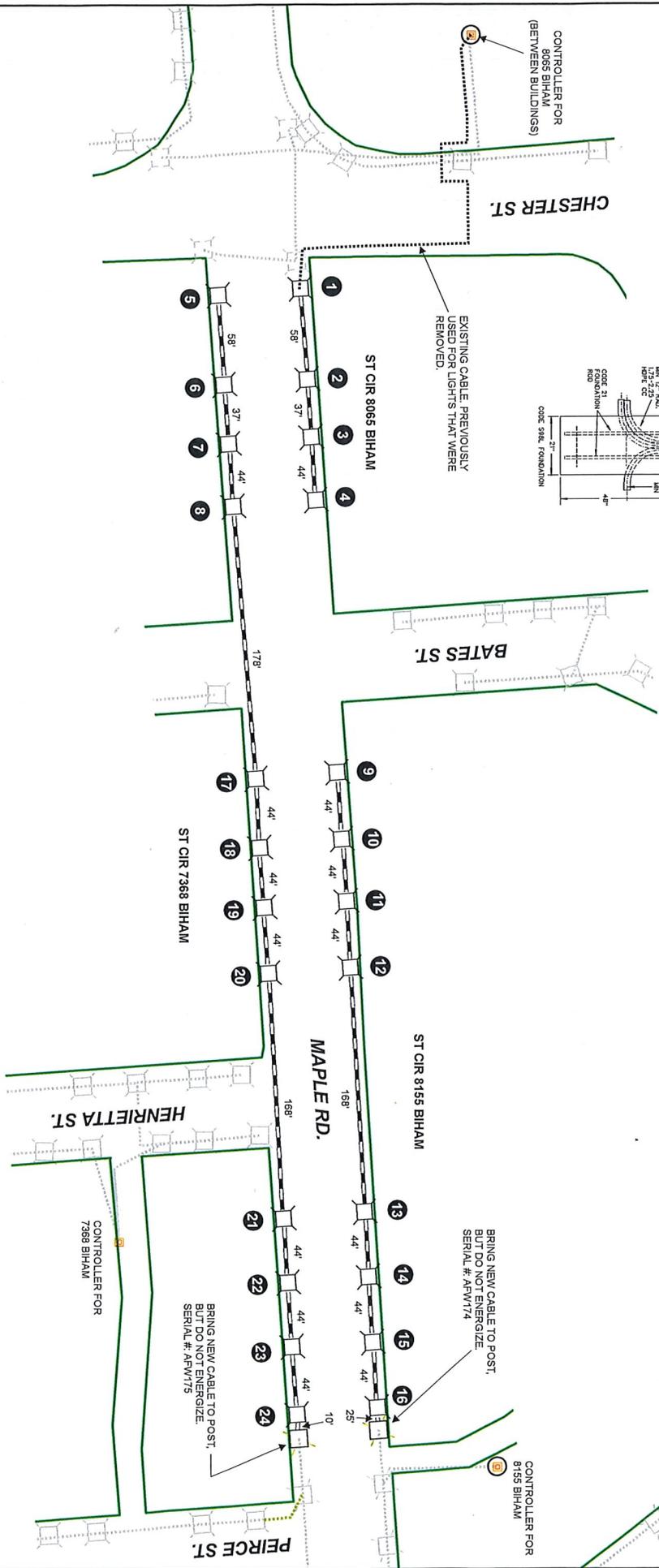


Trench-Bore Summary		
Type	Occupants	Length
ST LT - TRENCH-IN CONDUIT	E	2275'
Total =		2275'

**Cable Summary**  
Legacy Stock # SAP # Length  
IN #2 ALX2 - #4 ALX1 713-9878/100075024 2849'

CABLE SUMMARY IS FOR ENTIRE WORK ORDER

Foundations & Cable 1 of 2



**ALL FUTURE STREETLIGHT LOCATIONS:**  
IN: 598L FOUNDATION  
LOCATIONS TO BE MARKED BY CITY CONTRACTOR

**ALL CABLE LOCATIONS:**  
IN: #2AL X2, #4AL X1  
IN: 2" HDPE CONDUIT  
IN: STREETLIGHT TRENCHING

**JOB NOTES:**

**THIS WORK IS FOR CABLE AND FOUNDATIONS ONLY.**  
POSTS AND FIXTURES INSTALLED ON CUL 55338096.  
PERMIT NOT REQUIRED.  
DO NOT ENERGIZE NEW CABLE. CABLE TO BE ENERGIZED AFTER ALL WORK IS COMPLETE.  
CIRCUITS HAVE BEEN RECONFIGURED FROM ORIGINAL.  
LOCATIONS TO BE MARKED BY CITY CONTRACTOR.

**SHEET 1 OF 2**

**DTE Electric - Distribution Engineering and Planning**  
PARENT WORK ORDER: 55337864  
DRAWING SIZE: 17" x 22" - ANSI C

**LEGEND**

- LIGHTING CONTROL
- DECO POLE
- CABLE POLE
- STREETLIGHT ON POST
- STREETLIGHT ON POLE
- PADMOUNT TRANSFORMER
- SECONDARY PEDESTAL
- 15000V LINE
- 13.2KV LINE
- CABLE IN CONDUIT
- CORRECTIONAL CONDUIT
- TRENCH

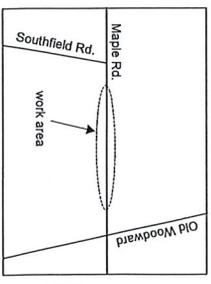
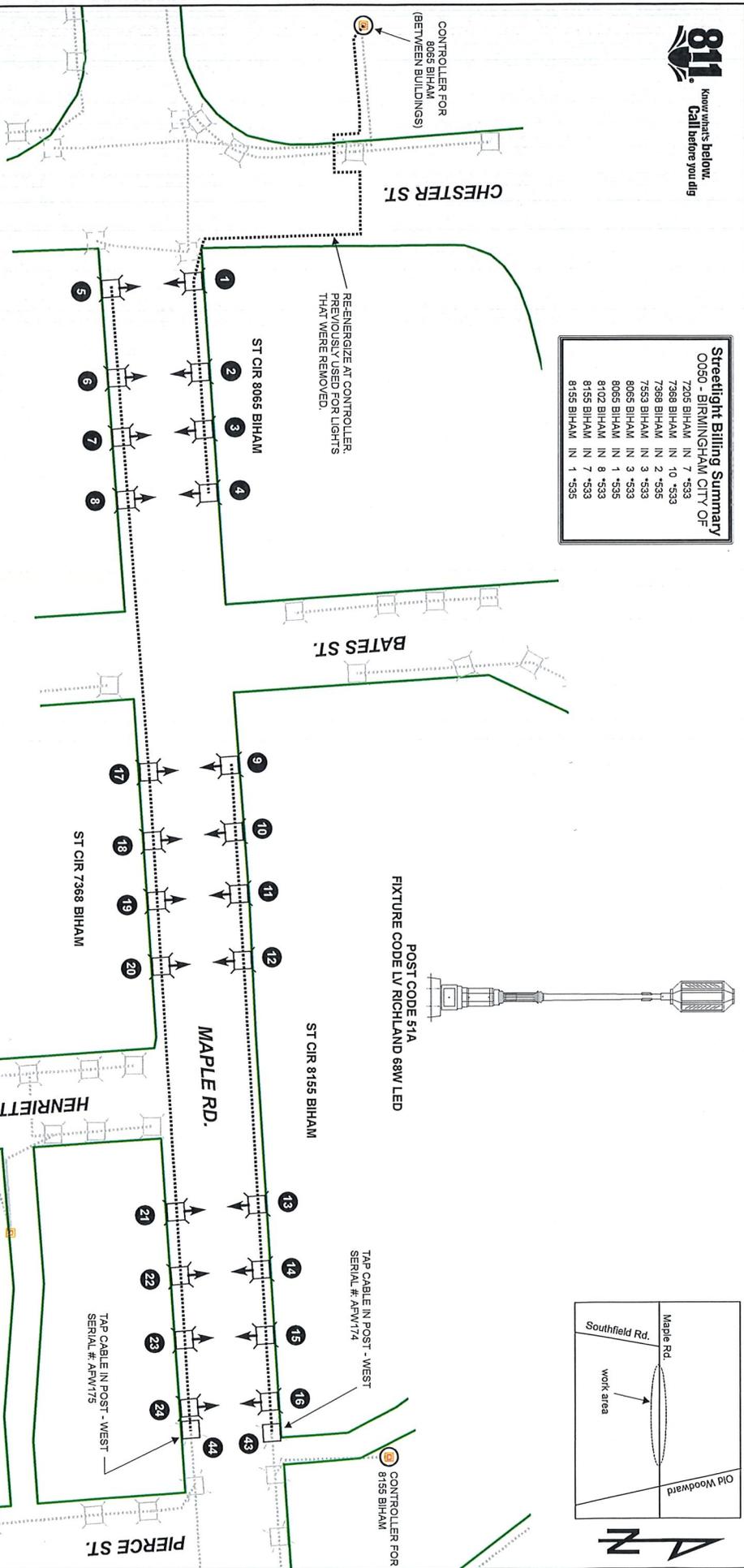
\*\*\* TO BE DONE BEFORE CUL 55338096 \*\*\*  
(POSTS AND LUMINAIRES CWO 55338075)

PROJECT INFORMATION		CLIENT INFORMATION	
PROJECT NO.	55338096	CLIENT NAME	St. Birmingham Foundations & Cable
DATE	2/19/2020	CONTACT	John
PROJECT LEADER	55338096	PHONE	55338096
DESIGNER	55338096	FAX	55338096
CHECKED BY	55338096	PROJECT MGR	55338096
DATE	2/19/2020	PROJECT NO.	55338096
SCALE	NONE	PROJECT MGR	55338096
DATE	2/19/2020	PROJECT NO.	55338096
SCALE	NONE	PROJECT MGR	55338096
DATE	2/19/2020	PROJECT NO.	55338096
SCALE	NONE	PROJECT MGR	55338096



**Streetlight Billing Summary**  
0050 - BIRMINGHAM CITY OF  
7208 BIHAM IN 7 - 533  
7369 BIHAM IN 10 - 533  
7369 BIHAM IN 2 - 533  
7553 BIHAM IN 3 - 533  
8065 BIHAM IN 1 - 533  
8065 BIHAM IN 3 - 533  
8102 BIHAM IN 8 - 533  
8155 BIHAM IN 7 - 533  
8155 BIHAM IN 1 - 533

Post & Lums 1 of 2



**ALL STREETLIGHT INSTALL LOCATIONS:**  
IN: POST CODE 51A  
IN: UG MULTIPLE LED 68 LV RICHLAND  
IN: SHORTING CAP

- ① L68 - AGC4387 - 8065 BIHAM - 0050 - 533 - B
- ② L68 - AGC398 - 8065 BIHAM - 0050 - 533 - R
- ③ L68 - AGC399 - 8065 BIHAM - 0050 - 533 - B
- ④ L68 - AGC400 - 8065 BIHAM - 0050 - 533 - R
- ⑤ L68 - AGC401 - 7368 BIHAM - 0050 - 533 - B
- ⑥ L68 - AGC402 - 7368 BIHAM - 0050 - 533 - R
- ⑦ L68 - AGC403 - 7368 BIHAM - 0050 - 533 - B
- ⑧ L68 - AGC404 - 7368 BIHAM - 0050 - 533 - R
- ⑨ L68 - AGC405 - 8155 BIHAM - 0050 - 533 - B
- ⑩ L68 - AGC406 - 8155 BIHAM - 0050 - 533 - R
- ⑪ L68 - AGC407 - 8155 BIHAM - 0050 - 533 - B
- ⑫ L68 - AGC408 - 8155 BIHAM - 0050 - 533 - R
- ⑬ L68 - AGC409 - 8155 BIHAM - 0050 - 533 - B
- ⑭ L68 - AGC410 - 8155 BIHAM - 0050 - 533 - R
- ⑮ L68 - AGC411 - 8155 BIHAM - 0050 - 533 - B
- ⑯ L68 - AGC412 - 8155 BIHAM - 0050 - 533 - R
- ⑰ L68 - AGC413 - 7368 BIHAM - 0050 - 533 - B
- ⑱ L68 - AGC414 - 7368 BIHAM - 0050 - 533 - R
- ⑲ L68 - AGC415 - 7368 BIHAM - 0050 - 533 - B
- ⑳ L68 - AGC416 - 7368 BIHAM - 0050 - 533 - R
- ㉑ L68 - AGC417 - 7368 BIHAM - 0050 - 533 - B
- ㉒ L68 - AGC418 - 7368 BIHAM - 0050 - 533 - R
- ㉓ L68 - AGC419 - 7368 BIHAM - 0050 - 533 - B
- ㉔ L68 - AGC420 - 7368 BIHAM - 0050 - 533 - R

**JOB NOTES:**  
THIS WORK ORDER IS FOR POSTS AND FIXTURES ONLY.  
CABLE AND FOUNDATIONS INSTALLED ON CUL 55338068.  
PERMIT NOT REQUIRED.  
CIRCUITS HAVE BEEN RECONFIGURED FROM ORIGINAL.

**SHEET 1 OF 2**

**DTE** DTE Electric - Distribution Engineering and Planning  
PARENT WORK ORDER: 55337964  
DRAWING SIZE: 17" x 22" - ANSI C

**LEGEND**

- LIGHTING CONTROL
- BICO POLE
- CHALE POLE
- STREETLIGHT ON POST
- STREETLIGHT ON POLE
- PANOOUNT TRANSPORTER
- SECONDARY TRENCHAL
- TRENCH

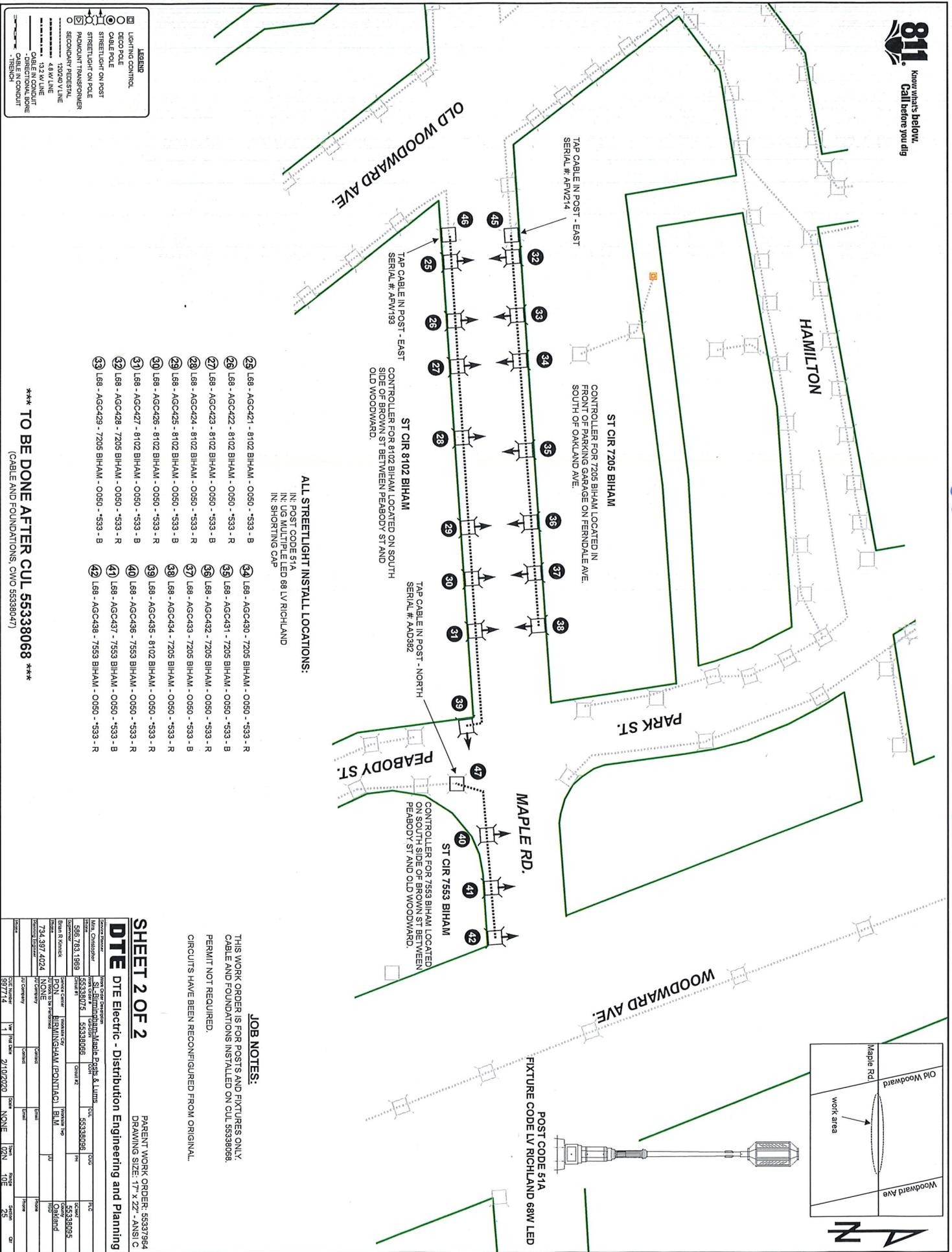
DATE IN CONTROL  
DATE IN FOUNDATION  
DATE IN CONDUIT

12000 V LINE  
4.9 W LINE  
13.2 W LINE  
43.0 W LINE

\*\*\* TO BE DONE AFTER CUL 55338068 \*\*\*  
(CABLE AND FOUNDATIONS, CNO 55338067)

PROJECT NO.	55338068	DATE	01/12/2020
PROJECT NAME	Maple Rd. Streetlights	SCALE	NONE
PROJECT LOCATION	BIRMINGHAM, AL	DATE	10/25
PROJECT OWNER	BIRMINGHAM CITY OF	DATE	10/25
PROJECT CONTACT	JOHN	DATE	10/25
PROJECT PHONE	55338068	DATE	10/25
PROJECT FAX	55338068	DATE	10/25
PROJECT EMAIL	JOHN	DATE	10/25
PROJECT ADDRESS	7368 BIHAM	DATE	10/25
PROJECT CITY	BIRMINGHAM	DATE	10/25
PROJECT STATE	AL	DATE	10/25
PROJECT ZIP	35202	DATE	10/25
PROJECT COUNTY	JEFFERSON	DATE	10/25
PROJECT PROJECTOR	JOHN	DATE	10/25
PROJECT CHECKER	JOHN	DATE	10/25
PROJECT DATE	01/12/2020	DATE	10/25
PROJECT TIME	10:00	DATE	10/25
PROJECT STATUS	COMPLETE	DATE	10/25
PROJECT COMMENTS		DATE	10/25

Posts & Lums 2 of 2



**ALL STREETLIGHT INSTALL LOCATIONS:**  
IN: POST CODE E1A  
IN: LUM MULTIPLE LED 68 LV RICHLAND  
IN: SHORTING CAP

- 25 L88 - AGC421 - 8102 BIHAM - O050 - \*533 - B
- 26 L88 - AGC422 - 8102 BIHAM - O050 - \*533 - R
- 27 L88 - AGC423 - 8102 BIHAM - O050 - \*533 - B
- 28 L88 - AGC424 - 8102 BIHAM - O050 - \*533 - R
- 29 L88 - AGC425 - 8102 BIHAM - O050 - \*533 - B
- 30 L88 - AGC426 - 8102 BIHAM - O050 - \*533 - R
- 31 L88 - AGC427 - 8102 BIHAM - O050 - \*533 - B
- 32 L88 - AGC428 - 7205 BIHAM - O050 - \*533 - R
- 33 L88 - AGC429 - 7205 BIHAM - O050 - \*533 - B
- 34 L88 - AGC430 - 7205 BIHAM - O050 - \*533 - R
- 35 L88 - AGC431 - 7205 BIHAM - O050 - \*533 - B
- 36 L88 - AGC432 - 7205 BIHAM - O050 - \*533 - R
- 37 L88 - AGC433 - 7205 BIHAM - O050 - \*533 - B
- 38 L88 - AGC434 - 7205 BIHAM - O050 - \*533 - R
- 39 L88 - AGC435 - 8102 BIHAM - O050 - \*533 - B
- 40 L88 - AGC436 - 7553 BIHAM - O050 - \*533 - R
- 41 L88 - AGC437 - 7553 BIHAM - O050 - \*533 - B
- 42 L88 - AGC438 - 7553 BIHAM - O050 - \*533 - R

\*\*\* TO BE DONE AFTER CUL 55338068 \*\*\*  
(CABLE AND FOUNDATIONS, CVO 55338047)

**JOB NOTES:**  
THIS WORK ORDER IS FOR POSTS AND FIXTURES ONLY.  
CABLE AND FOUNDATIONS INSTALLED ON CUL 55338068.  
PERMIT NOT REQUIRED.  
CIRCUITS HAVE BEEN RECONFIGURED FROM ORIGINAL.

**SHEET 2 OF 2**

**DTE** DTE Electric - Distribution Engineering and Planning  
PARENT WORK ORDER: 55337964  
DRAWING SIZE: 17" x 22" - ANSI C

DATE	18/7/14	BY	JU
PROJECT	734 397 4024	CLIENT	UNIVERSAL (PONTIAC) BLDG
LOCATION	586 783 1899	PROJECT NO.	55338068
DATE	21/02/20	SCALE	NONE
BY	JU	DATE	21/02/20
PROJECT	734 397 4024	CLIENT	UNIVERSAL (PONTIAC) BLDG
LOCATION	586 783 1899	PROJECT NO.	55338068
DATE	21/02/20	SCALE	NONE
BY	JU	DATE	21/02/20
PROJECT	734 397 4024	CLIENT	UNIVERSAL (PONTIAC) BLDG
LOCATION	586 783 1899	PROJECT NO.	55338068
DATE	21/02/20	SCALE	NONE
BY	JU	DATE	21/02/20

SEAL

PROJECT

Maple Road  
Reconstruction Project  
2020

CLIENT



Engineering Department  
151 Martin Street  
Birmingham, MI 48012

PROJECT LOCATION

Part of the S./N. 1/2  
of Section 25/36  
Town 2 North,  
Range 10 East  
City of Birmingham,  
Oakland County, Michigan

SHEET

W. Maple Rd.  
Street Light & Parking  
Meter Post Plan



Know what's below  
Call before you dig.

DATE	ISSUED/REVISED
07-26-19	PRELIMINARY CITY REVIEW
09-06-19	MDOT G.I. SUBMITTAL
09-11-19	CITY PLANNING LAYOUT UPDATES
10-01-19	MICHIGAN E.G.L.E. PERMIT SUBMITTAL
10-10-19	M.D.O.T. PERMIT SUBMITTAL
10-25-19	REVISED PER G.I. REVIEW

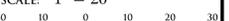
DRAWN BY:  
G. Viju

DESIGNED BY:  
P. Tulikangas

APPROVED BY:  
B. Buchholz

DATE:  
9-26-2018

SCALE: 1" = 20'



NFE JOB NO. **K516** SHEET NO. **055**

**NEW PARKING METER POST & NEW STREET LIGHT SCHEDULE**

W. MAPLE ROAD		
STATION	OFFSET	ITEM
STA. 8+13.55	23.75' N.	PED. STREET LIGHT
STA. 8+13.55	23.25' S.	PED. STREET LIGHT
STA. 8+77.21	23.75' N.	PED. STREET LIGHT
STA. 8+77.21	23.25' S.	PED. STREET LIGHT
STA. 9+06.38	22.95' S.	PARKING METER POST
STA. 9+08.89	23.75' N.	PED. STREET LIGHT
STA. 9+08.89	23.25' S.	PED. STREET LIGHT
STA. 9+11.39	23.45' N.	PARKING METER POST
STA. 9+50.38	22.95' S.	PARKING METER POST
STA. 9+52.89	23.75' N.	PED. STREET LIGHT
STA. 9+52.89	23.25' S.	PED. STREET LIGHT
STA. 9+55.39	23.45' N.	PARKING METER POST
STA. 9+96.96	23.45' N.	PARKING METER POST
STA. 9+96.96	22.95' S.	PARKING METER POST
STA. 11+27.91	22.95' S.	PARKING METER POST (S.B.)
STA. 11+30.40	23.75' N.	PED. STREET LIGHT
STA. 11+30.40	23.25' S.	PED. STREET LIGHT
STA. 11+32.90	23.45' N.	PARKING METER POST
STA. 11+32.90	22.95' S.	PARKING METER POST
STA. 11+71.90	22.95' S.	PARKING METER POST
STA. 11+74.40	23.75' N.	PED. STREET LIGHT
STA. 11+74.40	23.25' S.	PED. STREET LIGHT
STA. 11+76.90	23.45' N.	PARKING METER POST
STA. 12.15+90	22.95' S.	PARKING METER POST
STA. 12+18.40	23.75' N.	PED. STREET LIGHT
STA. 12+18.40	23.25' S.	PED. STREET LIGHT
STA. 12+20.90	23.45' N.	PARKING METER POST
STA. 12+59.90	22.95' S.	PARKING METER POST
STA. 12+62.40	23.75' N.	PED. STREET LIGHT
STA. 12+62.40	23.25' S.	PED. STREET LIGHT
STA. 12+64.90	23.45' N.	PARKING METER POST
STA. 13+06.47	23.45' N.	PARKING METER POST
STA. 13+06.47	22.95' S.	PARKING METER POST
STA. 14+05.17	23.75' N.	PARKING METER POST (S.B.)
STA. 14+28.66	22.95' S.	PARKING METER POST (S.B.)
STA. 14+31.17	23.75' N.	PED. STREET LIGHT
STA. 14+31.17	23.25' S.	PED. STREET LIGHT
STA. 14+33.67	23.45' N.	PARKING METER POST
STA. 14+33.67	22.95' S.	PARKING METER POST
STA. 14+72.67	22.95' S.	PARKING METER POST
STA. 14+75.17	23.75' N.	PED. STREET LIGHT
STA. 14+75.17	23.25' S.	PED. STREET LIGHT
STA. 14+77.64	23.45' N.	PARKING METER POST
STA. 15+16.67	22.95' S.	PARKING METER POST
STA. 15+19.17	23.75' N.	PED. STREET LIGHT
STA. 15+19.17	23.25' S.	PED. STREET LIGHT
STA. 15+21.67	23.45' N.	PARKING METER POST
STA. 15+60.67	22.95' S.	PARKING METER POST
STA. 15+63.17	23.75' N.	PED. STREET LIGHT
STA. 15+63.17	23.25' S.	PED. STREET LIGHT
STA. 15+65.67	23.45' N.	PARKING METER POST

**LIGHT REMOVAL LEGEND**

X EX. PEDESTRIAN LIGHT POLE TO BE DE-ENERGIZED AND REMOVED BY D.T.E. CONTRACTOR SHALL REMOVE EX. LIGHT POLE FOUNDATIONS (PER REMOVAL PLAN SHEETS, PAID AS "EX. LIGHTS STD. FDN. REM")

**PARKING METER POSTS NOTES:**

1. PARKING METER POSTS DESIGNATED AS "S.B." (SHORT-BLUE) SHALL BE BLUE AND MEET A.D.A. HEIGHT REQUIREMENTS.
2. ALL OTHER PARKING METER POSTS SHALL BE GREEN AND MEET TYPICAL CITY HEIGHT REQUIREMENTS.

**PEDESTRIAN STREET LIGHT NOTE:**

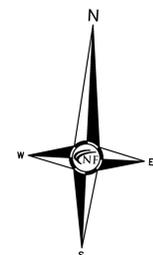
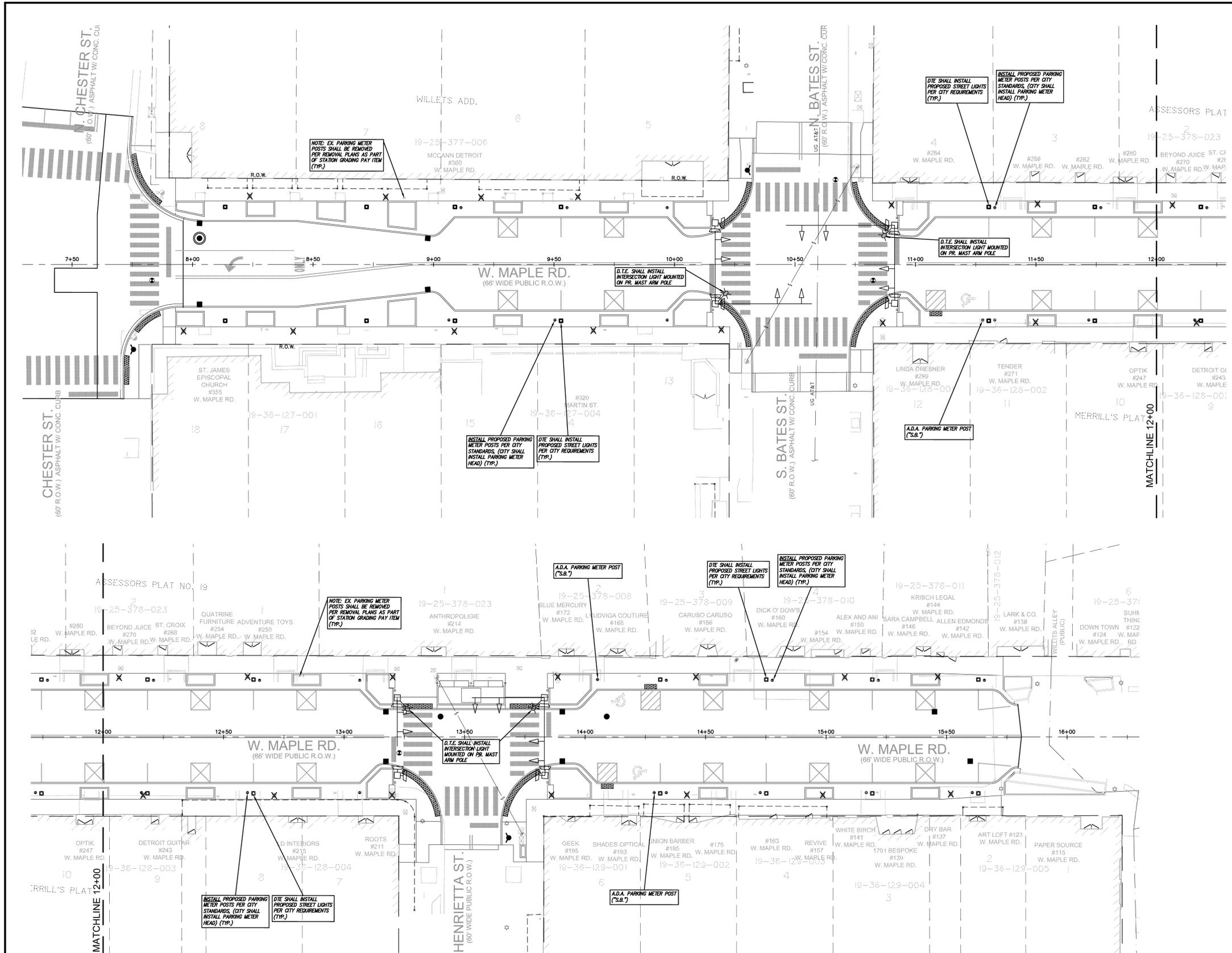
PEDESTRIAN STREET LIGHTS ON MAPLE ROAD SHALL BE HADCO STREET LIGHTS PER TYPICAL BIRMINGHAM STANDARDS, AND SHALL BE INSTALLED BY D.T.E. OUTSIDE OF THIS CONTRACT.

**INTERSECTION STREET LIGHT NOTE:**

INTERSECTION STREET LIGHTS SHOWN SHALL BE MOUNTED ON BRACKET ARMS ATTACHED TO TRAFFIC MAST ARM POLES (REFER TO TRAFFIC SIGNAL PLANS FOR REQUIRED DETAILS AND PAY ITEMS). LIGHT FIXTURES SHALL BE INSTALLED BY D.T.E. OUTSIDE OF THIS CONTRACT.

**ESTIMATED QUANTITIES THIS SHEET**

DESCRIPTION	QUANTITY	UNIT
Parking Meter Post	27	Each





**NOWAK & FRAUS ENGINEERS**

CIVIL ENGINEERS  
LAND SURVEYORS  
LAND PLANNERS

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

SEAL

PROJECT

Maple Road  
Reconstruction Project  
2020

CLIENT



Engineering Department  
151 Martin Street  
Birmingham, MI 48012

PROJECT LOCATION

Part of the S./N. 1/2  
of Section 25/36  
Town 2 North,  
Range 10 East  
City of Birmingham,  
Oakland County, Michigan

SHEET

E. Maple Rd.  
Street Light & Parking  
Meter Post Plan



Know what's below  
Call before you dig.

DATE	ISSUED/REVISED
07-26-19	PRELIMINARY CITY REVIEW
09-06-19	MDOT G.I. SUBMITTAL
09-11-19	CITY PLANNING LAYOUT UPDATES
10-01-19	MICHIGAN E.G.L.E. PERMIT SUBMITTAL
10-10-19	M.D.O.T. PERMIT SUBMITTAL
10-25-19	REVISED PER G.I. REVIEW

DRAWN BY:

G. Viju

DESIGNED BY:

P. Tulikangas

APPROVED BY:

B. Buchholz

DATE:

9-26-2018

SCALE: 1" = 20'



NFE JOB NO.

**K516**

SHEET NO.

**056**

**NEW PARKING METER POST & NEW STREET LIGHT SCHEDULE**

E. MAPLE ROAD		
STATION	OFFSET	ITEM
STA. 19+75.17	21.61' N.	PED. STREET LIGHT
STA. 19+75.17	22.61' S.	PED. STREET LIGHT
STA. 20+23.19	22.21' N.	PED. STREET LIGHT
STA. 20+23.19	23.32' S.	PED. STREET LIGHT
STA. 20+60.71	23.55' S.	PARKING METER POST
STA. 20+63.21	23.00' N.	PED. STREET LIGHT
STA. 20+63.21	24.00' S.	PED. STREET LIGHT
STA. 20+65.71	22.70' N.	PARKING METER POST
STA. 21+07.21	22.70' N.	PARKING METER POST
STA. 21+07.21	23.70' S.	PARKING METER POST
STA. 21+22.10	24.00' S.	PED. STREET LIGHT
STA. 21+38.02	23.00' N.	PED. STREET LIGHT
STA. 21+52.37	22.70' N.	PARKING METER POST
STA. 21+52.37	23.70' S.	PARKING METER POST
STA. 21+96.43	23.00' N.	PED. STREET LIGHT
STA. 21+96.43	24.00' S.	PED. STREET LIGHT
STA. 21+98.93	22.70' N.	PARKING METER POST
STA. 22+37.93	23.70' S.	PARKING METER POST
STA. 22+40.43	23.00' N.	PED. STREET LIGHT
STA. 22+40.43	24.00' S.	PED. STREET LIGHT
STA. 22+42.93	22.70' N.	PARKING METER POST
STA. 22+81.93	22.70' N.	PARKING METER POST
STA. 22+81.93	23.55' S.	PARKING METER POST
STA. 22+84.43	23.00' N.	PED. STREET LIGHT
STA. 22+84.43	24.00' S.	PED. STREET LIGHT
STA. 22+86.93	22.70' N.	PARKING METER POST (S.B.)
STA. 23+65.63	41.30' S.	PED. STREET LIGHT
STA. 24+53.47	27.50' S.	PED. STREET LIGHT
STA. 24+97.47	27.50' S.	PED. STREET LIGHT
STA. 25+41.47	27.50' S.	PED. STREET LIGHT

**LIGHT REMOVAL LEGEND**

X EX. PEDESTRIAN LIGHT POLE TO BE DE-ENERGIZED AND REMOVED BY D.T.E. CONTRACTOR SHALL REMOVE EX. LIGHT POLE FOUNDATIONS (PER REMOVAL PLAN SHEETS, PAD AS "EX. LIGHTS STD. FDN. REM")

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**PEDESTRIAN STREET LIGHT NOTE:**

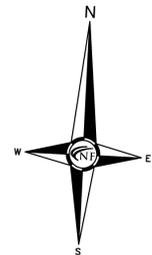
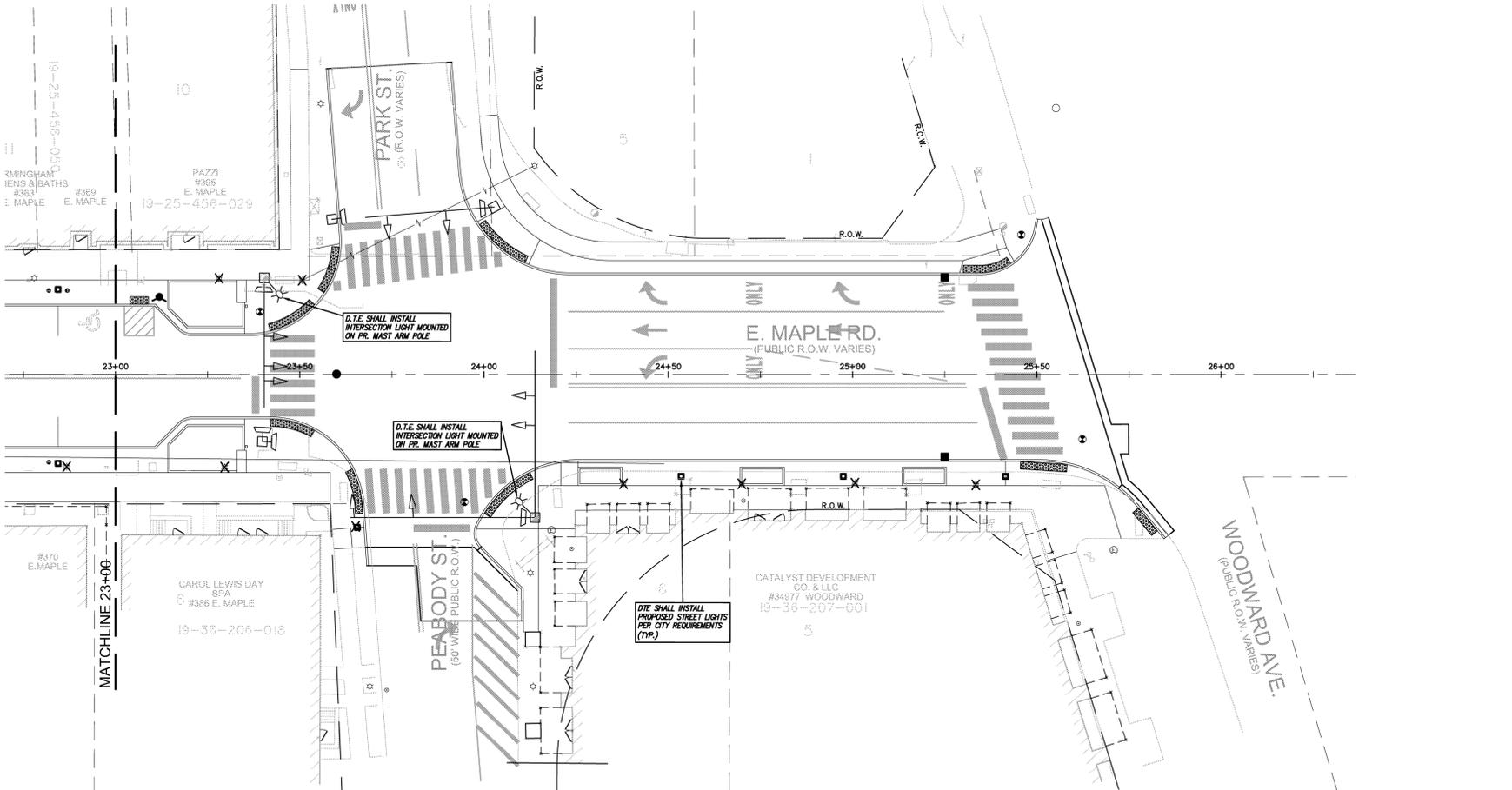
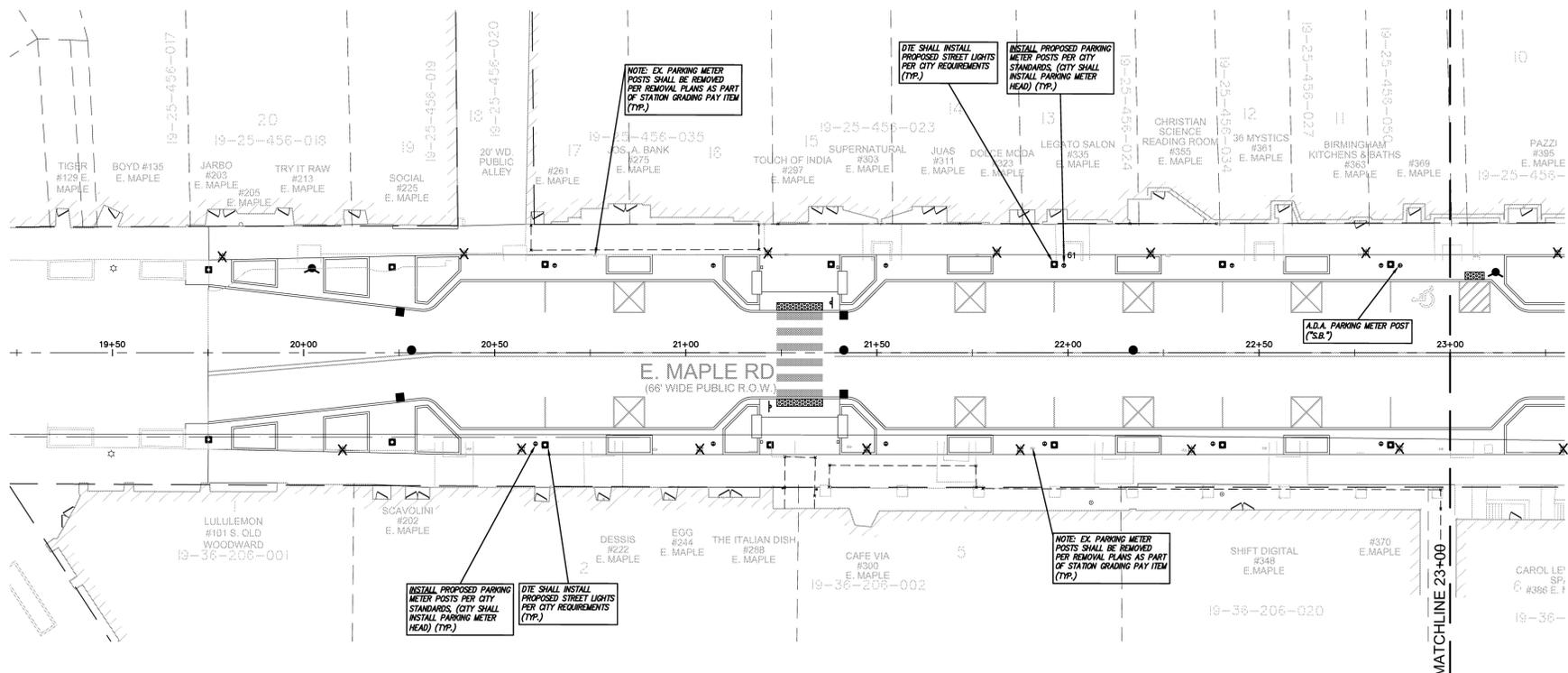
PEDESTRIAN STREET LIGHTS ON MAPLE ROAD SHALL BE HADCO STREET LIGHTS PER TYPICAL BIRMINGHAM STANDARDS, AND SHALL BE INSTALLED BY D.T.E. OUTSIDE OF THIS CONTRACT.

**INTERSECTION STREET LIGHT NOTE:**

INTERSECTION STREET LIGHTS SHOWN SHALL BE MOUNTED ON BRACKET ARMS ATTACHED TO TRAFFIC MAST ARM POLES (REFER TO TRAFFIC SIGNAL PLANS FOR REQUIRED DETAILS AND PAY ITEMS). LIGHT FIXTURES SHALL BE INSTALLED BY D.T.E. OUTSIDE OF THIS CONTRACT.

**ESTIMATED QUANTITIES THIS SHEET**

DESCRIPTION	QUANTITY	UNIT
Parking Meter Post	13	Each





## **MEMORANDUM**

**Clerk's Office**

DATE: February 19, 2020

TO: City Commission, City Manager Joseph Valentine

FROM: Cheryl Arft, Acting City Clerk

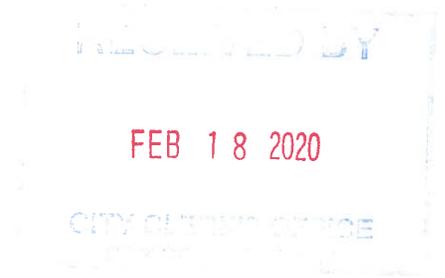
SUBJECT: Minutes of February 12, 2020 Ad Hoc Clerk's Selection Committee meeting and Amended Minutes of January 25, 2020 Long Range Planning meeting

---

As you know, Commissioners Hoff and Sherman comprise the Ad Hoc committee, and since both are unable to be in attendance for the February 24, 2020 regular meeting, the minutes of the meeting held on February 12, 2020 will be submitted for review at the next regular commission meeting on Monday, March 9, 2020.

In addition, due to the demands on our office, the amended minutes of the January 25, 2020 Long Range Planning meeting will be presented at the next regular commission meeting on March 9, 2020.

**R10E1**



February 7, 2020

Ms. Cherilynn Mynsberge, Clerk  
City of Birmingham  
151 Martin St.  
Birmingham, MI 48012-3001

Dear Ms. Mynsberge:

Comcast is continuing its investment in the Southfield area with the opening of a new Xfinity Store at 29131 Telegraph Road, Southfield, MI 48034 on February 5, 2020.

The facility will serve Comcast customers in and around the Southfield area. The new Xfinity Stores are much larger and more experiential than traditional Comcast Service Centers. Staff will be available to demonstrate each Comcast XFINITY product in an interactive way, answer customer questions, help sign up for service, pay bills and replace equipment.

Other features of this new Xfinity Store include:

- Free in-store WiFi
- Mobile phones and service
- Connected Home simulation
- Multiple large screen TVs
- Multiple customer experience and education areas

Comcast customers will have an opportunity to explore, learn about and interact directly with the latest XFINITY products and services, including the X1 Entertainment Operating System®. Visitors can explore X1, the simplest, fastest and most complete way to access all of their entertainment on all of their screens.

The new facility will operate expanded hours, Monday through Saturday from 10 a.m. until 8 p.m. and 11 a.m. to 5 p.m. on Sunday.

It is our goal to continue to position ourselves to most effectively operate in a competitive environment and provide our customers with the greatest value for services. Should you have any questions, please contact me at 734-359-2308.

Sincerely,

Kyle V. Mazurek  
Manager, External Affairs  
Comcast, Heartland Region

**INFORMATION ONLY**