

BIRMINGHAM CITY COMMISSION AGENDA
MARCH 27, 2023
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Therese Longe, Mayor

II. ROLL CALL

Alexandria Bingham, City Clerk

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

ANNOUNCEMENTS

- The City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple-layered masks for attendees.
- Proclamation recognizing April 24, 2023 as Armenian Genocide Remembrance Day

APPOINTMENTS

A. Appointment to the Planning Board

1. Janelle Boyce
2. Bert Koseck

To appoint _____ to the Planning Board as a regular member to serve a three-year term to expire March 28, 2026.

To appoint _____ to the Planning Board as a regular member to serve a three-year term to expire March 28, 2026.

B. Appointment to the Ad Hoc Environmental Sustainability Committee

1. Joseph Mercurio
2. Patrick Hillberg
3. Jessica Newman
4. Jeremy Caverly
5. Lindsay Wold
6. Rachna Gulati
7. Albert Harvey Bell, IV
8. Lois DeBacker
9. Danielle Todd
10. Debra Horner

11. Kevin Bopp
12. Lara Edwards
13. Jerome Amber
14. Veronica Rivera
15. Daniella Torcolacci
16. Tom Fink

To appoint _____ to the Ad Hoc Environmental Sustainability Committee as a regular member to serve an eighteen-month term to expire September 27, 2024.

To appoint _____ to the Ad Hoc Environmental Sustainability Committee as a regular member to serve an eighteen-month term to expire September 27, 2024.

To appoint _____ to the Ad Hoc Environmental Sustainability Committee as a regular member to serve an eighteen-month term to expire September 27, 2024.

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To appoint _____ to the Ad Hoc Environmental Sustainability Committee as a regular member to serve an eighteen-month term to expire September 27, 2024.

To appoint _____ to the Ad Hoc Environmental Sustainability Committee as a regular member to serve an eighteen-month term to expire September 27, 2024.

C. Appointment to the Public Arts Board

1. Andi Harris

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

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

D. Appointment to the Parks and Recreation Board

1. Steve Sweeney
2. Sarah Kupczyk
3. Joel Wrobel

To appoint _____ to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2026.

To appoint _____ to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2026.

To appoint _____ to the Parks and Recreation Board as an alternate member to serve a three-year term to expire March 13, 2026.

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

V. CONSENT AGENDA

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

- A. Resolution to approve the City Commission special meeting minutes of March 13, 2023.
- B. Resolution to approve the City Commission regular meeting minutes of March 13, 2023.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 15, 2023 in the amount of \$892,206.85.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 23, 2023 in the amount of \$1,658,168.44.
- E. Resolution to approve a special event permit as requested by the HDSA Michigan Chapter to hold Yoga in the Park on 06/24/23 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, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.
- F. Resolution to approve a special event permit as requested by Birmingham Little League to hold the Little League Minors State Tournament on July 27-August 2, 2023 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.
- G. Resolution to approve an extension of the public services and minor home repair contract with NEXT for the purpose of expending remaining program year 2021-2022 Community Development Block Grant funds for the Yard Services, Senior Outreach Services, and Minor Home Repair Services administered by NEXT through December 31, 2023; and further, to authorize the Mayor and the City Clerk to sign the amendment on behalf of the City.
- H. Resolution to approve the purchase a 2023 Jeep Grand Cherokee Laredo 4x4, from Lafontaine Chrysler, Dodge, Jeep, Ram, located at 6131 S. Pennsylvania Ave., Lansing, MI 48911, under the MiDeal Cooperative Agreement #071B7700183, in the amount not

to exceed \$41,723. Funds for this purchase are available in the FY 2022-2023 Auto Equipment Fund account #661.0-441.006.971.0100.

- I. Resolution to set a public hearing date of April 24, 2023 to consider amendments to Chapter 126 (Zoning), Article 3, Section 3.04, Article 3, Section 3.16, Article 4, Section 4.44, and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards.

AND

Resolution to consider amendments to Chapter 98 (Streets, Sidewalks and Other Public Places), Articles 2 and 3 on April 24, 2023 to add language for outdoor dining facilities on public property.

- J. Resolution to set a public hearing date of April 24th, 2023 to consider the lot division of 1429 Quarton Road, parcel # 19-26-203-003.
- K. Resolution to approve the art-on-loan agreement with Gary Kulak for the sculpture "Windswept" in Barnum Park for an additional 3 years, and to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

- A. Public Hearing for 2023 Liquor License

1. CASA PERNOI

Resolution to approve the renewal of liquor license for the 2023 licensing period for Casa Pernoi, who holds a Class C Liquor License and is in compliance with Chapter 10, Alcoholic Liquors of the City Code.

2. PAPA JOES/BISTRO JOES

Resolution to approve the renewal of liquor license for the 2023 licensing period for Papa Joes/Bistro Joes, who holds a Class C Liquor License that is in compliance with Chapter 10, Alcoholic Liquors of the City Code.

OR

Resolution to file an objection with the Michigan Liquor Control Commission regarding the renewal of the liquor license for Papa Joes/Bistro Joes, who holds a Class C Liquor License that is NOT in compliance with Chapter 10, Alcoholic Liquors of the City Code.

3. TOAST

Resolution to approve the renewal of liquor license for the 2023 licensing period for Toast, who holds a Class C Liquor License that is in compliance with Chapter

10, Alcoholic Liquors of the City Code, with the following condition:

1. Toast provide the City with a written understanding of the requirements of Chapter 10, Alcoholic Liquors of the City Code and compliance with approved site plans. In addition, that failure to remain in compliance may result in the termination of the Special Land Use Permit.

OR

Resolution to file an objection with the Michigan Liquor Control Commission for the renewal of the liquor license for Toast, who holds a Class C Liquor License that has historical compliance issues with Chapter 10, Alcoholic Liquors of the City Code.

4. WHOLE FOODS

Resolution to direct staff to facilitate and formalize the relinquishing of the Special Land Use Permit for alcoholic beverage sales for on premise consumption at Whole Foods.

- B. Resolution to approve the proposed Employment Agreement between Jana Ecker and the City of Birmingham and to direct the Mayor and City Clerk to execute same.
- C. Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.
- D. Commission discussion on items from a prior meeting

VIII. REMOVED FROM CONSENT AGENDA
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IX. COMMUNICATIONS

X. REPORTS

- A. Commissioner Reports
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 1. City Manager's Report March 2023
 2. Planning Division Annual Report

INFORMATION ONLY

XI. ADJOURN

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

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

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

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



PROCLAMATION

Birmingham City Commission

Recognizing April 24, 2023 As Armenian Genocide Remembrance Day

WHEREAS, the Birmingham community joins human rights advocates and historians from around the world to recognize and mourn the 1.5 million Armenians who perished in the Armenian Genocide as ordered by the government of the Ottoman Empire, which began on April 24, 1915 with the arrest, exile and murder of hundreds of Armenian intellectuals, and political, religious, and business leaders, and

WHEREAS, during the 1915-1923 Genocide, Armenian survivors were forced to witness the slaughter of their relatives and the loss of their ancestral land and property in what is now known as the “First Genocide of the 20th Century,” and

WHEREAS, the State of Michigan declared in Act 558 of 2002 that “April 24 of each year shall be the Michigan day of remembrance of the Armenian genocide of 1915-1923 . . . in memory of the victims of the genocide and in honor of the survivors,” and

WHEREAS, the failure to learn from the past allows history to repeat itself as the world saw during the 2020 Nagorno-Karabagh war when the military forces of Azerbaijan and Turkey attacked the Armenian civilian population of Nagorno-Karabagh and its churches and civic buildings, resulting in casualties and loss of ancestral land and property, motivated by the same genocidal campaign that their ancestors suffered 108 years earlier, and

WHEREAS, Azerbaijan’s ethnic cleansing campaign continues to this day against the 120,000 Armenians of Nagorno-Karabagh through its targeted denial of their freedom of movement and fundamental rights to life and liberty, despite strong statements of protest and condemnation by the United States, the European Union, and human rights organizations, and

WHEREAS, the Birmingham City Commission is honored to join the Armenian-American community in its commemoration of the 108th anniversary of the Armenian Genocide in an effort to educate others about the tragic loss of life, land, and human rights of the Armenian people and the crimes of genocide committed against them, as well as Greeks and Assyrians, due to religious and political beliefs,

NOW, THEREFORE, BE IT RESOLVED that I, Therese Longe, Mayor of the City of Birmingham, on behalf of the City Commission, do hereby proclaim April 24, 2023 as Armenian Genocide Remembrance Day in memory of the victims of the Armenian Genocide and in honor of the survivors and their descendants, and urge all citizens of Birmingham to join in this solemn remembrance.

Therese Longe, Mayor



NOTICE OF INTENTION TO APPOINT TO PLANNING BOARD

At the regular meeting of Monday, March 27, 2023, the Birmingham City Commission intends to appoint to the Planning Board two regular members to serve three-year terms to expire March 28, 2026. Members must consist of an architect duly registered in this state, a building owner in the Central Business or Shain Park Historic District, and the remaining members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions. Members must be residents of the City of Birmingham.

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 22, 2023. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

PLANNING BOARD DUTIES

The Planning Board consists of seven regular and two alternate members who serve three-year terms without compensation. The board meets at 7:30 P.M. on the second and fourth Wednesdays of each month to hear design reviews, zoning ordinance text amendments and any other matters which bear relation to the physical development or growth of the city.

Specifically, the duties of the Planning Board are as follows:

1. Long range planning
2. Zoning ordinance amendments
3. Recommend action to the city commission regarding special land use permits.
4. Site plan/design review for non-historic properties
5. Joint site plan/design review for non-residential historic properties
6. Rezoning requests.
7. Soil filling permit requests
8. Requests for opening, closing or altering a street or alley

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

Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria	Qualifications
	Members must be residents of the City of Birmingham	Building owner in the Central Business or Shain Park Historic District. Other members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions.
Janelle Boyce	Birmingham Resident	Current Planning Board regular member; Experience in design, licensed residential builder
Bert Koseck	Birmingham Resident	Current Planning Board regular member, Architect

SUGGESTED ACTION:

To appoint _____ to the Planning Board as a regular member to serve a three-year term to expire March 28, 2026.

To appoint _____ to the Planning Board as a regular member to serve a three-year term to expire March 28, 2026.

PLANNING BOARD

Chapter 82 – Section 82-27 – Seven Members

Job Requirements: An architect duly registered in this state, a building owner in the Central Business or Shain Park Historic District, and remaining members, must represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions.

Terms: Three Years

Appointment by City Commission

Meeting Schedule: Second and Fourth Wednesday of the month at 7:30 PM.

Last Name	First Name	Home Business	Appointed	Term Expires
Home Address	E-Mail			
Boyce 348 George St.	Janelle <i>jlwboyce@hotmail.com</i>	(248) 321-3207	12/10/2007 Design profession	3/28/2023
Boyle 840 Wimbledon	Robin <i>r.boyle@wayne.edu</i>	(248) 961-1514	4/19/2004 Planning professor	3/28/2025
Clein 1556 Yosemite	Scott <i>s.clein@comcast.net</i>	(313) 330-0217	3/22/2010 Civil engineer/urban design	3/28/2025
Emerine 720 Bennaville Ave.	Jason <i>je@seiberkeast.com</i>	(312) 371-9398	5/14/2018 Alternate	11/2/2023
Jeffares 1381 Birmingham Blvd	Stuart <i>stuartjeffares@gmail.com</i>	(248) 321-2120	12/14/2015 Real estate profession	3/28/2024

Last Name	First Name	Home Business	Appointed	Term Expires
Home Address	E-Mail			
Koseck 2441 Dorchester	Bert <i>bkoseck@comcast.net</i>	(248) 302-4018	10/12/2009 Architect	3/28/2023
Ramin 1701 Maryland	Nasseem <i>nramin@dykema.com</i>	(248) 765-9446	11/20/2017 Alternate/attorney	11/2/2023
Share 1040 Gordon Lane	Daniel <i>dshare@bsdd.com</i>	(248) 642-7340	11/24/2014 Building owner	3/28/2024
Williams 1628 Latham St.	J. Bryan <i>jwilliams@dickinsonwright.com</i>	(248) 420-3522 (248) 433-7289	4/16/2007 Attorney	3/28/2024

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **PLANNING BOARD**

Year: **2020**

Members Required for Quorum:

4

MEMBER NAME	1/8	1/22	2/12	2/27	3/11	4/22	5/13	5/27	6/10	6/24	7/8	7/22	8/12	8/26	9/9	9/23	10/28	11/11	12/9	-	-	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																										
Janelle Boyce	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	P	P					18	1	95%
Robin Boyle	A	A	P	A	P	P	P	P	P	A	P	P	P	P	A	P	P	P	P					14	5	74%
Scott Clein	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					19	0	100%
Stuart Jeffares	P	A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					18	1	95%
Bert Koseck	P	P	P	A	P	P	P	P	P	P	P	P	P	P	A	P	P	P	P					17	2	89%
Daniel Share	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					19	0	100%
J. Bryan Williams	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					19	0	100%
ALTERNATES																										
Naseem Ramin	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					19	0	100%
Jason Emerine	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	P	P	P					18	1	95%
Rachel Hester (Stdnt)	NA	NA	NA	P	A	A	A	A	P	P	P	P	P	P	P	A	A	P	P					10	6	63%
June Lee (Stdnt)	NA	NA	NA	P	P	A	A	P	A	A	A	A	A	P	P	A	A	A	A					5	11	31%
TOTAL	8	7	9	7	9	9	9	8	9	8	9	9	9	9	7	8	9	9	9	0	0	0	0			

KEY:

- A** = Member absent
- P** = Member present or available
- CP** = Member available, but meeting canceled for lack of quorum
- CA** = Member not available and meeting was canceled for lack of quorum
- NA** = Member not appointed at that time
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Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **PLANNING BOARD** Year: 2021
 Members Required for Quorum: **4**

MEMBER NAME	1/12	1/27	2/10	2/24	3/10	3/24	4/14	4/28	5/12	5/26	6/9	6/23	7/14	7/28	8/11	8/25	9/9	9/23	10/13	10/27	11/10	12/8	12/16	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																												
Janelle Boyce	P	P	P	P	P	P	P	P	NM	P	P	P	A	P	P	P	P	P	P	P	P	P	A			20	2	91%
Robin Boyle	P	P	P	P	P	P	P	P	NM	P	A	P	P	P	P	P	A	P	P	P	A	P	P			19	3	86%
Scott Clein	P	P	P	P	P	P	P	A	NM	P	P	P	P	P	P	P	P	A	P	P	P	P	P			20	2	91%
Stuart Jeffares	P	P	P	P	P	A	P	P	NM	P	P	P	P	P	P	P	P	P	P	P	P	P	P			21	1	95%
Bert Koseck	P	P	P	P	P	P	P	P	NM	P	P	P	P	P	P	P	P	A	P	P	P	P	P			21	1	95%
Daniel Share	P	P	P	P	P	P	P	P	NM	P	P	P	A	A	P	P	P	P	P	P	P	P	P			20	2	91%
J. Bryan Williams	P	P	P	P	P	P	A	P	NM	P	P	P	P	P	P	P	P	P	P	P	P	P	P			21	1	95%
ALTERNATES																												
Naseem Ramin	P	P	P	P	P	P	P	A	NM	P	P	P	P	P	P	P	P	A	P	P	P	A	A			18	4	82%
Jason Emerine	P	P	P	P	P	P	P	P	NM	A	P	A	P	P	P	P	A	P	A	P	P	A	A			16	6	73%
Daniel Murphy (Stdnt)	NA	NA	NA	NA	P	P	P	A	NM	P	P	P	A	A	P	A	A	A	P	A	P	A	P			10	8	56%
Jane Wineman (Stdnt)	NA	NA	NA	NA	P	A	A	A	NM	A	A	A	A	A	A	A	A	A	A	P	A	A	A			2	16	11%
TOTAL	9	9	9	9	9	8	8	7	0	8	8	8	7	8	9	9	7	6	8					0	0			

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CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **PLANNING BOARD** Year: 2022

Members Required for Quorum: **4**

MEMBER NAME	1/12	1/26	2/9	2/23	3/10	3/23	4/13	4/27	5/11	5/25	6/8	6/22	7/13	7/27	8/10	8/24	9/14	9/28	10/12	10/26	11/9	12/14	SPEC MTG 3/31	Total Mtg. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																										
Janelle Boyce	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	P	CM	P	P	P	P	21	1	95%
Robin Boyle	P	P	A	P	A	P	A	P	P	P	P	P	P	P	P	P	A	A	CM	P	P	P	P	17	5	77%
Scott Clein	P	A	P	A	P	P	P	P	P	A	P	P	P	P	P	P	P	P	CM	P	A	P	P	18	4	82%
Stuart Jeffares	P	P	P	P	P	A	P	A	P	P	P	P	P	P	P	A	P	P	CM	P	P	P	P	19	3	86%
Bert Koseck	P	A	A	P	P	P	P	P	P	A	P	P	P	P	A	P	P	P	CM	A	P	P	A	16	6	73%
Daniel Share	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	P	P	P	CM	P	P	P	P	21	1	95%
J. Bryan Williams	P	P	P	P	P	A	A	P	P	P	P	P	P	P	P	P	P	P	CM	P	P	P	P	20	2	91%
ALTERNATES																										
Naseem Ramin	P	P	P	A	P	A	P	A	A	P	P	P	A	P	P	P	P	P	CM	A	P	P	A	15	7	68%
Jason Emerine	P	A	P	P	P	A	A	A	P	A	P	P	P	P	P	P	P	A	CM	P	A	A	P	14	8	64%
MacKinzie Clein (Student)	NA	NA	NA	NA	P	P	P	P	P	A	P	P	P	P	P	P	P	P	CM	P	A	A	P	15	3	83%
Andrew Fuller (Student)	NA	NA	NA	NA	NA	P	A	P	P	P	P	P	A	P	P	P	P	P	CM	P	P	A	A	13	4	76%
TOTAL	9	6	7	7	8	5	6	6	8	6	9	9	8	8	8	7	8	7	0	7	7	8	7			

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APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest PLANNING BOARD

Specific Category/Vacancy on Board RESIDENTIAL BUILDER (see back of this form for information)
INTERIOR DESIGNER

Name JANELLE BOYCE

Phone 248 321 3207

Residential Address 348 GEORGE ST

Email * jlbboyce@gmail.com

Residential City, Zip B'HAM 48009

Length of Residence 29 years

Business Address 348 GEORGE ST

Occupation BUILDER/DESIGNER

Business City, Zip B'HAM 48009

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

14 YEARS PLANNING BOARD MEMBER, EXPERIENCE IN PLANNING,
ZONING, LAND USE, SITE PLAN DESIGN & REVIEW

List your related employment experience BUILDING, CONSTRUCTION, DESIGN MANAGEMENT
CONTRACTOR, BUSINESS OWNER

List your related community activities PLANNING BOARD 16 YEARS, MANY AD-HOC
COMMITTEES, BALDWIN LIBRARY, BPS, NEIGHBORHOOD ASSOCIATION

List your related educational experience BA - MICHIGAN STATE - HUMAN ENVIRONMENT &
DESIGN, LICENSED RESIDENTIAL BUILDER 2008 TO CURRENT

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

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

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

Janelle Boyce
Signature of Applicant

2-21-23
Date

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

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

March 6, 2023

Dear Commissioners;

I regret I will not be able to attend the March, 27th City Commission meeting. The meeting coincides with Birmingham Public Schools spring break and I will be chaperoning nine senior class teenagers in Cancun. I hope my absence won't preclude me from your consideration for reappointment to the Planning Board.

As you know, I have been a member of the Planning Board since 2007. In that time, I have had the pleasure of being one of a team of seven that have helped to accomplish amazing things for our city. I think the word team is important as you consider Planning Board appointments. Our diverse team is why our board is so effective. Our different backgrounds and professions; attorney, engineer, commercial property owner, real estate professional, urban planner, architect, interior designer and builder, give us the ability to review applicants proposals, and offer recommendations to the zoning ordinance via our study sessions as well as we do. Our diverse backgrounds are the key to our successful plan reviews as we all offer a different area of expertise in the deliberations.

As an interior designer and a builder, I must be very detail focused and I give to the board my knowledge as it relates to the specifics of a proposed project during review. I am a fluent reader of architectural plans and my space planning background allows me to identify and recommend interior and exterior revisions that will result in a better overall design. My knowledge of anthropometrics and how people use the spaces proposed, such as the pedestrian relationships to site accessibility, and outdoor dining in the context of the downtown is always present in my consideration. I am well versed in building material specifications and have encouraged applicants to provide higher quality materials for the city in past projects.

The zoning ordinance is our handbook and regularly using it in my professional practice allows me to have a practical users perspective. Over the years I have helped identify and resolve conflicts and inconsistencies in the zoning ordinance. When we are tasked with reviewing sections of the code, I am able to foresee how that potential revision may relate to and impact additional areas of the code and/or practical use applications. As you know, some of our thought to be simplest zoning revision directives often take many months to resolve, and it's because we are doing our job well.

I will try my best to Zoom in for the meeting on Monday evening, should I not be able to connect, please know I would very much like to retain my seat on the board and hope you will reappoint me.

Thank you for your consideration.
Janelle Boyce



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest PLANNING BOARD
Specific Category/Vacancy on Board ARCHITECT (see back of this form for information)
Name BERT H. KOSECK Phone (248) 302.4018
Residential Address 2441 DORCHESTER RD. Email * bkoseck@comcast.net
Residential City, Zip BIRMINGHAM, MI 48009 Length of Residence 35 YEARS
Business Address N/A Occupation ARCHITECT
Business City, Zip N/A

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

REFER TO ATTACHED LETTER.

List your related employment experience ARCHITECT
RETIRED FROM NEUMANN/SMITH (38 YRS)

List your related community activities PREVIOUS MEMBER
EXECUTIVE COMMITTEE - AMER. INST. OF ARCH.
DETROIT CHAPTER

List your related educational experience BACHELOR IN SCIENCE - LAWRENCE TECH
MASTER OF ARCHITECTURE - UNIVERSITY OF MICHIGAN
LEED ACCREDITED PROFESSIONAL - U.S. GREEN BUILDING COUNCIL

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

NO

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

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

Signature of Applicant Bjornen Date 3.20.2023

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

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

March 20, 2023

City of Birmingham
Application for Planning Board Membership
Letter Stating Reason of Interest

Dear City of Birmingham Commissioners,

I will be out of town on the evening of March 27, 2023, and therefore not able to attend the City Commission meeting when applications for Planning Board membership are being considered. Please accept this letter to convey my continued interest in serving on the board.

Like City Commissioners, I share an interest in caring for the place we call home, Birmingham. I love that it is relatively small in area, has a central vibrant downtown core, is surrounded by tree-lined residential neighborhoods and parks, and that it is "walkable". I moved to Birmingham in 1988. I was in my late 20's, a newly licensed architect, and beginning the making of a family. I wanted to become engaged in my community and explored ways that I could contribute. I did my research, became aware of a vacancy on the Board of Zoning Appeals, applied, and was appointed to that board. After 18 years on the BZA, my interests broadened, and I was appointed to the Planning Board. Since then, I have served 3-terms and I hope to continue as a Planning Board member.

I now have 37-years of experience as a licensed architect. Instead of focusing on a single building type, my work over the years has encompassed a wide range of projects, many with commonalities and issues reviewed and discussed by the Planning Board. My design work includes commercial and residential type projects such as retail, office, single and multiple-family residential, parking facilities, and master planning. I also have extensive experience in the design of corporate facilities, college and university buildings, community, and recreational projects. Having this broad experience provides me with a special understanding of the unique attributes associated with each. This insight helps the Planning Board in working to assure that development appropriately integrates with Birmingham's greater context and complies with the goals and objectives of our zoning ordinance.

My numerous years spent on the Zoning Board of Appeals gives me a special understanding of our zoning code, it's restrictions and intent, along with the challenges of working within the existing conditions of Birmingham's built environment.

My Planning Board experience provides me with a history of past projects, what is working, where we have challenges, and the opportunities for improvement. There is much more work to be done. With your approval, I will continue to bring my knowledge and expertise to protect the special qualities of Birmingham while managing change and making improvements to make it an even better place to live.

Sincerely,



Bert Koseck

ARTICLE II. PLANNING BOARD¹

Sec. 82-26. Created.

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

(Code 1963, § 5.401)

Sec. 82-27. Composition.

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

(Code 1963, § 5.401; Ord. No. 1811, 7-28-03; Ord. No. 2147, 10-27-14)

Sec. 82-28. Terms.

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

(Code 1963, § 5.401)

¹Cross reference(s)—Boards and commissions, § 2-171 et seq.

Sec. 82-29. Removal of members.

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

(Code 1963, § 5.402; Ord. No. 1817, 1-5-04)

Sec. 82-30. Compensation.

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

(Code 1963, § 5.401)

Sec. 82-31. Organization and meetings.

- (a) The planning board shall, from its appointed members, elect a chairman and vice-chairman whose terms of office shall be fixed by the planning board. The chairman shall preside over the planning board and shall have the right to vote. The vice-chairman shall, in the case of absence or disability of the chairman, perform the duties of the chairman. The city planner or his authorized representative shall act as secretary of the planning board and shall keep a record of all of its proceedings.
- (b) At least four members of the planning board shall constitute a quorum for the transaction of its business.
- (c) The planning board shall:
 - (1) Adopt rules for the transaction of its business, which provide for the time and place of holding regular meetings.
 - (2) Provide for the calling of special meetings by the chairman or by at least two members of the planning board.

-
- (3) Keep a full and complete record of its resolutions, transactions, findings and determinations, which record shall be available to the city commission and to the public upon request.
 - (d) All meetings of the planning board shall be open to the public, and any person or his duly constituted representative shall be entitled to appear and be heard on any matter applicable to the business at hand before the planning board makes its decision.
 - (e) The concurring affirmative vote of four members of the planning board shall be required for approval of plans before it for review or for the adoption of any resolution, motion or other action by the planning board.

(Code 1963, § 5.403)

Sec. 82-32. Assistance.

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

(Code 1963, § 5.404)

Sec. 82-33. Duties.

- (a) It shall be the function and duty of the planning board to advise the city commission in regard to the proper development of the city. The planning board is specifically charged with carrying out the goals, objectives and intent of the city's adopted master plan and urban design plan and other development-oriented plans which may subsequently be adopted. The planning board is authorized to consult and cooperate with the planning, historic district and legislative bodies of other governmental units in any area outside the boundaries of the city. The planning board is authorized to prepare a recommendation for the physical development of the city, either in its entirety, or in part. Such recommendation, together with accompanying maps, plats, charts and descriptive matter, shall illustrate the planning board suggestions for the development of such territory.
- (b) The planning board is authorized to consider and act upon applications for soil filling permits under the provisions of section 50-126 et seq.
- (c) The planning board is authorized to recommend for the guidance of the city commission amendments to this Code relating to the control and development of lands within the city's historic districts. The planning board may, from time to time, amend, extend or add to such recommendations; and the same shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs. The planning board may hold such public meetings and/or hearings from time to time, as it may deem advisable or necessary in connection with the proper performance of its functions under this article.
- (d) Not later than April 1 of each year, the planning board shall prepare and submit to the city manager a tentative outline of its program for the ensuing year. Joint meetings of the city commission and of the planning board shall be held at least semi-annually, at a time designated by the mayor. It shall be the duty of the mayor to call such meeting in accordance with the provisions of this section.

(Code 1963, § 5.405; Ord. No. 1777, 1-28-02; Ord. No. 1838, 6-28-04; Ord. No. 1858, 3-7-05)

Sec. 82-34. Review and recommendations.

- (a) The planning board shall have the responsibility for site plan and design review for nonhistoric properties and joint site plan review of historic properties with the design review board as outlined in chapter 127 of this Code. It shall be the function of the planning board to pass upon all matters referred to it by the city commission and to give to the city commission the benefit of its judgment with relation to such matters so referred. Matters so referred may include but not necessarily be restricted to:
- (1) Requests for changes to the zoning map;
 - (2) Requests for amendments to the zoning ordinance text;
 - (3) Requests for closing, opening or altering a street or an alley;
 - (4) Requests for issuing building permits;
 - (5) Requests for special land use permits; and
 - (6) Any other matters which bear relation to the physical development or growth of the municipality.
- (b) When any recommendation has been made by the planning board, the same shall be referred to the city commission or other appropriate city boards.

(Code 1963, § 5.406; Ord. No. 1882, 7-24-06)

Secs. 82-35—82-55. Reserved.



**NOTICE OF INTENTION TO APPOINT TO
AD HOC ENVIRONMENTAL SUSTAINABILITY COMMITTEE**

At the regular meeting of Monday, March 27, 2023, the Birmingham City Commission intends to appoint to the Ad Hoc Environmental Sustainability Committee (ESC) nine regular members for an 18-month term to expire September 27, 2024.

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 22, 2023. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

The ESC consists of nine regular members appointed by the City Commission. A majority of the members shall have a clearly demonstrated knowledge of environmental sustainability. When available, preferred qualifications/areas of professional expertise include: energy, equity, civil/construction engineering, water quality, environmental engineering/consulting/law, recycling and solid waste. Staff from the Manager's Office, Department of Public Services, Engineering and Planning departments will serve as ex-officio members of the committee.

The function of the Ad Hoc Environmental Sustainability Committee (ESC) is to jumpstart sustainability planning in the City of Birmingham by helping to formulate the city's goals and objectives as it relates to a sustainability and climate action plan. The work of the ESC will include a greenhouse gas emissions inventory to set a baseline and develop greenhouse gas emission reduction targets for 2030 and 2050, as well as to oversee the creation of a sustainability and climate action plan.

Applicant	Criteria & Qualifications A majority of the members shall have a clearly demonstrated knowledge of environmental sustainability. Preferred qualifications/areas of professional expertise include: energy, equity, civil/construction engineering, water quality, environmental engineering/consulting/law, recycling and solid waste.
Joseph Mercurio	Automotive engineer; experience in electric and fuel cell vehicle programs for locomotives, construction equipment, trucks and transit buses
Patrick Hillberg	Engineer and engineering professor and consultant; experience in sustainability in engineering management and automated buildings
Jess Newman	Senior director of agriculture and sustainability; experience in environmental science, environmental policy and carbon reduction
Jeremy Caverly	Strategy/technology consultant and real estate developer; experience in emissions compliance reporting, site preparation, storm water abatement, wastewater treatment and smart buildings
Lindsay Wold	Master's degree in environmental management; experience in project management, renewable resources, environmental engineering, solar energy and crop science
Rachna Gulati	Startup COO; experience with marketing municipal recycling programs and reducing food waste
Albert Harvey Bell, IV	Professor of engineering practice; experience in stormwater mitigation and reducing exhaust emissions
Lois Debacker	Philanthropic program manager; experience with environmental policy, pollution prevention, toxins, water quality, climate mitigation and adaption and environmental justice
Danielle Todd	Environmental nonprofit executive; experience in food waste reduction
Debra Horner	University researcher and PhD; experience in policy research including Michigan communities' sustainability, recycling and energy efforts
Kevin Bopp	Corporate CEO; experience in project deployment, parking demand and urban revitalization
Lara Edwards	Friends of the Rouge development director; experience in water quality, stormwater mitigation and tree canopy preservation
Jerome S. Amber	Experience in civil/environmental engineering, water quality, recycling and solid waste
Veronica Rivera	Interested in sustainability; experience in international business.
Daniella Torcollacci	Renewable energy developer; experience in sustainable development, renewable energy and green buildings
Tom Fink	Business developer; experience in financing for solar, renewable natural gas, fuel cells, batteries and biomass-to-natural gas

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

SUGGESTED ACTION:

To appoint _____ to the Ad Hoc Environmental Sustainability Committee as a regular member to serve an eighteen-month term to expire September 27, 2024.

To appoint _____ to the Ad Hoc Environmental Sustainability Committee as a regular member to serve an eighteen-month term to expire September 27, 2024.

To appoint _____ to the Ad Hoc Environmental Sustainability Committee as a regular member to serve an eighteen-month term to expire September 27, 2024.

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To appoint _____ to the Ad Hoc Environmental Sustainability Committee as a regular member to serve an eighteen-month term to expire September 27, 2024.



AD HOC ENVIRONMENTAL SUSTAINABILITY COMMITTEE

Resolution #01-011-23

Terms: 18 Months

Members: The ESC consists of nine regular members appointed by the City Commission. A majority of the members shall have a clearly demonstrated knowledge of environmental sustainability. When available, preferred qualifications/areas of professional expertise include: energy, equity, civil/construction engineering, water quality, environmental engineering/consulting/law, recycling and solid waste. Staff from the Manager's Office, Department of Public Services, Engineering and Planning Departments will serve as ex-officio members of the committee.

Duties: The function of the Ad Hoc Environmental Sustainability Committee (ESC) is to jumpstart sustainability planning in the City of Birmingham by helping to formulate the City's goals and objectives as it relates to a sustainability and climate action plan. The work of the ESC will include a greenhouse gas emissions inventory to set a baseline and develop greenhouse gas emission reduction targets for 2030 and 2050, as well as to oversee the creation of a sustainability and climate action plan.

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Department of Public				9/27/2024
			Ex-officio Member	
Engineering				9/27/2024
			Ex-officio Member	
Manager's Office				9/27/2024
			Ex-officio Member	
Planning				9/27/2024
			Ex-officio Member	

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
VACANT				9/27/2024
			Resident at Large/	Miscellaneous
VACANT				9/27/2024
			Environmental Law/	Consulting Focused
VACANT				9/27/2024
			Waste Focused	
VACANT				9/27/2024
			Water/Stormwater Focused	
VACANT				9/27/2024
			Water/Stormwater Focused	
VACANT				9/27/2024
			Buildings/	Construction Focused
VACANT				9/27/2024
			Buildings/	Construction Focused
VACANT				9/27/2024
			Energy/	Electric Vehicles Focused

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
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VACANT

9/27/2024

Energy Focused

APPLICATION FOR CITY BOARD OR COMMITTEE

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

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(Please print clearly)

Board/Committee of Interest Ad Hoc Environmental Sustainability Committee

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

Name Joseph Mercurio (Joe) Phone 248-568-4656

Residential Address 1060 Lake Park Drive Email * jfm248@gmail.com

Residential City, Zip Birmingham, 48009 Length of Residence 33.5 years

Business Address 895 Joslyn Avenue Occupation Engineering

Business City, Zip Pontiac, 48341

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

Employed by General Motors for 33.5 years - 28 years on electric and fuel cell vehicle Programs. Role includes extensive interaction GM and other sustainability teams.

List your related employment experience _____
Business Development leader at General Motors responsible for establishing new applications for fuel cell and battery technology. Applications include DC fast charging, locomotives, construction equipment, trucks and transit buses.

List your related community activities _____
Served on three Birmingham committees – Ryder Cup, Wind & Solar & Design Review. Served as President of Figure Skating Club of Birmingham.

List your related educational experience _____
Ph.D. Biological and Environment Engineering Cornell University and B.S. & M.S. Mechanical Engineering University of Vermont & Union College.
Professional Engineer License in Michigan and New York. Executive Branch Fellow – Department of Commerce and White House, Washington DC.

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

No

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

Are you an elector (registered voter) in the City of Birmingham? **No**

Signature of Applicant Joseph F. Mercurio Date February 6, 2023

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

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

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(Please print clearly)

Board/Committee of Interest Ad-hoc Sustainability Committee

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

Name Patrick Hillberg

Phone 248.797.1804

Residential Address 1853 Fairview St.

Email * patrick_hillberg@hotmail.com

Residential City, Zip Birmingham, MI 48009

Length of Residence Since 2006

Business Address _____

Occupation Professor/Consultant/Engineer

Business City, Zip _____

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

I teach a grad course in engineering management, in which sustainability plays a major role. I also speak on the
topic at national conferences, and am currently an expert witness in an automated building lawsuit where sustainability is a driver.

List your related employment experience Adjunct Professor, Oakland University. Formerly US workforce and academic lead
for Siemens PLM.

List your related community activities Currently sit as alternate member to the MMTB

List your related educational experience BS Computer Science, MS & PhD in Industrial & Systems Engineering

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

No

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

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

10-Feb-2023

Signature of Applicant

Date

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

Updated 11/18/2020

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(Please print clearly)

Board/Committee of Interest _____

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

Name _____

Phone _____

Residential Address _____

Email * _____

Residential City, Zip _____

Length of Residence _____

Business Address _____

Occupation _____

Business City, Zip _____

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

List your related employment experience _____

List your related community activities _____

List your related educational experience _____

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

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

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

Signature of Applicant _____

Date _____

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

Updated 3/24/2021

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

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(Please print clearly)

Board/Committee of Interest Ad Hoc Environmental Sustainability Committee (ESC)

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

Name Jeremy Caverly

Phone 941.661.7999

Residential Address 1860 Birmingham Blvd

Email * JeremyC4@gmail.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 2 years

Business Address 660 Woodward Ave Suite 1975

Occupation Strategy & Technology Consultant
& Real Estate Developer

Business City, Zip Detroit, MI 48201

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

Growing up on Gulf Coast of Florida, sustainability is in my DNA. I have experience supporting enterprises working to measure/manage Scope 1, 2, & 3 emissions for compliance reporting within carbon credit Marketplaces.

In my day job, I lead implementations of Salesforce's Net Zero Cloud which is a solution

List your related employment experience _____

for businesses (or municipalities) to track their emissions and compliance. I'm also a real estate developer and have experience in site preparation, storm water abatement, wastewater treatment, high-performance HVAC, LEED/Passive House and smart buildings.

List your related community activities _____

List your related educational experience I attended Florida Gulf Coast University that intertwines a culture of ecological awareness and protection into an immersive campus experience in protected wetlands of the Florida Everglades. See more here: <https://www.fgcu.edu/thewaterschool/>

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

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

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

Signature of Applicant [Signature]

Date 3/8/2023

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

Updated 11/18/2020

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APPLICATION FOR CITY BOARD OR COMMITTEE

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

(Please print clearly)

Board/Committee of Interest Ad Hoc Environmental Sustainability Committee

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

Name Lindsay Wold

Phone 207-317-6631

Residential Address 1906 Kenwood Ct

Email * linds.wold@gmail.com

Residential City, Zip 48009

Length of Residence 2.5 years

Business Address _____

Occupation _____

Business City, Zip _____

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

For as long as I can remember, I have always had an interest and deep appreciation for sustainability and the environment which ultimately led to my master's degree in Environmental Management and my current career at DTE Energy in the Environmental/Renewable space. I look forward to opportunities to utilize my communication and project management skills to support and develop an organization's (or city's) approach to business resilience and sustainability. I have several years' experience in the renewable, environmental engineering and energy field that I would bring to this role and would be eager to serve as a member of the Birmingham Environmental Sustainability Committee.

List your related employment experience Associate Engineer - Environmental Strategy - Renewables (1 year) and Renewable Solutions (2 years)

Prior to working at DTE, I worked for Assured Solar Energy and Bayer Crop Science

List your related community activities I previously led low-income related renewable initiatives at DTE that involved significant community engagement and currently serve on several committees and boards both inside and outside of DTE including Women of DTE, Women of Renewables, and serve on the Advancing Women in Energy Board of Directors.

List your related educational experience Principia College - Bachelor of Science (BS), Biology; Western Colorado University - Master in Environmental Management (MEM); Track: Sustainable and Resilient Communities

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

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

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

Lindsay Wold
Signature of Applicant

03/08/2023
Date

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

Updated 11/18/2020

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APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Ad Hoc Environmental Sustainability Committee

Specific Category/Vacancy on Board One of the vacant slots (see back of this form for information)

Name Rachna Gulati

Phone 973-769-2918

Residential Address 190 Millrace Road

Email * rachna.govani@gmail.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 5 years

Business Address 1001 Woodward Ave. Suite 500

Occupation Startup COO

Business City, Zip Detroit, MI 48226

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

I spent 2 years building out a product team at Recyclebank, a sustainability behavior change company that was focused on increasing recycling rates in municipalities across the country. I learned first hand what it took to create a built environment that facilitated more sustainable individual behaviors. That passion for sustainability carried through to my next company, which was focused on healthy eating. A big part of our focus was on connecting food habits to sustainability — in particular helping people reduce food waste. As a part of that company, we hosted a food waste reduction campaign at Covington with the students. When I moved to Royal Oak from New York, I joined the Environmental board of the city and supported sustainability initiatives. I built out a plan to get curbside composting piloted, albeit the plan hasn't been implemented yet. I share all this to highlight my lifelong commitment to sustainability both professionally and personally. I have direct experience working with municipal leaders, community leaders, and community members to drive change. I have product and digital expertise that can help us think about measuring the impact of our work. And I am a mom of 2 young kids who I hope will learn that a sustainable environment is the only way to build a community that drive sustainable behaviors.

List your related employment experience _____

2 years as a product director at Recyclebank, a recycling incentives company backed by Sequoia and Generation Investment Management (AI Gore's fund).
4 years running Foodstand, a healthy eating behavior change company that hosted Food Waste reduction challenges. As a part of this work we did food waste reduction education campaigns both digitally and offline.

List your related community activities _____

Member of the Environmental Board of Royal Oak while I lived there

List your related educational experience _____

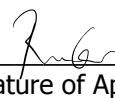
BA from NYU in Economics and Psychology. I have been a founder of two early stage companies for the last 7 years so I know how to build something from scratch, test, iterate, and scale.

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

No

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

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


Signature of Applicant

3/8/2023
Date

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Will Attend / Unable to Attend

APPLICATION FOR CITY BOARD OR COMMITTEE

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

(Please print clearly)

Board/Committee of Interest Ad Hoc Environmental and Sustainability Committee

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

Name Albert Harvey Bell, IV Phone 248-404-7096

Residential Address 848 Pleasant Email * ahbell4@gmail.com

Residential City, Zip Birmingham 48009 Length of Residence 75 years

Business Address College of Engineering, University of Michigan Occupation Professor of Engineering Practice

Business City, Zip _____

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

As a long time Birmingham resident I am very committed to environmental sustainability. My wife and I have built a net zero house with rain gardens to manage storm water runoff

List your related employment experience Worked for GM for 39 years and by early work involved reducing exhaust emissions

List your related community activities _____

List your related educational experience Teaching inspired students

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

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

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

A. H. Bell, IV
Signature of Applicant

March 8, 2023
Date

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

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(Please print clearly)

Board/Committee of Interest Ad Hoc Environmental Sustainability Committee

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

Name Lois DeBacker

Phone 517-303-1856

Residential Address 1319 Dorchester Road

Email * lrdebacker@kresge.org

Residential City, Zip Birmingham, MI 48009

Length of Residence 15 years

Business Address _____

Occupation philanthropic program manager

Business City, Zip _____

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

I have worked in the environmental field my entire career, with expertise in environmental sustainability and climate change. My current job focuses on helping cities combat and adapt to climate change. I am a problem solver and consensus builder with good listening skills.

List your related employment experience Ten years in Michigan state government, mostly environmental policy, including pollution prevention and haz. waste mgmt. Thirty years in environmental philanthropy with expertise on toxics, water quality, climate mitigation and adaptation, and environmental justice

List your related community activities I served on an environmental commission in my prior local government. I serve on various environmental boards and committees. I am board secretary of the Birmingham Bloomfield Art Center.

List your related educational experience Masters degree in public affairs with a focus on urban and domestic policy. Professional development on urban resilience and racial justice.

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

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

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

Lois R. DeBacker

3/8/2023

Signature of Applicant

Date

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APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Ad hoc environmental sustainability committeeSpecific Category/Vacancy on Board Regular Member (see back of this form for information)Name Danielle ToddPhone 248.835.4312Residential Address 1775 Maryland BlvdEmail * daniellectodd@gmail.comResidential City, Zip Birmingham 48009Length of Residence 20 yrsBusiness Address 8625 E. JeffersonOccupation nonprofit executiveBusiness City, Zip Detroit 48214Reason for Interest: Explain how your background and skills will enhance the board to which you have applied I operate

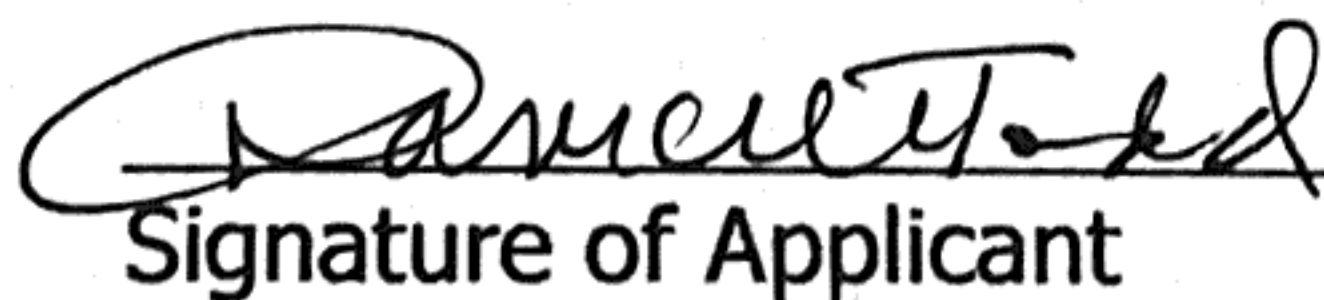
an environmental nonprofit specializing in food waste reduction and have been
working in this area for 6 years. In particular, my expertise is in commercial
(Foodservice) and residential food waste reduction.

List your related employment experience I am currently working with 10 Metro Detroit
restaurants, including Madam, on Food waste reduction initiatives.

List your related community activities Former VP Impact100 Oakland County, current
member of Impact100 Oakland County + Metro Detroit chapters

List your related educational experience MBA Wayne State University, BA Univ. of Michigan
Accredited Consultant - The PLEDGE™ on Food Waste

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

Do you currently have a relative serving on the board/committee to which you have applied? NOAre you an elector (registered voter) in the City of Birmingham? Yes
Signature of Applicant3.9.23
Date

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

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MAR 15 2023

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☒ Will Attend ☐ Unable to Attend

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Ad Hoc Environmental Sustainability Committee (ESC)

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

Name Debra Horner

Phone 248-854-4411

Residential Address 1800 Pine St.

Email * dhorner@umich.edu

Residential City, Zip Birmingham 48009

Length of Residence 30 years

Business Address 734 S. State St. Suite 5309

Occupation University researcher

Business City, Zip Ann Arbor 48109

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

For the past 14 years I have conducted policy research on Michigan local governments, including a number of reports and academic papers on Michigan community sustainability efforts, recycling, energy policy, etc.

List your related employment experience Senior program manager at the University of Michigan's Center for Local, State, and Urban Policy (CLOSUP): closup.umich.edu

List your related community activities Board member and Voter Service Coordinator for League of Women Voters Oakland Area (LWVOA) VOTE411 program

List your related educational experience PhD from The University of Michigan in Political Science

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

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

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

Debra Horner
Signature of Applicant

3/12/23
Date

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

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(Please print clearly)

Board/Committee of Interest Ad Hoc Environmental Sustainability

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

Name Kevin Bopp

Phone (248) 840-2820

Residential Address 1793 Melbourne

Email * kevindbopp@gmail.com

Residential City, Zip Birmingham 48009

Length of Residence 7 years

Business Address _____

Occupation Corporate CEO

Business City, Zip _____

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

Extensive experience deploying projects which impact transit and commute dynamics, parking demand, and sustainability within the built environment. This knowledge could positively influence City of Birmingham programs and decisions.

List your related employment experience Multiple real estate development firms including Bedrock Detroit and serve on Urban Land Institute's Council for Urban Revitalization.

List your related community activities Leadership roles in several Public Private Partnerships (including Detroit Smart Parking Lab and Project Kinetic) focused on technology integration and community benefits.

List your related educational experience I studied Urban Planning at Michigan State

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

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

Are you an elector (registered voter) in the City of Birmingham? No

Kevin Bopp
Signature of Applicant

March 15, 2023
Date

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(Please print clearly)

Board/Committee of Interest Ad Hoc Environmental Sustainability Committee (ESC)

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

Name Lara Edwards

Phone 734-717-8914

Residential Address 1636 Bowers St

Email * lmedwards08@gmail.com

Residential City, Zip Birmingham, 48009

Length of Residence 15 years

Business Address 650 Church St, Suite 209

Occupation Development Director
Friends of the Rouge

Business City, Zip Plymouth, 48170

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

-demonstrated commitment to water quality & stormwater issues in region & city - familiarity & passion for sustainability, fluent in "science & business" - comfort with carbon & biogeochemical cycles & tracking, -deep care for Birmingham and community volunteerism. - independent thinker AND team player.

List your related employment experience Texas Water Development Board (Hydrologist); 3M Saint Paul, MN Strategic Development (i Releaf Michigan Programs/Development); Friends of the Rouge (Development)

List your related community activities Rouge Rescue (Linden Park), Multimodal Board member (2014-2020), Ad-Hoc committees to Maple Rd diet & Eton traffic calming

List your related educational experience BS Biology University of Michigan, MS Oceanography University of California Santa Cruz, MBA University of Michigan Ross School of Business

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

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

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

Lara Edwards

3/13/2023

Signature of Applicant

Date

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(Please print clearly)

Board/Committee of Interest Ad Hoc Environmental Sustainability Committee

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

Name Jerome S. Amber, P.E.

Phone (248) 765-1044

Residential Address 1610 Hanley Ct.

Email * jamber@comcast.net

Residential City, Zip Birmingham, MI 48009

Length of Residence 39 yrs.

Business Address 380 N. Crooks Rd.

Occupation Vice President, Amber Properties Company

Business City, Zip Clauston, MI 48017

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied Background in Civil/Environmental Engineering & 30 year career in civil/construction engineering/law, water quality, recycling and solid waste.

List your related employment experience VP Asset Rationalization & Environmental Services, Ford Motor Land Services Corp.; Manager, Wastes & Hazardous Substances, Ford Motor Company Environmental Quality Office

List your related community activities _____

List your related educational experience BSE Civil Engineering + BGS (1971) - University of Michigan
MSE Civil Engineering; Water Resources Engineering (1972) - University of Michigan

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

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

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

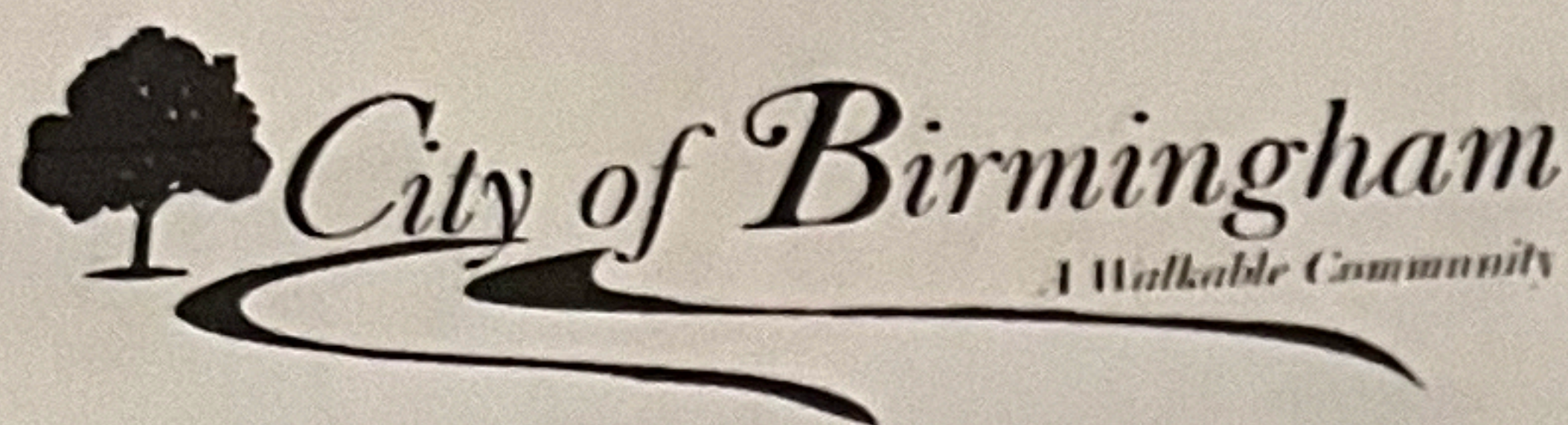
Jerome S. Amber
Signature of Applicant

March 15, 2023
Date

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APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest

HOC Environmental Sustainability

Specific Category/Vacancy on Board

(see back of this form for information)

Name

Veronica Rivera

Phone

248-550 5273

Residential Address

1721 Stanley Blvd

Email *

veritorivera@yahoo.com

Residential City, Zip

48009

Length of Residence

8 years

Business Address

None

Occupation

housewife

Business City, Zip

None

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

Just for the passion of the topic. willing to learn and help

List your related employment experience

Business-Mexico

List your related community activities

None

List your related educational experience

International Business, I

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

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

No

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

No

Signature of Applicant

Date

March 13th 2023

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(Please print clearly)

Board/Committee of Interest Ad-Hoc Sustainability Committee

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

Name Daniella Torcolacci

Phone 248-217-4805

Residential Address 2047 Windemere Rd.

Email * dtorcolacci@gmail.com

Residential City, Zip Birmingham 48009

Length of Residence 9 years

Business Address _____

Occupation Renewable energy developer

Business City, Zip _____

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

My degree is in sustainable development from the University of Michigan and I have been in the renewable energy and sustainable development industry for nearly 15 years. My work experience has included developing renewable energy projects, coordinated Green Building events for Lansing Community college and I am a LEED AP.

List your related employment experience VP Permitting & Sustainability- Teichos Energy,
Renewable Energy Faculty & LEED Building Conference Coordinator - Lansing Community College,
Consultant - Electric Utility
Naturalist - Fenner Nature Center

List your related community activities Member, Brownfield Board

List your related educational experience B.A. Sustainable Development- University of Michigan & LEED Certified

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

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

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

[Signature]
Signature of Applicant

March 21, 2023
Date

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

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APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest Sustainability Board

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

Name Tom Fink

Phone 248-885-2066

Residential Address 1552 Penistone St.

Email * tfink301@gmail.com

Residential City, Zip Birmingham 48009

Length of Residence 24 Years

Business Address —

Occupation Business Development

Business City, Zip —

Pathward, NA.

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

Work in banking 4+ years in Alternative energy financing: Solar, Renewable natural gas, fuel cells, batteries believe I could use my knowledge in this field to help shape the Sustainability mission for Bham.

List your related employment experience See above. Top USDA REAP (Rural energy for America Program - Renewable Energy) lender. Deep knowledge of Solar & biomass / waste-to-energy natural gas industry

List your related community activities Parkes Rec Board Student Representative 2011

List your related educational experience Bachelors of Business - Finance from Southern Methodist University 2016
Various 3000 level energy-focused classes

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

No

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

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

[Signature]
Signature of Applicant

03/21/2023
Date

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

Updated 11/18/2020

*By providing your email to the City, you agree to receive news & notifications from the City. If you do not wish to



MEMORANDUM

Planning Division

DATE: January 23rd, 2023

TO: Thomas M. Markus, City Manager

FROM: Leah Blizinski, City Planner

APPROVED: Nicholas Dupuis, Planning Director

SUBJECT: Climate Emergency Declaration and Ad Hoc Environmental Sustainability Committee Establishing Resolution

INTRODUCTION:

Over the last several years, the City of Birmingham has integrated several practices and policies to respond to the growing concern of our climate crisis. Responding to the climate crisis requires a variety of approaches which include ways to reduce or prevent greenhouse gas emissions (GHG). Efforts to avoid or reduce the severity of the effects of climate change are known as 'mitigation,' while the ability to prepare and respond to hazardous events caused by climate change are referred to as 'resilience'.

BACKGROUND:

On June 27th, 2022 ([Agenda](#) – [Minutes](#)), the City Commission unanimously passed a resolution directing staff to bring back a proposed resolution for creating a Sustainability Board. Since then, Planning staff have met with Royal Oak city staff and appointed sustainability board members to discuss sustainability efforts in both cities and opportunities for collaboration. Most recently, Birmingham Planning Division staff have begun facilitating weekly interdepartmental 'Sustainability Check-in' meetings to touch base and regularly exchange information on sustainability efforts taking place across all City departments.

On January 21st, 2023 ([Agenda](#)), at the Long Range Planning meeting, Planning Division staff presented on an initial strategy of short to long-term actions (1-5) years to formalize a commitment to sustainability, set goals, develop a sustainability action plan and make progress towards achieving the City's goals for a healthier, more sustainable environment.

Neighboring communities have been achieving success in sustainability and climate action efforts with increasing momentum in recent years. Many of them kicking off an aggressive Sustainability and Climate Action Planning effort with a resolution acknowledging the climate emergency and

committing to immediate action to attempt to mitigate the effects. The following graphic outlines more specifically what local cities have been doing:



The current draft of the Birmingham Plan 2040 comprehensive master plan contains a chapter on advancing sustainability practices with a key action recommendation to "establish a Sustainability Board to oversee the recommendations of this plan section and other future sustainability initiatives" among other sustainability goals.

Additionally, the City's strategic goals adopted in November of 2022 include environmental sustainability as a top tier goal. The environmental sustainability category of the strategic goals includes a recommendation to "create a sustainability board to review projects, investigate funding opportunities, and offer public education opportunities." The goal also emphasizes the importance of "instituting policies and practices that protect the natural environment and reduce extreme weather impacts on the community."

At this time, the creation of an Ad Hoc Environmental Sustainability Committee ("ESC") is intended to jumpstart sustainability planning in the City and act as a sounding board for formulating the City's goals and objectives as it relates to a formal sustainability plan. The work of the ESC will include a greenhouse gas emissions inventory to set a baseline and develop greenhouse gas emission reduction targets for 2030 and 2050 and the creation of a sustainability plan over a period of 18 months. As noted during Long Range Planning, once the ESC develops the sustainability plan and further defines its role in the City, it should then be codified into the City Code as a regular board/commission. The composition of both the ESC and a future formal sustainability board/commission will draw from the high caliber and diverse knowledge base in Birmingham which includes professionals working in the fields of electric vehicles, watershed management, engineering, construction, and the like.

LEGAL REVIEW:

The City Attorney has reviewed the resolution and has no concerns or objections.

FISCAL IMPACT:

There are no fiscal impacts associated with this agenda item.

PUBLIC COMMUNICATIONS:

There are no public communications required for this agenda item.

SUMMARY:

The Planning Division requests that the City Commission consider adopting a resolution to declare a climate emergency, establish the Ad Hoc Environmental Sustainability Committee, and direct Planning Staff to facilitate the immediate development of a greenhouse gas emissions inventory to set a baseline and develop greenhouse gas emission reduction targets for 2030 and 2050.

ATTACHMENTS:

Please see attached the following documents:

- Climate Emergency Declaration and Environmental Sustainability Board Establishing Resolution
- Exhibit A – Ad Hoc Environmental Sustainability Committee

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to declare a climate emergency, establish the Ad Hoc Environmental Sustainability Committee, and direct Planning Staff to facilitate the immediate development of a greenhouse gas emissions inventory to set a baseline and develop greenhouse gas emission reduction targets for 2030 and 2050.

RESOLUTION
**CLIMATE EMERGENCY DECLARATION AND ESTABLISHMENT OF
AD HOC ENVIRONMENTAL SUSTAINABILITY COMMITTEE**

WHEREAS, The City of Birmingham desires to protect and enhance the quality of life for all those who live, work, learn and play in our community, as well as for future generations;

WHEREAS, Consensus exists among the world's climate scientists that climate change, caused by emissions of greenhouse gases (GHG) from human activities, is among the most significant problems facing the world today;

WHEREAS, Global annually averaged surface air temperature has increased by about 1.8°F (1.0°C) over the last 115 years (1901–2016) as cited in the U.S. Global Change Research Program's 2017 Climate Science Special Report;

WHEREAS, The last seven years were the warmest years on record for the globe, the last few years have also seen record-breaking, climate-related weather extremes, and continued decline in arctic sea ice. These trends are expected to continue in the future;

WHEREAS, Southeast Michigan's annually averaged surface air temperature has increased by 2.2°F (1.2°C) from the 30-year period 1960-1989 to the 30-year period 1990-2019 and annually averaged precipitation has increased by 2.4 inches, an increase of seven-percent, over the same two 30 year periods;

WHEREAS, Without substantial and sustained global mitigation and regional adaptation efforts, climate change is expected to cause increasing losses to American infrastructure, agriculture, ecosystems, and property and impede the rate of economic growth over this century;

WHEREAS, Impacts from climate change on extreme weather and climate-related events, air quality, and the transmission of disease through insects and pests, food, and water increasingly threaten the health and well-being of the American people, particularly populations that are already vulnerable;

WHEREAS, The quality and quantity of water available for use by people and ecosystems across the country are being affected by climate change, increasing risks and costs to agriculture, energy production, industry, recreation, and the environment;

WHEREAS, Members of our community and others are already feeling the local effects of climate change through higher frequency of high heat days, more extreme precipitation and flooding events, and greater length of droughts and heat waves that affect our economy and way of life;

WHEREAS, Other Michigan cities including Ferndale, Royal Oak, Kalamazoo and Ann Arbor as well as Kalamazoo, Washtenaw, and Oakland Counties have already passed climate emergency resolutions because of the same concerns;

WHEREAS, The City of Birmingham has committed to prioritizing environmental sustainability through its strategic goals and other formal planning documents;

NOW, THEREFORE, BE IT RESOLVED, The City Commission acknowledges that a climate emergency threatens our city, region, state, nation, civilization, and the natural world;

BE IT FURTHER RESOLVED, The City Commission directs City Staff to facilitate the immediate development of an Ad Hoc Environmental Sustainability Committee as outlined in Exhibit A (attached), to complete the assigned tasks over a period of 18 months;

BE IT FURTHER RESOLVED, The City Commission commits to a citywide climate action effort to reduce municipal and community GHG emissions through energy waste reduction and other initiatives;

BE IT FURTHER RESOLVED, The City Commission directs City Staff to facilitate the immediate development of a GHG emissions inventory to set a baseline and create a sustainability and climate action plan;

BE IT FURTHER RESOLVED, The City Commission directs the Planning Division to facilitate, in collaboration with other departments, the Ad Hoc Environmental Sustainability Committee, and other essential stakeholders, the development of GHG emission reduction targets for 2030 and 2050, after the GHG inventory baseline is set. These reduction targets will guide the City's climate action goals within the sustainability and climate action plan;

BE IT FURTHER RESOLVED, The City of Birmingham is further committed to sharing experiences and best practices with other communities;

BE IT FURTHER RESOLVED, Birmingham will engage with local partners to collaborate with the community about the urgent need for climate action in order to help inspire and encourage individual climate action efforts at the local, state, national, and global levels to provide maximum protection for all people and species of the world.

I, Alexandria Bingham, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on January 23rd, 2023.

Alexandria Bingham
City Clerk

EXHIBIT A – AD HOC ENVIRONMENTAL SUSTAINABILITY COMMITTEE



AD HOC ENVIRONMENTAL SUSTAINABILITY COMMITTEE

Terms: 18 months

Members: Members are appointed by the City Commission. A majority of the members shall have a clearly demonstrated knowledge of environmental sustainability. When available, preferred qualifications/areas of professional expertise include: energy, equity, civil/construction engineering, water quality, environmental engineering/consulting/law, recycling and solid waste. Staff from the Managers Office, Department of Public Services, Engineering and Planning Departments will serve as ex-officio members of the committee.

Duties: The function of the Ad Hoc Environmental Sustainability Committee (ESC) is to jumpstart sustainability planning in the City of Birmingham by helping to formulate the City's goals and objectives as it relates to a sustainability and climate action plan. The work of the ESC will include a greenhouse gas emissions inventory to set a baseline and develop greenhouse gas emission reduction targets for 2030 and 2050, as well as to oversee the creation of a sustainability and climate action plan.

Sample roster:

Committee Member	Preferred Expertise/Role	Term Expires
Regular Member	Energy	July 2024
Regular Member	Energy/Electric Vehicles	July 2024
Regular Member	Buildings/Construction	July 2024
Regular Member	Buildings/Construction	July 2024
Regular Member	Water/Stormwater	July 2024
Regular Member	Water/Stormwater	July 2024
Regular Member	Waste	July 2024
Regular Member	Environmental Law/Consulting	July 2024
Regular Member	Resident at Large/Miscellaneous	July 2024



NOTICE OF INTENTION TO APPOINT TO PUBLIC ARTS BOARD

At the regular meeting of Monday, March 27, 2023 the Birmingham City Commission intends to appoint to the Public Arts Board to fill a vacant position of one alternate member term ending January 28, 2025 or one alternate member term ending January 28, 2026.

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

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

Interested citizens may apply for this position by submitting an application available from the city clerk's office. Applications must be submitted to the city clerk's office on or before noon on Wednesday, March 22, 2023. These applications will appear in the public agenda for the regular meeting at which time the commission will discuss recommendations, and may make nominations and vote on the appointments.

Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria	Qualifications
	At least four members must be a resident of the City of Birmingham	Members shall, <u>in so far as possible</u> , represent a major cultural institution, a registered architect of the State of Michigan, an artist, an art historian, and an art consultant. Members may also be members of the Historic District Commission, Design Review Board, the Parks and Recreation Board, or the Planning Board.
Andi Harris	Birmingham Resident	Cultural institution representative, Detroit Institute of Arts' Founders Junior Council, Adjunct Arts Professor at Wayne State University.

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

SUGGESTED ACTION:

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

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



PUBLIC ARTS BOARD

City Code - Chapter 78, Article V

Terms - 3 years

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

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

Objectives -

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

Last Name	First Name	Home Address	Home Business E-Mail	Appointed	Term Expires
DeSanto	Luca			2/27/2023	12/31/2023
				Student representative	
Eddleston	Jason	892 Purdy Birmingham	(248) 703-3808 <i>jason28e@yahoo.com</i>	12/5/2016	1/28/2025
		48009		Resident Member	
Graham	Pam	884 Knox Birmingham	(248) 408-6277 <i>pamcracker@gmail.com</i>	2/27/2023	1/28/2026
		48009		Regular member	
Heller	Barbara	176 Linden Birmingham	(248) 540-1310 (313) 833-7834 <i>bheller@dia.org</i>	1/28/2002	1/28/2024
		48009		Resident Member	

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
McLean	Andrew		2/27/2023 Student representative	12/31/2023
Neville 1516 E. Melton Birmingham	Monica 48009	(248) 321-1776 <i>monica.neville1@gmail.com</i>	2/27/2017 Resident Member	1/28/2024
Ritchie 1455 South Eton Birmingham	Anne 48009	(248) 635-1765 <i>anneritchie7@yahoo.com</i>	9/12/2016 Resident Member	1/28/2025
Schulak 567 Aspen Rd Birmingham	Jane 48009	(248)219-0847 <i>jane@schulak.com</i>	1/24/2022 Resident Member	1/28/2025
Vacant	Vacated 1/2020			1/28/2025 Alternate Member
Vacant	Vacated 7/2021			1/28/2026 Alternate Member
VanGeldereren 3795 Loch Bend Commerce Twp.	Annie 48382	(248) 408-6132 <i>annievangeldereren@bbartcenter.org</i>	1/13/2020 Artist/Major Cultural Institution	1/28/2026

APPLICATION FOR CITY BOARD OR COMMITTEE

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

(Please print clearly)

Board/Committee of Interest Public Arts Board

Specific Category/Vacancy on Board Cultural institution representative (see back of this form for information)

Name Andi Harris

Phone 248-765-3202

Residential Address 1819 Washington Blvd.

Email * andi.celeste.harris@gmail.com

Residential City, Zip Birmingham, MI., 48009

Length of Residence 2.5 years

Business Address New York, New York (Remote employee)

Occupation Art Basel Art Fair,
Global Social Media Manager

Business City, Zip _____

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

As a resident of Birmingham who works in the visual arts field, I feel very passionate about the impact public art has on community. I have 10 years of industry experience ranging from non-profit work to being an arts adjunct professor at New York University and Wayne State University.

List your related employment experience Currently, I am the Global Social Media Manager at Art Basel, an art fair with expos in Hong Kong, Switzerland, Paris, and Miami Beach. I have worked with the organization for over 5 years.

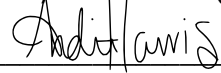
In addition, I have consulted for a variety of artists, museums, galleries, and companies with an interest in the arts.
List your related community activities Current member of the Detroit Institute of Arts' Founders Junior Council and adjunct professor in arts department at Wayne State University.

List your related educational experience MA in Visual Arts Business from New York University and a Bachelors in Theatre Direction from Western Michigan University.

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

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

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


Signature of Applicant

March 1, 2023
Date

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

Updated 11/18/2020

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

ARTICLE V. - PUBLIC ARTS BOARD

Footnotes:

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

Sec. 78-101. - Definitions.

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

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

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

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

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

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

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

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

Sec. 78-102. - Created.

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

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

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

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

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

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

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

The city commission may appoint two alternate members to serve as needed on the public arts board during their term of appointment. An alternate member may be called on a rotating basis to sit as a regular member of the public arts board in the absence of a regular member. An alternate member may also be called to service in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member having been appointed shall serve in the case until a final decision has been made. An alternate member shall have the same voting rights as a regular member of the public arts board.

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

Sec. 78-104. - Vacancies.

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

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

Sec. 78-105. - Compensation.

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

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

Sec. 78-106. - Removal.

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

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

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

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

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

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

Sec. 78-108. - Meetings and quorum.

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

All meetings of the public arts board shall be open to the public. Any person or his duly constituted representative shall be entitled to appear and be heard on any matter applicable to the business at hand before the public arts board makes its recommendation to the city commission.

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

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

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

Sec. 78-109. - Assistance.

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

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

Sec. 78-110. - Objectives.

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

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

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

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

Sec. 78-111. - Duties.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 78-113. - Scope of authority.

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

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

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



NOTICE OF INTENTION TO APPOINT TO THE PARKS AND RECREATION BOARD

At the regular meeting of Monday, March 27, 2023, the Birmingham City Commission intends to appoint to the Parks and Recreation Board two regular members and one alternate member to serve three year terms expiring on March 13, 2026.

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 22, 2023. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

Responsibilities

The Parks & Recreation Board consists of seven members and two alternate members who serve for three-year terms without compensation. The goal of the board is to promote a recreation program and a park development program for the City of Birmingham. The Board shall recommend to the City Commission for adoption such rules and regulations pertaining to the conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals, and welfare of the public.

The meetings are held the first Tuesday of the month at 6:30 P.M.

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

Applicant(s) Presented for City Commission Consideration:

Applicant Name	Criteria Members must be electors (registered voters) of the City of Birmingham.	Qualifications
Steve Sweeney	Registered Elector	Current P&RB Alternate Member applying for regular member term, Outdoor enthusiast
Sarah Kupczyk	Registered Elector	Experience with childhood development and needs of special needs children
Joe Wrobel	Registered Elector	Attorney, experience with planning park activities and usage

SUGGESTED ACTION:

To appoint _____ to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2026.

To appoint _____ to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2026

To appoint _____ to the Parks and Recreation Board as an alternate member to serve a three-year term to expire March 13, 2026.

PARKS AND RECREATION BOARD

Article II, Section 78

Objectives: The Parks and Recreation Board shall promote a recreation program and a park development program for the City. The Board shall recommend to the city commission for adoption such rules and regulations pertaining to the conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals, and welfare of the public.

Seven regular members, Three-year Terms, Appointed by the City Commission

Two alternate members, Three-year Terms, Appointed by the City Commission

Members must be electors of the City of Birmingham

Meetings held the first Tuesday of each month at 6:30 PM.

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Carmona 887 Lakeview Ave.	Heather	(248) 867-1346 <i>htcarmona@sbcglobal.net</i>	3/12/2018 Regular Member	3/13/2024
Collins 958 Pleasant	Susan	(248) 761-6873 <i>sbdcollins@comcast.net</i>	3/9/2020 Regular Member	3/13/2024
Glasier	Kate		2/27/2023 Student representative	12/31/2023
Graham 884 Knox	Pam	(248) 408-6277 <i>pamcracker@gmail.com</i>	1/13/2020 Regular Member	3/13/2026

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Lipp 2682 Buckingham	Anne	(248) 225-0136 <i>aecubera@gmail.com</i>	11/23/2020 Regular Member	3/13/2025
Reynolds	Archie		2/27/2023 Student representative	12/31/2023
Rusche 358 Henley St.	John	(248) 731-7068 (248) 219-8114 <i>jprusche@aol.com</i>	9/6/2018 Regular Member	3/13/2024
Sweeney 160 Larchlea Ave	Steve	(248) 875-9973 <i>stevesweeney22@yahoo.com</i>	3/28/2022 Alternate	3/13/2025
Vacated	3/13/2023		Regular Member	3/13/2026
Vacated	3/13/2023		Regular Member	3/13/2026

Last Name	First Name	Home Business	Appointed	Term Expires
Home Address	E-Mail			
Vacated	3/13/2023		Alternate	3/13/2026

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Parks and Recreation Board

Year: 2023

Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Heather Carmona	P	P													2	0	100%
Susan Collins	P	P													2	0	100%
Anne Lipp	P	P													2	0	100%
Pam Graham	P	P													2	0	100%
Ross Kaplan	P	P													2	0	100%
Eleanor Noble	A	P													1	1	50%
John Rusche	P	P													2	0	100%
STUDENTS																	
Matthew Windsor	P	P													2	0	100%
Zachary Miketa	P	A													1	1	50%
ALTERNATES																	
Steve Sweeney		P															
Kyle Goulding	P																
Present or Available	9	9	7	0	0	0	0	0	0	0	0	0	0	0			

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

 Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Parks and Recreation Board

Year: 2022

Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Heather Carmona	P	P	P	P	P	A	P	P	P	P	P	P			11	1	92%
Susan Collins	P	P	P	P	P	P	P	P	P	A	P	P			11	1	92%
Anne Lipp			P	P	P	P	P	P	P	P	P	P			10	0	100%
Pam Graham	P	P	P	A	P	A	P	A	P	P	P	P			9	3	75%
Ross Kaplan	P	P	A	P	P	P	P	P	P	A	P	P			10	2	83%
Eleanor Noble	A	P	P	P	A	P	A	A	P	P	P	P			8	4	67%
John Rusche	P	P	P	P	P	P	P	P	P	P	P	P			12	0	100%
STUDENTS																	
Matthew Windsor	NA	NA	NA	P	P	P	P	A	P	A	A	P			6	3	67%
Zachary Miketa	NA	NA	NA	P	P	P	P	A	A	A	A	P			5	4	56%
ALTERNATES																	
Steve Sweeney					P	P		P		P							
Kyle Goulding				P		P	P	P		P							
Present or Available	5	6	7	9	9	9	9	7	8	7	7	9	0	0			

KEY:

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- CP** = Member available, but meeting canceled for lack of quorum
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- NA** = Member not appointed at that time
- NM** = No meeting scheduled that month
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Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Parks and Recreation Board
Members Required for Quorum: 4

Year: 2021

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Heather Carmona	P	P	P	P	P	P	P	P	P	P	P	P			12	0	100%
Susan Collins	P	P	P	P	P	P	A	P	P	A	P	P			10	2	83%
Dominick Pulis	P	P	P	P	P	P	P	P	P	P	A	P			11	1	92%
Pam Graham	P	P	P	P	P	P	P	P	P	P	P	P			12	0	100%
Ross Kaplan	A	P	P	P	P	P	P	P	A	A	P	P			9	3	75%
Eleanor Noble	P	P	P	P	P	P	A	P	P	P	P	P			11	1	92%
John Rusche	P	A	P	P	P	P	P	P	P	P	P	P			11	1	92%
STUDENTS																	
R.J. Carrel (Groves)	NA	NA	P	P	P	P	P	P	A	P	A	P			8	2	80%
Alison Chapnick (Groves)	NA	NA	P	P	P	A	P	A	P	P	P	A			7	3	70%
Kyle Sayers (Seaholm)	NA	NA	A	A	P	A	A	A	P	A	A	A			2	8	20%
ALTERNATES																	
Jeffrey LaBelle															0	0	100%
Anne Lippe	P	P					P		P	P	P						
Present or Available	6	6	9	9	10	8	7	8	8	7	7	8	0	0			

Will be filled in February, 2022

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Department Head Signature

January 2021-Ross Kaplan arrived at 6:31 pm

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Parks and Recreation Board
Members Required for Quorum: 4

Year: 2020

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Heather Carmona	P	P	P	NM	NM	P	P	P	P	P	P	P			10	0	100%
Susan Collins				NM	NM	P		P	P	P	P	P			6	0	100%
Dominick Pulis	P	P	P	NM	NM	P	P	P	P	P	P	P			10	0	100%
Pam Graham	P	P	P	NM	NM	P	P	P	P	P	P	P			10	0	100%
Ross Kaplan	A	P	A	NM	NM	P	P	P	P	P	P	P			8	2	80%
John Meehan	P	A	A														
Eleanor Noble		P	P	NM	NM	P	P	P	P	P	P	P			9	0	100%
John Rusche	P	P	P	NM	NM	P	P	P	P	P	P	P			10	0	100%
William Wiebrecht	P	P	A	NM	NM	A									2	2	50%
STUDENTS																	
James Hayden Watkinson (student)			P	NM	NM	P	P		P		A				4	1	80%
Mallory Windsor (student)			P	NM	NM	P	P	P	P		P				6	0	100%
ALTERNATES																	
Jeffrey LaBelle				NM	NM		P		P						2	0	100%
Anne Lippe	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P					
Present or Available	6	7	7	0	0	9	9	8	10	7	8	7	0	0			

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 CA = Member not available and meeting was canceled for lack of quorum
 NA = Member not appointed at that time
 NM = No meeting scheduled that month
 CM = Meeting canceled for lack of business items

Department Head Signature

APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest Parks and Recreation Board

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

Name Steve Sweeney

Phone 248-875-9973

Residential Address 160 Larchlea Drive

Email * stevessweeney22@yahoo.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 32 months

Business Address 135 Orchard Lake Rd

Occupation CEO - HVAC Distribution

Business City, Zip Pontiac, MI 48341

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

Outdoor enthusiast that currently serves on the Parks and Recreation Board as an alternate.

List your related employment experience CEO of a local HVAC distributor.

Previous Tennis instructor at Pine Lake Country Club.

List your related community activities Parks & Recreation Board - Alternate.

Pickleball League - Sports Club West Bloomfield

List your related educational experience Walsh College & MSU - BBA Finance.

Lahser High School

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

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

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



3/6/2023
Date

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

Updated 11/18/2020

*By providing your email to the City, you agree to receive 3D & notifications from the City. If you do not wish to

APPLICATION FOR CITY BOARD OR COMMITTEE

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

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(Please print clearly)

Board/Committee of Interest Parks and Recreation

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

Name Sarah Kupczyk

Phone 773.414.4727

Residential Address 592 W. Lincoln St.

Email * sc23carroll@gmail

Residential City, Zip Birmingham, 48009

Length of Residence 3.5 yrs

Business Address _____

Occupation SAHM

Business City, Zip _____

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

mother of a disabled child, I have gained a plethora of knowledge in regards to navigating the community and parks that are often not made very accessible. I would love to help change our town into a more inclusive community.

List your related community activities Mom to son attending Wing Lake Developmental Center where I volunteer. Hope for HIE.

List your related educational experience As a previous nanny and now medical mom I am very aware of the small details that could help our community.

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

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

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

Sarah Kupczyk
Signature of Applicant

3/13/23
Date

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

Updated 11/18/2020

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



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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

(Please print clearly)

Board/Committee of Interest PARKS & REC BOARD

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

Name JOE WRABEL Phone 248-225-5937

Residential Address 2665 WINDEMERE Email * WRABEL4J@AOL.COM

Residential City, Zip BIRMINGHAM, MI 48009 Length of Residence 25+ YEARS

Business Address SAME Occupation ATTORNEY

Business City, Zip _____

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

EXPERIENCED WITH PLANNING PARK ACTIVITIES AND USAGE.

List your related employment experience 30+ YEARS PENSION (ERISA) ATTORNEY

List your related community activities PEMBROKE MANOR ASSOC. - PAST TREASURER
ACTIVITIES CHAIR

List your related educational experience B.S. PUBLIC ADMINISTRATION - OAKLAND U.
J.D. WMU - COOLEY LAW SCHOOL - 1/84

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

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

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

Joseph F. Wrabel III
Signature of Applicant

3/10/2023
Date

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

JOSEPH F. WROBEL III
2665 Windemere
Birmingham, Michigan 48009
(248) 225-5937
wrobel4joe@gmail.com

EDUCATIONAL BACKGROUND

- * Western Michigan University Thomas M. Cooley Law School, Lansing, Michigan
JURIS DOCTOR, January 1985
- * State Bar of Michigan, Current Member in Good Standing
- * American Society of Pension Professionals and Actuaries,
Qualified 401(k) Administrator
- * Oakland University, Rochester, Michigan BACHELOR OF SCIENCE, June 1981
Major: Public Administration/Public Policy

OBJECTIVE To be considered the office “go to” pension professional.

RELATED EXPERIENCE

ERISA ATTORNEY at Michigan Pension & Financial, Inc. Farmington Hills, Michigan (3/2021–present) Continued responsibilities include drafting, review, submission, amendment, administration and termination of Defined Benefit and Defined Contribution Pension Plan and Trust documents. Set-up and use of pension software Relius ASP Systems for preparation of original and restated pension plan and trust documents, Plan amendments, ERISA Research, and Plan Administration. <https://michiganpension.com/>

VICE PRESIDENT/CORPORATE COUNSEL at Pension Consultants, Inc. Farmington Hills, Michigan (5/1987-2/2021)
Responsibilities included drafting, review, submission, amendment, administration and termination of Defined Benefit and Defined Contribution Pension Plan and Trust documents. Use of pension software Relius ASP Systems for preparation of original and restated pension plan and trust documents for clients of Pension Consultants, Inc., Actuarial Benefits Corporation, and Michigan Pension & Financial, Inc.

Use of pension software DATAIR for plan valuation, discrimination testing and reporting, including preparation and electronic filing of Form 5500. Use of research software CCH by Wolters Kluwer for legal issues involving the Internal Revenue Code, ERISA, Department of Labor and PBGC regulations.

IRS, DOL and PBGC plan audit representation. Favorable Determination Letter submissions to the IRS, and use of remedial correction programs under IRS and DOL regulations.

Position involved interaction with plan sponsors, participants, and professional advisors.
LinkedIn Profile: <https://www.linkedin.com/in/joe-wrobel-85a5a022/>

ARTICLE II. PARKS AND RECREATION BOARD¹

Sec. 78-26. Created; composition.

There is hereby created a parks and recreation board consisting of the city manager and the director of public services or their designated representatives as nonvoting ex-officio members, and seven members, who are electors in the city, appointed by the city commission.

The city commission may appoint two alternate members to serve as needed on the parks and recreation board during their term of appointment. An alternate member may be called on a rotating basis to sit as a regular member of the parks and recreation board in the absence of a regular member. An alternate member may also be called to service in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member having been appointed shall serve in the case until a final decision has been made. An alternate member shall have the same voting rights as a regular member of the parks and recreation board.

(Code 1963, § 3.21; Ord. No. 2233, 5-22-17)

Sec. 78-27. Terms of members; vacancies.

The initial members of the parks and recreation board shall be appointed for the following terms: Two for one year, two for two years, and three for three years. Thereafter, all such appointments, except to fill vacancies, shall be for a term of three years. All appointments for the purpose of filling vacancies occurring otherwise than by expiration of term of office, shall be for the unexpired term.

(Code 1963, § 3.21)

Sec. 78-28. Organization.

Within 15 days after the appointment of members to the original parks and recreation board and within 15 days after the making of annual appointments to the board, the members of the board shall meet in regular session and elect from the members a chairman who shall be the presiding officer of the board, and a vice-chairman who shall serve in the absence of the chairman. A secretary who shall keep and maintain the minutes and records of the board shall also be elected. The secretary need not be a member of the board. The terms of office for such officers shall be one year and until their successors have been elected, and there shall be no limitation upon successive elections of the same person to any office. The ex-officio members of the board may not act as chairman or vice-chairman but may act as secretary.

(Code 1963, § 3.22)

¹Cross reference(s)—Boards and commissions, § 2-171 et seq.

Sec. 78-29. Compensation.

All members of the parks and recreation board, except ex-officio members, shall serve without compensation.

(Code 1963, § 3.23)

Sec. 78-30. Meetings and quorum.

The parks and recreation board shall set a time for a regular meeting at least once each month and shall determine the manner in which special meetings may be noticed and held. The chairman may cancel a meeting if there is no matter requiring consideration by the board. A quorum for the transaction of business at the regular and special meetings shall be five members, at least one of whom shall be an ex-officio member or his designated representative.

(Code 1963, § 3.24; Ord. No. 2022, 2-22-10)

Sec. 78-31. Objectives and duties.

The parks and recreation board shall promote a recreation program and a park development program for the city. In carrying out these objectives it shall:

- (1) Serve as a forum for the consideration of policy matters related to the operation of a park and recreation program.
- (2) Advise the public with regard to the policies established by the city commission relating to the park and recreation program.
- (3) Serve in advisory capacity to the city commission in regard to all matters affecting parks and recreation which are referred to it by the city commission.
- (4) Recommend to the city commission a recreation program, fee schedules, and the adoption of a long-range program for the development of park areas and facilities.
- (5) Recommend to the city commission hours of operation and allocation of facility use.

(Code 1963, § 3.25)

Sec. 78-32. Regulations.

The parks and recreation board shall recommend to the city commission for adoption such rules and regulations pertaining to the conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals, and welfare of the public. The violation of any such duly adopted rule or regulation by any party shall be deemed to constitute a violation of this section.

(Code 1963, § 3.26)

Sec. 78-33. Scope of authority.

The parks and recreation board is a nonadministrative board serving solely in an advisory capacity. In that capacity, the board may make recommendations to the city commission but may not assume any legislative or

administrative authority in the operation of any city department, park, or recreation facility except as specifically provided in this article.

(Code 1963, § 3.27)

Secs. 78-34—78-55. Reserved.

**Birmingham City Commission
Special Meeting Minutes
Monday, March 13, 2023
6:00 p.m.**

Vimeo Link: <https://vimeo.com/807722625>

I. Call to Order

Therese Longe, Mayor

II. Roll Call

City Clerk Bingham called the roll.

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

Absent: None

Staff: City Manager Markus; City Clerk Bingham, Assistant City Manager Fairbairn, City Attorney Kucharek

III. Public Comment

IV. Discussion Items

The Mayor provided introductory comments.

The Commission conducted final interviews of the City Manager Candidates in the following order: Jana Ecker, Blaine Wing, and Troy Bell.

After the final interviews, Commissioner comments were as follows:

- All three candidates took their individual preparation and the Commission's questions seriously;
- One of the candidates would be both ready to rise to the challenge of being the City Manager and demonstrated dedication to the community. Birmingham was fortunate enough to have such a candidate;
- The City would need someone who: would stand up for the City, believes in the City, would be able to work cooperatively with Staff, would be able to retain Staff and create a working environment that is forward-thinking, and would be able to work well with the public;
- Familiarity with Birmingham and its processes would be important;

- One candidate was particularly appreciated and well-suited to the position, though it would have been valuable to use an outside consultant for the City Manager search;
- Unless an internal candidate has obvious faults, hiring internally allows for the selection of a candidate that has extensive knowledge of the City's residents, relationships, and processes. This knowledge is very important;
- The City was very fortunate to have three very qualified candidates;
- CM Markus ran an excellent City Manager search process which was transparent, had public engagement, and integrated Commission and Staff feedback;
- Birmingham has many business leaders, tends to be conservative in its approach to leadership, and those qualities are reflected in Birmingham's success. For these reasons, it was important to consider what an outsider candidate might bring to the City, and what an insider candidate may not be able to bring to a City; and,
- The candidate search and vetting process was effective, and those involved in conducting the process deserved thanks;
- The City ended up with many overlapping candidates as similar cities running simultaneous searches using external search firms;
- The choice to have CM Markus conduct the search was not detrimental, and the search was run transparently and thoroughly;
- Even though the City had a well-mentored candidate with relevant experience, the Commission would have been willing to select a superior candidate had one been identified;
- ACM Ecker was the highest recommended candidate on Engage Birmingham;
- Part of being leader is having Staff willing to work with the leader. Staff shared great confidence in ACM Ecker. While Staff was open to the other two candidates, Staff comments demonstrated more concerns about Messrs. Bell and Wing's readiness for leadership; and,
- The Commission's sentiment regarding the candidates aligned with the sentiment of the Staff and community members who provided feedback. The selected candidate would be serving in a community with a unique, intense culture and very high expectations for service.

MOTION:

Motion by Commissioner Boutros, seconded by MPT McLain:

To select Jana Ecker as the next Birmingham City Manager subject to a mutually agreeable employment agreement establishing the terms and conditions of employment between the selected candidate and the City of Birmingham.

MPT McLain said she was very proud of the process, and stated that it was conducted transparently throughout. She stated that the Commission wanted the best fit for the community, and wanted to include everyone in the process. She opined that the Commission met those goals.

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

Nays, None

Per CM Markus' recommendation, the Commission brought in the candidates, informed them of the outcome, and thanked them for their time.

V. Adjourn

Mayor Longe adjourned the meeting at 7:02 p.m.

Alexandria Bingham, City Clerk



Laura Eichenhorn, City Transcriptionist

Birmingham City Commission DRAFT Minutes
March 13, 2023
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: <https://vimeo.com/807722625>

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

City Clerk Bingham called the roll.

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

Absent: None

Staff: CM Markus; City Clerk Bingham, City Engineer Coatta, Planning Director Dupuis, Assistant City Manager Ecker, City Attorney Kucharek, Department of Public Services Director Zielinski

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

03-037-23 Moving Item D2 to the Beginning of New Business

Commissioner Host asked that Item D2, Green Space East of Chesterfield Fire Station - Pat Andrews Bench & Little Library, be considered as the first item under new business.

MOTION: Motion by Commissioner Host, seconded by MPT McLain:
To move Item D2, Green Space East of Chesterfield Fire Station - Pat Andrews Bench & Little Library, to be the first item under New Business.

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

Nays, None

03-038-23 Adding Commission Items for Future Discussion Back Onto the Agenda

The Mayor noted that 'Commission Items for Future Discussion' was inadvertently left off the agenda.

MOTION: Motion by Mayor Longe, seconded by Commissioner Host:
To make 'Commission Items for Future Discussion' Item D, and 'Commission Discussion On Items From A Prior Meeting' Item E.

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

Nays, None

Announcements

- The City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple-layered masks for attendees.
- The Oakland County Treasurer's Office is in the final stretch of its Foreclosure Prevention efforts. The tax foreclosure deadline for the 2020 or prior year taxes is on March 31, 2023. A property will be considered foreclosed if 2020 or prior taxes are not paid off by March 31, 2023 or if a repayment schedule hasn't been filed with the County Treasurer's office by March 31, 2023.
- Since December of 2022, the County Treasurer's office has conducted over 1,000 Taxpayer Assistance Meetings to assist taxpayers with keeping their properties by working with them to get on a repayment schedule and/or by identifying resources that may be beneficial to their situation. The Oakland County Treasurer's Office is here to help and strongly encourages taxpayers to contact the office before the tax foreclosure deadline if they have delinquent taxes for 2020 or prior tax years. Taxpayers interested in scheduling a Taxpayer Assistance Meeting may call the Oakland County Treasurer's Office at 248-858-0611 or at www.oakgov.com/treasurer. Additional information from the Oakland County Treasurer's Office is included in the beginning of this agenda packet.
- City Manager Recruitment – The Commission unanimously voted to appoint current Assistant City Manager Jana Ecker to be the new City Manager after CM Markus completes his second retirement. The Commission congratulated ACM Ecker.
- Happy Birthday Commissioner Baller!

Appointments

03-039-23 Appointment to the Multi-Modal Transportation Board

CC Bingham noted that Mark Doolittle could not be in attendance. The Mayor noted that Mr. Doolittle was last interviewed and appointed in November 2022, and invited a motion to appoint based on the fact that he was recently interviewed and appointed.

MOTION: Nomination by Commissioner Baller:

To appoint Mr. Doolittle as a regular member to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2026.

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

Nays, None

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

V. CONSENT AGENDA

03-040-23 Consent Agenda

The following items were pulled from the Consent Agenda:

Commissioner Haig: Item A – City Commission Minutes of February 27, 2023

Item D – Zamboni Ice Resurfacer Purchase

Commissioner Baller: Item F – Parking Lot No. 5 Slope Repair Contract - #4-23 (S) Contract Award

MOTION: Motion by Commissioner Boutros, seconded by MPT McLain:

To approve the Consent Agenda excluding Items A, D, and F, and to note that Commissioners Schafer and Baller were absent from Item A.

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

Nays, None

- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 1, 2023 in the amount of \$5,602,741.71.

- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 8, 2023 in the amount of \$1,358,948.79.
- E. Resolution to approve an agreement with L.G.K. Construction, Inc., for Birmingham Museum-Phase II Allen House Historic Window Restoration Project in the amount not to exceed \$178,900. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. The window restoration portion of the project of \$159,100 is to be charged to 101.0-804.002-811.0000 in fiscal year 2022-2023, while the storm window portion of the project of \$19,800 is to be charged to 101.0-804.002-811.0000 in fiscal year 2023-2024.
- G. Resolution to approve the appropriation and amendment of the 2022/2023 budget for the emergency repairs of the parking lot screenwalls at the Shain Park Parking Lot and Parking Lot No. 6 as follows:
- | | | | |
|-----------------------------------|------------------------|--|------------|
| <u>General Fund:</u> | | | |
| Revenues: | | | |
| Draw from Fund Balance | 101.0-000.000-400.0000 | | \$2,500.00 |
| Expenditures: | | | |
| Other Contractual Services | 101.0-751.000-811.0000 | | \$2,500.00 |
| <u>Automobile Parking System:</u> | | | |
| Revenues: | | | |
| Draw from Fund Balance | 514.1-000.000-400.0000 | | \$7,500.00 |
| Expenditures: | | | |
| Other Contractual Services | 514.1-594.006-811.0000 | | \$7,500.00 |
- H. Resolution approving the addendum to the contract to Wiss, Janney, Elstner Associates, Inc. for the proposed Repair Design & Construction Document Development for Park, Peabody, Pierce, Chester, and North Old Woodward parking Structures in the amount of \$192,000.00; further, to charge the contract to each structure's capital outlay account as costs are incurred. Furthermore, to authorize the Mayor and City Clerk to sign the contract on behalf of the city.
- I. Resolution to set a public hearing date of April 3, 2023 to consider the lot combination of 34350 Woodward Ave and 909-911 Haynes Street, parcel # 19-36-281-022 and parcel # 19-36-281-030.

03-041-23 (Item A) City Commission Minutes of February 27, 2023

MOTION: Motion by Commissioner Haig, seconded by Commissioner Host:
To approve the City Commission meeting minutes of February 27, 2023 as amended.

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

Nays, None

03-042-23 (Item D) Zamboni Ice Resurfacer Purchase

Citing concerns about intermittent charging and potential damage to the control board, Commissioner Haig asked that there be a process to allow the Zamboni to be correctly and adequately charged.

The Mayor thanked Commissioner Haig for the comment and said she was sure Staff would build that into their processes.

MOTION: Motion by Commissioner Haig, seconded by MPT McLain:
To approve the agreement with Zamboni Company USA, Inc. for the purchase of an Electric Zamboni model 552 AC lithium battery option in an amount not to exceed \$192,718.80. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. The \$25,000 deposit will be paid out of account #661.0-441.006-971 immediately. Funding for the remainder of the purchase has been requested and budgeted in account #661.0-441.006-971.0100 for the 2023-2024 fiscal year.

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

Nays, None

03-043-23 (Item F) Parking Lot No. 5 Slope Repair Contract - #4-23 (S) Contract Award

Commissioner Baller asked for a summary of the entailed improvements.

CE Coatta provided an overview, and CE Coatta, DPSD Zielinski, and CM Markus answered brief informational questions from the Commission.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Boutros:
To approve the construction project budget and award the Parking Lot No. 5 Slope Repairs #4-23 (S) to V.I.L. Construction in the amount of \$230,093.00. In addition, to authorize the Mayor and City Clerk to sign the agreements on behalf of the City. Funding for this project will be charged to the following accounts:

Fund Account	Fund ID Number	Project Award	5% Contingencies	Total
Automobile Parking System	514.1-594.005-981.0100	\$230,093.00	\$11,504.65	\$241,597.65

Further, to approve the appropriation and amendment of the fiscal year 2022/2023 budget as follows:

Automobile Parking System:			
Revenues:			
Draw from Fund Balance	514.1-000.000-400.0000		\$136,600.00
Expenditures:			
Public Improvements	514.1-594.005-981.0100		\$136,600.00

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

Nays, None

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

Green Space East of Chesterfield Fire Station - Pat Andrews Bench & Little Library

Commissioner Host presented the request. CM Markus stated Staff discussed the installation of a bench and of a Little Library that resembled Ms. Andrews' house and garage museum. He noted that while much of the green space would remain open, the City could likely create a tribute that would be satisfactory to Ms. Andrews' family and the larger community.

There was Commission consensus that Staff should return with a proposed design and cost estimates so community contributions could be solicited.

The public in attendance in regards to the item non-verbally demonstrated their assent to the proposal.

03-044-23 Public Hearing for 34350 Woodward Ave & 909-911 Haynes Street – Fred Lavery Porsche Dealership – Special Land Use Permit, Final Site Plan & Design Review (Request to Postpone)

The Mayor opened the public hearing at 7:57 p.m.

PD Dupuis explained the request to postpone.

Seeing no public comment, the Mayor closed the public hearing at 7:58 p.m.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Host:
To postpone the public hearing and consideration of the Special Land Use Permit, Final Site Plan and Design Review application for 34350 Woodward Ave and 909-911 Haynes Street – Fred Lavery Porsche – to April 3, 2023 per the request of the applicant to provide for a simplified review process with the Special Land Use Permit and lot combination applications being considered at the same meeting.

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

Nays, None

**03-045-23 Lincoln Hills Golf Course – Hole #1 Tee-Box and Cart Path Improvements
Contract #2-23 (G) Contract Award**

CE Coatta presented the item. CE Coatta and CM Markus answered informational questions from the Board.

In reply to Commissioner Baller, CM Markus and CE Coatta stated that alternatives to the proposed project were explored. Both explained why this option was selected over the other considered alternatives.

In reply to Commissioner Baller, CM Markus emphasized that this project was urgent in terms of risk and danger of collapse. He said options to defray the costs, such as naming rights, could be explored in the future if desired by the Commission.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Haig:
To approve the construction project budget and award Lincoln Hills Golf Course – Hole #1 Tee-Box and Cart Path Improvements Contract #2-23 (G) to Jacklyn Contracting, LLC to not exceed \$943,392.45. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City after the review of Jacklyn Contracting, LLC's insurance and bonds, contingent upon execution of the agreement and meeting all insurance and bonding requirements. Funding for this project has been budgeted in the following account:

Fund Account	Fund ID Number	Project Award	5% Contingencies	Total
Recreation & Culture - Public Improvements	584.1-753.001- 981.0100	\$898,469.00	\$44,923.45	\$943,392.45

Further, to approve the appropriation and amendment of the fiscal year 2022/2023 budget as follows:

Recreation & Culture

Revenues:

584.1-000.000-400.0000	Draw from Fund Balance	\$943,400.00
Total Revenue		\$ 943,400.00

Expenditures:

584.1-753.001-981.0100	Public Improvement	\$ 943,400.00
Total Expenses		\$ 943,400.00

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

Nays, None

The Mayor thanked Staff for the presentation.

03-046-23 Continued Deliberations From The Preceding Special Meeting If Necessary Regarding The City Manager Search

CM Markus recommended that a Commissioner and the City Attorney participate in negotiating a mutually agreeable employment agreement establishing the terms and conditions of employment between the selected candidate and the City of Birmingham. He provided brief guidance on what the Commission should keep in mind during the negotiation process.

In reply to the Mayor, MPT McLain said she would be glad to participate in the discussions.

Commissioner Baller suggested that more than one Commissioner be involved in the negotiations, and suggested that the participating Commissioners contribute actively in the negotiations.

Commissioners Haig and Host concurred that more Commission participation would be beneficial.

CA Kucharek provided an overview of the City's past hiring practices for City Managers. She noted that three Commissioners could participate in the negotiation process, and those negotiations would become public meetings. She also suggested the Commission could consider having her colleague in labor law negotiate the contract. She advised against having the negotiations as public meetings, in part because it would preserve the City's ability to effectively negotiate in the future. She noted that the Commission would have the ability to approve or reject any aspect of the proposed agreement.

MPT McLain stated that she had experience participating in hiring processes both in her professional and previous volunteer roles.

The Mayor noted that if one of the concerns was performance expectations, those would be included in many other points in the process of working with the new City Manager.

CM Markus noted that the City did strategic planning at the end of 2022 partially in order to clarify those expectations.

Given Commission discussion, a compromise of two Commissioners joining the negotiations in observational roles was reached.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Schafer:
To appoint Mayor Longe and Mayor Pro Tem McLain to witness the agreement negotiations between the City Attorney and incoming City Manager Jana Ecker.

In reply to Commissioner Baller, CA Kucharek said Mayor Longe and Mayor Pro Tem McLain could offer suggestions through the City Attorney, and not in an active discussion with Ms. Ecker.

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

Nays, None

Commission Items for Future Discussion

03-047-23 Community Foundation

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To discuss affirming that the City will not be involved in establishing a community foundation.

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

Nays, None

03-048-23 Special Events Policy

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To discuss creating a City policy regarding City sponsorship and administration of special events.

In reply to Commissioner Boutros, CM Markus said he was clear on what discussion of this topic would entail.

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

Nays, None

Commission Discussion On Items From A Prior Meeting

03-049-23 Establishment of an Ad Hoc Senior Services Committee

MOTION: Motion by Mayor Longe, seconded by Commissioner Host:
To discuss establishing an Ad Hoc Senior Services Committee.

In reply to Commissioner Boutros, Mayor Longe stated that while the last Ad Hoc Senior Services Committee was multi-jurisdictional, this one would focus solely on serving the needs of Birmingham seniors. The Mayor clarified that this motion and the potential Ad Hoc Senior Services Committee would not preempt the City Manager's work with NEXT. The Mayor observed that the proposed tasks of the Ad Hoc Senior Services Committee were different from the senior services work the Commission previously directed CM Markus to pursue.

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

Nays, None

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

A. Commissioner Reports

1. Notice of intention to appoint to the Board of Building Trades Appeals
2. Notice of intention to appoint to the Brownfield Redevelopment Authority

B. Commissioner Comments

The Mayor stated the City was awarded \$447,213 in carbon reduction program funding from SEMCOG. For fiscal year 2024, the City will receive approximately \$143,000 for the Birmingham Street Light Conversion - Phase 1, and for fiscal year 2025 the City will receive approximately \$304,000 for the Birmingham Street Light Conversion - Phase 2.

The Mayor congratulated all the Staff that worked on the grant applications.

Commissioner Schafer shared that the Quarton School just became a Green School. She mentioned that a former Birmingham teacher opened a store, 86 Plastic, in Troy, MI with a zero-waste, bulk foods bar in order to help eliminate plastic waste. The Commissioner said she hoped the owner would open something similar in Birmingham. She also said reducing disposable plastic bag usage in the community was important.

The Mayor suggested that PD Dupuis could encourage the use of reusable shopping bags in his Green column.

MPT McLain acknowledged PSM Ford and stated she received numerous phone calls about how user-friendly the new parking garage entry equipment is. She stated that the experience was very seamless and said that the community truly appreciated it.

MPT McLain stated that the State of the County would be held on March 14, 2023, that it could be watched live online, and that she would report back on the topic.

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

D. Legislation

E. City Staff

1. City Commission Code of Conduct Review

CA Kucharek summarized the item. The Mayor noted the Commission had 14 days from March 13, 2023 to turn in comments.

INFORMATION ONLY

The Mayor urged Commissioners and the public to review the pre-print included in INFORMATION ONLY regarding the City's tax and millage rates.

MPT McLain recommended the City create a pop-up box on the front page of the City's website to direct visitors to the explanatory documents regarding the City's tax and millage rates.

Commissioner Haig noted the City has higher property values than many surrounding communities, and that results in higher taxes.

In reply to Commissioner Baller, CM Markus said that the IO Item "Downtown Publications City of Birmingham MI Mail - Fwd_ Weekly update" should have been the article entitled "[Bloomfield trustees review historic discrimination](#)" from Downtown Newsmagazine, dated March 3, 2023.

CM Markus stated he shared the item because the guidance on how to remove exclusionary language from property deeds in Bloomfield applied to Birmingham residents as well.

XI. ADJOURN

Mayor Longe adjourned the meeting at 9:08 p.m.

Alexandria Bingham, City Clerk



Laura Eichenhorn, City Transcriptionist

City of Birmingham

Warrant List Dated 03/15/2023

Meeting of 03/27/2023

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
291067		005430	21ST CENTURY MEDIA- MICHIGAN	5,132.00
291068		BDREFUND	AARON BUILDERS INC	500.00
291069		006638	ACTION MAT & TOWEL RENTAL, INC	35.36
291070		BDREFUND	ADVANCED BUILDERS	500.00
291071	*	009393	AMANDA MCBRIDE	300.00
291072		BDREFUND	AMERICAN STANDARD ROOFING	100.00
291073		BDREFUND	ANTONELLI LANDSCAPE	100.00
291074		BDREFUND	APS RESIDENTIAL SERVICES	300.00
291075		009202	AQUARIUM DESIGN INC	240.00
291076		BDREFUND	AUDRIK INC DBA ROTO Rooter	744.34
291077		009609	BALIAN LEGAL, PLC	600.00
291078		009616	BANDIT INDUSTRIES, INC.	636.00
291078	*	009616	BANDIT INDUSTRIES, INC.	55,944.00
291079		BDREFUND	BESHOORI RESIDENTIAL DEVELOPMENT	1,000.00
291080		000524	BIRMINGHAM LOCKSMITH INC	21.95
291081		BDREFUND	BOJI GROUP	10,000.00
291082		003526	BOUND TREE MEDICAL, LLC	274.81
291083		BDREFUND	BRICKWORKS PROPERTY RESTORATION	200.00
291084		005717	BSB COMMUNICATIONS, INC.	573.58
291085		009597	CAROL BACAK-EGBO	200.00
291086	*	MISC	CLAUDIA STROUD	20.00
291087		008512	COOL THREADS EMBROIDERY	831.90
291088		008582	CORE & MAIN LP	1,199.94
291089		BDREFUND	Cortis Brothers	2,345.00
291090		BDREFUND	D & W WINDOWS & SUNROOMS	200.00
291091		006104	DAPHNE'S HEADCOVERS	690.16
291092		009529	DAVEY RESOURCE GROUP, INC.	2,275.00
291093		BDREFUND	DELLA CASA CEMENT	100.00
291094		008559	DETROIT BATTERY COMPANY LLC	109.90
291095	*	MISC	DOUGLAS STROUD	10.00
291096	*	000179	DTE ENERGY	95.59
291097	*	000179	DTE ENERGY	169.45
291098	*	000179	DTE ENERGY	2,246.90
291099	*	000179	DTE ENERGY	176.39
291100	*	000179	DTE ENERGY	2,543.94
291101	*	000179	DTE ENERGY	300.63
291102	*	000179	DTE ENERGY	96.04
291103	*	000179	DTE ENERGY	238.81
291104	*	000179	DTE ENERGY	26.64
291105	*	000179	DTE ENERGY	1,007.96
291106	*	000180	DTE ENERGY	103,093.87
291107		009575	EAGLE SECURITY & LIFE SAFETY, INC	1,086.00
291108		004493	ELITE INSTALLING SYSTEMS, INC	557.66

City of Birmingham
Warrant List Dated 03/15/2023

Meeting of 03/27/2023

Check Number	Early Release	Vendor #	Vendor	Amount
291109		008139	ENVISIONWARE INC.	689.22
291110		BDREFUND	ERICSSON - HOME OFFICE	500.00
291111		BDREFUND	FORCE BUILDING CO	500.00
291112		BDREFUND	GREAT LAKES CUSTOM BUILDER LLC	1,000.00
291113		000245	GREAT LAKES POPCORN CO	20.00
291114		000249	GUARDIAN ALARM	263.58
291115	*	001531	GUNNERS METER & PARTS INC	300.00
291116		BDREFUND	HELLER & ASSOCIATES INC	200.00
291117	*	001956	HOME DEPOT CREDIT SERVICES	36.97
291118		008614	INDUSTRIAL STEAM CLEANING	515.00
291119		001090	INGRAM LIBRARY SERVICES	138.35
291120	*	009617	UNITED STATES TREASURY	376.25
291121	*	009401	IRENE S WASSEL	300.00
291122		BDREFUND	ITALY AMERICAN CONSTRUCTION CO	200.00
291123		001625	J.B. DLCO & MULTISTATE	69.31
291124		BDREFUND	JAMES M LEVINE	250.00
291125		BDREFUND	JIMMY ROOFING	100.00
291126	*	009403	JUSTIN ZAYID	600.00
291127		BDREFUND	K.D. CEMENT LLC	100.00
291128		BDREFUND	KELLETT CONSTRUCTION COMPANY	500.00
291129		BDREFUND	KIEHLE, JACOB	100.00
291130		BDREFUND	KOSHAYA ELALAM	1,000.00
291131		009524	KRAEMER DESIGN GROUP LLC	2,000.00
291132	*	009386	LAW OFFICE OF BRIAN P. FENECH	1,940.00
291133	*	009388	LAW OFFICE OF PATRICK G. GAGNIUK	300.00
291134		BDREFUND	LEVINE & SONS	1,000.00
291135		BDREFUND	LEVINE & SONS INC	1,000.00
291136		BDREFUND	LIVIDINI & WATSON BUILDING LLC	200.00
291137		003934	MADISON GENERATOR SERVICE INC	259.95
291138	*	008399	MAMC	45.00
291139		008482	MARKIT, INC.	1,150.00
291140		BDREFUND	MERRILLWOOD INVESTMENT LLC	200.00
291141		009351	MERRITT CIESLAK DESIGN PLC	2,240.00
291142		001169	MJ AWARDS	127.20
291143		BDREFUND	NEST CONSTRUCTION	100.00
291144		BDREFUND	O'SHEA, KEVIN F	100.00
291145	*	008712	OAKLAND COUNTY HEALTH DIVISION	298.00
291146		000678	OCLC, INC.	319.87
291147	*	009478	ODP BUSINESS SOLUTIONS, LLC	25.95
291148	*	MISC	PELLA WINDOWS & DOORS, INC.	500.00
291149		BDREFUND	PHILLIPS SIGN & LIGHTING INC	100.00
291150		007823	PITNEY BOWES GLOBAL FINANCIAL	479.25
291151	*	009443	COLIN QUACKENBUSH	74.67

City of Birmingham

Warrant List Dated 03/15/2023

Meeting of 03/27/2023

Check Number	Early Release	Vendor #	Vendor	Amount
291152		004137	R & R FIRE TRUCK REPAIR INC	1,056.36
291153		BDREFUND	RENEWAL BY ANDERSEN	500.00
291154		002675	RESERVE ACCOUNT	5,000.00
291155		BDREFUND	ROBERT R BRAND'S ENVIRONMENTS	200.00
291156		BDREFUND	RONALD JOSEPH FRANCIS	500.00
291157		000218	ROYAL OAK P.D.Q. LLC	177.40
291158		BDREFUND	SCHOENHERR HOMES LLC	100.00
291159		009178	SERVICE GLASS COMPANY INC	1,051.91
291160		007142	SHERWIN-WILLIAMS COMPANY	109.51
291161		007907	SP+ CORPORATION	3,950.00
291162		BDREFUND	STAR BUILDERS INC	5,234.63
291163		002809	STATE OF MICHIGAN	872.79
291164		006783	STATE OF MICHIGAN	30.00
291165		004914	STERLING HEIGHTS TREASURY	469.42
291166		BDREFUND	SYNERGY GROUP, INC	500.00
291167		007408	T-MOBILE	1,304.53
291168	*	001076	TAYLOR FREEZER OF MICH INC	325.00
291169		BDREFUND	TECHHOME BUILDING CO., LLC	1,400.00
291170		000272	TENNANT SALES & SVC CO	861.04
291171	*	009384	THE EDITH BLAKNEY LAW FIRM, PLLC	830.00
291172		BDREFUND	THORNTON & GROOMS INC.	1,000.00
291173		009552	TRAFFIC & SAFETY CONTROL SYSTEMS	21,711.00
291174		008941	UPTOWN MARKET OF BIRMINGHAM	120.87
291175	*	000293	VAN DYKE GAS CO.	337.08
291176	*	000158	VERIZON WIRELESS	103.59
291177	*	000158	VERIZON WIRELESS	76.02
291178	*	000158	VERIZON WIRELESS	149.34
291179	*	000158	VERIZON WIRELESS	1,183.02
291180		006491	VILLAGE AUTOMOTIVE INC	277.32
291181		BDREFUND	WALLSIDE WINDOWS	500.00
291182		002171	WEISSMAN'S COSTUMES	107.91
291183		009026	WELLS FARGO VENDOR FIN SERV	713.05
291184		BDREFUND	Woodmaster Kitchens & Bath	300.00
291185	*	008391	XEROX CORPORATION	116.87
SUBTOTAL PAPER CHECK				\$268,211.05
<u>EFT TRANSFER</u>				
" "		009521	AWS	353.94
" "		009610	BAKEHOUSE 46	256.74
" "	*	009610	BAKEHOUSE 46	138.60
" "	*	002429	BIRMINGHAM BLOOMFIELD CHAMBER	120.00
" "	*	CC MISC	BROOKLYN PIZZA	209.18
" "	*	008955	COMCAST	1,446.46
" "		007774	COMCAST BUSINESS	274.85

City of Birmingham

Warrant List Dated 03/15/2023

Meeting of 03/27/2023

Check Number	Early Release	Vendor #	Vendor	Amount
" "		005742	CRAIN'S DETROIT BUSINESS	169.00
" "		009562	EGLE	350.00
" "	*	008730	FACEBOOK/META HEADQUARTERS	274.69
" "		009427	GO DADDY	106.50
" "		009571	GOOGLE	3.98
" "		006576	HOLIDAY INN	480.73
" "		001934	ISA	438.43
" "		CC MISC	ISTOCK PHOTO	348.00
" "		000362	KROGER COMPANY	9.87
" "	*	000362	KROGER COMPANY	64.20
" "		004484	MACOMB COMMUNITY COLLEGE	90.00
" "		001669	MACP	100.00
" "		001106	MAPERS	425.00
" "	*	001106	MAPERS	125.00
" "		004738	MGFOA	635.00
" "		004663	MGIA-MICHIGAN GREEN INDUSTRY ASSOC.	2,553.61
" "		005986	MRWA	3,520.00
" "		CC MISC	NAGC	160.00
" "		CC MISC	NATIONWIDE WASTE SERVICE	339.00
" "		006117	OAKLAND PRESS	14.00
" "	*	006117	OAKLAND PRESS	40.00
" "	*	004457	PAPA JOE'S MARKET	249.70
" "		CC MISC	PESTED.COM	160.00
" "		CC MISC	SIRCHIE	212.05
" "		009611	SPARX	(24.18)
" "		CC MISC	VIMEO	900.00
" "		CC MISC	Z'S BAR	24.08
" "		009562	EGLE	102.00
" "	*	008955	COMCAST	208.53
" "		005710	JET'S PIZZA	37.63
" "		CC MISC	KINGS WELDING WORKS INC	100.00
" "		001106	MAPERS	350.00
" "		002022	MICHIGAN ASSN. OF FIRE CHIEFS	40.00

SUBTOTAL EFT TRANSFER	\$15,406.59
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ACH TRANSACTION

7488		007622	ALLSTAR PRO GOLF	71.10
7489		009126	AMAZON CAPITAL SERVICES INC	23.76
7490	*	009126	AMAZON CAPITAL SERVICES INC	44.74
7491		009126	AMAZON CAPITAL SERVICES INC	84.68
7492	*	009126	AMAZON CAPITAL SERVICES INC	13.98
7493		009126	AMAZON CAPITAL SERVICES INC	87.25
7494		009126	AMAZON CAPITAL SERVICES INC	205.00

City of Birmingham
Warrant List Dated 03/15/2023

Meeting of 03/27/2023

Check Number	Early Release	Vendor #	Vendor	Amount
7495		009126	AMAZON CAPITAL SERVICES INC	195.99
7496		009126	AMAZON CAPITAL SERVICES INC	59.04
7497	*	009383	BATTI LAW PLLC	900.00
7498	*	000518	BELL EQUIPMENT COMPANY	297.25
7499	*	000542	BLUE WATER INDUSTRIAL PRODUCTS INC	89.25
7500		000605	CINTAS CORPORATION	273.41
7501		001750	COMERICA BANK	1,151.92
7501		001750	COMERICA BANK	272,619.00
7502		003176	COMERICA BANK - RHC	1,070.67
7502		003176	COMERICA BANK - RHC	120,732.91
7503	*	006999	CHRISTOPHER DEMAN	120.00
7504	*	000565	DORNBOS SIGN & SAFETY INC	551.25
7505	*	007538	EGANIX, INC.	720.00
7506		007684	ELITE TRAUMA CLEAN-UP INC.	70.00
7507	*	000243	GRAINGER	392.21
7508		003870	GREAT LAKES TURF, LLC	2,329.00
7509		008378	THE HUNTINGTON NATIONAL BANK	51,561.25
7509	*	008378	THE HUNTINGTON NATIONAL BANK	64,150.00
7510	*	009390	IDUMESARO LAW FIRM, PLLC	1,430.00
7511		000261	J.H. HART URBAN FORESTRY	49,646.50
7512		000186	JACK DOHENY COMPANIES INC	96.98
7513		009249	JCC CREATIVE LLC	450.00
7514		009298	JCR SUPPLY INC	454.80
7515	*	003458	JOE'S AUTO PARTS, INC.	525.67
7516	*	007827	HAILEY R KASPER	429.00
7517	*	005876	KROPF MECHANICAL SERVICE COMPANY	728.50
7518	*	009392	LAMB LEGAL CONSULTING SERVICES	1,680.00
7519	*	009385	LAW OFFICE OF MICHAEL J. DICK	730.00
7520	*	005550	LEE & ASSOCIATES CO., INC.	4,315.18
7521	*	003527	LOWER HURON SUPPLY CO INC	957.81
7522	*	009398	MARCIA C ROSS PC	2,040.00
7523		002013	MIDWEST TAPE	1,362.37
7524	*	009400	N.L. SMITHSON & ASSOCIATES PLLC	300.00
7525		001864	NOWAK & FRAUS ENGINEERS	11,795.00
7526	*	006359	NYE UNIFORM COMPANY	241.00
7527	*	009395	ORLANDO LAW PRACTICE PC	300.00
7528	*	001753	PEPSI COLA	309.80
7529		009347	SAFELITE FULFILLMENT, INC	711.86
7530		009526	TELLURIS ARCHITECTURE & URBAN PLANN	7,710.76
7531	*	002433	THELMA GOLDEN	38.13
7532	*	009254	THOMAS M MARKUS	570.00
7533		005861	UNIQUE MGMT SERVICE, INC	41.20
7534		009128	WITMER PUBLIC SAFETY GROUP INC	40.99

City of Birmingham
Warrant List Dated 03/15/2023

Meeting of 03/27/2023

Check Number	Early Release	Vendor #	Vendor	Amount
7535	*	009379	YELLOW DOOR LAW	3,870.00
SUBTOTAL ACH TRANSACTION				\$608,589.21
GRAND TOTAL				\$892,206.85

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 03/23/2023

Meeting of 03/27/2023

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
291186		005430	21ST CENTURY MEDIA- MICHIGAN	1,151.25
291186	*	005430	21ST CENTURY MEDIA- MICHIGAN	5,136.00
291187		BDREFUND	420 E FRANK ST LLC	10,000.00
291188	*	000855	48TH DISTRICT COURT	324,134.65
291189		BDREFUND	A & R LAWN & LANDSCAPE SERVICES INC	100.00
291190		BDREFUND	Advance Title Agency LLC	906.59
291191		003708	AIRGAS USA, LLC	282.89
291192		BDREFUND	ALIMOFF BUILDING & DEVELOPMENT LLC	500.00
291193		BDREFUND	ARTHUR A DERMER	100.00
291194	*	006759	AT&T	155.87
291195	*	006759	AT&T	155.87
291196	*	006759	AT&T	319.15
291197		BDREFUND	BABI CONSTRUCTION INC	2,500.00
291198		001122	BOB BARKER CO INC	1,044.00
291199	*	MISC	BBG ASSESSMENTS LLC	25.00
291200	*	006894	DAVID BIANCHETTE	478.52
291201	*	004931	BIDNET	757.50
291202		002231	BILLINGS LAWN EQUIPMENT INC.	54.98
291203		009535	BIRMINGHAM PAPERS	624.00
291204		003526	BOUND TREE MEDICAL, LLC	461.38
291205		003907	CADILLAC ASPHALT, LLC	7,786.50
291206		009168	CHET'S CLEANING INC	1,124.28
291207		009167	COL'S FAMILY RESTAURANT	138.16
291208		000979	COMERICA BANK	18,901.55
291209	*	000627	CONSUMERS ENERGY	2,147.39
291210		008512	COOL THREADS EMBROIDERY	1,622.78
291211	*	TAXMISC	CORELOGIC TAX SERVICE	348.48
291212	*	007822	REBEKAH CRAFT	65.75
291213		009309	DEALER AUTO PARTS	964.00
291214		BDREFUND	DELTA CONSTRUCTION LLC	500.00
291215		BDREFUND	Deporre Building	1,000.00
291216	*	000179	DTE ENERGY	95.83
291217	*	000179	DTE ENERGY	45.53
291218	*	000179	DTE ENERGY	76.75
291219	*	000179	DTE ENERGY	4.14
291220	*	000180	DTE ENERGY	9,850.65
291221		007045	DYNAMIC BRANDS	1,142.61
291222	*	000274	E-Z-GO DIVISION OF TEXTRON INC	8,556.41
291223		BDREFUND	EAGLE CONSTRUCTION	1,000.00
291224	*	003801	JANA ECKER	459.55
291225		000493	ED RINKE CHEVROLET BUICK GMC	442.90
291225	*	000493	ED RINKE CHEVROLET BUICK GMC	22,118.97

City of Birmingham
Warrant List Dated 03/23/2023

Meeting of 03/27/2023

Check Number	Early Release	Vendor #	Vendor	Amount
291226		BDREFUND	EDGE CONSTRUCTION	1,018.92
291227		004493	ELITE IMAGING SYSTEMS, INC	429.98
291228		MISC	EUGENE FOLK	60.00
291229		009366	EXPERT HEATING & COOLING	212.00
291230		BDREFUND	FOREMAN CONSTRUCTION INC	100.00
291231		007212	FOSTER BLUE WATER OIL	2,684.04
291232		BDREFUND	FOUNDATION SYSTEMS OF MICHIGAN INC.	200.00
291233		BDREFUND	FOUR SEASONS ROOFING & SHEET METAL	200.00
291234		009268	FULL MORTISE	940.00
291235	*	004604	GORDON FOOD	277.07
291236	*	007723	BRYAN GRILL	130.00
291237		000249	GUARDIAN ALARM	98.02
291238		001377	HAGOPIAN CLEANING SERVICES	653.00
291239		001447	HALT FIRE INC	425.33
291240		BDREFUND	HM HOMES LLC	1,259.85
291241	*	001956	HOME DEPOT CREDIT SERVICES	646.84
291242		BDREFUND	HRH CONSTRUCTION LLC	200.00
291243		000342	IBS OF SE MICHIGAN	1,144.85
291244		001090	INGRAM LIBRARY SERVICES	1,212.66
291245		006521	INTERSTATE BILLING SERVICE INC	183.75
291246		000344	J.T. EXPRESS, LTD.	5,863.61
291247		MISC	JENNIFER ROBERTSON	300.00
291248		008945	H JENNINGS	7,747.95
291249		BDREFUND	JOHNSON SIGN CO	200.00
291250		BDREFUND	K & A SIGNS, INC	200.00
291251		BDREFUND	K.D. CEMENT LLC	100.00
291252		BDREFUND	KBJ GROUP, LLC	2,000.00
291253		BDREFUND	KEARNS, KAREN L	500.00
291254		000353	KNAPHEIDE TRUCK EQUIPMENT	256.16
291255		004904	KONICA MINOLTA BUSINESS SOLUTIONS	3,920.10
291256	*	000362	KROGER COMPANY	28.96
291257		BDREFUND	KROLL CONSTRUCTION CO	200.00
291258		BDREFUND	KUMAR, SHALINA	200.00
291259	*	004890	CARRIE A. LAIRD	151.03
291260		003620	LANGUAGE LINE SERVICES INC	94.00
291261		009375	LITHIA MOTORS, INC SUPPORT SERVICES	276.04
291262		BDREFUND	LYNCH CUSTOM HOMES	400.00
291263		007910	MACALLISTER RENTALS	2,434.00
291264		BDREFUND	MARYGROVE AWNING CO	200.00
291265		009546	MASTERS TELECOM	68.45
291266		BDREFUND	MATT CONSTRUCTION	300.00
291267		000888	MCKENNA ASSOCIATES INC	34,337.64
291268		MISC	MEG FOUSS	300.00

City of Birmingham

Warrant List Dated 03/23/2023

Meeting of 03/27/2023

Check Number	Early Release	Vendor #	Vendor	Amount
291269	*	MISC	MELISSA TOOLE	968.99
291270	*	006461	MID AMERICA RINK SERVICES	1,944.30
291271		001950	MILLER CANFIELD PADDOCK AND	70.00
291272		007163	MOBILE HEALTH RESOURCES	1,836.92
291273		BDREFUND	MURRAY BUILT CONSTRUCTION	100.00
291274		BDREFUND	NU PIPE LLC	13.18
291275		000919	OAKLAND COUNTY TREASURER	78,906.21
291275	*	000919	OAKLAND COUNTY TREASURER	816,927.30
291276		004370	OCCUPATIONAL HEALTH CENTERS	265.00
291277	*	009478	ODP BUSINESS SOLUTIONS, LLC	740.93
291278		007701	ON THE TEE	216.99
291279		BDREFUND	OSKUI, BEHROUZ	1,400.00
291280		BDREFUND	PAPPAS, GUSS G	200.00
291281		BDREFUND	PARADIGM PLUMBING & MECH, INC	761.83
291282		BDREFUND	PAUL SIVER	1,000.00
291283		BDREFUND	PELLA WINDOWS & DOORS, INC.	1,000.00
291284		008028	PK SAFETY SUPPLY	212.01
291285	*	000801	POSTMASTER	2,000.00
291286	*	009443	COLIN QUACKENBUSH	17.82
291287		BDREFUND	QUARRIER III, HULLIHEN D	100.00
291288	*	BDREFUND	Rampertaap D. Singh	100.00
291289		BDREFUND	RENEWAL BY ANDERSEN	500.00
291290		MISC	SAM KALEF	300.00
291291		MISC	SARAH ORMOND	40.00
291292		009601	SCNS INC	116.00
291293		BDREFUND	SECORD LANDSCAPING SERVICES	100.00
291294		006590	SECURE DOOR, LLC	1,877.00
291295		009282	SEEN MEDIA GROUP	895.00
291296		MISC	SHIRLEY BRACE	16.00
291297		BDREFUND	SL MARTIN LLC	200.00
291298	*	009508	SOULLIERE	2,500.00
291299	*	005862	VICTORIA SOWER	746.03
291300		004544	STRYKER SALES CORPORATION	2,946.60
291301		BDREFUND	SUTHERLAND, ANDREW D	100.00
291302	*	005498	KRISTEN TAIT	6.55
291303		BDREFUND	THE GREEN PANEL	300.00
291304		BDREFUND	THORNTON & GROOMS INC.	51.54
291305		BDREFUND	TROY WOOD	1,400.00
291306	*	MISC	VALERIE KELLEY	97.70
291307	*	000293	VAN DYKE GAS CO.	168.54
291308	*	000158	VERIZON WIRELESS	128.49
291309	*	000158	VERIZON WIRELESS	308.16
291310	*	000158	VERIZON WIRELESS	151.45

City of Birmingham
Warrant List Dated 03/23/2023

Meeting of 03/27/2023

Check Number	Early Release	Vendor #	Vendor	Amount
291311	*	000158	VERIZON WIRELESS	98.18
291312		006491	VILLAGE AUTOMOTIVE INC	153.31
291313		BDREFUND	WALLSIDE INC	1,000.00
291314		004497	WATERFORD REGIONAL FIRE DEPT.	275.78
291314	*	004497	WATERFORD REGIONAL FIRE DEPT.	119.80
291315		005112	WOLVERINE	115.83
291316		008314	WOODLANDS LIBRARY COOPERATIVE	27.00
291317	*	009460	BRANDON WYNN	18.34
291318	*	008391	XEROX CORPORATION	28.65
291319	*	008008	JEFF ZIELKE	45.00
SUBTOTAL PAPER CHECK				\$1,423,046.56

ACH TRANSACTION

7536		007013	AHEAD USA LLC	878.97
7537		009126	AMAZON CAPITAL SERVICES INC	41.99
7538		009126	AMAZON CAPITAL SERVICES INC	7.99
7539		009126	AMAZON CAPITAL SERVICES INC	15.98
7540		009126	AMAZON CAPITAL SERVICES INC	10.99
7541		009126	AMAZON CAPITAL SERVICES INC	20.79
7542		009126	AMAZON CAPITAL SERVICES INC	92.97
7543		009126	AMAZON CAPITAL SERVICES INC	95.18
7544		009126	AMAZON CAPITAL SERVICES INC	31.54
7545		009126	AMAZON CAPITAL SERVICES INC	22.49
7546		009126	AMAZON CAPITAL SERVICES INC	79.99
7547		009126	AMAZON CAPITAL SERVICES INC	51.90
7548		009126	AMAZON CAPITAL SERVICES INC	9.39
7549		009126	AMAZON CAPITAL SERVICES INC	31.94
7550		009126	AMAZON CAPITAL SERVICES INC	73.64
7551		009126	AMAZON CAPITAL SERVICES INC	108.93
7552		009126	AMAZON CAPITAL SERVICES INC	75.98
7553		009126	AMAZON CAPITAL SERVICES INC	38.82
7554		009126	AMAZON CAPITAL SERVICES INC	11.96
7555		009126	AMAZON CAPITAL SERVICES INC	57.82
7556	*	000517	BEIER HOWLETT P.C.	43,378.00
7557	*	000518	BELL EQUIPMENT COMPANY	301.69
7558		008545	JAIME BROOK	107.14
7559		007875	CANFIELD EQUIPMENT SERVICE INC.	260.94
7560		000605	CINTAS CORPORATION	187.94
7561	*	000605	CINTAS CORPORATION	147.68
7562	*	009195	CROWN CASTLE FIBER LLC	4,595.65
7563	*	007359	DETROIT CHEMICAL & PAPER SUPPLY	105.07
7564		001230	FIRE SYSTEMS OF MICHIGAN LLC	324.10
7565	*	000243	GRAINGER	716.07
7566		000331	HUBBELL & CLARK INC	65,272.22

City of Birmingham
Warrant List Dated 03/23/2023

Meeting of 03/27/2023

Check Number	Early Release	Vendor #	Vendor	Amount
7567	*	007870	J.C. EHRLICH CO. INC.	59.89
7568		009298	JCR SUPPLY INC	991.60
7569	*	003458	JOE'S AUTO PARTS, INC.	1,259.78
7570	*	004085	KONE INC	2,086.45
7571	*	005876	KROPF MECHANICAL SERVICE COMPANY	288.50
7572	*	005550	LEE & ASSOCIATES CO., INC.	840.88
7573	*	001505	MEADOWBROOK INSURANCE GROUP	11,625.00
7574	*	009370	MICHAEL SIMON	231.00
7575		002013	MIDWEST TAPE	291.95
7576		008336	NBS COMMERCIAL INTERIORS	856.00
7577		007755	NETWORK SERVICES COMPANY	632.08
7577	*	007755	NETWORK SERVICES COMPANY	1,781.33
7578	*	006359	NYE UNIFORM COMPANY	166.00
7579	*	003554	RKA PETROLEUM	23,477.66
7580	*	001181	ROSE PEST SOLUTIONS	74.00
7581	*	003785	SIGNS-N-DESIGNS INC	160.00
7582		000254	SOCRRA	73,144.00
SUBTOTAL ACH TRANSACTION				\$235,121.88
GRAND TOTAL				\$1,658,168.44

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: March 27, 2023

TO: Thomas M. Markus, City Manager

FROM: Alexandria Bingham, City Clerk

SUBJECT: Special Event Application: HDSA Michigan Chapter-Yoga in the Park

INTRODUCTION:

HDSA Michigan Chapter has submitted a Special Event application to hold Yoga in the Park on Saturday June 24, 2023. Set up for the event is scheduled for 06/24/23 from 8:00 a.m. to 10:00 a.m. The event begins at 10:00 a.m. and concludes at 3:00 p.m. Tear down is scheduled for 3:00 p.m. to 4:00 p.m.

BACKGROUND:

The necessary departments reviewed the proposed event details submitted in the application, and departments provided feedback on requirements and estimated costs. DPS, Planning, Building, Engineering, Police and Fire have indicated their approval. SP+ Parking has been notified of the event for planning purposes.

The event, held in Shain Park, will raise funds to support the Michigan Chapter of the Huntington's Disease Society of America.

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

Farmers Market	Sundays	Parking Lot #6
Village Fair	06/01/23-06/04/23	Shain Park
Movie Night	06/09/23	Booth Park
In the Park Concert Series	06/09/23	Shain Park

LEGAL REVIEW:

No legal review required

FISCAL IMPACT:

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

PUBLIC COMMUNICATIONS:

The HDSA Michigan Chapter notified residents and businesses about the details of this event by letter which was mailed at least two weeks prior to the Commission meeting. The addresses that were notified were within 300 feet of the event space.

SUMMARY:

The City Commission is being asked to approve a special event permit for Yoga in the Park to be held 06/24/23 from 10:00 a.m. to 3:00 p.m., with set up from 8:00 a.m. to 10:00 a.m. Tear down will begin at 3:00 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 dated 03/06/23. Notification addresses are on file in the Clerk's Office.
3. Hold Harmless Agreement
4. Department Approval page with comments and estimated costs

SUGGESTED COMMISSION ACTION:

To make a motion adopting a resolution to approve a special event permit as requested by the HDSA Michigan Chapter to hold Yoga in the Park on 06/24/23 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, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.

25-0018132

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

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

Police Department acknowledgement: _____

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 Monday, February 6, 2023

Name of Event HDSA Michigan Chapter - Yoga in the Park

Detailed Description of Event (attach additional sheet if necessary) All day yoga event raising funds to support the Michigan Chapter of the Huntington's Disease Society of America. We offer 3 We will be conducting 3 x 1-hour yoga classes that are donation based.

Location Shain Park - in front of the South Band Shell - Concrete and Grass area

Date(s) of Event Saturday June 24, 2023 Hours of Event 10a - 3p

Date(s) of Set-up Saturday June 24, 2023 Hours of Set-up 8a-10a

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

Date(s) of Tear-down Saturday June 24, 2023 Hours of Tear-down 3-4p

Organization Sponsoring Event Huntington's Disease Society of Michigan - Michigan Chapter

Organization Address 1221 Bowers St. PO Box 1091 Birmingham, MI 48012

Organization Phone 800.909.0073

Contact Person Don Peasley

Contact Phone 248.840.3378

Contact Email donaldpeasley5@gmail.com

II. EVENT INFORMATION

1. Organization Type Non-Profit
(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.) Bold Flow Yoga, Henry Ford Health
Teva Pharmaceuticals
3. ***The city encourages collaboration amongst non-profit organizations to bring the greatest benefit to the community. Please explain your efforts to do so** _____
Each year we invite YogaMoves MS to our event. They serve all types of people who
want to practice yoga, but are better suited from taking class from a chair.
4. Is the event a fundraiser? YES ☒ NO ☐
List beneficiary HDSA Michigan Chapter
List expected income \$20,000 Attach information about the beneficiary.
5. First time event in Birmingham? YES ☐ NO ☒
If no, describe This is our 7th year.
6. Total number of people expected to attend per day 150
7. The event will be held on the following City property: (Please list)
☐ Street(s) _____

☐ Sidewalk(s) _____

☒ Park(s) Shain Park

8. Will street closures be required? YES ☐ NO ☒

(Police Department acknowledgement prior to submission of application is required) (initial here) [Signature]

What parking arrangements will be necessary to accommodate attendance?

Describe Participants encouraged to use city lots and decks in the area

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 Henry Ford Health will once again be onsite with a licensed paramedic.

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

(Police Department acknowledgement prior to submission of application is required.) (initial here) [Signature]

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 X Amplification _____

2 X Loudspeakers

Recorded Time music will begin 9:30a

Time music will end 2:30p

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

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

Number of signs/banners 2 x Banners

Size of signs/banners 8' x 10'

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

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

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

LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

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

III. EVENT LAYOUT

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

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

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables		6 for \$500.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles	2	\$10.00 each includes 1 bag For additional bags, the cost is \$32/per case.	Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.
Dumpsters		\$350.00/per dumpster per day	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric)	# of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant		\$224.75/per hydrant Includes the use of 5,000 gallons of water. Any additional water usage will be billed.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

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

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 400 square feet)	3	8' x 8'
Portable Toilets		
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME HDSA Michigan Chapter - Yoga in the Park

EVENT DATE Saturday June 24,2023

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

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

Don Peasley

2/6/23

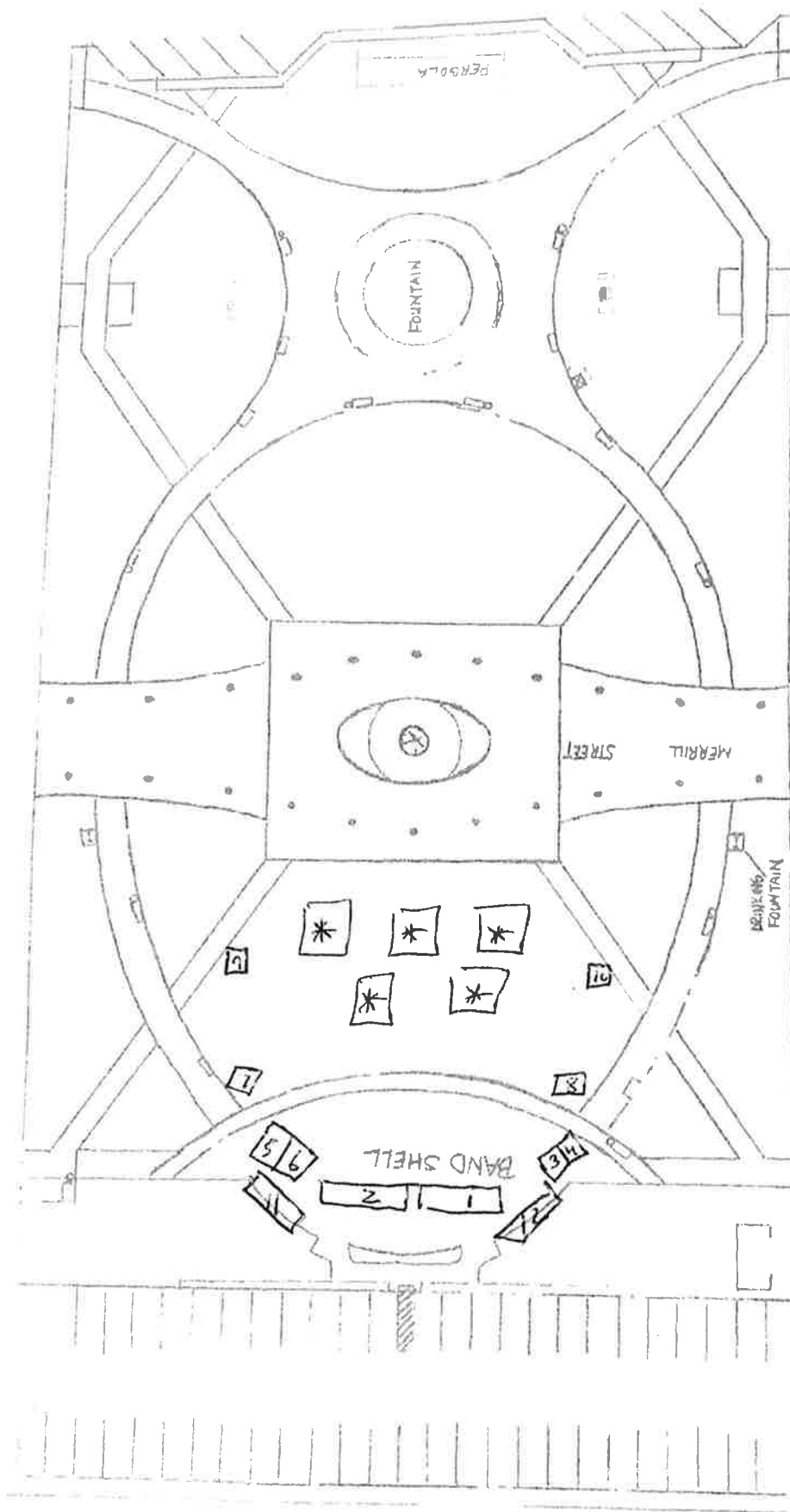
Signature

Date

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

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.



- 1- Registration
- 2- Info Table
- 3,4,5,6 - Sponsor Tables
- 7-8 - Speakers
- * - Yoga students
- 9-10 - Trash
- 11-12 - Signs



"To the fullest extent permitted by law, the Huntington's Disease Society of America, Michigan Chapter and any entity or person for whom the Huntington's Disease Society of America, Michigan Chapter 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 Date

Don Peasley

February 10, 2023

Huntington's Disease Society of America – Michigan Chapter
1221 Bowers St. P.O. Box 1091 Birmingham, MI 48012



SPECIAL EVENT REQUEST NOTIFICATION LETTER

DATE: February 18, 2023

TO: City of Birmingham - City Clerk's Office
Residential Property or Business Owner

151 Martin
Address

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: Huntington's Disease Society of America - Yoga in the Park

LOCATION: Shain Park

DATE(S) OF EVENT: June 24, 2023 HOURS OF EVENT: 10a-3:00p

BRIEF DESCRIPTION OF EVENT/ACTIVITY: We will be conducting 3 x 1-hour yoga classes on the lawn in front of the band shell. There will be light music and an instructor with a headset microphone.

DATE(S) OF SET-UP: June 24, 2023 HOURS OF SET-UP: 8-10a

DATE(S) OF TEAR-DOWN June 24, 2023 HOURS OF TEAR-DOWN 3:00-4P

DATE OF CITY COMMISSION MEETING: **March 27, 2023**

The City commission meets in rm 205 of the Municipal Bldg at 151 Martin at 7:30PM. Virtual meeting Zoom: <https://zoom.us/j/655079760> Meeting ID: 655 079 760. 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 for a complete list of special events.

EVENT ORGANIZER: HDSA - Michigan Chapter

ADDRESS: 1221 Bowers St. PO Box 1091, Birmingham, MI 48009 PHONE: 800.909.0073

Day Of Event Contact: Don Peasley : 248.840.3378

5E

DEPARTMENT APPROVALS

LICENSE NUMBER #

NOTE TO STAFF: Please submit approval by

EVENT NAME:
COMMISSION HEARING DATE:
DATE OF EVENT:

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
PLANNING 101.0-000.000-636.0005 248.530.1855	TBC	No Cost No Comment		\$0	
BUILDING 101.0-000.000.636.0005 248.530.1850	MJM	No department involvement.	Any tents over 400 SQFT.	\$0	
FIRE 101.0-000.000-636.0004 248.530.1900	AS	-Provide cord bridges for extension cords -1 crowd manager for every 250 attendees -ALS response will come from the Fire stations if requested -Tents require flame retardant certificate		\$0	
POLICE 101.0-000.000.636.0003 248.530.1870	RK	On duty personnel to provide extra patrol		\$0	\$0
PUBLIC SERVICES 101.0-000.000-636.0002 248.530.1642	CL	The department will make arrangements with representative to deliver trash receptacles.		\$30	
ENGINEERING 101.0-000.000.636.0002 248.530.1839	KC	DOES NOT AFFECT ROW OR OBSTRUCTING TRAFFIC. NO ENGINEERING PERMIT REQUIRED			
SP+ PARKING	AF		None	\$0	\$0

INSURANCE 248.530.1807		Need to submit COI no less than 2 weeks prior to event Need to submit Hold Harmless Agreement	None	\$0	\$0
CLERK 101.0-000.000-614.0000 248.530.1803		Notification letters to be mailed by applicant no later than ____. Notification addresses on file in the Clerk's Office.	Applications for vendors license must be submitted no later than ____.	\$165	
				TOTAL DEPOSIT REQUIRED \$195.00	ACTUAL COST

FOR CLERK'S OFFICE USE

Deposit paid _____

Actual Cost _____

Due/Refund_____



MEMORANDUM

City Clerk's Office

DATE: March 27, 2023

TO: Thomas M. Markus, City Manager

FROM: Alexandria Bingham, Clerk

SUBJECT: Special Event Application: Birmingham Little League

INTRODUCTION:

Birmingham Little League has submitted a Special Event application to hold the Little League Minors State Tournament from July 27-August 2, 2023. Set up for the event is scheduled for July 26, 2023. The event begins at 9:00 a.m. and concludes at 5:00 p.m. Tear down is scheduled for August 2, 2023.

BACKGROUND:

The necessary departments reviewed the proposed event details submitted in the application, and departments provided feedback on requirements and estimated costs. DPS, Planning, Building, Engineering, Police and Fire have indicated their approval. SP+ Parking has been notified of the event for planning purposes.

The Tournament, held at Kenning Park, is a six-day youth baseball tournament involving 1C teams from all geographic regions of Michigan.

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

Farmers Market	Sundays	Parking Lot #6
Movie Nights	7/14, 8/11	Booth Park
Day on the Town	07/29	Downtown Streets
In the Park Concerts	Wednesdays	Shain Park

LEGAL REVIEW:

The City Attorney has reviewed and has no concerns or objections.

FISCAL IMPACT:

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

PUBLIC COMMUNICATIONS:

Birmingham Little League notified residents and businesses the details of this event by letter which was mailed at least two weeks prior to the Commission meeting. The addresses that were notified were within 300 feet of the event space.

SUMMARY:

The City Commission is being asked to approve a special event permit for the Little League Minors State Tournament to be held July 27-August 2, 2023 from 9:00 a.m. to 5:00 p.m., with set up July 26, 2023 from 9:00 p.m. to 5:00 p.m. Tear down will begin August 2, 2023 from 11:00 a.m.-1:00 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 dated 03/10/23. Notification addresses are on file in the Clerk's Office.
3. Hold Harmless Agreement
4. Department Approval page with comments and estimated costs

SUGGESTED COMMISSION ACTION:

To make a motion adopting a resolution to approve a special event permit as requested by Birmingham Little League to hold the Little League Minors State Tournament on July 27-August 2, 2023 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.

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

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

Police Department acknowledgement: 

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 February 27, 2023

Name of Event Little League minors State Tournament

Detailed Description of Event (attach additional sheet if necessary) A six day youth
(8-10 year old) baseball tournament involving
16 teams from all geographic regions of
Michigan.

Location Kenney Park

Date(s) of Event July 27th - August 2nd Hours of Event 9:00 AM - 5:00 PM

Date(s) of Set-up July 26th & July 27th Hours of Set-up 9:00 AM - 5:00 P.M.

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

Date(s) of Tear-down August 2nd Hours of Tear-down 11:00 AM - 1:00 PM

Organization Sponsoring Event Birmingham Little League ("BLL")

Organization Address 232 Pilgrim, Birmingham, MI 48009

Organization Phone 248. 709. 3369

Contact Person Andrew Harris

Contact Phone 248. 709. 3369

Contact Email president@birminghamlittleleague.org

II. EVENT INFORMATION

1. Organization Type Non-Profit
(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.) At present, BLC does not have any official sponsors for the State Tournament.

3. ***The city encourages collaboration amongst non-profit organizations to bring the greatest benefit to the community. Please explain your efforts to do so** BLC will include volunteer labor from its Board of Directors and parent community to host the State Tournament

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

5. First time event in Birmingham? YES ☒ NO ☐
If no, describe _____

6. Total number of people expected to attend per day 400-500 at peak times

7. The event will be held on the following City property: (Please list)
☐ Street(s) _____
☐ Sidewalk(s) _____
☒ Park(s) Only Field #2, Field #4 and Palmeri Field @ Kenney Park.

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

What parking arrangements will be necessary to accommodate attendance?

Describe BLL required to place "no baseball parking" signs @ entrances of private business in area and have volunteers monitoring 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 BLL respectfully requests field grooming consistent with the enclosed schedule and for the ice arena concession stand / bathrooms to be open during the same times.

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

Describe Extra patrols will be addressed by on duty personnel and parking enforcement (PEAs). Cones required for placement near parking entrances / Fire Hydrants, ensuring enough space.

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

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

Recorded Time music will begin _____

Time music will end _____

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

13. Will there be signage in the area of the event?

YES ☒ NO ☐

Number of signs/banners _____

Size of signs/banners _____

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

14. Will food/beverages/merchandise be sold?

YES ☐ NO ☒

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

LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

VENDOR NAME	GOODS TO BE SOLD	WATER HOOK-UP REQUIRED?	ELECTRIC REQUIRED?
Hockey Action Photos	Photography	No	No
Top Shelf Spectacular	T-Shirts	No	No

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	0	6 for \$500.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles	41 + 1 case of bags	\$10.00 each includes 1 bag For additional bags, the cost is \$32/per case.	Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.
Dumpsters	0	\$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	0	\$224.75/per hydrant Includes the use of 5,000 gallons of water. Any additional water usage will be billed.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

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


TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 400 square feet)	1	20 x 20
Portable Toilets	0	
Rides	0	
Displays	0	
Vendors	0	
Temporary Structure (must attach a photo)	0	
Other (describe)	0	

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Little League Minors State Tournament
EVENT DATE July 27, 2023 —> August 2, 2023

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

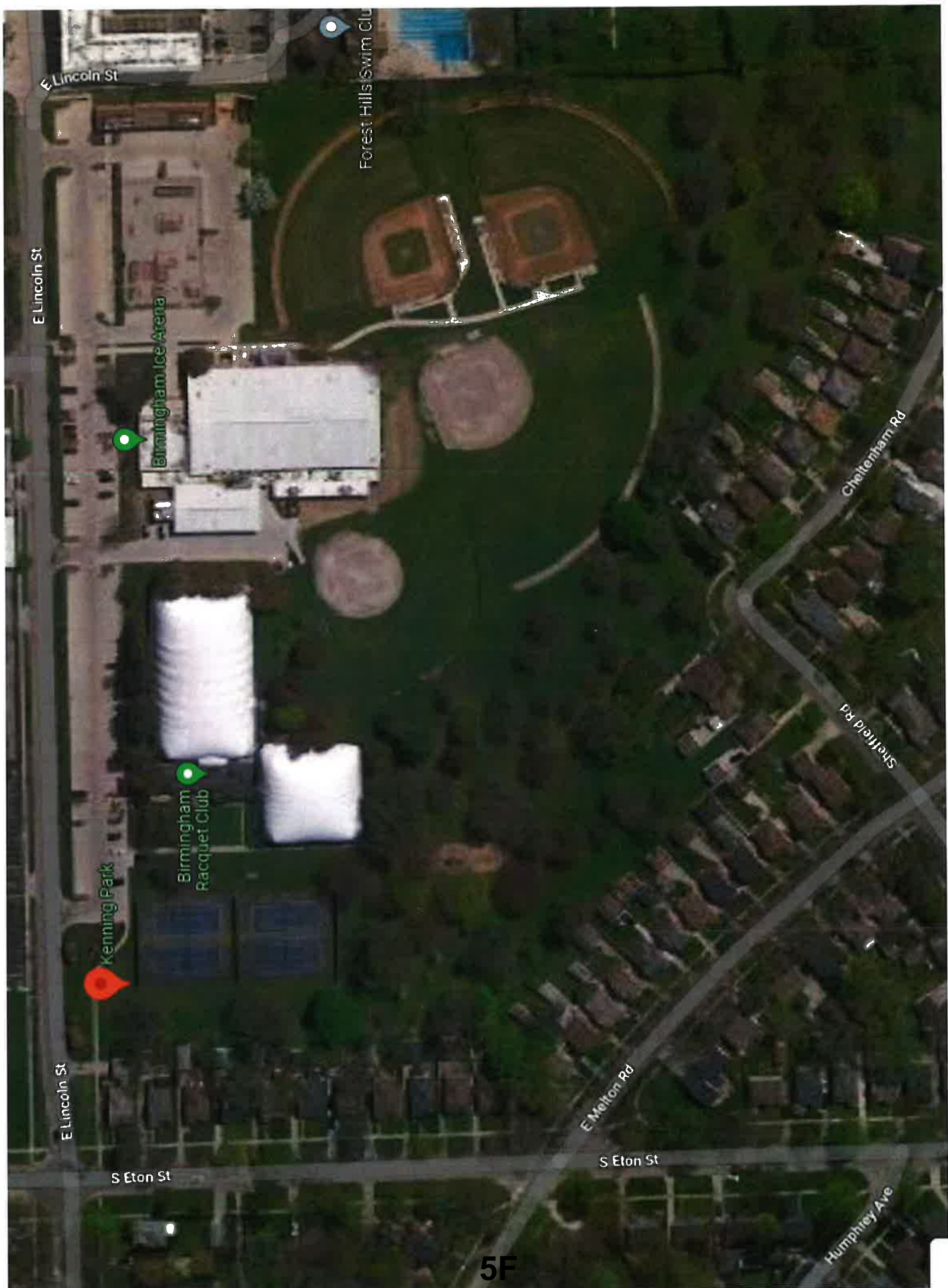
As the authorized agent of the sponsoring organization, I hereby agree that this organization shall abide by all conditions and restrictions specific to this special event as determined by the City administration and will comply with all local, state and federal rules, regulations and laws.

 02-27-23
Signature Date

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

**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.





MEMORANDUM

Manager's Office

DATE: March 27, 2023
TO: City Commission
FROM: Thomas M. Markus, City Manager
SUBJECT: Birmingham Little League Letter appended to the Special Event Application

The following letter to Ms. Carrie Laird from Andrew M. Harris dated 1/19/2023 was attached to The Special Event Permit Application submitted by the Birmingham Little League (BLL).

The letter addresses various improvements that BLL is interested in making at Kenning Park.

The City has not finalized our discussions with the BLL regarding these matters and as such the suggested improvements and arrangements are not to be considered as part of the Special Event Review process.

Continued discussions are expected regarding the improvements, and if an agreement can be reached, the understandings will be formalized in a Letter of Understanding drafted by the City Attorney.

Birmingham Little League

January 19, 2023

VIA E-MAIL ONLY

Ms. Carrie Laird
City of Birmingham-Department of Public Services
Parks Manager
851 S. Eton
Birmingham, MI 48009

RE: Proposal Between the City of Birmingham Department of Public Services and Birmingham Little League

Dear Ms. Laird:

Since the summer of 2022, representatives from the Department of Public Services (“DPS”) and Birmingham Little League (“BLL”) engaged in good-faith discussions about field improvements to Kenning Park (in particular Field #2 and Palmeri Field (“Fields”)) in advance of the 2023 BLL season in April as well as the Little League Minors State Tournament, taking place from July 27th through August 2nd (“State Tournament”). Hosting the State Tournament is a once-in-a-generation opportunity for BLL, an event which is fueling some of these needed improvements.

As you know, the talked-about improvements included Dugout Covers on the Fields (“Covers”), powering additional electricity, installation of bullpen mounds/plates (“Bullpens”) and a Pitching Tunnel south of Field #4 (“Tunnel”). During these discussions, BLL understood it would be financially responsible for the improvements (but for the electricity) due in part to DPS’s previously approved budget which did not include these items.

Initially, the aforementioned discussions produced a plan wherein DPS would negotiate directly with a vendor(s) to procure and install the Covers while BLL would prepare a site plan to request for the Bullpens and Tunnel from the City. Recently, however, DPS underwent significant staffing changes which upended this plan.

On January 11th, we spoke about a viable alternative wherein the Covers, Bullpens and Tunnel could be subject to a separate agreement between DPS and BLL absent the need for the City Commission’s imprimatur. To move forward with this approach and increase the chance the aforementioned improvements could occur before the 2023 season, you suggested I prepare the following written proposal.

A. DUGOUT COVERS

The initial discussions included a decision to procure Covers from Beacon Athletics which mirrored the ones at Keith Park in West Bloomfield Township. In fact, you spoke with Chris Frey from West Bloomfield in early October, 2022, who in turn provided information about the Covers’ measurements, maintenance and durability.

Birmingham Little League

In exchange for DPS providing BLL the necessary authority, it is willing to procure the Covers, facilitate their installation and provide the necessary maintenance, including set-up and take down each season along with storage.

B. ELECTRICITY

While our discussion on the improvements went through many changes, the initial plan wherein the City completes the due diligence necessary to run additional electricity to Kenning (and ensures the electricity is installed before the 2023 season) at its own cost in advance of the 2023 season remains.

C. BULLPEN MOUNDS

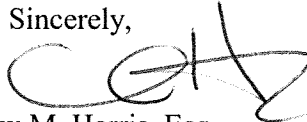
The Bullpens will be a key enhancement for the 2023 season, the State Tournament and beyond. There will be four (4) separate Mound set-ups (one each in foul territory (but on the field side of the fences) on Field #2 and Palmeri), which will include a dirt area for pitchers, a pitcher's mound, a dirt area for a home plate and the home plate itself. The distance from the back of the mound to the plate will be roughly fifty (50) feet and start approximately twenty five (25) feet behind where the base coaches stand (please see the enclosed diagram marked as **Exhibit A**). BLL will install the Mounds, maintain them throughout the year and store them in the offseason.

D. TUNNEL

The Tunnel will also serve as a notable enhancement to Kenning, a feature baseball teams often see at other parks hosting State Tournaments. The Tunnel will help teams in their preparation for games and serve a meaningful tool for coaches and players during practices for years to come. A picture of the type of Tunnel BLL envisions is enclosed as **Exhibit B**. The Tunnel will be safely located behind left field of Field #4, purchased and maintained entirely by BLL. **Exhibit C**.

I look forward to further discussion with DPS about this proposal. As you know, the prompt implementation of these improvements are important to BLL, the families it serves and the guests it will host throughout Michigan during the State Tournament.

Sincerely,



Andrew M. Harris, Esq.

President

Birmingham Little League

Enclosures

cc: Patrick O'Neill (via e-mail w/encls.)
David Palmeri (via e-mail w/encls.)
Wendy McIntyre Peard, Esq. (via e-mail w/encls.)

EXHIBIT A

CITY OF BIRMINGHAM - BIRMINGHAM, MICHIGAN

CITY OF BIRMINGHAM - BIRMINGHAM, MICHIGAN

BIRMINGHAM, MICHIGAN



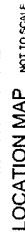
SCALE 1"=40'-0"

ON NO.
18BPM01

1



COVER SHEET	SHEET 1:
SESS PLAN	SHEET 2, 1, 2, 2:
SESS NOTES & DETAILS	SHEET 2, 3:
DEMOLITION PLAN	SHEET 3, 1, 3, 2, 3, 3:
SITE PLAN	SHEET 4, 1, 2:
GRADING PLAN	SHEET 5, 1:
STAKING PLAN	SHEET 6, 1, 6, 2:
STORMWATER PLAN	SHEET 7, 1, 7, 2:
IRRIGATION PLAN	SHEET 8:
PLANTING AND SEEDING	SHEET 9, 1, 9, 2:
CONSTRUCTION DETAIL	SHEET 10:
CONSTRUCTION DETAIL	SHEET 11:
CONSTRUCTION DETAIL	SHEET 12:
CONSTRUCTION DETAIL	SHEET 13:
CONSTRUCTION DETAIL	SHEET 14:
CONSTRUCTION DETAIL	SHEET 15:
CONSTRUCTION DETAIL	SHEET 16:
CONSTRUCTION DETAIL	SHEET 17:
ELECTRICAL SYMBOLS	SHEET E0.0:
ELECTRICAL PLAN	SHEET E0.0:



1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING AND COORDINATING WITH ALL PERTINENT UTILITY COMPANIES 72 HOURS IN ADVANCE OF ANY DIGGING TO FAMILIARIZE HIMSELF WITH ALL UNDERGROUND UTILITIES, PIPES AND STRUCTURES. THE CONTRACTOR SHALL ASSUME SOLE RESPONSIBILITY FOR ANY COST INCURRED DUE TO DAMAGE OF ANY UTILITIES.

2. THE CONTRACTOR SHALL NOT WILLFULLY PROCEED WITH THE CONSTRUCTION AS DESIGNED WHEN IT IS OBVIOUS THAT UNKNOWN OBSTRUCTION AND/OR GRADE DIFFERENCES EXIST. SUCH CONDITIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT. THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ALL NECESSARY REVISIONS DUE TO FAILURE TO GIVE SUCH NOTIFICATION.

3. ANY DISCREPANCIES BETWEEN DIMENSIONED LAYOUT AND ACTUAL FIELD CONDITIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT/OWNER. THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ALL NECESSARY REVISIONS DUE TO FAILURE TO GIVE SUCH NOTIFICATION.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY COORDINATION WITH SUBCONTRACTORS AS REQUIRED TO ACCOMPLISH CONSTRUCTION INSTALLATION OPERATIONS.

5. THE CONTRACTOR SHALL PROVIDE AND MAINTAIN POSITIVE SURFACE DRAINAGE.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY EXISTING MATERIALS THAT ARE DAMAGED DURING CONSTRUCTION, (INCLUDING BUT NOT LIMITED TO IRRIGATION, LIGHTS AND SIGNAGE).

OWNER:
CITY OF BIRMINGHAM
CONTACT: LAUREN WOOD
851 S. ETON STREET
BIRMINGHAM, MICHIGAN 48009
PHONE: 248.530.1702
EMAIL: lwood@bhamgov.org

PROJECT ADDRESS:
2300 E. LINCOLN STREET
BIRMINGHAM, MICHIGAN 48202

EXHIBIT B



5F

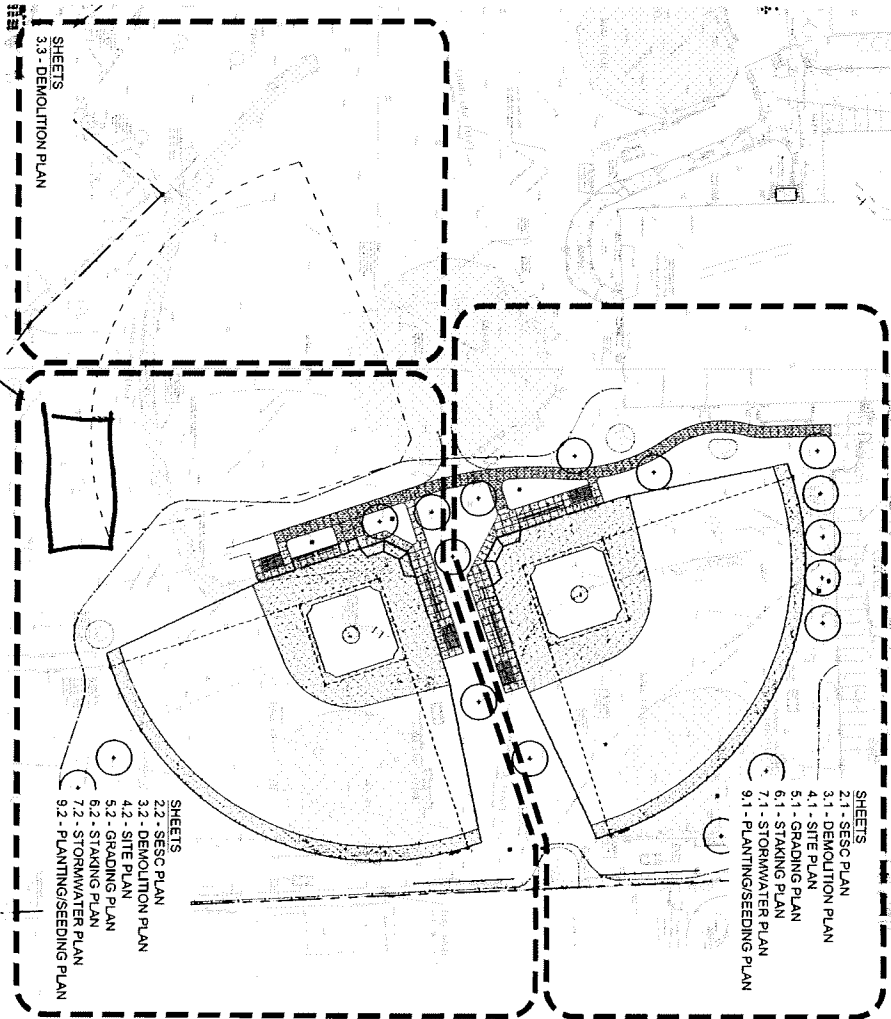
EXHIBIT C

Star Tournament Test

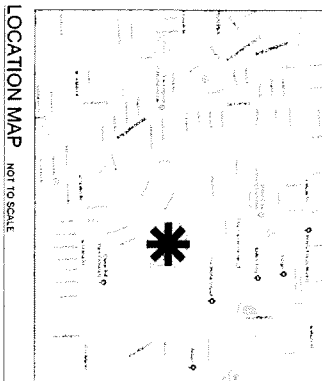
PROJECT ADDRESS:
2300 E. LINCOLN STREET
BIRMINGHAM, MICHIGAN 48009

OWNER:
CITY OF BIRMINGHAM
CONTACT: LAUREN WOOD
851 S. ETON STREET
BIRMINGHAM, MICHIGAN 48009
PHONE: 248.530.1702
EMAIL: lwood@bhamgov.org

LANDSCAPE ARCHITECT:
JOHNSON HILL LAND ETHICS STUDIO
CONTACT: MARK ROBINSON
412 LONGSHORE DRIVE
ANN ARBOR, MICHIGAN 48105
PHONE: 734.668.7416
EMAIL: mrobinson@jhe-studio.com



SHEET 1:	COVER SHEET
SHEET 2.1, 2.2	SESC PLAN
SHEET 2.3	SESC NOTES & DETAILS
SHEET 3.1, 3.2, 3.3:	DEMOLITION PLAN
SHEET 4.1, 4.2	SITE PLAN
SHEET 5.1, 5.2	GRADING PLAN
SHEET 6.1, 6.2	STAIRING PLAN
SHEET 7.1, 7.2:	IRRIGATION PLAN
SHEET 8:	IRRIGATION PLAN
SHEET 9.1, 9.2:	PLANTING AND SEEDING PLAN
SHEET 10:	CONSTRUCTION DETAILS
SHEET 11:	CONSTRUCTION DETAILS
SHEET 12:	CONSTRUCTION DETAILS
SHEET 13:	CONSTRUCTION DETAILS
SHEET 14:	CONSTRUCTION DETAILS
SHEET 15:	CONSTRUCTION DETAILS
SHEET 16:	CONSTRUCTION DETAILS
SHEET 17:	CONSTRUCTION DETAILS
SHEET E00	ELECTRICAL SYMBOLS AND INDEX
SHEET E10	ELECTRICAL PLAN



1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING AND COORDINATING WITH ALL PERTINENT UTILITY COMPANIES 72 HOURS IN ADVANCE OF ANY GRADING OR STRUCTURES. THE CONTRACTOR SHALL ASSUME SOLE RESPONSIBILITY FOR ANY COST INCURRED DUE TO DAMAGE OF ANY UTILITIES.
2. THE CONTRACTOR SHALL NOT INTERFERE WITH THE CONSTRUCTION OF ANY EXISTING DIFFERENCES FIRST. SUCH CONDITIONS SHALL BE REMEDIATED BY THE OWNER OR GRADE RESPONSIBILITY FOR ALL NECESSARY ACTIONS DUE TO FAILURE TO PROVIDE A FULL NOTIFICATION.
3. ANY DISCREPANCIES BETWEEN DIMENSIONED LAYOUT AND ACTUAL FIELD CONDITIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT/ENGINEER. THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ALL NECESSARY REVISIONS DUE TO FAILURE TO OBTAIN CORRECTION.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY CORRECTION WITH SITE/CONTRACTORS AS REQUIRED TO ACCOMPLISH CONSTRUCTION INSTALLATION OF EROSION.
5. THE CONTRACTOR SHALL PROVIDE AND MAINTAIN POSITIVE SURFACE DRAINAGE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY EXISTING DRAINAGE'S DRAINAGE, DAMAGED OR CLOGGED CONSTRUCTION, INCLUDING BUT NOT LIMITED TO IRRIGATION, IRRIGATION AND CLOSING.



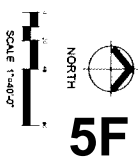
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KENNING PARK BALL FIELD
CONSTRUCTION

CITY OF BIRMINGHAM
BIRMINGHAM, MICHIGAN



5F

Birmingham Little League

March 10, 2023

VIA FIRST CLASS MAIL

City Clerk's Office
City of Birmingham
151 Martin
Birmingham, MI 48009

RE: Birmingham Little League Hosts the Minors State Tournament

To Whom It May Concern:

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

EVENT INFORMATION:

NAME OF EVENT: *Michigan Little League Minors State Tournament*

LOCATION: *Kenning Park*

DATES OF EVENT: *July 27, 2023, through August 2, 2023*

BRIEF DESCRIPTION:

On July 27th, sixteen (16) Little League teams with players ages 8-10 will make their way to Birmingham for the Minors State Tournament. This is a hallmark event for these players and their families, not to mention a once in a generation opportunity for BLL and the City of Birmingham. The first evening will involve skills competitions and a pool party at Forest Hills. Round robin play will occur on July 28th, July 29th and July 30th (with 4 games a day on two fields from approximately 9:00 a.m. to 6:00 p.m.) The quarterfinals will occur on July 31st from 9:30 a.m. to 1:00 p.m., with the semifinals lasting from 9:30 a.m. to 1:00 p.m. on August 1st before the championship on August 2nd from 9:00 a.m. to 11:00 a.m.

DATES OF SET UP: *July 26th from 12:00 p.m.-4:00 p.m.*

DATE OF TEAR DOWN: *August 2nd from 12:00 p.m.-1:00 p.m.*

DATE OF CITY COMMISSION MEETING. *March 27, 2023, at 7:30 p.m.*

The City Commission meets in Room 205 of the Municipal Building at 151 Martin at 7:30 p.m. You may also attend virtually through ZOOM:

Serving Birmingham and their children since 1947.

Birmingham Little League

<https://zoom.us.com/j/655079760> Meeting ID: 655 079 760. A complete copy of the application to hold this special event is available for your review at the City Clerk's office (248/530-188). Log on to www.bhamgov.org/events for a complete list of special events.

EVENT ORGANIZER: *BLL*

ADDRESS: *232 Pilgrim, Birmingham, MI 48009*

PHONE: *248.709.3369*

FOR QUESTIONS ON DAYS OF EVENT, CONTACT: *Andrew Harris (248.709.3369)*

Sincerely,



Andrew M. Harris, Esq.
President
Birmingham Little League

Birmingham Little League
232 Pilgrim
Birmingham, MI 48009

METROPLEX MI 480
10 MAR 2023 PM 7 L



City Clerk's Office
City of Birmingham
151 Martin
Birmingham, MI 48009

48009-336851



CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YY) 11/01/22						
PRODUCER Keystone Risk Managers, LLC 1995 Point Township Drive Northumberland, PA 17867		CERTIFICATE #: 1220404-2023-1 1 22 04						
ADDITIONAL NAMED INSURED: BIRMINGHAM LL 232 Pilgrim Birmingham, MI 48009		INSURERS AFFORDING COVERAGE: <table border="1"> <tr> <td>INSURER A:</td> <td>Lexington Insurance Company</td> </tr> <tr> <td>INSURER B: (Non-Liability)</td> <td>National Union Fire Insurance Company of Pittsburgh, PA</td> </tr> <tr> <td>INSURER C:</td> <td>AIG Specialty Insurance Company</td> </tr> </table>	INSURER A:	Lexington Insurance Company	INSURER B: (Non-Liability)	National Union Fire Insurance Company of Pittsburgh, PA	INSURER C:	AIG Specialty Insurance Company
INSURER A:	Lexington Insurance Company							
INSURER B: (Non-Liability)	National Union Fire Insurance Company of Pittsburgh, PA							
INSURER C:	AIG Specialty Insurance Company							

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.
* SUBJECT TO \$5,000,000 AGGREGATE SUBLIMIT OF LIABILITY FOR ALL LEAGUES, COMBINED, UNDER THE MASTER D&O POLICY, FOR ALL LOSS ARISING FROM ALL CLASS ACTION CLAIMS AND COMMON LEAGUE CLAIMS, AS MORE FULLY DESCRIBED IN ENDORSEMENT #34 OF THE MASTER D&O POLICY.
** SUBJECT TO \$5,000,000 AGGREGATE SUBLIMIT OF LIABILITY FOR ALL LEAGUES, COMBINED, UNDER THE MASTER CYBER POLICY, FOR SPECIFIED DEFENSE COSTS, AS MORE FULLY DESCRIBED IN ENDORSEMENT #14 OF THE MASTER CYBER POLICY.

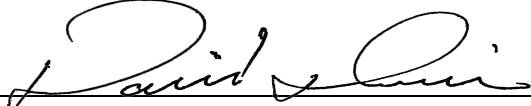
INSR LTR	ADD'L NAMED INSRD	TYPE OF INSURANCE		POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS	
A	X	GENERAL LIABILITY		011405746	01/01/2023	01/01/2024	EACH OCCURRENCE	\$3,000,000
		X	OCCURRENCE				GENERAL AGGREGATE	\$3,000,000
		X	INCL PARTICIPANTS	Property Damage Deductible: \$250			PRODUCTS/COMP OPS AGGREGATE	\$3,000,000
		X	SEXUAL ABUSE				Sexual Abuse OCCURRENCE	\$1,000,000
							Sexual Abuse AGGREGATE	\$1,000,000
			MEDICAL PAYMENTS				Any One Person	
C	X	DIRECTORS & OFFICERS		015454400	01/01/2023	01/01/2024	EACH LOSS	\$1,000,000 *
							AGGREGATE	\$1,000,000
C	X	CYBER LIABILITY COVERAGE		015440383	01/01/2023	01/01/2024	LIMIT OF LIABILITY CLAIMS MADE	\$100,000 PER LEAGUE AGGREGATE
	S&P	SECURITY AND PRIVACY LIABILITY INSURANCE	\$100,000 PER LEAGUE SUBLIMIT OF LIABILITY ** \$1,000 PER LEAGUE RETENTION			RETROACTIVE DATE	CONTINUITY DATE	
		REGULATORY ACTION SUBLIMIT OF LIABILITY	\$100,000 PER LEAGUE SUBLIMIT OF LIABILITY \$1,000 PER LEAGUE RETENTION			POLICY INCEPTION	POLICY INCEPTION	
	EM	EVENT MANAGEMENT INSURANCE	\$100,000 PER LEAGUE SUBLIMIT OF LIABILITY ** \$1,000 PER LEAGUE RETENTION			NOT APPLICABLE	POLICY INCEPTION	
A	X	CRIME COVERAGE		9472683	01/01/2023	01/01/2024	EACH LOSS	\$35,000
				Crime Deductible: \$250 Property/\$1,000 Money			AGGREGATE	NONE
B	X	SPORTS EXCESS ACCIDENT		SRG9105434	01/01/2023	01/01/2024	As in Master Policy: Med. Max. \$100,000 Deductible \$50	As in Master Policy Excess

"X" INDICATES COVERAGE(S) SELECTED FOR ADDITIONAL NAMED INSURED

ADDITIONAL INSURED

Who is an Insured (SECTION II) of the General Liability policy is amended to include as an insured the person or organization shown in the schedule, but only with respect to liability arising out of the above named Little League's maintenance or use of ball fields, or other premises loaned, donated, or rented to that Little League by such person or organizations and subject to the following additional exclusions:
1. Structural alterations, new construction, maintenance, repair or demolition operations performed by or on behalf of the person or organization designated in the Schedule and/or performed by the above named Little League; and
2. That part of the ball field or other premises not being used by the above named Little League.

NAME AND ADDRESS OF PERSON OR ORGANIZATION:	
1. Birmingham Public Schools 2. City of Birmingham	

INSURED	CANCELLATION
Little League Baseball Risk Purchasing Group, Incorporated 539 U.S.RT. 15 Highway South Williamsport, PA 17702	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE

IMPORTANT

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YY) 11/01/22	
PRODUCER Keystone Risk Managers, LLC 1995 Point Township Drive Northumberland, PA 17867		CERTIFICATE #: 1220404-2023-1 1 22 04	
ADDITIONAL NAMED INSURED: BIRMINGHAM LL 232 Pilgrim Birmingham, MI 48009		INSURERS AFFORDING COVERAGE:	
		INSURER A:	Lexington Insurance Company
		INSURER B: (Non-Liability)	National Union Fire Insurance Company of Pittsburgh, PA
		INSURER C:	AIG Specialty Insurance Company

COVERAGES

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* SUBJECT TO \$5,000,000 AGGREGATE SUBLIMIT OF LIABILITY FOR ALL LEAGUES, COMBINED, UNDER THE MASTER D&O POLICY, FOR ALL LOSS ARISING FROM ALL CLASS ACTION CLAIMS AND COMMON LEAGUE CLAIMS, AS MORE FULLY DESCRIBED IN ENDORSEMENT #34 OF THE MASTER D&O POLICY.
** SUBJECT TO \$5,000,000 AGGREGATE SUBLIMIT OF LIABILITY FOR ALL LEAGUES, COMBINED, UNDER THE MASTER CYBER POLICY, FOR SPECIFIED DEFENSE COSTS, AS MORE FULLY DESCRIBED IN ENDORSEMENT #14 OF THE MASTER CYBER POLICY.

INSR LTR	ADD'L NAMED INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS	
A	X	GENERAL LIABILITY	011405746	01/01/2023	01/01/2024	EACH OCCURRENCE	\$3,000,000
		<input checked="" type="checkbox"/> OCCURRENCE				GENERAL AGGREGATE	\$3,000,000
		<input checked="" type="checkbox"/> INCL PARTICIPANTS				PRODUCTS/COMP OPS AGGREGATE	\$3,000,000
		<input checked="" type="checkbox"/> SEXUAL ABUSE				Sexual Abuse OCCURRENCE	\$1,000,000
						Sexual Abuse AGGREGATE	\$1,000,000
		MEDICAL PAYMENTS				Any One Person	
C	X	DIRECTORS & OFFICERS	015454400	01/01/2023	01/01/2024	EACH LOSS	\$1,000,000 *
						AGGREGATE	\$1,000,000
C	X	CYBER LIABILITY COVERAGE	015440383	01/01/2023	01/01/2024	LIMIT OF LIABILITY CLAIMS MADE	\$100,000 PER LEAGUE AGGREGATE
		SECURITY AND PRIVACY LIABILITY INSURANCE				RETROACTIVE DATE	CONTINUITY DATE
	S&P	REGULATORY ACTION SUBLIMIT OF LIABILITY				POLICY INCEPTION	POLICY INCEPTION
	EM	EVENT MANAGEMENT INSURANCE				NOT APPLICABLE	POLICY INCEPTION
A	X	CRIME COVERAGE	9472683	01/01/2023	01/01/2024	EACH LOSS	\$35,000
			Crime Deductible: \$250 Property/\$1,000 Money			AGGREGATE	NONE
B	X	SPORTS EXCESS ACCIDENT	SRG9105434	01/01/2023	01/01/2024	As in Master Policy: Med. Max. \$100,000 Deductible \$50	As in Master Policy Excess

"X" INDICATES COVERAGE(S) SELECTED FOR ADDITIONAL NAMED INSURED

ADDITIONAL INSURED

Who is an Insured (SECTION II) of the General Liability policy is amended to include as an insured the person or organization shown in the schedule, but only with respect to liability arising out of the above named Little League's maintenance or use of ball fields, or other premises loaned, donated, or rented to that Little League by such person or organizations and subject to the following additional exclusions:
1. Structural alterations, new construction, maintenance, repair or demolition operations performed by or on behalf of the person or organization designated in the Schedule and/or performed by the above named Little League; and
2. That part of the ball field or other premises not being used by the above named Little League.

NAME AND ADDRESS OF PERSON OR ORGANIZATION:

Birmingham Public Schools
31301 Evergreen Road
Beverly Hills, MI 48025

INSURED

Little League Baseball Risk Purchasing Group, Incorporated
539 U.S.RT. 15 Highway
South Williamsport, PA 17702

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

IMPORTANT

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/1/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Keystone Risk Managers, LLC 1995 Point Township Drive Northumberland PA 17867	CONTACT NAME: David Irwin PHONE (A/C, No. Ext): (570) 473-2150 FAX (A/C, No): (570) 473-2151 E-MAIL ADDRESS: Dlrwin@Keystoneinsgrp.com
INSURED Little League Baseball Risk Purchasing Group, Incorporated BIRMINGHAM LL 232 Pilgrim Birmingham MI 48009	INSURER(S) AFFORDING COVERAGE INSURER A: Lexington Insurance Company INSURER B: AIG Specialty Insurance Company INSURER C: INSURER D: INSURER E: INSURER F:
	NAIC # 19437 26883

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

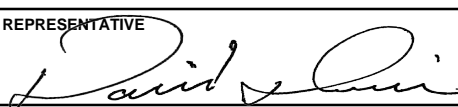
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input checked="" type="checkbox"/> OTHER: Per League	X		011405746	01/01/2023	01/01/2024	EACH OCCURRENCE \$ 3,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ Excluded PERSONAL & ADV INJURY \$ 3,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000 SEXUAL ABUSE OCC/AGG \$ 1M/\$1M
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED \$ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate Holder is named as Additional Insured per form CG 2026 (04/13)

CERTIFICATE HOLDER**CANCELLATION**

Birmingham Public Schools 31301 Evergreen Road Beverly Hills MI 48025	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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© 1988-2015 ACORD CORPORATION. All rights reserved.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):

Birmingham Public Schools
31301 Evergreen Road
Beverly Hills, MI 48025

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YY) 11/01/22	
PRODUCER Keystone Risk Managers, LLC 1995 Point Township Drive Northumberland, PA 17867		CERTIFICATE #: 1220404-2023-1 1 22 04	
ADDITIONAL NAMED INSURED: BIRMINGHAM LL 232 Pilgrim Birmingham, MI 48009		INSURERS AFFORDING COVERAGE:	
		INSURER A:	Lexington Insurance Company
		INSURER B: (Non-Liability)	National Union Fire Insurance Company of Pittsburgh, PA
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COVERAGES

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* SUBJECT TO \$5,000,000 AGGREGATE SUBLIMIT OF LIABILITY FOR ALL LEAGUES, COMBINED, UNDER THE MASTER D&O POLICY, FOR ALL LOSS ARISING FROM ALL CLASS ACTION CLAIMS AND COMMON LEAGUE CLAIMS, AS MORE FULLY DESCRIBED IN ENDORSEMENT #34 OF THE MASTER D&O POLICY.
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INSR LTR	ADD'L NAMED INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS	
A	X	GENERAL LIABILITY	011405746	01/01/2023	01/01/2024	EACH OCCURRENCE	\$3,000,000
		<input checked="" type="checkbox"/> OCCURRENCE				GENERAL AGGREGATE	\$3,000,000
		<input checked="" type="checkbox"/> INCL PARTICIPANTS				PRODUCTS/COMP OPS AGGREGATE	\$3,000,000
		<input checked="" type="checkbox"/> SEXUAL ABUSE				Sexual Abuse OCCURRENCE	\$1,000,000
						Sexual Abuse AGGREGATE	\$1,000,000
		MEDICAL PAYMENTS				Any One Person	
C	X	DIRECTORS & OFFICERS	015454400	01/01/2023	01/01/2024	EACH LOSS	\$1,000,000 *
						AGGREGATE	\$1,000,000
C	X	CYBER LIABILITY COVERAGE	015440383	01/01/2023	01/01/2024	LIMIT OF LIABILITY CLAIMS MADE	\$100,000 PER LEAGUE AGGREGATE
		SECURITY AND PRIVACY LIABILITY INSURANCE				RETROACTIVE DATE	CONTINUITY DATE
	S&P	REGULATORY ACTION SUBLIMIT OF LIABILITY				POLICY INCEPTION	POLICY INCEPTION
	EM	EVENT MANAGEMENT INSURANCE				NOT APPLICABLE	POLICY INCEPTION
A	X	CRIME COVERAGE	9472683	01/01/2023	01/01/2024	EACH LOSS	\$35,000
			Crime Deductible: \$250 Property/\$1,000 Money			AGGREGATE	NONE
B	X	SPORTS EXCESS ACCIDENT	SRG9105434	01/01/2023	01/01/2024	As in Master Policy: Med. Max. \$100,000 Deductible \$50	As in Master Policy Excess

"X" INDICATES COVERAGE(S) SELECTED FOR ADDITIONAL NAMED INSURED

ADDITIONAL INSURED

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2. That part of the ball field or other premises not being used by the above named Little League.

NAME AND ADDRESS OF PERSON OR ORGANIZATION:

City of Birmingham
151 Martin St.
P.O. Box 3001
Birmingham, MI 48009

INSURED

Little League Baseball Risk Purchasing Group, Incorporated
539 U.S.RT. 15 Highway
South Williamsport, PA 17702

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.


AUTHORIZED REPRESENTATIVE

IMPORTANT

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/1/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Keystone Risk Managers, LLC 1995 Point Township Drive Northumberland PA 17867	CONTACT NAME: David Irwin PHONE (A/C, No. Ext): (570) 473-2150 FAX (A/C, No): (570) 473-2151 E-MAIL ADDRESS: Dlrwin@Keystoneinsgrp.com
INSURED Little League Baseball Risk Purchasing Group, Incorporated BIRMINGHAM LL 232 Pilgrim Birmingham MI 48009	INSURER(S) AFFORDING COVERAGE INSURER A: Lexington Insurance Company INSURER B: AIG Specialty Insurance Company INSURER C: INSURER D: INSURER E: INSURER F:
	NAIC # 19437 26883

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

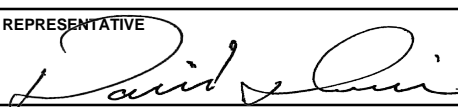
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input checked="" type="checkbox"/> OTHER: Per League	X		011405746	01/01/2023	01/01/2024	EACH OCCURRENCE \$ 3,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ Excluded PERSONAL & ADV INJURY \$ 3,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000 SEXUAL ABUSE OCC/AGG \$ 1M/\$1M
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	N/A				PER STATUTE E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate Holder is named as Additional Insured per form CG 2026 (04/13)

CERTIFICATE HOLDER**CANCELLATION**

City of Birmingham 151 Martin St. P.O. Box 3001 Birmingham MI 48009	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):

City of Birmingham
151 Martin St.
P.O. Box 3001
Birmingham, MI 48009

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

DEPARTMENT APPROVALS

BUSINESS NAME: BIRMINGHAM LITTLE LEAGUE

EVENT NAME: Little League Minors Star Tournament

DATE OF EVENT: July 27, 2023- August 2, 2023

LICENSE NUMBER # 23-00012163

COMMISSION HEARING DATE: 3/27/2023

PLEASE SUBMIT STAFF APPROVAL BY: 3/18/2023

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED	ESTIMATED COSTS	ACTUAL COSTS
PLANNING 101.0-000.000- 636.0005 248.530.1855	TBC	<ul style="list-style-type: none"> No Cost No Comment 	<ul style="list-style-type: none"> 	\$0	
BUILDING 101.0- 000.000.636.0005 248.530.1850	MJM	<ul style="list-style-type: none"> No Department Involvement. 	<ul style="list-style-type: none"> Tents over 400 SQFT. 	\$0	
FIRE 101.0-000.000- 636.0004 248.530.1900	AS	<ul style="list-style-type: none"> Maintain 20' Fire lane on all streets Do not block fire hydrants or access to surrounding buildings Tents require a flame propagation certificate Provide a portable fire extinguisher 	<ul style="list-style-type: none"> 	\$0	\$0
POLICE 101.0- 000.000.636.0003 248.530.1870		<ul style="list-style-type: none"> BLL required to place "No Baseball Parking" signs at private business entrances along E. Lincoln. Have volunteers staffed to monitor parking situation on Thus of tournament. 20 cones to be delivered by DPS for placement near entrances/exits of lots/fire hydrants, to prevent vision obstructions & allow for emergency access On duty personnel and PEAS to give extra patrol and monitor parking during tournament. 	<ul style="list-style-type: none"> 	\$20	\$20
PUBLIC SERVICES 101.0-000.000- 636.0002 248.530.1642	CL	<ul style="list-style-type: none"> DPS will provide personnel and equipment for dragging the fields. BLL to line infields Will provide requested trash receptacles and bags. Will provide for the ice arena to be open for 	<ul style="list-style-type: none"> 	\$4,450	

		restroom facilities • Ice Arena Concession will be open during tournament.			
ENGINEERING 101.0-000.000.636.0002 248.530.1839	KC	• NONE	• NONE	\$0	\$0
SP+ PARKING 248.530.1807	AF	• None	• None	\$0	\$0
CLERK 101.0-000.000-614.0000 248.530.1803	IH	• Need to submit COI no less than 2 weeks prior to event • Need to submit Hold Harmless Agreement	• Applications for vendors license must be submitted no later than 2 weeks prior.	\$200	
				TOTAL DEPOSIT REQUIRED Due two weeks prior to the event \$4670	ACTUAL COST \$

MEMORANDUM

Finance Department

DATE: March 17, 2023

TO: Thomas M. Markus, City Manager

FROM: Mark Gerber, Director of Finance/Treasurer
Kathryn Burrick, Senior Accountant

SUBJECT: Amendment to 2021-2022 Public Service Contract

INTRODUCTION:

Staff is recommending an extension of the 2021-2022 Public Service Contract with NEXT in order to expend the remaining CDBG funds for that program year.

BACKGROUND:

The City previously entered into an agreement with NEXT for the 2021-2022 Community Development Block Grant (CDBG) program year. Under the CDBG program, the contract provides for Yard Services, Senior Outreach Services, and Minor Home Repair Services to resident homeowners administered by NEXT for the City.

Currently, there are unexpended balances in Community Development Block Grant Funds for the program year 2021-2022 (Yard Services \$4,351.10 and Minor Home Repair \$26,085.00). In order to provide for continued expenditures of these funds, the Department of Community and Economic Development at Oakland County has advised the City that our current 2021-2022 contract with NEXT which expired on December 31, 2022 must be extended.

LEGAL REVIEW:

Legal has reviewed and approved the contract amendment.

FISCAL IMPACT:

Extending the contract will allow the City to spend the remaining CDBG funds.

PUBLIC COMMUNICATIONS:

None needed.

SUMMARY:

It is recommended that the City Commission approve the amendment to extend the contract with NEXT through December 31, 2023.

ATTACHMENTS:

- Amendment to the 2021-2022 Public Service Contract

SUGGESTED ACTION:

To make a motion adopting a resolution to approve an extension of the public services and minor home repair contract with NEXT for the purpose of expending remaining program year 2021-2022 Community Development Block Grant funds for the Yard Services, Senior Outreach Services, and Minor Home Repair Services administered by NEXT through December 31, 2023; and further, to authorize the Mayor and the City Clerk to sign the amendment on behalf of the City.

ADDENDUM TO COMMUNITY DEVELOPMENT BLOCK GRANT
PUBLIC SERVICE CONTRACT
FOR YARD SERVICES, SENIOR OUTREACH SERVICES,
AND MINOR HOME REPAIR SERVICES
FOR PROGRAM YEAR 2021-2022

THIS AGREEMENT, made as of this 9 day of March, 2023, by and between the City of Birmingham and NEXT provides as follows:

WHEREAS, the City and NEXT entered into a Yard Services, Senior Outreach Services, and Minor Home Repair Services Public Service Contract on August 29, 2022 for the Community Development Block Grant program year 2021-2022 to provide for Yard Services, Senior Outreach Services, and Minor Home Repair Services to resident homeowners of the City of Birmingham;

WHEREAS, the Contract provided that NEXT would administer these services for the City until December 31, 2022 in the funding amounts as follows: \$7,327 for yard services, \$3,500 for senior services, and \$26,085 for Minor Home Repair.

WHEREAS, the City and NEXT desire to extend this Contract through December 31, 2023 for purposes of expending remaining 2021-2022 Community Development Block Grant Funds.

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

1. The parties agree to further extend the Contract until December 31, 2023.
2. All other terms of the original and amended contract that do not conflict with this Agreement shall remain in full force and in effect throughout the term of this extension.

WITNESSES:



NEXT

By: 

Christine Braun
Its: Executive Director

STATE OF MICHIGAN)
) ss:
COUNTY OF OAKLAND)

On this 9 day of March, 2023, before me personally appeared
Christine Braun, who acknowledged that with authority on behalf of
NEXT to do so he/she signed this Agreement.

C. Woods

Notary Public
Oakland County, Michigan
Acting in Oakland County, Michigan

My commission expires: 10/16/2028

C. WOODS
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Oct 16, 2028
ACTING IN COUNTY OF

CITY OF BIRMINGHAM

By: _____

Its: Mayor

By: _____

Alexandria Bingham
Its: City Clerk



MEMORANDUM

Department of Public Services

DATE: March 27, 2023

TO: Thomas M. Markus, City Manager

FROM: Mike Bernal, Public Services Manager

APPROVED BY: Scott Zelinski, Director of Public Services

SUBJECT: Lafontaine, Chrysler, Dodge, Jeep, Ram Vehicle Purchase

INTRODUCTION:

Due to its age and condition, the Department of Public Service recommends the replacement of vehicle #13, a 2006 Chevy Malibu with 43,938 miles, and replacing it with a 2023 Jeep Grand Cherokee Laredo 4x4, which will be utilized by Code Enforcement. The vehicle will be purchased from Lafontaine Chrysler, Dodge, Jeep, Ram, located at 6131 S. Pennsylvania Ave., Lansing, MI 48911, under the MiDeal Cooperative Agreement #071B7700183.

BACKGROUND:

The Department of Public Service's Vehicle Operations has identified vehicle #13, a 2006 Chevy Malibu, with 44,972 miles, for replacement, as illustrated below. Community Development requested a Ford Escape to meet the needs for vehicle space while maintaining fuel efficiency; however, it was unavailable for purchase under the MiDeal agreement. The Cherokee recommended for purchase was the closest vehicle available, which could also accommodate the department's needs while attempting to still be relatively fuel efficient.

#13 – 2006 Chevy Malibu

FACTOR	DESCRIPTION	POINTS
Age	1 point each year of age	17
Miles/Hours	1 point each 10,000 miles of usage	5
Type of Service	Type 1 – Standard duties	1
Reliability	Level 5 – In shop more than twice monthly, 2 or more breakdowns/road calls within 1 month period	5
M & R Costs	Level 3 – Maintenance costs are 41-60% of replacement cost	3
Condition	Level 4 – Severe damage, rust, operating system, inoperable	4

LEGAL REVIEW:

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

FISCAL IMPACT:

The cost for the vehicle is \$41,723. Funds are available in the Auto Equipment Fund, account #661.0-441.006-971.0100. There are currently no EV models of this type available for purchase at this time.

PUBLIC COMMUNICATIONS:

This does not apply to this purchase.

SUMMARY:

Based on age and condition, the Department of Public Service recommends the replacement of vehicle #13, a 2006 Chevy Malibu with 44,972 miles and replacing it with a 2023 Jeep Grand Cherokee Laredo 4x4, which will be issued to Code Enforcement. Upon receipt of the new vehicle, the old vehicle will be listed on the Michigan Governmental Trade Network (MITN) for public auction.

ATTACHMENTS:

Attached to this report is the agreement and the vendor quote, which includes the specifications and warranty info.

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve the purchase a 2023 Jeep Grand Cherokee Laredo 4x4, from Lafontaine Chrysler, Dodge, Jeep, Ram, located at 6131 S. Pennsylvania Ave., Lansing, MI 48911, under the MiDeal Cooperative Agreement #071B7700183, in the amount not to exceed \$41,723. Funds for this purchase are available in the FY 2022-2023 Auto Equipment Fund account #661.0-441.006.971.0100.

**AGREEMENT FOR EQUIPMENT PURCHASE BETWEEN THE CITY OF BIRMINGHAM &
LAFONTAINE CHRYSLER, DODGE, JEEP, RAM**

THIS AGREEMENT is entered into this ____ day of _____, 2023, by and between the **CITY OF BIRMINGHAM**, whose address is 151 Martin Street, Birmingham, MI 48009 (hereinafter referred to as the City) and Lafontaine Chrysler, Dodge, Jeep, Ram, whose address is 6131 S Pennsylvania Ave, Lansing, MI 48911, (hereafter referred to as Vendor) and the foregoing shall collectively be referred to as the parties.

WHEREAS, the City desires to purchase, pursuant to the governmental cooperative purchasing agreement, (1) Jeep Grand Cherokee Laredo 4x4 vehicle, as more fully described in Attachment "A"; and

WHEREAS, Vendor has qualifications that meet the purchase requirements and has provided a response and cost proposal.

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

1. MUTUALLY AGREE: It is mutually agreed by and between the parties that the Vendor's Quotation shall be incorporated herein by reference, shall become a part of this Agreement, and shall be binding upon both parties hereto. (Attached hereto as Attachment "A.") In the event of a conflict in any of the terms of this agreement and the Vendor's Quotation, the terms of this Agreement shall prevail.

2. TERM: This is an outright purchase and shall have no term.

3. TERMS OF PAYMENT: The Vendor will invoice the City for the sale. The City may, at its sole discretion demand review and the right to request at any time further detailed accounting information for any or all bills. The right to inspection of any bill and invoice shall never be at any cost or billings to the City, nor shall preparation of said invoices be billed to the City or against the general retainer. Payment terms will be net 30 days unless otherwise specified by the City.

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

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

only for the purpose of performing services pursuant to this Agreement.

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

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

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

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

City: City of Birmingham
P.O. Box 3001
Birmingham, Michigan 48009
Attn: Mike Bernal

Lafontaine Chrysler, Dodge, Jeep, Ram
6131 S Pennsylvania Ave, Lansing, MI 48911
Attn: Andrew Tompkins

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

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

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

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

14. LEGAL PROCEEDINGS: Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL §600.5001 et seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in a federal or state court with jurisdiction over Oakland County, Michigan.

15. RESPONSE TO GOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT: The Vendor shall be held to and bound by all terms, conditions, warranties and representations which it made in its written response to the City's Cooperative Purchasing Agreement, dated February 27, 2023. In the event of a conflict in any of the terms of this Agreement and the Vendor response, the terms of this Agreement shall prevail.

16. 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.

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

Lafontaine Chrysler, Dodge, Jeep, Ram

By: _____

Its: General Manager

STATE OF MICHIGAN)
)ss:
COUNTY OF LIVINGSTON)

On this 2 day of March, 2023 before me personally appeared Andrew Tompkins who acknowledged that with authority on behalf of Lafontaine CDJR to

do so he/she signed this Agreement.

Michelle M. Deacon
Notary Public
Livingston County, Michigan
Acting in Ingham County, Michigan
My commission expires: 01/01/2024

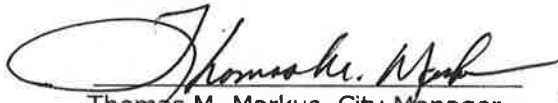


CITY OF BIRMINGHAM:


By: _____
Therese Longe, Mayor


By: _____
Alexandria D. Bingham, City Clerk

APPROVED:


Thomas M. Markus, City Manager
(Approved as to substance)


Scott Zielinski, Director of Public Services
(Approved as to substance)


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


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

ATTACHMENT A

mdeacon@lafontaine.com

Quote 022723

5H



MEMORANDUM

Planning Division

DATE: March 27, 2023

TO: Thomas M. Markus, City Manager

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Set Public Hearing to amend Chapter 126 (Zoning), Article 3, Section 3.04, Article 3, Section 3.16, Article 4, Section 4.44 and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards **AND** to amend Chapter 98 (Streets, Sidewalks and Other Public Places), Article 2 and Article 3, to add language for outdoor dining facilities on public property.

INTRODUCTION:

As a result of the temporary COVID-19 outdoor dining expansion resolution and continuing issues with outdoor dining patios encroaching into required clear paths and the addition of unapproved equipment/fixtures, heaters, and structures, the City Commission directed a review of outdoor dining requirements to evaluate potential changes that may clarify and/or enhance the outdoor dining environment within the City. At this time, the Planning Board has drafted revised regulations that are consistent, enforceable, and offer more clarity to outdoor dining establishments.

BACKGROUND:

On December 14, 2022 ([Agenda](#) – [Minutes](#)), the Planning Board held a public hearing to review the proposed ordinance amendments and moved to recommend approval to the City Commission amendments to Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards. A complete background of the outdoor dining ordinance study at the Planning Board level including dates, summaries, and links to previous agendas can be found in the attached Planning Board report.

On February 13, 2023 ([Agenda](#) – [Minutes](#)), the City Commission discussed the proposed ordinance at a public hearing and moved to postpone the public hearing to February 27, 2023 to afford time for staff to make the changes directed by the City Commission. The changes requested included:

1. The addition of language to phase out preexisting legal-nonconforming outdoor dining facilities from the public right of way.
2. Striking the provision requiring that outdoor dining fixtures and furnishings be brought in each night in the winter (but also adding language to ensure that the facilities are set up to be used and not being stored).

3. Adding utilities to the section outlining elements to be considered during outdoor dining reviews.

On February 27, 2023 ([Agenda](#)), City Staff requested that the City Commission table the proposed ordinance amendments to provide staff with time to adjust the proposed language and address the concerns of the City Commission.

At this time, staff has prepared a revised set of ordinance standards that address the concerns of the City Commission. Overall, the new outdoor dining ordinance is intended to provide the City and operators of outdoor dining facilities more clarity and consistency. The changes include setting expectations for outdoor dining reviews and approval processes, defining placement preferences to protect access to public space, establishing design standards, and enabling extended use of patios where weather and demand permits such.

The specific changes from the public hearing on February 13, 2023 included in the attached language address the use of public property, the City's right to control the use of such, and the differences in drafting regulations for public versus private outdoor dining facilities. At its core, the City has the essential role of protecting the health, safety and welfare of the general public. As it relates to outdoor dining, it is also essential for the City to maintain a streetscape that is walkable, engaging, and accessible. For this reason, the ordinance language regulating outdoor dining facilities specific to the public right-of-way were relocated to Chapter 98 (Streets, Sidewalks and Other Public Places) of the Birmingham Code of Ordinances.

LEGAL REVIEW:

The City Attorney has reviewed the suggested resolution and has no objections.

FISCAL IMPACT:

There are no direct fiscal impacts for this agenda item. However, the proposed ordinance language has the potential to affect rental income through the leasing of public space for outdoor dining facilities.

PUBLIC COMMUNICATIONS:

As required for the proposed Zoning Ordinance amendments, a legal ad will be placed in a newspaper of local circulation to advertise the public hearing at the City Commission meeting on April 24, 2023. As for the amendments to the general ordinance, no public hearing notices are required when enacting general ordinances.

SUMMARY:

The Planning Division requests that the City Commission set a public hearing date of April 24, 2023 to consider the following amendments to Chapter 126 (Zoning), Article 3, Section 3.04, Article 3, Section 3.16, Article 4, Section 4.44, and Article 9, Section 9.02.

AND

On April 24, 2023, consider amendments to Chapter 98 (Streets, Sidewalks and Other Public Places), Article 2 and Article 3.

ATTACHMENTS:

Please see the following attached documents:

- Proposed Amendments to Chapter 126 – Zoning
- Proposed Amendments to Chapter 98 – Streets, Sidewalks and Other Public Places
- Proposed Amendments to Chapter 126 – Zoning (**REDLINED VERSION DEMONSTRATING CHANGES FROM 2/13/23 PUBLIC HEARING**)
- Final Planning Board Report

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to set a public hearing date of April 24, 2023 to consider amendments to Chapter 126 (Zoning), Article 3, Section 3.04, Article 3, Section 3.16, Article 4, Section 4.44, and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards.

AND

Make a motion adopting a resolution to consider amendments to Chapter 98 (Streets, Sidewalks and Other Public Places), Articles 2 and 3 on April 24, 2023 to add language for outdoor dining facilities on public property.

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF BIRMINGHAM:

TO AMEND CHAPTER 126, ARTICLE 3, SECTION 3.04 (C), SPECIFIC STANDARDS, TO REDUCE REDUNDANCY AND PROVIDE CONSISTENT OUTDOOR DINING REGULATIONS.

Article 3, Section 3.04 – Specific Standards (Downtown Overlay District)

C. Building Use: Buildings shall accommodate the following range of uses for the various designations on the Regulating Plan of the Downtown Birmingham Overlay District:

1. ...
2. ...
3. ...
4. ...
5. ...
6. ...
7. ...
8. ...
9. ...

10. Bistros are permitted with a valid Special Land Use Permit with the following conditions:

- a. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
- b. Alcohol is served only to seated patrons, except those standing in a defined bar area;
- c. No dance area is provided;
- d. Only low key entertainment is permitted;
- e. Bistros must have tables located ~~in~~ **within** the storefront space lining any street, or pedestrian passage;
- f. All outdoor dining facilities are subject to the requirements located in Article 4, Section 4.44 of this Ordinance;**
- g. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
- h. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and

- ~~i.~~ Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. **If there is not sufficient space to permit such dining on the street or passage adjacent to the bistro, alternative outdoor dining facility placement may be considered by the Planning Board.** ~~an elevated, ADA compliant, defined platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.~~
- ~~j.~~ Enclosures facilitating year round dining outdoors are not permitted.
- ~~k.~~ Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.
- ~~l.~~ Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.

ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF BIRMINGHAM:

TO AMEND CHAPTER 126, ARTICLE 3, SECTION 3.16, SPECIFIC STANDARDS, TO REDUCE REDUNDANCY AND PROVIDE CONSISTENT OUTDOOR DINING REGULATIONS, AND TO PERMIT OUTDOOR DINING IN ALL VIAS.

Article 3, Section 3.16 – Specific Standards (Via Activation Overlay District)

- A. Permitted and Prohibited Uses: To enhance the amenity and character of vias, **and** to enhance visual interest and encourage surveillance of urban spaces, active uses should be provided at the ground floor level along the majority of the edges of buildings located adjacent to vias. While buildings should accommodate these uses, care must be taken to avoid conflict with pedestrian movement in the via. To specifically encourage the activation of vias, the following uses are permitted within Active, Connecting, and Destination Vias:

1. Retail sales and display;
2. Public plazas and informal gathering spaces;
- 3. Outdoor Dining;**
4. Art display; and
5. Community Gardens.

In addition, the following ~~uses are~~ **use is** also permitted within Connecting and Destination Vias:

- ~~1. Outdoor dining; and~~
2. Special Events.

The following are specifically prohibited in all vias:

1. Automatic food and drink vending machines outdoors;
2. Drive-in facilities or any commercial use that encourages patrons to remain in their automobiles while receiving goods or services;
3. Unscreened trash receptacles; and
4. Unscreened outdoor storage.

B. ...

C. ...

ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF BIRMINGHAM:

TO AMEND CHAPTER 126, ARTICLE 4, SECTION 4.44, OUTDOOR DINING STANDARDS, TO SUPPORT PUBLIC HEALTH, ACTIVATE PUBLIC SPACE, FOSTER ECONOMIC DEVELOPMENT, SAFEGUARD THE USE OF PUBLIC PROPERTY, AND PROVIDE FLEXIBILITY FOR CURRENT TRENDS AND FUTURE DEMANDS FOR OUTDOOR DINING.

Article 4, Section 4.44 – Outdoor Dining Standards

This Outdoor Dining Standards section applies to the following districts:

B1 B2 B2B B2C B3 B4 MX 01 02 TZ3

The following outdoor dining standards apply:

~~A. Outdoor Dining: Outdoor dining is permitted immediately next to the principal use, subject to Site Plan Review, and the following conditions:~~

- ~~1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.~~
- ~~2. All outdoor activity must cease at the close of business or as noted in subsection 3 below.~~
- ~~3. When an outdoor dining area is immediately adjacent to any single family or multiple family residential district, all outdoor activity must cease at the close of business or 10:00 p.m., whichever is earlier.~~
- ~~4. Outdoor dining may be permitted on the sidewalk throughout the year with a valid Outdoor Dining License.~~
- ~~5. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.~~
- ~~6. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.~~
- ~~7. For outdoor dining located in the public right-of-way:~~

- ~~a. All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.~~
- ~~b. In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.~~
- ~~c. Outdoor dining is permitted to extend in the right-of-way in front of neighboring properties, with the written permission of the property owner(s) and with Planning Board approval, if such property is vacant or the first floor storefront(s) is/are vacant. Outdoor dining areas may extend up to 50% of the width of the neighboring lot(s) storefront(s), or up to 50% of the lot(s) frontage, if such lot is vacant.~~
- ~~d. City Commission approval is also required for outdoor dining extensions onto neighboring property if the establishment making such a request holds a bistro license.~~
- ~~e. An elevated, ADA compliant platform may be erected on the street in front of an eating establishment to create an outdoor dining area only if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.~~
- ~~f. No such facility shall erect or install permanent fixtures in the public right-of-way.~~

~~8. Outdoor dining is permitted in a B1 District at a rate of 4 seats for every 12 linear feet of store frontage, with no more than 12 seats total per building; no elevated enclosed platforms on the street are permitted in a B1 District.~~

The following outdoor dining standards apply to both public outdoor dining facilities as permitted in Chapter 98 (Streets, Sidewalks and Other Public Places) and to outdoor dining facilities located on private property:

- A. Purpose and Intent: The purpose of this section is to provide harmonious outdoor dining design in order to support public health, activate public space, foster economic development, safeguard the use of public property, and provide flexibility for current trends and future demands for outdoor dining.**
- B. Outdoor Dining – General: Outdoor dining is permitted immediately adjacent to and abutting the principal use, subject to review by the Planning Board, or by the Planning Division at the discretion of the Planning Board, and the conditions below. For the purposes of this section, outdoor dining facility shall include outdoor dining patios and/or outdoor dining platforms.**

1. All outdoor activity including cleaning, maintenance and closing procedures must cease at the close of business or as noted in subsection 2.
2. When an outdoor dining facility is immediately adjacent to and abutting any single-family or multiple-family zoned residential district, all outdoor activity must cease at the close of business or 10:00 p.m., whichever is earlier.
3. Reviews of outdoor dining facilities shall include, but are not limited to, the following elements: tables, chairs, umbrellas, portable heating elements, barriers, service stations, landscaping/plantings, utilities, awnings, canopies, lighting, host/hostess stands, entertainment, valet operations, and any other adjacent neighboring outdoor dining facilities.
4. Outdoor dining facilities may be permitted to extend in front of neighboring properties or tenant spaces with the written permission of the property owners(s) affected and with Planning Board approval. Written permission must be renewed annually and submitted with the Outdoor Dining Permit application(s) for each outdoor dining facility affected.
5. When not in use, outdoor dining facility elements shall not be stacked, consolidated, stored or relocated outdoors with the exception of active snow removal or active regular maintenance of an outdoor dining facility.
6. All outdoor dining facilities shall be designed to meet the requirements of this section, as well as all applicable building and fire codes.

C. Outdoor Dining – Design: All outdoor dining facilities are subject to the following design standards:

1. All outdoor dining elements, fixtures and furnishings must be constructed of high quality and durable materials that are compatible with the establishment and the environment in which the outdoor dining facility is located.
2. Outdoor dining facilities shall provide and service refuse containers within the outdoor dining facility and maintain the area in good order. Public trash receptacles are not permitted to be utilized by outdoor dining facilities.
3. Outdoor dining facilities shall not contain enclosures as defined in Article 9, Section 9.02 of the Zoning Ordinance.
4. Outdoor dining platforms within the adjacent street or parking space(s) shall be designed to be flush with the curb, and may not extend beyond the curb into the furnishing zone except to accommodate accessibility requirements.

5. Overhead weather protection such as umbrellas, awnings or canopies are subject to the following conditions:

- i. Overhead weather protection shall not impede sight lines into a retail establishment, obstruct pedestrian flow within the outdoor dining facility, obstruct pedestrian or vehicular traffic flow outside the outdoor dining facility, or contain signage or advertising.**
- ii. Overhead weather protection on outdoor dining platforms must measure a minimum of 8 ft. from the finished floor of an outdoor dining platform, and shall not exceed 10 ft. in overall height;**

6. Barriers defining outdoor dining facilities shall be constructed of quality and durable materials, and shall be maintained and placed in a consistent and organized fashion. Barriers may not exceed 42 inches in height measured from grade or finished floor.

7. Windbreaks are permitted within outdoor dining facilities and shall be affixed to, or integrally designed within a barrier. The total combined height of a barrier and windbreak shall not exceed 42 inches as measured from grade or finished floor. Windbreaks must be constructed of a clear, rigid and durable material such as Plexiglas, glass or acrylic. Eisenglass and other vinyl-based materials are prohibited.

8. Portable heating elements must be maintained and kept in an orderly fashion and in accordance with all applicable codes and ordinances. Propane or other fuels may not be stored on public property, and are subject to the Storage and Display Standards outlined in Article 4, Section 4.67 of the Zoning Ordinance.

9. All service functions and ancillary elements including, but not limited to, trash receptacles, service stations or host/hostess stands must be located within the approved outdoor dining facility, contained, and kept in a neat and orderly fashion. Service stations and host/hostess stands may not exceed 4 feet in height. The storage of dirty dishware outdoors is prohibited.

D. Nonconforming Outdoor Dining Facilities: Any outdoor dining facility existing at the time of the enactment of this ordinance, or any amendments thereto, that does not conform to the requirements of the district in which it is located may be continued or maintained subject to the following provisions, provided the facilities remain in compliance with the approved site plan and maintain a valid annual Outdoor Dining License:

- 1. If a nonconforming outdoor dining facility is destroyed, it shall be repaired, reconstructed or replaced, in conformity with all the provisions of the current applicable codes and ordinances, and any remnants of the former outdoor dining facility shall be removed from the property.**
- 2. At the time that a non-conforming outdoor dining facility is replaced, renovated, or otherwise changed, the facility must be brought into compliance with the requirements of the current applicable codes and ordinances. Routine maintenance, including changing chairs and tables, umbrellas, waste receptacles, or other non-integral features is permitted for all existing outdoor dining facilities.**

ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF BIRMINGHAM:

TO AMEND CHAPTER 126, ARTICLE 9, SECTION 9.02, DEFINITIONS, TO ADD DEFINITIONS FOR ENCLOSURE, OUTDOOR DINING PATIO, AND PERMANENT FIXTURE.

Article 9, Section 9.02 – Definitions

Enclosure (outdoor dining): A vertical wall, panel, or other material that extends above 42 in. in height which provides extended relief from weather and impedes physical and/or visual access to the outdoor dining space. For the purposes of this definition, enclosure does not include exterior building walls.

Furnishing Zone: The area between the sidewalk and the curb where streetscape amenities such as planter boxes, streetlights, and tree wells are typically located.

~~**Outdoor Café:** An outdoor area accessory to an existing restaurant operation designated for consumption of food prepared within the restaurant and subject to the provisions of this ordinance.~~

Outdoor Dining Patio: A defined outdoor area accessory to an existing food and drink establishment designated for consumption of food and/or drink prepared within the establishment and subject to the provisions of this ordinance.

Outdoor Dining Platform: An elevated and defined outdoor area accessory to an existing food and drink establishment designated for consumption of food and/or drink prepared within the establishment that is located in a parking space and/or street and subject to the provisions of this ordinance.

Permanent Fixture (outdoor dining): Any element within an outdoor dining patio containing a foundation or other rigid attachment that prevents removal or that which requires extensive modifications to the public right-of-way.

Windbreaks: Temporary, seasonal elements in an outdoor dining facility provided to reduce the effect of harsh weather conditions for seated patrons.

ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk

AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 98 – - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE II. – STREETS, TO ADD SEC. 98-38

THE CITY OF BIRMINGHAM ORDAINS:

The City Code, Part II, Chapter 98. – Streets, Sidewalks and Other Public Places, Article II. – Streets, Sec. 98-38 shall read as follows:

Sec. 98-38. – Outdoor Dining.

Outdoor dining facilities may be permitted on a public street only with a valid annual Outdoor Dining License, subject to review by the Planning Board, or by the Planning Division at the discretion of the Planning Board, the provisions of Chapter 126 – Zoning, and provided that the following conditions are met:

- 1) Approval of an Outdoor Dining License and compliance with all current City codes and ordinances, including any conditions required by the City or the Planning Board in conjunction with site plan approval.**
- 2) No such establishment shall erect or install permanent fixtures in the public right-of-way.**
- 3) Operators of outdoor dining facilities shall be responsible for snow and ice removal, and shall remove snow and ice in a manner consistent with the regulations of the Department of Public Services.**
- 4) Outdoor dining facilities located in an alley or passage that has vehicular traffic are only permitted April 1 through December 31.**
- 5) An ADA compliant platform may be erected in the on-street parking space(s) immediately in front of a food or drink establishment to create an outdoor dining facility from April 1 through December 31, subject to an additional review by the Advisory Parking Committee.**
- 6) Preexisting legal-nonconforming outdoor dining facilities may be continued for a period of no longer than seven (7) years from the most recent site plan approval. In no case shall a pre-existing legal nonconforming outdoor dining facility be granted less than three (3) years of use of the outdoor dining facility from the enactment of this ordinance.**

Secs. 98-39. - 98-55. - Reserved.

All other Sections of Chapter 98. – STREETS, SIDEWALKS AND OTHER PLACES, ARTICLE II. – STREETS shall remain unaffected.

Ordained this _____ day of _____, 2023. Effective upon publication.

Therese Longe, Mayor

Alexandria D. Bingham, City Clerk

I, Alexandria D. Bingham, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held _____, 2023 and that a summary was published _____, 2023.

Alexandria D. Bingham, City Clerk

AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 98 – - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE III. – SIDEWALKS, TO ADD SEC. 98-71

THE CITY OF BIRMINGHAM ORDAINS:

The City Code, Part II, Chapter 98. – Streets, Sidewalks and Other Public Places, Article III. – Sidewalks, Sec. 98-71 shall read as follows:

Sec. 98-71. – Outdoor Dining.

Outdoor dining facilities may be permitted on a public sidewalk only with a valid annual Outdoor Dining License, subject to review by the Planning Board, or by the Planning Division at the discretion of the Planning Board, the provisions of Chapter 126 – Zoning, and provided that the following conditions are met:

- 1) Approval of an Outdoor Dining License and compliance with all current city codes and ordinances, including any conditions required by the City or the Planning Board in conjunction with site plan approval.**
- 2) Placement of outdoor dining patios shall be limited to either the area immediately adjacent to the building in which an establishment resides, or in the furnishing zone, but not both. Limited exceptions to the placement of outdoor dining patios as noted in this subsection may be made by the Planning Board where the streetscape conditions demonstrate sufficient space to permit adequate pedestrian passage.**
- 3) In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 ft.**
- 4) No such establishment shall erect or install permanent fixtures in the public right-of-way.**
- 5) Operators of outdoor dining facilities shall be responsible for snow and ice removal, and shall remove snow and ice in a manner consistent with the regulations of the Department of Public Services.**
- 6) Outdoor dining facilities located in an alley or passage that has vehicular traffic are only permitted April 1 through December 31.**
- 7) Preexisting legal-nonconforming outdoor dining facilities may be continued for a period of no longer than seven (7) years from the most recent site plan approval. In no case shall a preexisting legal nonconforming outdoor dining facility be granted less than three (3) years of use of the outdoor dining facility from the enactment of this ordinance.**

Secs. 98-72. - 98-90. - Reserved.

All other Sections of Chapter 98. – STREETS, SIDEWALKS AND OTHER PLACES, ARTICLE III. – SIDEWALKS shall remain unaffected.

Ordained this _____ day of _____, 2023. Effective upon publication.

Therese Longe, Mayor

Alexandria D. Bingham, City Clerk

I, Alexandria D. Bingham, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held _____, 2023 and that a summary was published _____, 2023.

Alexandria D. Bingham, City Clerk

Chapter 126, Article 4, Section 4.44 – Outdoor Dining Standards

This Outdoor Dining Standards section applies to the following districts:

B1 B2 B2B B2C B3 B4 MX 01 02 T23

The following outdoor dining standards apply **to both public outdoor dining facilities as permitted in Chapter 98 (Streets, Sidewalks and Other Public Places) and to outdoor dining facilities located on private property:**

- A. Purpose and Intent: The purpose of this section is to provide harmonious outdoor dining design in order to support public health, activate public space, foster economic development, safeguard the use of public property, and provide flexibility for current trends and future demands for outdoor dining.
- B. Outdoor Dining – General: Outdoor dining is permitted immediately adjacent to and abutting the principal use, subject to review by the Planning Board, or by the Planning Division at the discretion of the Planning Board, and the conditions below. For the purposes of this section, outdoor dining facility shall include outdoor dining patios and/or outdoor dining platforms.
 1. All outdoor activity including cleaning, maintenance and closing procedures must cease at the close of business or as noted in subsection 2.
 2. When an outdoor dining facility is immediately adjacent to and abutting any single-family or multiple-family zoned residential district, all outdoor activity must cease at the close of business or 10:00 p.m., whichever is earlier.
 3. Reviews of outdoor dining facilities shall include, but are not limited to, the following elements: tables, chairs, umbrellas, portable heating elements, barriers, service stations, landscaping/plantings, **utilities**, awnings, canopies, lighting, host/hostess stands, entertainment, valet operations, and any other adjacent neighboring outdoor dining facilities.
 4. Outdoor dining facilities may be permitted to extend in front of neighboring properties or tenant spaces with the written permission of the property owners(s) affected and with Planning Board approval. Written permission must be renewed annually and submitted with the Outdoor Dining Permit application(s) for each outdoor dining facility affected.
 5. **When not in use, outdoor dining facility elements shall not be stacked, consolidated, stored or relocated outdoors with the exception of active snow removal or active regular maintenance of an outdoor dining facility.**

- ~~6. Outdoor dining facilities may be permitted on public property only with a valid annual Outdoor Dining License, provided that the following conditions are met:~~
- ~~i. Approval of an Outdoor Dining License shall be contingent upon compliance with all current city codes and ordinances, including any conditions required by the City or the Planning Board in conjunction with Site Plan approval.~~
 - ~~ii. Operators of outdoor dining facilities shall be responsible for snow and ice removal, and shall remove snow and ice in a manner consistent with the regulations of the Department of Public Services.~~
 - ~~iii. All outdoor dining facility elements such as railings, planters, tables, chairs, heaters, umbrellas, and the like must be stored indoors each night between January 1 and March 31 to allow for complete snow and ice removal.~~
 - ~~iv. Outdoor dining patios located in an alley or passage that has vehicular traffic are only permitted April 1 through December 31.~~
 - ~~v. An ADA compliant platform may be erected in the on-street parking space(s) immediately in front of a food or drink establishment to create an outdoor dining facility from April 1 through December 31, subject to an additional review by the Advisory Parking Committee.~~
7. All outdoor **dining** facilities shall be designed to meet the requirements of this section, as well as all applicable building and fire codes.
- C. Outdoor Dining – Design: All outdoor dining facilities are subject to the following design standards:
- 1. All outdoor dining elements, fixtures and furnishings must be constructed of high quality and durable materials that are compatible with the establishment and the environment in which the outdoor dining facility is located.
 - 2. Outdoor dining facilities shall provide and service refuse containers within the outdoor dining facility and maintain the area in good order. Public trash receptacles are not permitted to be utilized by outdoor dining facilities.
 - 3. Outdoor dining facilities shall not contain enclosures as defined in Article 9, Section 9.02 of the Zoning Ordinance.
 - ~~4. In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 ft.~~
 - ~~5. Placement of outdoor dining patios shall be limited to either the area immediately adjacent to the building in which an establishment resides, or in the furnishing zone, but not both. Limited exceptions to the placement of outdoor dining patios as noted in this subsection may be made by the Planning Board where the streetscape conditions demonstrate sufficient space to permit adequate pedestrian passage, and as permitted in Article 4, Section 4.44(B)(4).~~

6. Outdoor dining platforms within the adjacent street or parking space(s) shall be designed to be flush with the curb, and may not extend beyond the curb into the furnishing zone except to accommodate accessibility requirements.
 7. ~~No such establishment shall erect or install permanent fixtures in the public right-of-way.~~
 8. Overhead weather protection such as umbrellas, awnings or canopies are subject to the following conditions:
 - i. Overhead weather protection shall not impede sight lines into a retail establishment, obstruct pedestrian flow within the outdoor dining facility, obstruct pedestrian or vehicular traffic flow outside the outdoor dining facility, or contain signage or advertising.
 - ii. Overhead weather protection on outdoor dining platforms must measure a minimum of 8 ft. from the finished floor of an outdoor dining platform, and shall not exceed 10 ft. in overall height;
 9. Barriers defining outdoor dining facilities shall be constructed of quality and durable materials, and shall be maintained and placed in a consistent and organized fashion. Barriers may not exceed 42 inches in height measured from grade or ~~the finished floor of an outdoor dining platform.~~
 10. Windbreaks are permitted within outdoor dining facilities and shall be affixed to, or integrally designed within a barrier. The total combined height of a barrier and windbreak shall not exceed 42 inches as measured from grade or ~~the finished floor of an outdoor dining platform.~~ Windbreaks must be constructed of a clear, rigid and durable material such as Plexiglas, glass or acrylic. Eisenglass and other vinyl-based materials are prohibited.
 11. Portable heating elements must be maintained and kept in an orderly fashion and in accordance with all applicable **fire codes and ordinances**. Propane or other fuels may not be stored on public property, and are subject to the Storage and Display Standards outlined in Article 4, Section 4.67 of the Zoning Ordinance.
 12. All service functions and ancillary elements including, but not limited to, trash receptacles, service stations or host/hostess stands must be located within the approved outdoor dining facility, contained, and kept in a neat and orderly fashion. Service stations and host/hostess stands may not exceed 4 feet in height. The storage of dirty dishware **outdoors** is prohibited.
- D. Nonconforming Outdoor Dining Facilities: Any outdoor dining facility existing at the time of the enactment of this ordinance, or any amendments thereto, that does not conform to the requirements of the district in which it is located may be continued or maintained subject to the following provisions, provided the facilities remain in compliance with the approved site plan and maintain a valid annual Outdoor Dining License:

1. If a nonconforming outdoor dining facility is destroyed, it shall be repaired, reconstructed or replaced, in conformity with all the provisions of the current applicable codes and ordinances, and any remnants of the former outdoor dining facility shall be removed from the property.
2. At the time that a non-conforming outdoor dining facility is replaced, renovated, or otherwise changed, the facility must be brought into compliance with the requirements of the current applicable codes and ordinances. Routine maintenance, including changing chairs and tables, umbrellas, waste receptacles, or other non-integral features is permitted for all existing outdoor dining facilities.

ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk



MEMORANDUM

Planning Division

DATE: December 14, 2022

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Outdoor Dining Ordinance – Public Hearing #2

On December 7, 2020 ([Agenda](#) – [Minutes](#)), the City Commission discussed amending the Zoning Ordinance to consider allowing the enclosure of outdoor dining areas during the winter months. The City Commission asked the Planning Board to consider this issue, and any regulations they may recommend should outdoor dining enclosures be permitted.

On June 21, 2021 ([Agenda](#) – [Minutes](#)), the City Commission and Planning Board met at a joint meeting to further discuss outdoor dining, and to get a clear direction as to what elements of outdoor dining should be addressed. In general, the City Commission and Planning Board discussed several topics spanning from enclosures to private vs. public space, but ultimately asked the Planning Board to take a comprehensive look at the entire outdoor dining ordinance.

On June 23, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board discussed outdoor dining in further detail based on the joint meeting two days prior. The Planning Board settled on a list of goals that they would like to focus on in the ordinance review process, which includes the following:

- Incentivize outdoor off-season dining;
- Review the placement of decks and enclosures;
- Ensure that additional outdoor off-season dining does not become an extension of the indoor space;
- Solicit feedback from restaurateurs of all types in the City;
- Seek possible ideas from local, national and international examples;
- Review the current ordinance for issues;
- Review tickets that were given out to temporary outdoor dining operations;
- Review photos of the variety of temporary outdoor dining structures that were used around the City;

- Explore options for maintaining permanent aspects of outdoor dining structures even if the parts of the structures come down in different seasons;
- Discuss potential differences in policy for outdoor dining on public versus private property;
- Solicit feedback from Public Services and the BSD;
- Review agreements from temporary outdoor dining to see if any of the temporary policies might be worth integrating;
- Consider aspects like sidewalk widths and snow clearing in writing the policy;
- Maintain the current seating allowances for differently-sized establishments and maintain the differences for establishments holding different kinds of licenses for alcoholic beverage service; and,
- Recommend a permanent solution so that restaurateurs do not have to continue to adapt to changing policies.

Study Session #1 Summary

On July 14, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board reviewed a high-level report on outdoor dining to guide future discussion. The topics included observations as to what constitutes “good” outdoor dining with national and local examples, as well as a local ordinance review for outdoor dining. The Planning Board discussed next steps and emphasized the need to (1) hear from different City Departments (code issues, retail neighbor conflicts, streetscape), (2) review available codes and ordinances from other areas of the country (enclosures, public vs. private, year-round), and (3) analyze information from national downtown associations or other related organizations (trends, social districts, success stories).

Study Session #2 Summary

On August 11, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board reviewed another high-level report in which the Planning Division presented various departmental comments on outdoor dining, a national outdoor dining ordinance review, conversations with local cities, and a study of national organization input and trends. The Planning Division also provided some public feedback from Engage Birmingham, which surveyed the public for their opinion of the COVID-19 temporary outdoor dining expansions, which were overwhelmingly positive. Moving forward, the Planning Board expressed interest in getting into more detail on seasonal/year round dining and its effect on street activation, public versus public space, the potential for regulating different restaurants/licenses differently, and defining and establishing a purpose of outdoor dining in the City.

Study Session #3 Summary

On September 9, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board discussed a report which contained comments from the Advisory Parking Committee, common issues with outdoor dining patios, information on the temporary COVID-19 patios, and also discussed the purpose of outdoor dining. In addition, the Planning Board was able to review an example of how the outdoor dining ordinance could look based on comments up to that point. Ultimately, the conversation started to get more granular with specific ordinance-related ideas ranging from an official stance on

enclosures to material guidelines to patio placement. There were several other requests for information including a review of Michigan Liquor Control Commission guidelines for outdoor dining, a review of the concept of windbreak versus wall, and the possibility of regulating outdoor dining by zones.

Study Session #4 Summary

On September 23, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board discussed the MLCC rules for outdoor dining patios, the concept of a windbreak and whether or not they should be permitted, and also explored the different zoning districts in which outdoor dining is permitted. These topics led to more conversation about how overhead weather protection will interact with said overhead coverings, and what typed of overhead protection the Planning Board should permit. The Planning Board expressed an interest in taking a deeper dive into overhead weather protection and reviewing different options.

Study Session #5 Summary

On October 27, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board focused much their conversation on overhead weather protection and which types may be considered within the new ordinance language, and what different issues might arise with the different styles. In addition, the Birmingham Fire Chief Paul Wells gave a brief overview of the fire code as it relates to overhead weather protection, and offered some guidance to the Planning Board regarding fire suppression and other aspects of outdoor dining. In addition to overhead weather protection, the Planning Board provided some clear direction on the subjects of windbreaks, year-round dining, and the role of outdoor dining decks.

Study Session #6 Summary

On December 8, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board reviewed comments regarding outdoor dining from the Birmingham Shopping District (BSD). In addition to the BSD comments, the Planning Board also reviewed some updated comments from the Fire Department based on their additional research into the Fire Code. To round out the meeting, the Planning Board outlined several items that they feel need further discussion/decision moving forward:

- Whether establishments with liquor licenses and establishments without liquor licenses should be handled differently;
- Whether there should be on-season and off-season dates for outdoor dining, and what should happen to furniture and other equipment on public property if there are different 'seasons';
- Whether establishments should be permitted outdoor dining on both a sidewalk and a deck if requested, and if not, what the City wants to incentivize instead;
- What types of coverings and equipment should be allowed, and how specific the standards should be in terms of material, location, and other considerations;
- Whether outdoor dining should be permitted to extend beyond the storefront of an establishment, and if so, what the limitations should be;

- Whether outdoor dining decks should be limited to a certain number per block; and,
- Whether outdoor dining in public space and outdoor dining in private space should be regulated differently.

Study Session #7 Summary

On January 12, 2022 ([Agenda](#) – [Minutes](#)), the Planning Board discussed the several questions posed in the previous study session and came to a conclusion on most of them. In general, the Planning Board decided on a short extension to the regular outdoor dining season, treating all outdoor dining establishments alike, enhanced material and appearance standards, and allowing expansion of patios with neighbor consent. During this study session, the Planning Board also reviewed seating data for the different outdoor dining establishments, and was provided a map of all outdoor dining in the City, which is heavily concentrated downtown. Ultimately, the Planning Board asked Staff to take their comments and work them into a new revised set of ordinance amendments to review on February 9, 2022.

Study Session #8 Summary

On February 9, 2022 ([Agenda](#) – [Minutes](#)), the Planning Board worked on fine-tuning a set of ordinance amendments to try to finalize a few of their discussion points, and make sure the intent of the original direction of the City Commission was met. The Planning Board made several revision requests that were aimed at clarifying different aspects of the proposed ordinance, but especially relating to the barriers and enclosure regulations. In addition, the Planning Board made some requests to review various site plans from approved outdoor dining patios in the City to help guide the final discussions on the placement of patios, and other design limitations.

Study Session #9 Summary

On March 9, 2022 ([Agenda](#) – [Minutes](#)), the Planning Board took another long look at the proposed ordinance language and offered several minor changes to the text in an attempt to offer further clarity and consistency throughout the ordinance. In addition, the Planning Board discussed the remaining issues that were in need of direction. In short, the Planning Board decided that they did not wish to restrict outdoor dining patios to one contiguous patio, but did express interest in restricting platform dining to the street with no impingement on the furniture zone. Additionally, the majority of the Planning Board did not feel as though fixed awnings were appropriate over outdoor dining platforms, and sought additional language to restrict overhead weather protection to umbrellas on platforms. Finally, the Planning Board did not feel as though the numbers of platforms per block should be restricted.

Public Hearing #1 Summary

On March 9, 2022, the Planning Board moved to set a public hearing date of April 13, 2022 for a final review and recommendation to be forwarded to the City Commission. Due to a noticing issue, the Planning Board reset the public hearing to May 11, 2022 ([Agenda](#) – [Minutes](#)). At the public hearing, the Planning Division provided finalized ordinance language based on Planning Board comments, but also re-circulated the language to each department, as well as the City

Attorney to ensure that the language addressed their concerns, and would provide consistent and enforceable regulation. Ultimately, a motion to recommend approval to the City Commission failed 3-4. The driving factors behind the failed vote were concerns over the impact of the amended ordinance language on existing establishments, and some lingering design questions

Joint Meeting Summary

On June 20, 2022 ([Agenda](#) – [Minutes](#)), the Planning Board and City Commission held a joint meeting to discuss a few remaining policy considerations related to the overall outdoor dining study, as well as give the Commission a progress report. Three main questions were posed to the group:

1. Does the Commission wish to engage in any additional public input on the outdoor dining ordinance?
2. Does the Commission wish to consider a cap on the number of outdoor dining platforms permitted in the public rights-of-way by block, by area, or overall?
3. Should the Planning Board require additional documents and plans regarding the integration of valet operations and outdoor dining?

During the meeting, there was consensus that the City should use its constant contact email service to help inform the public of the upcoming outdoor dining study session. In addition, the group was in agreement that a non-conformity or sunset provision would be appropriate based on the nature of some of the larger changes proposed. Finally, it was unanimously accepted that a valet operations plan be included wherever outdoor dining facilities and valet operations coexist.

Study Session #10 Summary

On July 13, 2022 ([Agenda](#) – [Minutes](#)), the Planning Board discussed at length the final major design considerations that were unresolved, which included outdoor dining facilities in the furnishing zone, overhead weather protection, and windbreaks.

Study Session #11 Summary

On August 10, 2022 ([Agenda](#) – [Minutes](#)), the Planning reviewed revised ordinance language to reflect an adjustment to outdoor dining facility placement, the allowance of canopies and awnings on platforms, and other minor improvements.

Study Session #12 Summary

On September 14, 2022 ([Agenda](#) – [Minutes](#)), the Planning Division provided the minor revisions requested from the Planning Board from the previous meeting. The Planning Board discussed each section and provided staff with comments and requests for minor changes. At that time, the Planning Board indicated that the nonconforming section of the ordinance is the final hurdle, and provided commentary on what type of language best suited the outdoor dining ordinance based on the number of outdoor dining facilities and the time horizon for changes.

Study Session #13 Summary

On November 9, 2022 ([Agenda](#)) the Planning Board reviewed a document that contained all of the requested changes from the Planning Board, which was also reviewed by the City Attorney. The Planning Board fielded a large amount of public comment regarding the proposed “sunset” language in the nonconformity section, which the Planning board agreed to remove for the public hearing.

Public Hearing #2

The Planning Division has provided final ordinance language that considered the feedback received from the Planning Board at the last study session, as well as sample motion language below.

Sample Motion Language:

Motion to recommend to the City Commission APPROVAL of the amendments to Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide more clear and enforceable outdoor dining ordinances.



MEMORANDUM

Planning Division

DATE: March 20th, 2023

TO: Thomas M. Markus, City Manager

FROM: Brooks Cowan, Senior Planner

APPROVED: Nicholas Dupuis, Planning Director

SUBJECT: Set Public Hearing for 1429 Quarton Road, Parcel # 19-26-203-003 Lot Division

INTRODUCTION:

The owner of the property known as 1429 Quarton Road is seeking a lot division to break off a southern portion of their lot to create a new property that would face Pilgrim Ave.

BACKGROUND:

The subject property located at the corner of Quarton Road and Pilgrim Ave is 48,744 square feet and located in the R1 Single Family Residential zone. The owners of the property intend to remain in their current household at 1429 Quarton Road. The applicant has indicated that they would like to divide their lot to enable an additional family to live in Birmingham and experience the wonderful environment, neighborhood, and city that they have been so fortunate to live in for most of their lives.

The Subdivision Regulation Ordinance (Chapter 102, Section 102-53) requires that the following standards be met for approval of a lot division.

- (1) *All lots formed or changed by the division shall conform to the minimum requirements of chapter 126 of this Code for the zone district in which the property is located.*

The subject property (Parcel A) is zoned R1 Single Family Residential with frontage on Quarton Road. The front setback is 73.4', the rear setback is 97.6', and the side setbacks are 24.3' and 39'. Only the rear setback will be modified, which is proposed to be reduced from 97.6' to 67.6', well beyond the minimum 30' requirement. The remaining lot size will be 32,604 square feet in size, also well beyond the 9,000 sq. ft. minimum. No non-conformities will be created with the original parcel at 1429 Quarton Road.

The proposed lot for Pilgrim Street (Parcel B) will be 16,140 square feet with a lot width of 102.5' and a depth of 154'-160'. Therefore satisfying the minimum lot area for the R1 Single Family zone of 9,000 square feet. Any new residential dwelling proposed for the new lot will be subject to review from the Building Department and all requirements of the Zoning Ordinance's R1 (Single Family Residential) zoning district.

Accordingly, no non-conformities would be created on either of the resulting parcels as a result of the proposed lot division.

- (2) *All residential lots formed or changed by the division shall have a lot width, as defined in chapter 126, of not less than the average lot width of all lots on the same street within 300 feet of the lots formed or changed and within the same zone district.*

The average lot width on Pilgrim Street within 300 feet of the the proposed property in the same zone is 86.25 feet. The properites across the street on Pilgrim from the subject are zoned R1-A and therefore are not included in the calculation. The applicant is proposing a new lot on Pilgrim Street that is 102.5 feet, 16.25 feet beyond the minimum requirement. **Accordingly, the applicant satisfies this requirement.**

- (3) *The division will not adversely affect the interest of the public and of the abutting property owners. In making this determination, the City Commission shall consider, but not be limited to the following:*

- a. *The location of proposed buildings or structures, the location and nature of vehicular ingress or egress so that the use of appropriate development of adjacent land or buildings will not be hindered, nor the value thereof impaired.*
- b. *The effect of the proposed division upon any flood plain areas, wetlands or other natural features and the ability of the applicant to develop buildable sites on each resultant parcel without unreasonable disturbance of such natural features.*
- c. *The location, size, density and site layout of any proposed structures or buildings as they may impact an adequate supply of light and air to adjacent properties and the capacity of essential public facilities such as police and fire protection, drainage structures, municipal sanitary sewer and water, and refuse disposal.*

The new proposed lot facing Pilgrim has a similar width and area as the surrounding properties. It does not appear that the location of proposed buildings or structures nor the location and nature of vehicular ingress or egress will hinder the development of adjacent land nor impair the value of said land.

The subject property is not located within the floodplain or soil erosion limit of a recognized stream, river, lake or other water body. The site does not appear to exhibit evidence of regulated wetlands or endangered species of flora and fauna. The proposed lot division does not appear to unreasonably disturb the natural features of the site.

The proposed lot split will not negatively affect the supply of light and air to adjacent properties. It will not negatively affect the capacity of essential public facilities. City departments have no objections to the proposed lot split.

Accordingly, the applicant satisfies this requirement.

LEGAL REVIEW:

The City Attorney has reviewed the application and has no concerns as to the form or content.

FISCAL IMPACT:

There are no fiscal impacts for this agenda item.

PUBLIC COMMUNICATIONS:

Prior to the application being considered by the City Commission, the City Clerk's office will send out notices to all property owners and tenants within 300 feet of the subject property.

SUMMARY:

The Planning Division recommends that the City Commission set a public hearing date of April 24th, 2023 to consider the lot division of 1429 Quarton Road, parcel # 19-26-203-003.

ATTACHMENTS:

- Surveys
- Application & attachments

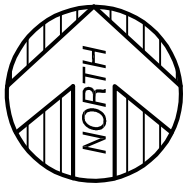
SUGGESTED ACTION:

Make a motion adopting a resolution to set a public hearing date of April 24th, 2023 to consider the lot division of 1429 Quarton Road, parcel # 19-26-203-003.

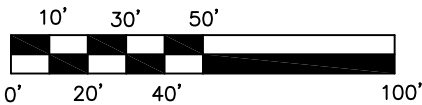
EXISTING PROPERTY SURVEY

PROPERTY DESCRIPTION:

LOT 165 EXCEPT THE SOUTH 25 FT, CASPAR J. LINGEMAN'S QUARTON ROAD UNIT NO.1 OF QUARTON LAKE ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 1788, PAGE 179 OF PLATS, OAKLAND COUNTY RECORDS.

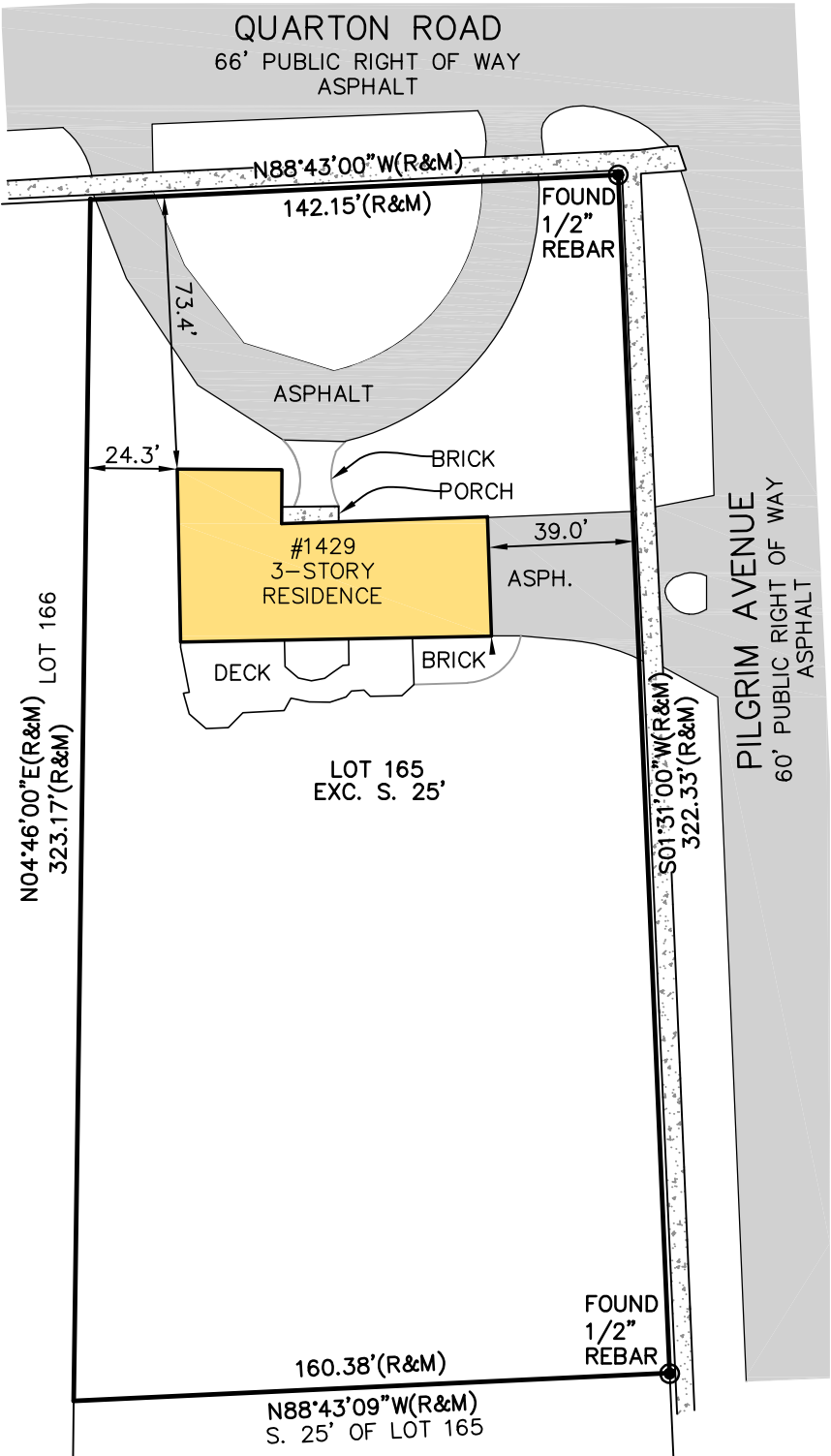


SCALE: 1"=50'



NOTES:

1. A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.



LEGEND

- SET 1/2" REBAR WITH CAP, #47976
- ⊙ FOUND MONUMENT (AS NOTED)
- (M) MEASURED DIMENSION
- (R) RECORD DIMENSION



Handwritten signature of Anthony T. Sycko, Jr.



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CERTIFIED TO: JON ELEVKROG

FIELD SURVEY: JS AW

DATE: FEBRUARY 15, 2023

DRAWN BY: NPH JDM

SHEET: 1 OF 4

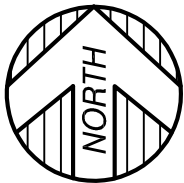
SCALE: 1" = 50'

JOB NO.: 22-02547

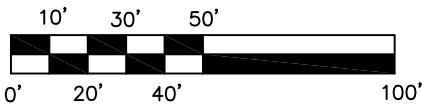
PROPOSED PROPERTY SURVEY

PROPERTY DESCRIPTION:

LOT 165 EXCEPT THE SOUTH 25 FT, CASPAR J. LINGEMAN’S QUARTON ROAD UNIT NO.1 OF QUARTON LAKE ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 1788, PAGE 179 OF PLATS, OAKLAND COUNTY RECORDS.

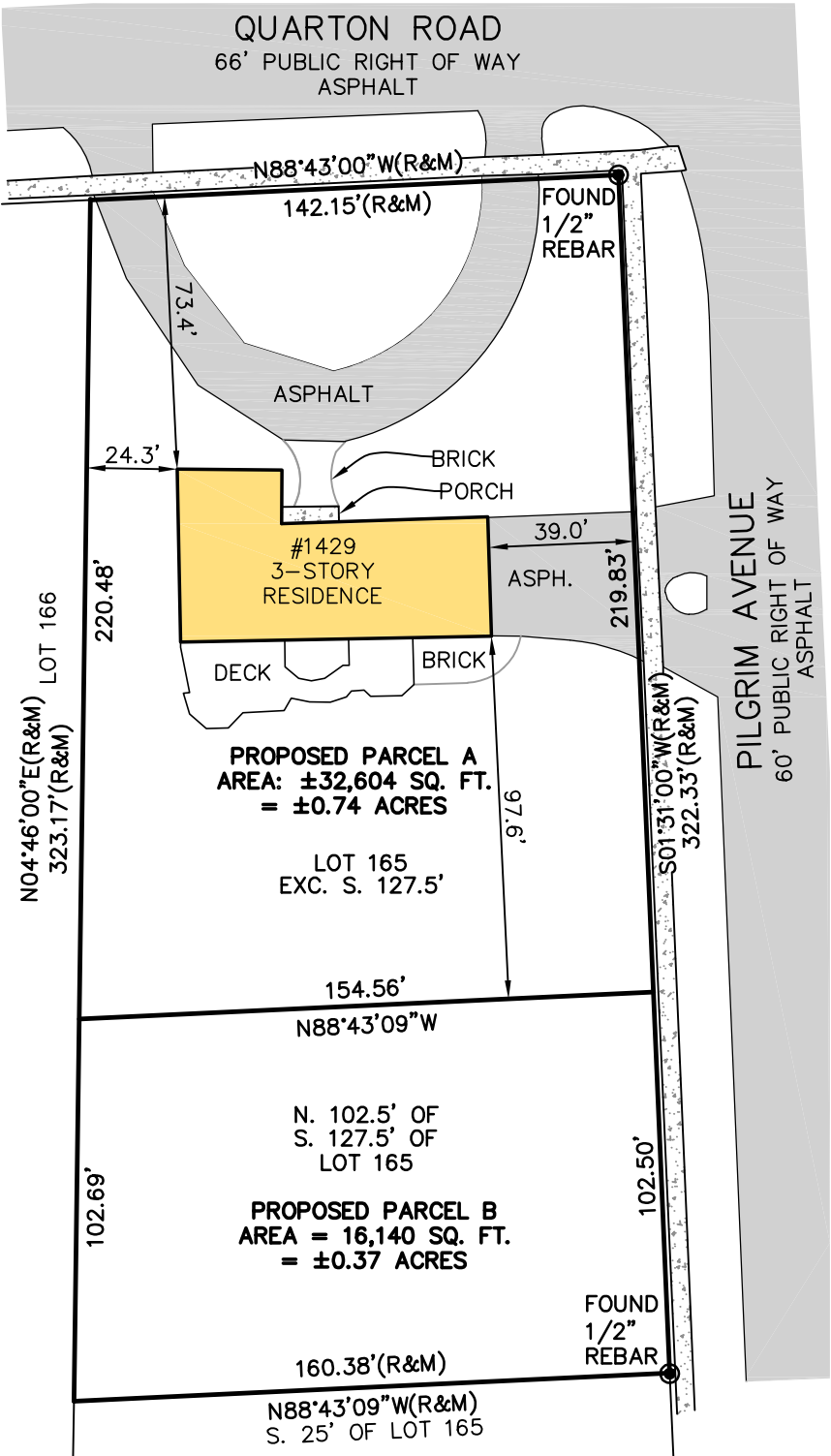


SCALE: 1"=50'



NOTES:

- 1. A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.
- 2. ALL PROPERTY SPLITS REQUIRE PRIOR CITY, TOWNSHIP, COUNTY, AND/OR STATE APPROVAL.



LEGEND

- SET 1/2" REBAR WITH CAP, #47976
- ⊙ FOUND MONUMENT (AS NOTED)
- (M) MEASURED DIMENSION
- (R) RECORD DIMENSION



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CERTIFIED TO: JON ELEVKROG

FIELD SURVEY: JS AW

DATE: FEBRUARY 15, 2023

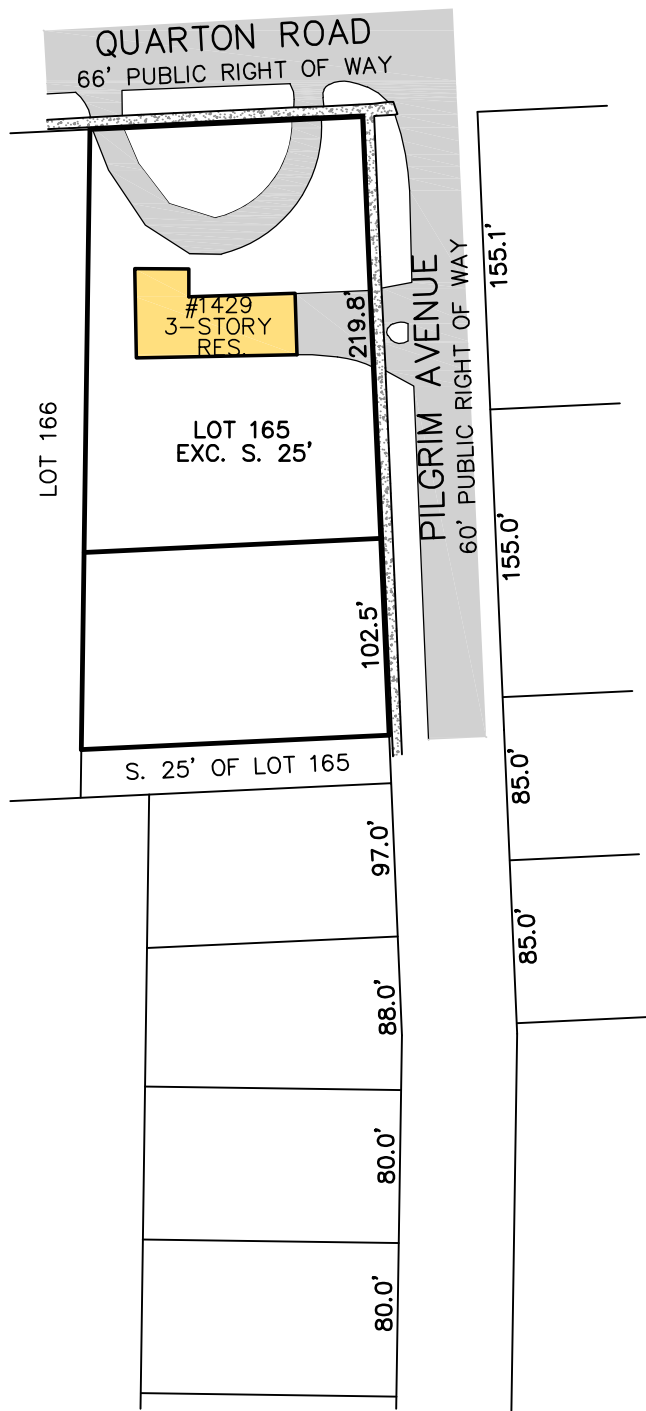
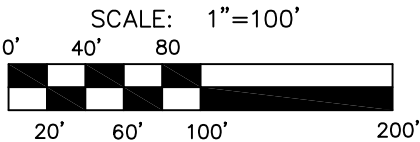
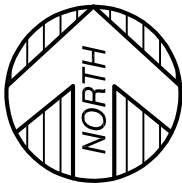
DRAWN BY: NPH JDM

SHEET: 2 OF 4

SCALE: 1" = 50'

JOB NO.: 22-02547

STREET FRONTAGE MAP



PILGRIM AVE PARCEL FRONTAGE	
PARCEL ID	FRONTAGE (FT)
19-26-203-008	97.0
19-26-203-009	88.0
19-26-203-010	80.0
19-26-203-011	80.0
19-26-226-001	155.1
19-26-226-002	150.0
19-26-226-046	85.0
19-26-226-047	85.0
AVERAGE	102.5



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CERTIFIED TO: JON ELEVKROG

FIELD SURVEY: JS AW

DATE: FEBRUARY 15, 2023

DRAWN BY: JDM

SHEET: 3 OF 4

SCALE: 1" = 100'

JOB NO.: 22-02547

LEGAL DESCRIPTIONS

PROPERTY DESCRIPTION:

PARENT PARCEL:


LOT 165 EXCEPT THE SOUTH 25 FT, CASPAR J. LINGEMAN’S QUARTON ROAD UNIT NO.1 OF QUARTON LAKE ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 1788, PAGE 179 OF PLATS, OAKLAND COUNTY RECORDS.

PARCEL A:

LOT 165 EXCEPT THE SOUTH 127.5 FT, CASPAR J. LINGEMAN’S QUARTON ROAD UNIT NO.1 OF QUARTON LAKE ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 1788, PAGE 179 OF PLATS, OAKLAND COUNTY RECORDS.

PARCEL B:

NORTH 102.5 FT OF SOUTH 127.5 FEET OF LOT 165, CASPAR J. LINGEMAN’S QUARTON ROAD UNIT NO.1 OF QUARTON LAKE ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 1788, PAGE 179 OF PLATS, OAKLAND COUNTY RECORDS.

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CERTIFIED TO: JON ELEVKROG	
FIELD SURVEY: N/A	DATE: FEBRUARY 15, 2023
DRAWN BY: JDM	SHEET: 4 OF 4
SCALE: N/A	JOB NO.: 22-02547

1429 Quarton Rd



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



David Coulter
Oakland County Executive

Date Created: 3/16/2023



1 inch = 200 feet



Division of Platted Lots Application
Planning Division

1. Applicant

Name: _____

Address: _____

Phone Number: _____

Email: _____

2. Property Owner (☐ *same as applicant*)

Name: _____

Address: _____

Phone Number: _____

Email: _____

3. Project Contact Person (☐ *same as applicant*)

Name: _____

Address: _____

Phone Number: _____

Email: _____

4. Project Designer/Developer

Name: _____

Address: _____

Phone Number: _____

Email: _____

5. Required Attachments

- One (1) copy or a registered land survey showing:
 - All existing and proposed platted lot lines;
 - Legal descriptions of proposed lots;
 - Locations of existing lots and structures within a 300 ft. radius;
 - Footprints of proposed development(s) including proposed building envelope with front, side and rear setbacks clearly labeled;
- One (1) digital copy of plans;
- Proof of ownership;
- Written statement of reasons for request;
- A letter of authority or power of attorney in the event that the application is made by a person other than the owner;
- Sketches of proposed development (*optional*);
- Other data having a direct bearing on the request;
- Any other information requested by the City Commission, Planning or other Departments.

6. Project Information

Address: _____

Parcel ID#: _____

Current Use: _____

Current Zoning: _____

Legal Description: _____

Lot 165 except the south 25 ft, Caspar J. Lingeman's Quarton Road unit No. 1 of Quarton Lake Estates, according to the plat thereof, as recorded in liber 1788, page 179 of plats, Oakland County Records.

7. Details of the Proposed Lot Division (attach separate sheet if necessary)

No development of the new lot is currently proposed. The plan is to sell the lot to someone who would like to build on it.

My parents, Jan and Maury, have lived at 1429 Quarton Road for over five decades and they would like to divide their lot to enable an additional family to live in Birmingham and experience the wonderful environment, neighborhood, and city that they have been so fortunate to live in for most of their lives.

Signature of Property Owner: _____ **Date:** _____

Signature of Applicant: _____ Date: _____

Date of Approval: _____ Date of Denial: _____ Reviewed By: _____



Notice Sign Rental Application Community Development

1. Applicant

Name: _____
Address: _____

Phone Number: _____
Email: _____

2. Property Owner (☐ same as applicant)

Name: _____
Address: _____

Phone Number: _____
Email: _____

3. Project Information

Address: _____
Name of Development: _____
Parcel ID#: _____
Current Use: _____
Proposed Use: _____
Area of Site in Acres: _____
Current Zoning: _____


	Yes	No
Is the property located in a floodplain? -----	<input type="checkbox"/>	<input type="checkbox"/>
Is the property within a Historic District? ---	<input type="checkbox"/>	<input type="checkbox"/>
→ If so, which? _____		
Will the project require a variance? -----	<input type="checkbox"/>	<input type="checkbox"/>
→ If so, how many? _____		
Has the project been reviewed by a Board?	<input type="checkbox"/>	<input type="checkbox"/>
→ If so, which? _____		

4. Date of Board/Commission Review

City Commission: _____
Planning Board: _____
Historic District Commission: _____
Design Review Board: _____

Board of Zoning Appeals: _____
Advisory Parking Committee: _____
Multimodal Transportation Board: _____
Other: _____

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to post the Notice Sign(s) at least 15 days prior to the date on which the project will be reviewed by the appropriate board or commission, and to ensure that the Notice Sign(s) remains posted during the entire 15 day mandatory posting period. The undersigned further agrees to pay a rental fee and security deposit for the Notice Sign(s), and to remove all such signs on the day immediately following the date of the hearing at which the project was reviewed. The security deposit will be refunded when the Notice Sign(s) are returned undamaged to the Community Development Department. Failure to return the Notice Sign(s) and/or damage to the Notice Sign(s) will result in forfeiture of the security deposit.

Signature of Applicant: _____  Date: _____

Office Use Only

Application #: _____	Date Received: _____	Fee: \$ _____
Date of Approval: _____	Date of Denial: _____	Reviewed By: _____



MEMORANDUM

Planning Division

DATE: March 20th, 2023

TO: Thomas M. Markus, City Manager

FROM: Brooks Cowan, Senior Planner

APPROVED: Nicholas Dupuis, Planning Director

SUBJECT: Sculpture Loan Contract renewal for "Windswept" in Barnum Park

INTRODUCTION:

The City is seeking to renew the art-on-loan contract for the sculpture "Windswept" in Barnum Park.

BACKGROUND:

In December of 2017, the City Commission approved a 5 year contract for the sculpture on loan. The sculpture was installed spring of 2018 and is approaching the end of its current loan term.

LEGAL REVIEW:

The City Attorney has reviewed the updated loan renewal contract and has no concerns as to the form and content.

FISCAL IMPACT:

There is no fiscal impact of the sculpture loan renewal. The owner is responsible for maintenance and removal.

PUBLIC COMMUNICATIONS:

The original installation of the sculpture involved meetings with the Public Arts Board, the Parks and Recreation Board, and the City Commission where the agenda items were posted online and the public had the opportunity to comment during such meetings.

SUMMARY:

The Planning Division recommends that the City Commission consider renewing the art-on-loan agreement with Gary Kulak for the sculpture "Windswept" in Barnum Park for an additional 3 years.

ATTACHMENTS:

- Sculpture image, Exhibit A & B
- Art on loan agreement
- Proof of artist insurance rider
- Cultural Council of Birmingham Bloomfield art on loan insurance

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve the art-on-loan agreement with Gary Kulak for the sculpture "Windswept" in Barnum Park for an additional 3 years, and to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

Exhibit A & B: Windswept at Barnum Park



ART WORK ON LOAN

INSTALLATION AND MAINTENANCE AGREEMENT

This Art Work on Loan Installation and Maintenance Agreement (the "Agreement") is entered into on this 28th day of February, 2023, by and between the CITY OF BIRMINGHAM, a Michigan municipal corporation (the "City"), whose address is 151 Martin Street, Birmingham, Michigan, 48009, and Gary Kulak ("Owner"), whose address is 23459 Church St.
Southfield, MI 48033

Recitals

Owner is the owner of the Art Work known as the Windswept. Owner desires to loan, install, and maintain the Art Work as photographed in Exhibit A (the "Art Work"), at location Bossum Park attached on Exhibit B, hereto (the "Location"). The City has agreed to permit Owner to loan, install, and maintain the Art Work at the Location, subject to the terms and conditions set forth in this Agreement.

Accordingly, the parties agree as follows:

Agreement

1. Installation of Art Work. Owner shall, at its sole expense, loan and install the Art Work at the Location and restore the Location to its full condition prior to installation. The Owner guarantees the City Location will not be altered, changed, or damaged, as a result of the loaned Art Work. The Art Work is valued at \$ 80,000, as appraised on Exhibit C.
2. Maintenance and Conservation of Art Work. Owner shall be solely responsible for all maintenance and conservation of the Art Work, at their full expense, for the entire duration of the loan. In the event the Art Work is damaged, Owner shall, at their sole expense, promptly repair the Art Work, or remove the Art Work pursuant to Section 5 below.
3. Ownership of the Art Work. Owner shall retain full ownership and responsibility of the Art Work and Owner may, in accordance with the terms and conditions of this Agreement, remove the Art Work from the Location at any time, for any reason consistent with Section 5.
4. Release. In consideration of the City's display of the Art Work on public property, Owner hereby grants to the City of Birmingham, its officers and employees, the right to photograph the Art Work and the further right to use photographic images of the Art Work in promotional material prepared by or for the City of Birmingham, including any commercial or noncommercial promotional materials. Owner waives any rights to any payments from the sale of any City promotional materials that feature the Art Work, reimbursements of any kind for any gains to the City because of promotional materials, or any gains to the City as a result of the loaned Art Work.

5. Removal of Art Work. In the event the Art Work is removed from the Location, for any reason, Owner shall, at its sole expense, restore the area to its prior condition or consistent with the current environment at the time of removal, as requested by the City. The Owner guarantees the City Location will not be altered, changed, or damaged, as a result of the loaned Art Work.
6. Binding on Successors and Assigns. This Contract shall be binding upon and apply and inure to the benefit of the parties hereto and their respective successors or assigns. The covenants, conditions, and the agreements herein contained are hereby declared binding on the City and Owner. It is further agreed that there shall be no change, modification, or alteration hereof, except in writing, signed by both of the parties hereto. Neither party shall assign any of the rights under this contract without prior approval, in writing, of the other. Any attempt at assignment without prior written consent shall be void and of no effect.
7. No Waiver. No waiver of any covenant or condition contained in this Agreement, or of any breach of any such covenant or condition, shall constitute a waiver of any subsequent breach of such covenant or condition by either party, or justify or authorize the nonobservance on any other occasion of the same or any other covenant or condition hereof of either party.
8. Insurance. Art Work loaned to the City shall be insured by the Cultural Council of Birmingham Bloomfield through their service agreement with the City, which includes the City of Birmingham as an additional insured (Exhibit D) to insure the Art Work.

The Owner shall also obtain and provide a copy of their personal insurance for any third party claims made against the artist or the City. The City shall be named as an "additional insured." This insurance is for any and all demands, suits or loss, 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 Art Work and/or Agreement, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against the City, its elected and appointed officials, employees, volunteers or others on behalf of City.

9. Indemnification. Owner and any entity or person for whom Owner is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City, including City's elected and appointed officials, employees and volunteers and others working on behalf of City, against any and all claims, demands, suits or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on behalf of City, 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 City, its elected or appointed officials, employees, volunteers or others working on

behalf of City.

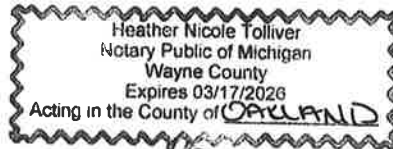
10. Arbitration. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, 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.
11. Interpretation. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. Owner agrees that it shall adhere to all federal, state and local laws currently in effect or as subsequently amended or enacted.
12. Entire Agreement. This Agreement contains the entire agreement of the parties hereto with respect to the installation and maintenance of the Art Work described above, and this Agreement may not be amended or modified, in whole or in part, except by an instrument in writing signed by the parties hereto, their respective successors or assigns.
13. Term. This Agreement shall be for a period of 3 years and commence upon the installation of the Art Work.
14. Termination of Agreement. This Agreement shall automatically terminate at the expiration of the 3 year term, or upon the removal of the Art Work from the Location in compliance with Section 5 of this Agreement.
15. Renewal Option. Parties shall have the option to renew this Agreement for an additional 3 year term, as agreed to in writing.

IN WITNESS WHEREOF, the parties hereto have their hands and seals the day and year first above written.

OWNER:

By: [Signature]
Its: Owner

STATE OF MICHIGAN)
) ss:
COUNTY OF OAKLAND)



On this 28TH day of FEBRUARY, 2023, before me personally appeared GARY KUWAK, who acknowledged that with authority on behalf of CITY OF BIRMINGHAM do so he/she signed this Agreement.

Heather Nicole Tolliver
Notary Public
WAYNE County, Michigan
Acting in OAKLAND County, Michigan
My commission expires: 3-17-2026

CITY OF BIRMINGHAM:

By: _____
Therese Longe, Mayor

By: _____
Alexandria D. Bingham, City Clerk

APPROVED:

[Signature]
Thomas M. Markus, City Manager
(Approved as to substance)

[Signature]
Jana L. Ecker, Assistant City Manager
(Approved as to substance)

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

[Signature]
Mark Gerber, Finance Director
(Approved as to substance)




CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/14/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER  Barbara Merten-Dubensky 800 N Old Woodward Ste 200 Birmingham MI 48009		CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS:		FAX (A/C, No):	
INSURED Gary Kulak Sculpture LLC 23459 Churches St Southfield MI 48033		INSURER(S) AFFORDING COVERAGE			NAIC #
		INSURER A : State Farm Fire and Casualty Company			25143
		INSURER B :			
		INSURER C :			
		INSURER D :			
		INSURER E :			
		INSURER F :			

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE		ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/>	COMMERCIAL GENERAL LIABILITY			92-BP-Q899-0	05/09/2022	05/09/2023	EACH OCCURRENCE	\$ 1,000,000
	<input type="checkbox"/>	CLAIMS-MADE	<input checked="" type="checkbox"/> OCCUR	DAMAGE TO RENTED PREMISES (Ea occurrence)				\$ 300,000	
				MED EXP (Any one person)				\$ 1,000	
				PERSONAL & ADV INJURY				\$ 1,000,000	
				GENERAL AGGREGATE				\$ 2,000,000	
				PRODUCTS - COMP/OP AGG				\$ 2,000,000	
GEN'L AGGREGATE LIMIT APPLIES PER:								\$	
<input type="checkbox"/>	POLICY	<input type="checkbox"/> PRO-JECT	<input type="checkbox"/> LOC						
<input type="checkbox"/>	OTHER:								
AUTOMOBILE LIABILITY								COMBINED SINGLE LIMIT (Ea accident)	\$
<input type="checkbox"/>	ANY AUTO							BODILY INJURY (Per person)	\$
<input type="checkbox"/>	OWNED AUTOS ONLY	<input type="checkbox"/> SCHEDULED AUTOS						BODILY INJURY (Per accident)	\$
<input type="checkbox"/>	HIRED AUTOS ONLY	<input type="checkbox"/> NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	\$
<input type="checkbox"/>									\$
	UMBRELLA LIAB		<input type="checkbox"/>	OCCUR				EACH OCCURRENCE	\$
	EXCESS LIAB		<input type="checkbox"/>	CLAIMS-MADE				AGGREGATE	\$
	<input type="checkbox"/>	DED	<input type="checkbox"/>	RETENTION \$					\$
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY								PER STATUTE	OTH-ER
ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)		<input type="checkbox"/> Y / N	N / A					E.L. EACH ACCIDENT	\$
If yes, describe under DESCRIPTION OF OPERATIONS below								E.L. DISEASE - EA EMPLOYEE	\$
								E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER THE CITY OF BIRMINGHAM 151 MARTIN ST BIRMINGHAM MI 48009	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Carole Lasker</i> CSAS Completed by an authorized State Farm representative. If signature is required, please contact a State Farm agent.
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11-0775-00
TFC O'CONNELL AGENCY
27500 FARMINGTON RD STE B
FARMINGTON HILLS MI 48334-3313

Auto-Owners **INSURANCE**

LIFE • HOME • CAR • BUSINESS

PO Box 30660 • Lansing, MI 48909-8160
517.323.1200

06-15-2022

Auto-Owners Insurance Company

CULTURAL COUNCIL OF
BIRMINGHAM/BLOOMFIELD
929 S ETON ST
BIRMINGHAM MI 48009-7080

You can view your policy or change your paperless options at
any time online at www.auto-owners.com.

Your agency's phone number is 248-848-1900.

RE: Policy 904611-04108614-22

Thank you for selecting Auto-Owners Insurance Group to serve your insurance needs! Feel free to contact your independent Auto-Owners agent with questions you may have.

Auto-Owners and its affiliate companies offer a full complement of policies, each of which has its own eligibility requirements, coverages and rates. Please take this opportunity to review your insurance needs with your Auto-Owners agent, and discuss which company and program may be most appropriate for you.

Auto-Owners Insurance Company was formed in 1916. Our A++ (Superior) rating by A.M. Best Company signifies that we have the financial strength to provide the insurance protection you need. The Auto-Owners Insurance Group is comprised of six property and casualty companies and a life insurance company.

Serving Our Policyholders and Agents Since 1916

NOTICE OF PRIVACY PRACTICES

What We Do To Protect Your Privacy

At Auto-Owners Insurance Group*, we value your business and we want to retain your trust. In the course of providing products and services, we may obtain nonpublic personal information about you. We assure you that such information is used only for the purpose of providing our products and services to you.

Protecting Confidentiality

Our agents and Company associates may have access to nonpublic personal information only for the purpose of providing our products or services to you. We maintain physical, electronic and procedural safeguards against unauthorized use of your nonpublic personal information.

Information We Obtain

To assist in underwriting and servicing your policy, we may obtain nonpublic personal information about you. For example, we routinely obtain information through applications, forms related to our products or services, from visiting www.auto-owners.com, and your transactions with us. We may obtain such information from our affiliates, independent insurance agents, governmental agencies, third parties, or consumer reporting agencies.

The type of information that we collect depends on the product or service requested, but may include your name, address, contact information, social security number, credit history, claims history, information to properly investigate and resolve any claims, or billing information. We may obtain your medical history with your permission. The nature and extent of the information we obtain varies based on the nature of the products and services you receive.

The Internet and Your Information

If you would like to learn about how we gather and protect your information over the Internet, please see our online privacy statement at www.auto-owners.com/privacy.

Generally, Auto-Owners may use cookies, analytics, and other technologies to help us provide users with better service and a more customized web experience. Our business partners may use tracking services, analytics, and other technologies to monitor visits to www.auto-owners.com. The website may use web beacons in addition to cookies. You may choose to not accept cookies by changing the settings in your web browser.

Information obtained on our websites may include IP address, browser and platform types, domain names, access times, referral data, and your activity while using our site; who should use our web site; the security of information over the Internet; and links and co-branded sites.

Limited Disclosure

Auto-Owners Insurance Group companies do not disclose any nonpublic personal information about their customers or former customers except as permitted by law. We do not sell your personal information to anyone. We do not offer an opportunity for you to prevent or "opt out of" information sharing since we only share personal information with others as allowed by law.

When sharing information with third parties to help us conduct our business, we require them to protect your personal information. We do not permit them to use or share your personal information for any purpose other than the work they are doing on our behalf or as required by law.

The types of information disclosed may include personal information we collect as necessary to service your policy or account, investigate and pay claims, comply with state and federal regulatory requests or demands, and process other transactions that you request. Third parties that receive disclosures may include your independent agent, regulators, reinsurance companies, fraud prevention agencies, or insurance adjusters.

How Long We Retain Your Information

We generally retain your information as long as reasonably necessary to provide you services or to comply with applicable law and in accordance with our document retention policy. We may retain copies of information about you and any transactions or services you have used for a period of time that is consistent with applicable law, applicable statute of limitations or as we believe is reasonably necessary to comply with applicable law, regulation, legal process or governmental request, to detect or prevent fraud, to collect fees owed, to resolve disputes, to address problems with our services, to assist with investigations, to enforce other applicable agreements or policies or to take any other actions consistent with applicable law.

In some circumstances we may anonymize your personal information (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you. This allows the specific information collected (name, email, address, phone number, etc.) to become anonymous, but allows Auto-Owners to keep the transaction or engagement data.

Changes to the Privacy Policy

We will provide a notice of our privacy policy as required by law. This policy may change from time to time, but you can always review our current policy by visiting our website at www.auto-owners.com/privacy or by contacting us.

Contact Us

Auto-Owners Insurance Company
Phone: 844-359-4595 (toll free)
Email: privacyrequest@aoins.com

*Auto-Owners Insurance Group includes, Auto-Owners Insurance Company, Auto-Owners Life Insurance Company, Home-Owners Insurance Company, Owners Insurance Company, Property-Owners Insurance Company and Southern-Owners Insurance Company.

NOTIFICATION OF POSSIBLE CHANGES IN COVERAGE FOR TERRORISM

Dear Policyholder:

The Terrorism Risk Insurance Act (including ensuing Congressional actions pursuant to the Act) will expire on December 31, 2027 unless the Federal government extends the Act. What this means to you is the following:

1. Subject to policy terms and conditions, the enclosed policy will provide insurance coverage for certified acts of terrorism as defined in the Act only until December 31, 2027.
2. A conditional endorsement entitled, Conditional Exclusion Of Terrorism Involving Nuclear, Biological Or Chemical Terrorism (Relating To Disposition Of Federal Terrorism Risk Insurance Act) is enclosed. This conditional endorsement will only apply if the Act is not extended or if the Act is revised to increase statutory deductibles, decrease the federal government's share in potential losses above the statutory deductibles, change the levels, terms or conditions of coverage and we are no longer required to make terrorism coverage available and elect not to do so. It will not apply if the Act is simply extended.
3. The conditional endorsement will provide coverage for an incident of terrorism pursuant to the terms and conditions of the policy only if the incident does not involve nuclear, biological or chemical material.
4. A premium charge for the conditional endorsement will be applied effective January 1, 2028. The premium will be pro rated for the remainder of the policy term and is one-half of the current premium charge appearing in the Declarations for TERRORISM - CERTIFIED ACTS. However, it will only be made if the Terrorism Risk Insurance Act (including ensuing Congressional actions pursuant to the Act) is not extend. Revised Declarations will be mailed to you after January 1, 2028.
5. If the Act is extended without any revision, the enclosed policy will continue to provide coverage for certified acts of terrorism. The conditional endorsement will not be activated and the changes in coverage or premium referenced above will not apply.
6. If the Act is extended with revisions or is replaced, and we are required or elect to continue to offer coverage for certified acts of terrorism, we may amend this policy in accordance with the provisions of the revised Act or its replacement.

This notice is for informational purposes only.

If you have any questions concerning your policy or this notice, please contact your Auto-Owners agency.

NOTICE OF CHANGE IN POLICY TERMS MICHIGAN AMENDATORY - APPRAISAL

Dear Policyholder,

Effective with this renewal, form 16900 (10-20) MICHIGAN AMENDATORY - APPRAISAL has been added. Provisions in regards to the selection of appraisers and an umpire in case of loss settlement disagreement have been added.

This notice is for informational purposes only. This notice provides no coverage and it must not be construed to replace or modify any provisions of your policy or endorsements. Your policy contains the specific terms, limits and conditions of coverage, and supersedes this notice.

If you have questions concerning this notice, please contact your Auto-Owners agent.

INSURANCE COMPANY
6101 ANACAPRI BLVD., LANSING, MI 48917-3999

AGENCY TFC O'CONNELL AGENCY
11-0775-00 MKT TERR 004 248-848-1900

INSURED CULTURAL COUNCIL OF
BIRMINGHAM/BLOOMFIELD

ADDRESS 929 S ETON ST
BIRMINGHAM MI 48009-7080

TAILORED PROTECTION POLICY DECLARATIONS

Renewal Effective 07-15-2022

POLICY NUMBER 904611-04108614-22

Company Use 04-46-MI-9007

Company
Bill

Policy Term

12:01 a.m. 12:01 a.m.
07-15-2022 to 07-15-2023

In consideration of payment of the premium shown below, this policy is renewed. Please attach this Declarations and attachments to your policy. If you have any questions, please consult with your agent.

55039 (11-87)

COMMON POLICY INFORMATION

Business Description: Community Assoc

Entity: Non Profit

Program: Service

Discount Applies For Affiliation With: Birmingham/Bloomfield Chamber Of Commerce

THIS POLICY CONSISTS OF THE FOLLOWING COVERAGE PART(S):	PREMIUM
COMMERCIAL GENERAL LIABILITY COVERAGE	\$505.00
COMMERCIAL INLAND MARINE COVERAGE	\$3,922.00
TOTAL	\$4,427.00
PAID IN FULL DISCOUNT	\$437.00
TOTAL POLICY PREMIUM IF PAID IN FULL	\$3,990.00

THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.

The Paid in Full Discount does not apply to fixed fees, statutory charges or minimum premiums.

Forms that apply to all coverage part(s) shown above (except garage liability, dealer's blanket, commercial automobile, if applicable):
IL0017 (11-85) 55000 (07-12) 55056 (07-87) 59390 (11-20)

A merit rating plan factor of 1.00 applies.

THIS POLICY IS EXEMPT FROM THE FILING REQUIREMENTS OF SECTION 2236 OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.2236.

Auto-Owners Ins. Co.

Issued 06-15-2022

 AGENCY TFC O'CONNELL AGENCY
 11-0775-00 MKT TERR 004

 Company POLICY NUMBER 904611-04108614-22
 Bill 04-46-MI-9007

INSURED CULTURAL COUNCIL OF

Term 07-15-2022 to 07-15-2023

55040 (11-87)

COMMERCIAL GENERAL LIABILITY COVERAGE

COVERAGE	LIMITS OF INSURANCE
General Aggregate (Other Than Products-Completed Operations)	\$2,000,000
Products-Completed Operations Aggregate	\$2,000,000
Personal And Advertising Injury	\$1,000,000
Each Occurrence	\$1,000,000
Damage to Premises Rented to You (Fire Damage)	\$50,000 Any One Premises
Medical Payments	\$5,000 Any One Person
Hired Auto & Non-Owned Auto	\$1,000,000 Each Occurrence

Twice the "General Aggregate Limit", shown above, is provided at no additional charge for each 12 month period in accordance with form 55885.

AUDIT TYPE: Non-Audited

Forms that apply to this coverage:

55405 (07-08)	59350 (01-15)	CG0168 (10-92)	IL0017 (11-85)	55146 (06-04)
IL0021 (07-02)	CG2106 (05-14)	55028 (05-17)	CG2002 (11-85)	CG0001 (04-13)
55513 (05-17)	CG2109 (06-15)	55029 (05-17)	CG2196 (03-05)	IL0286 (04-17)
CG2132 (05-09)	CG2147 (12-07)	55885 (05-17)	CG2005 (04-13)	CG2026 (04-13)
59325 (12-19)	59390 (11-20)			

LOCATION 0001 - BUILDING 0001**Location:** 940 E Maple Rd, Birmingham, MI 48009-6403**Territory:** 003**County:** Oakland

CLASSIFICATION	CODE	SUBLINE	PREMIUM BASIS	RATE	PREMIUM
Hired Auto & Non-Owned Liability	04001	Auto	Flat Charge		\$96.00
Clubs - Civic, Service Or Social - No Buildings Or Premises Owned Or Leased Except For Office Purposes (Not-For Profit)	41670	Prem/Op Prod/Comp Op	Members 100 100	Each 1 3.512 .025	\$351.00 \$3.00
Additional Interests	49950				
Designated Per/Organization L					
1. City Of Birmingham		Prem/Op Prod/Comp Op	Flat Charge Flat Charge		\$25.00 \$25.00

COMMERCIAL GENERAL LIABILITY COVERAGE - LOCATION 0001 SUMMARY	PREMIUM
TERRORISM - CERTIFIED ACTS SEE FORM: 59350, 55405, 59390	\$5.00
LOCATION 0001	\$505.00

Auto-Owners Ins. Co.

Issued 06-15-2022

 AGENCY TFC O'CONNELL AGENCY
 11-0775-00 MKT TERR 004

 Company POLICY NUMBER 904611-04108614-22
 Bill 04-46-MI-9007

INSURED CULTURAL COUNCIL OF

Term 07-15-2022 to 07-15-2023

16198 (07-87)

COMMERCIAL INLAND MARINE COVERAGE**COVERAGES PROVIDED**

Insurance applies to covered property for which a limit of insurance is shown.

Forms that apply to Inland Marine:

16079 (04-16)	16381 (07-08)	59350 (01-15)	16080 (07-13)	16639 (05-17)
16848 (03-19)	59325 (12-19)	16859 (07-19)	16900 (10-20)	59390 (11-20)

LOCATION 0001 - BUILDING 0001**Location:** 940 E Maple Rd, Birmingham, MI 48009-6403

COVERAGE	COINSURANCE	DEDUCTIBLE	LIMIT	RATE	PREMIUM
OTHER					
8520 Miscellaneous Property		\$250	\$241,000	1.611	\$3,883.00
TOTAL FOR THIS COVERAGE:					\$3,883.00

COMMERCIAL INLAND MARINE COVERAGE - LOCATION 0001 SUMMARY

	PREMIUM
TERRORISM - CERTIFIED ACTS SEE FORM: 59350, 16381, 59390	\$39.00
LOCATION 0001	\$3,922.00

A single deductible applies per claim. If more than one item is involved in a claim, the single highest applicable deductible amount is used.

Auto-Owners Ins. Co.

Issued 06-15-2022

AGENCY TFC O'CONNELL AGENCY
11-0775-00 MKT TERR 004

Company POLICY NUMBER 904611-04108614-22
Bill 04-46-MI-9007

INSURED CULTURAL COUNCIL OF

Term 07-15-2022 to 07-15-2023

55056 (07-87)

SUPPLEMENTAL DECLARATIONS

16079 MISCELLANEOUS PROPERTY

2. "TORSO" (OAKLAND & OLD WOODWARD)	26,500
5. "BIRD" BY NATHAN DIANA (OAKLAND & FERNDALE) (TRIANGLE-OLD WOODARD & WOODWARD)	10,000
10. ASTRANTIA 35X60	6,400
11. ECHEVERIA 64X43	7,500
12. TROLIUS 24X42	4,500
13. FERN 30X42	5,000
14. MILKWEED 30X50	5,500
15. RED VELVET ECHEVERIA 40X68	7,800
16. VERONICA 40X40	5,000
17. LINDEN 40X60	6,400
18. OPIUM POPPY 40X60	6,400
19. WINDSWEPT BY GARY KULAK (BARNUM PARK)	75,000
20. EASTERN HOPHORNBEAM, BY ROBERT LOBE	75,000

Auto-Owners Insurance Company
COINSURANCE CONTRACT

16079 (4-16)

MISCELLANEOUS PROPERTY FLOATER

COVERAGE

PROPERTY COVERED

We cover the property described which is:

1. owned by you; or
2. owned by others in your care, custody or control.

Description of
Property

Amount of
Insurance

SEE SUPPLEMENTAL DECLARATIONS

\$ \$241,000

\$

\$

\$

DEDUCTIBLE

From the amount of each adjusted claim, we will deduct the amount stated below or in the Declarations:

Amount of Deductible \$ 250

The deductible shall not apply to loss or damage from these perils: fire; lightning; explosion; windstorm; cyclone; tornado or hail; riot, riot attending a strike or civil commotion; aircraft; smoke; earthquake; collapse of bridges or culverts; collision, derailment or overturn of the vehicle on which the property insured is being transported; stranding, sinking, burning or collision of water vessels.

PERILS WE INSURE AGAINST

We cover risk of direct physical loss or damage, not excluded in this form, to the property covered.

EXCLUSIONS

We do not cover under this form loss or damage caused directly or indirectly by any of the following, whether or not any other cause or happening contributes concurrently or in any sequence to the loss or damage:

1. Seizure or destruction of property by order of governmental authority. But we will pay for such acts of destruction taken at the time of a fire to prevent its spread if the fire would be covered under this form.
2. Nuclear action meaning nuclear reaction, radiation, radioactive contamination, discharge of a nuclear weapon, however caused and whether controlled or uncontrolled, or any consequence of any of these. We will cover direct loss resulting from fire if caused by any of these, if fire is covered elsewhere in this form.
3. War (declared or undeclared), civil war, insurrection, rebellion or revolution.

4. Wear and tear; inherent vice; hidden or latent defect; gradual deterioration; mechanical breakdown; insects, vermin, rodents; depreciation; or by processing or any work on the property. We will cover direct loss from fire or explosion which is caused by any of these.
5. Corrosion, rusting, dampness of atmosphere, or extremes of temperature.
6. Misappropriation, secretion, conversion, infidelity or any dishonest act by you or others or the employees or agents of either to whom the covered property may be entrusted. This exclusion does not apply to carriers for hire.
7. Artificially generated electrical currents to electrical apparatus. We will cover loss or damage caused directly by ensuing fire or explosion.
8. Any process of refinishing, renovating or repairing.
9. Fouling or explosion of firearms.
10. Breakage, marring, scratching, tearing or denting, unless caused by: fire or lightning; aircraft; theft and/or attempted theft; cyclone, tornado or windstorm; earthquake; flood; explosion; malicious damage or collision, derailment or overturn of a transporting conveyance.
11. Theft of the money or merchandise of vending machines.

ADDITIONAL CONDITIONS

1. Coinsurance Clause

We will pay no more than the amount of loss or damage multiplied by the ratio of the amount of insurance on the property covered to its actual cash value at the time of loss.

2. Territory

This policy applies only within the continental United States and Canada.

Auto-Owners Insurance Company

COMMERCIAL GENERAL LIABILITY
CG 20 05 04 13**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.****ADDITIONAL INSURED - CONTROLLING INTEREST**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE**Name Of Person(s) Or Organization(s):**

ST JAMES EPISCOPAL CHURCH
FIRST BAPTIST CHURCH OF BIRMINGHAM
FIRST CHURCH OF CHRIST SCIENTIST
FIRST UNITED METHODIST CHURCH
CITY OF BIRMINGHAM
RAI DWIN LIBRARY
BIRMINGHAM HISTORICAL MUSEUM
BIRMINGHAM ICE SPORTS ARENA

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II - Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to their liability arising out of:

1. Their financial control of you; or
2. Premises they own, maintain or control while you lease or occupy these premises.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. This insurance does not apply to structural alterations, new construction and demolition operations performed by or for that person or organization.

C. With respect to the insurance afforded to these additional insureds, the following is added to **Section III - Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on the behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations; whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

Auto-Owners Insurance Company

COMMERCIAL GENERAL LIABILITY
CG 20 26 04 13**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.****ADDITIONAL INSURED - DESIGNATED
PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE**Name Of Additional Insured Person(s) Or Organization(s):**

CITY OF BIRMINGHAM

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not

be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
 2. Available under the applicable Limits of Insurance shown in the Declarations;
- whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

Auto-Owners Insurance Company

55405 (7-08)Z

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

CONDITIONAL EXCLUSION OF TERRORISM INVOLVING NUCLEAR, BIOLOGICAL OR CHEMICAL TERRORISM (RELATING TO DISPOSITION OF FEDERAL TERRORISM RISK INSURANCE ACT)

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
LIQUOR LIABILITY COVERAGE PART
OWNERS AND CONTRACTORS PROTECTIVE LIABILITY COVERAGE PART
RAILROAD PROTECTIVE LIABILITY COVERAGE PART

A. Applicability Of This Endorsement

1. The provisions of this endorsement will apply if and when one of the following situations occurs:
 - a. The federal Terrorism Risk Insurance Program ("Program"), established by the Terrorism Risk Insurance Act of 2002 (including ensuing Congressional actions pursuant to the Act), terminates; or
 - b. The Program is renewed, extended or otherwise continued in effect:
 - (1) With revisions that increase insurers' statutory percentage deductible or decrease the federal government's statutory percentage share in potential terrorism losses above such deductible, or that results in a change in the level or terms or conditions of coverage; and
 - (2) We are not required by the Program to make terrorism coverage available to you and elect not to do so.
2. When this endorsement becomes applicable in accordance with the terms of A.1.a. or A.1.b., above, it supersedes any terrorism

endorsement already endorsed to this policy that addresses "certified acts of terrorism".

3. If this endorsement does NOT become applicable, then any terrorism endorsement already endorsed to this policy, that addresses "certified acts of terrorism", will remain in effect. However, if the Program is renewed, extended or otherwise continued in effect with revisions that change the level or terms or conditions of coverage, and we are required to offer you the revised coverage or to provide revised coverage to those who previously accepted coverage under the Program, then we will take the appropriate steps in response to the federal requirements.

- B. The following definition is added and applies under this endorsement wherever the term terrorism is enclosed in quotation marks.

"Terrorism" means activities against persons, organizations or property of any nature:

1. That involve the following or preparation for the following:
 - a. Use or threat of force or violence; or
 - b. Commission or threat of a dangerous act; or

- c. Commission or threat of an act that interferes with or disrupts an electronic, communication, information, or mechanical system; and

2. When one or both of the following applies:

- a. The effect is to intimidate or coerce a government or the civilian population or any segments thereof, or to disrupt any segment of the economy; or
- b. It appears that the intent is to intimidate or coerce a government or the civilian population, or to further political, ideological, religious, social or economic objectives or to express (or express opposition to) a philosophy or ideology.

C. The following exclusion is added:

Exclusion Of "Terrorism"

We will not pay for "bodily injury", "property damage", "personal injury" or "advertising injury" caused directly or indirectly by "terrorism", including action in hindering or defending against an actual or expected incident of "terrorism". All "bodily injury", "property damage", "personal injury" or "advertising injury" is excluded regardless of any other cause or event that contributes concurrently or in any sequence to such

injury or damage. This exclusion applies only when one or more of the following are attributed to an incident of "terrorism":

1. The "terrorism" is carried out by means of the dispersal or application of radioactive material, or through the use of a nuclear weapon or device that involves or produces a nuclear reaction, nuclear radiation or radioactive contamination;
2. Radioactive material is released, and it appears that one purpose of the "terrorism" was to release such material;
3. The "terrorism" is carried out by means of the dispersal or application of pathogenic or poisonous biological or chemical materials; or
4. Pathogenic or poisonous biological or chemical materials are released, and it appears that one purpose of the "terrorism" was to release such materials.

Multiple incidents of "terrorism" which occur within a 72-hour period and appear to be carried out in concert or to have a related purpose or common leadership will be deemed to be one incident, regardless of whether this endorsement was in effect during the entirety of that time period or not.

Auto-Owners Insurance Company

16859 (7-19)

ACTUAL CASH VALUE AND DEPRECIATION

Commercial Inland Marine

It is agreed:

Wherever it appears in this policy and any endorsement attached to this policy:

1. Actual cash value means the cost to repair or replace lost or damaged property with property of similar quality and features reduced by the amount of depreciation applicable to the lost or damaged property immediately prior to the loss.
2. Depreciation means a decrease in value because of age, wear, obsolescence or market value and includes:
 - a. The cost of materials, labor and services;

- b. Any applicable taxes; and
- c. Profit and overhead necessary to repair, replace or rebuild lost or damaged property.

The meaning of actual cash value and depreciation in this endorsement supersedes any provision in this policy and any endorsement attached to this policy to the contrary.

All other policy terms and conditions apply.

16859 (7-19)

Page 1 of 1

Auto-Owners Insurance Company

16900 (10-20)

MICHIGAN AMENDATORY - APPRAISAL

Commercial Inland Marine

It is agreed:

COMMERCIAL INLAND MARINE CONDITIONS, SPECIAL CONDITIONS is amended. **APPRAISAL** is deleted and replaced by the following condition.
APPRAISAL

If you and we do not agree on the amount of the loss or the value of covered property, either party may demand that these amounts be determined by appraisal. If either makes a written demand for appraisal, each will select a competent, independent appraiser and notify the other of the appraiser's identity within 20 days of receipt of the written demand. The two appraisers will then select a competent, impartial umpire. If the two appraisers are unable to agree upon an umpire within 15 days, you or we can ask a judge of the circuit court for the county of record in the state where the property is located to select an umpire.

The appraisers will then determine and state separately the amount of each loss.

The appraisers will also determine the value of covered property items at the time of the loss, if requested.

If the appraisers submit a written report of any agreement to us, the amount agreed upon will be the amount of the loss. If the appraisers fail to agree within a reasonable time, they will submit only their differences to the umpire. Written agreement so itemized and signed by any two of these three will set the amount of the loss.

Each appraiser will be paid by the party selecting that appraiser. Other expenses of the appraisal and the compensation of the umpire will be paid equally by you and us.

All other policy terms and conditions apply.

16900 (10-20)

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Page 1 of 1

Auto-Owners Insurance Company

16381 (7-08)Z

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

CONDITIONAL EXCLUSION OF TERRORISM INVOLVING NUCLEAR, BIOLOGICAL OR CHEMICAL TERRORISM (RELATING TO DISPOSITION OF FEDERAL TERRORISM RISK INSURANCE ACT)

This endorsement modifies insurance provided under the following:

COMMERCIAL INLAND MARINE COVERAGE PART

A. Applicability Of This Endorsement

1. The provisions of this endorsement will apply if and when one of the following situations occurs:

- a. The federal Terrorism Risk Insurance Program ("Program"), established by the Terrorism Risk Insurance Act of 2002 (including ensuing Congressional actions pursuant to the Act), terminates; or

- b. The Program is renewed, extended or otherwise continued in effect:

- (1) With revisions that increase insurers' statutory percentage deductible or decrease the federal government's statutory percentage share in potential terrorism losses above such deductible, or that results in a change in the level or terms or conditions of coverage; and

- (2) We are not required by the Program to make terrorism coverage available to you and elect not to do so.

2. When this endorsement becomes applicable in accordance with the terms of A.1.a. or A.1.b., above, it supersedes any terrorism endorsement already endorsed to this policy that addresses "certified acts of terrorism".

3. If this endorsement does NOT become applicable, then any terrorism endorsement already endorsed to this policy, that addresses "certified acts of terrorism", will remain in effect. However, if the Program is renewed, extended or otherwise continued in effect with revisions that change the level or terms or conditions of coverage, and we are required to offer you the revised coverage or to provide the revised coverage to those who previously accepted coverage under the Program, then we will take the appropriate steps in response to the federal requirements.

- B. The following definition is added and applies under this endorsement wherever the term terrorism is enclosed in quotation marks. "Terrorism" means activities against persons, organizations or property of any nature:

1. That involve the following or preparation for the following:
 - a. Use or threat of force or violence; or
 - b. Commission or threat of a dangerous act; or
 - c. Commission or threat of an act that interferes with or disrupts an electronic, communication, information, or mechanical system; and

2. When one or both of the following applies:

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- a. The effect is to intimidate or coerce a government or the civilian population or any segments thereof, or to disrupt any segment of the economy; or
- b. It appears that the intent is to intimidate or coerce a government or the civilian population, or to further political, ideological, religious, social or economic objectives or to express (or express opposition to) a philosophy or ideology.

C. The following exclusion is added:

Exclusion Of "Terrorism"

We will not pay for loss or damage caused directly or indirectly by "terrorism", including action in hindering or defending against an actual or expected incident of "terrorism". Such loss or damage is excluded regardless of any other cause or event that contributes concurrently or in any sequence to the loss. This exclusion applies only when one or more of the following are attributed to an incident of "terrorism":

- 1. The "terrorism" is carried out by means of the dispersal or application of radioactive material, or through the use of a nuclear weapon or device that involves or produces a nuclear reaction, nuclear radiation or radioactive contamination;
- 2. Radioactive material is released, and it appears that one purpose of the "terrorism" was to release such material;
- 3. The "terrorism" is carried out by means of the dispersal or application of pathogenic or poisonous biological or chemical materials; or
- 4. Pathogenic or poisonous biological or chemical materials are released, and it appears that one purpose of the "terrorism" was to release such materials.

Multiple incidents of "terrorism" which occur within a 72-hour period and appear to be carried out in concert or to have a related purpose or common leadership will be deemed to be one incident, regardless of whether this endorsement was in effect during the entirety of that time period or not.

**CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM
AND
IMPORTANT INFORMATION REGARDING TERRORISM RISK
INSURANCE COVERAGE**

It is agreed:

1. With respect to any one or more certified acts of terrorism, we will not pay any amounts for which we are not responsible because of the application of any provision which results in a cap on our liability for payments for terrorism losses in accordance with the terms of the federal Terrorism Risk Insurance Act of 2002 (including ensuing Congressional actions pursuant to the Act).
2. Certified act of terrorism means any act certified by the Secretary of the Treasury, in consultation with:
 - a. the Secretary of Homeland Security; and
 - b. the Attorney General of the United Statesto be an act of terrorism as defined and in accordance with the federal Terrorism Risk Insurance Act of 2002 (including ensuing Congressional actions pursuant to the Act).
3. Under the federal Terrorism Risk Act of 2002 (including ensuing Congressional actions pursuant to the Act) a terrorist act may be certified:
 - a. if the aggregate covered commercial property and casualty insurance losses resulting from the terrorist act exceed \$5 million; and
 - b. (1) if the act of terrorism is:
 - a) a violent act; or
 - b) an act that is dangerous to human life, property or infrastructure; and
 - (2) if the act is committed:
 - a) by an individual or individuals as part of an effort to coerce the civilian population of the United States; or
 - b) to influence the policy or affect the conduct of the United States government by coercion.

All other policy terms and conditions apply.

IMPORTANT INFORMATION REGARDING TERRORISM RISK INSURANCE COVERAGE

The Terrorism Risk Insurance Act of 2002 was signed into law on November 26, 2002. The Act (including ensuing Congressional actions pursuant to the Act) defines an act of terrorism, to mean any act that is certified by the Secretary of the Treasury, in consultation with the Secretary of Homeland Security and the Attorney General of the United States to be (i) an act of terrorism; (ii) to be a violent act or an act that is dangerous to human life, property or infrastructure; (iii) to have resulted in damage within the United States or outside the United States in the case of certain air carriers or vessels or the premises of a United States mission; and (iv) to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States government by coercion.

Subject to the policy terms and conditions, this policy provides insurance coverage for acts of terrorism as defined in the Act.

Any coverage for certain commercial lines of property and casualty insurance provided by your policy for losses caused by certified acts of terrorism are partially paid by the federal government under a formula established by federal law. Under this formula, the government will reimburse us for 85% of such covered losses that exceed the statutory deductible paid by us. However, beginning January 1, 2016 the share will decrease 1% per calendar year until it equals 80%. **You should also know that in the event aggregate insured losses exceed \$100 billion during any year the Act is in effect, then the federal government and participating United States insurers that have met their insurer deductible shall not be liable for the payment of any portion of that amount of the loss that exceeds \$100 billion. In the event that aggregate insured losses exceed \$100 billion annually, no additional claims will be paid by the federal government or insurers.** This formula is currently effective through December 31, 2020 unless extended.

The premium charge, if any, for this coverage is shown separately on the attached Declarations page. In the event of a certified act of terrorism, future policies also may include a government assessed terrorism loss risk-spreading premium in accordance with the provisions of the Act.

Please contact us if you would like to reject coverage for certified acts of terrorism.



MEMORANDUM

Planning Division

DATE: March 27, 2023

TO: Thomas M. Markus, City Manager

FROM: Alexandria Bingham, City Clerk
Nicholas Dupuis, Planning Director
Scott Grewe, Chief of Police

SUBJECT: Public Hearing - 2023 Liquor License Inspections

INTRODUCTION:

As a part of the Annual Liquor License Renewal process, the Planning Division and Police Department conducted inspections and provided enforcement histories for establishments that sell intoxicating liquor for consumption on the premises in the City pursuant to Chapter 10 of the Birmingham Code of Ordinances.

BACKGROUND:

On February 27, 2023 ([Agenda](#)), the City Commission reviewed all establishments currently holding a Class B, Class C, or Microbrewery Liquor License and moved to set a public hearing for the establishments listed below to consider whether the City Commission shall file objections with the Michigan Liquor Control Commission. City Staff has followed up with these establishments and has provided an update on the status of each complaint filed:

1. Casa Pernoï – 310 E. Maple

- Issue – Planning Violation: Interior seat count over by 10 chairs.
- Resolution – City Staff met at Casa Pernoï with ownership and their counsel and performed a seat count together. The restaurant is now in compliance with the approved site plans.

2. Papa Joes/Bistro Joes – 34244 Woodward

- Issue - Police Violation: Sold to minor during a liquor decoy operation in 2022.
- Resolution – On March 7, 2023, the City Clerk mailed letters to businesses found to be in non-compliance at the Commission meeting held on February 27, 2023.

The letters that were sent to the two establishments that sold alcohol to minors, Bistro Joe's and Whole Foods, contained the following from the police department:

"Due to the nature of the violation, the Police Department is requiring ownership or management of Papa Joe's to provide the City with written proof identifying the date and time training was held with staff regarding the sale of alcohol. Training shall specifically cover prevention steps taken to ensure that illegal alcohol sales to minors are prevented. This written proof shall be sent before Wednesday, March 22, 2023, to the attention of Police Chief Scott Grewe, 151 Martin, Birmingham MI 48009 or sgrewe@bhamgov.org."

A letter dated March 23, 2023 from a representative for Papa Joe's states that the employee who sold to the minor did not follow policy and was disciplined.

3. Toast – 203 Pierce

- Issue – Planning Violation: Interior seating was over by 29 seats. In addition, Toast has had persistent issues with seating since at least 2019 where the City counted an average of 27 seats over the permitted maximum over a three-year period.
- Resolution – The Planning Division re-inspected the establishment prior to the liquor license hearing on February 27, 2023 and reported that the current issue had been resolved. City Staff has since met with Toast ownership, management and counsel to perform an additional inspection, which resulted in continued compliance with their approved site plan.

The City Commission should discuss the persistent seating issues at Toast and determine next steps, which might include a written understanding of Chapter 10, Alcoholic Liquors of the City Code and compliance with approved site plans. In addition, that failure to remain in compliance may result in the termination of the Special Land Use Permit.

4. Whole Foods – 2100 E. Maple

- Issues – Planning & Police Violations: Unpermitted e-commerce staging area blocking windows, sold to minor during a liquor decoy operation in 2022.
- Resolution – For the e-commerce issue, representatives from Whole Foods have contacted the Planning Division and have indicated that they wish to relocate the e-commerce facility into what is currently the Maple Road Taproom. As a result, Whole Foods will have to surrender their Special Land Use Permit and would no longer be able to serve alcoholic liquors for on premise consumption. A copy of the proposed floor plan with the relocated e-commerce facility is attached for your review.

For the sale to minor, on March 7, 2023, the City Clerk mailed letters to businesses found to be in non-compliance at the Commission meeting held on February 27, 2023. The letters that were sent to the two establishments that sold alcohol to

minors, Bistro Joe's and Whole Foods, contained the following from the police department:

"Due to the nature of the violation, the Police Department is requiring ownership or management of Whole Foods to provide the City with written proof identifying the date and time training was held with staff regarding the sale of alcohol. Training shall specifically cover prevention steps taken to ensure that illegal alcohol sales to minors are prevented. This written proof shall be sent before Wednesday, March 22, 2023, to the attention of Police Chief Scott Grewe, 151 Martin, Birmingham MI 48009 or sgrewes@bhamgov.org."

A letter dated March 23, 2023 from a representative for Whole Foods states that the employee who sold to the minor did not follow policy and was terminated.

LEGAL REVIEW:

The City Attorney has reviewed this report and its attachments and has no concerns as to form and content.

FISCAL IMPACT:

Due to the potential for Whole Foods to relinquish their Special Land Use Permit and the use of their Class C liquor license, the City will not receive any applications or fee revenue from the establishment for annual renewals or other liquor license activities.

PUBLIC COMMUNICATIONS:

As required by Chapter 10 of the Birmingham Code of Ordinances, the City Manager notified the owners and operators of licensed establishments for which a public hearing was set via first class certified mail to inform them of the public hearing date set for the March 27, 2023 7:30 p.m. City Commission meeting, and inform them that they may submit any written material for consideration by the City Commission prior to or at the public hearing, that the licensee or counsel of licensee may appear at the hearing in person or via zoom, and that the licensee or counsel of licensee may present witnesses or written evidence for City Commission consideration at the public hearing.

SUMMARY:

The Planning Division and Police Department request that the City Commission consider the resolutions or continued noncompliance, as described within this memo, for the violations observed during 2023 annual liquor license inspections and consider whether the City Commission shall file objections with the Michigan Liquor Control Commission for the renewal of liquor licenses for the following establishment holding a Class B, Class C, or Microbrewery Liquor License:

- Casa Perno
- Papa Joes/Bistro Joes
- Toast

AND

To direct staff to facilitate and formalize the relinquishing of the Special Land Use Permit for alcoholic beverage sales for on premise consumption at Whole Foods.

ATTACHMENTS:

Please see the following attachments for your review:

- Whole Foods – Proposed New Floor Plans
- Public Notice Letters
- Response letters from Casa Pernoi, Papa Joe's, Toast and Whole Foods

SUGGESTED COMMISSION ACTIONS:

CASA PERNOI

Make a motion adopting a resolution to approve the renewal of liquor license for the 2023 licensing period for Casa Pernoi, who holds a Class C Liquor License and is in compliance with Chapter 10, Alcoholic Liquors of the City Code.

PAPA JOES/BISTRO JOES

Make a motion adopting a resolution to approve the renewal of liquor license for the 2023 licensing period for Papa Joes/Bistro Joes, who holds a Class C Liquor License that is in compliance with Chapter 10, Alcoholic Liquors of the City Code.

OR

Make a motion adopting a resolution to file an objection with the Michigan Liquor Control Commission regarding the renewal of the liquor license for Papa Joes/Bistro Joes, who holds a Class C Liquor License that is NOT in compliance with Chapter 10, Alcoholic Liquors of the City Code.

TOAST

Make a motion adopting a resolution to approve the renewal of liquor license for the 2023 licensing period for Toast, who holds a Class C Liquor License that is in compliance with Chapter 10, Alcoholic Liquors of the City Code, with the following condition:

1. Toast provide the City with a written understanding of the requirements of Chapter 10, Alcoholic Liquors of the City Code and compliance with approved site plans. In addition, that failure to remain in compliance may result in the termination of the Special Land Use Permit.

OR

Make a motion adopting a resolution to file an objection with the Michigan Liquor Control Commission for the renewal of the liquor license for Toast, who holds a Class C Liquor License that has historical compliance issues with Chapter 10, Alcoholic Liquors of the City Code.

WHOLE FOODS

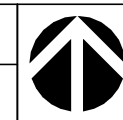
Make a motion adopting a resolution to direct staff to facilitate and formalize the relinquishing of the Special Land Use Permit for alcoholic beverage sales for on premise consumption at Whole Foods.

3/10/2023 4:25:27 PM

1

1/8" = 1'-0"

PLAN



SYMBOLS LEGEND

- EXISTING TO REMAIN
- EXISTING / NEW AMBIENT
- EXISTING / NEW PACKING
- EXISTING / NEW REFRIGERATED
- EXISTING / NEW AUXILIARY
- RELOCATED
- SCOPE OF WORK

SHEET NOTES

- GC TO INSTALL CLIENT FURNISHED ITEMS. THIS INCLUDES RECEIVING, UNLOADING, ASSEMBLY, AND INSTALLATION.
- INTERIOR PLAN DIMENSIONS ARE TO/FROM FACE OF FINISH. UNO
- PATCH/REPAIR ANY AND ALL FLOORING OR WALL FINISHES DAMAGED DURING CONSTRUCTION OR DEMOLITION ACTIVITIES TO MATCH ADJACENT.
- GC TO COORDINATE ALL "MATCHED" MATERIALS WITH WFM CM PRIOR TO INSTALLATION.

EQUIPMENT MATRIX

QTY.	DESCRIPTION	MANUFACTURER	MODEL
2	PALLET		
2	RACK A	DARKO	18 HUB RACK
2	RACK B	DARKO	24 HUB RACK
3	MULTIDECK CASE	HUSSMANN	CBXLEP
1	EXCEPTIONS RACK	ULINE	H-2944-72
6	RACK	ULINE	H-2945-72
1	SUPPLY RACK	ULINE	H-2945-72
3	2 DOOR FREEZER	BEVERAGE-AIR	HP2HC-10
7	2 DOOR CHILLER	BEVERAGE-AIR	HR2HC-1G
1	MILLWORK PANEL FILLER	MILLWORK	MILLWORK PANEL FILLER
1	ARK	KIOSK	RETURN KIOSK
1	DESK	DARKO	TECH CABINET

ARCHITECT OF RECORD

TREVOR T. HOLCOMB
1111 WICKLIFF AVENUE
OVERLAND PARK, KS 66204
WWW.BRRARCH.COM
TEL: 913.262.8666
FAX: 913.262.8664

CONSULTANT

CLIENT

**WHOLE
FOODS
MARKET**

PROJECT TITLE

**WHOLE FOODS MARKET
(BIR) BIRMINGHAM, MI**

2100 EAST MAPLE ROAD
BIRMINGHAM, MI 48009

PROJECT NUMBER

62910081

PROJECT MANAGER

BRR

DRAWN BY

BRR

CHECKED BY

PROFESSIONAL SEAL

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ISSUES AND REVISIONS

NUMBER	DATE	DESCRIPTION
1	REVISED	ORIGINAL ISSUE

SHEET NAME

FIXTURE PLAN

SHEET NUMBER

A010

BRR ORIGINAL PRINTED ON RECYCLED PAPER

Casa Perno
310 E. Maple
Birmingham, MI 48009

Nuovo Holdings, LLC
29410 Northwestern HWY
Southfield, MI 48034

March 7, 2023

RE: 2023 City of Birmingham Annual Liquor License Renewal

To Luciano DelSignore,

On February 27, 2023, the City Commission considered the annual renewal of all liquor licenses within the City. All liquor licenses are required to be in compliance with Chapter 10, Alcoholic Liquors to qualify for renewal. Section 10-40 of Chapter 10, Alcoholic Liquors outlines the reasons why the City Commission may object to the renewal of a license for consumption of intoxicating liquor on the premises. A detailed review and inspection of your establishment revealed the following areas of non-compliance with Chapter 10, Alcoholic Liquors, section 10-40:

- Planning violation: interior seat count over by 10 chairs

Accordingly, the City Commission set a public hearing date for **Monday, March 27, 2023 7:30 p.m.** to consider whether to file objections with the Michigan Liquor Control Commission for the renewal of your liquor license in light of the above issues. Please be advised that you may appear at the hearing in person at the hearing or be represented by counsel, and you may present witnesses or written evidence at the hearing or prior to the hearing for consideration by the City Commission.

It is our hope that each of the issues noted above can be corrected prior to the scheduled public hearing on March 27, 2023 to allow the City Commission to approve the renewal of your establishment's liquor license at that time.

Once you have corrected this issue please contact Nick Dupuis, Planning Director at ndupuis@bhamgov.org to schedule a re-inspection prior to the March 27, 2023 public hearing.

Thank you for your continued cooperation,

Alexandria Bingham

City Clerk

(248)530-1802

Abingham@bhamgov.org

Christina Woods

Deputy Clerk

(248)530-1803

Cwoods@bhamgov.org

Papa Joe's/ Bistro Joe's
34244 Woodward
Birmingham, MI 48009

March 7, 2023

RE: 2023 City of Birmingham Annual Liquor License Renewal

To Owners of Papa Joe's/ Bistro Joe's,

On February 27, 2023, the City Commission considered the annual renewal of all liquor licenses within the City. All liquor licenses are required to be in compliance with Chapter 10, Alcoholic Liquors to qualify for renewal. Section 10-40 of Chapter 10, Alcoholic Liquors outlines the reasons why the City Commission may object to the renewal of a license for consumption of intoxicating liquor on the premises. A detailed review and inspection of your establishment revealed the following areas of non-compliance with Chapter 10, Alcoholic Liquors, section 10-40:

- Police Violation: Sold to minor during a liquor decoy operation in 2022

Accordingly, the City Commission set a public hearing date for **Monday, March 27, 2023 7:30 p.m.** to consider whether to file objections with the Michigan Liquor Control Commission for the renewal of your liquor license in light of the above issues. Please be advised that you may appear at the hearing in person at the hearing or be represented by counsel, and you may present witnesses or written evidence at the hearing or prior to the hearing for consideration by the City Commission.

Due to the nature of the violation, the Police Department is requiring ownership or management of Papa Joe's to provide the City with written proof identifying the date and time training was held with staff regarding the sale of alcohol. Training shall specifically cover prevention steps taken to ensure that illegal alcohol sales to minors are prevented. This written proof shall be sent before Wednesday March 22, 2023 to the attention of Police Chief Scott Grewe, 151 Martin, Birmingham MI 48009 or sgrewe@bhamgov.org.

Thank you for your continued cooperation,

Alexandria Bingham

City Clerk

(248)530-1802

Abingham@bhamgov.org

Christina Woods

Deputy Clerk

(248)530-1803

Cwoods@bhamgov.org

Whole Foods/ Maple Room Taproom
2100 E Maple
Birmingham, MI 48009

Whole Foods/ Maple Room Taproom
PO Box 684786
Austin, TX 78768

March 7, 2023

RE: 2023 City of Birmingham Annual Liquor License Renewal

To Manager Ed Kipela,

On February 27, 2023, the City Commission considered the annual renewal of all liquor licenses within the City. All liquor licenses are required to be in compliance with Chapter 10, Alcoholic Liquors to qualify for renewal. Section 10-40 of Chapter 10, Alcoholic Liquors outlines the reasons why the City Commission may object to the renewal of a license for consumption of intoxicating liquor on the premises. A detailed review and inspection of your establishment revealed the following areas of non-compliance with Chapter 10, Alcoholic Liquors, section 10-40:

- Planning Violation: Unpermitted e-commerce staging area obstructing view.
- Police Violation: Sold to minor during a liquor decoy operation in 2022

Accordingly, the City Commission set a public hearing date for **Monday, March 27, 2023 7:30 p.m.** to consider whether to file objections with the Michigan Liquor Control Commission for the renewal of your liquor license in light of the above issues. Please be advised that you may appear at the hearing in person at the hearing or be represented by counsel, and you may present witnesses or written evidence at the hearing or prior to the hearing for consideration by the City Commission.

It is our hope that each of the issues noted above can be corrected prior to the scheduled public hearing on March 27, 2023 to allow the City Commission to approve the renewal of your establishment's liquor license at that time.

Once you have corrected the Planning violation please contact Nick Dupuis, Planning Director at ndupuis@bhamgov.org to schedule a re-inspection prior to the March 27, 2023 public hearing.

To correct the Police violation, the Police Department is requiring ownership or management of Whole Foods to provide the City with written proof identifying the date and time training was held with staff

regarding the sale of alcohol. Training shall specifically cover prevention steps taken to ensure that illegal alcohol sales to minors are prevented. This written proof shall be sent to the attention of Police Chief Scott Grewe, 151 Martin, Birmingham MI 48009 or sgrewe@bhamgov.org.

Thank you for your continued cooperation,

Alexandria Bingham

City Clerk

(248)530-1802

Abingham@bhamgov.org

Christina Woods

Deputy Clerk

(248)530-1803

Cwoods@bhamgov.org

Toast Birmingham
203 Pierce
Birmingham, MI 48009

Toast Birmingham
23150 Woodward Ave
Ferndale, MI 48220

March 7, 2023

RE: 2023 City of Birmingham Annual Liquor License Renewal

To Anthony Minicilli,

On February 27, 2023, the City Commission considered the annual renewal of all liquor licenses within the City. All liquor licenses are required to be in compliance with Chapter 10, Alcoholic Liquors to qualify for renewal. Section 10-40 of Chapter 10, Alcoholic Liquors outlines the reasons why the City Commission may object to the renewal of a license for consumption of intoxicating liquor on the premises. A detailed review and inspection of your establishment revealed the following areas of non-compliance with Chapter 10, Alcoholic Liquors, section 10-40:

- Planning Violation: Persistent seating issue dating back annually to at least 2019, averaging 27 seats over the permitted interior maximum.

Accordingly, the City Commission set a public hearing date for **Monday, March 27, 2023 7:30 p.m.** to consider whether to file objections with the Michigan Liquor Control Commission for the renewal of your liquor license in light of the above issues. Please be advised that you may appear at the hearing in person at the hearing or be represented by counsel, and you may present witnesses or written evidence at the hearing or prior to the hearing for consideration by the City Commission.

It is our hope that this issues noted above can be corrected prior to the scheduled public hearing on March 27, 2023 to allow the City Commission to approve the renewal of your establishment's liquor license at that time.

Once you have corrected this issue please contact Nick Dupuis, Planning Director at ndupuis@bhamgov.org to schedule a re-inspection prior to the March 27, 2023 public hearing.

Thank you for your continued cooperation,

Alexandria Bingham

City Clerk

(248)530-1802

Abingham@bhamgov.org

Christina Woods

Deputy Clerk

(248)530-1803

Cwoods@bhamgov.org



LAW OFFICES

ADKISON, NEED, ALLEN, & RENTROP

PROFESSIONAL LIMITED LIABILITY COMPANY

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39572 Woodward, Suite 222
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Facsimile (248) 540-7401
www.ANAfirm.com

OF COUNSEL:

PHILLIP G. ADKISON
KEVIN M. CHUDLER
GARY R. RENTROP
KATHERINE A. TOMASIK

March 23, 2023

Via Electronic Mail

Nicholas Dupuis, Planning Director
City of Birmingham
151 Martin Street
Birmingham, MI 48009

**Re: Casa Pernoï
310 E Maple
Public Hearing**

Dear Mr. Dupuis:

We represent Casa Pernoï in liquor licensing matters. Casa Pernoï's Class C liquor license and Special Land Use Permit will be discussed at a public hearing before the City Commission on March 27th. This is part of the City's annual liquor license review.

The issue is that Casa Pernoï's seat count was 10 seats over the allowable 65 seats for a Bistro. The evening before the count was taken a large party was seated in the front of the restaurant at a long table. This was accomplished by adding tables to the area for the large party. When a large party is seated, other seating in the restaurant is not available so as to always comply with the 65-seat limit.

The staff had not removed the long table in the front of the restaurant after the seating as they are instructed to do. Mr. DelSignore, the owner, has made it clear to his staff that the seating requirement is absolute and that at no time shall there be seating set up for over 65 patrons.

Subsequent reviews by the City found Casa Pernoï to be in compliance with the seat requirement. Mr. Delsignore will be present at the public hearing to answer any questions.

Very truly yours,

ADKISON, NEED, ALLEN, & RENTROP, PLLC

Kelly A. Allen

/kjp



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KATHERINE A. TOMASIK

March 23, 2023

Via Electronic Mail

Nicholas Dupuis, Planning Director
City of Birmingham
151 Martin Street
Birmingham, MI 48009

**Re: Papa Joe's
34244 Woodward Avenue
Public Hearing**

Dear Mr. Dupuis:

We represent Papa Joe's in liquor licensing matters. Papa Joe's Class C liquor license and Special Land Use Permit will be discussed at a public hearing before the City Commission on March 27th. This is part of the City's annual review of liquor licenses.

A Papa Joe's employee was cited for selling alcohol to a minor in a decoy operation in 2022. This sale took place in the store.

Papa Joe's takes compliance with all Michigan Liquor Control Rules and Regulations seriously. All employees who sell or serve alcohol are trained in a program certified by the MLCC. Further, there is scanning equipment at every register. Employees are required to ask for ID and scan the ID through the point-of-sale system.

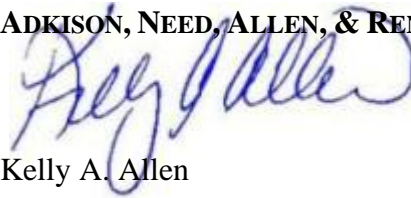
In this case the employee who sold to the minor did not follow Papa Joe's internal policies, or the external training. The employee failed to scan the ID. Therefore, the employee was disciplined.

Papa Joes has been licensed since 2008. Papa Joe's has a good record of compliance. The MLCC and the Birmingham Police conduct decoy operations regularly and Papa Joe's has not had any violations since 2012.

Mr. Curtis, the owner of Papa Joe's, will be present at the public hearing to answer any questions.

Very truly yours,

ADKISON, NEED, ALLEN, & RENTROP, PLLC



Kelly A. Allen

/kjp

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KATHERINE A. TOMASIK

March 23, 2023

Via Electronic Mail

Nicholas Dupuis, Planning Director
City of Birmingham
151 Martin Street
Birmingham, MI 48009

**Re: Toast
203 Pierce
Public Hearing**

Dear Mr. Dupuis:

We represent Toast in liquor licensing matters. Toast's Class C liquor license and Special Land Use Permit will be discussed at a public hearing before the City Commission on March 27th. This is part of the City's annual liquor license review.

This issue before the City is the interior seat count of the restaurant. The City reports that the seat count at its inspection in 2023 was 29 seats over. Toast's ownership and management will be present at the public hearing to discuss the seat count at that inspection.

Toast acknowledges and understands that they must always comply with the Bistro seat count restriction. They have taken steps to reinforce that all staff and management are acutely aware of the importance of compliance with the ordinance.

City Staff has inspected Toast since the initial review and the seat count was found to be in compliance with the ordinance.

Regan Bloom and Tony Mincilli will be present at the public hearing to answer questions.

Very truly yours,

ADKISON, NEED, ALLEN, & RENTROP, PLLC

Kelly A. Allen

/kjp



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GARY R. RENTROP
KATHERINE A. TOMASIK

March 23, 2023

Via Electronic Mail

Nicholas Dupuis, Planning Director
City of Birmingham
151 Martin Street
Birmingham, MI 48009

**Re: Whole Foods
2100 E Maple Rd.
Public Hearing**

Dear Mr. Dupuis:

We represent Whole Foods in liquor licensing matters. Whole Foods' Class C liquor license and Special Land Use Permit will be discussed at a public hearing before the City Commission on March 27th. The public hearing is being conducted as part of the City's annual liquor license review.

The issue is that Whole Foods is using the front area at the northeast corner of the store for e-commerce staging. The equipment for this use obstructed the view into the space. Further, a Whole Foods employee was cited for selling alcohol to a minor in a decoy operation in 2022. This sale took place in the store.

Whole Foods has decided to cease operations of the Bistro/Class C license. Whole Foods attempted to find space in the store to operate the e-commerce business but has been unable to reposition this portion of the business adequately, without using the restaurant space. Whole Foods is working with the City on a proposal to accommodate the e-commerce business in compliance with all City Ordinances. The plans have been submitted to the City.

The Class C license will be placed in escrow with the Michigan Liquor Control Commission as of March 27th. Since Whole Foods will not be using the Class C license, a Special Land Use Permit will no longer be required.

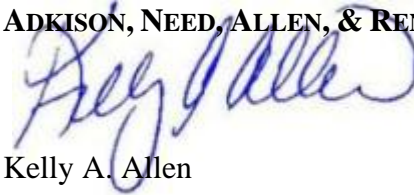
Whole Foods will continue to operate its full-service grocery store with liquor licenses to

sell beer, wine, and spirits for off premise consumption. The employees are trained in the sale of alcohol through an internal program. The employee who sold to a minor in 2022 was terminated in accordance with Whole Foods' policy of strict compliance with liquor laws. Additional steps have been taken since then to provide additional training to employees.

A Whole Foods representative will be present at the Public Hearing to answer any questions the City may have. Thank you for your consideration.

Very truly yours,

ADKISON, NEED, ALLEN, & RENTROP, PLLC



Kelly A. Allen

/kjp

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MEMORANDUM

DATE: March 27, 2023

TO: Thomas M. Markus, City Manager and City Commission

FROM: Mary M. Kucharek, City Attorney

SUBJECT: Employment Agreement for Jana Ecker as the City Manager

INTRODUCTION:

This is a presentation to the City Commission for approval of the Employment Agreement between Jana Ecker as the City Manager and the City of Birmingham.

BACKGROUND:

The City of Birmingham's current Manager, Tom Markus, will be ending his position as City Manager on June 30, 2022. An exhaustive process that included Commission, staff, and public input for the search for the next City Manager was conducted. After the extensive interview process, the City Commission, on March 13, 2023, voted unanimously to retain Jana Ecker as the next City Manager and directed the City Attorney to negotiate and agree to the Employment Agreement between Jana Ecker and the City. Mayor Longe and Mayor Pro Tem McLain were directed by the City Commission to observe the negotiations. The contract negotiations have been completed, and before the City Commission is the recommended Employment Agreement that has been agreed to by Jana Ecker, the City Attorney and endorsed by Mayor Longe and Mayor Pro Tem McLain who observed the process as directed by the City Commission on March 13, 2023.

LEGAL REVIEW:

The City Attorney's office has reviewed the prior contracts entertained in the City of Birmingham, as well as research looking to the surrounding communities or similar cities in size and activity for City Manager salaries to determine an equitable and reasonable salary and benefit package for the new City Manager.

The tradition of service in the City's community is important as well as moving forward as a consistent team. Because we understand that Birmingham residents expect continuity of high levels of service, and with the pending retirements and past retirements of many of the leadership team as well as upcoming changes in HR and the Finance Department, it is critically important that we stabilize the City Manager position so that the public has faith and confidence and staff has faith and confidence in leadership at City Hall. The terms of the Agreement reflect this priority.

FISCAL IMPACT:

The City budget has approved a City Manager salary, and the salary being proposed in this Agreement would be commensurate to the amount budgeted for the City Manager at this time.

SUMMARY:

An Employment Agreement between Jana Ecker and the City of Birmingham is being presented for approval by the City Commission.

ATTACHMENTS:

- Proposed Employment Agreement between the City of Birmingham and Jana Ecker.
- Comparison of local City Manager's salaries.

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve the proposed Employment Agreement between Jana Ecker and the City of Birmingham and to direct the Mayor and City Clerk to execute same.

EMPLOYMENT AGREEMENT BETWEEN JANA ECKER
AND THE CITY OF BIRMINGHAM

THIS AGREEMENT, made and entered into this _____ day of _____, 2023, by and between the **CITY OF BIRMINGHAM**, a Michigan Municipal Corporation, whose address is 151 Martin Street, Birmingham, MI 48009 ("the City") and Jana L. Ecker, whose address is 222 Orchard View Drive, Royal Oak, MI, 48073 ("Employee").

WITNESSETH:

WHEREAS, pursuant to Chapter III of the Charter of the City of Birmingham, the Commission of the City of Birmingham has the responsibility to retain a City Manager to perform certain duties as set forth; and,

WHEREAS, the City Commission wishes to appoint Jana L. Ecker as City Manager; and,

WHEREAS, the City Commission is desirous of establishing certain conditions and benefits of employment of the Employee.

NOW, THEREFORE, the City and the Employee in consideration of the promises and mutual agreements herein, agree to the following:

1. **Duties.** The Employee agrees to perform all of the functions and duties as specified in the City Charter at Chapter 3, Section 8, and to perform whatever legally permissible and proper additional functions and duties which the Commission shall, from time to time, assign to the City Manager. The Employee agrees that all duties and functions shall be performed in a diligent, responsible, and equitable manner in accordance with the City Charter, City Code, and policies and resolutions established by the Commission.

The City agrees that it shall establish certain goals and objectives upon which the Employee's performance may be evaluated, and the City will conduct performance evaluations after six (6) months, at the one (1) year anniversary and annually thereafter.

2. **Professional Status.** The City acknowledges and agrees that the Employee is being employed in a bonafide, executive, administrative and professional capacity which will undoubtedly require her to average more than forty (40) hours per week in the performance of her duties and functions. It is recognized that the Employee must devote a great deal of time outside of the normal office hours on business for the City, and to that end the Employee shall be allowed to establish an appropriate workschedule.

3. **Term of Employment.** The initial term of this Agreement is for five (5) years, and

this Agreement may be renewed for an additional five (5) year term. In the event the Parties agree to renew this Agreement, the City Commission will conduct a performance evaluation prior to a written renewal. The Employee agrees to neither accept other employment nor become employed by any other employer during her tenure as City Manager. During the initial term of this Agreement, the Employee may only be terminated for cause. Cause is defined as a conviction of a crime committed personally by the Employee. A crime is defined in MCL § 750.5 through MCL § 750.8 as an act or omission forbidden by law which is not designated as a civil infraction. The term "felony" when used in this act, shall be construed to mean an offense for which the offender, on conviction may be punished by death, or by imprisonment in state prison. When any act or omission, not a felony, is punishable according to law, by a fine, penalty or forfeiture, and imprisonment, or by such fine, penalty or forfeiture, or imprisonment, in the discretion of the court, such act or omission shall be deemed a misdemeanor. Cause for termination is for a personal conviction of the Employee for a felony conviction or the following enumerated criminal misdemeanors:

- MCL § 750.174, *et seq.* Embezzlement;
- MCL § 750.215, *et seq.* False Impersonation of a Police Officer;
- MCL § 750.218, *et seq.* False Pretenses;
- MCL § 750.356, *et seq.* Larceny;
- MCL § 750.479, *et seq.* Resisting and Obstructing Police Officers.

After the initial term ending on June 30, 2028, the Employee will serve at the pleasure of the Birmingham City Commission and agrees that the Agreement may be terminated thereafter with or without cause by either party. After June 30, 2028, the Employee may terminate upon ninety (90) days' written notice, and the City may terminate upon thirty (30) days' written notice. The Employee agrees to remain in the exclusive employ of the City during the initial term of this Agreement, and any subsequent terms. The term "employed" as used in this Paragraph shall not be construed to include occasional teaching, consulting, or writing performed on Employee's own time except that in no case shall Employee spend more than 10 hours per week in such activities.

4. **Salary.** The City agrees to pay the Employee a salary of One Hundred Seventy-five Thousand Dollars (\$175,000.00) per year in bi-weekly increments. The City agrees to increase the Employee's annual salary in such amount and at such time as the Commission may find desirable, except that in no event shall the Employee's salary be increased less than the average of the salary increases for base wages negotiated for that year with the City's bargaining units.

5. **Professional Development.** The City agrees to pay for the professional dues and subscriptions of the Employee for her participation in national, state, regional, and local associations necessary for her continued professional development and the good of the City. The City further agrees to pay the cost associated with participation in one local service club of the Employee's choosing. The City further agrees to pay the travel, registration, and subsistence expenses of the Employee for her attendance at meetings or seminars necessary to continue the Employee's professional development or for the City's good, subject to the City's expense reimbursement policy.

6. **Benefits.** The City agrees to provide the Employee all benefits provided to City employees in accordance with the published City of Birmingham personnel policy except as modified as follows:

A. Paid Time Off, Illness Allowance, and Paid City Holiday Benefits:

- (i) The Employee, beginning July 1, 2023, start receiving the proportionate share for each pay period the equivalent of a minimum of thirty (30) days of vacation per year during each year of this Agreement.
- (ii) The City shall offer the Employee participation in an illness allowance program equal to that which is offered to all other City employees.
- (iii) The City shall offer the Employee the same paid City holidays as that which is offered to all other full time City employees.
- (iv) The City shall offer the Employee the same annual longevity pay schedule as that which is offered to all other full time City employees.

B. Retirement:

- (i) The City agrees to allow the Employee to continue to participate in the City's defined benefit retirement plan, with the City and the Employee each making annual contributions in accordance with the plan documents, as they may be amended from time to time. The City agrees that as City Manager, the Employee is eligible for retirement after 15 years of service and upon reaching the age of 55 years. Further, the City agrees that the Employee shall be entitled to a pension amount based on no less than three percent (3%) of her highest average annual compensation during a period

of three (3) consecutive years of service within her last ten (10) years of service immediately preceding retirement.

- (ii) The City shall provide an annual contribution of Ten Thousand Dollars (\$10,000.00) into the 457(b) Deferred Compensation Plan currently administered through Mission Square.

C. Insurance:

- (i) The City and the Employee agree that the Employee will continue to participate in and the City agrees to make the required payments for health care coverage through the City for the Employee, her spouse and dependents during the term of this Agreement, provided, however, that nothing in this Agreement shall alter or affect the Employee's participation in the City's Retiree Health Care Plan after the termination of this Agreement.
- (ii) The City agrees to put into force and make required premium payments for the Employee's insurance policies for life, accident, sickness, disability, and income benefits insurance covering the Employee and her dependents.
- (iii) The City agrees to pay the required premiums on a term insurance policy including double indemnity for accidental death and dismemberment in an amount equal to three (3) times the Employee's annual salary, with the beneficiary named by the Employee to receive the benefits paid. The Employee agrees to contribute 20% of the annual premium for such insurance policy which will be paid proportionately through the biweekly payroll deduction.

7. **Cell Phone/Computer:** The City shall provide the Employee with a cell phone, computer devices, and other technology-based equipment needed to perform City Manager duties for her use during her employment with the City. It is expressly understood and agreed that the cell phone, computer devices, and other technology-based equipment are the property of the City and shall remain with the City upon the termination of the Employee's employment with the City.

8. **Automobile.** The City shall provide the Employee an automobile allowance of Five Hundred Dollars (\$500.00) per month for her business and personal use during her employment with the City and the City shall pay automobile insurance on the Employee's vehicle. This automobile allowance shall be adjusted by the yearly percentage change of the Detroit area

CPIU as published by the Department of Labor for July of 2023 and July of each year thereafter.

9. **Relocation Expenses.** The City shall reimburse the Employee up to Fifteen Thousand Dollars (\$15,000.00) in relocation expenses in the event the Employee moves into the City of Birmingham during the term of this Agreement, upon submittal by the Employee of duly executed expense statements, receipts, or personal affidavits to the City.

10. **Other Expenses.** The Employee is authorized to incur non-personal and job related expenses, including, but not limited to mileage, on behalf of the City. The Employee shall be reimbursed for such expenses upon submitting duly executed expense or petty cash vouchers, receipts, statements or personal affidavits to the City.

11. **Financial Interests.** The Employee understands that any financial investment or equity ownership in any business which performs services or supplies goods to the City may create a legal or ethical conflict of interest. Accordingly, the Employee agrees not to acquire any beneficial ownership in any business or organization which supplies goods or services to the City without first disclosing such acquisition to the Commission.

12. **Termination and Severance Pay.**

- A. In the event that the Employee, after declaring that she is ready, willing, and able to perform the duties of the City Manager, is terminated by the City, the City shall pay to the Employee Severance Pay for a period of nine (9) months. As used herein, Severance Pay shall consist of all of the following:
- An amount equal to the Employee's base pay at the time of separation, less reductions and withholdings required by law, paid in biweekly installments;
 - Continuation of the Employer and Employee contributions to the City's defined benefit retirement plan;
 - The City's annual contribution to the 457(b) Deferred Compensation Plan currently administered through Mission Square and referenced in Paragraph 6(B)(ii);
 - Continuation of the insurance policies referenced in Paragraph 6(C);
 - Payment of all accrued vacation time and any other termination benefits available to other City employees at the time of separation, less reductions and withholdings required by law.
- B. The Severance Pay described in Paragraph 12(A) shall be paid to the

Employee:

- (i) Except, if, at a public meeting, a majority of the City Commission votes to terminate the Employee because of her personal conviction of a felony, misdemeanor as defined in Paragraph 3.
- (ii) If the State of Michigan or the City takes any action that would eliminate the position of City Manager, or substantially alter or change the duties or authority of the City Manager position.
- (iii) If the City reduces the compensation, annual base salary, or other financial benefits accruing to the Employee hereunder, unless the percentage reduction is equal to or less than the percentage reduction of all management employees of the City.
- (iv) If the City offers to accept the employee's resignation in lieu of termination of her employment and, in acceptance of that offer, the Employee resigns.
- (v) If the City suspends the Employee with or without pay for a period of three (3) or more business days in any calendar year.
- (vi) If the City breaches any provision of this Employment Agreement and fails, within ten (10) days after receiving written notice thereof from the Employee, to remedy any such breach.

C. In the event that the Employee voluntarily retires or resigns her position as City Manager or leaves the City's employment for reasons other than reasons listed in Paragraph 3 or 12(B), then the Employee shall not be entitled to the Severance Pay described in Paragraph 12(A).

D. Unless the parties agree otherwise, the Employee agrees to give written notice to the City no less than ninety (90) days in advance of any voluntary retirement or voluntary resignation of her position.

13. **Commencement Date.** This contract shall commence on July 1, 2023.

14. **Indemnification.** Beyond that required under Federal, State or Local law, the City shall defend, save harmless, and indemnify the Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring within the scope of the Employee's employment or duties, unless the act or omission involved willful or wanton misconduct. In the defense of such claims, the Employee may request and the City shall not unreasonably refuse to provide independent legal representation at the City's expense and the City may not unreasonably

withhold approval. Legal representation, provided by the City for the Employee, shall extend until a final determination of legal action including any appeals brought by either party. The City shall indemnify the Employee against any and all losses, damages, judgments, interest, settlements, fines, court costs, and other reasonable costs and expenses of legal proceedings including attorneys' fees, and any other liabilities incurred by, imposed upon, or suffered by such Employee in connection with or resulting from any claim, action, suit, or proceeding, actual or threatened, arising out of or in connection with the performance of her duties unless the act or omission involved willful or wanton misconduct. Any settlement of any claim must be made with prior approval of the City, which approval shall not be unreasonably withheld, in order for indemnification as provided in this Section, to be available. The Employee recognizes that the City shall have the right to compromise, adjust, and settle claims against the Employee for which the Employee is entitled to indemnification. Further, the City agrees to pay all reasonable litigation expenses of the Employee throughout the pendency of any litigation to which the Employee is a party, witness, or adviser to the City. Such expense payments shall continue beyond Employee's service to the City as long as litigation is pending.

15. **General Provisions.** The text herein shall constitute the entire Agreement between the parties. No modification of this Agreement shall be valid unless such modification is in writing and signed by the City and the Employee. No waiver of any provision of this Agreement shall be valid unless such modification is in writing and signed by the person or party against whom charged. This Agreement shall be binding upon and inure to the benefit of the City and the Employee and their successors and assigns; provided, however, that neither party may assign or delegate any of its rights or obligations hereunder without first obtaining the written consent of the other party. If any provision, or any portion thereof, contained in this Agreement shall be held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

16. **Governing Law.** This contract shall be governed by the laws of the State of Michigan, County of Oakland.

IN WITNESS WHEREOF, the City of Birmingham has caused this Agreement to be signed and executed on its behalf by its Mayor, and duly attested by its City Clerk, and the Employee has signed and executed this Agreement, both in duplicate, the day and year first abovewritten.

WITNESSED:

WITNESSED:

CITY OF BIRMINGHAM, A Michigan
Municipal Corporation

By: _____
Therese Longe, Mayor

By: _____
Alexandria D. Bingham,
Clerk

By: _____
Jana L. Ecker

City Manager Rates

	2020	2022	2023
Grand Rapids	\$257,000.00		
City of Ann Arbor	\$223,600.00	\$250,000.00	
City of Troy	\$167,500.00		\$199,000.00
Farmington Hills	\$163,200.00		
Royal Oak	\$150,000.00		\$170,000.00
Plymouth		\$142,000.00	
Northville			\$170,000.00
East Lansing			\$172,000.00
Beloit, Wisconsin			\$175,00.00



CITY MANAGER'S REPORT

March 2023

Baldwin Public Library

Library Board

The Library Board met on March 20, 2023 for its regular meeting and annual budget hearing for the FY 2023-2024 budget. The Board approved an updated Hours of Service policy.

Phase 3 Construction

The Phase 3 expansion and renovation project is progressing on track. PCI Dailey, the construction management firm, is collecting bids for each trade involved in the project. A project walk through was held at the library on March 21 and all bids will be due on March 28. We expect to have the guaranteed maximum price for the project available by mid-April.

Library Tour

If you'd like to learn even more about the library, join Library Director Rebekah Craft for a Behind the Scenes Tour. You'll visit staff areas, learn how items are added to the collection, and hear about new programs and services. The next tour will meet in the Library's vestibule on Thursday, April 13 at 10:00 a.m.

Did you know that Baldwin has a Seed Library?

You can learn more about this service and select seeds to grow at your home by visiting www.baldwinlib.org/seedlibrary. A seed library is a collection of seeds available for lending to the community. Users "borrow" (or take) seeds from the library to grow food and flowers. After harvesting mature seeds, people may "return" (or donate) seeds back to the seed library. Seed libraries facilitate a connection to the Earth and to the past – humans have been saving and sharing seeds for over 10,000 years! – and help to raise awareness about the importance of genetic diversity, regional adaptability, and seed stories. BPL's seed library hopes to aid the conservation of local and heirloom varieties while encouraging patrons to grow their own food, be outside, share with the community, and have fun.

Register for the following upcoming programs and more at baldwinlib.org/calendar.

Read to Seed

Monday, April 10, from 4:30 to 5:30pm

Did you know seeds love being read to? It is true! At this program, participants will plant their own special seed to take home. At home, seeds will need water, sunlight, and reading to help

them grow. Read to your seed every day until it sprouts. Registration required. For students in grades 1 to 3.

College Info Series: Myth-Busting, College Admissions Edition

Wednesday, April 12 at 7:00pm

There is a lot of information in the media about college admissions—some of it is fact, some of it is fiction, and a lot of it is exaggeration. Hear from a college-admissions-counselor-turned-college-counselor about some of the top myths about the college admissions process, as well as tips to be the best applicant you can be. Teens and parents are welcome. You may attend these sessions in-person or on Zoom. Registration required.

Guardians of Michigan

Monday, April 24 at 7:00pm

Historian and photographer Jeff Morrison will present a sixty-minute program with more than 250 spectacular pictures of interesting architectural sculptures found on buildings throughout Michigan, from Ann Arbor to Ontonagon and all points in between, including Birmingham. You will learn about the symbolism behind the sculpture and hear some of the untold stories of the artists, artisans, and architects involved in the creation of these wonderful structures and the unique art that adorns them. Morrison is the author of two books, the multi-award-winning *Guardians of Detroit: Architectural Sculpture in the Motor City* and the just-released 2023 Michigan Notable Book *Guardians of Michigan: Architectural Sculpture of the Pleasant Peninsulas*. There will be time for questions and answers, and both books will be available for sale after the presentation.

The Birmingham Museum

2nd Grade School Resources and Tours

The Birmingham Museum has been invited by school staff to develop updated content to aid 2nd grade teachers in their Birmingham-focused local history curriculum. A special focus will be the diverse community, the changing environment, and family life over the past 200 years in Birmingham. Teacher resources will include primary source material such as historic photos, documents, and objects from the museum's collection.

In addition, the museum has updated its on-site 2nd grade Hunter House tours to enhance and personalize each student's experience. Twenty-seven classrooms and nearly 500 students are expected this spring. Annual school tours were suspended during the pandemic, but will return in May as part of the museum's regular programming.

Birmingham Shopping District (BSD)

Strategic Planning

Preliminary review of the BSD's Strategic Plan has been held by the Board and they will be holding a special meeting on April 4 at 8 a.m. at Hazel's to finalize the plan.

April Board Meeting Rescheduled Due to Holiday Observance

The BSD Board meeting for April has been rescheduled for April 19, 2023, at 8 a.m. due to the observance of Passover.

Spring Stroll

Spring Stroll is planned for April 15, 2023, from 11 a.m. - 2 p.m. where families, couples and friends will be encouraged to explore the businesses downtown and shop local while taking advantage of the retail promotions and free giveaways.

Farmers Market Opening Day

The Birmingham Farmers Market opens May 7, 2023, and will run through October 29, 2023, every Sunday from 9 a.m. - 2 p.m. in Lot 6 located along North Old Woodward. Children in grades K-8 participated in the Farmers Market Tote Bag design contest. The winning design will be featured on the 2023 reusable tote bags distributed at the market this season.

Restaurant Promotion

The Special Events Committee will be presenting its recommendation to the Board in April for its planned restaurant promotion that will replace Restaurant Week. Also notable, Madam at the Daxton Hotel is HOUR Detroit Magazine's Restaurant of the Year, and Tallulah Wine Bar and Bistro is the Detroit Free Press' Restaurant of the Year.

Bylaws

Draft bylaws for the BSD have been presented to the Board for review, and they will consider it for approval at its April meeting.

2023/24 Holiday Lighting Plan

The Maintenance and Capital Improvement Committee is working with DPS to modify the holiday lighting plan for 2023/24 in order to reduce costs yet still maintain the quality lighting throughout the district. A final determination will be presented to the Board in April.

New Businesses

The much anticipated CB2 opened in February at the corner of Maple and Woodward in a beautifully restored building. We also welcome the following businesses who opened this month:

- RenU Acupuncture Medical
- The Taco Stand Taquerie Restaurant
- Face Foundrie Salon

2023 Dashboard Metrics

Retail Occupancy Rate - 96% (out of 1.5 million sq.ft.)

Office Occupancy - 89% (out of 2 million sq.ft.)

8 New Business Openings in 2023 (5 more in process)

Building Department

Construction Activity

Despite rising material costs and interest rates, construction activity in the City has remained consistent. January and February permits increased 35% over last year and we saw a construction value increase of \$22,652,549.

McKenna Inspector

An additional inspector from McKenna was brought on to help provide consistent oversight for the many commercial projects underway in the City.

Monthly Report

The [Building Department's monthly report](#) provides an update on the following construction activity: building permits issued, building inspections conducted, trades permits issued and trades inspections conducted. In February, we processed 276 online permit applications for a total of 521 in 2023.

City Clerk's Office

General Election on November 7, 2023

Birmingham will hold a General Election on Tuesday, November 7, 2023. At this time, four Birmingham Commissioner positions for a 4 year term and three Birmingham Library Board positions for a 4 year term will be on this ballot. The petition and candidate filing deadline for the November 7, 2023 General Election is 4:00 p.m. on July 25, 2023. For more information regarding petition and candidate filing please visit www.bhamgov.org/elections.

Election Change Updates

The effects of the State constitutional amendment known as Proposal 22-2, Right to Vote are still being fine-tuned in the State House and State Senate. Legislature will need to be drafted, approved and signed into a bill before the Board of Elections will finalize procedures to implement the changes. There are currently a lot of moving parts but implementation is projected to be in time for the Presidential Primary.

The changes we will see in future elections are as follows:

- State-funded postage for ballot applications and return postage on Ballots. Ballot mailing will continue to be funded by the local municipality.
- Mandatory, approved drop boxes for every 15,000 voters, secured and under video surveillance.
- Military and overseas civilian absentee ballots will be accepted if post dated by Election Day and received within 6 days after the election.
- Permanent ballot registration to allow voters to automatically receive a mailed absentee ballot without having to send in an application for each election.
- Mandatory 9 days of early voting for State and Federal elections, to be set up as a precinct but will service multiple precincts simultaneously. This may be done in conjunction with other municipalities or through the county.

Michigan Association of Municipal Clerk Institute Training

Deputy Clerk Woods completed her second year of the Michigan Association of Municipal Clerk Institute Training during the week of March 13th.

City Clerk Bingham completed her third year and graduated from the Institute during the week of March 20th and will soon receive her Michigan Professional Clerk (MiPMC) certification.

Party & Parade in Shain Park

SAVE THE DATE: Sunday, May 21, 2023 Parade at 1:00 p.m. with party to follow in Shain Park

Planning is picking up steam for the 2023 Celebrate Birmingham Hometown Parade on Sunday, May 21st at 1:00 p.m. Community groups, local businesses, dance teams, scout troops, children and adults

of all ages are encouraged to march in this year's parade. It's a great opportunity to spotlight your group!

Sponsors are welcome to join in the 2023 festivities. Being a sponsor is another way for a business, group, organization or individual to be recognized as part of this family-friendly event which reflects the hometown feel of Birmingham. The Hometown Parade is televised by Bloomfield Community Television and is covered by traditional and social media, giving sponsors a fantastic PR opportunity. Visit www.bhamgov.org/parade for registration forms and sponsorship packages.

Greenwood Cemetery Advisory Board

The Greenwood Cemetery Advisory Board met on Friday, February 3, 2023 and received an update from Cheri Arcome of Creative Collaborations who coordinates cemetery services for the city. The board will continue to discuss strategic planning and cemetery services contract elements at the next Greenwood Cemetery Advisory Board meeting on Friday, April 14, 2023 at 8:30 a.m.

Ethics Board

The Ethics Board met on Monday, March 10, 2023 to continue their work on reviewing the city's current Ethics Ordinance and to hold a hearing for the Ethics Opinion Request regarding Commissioner Brad Host submitted by City Manager Tom Markus. The April date for the next Ethics Board meeting will soon be determined.

Board Appointments

The following City of Birmingham boards and commissions have vacant positions or members with terms expiring soon. Applications are due before noon the Wednesday prior to the commission interview/ appointment date:

Board	Openings	Application Due by Noon	Interview/ Appointment at City Commission meeting 7:30 pm
Ad Hoc Environmental Sustainability Committee	9 Members terms ending 9/27/2024. Preferred qualifications/areas of professional expertise: energy, equity, civil/construction engineering, water quality, environmental engineering/consulting/law, recycling and solid waste.	3/22/23	3/27/23
Advisory Parking Committee	1 resident shopper term ending 9/1/2025 1 large retail member term ending 9/1/2025	3/22/23	3/27/23
Architectural Review Committee	1 regular member term ending 4/11/2026	Until Filled	

	1 regular member term ending 4/11/2025		
Birmingham Shopping District	1 business representative term ending 11/16/2026	Until Filled	
Birmingham Area Cable Board	1 regular members terms ending 3/30/2026 1 regular member term ending 3/30/2024 1 alternate member term ending 3/30/2025	Until Filled	
Board of Building Trades Appeals	1 regular member term ending 5/23/25 1 regular member term ending 5/23/24 2 regular members term ending 5/23/2026	4/19/23	4/28/23
Board of Review	2 alternate members term ending 12/31/2025	Until Filled	
Board of Zoning Appeals	1 alternate members term ending 2/18/2026	Until Filled	
Brownfield Redevelopment Authority	2 Regular Members term ending 5/23/2026 1 regular member Term ending 5/23/2024	5/3/23	5/8/23
Martha Baldwin Park Board	1 Regular member term ending 5/1/24	3/22/23	3/27/23
Parks & Rec Board	2 regular members, 1 alternate member terms expiring 3/13/2026	Until Filled	
Planning Board	3 regular members terms ending 3/28/2026	3/22/23	3/27/23
Public Arts Board	1 alternate member term ending 1/28/2026 1 alternate member term ending 1/28/2025	Until Filled	

Stormwater Utility Appeals Board	3 regular member term ending 1/31/2026 2 alternate members 1/31/2025	Until Filled	
Triangle District Corridor Improvement Authority	1 regular business owner term ending 12/15/2026	Until Filled	

City Manager's Office

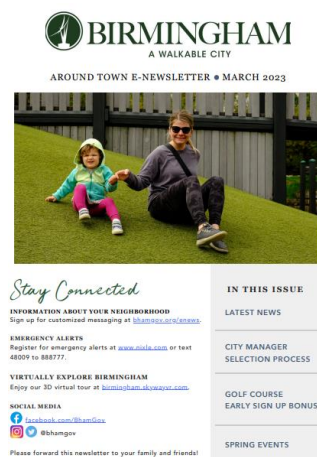
Communications

Around Town e-Newsletter

The communications team is working on the April edition of the Around Town e-Newsletter, which will include information about yard waste collection, spring events, pet safety information and more. Follow [this link to view the March edition](#) of the Around Town e-Newsletter.

Reels

The communications team began publishing reels on social media and they have been well received. Video reels published to date have featured the city's sledding hills, skaters at the Birmingham Ice Sports Arena, our new parking structure equipment, spring drone footage and more. Enjoy our reels on [Facebook](#) and [Instagram](#).



The Birmingham Beat Newsletter

We are pleased to introduce the redesigned Birmingham Beat newsletter! The team worked with a new graphic designer to create a fresh, modern look that is easy to read and aesthetically pleasing. This edition features updates about the city's new Environmental Sustainability Committee, spring and summer community events, Junior Golf Program, Parks & Recreation bond projects, the Birmingham Museum's new podcast, construction projects and more. Keep an eye out for it in your mailbox around April 1, 2023.

Webpage for DTE Updates

During the recent snow and ice storms, the communications team created a webpage to provide DTE updates, infographics, videos, safety tips and power outage links all in one place. The page also features a message from City Manager Markus explaining how electric, gas and telecommunications are regulated in our state, and how to engage with the agency empowered to regulate these services. Access the webpage at www.bhamgov.org/poweroutage.

Human Resources

Human Resources Manager Joseph Lambert has resigned to take a new position. Assistant City Manager Melissa Fairbairn will be overseeing HR until a permanent replacement is hired. The new Assistant Director of Engineering is expected to begin in mid-April. The city will be recruiting for two Secretary A positions in the Building Department. Other vacancies with the city include: Fleet Mechanic, Parks and Forestry Operator, Plumbing Inspector, and Streets Sewer Water Operator.

BIRMINGHAM CITY COMMISSION - UPCOMING AGENDA ITEMS

Topics brought up by the Commission

Meeting	Topic	Commissioner	Staff Follow Up	Dates Addressed	Status (resolved/ongoing)
In Progress					
3/13	Discussion on policy for sponsoring and administering events	Baller		4/24	In progress
3/13	Community foundation (review former letter from Kucharek)	Baller	CM/Atty	4/24	In progress
2/27	Bench and Little Library for Pat Andrews	Host	DPS & Staff	3/13 - commission to discuss further	In progress
1/9/23	Ad Hoc Senior Services Committee	M: Baller S: Longe	CM	2/13 Commission to discuss further - no action at this time, 3/13 Commission gave direction via resolution	In progress
12/5/22	Becoming Mayor	McLain	Mary	12/19 - Motion to make a workshop Workshop TBD, possibly May	In progress
11/14/22	Renters Rights	M: Host	Mary	11/28 CC Discussion Scheduled - Voted to make a formal agenda item at the next available meeting 1/23/23 Tabled, will be brought back soon	In progress
3/28/22	City Manager Selection Process	M: Host S: Boutros	Managers Office & HR	4/25/22 - direct to formal agenda item 5/9/22 - New Business Item 5/23/22 CM report 10/3/22 - motion for CM to conduct formal recruitment 10/25/22 - CM recruitment portfolio posted 1/9/23 - Scheduling Interviews	In Progress

				2/8&2/9 First round interviews 2/15 Meet & Greet March - Final Interviews, Direction from CC, contract negotiation	
1/10/22	Commissioner Conduct	No vote	Mary Kucharek	2/14/22 - Workshop 2/28/22 Directed CM to prepare Code of Conduct for future agenda 7/11/22 - Initial presentation to Commission by CA 2/13/23 - City Commission reviewed draft Code and will provide feedback to CM for future workshop.	In progress
Resolved					
4/11/22	BBCC - Mental Health Workshop - More time to talk	M: Baller S: Haig	Marianne Gamboa	4/25/22 - clarify commissioners intent 5/9/22 - added time on the agenda to discuss Tom directed staff to add mental health info in city publications	Resolved
5/9/22	Pickleball	Baller, no vote	Lauren Wood	Agenda item 5/23/22	Installed on 6-3- 22
1/24/22	Social Districts	M: Schafer S: Boutros	Nick Dupuis/Jana Ecker	2/14/22 - make formal item 3/9/22 - Workshop 3/14/22 - Informally brought up by Host 6/20/22 Commission and Planning Board Discussed	No formal action taken by the Commission
5/23/22	Commission Meeting Start Time	Baller	Mary Kucharek	On agenda for 6/27/22 - Mary to draft generic ordinance language and discuss in july On agenda for 7/11/22 - Commission decided not to proceed	No changes for now
8/15/22	Birmingham Country Club	M: Host S: Haig	Fairbairn, Dupuis, Clerk's Office	8/29 - CC Discussion Possibly plan to write a letter, invite bham cc and twp to meeting to collaborate *Draft a letter	Resolved, letter sent
8/15/22	Speed Bumps	M: Haig S: Host	Grewe/Brooks	8/29 - Staff report *Further study by MMTB *Report/Resolved in March Mgr Report 2023	Resolved
9/12/22	Banner	M: Baller S: Host	TBD	11/14 CC discussion scheduled	Completed

12/5/22	Lighting to sustainability board	Haig	Nick Dupuis	12/19 - Direction for staff to prepare list for Sustainability Board	To be explored by Sustainability Board
6/13/22	Sustainability Board	M: Schafer S: Host	Nick Dupuis	On agenda for 6/27/22 - direction for staff to draft requirements to establish board, coming back at next available meeting 10/3/22 Workshop - staff given direction to return with recommendation 1/23/23 - ad hoc board established	Resolved - Recruiting Board Members
1/10/22	Leaf Blowers	M: Baller S: Host	Nick Dupuis	1/24/22 - make formal item 10/3/22 Workshop - staff given direction to return with recommendation	Item sent to sustainability board
1/10/22	Food Trucks	M: Host S: Schafer	Nick Dupuis/Jana Ecker	1/24/22 - CC req. more info 3/9/22 - Workshop 3/14/22 - Informally brought up by Host 6/20/22 Commission and Planning Board Discussed 6/27/22 - City Manager Directed to encourage food trucks at all city sponsored events, BSD events, and direct the BSD to organize a rotation of food truck events	Staff monitoring
4/25/22	Improvements in Information Provision and Methodology	M: Haig S: Baller	TBD	1/9/23 M: Haig, S: Host To continue discussion -Addressed in Jan 2023 CM report	Resolved

Topics Failed

4/25/22	On Street Parking Study	M: Haig S: Host
4/11/22	Downtown Parking	M: Host S: Haig
3/28/22	Parking Matters	M: Host S: Haig
6/13/22	479 SOW (Doraid) PAD	M: Boutros

Topics With No Vote - Resolved

1/10/22	Unimproved Streets	Discussed during the Long Range Planning meeting.
2/28/22	Solidarity with Ukraine	City Manager arranged for exterior lighting at City Hall.

Topics With No Vote

5/9/22	-PAD ordinance/cleanup	Baller, no vote	No vote
5/9/22	-Policy for granting public space ODD/Valet	Baller, no vote	No vote

Department of Public Services

Forestry News

Tree City USA

Birmingham earned recognition as a Tree City USA in 2022, making it its 45th year as a Tree City USA! Residents of Birmingham should be proud to live in a place that makes the planting and care of trees a priority! We plan to celebrate our Tree City USA status during our Arbor Day Celebration coming up next month. An announcement is forthcoming.

Tree Inventory Update

Davey Resource Group recently completed the second phase of the Tree Inventory Update, collecting a total of 4,866 sites in the northwest quadrant of the city in addition to some parks and golf courses, bringing the total updated tree count to over 10,000 sites. We are halfway through this update (two of four years complete).

Storm Damage

The month of March has not been kind to our forest, piling ice and heavy snow on top of our canopy causing hundreds of city trees' (and many more private trees) branches, and limbs to fail. During our normal season of brush route pick up (April through October), one brush route crew is able to make it through the city in seven to ten business days, often quicker. With the amount of damage received back to back with ice and heavy snow, we had three brush route crews from our forestry contractor and one from DPS cleaning up, for a total of four crews. Even with the amount of brush crews, the cleanup has taken over a week for each storm event. There were dozens of requests submitted to GovPilot, which proves to be an effective reporting tool for the public and City employees.

Prescribed Burn at Barnum Park

DPS hired David Borneman, LLC, www.restoringnaturewithfire.com, to conduct a prescribed burn at Barnum Park in late March or early April, weather permitting. We added prescribed burning to our natural areas maintenance program in 2017 and it's proven to be successful. Fire was once a regular and frequent component of our landscape in the Midwest. Before development, many of our local ecosystems such as prairies, woodlands, and certain wetlands burned often from lightning strikes. The fire stimulates native plant species to grow more vigorously and discourages others that did not adapt to the heat from fire including many invasive species. Barnum Park is regularly treated and Booth Park and Quarton Lake have been part of this program in the past as well.

Birmingham Little League Agreement:

Birmingham Little League (BLL) wishes to donate dugout covers to Kenning Park, fields #2, and #3 (Palmeri field). We are in the midst of formulating an agreement for BLL to procure, install, and maintain these seasonal fabric dugout covers that will attach to our existing fencing system around the players benches.

mParks Play is Essential Grant

Birmingham was selected for a mParks Play is Essential Grant for the amount of \$2,000. We applied for the grant in order to install accessible equipment at Adams Park including seat backs for the sea-saw and a stationary cyler on the new structure.

Engineering Department

Construction Update

The following construction projects will start in April:

Westwood, Oak, and Raynale Project
Cranbrook Road Non-Motorized Pathway Improvement Program
Parking Lot No. 5 Slope Repair

Sign up to receive project updates at www.bhamgov.org/enews.

The following construction projects are tentatively scheduled to start at the end of April/beginning of May, weather dependent:

2022 Cape Seal Program
Water Tower Maintenance and Coating

Affected property owners will receive information about these projects.

Water Service Verification Program

As a reminder, the "In-Home/Business" water service line material needs to be determined as part of this program and is included in the City's reporting for the State of Michigan. Property owners can schedule an inspection by an authorized City Representative at (248) 303-2292 or determine the in-home/business material themselves with the steps provided in the property owner letter.

S. Eton Public Open House – April 18, 2023

The City will host a Public Open House for S. Eton from 14 Mile Road to Yosemite Blvd on Tuesday, April 18, 2023 from 6 p.m. – 8 p.m. at Department of Public Service Conference Room – 851 S. Eton Street to receive public feedback on bike lane options.

Fire Department

The Birmingham Fire Department sent Firefighter Ryan Wiseman along with three other OAKWAY firefighters to Menominee County in October to help extinguish a very large commercial fire.

Follow [this link](#) to download a thank you letter and photo of the fire.

Planning Department

Master Plan 2040

During a public hearing on March 8, 2023, the Planning Board completed its review of the Birmingham Plan 2040 ("2040 Plan") and recommended the City Commission adopt and approve in its entirety the Birmingham Plan 2040, inclusive of all maps, plans, charts, and other related matter, figures and the Future Land Use Map. At this point, the 2040 Plan will move to the City Commission for final review and approval per the requirements of the Michigan Planning Enabling Act. The remaining schedule of review should closely resemble the following:

Date	Meeting Type	Action Needed
April 3, 2023	City Commission	<ul style="list-style-type: none">• Set the public hearing date and provide an additional public comment period.• Provide required public notice as described in the MPEA.
May 22, 2023	City Commission	<ul style="list-style-type: none">• Present the final Plan and hold a public hearing.• If prepared to do so, the City Commission may adopt the Plan by resolution.

All of the documents related to the 2040 Plan remain available on www.thebirminghamplan.com. You can also watch a recording of past meetings on the City of Birmingham website. As a reminder, you can still submit comments directly to the consultant team through the aforementioned 2040 Plan website, and can submit comments directly to the Planning Division to be placed in the packet for the public hearing at the City Commission.

Planning Board

Now that the Planning Board has wrapped up its review of the 2040 Plan, it will begin to chip away at its Action List and begin reviewing several major developments that have submitted applications. Due to a holiday issue in April, the regularly scheduled meeting of the Planning Board on April 12th, 2023 was cancelled, and a special meeting was set on April 17th, 2023 to handle the business that was planned on the 12th. A tentative Planning Board list of scheduled items is provided below:

1. 479 S. Old Woodward – Special Land Use, Final Site Plan & Design Review (3/22/23)
2. 34952 Woodward & 690 E. Maple – Community Impact Study & Preliminary Site Plan Review (4/17/23)
3. B1 Zoning District Commercial Permitted Uses – Study Session (4/17/23)
4. 380 S. Bates- Community House – Community Impact Study & Preliminary Site Plan Review (4/26/23)

Multi-Modal Transportation Board

The Multi-Modal Transportation Board (MMTB) is in the process of reviewing design concepts for S. Eton Road resurfacing. An open house was held in January where the public was invited to provide input on proposed concepts. Upon review of possibilities at the meetings in February and March, the Multi-Modal Transportation Board has narrowed down their preferences of concepts. Preliminary concepts under review for S. Eton between Lincoln and Yosemite include either additional pavement on the west side,

or removing on-street parking on the east side in order to improve visibility and accommodate space for bike lanes. Concepts for S. Eton between 14 Mile and Lincoln involve additional pavement to extend the bike lanes and connect them to Royal Oak. A second open house for public review and comment on S. Eton designs will be held on Tuesday April 18, 2023 at the Department of Public Services building from 6 p.m. to 8 p.m. Comments from the public at the open house will be considered by the MMTB during their May 4, 2023 meeting.

Public Arts Board

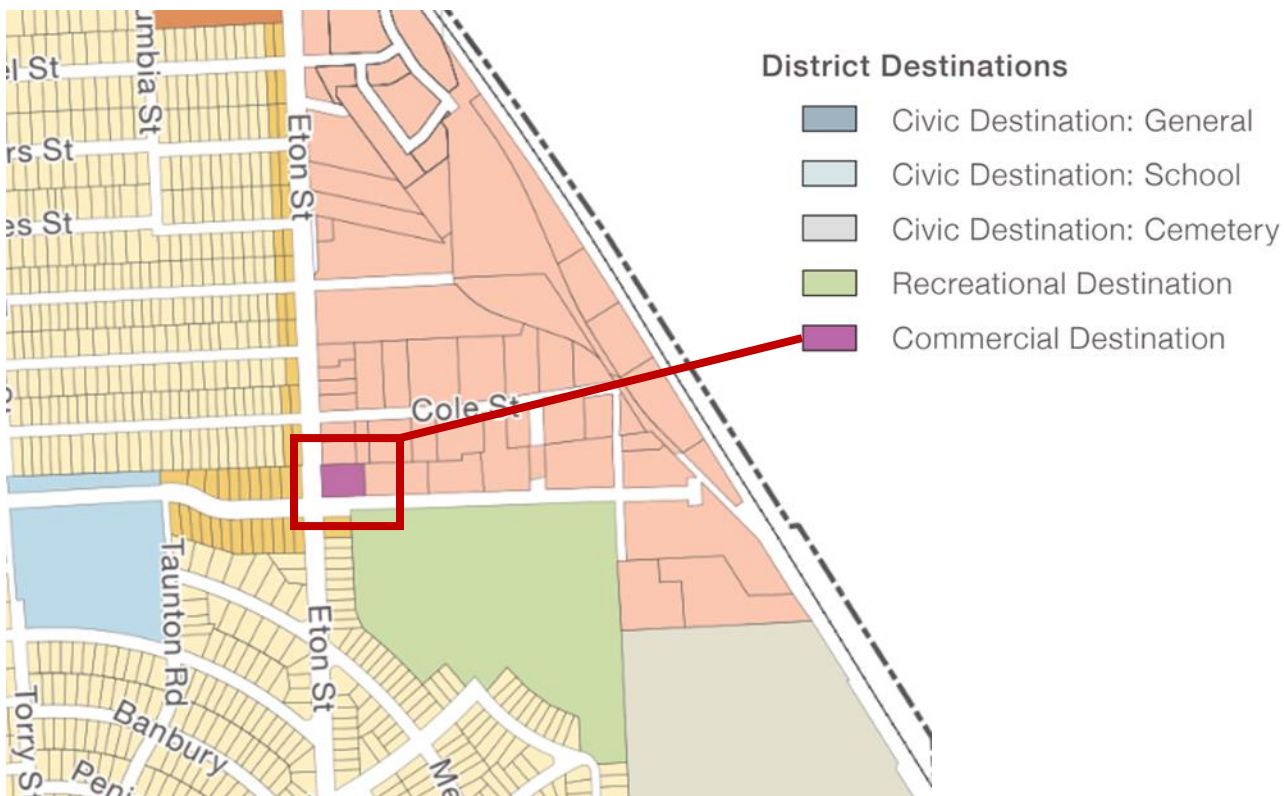
The Public Arts Board (PAB) will begin planning events for the summer and fall. Such events will include piano painting, chalk artists at Day on the Town, and potential involvement with an art walk in the fall. The PAB is also considering a “color to the music” event to occur during an In the Park Summer Concert.

Sustainability

The City has received several applications for the Environmental Sustainability Committee, which have been reviewed by the Planning Division to better understand how the applicants might fit into the defined roles of the ESC once appointed by the City Commission. Meanwhile, the City continues to push sustainability in all aspects of City government, which have culminated into several sustainability wins, with more to come. One major success was the securing of nearly \$450,000 for the conversion of the City’s streetlights to LED bulbs. Special thanks to Leah Blizinski, City Planner for putting together an excellent application in conjunction with Melissa Coatta, City Engineer. The Planning Division is aware of, and will be pursuing many more grant opportunities that are (and will continue to be) available to help fund our sustainability goals.

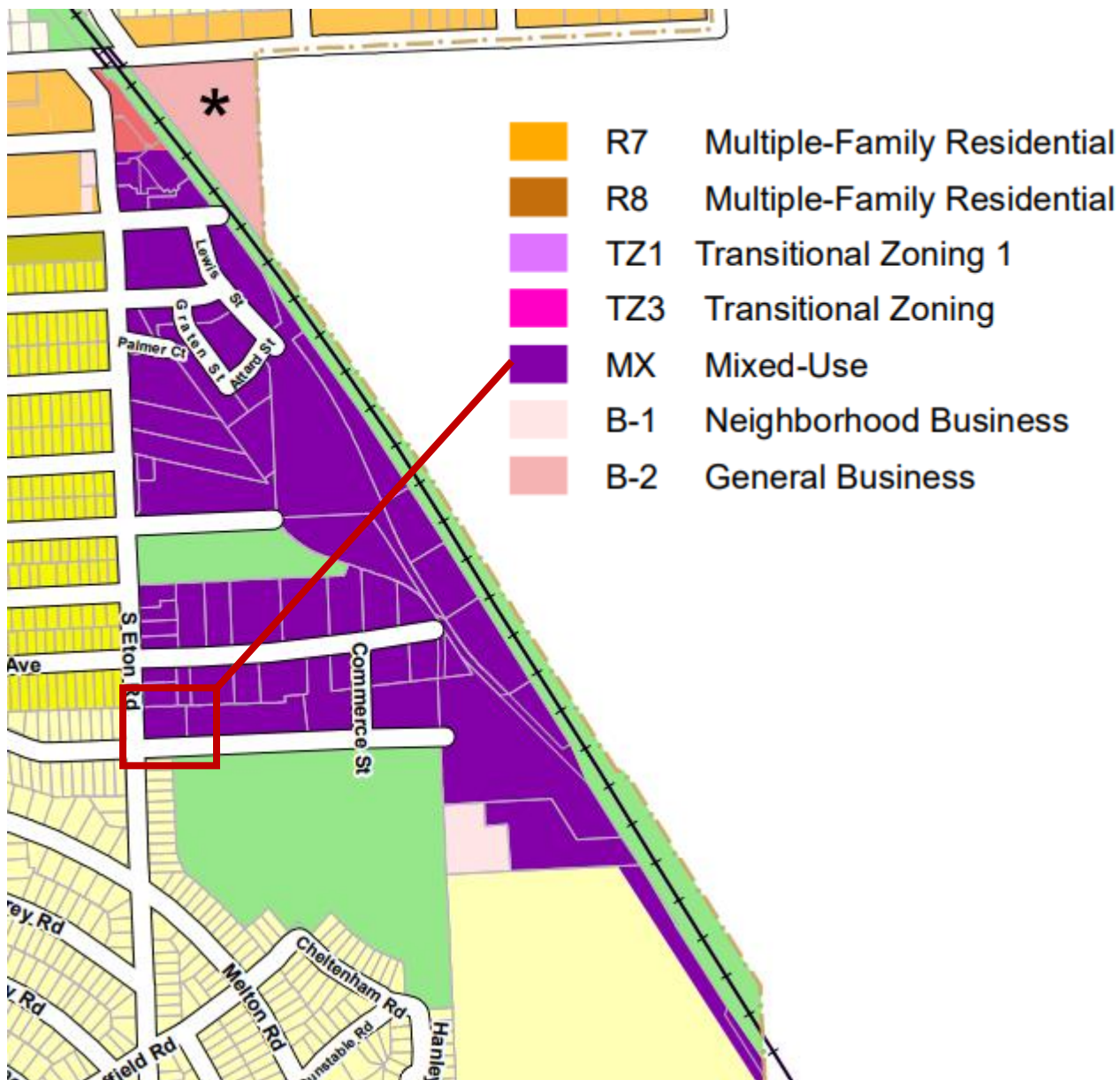
Setting the Record Straight – Lincoln & Eton Commercial Destination

Over the course of the last two Planning Board meetings, the City has received substantial public comment regarding the proposed commercial destination at the northeast corner of Lincoln and Eton in the Birmingham Plan 2040.

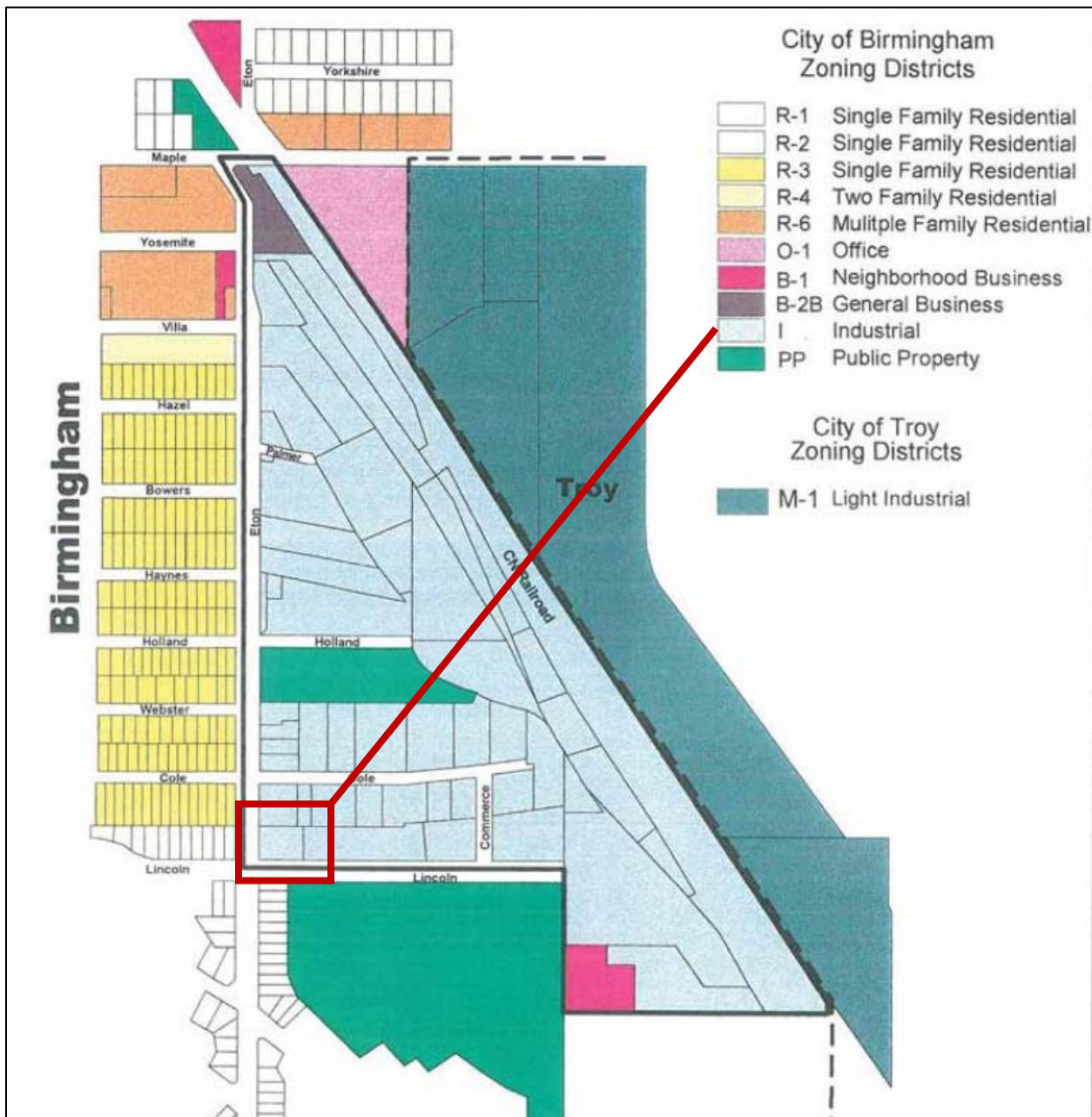


By way of background, the commercial destination proposal is a part of the larger planning districts concept in which several of the recommendations of the 2040 Plan are based upon. In the 2040 Plan, commercial destinations are described as a special category of non-residential uses that serve a local rather than regional customer base due to their size, hours of operation, and the specific category of business, and would be intended for new zoning categories, which limit development and operational parameters necessary to promote compatibility with surroundings.

Although this parcel is without question publicly owned property, the history of zoning on the site has been consistently aligned with the greater district, which has resulted in the zoning conditions that are applicable today. When the official zoning map received comprehensive updates in 2001, the parcel in question was zoned MX (Mixed-Use), and remains zoned MX to this day:



It is worth noting that this is not the first time that this parcel was zoned consistently with the greater area. Prior to the zoning map updates in 2001, the Rail District area was zoned as industrial, including the subject parcel despite it being publicly owned.



Based on the history of the zoning on this parcel, a conclusion can be drawn that the proposed commercial destination concept in the 2040 Plan does NOT contemplate a future zoning for this site that is substantially different than exists today. It also remains that a master plan does not rezone property, but rather informs future zoning.

Finally, as it relates to the current status of the subject property, City Staff is currently undergoing extensive research in an attempt to discover if it was ever formally designated as a park, or part of a park, by the City Commission. As has come up in recent conversations about the property adjacent to the Fire Station and Market Square, a formally designated park and the functions thereof are very different from non-park public open space. Any future findings relating to the status of this property will be reported to the City Commission at a future date.

Police Department

Police Department Annual Training

During the month of April, all officers will be attending two days of mandatory training. Every year officers are scheduled to attend these department training days where a variety of topics are taught. This year officers will be receiving training updates in First Aid, CPR and the use of Narcan. Additionally, officers will be trained in the use of Automated External Defibrillators (AED) which the Police Department recently purchased to be placed in patrol cars, as officers are often the first to arrive on medical calls for service.

Also, due to recent incidents involving railroads, training with CN Rail was scheduled. The training provides first responders with critical information allowing them to effectively respond to and safely investigate incidents involving the railroad.

Lastly, officers will participate in scenario-based training. This type of reality-based training is to help officers hone their skills and develop better judgment when faced with real-world situations. It requires officers to problem-solve and respond quickly under pressure, testing their response and decision-making skills in pressure situations. It also provides trainers with the opportunity to provide a more accurate assessment of what future training may be needed to enhance officer performance and protect the department from liability.

Police Department Annual Report

The Birmingham Police Department annually publishes a report detailing departmental activities and statistics. Download the [Birmingham Police Department's 2022 Annual Report here](#).

Parking Systems Update

Equipment

Installation of the new TIBA parking equipment is almost complete. The new equipment has been installed at the Chester St. Garage, Pierce Garage, Peabody Garage, and Park Garage. The N. Old Woodward Garage is the only remaining garage and it will be completed by the start of April.

Once the new TIBA equipment is installed, City staff is looking to implement a "scan to pay" option that allows guests to scan a QR code that takes them to a check out screen to pay for their parking. This will give guests another way to pay for parking before getting in line to exit the garage, helping to prevent backups.

Occupancy

FEBRUARY AVG CAPACITY	
Chester Garage (880)	54.80%
Old Woodward (745)	62.02%
Park Garage (811)	57.46%
Peabody Garage (437)	58.05%
Pierce Garage (706)	62.71%

Future Agenda Items

Download a summary of [future agenda items](#).

Future Workshop Items

Download a summary of [future workshop items](#).



MEMORANDUM

Planning Division

DATE: March 27, 2023

TO: Thomas M. Markus, City Manager

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Planning Division Annual Report – 2022-2023

INTRODUCTION:

The Birmingham Code of Ordinances requires that the Planning Division provide to the City Manager a tentative outline of the programs of its Planning Board, Design Review Board, and Historic District Commission for the ensuing year. Over time, these outlines have evolved into a comprehensive Planning Division Annual Report that includes an outline of the Planning Division team and a breakdown of the Boards/Commissions it staffs and their respective accomplishments and goals.

BACKGROUND:

The City Commission reviewed a Planning Division Annual Report for 2021-2022 on March 28, 2022 ([Agenda](#) – [Minutes](#)). The City Commission did not provide any comments at that time.

At this time, the Planning Division has prepared its annual report for 2022-2023.

LEGAL REVIEW:

The City Attorney has reviewed this memorandum and its attachments and has no concerns.

FISCAL IMPACT:

There are no fiscal impacts for this agenda item.

PUBLIC COMMUNICATIONS:

There are no required public communications as a part of this agenda item.

SUMMARY:

The Planning Division requests that the City Commission review the 2022-2023 Planning Division Annual Report and provide the Planning Division with any necessary feedback.

ATTACHMENTS:

The following document is attached for your review:

- Planning Division Annual Report – 2022-2023

SUGGESTED COMMISSION ACTION:

There are no actions required for this agenda item.

PLANNING DIVISION ANNUAL REPORT – 2022-2023

Planning Division Staff

Nicholas Dupuis, Planning Director

Brooks Cowan, Senior Planner

Leah Blizinski, City Planner

Laura Eichenhorn, Transcriptionist

Planning Division Boards & Commissions

As a regular function of Planning Division activities, the Planning Division is required to provide regular staff support at the following public bodies:

	Principal Staff Liaison	Information
City Commission	Dupuis	Roster/About
Planning Board	Dupuis	Roster/About
Historic District Commission	Dupuis	Roster/About
Design Review Board	Dupuis	Roster/About
Multi-Modal Transportation Board	Cowan	Roster/About
Public Arts Board	Cowan	Roster/About
Historic District Study Committee	Dupuis	Roster/About
Wayfinding and Gateway Signage Committee	Dupuis	Roster/About
Environmental Sustainability Committee	Blizinski	Roster/About
Triangle District Corridor Improvement Authority	Cowan	Roster/About
Board of Zoning Appeals	Cowan	Roster/About
Brownfield Redevelopment Authority	Cowan	Roster/About
Parks and Recreation Board	Blizinski	Roster/About

Additional Planning Division Board & Commission Activity

In addition to providing regular staff support to the boards and commissions listed above, the Planning Division has also provided support to the following:

	Principal Staff Liaison	Information
Advisory Parking Committee	-	Roster/About
Birmingham Shopping District Board	-	Roster/About
Museum Board	-	Roster/About

PLANNING BOARD, HISTORIC DISTRICT COMMISSION, & DESIGN REVIEW BOARD

Each year, the City Commission asks the Planning Division to prepare a report outlining board and commission activities from the previous year. This report covers the year beginning **April 1, 2022 and ending March 27, 2023**. In preparing the report, the Planning Board, the Historic District Commission, and the Design Review Board have the chance to review their goals and objectives for the upcoming year.*

The report is separated into two distinct parts: (1) **Accomplishments** and (2) **Goals**.

The **Accomplishments** section cites in narrative form the activities conducted by each board. This narrative will include a list of public hearings, studies and other reviews. The Planning Division has included Multi-Modal Transportation Board and Public Arts Board accomplishments in this section to satisfy the reporting requirements of their respective enabling ordinances or as requested by the City Commission.

The **Goals** section lists the items from the 2023 Action Lists for the Planning Board, Historic District Commission, and Design Review Board. Action Lists are used to organize and track progress on each group's goals. From this list, each board, as well as the City Commission, has the opportunity to evaluate their goals and objectives, and make any needed amendments.

EXECUTIVE SUMMARY – REVIEW TOTALS

	Site Plans	Design Review	Rezoning/Ord.	Other
Planning Board	18	0	14	18
Historic District Commission	-	16	0	4
Design Review Board	-	7	1	1

*Birmingham Code of Ordinance References

- [*Chapter 82 \(Planning\), Article II. – Planning Board, Sec. 82-33. – Duties.*](#)
- [*Chapter 82 \(Planning\), Article V. – Design Review Board, Sec. 82-105. – Duties.*](#)
- [*Chapter 127 \(Historic Districts\), Sec. 127-7. Historic District Commission meetings, recordkeeping and rules of procedure.*](#)

SECTION ONE: ACCOMPLISHMENTS

PLANNING BOARD ([*Chapter 82, Article II.*](#))

The Planning Board, which meets the second and fourth Wednesdays of each month, sets aside their first meeting of the month for discussion or study items and their second meeting of the month for development reviews. The Planning Board agenda for the meeting at which site plans and special land use permit requests are discussed are limited to a maximum of five (5) review items, including those tabled items which may be carried over from a preceding meeting. The following lists include review items from **April 1, 2022 to March 27, 2023**. It should be noted that each item may have been reviewed more than once over that period.

Site Plan & Design Review

The purpose of Site Plan Review is to provide flexibility in the placement and interrelationship of buildings and uses within each site subject to plan approval, and to provide for the implementation of design concepts while at the same time maintain the overall intensity of land use, density of population, and amounts of light, air, access and landscaped open space as required in the Zoning Ordinance. The Planning Board reviewed the following Site Plan & Design Review applications:

1. 191 N. Chester – OneStream
2. 294 E. Brown – Brown Street Mixed Use
3. 770 S. Adams – Perennial
4. 320 Martin St. – Birmingham Post Office
5. 35106 Woodward – Whole Dental Wellness
6. 295 Elm St. – Forest Townhomes
7. 183 N. Old Woodward – Paris Baguette
8. 479 S. Old Woodward – Birmingham Tower

Special Land Use Permit

Site Plan and Design Review for special land uses are considered and acted upon by the City Commission. Prior to its consideration of a special land use application for an initial permit or an amendment to a permit, the City Commission refers the Site Plan and the design to the Planning Board for its review and recommendation. The Planning Board reviewed the following Special Land Use Permits (SLUPs):

1. 588 S. Old Woodward – Phoenicia
2. 243 E. Merrill – La Strada
3. 1160 Grant St. – Ortiz Educare
4. 36877 Woodward – Gasow
5. 185 N. Old Woodward – Bell Bistro

6. 310 E. Maple – Perno
7. 460 N. Old Woodward – Wilders
8. 115 Willits – Mare Mediterranean
9. 34350 Woodward – Lavery Porsche
10. 300 S. Old Woodward – RH

Community Impact Study

A Community Impact Study (CIS) is required for any of the following:

- A new structure and/or building of 20,000 square feet of gross floor area or greater;
- A new structure and/or building or addition to an existing structure and/or building equaling less than 20,000 square feet of combined gross floor area upon determination by the Planning Board that the proposed development may exert a significant impact on the City; or
- An addition to an existing structure and/or building with a combined gross floor area of 20,000 square feet or more, provided that the addition has a gross floor area greater than 10% of the gross floor area of the existing structure and/or building.

A CIS addresses a multitude of planning, zoning, land use and environmental issues, as well as public service and transportation concerns. The Planning Board reviewed the following Community Impact Study applications:

1. 320 Martin St. – Birmingham Post Office
2. 34350 Woodward – Lavery Porsche

Rezoning & Zoning Ordinance Amendments

The City Commission may, by ordinance, amend, supplement or change the Zoning Ordinance only after the Planning Board has held at least one public hearing regarding a proposed amendment and has reported to the City Commission thereon. The Planning Board has reviewed the following Rezoning applications and Zoning Ordinance Amendments:

1. 540 Watkins – R8 (Attached Single Family) to R2 (Single Family)
2. Article 4, Section 4.44 – Outdoor Dining Standards
3. Article 3, Section 3.04 (C) – Downtown Overlay Specific Standards
4. Article 3, Section 3.16 – Via Activation Overlay District Specific Standards
5. Article 9, Section 9.02 – Definitions
6. Article 2, Section 2.04, Table 2.04.2 – Setbacks
7. Article 2, Section 2.06, Table 2.06.2 – Setbacks
8. Article 2, Section 2.08, Table 2.08.2 – Setbacks
9. Article 2, Section 2.10, Table 2.10.2 – Setbacks
10. Article 4, Section 4.30 – Open Space Standards

11. Article 4, Section 4.03 – Accessory Structure Standards
12. Article 3, Section 3.04 - Downtown Overlay Specific Standards
13. Article 3, Section 3.09 – Triangle District Commercial/Mixed Use Architectural Requirements
14. Article 4, Section 4.90 – Window Standards

Courtesy Review

For development proposals on public property that meet the standards of review by the Planning Board, a Courtesy Review is performed to review the standards of Site Plan & Design Review. The Planning Board has performed the following Courtesy Reviews:

1. 300 W. Merrill – Baldwin Public Library

Study Session

The Planning Board is tasked with engaging in long-range planning activities, matters related to the Planning Board's priority list and specific requests from the City Commission. The Planning Board has held the following Study Sessions:

1. Outdoor Dining
2. Side Yard A/C Units
3. Barrier-Free Ramps
4. Front Yard Setbacks
5. Window Standards
6. D4 Parking Standards
7. The Birmingham Plan 2040
8. B1 Zoning District

Pre-Application Discussion

As a part of the development process of the City of Birmingham, the Planning Board affords potential applicants the opportunity for a pre-application discussion to introduce a project and informally discuss proposals. The Planning Board held the following pre-application discussions:

1. 115 Willits – Mare Mediterranean
2. 219 Elm St. – All Seasons 2
3. 611 Elm St. – Elm/Bowers Property
4. 100 Townsend – Townsend Hotel
5. 117 Willits – Shift/Sidecar/Slice
6. 300 S. Old Woodward – RH
7. 2159 E. Lincoln – Lincoln Yard

HISTORIC DISTRICT COMMISSION ([Chapter 127](#))

The Historic District Commission (HDC) meets on the first and third Wednesdays of each month, with a general limit of four (4) regular reviews per meeting. Reviews may be added or deleted at the discretion of the city planner, based on the complexities of individual reviews. Review items include those tabled items which may be carried over from preceding meeting. The following lists include review items from **April 1, 2022 to March 27, 2023**. It should be noted that each item may have been reviewed more than once over that period.

Historic Design Review

All plans that include construction, addition, alteration, repair, moving, excavation, and demolition of resources in historic districts within the city limits are reviewed by the HDC to safeguard the heritage of the City, stabilize and improve property values, foster civic beauty, strengthen the local economy, and promote the use of historic districts for education, pleasure and welfare of the citizens of the City and of the State. The HDC reviewed the following Design Review applications:

1. 160 W. Maple – Dick O’ Dows
2. 148 Pierce – Telephone Exchange Building
3. 220 Merrill – 220 Restaurant (Detroit Edison Building)
4. 243 E. Merrill – La Strada
5. 299 W. Maple – Serena & Lily
6. 175 W. Maple – DiMaggio’s
7. 128 S. Old Woodward – Faherty (McBride Building)
8. 372 Harmon – Benjamin Daniels House
9. 310 E. Maple – Casa Pernoi (Briggs Building)
10. 185 N. Old Woodward – Bell Bistro (Bell Building)
11. 167 N. Old Woodward – Sweet Green (Erity & Nixon Building)
12. 111 E. Merrill – Schechter
13. 135-139 S. Old Woodward – Stifel (Briggs Building)
14. 555 Stanley – Hood House
15. 320 Martin St. – Birmingham Post Office
16. 188 N. Old Woodward – Comerica

Courtesy Review

For development proposals on publicly owned buildings within historic districts that meet the standards of review by the Historic District Commission, a Courtesy Review is performed to review the standards of Design Review. The HDC has performed the following Courtesy Reviews:

1. 300 W. Merrill – Baldwin Public Library

Pre-Application Discussion

As a part of the development process of the City of Birmingham, the HDC affords potential applicants the opportunity for a pre-application discussion to introduce a project and informally discuss proposals. The HDC held the following pre-application discussions:

1. *There were no pre-application discussions held during the report period.*

Study Session

The HDC engages in regular activities to further the declaration of history preservation as a public purpose by performing studies, reviewing preservation tactics, and continuing education. The HDC has held the following Study Sessions:

1. CLG Grant – Historic Design Guidelines
2. Bates St. Historic District Signage

DESIGN REVIEW BOARD ([Chapter 82, Article V.](#))

The Design Review Board (DRB) meet on the first and third Wednesdays of each month immediately following the Historic District Commission, with a general limit of four (4) regular reviews per meeting. Reviews may be added or deleted at the discretion of the city planner, based on the complexities of individual reviews. Review items include those tabled items which may be carried over from preceding meeting. The following lists include review items from **April 1, 2022 to March 27, 2023**. It should be noted that each item may have been reviewed more than once over that period.

Design Review

All plans not requiring Site Plan Review or Historic District Review for the alteration or painting of the exterior of any building and/or the addition of any lighting, signs, equipment or other structures which substantially alter the exterior appearance as determined by the City Planner are submitted to the Design Review Board for review. The purpose of Design Review is to foster attainment of those sections of the City's urban design plan which specifically refer to preservation and enhancement of the particular character of this city and its harmonious development, through encouraging private interests to assist in their implementation. The DRB reviewed the following Design Review applications:

1. 220 Park
2. 34660 Woodward – Village Players
3. 34901 Woodward – CIBC
4. 34040 Woodward – Community Unity Bank
5. 220 Park St. – Master Sign Plan
6. 185 Oakland – Belfor
7. 33680 Woodward – Petrucci Homes

Courtesy Review

For development proposals on publicly owned buildings that meet the standards of review by the DRB, a Courtesy Review is performed to review the standards of Design Review. The DRB has performed the following Courtesy Reviews:

1. *There were no Courtesy Reviews held during the report period.*

Pre-Application Discussion

As a part of the development process of the City of Birmingham, the DRB affords potential applicants the opportunity for a pre-application discussion to introduce a project and informally discuss proposals. The DRB held the following pre-application discussions:

1. *There were no pre-application discussions held during the report period.*

Study Session

The DRB engages in regular activities to further the attainment of those sections of the City's urban design plan which specifically refer to preservation and enhancement of the particular character of this city and its harmonious development. The DRB has held the following Study Sessions:

1. Projecting Signs (Wall Mounted)

MULTI-MODAL TRANSPORTATION BOARD ([Chapter 110, Article II.](#))

The Multi-Modal Transportation Board (MMTB) meets on the first Thursday of every month. The purpose of the multi-modal transportation board shall be to assist in maintaining the safe and efficient movement of motorized and non-motorized vehicles and pedestrians on the streets and walkways of the city and to advise the city commission on the implementation of the multi-modal transportation plan, including reviewing project phasing and budgeting. The following lists include review items from **April 1, 2022 to March 27, 2023**. It should be noted that each item may have been reviewed more than once over that period.

Street configurations

1. Westwood Drive
2. Brown Street between S. Old Woodward and Woodward
3. Elm Street – Fred Lavery Porsche

Pedestrian Improvements

1. Crosswalk design standards
2. Sidewalk priority review
3. Brown at Woodward Ave

Signage & Signal Requests

1. Southlawn and Latham
2. Brown Street & Chesterfield

Bicycle Infrastructure & Facilities

1. S. Eton design review

Other Multi-Modal Related Considerations

1. Speed bumps and speed tables
2. Electric scooters
3. Field trip to Ferndale riding the Woodward Fast bus and Mogo bikes around town.

PUBLIC ARTS BOARD ([Chapter 78, Article V.](#))

The Public Arts Board meets on the third Wednesday of each month and discusses matters related to public art in Birmingham. The public arts board has responsibilities including:

- Review publicly owned property for the purposes of consideration for the display of public art. The public arts board shall recommend to the city commission the establishment of general guidelines for site selection, maintenance program(s) for ensuring the structural integrity and aesthetic quality of the site and any work of art, including the removal of any work of art.
- Pursue sources of public funding for arts and cultural education, design competitions, special events etc., that may be necessary to advance the objectives of the public arts board.
- Increase public awareness and promote education of the importance of public art as an enrichment of the quality of life for the residents, business owners, employees and visitors to the city.

Sculpture Donations, Loans, Installations

1. *Khyber*, Tom Fitzgerald – Fairview Park
2. *Untitled #1 & #2*, Hank Marx – Martha Baldwin Park
3. Shooting Star, John Henry – S. Old Woodward and Woodward Ave greenspace

Murals Reviewed

1. *Raging Bull* – Dick O’ Dows
2. *You are so Loved* – 148 Pierce
3. *Comedy and Tragedy* – Village Players

Study Sessions

1. Lights for park sculptures

Other Activities

1. Piano in the Park
2. Chalk artist at Day on the Town
3. Art walk with downtown businesses

SECTION TWO: GOALS

The Planning Board, Historic District Commission, and Design Review Board set specific goals and priorities each year as part of the annual report. The formulation of these goals comes from the City Commission, Planning Board, HDC, and DRB members, City Staff, and members of the general public. Upon review of the items noted on the action lists that follow (**see attached**), the Planning Board, the HDC, and the DRB will make recommendations to the City Commission, as they deem important and necessary.

Planning Board Action List – 2023

Topic	General Goals	City Commission Directive?	Quarter	Status	
				In Progress	Complete
2040 Master Plan	Adopt a new comprehensive master plan.	<input checked="" type="checkbox"/>	Ongoing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B1 Neighborhood Business Uses	Consider adding additional commercial permitted uses in the B1 zone.	<input checked="" type="checkbox"/>	1 st (January-March)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mixed Use Requirements	Consider changing the requirements for mixed use in the Triangle District.	<input type="checkbox"/>	1 st (January-March)	<input type="checkbox"/>	<input type="checkbox"/>
Impervious Surface Definition	Clarify definition to promote the infiltration of storm water.	<input type="checkbox"/>	2 nd (April-June)	<input type="checkbox"/>	<input type="checkbox"/>
Lighting Standards	Review lighting standards and study residential districts to reduce light pollution and nuisance.	<input type="checkbox"/>	2 nd (April-June)	<input type="checkbox"/>	<input type="checkbox"/>
Health Club/Studio Use	Consider allowing health/fitness type activities in more areas of the City.	<input type="checkbox"/>	3 rd (July-September)	<input type="checkbox"/>	<input type="checkbox"/>
Dumpster Enclosures	Expand the materials permitted/not permitted in dumpster enclosures.	<input type="checkbox"/>	3 rd (July-September)	<input type="checkbox"/>	<input type="checkbox"/>
Definitions	Revisit key definitions to address any challenges presented and clean up verbiage to aid Planning Staff.	<input type="checkbox"/>	4 th (October-December)	<input type="checkbox"/>	<input type="checkbox"/>

Next Up...

Topic	General Goals	City Commission Directive?	Quarter	Status	
				In Progress	Complete
Public Project Review	Place on joint meeting agenda to express concerns over the review process of public projects.	<input type="checkbox"/>	-	<input type="checkbox"/>	<input type="checkbox"/>

Historic District Commission Action List –2023

Historic District Commission	Quarter Goals	In Progress	Complete
Historic Design Guidelines Project	1 st (January-March)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schedule Training Sessions for HDC and Community	1 st (January-March)	<input type="checkbox"/>	<input type="checkbox"/>
Historic Plaque for Community House, Parks & Wooster, & Ford Building	2 nd (April-June)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bates St. Historic District Signage	2 nd (April-June)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Develop Resources for the Michigan Historic Preservation Tax Credit	3 rd (July-September)	<input type="checkbox"/>	<input type="checkbox"/>
First Draft – Historic Preservation Master Plan	4 th (October-December)	<input type="checkbox"/>	<input type="checkbox"/>

Design Review Board Action List – 2023

Design Review Board	Quarter	In Progress	Complete
Signs vs. Designs	1 st (January-March)	<input type="checkbox"/>	<input type="checkbox"/>
Update Sign Ordinance	2 nd (April-June)	<input type="checkbox"/>	<input type="checkbox"/>
Create New Informational Artwork for Sign Ordinance	3 rd (July-September)	<input type="checkbox"/>	<input type="checkbox"/>
Sign Ordinance Enforcement	4 th (October-December)	<input type="checkbox"/>	<input type="checkbox"/>

Fwd: Time Sensitive Please Post/Share WED. MARCH 22, 2023 – 7:30 PM

1 message

Tom Markus <tmarkus@bhamgov.org>
To: Christina Woods <cwoods@bhamgov.org>

Wed, Mar 22, 2023 at 5:20 PM

Please add to the info only packet

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

From: **Scot Beaton** <scotbeaton@gmail.com>

Date: Wed, Mar 22, 2023 at 4:45 PM

Subject: Time Sensitive Please Post/Share WED. MARCH 22, 2023 – 7:30 PM

To: <tmarkus@bhamgov.org>, <jecker@bhamgov.org>, <mfairbairn@bhamgov.org>, <mgamboa@bhamgov.org>

Time Sensitive Please Post/Share ... with Nicholas Dupuis Planning Director

https://cms7files1.revize.com/birmingham/Document_Center/Department/Planning/Master%20Plan%20&%20Guidelines/Triangle_District_Plan.pdf

[https://cms7files1.revize.com/birmingham/PB%20Agenda%20FULL%20\(REduced\)%20-%202023-22-23.pdf](https://cms7files1.revize.com/birmingham/PB%20Agenda%20FULL%20(REduced)%20-%202023-22-23.pdf)

AGENDA

REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD

WEDNESDAY MARCH 22, 2023 – 7:30 PM

Miscellaneous Business and Communications:

Pre-Application Discussions

[34952 Woodward](#) & 690 E. Maple

preliminary site plan application

Birmingham Mixed-Use Development

Woodward Avenue & Maple Street Birmingham, Michigan

An open letter to the architect/developer, the planning board and the citizens of Birmingham MI

Let's all celebrate first there is an interest in the development of this very important corner. It has been vacant for years... It has been the focus of many planning studies... Triangle District Urban Design Plan | Birmingham MI etc. and the city of Birmingham has been quite generous in the density allowable at this corner. Up to 9 stories of mixed-use. All I can say is wow that's a tall building for Birmingham MI. So because this corner is of such great importance to the citizens of Birmingham we should take the time to do something even more inspiring than what is being presented to the planning board. My only complaint... does this corner deserve better than a mixed-use c-shape apartment building with a 'safe* building facade' a building that has already been done thousands of times all over America. Does this corner deserve better; even if more is spent upfront and in the long run a bigger profit for the developer. My answer and everyone in the room's answer should be YES!

Let's start with a hopeful 'given'... over time... hopefully sooner than later Woodward Avenue will become less of an 8 lane big truck and car highway. Woodward Avenue will become more of a linear park from Maple all the way to the Detroit river... less lanes for cars and trucks and more room for walking, biking, a streetcar transit infrastructure like you see on the streets in Europe. More room for green and trees. Woodward Avenue will become a place to live, work, shop and play without the need for car ownership; and as cars and big trucks become more electric, the air will be cleaner... less road noise etc. note: This concept could also go north to Pontiac, but I think the city of Bloomfield would be a tough sell.

This 'given' makes the corner even more valuable and easier to connect to the beautiful walkable downtown Birmingham to the west. So why can't we think even more out of the box... more to what the future holds, than

INFORMATION ONLY

what is there today. Let's do something; may sound a bit old fashion; but let's put architecture there that is as stunning as the Guardian Building, as stunning as the Book Tower or the Fisher Building. Identical twin slender 9 story residential buildings, and not atop a retail and parking lot podium that covers the entire site. Let them stand free and tall in a sea of green and reflecting water. No surface parking, no retail, but maybe the first 3 floors could be an office use. Live and work in the same building. All parking and loading would be underground. The upper floors would be 360 degree view homes with the two most expensive penthouses in all of Michigan. 'The Pinnacles of Birmingham MI' would hold the title as the most prestigious high-rise residential address in the entire state. 'The Pinnacles' could have very few amenities, maybe just a concierge/security and valet parking. Individual homes would have their own lap pools and exercise rooms etc... each building would have one hell of a lobby.

And why; I ask this question over and over again... why can't these twin towers be pretty? Why is architecture not pretty anymore? Birmingham actually has many very human scale pretty buildings, why is what is being presented by the architect/developer for this corner so nondescript; why safe* seen it, been done before? The new building on the southwest corner is absolutely beautiful. Why can't these twin towers beyond the 9 stories have a additional 30 foot steep copper roofline like the Fisher Building or the Book Tower? Why can't the penthouse have an open floor plan with 35 foot ceilings and windows overlooking straight down Woodward Avenue to the Detroit skyline and beyond? The price tag for this home could easily exceed \$15,000,000... (real estate is only about location, location, location) If the architect/developer goal is to build only the very best at this location there will be a buyer, and probably there will be a bidding war for those two penthouses, if not all the units. And finally why can't the buildings reflect a true architectural style... build Art Deco or Art Nouveau... build in a way that they look like if they were built in the 1920's, they are not office buildings they are upscale residential buildings. Build a work of art!

Hate to see such a beautiful location in such a beautiful city be wasted on a mundane building that has been done so many times before. I'm an advertising creative director not an architect. When I design a unmemorable looking ad that's OK it will be gone in a year. Whatever we put at this corner it will be there for 150+ years... let's build architecture, not an unmemorable looking apartment building.

Always thanks for your time

Scot Beaton

<https://www.linkedin.com/in/scot-beaton-474a7b51>

note: Please share this open letter with friends, family and business associates.

*safe is code for really boring.

What Makes Buildings Beautiful (And Why Beauty Does Matter)

<https://www.youtube.com/watch?v=C9pg2j2oGy0> a good watch on youtube... :)

Time Sensitive Please Post/Share ... thanks

INFORMATION ONLY

BIRMINGHAM AREA CABLE BOARD
ANNUAL REPORT
FISCAL YEAR 2021-22

Submitted By:

Cathy K. White

Executive Director

December, 2022

INFORMATION ONLY

CABLE BOARD MEMBERS

As of December 31, 2022

BIRMINGHAM

Michael Fenberg-Treasurer

David Eick- Vice Chair & Personnel Committee Chair

George Abraham- Cable Action Committee Chair

Donovan Shand

Jim Cleary

Robert Whittington

BINGHAM FARMS

D.E. Hagaman

FRANKLIN

Rick David

BEVERLY HILLS

Christopher Dobies

Gilbert Gugni- Chairman

Shane Henry

Ray Kamoo- Secretary & PEG Committee Chair

INFORMATION ONLY

Introduction

Each year upon the completion of the BACB annual audit, prepared by Plante & Moran, PLLC, we submit an update to our four community members: Birmingham, Beverly Hills, Franklin and Bingham Farms. The purpose of this annual report is to keep these communities apprised of the work of the BACB during the previous calendar year.

As Chairman of the BACB I am pleased to report that during the previous year we have continued to perform our mandated duties with great pride and distinction. Franchise fees have been timely paid to the community members in the form of administrative grants. Grant requests have been received and moved upon in a speedy and effective process. All complaints received from residents regarding service from the three providers (Comcast, AT&T and WOW) were resolved expeditiously, primarily due to the efforts of the BACB's Executive Director, Cathy White.

By the end of this reporting period, all twelve positions of the BACB were filled for the first time since prior to the start of the pandemic. These twelve individuals are highly motivated to continue the duties and responsibilities of the BACB in a professional manner. I am very confident that this will occur.

Gil Gugni
Chairman, Birmingham Area Cable Board

BCTV Contract

The contract with BCTV for public and governmental programming, which originally expired on June 30, 2019, has been extended until December 31, 2026. Carrie LeZotte currently serves as Director of Cable and Community Relations and Greg Black currently serves as manager. The cost for BACB production and associated services in FY 2021-22 was \$262,350.00. BCTV has been taping three additional Birmingham public meetings: the Board of Zoning Appeals, the Advisory Parking Committee and the Multi-Modal Transportation Board. In addition, we utilize PEG funds for BCTV to tape local high school sports events.

Board Committees

The Board has three standing committees: PEG (Public Educational Governmental), CAC (Cable Action) and Personnel committees.

PEG Committee

The PEG Committee is charged with oversight and development of programming on the public access and governmental channels as well as reviewing proposed grants for PEG infrastructure. Ray Kamoo is the Chairman; membership is open to any Board member, and representatives of BCTV and the Birmingham Public Schools participate on a regular basis. Live broadcast, as well as rebroadcast, of local governmental meetings continues on the Governmental channel. The Public channel provides opportunities for local citizens to produce their own programs, as well as to broadcast/rebroadcast parades, lectures, concerts and other events of community interest. The rebroadcast of Groves versus Seaholm athletic contests, both boys and girls, is now in its ninth year and is an especially popular undertaking. Comprising its contribution to the "E" in PEG, the Cable Board has made significant contributions to help fund the broadcast infrastructure for the Birmingham Public Schools and, specifically, the Birmingham Public School Education and Administration Center. We are actively

seeking new PEG grant requests to include community equipment upgrades and enhancements to the school facilities within our footprint.

CAC Committee

The Cable Action Committee was formed to follow up on Board initiatives and cable provider commitments at the monthly meetings and drive special projects. Subscriber complaints are reviewed, and legal/legislative issues and new initiatives are discussed. George Abraham is the Chairman. Discussions involved PEG and municipal support services grants, financial matters, cable TV industry developments, review and improvement of the new BACB website, FCC rule-making proceedings and long-term planning. We are continuing to expand our outreach to assist more members of the community in resolving customer service issues.

Personnel Committee

The Personnel Committee was formed to address personnel issues, fill Board vacancies and complete performance evaluations of the Executive Director. David Eick is the Chairman. The Personnel Committee met in May of 2022 to conduct the annual review of the Executive Director's job performance.

Audit

Plante & Moran, PLLC conducted the annual audit of Board financial operations. The audit included a review of the financial activities performed by Beverly Hills, which acts as the BACB fiduciary agent. The audit also reviewed activity on the Michigan United Credit Union (designated funds to purchase capital equipment for PEG-related activities) and our Multi Bank Securities account (institutional investments). The Independent Auditor's Report indicated that the BACB's financial statements received an unmodified audit opinion for 2021-2022, which is the highest level given.

Grants

The Board paid a total of \$3,158.00 in grants during the fiscal year. This amount includes a municipal support services grant to the Franklin Bingham Fire Department in the amount of \$2,699. A PEG grant was awarded to the Village of Beverly Hills for work done by a contractor (Advanced Lighting & Sound) to enable hybrid meetings to be conducted as a result of the global pandemic.

In addition, Administrative Grants from franchise fees, per our Interlocal Agreement, were also returned proportionally to each BACB community.

Complaints

Written complaints to the BACB decreased in FY 2021-22. There were approximately 28 formal complaints, compared to 40 complaints the previous year. Our Executive Director accepts all calls and website complaints including informal actions wherein residents decline to record formal action. Complaints involved pricing/billing, poor service, service interruptions, long wait times on Comcast 1-800 numbers, calls being shifted overseas, missed appointments (without compensation) and downed/unburied wires in the rights-of-way. Subscribers are still encouraged to call their provider first to try to resolve disputes. The BACB continues to accept and process complaints from our residents. We

have streamlined the escalation process. WOW!, Comcast and AT&T have escalation teams to promptly deal with residents' problems and are often resolved within 24 hours.

The Michigan Public Service Commission also addresses complaints against cable providers (as well as disputes between local units of government and cable providers). The MPSC process is rather difficult and time-consuming for residents; the BACB, however, continues to address all local complaints immediately.

Fiscal Year Budget

The Board is expected to receive \$688,005.00 in franchise and PEG fees this upcoming fiscal year. This includes \$248,005.00 in franchise fees and \$440,000.00 in PEG fees. PEG fees are designated funds and may only be used for purchase and maintenance of capital equipment.

PRESIDENT
Victoria Woodards
MAYOR
Tacoma, Washington

FIRST VICE PRESIDENT
David Sander, Ph.D.
COUNCILMEMBER
Rancho Cordova, California

SECOND VICE PRESIDENT
Sharon Weston Broome
MAYOR-PRESIDENT
Baton Rouge, Louisiana

IMMEDIATE PAST PRESIDENT
Vince Williams
MAYOR
Union City, Georgia

**CHIEF EXECUTIVE OFFICER/
EXECUTIVE DIRECTOR**
Clarence E. Anthony

March 2, 2023

The Honorable Maria Cantwell
Chair
U.S. Senate Commerce, Science and
Transportation Committee
254 Russell Senate Building
Washington DC, 20510

The Honorable Tom Carper
U.S. Senate Committee on Environment
and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Sam Graves
Chair
U.S. House of Representatives
Transportation and Infrastructure
Committee
2165 Rayburn House Office Building
Washington, DC 20515

The Honorable Senator Cruz
Ranking Member
U.S. Senate Commerce, Science and
Transportation Committee
512 Dirksen Senate Office Building
Washington DC, 20510

The Honorable Shelley Moore Capito
Ranking Member
U.S. Senate Committee on
Environment and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Rick Larsen
Ranking Member
U.S. House of Representatives
Transportation and Infrastructure
Committee
2165 Rayburn House Office Building
Washington, DC 20515

Chair Cantwell, Chair Carper, Chair Graves, Ranking Member Capito, Ranking Member Cruz, and Ranking Member Larsen:

The National League of Cities (NLC) continues to support action by Congress and the U.S. Department of Transportation to improve rail safety in the U.S. The unfortunate derailment and environmental contamination in East Palestine, Ohio is not unprecedented, with more than 1,000 trains derailing last year in multiple states. Yet, the severity of this derailment requires proactive reflection on safety requests that have lingered as the country waits for final reports from the National Transportation Safety Board (NTSB), which should also spur action.

With 140,000 miles of track in the U.S. crossing directly through many of the nation's 19,000 cities, towns and villages, local officials continue to look for actions to improve rail safety in their communities with federal assistance and taking precautions - such as increasing local first responders' use of the ["AskRail" phone app](#) to provide better information as they arrive on the scene of a rail incident. The safe and efficient movement of people and goods must be the prime objective of transportation policy at all levels of government, but local governments find most rail safety improvements questions boomerang back to Congress as the only recourse.

NLC encourages Congress to consider steps that would make rail and our communities safer including the following recommendations:

Provide Federal Railroad Administration (FRA) data to assess the risk of hazardous materials moving on fewer, longer trains and target safety oversight

Local governments have raised concerns about longer trains dividing communities in two in emergencies, causing firetrucks, ambulances and police to be cut off from their destinations with no clarity on how long a particular crossing might be blocked. This concern is now compounded by the shift to longer trains (referred to as precision railroading), which means each train is more likely to be carrying hazardous materials that could have similar environmental consequences to East Palestine when a derailment happens. Congress should require the FRA to access information to understand the safety risks of derailments in the U.S., the impact of longer trains on the number of hazardous materials cars involved in derailments, and number of crossings blocked for extended, unsafe periods. In a similar manner that we require states to meet basic safety requirements to access federal funding, railroads receiving federal grants should be expected to provide appropriate information to FRA annually. Without information, Congress and the FRA will not have insight into risks by state as well as potential solutions to reduce derailments and national freight challenges.

Ensure financial fines are used first for the community impacted

Financial consequences inform business decisions and should be appropriate to the risk and damages caused. Any fines collected should first be used to address the emergency situation created by a derailment, such as East Palestine, in addition to the required environmental clean up and economic damages caused by the incident. Any community who suffers an incident requiring a fine should expect the full support of the federal government to remedy the harm.

Expedite rail safety improvements and technology tools to reduce rail deaths and derailments

NLC urges Congress to consider increasing support to the Federal Rail Grade Crossing Elimination program to expedite rail crossing separations where needed to reduce conflicts and also provide FRA resources to utilize rail safety technology tools that can be provided to communities to assess pedestrian and car incidents at dangerous crossing hot spots and be moved from community to community upon request. Additionally, FRA and NTSB should consider if wayside detectors locations should be assessed to ensure the checks are happening in advance of more urbanized areas or ahead of critical watersheds so that when a derailment happens, it is less likely to happen in a more populated or impactful area, saving lives and communities' clean water.

Expand the list of hazardous materials that are reported to state and local first responders

The proximity, switching and storage of railroad cars containing volatile and hazardous materials in and through urban and residential neighborhoods remains a core concern, and it has become clear that today's list may not be capturing all the hazardous materials moving on our railways. We agree that updating the list of substances to more accurately reflect a full understanding of what is being moved through communities is needed as well as ensuring that communication between railroads, states, and first responders is clear and efficient. We urge Congress to ensure that mandated communication makes it to the first responder on the scene, not only to the state office.

Invest in local experimentation for improving signs and signals that reduce costs and increase safety

In order for USDOT to accept new railroads safety signs and signals into the Manual on Uniform Traffic Control Devices (MUTCD), [experimentation](#) must occur at the expense of the requester which puts a heavy burden to innovate on local governments when a reasonable investment by Congress in innovation of new concepts could yield cost savings and increase safety. Additionally, if any entity funding MUTCD

experimentation can show significant safety benefits from new structures, any experimental equipment and structures should be maintained in place rather than removed unless it is not included in the next version of the MUTCD.

Support the NTSB's experts and pass their recommendations


Each year the NTSB provides Congress, states and local governments with their "[Most Wanted List for Transportation Safety](#)" to save American lives and requests appropriate budget to staff various experts across all modes of transportation to respond and be among the first on the scene to assess the possible causes of the often-fatal incidents. Congress could consider more of their recommendations and ensure appropriate funding for critical response so that causes can be accurately diagnosed and addressed.

Set the expectation for America's railroads to be good neighbors

Railroads are part of America's communities, and local governments expect all railroads to be good neighbors to the communities they reside in by answering local government questions promptly, hosting emergency contact information for incidents and issues, reviewing blocked crossing and safety data annually with communities upon request, and partnering with communities to utilize federal grants to eliminate blocked crossings and congestion points in regions. We must pursue productive collaboration between railroads and communities to reduce conflicts and fatalities related to rail operations.

NLC thanks Congress for their continued attention to rail safety improvements through the IIJA's historic investment. We ask for your continued oversight and leadership to act on these recommendations which can improve safety in thousands of communities, and local governments look forward to discussing these issues with your Committees.

Sincerely,



Clarence E. Anthony
CEO and Executive Director
National League of Cities