

**BIRMINGHAM CITY COMMISSION AGENDA
REGULAR MEETING
NOVEMBER 25, 2024
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

APPOINTMENTS

- A. Birmingham Shopping District
 - A. Beth Hussey
 - B. Julie Sloan

To concur in the City Manager's appointment of Beth Hussey to the Principal Shopping District Board as a business representative with interest in property located within the district to serve the remainder of a four-year term to expire November 16, 2025.

To concur in the City Manager's appointment of Julie Sloan to the Principal Shopping District Board as a district resident to serve the remainder of a four-year term to expire on November 16, 2028.

- B. Martha Baldwin Park Board
 - A. Michael Killelea

To appoint _____, as a regular member to the Martha Baldwin Park Board to serve a four-year term to expire May 1, 2028.

RECOGNITION OF STAFF

- C. Police Department
 - A. Welcome
 1. Dispatcher Brandon Ryan
 2. Dispatcher James Kraszewski
 3. Dispatcher Daniel Patton
 4. Police Officer Jamie Debano
 5. Police Officer Malik Humes
 6. Auxiliary Officer Ryan Berman
 - B. Promotions

1. Dispatcher Manager Steven Lemiere-Bozynski
2. Sergeant Joshua Bouchard
3. Sergeant Anthony Paredes

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.

*Minutes for the workshop and regular meetings held on November 18, 2024 will be presented at the December 9, 2024 meeting.

- A. Resolution to approve the warrant list, including Automated Clearing House payments, dated November 21, 2024 in the amount of \$3,403,325.14.
- B. Resolution to accept the resignation of Judy Doyle from the Board of Ethics, to thank her for her service and to direct the City Clerk to begin the process of filling the vacancy.
- C. Resolution to accept the resignation of Elaine McLain from the City Commission, to thank her for her service and to direct the City Clerk to begin the process of filling the vacancy.

VI. CITY MANAGER'S REPORT

The City Manager's Report regularly occurs on the second City Commission meeting of the month. Additionally, reports from prior months can be viewed on the City's [website bhamgov.org/manager](http://www.bhamgov.org/manager).

- A. November City Manager's Report 2024

VII. UNFINISHED BUSINESS

- A. Resolution to approve the Updated Role of the Advisory Parking Committee.

VIII. NEW BUSINESS

- A. Public Hearing - 2025-2026 Community Development Block Grant Application
 1. Resolution approving the Program Year 2025 Community Development Block Grant application with the following projects and respective allocations:

	<u>2025-2026</u>
1) Public Services – Yard Services	\$5,107
2) Remove Architectural Barriers – Museum Park	<u>\$28,945</u>
<u>TOTAL</u>	<u>\$34,052</u>

and authorize the mayor to sign the application, conflict of interest certification, sub recipient agreement (when available), and other documents resulting from this application on behalf of the City and submit the documents to Oakland County.

- B. Public Hearing – Proposed amendment to Article 3, Section 3.08 and Article 9, Section 9.02 of the Zoning Ordinance to modify the provisions for additional building height in the Triangle District of Birmingham
 - 1. Motion adopting an ordinance to amend Article 3, Section 3.08 and Article 9, Section 9.02 of Chapter 126 (Zoning) of the City Code, to modify the provisions for additional building height in the Triangle District of Birmingham.
- C. Resolution to approve the 48th District Court’s 2025 budget as submitted.
- D. Transparency Portal Presentation
- E. 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.
- F. Commission discussion on items from a prior meeting.

IX. REMOVED FROM CONSENT AGENDA
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X. COMMUNICATIONS

XI. REPORTS

- A. Commissioner Reports
 - 1. Notice of Intention to Appoint to the Business Shopping District
 - 2. Notice of Intention to Appoint to the Board of Ethics
 - 3. Notice of Intention to Appoint to the Environmental Sustainability Committee
 - 4. Notice of Intention to Appoint to the City Commission
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions’ Reports and Agendas
 - 1. Ethics Opinion 2024-01
- D. Legislation
- E. City Staff
 - 1. Application Process to fill the City Commission Vacancy
 - 2. [1st Quarter Budget Report](#)
 - 3. 1st Quarter Investment Report
 - 4. Southeastern Oakland County Water Authority Quarterly Report (October 2024)
 - 5. Progress Update on 400 E. Lincoln

INFORMATION ONLY

XII. 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) 644-3405 (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).



NOTICE OF INTENTION TO INTERVIEW FOR APPOINTMENT TO THE BIRMINGHAM SHOPPING DISTRICT BOARD

At the regular meeting on Monday, November 25, 2024, the Birmingham City Commission intends to concur with the City Manager's recommendation and appoint two applicants to the Birmingham Shopping District Board. One member shall be a district resident to serve a four-year term to expire on November 16, 2028. The other member shall be a business representative with interest in property located within the district to serve the remainder of a four-year term to expire November 16, 2025.

The goal of the Birmingham Shopping District Board shall be to promote economic activity in the principal shopping districts of the City by undertakings including, but not limited to, conducting market research and public relations campaigns, developing, coordinating and conducting retail and institutional promotions, and sponsoring special events and related activities (Section 82-97(a)). The board may expend funds it determines reasonably necessary to achieve its goal, within the limits of those monies made available to it by the City Commission from the financing methods specified in this article (Section 82-97(b)).

The ordinance states that the City Manager will make the appointment with the concurrence of the City Commission.

Interested persons may submit a form available from the City Clerk's office. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, November 20, 2024. These documents will appear in the public agenda.

Applicant(s) Presented for City Commission Consideration:

Applicant Name	Criteria/Qualifications
Beth Hussey	Current board member and business representative with interest in property located within the district
Julie Sloan	Current board member who resides in the shopping district

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

SUGGESTED RESOLUTION:

To concur in the City Manager's appointment of Beth Hussey to the Principal Shopping District Board as a business representative with interest in property located within the district to serve the remainder of a four-year term to expire November 16, 2025.

To concur in the City Manager's appointment of Julie Sloan to the Principal Shopping District Board as a district resident to serve the remainder of a four-year term to expire on November 16, 2028.

FromClerksOffice- APPLICATION FOR CITY BOARD OR COMMITTEE [#35]

'Wufoo' via Clerks Office <ClerksOffice@bhamgov.org>

Wed, Nov 13, 2024 at 8:29 AM

Reply-To: no-reply@wufoo.com

To: clerksOffice@bhamgov.org

Board/Committee of Interest	Board of Directors
Specific Category/Vacancy on Board (see below)	Business Representative with Property Interest
Name	Beth Hussey
Residential Address	 3422 Chickering Lane Bloomfield Hills, MI 48302 United States
Business Address	 34977 Woodward Ave Suite 100 Birmingham, MI 48009 United States
Phone Number *	(248) 765-0237
Email	beth@eatathazels.com
By providing your email 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.	
Length of Residence	10 years
Occupation	Restaurant Owner

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

With a deep background in the restaurant and hospitality industry, I offer a unique perspective that would be valuable to the Birmingham shopping district board. My experience includes creating and refining customer-focused businesses, developing effective training and engagement strategies for staff, and implementing technology solutions to enhance customer experiences. As a business owner and leader, I understand the importance of making Birmingham a vibrant and welcoming destination for residents and visitors alike. My insights into operations, customer engagement, and strategic growth can help the board support and attract a diverse mix of thriving businesses, strengthening Birmingham's appeal as a premier shopping and dining destination.

List your related employment experience

Restaurateur: I have extensive experience in the restaurant industry, including ownership and management roles that have provided a deep understanding of operations, customer service, and hospitality.

Creator of Shifty: Founder of the Shifty app, a mobile platform that focuses on training, engaging, and retaining restaurant employees. This showcases my experience in developing solutions for the hospitality industry, including

technological and training innovations.

Collaboration with Partners and Investors: Experience working with investors, partners, and digital marketing agencies reflecting skills in business development, networking, and community engagement—valuable for a role in a shopping district board focused on local business success.

List your related community activities	I Serve on the BSD Events Committee Pioneered and created The Great Decorate, an initiative that blends community engagement, event coordination, and a charity that benefits local foster teens that age out of the system. I serve on the committee of the Vine & Dine Charity event for created by the BBCC.
List your related educational experience	Some college.
To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain.	No
Do you currently have a relative serving on the board/committee to which you have applied?	no
Are you an elector (registered voter) in the City of Birmingham? *	no

FromClerksOffice- APPLICATION FOR CITY BOARD OR COMMITTEE [#33]

'Wufoo' via Clerks Office <ClerksOffice@bhamgov.org>

Wed, Oct 23, 2024 at 11:37 AM

Reply-To: no-reply@wufoo.com

To: clerksOffice@bhamgov.org

Board/Committee of Interest	BSD Board Member
Specific Category/Vacancy on Board (see below)	BSD resident
Name	Julie Sloan
Residential Address	 211 E. Merrill St Apt 303 Birmingham, MI 48009 United States
Business Address	 34300 Woodward Ave Suite 200 Birmingham, MI 48009 United States
Phone Number *	(847) 612-1554
Email	jake4low@gmail.com
By providing your email 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.	
Length of Residence	7 years
Occupation	Marketing and project management
Reason for Interest: Explain how your background and skills will enhance the board to which you have applied.	I've spent my career in the area of marketing and promotion and project management and care deeply about supporting, contributing and making an impact on my hometown of and am currently focused on helping small businesses survive and thrive with particular emphasis in Birmingham.
List your related employment experience	Previously worked in marketing roles for consumer goods companies ie at Estee Lauder corporate offices, and customer service experience at Nordstrom. Currently spearheading all aspects of an application designed to support small businesses known as "ShopLoyal".
List your related community activities	Served on the BSD marketing and tourism committees, volunteered for BSD events and other Birmingham related activities, staunch supporter and interact often with Birmingham small businesses.
List your related educational experience	Undergrad business degree, Graduate degree in mass communications. Attend social media and marketing seminars following my formal education to hone my skills and stay up to date on new technologies and trends.
To the best of your knowledge, do you or a member of your immediate family have any	no

direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain.

Do you currently have a relative serving on the board/committee to which you have applied?	no
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Are you an elector (registered voter) in the City of Birmingham? *	yes
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BIRMINGHAM SHOPPING DISTRICT BOARD

Ordinance 1534 - Adopted September 14, 1992

The Board shall consist of 12 members as follows:

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

4-Year Terms

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Ecker	Jana	(248) 530-1811 <i>jecker@bhamgov.org</i>	City Manager	
151 Martin Birmingham	48009			
Eid	Samy	(248) 840-8127 <i>samyeid@mac.com</i>	11/14/2016 Business representative with interest in property located in district	11/16/2025
1800 Rathnmor Bloomfield Hills 588 S. Old Woodward Birmingham	48304 48009			
Erika	Bassett	(248) 530-1250 <i>ebassett@bhamgov.org</i>	Executive Director	
151 Martin Street Birmingham	48009			

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Fehan	Douglas	(248)705-3000 <i>godug@aol.com</i>	Director Emeritus	
Hussey	Beth	(248)765-0237 <i>beth@eatathazels.com</i>	11/28/2022 Business representative	11/16/2026
3422 Chickering Lane Bloomfield Hills 48301 24977 Woodward Ave Suite 100 Birmingham 48009				
Kay	Zachary	(248) 770-0646 (248) 220-4999 <i>zak@shopfoundobjects.com</i>	7/9/2018 Business representative	11/16/2027
173 N Glengary Rd. Bloomfield Hills 48301 168 South Old Woodward Birmingham 48009				
Lundberg	Jessica	(248) 766-8696 <i>jessica@rivagedayspa.com</i>	10/26/2024 Business representative with interest in property located in district	11/16/2026
494 Whippers in Court Bloomfield Hills 48304 210 S. Old Woodward Ste. 250 Birmingham 48009				
McKenzie	Michael	(312) 785-4906 <i>mike_mckenzie@mac.com</i>	11/23/2020 Resident from adjacent neighborhood	11/16/2027
2123 Windemere Birmingham 48009				

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Pohlod	Amy	(248) 219-5042	7/25/2016	11/16/2026
1360 Edgewood			Business representative with interest in property located in district	
Birmingham	48009	<i>amypohlod@hotmail.com</i>		
912 South Old Woodward				
Birmingham	48009			
Roberts	William	(248) 463-8606	11/10/1997	11/16/2025
320 Martell Ct		(248) 646-6395	Business representative	
Bloomfield Hills	48304	<i>BR@RobertsRestaurantGroup.com</i>		
273 Pierce				
Birmingham	48009			
Sloan	Julie	(847) 612-1554	10/28/2024	11/16/2024
211 E. Merrill St Apt 303			District resident	
Birmingham	48009	<i>julie@shoployal.com</i>		
34300 Woodward Ave Ste. 200				
Birmingham	48009			
Surnow	Sam	(248) 877-4000	11/23/2015	11/16/2027
1310 S. Bates		(248) 865-3000	Business representative with interest in property located in district	
Birmingham	48009	<i>sam@surnow.com</i>		
320 Martin, Ste. 100				
Birmingham	48009			
Taddei	Michele	(248) 275-3125	11/16/2023	11/16/2027
500 E Long Lake Road			Business representative with interest in property located in district,	
Bloomfield Hills	48304	<i>michele@fullercentralpark.com</i>	Member greater than 5% total sq ft	
112 Peabody St.				
Birmingham	48009			

Last Name	First Name	Home		
Home Address		Business		
Business Address		E-Mail	Appointed	Term Expires
Vacated	10/2/2024			11/16/2025
Business representative with interest in property located in district				

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **Birmingham Shopping District**

Year: **2023**

Members Required for Quorum: **7**

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Richard Astrein	P	P	A	Ae	P	P	A	P	A	P	P				7	4	64%
Samy Eid	A	P	P	P	P	A	P	P	P	A	P				8	3	73%
Beth Hussey	P	P	P	P	P	P	P	P	P	P	P				11	0	100%
Zachary Kay	P	P	P	P	P	P	P	P	A	P	P				10	1	91%
Sarvy Lipari	P	P	P	Ae	P	A	A	P	P	P	P				8	3	73%
Tom Markus/Jana Ecker	P	A	P	P	P	P	P	P	P	P	P				10	1	91%
Mike McKenzie	P	P	P	P	P	A	P	A	Ae	P	P				8	3	73%
Amy Pohlod	P	P	P	P	P	P	A	P	P	P	A				9	2	82%
Steve Q./Michele Taddei	P	P	P	P	P	P	P	A	P	P	P				10	1	91%
Bill Roberts	P	P	P	P	P	P	P	P	P	P	A				10	1	91%
Sam Surnow	A	P	P	P	P	P	P	P	P	P	A				9	2	82%
Reserved															0	0	#DIV/0!
Doug Fehan	P	P	A	P	P	P	P	A	A	P	P				8	3	73%
Present or Available	9	10	10	9	11	8	8	9	8	10	8	0	0	0%			

KEY:

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

Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **Birmingham Shopping District**

Year: **2024**

Members Required for Quorum: **7**

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Richard Astrein	P	P	P	P	A	P	A	A	A						5	4	56%
Samy Eid	A	P	P	P	P	A	P	Ae	A						5	4	56%
Beth Hussey	P	P	P	P	P	P	P	P	P						9	0	100%
Zachary Kay	P	P	P	P	P	P	Ae	P	P						8	1	89%
Sarvy Lipari	P	P	P	P	P	A	P	P	P						8	1	89%
Jana Ecker	P	P	P	P	P	A	P	P	P						8	1	89%
Mike McKenzie	P	P	P	P	P	A	P	P	P						8	1	89%
Amy Pohlod	P	P	P	A	P	P	P	P	P						8	1	89%
Michele Taddei	A	P	P	A	P	P	A	P	P						6	3	67%
Bill Roberts	A	P	P	P	P	P	P	P	P						8	1	89%
Sam Surnow	A	P	P	Ae	P	P	P	P	A						6	3	67%
Reserved															0	0	#DIV/0!
Doug Fehan	P	P	P	P	A		A	A	P						5	3	63%
Present or Available	7	11	11	8	10	7	8	9	8	0	0	0	0	0%			

KEY:

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

Department Head Signature

BIRMINGHAM CODE OF ORDINANCES – CHAPTER 82

DIVISION 2. - SHOPPING DISTRICT BOARD

Sec. 82-91. - Created.

A shopping district board is hereby created and shall exercise its powers within the boundaries of the principal shopping districts established by the city commission.

(Code 1963, § 1.801; Ord. No. 1541, § 1.801, 11-23-92)

Sec. 82-92. - Composition; appointment.

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

If a member is appointed by a business meeting the requirements of this section at a time all 12 positions on the board are filled, the city commission shall, by resolution, remove one or more members of the board in order that its membership not exceed 12 in number.

(Code 1963, § 1.801; Ord. No. 1541, § 1.801, 11-23-92)

Sec. 82-93. - Terms.

Of the members first appointed to the shopping district board, an equal number of the members, as near as practicable, shall be appointed for one-year, two-year, three-year and four-year terms. A member shall hold office until the member's successor is appointed. Thereafter, each member shall serve for a term of four years. An appointment to fill a vacancy shall be made by the city manager, with the concurrence of the city commission, for the unexpired term only.

(Code 1963, § 1.802; Ord. No. 1534, § 1.802, 9-14-92)

Sec. 82-94. - Organization and compensation.

The shopping district board shall, from its appointed members, elect a chairperson who shall be the presiding officer of the board, and a vice-chairperson, who shall serve in the absence of the chairperson. A secretary, who shall keep and maintain proceedings of the board, shall be appointed by the board. The secretary need not be a member of the board. The officers shall each serve for one year and until their successors have been elected by the board. Members shall serve without compensation, but shall be reimbursed for actual and necessary expenses.

(Code 1963, § 1.803; Ord. No. 1534, § 1.803, 9-14-92)

Sec. 82-95. - Meetings and quorum.

The shopping district board shall hold at least one regular public meeting each month at such time and place as may be established by the board. Public notice of the time, date and place of all meetings shall be given in the manner required by the Open Meetings Act (MCL 15.261, MSA 4.1800(11) et seq.). Special meetings may be called by the secretary at the written request of the chairperson or any three members of the board on at least two days' notice. A quorum for the transaction of business at regular and special meetings shall be a majority of the current members of the board.

(Code 1963, § 1.804; Ord. No. 1534, § 1.804, 9-14-92)

Sec. 82-96. - Records and budget.

The shopping district board shall keep minutes of its meetings and records of all expenses incurred by it in the performance of its duties. The board shall prepare and submit annually for approval of the city commission a budget for its activities for the ensuing fiscal year. The budget shall be prepared in the manner and contain the information required of municipal departments.

(Code 1963, § 1.805; Ord. No. 1534, § 1.805, 9-14-92)

Sec. 82-97. - Goal and powers.

- (a) The goal of the shopping district board shall be to promote economic activity in the principal shopping districts of the city by undertakings including, but not limited to, conducting market research and public relations campaigns, developing, coordinating and conducting retail and institutional promotions, and sponsoring special events and related activities. In furtherance of its goal, the board may recommend to the city commission that the city undertake one or more of the following in a principal shopping district:
- (1) Open, widen, extend, realign, pave, maintain or otherwise improve highways and construct, reconstruct, maintain or relocate pedestrian walkways.
 - (2) Prohibit or regulate vehicular traffic where necessary to carry out the purposes of a development or redevelopment project.
 - (3) Regulate or prohibit vehicular parking on highways.
 - (4) Acquire, own, maintain or operate off-street parking lots or structures.
 - (5) Contract for the operation or maintenance by others of city off-street parking lots or structures, or appoint agents for the operation or maintenance of those lots or structures.
 - (6) Construct, maintain and operate malls with bus stops, information centers and other buildings that will serve the public interest.

- (7) Acquire by purchase, gift or condemnation, and own, maintain, or operate real or personal property necessary to implement the goals of the board.
- (8) Provide for the maintenance, security and operation of a district.
- (b) The board may expend funds it determines reasonably necessary to achieve its goal, within the limits of those monies made available to it by the city commission from the financing methods specified in this article.

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

THE BY LAWS
OF
THE BIRMINGHAM SHOPPING DISTRICT BOARD OF DIRECTORS

(A BSD formed pursuant to Act No. 120 of 1961 , MCL 125.981,
Code of Ordinances, City of Birmingham Ordinance Chapter 82, Article IV —

ARTICLE I

NAME, OFFICE, REGISTERED AGENT, GOALS AND POWER

Section 1. Name. The name of this principal shopping district shall be the Birmingham Shopping District (BSD).

Section 2. Goals. The goal of the BSD shall be to promote economic activity in the principal shopping district of the City of Birmingham by undertakings including, but not limited to, conducting market research and public relations campaigns, developing, coordinating and conducting retail and institutional promotions, and sponsoring special events and related activities. The Board may expend funds it determines reasonably necessary to achieve its goal, within the limits of those monies made available to it by the City Commission from the financing methods specified in City of Birmingham Ordinance 82-77 and 82-78. In furtherance of its goal, the Board may recommend to the City Commission that the City undertake one or more the following activities in the principal shopping district:

- 1) Open, widen, extend, realign, pave, maintain or otherwise improve highways and construct, reconstruct, maintain or relocate pedestrian walkways.
- 2) Prohibit or regulate vehicular traffic where necessary to carry out the purposes of a development or redevelopment project.
- 3) Regulate or prohibit vehicular parking on highways.
- 4) Acquire, own, maintain or operate off-street parking lots or structures.
- 5) Contract for the operation or maintenance by others of city off-street parking lots or structures, or appoint agents for the operation or maintenance of those lots or structures.

- 6) Construct, maintain and operate malls with bus stops, information centers and other buildings that will serve the public interest.
- 7) Acquire by purchase, gift or condemnation, and own, maintain, or operate real or personal property necessary to implement the goals of the board.
- 8) Provide for the maintenance, security and operation of a district.

ARTICLE II

BOARD OF DIRECTORS

Section 1. General Powers. The BSD shall be under the supervision and control of the Board of Directors, except as otherwise provided by Act No. 120 of 1961 and Code of Ordinances—City of Birmingham Ordinance Chapter 82, Article IV. Division 2 - Shopping District Board, as amended.

Section 2. Board Composition: Appointments, Replacement and Vacancies. The Board shall consist of 12 members. One member shall be the city manager, one shall be a resident of an area designated as part of the BSD, and one shall be a resident of an adjacent residential area. A majority of the members shall be individual businesses located within the BSD who have an interest in property located in the district. The remaining members shall be representatives of businesses located in the district.

Members shall be appointed to the Board for a four-year term by the City Manager with the concurrence of the City Commission. However, if all the following requirements are met, a business may appoint a member of the Board, which member shall be counted toward the majority of members required to be nominees of businesses located within the BSD:

- (1) The business is located within a principal shopping district.
- (2) The business is located within a special assessment district established by the city commission to defray all or a portion of the costs of the board's activities under this article.

(3) The special assessment district is divided into special assessment rate zones reflecting varying levels of special benefits.

(4) The business is located in the special assessment rate zone with the highest special assessment rates.

(5) The square footage of the business is greater than five percent of the total square footage of businesses in the special assessment rate zone.

If a member is appointed by a business meeting the requirements at a time all 12 positions on the board are filled, the city commission shall, by resolution, remove one or more members of the board in order that its membership not exceed 12 in number.

The Board may nominate and elect non-voting emeritus members for two year terms. An emeritus member must either currently or have previously served the BSD Board with distinction and excellence, and shall be entitled to receive all written notices and information which are provided to the board of directors, to attend all board meetings, to participate in meetings of the committees in which they serve, and encouraged to attend all other events conducted by the BSD. A board member emeritus shall not be subject to any attendance policy counted in determining if a quorum is present at a meeting, entitled to hold office, or entitled to vote at any board meeting.

An appointment to fill a vacancy shall be made by the City Manager, with the concurrence of the City Commission, for the unexpired term only. A Member whose term of office has expired shall continue to hold office until a successor is appointed. A Member may be appointed to additional terms in accordance with the provisions hereunder.

Section 3. Removal. Pursuant to notice and after having been given an opportunity to be heard, a member of the Board may be removed for cause by the City Manager with concurrence from the City Commission upon recommendation from the Board.

Section 4. Conflict of Interest. A Member who has a conflict between a personal interest and the public interest shall fully disclose the nature of the interest prior to the

BSD taking any action with respect to the matter. Such disclosure shall become a part of the record of the BSD's official proceedings. Such declaration shall be made before discussion on the item begins. Except as provided by law, or Birmingham Ethics Ordinance, Chapter 2 Article IX, no Member may participate in, act upon, or vote upon any matter if a conflict exists. Any Board member is permitted to inquire about potential conflicts that may exist among other members.

Section 5. Meetings. The BSD shall hold at least one regular public meeting each month. At the October meeting of the calendar year, the BSD shall set the dates, times, and places of the BSD's regular meetings for the coming year. Special meetings of the BSD may be called by the secretary at the written request of the Chairperson of the Board or any three Members on at least two days' notice. All business which the Board may perform shall be conducted at a public meeting of the Board held in compliance with the Open Meetings Act, Act. No. 267 of 1976, as amended.

Section 6. Public Participation at Meetings. A reasonable opportunity shall be given for members of the public to be heard at any open meeting on agenda items before the BSD during discussion. In the interest of ensuring the orderly processing of items of business before the BSD, such public comments shall be heard at the end of the agenda item discussion. Any items not on the agenda shall be heard at the end of the meeting agenda. Consistent with the Open Meetings Act, the BSD may impose a time limitation up to three (3) minutes per person for public comment. All individuals who wish to address the BSD must identify themselves by name and address prior to speaking at the meeting.

Section 7. Notice. Public notice of all meetings of the Board or its Committees which provides the time, date, and location of the meeting shall be given in the manner required by the Open Meetings Act, Act No. 267 of 1976, as amended. There shall be a public notice posting within ten (10) days after the first meeting in each calendar year of the annual schedule of BSD meetings, stating the dates, times, and places of its regular meetings. For a rescheduled regular or a special meeting of the BSD, a public notice stating the date, time, and place of the meeting shall be posted at least eighteen (18)

hours before the meeting. The public notice shall contain the name of the BSD Board or Committee, its telephone number, its address, and shall be posted at the City Hall of the City of Birmingham and any other location considered appropriate by the BSD.

Section 8. Quorum. A majority of the members of the BSD then in office constitutes a quorum for the transaction of business at any meeting of the Board. An affirmative vote of the majority of a quorum shall be required to adopt any resolution. A 2/3 roll call vote of the Members on the Board at the meeting shall be required to call a closed session and the Board shall meet in closed session only for the purposes permitted by law pursuant to the Open Meetings Act, Act No. 267 of 1976, as amended.

Section 9. Participation by Communication Equipment. All meetings of the BSD must be open to the public and must be held in a place available to the general public. Only as permitted by law pursuant to the Open Meetings Act, Act No. 267 of 1976, as amended, an absent Member may participate in, and vote on, business before the BSD by way of a two-way electronic communication device wherein all discussions and deliberations are able to be heard by the public in attendance at the meeting. For any member attending the meeting remotely, a public announcement at the outset of the meeting to be included in the meeting minutes must be made, announcing that a Member is in fact attending the meeting remotely. Participation by communication equipment shall be permitted only in accordance with the Open Meetings Act, Act No. 267 of 1976, as amended.

Section 10. Attendance. Each Member is required to attend a minimum of two-thirds of the regularly scheduled Board meetings in a twelve (12) month period. If a Member has not fulfilled this requirement after a twelve (12) month period, the Board may recommend that the City Commission declare that Member's position vacant and remove the Member from the Board, in accordance with Section 3. The Board may grant a waiver, given a sufficient explanation of extenuating circumstances. Waivers shall be considered monthly by the Board or upon request.

Section 11 Committees. The Board may, by resolution, designate one or more committees, each committee shall consist of at least one of the Members. Each Member shall serve on a committee. The Board shall appoint all committee members and the chair of the committee. A committee, and each member thereof, shall serve at the pleasure of the Board. Committees shall consist of less than a quorum of Board Members and shall meet in accordance with the Open Meetings Act, Act No. 267 of 1976, as amended. Standing committees shall consist of Executive, Marketing and Advertising, Maintenance and Capital Improvements, Business Development and Special Events with up to eight (8) members per committee made up of Board members, BSD businesses and property owners, Birmingham residents and persons with business interest in the BSD. Committees shall only make recommendations to the Board on matters of the District, and shall not enter into agreements without Board approval. A majority of the committee members constitutes a quorum for the transaction of business at any committee meeting. If the committee lacks a quorum, the committee members may receive reports and comments from the public or staff and shall not make any recommendations to the Board.

Section 12 Personnel. The Board may employ personnel as deemed necessary. Such personnel may include, but is not limited to an executive director, treasurer, secretary, and legal counsel. The Executive Director, Treasurer, Secretary and Legal Counsel shall report to the Board. All other employees shall be appointed by, directed by and report to the Executive Director. Board Members shall not give direction to or interfere with the work of the employees under the direction of the Executive Director. The duties, rights and responsibilities of employees of the BSD shall be consistent with the provisions of the City of Birmingham Employee Handbook. The Board may employ and fix the compensation of an executive director, subject to the approval of the City Commission. The full-time employees of the BSD shall be eligible to participate in municipal retirement and insurance programs of the City of Birmingham.

ARTICLE III

OFFICERS

Section 1. Officers. The officers of the BSD shall be elected by the Board annually at its January meeting and shall consist of a Chairperson, Vice-Chairperson and Secretary. An officer shall not execute a contract on behalf of the BSD without a resolution adopted by the Board.

Section 2. Election and Term of Office. Each officer so elected shall hold office until December 31 of the year in which she or he is elected, or until his or her term expires, or upon resignation or removal, whichever occurs first.

Section 3. Vacancies. A vacancy in any office because of death, resignation, removal, disqualification, or otherwise, may be filled at any meeting of the Board for the unexpired portion of the term of such office, in accordance with Public Act No. 120 of 1961 and the Birmingham Code of Ordinances.

Section 4. Chairperson. The Chairperson shall perform all duties of the office as provided in these Bylaws, by Public Act No. 120 of 1961, and the Birmingham Code of Ordinances. The Chairperson shall preside over all meetings of the BSD and shall perform all duties as directed by the Board. The Chairperson shall be an ex-officio member of all standing committees, and shall have the general oversight of the Board. The Chairperson shall also act as Chair of the Executive Committee, assuming the same powers of the BSD as listed above, and further described in Article III, Section 8. To qualify to serve as the Chairperson, it is preferred that the Board Member have served at least one full year as an active Board Member.

Section 5. Vice-Chair. The Vice-Chair shall act as the Chair when the Chair is absent or unable to act, and otherwise be vested with the powers and shall perform such duties and exercise such other powers as may from time to time be imposed upon or vested by resolution of the Board.

Section 6. Secretary. The Board may employ and fix the compensation of a Secretary, and need not be a member of the Board. The Secretary shall attend meetings of the Board, and keep and maintain a record of its proceedings. The minutes of the BSD shall contain the date, time, place, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting. The Secretary shall give, or cause to be given, notice of all meetings of the Board and shall perform such other duties as may be prescribed by the Board. The Secretary shall, when authorized by the Board, attest by signature to actions of the Board. The Secretary shall perform all other duties as may be delegated to him or her by the Board.

Section 7. Delegation of Duties and Officers. In the absence of any officer of the BSD, or for any other reason that the Board may deem sufficient, the Board may, by resolution, delegate from time to time and for such time as it may deem appropriate, the powers or duties, or any of them, of such officer to any other officer, or to any Member, provided a majority of the Board then in office concurs therein.

Section 8. Executive Committee. The Executive Committee shall consist of five Board Members including the Chair, Vice-Chair, City Manager, and two committee chairs). The Executive Committee shall be responsible for reviewing the agenda for the regular Board meetings and proposing the agenda for the Board. The committee shall meet as necessary and all such meetings shall comply with the notice requirements, as set forth in Article II, Section 7.

ARTICLE IV

CONTRACTS, DONATIONS, AND POWERS OF THE BOARD

Section 1. Contracts.

The Board may make and enter into contracts necessary or incidental to the exercise of powers and the performance of its duties. The Board may, by resolution, authorize an agent of the BSD to execute contracts and/or documents on behalf of the BSD. A copy

of the resolution approving such contracts must be attached to such contract and must adhere to any Purchasing/Procurement policies that the BSD may adopt.

Section 2. Checks, Drafts, etc. All orders for the payment of money, notes, or other evidences of indebtedness shall be signed by the Board's authorized agent and submitted to the Finance Department of the City of Birmingham for signature and for the issuance of payment.

Section 3. Grants and Donation. The Board may accept grants and donations of property, labor, or other things of value from a public or private source, consistent with Public Act No. 120 of 1961.

Section 4. Deposits. All funds of the BSD shall immediately be deposited into the appropriate fund or account to the credit of the BSD in such banks, trust companies, or other depositories as the BSD or Finance Director of the City of Birmingham may select. Report of these receipts shall be provided to its Executive Director for review and submission to the Board.

Section 5. Other Powers of the Board. The Board shall perform and exercise all such powers as provided in Public Act No. 120 of 1961.

Section 6. Budget

Pursuant to Birmingham City Charter, Section 7, the Executive Director of the BSD or designee shall prepare and submit for the approval of the Board a budget for the operation of the BSD for the ensuing fiscal year. The budget shall be prepared in the manner and contain the information required of municipal departments. Before the budget may be adopted by the Board, it shall be approved by the City Commission. The BSD shall submit an annual budget to the City Commission each year for inclusion in the City's annual budget presentation. The budget shall be adopted by the Board no later than by July 1 each year.

Section 7. Audit

The governing body of the City of Birmingham may assess a reasonable pro rata share of the funds for the cost of handling and auditing the funds against the funds of the BSD, other than those committed, which cost shall be paid annually by the board pursuant to an appropriate item in its budget.

ARTICLE V FISCAL YEAR

The fiscal year of the BSD shall correspond at all times to the fiscal year of the City of Birmingham.

ARTICLE VI REPORTING REQUIREMENTS

All expense items of the BSD shall be recorded monthly and financial records shall be open to the public. If the Board does not employ an Executive Director, the Board shall file any and all necessary reports. Annually, the Board shall submit to the City Commission a report on the status of any special assessments utilized by the BSD.

ARTICLE VII AMENDMENTS

These Bylaws may be altered or amended or repealed by the affirmative vote of the Board then in office. Approved changes to these Bylaws take effect immediately.

I HEREBY CERTIFY that the above Bylaws were written by the Birmingham Shopping District, of the City of Birmingham on the 19th day of April, 2023.


CHAIRPERSON



**NOTICE OF INTENTION TO APPOINT TO THE
MARTHA BALDWIN PARK BOARD**

At the regular meeting of Monday, November 25, 2024 the Birmingham City Commission intends to appoint one regular member to the Martha Baldwin Park Board to a serve the remainder of a four-year term to expire May 1, 2028. Members must be electors 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, November 20, 2024. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications
	Applicants must be electors in the City of Birmingham.
Michael Killelea	Registered Voter at 1608 Washington Blvd

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

SUGGESTED ACTION:

To appoint _____, as a regular member to the Martha Baldwin Park Board to serve a four-year term to expire May 1, 2028.

FromClerksOffice- APPLICATION FOR CITY BOARD OR COMMITTEE [#34]

'Wufoo' via Clerks Office <ClerksOffice@bhamgov.org>

Tue, Oct 29, 2024 at 11:17 AM

Reply-To: no-reply@wufoo.com

To: clerksOffice@bhamgov.org

Board/Committee of Interest	Martha Baldwin Park Noard
Specific Category/Vacancy on Board (see below)	Regular position
Name	Michael Killelea
Residential Address	 1608 Washington Blvd Birmingham United States
Phone Number *	(832) 368-6005
Email	Killelea@comcast.net
By providing your email 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.	
Length of Residence	2 years
Occupation	Retired/energy company executive
Reason for Interest: Explain how your background and skills will enhance the board to which you have applied.	New to Birmingham, love the parks and green space, would like to be involved.
List your related employment experience	Retired, energy company executive.
List your related community activities	ESL tutor, long time youth sports coach/board member.
List your related educational experience	BA - Michigan State. JD/MBA - Wayne 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? *	Yes



MARTHA BALDWIN PARK BOARD

Chapter 78 - Section 78-56 Ordinance No. 65, Adopted May 10, 1915

Term: four years

Appointed by the City Commission

Qualifications: The board shall consist of four persons who shall be electors of the city.

Duties: The control and management of the Martha Baldwin Park shall be vested in the Martha Baldwin Park Board. (Section 78-56)

Last Name	First Name	Home Business Fax	E-Mail	Appointed	Term Expires
Cillette	Nicole	312-937-7920			5/1/2027
195 E Southlawn blvd		cillette@gmail.com			
Forrester	Linda	(248) 761-2367		6/26/2023	5/1/2027
1252 S. Bates		linozfor@att.net			
Vacant					5/1/2028
Vacated	5/1/2024	5/1/2028			

ARTICLE III. - MARTHA BALDWIN PARK BOARD

Footnotes:

--- (3) ---

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

Sec. 78-56. - Scope.

The control and management of the Martha Baldwin Park shall be vested in the Martha Baldwin Park Board.

(Code 1963, § 3.11)

Sec. 78-57. - Continuance of board.

The Martha Baldwin Park Board, heretofore established, is hereby continued in full force and effect.

(Code 1963, § 3.11)

Sec. 78-58. - Composition, appointment, terms.

The Martha Baldwin Park Board shall consist of four persons who shall be electors of the city, one of whom shall be appointed to office each year by the city commission to hold office from May 1 of the year in which appointed for a term of four years.

(Code 1963, § 3.11; Ord. No. 2180, 5-9-16)

Sec. 78-59. - Filling vacancies, removal of member.

Any vacancy occurring in the membership of the Martha Baldwin Park Board shall be filled for the remainder of the unexpired term by the city commission. The commission may remove any member of the board for cause.

(Code 1963, § 3.11)

Sec. 78-60. - Compensation.

The members of the Martha Baldwin Park Board shall serve without compensation therefor.

(Code 1963, § 3.11)

Sec. 78-61. - Tax for park purposes.

The city commission shall each year appropriate and raise by general tax not less than the sum of \$25.00, which sum shall be expended for the improvement and maintenance of Martha Baldwin Park.

(Code 1963, § 3.11)

Secs. 78-62—78-80. - Reserved.



MEMORANDUM

Police Department

DATE: November 19, 2024

TO: Jana L. Ecker, City Manager

FROM: Scott A. Grewe, Chief of Police

SUBJECT: Introduction and Swearing in of New Police Department Personnel

Recruitment and retention continue to be an ongoing challenge for law enforcement in general and the Birmingham Police Department is no different. Our department has been very busy with our recruiting efforts to fill vacancies within the Police Department. We have recently filled vacancies in multiple positions including Sergeant, Dispatch Manager, Patrol Officer, Dispatcher and Auxiliary Officer. Additionally, we will have three more retirements over the course of the next year, two of which are promoted positions. The Police Department will continue its strong recruitment program to ensure the most highly qualified applicants are selected and prepare for promotional testing in the future.

We are very excited to introduce the newest members of the Birmingham Police Department.

Dispatcher Brandon Ryan
Dispatcher James Kraszewski
Dispatcher Daniel Patton
Police Officer Jamie Debanio
Police Officer Malik Humes
Auxiliary Officer Ryan Berman

Additionally, after an extensive promotional process, the Police Department is please to introduce the following newly promoted members of the department.

Dispatcher Manager Steven Lemiere-Bozynski
Sergeant Joshua Bouchard
Sergeant Anthony Paredes

City of Birmingham

Warrant List Dated 11/21/2024

Meeting of 11/25/2024

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
301006	*	005430	21ST CENTURY MEDIA- MICHIGAN	583.25
301007	*	005430	21ST CENTURY MEDIA- MICHIGAN	399.25
301008		BLREFUND	4 STAR, INC	154.00
301009	*	000161	ALPHA PSYCHOLOGICAL SERVICES PC	795.00
301010		000167	ANDERSON ECKSTEIN WESTRICK INC	3,972.20
301011		009801	ASSOCIATION OF MIDWEST MUSEUMS	125.00
301012	*	006759	AT&T	210.67
301013	*	006759	AT&T	279.34
301014	*	009911	AXES & IRONS	3,230.00
301015		000843	BAKER & TAYLOR BOOKS	88.94
301016		009609	BALIAN LEGAL, PLC	3,387.50
301017	*	007129	BELFOR PROPERTY RESTORATION	97,372.00
301018	*	000524	BIRMINGHAM LOCKSMITH INC	222.50
301019		003526	BOUND TREE MEDICAL, LLC	17.66
301020	*	009948	BRIAN DUPUIS	812.50
301021		005717	BSB COMMUNICATIONS, INC.	393.75
301022		003907	CADILLAC ASPHALT, LLC	240.65
301023	*	009078	CANON SOLUTIONS AMERICA INC	631.21
301024		000444	CDW GOVERNMENT INC	734.35
301025		000902	CENGAGE LEARNING INC	480.64
301026		000605	CINTAS CORPORATION	253.28
301027	*	000912	MARK CLEMENCE	60.00
301028		004891	CLINTON RIVER WATERSHED COUNCIL	961.00
301029		000979	COMERICA BANK	6,304.32
301030	*	000627	CONSUMERS ENERGY	590.19
301031	*	009656	CORBIN DESIGN, INC	1,300.00
301032	*	TAXMISC	CORELOGIC TAX SERVICE	5,070.91
301033		009207	D'ANGELO BROTHERS INC	10,992.76
301034	*	009549	DAN'S LAWN MAINTENANCE	1,650.00
301035	*	009814	DETROIT EQUIPMENT, LLC	489.60
301036	*	000190	DOWNRIVER REFRIGERATION	28.56
301037	*	000179	DTE ENERGY	59.30
301038	*	000179	DTE ENERGY	12.00
301039	*	009340	DVM UTILITIES	123,527.25
301040	*	004615	ENGLISH GARDENS	2,989.93
301041		004615	ENGLISH GARDENS	57.58
301042		001495	ETNA SUPPLY	1,860.00
301043		009366	EXPERT HEATING & COOLING	325.00
301044		005964	FIRE SUPPRESSION PRODUCTS, INC	510.00
301045	*	MISC	FRANCIS SHANNON	445.59
301046	*	004604	GORDON FOOD	465.37
301047	*	000249	GA BUSINESS PURCHASER LLC	2,447.79

City of Birmingham
Warrant List Dated 11/21/2024

Meeting of 11/25/2024

Check Number	Early Release	Vendor #	Vendor	Amount
301048		001531	GUNNERS METER & PARTS INC	210.00
301049		001447	HALT FIRE INC	233.83
301050		BDREFUND	HM HOMES LLC	2,650.00
301051	*	001956	HOME DEPOT CREDIT SERVICES	990.46
301052		001090	INGRAM LIBRARY SERVICES	17,933.47
301055		000342	INTERSTATE BATTERIES OF SE MICH	529.07
301056	*	009401	IRENE S WASSEL	375.00
301057	*	009403	JUSTIN ZAYID	812.50
301058		000353	KNAPHEIDE TRUCK EQUIPMENT	1,289.52
301059		004904	KONICA MINOLTA BUSINESS SOLUTIONS	3,177.70
301060		000284	LESLIE ELECTRIC COMPANY	146.28
301061		009375	LITHIA MOTORS, INC SUPPORT SERVICES	127.97
301062		000972	MCKESSON MEDICAL-SURGICAL	131.15
301063	*	009143	MICHAEL SHUKWIT	250.00
301064		MISC	MICHELLE OLSEN	16.99
301065		003099	MICHIGAN POLICE EQUIP.	1,400.00
301066		007051	STATE OF MICHIGAN	741.60
301067	*	007744	MOHAMED F. CHAMMAA	75.04
301068	*	005431	NILFISK, INC.	240.83
301069		002853	OAKLAND COMMUNITY COLLEGE	1,300.00
301070	*	000477	OAKLAND COUNTY	536,790.17
301071	*	004370	OCCUPATIONAL HEALTH CENTERS	180.00
301072		008669	OHM ADVISORS INC	2,411.25
301073	*	009973	OPTIMA, INC.	419.80
301074		006785	OVERDRIVE, INC.	17,613.12
301075		009151	PARAGON LABORATORIES INC	3,906.00
301076		001132	PRIMO'S PIZZA	466.73
301077		009614	PROGRESSIVE PLUMBING SUPPLY CO	3.94
301078	*	006625	PTS COMMUNICATIONS, INC	78.00
301079	*	009394	RABAA & NACHAWATI PLLC	375.00
301080	*	007507	RIEDEL SHOES INC	289.80
301081		000218	ROYAL OAK P.D.Q. LLC	35.10
301082		BDREFUND	SATURN ELECTRIC INC	172.00
301083	*	009222	SAVERS WHOLESALE PRINTING	2,371.97
301084		007098	SHAW SYSTEMS & INTEGRATION	176.00
301085	*	003743	STANLEY STEEMER	1,312.00
301086	*	005351	STATE OF MICHIGAN	30.00
301087	*	009201	STEPHEN SHUKWIT	800.00
301088		009867	SUBURBAN LANDSCAPING MANAGEMENT INC	90.00
301089	*	000158	VERIZON WIRELESS	149.76
301090	*	000158	VERIZON WIRELESS	1,203.99
301091	*	000158	VERIZON WIRELESS	89.93
301092	*	000158	VERIZON WIRELESS	308.16

City of Birmingham

Warrant List Dated 11/21/2024

Meeting of 11/25/2024

Check Number	Early Release	Vendor #	Vendor	Amount
301093	*	000158	VERIZON WIRELESS	154.03
301094		009806	VFP FIRE SYSTEMS	2,771.00
301095	*	007620	WJE-WISS, JANNEY, ELSTNER ASSOC.INC	28,200.00
301096	*	000309	ZEP SALES AND SERVICE	447.00
SUBTOTAL PAPER CHECK				\$908,007.00
<u>ACH TRANSACTION</u>				
12045		003708	AIRGAS USA, LLC	417.75
12046	*	009576	ARAMARK REFRESHMENT SERVICES	503.12
12047	*	009383	BATTI LAW PLLC	1,250.00
12048	*	009891	BEST ASPHALT INC.	105,076.49
12049	*	007345	BEVERLY HILLS ACE	69.27
12050		006683	BIRMINGHAM LAWN MAINTENANCE, INC	22,486.00
12051	*	003282	LISA MARIE BRADLEY	232.00
12052	*	009396	CECILIA QUIRINDONGO BAUNSOE	375.00
12053	*	009122	CLAIRE CHUNG	276.00
12054		000605	CINTAS CORPORATION	259.45
12055		000605	CINTAS CORPORATION	34.29
12056	*	000605	CINTAS CORPORATION	196.71
12057	*	009917	CITY OF BIRMINGHAM #259	11,675.17
12058	*	009925	CITY OF BIRMINGHAM #261	140,142.64
12059	*	009954	CITY OF BIRMINGHAM #266	13,725.25
12060	*	001367	CONTRACTORS CONNECTION INC	153.90
12061	*	009557	ZECO, LLC	330.00
12062	*	006077	DI PONIO CONTRACTING INC	1,968,122.86
12063		009515	KAMERON DIMITRY	323.61
12064	*	000565	DORNBOS SIGN & SAFETY INC	479.39
12065	*	004574	FAIR-WAY TILE & CARPET, INC.	3,415.00
12066	*	007314	FLEIS AND VANDENBRINK ENG. INC	2,931.62
12067		000217	FOUR SEASON RADIATOR SERVICE INC	673.60
12068	*	009387	FRAIBERG & PERNIE PLLC	6,771.63
12069	*	007807	G2 CONSULTING GROUP LLC	37,573.25
12070	*	000243	GRAINGER	1,359.29
12071	*	001672	HAYES PRECISION INC	90.00
12072	*	009382	HB LAW, PLLC	462.50
12073	*	003824	THOMAS I. HUGHES	764.00
12074	*	007870	J.C. EHRLICH CO. INC.	106.66
12075		000261	J.H. HART URBAN FORESTRY	23,344.08
12076	*	002576	JAX KAR WASH	79.00
12077		009298	JCR SUPPLY INC	85.41
12078	*	003458	JOE'S AUTO PARTS, INC.	1,453.54
12079	*	004085	KONE INC	2,086.45
12080	*	005876	KROPF MECHANICAL SERVICE COMPANY	3,211.38
12081	*	003404	LADUKE 5A & SHT.METAL CORP	635.00

City of Birmingham
Warrant List Dated 11/21/2024

Meeting of 11/25/2024

Check Number	Early Release	Vendor #	Vendor	Amount
12082	*	009385	LAW OFFICE OF MICHAEL J. DICK	2,000.00
12083		000795	LIBRARY DESIGN ASSOCIATES, INC.	8,150.00
12084	*	009398	MARCIA C ROSS PC	1,987.50
12085		002013	MIDWEST TAPE	237.41
12086		008336	NBS COMMERCIAL INTERIORS	792.00
12087		001194	NELSON BROTHERS SEWER	295.00
12087	*	001194	NELSON BROTHERS SEWER	140.00
12088	*	007755	NETWORK SERVICES COMPANY	1,570.23
12089	*	007856	NEXT	445.75
12090		001864	NOWAK & FRAUS ENGINEERS	3,437.00
12091	*	009395	ORLANDO LAW PRACTICE PC	375.00
12092	*	006853	PAUL C SCOTT PLUMBING INC	325.00
12093	*	001753	PEPSI COLA	725.42
12094	*	009655	POWERVAC	206.00
12095	*	000897	PRINTING SYSTEMS INC	245.45
12096	*	003554	RKA PETROLEUM	8,148.77
12097	*	001181	ROSE PEST SOLUTIONS	495.00
12098		000757	SCHOLASTIC INC	1,020.00
12099	*	003785	SIGNS-N-DESIGNS INC	1,062.00
12100		009746	THE SAFETY COMPANY, LLC	4,000.00
12101	*	002974	VILLAGE OF BEVERLY HILLS	88,146.75
12102		009687	WAGEWORKS, INC.	105.00
12103		009971	WT COX INFORMATION SERVICES	20,237.55
SUBTOTAL ACH TRANSACTION				\$2,495,318.14
GRAND TOTAL				\$3,403,325.14

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

Clerk's Office

DATE: November 19, 2024
TO: Jana L. Ecker, City Manager
FROM: Alexandria Bingham, City Clerk
SUBJECT: Ethics Board Member Resignation

INTRODUCTION/BACKGROUND:

Ethics Board Member Judy Doyle submitted her resignation from the board effective November 14, 2024.

LEGAL REVIEW:

None.

FISCAL IMPACT:

None.

SUSTAINABILITY IMPACT:

None.

PUBLIC COMMUNICATIONS:

The City Clerk's office will publish a notice of intention to appoint to this position, post the vacancy on the "board and commission opportunities" portion of the City's website and include it in the City's digital news vehicles as publication schedules permit.

SUMMARY:

The City Commission is being asked to accept the resignation of Judy Doyle from the Ethics Board, thank her for her service, and to direct the City Clerk to begin the process of filling the vacancy.

ATTACHMENTS:

1. Resignation letter dated November 14, 2024.

SUGGESTED COMMISSION ACTION:

To make a motion to accept the resignation of Judy Doyle from the Ethics Board, to thank her for her service and to direct the City Clerk to begin the process of filling the vacancy.

To Whom it may concern,

I am resigning my position
of Alternate on The Board of Ethics.
I greatly admire the Board Members
I have met - Jim, John, Mike, Irene
- and their dedication to our city.

Judy Doyle
November 14, 2024



MEMORANDUM

Clerk's Office

DATE: November 19, 2024

TO: Jana L. Ecker, City Manager

FROM: Alexandria Bingham, City Clerk

SUBJECT: City Commission Member Resignation

INTRODUCTION/BACKGROUND:

City Commissioner Elaine McLain submitted her resignation from the City Commission effective November 18, 2024.

LEGAL REVIEW:

Pursuant to the Birmingham City Charter:

Section 26. - [Vacancies.] In addition to other provisions herein contained, a vacancy shall exist in any elective office when an elected officer fails to qualify as in this Charter provided, dies, resigns, is removed from office, removes from the city, or is convicted of a felony.

Section 27. - [Vacancies filled.] A vacancy in any elective office shall within thirty days after such vacancy occurs be filled by appointment by a majority of the members of the commission, or of the remaining members of the commission when the vacancy is in the commission, except that library board vacancies shall be filled by appointment of the library board as elsewhere herein provided. Such appointee shall hold office until the next regular municipal election at which election a successor shall be elected for the unexpired term of the person in whose office the vacancy occurs. When a vacancy occurs in any office to which a person has been appointed for a definite term, such vacancy shall within thirty days be filled for the unexpired term, by appointment made in the manner provided for full term appointment to such office. (Amend. of 4-4-60)

Therefore, the appointment must occur at the December 16, 2024 meeting, to be in compliance with the City Charter. The process outlined herein comports with required actions.

FISCAL IMPACT:

None.

SUSTAINABILITY IMPACT:

None.

PUBLIC COMMUNICATIONS:

The City Clerk's office will publish a notice of intention to appoint to this position, post the vacancy on the "board and commission opportunities" portion of the City's website and include it in the City's digital news vehicles as publication schedules permit.

SUMMARY:

The City Commission is being asked to accept the resignation of Elaine McLain from the City Commission, thank her for her service, and to direct the City Clerk to begin the process of filling the vacancy.

ATTACHMENTS:

1. Resignation letter dated November 18, 2024.

SUGGESTED COMMISSION ACTION:

To make a motion to accept the resignation of Elaine McLain from the City Commission, to thank her for her service and to direct the City Clerk to begin the process of filling the vacancy.

November 18, 2024

Ms Mary Kucharek
City of Birmingham, Attorney
Beier Howlett
3001 W Big Beaver, Suite 200
Troy, MI 48084

Ms Jana Ecker
City Manager, Birmingham
151 Martin Street
Birmingham, MI 48009

Dear Ms Kucharek and Ms Ecker:

Please accept my resignation as City Commissioner, effective 11/18/24.

It has been my honor to serve,

A handwritten signature in black ink, appearing to read 'Elaine McLain', with a stylized flourish at the end.

Elaine McLain



CITY MANAGER'S REPORT

November 2024

Baldwin Public Library

Library Board

The Library Board will meet on Monday, December 16 at 7:30 p.m. for its regular meeting.

Library Tours

If you would like to learn more about the library, join 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 lobby on Thursday, December 12 at 11 a.m.

Idea Lab: The Grand Tour

Have you always wondered what the Idea Lab is all about, but were afraid to ask? On Wednesday, December 4 at 7 p.m., Jeff will take you on a tour of the Idea Lab, including a quick demo of our exciting equipment. Registration required.

RFQ for New Website

A Request for Quotes for a new Baldwin Public Library website was issued to five web design companies on October 25. Quotes were due November 15. To save money on this project, we will be utilizing IT staff to transfer content from the existing website to the new website. We also plan to apply for a BCTV cable board grant to help fund this project. The last time the website was updated was in 2017 and the BCTV cable board funded the entire project cost of \$24,524.

Server Rack Cleanup Project

On Saturday, Oct. 19, after the library closed, our two network/server racks were re-patched and cleaned up with the help of Teoma Systems. After 8 years and three renovations, the racks really needed tidying up. Now that things are organized, future changes will be easy and clean.

Library of Things

The long-anticipated Library of Things is now available for circulation. The collection is housed on a shelving unit between the Adult Reference Desk and Idea Lab, and will provide access to exciting new resources like tools, games, electronics and sporting goods. Items were checked out within the first few minutes of being available and we anticipate an excited response to this new offering.

360-degree Google Tour

After researching companies, we selected LunaTech 3D to complete an updated 360-degree tour of the building. Their staff filmed the library on November 14 before we opened to the public. Once the tour is finished, it will be loaded into Google and placed on our website. The tour covers all public spaces in the building on all three levels of the library. The total cost was \$1,400, which includes webhosting for the first year in the amount of \$195.

Staffing Updates

Sarah Dalmer joined the Idea Lab full-time, as our new Library Assistant II, as of November 10. Sarah, who has worked part-time for Baldwin for two years, has been instrumental in completing Idea Lab projects and programs for both patrons and staff over the past couple of years. Now she will be doing much more of the same! We look forward to the resulting increase in Idea Lab hours and services, and the massive boost in overall brainpower that a full-time Sarah will bring.

Upcoming events of interest

Vikings: Fearsome Raiders and Adventurous Traders

Saturday, November 30 — 1:00 p.m. to 2:00 p.m.

Vikings are best known for being fearsome raiders. But they were also adventurous traders who established a vast trade network that spanned from Byzantium to Dublin to Newfoundland to Greenland. Join archaeologist Ellen Green in looking at the evidence the Vikings left in their far reaching voyages of plunder and trade.

Stacy McAnulty Author Visit

Thursday, December 12 — 7:00 p.m. to 8:00 p.m.

Join us for an author visit from Stacy McAnulty, author of *Forever Twelve*, *The Miscalculations of Lightning Girl*, and more! Sponsored by the Michigan Arts and Culture Council, Birmingham Public School Libraries, and the Friends of the Baldwin Public Library. Books will be available for purchase and signing. This event is best for elementary, middle, high school students and grown-ups. Registration is now open and required for the event.

New! Cozy Teen Writers Club

Monday, December 16 — 4:30 p.m. to 5:30 p.m.

Cozy Writing Club is for grades 7 to 12. Do you fancy yourself a writer? Do you simply like to dabble with the written word? Are you a teenager? If the answer for these questions is yes, then have we got a club for you. The Cozy Teen Writing Club is a writing club for teens who wish to join the pantheon of wordsmiths that we as a library hold in glorious esteem. So come join us on the 3rd Monday of every month as we develop our craft and to give feedback to one another.

Learn more about these events and other programs coming to Baldwin at www.baldwinlib.org/calendar.

Birmingham Museum

The Birmingham Museum's digitization initiative has attracted a treasure trove of materials relating to several of the families that helped build Birmingham in the late 19th and early 20th centuries. After learning of the museum's digitization program, members of the Quarton family loaned their large collection of photographs, documents, letters and diaries to the museum to be scanned and returned to the family before the end of the year. The materials represent a glimpse into the daily lives of the Quartons, Blakeslees, Beardslees, Durkees, Coryells, Masters and Daniels families that span several generations. In digital form, these materials will be invaluable to researchers, genealogists and students, and will preserve a unique window into Birmingham's past.

Birmingham Shopping District

Holiday Special Events and Promotions

The Birmingham Shopping District is preparing for another busy holiday season! Our new [holiday video](#) focuses on local shopping, dining and the events that make Downtown Birmingham so special. Notable media partners this season include HOUR Detroit, WDIV, WXYZ, iHeart Media, WNIC, Channel 955 and others. We look forward to welcoming the local and regional communities for a memorable holiday season!

- **November 30:** Small Business Saturday, Santa Walk (9:30 a.m.) and Giveaways. All Day.
- **Weekends, November 30-December 22:** Santa House & Horse-drawn Carriage Rides in Shain Park. Hours vary.
- **December 6:** Holiday Tree Lighting Event, 6 p.m. in Shain Park.
- **December 6-8:** Winter Markt in Shain Park. Hours vary.
- **December 14:** Free roasted chestnuts, 10 a.m. – 2 p.m. Visit the tent at the corner of Maple Rd. and Old Woodward Avenue.
- **December 14:** The Grinch and Cindy Lou Who will be walking around downtown, 11 a.m. – 1 p.m.
- **December 21:** Free hot chocolate, 10 a.m. – 2 p.m. Visit the tent at the corner of Maple Rd. and Old Woodward Avenue.
- **December 23-24:** Santa House & Horse-drawn Carriage Rides in Shain Park. Hours vary.

HOLIDAY VIDEO



Business Recruitment and Retention

The Birmingham Shopping District has collaborated with Bureau Detroit on a months-long project to produce a series of recruitment and marketing videos, highlighting four distinct business categories (Fashion/Retail, Home Furnishings, Dining and Corporate/Office) and the general downtown. Business feature videos consist of a deep, behind the scenes view of Downtown Birmingham, its strengths and its businesses. Content includes footage of shopping and dining activity, product and service highlights, and interviews with downtown business owners/managers sharing their stories on why they selected Downtown Birmingham. This content will be integrated into our ongoing marketing plan and distributed to stakeholders for use in their business recruitment efforts. The following videos are complete and can be viewed by clicking the links below. Others coming soon!

DINING



SUMMER



FASHION/RETAIL



New Website Initiative

The Birmingham Shopping District Board has selected a new website vendor, Geocentric, and will be moving forward with the development of a new website starting in January 2025 with an expected launch date of June

2025. The new website platform will allow for greater flexibility in content management and is expected to result in a cost savings of over \$50,000 across five years.

Building Department

Board of Zoning Appeals

There were four cases on the agenda for the Board of Zoning Appeals October 8, 2024 meeting:

1. 2136 W. Lincoln: The property owner requested a variance to replace two single car garage doors with a new garage door that would accommodate two vehicles. The Zoning Ordinance limits the width of garage doors facing a street to 9 feet. The variance was denied by a 7/0 vote.
2. 695 E. 14 Mile: The owner requested variances from the minimum side yard setbacks and minimum distance between houses regulations to construct a second story addition on their existing nonconforming home. The variances were approved by a 7/0 vote.
3. 303 Greenwood: The owners requested a variance from the maximum lot coverage regulation to replace an existing detached garage with a new one that would be reduced in size. The variance was approved by a 7/0 vote.
4. 1155 E. Lincoln: The property owner requested variances from the minimum side yard setback regulations and the limitation of paved surfaces in the front open space to construct a second story and rear addition to their existing nonconforming home. The variances were approved by a 7/0 vote.

Online Permit Applications

In the month of October, we processed 478 permits online bringing this year's total permits processed electronically to 3,974.

Monthly Report

The Building Department's [monthly report](#) shows the previous month's permit activity, along with charts showing the building permit activity trend over the past year.

City Clerk's Office

Elections

The Clerk's Office would like to thank all of the Election Inspectors and City Staff that helped conduct a safe and successful November 5th General Election. We appreciate all of the voters who participated by voting early, absentee, or in-person. Roughly 78% of Birmingham's registered voters participated, which exceeds the Oakland County turnout average of 73%. Unofficial results are available at oakgov.com/elections under the November election tab. Official results will be available after the completion of the canvass of the Oakland County Board of Canvassers.

Turnout

	# of Votes	% Turnout
Early	2036	11%
In Person	5222	40%
Absentee	7628	27%
Total Votes	14886	78%
# of Registered Voters	19021	

*Percentages were rounded to the nearest whole

Annual Licensing

Businesses who require an annual license renewal have been notified by letter and email to begin this process for renewing their business license in time for 2025.

Annual licenses include:

- Childcare
- Fire Prevention
- Hotel
- Liquor
- Moving Vehicle Rental
- Outdoor Dining
- Precious Metals
- Refuse Collection
- Regulated Use
- Theatre
- Tree Service Provider
- Valet

New this year for businesses, the Clerk's Office has worked with BS&A to make an online business licensing management portal available so that businesses can review their business license information and make payments online. See this [flyer](#) for more information.

Greenwood Cemetery Advisory Board (GCAB)

The next meeting for the GCAB is scheduled for December 6, 2024. To view Greenwood Cemetery Advisory Board agendas and minutes, visit www.bhamgov.org/GCAB.

Also note that for those visiting the cemetery and placing decorations for loved ones, it is important to be aware of the [Greenwood Cemetery Operational Procedures, Conditions & Regulations](#), specifically sections II, III, and V.

Board of Ethics

On Friday, November 15, 2024 the Board of Ethics finalized their written opinion on case 2024-01. To view Ethics Board agendas and minutes, visit www.bhamgov.org/ethics.

Board Appointments

The City of Birmingham is looking for dedicated individuals who want to give back to their community by serving on one of our many boards or commissions. Birmingham's different boards and commissions make recommendations that shape the City's future. Serving on a board or commission is a great way to get involved in your community, meet new people and make a positive impact. Visit www.bhamgov.org/boardopportunities to view all the available openings and apply to make a difference.

Board	Openings	Application due by noon Wednesday before the intended interview date	Interview/ Appointment at City Commission meeting 7:30 pm
Advisory Parking Committee	2 Regular member (BSD Member & retail) terms ending 9/4/2027 1 Regular member (retail) term ending 9/1/2026 1 Alternate member term ending 9/1/2026	Until Filled	

Architectural Review Committee	1 Regular member term ending 4/11/2025	Until Filled	
Birmingham Area Cable Board	1 Regular Birmingham resident, term ending 3/30/27 1 Alternate Birmingham resident, term ending 3/30/26 1 Alternate Birmingham resident, term ending 3/30/25	Until Filled	
Birmingham Shopping District	1 Member shall be a business operator or person with interest in property located within the district, 4-year term ending 11/16/2025 1 Member shall be a district resident, 4-year term ending 11/16/2028	11/20/24	11/25/24
Board of Building Trades Appeals	2 Regular member terms (builder & engineer) ending 5/23/2027	Until Filled	
Board of Review	1 Regular member to serve a 3-year term expiring 12/31/2027 1 Alternate member to serve 3-year term expiring 12/31/2026 1 Alternate member to serve the remainder of a 3-year term expiring 12/31/2025	12/11/24	12/16/24
Brownfield Redevelopment Authority	1 Regular member term ending 5/23/2026 1 Regular member term ending 5/23/2027	Until Filled	
Historic District Study Committee	1 Regular member term expiring 6/25/2027	Until Filled	
Housing Board of Appeals	3 Regular member terms ending 5/4/2026	Until Filled	
Martha Baldwin Park Board	2 Regular member terms ending 5/1/2028	Until Filled	
Multi Modal Transportation Board	1 Alternate member term ending 10/27/2025	12/4/24	12/9/24
Stormwater Utility Appeals Board	2 Regular member terms ending 1/31/2026 2 Alternate member terms ending 1/31/2025	Until Filled	

Triangle District Corridor Improvement Authority	1 Resident of the developed area or area within 1/2 mile of the development area, term ending 12/15/2027	Until Filled	
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City Manager's Office

Ad Hoc Aging in Place Committee (AIPC)

The AIPC held two regular meetings in the month of October, on the 13th and 30th. The AIPC worked on completing the following:

1. Content of the Final Report
2. Content and design of the Aging in Place Goals Summary
3. Content and design of the Aging in Place Citywide Action Plan

The AIPC met on November 20, 2024 to begin the process of reviewing and editing the first draft of the Final Report and Aging in Place Citywide Action Plan.

Communications

Around Town e-Newsletter

The communications team is working on the December edition of the Around Town e-Newsletter, which will include information about holiday events, the internet purchase exchange location, Toys for Tots collection and more. Follow [this link to view the November edition](#) of the Around Town e-Newsletter.



Receive Updates from Birmingham

Receive the latest news from Birmingham by signing up to receive our newsletter and alerts at bhamgov.org/enews. Subscribers receive important information specific to their neighborhood, emergency alerts and our newsletter featuring upcoming events, meetings, City projects, developments and more. Also follow us on [Facebook](#) and [Instagram](#) @BhamGov, and visit bhamgov.org/communications to view all City communication tools.

City Events Calendar Trial

The City's website team has determined 2025 City meetings will be listed in one convenient location – the [website calendar](http://bhamgov.org/calendar). Meetings are currently listed in two locations – the website calendar and a separate gmail calendar requiring duplicate entries – making it less efficient and increasing the chance for errors when meetings are modified. This transition is being made on a trial basis and the web team may resume the gmail calendar pending resident feedback. View the website calendar at bhamgov.org/calendar.

City Videos

The communications team and IT Department are evaluating the City's existing video hosting platforms – YouTube and Vimeo – and considering consolidating into one service (Vimeo) to create a more streamlined and efficient experience for the public and staff members. An update will be provided in City communications once a determination has been made.

Engage Birmingham Name the Zamboni Project

The votes are in and the name of Birmingham's new electric Zamboni is Connie! That's Connie as in Connie Folk, the manager of the Birmingham Ice Sports Arena. It's fitting, because she's been driving Zambonis for 39 years, 34 of those for the Birmingham rink. Thanks to all who voted and submitted names, and to the community for honoring this long-time valued City team member. Look for Connie's name on the back of the Zamboni soon!



BIRMINGHAM CITY COMMISSION - UPCOMING AGENDA ITEMS

Meeting	Topic	Dates Addressed	Status
9/23/24	Code of Conduct for Landscapers	9/23/24	In progress
8/13/24	Speed mitigation options – Shirley and Arlington	8/13/24	In progress
7/22/24	Redding Well Site	7/22/24	In progress
7/8/24	Pesticides	7/8/24	In progress
5/20/24	RFP Process	6/3/24 7/22/24	In progress
4/15/24	Discuss City property on Shirley Road that is not designated as Right of Way	4/15/24	In progress
4/8/24	Update Advisory Parking Committee duties	4/8/24 11/18/24	In progress

2/12/24	City-run events and sponsors	3/4/24 7/8/24	In progress
2/27/23	Bench and Little Library for Pat Andrews	3/13/23 5/8/23	In progress

Department of Public Services

Booth Park Entry Plaza & Trail Improvements Update

Michigan Department of Natural Resources Trust Fund (MNRTF) Grant

As directed by the City Commission, the City adjusted our 2024 MNRTF grant application during the "supplemental information" period of the grant application review. Our application was updated to include the most recent park plan and updated cost estimate, in addition to increasing our grant request to the maximum amount of \$400,000. The City received final scores for our updated 2024 application — 345/500 or 69%. This is an improvement from our initial application and preliminary score of 295/500 or 59% and greatly increases our chances to receive funding. We will find out if we will be recommended for an MNRTF grant on December 11, 2024.

If the City is recommended for receiving an MNRTF grant, the City will be required to enter into an agreement with the MDNR. Once the agreement is finalized, the MDNR must review all plans, specifications and bid documents.

Receiving an MNRTF grant will affect the timeline of construction significantly. Therefore, we will wait until the December 16 City Commission meeting to provide a project update.

Parks & Recreation Donation Webpage

The DPS plans to launch an updated donation page this month that will include recognition items for Booth Park as part of the fundraising campaign, in addition to Citywide donation opportunities.

Holiday Lights

The DPS has been working to install lights on trees downtown and they will be turned on by Thanksgiving. The tree in Shain Park will remain off until the Tree Lighting Ceremony.

Second EV Vehicle – Ford F150 Lightning

The Department of Public Services is happy to announce the addition of the City's second EV, a Ford F150 Lightning. The new EV will be primarily used by the Department of Public Services' Mechanics Garage.



Golf Course Updates

We hosted two Turkey Shoot Charity events this month. Thanks to our generous members and guests, we collected over 1,300 pounds of food and broke last year's record of 1,100 pounds.

Work on the installation of the irrigation system at Springdale Golf Course is underway and anticipated to be finished by Christmas.

Lincoln Hills Golf Course will close for the season on Friday, November 22. We look forward to seeing everyone back on the golf courses in the spring!

Engineering Department

2024 Construction Update

Redding Road Project

The road has re-opened and restoration work is complete. This month the contractor will work on punchlist items.

Edgewood Road Project

The contractor has completed some punchlist items and will complete the remaining items this month.

2024 Asphalt Resurfacing Program

The contractor has completed the ADA sidewalk ramps on streets that will be resurfaced: Birmingham Blvd from 14 Mile Road to Northlawn, Henrietta from Frank to Brown, and Ann from Purdy to Frank. Residents on these streets will be notified when milling and paving will occur.

MDOT – Woodward Ave. and Brown/Forest Intersections

The contractor has completed most of the work. They will be on site in early- to mid-December to replace some of the backplates.

Arlington, Shirley, and Brandon Project

All underground utility work has been completed on this project. The southern portion of Arlington, the northern portion of Shirley, and Brandon have concrete curbs and gutters, and the base layer of asphalt. The contractor has poured concrete curbs and gutters and approaches on the north portion of Arlington and the south portion of Shirley. Weather permitting, the contractor will be installing the base layer of asphalt on these streets the week of November 25 and also installing the final layer of asphalt on the entire project.

Pierce Alley and West Maple Alley

Both West Maple Alley and Pierce Alley are open and the contractor will complete punchlist items this month.

2024 Sewer Rehabilitation Program

The contractor has completed most of the sewer liner installation and the remaining portions will be completed soon.

Oakland and Haynes Project

The contractor has completed concrete work and plans to mill and pave the road the week of November 18 and November 25, weather permitting.

2024 Concrete Program

The contractor is continuing work on ADA ramps in the downtown area, and scattered locations throughout the City.

Traffic Signal Modification Project

The contractor has started work at the first intersection: Willits and Bates. The contractor will have this intersection completed by the end of this month and construction at the three other intersections will occur in spring/summer 2025.

Valve Assessment Program

The contractor for this project continues to assess water valves throughout the City's system. This assessment could stir up the water system. If a resident experiences cloudy or discolored water, they should run cold water in the lowest level of their house until it runs clear.

Illicit Discharge to Rouge River

The City determined the source of the sanitary sewer discharge, and discussions are occurring with the property owner. We have been keeping the Michigan Department of Environment, Great Lakes, and Energy (EGLE) aware of the City's progress.

Lead Service Replacement Program

The City has started a door-knocking effort to replace lead water services at no cost to property owners. If the property owner is not available, a flier is being left with instructions for scheduling the water service replacement.

For more information about these projects or programs, please contact the Engineering Department at (248) 530-1840.

Fire Department

Fire Hydrant Ban

From November 1 until April 1, the City implements a hydrant ban. Fire crews will be out ensuring the City's 860+ hydrants remain dry and available throughout the winter months. It is important to keep Fire Department access to hydrants unobstructed throughout the winter months. Homeowners and business owners need to maintain and clear a 3-foot space around the circumference of any fire hydrants on their property.

The City also adopted language as follows: **Sec. 114-93. Obstructing hydrants/fire lanes.** No person(s) shall in any manner obstruct or prevent free access to any fire hydrant or any fire lane in any place in the City, by placing or storing temporarily, or otherwise parking or obstructing with any vehicle or trailer, or any object, material, snow, debris or structure of any kind, within the distance of 15 feet from a fire hydrant or within any identified fire lane.

Violation of this section will result in a civil infraction with a \$500.00 fine.

Toys for Tots Collection through Dec. 20

The Fire Department is again participating in the Toys for Tots campaign this holiday season. New, unwrapped toys or books are encouraged for drop-off through Dec. 20 at Fire Station 1 or 2, City Hall or the Baldwin Public Library.



Human Resources

New Hires

The City of Birmingham extends warm congratulations to our newly hired employees as of November 14, 2024. Their skills, expertise, and enthusiasm are a valuable addition to our team.

Department	Name	Position	Type
Museum	Chelsea Hunter	Museum Assistant	Part Time
BSD	Stacy Bahnsen	Event & Business Dev. Assistant	Part Time
Engineering	Mark Akram	Construction Engineer	Full Time
Police	Bridget McDonald	Police Dispatcher	Part Time
Clerks	Martha Valone	Election Coordinator	Part Time (AFSCME)
BSD	Allie Sperl	Events Assist	Seasonal
<u>Promotions</u>			
DPS	Nathan Baranski	Parks & Forestry Technician	Full Time (TEAMSTERS)
Engineering	Bryan Hardy	SR. Engineering Technician	Full Time (AFSCME)

November Hiring Anniversaries

The City of Birmingham celebrated the hiring anniversaries of several employees. We extend our heartfelt appreciation for their exceptional service and unwavering dedication. Their contributions are deeply valued and recognized.

Years Of Service	Employee		Department	Position
1	Mya	Brown	Clerks	Deputy Clerk
1	Luxie	Kouza	Police	Police Officer
1	Mariah	Trovato	Community Development	Support Staff A
1	Joshua	Campeau	Library	Librarian

1	Matthew	Wiegand	Ice Arena	Part Time Ice Arena Laborer
1	Becky	Nelson	Library	Substitute Librarian
1	Austin	Dewalt	Library	IT Assistant
2	Joshua	Parks	DPS - Garage	Fleet Mechanic
2	Michele	Turner	Library	Library Assistant
2	Lindsey	Block	Library	Substitute Librarian
2	Kanady	Horn	Library	Library Page
3	Lisa	Wayner	Police	Police Officer
3	Christina	Woods	HR	Human Resources Manager
3	Brendt	Frederick	Fire	Fire / AEMT
3	Courtney	Holland	Library	Idea Lab Assistant
4	Justin	Burris	DPS - SSW	SSW Technician
4	Brenden	Meredith	DPS - SSW	SSW Operator
4	Hanna	Drisko	Library	Library Page
5	Robert	Stratton	Library	Library Office Administrator
5	Lauren	Clifford	Library	Library Assistant
5	Cheyenne	Nierhaus	Library	Library Page
5	Cailey	Kosciuk	Library	Library Intern
6	Brent	Jackson	DPS - Parks	Parks & Forestry Operator
6	Kyle	Mccanham	Police	Police Sergeant
9	Ryan	Wiseman	Fire	Fire / EMT
9	Jeffrey	Schemansky	Fire	Fire / EMT

9	Jeffrey	Scaife	Fire	Fire Marshal
10	Melissa	Toole	Police	Police Dispatcher
17	Chad	Check	DPS - Garage	Garage Foreman
17	Bartolomeo	Gioia	Library	Librarian
19	Susan	Dion	Library	Librarian
23	Lawrence	De Maggio	DPS	Water Meter Shop Coordinator

Hiring Status

The City is seeking candidates for the following positions. Below is the current status of each opening. To apply or for more information, visit www.bhamgov.org/jobs.

Department	Position	Type	Status
Parking	Administrative Assistant	Part Time	Accepting Applications, closing 11/29/2024
Engineering	Engineering Inspector II	Full Time (AFSCME)	Accepting Applications, closing 12/6/2024
Building	Plumbing Inspector	Full Time	Accepting Applications, Open Until Filled
DPS	Ice Arena Concessions/Maintenance	Part Time	Accepting Applications, Open Until Filled
DPS	(2) P&R Operator	Full Time (Teamsters)	Reviewing Applicants
Building	Building Official	Full Time	Onboarding

Planning Department

Planning Board

A tentative Planning Board list of scheduled and/or recently completed items is provided below:

1. 400 E. Lincoln – Public Project Review Guidelines – (12/11/24)
2. Triangle District Mixed-Use Standards Phase 2 Study Session – (12/11/24)
3. Impervious Surface Study Session (12/11/24)
4. Generator Study Session (12/11/24)

Historic District Commission & Design Review Board

The Historic Preservation Master Plan will be on the December 4, 2024 meeting agenda.

Police Department

Major Case Update – Birmingham Bridal

In March of 2023, the Police Department began receiving fraud reports from a total of 14 victims. Brides-to-be reported they had either paid for or placed deposits on wedding dresses from Birmingham Bridal and could no longer contact the business or the owner. Sgt. Rebekah Springer of our Investigations Division opened up an investigation which resulted in several charges being issued.

Just recently the owner accepted a plea deal to reduce the charges (dropping the felonies and accepting three counts of misdemeanor False Pretenses \$200 or more but less than \$1,000). Birmingham Bridal will also be required to provide full restitution for all fourteen victims. The owner is scheduled for sentencing on December 19 at 1 p.m. in front of Judge McMillen. The victims will be sent their portion of the restitution after the sentencing.

Retirement of Sgt. Michael Lyon

The Birmingham Police Department sends best wishes to Sgt. Michael Lyon. Sgt. Lyon has retired after serving the City for 28 distinguished years. Sgt. Lyon served our agency in many capacities including that of a Field Training Officer, Firearms Instructor, Defensive Tactics Instructor and was a valued member of our Adopt a Senior Program. He was also assigned to our Investigations Division working as a detective, and spent several years on the Narcotics Enforcement Team. We are grateful for his years of service and he will be greatly missed.

Parking Systems Update

Selection of Interior / Exterior Parking Garage Designer

The City Commission awarded a contract to BCT Design Group to provide design services for both the interior and exterior of all five City parking garages. BCT was one of five firms who responded to the Invitation to Bid that was posted on the Michigan International Trade Network (MITN). The contract with BCT is for \$67,700.

BCT will work with City staff, the Advisory Parking Committee, and the City Commission to create new designs that will help make the parking garages brighter, safer, more attractive and more desirable to park in. Included in their scope of work will be painting, artistic elements, new LED lighting, and architectural elements that will attract attention and improve the garages. BCT will start with the Chester Garage and follow the ongoing repair project phasing plan.

Parking Reports

Download the [October 2024 Parking Report](#) to view the following data: total citations issued, average weekly maximum capacity, meter revenue by amount and percentage, monthly passes compared to garage capacity and monthly permits sold.

Future Agenda Items

Download a summary of [future agenda items](#).



MEMORANDUM

Parking System

DATE: November 21, 2024

TO: Jana L. Ecker, City Manager

FROM: Aaron Ford, Parking Systems Manager

SUBJECT: Advisory Parking Committee Updated Role Recommendation

INTRODUCTION:

At the request of the City Commission, the following memorandum and its attachments outline an updated role of the Advisory Parking Committee (APC). This is the first proposed update to the APC's role since the committee's creation in 1984. Aligning the APC role to the current state of parking in the City will help clarify the committee's purpose, membership, organization, meeting routines, and responsibilities.

BACKGROUND:

The Advisory Parking Committee (APC) was established in 1984 to provide guidance to the Birmingham City Commission on the management of the Automobile Parking System (APS) in the Parking Assessment District (see attachment A). The committee membership represents various categories of valued City parking stakeholders and has fluctuated between seven and nine members who originally met quarterly and currently meet monthly.

Since 1984, the APS has evolved in scope as the City's parking footprint expanded and its operations became more technologically complex. In response to this evolution, the City created a Parking Manager role to oversee day-to-day operations, staffing, and budgeting of the APS. The City also completed the process of taking all parking related operations "in-house" in January of 2024.

The Advisory Parking Committee Updated Role (see Attachment B), covers the following information:

1. APC Role and Responsibilities
2. The Responsibilities of the APS Parking Manager
3. The Responsibilities of the Police and Fire Departments
4. Proposed Membership Makeup of the APC
5. Proposed Organization of the APC

7. Proposed Meeting Schedule and Operations

With the assistance of City staff, the APC discussed the revised roles at both their August and September public regular meetings. The APC proposed their updated role as outlined (see Attachment B).

At the November 18, 2024 City Commission meeting, the Commission reviewed the proposed Advisory Parking Committee Updated Role. The following comments were received:

1. Under the APC Purpose Section, there was an issue with the word "ensure." The Commission discussed that the APC's role is advisory. Further discussion by the Commission indicated that they were more comfortable with the APC Responsibilities Section covering the issues. The APC Purpose Section was eliminated in the updated version.
2. Under the Members Section, the one (1) retail member should be identified as a "City of Birmingham" retail member. The Members Section was updated to reflect this change.
3. Under the Members Section, there was discussion that the membership should be seven (7) regular members and two (2) alternate members of the board and that at least five (5) of the nine (9) members should be City of Birmingham residents or City of Birmingham business owners. The Members Section was updated to reflect this change.
4. Under the Responsibilities Section, there was a suggestion that the City Commission should meet with the APC at least once a year in a joint meeting. After discussion, there was no support for this suggestion. It was noted that it would be very difficult for the City Commission to meet at least once a year with every board. No changes were made to the Responsibilities Section in the updated version.

LEGAL REVIEW:

The City Attorney has reviewed the proposed update to the APC role.

FISCAL IMPACT:

None.

SUSTAINABILITY:

When choosing between various energy options to support parking technology, energy efficient and sustainable products should be prioritized when feasible.

DESIGN CONSIDERATIONS:

None.

PUBLIC COMMUNICATIONS:

All meetings of the APC are public meetings with published agendas, packets, and minutes. All meetings are streamed on Zoom.

SUMMARY:

In alignment with the current state of parking in the City, Attachment B (Advisory Parking Committee Updated Role) provides clarity in the role and responsibilities of the APC, including the committee's membership, organization, meeting routines, and responsibilities.

ATTACHMENTS:

- A. Original Resolution 08-882-84
- B. Advisory Parking Committee Updated Role

SUGGESTED COMMISSION ACTIONS:

Make a motion adopting a resolution approving the Advisory Parking Committee Updated Role.

Attachment A

Referred to the Traffic and Safety Board for review of meters in the following locations to determine if they are still appropriate in view of the change in the entrance to the Baldwin Library: twelve 30-minute meters on Martin between Bates and Chester; five 15-minute meters on Bates between Maple and Martin; three 15-minute meters on Bates near the former entrance on Martin Street to the library.

8:07

08-881-84: CITY COMMISSIONER REPORTS

Commissioner Miller reported that the Otsu Children's Choir will sing at the Community House at 2:00 P.M., Saturday, August 11, 1984. She also commented that AAA will provide transportation for the children to Bob-Lo.

Mayor Appleford reported that he attended a reception in Ann Arbor last week for the Governor of Shiga Province.

8.08

08-882-84: ADVISORY PARKING COMMITTEE ESTABLISHED

MOTION: Motion by Miller, supported by Hockman:

To receive the report of the City Manager re: Advisory Parking Committee; to establish an Advisory Parking Committee as follows:

PURPOSE: There is hereby established an Advisory Parking Committee to provide guidance to the Birmingham City Commission in the management of the Birmingham Auto Parking System that will: recognize parking requirements of the various interests in the Central Business District (CBD); fairly assess the costs of the parking system to users of the facility; create the least possible traffic impact on the CBD and the immediately abutting residential areas; provide for attractive, well-maintained, safe facilities; include plans for an orderly and responsive answer to future parking needs.

MEMBERS: The Birmingham City Commission shall appoint the Advisory Parking Committee, consisting of seven (7) members, each to be appointed for a term of three (3) years, but in the first instance, two (2) members shall be appointed for terms expiring on the first Monday in September, 1985, two (2) members shall be appointed for terms expiring on the first Monday in September, 1986, and three (3) members shall be appointed for terms expiring on the first Monday in September, 1987.

The majority of the members shall be residents and there shall be one member representing each of the following:

- I. Downtown Commercial Representatives -
 - A. Retail - Two (2) members
 - B. Professional Firm - One (1) member
 - C. Building Owner - One (1) member
- II. Downtown Employee Representative - One (1) member
- III. Residential - Two (2) members who do not qualify under any of the above categories.

Members of the Committee can be removed for cause determined at a public hearing at any time by the City Commission. Vacancies occurring shall be filled for the unexpired term by the City Commission.

ORGANIZATION: The Committee shall elect a Chairperson from its membership annually at its first meeting after the first Monday of September. The City Engineer shall be a non-voting, ex-officio member of the Committee and shall serve as the coordinating link between the Committee and various City Departments. A secretary shall be furnished by the City for the purpose of keeping Minutes of Committee meetings.

MEETINGS: The Committee shall hold at least one (1) regular public meeting in each quarter on such date and at such time and place as may be established by resolution of the Committee. Special meetings may be called by the Chairperson of the Committee or by request of any three (3) members of the Committee. There shall be at least a two (2) day notice for any special meeting. The Committee shall adopt such rules for the conduct of its business as it may from time to time adopt by resolution. The Committee shall keep a written or printed record of its proceedings which shall be a public record and property of the City.

EXPENDITURES: The Committee shall have the power to expend such funds as may from time to time be appropriated to it by the City Commission for the purpose of carrying out the powers and duties of the Committee. Funds expended by the Committee shall be processed through regular City channels and be accounted for in the Auto Parking Fund budget.

POWERS AND DUTIES: The Committee shall recommend:

1. A proper rate relationship between the charges for street meters, parking lot fees (short term and long term), and permit fees.
2. Parking fees that, while maintaining the financial integrity of the system, are still attractive to users.
3. The proper ratio between the number of short term, long term, and permit parkers in the attendant-operated lots and structures.
4. The area in each structure that should be assigned for short term, long term, and permit parking.
5. An equitable method of assigning permit parking spaces.
6. Financial objectives that reflect the requirements of ordinances and the need for information on the revenue received from specific users of the system.
7. A public relations program that will educate the public to the location of parking facilities, their ease of use, their close proximity to many fine stores offering a great variety of merchandise and the benefits of validated parking.
8. Corrective steps if the level of either maintenance or policing of the system facilities is inadequate.
9. Specific ordinance changes that will encourage private off-street parking in the CBD and/or help to improve the system operation as a whole.

REPORTS: The Committee shall make and submit to the City Commission an annual report in January regarding the general activities, operations and accomplishments of the Committee for the preceding year. The Committee shall, from time to time as occasion requires, advise the City Commission in writing on recommendations for the improvement of the Auto Parking System.

BUDGET: Not later than the first day of February of each year, the Committee shall present to the City Commission a request for funds which the Committee believes necessary to carry out its function as an advisory committee.

VOTE: Yeas, 6 Nays, None Absent, Sights

MOTION: Motion by Kain, supported by Jeske:
That the Ad Hoc Parking Committee be dissolved.

VOTE: Yeas, 6 Nays, None Absent, Sights

Resumes for membership on the Committee are to be submitted by August 27, 1984, and Commissioners are to submit names to the Mayor by the first meeting in September. They are also to advise the Mayor if they have a particular area in which they are interested.

MOTION: Motion by Hockman, supported by Miller:
That resumes for appointment to the Advisory Parking Committee be submitted by August 27, 1984, for consideration by the City Commission at its September 4 meeting.

VOTE: Yeas, 6 Nays, None Absent, Sights

8:50

08-883-84: BORDERLINE TREES

MOTION: Motion by Jeske, supported by Jensen:
To receive the report of the City Engineer and the City Manager re: Borderline Trees; to direct the Administration to draft an ordinance whereby sidewalks damaged by trees which are entirely or partly in the public right-of-way will be City responsibility.

MOTION: Motion by Kain, supported by Hockman:
To amend the previous Motion by directing that the proposed ordinance state that the cost of sidewalk replacement resulting from damage caused by borderline trees be borne equally by the City and the property owner.

VOTE ON AMENDMENT: Yeas 3 (Hockman, Kain, Miller)
Nays, 3
Absent, Sights

AMENDING MOTION FAILED

VOTE ON MAIN MOTION: Yeas, 3 (Appleford, Jensen, Jeske)
Nays, 3
Absent, Sights

MOTION FAILED

9:28

09-987-84: ORDINANCE AMENDMENT - B-4 PARKING
REQUIREMENTS

MOTION: Motion by Jeske, supported by Sights:
To receive the report of the City Planner and the City
Manager re: Amendment to B-4 Parking Requirements; to
refer to the Planning Board for public hearing and
recommendation to the City Commission.

VOTE: Yeas, 7 Nays, None

9:29

09-988-84: INVOICE RE: BUTZEL, LONG, GUST,
KLEIN AND VAN ZILE

Report received from the Director of Finance and the City
Manager re: Invoice from Butzel, Long, Gust, Klein and
Van Zile.

9:30

09-989-84: ADVISORY PARKING COMMITTEE APPOINTMENTS

MOTION: Motion by Hockman, supported by Sights:
To receive the report of the City Clerk re: Appointments
to Advisory Parking Committee; to direct that street
parking meters be included in the charge to the Advisory
Parking Committee.

MOTION: Motion by Kain, supported by Jensen:
To amend the previous Motion to include only those street
parking meters in the Parking Assessment District.

VOTE ON AMENDMENT: Yeas, 3 (Jensen, Kain, Sights)
Nays, 4

MOTION FAILED

VOTE ON MAIN MOTION: Yeas, 7 Nays, None

MOTION: Motion by Jeske:
To appoint Dante Lanzetta as a Resident Member to the
Advisory Parking Committee.

MOTION: Motion by Kain:
To appoint Anne Honhart to a one-year term as Resident
Member of the Advisory Parking Committee.

MOTION: Motion by Jensen:
To appoint Keith Ege as the Small Retail Member of the
Advisory Parking Committee.

MOTION: Motion by Appleford:
To appoint Katharine Beebe as the Professional Member of
the Advisory Parking Committee.

MOTION: Motion by Miller:
To appoint Samuel Walker to a one-year term as the Building
Owner Member of the Advisory Parking Committee.

MOTION: Motion by Hockman:
To appoint Katharine Thibodeau as the Downtown Employee
Representative Member of the Advisory Parking Committee.

MOTION: Motion by Sights:
To appoint James Peabody as the Large Retail Member of the
Advisory Parking Committee.

Discussion was held on whether or not Mr. Peabody met the qualifications for the Large Retail Member and Mr. Walker for the Building Owner Member.

MOTION: Motion by Kain, supported by Sights:
That the Commission recess for five minutes.

VOTE: Yeas, 7 Nays, None

10:05 P.M. - Meeting recessed.

10:22 P.M. - Meeting reconvened.

MOTION: Motion by Jeske, supported by Miller:
That the Advisory Parking Committee be expanded to nine members to include a Restaurant Owner Member and a Resident Shopper Member.

MOTION: Motion by Kain, supported by Sights:
To amend the previous Motion by adding an ex officio member for a three-year term to the Advisory Parking Committee, the number of committee members to remain at seven.

VOTE ON AMENDMENT: Yeas, 2 (Kain, Sights) Nays, 5

MOTION FAILED

VOTE ON MAIN MOTION: Yeas, 4 Nays, 3 (Jensen, Kain, Sights)

MOTION: Motion by Sights, supported by Kain:
To vote for the nominations on the floor, and to appoint the Large Retailer Member and Resident Shopper Member at the Commission Meeting of September 10, 1984.

In response to a question from Commissioner Jeske, Commissioner Sights stated that he is changing his nomination of Mr. Peabody from the Large Retail Member to that of Restaurant Owner Member.

VOTE: Yeas, 7 Nays, None

MOTION: Motion by Kain, supported by Hockman:
That the term of office for the nine-member Advisory Parking Committee shall be three years, but, in the first instance, three members shall be appointed for terms expiring on the first Monday in September, 1985, three members shall be appointed for terms expiring on the first Monday in September, 1986, and three members shall be appointed for terms expiring on the first Monday in September, 1987.

VOTE: Yeas, 7 Nays, None

MOTION: Motion by Jeske, supported by Jensen:
That the terms of the seven remaining members be decided by draw.

VOTE: Yeas, 7 Nays, None

Attachment B

Advisory Parking Committee

Updated Role

Background: The City of Birmingham's Automobile Parking System (APS) consists of the following parking operations:

1. Five (5) Parking Structures: There are 3,579 parking spaces in the structures.
2. Three (3) Metered Parking Surface Lots: There are 224 metered spaces in surface parking lots.
3. Street Meters: There are 1,042 metered on-street parking spaces.

Advisory Parking Committee Role: The role of the Advisory Parking Committee (APC) is to provide guidance to the Birmingham City Commission regarding the APS. The APC will also provide guidance regarding the revenue generated by parking in the City except for residential permit parking.

Responsibilities: The APC shall make the following advisory recommendations to the City Commission related to the APS:

1. Rate structure for fees for on-street parking meters, parking lot/garages fees, and monthly permit fees;
2. Structural and/or capital improvements needed and sufficient reserves;
3. All technology associated with the APS operation;
4. Conduct a bi-annual review of the finances of the APS with the City's Finance Department;
5. City wayfinding and/or signage plans;
6. Parking occupancy which will include monthly occupancy, monthly revenues, monthly expenses presented in chart format;
7. Any permanent alteration or removal of a metered parking space.

APS Parking Manager: The APS Parking Manager will be responsible for the following as it relates to the APS:

1. All matters related to the day-to-day operations and maintenance of the APS;
2. All employee staffing of the APS;
3. APS budget preparation and presentation to the City Commission; and
4. Act as City staff liaison to the APC.

Police and Fire Departments: The Police and Fire Departments will be responsible for all of the following as it relates to the APS:

1. All matters related to the enforcement of parking ordinances, driving violations, criminal matters or suspicious circumstances in any parking facility (Police);
2. All painting and painting maintenance of surface lots and on-street parking including parking spaces, curb painting and ADA painting (Police); and
3. Any structural and/or safety, and/or health concerns, and fire codes (Fire).

Members: The Birmingham City Commission shall appoint the Advisory Parking Committee, consisting of the following members:

1. One (1) City of Birmingham Retail member;
2. One (1) Data Analytics Professional;
3. One (1) Engineer;
4. One (1) Marketing Professional or Psychologist;
5. Two (2) Resident members;
6. One (1) Birmingham Shopping District (BSD) board member; and
7. Two (2) Alternate members (any category covered in 1-6)

The board consists of seven (7) regular members and two (2) alternates. Of the nine (9), five (5) must be City of Birmingham residents or City of Birmingham business owners.

Term: Three years

Organization: At the first meeting in January each year, the APC will select a chairperson and a vice-chairperson. The City's Parking Manager shall be a non-voting, ex-officio member of the APC and shall serve as the staff liaison to the APC. The Parking Manager will be responsible for preparing agendas for the APC, posting public meeting notices and keeping minutes of all APC meetings.

Meetings: The APC shall hold at least one (1) regular public meeting in each quarter per year (minimum of 4 meetings) on a specified date, time and location established by resolution of the APC. All regular meetings of the APC must be conducted in accordance with the Michigan Open Meetings Act. Based on work load, the APC may hold special meetings called by the chairperson or by the request of any three (3) members of the APC. Any special meeting must be conducted in accordance with the Michigan Open Meetings Act.



MEMORANDUM

Finance Department

DATE: November 19, 2024

TO: Jana L. Ecker, City Manager

FROM: Mark Gerber, Finance Director/Treasurer
Mary Chavez, Finance Director/Treasurer, Designee
Kathryn Burrick, Senior Accountant

SUBJECT: 2025-2026 Community Development Block Grant Application Public Hearing

INTRODUCTION:

The purpose of the November 25, 2024 public hearing is to: receive citizen input regarding the 2025-2026 Program Year Community Development Block Grant (CDBG) program; make a determination of eligible project(s) to be pursued; and determine the amount of funds to be allocated to each project.

BACKGROUND:

The CDBG program is a U.S. Department of Housing and Urban Development (HUD) program that provides funds annually to entitlement jurisdictions. CDBG funds housing, public facility and public service activities that benefit low-income households and persons with special needs. Oakland County receives CDBG funds as an "urban county". Participating communities must join with the County to receive CDBG funding. The City of Birmingham has been a participant of the CDBG program for over 30 years.

The City of Birmingham has been given a planning allocation of \$34,052, which is the same as last year's proposed allocation. Under CDBG guidelines communities may: a) spend a maximum of 15%, or \$5,107, of their 2025-2026 funding allocation on public service activities; b) allocate no less than \$3,500 per activity; and c) allocate funding to no more than 2 activities.

In the past, the City has allocated the maximum amount of funding to public service activities. This funding is typically allocated towards senior services and yard services. In the past, these activities have been administered by an outside agency which is selected through a bid process every program year. Historically, NEXT has administered these services.

Since the City has so few low-income residents, the City is really restricted on what it can do with the remaining funding. The remaining funding is usually allocated to minor home repair and/or

the removal of architectural barriers. The minor home repair activity provides funding for repairs to homes of low-income residents that typically are less than \$5,000 per repair. This activity is also administered by an outside agency which is selected through a bid process when funding is allocated to this activity. The removal of architectural barriers activity provides funding to retrofit City property which was not ADA compliant such as bathrooms and entrances to public facilities and creating barrier-free pathways.

Federal regulations governing the public hearing process require: the public hearing to first be opened to the public for comment; after public comment, the public hearing should then be closed; **after the public hearing has been closed, the City Commission may then discuss the application and take action by roll call vote.** At the close of the public hearing, the eligible projects are required to be identified, along with the approved funding allocations. The deadline for submitting the grant application is Friday, December 6, 2024.

LEGAL REVIEW:

No legal review required.

FISCAL IMPACT:

No impact this fiscal year. The amount approved will be included in the 2025-2026 annual budget.

SUSTAINABILITY:

Not applicable.

DESIGN CONSIDERATIONS:

Not applicable.

PUBLIC COMMUNICATIONS:

This public hearing is noticed in the Oakland Press.

SUMMARY:

Staff recommends that the amount of public services funding of \$5,107 be allocated to yard services. In addition, staff recommends the remaining funding of \$28,945 be allocated to the removal of architectural barriers located at the Birmingham Museum's John West Hunter Park to provide a barrier free boardwalk and pathways overlooking the pond and Rouge River.

It is suggested that the City Commission approve the allocation of CDBG funds as proposed above, that the Finance Director prepare the 2025-2026 Community Development Block Grant application and conflict of interest certification according to those funding allocations, and that the mayor be authorized to sign the application, conflict of interest certification, and subrecipient agreement (when available).

ATTACHMENTS:

1. Proposed Summary of Application Funding
2. Conflict of Interest Certification

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution approving the Program Year 2025 Community Development Block Grant application with the following projects and respective allocations:

	APPROVED <u>2025-2026**</u>
1. Public Services – Yard Services	\$ 5,107
2. Remove Architectural Barriers – Museum Park	<u>28,945</u>
TOTAL	<u>\$ 34,052</u>

** (TO BE DETERMINED BY THE CITY COMMISSION AT THE NOVEMBER 25, 2024 MEETING);

and authorize the mayor to sign the application, conflict of interest certification, subrecipient agreement (when available), and other documents resulting from this application on behalf of the City and submit the documents to Oakland County.



Applications Due
By 5:00 PM
Friday, December
6, 2024

NO EXCEPTIONS

PROGRAM YEAR 2025

(July 1, 2025 - June 30, 2026)

Oakland County, MI Community Development Block Grant (CDBG) Application

A guide designed to assist participating communities to complete their annual application for Community Development Block Grant (CDBG) funds. The guide outlines the application process and provides specific instruction on proper completion. The PY 2025 CDBG Application Workshop was held virtually on Friday, September 27, 2024.

PREVIOUS EDITIONS OBSOLETE

oakgov.com/community/neighborhood-housing-development/about/publications

Catalog of Federal Domestic Assistance (CFDA) # 14.218

UEI #HZ4EUKDD7AB4

CAGE# 39SZ3

HEALTH & HUMAN SERVICES

Leigh-Ann Stafford • Director

NEIGHBORHOOD & HOUSING DEVELOPMENT DIVISION

Khadija Walker-Fobbs • Housing Officer

OAKLAND COUNTY NEIGHBORHOOD & HOUSING DEVELOPMENT

1200 N Telegraph Rd • Bldg. 34E
Pontiac, Michigan 48341

t: (248) 858-0493 • f: (248) 858-5311



CDBG APPLICATION PART 2 - APPLICANT INFORMATION

A - APPLICANT CONTACT

Community:	Birmingham		
CDBG Planning Allocation:	\$ 34,052.00		
Contact Person:	Mary Chavez		
Telephone:	(248) 530-1814		
Best time to contact:	Monday-Friday 8:00 am - 5:00 pm		
UEI #:	J32HKEJRJNJ8		
Copy of current SAMS attached:	Yes ☒	If No, Explain: _____	
Is community subject to Single Audit?	Yes ☒	No ☐	_____

B - PROPOSED PROJECT(S)

Project # <u>1</u>	Name: <u>Remove Architectural Barriers #731619</u>	Allocation: <u>\$ 28,945.00</u>
Project # <u>2</u>	Name: <u>Yard Services #732170</u>	Allocation: <u>\$ 5,107.00</u>
Project # _____	Name: _____	Allocation: _____
Project # _____	Name: _____	Allocation: _____
Total # of Projects:		2
# of Public Service Projects:		1
Public Service %:		15.00%

C - AFFIDAVIT OF COMPLIANCE

The undersigned certifies that the information in this application is true and correct. In applying for CDBG funds, the applicant has read, understands and agrees to comply with all the provisions of all federal regulations issued thereto by the U.S. Department of Housing and Urban Development (HUD), state and local regulations and laws.

Name of Highest Elected Official or Designee:	Therese Longe
Title of Highest Elected or Designee:	Mayor
Signature:	

CDBG APPLICATION PART 2 - CONTINUED

D - CONFLICT OF INTEREST CERTIFICATION

Code of Federal Regulations Title 24, Volume 3 Revised as of April 1, 2004 CITE: 24CFR570.611

TITLE 24--HOUSING AND URBAN DEVELOPMENT CHAPTER V--OFFICE OF ASSISTANT SECRETARY
FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HUD
Part 570 Community Development Block Grants
Subpart K Other Program Requirements
Sec. 570.611 Conflict of interest

(a) Applicability. (1) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, shall apply. (2) In all cases not governed by 24 CFR 85.36 and 84.42, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to Sec. 570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to Sec. 570.203, 570.204, 570.455, or 570.703(i)).

(b) Conflicts prohibited. The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

(c) Persons covered. The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.

(d) Exceptions. Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it has satisfactorily met the threshold requirements of (d)(1) of this section, taking into account the cumulative effects of paragraph (d)(2) of this section.

(1) Threshold requirements. HUD will consider an exception only after the recipient has provided the following documentation: (i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and (ii) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

(2) Factors to be considered for exceptions. In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d)(1) of this section, HUD shall conclude that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effect of the following factors, as applicable: (i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available; (ii) Whether an opportunity was provided for open competitive bidding or negotiation; (iii) Whether the person affected is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class; (iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question; (v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section; (vi) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and (vii) Any other relevant considerations. By applying for CDBG funds, the Participating Community certifies that they have read the above:

Community Name:	Birmingham
Name of Highest Elected Official or Designee:	Therese Longe
Title of Highest Elected or Designee:	Mayor
Signature:	



MEMORANDUM

Planning Department

DATE: November 18, 2024

TO: Jana L. Ecker, City Manager

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Public Hearing to amend Article 3, Section 3.08 and Article 9, Section 9.02 of the Zoning Ordinance to modify the provisions for additional building height in the Triangle District of Birmingham

INTRODUCTION:

As development applications have increased in the current Triangle District of Birmingham, the Planning Board has expressed concerns over the proportions of mixed use buildings, specifically as it relates to the opportunity for bonus stories. However, over the course of several months, the Planning Board determined that there is short term need to address the entire list of bonus height provisions while we continue to field development applications, but also a long term need to revisit several of the basic tenets of the 5 bonus height provisions available to developers as it relates to what the City envisions in the Triangle District. At this time, the Planning Board has completed the short term amendments and is seeking approval from the City Commission.

BACKGROUND:

The [Triangle District Urban Design Plan](#) ("Triangle Plan") was adopted in 2007, and was succeeded by a new [Triangle District Overlay](#) ordinance in 2008. These ordinances were designed to spur development in a relatively stagnant part of the City and aid in the development of a new mixed-use district that was connected, walkable, and unique. The Triangle Plan was meant to guide development decisions in the Triangle District over a period of 20 years.

Over the course of several meetings, the Planning Board studied the section of the Triangle District Overlay pertaining to additional bonus height in the hopes that they could be reformatted and restructured to provide the City with a public benefit that aligned more with current needs.

On September 25, 2024 ([Agenda](#) - [Minutes](#)) the Planning Board moved to recommend approval to the City Commission of amendments to Article 3, Section 3.08 (E) and Article 9, Section 9.02, to modify the provisions for additional building height in the Triangle District of Birmingham.

LEGAL REVIEW:

The City Attorney has reviewed the documentation as to form and substance and has no objections.

FISCAL IMPACT:

As a part of the short-term revisions of the additional bonus height standards, the Planning Board removed the payment-in-lieu option for public parking. With the elimination of this provision, the City would no longer receive a payment-in-lieu of providing public parking from developers. Rather, the proposed language requires developers to simply build the public parking, should this option be chosen.

SUSTAINABILITY:

As a part of the proposed amendments, the option to obtain LEED certification in exchange for additional bonus height was removed. The consternation behind LEED certification is twofold. Firstly, LEED certification takes a significant amount of time, often months beyond the completion of the building leading to issues with enforcement and certificates of occupancy. Second, the lowest level of LEED, "LEED Certified", is a very low bar to hit and there is a very small nexus between LEED Certified and current building codes in terms of level of impact. Understanding that sustainability is not only an important facet of the Triangle Plan, but also of the City as a whole, the Planning Board will be including new bonus height provisions targeted at sustainability as a part of the long-term study of this ordinance.

DESIGN CONSIDERATIONS:

The proposed amendments could have design impacts in the Triangle District. Not only has the list of options been reduced, the modifications to the remaining provisions could impact new buildings in this area in a number of ways. For example, should applicants choose to pursue the public parking provision, it may be assumed that the floor plate for parking uses would expand, possibly to the face of a building or other areas of higher visibility. Another example would be the first floor as it relates to the architectural standards of the Triangle District. Commercial uses are held to standards such as 70% glazing and required entrances whereas residential uses are not.

PUBLIC COMMUNICATIONS:

As required for Zoning Ordinance amendments, a legal ad was placed in a newspaper of local circulation to advertise the public hearing at the Planning Board meeting on September 25, 2024. A similar notice was provided for the public hearing at the City Commission on November 25, 2024.

SUMMARY:

The Planning Department requests that the City Commission consider ordinance amendments to Article 3, Section 3.08 and Article 9, Section 9.02 of Chapter 126 (Zoning) of the City Code, to modify the provisions for additional building height in the Triangle District of Birmingham.

ATTACHMENTS:

Please see the following attached documents:

- Proposed Ordinance Language
- Final Planning Board Report – September 25, 2024

SUGGESTED COMMISSION ACTION:

Make a motion adopting an ordinance to amend Article 3, Section 3.08 and Article 9, Section 9.02 of Chapter 126 (Zoning) of the City Code, to modify the provisions for additional building height in the Triangle District of Birmingham.

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126 (ZONING) OF THE CITY OF BIRMINGHAM CODE OF ORDINANCES:

TO AMEND, ARTICLE 3, SECTION 3.08, HEIGHT AND PLACEMENT REQUIREMENTS, TO MODIFY THE BONUS HEIGHT PROVISIONS.

- E. Additional Building Height: Buildings or portions of buildings that are 100 feet or more from a single-family residential zoning district may have the additional building height (in number of stories and/or feet of height) noted in Section 3.08B, Section 3.08C, and Section 3.08D where 2 or more of the following are provided as part of the development. Additional stories shall be stepped back at a 45-degree angle from the top story allowed by right without the height bonus.
1. A multi-level parking structure that offers parking available to the public at the rate of one parking space available to the public for every 300 square feet of building floor area allowed in the additional stories. Where additional building height is proposed without additional stories, then the parking shall be based upon the building floor area in the top floor. ~~The applicant may provide payment in lieu to the City for construction of parking in a public parking deck at an offsite location. Parking rates will be calculated as follows:~~
 - a. ~~The rate of \$27,500 per space to match the current cost per above-ground structured parking space in 2018.~~
 - b. ~~Starting July 1st, 2019, the rate of payment per parking space shall be increased by 3 percent each year.~~
 2. Dedication of an improved public plaza **located within the property boundaries upon which the new building is being constructed. The plaza** ~~with an area that is~~ **must be** at least equal to 25% of the additional floor area of building area ~~allowed in the additional stories. Where additional building height is proposed without additional stories, then the public plaza space shall be based upon at least 25% of the building floor area on~~ **of** the top floor. The location and design of the plaza shall be approved by the Planning Board and shall be in accordance with the Triangle District Urban Design Plan **applicable master plans.**
 3. **For those properties located along the commercial frontage boundary, as specified on the Triangle District Regulating Plan identified in Exhibit 2;**

Appendix C, a mixed use building that provides residential dwelling units above first-floor commercial where a minimum of 50% of the buildings floor area is residential. **Buildings that have frontage along the required commercial frontages, as specified on the Triangle District Regulating Plan, shall include commercial uses with the commercial space being at a minimum depth of 20 feet in depth from each frontage line on the first story. Lobbies for hotels, offices, and multiple-family dwellings may be considered as part of the required commercial frontage, provided that any such lobby occupies no more than 50% of the frontage of said building.**

- ~~3. Leadership in Energy and Environmental Design (LEED) building design, accredited based upon the rating system of the United States Green Building Council.~~
4. Transfer of development rights for additional floor area that zoning would permit on a site containing an historic building or resource designated under Section 127 of the Birmingham Code. The development rights shall be dedicated through recording a conservation easement on the designated historic resource, which shall be reviewed and approved by the Historic District Commission.

ORDAINED this _____ day of _____, 2024 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 CHAPTER 126 (ZONING) OF THE CITY OF BIRMINGHAM CODE OF ORDINANCES:

TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO ADD DEFINITION OF PUBLIC URBAN OPEN SPACE

Public Plaza – Land designated for public use that is designed to provide active or passive recreation opportunities accessible to the public, which contains landscaping, seating and other amenities as approved by the Planning Board.

ORDAINED this _____ day of _____, 2024 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 CHAPTER 126 (ZONING) OF THE CITY OF BIRMINGHAM CODE OF ORDINANCES:

TO AMEND APPENDIX C, TO ADD A MAP OF REQUIRED COMMERCIAL FRONTAGE IN THE TRIANGLE DISTRICT REGULATING PLAN

Exhibit 2 Triangle District Regulating Plan



ORDAINED this _____ day of _____, 2024 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk



MEMORANDUM

Planning Division

DATE: September 25, 2024

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Triangle District Additional Bonus Height Provisions – Phase 1 – PUBLIC HEARING

As development applications have increased in the current Triangle District of Birmingham, the Planning Board has expressed concerns over the proportions of mixed use buildings, specifically as it relates to the opportunity for bonus stories.

However, over the course of several months, the Planning Board has determined that there is short term need to address the entire list of bonus height provisions while we continue to field development applications over the next year or so, but also a long term need to revisit several of the basic tenants of the list as it relates to what the City envisions in the Triangle District.

Currently, the ordinance reads that in the Triangle District, buildings or portions of buildings that are 100 feet or more from a single- family residential zoning district may have additional building where 2 or more of the following are provided as part of the development:

1. A multi-level parking structure that offers parking available to the public at the rate of one parking space available to the public for every 300 square feet of building floor area allowed in the additional stories. Where additional building height is proposed without additional stories, then the parking shall be based upon the building floor area in the top floor. The applicant may provide payment-in-lieu to the City for construction of parking in a public parking deck at an offsite location. Parking rates will be calculated as follows:
 - a. The rate of \$27,500 per space to match the current cost per above-ground structured parking space in 2018.
 - b. Starting July 1st, 2019, the rate of payment per parking space shall be increased by 3 percent each year.
2. Dedication of an improved public plaza with an area that is at least equal to 25% of the additional floor area of building area allowed in the additional stories. Where additional building height is proposed without additional stories, then public plaza space shall be based upon 25% of the building floor area on the top floor. The location and design of the

plaza shall be approved by the Planning Board and shall be in accordance with the Triangle District Urban Design Plan.

3. A mixed use building that provides residential dwelling units above first-floor commercial where a minimum of 50% of the buildings floor area is residential.
4. Leadership in Energy and Environmental Design (LEED) building design, accredited based upon the rating system of the United States Green Building Council.
5. Transfer of development rights for additional floor area that zoning would permit on a site containing an historic building or resource designated under Section 127 of the Birmingham Code. The development rights shall be dedicated through recording a conservation easement on the designated historic resource, which shall be reviewed and approved by the Historic District Commission.

Study Session #1

On July 10, 2024 ([Agenda](#)), the Planning Board settled on a modified version of the bonus height provisions that focuses on the essential public benefits that the City envisions at this time. The changes involve removing the payment-in-lieu for public parking, removing LEED building design standards, and improving the provision for public space.

In regards to public space in particular, general guidance for incentive zoning suggests that the incentive zoning must be employed specifically to advance the specific physical, cultural and social policies in accordance with the adopted comprehensive plan. In referencing the [Birmingham Plan 2040](#), it is abundantly clear that the area in question is lacking park/open space, and there are a number of recommendations attempting to introduce parks or open space to the area. Thus, the Planning Department is suggesting that the Planning Board focus heavily on introducing parks and open space as opposed to a general, amorphous “public amenity” and to use the newly adopted Parks and Recreation Master Plan as a guide.

In the [Parks and Recreation Master Plan](#), it describes the City as having 4 different classification of parks and provides a clear outline or definition their character and features. Of the four classifications, Mini-Park’s and Neighborhood Parks appear to be the most appropriate and/or realistic in this context:

Mini-Park (Pocket Park) - Small, specialized parks, often less than an acre in size, that serve the needs of residents in the surrounding neighborhood. A minipark may serve a limited population or specific group such as tots or senior citizens. Mini-parks usually serve people within a 1/4 mile radius.

Neighborhood Park - Multi-purpose facilities that provide more active recreation activities, such as field/court games, crafts, playgrounds, skating, picnicking, etc. Neighborhood parks typically serve up to 5,000 residents located within a 1/4 to 1/2 mile radius.

Study Session #2

On July 24, 2024 ([Agenda](#) - [Minutes](#)) the Planning Board considered amendments to the ordinance that focused on the second provision regarding public space. In addition, the mixed-use requirement was discussed and the Planning Department was directed to amend the materials to reflect a desire for commercial on the west side of Adams Rd. and the south side of Bowers.

Study Session #3

On August 14, 2024 ([Agenda](#) – [Minutes](#)), the Planning board reviewed refined language that included a payment in lieu option for the public urban open space. Ultimately, the option was removed from the language and the Planning Board requested a definition of public urban open space to consider before a public hearing is set.

Study Session #4

On August 28, 2024 ([Agenda](#)), the Planning Board moved to set a public hearing date to review the proposed amendments and make a recommendation to the City Commission. The recommendation came with several minor requests for revisions.

Public Hearing

At this time, the Planning Division has prepared the final proposed amendments addressing the final comments from the Planning Board and has provided final language attached to this report.

Sample Motion Language

I move that the Planning Board recommend APPROVAL to the City Commission the amendments to Article 3, Section 3.08 and Article 9, Section 9.02, to modify the provisions for additional building height in the Triangle District of Birmingham.

CITY OF BIRMINGHAM

ORDINANCE NO. _____ (WITH EDITS)

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.08, HEIGHT AND PLACEMENT REQUIREMENTS, TO MODIFY THE BONUS HEIGHT PROVISIONS.

- E. Additional Building Height: Buildings or portions of buildings that are 100 feet or more from a single-family residential zoning district may have the additional building height (in number of stories and/or feet of height) noted in Section 3.08B, Section 3.08C, and Section 3.08D where 2 or more of the following are provided as part of the development. Additional stories shall be stepped back at a 45-degree angle from the top story allowed by right without the height bonus.
1. A multi-level parking structure that offers parking available to the public at the rate of one parking space available to the public for every 300 square feet of building floor area allowed in the additional stories. Where additional building height is proposed without additional stories, then the parking shall be based upon the building floor area in the top floor. ~~The applicant may provide payment in lieu to the City for construction of parking in a public parking deck at an offsite location. Parking rates will be calculated as follows:~~
 - a. ~~The rate of \$27,500 per space to match the current cost per above-ground structured parking space in 2018.~~
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 3. **For those properties located along the commercial frontage boundary, as specified on the Triangle District Regulating Plan identified in Exhibit 2; Appendix C,** a mixed use building that provides residential dwelling units above

first-floor commercial where a minimum of 50% of the buildings floor area is residential. **Buildings that have frontage along the required commercial frontages, as specified on the Triangle District Regulating Plan, shall include commercial uses with the commercial space being at a minimum depth of 20 feet in length from each frontage line on the first story. Lobbies for hotels, offices, and multiple-family dwellings may be considered as part of the required commercial frontage, provided that any such lobby occupies no more than 50% of the frontage of said building.**

- ~~3. Leadership in Energy and Environmental Design (LEED) building design, accredited based upon the rating system of the United States Green Building Council.~~
4. Transfer of development rights for additional floor area that zoning would permit on a site containing an historic building or resource designated under Section 127 of the Birmingham Code. The development rights shall be dedicated through recording a conservation easement on the designated historic resource, which shall be reviewed and approved by the Historic District Commission.

ORDAINED this _____ day of _____, 2024 to become effective 7 days after publication.

Elaine McLain, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____ (CLEAN COPY)

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.08, HEIGHT AND PLACEMENT REQUIREMENTS, TO MODIFY THE BONUS HEIGHT PROVISIONS.

- F. Additional Building Height: Buildings or portions of buildings that are 100 feet or more from a single-family residential zoning district may have the additional building height (in number of stories and/or feet of height) noted in Section 3.08B, Section 3.08C, and Section 3.08D where 2 or more of the following are provided as part of the development. Additional stories shall be stepped back at a 45-degree angle from the top story allowed by right without the height bonus.
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 3. For those properties located along the commercial frontage boundary, as specified on the Triangle District Regulating Plan identified in Exhibit 2; Appendix C, a mixed use building that provides residential dwelling units above first-floor commercial where a minimum of 50% of the buildings floor area is residential. Buildings that have frontage along the required commercial frontages, as specified on the Triangle District Regulating Plan, shall include commercial uses with the commercial space being at a minimum depth of 20 feet in length from each frontage line on the first story. Lobbies for hotels, offices, and multiple-family dwellings may be considered as part of the required commercial frontage, provided that any such lobby occupies no more than 50% of the frontage of said building.

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ORDAINED this _____ day of _____, 2024 to become effective 7 days after publication.

Elaine McLain, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO ADD DEFINITION OF PUBLIC URBAN
OPEN SPACE

Public Plaza – Land designated for public use that is designed to provide recreation opportunities accessible to the public of which contain landscaping, seating and other amenities as approved by the Planning Board.

CITY OF BIRMINGHAM

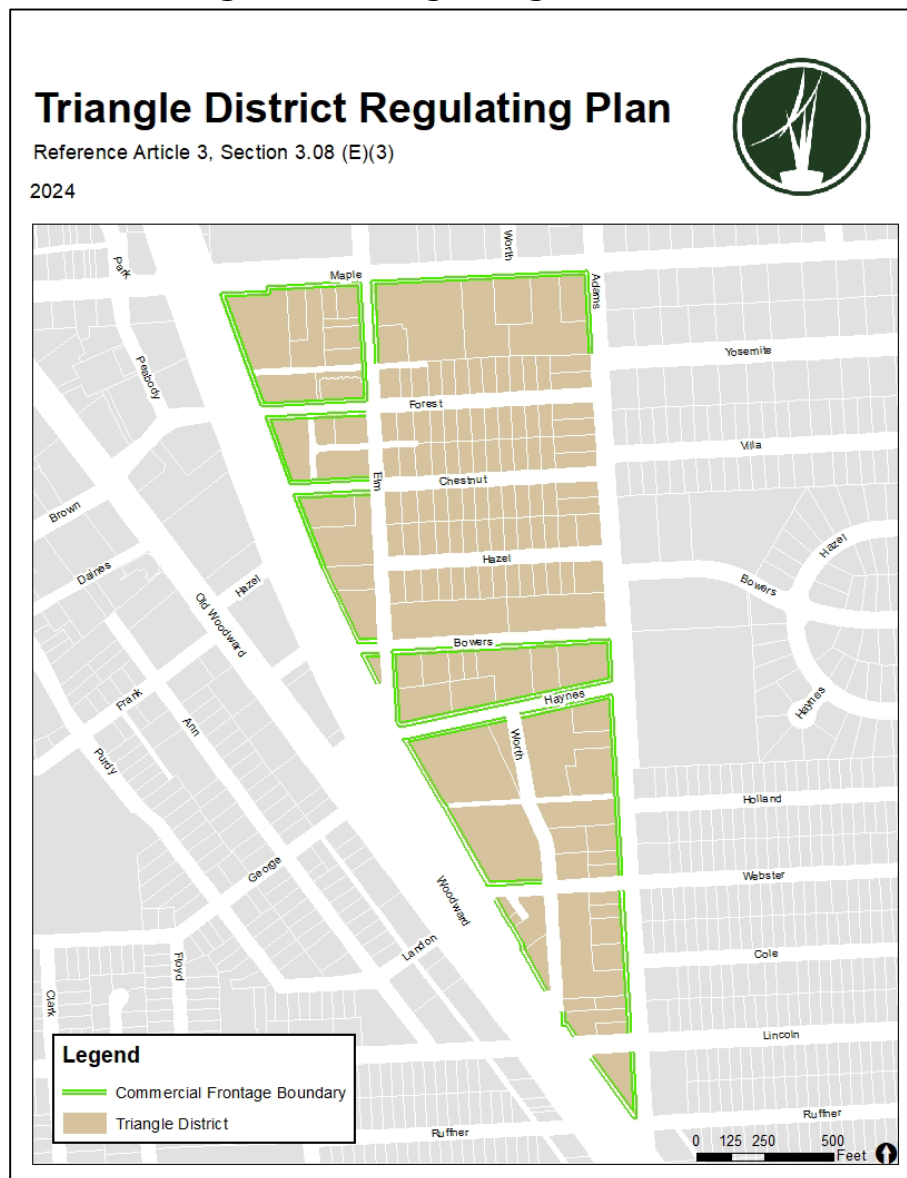
ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND APPENDIX C, TO ADD MAP OF TRIANGLE DISTRICT REGULATING PLAN

Exhibit 2 Triangle District Regulating Plan



Triangle District Regulating Plan

Reference Article 3, Section 3.08 (E)(3)

2024





MEMORANDUM

Finance Department

DATE: November 19, 2024

TO: Jana L. Ecker, City Manager

FROM: Mark Gerber, Finance Director/Treasurer

SUBJECT: 48th District Court 2025 Budget

INTRODUCTION:

Every year the 48th District Court prepares an annual budget which must be approved by the funding units: City of Birmingham, Bloomfield Township, and West Bloomfield Township.

BACKGROUND:

In accordance with the 2023 agreement, Court revenues and expenditures are allocated to the three funding units, which include the cities of Birmingham and the townships of Bloomfield and West Bloomfield, in the same proportion as the number of cases arising from each unit. At the end of each calendar year following the Court's audit, an adjustment is made for the difference between those amounts advanced to the Court based on the budget and actual Court expenditures allocated to each funding unit based on actual caseload of each funding unit under the agreement. Court revenues are also adjusted to reflect the caseload percentages as well.

Three municipal governments fund the budget of the 48th District Court: City of Birmingham, Bloomfield Township, and West Bloomfield Township. The expenditure budget of the Court is allocated to each funding unit based on their percentage of the total case load of the Court according to the last audited numbers. The City's percentage of the caseload for just the funding units was 39.3% in calendar year 2023. Each quarter, the City advances 25% of the City's allocation of the total expenditure budget to the Court. Revenue generated by the court is also distributed to each municipality based on the percentage of caseload except for cost of prosecution reimbursements which are specific to each municipality.

Attached is the proposed 2025 budget for the 48th Judicial District Court. In total, the Court is requesting an operating budget of \$4,930,000 which is approximately the same as the 2024 budget. Increases are proposed for benefits, professional fees and security & other expenses while operating expenses are proposed to decrease.

Salaries: This is proposed to increase by \$40,000 or 2% from the 2024 budget. The increase is aligned with market rate adjustment to attract and retain talent. This cost is offset by judicial salary reimbursement received from the State.

Benefit Expenses: This budgeted category is proposed to increase by \$44,277, or 4.0% from the 2024 budget. The change is the result of an increase in health and other insurances.

Operating Expenses: For 2025, operating expenses are proposed to decrease by \$8,223, or .6% from the 2024 budget. This is primarily the result of a decrease in the cost for postage.

Professional Fees: Overall this budgeted category is proposed to increase by \$7,000, or 3.6%, from 2024's budget primarily as a result of an increase in magistrate's expense of \$5,000. The salary for magistrates has been increased to remain competitive with similar roles in the public sector.

Security & Other Expenses: This category is proposed to increase \$2,500, or 1.8%, as a result of an increase in court security.

Equipment & Capital: Expenditures for this category are proposed to remain the same as the previous year.

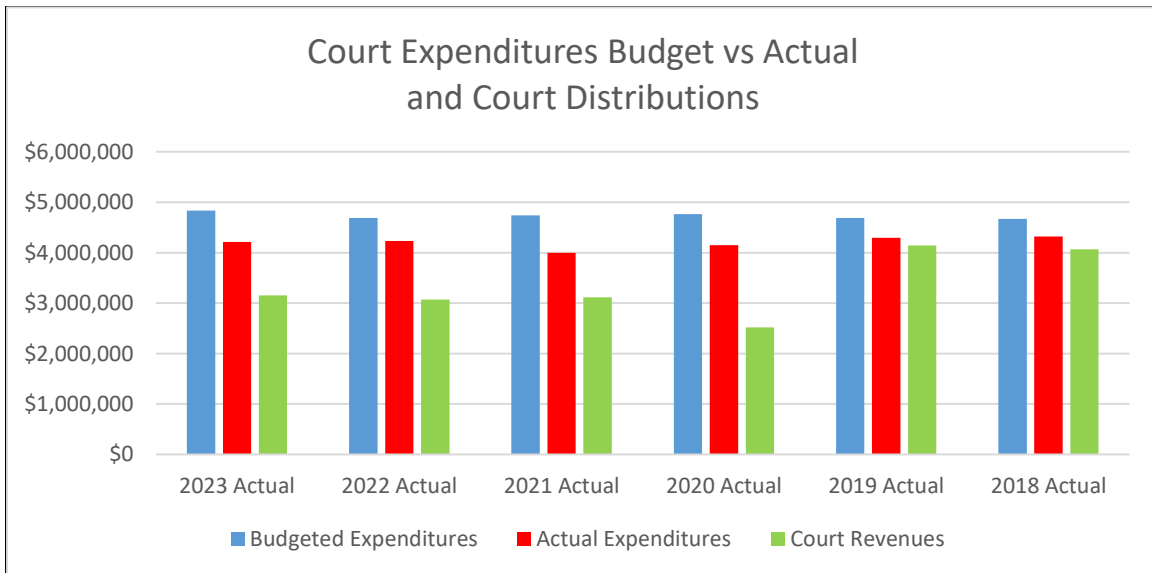
LEGAL REVIEW:

No legal review is required.

FISCAL IMPACT:

Based on the City's audited caseload from 2023 of 39.29%, the City would advance the Court \$1,936,997 in 2025 compared with \$1,865,924 in 2024, an increase of \$71,073, or 3.8%.

The graph below shows the Court's budgeted expenditures, actual expenditures, and court revenues paid to the funding units:



As the chart shows, the Court's actual expenditures (red), which the funding units are responsible for paying, have consistently been under budget (blue). However, court revenue distributed to the funding units (green), especially over the past several years, has not been enough to offset the costs of the court. During the period 2018-2019, this gap was fairly minimal. However, since the pandemic, the gap has widened greatly, meaning the City has to use more of its General Fund resources to operate the Court.

SUSTAINABILITY:

Not applicable.

DESIGN CONSIDERATIONS:

Not applicable.

PUBLIC COMMUNICATIONS:

None.

SUMMARY:

It is recommended that the City Commission approve the 48th District Court budget as submitted. Representatives of the 48th District Court will be available to answer questions from the Commission.

ATTACHMENTS:

1. 48th District Court Proposed Budget for FY 2025

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve the 48th District Court's 2025 budget as submitted.

STATE OF MICHIGAN

48th JUDICIAL DISTRICT COURT

Bloomfield Hills, MI 48302

2025 Budget

Proposed

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THE COURT IN REVIEW

The 48th District Court serves the Charter Townships of Bloomfield and West Bloomfield, and the Cities of Birmingham, Bloomfield Hills, Keego Harbor, Orchard Lake Village and Sylvan Lake. Bloomfield Township, West Bloomfield Township and Birmingham (collectively referred to as the “Funding Unit(s)”) fund the Court’s operation pursuant to an agreement executed between the Funding Units in 2021. The Court is not a signatory to the Funding Units’ agreement. The political subdivisions of Bloomfield Hills, Keego Harbor, Orchard Lake Village and Sylvan Lake utilize the Court’s services and receive reimbursements pursuant to the Funding Unit agreement. As defined by the Michigan Legislature in 1968, the District Courts are an independent third branch of government providing services to the public and municipalities and has jurisdiction over:

- Arraignments – advising defendants of their rights, the pending charge(s) and the setting of bond in misdemeanor and felony cases.
- Misdemeanors – all criminal cases punishable by imprisonment not exceeding one year, written under state law or local ordinance. This includes, but is not limited to: Operating While Intoxicated (1st and 2nd), Domestic Violence, Assault/Battery, Aggravated Assault/Battery, Drug Possession, Stalking, Retail Fraud, Larceny, Breaking and Entering, Driving While License Suspended, and all violations of probation for these cases.
- Preliminary Examinations – in all felony cases. A preliminary exam is a hearing where testimony is heard to determine whether there is probable cause that a crime has been committed and probable cause that the defendant committed the crime. If the judge so finds, the case is bound over to the Oakland County Circuit Court for further proceedings.
- Felony Guilty Pleas
- Civil Lawsuits – claims where the amount in controversy does not exceed \$25,000.
- Landlord/Tenant Disputes – Hearings, which include eviction proceedings, land-contract forfeitures and mortgage foreclosures.
- Small Claims – claims where the amount in controversy does not exceed \$7,000 and litigants represent themselves.
- Civil Infractions – includes all pre-hearings, informal and formal hearings.
- Search Warrants – Judges and Magistrates on call 24 hours a day. The number of search warrants issued year-to-date has already exceeded six-hundred.

The budget of the 48th District Court has two separate and distinct components. The first addresses caseload and monetary funds received by the Court. Fines, costs and other fees are assessed as appropriate within the law. Funds received by the Court are subsequently distributed to the State, Oakland County and local Funding Units pursuant to law and the Funding Unit agreement.

The second component of this budget analyzes the expenses incurred for the operation of the Court. The Court submits a lump-sum budget comprised of six account groupings. Funds used to maintain the operation of the Court are reviewed and approved through an annual budget process with the Funding Units. Once approved, the Funding Units advance the Court funds for Court operations on a quarterly basis. Any surplus is returned to the funding units upon completion of the annual external audit.

The Judges and the entire staff of the 48th District Court understand the difficult budget issues facing all municipalities, courts, families and individuals. Administration of the Court is constantly seeking alternatives to the status quo as well as new vendors for services. In preparing this budget, we continue to strive to ensure that public funds are used in the most efficient and responsible manner possible by reducing costs and maintaining a high standard of service, while honoring our constitutional duty to serve the public. The figures and data presented, highlight the Court's commitment to the efficient use of the public's resources.

TRIAL COURT FUNDING

Trial Court Funding Commission

The Michigan Supreme Court and State Court Administrative Office has recognized that Michigan's current trial court funding structure is complex and inadequate. The Trial Court Funding Commission has commenced work on developing a plan designed to standardize, simplify and enhance trial court funding across the state. The State Court Administrative Office retained the accounting firm of Maner Costerisan to obtain financial information from courts and funding units to advance the following plans and legislative proposals.

- Operational Cost Funding Model Implementation Team.
- Funding Distribution Implementation Team.
- Fee Schedule Development & Indigency Determination Implementation Team.
- Collections Systems Implementation Team.

Court administration has already met with representatives from Maner Costerisan at the courthouse during the week of September 16, 2024, to review caseload, funds received by the Court, and expenses incurred for the operation of the Court.

MCL 769.1k(1)(b)(iii) Sunset

Courts are currently allowed to impose costs in criminal cases that are reasonably related to the actual costs incurred by the trial court. This authority was scheduled to sunset on May 1, 2024. Without that statute, courts would not have authority to impose costs related to salaries and benefits for court personnel; goods and services necessary for the operation of the court; and necessary expenses for the operation and maintenance of court buildings. On April 30, 2024 Governor Whitmer extended the sunset on the authority to impose court costs to December 31, 2026.

48TH DISTRICT COURT COLLECTION PROGRAM

Integrity and public trust in the judiciary depends in part on how well court orders are observed and enforced. In particular, restitution for crime victims and accountability for enforcement of monetary penalties imposed on criminals are issues of intense public interest and concern. The State Court Administrators Office (SCAO) focus of this measure is on the extent the Court takes responsibility for the enforcement of orders requiring payment of monetary penalties. The judges and staff of the Court are diligent in collecting fines and costs at the time of sentencing, but also order payment plans when necessary.

The Court has a closely monitored Collection System for unpaid fines and costs. Each month, delinquent defendants are noticed to appear in front of a Judge to explain why they have not paid their debt. Many defendants make payment upon receiving their notice while others appear for their scheduled hearing to arrange a payment plan. Those who fail to appear are issued a bench warrant for their arrest with up to an additional \$75.00 fine. The goal of the program is to enforce outstanding court orders. The program is monitored with extreme efficiency at minimal cost.

The Court held a Late Fee Forgiveness Program for civil infraction cases only from May 1, 2024 through June 14, 2024 that collected \$59,711.

Michigan courts have authority as part of the sentence for certain criminal offenses to order reimbursement to the state or a local unit of government for expenses incurred in relation to that incident, including expenses for an emergency response and prosecuting the person. As of September 30, 2024, the Court has collected in excess of \$66,000 in costs requested by the prosecutors for monthly disbursement to the arresting agency.

Michigan courts likewise have authority to order each person convicted for an offense that is a felony, misdemeanor or local ordinance violation to pay the Crime Victim Rights Assessment. The Court has collected and disbursed in excess of \$61,000 as of September 30, 2023.

In proceedings involving individual or business victims, the Court collects restitution from the defendant and forwards it directly to the crime victim. The Court has collected and disbursed restitution payments amounting to \$41,846.50 as of September 30, 2023.

COURT PERSONNEL

Knowing that employee salaries and benefits account for a substantial portion of Court expenses, the Court has continued to closely monitor staffing needs to run our operation in a manner which is accessible, efficient and timely for those we serve. The Court currently has 31 employees. No new positions have been created in 2024.

The Court believes staff development and professional training are essential. Court staff routinely participate in training held by the State Court Administrative Office, Secretary of State and Michigan State Police. Michigan lawmakers continue to adopt bills that impact the way in which civil, criminal and traffic cases are processed through the Court, and highlight the need to retain our skilled and well-trained staff in this highly competitive job market. The daily job tasks of court personnel have been significantly impacted by the following legislative actions and SCAO initiatives in 2023 and 2024.

Judicial and Court Staff Workload Assessment

In September 2024 Court staff participated in an online training project overseen by the State Court Administrative Office to collect and analyze the work of judges, magistrates, clerks, judicial assistants, probation officers and court recorders to help determine how many people are needed to receive, process, dispose of, and otherwise handle trial court cases in Michigan. Court staff reported their daily case processing time during a four-week period. The results of this statewide caseload study will allow the State Court Administrative Office to provide the legislature with up-

to-date, relevant, and accurate data as they make decisions regarding the allocation of judicial and other trial court resources through the end of the decade.

Law Enforcement Information Network Audit

The responsibility of managing and ensuring the accuracy, security, and integrity of criminal justice information systems is a shared responsibility of all federal, state, and local agencies. All criminal history record queries need to be clearly and correctly substantiated. Since the start of this year Court staff with access to any LEIN information and the 48th District Court network has participated in Security Awareness Training to prepare for a Law Enforcement Information Network/National Crime Information Center audit conducted by the State of Michigan Department of State Police scheduled to commence on December 19, 2024.

No-Fault Insurance Amendments

Application of portions of the June 11, 2019, no-fault auto amendments went into effect in 2021. The structure and application of these amendments and the Medicare Fee Schedules as required by statute, were of particular importance to medical treatment providers and insurance companies. The interpretation of these amendments has resulted in significant litigation in Michigan trial courts. As of September 30, 2024, the Courts civil caseload has increased by 37% compared to last year, with no-fault provider cases accounting for a significant portion of that increase. These cases typically involve multiple parties, discovery orders, motions for summary disposition and extensive judicial review.

MiFILE

Court administration and civil staff continue to participate in training with the State Court Administrator's Office MiFILE Implementation Team to refine effective electronic filing standards for civil cases. The goal of MiFILE is to ensure that within all Michigan Courts litigants are able to electronically file documents from anywhere 24 hours a day, without waiting in line or traveling to a courthouse, and to electronically receive notifications and documents from the courts. The Court mandated electronic filing for attorneys on December 5, 2023, while self-represented parties may participate in the electronic filing program but are not required to do so. Electronic filing has been successfully implemented at the Court over the last nine months with regard to general civil, small claims and landlord-tenant cases.

Clean Slate

Court administration and criminal staff have likewise continued to participate in training in response to a group of bills collectively known as the "Clean Slate" package. The first phase of the legislation greatly expanded the number and revises the types of felonies and misdemeanors eligible to be set aside by application. This expansion now includes some first-time operating while intoxicated convictions and certain marijuana offenses, significantly increasing the number of set aside hearings scheduled and heard by the Court. In 2019, the number of hearings on these applications was 38. In 2024, the Court will once again easily surpass 150 set aside hearings. The Clean Slate package also created a new automatic process to set aside eligible convictions without requiring an individual to file an application. Michigan courts and the Michigan State Police started to set

aside eligible convictions without application on April 11, 2023 in accordance with the second phase of Michigan's Clean Slate Act. The number of charges that have been automatically set aside on the Courts case management system has now exceeded 100,000. Courts are responsible for:

- Automatically setting aside all 92-day or less misdemeanors that are maintained in the Courts' records.
- Notifying each law enforcement agency in their jurisdiction before the tenth day of each month of all 92-day or less misdemeanor convictions that have been automatically set aside.
- Setting aside all eligible 92-day or less misdemeanors that are in unsupported case management systems or paper records.
- Reinstating convictions that were erroneously set aside or for nonpayment of restitution after the Court determines the individual has not made a good faith effort to pay.
- Redacting nonpublic information regarding convictions that have been automatically set aside from the Court record.

All courts are continuing to deal with the practical implications of the automatic set asides due to the sheer volume of the initial charges/cases, and the number of resulting issues that still need to be clarified. These issues have undermined the collection initiatives undertaken by the Court to enforce outstanding orders and close cases.

- Some misdemeanor offenses punishable by 93-days or more are being automatically set aside by MSP based on the Court disposition date rather than the sentencing date as provided by statute.
- Courts have limited authority to reinstate an automatically set aside conviction.
- Courts must use judicial discretion to determine whether to recall post-adjudication bench warrants after a conviction has been automatically set aside.
- SCAO has opined that courts do not have the authority to continue collecting fines, costs, or other assessments after a conviction has been set aside.
- A person who knows or should have known that a conviction was set aside and divulges, uses, or publishes information concerning a conviction set aside under this Act is guilty of a 90-day misdemeanor.

Clean Slate has resulted in an increased demand for records requests and workload to meet the varied challenges presented by its implementation. The Court is continuing to work with SCAO and Judicial Information Services to fulfill the requirements of the law, while evaluating internal policies to address set aside cases that remain open on its case management system.

Landlord-Tenant Changes Due to COVID-19

On September 7, 2023, the Michigan Supreme Court issued an order that continued and expanded upon some of the provisions that were originally instituted to address landlord-tenant issues that arose as a result of the COVID-19 pandemic. The new court rule introduced delays into the residential eviction process with additional hearing requirements, more steps to obtaining a default judgment, and the possibility of a 28-day stay while a tenant seeks rental assistance from various agencies. Landlords may also request the Court mail a second copy of the summons and complaint to the residential tenant in a court envelope.

Compliance with New Rules Regarding Remote Proceedings

In 2023, the Michigan Supreme Court issued an order designed to increase access to justice through predictable use of videoconferencing technology and judicial discretion in setting and holding remote proceedings. The Court has updated its policies and procedures to clearly designate cases requiring in-person proceedings and cases where there is a presumption for the use of videoconferencing technology. The current hybrid operation of the Court has resulted in the majority of civil cases continuing to be scheduled and heard via Zoom in the preliminary stages of the case, with criminal proceedings largely taking place in-person. Arraignments and probable cause conferences for in custody defendants are often taking place remotely to reduce the transport costs of our respective police departments. The Court has continued to schedule disputed civil infractions for a pre-hearing with the City Attorney via Zoom to see if a resolution can be achieved without an informal or formal hearing involving the presence of a police officer.

COURTHOUSE

Lease

The Court has continued to deposit a fixed amount of \$44,750 into the “Building Improvement Fund” on an annual basis as provided in the Lease of the courthouse entered into with the Township of Bloomfield. This year, the Township has continued to reimburse the Court from the *Building Improvement Fund* for maintenance expenses associated with the HVAC system, boilers and fire suppression system. The Township of Bloomfield expects to complete installation of a second replacement Rooftop Unit this year to continue with upgrades to the HVAC system and reduce future maintenance expenses. The Court has likewise installed new carpet in the multipurpose room in the lower level of the courthouse and continued to evaluate projects needed to address the normal wear and tear of the building. The Court is currently accepting quotes from contractors for the resurfacing of the parking lot.

Technology

The Court has continued to replace old hardware to improve efficiency in entering information into the Court’s case management system, and to provide a stable environment for the integrations involved with automatic set asides and electronic filing. The Court is currently needing to upgrade audio and visual recording equipment in the courtrooms due to outdated software and hardware.

Security

Heightened security measures, both inside and outside the building are mandatory to protect the public, judges and staff that visit and work within the courthouse. During 2017-2018, the Court upgraded security cameras and security access by installing a secured parking lot for all Court staff. In 2019, a separate security plan, approved by the funding units in 2018, expanded the Court’s entryway to allow for enhanced security checkpoints and additional room for the public to enter and exit the building safely. Additional space was built out in the lock-up area to provide confidential meeting space for defense attorneys as required by the Michigan Indigent Defense Act. The clerical and cashier work areas also feature safety glass from counter to ceiling to further enhance security.

The Court currently employs one security officer and contracts with the Oakland County Sheriff's Office for the presence of deputies to assist with screening individuals that enter the building. A Court Security Committee has been created that consists of the chief judge, court administrator, court officer, sheriff deputies, police officers, city attorneys and court staff members. The goal of the Security Committee is to recommend security procedures and enhancements to provide a safe environment for all individuals who either work at or visit the courthouse. Security policies are reevaluated throughout the year to determine their effectiveness and to correct weaknesses.

SPECIAL PROGRAMS & SERVICES

- **OAK.gov Credit Card Processing** – The Court utilizes Oakland County's Government to Government (G2G) online service to accept credit card payments both within the courthouse and on the Court's website. In return, the Court's funding units benefit from G2G's revenue sharing of the processing fees.
- **Website** – The Court's website, <http://48thdistrictcourt.us>, is an extremely user-friendly and informative site. Users are able to easily access general information about the Court, as well as print necessary court forms. The Court's website provides convenient and easy access for credit card payments through Oak.gov Credit Card Processing. The website reduces the number of telephone calls received by the clerks and reduces the foot traffic inside the courthouse, allowing the clerks to utilize their time more efficiently.
- **Mediation Program** – Small Claims participants are given the opportunity to enter into the Court's Mediation Program to voluntarily resolve disputes as an alternative to the formal judicial process. An impartial volunteer acts as a mediator. In the event that no agreement is reached, a trial before the magistrate will be scheduled. Forty-nine cases filed in 2024 have been resolved through mediation.
- **Drug and Alcohol Intensive Probation Oversight Program** – The Court has an intensive Probation Oversight program for defendants suffering with addictions. The program includes, but is not limited to, referral to intensive treatment facilities, counseling, education, 12-step programs, and aggressive testing requirements. This program is administered to those that have committed alcohol or drug related offenses, domestic violence, assault and battery, and other related crimes to ensure the safety of the public and promote rehabilitation of the defendant.
- **Hybrid DWI/Drug Treatment Court** – In late 2020 the Court was provisionally certified by the State Court Administrators Office to implement a Hybrid DWI/Drug Treatment Court. This specialty court certification offers additional support and resources which may be utilized in the continued quest to protect the public and rehabilitate defendants. This treatment court is overseen by Judge Diane D'Agostini with support of probation staff, along with Henry Ford Maple Grove therapists. The goals of the specialty court are clear: to reduce drug and alcohol-related crime and thereby protect the safety of the public; to reduce recidivism among drug and alcohol offenders; and perhaps most importantly to provide offenders with a new outlook on life and commitment to a lifetime of sobriety. The program has had 9 successful graduates. In April of last year SCAO undertook a comprehensive review of the programs current operations

and determined it was compliant with the promulgated standards. On August 18, 2023, the 48th District Hybrid Drug/DWI Court was given full certification status for the next 4 years.

- **Michigan Indigent Defense Commission** – The MIDC is statutorily required to develop and oversee the implementation, enforcement, and modification of minimum standards, rules, and procedures to ensure that indigent criminal defense services providing effective assistance of counsel are delivered to all indigent adults. Each local criminal indigent system is free to craft its own approach to indigent defense representation in compliance with the standards promulgated under the Michigan Indigent Defense Act. In 2018, each funding unit provided written authorization to the Court to administer the MIDC program on its behalf. A new MIDC standard requiring complete independence from the judiciary resulted in the Court being unable to administer the program in 2022. The Court continues to collect the required case data, and to work cooperatively with the City of Birmingham, Managed Assigned Counsel Coordinator responsible for oversight of the defense attorneys, prosecutors and defense attorneys involved in the local system.
- **Serving the Community** – In addition to serving as judges at the 48th District Court, each individual judge strives to use the Court as a tool to reach into the community and educate our youth helping them to make positive and empowering choices. Additionally, the judges have hosted an annual “Constitution Day” to educate our middle school students about the Bill of Rights.
 - Judge Marc Barron presides over the “Teen Court” program, which allows high school students from local schools to take an active role in the Court process by handling actual juvenile cases. The students act as lawyers and jurors and decide the penalty on juvenile cases presented by the Prosecutor’s Office, while Judge Barron advises and sentences the individual.
 - Judge Diane D’Agostini’s “Order in the Court” program has hosted thousands of students through field trips to the Court where she educates the young visitors about the Court process and making responsible decisions. She also speaks at local high schools about the law and penalties in addition to conducting court at local high schools.
 - Judge Kimberly Small implemented her “Critical Life Choices” and “Cool to be Clean” programs which is conducted at our local middle schools. The programs are a combination of real court proceedings and a multi-media interactive presentation designed to help our youth make wise decisions. To date, she has shared her programs with over 20,000 students. She also participates in numerous community panels on drug and alcohol use prevention.
 - Patrick Dunn, Court Administrator is participating in the West Bloomfield High School Professional Apprenticeship Volunteer Intern Program and is serving as a mentor for an intern for the first semester of the 2024 school year.

STATE OF MICHIGAN
48th JUDICIAL DISTRICT COURT

Case Type Activity

	2022	2023	2024	2024	2024 vs 2023
	New Cases	New Cases	New Cases	Projected	Project Variance %
Traffic Cases (Civil Infractions & Misdemeanor)	17,945	18,133	14,822	19,763	8.99%
Drunk Driving Cases	335	288	255	340	18.06%
Criminal & Non-Traffic Cases	1,072	2,088	1,610	2,147	2.81%
Civil Cases	3,463	3,865	4,534	6,045	56.41%
Total Cases	22,815	24,374	21,221	28,295	16.09%
Search Warrants	695	840	645	860	2.38%

STATE OF MICHIGAN
48th JUDICIAL DISTRICT COURT

Case Volume By Community

Communities	2022 Jan-Dec New Cases	2023 Jan-Dec New Cases	2024 Jan-Sept New Cases	2024 Jan-Dec Projected Cases	2024 vs 2023 Jan-Dec Projected Variance %
Birmingham	7,327	7,555	6,934	9,245	22.37%
Bloomfield Hills	1,648	1,945	2,018	2,691	38.34%
Bloomfield Township	5,841	5,070	4,157	5,543	9.32%
West Bloomfield	5,813	6,600	4,990	6,653	0.81%
Keego Harbor	407	396	342	456	15.15%
Orchard Lake	1,439	1,539	1,371	1,828	18.78%
Sylvan Lake	340	434	361	481	10.91%
*Other	373	835	1,048	1,397	67.35%
Total Cases	23,188	24,374	21,221	28,295	16.09%

* Other Includes but not limited to : MSP, Animal Control, Marine Division , DNR & Sheriff Dept.

STATE OF MICHIGAN
48th JUDICIAL DISTRICT COURT
Funding Unit Caseload Percentages

Communities	2022 Actual Case Load	2023 Actual Case Load	2024 Actual Jan-Sept
Birmingham	38.60%	39.29%	43.12%
Bloomfield Township	30.77%	26.38%	25.85%
West Bloomfield	30.63%	34.33%	31.03%
Totals	100.00%	100.00%	100.00%

STATE OF MICHIGAN
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Budget Expenditure Summary

	2022	2023	2024	2025	2024 vs 2025
	Budget Request	Budget Request	Budget Request	Budget Request	Variance %
Salaries	1,878,809	1,950,000	1,950,000	1,990,000	2.05%
<i>*Judicial Reimbursement</i>	-137,172	-137,172	-137,172	-137,172	0.00%
Benefits	1,040,000	1,075,500	1,105,000	1,149,277	4.01%
Operations	1,441,895	1,461,395	1,424,672	1,432,895	0.58%
Professional Fees	175,000	187,000	193,000	200,000	3.63%
Security & Other Expenses	125,500	132,500	137,500	140,000	1.82%
Equipment & Capital	165,000	165,000	165,000	155,000	-6.06%
Totals	\$4,689,032	\$4,834,223	\$4,838,000	\$4,930,000	1.90%

** Judicial Salary Reimbursement received from the State*

STATE OF MICHIGAN
48th JUDICIAL DISTRICT COURT

Benefit Expenses

	2022 Budget Request	2023 Budget Request	2024 Budget Request	2025 Budget Request	2024 vs 2025 Variance %
Defined Contribution	205,000	210,000	210,000	220,000	4.76%
Medical Insurance	600,000	625,000	650,000	679,277	4.50%
Other Post -Employment Benefits (OPEB)	110,000	110,000	110,000	110,000	0.00%
Dental, Life, Disability Insurance	125,000	130,500	135,000	140,000	3.70%
Totals	\$1,040,000	\$1,075,500	\$1,105,000	\$1,149,277	4.01%

STATE OF MICHIGAN
48th JUDICIAL DISTRICT COURT

Operating Expenses

	2022 Budget Request	2023 Budget Request	2024 Budget Request	2025 Budget Request	Variance % 2024 vs 2025
Payroll Taxes	155,000	155,000	155,000	158,000	1.94%
Information Systems	75,000	76,500	35,000	35,000	0.00%
Office Supplies	60,000	60,000	55,000	56,000	1.82%
Postage	40,000	40,000	39,000	36,000	-7.69%
Payroll Processing & Bank Services	20,000	20,000	15,000	15,000	0.00%
Insurance - Liability	105,000	115,000	115,000	115,000	0.00%
Utilities/Telephone	132,000	140,000	155,777	160,000	2.71%
Rent	635,145	635,145	635,145	635,145	0.00%
Building Capital Improvement Escrow	44,750	44,750	44,750	44,750	0.00%
Building Maintenance & Janitorial	175,000	175,000	175,000	178,000	1.71%
Total	\$1,441,895	\$1,461,395	\$1,424,672	\$1,432,895	0.58%

STATE OF MICHIGAN
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Professional Fees

	2022	2023	2024	2025	2024 vs 2025
	Budget Request	Budget Request	Budget Request	Budget Request	Variance %
Auditors	35,000	35,000	36,000	38,000	5.56%
Magistrates	70,000	80,000	85,000	90,000	5.88%
Consultants & Other Professional Services	70,000	72,000	72,000	72,000	0.00%
Totals	\$175,000	\$187,000	\$193,000	\$200,000	3.63%

STATE OF MICHIGAN
48th JUDICIAL DISTRICT COURT

Security & Other Expenses

	2022 Budget Request	2023 Budget Request	2024 Budget Request	2025 Budget Request	2024 vs 2025 Variance %
Jury & Witness Fees	7,500	7,500	7,500	5,000	-33.33%
Library/Dues/Certifications	10,000	10,000	10,000	5,000	-50.00%
Court Security Personnel (Deputy Sheriffs)	108,000	115,000	120,000	130,000	8.33%
Total	\$125,500	\$132,500	\$137,500	\$140,000	1.82%

STATE OF MICHIGAN
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Equipment & Capital Expenses

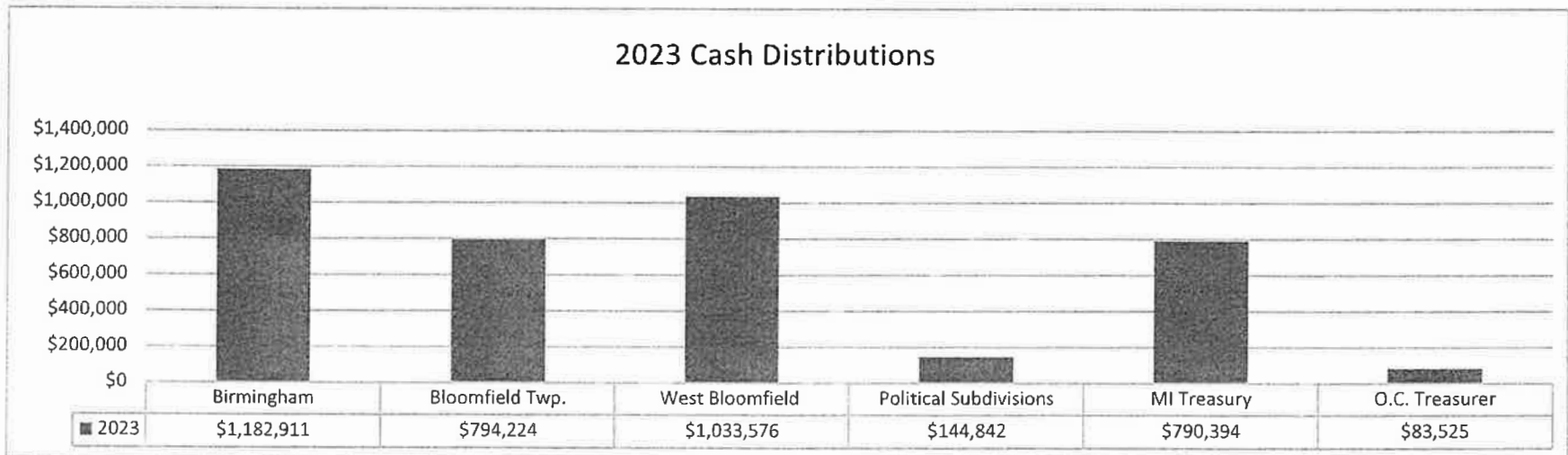
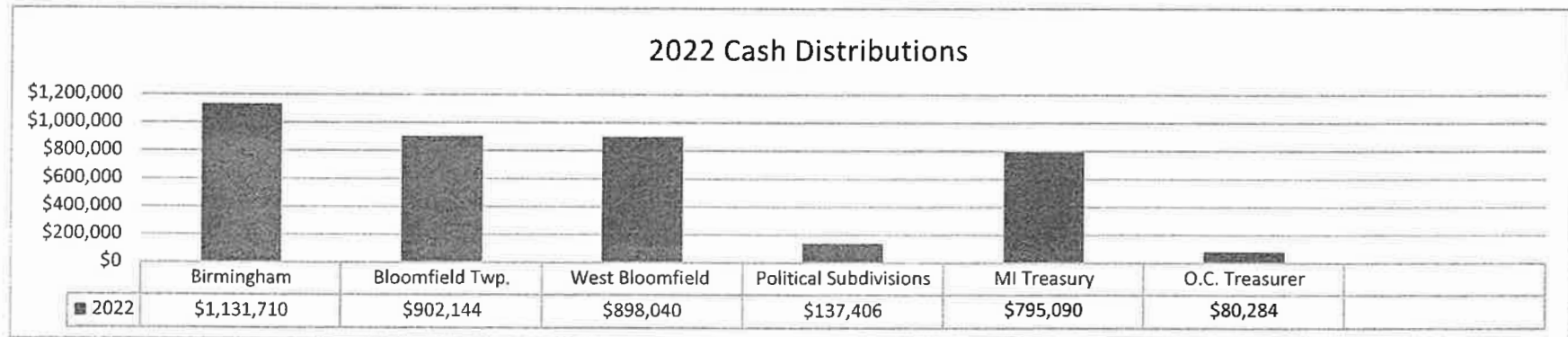
	2022 Budget Request	2023 Budget Request	2024 Budget Request	2025 Budget Request	Variance % 2024 vs 2025
Equipment Rental	10,000	10,000	10,000	5,000	-50.00%
Equipment Maintenance	30,000	30,000	30,000	25,000	-16.67%
Capital Expenses/Improvements	125,000	125,000	125,000	125,000	0.00%
Total	\$165,000	\$165,000	\$165,000	\$155,000	-6.06%

STATE OF MICHIGAN
48th JUDICIAL DISTRICT COURT

Cash Distributions- 2024

	Birmingham	Bloomfield Township	West Bloomfield	Totals
Based on 2023 Case Load Percentage	39.29%	26.38%	34.33%	100.00%
1st Qtr.	293,994	197,268	256,815	748,078
2nd Qtr.	353,013	236,868	308,370	898,251
3rd Qtr.	339,141	308,370	296,328	943,839
4th Qtr (<i>Projected</i>)	328,716	247,502	287,171	863,389
Total of distributions to Funding Units	\$1,314,865	\$990,008	\$1,148,684	\$3,453,557
Cost of Prosecution Reimbursement	\$11,372	\$24,899	\$8,725	\$44,995
Total Cash Distributions in 2024 Including 4th Qtr projected	\$1,326,237	\$1,014,907	\$1,157,409	\$3,498,552

**STATE OF MICHIGAN
48TH JUDICIAL DISTRICT COURT**



STATE OF MICHIGAN
48TH JUDICIAL DISTRICT COURT

2023 Audited Case Load Percentages

Birmingham	39.29%
Bloomfield Township	26.38%
West Bloomfield	34.33%

2025 Funding Units Quarterly Advances

Requested Budget Amount \$ 4,930,000

Funding Units	Case Load %	Yearly Amount	Quarterly Amount
Birmingham	39.29%	1,936,997	484,249
Bloomfield Twp	26.38%	1,300,534	325,134
W. Bloomfield	34.33%	1,692,469	423,117
Totals	100.0%	\$ 4,930,000	\$ 1,232,500

Birmingham's Financial Transparency Portal

Finance Department

Presented by: Mark Gerber

Date: November 25, 2024



Background

- In August 2023, the City signed a three-year contract with OpenGov to use their budgeting software in order to improve the budgeting process and create an online budget book.
- As part of this contract, the City also purchased OpenGov's transparency portal.

Transparency Portal Benefits

- The transparency portal is a way for the City to provide information to its citizens in a graphical and easy to use manner.
- The transparency portal is set up to answer basic financial questions, but allows citizens to drill down for more detail.
- Reduces the need to provide some ad hoc reports as the information will be readily available in the portal.

What kind of information is available in the portal?

- Overall City Financial Data
- General Fund Financial Data
- Financial Data About:
 - Ice Arena
 - Golf Courses
 - Parking System
 - Roads
- Historical Homestead Property Tax Rates
- Historical Property Tax Values
- Retirement and Retiree Health Care Funding Status



How Do I Use the Portal?

- URL: birminghammi.opengov.com
- You will be asked if you would like to take a tutorial on navigating the portal.
- Select a general topic on the left side of screen.
- Scroll down to find pre-filtered views of the information.
- From there you can drill down for more detail (if available).

OpenGov Product Uses

- Budget Preparation and Online Budget Book
- Transparency Portal
- Quarterly Commission Reports
- 4th Quarter Budget Projecting
- Internal Budget Monitoring



Demonstration

URL: birminghammi.opengov.com





**NOTICE OF INTENTION TO INTERVIEW
FOR APPOINTMENT TO THE
BIRMINGHAM SHOPPING DISTRICT BOARD**

At the regular meeting on Monday, December 9, 2024 the City Manager will appoint, with the concurrence of the Birmingham City Commission, one regular member, a business representative, to the Birmingham Shopping District Board to serve the remainder of a four-year term to expire November 16, 2026.

The goal of the Birmingham Shopping District Board shall be to promote economic activity in the Principal Shopping Districts of the City by undertakings including, but not limited to, conducting market research and public relations campaigns, developing, coordinating and conducting retail and institutional promotions, and sponsoring special events and related activities (Section 82-97(a)).

The Board may expend funds it determines reasonably necessary to achieve its goal, within the limits of those monies made available to it by the City Commission from the financing methods specified in this article (Section 82-97(b)).

The Birmingham Shopping District Board shall consist of 12 members. One member shall be the City Manager, one shall be a resident of an area designated as a Principal Shopping District, and one shall be a resident of an adjacent residential area. A majority of the members shall be nominees of individual businesses located within a Principal Shopping District who have an interest in property located in the district. The remaining members shall be representatives of businesses located in the district (Section 82-92(a)).

The ordinance states that the City Manager will make the appointment with the concurrence of the City Commission (Section 82-92(b)).

Interested persons may submit an application available from 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, December 4, 2024. These documents will appear in the public agenda for the City Commission meeting.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Commission Meeting
A business representative	12/11/2024	12/16/2024

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.



NOTICE OF INTENTION TO APPOINT TO THE BOARD OF ETHICS

At the regular meeting of Monday, December 9, 2024, the Birmingham City Commission intends to appoint one alternate member to the Board of Ethics to serve the remainder of a three-year term to expire June 30, 2026.

Board members review questions or complaints as requested to interpret the Code of Ethics and conduct hearings and/or issue an advisory opinion, as applicable. The board consists of three members who serve without compensation. The members shall be residents and have legal, administrative or other desirable qualifications.

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, December 4, 2024. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointment.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Members shall be residents and have legal, administrative or other desirable qualifications.	12/4/2024	12/9/2024

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.



NOTICE OF INTENTION TO APPOINT TO ENVIRONMENTAL SUSTAINABILITY COMMITTEE

At the regular meeting of Monday, December 16, 2024, the Birmingham City Commission intends to appoint to the Environmental Sustainability Committee (ESC) seven regular members and two alternate members for the following terms:

- three regular members to serve a 3-year term
- two regular members to serve a 2-year term
- two regular members to serve a 1-year term
- one alternate member to serve a 2-year term
- one alternate member to serve a 1-year term

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, December 11, 2024. 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 seven regular members and two alternate members appointed by the City Commission. Members of the committee shall have a clearly demonstrated interest or knowledge in sustainability and/or climate action. In appointing regular members, the City Commission shall maintain a committee composition that represents a diverse area of expertise related to sustainability and climate action including, but not limited to, renewable energy, buildings and construction, water and storm water, solid waste, and environmental law. The Planning Director and the City Manager, or their authorized representatives, shall be ex officio members of the Environmental Sustainability Committee and shall have all rights of membership thereon, except the right to vote.

The Environmental Sustainability Committee is a non-administrative board serving solely in an advisory capacity. In that capacity, the committee may make recommendations to the City Commission but may not assume any legislative or administrative authority of the City Commission or any department or board established by the City Commission except as specifically provided in this chapter. The Environmental Sustainability Committee is not authorized to expend City funds.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Members of the Committee shall have a clearly demonstrated interest or knowledge in sustainability and/or climate action. In appointing regular members, the City Commission shall maintain a Committee composition that represents a diverse area of expertise related to sustainability and climate action including, but not limited to, renewable energy, buildings and construction, water and storm water, solid waste, and environmental law.	12/11/2024	12/16/2024

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.



NOTICE OF INTENTION TO APPOINT TO THE CITY COMMISSION

At the regular meeting of Monday, December 16, 2024 the Birmingham City Commission intends to appoint a member to fill a vacancy to serve the remainder of a four-year term on the City Commission to expire in November, 2025.

Interested citizens may request an application from the City Clerk's office. Completed applications must be submitted to the City Clerk's office on or before noon on Wednesday, December 11, 2024. 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.

Applicants must be residents of the City of Birmingham for at least one year and registered electors.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Applicants must be residents of the City of Birmingham for at least one year and registered electors.	12/11/2024	12/16/2024

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 City Commission to serve the remainder of a four-year term to expire November, 2025.

**STATE OF MICHIGAN
CITY OF BIRMINGHAM BOARD OF ETHICS**

OPINION AND ORDER

In Re: Leslie Pielack

Case No.: 2024-01

Jay R. Shell (“Complainant”) filed the above captioned complaint with the City Clerk on June 26, 2024. In his Complaint, Complainant alleges violations of three (3) sections of the City of Birmingham’s Ethics Ordinance: Section 2-320-Public Policy, Section 2-321-Responsibility of Public Office, and Section 2-323-Intention of Code. We held a hearing September 20, 2024 on the Complaint (“Hearing”) at which we admitted the documents submitted by the parties, heard testimony from Complainant and his witness Caroline Ashleigh, and argument of counsel for Ms. Pielack, James J. Hunter of the law firm Collins Einhorn Farrell PC (“Counsel”). For the reasons and on the grounds stated below, we find the Complaint to be without merit in its entirety.

Opinion

I. Section 2-320 Public Policy

In all actions affecting the City, City Officials must be “independent, impartial and responsible to the people.” (§2-320(1)). As a Director of the Birmingham Historical Museum, Leslie Pielack is a City Official obligated to comply with Section 2-320(1). (§2-320)

Complainant alleges that Ms. Pielack’s “impartiality is questionable” because she “appears to have a personal relationship with ... the Chair of the Birmingham Museum Board [“Museum Board”] and Treasurer of the Friends of the Birmingham Museum Board” [“Friends Board”], Marty Roush-Logue, and through that relationship appears to exert “significant control

over the Chair of the Birmingham Museum Board and indirectly the [Friends Board].”

(Complaint Form, Attachment, p.1)

The gist of the claim under §2-320 appears to be that Director Pielack used her alleged control over the Chair of the Museum Board, Ms. Roush-Logue, to cause the Museum Board to assert that Museum Board Member Caroline Ashleigh had a conflict of interest arising from the fact she is a named plaintiff in a class action brought against the City in an unrelated matter, as a result of which Ms. Ashleigh resigned from the Museum Board.

Based on the documentary evidence, the testimony and arguments presented at the Hearing, we find that Ms. Pielack did not have such control over the Museum Board Chair Ms. Roush-Logue. We also find that the Museum Board acted independently, and that Ms. Ashleigh voluntarily resigned from the Museum Board.

For the same reasons and on the same grounds we find that Director Pielack did not have “significant control” over the Friends Board. Merely having a “personal relationship with [a] former Museum employee family member” who also is a City Official by itself does not call into question Director Pielack’s impartiality, let alone show a violation of Section 2-320. Complainant merely alleges that “[t]hrough this relationship, it would appear that” Director Pielack “exude(s) (sic) significant control over” the Friends Board. Complainant did not present evidence at the Hearing or in the documentary evidence that Director Pielack possessed such control or through a personal relationship with a City Official, acting in her official capacity, demonstrated a lack of impartiality.

II. Section 2-321-Responsibility of Public Office

The alleged violation of §3-321 centers on an email dated June 21, 2024 sent by Director Pielack to Complainant and copied to a number of City Officials regarding “City trees and

clarification of Museum Board Decision.” (Museum Director Leslie Pielack’s Response to Ethics Complaint, Exhibit C.) The decision Complainant references is the Museum Board’s unanimous decision on May 2, 2024, approving a landscape design plan for the Museum’s property that includes planting two disease resistant elm trees on Museum property. (Id.) Complainant objected to planting two elms based on his belief that planting two trees of the same species risked spreading disease among elms on the property. (Id.) After the Museum Board’s unanimous decision, recorded in the minutes of the meeting which Complainant approved, he emailed “[a]s a Birmingham Museum Board Member ...” a City Official (Carrie Laird, Parks and Recreation Manager) regarding the decision. Complainant’s email was not authorized by the Museum Board. Director Pielack then sent Complainant her e-mail of June 21 explaining why she found Complainant’s email to Ms. Laird problematic. It is this email that Complainant alleges is “reckless, disrespectful and defaming behavior that appears to be retaliatory” for his support of Caroline Ashleigh, former Museum Board Member. (Complaint Form, Attachment p. 2)

On its face, Director Pielack’s June 21 email is neither reckless, disrespectful, defaming nor retaliatory. To the contrary, we find the e-mail respectful and even-handed in explaining why Director Pielack considered problematic Complainant’s e-mail and contact with Parks and Recreation Manager Ms. Laird. Complainant did not present evidence at the Hearing that would lead us to a different conclusion regarding Director Pielack’s June 21 email.

III. Section 2-323-Intention of Code

Complainant alleges violation of §2-323 by “[u]sing public employment or office for private gain.” (§2-323(1)) The central allegation under §2-323(1) is the claim that Director Pielack allegedly petitioned the Friends Board for \$750.00 to cover some of the expenses she

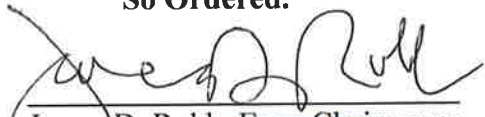
would incur from attending a historical association leadership development institute without petitioning the Friends Board directly, but instead submitted her petition through Marty Rousch-Logue, Chair of the Museum Board/Friends Treasurer. (Complaint Form, Attachment p.2) The evidence presented at the Hearing refutes the allegation entirely in that it shows the petition was indeed made to the entire Friends Board. (Pielack e-mail dated Feb 29, 2024.) In addition, Complainant himself expressly approved the petition stating: "I support both professional development opportunities!" (Jay Shell e-mail dated Thu, May 7, 2024.) Accordingly, we find this claim to be entirely without merit.

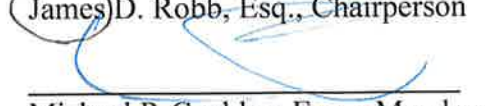
The other claims asserted under §2-323 are either not within our jurisdiction (i.e. Friends governance structure) or merely expand on claims we address above. Finally, in Complainant's correspondence dated August 14, 2004 he does not assert a new claim, but instead simply provides additional details to support his claims which details we find do not change either our analysis or findings above.

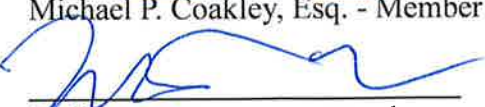
Conclusion and Order

Having conducted an on the record public hearing and considered the submissions, testimony and arguments of the parties, the Complaint shall be and hereby is dismissed in its entirety.

So Ordered.


James D. Robb, Esq., Chairperson


Michael P. Coakley, Esq. - Member


Melissa LeDuc, Esq. - Member

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MEMORANDUM

City Manager's Office

DATE: November 19, 2024

TO: Jana L. Ecker, City Manager

FROM: Melissa Fairbairn, Assistant City Manager

SUBJECT: Application Process to Fill City Commission Vacancy

On November 18, 2024, former Mayor Elaine McLain submitted her resignation from the City Commission. Her resignation creates a vacancy on the Commission that will need to be filled with a new member.

According to Sections 26-27 of the City Charter, the Commission shall appoint a new member to former Mayor McLain's seat within 30 days of her resignation. The newly appointed Commissioner will hold the seat until the next regular municipal election which will occur on November 4, 2025.

The Commission will use the City's standard process for filling board and committee seats in order to fill the vacancy on the Commission. In this process, residents submit applications for vacant board or committee seats to the City Clerk's Office. These applications are included in the Commission agenda packet for review and vetting by the Commission. At a regular meeting, the Commission interviews the applicants to determine whether the applicant is qualified to be nominated for the board or committee. The Commission then votes on each nominee's appointment to the board or committee.

A Commission-specific application will be posted on the City's website on Friday, November 20. In addition to the standard questions that all board applicants answer, prospective Commissioners will be asked about specific challenges and opportunities that they see in the City, their thoughts about the Commission's strategic goals, and the vision that they will bring to the Commission. Applications will be due on December 11 to be included in the December 16 regular meeting agenda packet. The Commission may choose to interview several applicants at the December 16 meeting before taking nominations and voting.

Information about the application process will be shared widely with residents on the City's website, social media channels, and in a citywide e-blast to ensure that all interested residents have the opportunity to apply for the vacant Commission seat.

ATTACHMENTS:

- City Charter, Sections 26-27
- City Commission Application

Section 26. - [Vacancies.]

In addition to other provisions herein contained, a vacancy shall exist in any elective office when an elected officer fails to qualify as in this Charter provided, dies, resigns, is removed from office, removes from the city, or is convicted of a felony.

Section 27. - [Vacancies filled.]

A vacancy in any elective office shall within thirty days after such vacancy occurs be filled by appointment by a majority of the members of the commission, or of the remaining members of the commission when the vacancy is in the commission, except that library board vacancies shall be filled by appointment of the library board as elsewhere herein provided. Such appointee shall hold office until the next regular municipal election at which election a successor shall be elected for the unexpired term of the person in whose office the vacancy occurs. When a vacancy occurs in any office to which a person has been appointed for a definite term, such vacancy shall within thirty days be filled for the unexpired term, by appointment made in the manner provided for full term appointment to such office.

(Amend. of 4-4-60)

**OFFICE USE ONLY**

Meets Requirements? Yes No

Will Attend / Unable to Attend

APPLICATION FOR VACANT CITY COMMISSION SEAT

Thank you for your interest in serving on the City Commission. This application is to fill the vacant Commission seat until the November 4, 2025 general election.

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 available to the public. City Commissioners are subject to the provisions of the [Ethics Ordinance](#) (Chapter 2, Article IX of the City Code).

Applications must be submitted to the City Clerk's Office on or before noon on Wednesday, December 11, 2024. The appointment will be made at the Monday, December 16, 2024 regular meeting of the City Commission.
(Please print clearly)

Name _____

Phone _____

Residential Address _____

Email _____

Residential City, Zip _____

Length of Residence _____

Business Address _____

Occupation _____

Business City, Zip _____

List your related employment experience.

List your related community activities.

List your related educational experience.

What skills, experiences, or perspectives do you bring to the role that would benefit the City and its residents?

What is your vision for the City's future, and how does it align with the Commission's strategic goals?

What do you see as the biggest challenges facing the City, and how would you address them as a Commissioner?

What opportunities do you think the City should prioritize in the next 1-5 years?

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 City Commission? _____

Per the City Charter: "No person shall be eligible to the office of commissioner who shall not be an elector in the city and who has not been a resident of the city for at least one (1) year immediately prior to his election."

Are you an elector (registered voter) in the City of Birmingham and have you been a resident for at least 1 year prior to your application? _____

Signature of Applicant

Date



MEMORANDUM

FINANCE

DATE: November 19, 2024
TO: Jana L. Ecker, City Manager
FROM: Mark Gerber, Finance Director, Treasurer
SUBJECT: 1st Quarter Budget Report

Background

Chapter 7, Section 3(b) of the City charter requires the Director of Finance to report on the condition of the City quarterly. Quarterly reports are prepared for the first 3 quarters of the year with the annual audit serving as the 4th quarter report. Only the following funds are reported quarterly because by State law they require a budget: General Fund, Greenwood Cemetery Perpetual Care Fund, Major and Local Street Funds, Solid Waste Fund, Senior Services Fund, Community Development Block Grant Fund, Law and Drug Enforcement Fund, Opioid Settlement Fund, Baldwin Public Library Fund, Principal Shopping District Fund, Brownfield Redevelopment Authority Fund, Triangle District Corridor Improvement Authority Fund, and the Debt Service Fund.

Below is the first quarter 2024-2025 fiscal year financial reports. The reports compare budget to actual for the current year and the prior fiscal year for the same quarter. This allows meaningful comparisons between fiscal years as well as percentage of budget received/spent for the year. Budget discussions will follow each fund's financial information.

Through September 30th, 25% of the fiscal year is over. However, some revenues and expenditures are not received/spent on a prorated amount every quarterly. To the extent that the percentage of budget is materially different than the 25%, this will be noted in the discussion.

General Fund

Revenues are approximately \$1.4M higher than the previous year as a result of an increase in tax revenue of approximately \$.3M, an increase of \$.7M in licenses and permits, and an increase in interest and rent of \$.3M. Taxes increased as a result of increase in taxable value. Revenue from licenses and permit sales more than doubled from prior year as a result of large scale building permits issued. The increase in interest and rent is largely the result of higher interest rates.

State grant revenue is below expected budget due to timing of when the revenues are received.

Total current year-to-date expenditures for the General Fund are higher than the prior year by approximately \$.9M, or 9%. Most of the difference is the result of an increase in Judicial of \$.3M, and Public Works \$.5M. The increase in Judicial is the result of a prepayment for the 4th quarter operating budget advance to the 48th District Court. The increase in Public Works is primarily related to streetlight costs for the the LED conversion and sidewalk and alley improvements.

September 30

	BUDGET	YTD ACTUAL		BUDGET - PRIOR YR	YTD ACTUAL - PRIOR YR	
	FY2025	FY2025	% OF BUDGET	FY2024	FY2024	% OF BUDGET - PRIOR YR
REVENUES						
TAXES	\$33,767,930	\$33,673,976	100%	\$33,524,900	\$33,404,154	100%
SPECIAL ASSESSMENTS	\$606,290	\$10,932	2%	\$656,810	\$8,562	1%
LICENSES & PERMITS	\$2,787,530	\$1,422,742	51%	\$2,720,510	\$739,168	27%
FEDERAL GRANTS	\$139,000	\$42,113	30%	\$133,190	\$34,970	26%
STATE GRANTS	\$3,100,300	\$60,393	2%	\$2,833,900	\$868	0%
LOCAL CONTRIBUTIONS	\$143,790	\$35,359	25%	\$151,650	\$1,711	1%
CHARGES FOR SERVICES	\$3,587,440	\$798,288	22%	\$3,557,890	\$802,520	23%
INTEREST & RENT	\$1,366,500	\$478,852	35%	\$756,500	\$200,078	26%
FINES & FORFEITURES	\$1,765,000	\$402,563	23%	\$1,957,340	\$330,186	17%
OTHER REVENUE	\$50,600	\$5,957	12%	\$250,130	\$32,586	13%
OTHER FINANCING SOURCES	\$100,000	\$25,000	25%	\$100,000	\$25,000	25%
USE OF FUND BALANCE	\$2,419,918	–	0%	\$3,509,707	–	0%
REVENUES TOTAL	\$49,834,298	\$36,956,177	74%	\$50,152,527	\$35,579,803	71%
EXPENDITURES						
GENERAL GOVERNMENT	\$7,071,589	\$1,304,771	18%	\$6,258,500	\$1,285,554	21%
JUDICIAL	\$1,793,420	\$932,962	52%	\$2,185,280	\$648,269	30%
PUBLIC SAFETY	\$21,700,913	\$4,506,312	21%	\$20,364,535	\$4,329,541	21%
PUBLIC WORKS	\$6,729,932	\$1,348,461	20%	\$8,261,862	\$848,858	10%
HEALTH AND WELFARE	\$848,840	\$59,907	7%	\$843,130	\$33,609	4%
COMMUNITY AND ECONOMIC DEVELOPMENT	\$871,390	\$142,208	16%	\$819,597	\$135,326	17%
RECREATION AND CULTURE	\$4,146,294	\$647,310	16%	\$3,771,263	\$710,807	19%
TRANSFERS OUT AND OTHER FINANCING USES	\$6,671,920	\$1,667,980	25%	\$7,648,360	\$1,750,000	23%
EXPENDITURES TOTAL	\$49,834,298	\$10,609,910	21%	\$50,152,527	\$9,741,965	19%

Greenwood Cemetery Perpetual Care Fund

Cemetery perpetual care revenue has increased significantly from prior year due to an increase in lot sales. No expenditures have been budgeted for this fiscal year.

September 30

	BUDGET	YTD ACTUAL		BUDGET - PRIOR YR	YTD ACTUAL - PRIOR YR	
	FY2025	FY2025	% OF BUDGET	FY2024	FY2024	% OF BUDGET - PRIOR YR
REVENUES						
CHARGES FOR SERVICES	\$40,000	\$39,930	100%	\$35,000	\$11,500	33%
INTEREST & RENT	\$35,500	\$10,467	29%	\$23,000	\$8,030	35%
OTHER FINANCING SOURCES	\$0	–	–	\$0	–	–
USE OF FUND BALANCE	-\$75,500	–	0%	-\$58,000	–	0%
REVENUES TOTAL	\$0	\$50,397	–	\$0	\$19,530	–
EXPENDITURES						

	BUDGET	YTD ACTUAL		BUDGET - PRIOR YR	YTD ACTUAL - PRIOR YR	
	FY2025	FY2025	% OF BUDGET	FY2024	FY2024	% OF BUDGET - PRIOR YR
PUBLIC WORKS	\$0	–	–	\$0	–	–
EXPENDITURES TOTAL	\$0	–	–	\$0	–	–

Major Street Fund

Total revenues are lower than the previous year by approximately \$.4M as a result of a decrease in funding from the General Fund. State funding is at 7% of budget as a result of the timing of payments from the State.

Overall expenditures are \$.3M lower than the previous year as a result of lower construction and traffic control costs. Overall, expenditures are at 5% of budget as a result of the timing of construction and maintenance of streets.

September 30

	BUDGET	YTD ACTUAL		BUDGET - PRIOR YR	YTD ACTUAL - PRIOR YR	
	FY2025	FY2025	% OF BUDGET	FY2024	FY2024	% OF BUDGET - PRIOR YR
REVENUES						
SPECIAL ASSESSMENTS	\$0	–	–	\$0	–	–
FEDERAL GRANTS	\$0	–	–	\$0	–	–
STATE GRANTS	\$2,567,880	\$187,208	7%	\$1,841,950	\$187,830	10%
LOCAL CONTRIBUTIONS	\$72,250	–	0%	\$0	–	–
CHARGES FOR SERVICES	\$0	\$15,000	–	\$0	–	–
INTEREST & RENT	\$72,000	\$64,261	89%	\$35,180	\$31,389	89%
OTHER REVENUE	\$0	–	–	\$0	–	–
OTHER FINANCING SOURCES	\$1,750,000	\$437,500	25%	\$3,500,000	\$875,000	25%
USE OF FUND BALANCE	\$5,337,396	–	0%	\$5,260,649	–	0%
REVENUES TOTAL	\$9,799,526	\$703,969	7%	\$10,637,779	\$1,094,218	10%
EXPENDITURES						
PUBLIC WORKS						
FINANCE DEPARTMENT	\$21,410	\$5,420	25%	\$19,670	\$4,190	21%
TRAFFIC CONTROLS	\$1,962,962	\$15,820	1%	\$1,301,797	\$141,844	11%
TRAFFIC ENGINEERING	\$44,630	\$7,307	16%	\$45,610	\$7,138	16%
CONSTRUCTION	\$6,352,080	\$251,420	4%	\$7,721,145	\$458,099	6%
BRIDGE MAINTENANCE	\$110,000	–	0%	\$68,650	–	0%
STREET MAINTENANCE	\$400,035	\$25,697	6%	\$419,606	\$67,179	16%
STREET CLEANING	\$210,180	\$27,729	13%	\$236,050	\$38,916	16%
STREET TREES	\$462,130	\$111,212	24%	\$471,580	\$84,045	18%
SNOW AND ICE CONTROL	\$156,100	\$10,961	7%	\$278,670	\$9,896	4%
HIGHWAYS & STREETS	\$80,000	\$20,734	26%	\$75,000	\$9,875	13%
PUBLIC WORKS TOTAL	\$9,799,526	\$476,301	5%	\$10,637,779	\$821,181	8%
TRANSFERS OUT AND OTHER FINANCING USES	\$0	–	–	\$0	–	–
EXPENDITURES TOTAL	\$9,799,526	\$476,301	5%	\$10,637,779	\$821,181	8%

Local Street Fund

Total revenues for the year are approximately \$.4M higher than the previous year as a result of higher transfers from the General Fund.

Expenditures are approximately \$.4M higher than the previous year due to an increase in construction costs of \$.6M and a decrease of \$.2M in street maintenance. The increase in construction costs is the result of the timing of projects. The decrease in street maintenance is the result of a cape seal project in the Fall of 2023.

September 30

	BUDGET	YTD ACTUAL		BUDGET - PRIOR YR	YTD ACTUAL - PRIOR YR	
	FY2025	FY2025	% OF BUDGET	FY2024	FY2024	% OF BUDGET - PRIOR YR
REVENUES						
SPECIAL ASSESSMENTS	\$537,160	\$42,315	8%	\$237,740	\$9,671	4%
FEDERAL GRANTS	\$0	–	–	\$0	–	–
STATE GRANTS	\$780,300	\$75,376	10%	\$752,340	\$75,585	10%
LOCAL CONTRIBUTIONS	\$0	–	–	\$0	–	–
CHARGES FOR SERVICES	\$0	\$45,000	–	\$0	–	–
INTEREST & RENT	\$114,100	\$52,746	46%	\$42,000	\$19,166	46%
OTHER REVENUE	\$5,000	–	0%	\$5,000	\$3,500	70%
OTHER FINANCING SOURCES	\$4,750,000	\$1,187,500	25%	\$3,500,000	\$875,000	25%
USE OF FUND BALANCE	\$3,870,741	–	0%	\$1,749,927	–	0%
REVENUES TOTAL	\$10,057,301	\$1,402,937	14%	\$6,287,007	\$982,923	16%
EXPENDITURES						
PUBLIC WORKS						
FINANCE DEPARTMENT	\$29,350	\$7,342	25%	\$27,690	\$6,285	23%
TRAFFIC CONTROLS	\$34,550	\$7,688	22%	\$33,760	\$8,334	25%
TRAFFIC ENGINEERING	\$46,230	\$10,157	22%	\$40,350	\$7,138	18%
CONSTRUCTION	\$7,813,742	\$691,371	9%	\$3,518,045	\$58,406	2%
BRIDGE MAINTENANCE	\$80,000	–	0%	\$91,320	–	0%
STREET MAINTENANCE	\$534,979	\$90,006	17%	\$1,122,682	\$322,083	29%
STREET CLEANING	\$324,140	\$71,478	22%	\$265,690	\$84,137	32%
STREET TREES	\$1,038,969	\$296,301	29%	\$982,950	\$233,118	24%
SNOW AND ICE CONTROL	\$125,340	\$10,159	8%	\$179,520	\$8,262	5%
HIGHWAYS & STREETS	\$30,000	\$6,911	23%	\$25,000	\$3,292	13%
PUBLIC WORKS TOTAL	\$10,057,301	\$1,191,414	12%	\$6,287,007	\$731,055	12%
EXPENDITURES TOTAL	\$10,057,301	\$1,191,414	12%	\$6,287,007	\$731,055	12%

Solid Waste Fund

Revenues are approximately the same as prior fiscal year.

Expenditures are 72K lower than prior year due to the timing of payments to SOCCRA.

September 30

	BUDGET	YTD ACTUAL		BUDGET - PRIOR YR	YTD ACTUAL - PRIOR YR	
	FY2025	FY2025	% OF BUDGET	FY2024	FY2024	% OF BUDGET - PRIOR YR
REVENUES						
TAXES	\$2,338,490	\$2,341,482	100%	\$2,343,860	\$2,344,783	100%
STATE GRANTS	\$5,000	–	0%	\$4,000	–	0%
CHARGES FOR SERVICES	\$0	\$480	–	\$100	\$1,106	1,106%
INTEREST & RENT	\$60,000	\$20,983	35%	\$20,000	\$8,195	41%
OTHER REVENUE	\$0	–	–	\$300	–	0%
USE OF FUND BALANCE	\$3	–	0%	\$3,672	–	0%
REVENUES TOTAL	\$2,403,493	\$2,362,945	98%	\$2,371,932	\$2,354,084	99%
EXPENDITURES						

	BUDGET	YTD ACTUAL		BUDGET - PRIOR YR		YTD ACTUAL - PRIOR YR
	FY2025	FY2025	% OF BUDGET	FY2024	FY2024	% OF BUDGET - PRIOR YR
PUBLIC WORKS	\$2,403,493	\$360,713	15%	\$2,371,932	\$432,728	18%
EXPENDITURES TOTAL	\$2,403,493	\$360,713	15%	\$2,371,932	\$432,728	18%

Senior Services Fund

On November 7, 2023, the City of Birmingham voters approved to collect .33 millage for a three-year term, ending July 1, 2027 for a Senior Services Fund. This fund was established to provide for improvements to the newly purchased senior center building and/or other senior services. Once an analysis of the senior center is completed, a plan for the use of this funding will be established.

Currently there is \$1.1M in revenue generated for this fiscal year. No expenditures have been budgeted for this fiscal year.

September 30

	BUDGET	YTD ACTUAL		BUDGET - PRIOR YR		YTD ACTUAL - PRIOR YR
	FY2025	FY2025	% OF BUDGET	FY2024	FY2024	% OF BUDGET - PRIOR YR
REVENUES						
TAXES	\$1,136,250	\$1,127,787	99%	\$0	–	–
INTEREST & RENT	\$28,000	\$6,710	24%	\$0	–	–
USE OF FUND BALANCE	-\$1,164,250	–	0%	\$0	–	–
REVENUES TOTAL	\$0	\$1,134,497	–	\$0	–	–
EXPENDITURES						
HEALTH AND WELFARE	\$0	–	–	\$0	–	–
EXPENDITURES TOTAL	\$0	–	–	\$0	–	–

Brownfield Redevelopment Authority Fund

Revenues are approximately higher by \$.1M than the prior year. This is the result of higher property taxes being captured on brownfield sites.

Reimbursement to developers for site contamination is budgeted to be paid this fiscal year. Payment will be issued in second quarter.

September 30

	BUDGET	YTD ACTUAL		BUDGET - PRIOR YR		YTD ACTUAL - PRIOR YR
	FY2025	FY2025	% OF BUDGET	FY2024	FY2024	% OF BUDGET - PRIOR YR
REVENUES						
TAXES	\$580,670	\$580,969	100%	\$481,830	\$481,830	100%
STATE GRANTS	\$0	–	–	\$0	–	–
CHARGES FOR SERVICES	\$0	–	–	\$0	–	–
INTEREST & RENT	\$4,000	\$3,329	83%	\$880	\$1,461	166%
OTHER REVENUE	\$10,000	–	0%	\$20,000	\$810	4%
OTHER FINANCING SOURCES	\$0	–	–	\$0	–	–
USE OF FUND BALANCE	-\$4,000	–	0%	\$45,820	–	0%
REVENUES TOTAL	\$590,670	\$584,299	99%	\$548,530	\$484,101	88%
EXPENDITURES						
COMMUNITY AND ECONOMIC DEVELOPMENT	\$590,670	–	0%	\$548,530	\$108	0%

	BUDGET	YTD ACTUAL		BUDGET - PRIOR YR	YTD ACTUAL - PRIOR YR	
	FY2025	FY2025	% OF BUDGET	FY2024	FY2024	% OF BUDGET - PRIOR YR
EXPENDITURES TOTAL	\$590,670	–	0%	\$548,530	\$108	0%

Triangle District Corridor Improvement Authority Fund

The City is attempting to re-engage with the County regarding tax capture for the district. To-date no property taxes have been captured and no funds spent on this activity.

September 30

	BUDGET	YTD ACTUAL		BUDGET - PRIOR YR	YTD ACTUAL - PRIOR YR	
	FY2025	FY2025	% OF BUDGET	FY2024	FY2024	% OF BUDGET - PRIOR YR
REVENUES						
TAXES	\$0	–	–	\$0	–	–
INTEREST & RENT	\$600	\$205	34%	\$220	\$100	45%
OTHER REVENUE	\$0	–	–	\$0	–	–
OTHER FINANCING SOURCES	\$0	–	–	\$0	–	–
USE OF FUND BALANCE	-\$600	–	0%	-\$220	–	0%
REVENUES TOTAL	\$0	\$205	–	\$0	\$100	–
EXPENDITURES						
COMMUNITY AND ECONOMIC DEVELOPMENT	\$0	–	–	\$0	–	–
EXPENDITURES TOTAL	\$0	–	–	\$0	–	–

Indigent Defense Fund

Revenue and expenditures are approximately the same as the prior fiscal year.

September 30

	BUDGET	YTD ACTUAL		BUDGET - PRIOR YR	YTD ACTUAL - PRIOR YR	
	FY2025	FY2025	% OF BUDGET	FY2024	FY2024	% OF BUDGET - PRIOR YR
REVENUES						
STATE GRANTS	\$489,500	\$107,606	22%	\$494,100	\$87,653	18%
LOCAL CONTRIBUTIONS	\$17,600	–	0%	\$17,600	\$0	0%
INTEREST & RENT	\$7,600	\$3,395	45%	\$3,000	\$1,726	58%
USE OF FUND BALANCE	\$0	–	–	\$0	–	–
REVENUES TOTAL	\$514,700	\$111,000	22%	\$514,700	\$89,379	17%
EXPENDITURES						
HEALTH AND WELFARE	\$514,700	\$119,386	23%	\$514,700	\$89,379	17%
EXPENDITURES TOTAL	\$514,700	\$119,386	23%	\$514,700	\$89,379	17%

Law and Drug Enforcement Fund

Revenues are dependent on receipt of forfeited property proceeds as a result of prosecution of drug cases.

September 30

	BUDGET	YTD ACTUAL		BUDGET - PRIOR YR	YTD ACTUAL - PRIOR YR	
	FY2025	FY2025	% OF BUDGET	FY2024	FY2024	% OF BUDGET - PRIOR YR
REVENUES						
FEDERAL GRANTS	\$0	–	–	\$0	–	–
INTEREST & RENT	\$6,000	\$3,275	55%	\$0	\$1,088	–
FINES & FORFEITURES	\$25,000	–	0%	\$25,000	–	0%

	BUDGET	YTD ACTUAL		BUDGET - PRIOR YR	YTD ACTUAL - PRIOR YR	
	FY2025	FY2025	% OF BUDGET	FY2024	FY2024	% OF BUDGET - PRIOR YR
OTHER REVENUE	\$0	–	–	\$0	–	–
USE OF FUND BALANCE	\$1,900	–	0%	\$29,790	–	0%
REVENUES TOTAL	\$32,900	\$3,275	10%	\$54,790	\$1,088	2%
EXPENDITURES						
PUBLIC SAFETY	\$32,900	\$1,491	5%	\$54,790	\$768	1%
EXPENDITURES TOTAL	\$32,900	\$1,491	5%	\$54,790	\$768	1%

Principal Shopping District

Revenues and expenditures are approximately the same as the prior fiscal year. Special assessments are normally billed in December or January.

September 30

	BUDGET	YTD ACTUAL		BUDGET - PRIOR YR	YTD ACTUAL - PRIOR YR	
	FY2025	FY2025	% OF BUDGET	FY2024	FY2024	% OF BUDGET - PRIOR YR
REVENUES						
SPECIAL ASSESSMENTS	\$1,202,710	\$12,196	1%	\$1,201,500	\$1,513	0%
FEDERAL GRANTS	\$0	–	–	\$0	–	–
LOCAL CONTRIBUTIONS	\$0	–	–	\$0	–	–
CHARGES FOR SERVICES	\$25,000	–	0%	\$25,000	–	0%
INTEREST & RENT	\$36,000	\$14,729	41%	\$5,420	\$6,458	119%
OTHER REVENUE	\$230,000	\$31,546	14%	\$220,000	\$26,380	12%
OTHER FINANCING SOURCES	\$0	–	–	\$0	–	–
USE OF FUND BALANCE	\$62,619	–	0%	\$111,004	–	0%
REVENUES TOTAL	\$1,556,329	\$58,472	4%	\$1,562,924	\$34,352	2%
EXPENDITURES						
COMMUNITY AND ECONOMIC DEVELOPMENT	\$1,556,329	\$239,731	15%	\$1,562,924	\$243,403	16%
EXPENDITURES TOTAL	\$1,556,329	\$239,731	15%	\$1,562,924	\$243,403	16%

Baldwin Public Library Fund

Revenue has increased approximately \$.4M. This is the result of an increase in property tax revenue of over \$.3M and contractual local contributions of over \$.1M. Local contributions increased as a result of a timing difference of receipts from contracted municipalities.

Expenditures are approximately \$.4M lower than last year due to construction related activities in 2023.

September 30

	BUDGET	YTD ACTUAL		BUDGET - PRIOR YR	YTD ACTUAL - PRIOR YR	
	FY2025	FY2025	% OF BUDGET	FY2024	FY2024	% OF BUDGET - PRIOR YR
REVENUES						
TAXES	\$4,482,490	\$4,491,824	100%	\$4,172,572	\$4,173,278	100%
FEDERAL GRANTS	\$0	–	–	\$16,000	–	0%
STATE GRANTS	\$45,000	\$0	0%	\$49,980	\$0	0%
LOCAL CONTRIBUTIONS	\$1,134,860	\$273,552	24%	\$1,103,253	\$178,811	16%
CHARGES FOR SERVICES	\$27,500	\$7,778	28%	\$30,700	\$7,418	24%
INTEREST & RENT	\$5,000	\$28,406	568%	\$80,000	\$19,381	24%
FINES & FORFEITURES	\$5,000	\$2,305	46%	\$5,000	\$1,606	32%
OTHER REVENUE	\$0	\$25	–	\$260,000	\$24	0%
OTHER FINANCING SOURCES	\$0	–	–	\$0	–	–

	BUDGET	YTD ACTUAL		BUDGET - PRIOR YR	YTD ACTUAL - PRIOR YR	
	FY2025	FY2025	% OF BUDGET	FY2024	FY2024	% OF BUDGET - PRIOR YR
USE OF FUND BALANCE	-\$715,210	–	0%	\$2,203,880	–	0%
REVENUES TOTAL	\$4,984,640	\$4,803,890	96%	\$7,921,385	\$4,380,518	55%
EXPENDITURES						
RECREATION AND CULTURE	\$4,984,640	\$1,107,092	22%	\$8,060,721	\$1,590,387	20%
EXPENDITURES TOTAL	\$4,984,640	\$1,107,092	22%	\$8,060,721	\$1,590,387	20%

Community Development Block Grant Fund

No CDBG expenditures have been recorded in the first quarter of the prior fiscal year.

September 30

	BUDGET	YTD ACTUAL		BUDGET - PRIOR YR	YTD ACTUAL - PRIOR YR	
	FY2025	FY2025	% OF BUDGET	FY2024	FY2024	% OF BUDGET - PRIOR YR
REVENUES						
FEDERAL GRANTS	\$84,970	–	0%	\$65,640	\$3,950	6%
USE OF FUND BALANCE	\$0	–	–	\$0	–	–
REVENUES TOTAL	\$84,970	–	0%	\$65,640	\$3,950	6%
EXPENDITURES						
HEALTH AND WELFARE	\$84,970	–	0%	\$65,640	\$3,950	6%
EXPENDITURES TOTAL	\$84,970	–	0%	\$65,640	\$3,950	6%

Opioid Settlement Fund

This fund accounts for the distribution of the national opioid settlement with pharmaceutical companies. Funds from this settlement are restricted to prevention and treatment programs and recovery services.

Revenues are dependent on periodic receipts from settlements throughout the fiscal year.

Expenditures are for the mental health co-responder.

September 30

	BUDGET	YTD ACTUAL		BUDGET - PRIOR YR	YTD ACTUAL - PRIOR YR	
	FY2025	FY2025	% OF BUDGET	FY2024	FY2024	% OF BUDGET - PRIOR YR
REVENUES						
INTEREST & RENT	\$1,000	\$805	80%	\$0	\$186	–
OTHER REVENUE	\$50,000	\$33,173	66%	\$50,000	–	0%
USE OF FUND BALANCE	-\$1,000	–	0%	\$0	–	–
REVENUES TOTAL	\$50,000	\$33,978	68%	\$50,000	\$186	0%
EXPENDITURES						
HEALTH AND WELFARE	\$50,000	\$8,367	17%	\$50,000	–	0%
EXPENDITURES TOTAL	\$50,000	\$8,367	17%	\$50,000	–	0%

Debt Service Fund

Budgeted revenues and expenditures are based on a scheduled debt service payments. Expenditures are at 73% spent for the year as a result of making a principal payment in September.

September 30

	BUDGET	YTD ACTUAL		BUDGET - PRIOR YR	YTD ACTUAL - PRIOR YR	
	FY2025	FY2025	% OF BUDGET	FY2024	FY2024	% OF BUDGET - PRIOR YR
REVENUES						
TAXES	\$788,860	\$790,989	100%	\$1,637,910	\$1,639,832	100%
STATE GRANTS	\$1,670	–	0%	\$2,770	–	0%
INTEREST & RENT	\$3,300	\$3,520	107%	\$5,500	\$4,084	74%
OTHER REVENUE	\$0	–	–	\$0	–	–
OTHER FINANCING SOURCES	\$0	–	–	\$0	–	–
USE OF FUND BALANCE	\$0	–	–	\$0	–	–
REVENUES TOTAL	\$793,830	\$794,509	100%	\$1,646,180	\$1,643,916	100%
EXPENDITURES						
DEBT SERVICE	\$793,830	\$579,861	73%	\$1,646,180	\$1,565,711	95%
EXPENDITURES TOTAL	\$793,830	\$579,861	73%	\$1,646,180	\$1,565,711	95%



MEMORANDUM

FINANCE

DATE: November 19, 2024

TO: Jana L. Ecker, City Manager

FROM: Mark Gerber, Finance Director/Treasurer

SUBJECT: 1st Quarter Investment Report

Public Act 213 of 2007 requires investment reporting on the City's general investments to be provided to the City Commission on a quarterly basis. This information is also required to be provided annually, which the City has and will continue to include within the audited financial statements.

General investments of the City are governed by State law and the City's General Investment Policy approved by the City Commission. The services of an outside investment advisor are utilized to assist the treasurer in determining which types of investments are most appropriate and permitted under the investment policy, maximize the return on the City's investments within investment policy constraints and provide for cash flow needs.

The two primary objectives for investment of City funds are the preservation of principal and liquidity to protect against losses and provide sufficient funds to enable the City to meet all operating requirements that might be reasonably anticipated. Investment activities include all City funds except the retirement and retiree health-care funds as follows:

- General Fund
- Permanent Funds
- Special Revenue Funds
- Capital Projects Fund
- Enterprise Funds
- Debt Service Funds
- Component Unit Funds
- Internal Service Funds

Overall, the City has \$152.7 million invested in various securities according to its general investment policy as of September 30, 2024.

The City has two pooled funds (CLASS Pool and J-Fund), which are used to meet payroll, contractor and other accounts payable needs. As indicated on the attached schedule, there is approximately \$18.2 million invested in pooled funds at the end of September. A maximum of 50% of the portfolio may be invested in pooled funds that meet State guidelines. The amount currently invested in pooled funds is 12%.

The City also holds approximately \$80.9 million, or 53%, of its investments in treasury notes and bills, which are obligations of the United States. The maximum amount of investments that may be held in government securities is 100%.

Investments in federal agencies total approximately \$53.6 million, or 35%, of the City's investments. The maximum amount of the portfolio that may be invested in federal agencies is 75%.

The Investment Policy requires that the average maturity of the portfolio may not exceed two and one-half years. The current average maturity of the portfolio is 1.9 years.

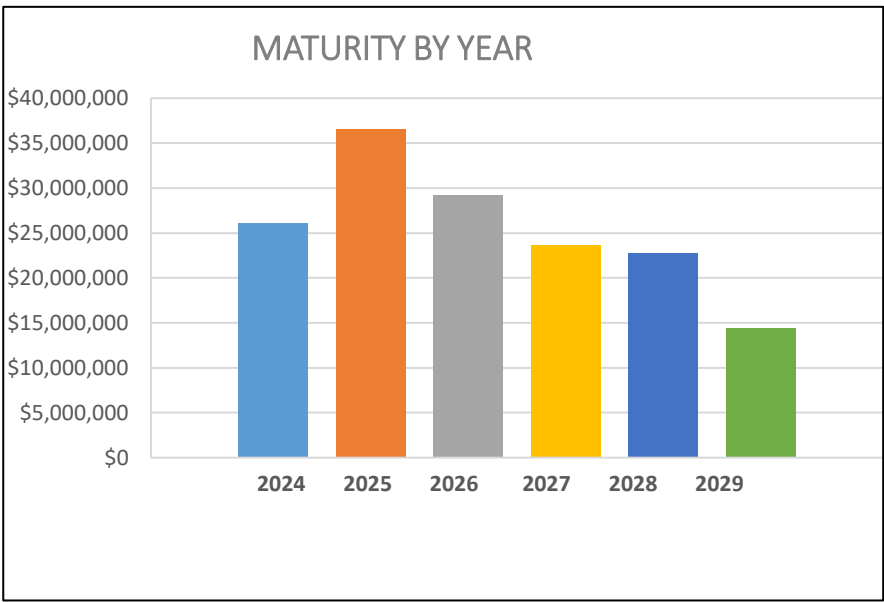
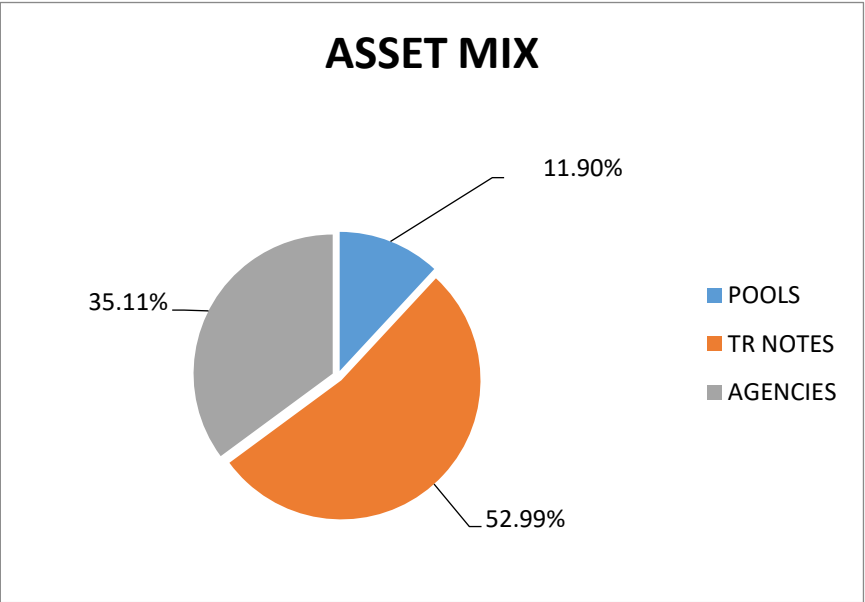
**CITY OF BIRMINGHAM
GENERAL INVESTMENT PORTFOLIO SUMMARY**

9/30/2024

YEAR	MATURITY DATE	DESCRIPTION	% YIELD	*	PAR VALUE	COST	CURRENT MARKET VALUE	YEARLY TOTAL
	10/1/2024	CLASS POOL	5.225%	CITY	2,408,853.64	2,408,853.64	2,408,853.64	
	10/1/2024	J FUND	4.841%	CITY	15,761,979.88	15,761,979.88	15,761,979.88	18,170,833.52
2024	10/31/2024	TR NOTE	0.465%	INSIGHT	3,000,000.00	3,090,436.39	2,991,660.00	
	10/31/2024	TR NOTE	2.476%	INSIGHT	1,000,000.00	994,378.35	997,820.00	
	11/15/2024	TR NOTE	0.560%	INSIGHT	1,500,000.00	1,578,637.84	1,495,200.00	
	12/16/2024	AGENCY	0.500%	INSIGHT	1,000,000.00	1,000,000.00	991,040.00	
	12/30/2024	AGENCY	0.390%	INSIGHT	1,500,000.00	1,499,025.00	1,484,265.00	
								7,959,985.00
2025	1/7/2025	AGENCY	0.362%	INSIGHT	1,500,000.00	1,580,434.50	1,487,895.00	
	1/28/2025	AGENCY	0.550%	INSIGHT	1,500,000.00	1,500,000.00	1,480,650.00	
	2/12/2025	AGENCY	0.344%	INSIGHT	1,500,000.00	1,575,136.50	1,482,750.00	
	2/26/2025	AGENCY	0.680%	INSIGHT	1,000,000.00	1,000,000.00	984,490.00	
	2/28/2025	TR NOTE	0.508%	INSIGHT	1,500,000.00	1,533,925.78	1,479,705.00	
	3/28/2025	AGENCY	1.250%	INSIGHT	1,500,000.00	1,494,500.00	1,472,415.00	
	3/28/2025	AGENCY	0.450%	INSIGHT	1,500,000.00	1,500,000.00	1,472,295.00	
	3/31/2025	TR NOTE	0.669%	INSIGHT	1,500,000.00	1,491,215.96	1,471,635.00	
	4/22/2025	AGENCY	4.793%	INSIGHT	3,500,000.00	3,358,074.00	3,429,230.00	
	5/15/2025	TR NOTE	5.188%	INSIGHT	2,000,000.00	1,958,991.08	1,981,420.00	
	6/17/2025	AGENCY	4.126%	INSIGHT	2,000,000.00	1,948,596.00	1,948,660.00	
	6/30/2025	AGENCY	0.750%	INSIGHT	2,000,000.00	2,000,000.00	1,946,320.00	
	7/15/2025	TR NOTE	4.233%	INSIGHT	3,000,000.00	2,903,095.99	2,975,580.00	
	8/15/2025	TR NOTE	3.037%	INSIGHT	2,000,000.00	1,937,506.70	1,965,080.00	
	9/15/2025	TR NOTE	4.187%	INSIGHT	3,000,000.00	2,942,939.74	2,986,350.00	
	10/15/2025	TR NOTE	4.457%	INSIGHT	1,500,000.00	1,491,386.71	1,504,395.00	
	10/31/2025	TR NOTE	3.167%	INSIGHT	2,500,000.00	2,487,020.09	2,475,400.00	
	11/15/2025	TR NOTE	3.025%	INSIGHT	2,000,000.00	1,951,959.83	1,964,300.00	
	12/15/2025	TR NOTE	5.023%	INSIGHT	2,000,000.00	1,958,287.95	2,003,200.00	
								36,511,770.00
2026	1/15/2026	TR NOTE	4.350%	INSIGHT	4,000,000.00	3,957,669.66	4,002,040.00	
	2/25/2026	AGENCY	3.577%	INSIGHT	1,500,000.00	1,487,659.50	1,489,200.00	
	3/31/2026	TR NOTE	4.144%	INSIGHT	3,000,000.00	2,816,142.86	2,934,270.00	
	4/15/2026	TR NOTE	4.836%	INSIGHT	2,000,000.00	1,963,131.70	2,000,080.00	
	5/26/2026	AGENCY	5.015%	INSIGHT	1,965,000.00	1,797,385.50	1,896,283.95	
	6/16/2026	AGENCY	4.203%	INSIGHT	3,000,000.00	2,928,240.00	2,985,300.00	
	7/15/2026	TR NOTE	3.570%	INSIGHT	2,000,000.00	2,032,116.08	2,027,660.00	
	7/27/2026	AGENCY	4.412%	INSIGHT	1,500,000.00	1,504,590.00	1,519,350.00	
	8/14/2026	AGENCY	4.731%	INSIGHT	1,500,000.00	1,490,415.00	1,523,025.00	
	9/11/2026	AGENCY	4.963%	INSIGHT	2,000,000.00	1,995,156.00	2,044,000.00	
	10/15/2026	TR NOTE	4.847%	INSIGHT	3,000,000.00	2,981,611.61	3,056,490.00	
	11/15/2026	TR NOTE	4.852%	INSIGHT	2,000,000.00	1,838,131.70	1,933,600.00	
	12/18/2026	AGENCY	4.790%	INSIGHT	1,885,000.00	1,675,380.46	1,772,522.05	
								29,183,821.00
2027	1/15/2027	TR NOTE	4.082%	INSIGHT	4,000,000.00	4,016,888.40	4,033,120.00	
	3/15/2027	TR NOTE	3.463%	INSIGHT	2,000,000.00	2,036,959.83	2,030,860.00	
	3/31/2027	TR NOTE	4.071%	INSIGHT	1,500,000.00	1,406,430.81	1,461,450.00	
	4/30/2027	TR NOTE	4.867%	INSIGHT	1,500,000.00	1,398,930.81	1,469,115.00	
	6/30/2027	TR NOTE	3.701%	INSIGHT	3,000,000.00	2,943,867.19	2,974,680.00	
	8/15/2027	TR NOTE	4.510%	INSIGHT	1,950,000.00	1,799,643.25	1,879,702.50	
	9/30/2027	TR NOTE	4.005%	INSIGHT	1,500,000.00	1,507,851.56	1,524,090.00	
	10/13/2027	AGENCY	4.885%	INSIGHT	3,000,000.00	2,985,456.00	3,098,430.00	
	11/15/2027	TR NOTE	3.473%	INSIGHT	2,000,000.00	1,927,819.20	1,921,960.00	
	11/30/2027	TR NOTE	4.513%	INSIGHT	1,700,000.00	1,658,701.01	1,714,875.00	
	12/1/2027	AGENCY	3.803%	INSIGHT	1,500,000.00	1,520,295.00	1,523,235.00	
								23,631,517.50
2028	1/31/2028	TR NOTE	3.470%	INSIGHT	3,000,000.00	3,002,705.36	2,993,190.00	

	2/29/2028	TR NOTE	4.736%	INSIGHT	2,000,000.00	1,942,272.32	2,027,180.00	
	3/10/2028	AGENCY	3.539%	INSIGHT	1,575,000.00	1,641,386.25	1,620,879.75	
	5/15/2028	TR NOTE	3.490%	INSIGHT	3,000,000.00	2,937,431.93	2,928,390.00	
	6/30/2028	AGENCY	4.433%	INSIGHT	1,500,000.00	1,471,840.50	1,521,750.00	
	7/31/2028	TR NOTE	4.825%	INSIGHT	1,500,000.00	1,455,825.34	1,529,115.00	
	8/28/2028	AGENCY	4.454%	INSIGHT	1,800,000.00	1,803,792.60	1,858,716.00	
	9/22/2028	AGENCY	4.779%	INSIGHT	2,000,000.00	1,975,600.00	2,066,260.00	
	10/31/2028	TR NOTE	3.486%	INSIGHT	3,000,000.00	3,157,744.43	3,146,490.00	
	11/24/2028	AGENCY	4.508%	INSIGHT	1,500,000.00	1,490,700.00	1,541,730.00	
	11/30/2028	AGENCY	4.572%	INSIGHT	1,500,000.00	1,487,758.93	1,545,945.00	
								22,779,645.75
2029	1/31/2029	AGENCY	4.370%	INSIGHT	1,000,000.00	984,378.35	1,016,880.00	
	2/28/2029	AGENCY	4.651%	INSIGHT	1,000,000.00	983,011.16	1,027,770.00	
	4/10/2029	AGENCY	4.594%	INSIGHT	1,500,000.00	1,485,489.00	1,547,940.00	
	5/31/2029	TR NOTE	4.428%	INSIGHT	1,000,000.00	1,003,128.35	1,040,000.00	
	6/8/2029	AGENCY	3.789%	INSIGHT	2,000,000.00	2,072,500.00	2,085,960.00	
	7/31/2029	TR NOTE	3.489%	INSIGHT	3,000,000.00	3,067,744.42	3,056,940.00	
	8/31/2029	TR NOTE	3.510%	INSIGHT	3,000,000.00	2,948,095.99	2,937,540.00	
	9/30/2029	AGENCY	3.521%	INSIGHT	1,750,000.00	1,748,295.50	1,740,112.50	
								14,453,142.50
			3.752%		152,795,833.52	151,276,555.49	152,690,715.27	152,690,715.27

AVERAGE MATURITY (YEARS): 1.94



POOLS	\$18,170,833.52	11.90%
TR NOTES	\$80,914,582.50	52.99%
AGENCIES	\$53,605,299.25	35.11%
TOTAL	\$152,690,715.27	100.00%

COMPARATIVE RETURNS			
	City Portfolio	1-Yr TR	2-Yr TR
Current Quarter	3.75%	3.87%	3.62%
Previous Quarter	3.44%	4.25%	3.97%
1 Year Ago	3.78%	4.50%	4.16%

\$134,519,881.75
\$18,170,833.52
\$152,690,715.27

QUARTERLY REPORT October 2024

BOARD OF TRUSTEES	
Representative	Municipality
Shawn Young	City of Berkley
Neil Johnston	Village of Beverly Hills
Kurt Jones	Village of Bingham Farms
Melissa Coatta	City of Birmingham
Trever Zablocki	City of Clawson
Rocco Fortura	City of Huntington Woods
Mike Greene	City of Lathrup Village
Jim Breuckman	City of Pleasant Ridge
Aaron Filipski	City of Royal Oak
Abdul Siddiqui	City of Southfield
Neil Johnston	Township of Southfield

OFFICERS	
Chair:	J. Breuckman
Vice Chairman:	K. Jones
Secretary:	R. Fortura
Advisory Committee:	Breuckman, Jones, Fortura, Filipski

Eric Griffin	General Manager
Bob Jackovich	Operations Manager

October 2024

Board of Trustees
Southeastern Oakland County Water Authority

Subject: Quarterly Report - October 2024

Board Members:

Attached is a copy of the Southeastern Oakland County Water Authority's Quarterly Report covering the first three month's operation of the fiscal year 2024. The report contains a financial statement of the Authority's operation and an outline of projects in progress or completed during the quarter. The report also contains statistical information and other information of general interest to the members of this Authority.

BOARD OF TRUSTEES

The governing body of the Authority is a Board of Trustees, consisting of one representative from each constituent municipality. The Board held its Organization Meeting on July 10, 2024, and members were elected to serve as Officers for the fiscal year beginning July 2024. The current Officers are:

Chairman:	J. Breuckman
Vice Chairman:	K. Jones
Secretary:	R. Fortura

Representatives on the Board are entitled to one vote for each 200 million gallons, or major fraction thereof, of water purchased during the preceding fiscal year. The number of votes of each constituent member for the fiscal year, beginning July 2024 is as follows:

Municipality	Votes
Berkley	2
Beverly Hills	1
Bingham Farms	1
Birmingham	4
Clawson	1
Huntington Woods	1
Lathrup Village	1
Pleasant Ridge	1
Royal Oak	8
Southfield	14
Southfield Township	<u>1</u>
Total:	35

The Board meets in regular session on the second Wednesday of each month for the purpose of conducting all business coming before the Board.

The Authority has entered contracts with the individual members for an indefinite period of time, but at least to July 1, 2038. These contracts obligate the Authority to supply and sell water to the member municipalities, charging for this service a rate sufficient to pay the operating costs and capital improvements.

FINANCIAL STATEMENT

The total net income before depreciation for the first 3 months of fiscal year 2025 was \$789,601. This was \$319,836 lower than budgeted and is lower than the net income of \$996,904 for the first 3 months of FY2024.

	Actual	Compared to Budget
Revenue	\$8,939,524	- \$747,404
Expenses	\$8,149,923	- \$427,569
Net Income (before depreciation)	\$789,601	- \$319,836

Net income at this time of year is planned to be high in order to accommodate the fixed/variable rates we are charged by GLWA. GLWA is collecting 60% of their revenue through a fixed monthly charge. This results in a high fixed monthly charge but a low cost per thousand cubic feet purchased. In the first quarter of the year, our GLWA water bills were significantly less than our water sales revenue. Our GLWA water bills will be higher than our water sales revenue in the colder months. We will be using some of the net income for the first quarter to pay these higher water bills later in the fiscal year. This contributed to SOCWA changing their rate structure to 25% fixed charge so the deficit through the winter months will be lower.

The decrease in revenue was almost completely due to lower than planned water sales (-\$812,194). Expenses were lower than planned due to lower expenses for water purchases (-\$391,647).

Water sales volumes for the first 3 months of the fiscal year were 17.6% lower than budgeted and were 16.0% lower than the previous year. The water sales volumes for the first 3 months are summarized in the table below. Water sales were significantly lower than last year due to the cool, rainy weather during the quarter.

WATER SALES – DAILY AVERAGE (MGD)

Month	2020	2021	2022	2023	2024	Over or Under 2023
July	44.53	30.75	39.81	33.77	31.50	- 2.27
August	39.57	33.02	37.13	31.19	30.21	- 0.98
September	31.16	29.77	34.10	28.27	31.51	3.24
Million Gals./Day	38.50	31.20	37.05	31.11	31.06	- 0.05
Variance		-19.0%	+18.8%	-16.0%	-0.02%	

PRECIPITATION - INCHES

Month	2019	2020	2021	2022	2023	2024
July	7.15	2.46	7.15	3.06	4.25	7.45
August	3.04	7.31	5.64	4.93	5.47	6.47
September	4.84	2.72	6.00	1.89	1.42	0.66
Total:	15.03	12.49	18.79	9.88	11.14	14.58

Additional financial detail is attached.

MAJOR PROJECTS

GLWA RATE INCREASE

GLWA increased their water sales rate to SOCWA by 3.06% as of July 1, 2024. SOCWA increased our water sales rate to the member communities by 4.5% as of July 1, 2024. SOCWA also increased the fixed charge portion to our member communities from 10% to 25%. This will add stability to the revenue and more closely align with GLWA's 60% fixed charge.

SUMMER 2024 OPERATIONS

The summer of 2024 was very poor for water sales. The consistently rainy weather greatly reduced the amount of water sold for outdoor irrigation. SOCWA water sales for the first quarter decreased from last year, which was also a very low year. The weather was consistently rainy throughout the summer with over 6 inches of rain in June, July and August.

GREAT LAKES WATER AUTHORITY (GLWA) ISSUES

GLWA became operational on January 1, 2016. The GLWA website, www.glwater.org, is a great source of information regarding GLWA. The agendas and minutes for all Board and Board Committee meetings are posted along with procurement information about all projects being performed by GLWA.

Fiscal Year 2026 Water Rates

The process that will result in the rates from GLWA for fiscal year 2026 has begun. A series of meetings are being held this fall to communicate rate information. Our proposed FY2026 rates will be delivered by GLWA in late January 2025. GLWA is continuing to provide a high level of communication with their customers by posting data on their website prior to each meeting and then reviewing the data at each meeting. SOCWA staff will be attending each of these meetings and we will report the results at the following Board meeting. We plan to have a rate projection for the SOCWA communities for review at the February 2025 Board meeting.

GLWA Customer Outreach Program

GLWA is continuing to utilize the same Customer Outreach Program that DWSD has used for many years. SOCWA staff is continuing to participate in the GLWA Customer Outreach Process. I have been serving as one of nine elected customer co-chairs of the One Water Partnership that guides this process. Significant progress has been made in improving the level of communication and understanding between GLWA and its customers through this process, which will be a continuing effort. SOCWA continues to be a strong proponent of GLWA's customer partnering process. The Customer Outreach Program continues to be very important in maintaining the good relationship between GLWA and its customers.

Highland Park

A settlement was reached between GLWA, Highland Park and the State of Michigan that resolves the various court actions over Highland Park's unpaid water and sewer bills. As of June 30, 2023, Highland Park owed over \$54 million in unpaid bills for water service (\$12.1 million) and sewer service (\$42.2 million). As part of this settlement, Highland Park will be using a third party to set their water and sewer rates and all water and sewer revenue will be deposited into a trust account which will pay GLWA's bills before any remaining funds are provided to Highland Park. The State of Michigan will be providing \$25 million to GLWA for sewer infrastructure projects and \$5 million for water infrastructure projects. GLWA is evaluating whether they will be able to use a portion of this money to make refunds to their customers that have seen increased costs due to Highland Park not paying their GLWA bills.

Highland Park made an incremental \$1 million payment to GLWA during the summer of 2023 under court order. GLWA refunded this amount to their water and sewer customers based on the amount of money that had been included in previous rates for Highland Park's unpaid bills. Since Highland Park's sewer bills are much larger than their water bills, only 12% of that \$1 million was credited to water customers. SOCWA's share was only \$8,200. In August 2024 GLWA credited SOCWA with the remaining bad debt collection that amounted to \$327,300. The Highland Park bad debt issue is now closed.

WEBSTER WATER TANK SEPARATION PROJECT

We began working on a project to separate the two large water storage tanks at Webster Station last year. This \$4 million project will result in increased operational flexibility and increase the resiliency of the SOCWA water storage system. The engineering design work for this project has been completed. We applied for and received an infrastructure planning grant from Oakland County that paid for a portion of the engineering costs of this project. We also applied for a low interest loan for this project from Michigan's Drinking Water State Revolving Fund. However, our project did not have high enough priority to be included in the program. We are currently revisiting the construction schedule for this project.

WATER SERVICE REPLACEMENT AND VERIFICATION CONTRACTS

SOCWA has contracts in place that can be used by the member communities for the replacement of lead water services and for verifying the material type for service lines of unknown material type. The member communities with lead water services will need to replace 5% to 7% of those services each year under the new State of Michigan lead and copper rules. Having a contractor available for all the member communities could help to reduce the cost of performing this required work. Several communities have begun to use the services of the lead service line replacement contractor.

SOCWA also has a contract in place that can be used by the member communities to verify water service line material type. The State of Michigan is requiring each community to verify the material type of a random sample of about 20% of the water service lines in the community. Several communities have begun to use the services of the service line verification contractor.

PENSION FUNDING

MERS completed their annual actuarial analysis of SOCWA's pension plans. The combined union and salaried pension plans were 99% funded as of December 31, 2023. This is a slight decrease from the 102% funded as of December 31, 2022. The funding levels were 94% for the union defined benefit (DB) plan, 104% for the salaried DB plan, 102% for the salaried hybrid plan and 82% for the union hybrid plan. SOCWA has contributed substantially above the actuarially required amounts to both the salaried DB and union DB plan for several years in order to eliminate the unfunded liabilities for the plans.

ANNUAL AUDIT

Representatives of Plante & Moran conducted their annual audit in our offices during September. We have received the final report and it will be posted on the SOCWA website. The final audit was reviewed with the SOCWA Audit Committee and will be reviewed by the SOCWA Board at their November 13, 2024 meeting.

Audit standards require SOCWA to conduct an annual actuarial valuation of our liability for Other Post Employment Benefits (OPEB or retiree health insurance). We perform this valuation using a tool provided by Milliman, which is significantly less expensive and quicker than having the analysis performed by our prior actuarial firm. The valuation as of June 30, 2024, showed that the OPEB plan for salaried employees was 251.7% funded and the OPEB plan for Union employees was 150.0% funded. We are now using the OPEB trust funds to pay for all our retiree health insurance expenses.

Respectfully submitted,

Eric Griffin
General Manager

SOUTHEASTERN OAKLAND COUNTY WATER AUTHORITY
INCOME STATEMENT
07/01/24 - 09/30/24

	Period Actual	Period Budget	Variance
REVENUES			
SALE OF WATER MEMBERS	5,314,334	5,710,222	(395,888)
SALE OF WATER OTHERS	3,481,572	3,897,877	(416,306)
TOTAL SALE OF WATER REVENUES	8,795,906	9,608,099	(812,194)
RENTALS	18,317	19,330	(1,013)
WATER ANALYSIS	0	1,500	(1,500)
INTEREST ON INVESTMENTS	100,139	57,000	43,139
MISCELLANEOUS REVENUES	25,163	1,000	24,163
TOTAL OTHER REVENUES	143,619	78,830	64,789
TOTAL REVENUES	8,939,524	9,686,929	(747,404)
LEAD SERVICE REPLACEMENT	543,221	800,000	(256,779)
EXPENSES			
PURCHASE OF WATER FOR RESALE	0	0	0
POWER, PUMPING & GROUNDS WEBSTER	146,977	153,725	(6,748)
POWER, PUMPING & GROUNDS	56,089	89,627	(33,538)
COMPUTER OPERATIONS	30,073	26,875	3,198
PURIFICATION	40,052	45,600	(5,548)
METERS & MAINS	28,602	66,065	(37,463)
ADMINISTRATION & GENERAL	325,777	281,600	44,177
WATER IN TRANSIT	7,522,353	7,914,000	(391,647)
TOTAL EXPENSES	8,149,923	8,577,492	(427,569)
LEAD SERVICE LINE REPLACEMENT	332,637	800,000	(467,363)
NET INCOME BEFORE DEPRECIATION	789,601	1,109,437	(319,836)
DEPRECIATION	154,629		
NET INCOME	634,972		

SOUTHEASTERN OAKLAND COUNTY WATER AUTHORITY
STATEMENT OF REVENUES AND EXPENDITURES COMPARED WITH TOTAL BUDGET
07/01/24 - 09/30/24

	Period Actual	Total Budget 2024-2025	Remaining Budget	% Received or Expended
REVENUES				
SALE OF WATER MEMBERS	5,314,334	18,912,586	(13,598,252)	28%
SALE OF WATER OTHERS	3,481,572	10,221,934	(6,740,363)	34%
TOTAL SALE OF WATER REVENUES	8,795,906	29,134,520	(20,338,615)	30%
RENTALS	18,317	135,000	(116,683)	14%
WATER ANALYSIS	0	6,000	(6,000)	0%
INTEREST ON INVESTMENTS	100,139	200,000	(99,861)	50%
MISCELLANEOUS REVENUES	25,163	4,000	21,163	629%
TOTAL OTHER REVENUES	143,619	345,000	(201,381)	
TOTAL REVENUES	8,939,524	29,479,520	(20,539,995)	30%
LEAD SERVICE REPLACEMENT	543,221	2,500,000	(1,956,779)	22%
EXPENSES				
PURCHASE OF WATER FOR RESALE	0	27,513,329	(27,513,329)	0%
POWER, PUMPING & GROUNDS WEBSTER	146,977	614,900	(467,923)	24%
POWER, PUMPING & GROUNDS	56,089	341,800	(285,710)	16%
COMPUTER OPERATIONS	30,073	107,500	(77,427)	28%
PURIFICATION	40,052	182,400	(142,348)	22%
METERS & MAINS	28,602	264,550	(235,948)	11%
ADMINISTRATION & GENERAL	325,777	857,000	(531,223)	38%
WATER IN TRANSIT	7,522,353	0	7,522,353	0%
TOTAL EXPENSES	8,149,923	29,881,479	(21,731,555)	27%
LEAD SERVICE LINE REPLACEMENT	332,637	2,500,000	(2,167,363)	13%
NET INCOME BEFORE DEPRECIATION	789,601	(401,959)	1,191,560	-196%

SOUTHEASTERN OAKLAND COUNTY WATER AUTHORITY
COMPARATIVE STATEMENT
07/01/24 - 09/30/24

	Period Actual 2024-2025	Period Actual 2023-2024	Over/Under
REVENUES			
SALE OF WATER	5,314,334	5,238,783	75,551
SALE OF WATER OTHERS	3,481,572	3,515,280	(33,708)
TOTAL SALE OF WATER REVENUES	8,795,906	8,754,063	41,843
RENTALS	18,317	15,003	3,314
WATER ANALYSIS-LAB	0	300	(300)
INTEREST ON INVESTMENTS	100,139	65,708	34,430
MISCELLANEOUS REVENUES	25,163	25,089	74
TOTAL OTHER REVENUES	143,619	106,100	37,519
TOTAL REVENUES	8,939,524	8,860,163	79,361
LEAD SERVICE LINE REPLACEMENT	543,221	73,279	469,942
EXPENSES			
WATER PURCHASED FOR RESALE	0	0	0
POWER, PUMPING & GROUNDS WEBSTER	146,977	118,771	28,206
POWER, PUMPING & GROUNDS	56,089	10,546	45,543
COMPUTER OPERATIONS	30,073	25,797	4,276
PURIFICATION	40,052	32,453	7,600
METERS & MAINS	28,602	68,478	(39,876)
ADMINISTRATION & GENERAL	325,777	234,225	91,552
WATER PURCHASE IN TRANSIT	7,522,353	7,285,449	236,904
TOTAL EXPENSES	8,149,923	7,775,719	374,205
LEAD SERVICE LINE REPLACEMENT	332,637	73,299	259,338
NET INCOME BEFORE DEPRECIATION	789,601	1,084,444	(294,843)
DEPRECIATION	154,629	158,756	(4,127)
NET INCOME	634,972	925,688	(290,716)

SOUTHEASTERN OAKLAND COUNTY WATER AUTHORITY
TOTAL CHARGES
07/01/24 - 09/30/24

MUNICIPALITY	WATER CONSUMPTION CUBIC FEET	TOTAL WATER CHARGES
MEMBERS		
BERKLEY	12,223.98	244,101
BEVERLY HILLS	12,440.50	236,397
BINGHAM FARMS	3,608.15	67,280
BIRMINGHAM	39,771.47	741,837
CLAWSON	9,394.95	185,645
HUNTINGTON WOODS	7,056.72	134,019
LATHRUP VILLAGE	3,869.02	75,488
PLEASANT RIDGE	3,890.30	71,740
ROYAL OAK	65,525.65	1,270,112
SOUTHFIELD	112,364.89	2,198,661
DETROIT ZOO & RACKHAM	4,780.46	89,082
MEMBERS TOTAL	274,926.08	5,314,364
NON MEMBERS		
BLOOMFIELD HILLS	21,790.98	700,676
BLOOMFIELD TOWNSHIP	85,318.84	2,780,896
NON MEMBERS TOTAL	107,109.82	3,481,572
GRAND TOTAL	382,035.90	8,795,936

SOUTHEASTERN OAKLAND COUNTY WATER AUTHORITY
INCOME STATEMENT WITH AVERAGE PER CUBIC FOOT
07/01/24 - 09/30/24

	Period Actual	2024/2025 Average Per 1,000 cubic feet	2023/2024 Average Per 1,000 cubic feet
REVENUES			
SALE OF WATER	5,314,334	19.3300	18.9825
SALE OF WATER OTHERS	3,481,572	32.5047	32.9761
TOTAL SALE OF WATER REVENUES	8,795,906	23.0238	22.8817
RENTALS	18,317	0.0479	0.0392
WATER ANALYSIS-LAB	0	0.0000	0.0008
INTEREST ON INVESTMENTS	100,139	0.2621	0.1698
MISCELLANEOUS REVENUES	25,163	0.0659	0.0000
TOTAL OTHER REVENUES	143,619	0.3759	0.2098
TOTAL REVENUES	8,939,524	23.3997	23.0915
EXPENSES			
WATER PURCHASED FOR RESALE	0	0.0000	0.0000
POWER, PUMPING & GROUNDS WEBSTER	146,977	0.3847	0.3104
POWER , PUMPING & GROUNDS	56,089	0.1468	0.1021
COMPUTER OPERATIONS	30,073	0.0787	0.0674
PURIFICATION	40,052	0.1048	0.0848
METERS & MAINS	28,602	0.0749	0.1790
ADMINISTRATIVE & GENERAL	325,777	0.8527	0.6991
WATER IN TRANSIT	7,522,353	19.6902	19.0429
TOTAL EXPENSES	8,149,923	21.3329	20.4857
NET INCOME BEFORE DEPRECIATION	789,601		

SOUTHEASTERN OAKLAND COUNTY WATER AUTHORITY
CAPITAL EXPENSES
07/01/24 - 09/30/24

Fixed Asset Expenditures

Total Expenditures	0.00
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MEMORANDUM

City Manager's Office

DATE: November 20, 2024

TO: City Commission

FROM: Jana L. Ecker, City Manager

SUBJECT: Progress Update on 400 E. Lincoln

The City issued an RFP for a professional architectural firm to conduct a facility assessment, a programming assessment and conceptual building options for recommendation to the City Commission. The City Commission chose NORR, LLC as the professional architectural company to accomplish these goals.

To facilitate an orderly progression, the City Commission also created the Ad Hoc Senior/Recreation Center Committee (SCC) to assist them in working through the large volume of work necessary to keep the project moving forward. One of the first suggestions of the SCC was to hire an owner's representative to work alongside City staff and the SCC to safeguard City interests. An RFP was issued and the City Commission chose Kramer Management Group to be the City's owner's representative on the project.

NORR, LLC produced a final report for the City Commission on July 15, 2024. Contained within that final report was an entire section dedicated to space programming. The report contained the following:

- Stakeholders by organization
- Program spaces by category – Next
- Program spaces by category – YMCA
- Program spaces by stakeholder – Next, YMCA and potential shared spaces
- Assessment of potential shared spaces – Next/YMCA
- Detailed programming information chart that contained the following sub-categories: stakeholder, type of room, room name, room

description, room access, FF&E needs, adjacencies required,
estimated area and a notes/questions area

At the request of the City Commission, to ensure that proposed building could be sized properly, the City's owner's representative, Kramer Management, met with all the stakeholders and went through the space programming with each one. The City took an additional step of cross referencing programming for both stakeholders in order to look for opportunities for shared space.

From inception, the basic premise of this project was to find a permanent home for Next and, if possible, provide a community/recreation component to the project. Over time, the YMCA, which the City thought would be phased out after three years, has now become an integral part of the project. As a result of this new paradigm, the City, Next, YMCA, architects and the City's owner's representative have all worked collaboratively to determine what building space could be used jointly to make sure the building is efficiently sized. Both Next and the YMCA have agreed that a building between 44,500 square feet and 53,000 square feet would be able to meet both of their operational needs. Both organizations will work with the City Commission's selected final design architect to continue to work together to share space as possible while maintaining enough dedicated space to operate successfully.

The City, Next and the YMCA all realize that the goal is to build a building that maximizes space utilization with dedicated service operations in a manner that allows for ease of use and functionality. In the beginning, when the project was going to be a moderate renovation, it was assumed that Next would occupy 75% of the building and that the rest of the building could be used for a much smaller YMCA presence and/or a City office for the Parks and Recreation Department. When the "community" aspect of the project became a greater focus, so did the community functionality of the project. It is the hope and belief that the YMCA will offer significant community based programs for families and people of all ages at a reasonable cost.

There are also opportunities for other community based activities that the building and associated parking lot could be used for, including: meeting rooms for neighborhood groups or other local club organizations, special events, City based open house events, the indoor walking track could be open to everyone at no cost, opportunity for public use of the gymnasium, pool and/or pickle ball courts. The project will also examine how St. James Park can be synthesized into the project to improve and update the park.

The new building is a City facility and thus a public project. The new building will be managed by the City in the same fashion as every other building under the City's purview of responsibility. Because of the dynamic nature of the building, that being that Next, the YMCA and the community will all be accessing the building, numerous conversations have occurred as to how the building will be managed day to day. Both Next and the YMCA plan on having staff present in the building during their operating times and both

will address their individual needs from a staffing perspective. Both Next and the YMCA have indicated a willingness to assist the City in operating the day to day operations as part of their agreements with the City.

On October 21, 2024, both the City Commission and the Planning Board held a joint workshop, and one of the topics of discussion was the role of the Planning Board in the review of the site plan and design of the new senior/recreation center. Based on the discussion, it appeared that there was consensus that the Planning Board conduct site plan review in the normal course, with the recommendation of the Planning Board on the final site plan going to the City Commission for a final decision. The Planning Board also proposed conducting a review of all of the zoning classifications to determine which development standards would be the best fit for the new building at 400 E. Lincoln, given the updated PP, Public Property, zoning classification. The Planning Board proposed selecting the most appropriate standards for the use and location and then applying them as guidelines to review the site plan and design of the new building. This would assist with the review process, but would also allow the Planning Board and/or City Commission to waive any guidelines as needed.

On October 21, 2024 Assistant City Manager Mark Clemence and Cris Braun of Next met with Dr. Roberson, Superintendent of Birmingham Public Schools (BPS) regarding extending the occupancy of Next in Midvale School past June 2026. Dr. Roberson kindly offered to extend Next's occupancy to May 31, 2027, providing an additional 11 months to construct a new building. Dr. Roberson advised that this extension is a hard date, and that Next must be moved out entirely by May 31, 2027 as BPS plans to renovate Midvale to expand BPS' Early Childhood Center to accommodate additional students.

At the October 28, 2024 City Commission meeting, Kramer presented updates on the 400 E. Lincoln project and revisions to the draft RFP. Commissioners raised the following points during discussion:

- More information and clarity on budgeting and needs versus wants will still be required to move forward. This project should be a community center, and will need to be in order to qualify for the \$8 million grant applied for by the City.
- A special election would cost taxpayer funds. It is difficult to garner support for projects via special elections.
- There are other projects, such as water, sewer, road surface, and police station upgrades, that are also funding priorities.
- This project must be one that would be supported by voters.
- A larger pool would be more expensive and would raise the YMCA's operating costs.
- The NORR, LLC plan will not be the starting point for the next architect. Rather, the agreements reached by Next, the YMCA, and the City should be the starting point.
- Given the agreements so far, the RFP could likely be limited to 49,000 or 50,000 square feet or less as opposed to 53,000.

- The Commission should be provided with benchmarked operating costs when compared to other recreational facilities in the area. This information could also help inform lease arrangements, cost splits between tenants, and how costs should be divided by the participating municipalities.
- Any information on staffing costs should also be provided to the Commission.
- Four members of the Ad Hoc Recreation/Senior Center Committee (SCC) have endorsed moving forward with the RFP, and there is an opportunity cost from delaying it further. It was appropriate to delay the RFP in order to conduct due diligence prior to this point.
- Planning for 30% circulation area may be too high an estimate. If the gross building size is expected to be over 40,000 square feet, it will need to be more than one floor given the lot size. This will necessitate two stairwells and an elevator.
- The RFP should communicate that the square footage upper limit is a strong preference, not a hard limit. The SCC can provide insight into what an appropriate upper limit would be.

After much discussion, the City Commission directed staff to issue the RFP for final design for a new building between 44,500 and 49,000 square feet in size, at a maximum cost of \$32 million dollars on October 31, 2024 to the three firms that were pre-qualified during the RFQ process earlier this summer. The City Commission did not provide any direction on the draft letter to other Next member communities that was provided in the agenda packet.

In April 2024 the City applied for FY 25 Community Project Funding through Representative Stevens for Federal funding to support the Senior/Recreation Center at 400 E. Lincoln. The City's application and accompanying letters of support highlight the project as a senior/recreation center aimed at "providing community services and resources, along with health and well-being opportunities for older adults, youth, and families in Birmingham and nearby communities." Thus, the project at 400 E. Lincoln does not have to be specifically named a community center. The project as currently proposed with senior, recreation and community services all included meets the parameters to qualify for the Federal funding requested. In May, the City received news that Rep. Stevens had selected the Senior/Recreation Center project for submission to the House Appropriations Committee for consideration.

However, Rep. Stevens has recently advised that funding for FY25 Community Projects, including the Senior/Recreation Center, depends on Congressional approval of the Federal budget. At this time, it remains uncertain how the 2024 election results will affect the Federal budget and the project's chances of receiving funding.

Regarding the cost of a May election, the City Clerk has prepared a detailed estimate of the cost of holding a special election in May for voters to consider a bond proposal. The estimated cost to hold a special election is approximately \$41,500.

With regards to the discussion regarding the YMCA's size requirement for the proposed pool, there was concern expressed at the October 28, 2024 City Commission meeting

that the YMCA may need 10,000 square feet in area for a pool. Since the City Commission meeting, the YMCA has clarified in writing that the area they require for a pool and the surrounding pool deck is 5,300 square feet, not 10,000 square feet. The proposed space program included with the RFP allocated 4,500 square feet for the pool and deck area. Thus, the YMCA is requesting an additional 800 square feet, and this information will be passed along to the selected architect for incorporation into the space program of the building.

During the presentation conducted at the City Commission meeting on October 28, 2024, updated operating costs for the building were also discussed. It is important to note that the operating costs for the building are those costs to operate the building itself, and do not include the operating costs of each individual tenant to run their non-profit organization. The operating costs for the building are those costs that the City may be responsible for if one or both of the proposed non-profit tenants were to vacate the building. It is anticipated that each non-profit tenant will continue to fund the personnel, supplies and other operating expenses of their own organization. Any City staff needed to provide access to community space is also not included in the building operating costs, but is calculated as discussed below. During the meeting, the City Commission requested that Kramer provide their detailed calculations of operating costs to clarify all included costs. Kramer has updated their detailed operating cost estimate for the building based on the size range recommended by the City Commission on October 28, 2024. Please see attached spreadsheet, which includes the following line items in the total building operating costs:

- Common area maintenance (hallways, restrooms, entrance lobbies etc.)
- Utilities (electric, water, gas)
- Insurance (for the structure and property as a whole, including property insurance, general liability insurance etc. as required by a landlord, but the City would also require individual tenants to obtain their own liability insurance for their operation)
- Real estate taxes (none, as the building is City owned and thus tax-exempt)
- Facility management (groundskeeping (landscaping, mowing, snow removal etc.), maintenance of mechanical equipment (changing filters, lightbulbs etc.), exterior maintenance of the building, parking lot maintenance, not including pool chemical treatments or pool maintenance)
- Capital reserve (to fund future building, roof, system maintenance or replacement, etc.)

The operation costs for the building were calculated by Kramer using similar buildings with similar uses as benchmarks, and using industry standards. Once an architectural/engineering firm is hired, their team will further refine the operating costs through the use of energy modelling during design development and a detailed review of finalized tenant agreements.

On October 28, 2024, the City Commission also discussed the requirement for A3 format reports contained in the RFP. Kramer explained the reasons for this report format. Kramer has now provided two sample A3 reports as examples of the format routinely used during the development process.

As noted above, personnel costs for each user of the 400 E. Lincoln building are not included in the operating cost spreadsheet for the building as a whole. However, the City is not only the owner of the building, but also a user, providing access to community space and programming. It is anticipated that additional personnel costs will need to be budgeted in the future, perhaps using existing City staff who may relocate to the building, or adding a position to the Parks and Recreation budget. At this early stage, the City has been working with the YMCA to potentially utilize their front desk staff to provide access for residents to the shared and community spaces during the YMCA's normal operating hours (M-F 6:00am to 9:00pm, Sat 8:00am to 3:00pm and Sunday 10:00am to 5:00pm). An employee of the City will likely need to be added to collect and coordinate schedules of the shared and community use spaces, to monitor usage, and to provide access to community space and programs beyond the YMCA's operating hours. City staff and Kramer are working on an operations plan that would provide access to the building for use of the gymnasium, walking track, pickle ball courts and multi-purpose rooms etc. through the use of a building supervisor/manager potentially employed by the City and funded through the agreements with Next and/or the YMCA. The final design and layout of the building at 400 E. Lincoln will impact future City staffing requirements.

At the direction of the City Commission, the RFP was issued on October 31, 2024, with responses due by November 21, 2024. A final draft of the RFP is attached to this report.

All proposals submitted will be distributed to the SCC members via email on November 22, 2024 for their review and evaluation. The SCC will meet on December 2, 2024 to discuss the responses and to make a recommendation to the City Commission on the selection of an architectural/engineering team.

As noted in the schedule contained in the RFP, it is anticipated that the City Commission will be asked to select the architectural/engineering firm at their meeting on December 9, 2024.

On November 13, 2024, the Planning Board held a study session to determine the best development standards to apply to the new building at 400 E. Lincoln now that the property has been rezoned to PP (Public Property). The Planning Board memo is attached for your review. The Planning Board discussed using the B1 zone district standards as guidelines for the site plan and design review. After much discussion, the Planning Board agreed to finalize their recommendations as to the appropriate development standards at their meeting on December 11, 2024.

Current Project Update:

On November 18, 2024, the City Commission discussed the previous project update report. The Commission referenced the table of information with the Next membership data, population and taxable value for each inter-local partner that was used to determine an equitable funding split between all of the member communities when the project started. Commissioner Baller questioned why the YMCA membership and residency information was not provided in the table. At the time the financial modelling was conducted, it was the City's intention to renovate the existing building only, and the building was to be used primarily as a home for Next, with only a small YMCA presence.

As the project scope has now expanded to include construction of a new senior/recreation center with Next, the YMCA (including a pool) and the City as tenants, previous modelling is obsolete. City staff and Kramer are currently running new financial scenarios based on the expanded project scope. Individual agreements are being drafted to formalize the contractual relationship between the City and Next, and the City and the YMCA, including the financial contributions of each organization, membership discounts, building occupancy, scheduling and maintenance etc. Accordingly, the following YMCA membership and resident data has now been included:

	Total Units	Birmingham 48009	Percentage of Birmingham Members
Household Memberships	1,975	584	29.5%
Individual Memberships	3,899	1,158	29.6%

Kramer has completed an analysis of the space program submitted by Mr. Koseck to the City Commission dated November 10, 2024 and has provided the following comments:

Using the space program that had been updated with Kramer, staff, Next and the YMCA, Mr. Koseck has created three conceptual options for the site. With these options he shows how the footprint of each impacts how parking will fit on the property. Mr. Koseck has also provided some graphical information of considerations for arrangement of different versions of program adjacencies within the building. This is a nice effort and advances layouts of the building from what NORR did because it now includes the pool.

All of this work is what we will get from the architect hired by the City, who will have responsibility for demonstrating and validating concepts in their

schematic design effort. Although I appreciate the effort, I think it is important to let the architectural firm that is selected do their work.

As this is a public project, I am sure they will be open to contributions from all residents as they are the stakeholders of the project.

As a result of former Mayor Elaine McLain's resignation on November 18, 2024, Mayor Pro Tem Baller was appointed by the City Commission to fill the vacant commissioner role on the SCC.

On November 20, 2024, the SCC met to review and discuss a draft RFP to hire a construction manager for the project. Three proposals from the pre-qualified architectural/engineering firms were received on November 21, 2024. All three proposals have been forwarded to the SCC their review and evaluation at their next meeting on December 2, 2024.

	Total Design Fee	Schematic Design Phase Fee
INFORM Studio	\$1,959,999 (8.17%)	\$391,622 (plus expanded services, allowances and reimbursables)
McIntosh Poris	\$2,111,000 (8.79%)	\$416,673 (plus reimbursables)
Neumann Smith	\$1,797,900 (7.49%)	\$354,200 (plus reimbursables)

Finally, the draft letter to our Next inter-local community partners was also sent out after the City Commission approved it on November 18, 2024.

Next Steps:

The next several months will be critical to move the 400 E. Lincoln project along, both at the SCC level and at the City Commission level. Next steps will include:

- The SCC will meet on December 2, 2024 to review and evaluate the proposals received under the RFP issued on October 31, 2024;
- The City Commission will consider the selection of an architectural/engineering team to design the 400 E. Lincoln building on December 9, 2024;
- After the selection of an architectural/engineering team, the design process will immediately kick off at the December 11, 2024 SCC meeting;

- The Kramer Management team and City staff will continue negotiations with both Next and YMCA to formalize lease agreements with each (including apportioned costs and responsibilities, membership rate reductions, public programming, building staffing, community uses, etc.);
- The City Commission will consider holding a special election in May 2025 for a vote on a bond proposal to construct the 400 E. Lincoln building;
- The Kramer Management team and City staff will work with the City's bond attorney to prepare draft bond language for review by the City Commission in January;
- City staff will work with Next to negotiate increased funding allocations from the other Next member communities for Next services and to update the inter-local agreement;
- City staff will continue to monitor the status of the Federal funding request and explore other funding opportunities such as grants, naming rights, donations etc.



November 16, 2024

Ms. Alexandria Bingham, Clerk
City of Birmingham
151 Martin St.
Birmingham, MI 48012-3001

RE: Important Information-Price Changes

Dear Ms. Bingham:

At Comcast, we are committed to delivering the products and services that matter most to our customers in Birmingham, as well as exciting experiences they won't find anywhere else. We are also focused on making our Xfinity network stronger in order to meet our customers' current needs and future demands.

As we continue to invest in our network, products, and services, the cost of doing business rises. While we absorb some of these costs, these cost increases can affect service pricing. As a result, starting December 18, 2024, prices for certain services and fees will be increasing. Please see the enclosed Customer Notice for more information.

We are also making changes to the format of our bills. Beginning on December 10, 2024, customer bills will show the combined price for video service and programming-related fees (such as Broadcast TV and/or Regional Sports Fees, if applicable). This way, customers will see the total cost of their video package all in one place. We also will continue to itemize extras and certain fees so that customers can also see a breakdown of those costs.

We know you may have questions about these changes. If I can be of any further assistance, please contact me at 248-924-4917.

Sincerely,

Eric Woody
Manager of External Affairs
Comcast, Heartland Region
41112 Concept Drive
Plymouth, MI 48170

Attachment: Customer Notice

INFORMATION ONLY

Important information regarding our Xfinity services and pricing

Effective December 18, 2024

Xfinity TV	Current	New
Limited Basic (Includes Broadcast TV Fee)	\$45.40	\$47.20
Choice TV Select	\$43.50	\$48.00
Choice TV Select - with TV Box (Flex upgrade)	\$53.50	\$60.00
Choice TV (Includes Broadcast TV Fee)	\$53.45	\$55.25
Popular TV (Includes Broadcast TV Fee and Regional Sports Fee)	\$103.60	\$97.15
Ultimate TV (Includes Broadcast TV Fee and Regional Sports Fee)	\$123.60	\$126.25
Sports & News (Includes Regional Sports Fee)	\$40.15	\$31.90
Ultimate TV Tier (Includes Regional Sports Fee)	\$20.00	\$29.10
3 Premiums	\$32.00	\$34.00
4 Premiums	\$43.00	\$45.00
5 Premiums	\$54.00	\$56.00
Service to Additional TV	\$10.00	\$12.00

Xfinity TV Service Fees (Included in package price where noted)	Current	New
Broadcast TV Fee	\$23.45	\$25.25
Regional Sports Fee - Popular TV and Sports & News	\$10.15	\$1.90
Regional Sports Fee - Ultimate TV and Ultimate TV Tier	\$10.15	\$11.00

Xfinity Internet	Current	New
Connect	\$66.00	\$69.00
Connect More	\$86.00	\$89.00
Fast	\$96.00	\$99.00
Superfast (No longer available for new subscriptions)	\$106.00	\$109.00
Gigabit	\$116.00	\$119.00
Gigabit Extra	\$126.00	\$129.00
Gigabit x2	\$126.00	\$129.00

Xfinity Discounts	Current	New
Autopay and Paperless Billing Discount (Credit or Debit Card)	\$5.00	\$2.00

Xfinity Equipment	Current	New
TV Box	\$10.00	\$12.00
TV Box + Remote	\$10.00	\$12.00
TV Adapter (Limited Basic — Primary TV)	\$0.00	\$0.50
TV Adapter (Limited Basic — 1st and 2nd Additional TVs)	\$0.00	\$0.50

Beverly Hills, Bingham Farms, Birmingham, Bloomfield, Bloomfield Hills, Franklin, Redford

85291000 (2060,2560,2570,2580,2590,2600,2610)

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INFORMATION ONLY