

BIRMINGHAM CITY COMMISSION AGENDA
DECEMBER 5, 2022
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Therese Longe, Mayor

II. ROLL CALL

Alexandria Bingham, City Clerk

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

ANNOUNCEMENTS

- The City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple-layered masks for attendees.
- Happy Birthday Commissioner Boutros!

APPOINTMENTS

- A. Appointment to the Museum Board
1. Caroline Ashleigh
To appoint _____ to the Museum Board as an alternate member to serve the remainder of a three-year term to expire July 5, 2023.

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.

* City Commission meeting minutes of November 28, 2022 will be available for the December 19, 2022 City Commission meeting.

- A. Resolution to approve the warrant list, including Automated Clearing House payments, dated November 23, 2022, in the amount of \$390,693.98.
- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated November 30, 2022, in the amount of \$938,371.60.
- C. Resolution to approve a special event permit as requested by the Birmingham Bloomfield Chamber to hold the 58th Annual Village Fair on May 31st – June 4th, 2023 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.

- D. Resolution to approve a special event permit as requested by the Birmingham Memorial Day Committee to hold the annual Memorial Day Service on May 29, 2023, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.
- E. Resolution to approve the hiring of PCI Dailey for construction management services for the Front Entrance and Circulation Area of the Baldwin Public Library, to be paid out of account 271.0-790.000-977.0000 (Capital Outlays – Building Improvements). Payment will be based on the bid submittal from October 19, 2022, with a construction management fee of 2.5% of the Guaranteed Maximum Price, to be determined once all subcontract bids are received.
- F. Resolution to confirm the City Manager’s authorization for the emergency expenditure related to backfilling the water main break on the north side of 14 Mile Road west of Shipman Boulevard by D’Angelo Brothers Inc., which is located at 30836 West 8 Mile Road, Farmington Hills, MI 48336, for a cost of \$21,358.00 to be charged to Water Fund account # 591.0-544.000-811.0000, pursuant to Sec. 2-286 of the City Code.
- G. Resolution to confirm the City Manager’s authorization for the emergency expenditure related to the purchase of materials from Carrier & Gable, Inc., for the repair of the west attenuator for the bridge at the S. Eton and Maple Road intersection for a cost of \$8,494.07 to be charged to Bridge Maintenance account for Other Contractual Services Account# 202.0-449.002-811.0000, pursuant to Sec. 2-286 of the City Code.
- H. Resolution to amend Fee Schedule A to add a \$40/unit monthly fee for dumpster rentals.
- I. Resolution to approve the sale of (34) used dumpsters to the Williamsburg of Birmingham Condominiums Complex at \$100 each, totaling \$3400, with Williamsburg Condominiums responsible for maintaining and replacing the dumpsters in the future.
- J. Resolution to authorize the City Clerk to complete the Local Government Approval Notice at the request of Toast Birmingham, LLC, which holds the Class C and SDM License with Sunday Sales (PM) and Outdoor Service Area located at 203 Pierce, Birmingham, Oakland County, MI, to maintain ownership in Toast Birmingham, LLC’s sole member, Toast Holdings, LLC., but to transfer ownership of one of Toast Holdings, LLC’s members, Vision Toast, solely to Regan Bloom.
- K. Resolution to confirm the appointment of Police Captain Scott Grewe to the role of Police Chief of the City of Birmingham.

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

- A. Fiscal Year 2021-2022 Audit Presentation
- B. 2023 48th District Court Budget
- C. Public Hearing to consider the proposed Zoning Ordinance amendment to Article 3, Section 3.04(D)(3) of the Downtown Overlay Parking Requirements
 - 1. Motion to adopt an ordinance to amend Article 3, Section 3.04(D)(3) of the Downtown Overlay Parking Requirements to allow nonresidential uses in the D4 Zone located outside of the former parking assessment district to reduce or eliminate parking requirements under the provision of a Special Land Use Permit per the Planning Board's recommendation.
OR
Motion to adopt a resolution to DENY the proposed Zoning Ordinance Amendment to Article 3, Section 3.04(D)(3) of the Downtown Overlay Parking Requirements to allow nonresidential uses in the D4 Zone located outside of the former parking assessment district to reduce or eliminate parking requirements under the provision of a Special Land Use Permit per the Planning Division's recommendation.
- D. 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.
- E. Commission discussion on items from a prior meeting

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of intention to appoint to the Public Arts Board
 - B. Commissioner Comments
 - C. Advisory Boards, Committees, Commissions' Reports and Agendas
 - D. Legislation
 - E. City Staff
- INFORMATION ONLY

XI. ADJOURN

Should you wish to participate in this meeting, you are invited to attend the meeting in person or virtually through ZOOM: <https://zoom.us/j/655079760> Meeting ID: 655 079 760
You may also present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.

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

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



NOTICE OF INTENTION TO APPOINT TO THE MUSEUM BOARD

At the regular meeting of Monday, December 5, 2022, the Birmingham City Commission intends to appoint one alternate member to the Museum Board to serve the remainder of a three-year term to expire July 5, 2023.

Interested parties may submit an application available at the City Clerk's office on or before noon on Wednesday, November 30, 2022. These applications will appear in the public agenda for the regular meeting at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

Board Duties

The Museum Board is charged with collecting, arranging, cataloguing and preserving historical material. The Board may locate and erect plaques or markers at historic sites, buildings or properties in the City of Birmingham with the consent of the owner or owners of any such property and subject to the approval of the City Commission with respect to properties that, in the opinion of the Board, have historic significance. Further, the Board shall have the power to develop, operate and maintain the Allen House as a museum and to exercise authority, control and management over the Hunter House and John West Hunter Memorial Park.

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

Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria Shall be qualified electors of the City and members of the Birmingham Historical Society	Qualifications
Caroline Ashleigh	Qualified elector and Member of BHS	Art Appraiser, Historian

SUGGESTED ACTION:

To appoint_____ to the Museum Board as an alternate member to serve the remainder of a three-year term to expire July 5, 2023.



MUSEUM BOARD

Chapter 62 - Section 62-26

Terms - Three years - expiring first Monday in July

Eight Members: Six are electors and appointed by city commission
 One member is an Alternate
 One is owner of a business and appointed by the city manager

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Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Barrett	Kristy Hull	(248)504-1981	4/2/2022	7/5/2023
915 Harmon St		<i>kristybarrett1@yahoo.com</i>	Regular Member	
Erickson	Bev	(248) 561-4178	7/26/2021	7/5/2024
1841 Maryland		<i>beverickson@comcast.net</i>	Regular Member/BHS/Friends	
Harris	Alexandria	(248) 686-4077	7/26/2021	7/5/2023
2600 Buckingham		<i>akharrisart@gmail.com</i>	Regular Member/BHS	

BIRMINGHAM HISTORICAL MUSEUM & PARK, 556 West Maple, Birmingham, MI 48009
phone: 248.530.1928 fax: 248.530.1685 www.bhamgov.org/museum
Leslie Pielack, Museum Director: lpielack@ci.birmingham.mi.us

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Hughes 915 Kennesaw	Patrick J	(248)417-0470 <i>phughes@brickstory.com</i>	9/23/2019 City manager Appointee/Business Owner	7/5/2025
Keefer 505 E. Lincoln #4	Judith	(248)249-0996 <i>jlwk2014@gmail.com</i>	7/11/2016 Regular Member/BHS	7/5/2025
Logue 2010 Buckingham	Marty	(248) 649-4921 <i>gtferos@comcast.net</i>	9/26/2011 Regular Member/BHS/Friends	7/5/2023
Shell 1121 Northlawn	Jay R.	(248) 890-6333 <i>jay.shell@gmail.com</i>	8/9/2021 Regular Member/BHS/Friends	7/5/2024
Vacant			Alternate Member	7/5/2023

BIRMINGHAM HISTORICAL MUSEUM & PARK, 556 West Maple, Birmingham, MI 48009
 phone: 248.530.1928 fax: 248.530.1685 www.bhamgov.org/museum
 Leslie Pielack, Museum Director: lpielack@ci.birmingham.mi.us

APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest MUSEUM BOARD

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

Name CAROLINE ASHLEIGH

Phone 248.613.4056

Residential Address 800 E. LINCOLN ST

Email * INFO@APPRAISEYOURART.COM

Residential City, Zip BIRMINGHAM, 48009

Length of Residence 1993 to PRESENT

Business Address 1221 BOWERS ST. #1808

Occupation ART APPRAISER/HISTORIAN

Business City, Zip BIRMINGHAM, 48012

WEBSITE: APPRAISEYOURART.COM
CAROLINE ASHLEIGH.COM

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

* PLEASE SEE ATTACHED CV

List your related employment experience _____

* PLEASE SEE ATTACHED CV

List your related community activities _____

* PLEASE SEE ATTACHED CV

List your related educational experience _____

* PLEASE SEE ATTACHED CV

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

Caroline Ashleigh
Signature of Applicant

October 1, 2022
Date

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

Updated 11/18/2020

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

Appraiser's Qualifications

CAROLINE ASHLEIGH, AAA*, ISA-AM*, NAA*

Appraisal Experience

Specific expertise in Personal Property valuation in the preparation of Mass Appraisals and IRS appraisals for private collectors, estates, fiduciaries, foundations, galleries, and museums for insurance and IRS purposes. Specialty areas include: fine and decorative art, celebrity memorabilia, folk art, collectibles, textiles, documents, books and manuscripts, antiquities, and luxury accessories

Education

USPAP Compliant Appraiser through 2024

Uniform Standards of Professional Appraisal Practice-Tested & Passed: 1997, 2007, 2012, 2014, 2016, 2018, 2022

New York University New York, New York - Graduate of Appraisal Studies in Fine and Decorative Arts

University of Colorado at Boulder/Worcester College at Worcester

Bachelors of Art, Art History/Education/Summa Cum Laude

Professional Affiliations, Accreditations and Designations

Appraisers Association of America (AAA), Certified Member*

International Society of appraisers (ISA), Accredited Member*

National Auctioneers Association, (NAA), Former Member*

Art & Antiques Advisors

Arts & Antiques Aficionados

Art Insurance Advisors Group

Art Professionals Worldwide

Expert Witness Network

Film and TV Professionals

Fine Art Professionals & Collectors

High Value Personal Property Experts

PBS's *Antiques Roadshow* & *HG-TV* Senior Appraiser

Trusts and Estates Network

Ms. Ashleigh is a graduate of New York University in Appraisal Studies in Fine and Decorative Arts, and is a Certified Member of the Appraisers Association of America since 1995 and a former Accredited Member in good standing of the International Society of Appraisers, as well as, a former Member in good standing of the National Auctioneers Association of America. She has served as Co-Chairman of the National Conference Committee and Midwest Regional Representative of the Appraisers Association of America. She is a current USPAP (Uniform Standards of Professional Appraisal Practice) Compliant Appraiser since 1997, and has completed specialized training in Art Crime Investigation by the founder of the FBI Art Crime Team, and has completed Expert Witness Training. She is a current Advisory Board Member of Find Art Experts.com and Art Curator for several major private collections.

Ms. Ashleigh's career began in the museum world as a member of the Educational Department staff and Docent Board of Directors of the Detroit Institute of Arts in Detroit, Michigan, and Cranbrook Academy of Art in Bloomfield Hills, Michigan. She became involved in art appraising and founded Caroline Ashleigh Appraisers and Auctioneers, where she catalogued important collections, estates, archives, and served as an expert in court cases. She has worked closely with major museums and foundations, and served as a consultant to several major auction houses including Sotheby's, Doyle Auctioneers in New York, Leslie Hindman Auctioneers in Chicago, and as Consignment Director and Personal Auction Concierge at Heritage Auctions in Dallas, Texas. She is a nationally known appraiser and has regularly appeared on the PBS program *Antiques Roadshow* since 1996, and as an art expert on *HG-TV*. Ms. Ashleigh lectures extensively on connoisseurship and is a columnist and author on art and antiques. She is a contributing author on arts and antiques to the *Antiques Roadshow Collectibles Primer*, the *Antiques Roadshow Insider Magazine*; *Art and Antiques Magazine*; *All About Appraising: The Definitive Appraisal Handbook*; *Antiques Roadshow - Behind the Scenes*; and *Warman's Antiques & Collectibles Price Guides - 43rd and 44th Editions*. She has been the subject of feature presentations in the *New York Times*, *Art and Antiques Magazine*, *Forbes Magazine*, *Craigslist Business*, *Hour Magazine*, and served as consultant to *CBS News*, "Inside Edition" on the subject of fakes and frauds. She is the author of *Warman's Field Guide* published in 2010, and worked with New York University and the Appraisers Association of America to develop online accredited courses for appraisers and specialized exams for certification purposes.

Caroline Ashleigh Associates, LLC received the Best of Birmingham Award in the Auctioneers and Appraisers category for a company that achieved exceptional marketing success through the implementation of programs that generate competitive advantages and demonstrable success by setting benchmarks in the small business community. Caroline Ashleigh Associates, LLC was also selected for the Michigan Excellence Award amongst its peers and competitors by the Small Business Institute for Excellence in Commerce for upholding business ethics and company values.

ARTICLE II. - MUSEUM BOARD

*Footnotes:**--- (2) ---***Editor's note**— *Ord. No. 2005, adopted January 25, 2010, amended article II in its entirety to read as herein set out.**Formerly, article II pertained to the historical board, and derived from the Code of 1963, §§ 1.201—1.210, and Ord. No. 1719, adopted December 20, 1999.***Cross reference**— *Boards and commissions, § 2-171 et seq.*

Sec. 62-26. - Establishment; composition.

- (a) There is hereby established the museum board for the city which shall consist of seven members who shall serve without compensation. Six of the members shall be appointed by the city commission and shall be qualified city electors. One member shall be the owner of a business located in the city to be appointed by the city manager with the concurrence of the city commission (need not be a resident). A majority of the members of the museum board shall also be members of the Birmingham Historical Society.
- (b) In addition to the seven members of the museum board, the city commission shall appoint one alternate member to serve a term of three years, who shall be a qualified city elector.

(Ord. No. 2005, 1-25-10; Ord. No. 2349, 7-20-20)

Sec. 62-27. - Terms of members.

Each member shall be appointed for a term of three years ending on the first Monday of July of the third year after appointment, or upon the appointment of his successor, whichever is later, except that in the first instance three of the members shall be appointed for a one-year term and two shall be appointed for two-year terms. Members of the museum board shall hold office at the pleasure of the city commission. Vacancies occurring other than through the expiration of term shall be filled for the unexpired term by the city commission.

(Ord. No. 2005, 1-25-10)

Sec. 62-28. - Organization.

The museum board shall elect a chairman from its membership annually at its first meeting after the first Monday of July. The city clerk shall be a nonvoting ex officio member of the museum board and shall serve as its secretary; and the city treasurer shall be a nonvoting ex officio member of the museum board and shall serve as its treasurer.

(Ord. No. 2005, 1-25-10)

Sec. 62-29. - Meetings.

The museum board shall hold at least one regular public meeting in each quarter on such date and at such time and place as may be established by resolution of the museum board. Special meetings may be called by the secretary on the written request of the chairman or any three members of the museum board on at least two days' notice. The museum board shall adopt such rules for the conduct of its business as it may from time to time adopt by resolution. The museum board shall keep a written or printed record of its proceedings which shall be a public record and property of the city.

(Ord. No. 2005, 1-25-10)

Sec. 62-30. - Expenditures.

The museum board shall have the power to expend such funds as may from time to time be appropriated to it by the city commission or otherwise received by it for the purpose of carrying out the powers and duties of the museum board. An account of all its receipts and expenditures shall be maintained which shall be a public record and property of the city.

(Ord. No. 2005, 1-25-10)

Sec. 62-31. - Powers and duties.

- (a) Mission statement. The Birmingham Museum will explore meaningful connections with our past, in order to enrich our community and enhance its character and sustainability. Our mission is to promote understanding of Birmingham's historical and cultural legacy through preservation and interpretation of its ongoing story.
- (b) In general, it shall be the duty of the museum board to:
 - (1) Collect, arrange, catalogue and preserve historical material including books, pamphlets, maps, charts, manuscripts, papers, records and archives, paintings, statuary and other objects and materials relating to the history of the city and the surrounding area;
 - (2) Procure and preserve narratives of the residents of such area;
 - (3) Collect material of every description relative to the history, and culture of our Oakland County Native American tribes;
 - (4) Collect, prepare and display objects indicative of the life, customs, dress and resources of the residents of this area; and
 - (5) Make available from time to time source materials and historical studies relative to and illustrative of the history of the area.
- (c) The museum board shall have the power, with the assistance of all city public officials, to collect from the public offices in the city reproductions of any records, files, documents, books and

papers which, in the opinion of the museum board are of historical value.

(d) The museum board shall have the power to develop, operate and maintain the 1928 Allen House, 1822 John West Hunter House and John West Hunter Memorial Park, as part of the Birmingham Museum, as a museum and to serve as an advisory authority exercising control and management over this cultural resource.

(e) The museum board shall have the power to raise funds for the exercise of its powers and duties.

(Ord. No. 2005, 1-25-10; Ord. No. 2176, 3-14-16)

Sec. 62-32. - Executive director.

There shall be an executive director who shall be an employee of the city. The executive director shall, among other duties as established by the museum board, operate and manage the museum. The executive director shall report to the museum board and shall be appointed, removed and supervised by the city manager. The executive director shall attend all meetings of the museum board.

(Ord. No. 2005, 1-25-10)

Sec. 62-33. - Reports.

The museum board shall make and submit to the city commission annually a report of the general activities, operation, and condition of the Birmingham Museum for the preceding 12 months. The museum board shall, from time to time, as occasion requires, either in the annual report, or at any time deemed necessary by the museum board, advise the city commission in writing on all matters necessary and proper for and pertaining to the proper operation of the Birmingham Museum and any of its activities or properties.

(Ord. No. 2005, 1-25-10; Ord. No. 2176, 3-14-16)

Sec. 62-34. - Budget.

The executive director, on behalf of the museum board, will submit a complete itemized budget for the ensuing fiscal year to the city manager based on guidelines established in the city budgetary process.

(Ord. No. 2005, 1-25-10)

Sec. 62-35. - Protection of property.

No person shall take, use, or occupy any property under the control of the museum board except in accordance with such rules and regulations governing such as may from time to time be prescribed by the museum board.

City of Birmingham

Warrant List Dated 11/23/2022

Meeting of 12/05/2022

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
289117	*	000855	48TH DISTRICT COURT	267.00
289118	*	006965	7UP DETROIT	365.60
289119	*	009346	ACCUFORM PRINTING & GRAPHICS, INC	4,380.00
289120	*	TAXMISC	ALINA GUSEYNOVA	447.30
289121		009372	ALLIED FIRE SALES & SERVICE	379.95
289122		BDREFUND	ARMANDO GIUSEPPE INC	2,000.00
289123	*	001357	ART/DESIGN GROUP LTD	327.50
289124	*	006759	AT&T	293.45
289125	*	006759	AT&T	585.29
289126	*	003703	AT&T MOBILITY	806.58
289127		BDREFUND	AUTO GLASS BLOCK INC	100.00
289128		000843	BAKER & TAYLOR BOOKS	419.82
289129		BDREFUND	BAM CONSTRUCTION AND DEVELOPMENT	200.00
289130	*	001282	BEAR PACKAGING & SUPPLY INC	436.88
289131		MISC	BEDROCK EXPRESS, LTD	657.80
289132		BDREFUND	BELFOR USA GROUP INC	200.00
289133		BDREFUND	BENINATI POOL AND SPA	1,000.00
289134		003361	BERGER CHEVROLET	29,916.00
289135		008355	BIRMINGHAM PUBLIC SCHOOLS	667.03
289136		BDREFUND	BOJI GROUP	500.00
289137		BDREFUND	BOTTOMS UP BASEMENT FINISHING	100.00
289138		BDREFUND	BRICKHEADS MASONRY & CONCRETE	100.00
289139	*	006953	JACQUELYN BRITO	107.92
289140		BDREFUND	BRYCZ, LAWRENCE M	400.00
289141	*	005717	BSB COMMUNICATIONS, INC.	2,089.45
289142		BDREFUND	BUTCHER & BUTCHER CONSTRUCTION COMP	100.00
289143		003907	CADILLAC ASPHALT, LLC	464.82
289144		BDREFUND	CAMPBELL, AMAL A	714.19
289145	*	UBREFUND	CAPITAL TITLE INSURANCE	299.13
289146	*	MISC	CATHERINE PETERSON	78.76
289147		BDREFUND	CHINOY, AAMIR	100.00
289148		000605	CINTAS CORPORATION	209.76
289149	*	000605	CINTAS CORPORATION	225.59
289150	*	008006	CLEAR RATE COMMUNICATIONS, INC	1,639.25
289151	*	008955	COMCAST	243.35
289152		000979	COMERICA BANK	4,310.29
289153		BDREFUND	CONSTRUCTION FLEET LLC	100.00
289154	*	000627	CONSUMERS ENERGY	1,002.37
289155	*	TAXMISC	CORELOGIC TAX SERVICE	1,195.13
289156		BDREFUND	CREGGER SERVICES INC	809.46
289157		009529	DAVEY RESOURCE GROUP, INC.	2,275.00
289158	*	TAXMISC	DAVID KIRCOS	984.80

City of Birmingham
Warrant List Dated 11/23/2022

Meeting of 12/05/2022

Check Number	Early Release	Vendor #	Vendor	Amount
289159	*	MISC	DAVID PRATT	99.30
289160		BDREFUND	DECRA-SCAPE INC	100.00
289161		000575	DEMCO, INC	86.73
289162	*	TAXMISC	DENNIS ROZEMA MA LPC	10.62
289163	*	000179	DTE ENERGY	1,364.53
289164	*	000180	DTE ENERGY	8,845.96
289165		004493	ELITE IMAGING SYSTEMS, INC	1,002.49
289166	*	008970	ENCODEPLUS, LLC	180.00
289167		BDREFUND	FAYNE, RANDY J	100.00
289168		BDREFUND	FOUNDATION SYSTEMS OF MICHIGAN INC.	300.00
289169		BDREFUND	GARDNER SIGNS INC	300.00
289170	*	004604	GORDON FOOD	808.60
289171	*	000245	GREAT LAKES POPCORN CO	369.75
289172		000249	GUARDIAN ALARM	289.05
289173		BDREFUND	HANSONS GROUP LLC	500.00
289174		006346	HARRELL'S LLC	8,554.46
289175	*	001956	HOME DEPOT CREDIT SERVICES	716.82
289176		BDREFUND	HOME DEPOT USA INC	1,000.00
289177		BDREFUND	Home Exteriors of Michigan LLC	100.00
289178	*	009563	HOWIES HOCKEY INC	97.78
289179		BDREFUND	HUNTER COLE HOMES	2,000.00
289180		000342	IBS OF SE MICHIGAN	600.12
289181		BDREFUND	IDEAL BUILDERS AND REMODELING INC	1,713.18
289182	*	009335	JOEL WILLIAM INGERSOLL	535.00
289183		001090	INGRAM LIBRARY SERVICES	19,416.60
289187		BDREFUND	Initial Investments Incorporated	100.00
289188		009551	INTERMEDIA. NET INC	750.50
289189		BDREFUND	ITEC ENTERPRISES LLC	1,000.00
289190	*	MISC	JAMES KELLY	99.30
289191		BDREFUND	JOHN MCCARTER CONSTRUCTION LLC	500.00
289192		000347	JOHN R. SPRING & TIRE CENTER INC.	2,334.90
289193	*	UBREFUND	JOHN STANSELL	131.14
289194		BDREFUND	K & A SIGNS, INC	200.00
289195		005291	KAESER & BLAIR INC	394.37
289196		BDREFUND	KEARNS BROTHERS INC	100.00
289197		004904	KONICA MINOLTA BUSINESS SOLUTIONS	2,309.00
289198	*	000362	KROGER COMPANY	110.94
289199		008553	L.G.K. BUILDING, INC	13,175.14
289200		BDREFUND	LARRY BRYCZ	200.00
289201		BDREFUND	LYNCH CUSTOM HOMES	2,550.00
289202		BDREFUND	MAAN HASSAN DARWICHE	500.00
289203		BDREFUND	MACDERMOTT ROOFING	200.00
289204	*	TAXMISC	MARTA MARTIN-IBANEZ	157.17

City of Birmingham
Warrant List Dated 11/23/2022

Meeting of 12/05/2022

Check Number	Early Release	Vendor #	Vendor	Amount
289205		000888	MCKENNA ASSOCIATES INC	33,101.63
289206		009445	MCSA GROUP, INC.	410.26
289207	*	BDREFUND	METAL ROOFS OF MICHIGAN LLC	400.00
289208		BDREFUND	MICHIGAN BASEMENTS	200.00
289209		001660	MICHIGAN CAT	116.58
289210	*	000377	MICHIGAN MUNICIPAL LEAGUE	2,160.00
289211	*	006461	MID AMERICA RINK SERVICES	95.53
289212		BDREFUND	MILLS SIDING & ROOFING	200.00
289213		BDREFUND	MR ROOF HOLDING CO LLC	100.00
289214		BDREFUND	NC CEMENT	100.00
289215		BDREFUND	NELSON BROS SWR & PLBG SVC INC	859.89
289216		BDREFUND	NEXT LEVEL CUSTOM BRICK	200.00
289217		BDREFUND	NOE, GENE D	100.00
289218	*	004370	OCCUPATIONAL HEALTH CENTERS	514.00
289219		BDREFUND	OFFER & ASSOCIATES INC	200.00
289220		006785	OVERDRIVE, INC.	16,253.75
289221		BDREFUND	PANDOLFI, ERNEST	2,000.00
289222	*	006691	SCOT POUNDERS	17.50
289223		BDREFUND	PRODAN, JORDAN	100.00
289224		003447	RAFT	1,200.00
289225		002566	REYNOLDS WATER	106.00
289226		BDREFUND	RIASHI CONTRACTING INC	100.00
289227		009424	ROSS HOSPITAL FOR ANIMALS	237.00
289228		000221	RUSSELL HARDWARE COMPANY	4.60
289229		BDREFUND	RUSZKOWSKI CONSTRUCTION	300.00
289230		BDREFUND	SAMIR EID	100.00
289231		BDREFUND	SCHROT JR, JOHN J	225.00
289232		BDREFUND	SHELBY MECH LLC	45.00
289233		BDREFUND	SIGNARAMA/TROY	200.00
289234		BDREFUND	SMOLYANOV HOME IMPROVMENT	100.00
289235		BDREFUND	SOLIS CEMENT	100.00
289236		007907	SP+ CORPORATION	3,068.00
289237		000260	SPARTAN DISTRIBUTORS INC	1,217.01
289238	*	009184	SPECTRUM PRINTERS INC	341.42
289239	*	001005	STATE OF MICHIGAN	323.40
289240		BDREFUND	STRAWBERRY SOLAR	200.00
289241		004544	STRYKER SALES CORPORATION	103.28
289242		000286	TARGET SPECIALTY PRODUCTS	11,340.51
289243	*	TAXMISC	THE CENTER FOR GROWTH	49.51
289244		BDREFUND	TIMLIN, BRYAN A	2,500.00
289245		000275	TIRE WHOLESALERS CO INC	840.96
289246		BDREFUND	TOTAL ASPHALT PAVING INC	100.00
289247		BDREFUND	TRESNAK CONSTRUCTION INC	100.00

City of Birmingham

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Check Number	Early Release	Vendor #	Vendor	Amount
289248		BDREFUND	TRI PHASE COMMERCIAL CONST LLC	100.00
289249		BDREFUND	TROY WOOD	1,000.00
289250	*	004379	TURNER SANITATION, INC	220.00
289251		BDREFUND	TWINS GROUP LLC	100.00
289252	*	000293	VAN DYKE GAS CO.	168.54
289253	*	000158	VERIZON WIRELESS	1,147.90
289254	*	000158	VERIZON WIRELESS	731.24
289255	*	000158	VERIZON WIRELESS	49.11
289256		BDREFUND	WALLSIDE INC	500.00
289257		009026	WELLS FARGO VENDOR FIN SERV	677.87
289258		001490	WEST SHORE FIRE INC	3,089.31
289259	*	TAXMISC	WILLIAM WILT JR	30.00
289260	*	005794	WINDSTREAM HOLDINGS INC	320.04
289261	*	008391	XEROX CORPORATION	179.69
SUBTOTAL PAPER CHECK				\$223,747.45
<u>ACH TRANSACTION</u>				
21		009126	AMAZON CAPITAL SERVICES INC	196.65
6568	*	009323	ALEXANDRIA BINGHAM	97.39
6569		009126	AMAZON CAPITAL SERVICES INC	201.56
6570		009126	AMAZON CAPITAL SERVICES INC	168.97
6571		009126	AMAZON CAPITAL SERVICES INC	98.66
6572		009126	AMAZON CAPITAL SERVICES INC	22.74
6573		009126	AMAZON CAPITAL SERVICES INC	20.95
6574		009126	AMAZON CAPITAL SERVICES INC	47.98
6575		009126	AMAZON CAPITAL SERVICES INC	62.87
6576		009126	AMAZON CAPITAL SERVICES INC	47.81
6577		009126	AMAZON CAPITAL SERVICES INC	78.44
6578	*	009126	AMAZON CAPITAL SERVICES INC	14.46
6579		009126	AMAZON CAPITAL SERVICES INC	37.94
6580	*	009126	AMAZON CAPITAL SERVICES INC	139.95
6581		009126	AMAZON CAPITAL SERVICES INC	215.94
6582		009126	AMAZON CAPITAL SERVICES INC	48.96
6583		009126	AMAZON CAPITAL SERVICES INC	75.41
6584		009126	AMAZON CAPITAL SERVICES INC	26.96
6585		009126	AMAZON CAPITAL SERVICES INC	52.95
6586		009126	AMAZON CAPITAL SERVICES INC	456.00
6587		009126	AMAZON CAPITAL SERVICES INC	278.93
6588	*	000517	BEIER HOWLETT P.C.	339.25
6589	*	000518	BELL EQUIPMENT COMPANY	190.65
6590	*	007345	BEVERLY HILLS ACE	97.29
6591		006683	BIRMINGHAM LAWN MAINTENANCE, INC	8,692.00
6592		009183	BOB ADAMS TOWING	172.50
6593		007875	CANFIELD EQUIPMENT SERVICE INC.	3,886.12

City of Birmingham
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Check Number	Early Release	Vendor #	Vendor	Amount
6594	*	008044	CLUB PROPHET	540.00
6595		001367	CONTRACTORS CONNECTION INC	391.70
6596	*	009250	ERIKA BASSETT	2,125.80
6597	*	007807	G2 CONSULTING GROUP LLC	471.24
6598	*	000243	GRAINGER	601.54
6599	*	001672	HAYES PRECISION INC	53.00
6600		007927	MICHELLE HOLLO	700.00
6601		000331	HUBBELL ROTH & CLARK INC	33,575.00
6602	*	007870	J.C. EHRLICH CO. INC.	103.96
6603		000261	J.H. HART URBAN FORESTRY	20,436.25
6604	*	002576	JAX KAR WASH	236.00
6605		009298	JCR SUPPLY INC	237.11
6606	*	003458	JOE'S AUTO PARTS, INC.	34.38
6607	*	007827	HAILEY R KASPER	292.50
6608	*	000891	KELLER THOMA	663.75
6609	*	005550	LEE & ASSOCIATES CO., INC.	159.00
6610		002013	MIDWEST TAPE	10,094.65
6611		008336	NBS COMMERCIAL INTERIORS	792.00
6612		001194	NELSON BROTHERS SEWER	536.00
6613		007755	NETWORK SERVICES COMPANY	1,448.10
6614	*	006359	NYE UNIFORM COMPANY	546.50
6615	*	005688	PEGASUS ENTERTAINMENT INC	950.00
6616	*	001753	PEPSI COLA	777.62
6617	*	001062	QUALITY COACH COLLISION	390.00
6618	*	001181	ROSE PEST SOLUTIONS	297.00
6619		000757	SCHOLASTIC INC	980.00
6620		000254	SOCRRA	73,144.00
6621		005861	UNIQUE MGMT SERVICE, INC	72.10
6622	*	000969	VIGILANTE SECURITY INC	528.00
SUBTOTAL ACH TRANSACTION				\$166,946.53
GRAND TOTAL				\$390,693.98

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



Mark Gerber
Finance Director/ Treasurer

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

City of Birmingham

Warrant List Dated 11/30/2022

Meeting of 12/05/2022

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
289262	*	000855	48TH DISTRICT COURT	200.00
289263		005358	AARON'S EXCAVATING INC	2,500.00
289264		006638	ACTION MAT & TOWEL RENTAL, INC	70.72
289265	*	009393	AMANDA MCBRIDE	750.00
289266	*	009126	AMAZON CAPITAL SERVICES INC	9.69
289267	*	009126	AMAZON CAPITAL SERVICES INC	29.99
289268		000167	ANDERSON ECKSTEIN WESTRICK INC	5,237.20
289269	*	007510	GRANT ANKNEY	25.00
289270		000500	ARTECH PRINTING INC	47.00
289271	*	006759	AT&T	2,330.52
289272		001122	BOB BARKER CO INC	297.56
289273	*	009383	BATTIE LAW PLLC	1,450.00
289274	*	009567	BIRDI INC	5,000.00
289275		003907	CADILLAC ASPHALT, LLC	370.58
289276		000595	CARRIER & GABLE INC	8,494.07
289277		000605	CINTAS CORPORATION	26.60
289278	*	000912	MARK CLEMENCE	69.94
289279	*	008955	COMCAST	384.04
289280	*	000979	COMERICA BANK	5,894.87
289281	*	000627	CONSUMERS ENERGY	3,173.65
289282		008512	COOL THREADS EMBROIDERY	887.89
289283		009024	THE D.M. BURR GROUP	4,819.00
289284	*	MISC	DOMINIC LANE	17.50
289285	*	000179	DTE ENERGY	5,116.19
289286	*	000179	DTE ENERGY	144.57
289287	*	000179	DTE ENERGY	170.34
289288	*	000179	DTE ENERGY	17.77
289289	*	000179	DTE ENERGY	42.77
289290	*	000179	DTE ENERGY	1,675.22
289291	*	000179	DTE ENERGY	37.47
289292	*	000179	DTE ENERGY	199.11
289293	*	000179	DTE ENERGY	5,696.57
289294	*	000179	DTE ENERGY	1,610.55
289295	*	000179	DTE ENERGY	2,575.75
289296	*	000179	DTE ENERGY	14.79
289297	*	000179	DTE ENERGY	1,556.74
289298	*	000179	DTE ENERGY	31.76
289299	*	000179	DTE ENERGY	15.44
289300	*	000179	DTE ENERGY	22.31
289301	*	000179	DTE ENERGY	545.31
289302	*	000179	DTE ENERGY	142.00
289303		000179	DTE ENERGY	19.99

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Check Number	Early Release	Vendor #	Vendor	Amount
289304		004615	ENGLISH GARDENS	2,973.48
289305		001495	ETNA SUPPLY	197.96
289306		001223	FAST SIGNS	304.95
289307	*	000936	FEDEX	30.10
289308		005651	FINDAWAY WORLD, LLC	896.85
289309	*	008131	FINISHMASTER INC	706.45
289310	*	009193	FIRESTATIONFURNITURE.COM	99.00
289311		007366	FIRST ADVANTAGE OCCUPATIONAL CORP	44.23
289312	*	008007	GREAT LAKES WATER AUTHORITY	8,174.93
289313	*	006666	GRID 4 COMMUNICATIONS INC.	225.00
289314	*	001956	HOME DEPOT CREDIT SERVICES	3,408.57
289315	*	007211	HOME DEPOT CREDIT SERVICES	298.00
289316		MISC	JESSICA S MCALPINE	25.98
289317		MISC	JODEE LYNN-A GIBSON	17.99
289318	*	009403	JUSTIN ZAYID	500.00
289319		MISC	LAUREN FREUND	16.99
289320	*	009386	LAW OFFICE OF BRIAN P. FENECH	1,700.00
289321	*	009388	LAW OFFICE OF PATRICK G. GAGNIUK	1,615.00
289322		009375	LITHIA MOTORS, INC SUPPORT SERVICES	55.68
289323	*	TAXMISC	MARY RAFTERY	4,148.05
289324		009351	MERRITT CIESLAK DESIGN PLC	33,645.00
289325	*	000377	MICHIGAN MUNICIPAL LEAGUE	37.00
289326		001387	MICHIGAN MUNICIPAL LEAGUE	3,522.00
289326	*	001387	MICHIGAN MUNICIPAL LEAGUE	69,722.00
289327	*	006227	MICHIGAN RECREATIONAL CONSTRUCTION	70,825.00
289328		006349	MIDWEST COLLABORATIVE	60.00
289329		000230	MIKE SAVOIE CHEVROLET INC	84.95
289330	*	001686	OAKLAND CO CLERKS ASSOC	40.00
289331		000919	OAKLAND COUNTY TREASURER	309,159.68
289332	*	003461	OBSERVER & ECCENTRIC	1,371.98
289333	*	004370	OCCUPATIONAL HEALTH CENTERS	136.00
289334	*	009478	ODP BUSINESS SOLUTIONS, LLC	387.18
289335	*	006625	PTS COMMUNICATIONS, INC	78.00
289336	*	009397	RABAA PLLC	500.00
289337	*	008342	RAIN MASTER CONTROL SYSTEMS	29.85
289338	*	009222	SAVERS WHOLESALE PRINTING	3,008.66
289339		007527	SHEPPARD ENGINEERING P.C.	2,047.50
289340		003483	SHERWIN WILLIAMS COMPANY	96.82
289341	*	007907	SP+ CORPORATION	5,430.00
289342	*	009384	THE EDITH BLAKNEY LAW FIRM, PLLC	300.00
289343		005806	ULINE	292.66
289344	*	005449	UNEMPLOYMENT INS AGENCY	12,146.63
289345	*	009093	UNIVERSAL FIDELITY LP	93.16

City of Birmingham

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Check Number	Early Release	Vendor #	Vendor	Amount
289346	*	000158	VERIZON WIRELESS	127.92
289347	*	000158	VERIZON WIRELESS	1,004.06
289348	*	004497	WATERFORD REGIONAL FIRE DEPT.	249.80
289349	*	008391	XEROX CORPORATION	628.15
SUBTOTAL PAPER CHECK				\$602,183.68
<u>ACH TRANSACTION</u>				
6569		009126	AMAZON CAPITAL SERVICES INC	(197.99)
6626		009126	AMAZON CAPITAL SERVICES INC	230.59
6627		009126	AMAZON CAPITAL SERVICES INC	20.02
6628		009126	AMAZON CAPITAL SERVICES INC	119.50
6629		009126	AMAZON CAPITAL SERVICES INC	106.76
6630		009126	AMAZON CAPITAL SERVICES INC	149.97
6631		009126	AMAZON CAPITAL SERVICES INC	14.99
6632		009126	AMAZON CAPITAL SERVICES INC	54.22
6633		009126	AMAZON CAPITAL SERVICES INC	34.99
6634		009126	AMAZON CAPITAL SERVICES INC	219.98
6635	*	009126	AMAZON CAPITAL SERVICES INC	171.05
6636		009126	AMAZON CAPITAL SERVICES INC	128.69
6637		009126	AMAZON CAPITAL SERVICES INC	28.02
6638		009126	AMAZON CAPITAL SERVICES INC	8.57
6639		009126	AMAZON CAPITAL SERVICES INC	9.99
6640		009126	AMAZON CAPITAL SERVICES INC	23.99
6641		009126	AMAZON CAPITAL SERVICES INC	135.96
6642	*	001357	ART/DESIGN GROUP LTD	455.00
6643	*	007345	BEVERLY HILLS ACE	14.37
6644	*	008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	75,555.17
6645		007875	CANFIELD EQUIPMENT SERVICE INC.	9,275.18
6646		001367	CONTRACTORS CONNECTION INC	257.85
6647	*	009195	CROWN CASTLE FIBER LLC	4,490.20
6648	*	007807	G2 CONSULTING GROUP LLC	13,323.50
6649	*	000243	GRAINGER	584.32
6650		000261	J.H. HART URBAN FORESTRY	23,523.50
6651		000186	JACK DOHENY COMPANIES INC	236.22
6652	*	003458	JOE'S AUTO PARTS, INC.	22.24
6653	*	008827	KANOPY, INC	457.30
6654		004085	KONE INC	592.20
6655	*	009392	LAMB LEGAL CONSULTING SERVICES	500.00
6656	*	009385	LAW OFFICE OF MICHAEL J. DICK	1,723.00
6657	*	009398	MARCIA C ROSS PC	1,590.00
6658		009276	NEWTONS SOLUTIONS LLC	650.00
6659		001864	NOWAK & FRAUS ENGINEERS	40,637.00
6660	*	006359	NYE UNIFORM COMPANY	373.50
6661	*	008843	OAKLAND COUNTY TREASURER- TAX PYMNT	123,679.77

City of Birmingham
Warrant List Dated 11/30/2022

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Check Number	Early Release	Vendor #	Vendor	Amount
6662	*	009395	ORLANDO LAW PRACTICE PC	300.00
6663	*	002767	OSCAR W. LARSON CO.	113.45
6664	*	006027	PENCHURA, LLC	5,977.00
6665	*	000254	SOCRRA	49.30
6666	*	001097	SOCWA	26,263.55
6667		009254	THOMAS M MARKUS	535.00
6668	*	009379	YELLOW DOOR LAW	3,750.00
SUBTOTAL ACH TRANSACTION				\$336,187.92
GRAND TOTAL				\$938,371.60

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



Mark Gerber
Finance Director/ Treasurer

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



MEMORANDUM

City Clerk's Office

DATE: November 28th, 2022

TO: Thomas M. Markus, City Manager

FROM: Alexandria Bingham, City Clerk

SUBJECT: Special Event Application: 58th Annual Village Fair

INTRODUCTION:

Birmingham Bloomfield Chamber has submitted a special event application to hold the 58th Annual Village Fair on May 31st – June 4th, 2023. Set up for the event is scheduled for May 30th & 31st, 2023. The event begins May 31st with a special event from 5 pm – 10 pm. June 1st, 12 pm – 10 pm, June 2nd, 12 pm – 11 pm, June 3rd, 11 am – 11 pm and June 4th, 12 pm – 9 pm. Tear down of event is June 4th, 2023 from 9 pm – 12 am.

BACKGROUND:

Departments reviewed the presented event details. DPS, Planning, Building, Engineering, Police, and Fire have indicated their approval. SP+ Parking has been notified of the event for planning purposes.

The following events occur in May – June 2023 in Birmingham, and do not pose a conflict for this event:

Memorial Day Service	5-29-2023	Shain Park
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LEGAL REVIEW:

n/a

FISCAL IMPACT:

n/a

PUBLIC COMMUNICATIONS:

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

SUMMARY:

The City Commission is being asked to approve a special event permit for the 58th Annual Village Fair to be held May 31st, 2023 – June 4th, 2023 open hours varied between 11 am – 11 pm, with set up May 30 & 31st from 1 am – 3 pm. Tear down will begin June 4th, from 9 pm – 12 am.

ATTACHMENTS:

1. Special Event application
2. Notification letter with map of event area distributed to residents/businesses within 300 feet of the event area dated 11-09-2022. Notification addresses are on file in the Clerk's Office.
3. Hold Harmless Agreement
4. Department Approval page with comments and estimated costs

SUGGESTED COMMISSION ACTION:

To make a motion adopting a resolution to approve a special event permit as requested by the Birmingham Bloomfield Chamber to hold the 58th Annual Village Fair on May 31st – June 4th, 2023 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.

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

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

Police Department acknowledgement: _____

I. EVENT DETAILS

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

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

(Please print clearly or type)

Date of Application 10/28/22

Name of Event 58TH Annual Village Fair

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

Annual community fair with rides and games.

Location Shain Park on Martin St. between Pierce and Chester. Also on ^{Bates +} Henrietta.

Date(s) of Event May 31 - June 4, 2023 Hours of Event Varies day to day

Date(s) of Set-up May 30 Hours of Set-up 1 AM - 3 PM

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

Date(s) of Tear-down June 4, 2023 Hours of Tear-down 9 PM - 12 AM

Organization Sponsoring Event Birmingham Bloomfield Chamber

Organization Address 725 S. Adams, Suite 130, Birmingham, MI 48009

Organization Phone 248-644-1700

Contact Person Kelly Bennett / Joe Bauman

Contact Phone 248-430-7688 / 248-430-6135

Contact Email Kellyb@bxc.com

II. EVENT INFORMATION

1. Organization Type Civic organization/fundraiser for the Chamber
(city, non-profit, community group, etc.) and benefits multiple local non-profits
2. Additional sponsors or participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.) TBD
3. *The city encourages collaboration amongst non-profit organizations to bring the greatest benefit to the community. Please explain your efforts to do so
The chamber partners with our Non-Profit Network to coordinate volunteers and each participating non-profit group receives a portion of fair proceeds.
4. Is the event a fundraiser? YES ☒ NO ☐
List beneficiary primary beneficiary is the BBChamber
List expected income 25,000 Attach information about the beneficiary.
\$ 35000
5. First time event in Birmingham? YES ☐ NO ☒
If no, describe 58TH Annual
6. Total number of people expected to attend per day thousands (weather permitting)
7. The event will be held on the following City property: (Please list)
☒ Street(s) Martin St. between Pierce + Chester; Bates and Henrietta;
the corner of Pierce + Martin will not be blocked. Henrietta,
☒ Sidewalk(s) on Martin, Bates + Henrietta Bates + Merrill
will be open for
☒ Park(s) Shain Park one lane of
traffic.

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

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

What parking arrangements will be necessary to accommodate attendance?

Describe Bags over meters on Bates & Henrietta. Attendees encouraged to use parking structures.

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

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

Describe A paid crew is hired for maintenance and clean up. Safety and security is hired by North American Midway Entertainment. Maintenance is coordinated by the Chamber.

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

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

Describe North American Midway Entertainment pulls a water permit and works directly with the fire marshal.

11. Will alcoholic beverages be served? YES ☐ NO ☒

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

12. Will music be provided? YES ☐ NO ☒ *

_____ Live _____ Amplification _____ Loudspeakers

Recorded Time music will begin _____

Time music will end _____

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

*Some rides and games have music integrated in their operation

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

Number of signs/banners 15-20

Size of signs/banners 18" x 24" A-Frame Signs

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

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

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

LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

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

III. EVENT LAYOUT

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

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

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables	12	6 for \$500.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles	15 <i>* need bag for 30</i>	\$10.00 each includes 1 bag For additional bags, the cost is \$32/per case.	Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.
Dumpsters	0	\$350.00/per dumpster per day	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric)	# of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant	yes/TBD	\$224.75/per hydrant Includes the use of 5,000 gallons of water. Any additional water usage will be billed.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

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

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 400 square feet)	TBD	10 x 10
Portable Toilets	4	
Rides	16	
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME 58TH Village Fair
EVENT DATE May 31- June 4, 2022

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

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

Kelly Bennett 10/26/22
Signature Date

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

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

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

2022 Village Fair Participating Non-Profit Groups

Birmingham Command Officers Association

Birmingham Bloomfield Community Coalition

Birmingham Family YMCA

Birmingham Lions Club

Birmingham Police Officers Association

Birmingham Rotary Club

The Pink Fund

Birmingham Optimist Club

Birmingham Youth Assistance

Birmingham Education Foundation

Micah 6 Community

Village Players

Sky Foundation, Inc.

AAUW c/o Kuhn and Associates

BBChamber Foundation



NOV 16 2022

CW
RECEIVED

SPECIAL EVENT REQUEST NOTIFICATION LETTER

DATE: Thursday, October 27, 2022

TO: Residential Property or Business Owner

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

EVENT INFORMATION

NAME OF EVENT: 58th Birmingham Village Fair

LOCATION: On Martin St. between Pierce and Chester. On Bates and Henrietta. See back for map.

DATE(S) & HOURS OF EVENT:

Wednesday, May 31, 2023	5-10 p.m. Private Pre-Party
Thursday, June 1, 2023	12-10 p.m. Open to the public
Friday, June 2, 2023	12-11 p.m. Open to the public
Saturday, June 3, 2023	11 a.m. - 11 p.m. Open to the public
Sunday, June 4, 2023	12-9 p.m. Open to the public

BRIEF DESCRIPTION OF EVENT/ACTIVITY: Community fair with rides, food and games.

DATE(S) OF SET-UP: Tuesday, May 30 & Wednesday, May 31

HOURS OF SET-UP: 1 a.m. - 3 p.m.

DATE(S) OF TEAR-DOWN: Sunday, June 4

HOURS OF TEAR-DOWN: 9 p.m. - 12 a.m.

DATE OF CITY COMMISSION MEETING: December 5, 2022

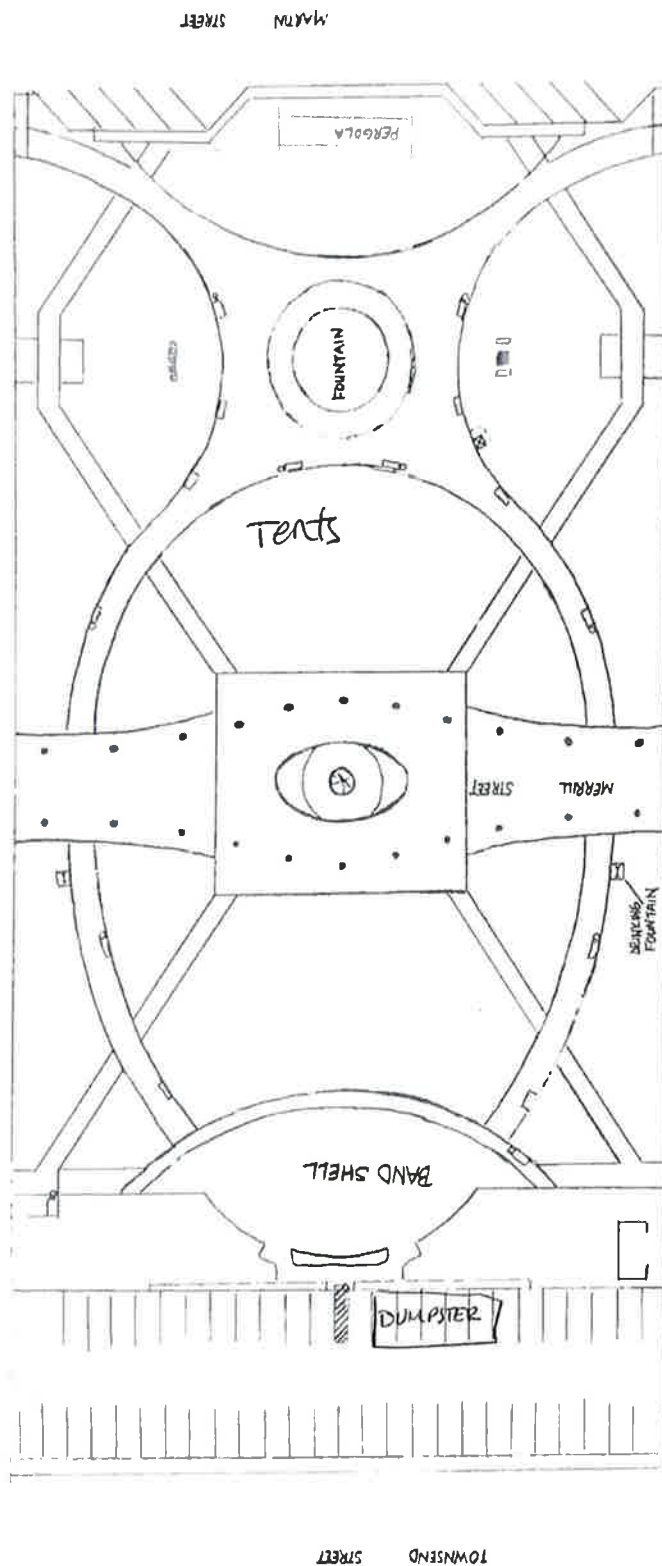
The City commission meets in room 205 of the Municipal Building at 151 Martin at 7:30 p.m. You may also attend virtually through ZOOM: <https://zoom.us/j/655079760>
Meeting ID: 655 079 760. A complete copy of the application to hold this special event is available for your review at the City Clerk's Office (248) 530-1880. Log on to www.bhamgov.org/events for a complete list of special events.

EVENT ORGANIZER: Birmingham Bloomfield Chamber
ADDRESS: 725 S. Adams, Suite 130, Birmingham MI 48009
PHONE: (248) 430-7688

FOR QUESTIONS ON DAY OF EVENT, CONTACT:

Kelly Bennett, Birmingham Bloomfield Chamber
248-505-4149





Shain Park Map

FAIR PLAN

SCALE 1" = 20'
NORTH AMERICAN MIDWAY
SHAIN PARK
BIRMINGHAM, MI





HOLD-HARMLESS AGREEMENT

"To the fullest extent permitted by law, the **Birmingham Bloomfield Chamber** and any entity or person for whom the **Birmingham Bloomfield Chamber** is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this activity/event. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of the City of Birmingham, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham."

Kelly Bennett

Applicant's signature

10/26/22

Date

725 SOUTH ADAMS RD. SUITE 130 BIRMINGHAM MI 48009-6967
PHONE: 248 644 1700 FAX: 248 644 0286 WEB: www.bbcc.com

DEPARTMENT APPROVALS

LICENSE NUMBER #23-00011962

NOTE TO STAFF: Please submit approval by 11/25/22

EVENT NAME: 2023 Village Fair
COMMISSION HEARING DATE: December 5, 2022
DATE OF EVENT: May 31 – June 4, 2023

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
PLANNING 101.0-000.000-636.0005 248.530.1855	ND	N/A	N/A	\$0	
BUILDING 101.0-000.000.636.0005 248.530.1850	MJM		Electrical permits required for generators.	\$357.58	
FIRE 101.0-000.000-636.0004 248.530.1900	AGS	Personnel including EMS standby. All structures to be inspected prior to event opening.		\$5,000	
POLICE 101.0-000.000.636.0003 248.530.1870	RK	Personnel including officers, overwatchh/DB. Barricades.		\$6,036.68	
PUBLIC SERVICES 101.0-000.000-636.0002 248.530.1642	CL 11/18/2022	Will provide: 1). The event coordinator is outsourcing the dumpsters. 2). 15 PSD boxes/Bags 3). 12 Picnic Tables 4). Delivery/Removal of barricades Provide plywood for dumpster location to protect pavement, place cones around dumpster. Meter bags needed for parking spaces for dumpster.		\$4,000	

ENGINEERING 101.0-000.000.636.0002 248.530.1839		Obstruction of street and sidewalk	Obstruction permit required	\$65	\$65
SP+ PARKING	AF	No arrangements requested. Standard parking rules apply.	NA	\$0	\$0
INSURANCE 248.530.1807		Need to submit COI no less than 2 weeks prior to event Need to submit Hold Harmless Agreement	None	\$0	\$0
CLERK 101.0-000.000-614.0000 248.530.1803		Notification letters to be mailed by applicant no later than 11/21/22. Notification addresses on file in the Clerk's Office.	Applications for vendors license must be submitted no later than 5/17/23.	\$165	
				TOTAL DEPOSIT REQUIRED	ACTUAL COST

FOR CLERK'S OFFICE USE

Deposit paid _____

Actual Cost _____

Due/Refund_____



MEMORANDUM

City Clerk's Office

DATE: December 5, 2022

TO: Thomas M. Markus, City Manager

FROM: Alexandria Bingham, City Clerk

SUBJECT: Special Event Application: Memorial Day Service

INTRODUCTION:

The Birmingham Memorial Day Committee has submitted a special event application to hold annual Memorial Day Service in Shain Park on May 29, 2023. Setup for the event is scheduled for May 29 from 9 a.m. to 10 a.m. The event begins at 10 a.m. and concludes at 11 a.m. Teardown is scheduled for 11 a.m. to 12 p.m.

BACKGROUND:

Departments reviewed the provided event details. DPS, Planning, Building, Engineering, Police, and Fire have indicated their approval with the proposed event. SP+ Parking has been notified of the event for planning purposes.

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

Farmer's Market
Celebrate Birmingham Hometown Parade
Village fair

LEGAL REVIEW:

n/a

FISCAL IMPACT:

There are no costs associated with this event.

PUBLIC COMMUNICATIONS:

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

SUMMARY:

The City Commission is being asked to approve a special event permit for the City of Birmingham Memorial Day Service to be held May 29, 2023, from 10 a.m. to 1 a.m. with setup on May 29 from 9 a.m. to 10 a.m. Teardown will begin May 28 from 11 a.m. to 12 p.m.

ATTACHMENTS:

1. Special event application
2. Notification letter with map of event area distributed to residents/businesses within 300 feet of the event area dated Nov. 18, 2022. Notification addresses are on file in the Clerk's Office.
3. Department approval page with comments and estimated costs

SUGGESTED COMMISSION ACTION:

To make a motion adopting a resolution to approve a special event permit as requested by the Birmingham Memorial Day Committee to hold the annual Memorial Day Service on May 29, 2023, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.

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

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

Police Department acknowledgement: _____

I. EVENT DETAILS

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

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

(Please print clearly or type)

Date of Application 11/10/22

Name of Event CITY OF BIRMINGHAM MEMORIAL DAY SERVICE

Detailed Description of Event (attach additional sheet if necessary) PATRIOTIC PROGRAM
INCLUDING BIRMINGHAM CONCERT BAND, PRESENTATIONS
(INCLUDING MAYOR) AND RECOGNITION OF MILITARY VETERANS.

Location SHAIN PARK

Date(s) of Event MAY 29, 2023 Hours of Event 10AM-11AM

Date(s) of Set-up SAME Hours of Set-up 9AM-10AM

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

Date(s) of Tear-down SAME Hours of Tear-down 11AM

Organization Sponsoring Event BIRMINGHAM MEMORIAL DAY COMMITTEE

Organization Address 1267 TWIM MAPLES LANE, BLOOMFIELD HILLS 48301

Organization Phone 248. 258. 9007

Contact Person BRUCE W. MILLER

Contact Phone 248. 258. 9007

Contact Email SPARTAN70@SBCGLOBAL.NET

II. EVENT INFORMATION

1. Organization Type Community Group
(city, non-profit, community group, etc.)
2. Additional sponsors or participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.) NA

3. ***The city encourages collaboration amongst non-profit organizations to bring the greatest benefit to the community. Please explain your efforts to do so** _____
BIRMINGHAM CONCERT BAND, FRIENDS OF THE
BIRMINGHAM MUSEUM

4. Is the event a fundraiser? YES ☐ NO ☒
List beneficiary _____
List expected income _____ Attach information about the beneficiary.
5. First time event in Birmingham? YES ☐ NO ☒
If no, describe ANNUAL EVENT FOR OVER 100 YEARS

6. Total number of people expected to attend per day 250
7. The event will be held on the following City property: (Please list)
☐ Street(s) _____
☐ Sidewalk(s) _____
☒ Park(s) SHAIN

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

Number of signs/banners _____

Size of signs/banners _____

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

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

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

LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

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

III. EVENT LAYOUT

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

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

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

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

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

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME CITY OF BIRMINGHAM MEMORIAL DAY SERVICE
EVENT DATE MAY 29, 2023

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

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



Signature

Date

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- If street closures are necessary, a map must be included with the letter to the affected property/business owners.

Birmingham Map

Legend
 City Boundary
 Lakes and Rivers
 Streams
 Parcels

N ↑

1- PODIUM
 2- BAND



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

SPECIAL EVENT NOTIFICATION

TO ALL PROPERTY/BUSINESS OWNERS & OCCUPANTS

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

NAME OF EVENT: **Memorial Day Service**
presented by the Birmingham
Memorial Day Committee

LOCATION: Shain Park
DATES/TIMES: Monday, May 29, 2023,
10 AM to 11 AM
(set up and take down same
day)

BRIEF DESCRIPTION OF EVENT: Memorial Day
patriotic program including Birmingham Concert Band, presentations and
recognition of military veterans. **** NO STREETS WILL BE CLOSED****



DATE/TIME OF CITY COMMISSION MEETING: Monday, December 5, 2022 7:30 pm

The City Commission meets in room 205 of the Municipal Building at 151 Martin. You may also attend virtually through ZOOM: <https://zoom.us/j/655079760> Meeting ID: 655 079 760. A complete copy of the application to hold this special event is available for your review at the city clerk's office (248.530.1880)

EVENT ORGANIZER: Birmingham Memorial Day Committee, Bruce Miller, 248.258.9007

SPECIAL EVENT NOTIFICATION

TO ALL PROPERTY/BUSINESS OWNERS & OCCUPANTS

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EVENT ORGANIZER: Birmingham Memorial Day Committee, Bruce Miller, 248.258.9007

The following language must be submitted on the applicant's letterhead and signed by an authorized representative of the organization.

HOLD-HARMLESS AGREEMENT

"To the fullest extent permitted by law, the Birmingham Memorial Day Committee and any entity or person for whom the Birmingham Memorial Day Committee is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this activity/event. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of the City of Birmingham, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham."

BWM/LL

Applicant's signature

27 Nov. 2022

Date

DEPARTMENT APPROVALS

LICENSE NUMBER #23-00011968

NOTE TO STAFF: Please submit approval by November 23, 2022

EVENT NAME: 2023 Memorial Day Service

COMMISSION HEARING DATE: December 5, 2022

DATE OF EVENT: May 29, 2023

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
PLANNING 101.0-000.000-636.0005 248.530.1855	ND	N/A	N/A	\$0	\$0
BUILDING 101.0-000.000.636.0005 248.530.1850	MJM	No department involvement.	Tents over 400 sqft.	\$0	
FIRE 101.0-000.000-636.0004 248.530.1900	AGS	No department involvement.		\$0	\$0
POLICE 101.0-000.000.636.0003 248.530.1870	SG	On duty personnel will attend.		\$0	\$0
PUBLIC SERVICES 101.0-000.000-636.0002 248.530.1642	CL	City Event. Audio Equipment, Podium and Chairs will be provided.		\$0	
ENGINEERING 101.0-000.000.636.0002 248.530.1839	SDZ	No Department involvement		\$0	
SP+ PARKING	AF	No special parking requests submitted. Standard holiday parking rates in effect.	None	\$0	\$0
INSURANCE 248.530.1807	CW	City is event cosponsor so no COI or hold harmless agreement required	None	\$0	\$0

CLERK 101.0-000.000-614.0000 248.530.1803	CW	Notification letters were 11/21/22. Notification addresses on file in the Clerk's Office.	None	\$0	\$0
				TOTAL DEPOSIT REQUIRED \$0	ACTUAL COST \$0

FOR CLERK'S OFFICE USE

Deposit paid _____

Actual Cost _____

Due/Refund_____

Rev. 11/28/22

h:\shared\special events\general information\approval page.doc



MEMORANDUM

Baldwin Public Library

DATE: November 29, 2022

TO: Thomas M. Markus, City Manager

FROM: Rebekah Craft, Library Director

SUBJECT: RFP for Construction Management Firm for Phase 3: Front Entrance and Circulation Area Expansion and Renovation Project

INTRODUCTION:

Since 2016, the Baldwin Public Library has been executing a three-phase plan to make improvements to the Library building. After reviewing the three bids received on October 19, 2022 and interviewing each of the applicants, the Library Board recommends that the City Commission approve PCI Dailey to complete the construction management services for this project.

BACKGROUND:

Upon completion of design development drawings for the proposed Phase 3 expansion and renovation, the Library worked with Merritt Cieslak Design (MCD) to create an RFP for construction management services.

MCD recommends using a Construction Manager (CM) for the project construction to help keep project costs within the set budget, to find the best subcontractor for each task, and to benefit from the Construction Manager's expertise of the best construction methods to keep costs within the set budget.

In the selection process for the CM, the CM is given the project budget (a.k.a. the total amount not to exceed) and provides a fixed percentage fee for their services. This helps to guarantee that the project itself comes in at or below the budget set by the Owner. Actual costs are accumulated competitively and visibly, and when the project is complete, the Owner pays only those costs plus the construction manager's fee. This fee will not change if a project goes over the projected cost or finishes early, unless the CM receives prior authorization from the Owner. All financial aspects of the project are handled in an "open book" manner so that the team (including Owner, Architect, and Contractor (OCA)) are all aware of how the money is being spent and when.

After review by the City Attorney and approval by the Library Board and City Commission, I issued the RFP on the Michigan Inter-Governmental Trade Network (MITN) on September 20, 2022 for *Construction Management Services for The Expansion and Renovation of the Front Entrance and Circulation Area of the Baldwin Public Library* ([weblink to RFP](#)). Eight people attended the pre-bid meeting held on September 28, 2022. Three firms submitted bids for the project and each bid fell within the project budget:

<i>Company Name</i>	<i>Construction Management Fee (% of total construction cost)</i>	<i>Staffing</i>
Frank Rewold and Sons	3.40%	\$265,900
McCarthy & Smith	2.80%	\$185,000
PCI Dailey	2.50%	\$161,200

Special meetings were held on November 14 and November 21, 2022 to interview each firm that submitted a bid. During the meetings, each firm was given 60 minutes to respond to 14 pre-written questions from the Library Board.

At its regular meeting on November 21, 2022, the Library Board selected PCI Dailey as the most responsive and responsible bidder with the lowest price. PCI Dailey was the general contractor for the first two phases of the Library's expansion and renovation projects. Phase 1 was completed on time and under budget. Phase 2 was completed under budget and PCI Dailey worked through Phase 2's COVID-19 interruptions with professionalism. Below is the relevant excerpt from the draft minutes of the meeting:

Motion to approve the hiring of PCI Dailey for construction management services for the Front Entrance and Circulation Area of the Baldwin Public Library, to be paid out of account 977.0000 (Capital Outlays – Building Improvements). Payment will be based on the bid submittal from October 19, 2022, with a construction management fee of 2.5% of the Guaranteed Maximum Price, to be determined once all subcontract bids are received.

1st Mark

2nd Rock

Yeas: Mark, Rock, Rumble, Suhay, and Wheeler.

Nays: None.

Absent and excused: Pisano.

The motion was approved unanimously.

LEGAL REVIEW:

The City Attorney reviewed the RFP and has no concerns as to the form and content. The proposal from PCI Dailey was regular in every respect and no interlineations, excisions, or special conditions were made or included in the RFP format by the respondent.

FISCAL IMPACT:

The construction management fees for the Phase 3 project have been included in the Phase 3 Expansion and Renovation budget. The construction management fees will be paid using the Library's existing voter-approved millage. A budget amendment will need to be made at the end

of this fiscal year to move money from the Library's fund balance to the Library's General fund to pay for expenses incurred in this fiscal year.

For future sustainability, the project will include an underground water detention system that meets City of Birmingham standards and will help to catch and store water from both the proposed addition and from the 2020 Youth Room addition.

SUMMARY:

The Library Board respectfully requests that the Birmingham City Commission consider and approve the award of the construction management contract for the expansion and renovation of the Front Entrance and Circulation area of the Baldwin Public Library to PCI Dailey.

WEB LINKS:

- [November 14, 2022 Approved Special Board Meeting Minutes](#)
- [November 21, 2022 Draft Special Board Meeting Minutes](#)
- [Bid submission from PCI Dailey](#) (34 pages)

ATTACHMENTS

- Agreement and required insurance
- Cost Proposal
- Bidder's Agreement
- Iran Sanctions Act Vendor Certification Form

SUGGESTED COMMISSION ACTION:

Make a motion to approve the hiring of PCI Dailey for construction management services for the Front Entrance and Circulation Area of the Baldwin Public Library, to be paid out of account 977.0000 (Capital Outlays – Building Improvements). Payment will be based on the bid submittal from October 19, 2022, with a construction management fee of 2.5% of the Guaranteed Maximum Price, to be determined once all subcontract bids are received.

AGREEMENT
**For Construction Management Services for the Expansion and Renovation of
Front Entrance and Circulation Area of Baldwin Public Library**

THIS AGREEMENT is entered into this 5 day of December, 2022, by and between the **CITY OF BIRMINGHAM**, whose address is 151 Martin Street, Birmingham, MI 48009 (hereinafter referred to as the City) and PCI Dailey (name of party) a Michigan corporation, whose address is 21717 Republic St., Oak Park, Michigan 48237, (hereafter referred to as Construction Manager) and the foregoing shall collectively be referred to as the parties.

WHEREAS, the City of Birmingham, in conjunction with the Baldwin Public Library desires having a construction management company to coordinate the expansion and renovation of the Front Entrance and Circulation Area of the Baldwin Public Library, based on the design development drawings dated August 1, 2022, and in connection therewith has requested proposals for the Construction Management Services for the Expansion and Renovation of the Front Entrance and Circulation Area of Baldwin Public Library; and

WHEREAS, Construction Manager has qualifications that meet the project requirements and has provided a response and cost proposal to perform construction management for the expansion and renovation of the Front Entrance and Circulation Area of the Baldwin Public Library.

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

1. **MUTUALLY AGREE:** It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to perform construction management for the expansion and renovation of the Front Entrance and Circulation Area of the Baldwin Public Library, based on the approved design development drawings dated August 1, 2022, and the Construction Manager's cost proposal dated October 19, 2022 shall be incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto. (attached hereto as Attachment "A").

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

3. **TERMS OF PAYMENT:** The Construction Manager will invoice monthly for all labor supplied and work completed. In no event shall invoices be submitted

more than 45 days after completion of services. Submitted invoices shall include the following detailed information: the type of work performed, the time spent on the work, the individual who performed the work and the per hour billing rate charged. The City may, at its sole discretion demand review and the right to request at any time further detailed accounting information for any or all bills. The right to inspection of any bill and invoice shall never be at any cost or billings to the City, nor shall preparation of said invoices be billed to the City or against the general retainer. Payment terms will be net 30 days unless otherwise specified by the City.

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

5. INSURANCE SUBMISSION REQUIREMENTS: The Construction Manager has submitted proof to the City that it meets all City insurance requirements. Insurance, with coverage amounts at no less than the City's minimum requirements, must be held by the Construction Manager throughout the term of this Agreement. Certificates of insurance as stated below will be required no later than five (5) business days from the date of Construction Manager acceptance of the terms of this Agreement.

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

7. INDEPENDENT Construction Manager: The Construction Manager and the City agree that Construction Manager is acting as an independent contractor with respect to the Construction Manager's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Construction Manager nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither

the City nor Construction Manager shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Construction Manager shall not be considered entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.

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

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

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

elected or appointed officials, employees, volunteers or others working on behalf of the City.

11. STANDARD INSURANCE REQUIREMENTS:

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

A. Workers' Compensation Insurance:

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

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

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

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

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

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

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

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

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

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

City: City of Birmingham
P.O. Box 3001
Birmingham, Michigan 48012
Attn: Rebekah Craft, Library Director

Construction Manager:
PCI Dailey
21717 Republic St.
Oak Park, MI 48237
Attn: Stephen R. Dailey

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

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

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

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

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

partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.

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

19. LEGAL PROCEEDINGS: Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL §600.5001 et seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in a federal or state court with jurisdiction over Oakland County, Michigan.

20. RESPONSE TO REQUESTS FOR PROPOSALS: The Construction Manager shall be held to and bound by all terms, conditions, warranties and representations which it made in its written response dated October 19, 2022, to the City's Request for Proposals dated September 20, 2022 (attached hereto as Attachment "D"). In the event of a conflict in any of the terms of this Agreement and the Construction Manager October 19, 2022 response, the terms of this Agreement shall prevail.

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

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

Construction Manager

By: [Signature]
Its: VICE PRESIDENT

STATE OF MICHIGAN)
) ss:
COUNTY OF OAKLAND)

SCOTT E. WHEELER
NOTARY PUBLIC-STATE OF MICHIGAN
COUNTY OF OAKLAND
My Commission Expires May 13, 2027
Acting in Oakland County

On this 29th day of November, 2022, before me personally
appeared STEPHEN R. DANLEY, who acknowledged that with authority on behalf of
PEI-OAKLEY to do so he/she signed this Agreement.

[Signature]
Notary Public
OAKLAND County, Michigan
Acting in OAKLAND County, Michigan
My commission expires: 5-13-2027

CITY OF BIRMINGHAM:

By: _____
Therese Longe, Mayor

By: _____
Alexandria D. Bingham, City Clerk

APPROVED:

[Signature]
Thomas M. Markus, City Manager
(Approved as to substance)

[Signature]
Rebekah Craft, Library Director
(Approved as to substance)

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

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

ATTACHMENT E - COST PROPOSAL

For Construction Management Services for the Expansion and Renovation of Front Entry and Circulation Area of Baldwin Public Library

In order for the bid to be considered valid, this form must be completed in its entirety. The cost for the Scope of Work shall be itemized by a dollar amount based on the Phases and elements included in this Request for Proposal as follows:

COST PROPOSAL	
ITEM	BID AMOUNT
Construction Management Fee	2.5% of the Cost of the Work = \$86,000
General Conditions/Staffing*	\$161,200
TOTAL BID AMOUNT	\$ 247,200

* A line-item breakdown of General Conditions and staffing costs may be included with the proposal

SRD (initial) The Construction Manager is expected to enter into agreement with the City of Birmingham using AIA Document A133-2019 "Standard Form of Agreement Between Owner and Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price" and A201-2019 "General Conditions of the Contract for Construction."

Firm Name PCI Dailey

Authorized signature  Date Oct 19, 2022
Stephen R. Dailey, Vice President

ATTACHMENT D - BIDDER'S AGREEMENT

For Construction Management Services for the Expansion and Renovation of Front Entry and Circulation Area of Baldwin Public Library

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

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

Stephen R. Dailey	October 19, 2022
PREPARED BY	DATE

Vice President	
TITLE	

	sdailey@daileyco.com
AUTHORIZED SIGNATURE	EMAIL ADDRESS

PCI Dailey	
COMPANY	

21717 Republic St, Oak Park, Michigan 48237	(248) 736-8522
ADDRESS	PHONE

NAME OF PARENT COMPANY

ADDRESS

ATTACHMENT F - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM

For Construction Management Services for the Expansion and Renovation of Front Entry and Circulation Area of Baldwin Public Library

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

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

Stephen R. Dailey	October 19, 2022
PREPARED BY	DATE
Vice President	
TITLE	
	sdailey@daileyco.com
AUTHORIZED SIGNATURE	EMAIL ADDRESS
PCI Dailey	
COMPANY	
21717 Republic St, Oak Park, Michigan 48237	(248) 736-8522
ADDRESS	PHONE
NAME OF PARENT COMPANY	
ADDRESS	
38-2489745	
TAXPAYER I.D.#	



MEMORANDUM

Engineering Department

DATE: November 28, 2022

TO: Thomas M. Markus, City Manager

FROM: Melissa A. Coatta, City Engineer

SUBJECT: Emergency Backfill Repair of Water Main Break on 14 Mile Road west of Shipman Blvd

INTRODUCTION:

Two water main breaks occurred on the City's 12-inch water main on the north side of 14 Mile Road west of Shipman Blvd. Emergency backfill repair of this critical infrastructure was required.

BACKGROUND:

On October 18, 2022, the City experienced two water main breaks a few feet apart on the City's 12-inch water main on the north side of 14 Mile Road, west of Shipman Blvd. This section of the water main is located within the Road Commission for Oakland County (RCOC) right of way. The Department of Public Services made the repair to the water main breaks but does not have the equipment to saw cut, remove the existing pavement and backfill the area to RCOC's standards due to the water main depth.

The City contacted contractors who currently have a contract with the City or who have an as-needed contract with the Oakland County Water Resource Commission (OCWRC) for availability to saw cut and backfill the area. D'Angelo Brothers provided the lowest cost to perform the work. D'Angelo Brothers saw cut, removed the pavement and backfilled the area on November 15, 2022, and November 16, 2022.

LEGAL REVIEW:

No legal review was performed as it was emergency work.

FISCAL IMPACT:

D'Angelo Brothers Inc. has a contract with OCWRC for as-needed emergency repairs, and pricing from the OCWRC contract was used for this emergency repair. Funds are available in the Water Fund account # 591.0-544.000-811.0000.

PUBLIC COMMUNICATIONS:

This purchase does not require public communication. Property owners near the water main break were notified and communicated with during the repair.

SUMMARY:

The Engineering Department requests the City Commission confirmation of the City Manager's authorization to proceed with the emergency backfill repair of the 12-inch water main break on 14 Mile Road west of Shipman Blvd.

ATTACHMENTS:

- D'Angelo Brothers Inc. Invoice #8565-B-Ham.

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to confirm the City Manager's authorization for the emergency expenditure related to backfilling the water main break on the north side of 14 Mile Road west of Shipman Boulevard by D'Angelo Brothers Inc., which is located at 30836 West 8 Mile Road, Farmington Hills, MI 48336, for a cost of \$21,358.00 to be charged to Water Fund account # 591.0-544.000-811.0000, pursuant to Sec. 2-286 of the City Code.



Invoice # 8565-BHAM

11/21/22

PO Box 531330
Livonia, MI 48153

TO: City of Birmingham
ATTN: Scott Zielinski

14 & Southfield.
Road Removal & Placemnt

DESCRIPTION OF WORK COMPLETED	Qty.	Unit	Hrs.	Rate	Total Per Line
Mobilize Sawcut & Remove Concrete Place Sand & Compact Place 21AA & Fully Compact					
					\$ 21,358.00



MEMORANDUM

Engineering Department

DATE: November 29, 2022

TO: Thomas M. Markus, City Manager

FROM: Scott D. Zielinski, Assistant City Engineer

SUBJECT: Emergency Repair of Attenuator S. Eton and Maple Rd intersection

INTRODUCTION:

A traffic impact protection device known as an attenuator was damaged by an automobile earlier this year at S. Eton and Maple Road intersection. As this device is used to protect the bridge abutment for the Rail Road and an emergency expenditure for the purchase of parts was require for the repair.

BACKGROUND:

Early this summer City Staff discovered that the attenuator on the west side of the railroad tracks had been struck by a vehicle. The City attempted to contact known contractors in the area to have the attenuator system reviewed and repaired. It was determined that the companies the City has relied on previously to make repairs did not have the availability to make the repairs required. The City was able to contact a local vendor for the system. They were able to evaluate the system and provide both the parts and training for City staff necessary to complete the repairs on Friday Dec. 2nd, 2022.

LEGAL REVIEW:

No legal review was performed as it was emergency work.

FISCAL IMPACT:

Carrier & Gable, Inc. was contracted to review and supply replacement parts required to complete the Emergency Repairs required for the attenuator system for the S. Eton and Maple Road intersection. The general prices for parts appeared to be consistent with industry standard pricing for the parts. Funds are available for this emergency repair in the Bridge Maintenance account for Other Contractual Services Account# 202.0-449.002-811.0000.

PUBLIC COMMUNICATIONS:

This purchase does not require public communication.

SUMMARY:

The Engineering Department requests the City Commission confirmation of the City Manager's authorization to proceed with the emergency repair of the attenuator along the west side of the bridge at the S. Eton and Maple Road intersection

ATTACHMENTS:

- Carrier & Gable, Inc. – Invoice for Parts
- Picture of damaged attenuator

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to confirm the City Manager's authorization for the emergency expenditure related to the purchase of materials from Carrier & Gable, Inc., for the repair of the west attenuator for the bridge at the S. Eton and Maple Road intersection for a cost of \$8,494.07 to be charged to Bridge Maintenance account for Other Contractual Services Account# 202.0-449.002-811.0000, pursuant to Sec. 2-286 of the City Code.



CARRIER & GABLE, INC.

24110 Research Drive
Farmington Hills, MI 48335
(248) 477-8700 (248) 473-0730 • FAX

www.carriergable.com

SALES QUOTE

Page: 1

Sales Quote 61529
Sales Quote Date: 11/8/2022
Expires On: #Error
Customer ID: 4351
SalesPerson: John Carrier
Terms: NET 30 DAYS

Sell

To: BIRMINGHAM DPW, CITY OF
SCOTT ZIELINSKI
851 S. EATON
BIRMINGHAM, MI 48009

Ship

To: BIRMINGHAM DPW, CITY OF
SCOTT ZIELINSKI
851 S. EATON
BIRMINGHAM, MI 48009

ALL VALUES STATED IN U.S. DOLLARS

Bid Item No.: Project No.:
Shipment Within: Intersection: MAPLE STREET @ ETON ST., BIRMINGHAM
Shipping Terms: Best Way Project City:
Project County:
Sheet:
Project Misc.:

Item No.	Description	Cross-Reference No.	Qty.	Unit Price	Total Price

EB MAPLE @ ETON ST., CENTER BRIDGE PIER					

245-1090	CARTRIDGE, TYPE I, QUADGUARD		3	1,024.00	3,072.00
245-1091	CARTRIDGE, TYPE II, QUADGUARD		2	1,076.00	2,152.00
245-NS007613	PLASTIC NOSE ASSEMBLY, 36" QUADGUARD		1	984.00	984.00
245-NS008021	DIAPHRAGM ASSEMBLY, 30" QUADGUARD		1	1,544.00	1,544.00

FOR ALL OTHER ATTENUATORS					

245-NS004535	BRACKET, CART. SUPPORT, DIAPH QUADGUARD		6	55.40	332.40
245-NS007911	BRACKET, CART. SUPPORT FOR TS B/U		2	54.20	108.40
245-NS004039	LOCKING BAR, QUADGUARD QUADGUARD		2	15.40	30.80
	FREIGHT OUT-MICHIGAN		1		

Amount Subject to Sales Tax 0
Amount Exempt from Sales Tax 8,223.60

Subtotal: 8,223.60
Invoice Discount: 0.00
Total Sales Tax: 0.00
Total: 8,223.60

5G



View South at S. Eton and Maple



View South at S. Eton and Maple



MEMORANDUM

Department of Public Services

DATE: December 5, 2022

TO: Thomas M. Markus, City Manager

FROM: Mike Bernal, Public Services Manager

SUBJECT: Amendment to Fee Schedule A for Dumpster Rental Fees

INTRODUCTION:

The Department of Public Services (DPS) currently leases dumpsters to multiunit complexes for \$12 a month, per dumpster. This leasing program has been in existence for over twenty-five years. In that time, there has never been an increase in fees. In order to keep pace with current inflation and the rising cost of steel, DPS recommends a monthly price increase from \$12 to \$40 per unit, effective January 1, 2023. The attached documentation shows that the proposed increase is aligned with the market pricing. The lessees will also have the option to outright purchase the used dumpsters from the City at \$100 per dumpster.

BACKGROUND:

Since the inception of this leasing program, the rates have remained unchanged at \$12 a month, per dumpster, which also includes maintenance and repairs, should the dumpster require it. The costs for the City to order new dumpsters have risen significantly due to inflation and the rising cost of steel, putting the price upwards of \$850 per dumpster. At the rate of \$12 per month, it will take approximately six years to recoup the cost for just one dumpster. The average life expectancy of a dumpster is 5-7 years. The DPS would like to phase the City out of the dumpster rental business.

LEGAL REVIEW:

No legal review is needed.

FISCAL IMPACT:

There will be no cost incurred to the City. The lessees will incur a monthly fee increase from \$12 to \$40 a month, per unit, or have the option to purchase the used dumpsters from the City at \$100 per dumpster, and be responsible for maintaining and replacing the dumpsters from the point of sale forward. Upon receipt, the funds will be deposited into the General Fund Operating Supplies Account #101.0-441.003-729.0000.

PUBLIC COMMUNICATIONS:

All lessees will be sent a letter via USPS notifying them of the fee increase.

SUMMARY:

The Department of Public Services recommends an amendment to Fee Schedule A to provide an increase in the monthly leasing fee from \$12 to \$40 per unit. The fee increase will be set to take effect January 1, 2023.

ATTACHMENTS:

Attached to this report is an email correspondence from our current supplier of dumpsters (Contract Welding), and a price reference for the median cost of two-yard dumpster leases.

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution amending Fee Schedule A to add a \$40/unit monthly fee for dumpster rentals.

**Excerpt From City of Birmingham
2022 Fee Schedule**

DEPARTMENT OF PUBLIC SERVICES

FEES

Cross Connections Inspections/Re-Inspections (114-122)

Fee	\$ 50.00
Plus, a per hour charge, to be charged at 1/4 hour increments, per city employee or city	
Device test report review, per report	\$ 10.00

Dog Park Annual Pass:

Resident	\$ 50.00
Non-Resident	\$ 200.00

Dumpster Rental

\$40/unit/month

Golf Course Fees - Adjusted annually by resolution of City Commission with recommendation of Parks and

Grass & Weed Violations (118-66 to 118-68)

Cutting charge for properties less than or equal to 50 feet wide	\$ 135.00
Cutting charge for properties greater than 50 feet wide	\$ 200.00
Municipal Civil Infraction Fine (in addition to cutting charge):	
First Offense	\$ 50.00
Second Offense	\$ 100.00
Third Offense	\$ 200.00
All violations after the third offense in a calendar year	\$ 200.00

Hydrant Use

Deposit (if required as determined by Fire Chief)	\$ 100.00
Permit Fee	\$ 160.00
Water Charge	\$ 64.75
Includes 5000 gallons at standard charge. Water charge in excess of 5000 gallons will be charged at double rate \$25.90 per thousand gallons.	\$ 25.90

Hydrant Repair

To be calculated by DPS, Will include labor, equipment, material

Ice Arena Fees - Annual evaluation at budget

Leisure Activity Pass:

First year	\$ 15.00
Revalidate/Replace for subsequent seasons	\$ 10.00

Recycle Bins

current cost

Refuse collection charges (Chapter 90) Fill-A-Dump

\$ 300.00

Snow Removal from Sidewalks (98-66 - 98-68) - minimum charge

\$ 100.00

Tree Preservation (Chapter 118)

Registration for tree service business	\$ 100.00
Sanctions, remedies, penalties:	
First offense, per tree	\$ 500.00
Second offense, per tree	\$ 1,000.00

Water

Customer requested service, emergency, 2 hr. minimum <i>plus equipment and materials if applicable</i>	\$ 200.00
Meter department service fee, <i>plus equipment and materials if applicable</i>	\$ 80.00
Meter department service fee for no show appointment	\$ 40.00
Final meter reading without 24 hour notice	\$ 150.00
Stop box construction deposit (<i>includes \$100 inspection \$400 refundable</i>)	\$ 500.00
Curb box and lid repair (<i>done by city</i>)	\$ 500.00
Opt Out Plan Meter Reading Fee	\$ 12.02
Frozen water service line thaw - first visit	no charge
Frozen water service line thaw - second visit and beyond (<i>\$200 minimum</i>)	time & material (\$200 minimum)

2 yard dumpster pricing

3 messages

Sherri White <swhite@bhamgov.org>
To: Sandy Tinsley <stinsley@contractwelding.com>

Tue, Nov 29, 2022 at 11:43 AM

Hi Sandy~

What is the current price for a 2 yarder dumpster?

stinsley@contractwelding.com <stinsley@contractwelding.com>
To: Sherri White <swhite@bhamgov.org>

Tue, Nov 29, 2022 at 11:51 AM

2-yard rear load container w/casters \$836.00 each

Delivery \$150.00/load

Painted CW Brown or MAC Green

Lead time: 4 – 6 weeks

Thanks,
Sandy

Contract Welding

734.699.5561

[Quoted text hidden]

Sherri White <swhite@bhamgov.org>
To: stinsley@contractwelding.com

Tue, Nov 29, 2022 at 11:58 AM

Thank you so much!

[Quoted text hidden]

More Size Details:

[Dimensions & Price >](#)[Request a Waste Audit >](#)[Uses >](#)[FAQs >](#)[Trash Tips >](#)

Dumpster.com

2 Yard Dumpster Dimensions

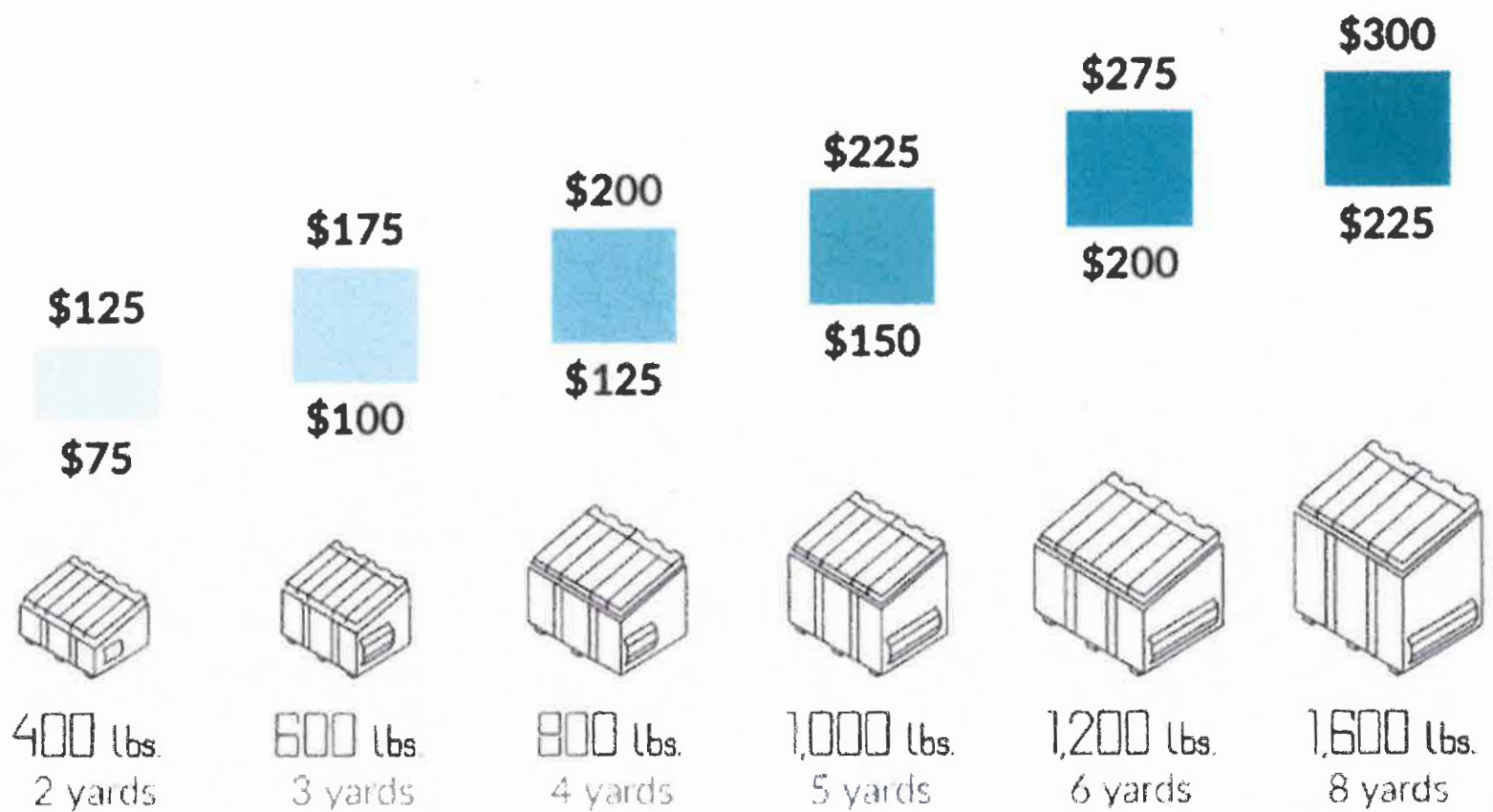
The standard size for this bin is **6 feet long, 3 feet wide and 3 feet high**. It can hold 2 cubic yards of garbage, which is equivalent to about a dozen 33-gallon trash bags, or four 96-gallon containers.

2 Yard Dumpster Rental Cost

The national average cost of a 2 yard dumpster is **\$130**, with prices ranging from **\$100-\$160 per month** at a once-a-week pickup frequency. Our upfront rates combine the costs of each scheduled pickup and landfill disposal charges so you can budget easily.

Please note that the exact price will depend on where you're located, what you're tossing and how often your garbage gets picked up.





Cost per week to rent a dumpster



Size	Weight Capacity	Cost per Week
2 Yards	400 lbs.	\$75 - \$125
3 Yards	600 lbs.	\$100 - \$175



MEMORANDUM

Department of Public Services

DATE: December 5, 2022

TO: Thomas M. Markus, City Manager

FROM: Mike Bernal, Public Services Manager

SUBJECT: Sale of Dumpsters to Williamsburg Condominiums

INTRODUCTION:

The Department of Public Services (DPS) currently leases dumpsters to multiunit complexes for a monthly fee of \$12 per dumpster. One long-time participant in the leasing program is Williamsburg of Birmingham Condominiums. This complex leases (34) dumpsters and has expressed an interest in purchasing these dumpsters at the cost of \$100 per dumpster. This leasing program has been in existence for over twenty-five years and has never been beneficial to the City; therefore, DPS recommends the sale of (34) dumpsters to Williamsburg of Birmingham Condominiums.

BACKGROUND:

Since the inception of this leasing program, the rates have remained unchanged at \$12 a month, per dumpster, which also includes the maintenance and repair should the dumpster require it. The costs for the City to order new dumpsters have risen significantly due to inflation and the rising cost of steel, putting the price upwards of \$850 per dumpster. The average life expectancy of a dumpster is 5-7 years.

Williamsburg of Birmingham Condominiums wishes to purchase the dumpsters on their property that they are currently leasing from the City. These dumpsters range from 5-8 years in age.

LEGAL REVIEW:

No legal review is needed.

FISCAL IMPACT:

There will be no cost incurred to the City. The lessee will purchase the used dumpsters at \$100 per dumpster, and be responsible for maintaining and replacing the dumpsters from the point of sale forward. Upon receipt, the funds will be deposited into the General Fund Operating Supplies Account #101.0-441.003-729.0000.

PUBLIC COMMUNICATIONS:

No public communication is needed.

SUMMARY:

The Department of Public Services recommends the sale of (34) dumpsters to the Williamsburg of Birmingham Condominiums for the cost of \$3400 for all (34) dumpsters.

ATTACHMENTS:

There are no attachments to this report.

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve the sale of (34) used dumpsters to the Williamsburg of Birmingham Condominiums Complex at \$100 each, totaling \$3400, with Williamsburg Condominiums responsible for maintaining and replacing the dumpsters in the future.



MEMORANDUM

Police Department

DATE: November 30, 2022

TO: Thomas M. Markus, City Manager

FROM: Chris Koch, Investigative Captain

SUBJECT: Toast Birmingham, LLC ("Toast") Requests a transfer of membership in the Class C and SDM License with Sunday Sales (PM) and Outdoor Service Area located at 203 Pierce, Birmingham, Oakland County, MI in member Vision Toast, LLC to 100% owned by Regan Bloom.

INTRODUCTION:

The Police Department has received a request from the Law Offices of Adkison, Need, Allen, and Rentrop for a transfer of membership in Toast Holdings, LLC. Toast Birmingham, LLC is a Class C and SDM liquor licensed entity which operates with Sunday Sales (PM) and an Outdoor Service Area permit located at 203 Pierce, Birmingham, Oakland County, MI 48009, doing business as Toast. Toast Birmingham, LLC has paid the initial fee of \$1500.00 for a business that serves alcoholic beverages for consumption on the premises per section 7.33 of the Birmingham City Code. Toast Birmingham, LLC's sole member is Toast Holdings, LLC. Toast Holdings, LLC is comprised of two members (see attachment "A"):

<u>Members</u>	<u>Membership</u>
Regan Bloom	51%
Vision Toast, LLC	49%

Vision Toast, LLC is selling its 49% membership interest to Regan Bloom for \$1,000,000.00. Upon completion of the membership transfer, membership of Vision Toast, LLC will be:

<u>Member</u>	<u>Membership</u>
Regan Bloom	100%

Chapter 10, (Alcoholic Liquors), Section 42 of the Birmingham City Code requires that “any and all transfers of a liquor license for consumption of intoxicating liquor on premises require the approval of the City Commission of any kind including, but not limited to: ownership of the license; stock in a corporation that owns a license; interest in a license through any entity; or location of the licensed premises.” In this case, the interest in the license through an entity is the reason this issue is coming before the City Commission.

BACKGROUND:

When the transaction is complete Toast Birmingham, LLC’s sole member will continue to be Toast Holdings, LLC. Toast Holdings, LLC membership will remain Regan Bloom 51% and 49% Vision Toast, LLC that will now be solely owned by Regan Bloom (see attachment “B”). The funds for this acquisition will be derived from the business bank account for Toast Birmingham and a second business bank account for Toast Enterprises to Ms. Bloom as distributions. The Police Department verified sufficient funds for these two distributions with the Bank of Ann Arbor. Toast will continue to lease the property from the landlord, Cedarcliff, LLC. There are no planned changes to the hours of operation, capacity or layout of the restaurant. No Special Land Use Permit (SLUP) change is required as Ms. Bloom is already a member on the current SLUP and as stated earlier, there are no planned changes to the operation.

A background check was conducted on Regan Bloom, using the Law Enforcement Information Network (LEIN), the Court’s Law Enforcement Management Information System (CLEMIS) and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLN) FBI N-DEX national database. No negative information was uncovered.

It should be noted that on November 22, 2008, December 29, 2011 and October 11, 2013, Toast was cited by the Birmingham Police Department for furnishing alcoholic liquor to a person under the age of twenty-one (21) as part of the department’s undercover liquor license decoy program. The Michigan Liquor Control Commission (MLCC) issued a fine to Toast in the amount of \$500.00 on February 17, 2009, \$700.00 on May 3, 2012, and \$800.00 on February 21, 2014. MLCC also imposed a \$150.00 fine to Toast on December 5, 2019, for failing to provide proof of successful completion of an alcohol server training program.

LEGAL REVIEW:

The City Attorney has reviewed the suggested resolution and has no objection.

FISCAL IMPACT:

\$1,500.00 liquor license application fee received.

PUBLIC COMMUNICATIONS:

None

ATTACHMENTS:

1. Attachment "A" – Current Business Flowchart
2. Attachment "B" – New Business Flowchart

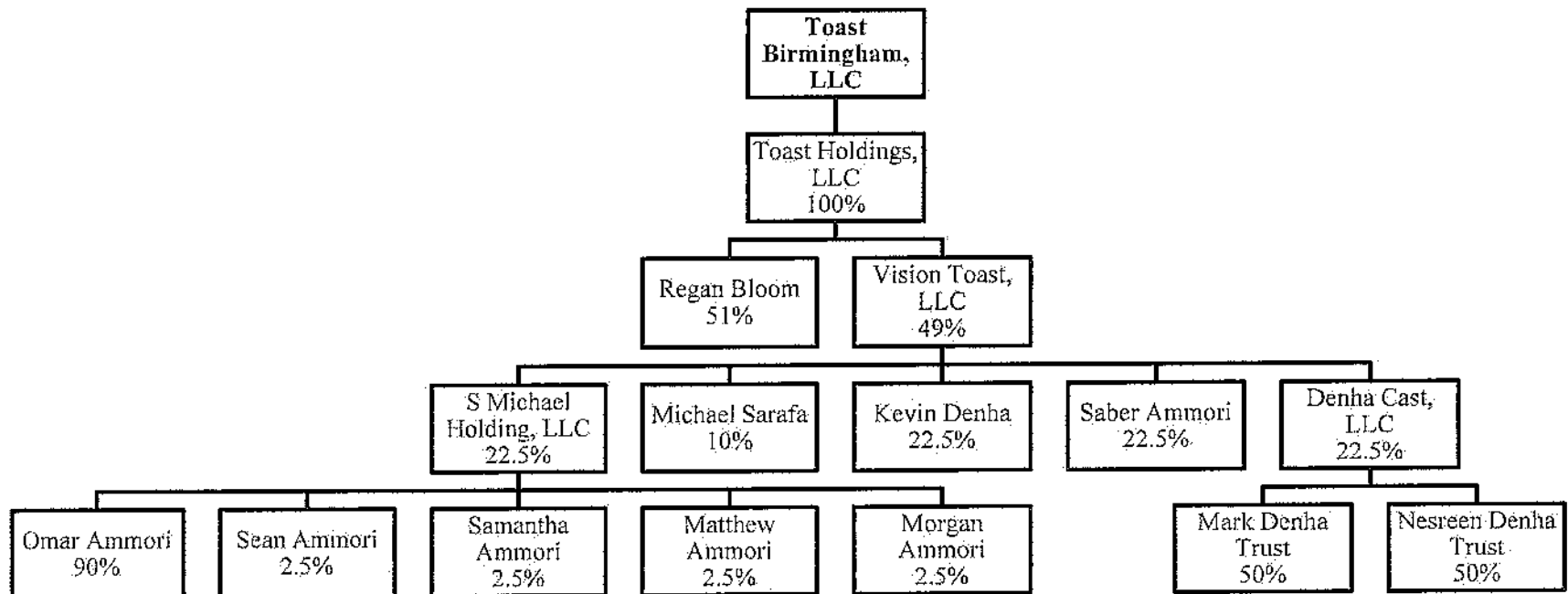
SUMMARY:

Toast Birmingham, LLC ("Toast") requests a transfer of membership in the Class C and SDM License with Sunday Sales (PM) and Outdoor Service Area located at 203 Pierce, Birmingham, Oakland County, MI in member Vision Toast, LLC to 100% owned by Regan Bloom. The applicant, Ms. Regan Bloom, has successfully completed the police background check. There is no change to the current SLUP in place for Toast as Ms. Bloom is already a member on the SLUP and there are no planned changes to the operation. The Police Department has not uncovered any information that would give cause to deny the applicant's request.

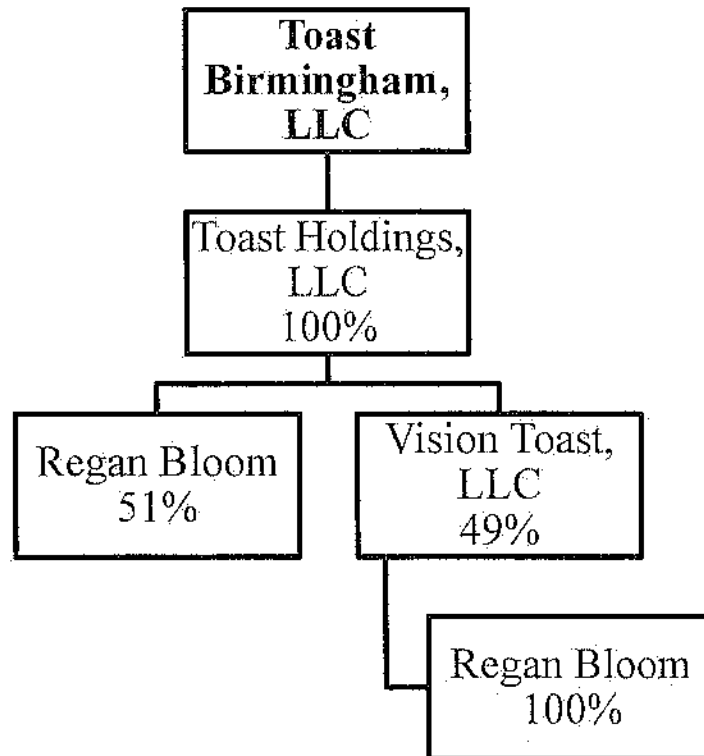
SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to authorize the City Clerk to complete the Local Government Approval Notice at the request of Toast Birmingham, LLC, which holds the Class C and SDM License with Sunday Sales (PM) and Outdoor Service Area located at 203 Pierce, Birmingham, Oakland County, MI, to maintain ownership in Toast Birmingham, LLC's sole member, Toast Holdings, LLC., but to transfer ownership of one of Toast Holdings, LLC's members, Vision Toast, solely to Regan Bloom.

Attachment "A"



Attachment "B"





MEMORANDUM

Human Resources

DATE: November 30, 2022

TO: City Commission

FROM: Thomas M. Markus, City Manager

SUBJECT: Appointment of Scott Grewe as Police Chief

INTRODUCTION:

With the retirement of current Police Chief Mark Clemence effective January 12, 2023, the position of Chief of Police will be vacant. The Birmingham City Charter provides that the City Manager "may, with the advice and consent of the City Commission, appoint... a chief of police" (Section 9, Chapter III).

BACKGROUND:

I respectfully submit Police Captain Scott Grewe as my appointment for Police Chief, to be effective following the retirement of current Police Chief Mark Clemence on January 12, 2023. Over the past two years, I have had the opportunity to observe Scott in his duties with the Birmingham Police Department and believe he possesses the abilities, ethics, and dedication to the community required to be a successful Police Chief. We opened this recruitment up to the entire department, but Scott was the only applicant; we take this as a message of confidence from the Police Staff that this selection we are making is with their full support.

Scott has served with the Birmingham Police Department for 23 years and has held several leadership positions within the Police Department since 1999, serving as Police Commander since 2015. He holds a Bachelor of Science in Criminal Justice from Ferris State University, and has received a Graduate Certificate in Public Safety from the University of Virginia this year. Additionally, Scott is expecting to graduate from the University of Virginia's Master of Public Safety program in December 2023. He has completed training through the FBI Academy, and has taught a variety of public outreach and employee informational programs, including active shooter response training.

LEGAL REVIEW:

N/A

FISCAL IMPACT:

There is no fiscal impact anticipated from this.

PUBLIC COMMUNICATIONS:

Appropriate public announcements will be made upon City Commission confirmation. Mr. Grewe's swearing in will be scheduled for the December 19th, 2022 Commission meeting.

SUMMARY:

I recommend appointing Scott Grewe to the position of Police Chief.

ATTACHMENTS:

- Resume

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to confirm the appointment of Police Captain Scott Grewe to the role of Police Chief of the City of Birmingham.

SCOTT A. GREWE

Email: sgrewe@bhamgov.org

OBJECTIVE

To utilize my 23 years of service-oriented law enforcement experience, education, training and my cumulative years of supervisory experience to obtain the position of police chief.

PROFESSIONAL EXPERIENCE

Operations Captain

Birmingham Police Department – April 1999 – Present

- Plan, coordinate, supervise and evaluate police department operations.
- Ensured efficient operations for the department by developing policies and procedures for accreditation.
- Supervision of staff directly, or through subordinate supervisors, to carry out the department's mission.
- Participated in department budgeting, long-range planning and setting department goals and objectives.
- Supervised and administered internal investigations, training of staff, promotional exams and recruitment and hiring of new employees.
- Served as the police department liaison to the City's Multi-Modal Transportation Board.
- Served as the interim Parking Director, planning and implementing major renovation projects and directed the City's Advisory Parking Committee.
- Established positive relationships with community members, the business community and appointed and elected community leaders.
- Planned, coordinated and supervised numerous City events working in partnership with other City departments and neighboring law enforcement agencies.

Corrections Officer

Macomb County Sheriff's Department – January 1999 – April 1999

- Monitor and supervisor the daily activities of inmates.
 - Conducted transportation of inmates within the county jail, cell inspections and monitored visitations.
-

EDUCATION & TRAINING

University of Virginia

- University of Virginia: Masters of Public Safety (Expected Graduation Dec 2023)
- University of Virginia: Graduate Certificate 2022

Ferris State University

- Ferris State University: Bachelor of Science in Criminal Justice, and a Minor in Multi-Cultural Relations. 1998

SUPERVISION AND LEADERSHIP EDUCATION

- FBI National Academy – 2022
 - Law Enforcement Executive Leadership Institute – 2009
 - Supervising the FTO Process – 2009
 - NetRMS Supervisor – 2008
 - First Line Supervisor School – 2008
 - EMU School of Police Staff and Command – 2008
 - Leadership Essentials for Law Enforcement – 2007
 - Macnlow Police Supervision – 2007
-

INSTRUCTOR EXPERIENCE

Instructor in the following areas:

- Firearms
- PPCT Defensive Tactics
- Taser
- Small Squad Tactics
- Hunters Safety

ADMINISTRATIVE RESPONSIBILITIES (Past and Current)

- Patrol Shift Supervisor
- Detective Supervisor
- Department Armorer
- Mugshot and Livescan
- Watch Guard
- BAC Datamaster
- Training Coordinator for the Police Auxiliary Program
- Evidence/Property Room Manager
- Parking Enforcement

ACCOMPLISHMENTS

- Managed the accreditation process for the Birmingham Police Department to become accredited with the Michigan Association of Chiefs of Police (MACP) in 2021.
- Served as interim Director of Parking for the City of Birmingham from 2019-2022.
- Researched and implemented new procedures (reviewed and approved by MML) for housing prisoners – 2015.
- Proposed and implemented new booking room recording procedures – 2015.
- Created an online Policy and Procedure manual – 2014.
- Wrote a proposal to update the promotional testing policy – 2013.
- Created and implemented a new online program for scheduling – 2012.
- Updated and revised the handling of impounded vehicles – 2012.
- Implemented a new property and evidence management program – 2010.
- Created a new record management system for training and inventory in the firearms program – 2007.
- Mothers Against Drunk Driving (MADD) Award (2000, 2001, 2003 and 2004).



MEMORANDUM

Finance Department

DATE: November 29, 2022

TO: Thomas M. Markus, City Manager

FROM: Mark Gerber, Finance Director

SUBJECT: Fiscal Year 2021-2022 Audit Report Presentation

Timothy St. Andrew and Spencer Tawa from Plante and Moran will be present at the City Commission meeting on December 5, 2022, to give a presentation and answer any questions pertaining to the audit report.

The audit report and letter to the Commission was provided under separate cover. The audit report is available for inspection at the Clerk's Office as well as on the City's website.



plante moran | Audit. Tax. Consulting.
Wealth Management.

City of Birmingham Commission Presentation

For Year Ended June 30, 2022

7A

Presented by:
Tim St. Andrew
Spencer Tawa



City of Birmingham Agenda

- Executive Summary
- Financial Graphs
- Communication with Those Charged with Governance – End of Audit Letter
- Questions

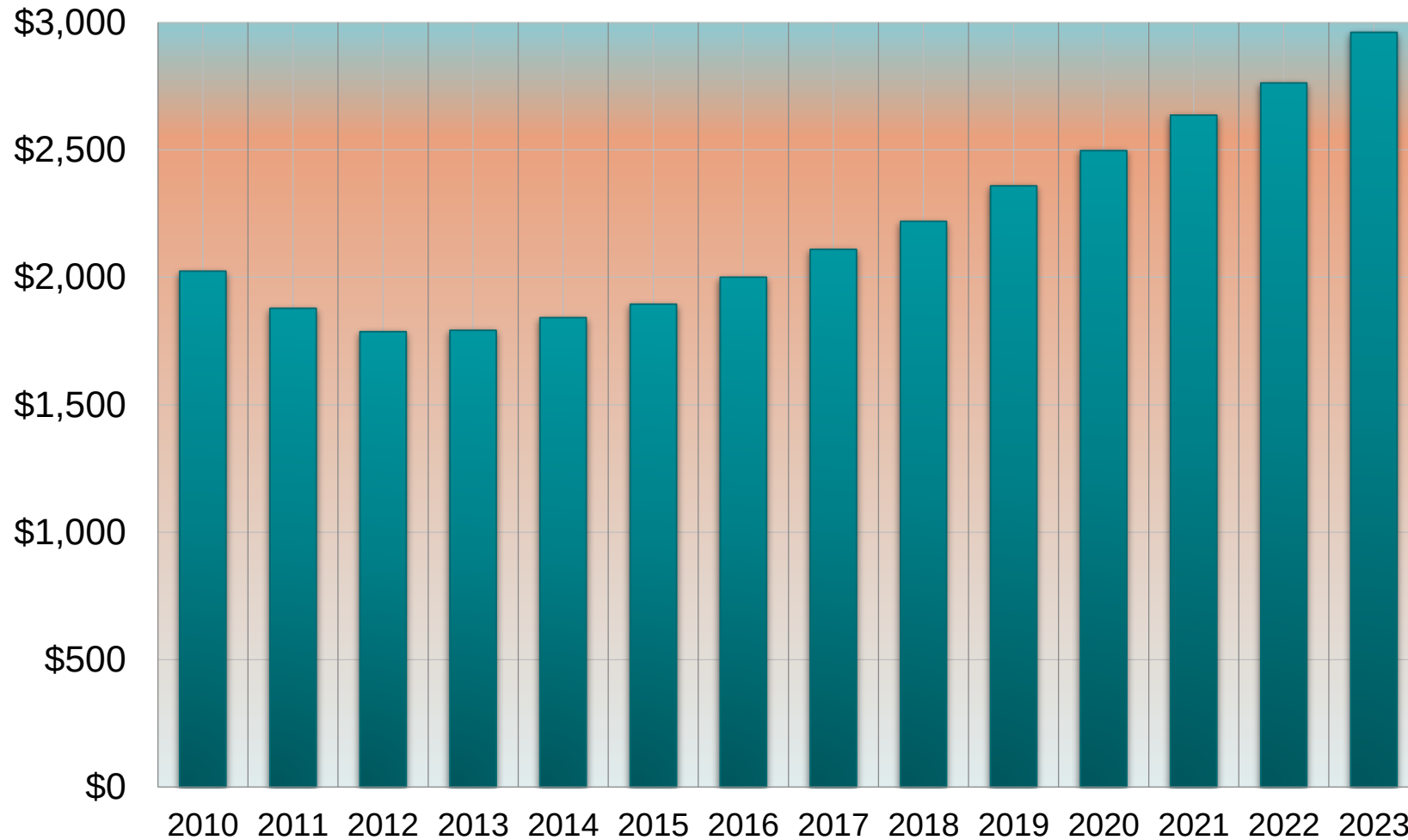


City of Birmingham 2022 Executive Summary

- **Financial Statement Audit** – Unmodified opinion – Highest form of assurance – Opinion now first paragraph in Audit Report
- **Single Audit** (audit of federal grants) - FEMA– Unmodified opinion – No findings
- **Financial Statement Highlights**
 - General Fund fund balance increased by approximately \$4.4 million
 - Approximately \$14.3 million was invested in City infrastructure, machinery, and equipment
 - Federal Grants Received - \$1.1 million
 - Pension system is 79% funded as of June 30, 2022
 - Retiree healthcare system is 80% funded as of June 30, 2022
 - The City maintained its AAA bond rating from Standard & Poors

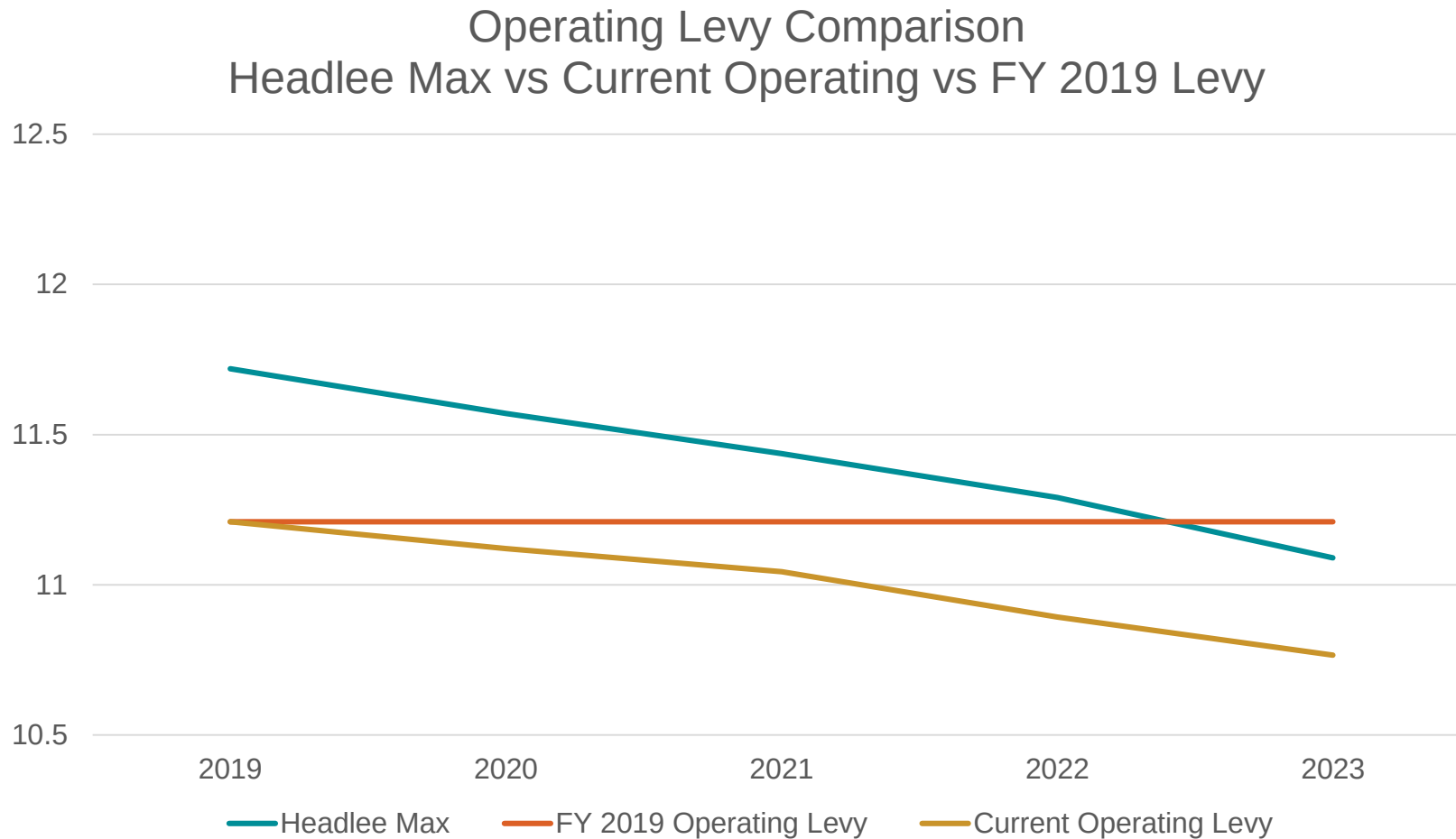


City of Birmingham Total Taxable Values (in millions)





City of Birmingham Operating Levy Comparison

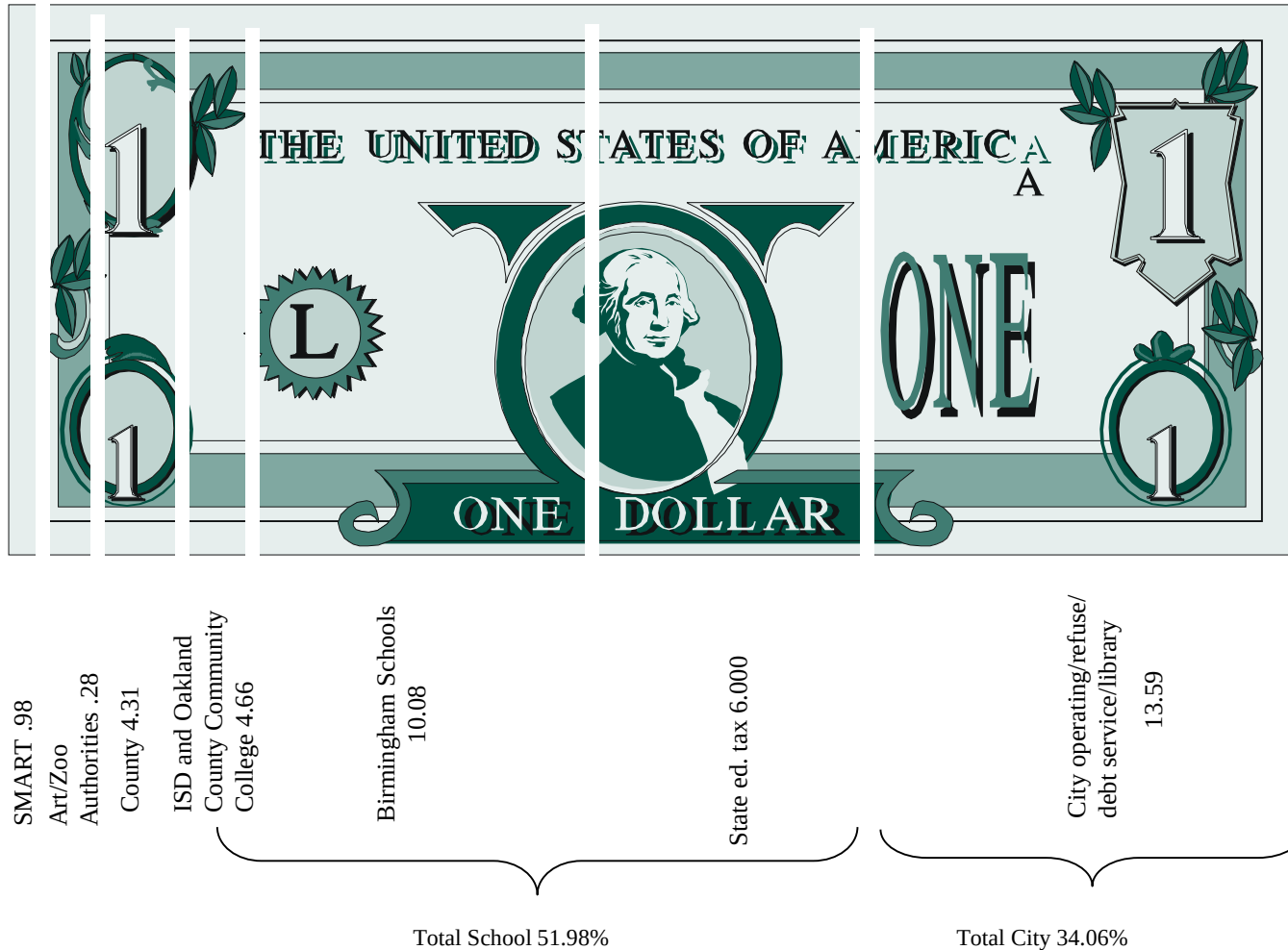




Homestead Property Tax Analysis

2021 Levy

City of Birmingham — Year Ended June 30, 2022

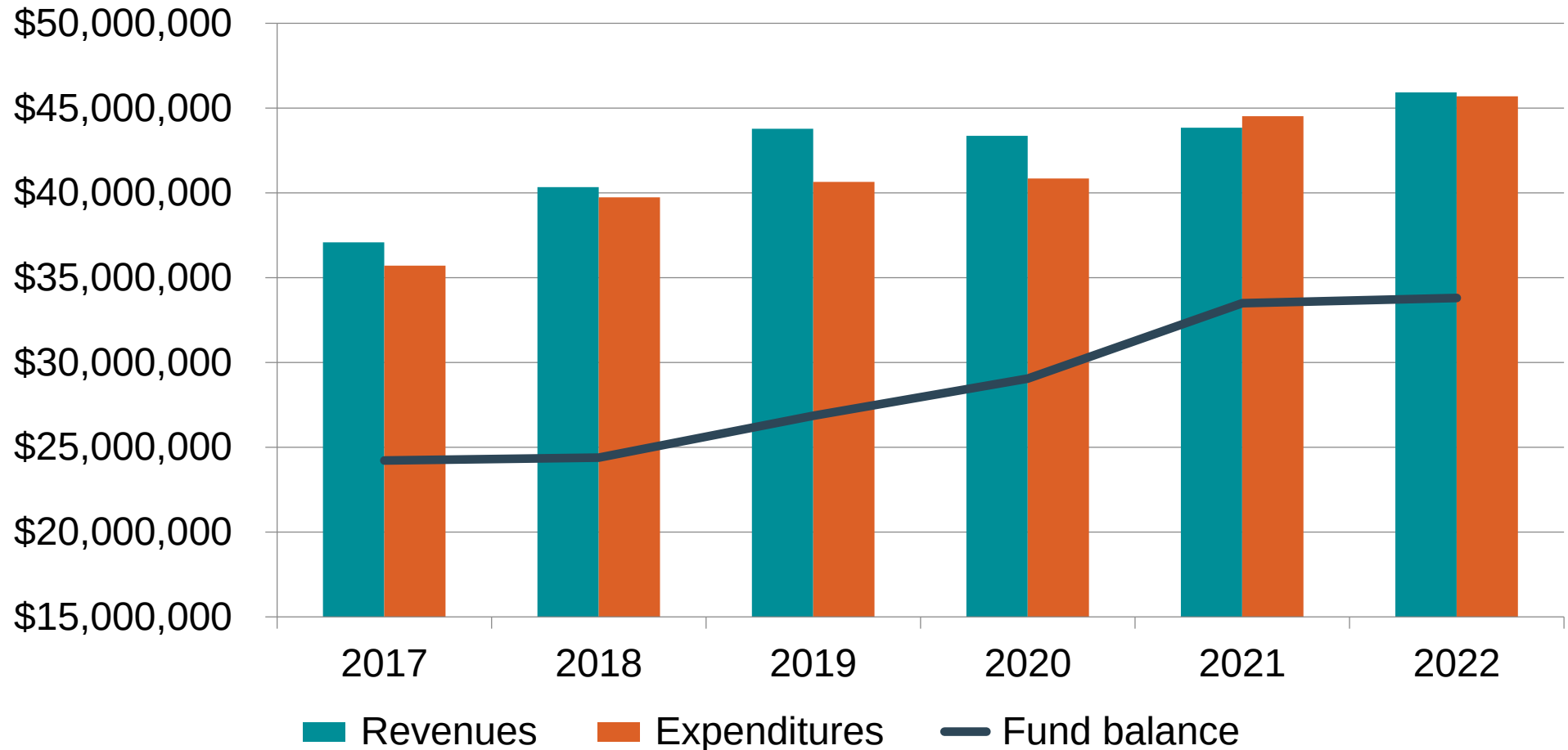




City of Birmingham Revenues, Expenditures, and Fund Balance Years Ended June 30

All Governmental Funds

Forward planning has allowed the City to manage its fund balance

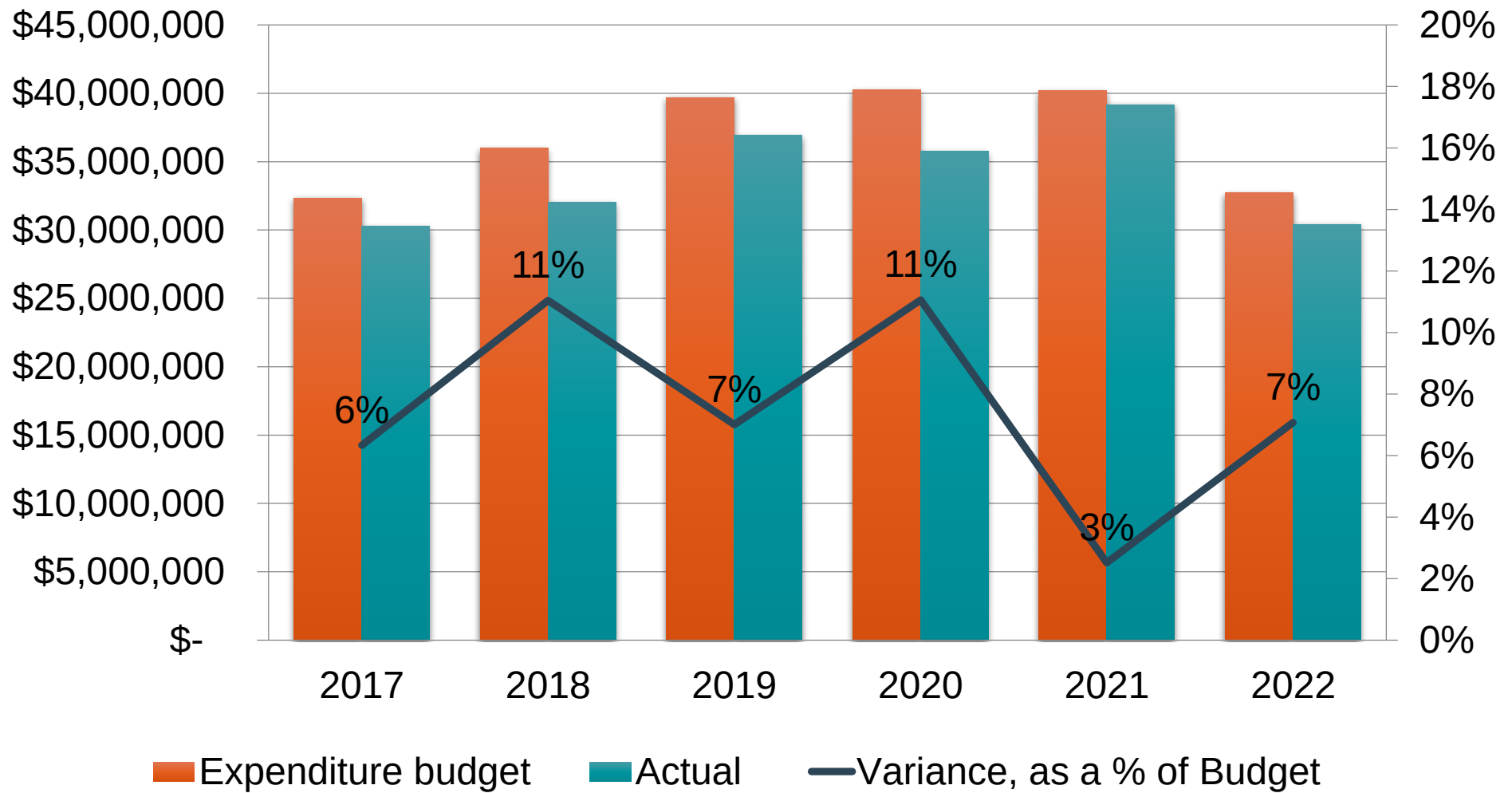




City of Birmingham

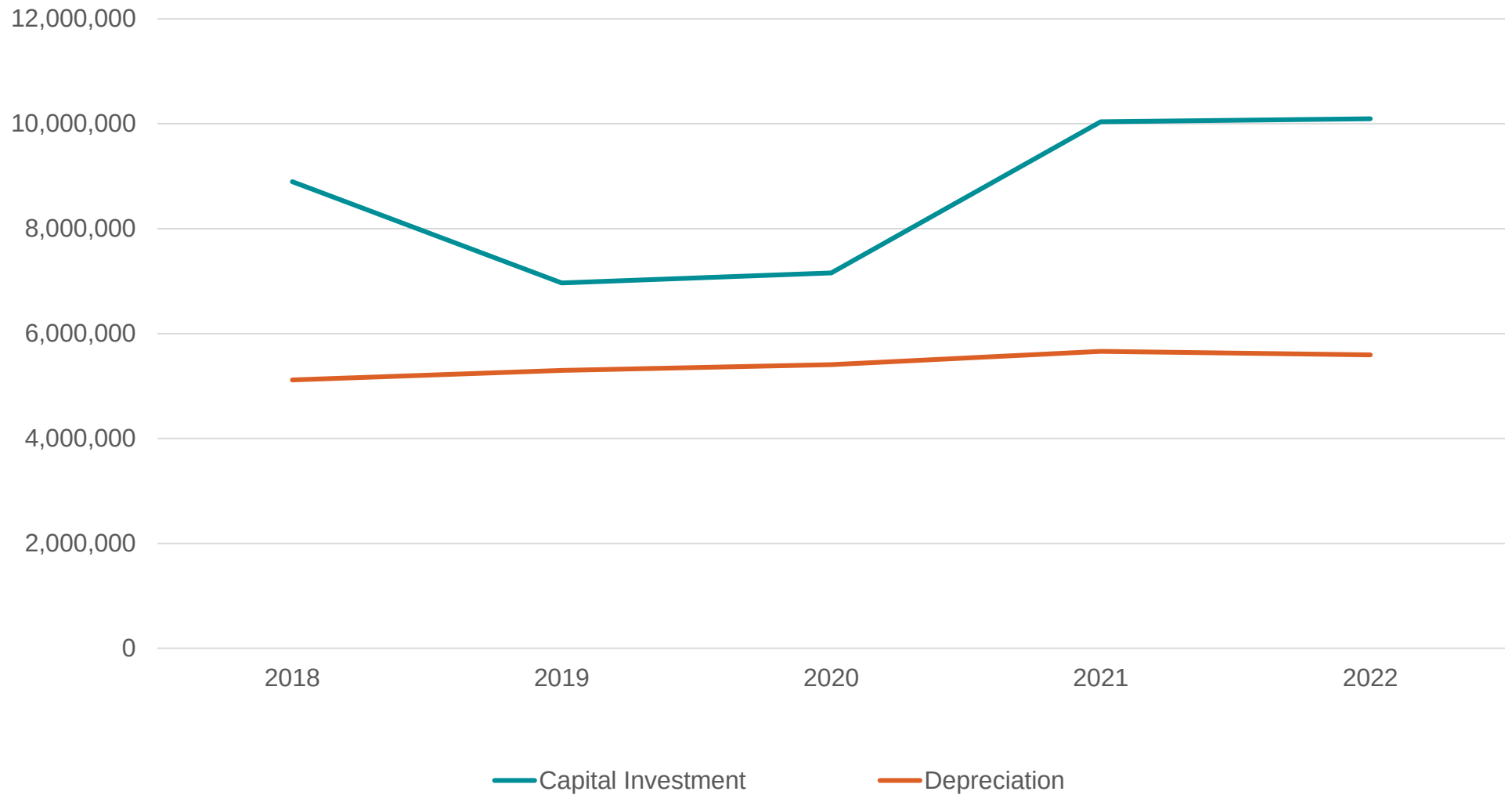
General Fund Favorable Budget Variance

Years Ended June 30



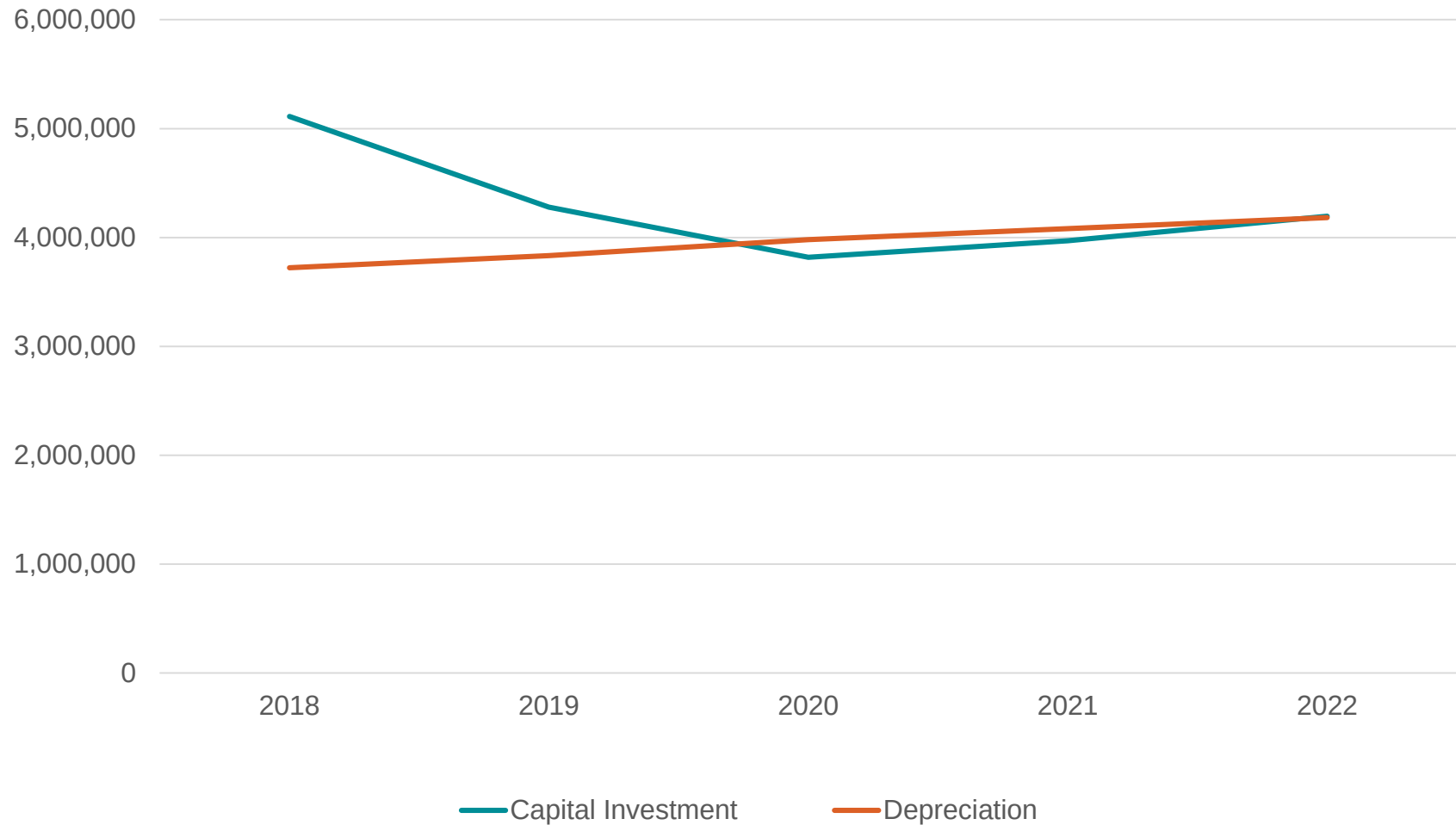


City of Birmingham Capital Investments – General Government





City of Birmingham Capital Investments – Enterprise Funds





City of Birmingham Pension and Retiree Healthcare Funding Comparisons Michigan Cities FY 2021 Data





City of Birmingham

Communication With Those Charged With Governance

- Report on Internal Control over Financial Reporting
 - No instances of noncompliance identified that are required to be reported under *Governmental Auditing Standards*
- Report on Compliance for Each Major Federal Program and Report on Internal Control Over Compliance
 - No instances of noncompliance identified that are required to be reported under *Governmental Auditing Standards*
- AU-C 260 Required Communication with Those Charged with Governance
 - Implementation of GASB 87, *Leases*
 - No transactions entered into for which there was a lack of authoritative guidance
 - No significant transactions recognized in a different period than when the transaction occurred
 - Management estimates included within the financial statements
 - Unbilled Water and Sewer Fund utility receivable
 - Self-insurance liability claims incurred but not reported
 - Actuarial assumptions
 - Pension
 - OPEB
 - No difficulties or disagreements with management in performing the audit

*Please see separate letters to Mayor and City Commission dated November 15, 2022 for more details.



Thank you for the opportunity to
serve as auditors for the City of
Birmingham



MEMORANDUM

Finance Department

DATE: November 28, 2022

TO: Thomas M. Markus, City Manager

FROM: Mark Gerber, Finance Director/Treasurer

SUBJECT: 48th District Court 2023 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 2022 agreement, revenues and court expenditures are allocated to the three funding units, which include the City 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 based on the estimate and the actual caseload of each funding unit under the agreement, as well as the court revenue.

Three municipal governments fund the budget of the 48th District Court: City of Birmingham, Bloomfield Township, and West Bloomfield Township. In 2022, the City of Bloomfield Hills was no longer a funding unit after opting out in 2021. The expenditure budget of the court is allocated to each municipality based on that municipality's percentage of the total case load of the court. The City's percentage of the caseload for just the funding units was 23.12% in calendar year 2021. As a result of the City of Bloomfield Hills opting out, an increase in the number of cases originating from the City of Birmingham, and a decrease in the number of cases from Bloomfield Township, the City's projected caseload is expected to increase to approximately 39.65% for 2022. Each quarter, the City advances 25% of the City's allocation of the total expenditure budget to the court based on the previous year's case load percentage. 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 2023 budget for the 48th Judicial District Court. In total, the Court is requesting an operating budget of \$4,834,223 which represents an increase of \$145,191, or 3.1%, from the 2022 budget. Increases are proposed for salaries, benefits, operations, professional fees and security & other expenses while capital expenses are proposed to remain the same.

Salaries: For 2023, salaries are proposed to increase \$71,191, or 3.9%, from the 2022 budget.

Benefit Expenses: This budgeted category is proposed to increase by \$35,500, or 3.4% from the 2022 budget. The change is the result of an increase in health and other insurances.

Operating Expenses: For 2023, operating expenses are proposed to increase by \$19,500, or 1.35% from the 2022 budget. This is primarily the result of an increase in liability insurance of \$10,000 and an increase in utilities of \$8,000 from 2022's budget.

Professional Fees: Overall, this budgeted category is proposed to increase by \$12,000, or 6.9%, from 2022's budget primarily as a result of an increase in the magistrates expense of \$10,000.

Security & Other Expenses: This category is proposed to increase \$7,000, or 5.6%, 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:

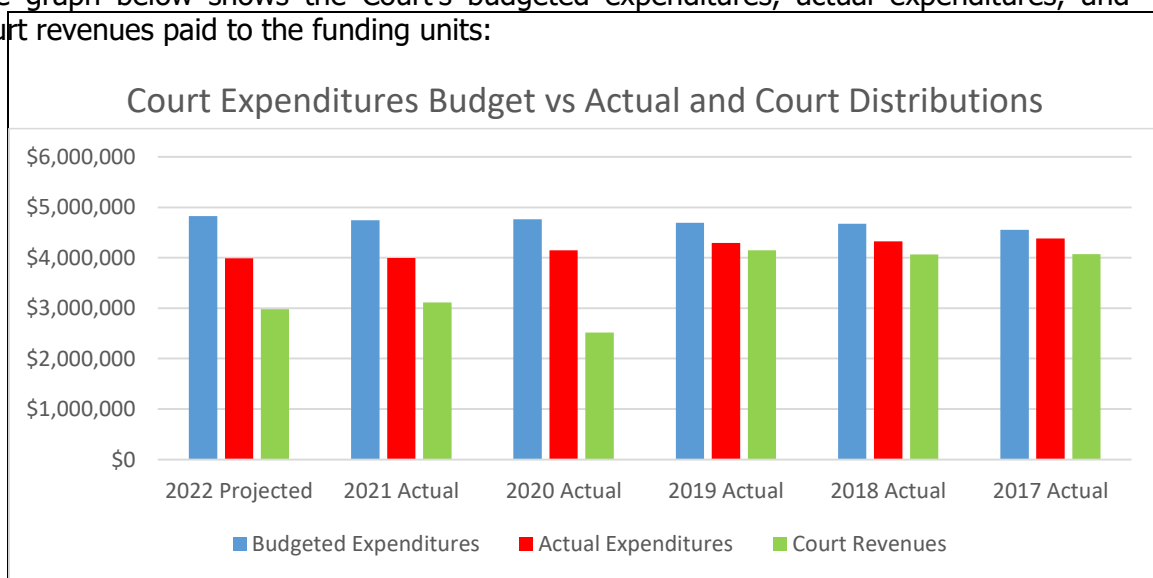
No legal review is required.

FISCAL IMPACT:

Based on the City's audited caseload from 2021 of 26.82% (after removing the City of Bloomfield Hills), the City would advance the Court \$1,296,539 in 2023 compared with \$1,268,383 in 2022, an increase of \$28,156, or 2.2%.

Court revenue has been slow to recover from the pandemic. Based on Birmingham's estimated 2022 caseload of 39.65% out of the total funding units, the City will receive approximately \$1,180,135 from court revenue for 2022 (excluding cost of prosecution reimbursement). The Court did not provide expenditure projections for 2022, however, it is likely that the City will owe the court 39.65% of the actual expenditures which could be approximately \$1,580,321 (based on the court spending 85% of its budget).

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 2017-2019, 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 finance the operation of the Court.

PUBLIC COMMUNICATIONS:

None.

SUMMARY:

It is recommended that the City Commission review the 48th District Court budget as submitted and ask questions related to their budget. Members of the 48th District Court will be available to answer any questions. This item will be brought back for action at the next City Commission meeting on December 19th, 2022.

ATTACHMENTS:

1. 48th District Court Proposed Budget for FY 2023

SUGGESTED COMMISSION ACTION:

No City Commission action is requested at this time. This item will be brought back for action at the City Commission meeting on December 19th, 2022.

STATE OF MICHIGAN

48th JUDICIAL DISTRICT COURT

Bloomfield Hills, MI 48302

2023 Budget

Proposed

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)”) now 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 municipalities and has jurisdiction over:

- Arraignments – advising defendants of their rights, the pending charge(s) and the setting of bond in misdemeanor & 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 \$6,500 and litigants represent themselves.
- Civil Infractions – includes all informal and formal hearings.
- Search Warrants – Judges and Magistrates on call 24 hours a day. Total search warrants issue year-to-date is 579; with nearly 9.4% issued after business hours.

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. 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.

48TH DISTRICT COURT PERFORMANCE MEASURES

In 2013 the Michigan Supreme Court and State Court Administrative Office (SCAO) established an annual, statewide public satisfaction survey process for all state courts to use an assessment tool to evaluate how Michigan's courts are meeting the needs of the public we serve. The 48th District Court is proud to report that our most recent survey results have consistently reflected we are meeting and exceeding statewide averages.

Michigan Supreme Court Public Satisfaction Survey Results for D48-Bloomfield Hills

Strongly Agree/Agree	2018	2021	Change
Timeliness	85%	89%	4%
Courtesy and Respect by Court Staff	94%	93%	-1%
Case was Handled Fair	82%	100%	18%
Courtesy and respect by judge/magistrate	81%	92%	11%

48TH District Court Case Age and Clearance Rates

The requirements relative to case disposition have changed. The judges and the 48th District Court must submit quarterly reports to the State Court Administrator's Office (SCAO) regarding the disposition of cases and all matters submitted before them. They are meeting or exceeding the guidelines specified by the Michigan Supreme Court.

Civil Proceedings.

General Civil. 90% of all general civil and miscellaneous civil cases should be adjudicated within 273 days from the date of case filing; 98% within 364 days; and 100% within 455 days except for individual cases in which the court determines exceptional circumstances exist and for which a continuing review should occur.

County Case Age Rates Jurisdiction		Cases Pending Over 455 Days	Disposed Within 273 Days	Disposed Within 455 Days
D15	City of Ann Arbor	852	38%	76%
D35	Cities of Northville/Plymouth	4	78%	96%
D36	City of Detroit	39	80%	98%
D41A	Cities of Utica/Sterling Heights	250	72%	93%
D41B	City of Mt. Clemens	475	42%	68%
D48	City of Bloomfield Hills, et al.	10	93%	99%
D54A	City of Lansing	13	72%	88%
D61	City of Grand Rapids	390	66%	78%

Summary Civil. 100% of all small claims, landlord/tenant, and land contract actions should be adjudicated within 126 days from the date of case filing except, in those cases where jury is demanded, actions should be adjudicated within 154 days from the date of case filing.

County Case Age Rates Jurisdiction		Cases Pending Over 126 Days	Disposed within 126 Days
D15	City of Ann Arbor	83	77%
D35	Cities of Northville/Plymouth	38	88%
D36	City of Detroit	2181	60%
D41A	Cities of Utica/Sterling Heights	263	80%
D41B	City of Mount Clemens	190	83%
D48	City of Bloomfield Hills, et al.	29	91%
D54A	City of Lansing	194	82%
D61	City of Grand Rapids	524	75%

Criminal Proceedings

Misdemeanor. 90% of all statute and ordinance misdemeanor cases, including misdemeanor drunk driving and misdemeanor traffic, should be adjudicated within 63 days from the date of first appearance; 98% within 91 days; and 100% within 126 days.

County Case Age Rates Jurisdiction		Cases Pending Over 126 Days	Disposed within 63 Days	Disposed within 126 Days
D15	City of Ann Arbor	77	53%	74%
D35	Cities of Northville/Plymouth	18	89%	96%
D36	City of Detroit	5573	71%	82%
D41A	Cities of Utica/Sterling Heights	375	45%	64%
D41B	City of Mount Clemens	121	56%	79%
D48	City of Bloomfield Hills, et al.	31	79%	94%
D54A	City of Lansing	98	72%	85%
D61	City of Grand Rapids	305	30%	65%

Felony. 100% of all preliminary examinations in felony, felony drunk driving, and felony traffic cases should be commenced within 14 days of arraignment unless good cause is shown.

County Case Age Rates Jurisdiction		Cases pending Over 28 Days	Disposed within 28 Days
D15	City of Ann Arbor	44	23%
D35	Cities of Northville/Plymouth	27	45%
D36	City of Detroit	1964	7%
D41A	Cities of Utica/Sterling Heights	186	30%
D41B	City of Mount Clemens	176	26%
D48	City of Bloomfield Hills, et al.	16	50%
D54A	City of Lansing	77	47%
D61	City of Grand Rapids	4	79%

Civil Infraction. 90% of all civil infraction cases, including traffic, nontraffic, and parking cases should be adjudicated within 35 days from the date of filing; 98% within 56 days; and 100% within 84 days.

County Case Age Rates Jurisdiction		Pending Over 84 Days	Disposed within 35 Days	Disposed within 84 Days
D15	City of Ann Arbor	27	87%	97%
D35	Cities of Northville/Plymouth	31	63%	94%
D36	City of Detroit	8785	48%	62%

D41A	Cities of Utica/Sterling Heights	770	40%	61%
D41B	City of Mount Clemens	300	37%	80%
D48	City of Bloomfield Hills, et al.	69	77%	98%
D54A	City of Lansing	248	83%	91%
D61	City of Grand Rapids	326	72%	85%

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 focus of this measure is on the extent to which a court takes responsibility for the enforcement of orders requiring payment of monetary penalties. The 48th District Court has been deemed Compliant by SCAO. The judges and staff of the Court are diligent in collecting fines and costs at the time of sentencing to try and ensure that crime victims are made whole, and to provide funds to support law enforcement, libraries, and local governments.

The Court has a closely monitored Collection System for delinquent civil infractions. The goal of the program is to enforce outstanding court orders. The program is monitored with extreme efficiency at minimal cost. The Court attempts to collect outstanding assessments through a variety of ways, including a show cause docket for delinquent payments.

As of September 30, 2022, the Court has collected in excess of \$69,538 in Costs of Prosecution on behalf of the communities it serves.

The Court held a Late Fee Forgiveness Program for civil infraction cases only from February 15, 2022 through March 31, 2022 that brought in \$49,894.

EXPENSES, REDUCTIONS & COURT IMPROVEMENTS

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 believes staff development and professional training are essential. As such our staff participates in training held by the State Court Administrative Office, Secretary of State and Michigan State Police. The importance of this training and expertise is expected to be heightened over the next two years as the State of Michigan implements the use of a statewide electronic document management system (MiFILE) that will constitute the biggest advancement in court administration in our lifetimes. The statewide e-Filing implementation team is currently assessing the courts equipment and software as part of its readiness assessment for implementation of MiFILE.

Michigan lawmakers have adopted a number of bills over the last several years that have drastically changed every aspect of local criminal justice systems, and continued to highlight the need to retain our skilled and well-trained staff in this highly competitive job market. The reforms to eliminate driver's license suspension as a penalty for infractions unrelated to dangerous driving, along with the efforts to reduce the use of jail time have received a great deal of attention in the press. In addition to those changes, the daily job tasks of court personnel have been significantly impacted by the following legislative actions.

Personal Identifying Information

By April of this year the Court had to develop and implement policies and procedures to protect personal identifying information (PII). PII includes dates of birth, social security numbers, driver's license numbers, passport numbers and financial account numbers. The *Michigan Court Rules* now requires courts to take affirmative steps to keep this information confidential or nonpublic, and in certain situations to redact protected information before it can be provided to the public. The Court has provided a second computer workstation in the lobby of the courthouse to allow individuals authorized by the State of Michigan to access a party's date of birth contained in a court record for the purposes of verifying that particular person's identity for employment purposes.

Clean Slate

Legislation designed to help residents more easily set aside criminal convictions and get a "clean slate" 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, which has significantly increased the number of set aside hearings scheduled and heard by the Court. In 2019 the number of hearings was 38. In 2022 the Court will easily surpass 100 set aside hearings. Additional training and policies will be necessary to prepare the court for the implementation of the automatic set aside process that commences in April of 2023.

Early Probation Discharge

A legislative amendment that establishes a process for misdemeanor and felony defendants to be discharged early from probation. After a defendant completes half of the original probation period, the defendant may be eligible for early discharge. The number of early discharge filings received by the Court has continued to rise as the public becomes aware of the expanded eligibility, as illustrated by an increase in hearings from 28 in 2021 to over 130 in 2022.

Landlord-Tenant Changes Due to COVID-19

During the early days of the pandemic, state and national authorities ordered restrictions on the filing of many landlord/tenant cases. Although the temporary halt in residential evictions was removed in 2021, there has not been a complete return to the landlord-tenant procedures established by statute and court rules prior to the pandemic. The Court is still required to hold a pretrial hearing that is advisory in nature which has essentially doubled the Courts monthly landlord-tenant docket.

Compliance with New Rules Regarding Remote Proceedings

Earlier this year 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 bulk 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 is often taking place remotely to reduce the transport costs of our respective police departments. In 2021, the Court started scheduling disputed civil infractions for a pre-hearing with the City Attorney via Zoom to see if a resolution can be arrived at 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 reimbursed the Court from the *Building Improvement Fund* for some maintenance expenses associated with the HVAC system and boilers. The Township of Bloomfield has scheduled the replacement of one of the Rooftop Units to commence an upgrade of the entire HVAC system and reduce future maintenance expenses. The Court has likewise developed a plan to make cosmetic repairs to the front clerk area to continue with the projects needed to address the normal wear and tear of the courthouse. The court parking lot has been identified for needed repairs.

Technology

The Court has started to replace old computers to improve efficiency in entering information into the Court’s case management system, and to prepare for the statewide e-Filing initiative. To help reduce the costs associated with new computers, the Court has used funds contributed from the State through the Drunk Driving Case-flow Assistance Fund. Additionally, the Court has sought reimbursement for expenses associated with the accompanying software and installation of the computer systems from COVID grant funds administered by the Michigan State Police.

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, Police Officers, City Attorney's 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 or visit the courthouse. Security policies are reevaluated throughout the year to determine their effectiveness and to correct weaknesses.

SPECIAL PROGRAMS & SERVICES

- **Cost of Prosecution** – The law allows for the Court to collect costs of prosecution for Operating While Intoxicated (OWI) cases when requested by the prosecutor. Once collected, these funds are reimbursed, in full, directly to the appropriate municipality.
- **Restitution** – In proceedings involving individual or business victims, the Court collects the restitution from the defendant and forwards it to the crime victim. Since 2017, the Court forwarded over \$200,000 to individuals/businesses who have been victims of theft, embezzlement, fraud, property destruction, medical injuries, auto damage, etc.
- **OAK.gov Credit Card Processing** – The Court utilizes Oakland County's 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. As of October 31, 2022, the Court has held 77 mediations, with 22 cases being resolved and 23 cases going to trial.
- **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 Maplegrove therapists. The goals of the specialty court are clear: to reduce drug and alcohol-related crime, to reduce recidivism among drug and alcohol offenders, to save money and reduce court congestion, and perhaps most importantly to provide offenders with a new outlook on life and commitment to a lifetime of sobriety. The program currently has eight voluntary participants, and had its first graduate in 2022. The court is taking a close look at the results of the program, including the increased oversight and data recording duties imposed on the probation department.
- **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 host 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.

STATE OF MICHIGAN
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Case Type Activity

	2020	2021	2022	2022	2022 vs 2023
	New Cases	New Cases	New Cases	Projected	Project Variance %
Traffic Cases (Civil Infractions & Misdemeanor)	13,941	18,771	14,649	19,532	4.05%
Drunk Driving Cases	266	387	258	344	-11.11%
Criminal & Non-Traffic Cases	749	1,022	693	924	-9.59%
Civil Cases	3,328	4,107	2,692	3,589	-12.60%
Total Cases	18,284	24,287	18,292	24,389	0.42%

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Case Volume By Community

Communities	2020 Jan-Dec New Cases	2021 Jan-Dec New Cases	2022 Jan-Sept New Cases	2022 Jan-Dec Projected Cases	2021 vs 2022 Jan-Dec Projected Variance %
Birmingham	3,624	4,991	5,953	7,937	59.03%
Bloomfield Hills	2,463	2,979	1,198	1,597	-46.38%
Bloomfield Township	5,893	7,663	4,565	6,087	-20.57%
West Bloomfield	3,878	5,957	4,494	5,992	0.59%
Keego Harbor	674	518	329	439	-15.32%
Orchard Lake	1,014	1,592	1,180	1,573	-1.17%
Sylvan Lake	433	323	255	340	5.26%
*Other	305	264	318	424	60.61%
Total Cases	18,284	24,287	18,292	24,389	0.42%

* Other Includes but not limited to : MSP, Animal Control, Marine Division , DNR

STATE OF MICHIGAN
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Funding Unit Caseload Percentages

Communities	2020 Actual Case Load	2021 Actual Case Load	2022 Actual Jan-Sept
Birmingham	22.85%	23.12%	39.65%
Bloomfield Hills	15.53%	13.80%	0.00%
Bloomfield Township	37.16%	35.49%	30.41%
West Bloomfield	24.46%	27.59%	29.94%
Totals	100.00%	100.00%	100.00%

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Budget Expenditure Summary

	2020	2021	2022	2023	2022 vs 2023
	Budget Request	Budget Request	Budget Request	Budget Request	Variance %
Salaries	\$1,800,000	\$1,844,000	\$1,878,809	\$1,950,000	3.79%
<i>*Judicial Reimbursement</i>	-137,172	-137,172	-137,172	-137,172	0.00%
Benefits	1,063,000	1,030,000	1,040,000	1,075,500	3.41%
Operations	1,374,860	1,389,060	1,441,895	1,461,395	1.35%
Professional Fees	171,000	170,000	175,000	187,000	6.86%
Security & Other Expenses	180,250	137,500	125,500	132,500	5.58%
Equipment & Capital	176,000	170,000	165,000	165,000	0.00%
Totals	\$4,627,938	\$4,603,388	\$4,689,032	\$4,834,223	3.10%

** Judicial Salary Reimbursement received from the State*

STATE OF MICHIGAN
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Benefit Expense

	2020 Budget Request	2021 Budget Request	2022 Budget Request	2023 Budget Request	2022 vs 2023 Variance %
Defined Contribution	\$260,000	\$225,000	\$205,000	210,000	2.44%
Medical Insurance	575,000	575,000	600,000	625,000	4.17%
Other Post -Employment Benefits (OPEB)	110,000	110,000	110,000	110,000	0.00%
Dental, Life, Disability Insurance	118,000	120,000	125,000	130,500	4.40%
Totals	<u>\$1,063,000</u>	<u>\$1,030,000</u>	<u>\$1,040,000</u>	<u>1,075,500</u>	<u>3.41%</u>

STATE OF MICHIGAN
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Operating Expenses

	2020 Budget Request	2021 Budget Request	2022 Budget Request	2023 Budget Request	Variance % 2022 vs 2023
Payroll Taxes	\$150,000	\$153,000	\$155,000	\$155,000	0.00%
Information Systems	62,500	75,000	75,000	76,500	2.00%
Office Supplies	59,300	60,000	60,000	60,000	0.00%
Postage	44,000	40,000	40,000	40,000	0.00%
Payroll Processing & Bank Services	22,000	20,000	20,000	20,000	0.00%
Insurance - Liability	98,000	105,000	105,000	115,000	9.52%
Utilities/Telephone	130,000	132,000	132,000	140,000	6.06%
Rent	584,310	584,310	635,145	635,145	0.00%
Building Capital Improvement Escrow	44,750	44,750	44,750	44,750	0.00%
Building Maintenance & Janitorial	180,000	175,000	175,000	175,000	0.00%
Total	<u>\$1,374,860</u>	<u>\$1,389,060</u>	<u>\$1,441,895</u>	<u>\$1,461,395</u>	<u>1.35%</u>

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Professional Fees

	2020	2021	2022	2023	2022 vs 2023
	Budget Request	Budget Request	Budget Request	Budget Request	Variance %
Auditors	\$35,000	\$35,000	\$35,000	\$35,000	0.00%
Magistrates	62,000	65,000	70,000	80,000	14.29%
Consultants & Other Professional Services	74,000	70,000	70,000	72,000	2.86%
Totals	\$171,000	\$170,000	\$175,000	\$187,000	6.86%

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Security & Other Expenses

	2020 Budget Request	2021 Budget Request	2022 Budget Request	2023 Budget Request	2022 vs 2024 Variance %
Jury & Witness Fees	\$8,750	\$7,500	\$7,500	\$7,500	0.00%
Library/Dues/Certifications	21,500	15,000	10,000	10,000	0.00%
Court Security Personnel (Deputy Sheriffs)	150,000	115,000	108,000	115,000	6.48%
Total	<u>\$180,250</u>	<u>\$137,500</u>	<u>\$125,500</u>	<u>\$132,500</u>	<u>5.58%</u>

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Equipment & Capital Expense

	2020 Budget Request	2021 Budget Request	2022 Budget Request	2023 Budget Request	Variance % 2022 vs 2023
Equipment Rental	\$21,000	\$20,000	\$10,000	\$10,000	0.00%
Equipment Maintenance	30,000	25,000	30,000	30,000	0.00%
Capital Expenses/Improvements	125,000	125,000	125,000	125,000	0.00%
Total	\$176,000	\$170,000	\$165,000	\$165,000	0.00%

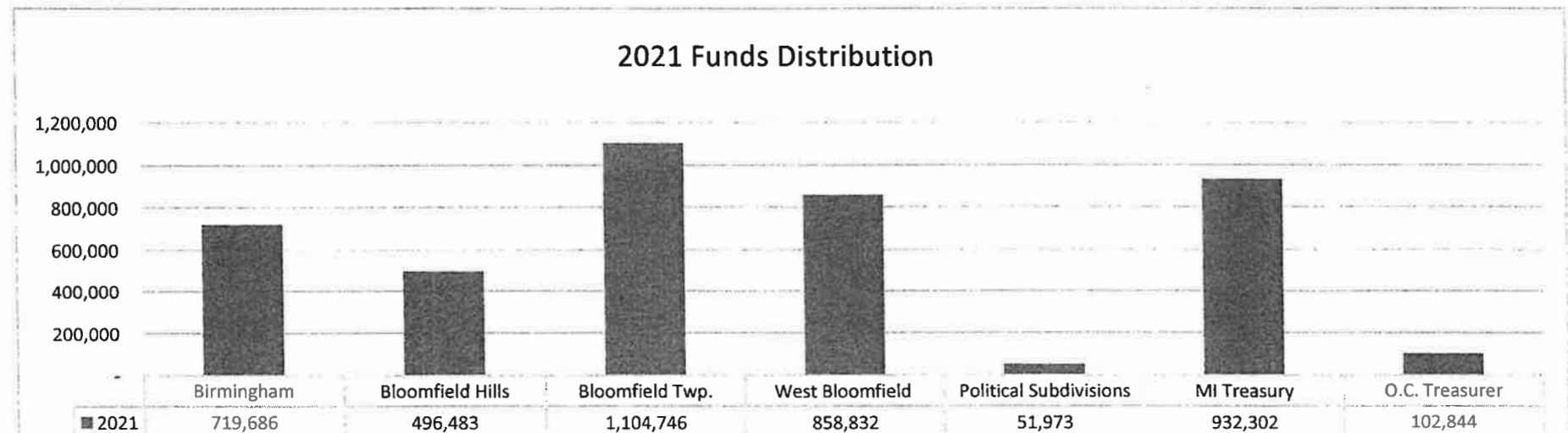
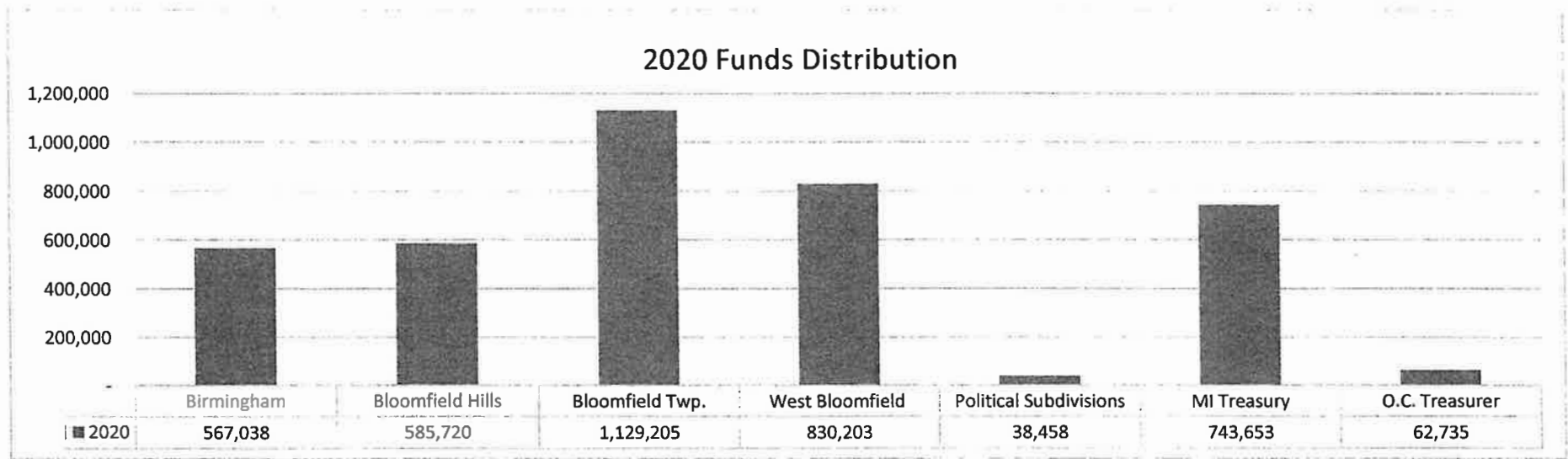
STATE OF MICHIGAN
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Cash Distribution - 2022

	Birmingham	Bloomfield Township	West Bloomfield	Totals
Based on Case Load Percentage	26.82%	41.17%	32.01%	100.00%
1st Qtr.	\$193,851	\$297,570	\$231,363	\$722,784
2nd Qtr.	212,592	326,339	253,731	792,662
3rd Qtr.	200,935	308,445	239,818	749,198
4th Qtr (<i>Projected</i>)	190,888	293,023	227,827	711,738
Total of distributions to Funding Units	\$798,266	\$1,225,377	\$952,739	\$2,976,382
Cost of Prosecution Reimbursement	\$13,647	\$35,862	\$6,320	\$55,829
Total Cash Distributions in 2022 Including 4th Qtr projected	\$811,913	\$1,261,239	\$959,059	\$3,032,211

revised: 111722

STATE OF MICHIGAN 48TH JUDICIAL DISTRICT COURT





MEMORANDUM

Planning Division

DATE: December 5, 2022

TO: Thomas M. Markus, City Manager

FROM: Brooks Cowan, Senior Planner

APPROVED: Nick Dupuis, Planning Director

SUBJECT: Public Hearing to consider the proposed Zoning Ordinance amendment to Article 3, Section 3.04(D)(3) of the Downtown Overlay Parking Requirements to allow nonresidential uses in the D4 Zone located outside of any former parking assessment districts to reduce or eliminate parking requirements under the provision of a Special Land Use Permit.

INTRODUCTION:

The applicant is applying to amend the Zoning Ordinance to allow properties in the D4 (Downtown Overlay) Zone to request a waiver of commercial parking requirements from the City Commission under the provisions of a Special Land Use Permit. The applicant is the owner of 479 S. Old Woodward which is zoned D4 in the Downtown Overlay and is located outside of any former parking assessment districts, therefore the subject site is currently required to provide all required parking on-site.

BACKGROUND:

On [July 27th, 2022](#), the Planning Board first considered the proposed ordinance amendment from the applicant requesting to allow the City Commission to waive parking requirements for properties zoned D4 in the Downtown Overlay. City staff recommended denial of the proposed ordinance language for numerous reasons, including the attempt to bypass the Board of Zoning Appeals for obtaining a parking variance, the lack of City Commission guidelines for approval or denial of such a waiver, and the fact the the D4 zone boundary was never considered during special assessments charged for public parking facilities as it did not exist at those times.

Upon discussion with the Planning Board, the applicant suggested making the parking waiver request contingent upon a Special Land Use Permit (SLUP). The Planning Board appeared amenable to reviewing the suggested amendment and asked staff to coordinate with the applicant to bring back draft ordinance language incorporating a SLUP for nonresidential uses in the D4 Zone requesting an off-street parking reduction or waiver.

On [August 24th, 2022](#), the applicant submitted an updated draft ordinance addressing items discussed at the July 27th, 2022 meeting. City staff suggested minor tweaks to the proposed ordinance language for formatting reasons which the applicant was amenable to. The suggested draft language read as such (**new ordinance language in bold**):

Article 3, Section 3.04(D)

*3. For all sites located outside of the **former** parking assessment district, off-street parking must be provided in accordance with the requirements of Article 4 for parking, loading and screening.*

*a) For all nonresidential uses in the D4 Zone located outside of the **former** parking assessment district, the off-street parking requirements of Article 4 may be reduced or eliminated under the provisions of a Special Land Use Permit.*

On [September 28th, 2022](#), a public hearing was held at the Planning Board regarding the proposed ordinance language. The Planning Board discussed difficulties that the property faces related to its size and location. It was also discussed how the existence of an 86 ft. building next door creates difficulties for the owner to dig multiple levels of underground parking. Members of the Planning Board felt that an ordinance amendment could assist the City in obtaining a reasonable building that fits the recommendations of the Downtown 2016 Plan and would be an improvement from the existing one story buildings currently there. Waiving parking requirements could enable more active uses on the first and second floor of the building.

The Planning Board also discussed concerns about the proposed amendment and how it could be construed as changing the ordinance to fix issues with one site. There was discussion that the parking ordinance should be reviewed and amended as a whole, not just examined for one site. Concerns about spot zoning were also discussed, however the Planning Board mentioned that the proposed language appears to be contractual zoning which is permitted, but would need to be verified by the City Attorney. The City Attorney has provided a response to such commentary in the legal review provided below.

Upon discussion, the Planning Board motioned to recommend **approval** to the City Commission for the proposed amendment to Article 3, Section 3.04(D)(3), of the Zoning Ordinance to allow off-street parking requirements of Article 4 to be reduced or eliminated under the provisions of a Special Land Use Permit for all nonresidential uses in the D4 Zone located outside of the former parking assessment district by a vote of 4-2.

The suggested action from the Planning Division was to recommend **denial** of the proposed language as-is for the reasons previously cited as bypassing the Board of Zoning Appeals for hardships unique to the property, a lack of standards for approval by City Commission, and that the Article 4 parking requirements are dimensional, not a use that would typically be subject to a SLUP.

It is also of note that on the September 28th, 2022, the applicant for the subject ordinance amendment also appeared before the Planning Board for a revised Final Site Plan for 479 S. Old Woodward. The applicant originally obtained Final Site Plan approval in September of 2020 for a

5 story mixed-use building with two levels of underground parking, and has obtained the necessary annual site plan approval extensions. The revised site plan in September of 2022 included only one level of underground parking with additional commercial square footage in place of parking and residential uses on the first and second floor.

Parking was the main issue for the proposed revised site plan. The updated plans required 113 parking spaces when only 39 were indicated on-site, creating a shortage of 74 parking spaces. Approval of the site plan would require the applicant to obtain a variance of 74 parking spaces from the Board of Zoning Appeals.

On [September 28th, 2022](#), the Planning Board discussed the proposed site plan amendment with the parking shortage being the main concern. The scale of the parking shortage was a concern for some Planning Board members, however others felt that the additional commercial space was preferable to first floor parking. The Planning Board moved to **deny** the revised Final Site Plan for 479 S. Old Woodward by a vote of 4-2.

On [November 8th, 2022](#), the applicant appeared before the Board of Zoning Appeals to appeal the decision of the Planning Board to deny the revised Final Site Plan, and to request a variance of 74 parking spaces. The Board of Zoning Appeals is an alternative route to the subject ordinance amendment being proposed that would enable the applicant to waive parking requirements. In the meeting, the applicant withdrew the request to appeal the decision of the Planning Board, and the Board of Zoning Appeals moved to **deny** the variance request for 74 parking spaces.

Given the revised site plan proposed for 479 S. Old Woodward, the subject ordinance amendment being proposed **could** enable the applicant to reapply for Final Site Plan and SLUP review to request that City Commission eliminate the requirement of 74 additional parking spaces under the provisions of a Special Land Use Permit.

LEGAL REVIEW:

The City Attorney's office has had an opportunity to review the proposed ordinance and staff's recommendation. The recommendation by staff of the Planning Department, as contained in the summary section of this memo, is fully supported by the City Attorney.

The Planning Board suggested that the proposed language of the amendment, Article 3 Section 3.04, appears to be contractual zoning which is permitted in Michigan. Contractual zoning is indeed legal in Michigan, however, the application of contractual zoning in this situation is inappropriate. Contractual zoning occurs when an owner of land may voluntarily offer in writing, and the applicable unit of government may approve, certain use and development of the land as a condition to the rezoning of the land or an amendment of the zoning map. This is not the case here where the applicant is requesting an amendment to the Zoning Ordinance and is not trying to rezone an area at all.

Furthermore, the City Attorney would also agree that this proposed zoning ordinance amendment totally circumvents the Board of Zoning Appeals (BZA). Amending this zoning ordinance would set a very dangerous precedent in that anytime a property owner wants a waiver of the requirements of a zoning ordinance, they would simply try to amend the ordinance to fit their particular and sole needs. This conduct runs afoul of the Zoning Enabling Act.

The City Attorney also agrees with staff that waiving the parking requirements with a Special Land Use Permit is inconsistent with what a Special Land Use Permit achieves. The process for special land uses consistent with the zoning amendment can be found in Article 7, Chapter 126 of the Birmingham Zoning Ordinance. In all applications, special land use is permitted with certain conditions and requirements. The key is the word "use." The applicant is not trying to use his property in a certain fashion or engage in a particular business or activity. Instead, he is simply trying to have the requirement for parking waived. There is a mechanism in the Zoning Ordinance to address dimensional or use variances. An applicant may appeal to the BZA, wherein the applicant would have the opportunity to try and demonstrate that they may have the qualifying hardships which could allow them to waivers of strict compliance with the Zoning Ordinance.

In conclusion, the City Attorney supports the staff's findings and does not recommend approving an ordinance amendment where language circumvents the BZA, inappropriately utilizes a SLUP agreement, and has the potential for a very dangerous precedent to be set.

FISCAL IMPACT:

There is no fiscal impact of the proposed ordinance amendment itself.

PUBLIC COMMUNICATIONS:

As required for proposed Zoning Ordinance amendments, a legal ad was placed in a newspaper of local circulation to advertise the proposed amendments to the Zoning Ordinance in advance of the September 28th, 2022 public hearing at the Planning Board. A second legal ad was placed in a newspaper of local circulation to advertise the public hearing at the City Commission meeting on December 5th, 2022.

SUMMARY:

The Planning Division requests that the City Commission consider the proposed Zoning Ordinance Amendment to Article 3, Section 3.04(D)(3) of the Downtown Overlay Parking Requirements to allow nonresidential uses in the D4 Zone located outside of the former parking assessment districts to reduce or eliminate parking requirements under the provision of a Special Land Use Permit.

The Planning Division maintains the position of recommending **denial** for the proposed ordinance amendment. The applicant is claiming a hardship of being the only D4 Overlay zoned property outside of the former parking assessment districts, however this has only been the case for five years. The D4 zone was created with the Downtown Overlay in 1996 which had 411 S. Old Woodward (Birmingham Place), 469 S. Old Woodward, 479 S. Old Woodward, and 555 S. Old Woodward zoned D4 Overlay outside of the former parking assessment districts. 411 S. Old Woodward (Birmingham Place) and 555 S. Old Woodward were then rezoned from D4 to D5 in 2017 to bring them into conformity. The applicant has since combined 469 & 479 S. Old Woodward into one property.

Furthermore, as the Planning Division discussed during the July 27th, 2022 Planning Board meeting, there have been a total of six assessments related to the provision of a public parking facility in the southeast portion of Birmingham's downtown. The first assessment for the Peabody surface parking lot was in 1956. This was followed by five public parking structure assessments between 1965 and 1989. The D4 zone and the Downtown Overlay did not exist at the time of such assessments and therefore could not have been considered during any parking assessment.

The subject property has been zoned B3 in the underlying zone for most of the timeframe that parking assessments have existed, with a brief stint being zoned B2 from 1965 to 1972.

In regards to the City's review process, if an applicant feels that the Zoning Ordinance is subjecting them to unreasonable hardships that are not self created, the City has a process to appeal such requirements to the Board of Zoning Appeals. Enabling applicants to amend the Zoning Ordinance to waive requirements with City Commission through a SLUP instead of going to the Board of Zoning Appeals to prove a hardship is bypassing standard public policy procedure.

Approving the proposed ordinance amendment sets a poor precedent that enables other applicants to amend the Zoning Ordinance to waive requirements with a SLUP instead of proving a hardship to the Board of Zoning Appeals. If the City Commission believes there is a problem with parking requirements of the Zoning Ordinance, the City should work towards addressing the cause of the issue in a comprehensive manner. The proposed language is a work-around of the Zoning Ordinance for a singular property and approving such language would set a precedent to allow other properties to do the same. Allowing applicants to waive requirements of the Zoning Ordinance with a SLUP will erode the overall purpose and effectiveness of the Zoning Ordinance over time.

The Planning Division has concerns about how the proposed ordinance amendment lacks standards for approval to waive parking requirements. If approved, there would be no guidelines to base a decision of approval or denial on. The Zoning Ordinance has standards of approval to help guide decision making for the Planning Board and City Commission. Without any standards of approval, the appropriate amount of parking spaces to waive would be arbitrarily up to a vote.

The Planning Division also has concerns about applying a Special Land Use Permit to the amount of parking spaces required. The amount of off-street parking spaces required is a dimensional standard of the Zoning Ordinance Article 4, Section 4.46(A) Table A, not a use regulation within Article 2. Special Land Use Permits are typically applied to uses listed in Article 2 for each zoning classification under the category "Uses Requiring a Special Land Use Permit". Dimensional requirements of Article 4 are not typically subject to a SLUP, however the applicant is proposing to waive the dimensional amount of parking spaces required by Article 4 with a Special Land Use Permit.

It is worth noting that Article 3.04(A)(4)(c) of the Zoning Ordinance permits additions or new construction in the D5 Zone to be "over the maximum building height up to, but not exceeding, the height of an existing building on a directly abutting D5 Zone property if the property owner agrees to the construction of the building under the provisions of a Special Land Use Permit." This allows additional height via SLUP and is what the applicant is modeling their language after.

Acknowledging the above information, the Planning Division maintains that in general, enabling an applicant to waive a dimensional requirement of the Zoning Ordinance with a SLUP erodes the overall purpose and effectiveness of the Zoning Ordinance. Approving the proposed ordinance language would also set a precedent to allow other property owners to amend the Zoning Ordinance to waive a requirement with a SLUP when they cannot meet the requirements of the Zoning Ordinance or demonstrate a practical difficulty to the Board of Zoning Appeals. As previously stated, if there is an issue with the ordinance, the cause of the issue should be addressed in a comprehensive manner. The Planning Division does not recommend approving

ordinance language that circumvents an issue for a singular property, hence the Planning Division's recommendation of denial.

ATTACHMENTS:

- Proposed Ordinance Language
- Ordinance Amendment Application
- Revised Site Plans
- Map of Downtown Overlay Zones with former parking assesment districts boundary
- Public Comments

SUGGESTED COMMISSION ACTION:

Make a motion adopting an ordinance to amend Article 3, Section 3.04(D)(3) of the Downtown Overlay Parking Requirements to allow nonresidential uses in the D4 Zone located outside of the former parking assessment district to reduce or eliminate parking requirements under the provision of a Special Land Use Permit per the Planning Board's recommendation.

OR

Make a motion adopting a resolution to DENY the proposed Zoning Ordinance Amendment to Article 3, Section 3.04(D)(3) of the Downtown Overlay Parking Requirements to allow nonresidential uses in the D4 Zone located outside of the former parking assessment district to reduce or eliminate parking requirements under the provision of a Special Land Use Permit per the Planning Division's recomendation.

CITY OF BIRMINGHAM
ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE CITY OF BIRMINGHAM ZONING ORDINANCE, ARTICLE 3, SECTION 3.04(D)(3), PARKING REQUIREMENTS OF THE DOWNTOWN OVERLAY TO ALLOW OFF STREET PARKING REQUIREMENTS TO BE REDUCED OR ELIMINATED UNDER THE PROVISIONS OF A SPECIAL LAND USE PERMIT.

SECTION 3.04(D)(3) Parking requirements is amended as follows:

3. For all sites located outside of the former parking assessment district, off-street parking must be provided in accordance with the requirements of Article 4 for parking, loading and screening.

a.) For all nonresidential uses in the D4 Zone located outside of the former parking assessment district, the off-street parking requirements of Article 4 may be reduced or eliminated under the provisions of a Special Land Use Permit.

ORDAINED this _____ day of _____, 2022 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk



Dykema Gossett PLLC
39577 Woodward Avenue
Suite 300
Bloomfield Hills, MI 48304
WWW.DYKEMA.COM
Tel: (248) 203-0700
Fax: (248) 203-0763
Stephen R. Estey
Direct Dial: (248) 203-0538
Direct Fax: (855) 232-1793
Email: SEstey@dykema.com

June 20, 2022

VIA EMAIL

City of Birmingham
Planning Department
ATTN: Nicholas Dupuis, Planning Director
151 Martin Street
Birmingham, MI 48009

Re: Proposed Ordinance Text Amendment – Section 3.04(D)(3)

Dear Mr. Dupuis,

We represent the owner of the combined lots of 469-479 S. Old Woodward Avenue, now known as 479 S. Old Woodward Avenue (the “Property”).

I. The Property

The physical practicalities of the Property create unique problems for development under the City’s current zoning ordinance, given the manner in which parking is treated for parcels included in the former Parking Assessment District vs. all others. The overall lot size is 0.423 acres. The lot is long and narrow, and it is situated on two corners with frontage on three streets, S. Old Woodward, Hazel and M-1. Because of the size and narrow corner configuration of the Property, it cannot support street-level retail, commercial use, residential use, *and* the required parking for those uses as discussed herein.

The off-street parking requirements for this Property make the engineering and design of a mixed-use, D4-allowable building challenging – if not impossible. Even with a significant amount of the ground floor area and an underground garage dedicated to parking, there simply is not enough onsite parking to support street-level-activating retail uses, such as a café or coffee shop, at the S. Old Woodward frontage. The owner can only plan to house a leasing office in the S. Old Woodward frontage, which fails to optimize retail for a pedestrian streetscape or to make the development economically viable.

Our client currently has an opportunity for a national retailer to occupy the space (on both the entire first floor and mezzanine), which would serve as an anchor tenant for the site and is more

compatible with the intended use and vision of the Downtown Development District.

Today, every D4 property in the City *is included in the former PAD, with the exception of our Client's Property*. Indeed, most of the downtown area is included in the D4 Overlay Zone, *and all those properties have the parking benefits of the PAD except our client's Property*. As such, our client cannot compete with other similarly situated D4 parcels and is uniquely impacted by the existing requirement to meet all onsite parking.

II. The Zoning Ordinance & Parking Disparity

Article 3, Section 3.04(D) provides in pertinent part:

D. Parking requirements.

1. For all nonresidential uses located within the parking assessment district, parking on the site shall not be required, provided such site is in full compliance with the requirements of the parking assessment district.
2. For all residential uses located within the parking assessment district, the on-site parking requirements contained in Section 4.46, Section 4.49, Section 4.50 and Section 4.51 may be complied with through leasing the required spaces from an off-site parking area, provided the requirements of Section 4.45(G) are met and all parking is supplied on site or within 300 feet of the residential lobby entrance of the building
3. **For all sites located outside of the parking assessment district, off-street parking must be provided in accordance with the requirements of Article 4 for parking, loading and screening.**
4. Notwithstanding the above regulations, residential dwelling units within the existing second and third floors of landmark buildings, as defined in Section 62-87 of the Birmingham City Code, located within the central business historic district are exempt from required off-street parking requirements.
5. Off-street parking contained in the first story shall not be permitted within 20 feet of any building facade on a frontage line or between the building facade and the frontage line.
6. The placement of two abutting off-street parking lots with continuous street frontages shall not be permitted.

The proposed minor text amendment attached hereto, will simply bring the only remaining D4 parcel, which is not included in the former PAD, into compliance with the parking standards of all other D4 properties in the City and allow discretion to the City Commission to review same.

III. Conclusion

In conclusion, the proposed minor text amendment will provide the flexibility to the City to allow the Property to be developed in the same manner and pursuant to the same rules as all other D4 properties in the Downtown Overlay District, as well as provide greater flexibility in the retail uses at the corner of S. Old Woodward and Hazel, which will benefit the City and its citizens.

Regards,

DYKEMA GOSSETT PLLC

A handwritten signature in black ink, appearing to read "Stephen R. Estey", with a long horizontal line extending to the right.

Stephen R. Estey

APPLICATION FOR ZONING MAP OR ORDINANCE CHANGE
Birmingham, Michigan

TO THE CITY COMMISSION:

The undersigned hereby makes application to the City Commission to:

1. ~~Zoning Map~~ Change: **Text Amendment**

Change premises described as: **Birmingham Tower Partners, LLC**

479 S. Old Woodward Ave, Birmingham, MI

No. Street

Legal Description

_____ from its present zoning

classification of _____ to _____.

A sealed land survey showing location, size of lot and placement of building (if any) on the lot to scale must be attached. **n/a**

Statements and reason for request or other data have a direct bearing on the request.

2. ~~Change premises described as:~~

(See attached Letter)

No. Street

Legal Description

_____ from its present zoning

classification of _____ to _____.

A sealed land survey showing location, size of lot and placement of building (if any) on the lot to scale must be attached. **n/a**

Statements and reasons for request or other data have a direct bearing on the request.

Signature of Applicant: _____

Print Name: **Stephen Estey, Esq., C/O**

Name of Owner: **Birmingham Tower Partners, LLC**

Address and Telephone Number: **39577 Woodward Ave.**

Suite 300, Bloomfield Hills, MI 48304

APPLICATION FOR ZONING MAP OR ORDINANCE CHANGE
Birmingham, Michigan

A letter of authority, or power of attorney, shall be attached in case the appeal is made by a person other than the actual owner of the property.

Date Received: _____ Received By: _____

Resolution No. _____ Approved/Denied _____

Application Fee: \$1,500.00 Receipt Number _____

The petitioner shall be responsible for any costs incurred by consultant, including but not limited to traffic and environmental, contracted by the city to review the proposed site plan and/or community impact study as determined by the city planner.

ZONING MAP OR ORDINANCE AMENDMENT PROCEDURE

Procedure to be followed on all applications for Zoning Map or Ordinance amendments.

1. Preliminary discussion with the Community Development Director or City Planner.
 2. Formal application to City Commission with the following information:
 - a) Change requested
 - b) Signature and name of persons requesting change
 - c) Reasons for requested change
 3. City Commission will refer request to the Planning Board for recommendation and final report.
 4. Planning Board will hold a public hearing prior to which a notice will be published in an official paper or a paper of general circulation not less than fifteen (15) days prior to the hearing.
 5. At the conclusion of a public hearing, the Planning Board will forward a recommendation of the Zoning Map or Ordinance amendment request. The City Commission may, by ordinance, change the Zoning Map or Ordinance only after the Planning Board had held at least one (1) public hearing regarding the proposed amendment and has reported to the City Commission thereon. The City Commission may hold additional public hearings as it deems necessary.
 6. Upon the presentation of protest petition meeting the requirements listed below, an amendment to the Zoning Map or Ordinance which is the object of the petition shall be passed only by a three-fourths (3/4) vote of the City Commission. The protest petition shall be presented to the City Commission before final action on the amendment, and shall be signed by one (1) of the following:
 - a) The owners of at least twenty percent (20%) of the area of land included in the proposed change.
 - b) The owners of at least twenty percent (20%) of the area of the land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change.
- For the purpose of calculating the twenty percent (20%) requirement, publicly-owned land shall be excluded.
7. The City Commission will then take action on the application upon review of the Planning Board's recommendation and approved minutes of the Public Hearing.
 8. Following adoption of a Zoning Map or Ordinance change by the City Commission, one (1) notice of adoption shall be published in the newspaper of general circulation in the City within fifteen (15) days after adoption.

Applicant's Original Submission - Not Final

ORDINANCE NO. _____
CITY OF BIRMINGHAM

AMENDMENT TO CITY OF BIRMINGHAM ZONING ORDINANCE

AN ORDINANCE AMENDING THE CITY OF BIRMINGHAM ZONING ORDINANCE,
ARTICLE 3 – OVERLAY DISTRICTS, SECTION 3.04(D)(3)

THE CITY OF BIRMINGHAM ORDAINS:

SECTION 3.04(D)(3) Parking requirements is amended as follows:

3. For all sites located outside of the former parking assessment district, off-street parking must be provided in accordance with the requirements of Article 4 for parking, loading and screening. Notwithstanding the foregoing, properties located in the D4 Zone may request a waiver of the parking requirements of Article 4 from the City Commission.

ADOPTED, APPROVED, AND PASSED by the City Commission of Birmingham, Michigan this ____ day of ____, 2022.

Mayor

City Clerk

I hereby certify that the foregoing is a true copy of the Ordinance as passed by the City Commission of the City of Birmingham at a regular City Commission Meeting held _____ on 2022.

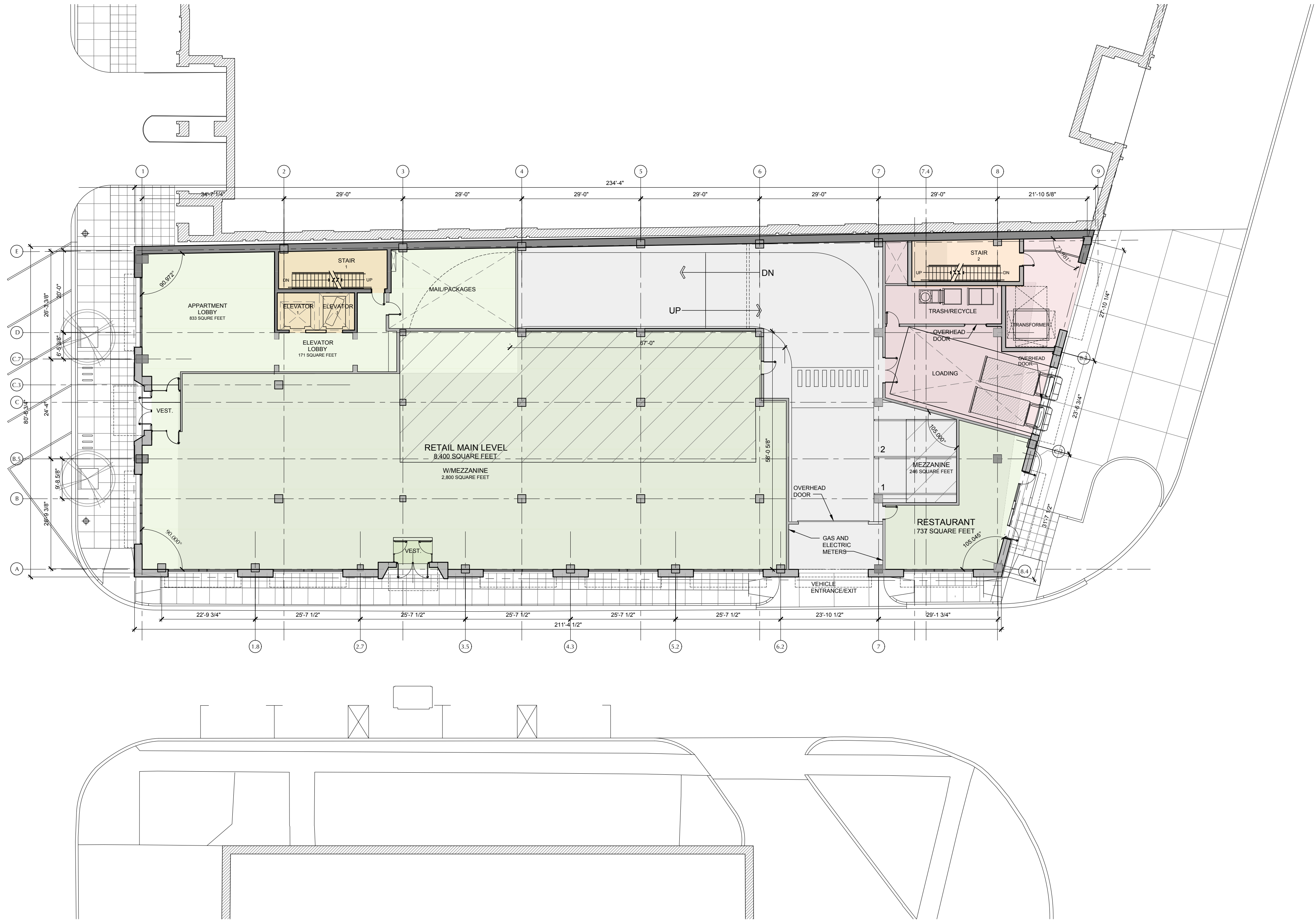
City Clerk

I further certify that the foregoing was published in _____, a newspaper of general circulation in City of Birmingham, on the ____ day of ____ 2022.

City Clerk

Introduced:
Adopted:
Published/Effective:

BIRMINGHAM TOWER PARTNERS, LLC
251 East Merrill Street, Suite 204
Birmingham, Michigan 48009



OCCUPANCY AREAS

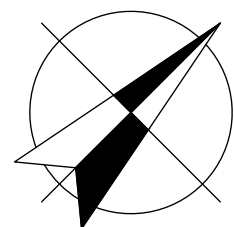
OCCUPANCY	LOCATION IN BUILDING	NET USABLE AREA
RETAIL + LOBBY + COMMERCIAL	FLOOR 1	13,187 SF
RETAIL + OFFICE + ELECTRICAL	FLOOR 2	12,805 SF
RESIDENTIAL UNITS	FLOORS 3-5	39,817 SF

PARKING TABULATION

RESIDENTIAL	REQUIRE	PROVIDED
APARTMENTS	33 APARTMENTS (17 1-BEDROOM x 1 SPACE) (16 2-3 BEDROOMS x 1.25 SPACES)	36.0 SPACES 17.0 SPACES 19.0 SPACES
RETAIL		
RETAIL + LOBBY	12,204 SF / 300 SF	40.7 SPACES
OFFICE	9, 880 SF / 300 SF	33.0 SPACES
COMMERCIAL	9,83 SF / 50 SF	19.7 SPACES
*PARKING REDUCTION	(33.0 SPACES x 40%)	-13.2 SPACES
TOTAL		116.2 SPACES
TOTAL (WITH 4 STREET PARKING SPACES)		39.0 SPACES 43.0 SPACES

* CITY OF BIRMINGHAM ZONING ORDINANCE PARKING STANDARD ARTICLE 4.50/PK-06/ITEM C:
OFFICE AND RESIDENTIAL PARKING, WHERE THERE IS COMBINED WITHIN A SINGLE BUILDING, AN OFFICE USE AND A
RESIDENTIAL USE, UP TO 40% OF THE PARKING SUPPLIED TO MEET THE REQUIREMENT FOR THE OFFICE USE MAY ALSO
BE USED TO MEET THE REQUIREMENT FOR RESIDENTIAL USE, PROVIDED THAT THE NUMBER OF SPACES REQUIRED FOR
RESIDENTIAL PARKING SHALL NEVER BE LESS THAN 1 PARKING SPACE PER DWELLING UNIT.

SITE PLAN



7C

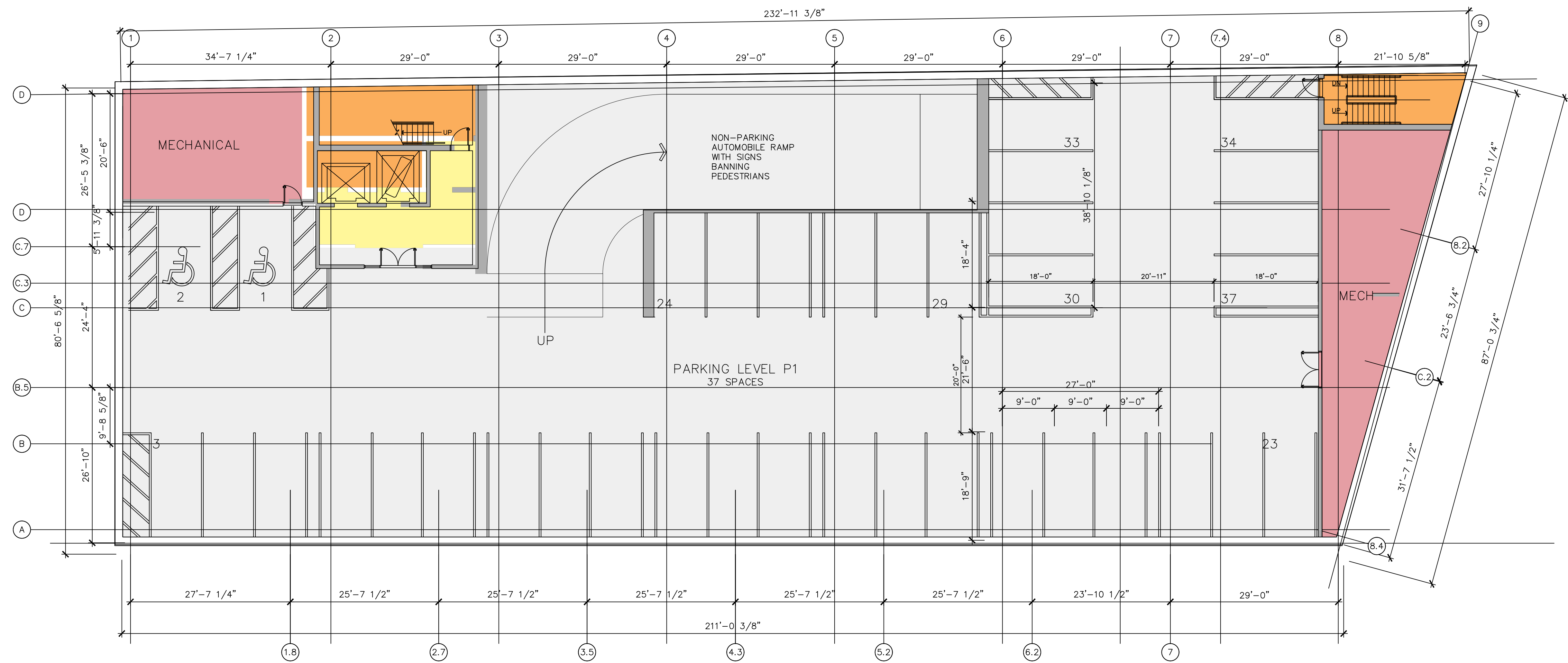
SCALE: 1/16" = 1'-0"

CURRENT ADDRESS		
STREET ADDRESS	SIDWELL NUMBER	ZONING
469 SOUTH OLD WOODWARD	19-36-208-011	B3/D4
479 SOUTH OLD WOODWARD	19-36-208-012	B3/D4

BUILDING CALCULATIONS			
LOCATION	SPACES/UNITS	NET USABLE AREA	GROSS AREA
PARKING LEVEL P1	40 PARKING SPACES	16,647 SF	18,260 SF
MAIN FLOOR	RETAIL/LOBBY/COMMERCIAL 2 PARKING SPACES	13,187 SF	18,260 SF
2ND FLOOR	RETAIL/OFFICE/ELECTRICAL	12,805 SF	18,260 SF
3RD FLOOR	12 APARTMENT UNITS	14,302 SF	17,349 SF
4TH FLOOR	12 APARTMENT UNITS	14,302 SF	17,349 SF
5TH FLOOR	9 APARTMENT UNITS	11,213 SF	13,983 SF
TOTAL	-	82,456 SF	103,770 SF

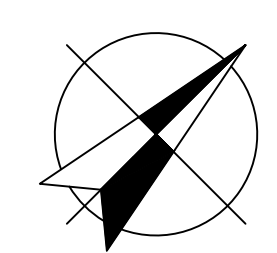
SD.1

BIRMINGHAM TOWER PARTNERS, LLC
251 East Merrill Street, Suite 204
Birmingham, Michigan 48009



- LEGEND
- PARKING
 - RETAIL + LOBBY + OFFICE
 - MECHANICAL
 - EGRESS
 - CIRCULATION
 - 1 BEDROOM UNITS
 - 2 BEDROOM UNITS
 - 3 BEDROOM UNITS

PARKING LEVEL (P1)



SCALE: 3/32" = 1'-0"

BOWERS+ASSOCIATES
ARCHITECTURE DESIGN
2400 SOUTH HURON PARKWAY • ANN ARBOR, MI 48104
P: 734.975.2400 • F: 734.975.2410
WWW.BOWERSARCH.COM

CONSULTANT + NAME

PROJECT + INFORMATION
**BIRMINGHAM TOWER
PARTNERS, LLC**
251 EAST MERRILL STREET, SUITE 204
BIRMINGHAM, MI 48009

PROJECT + NUMBER
22-222

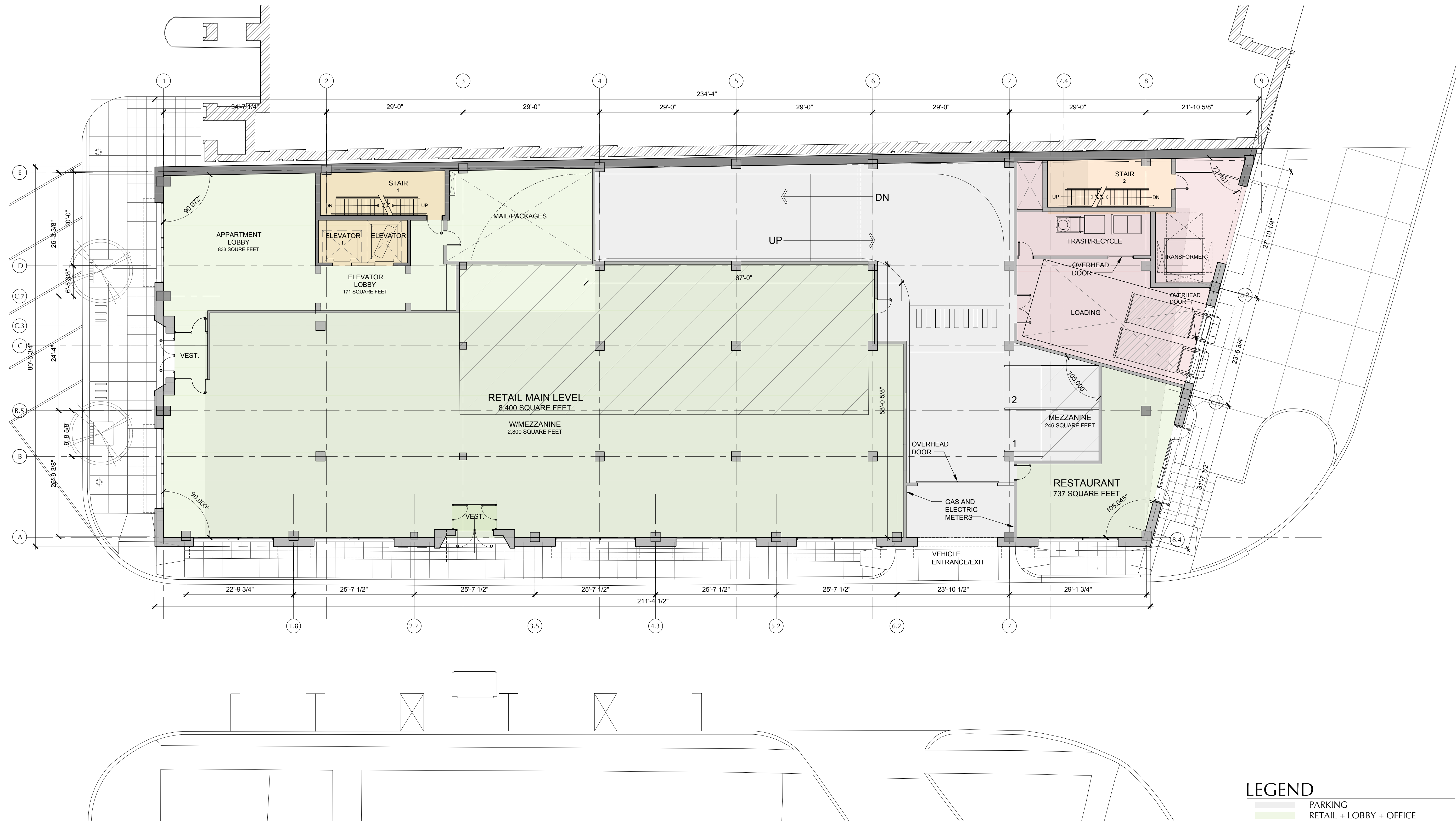
ISSUE + DATE

STATE OF MICHIGAN
SCOTT M. BOWERS
ARCHITECT
19103259
LICENSED ARCHITECT

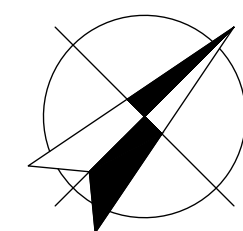
SHEET + TITLE

SHEET + NUMBER
SD.2

BIRMINGHAM TOWER PARTNERS, LLC
251 East Merrill Street, Suite 204
Birmingham, Michigan 48009



FIRST FLOOR

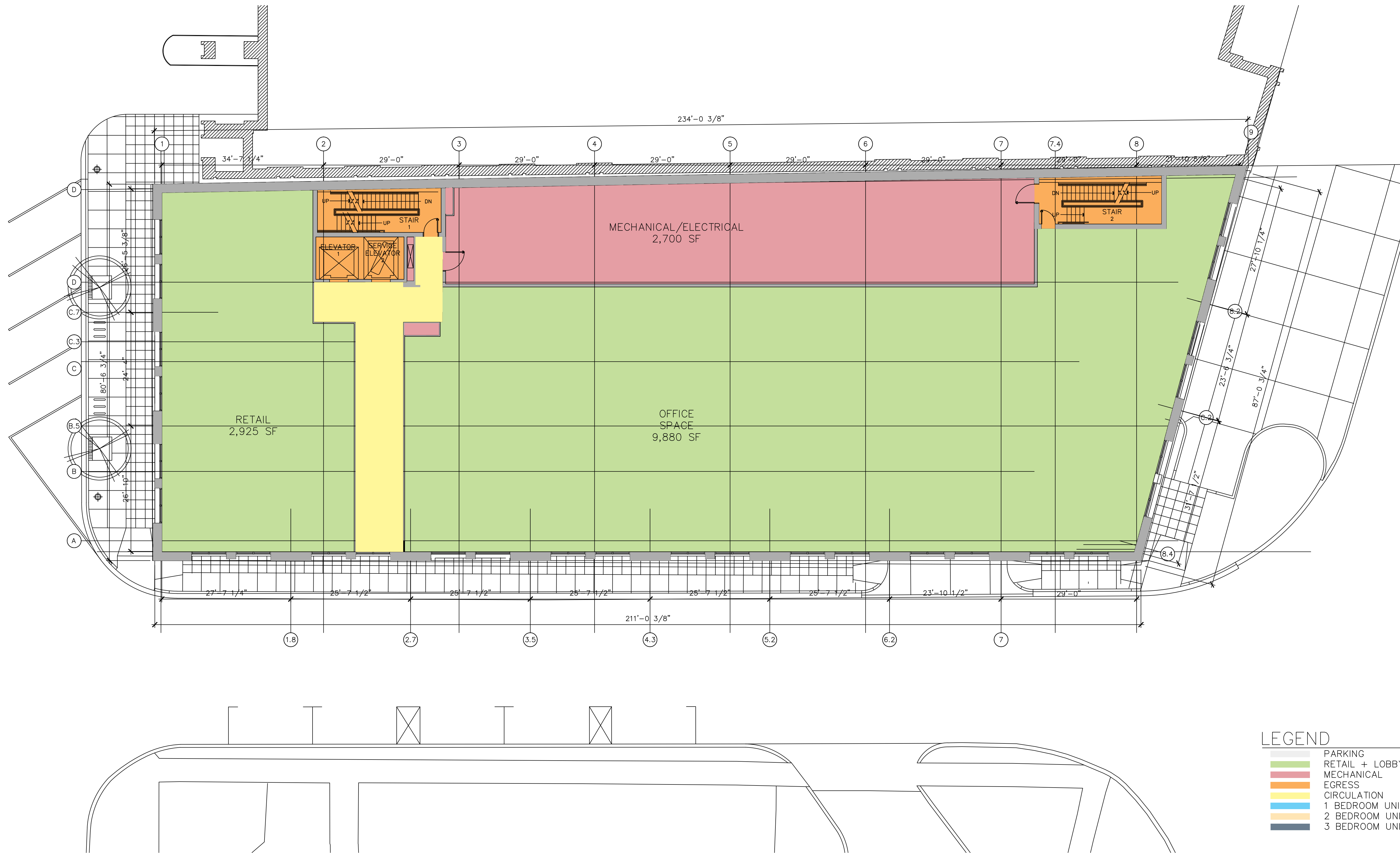


7C

SCALE: 3/32" = 1'-0"

SD.3

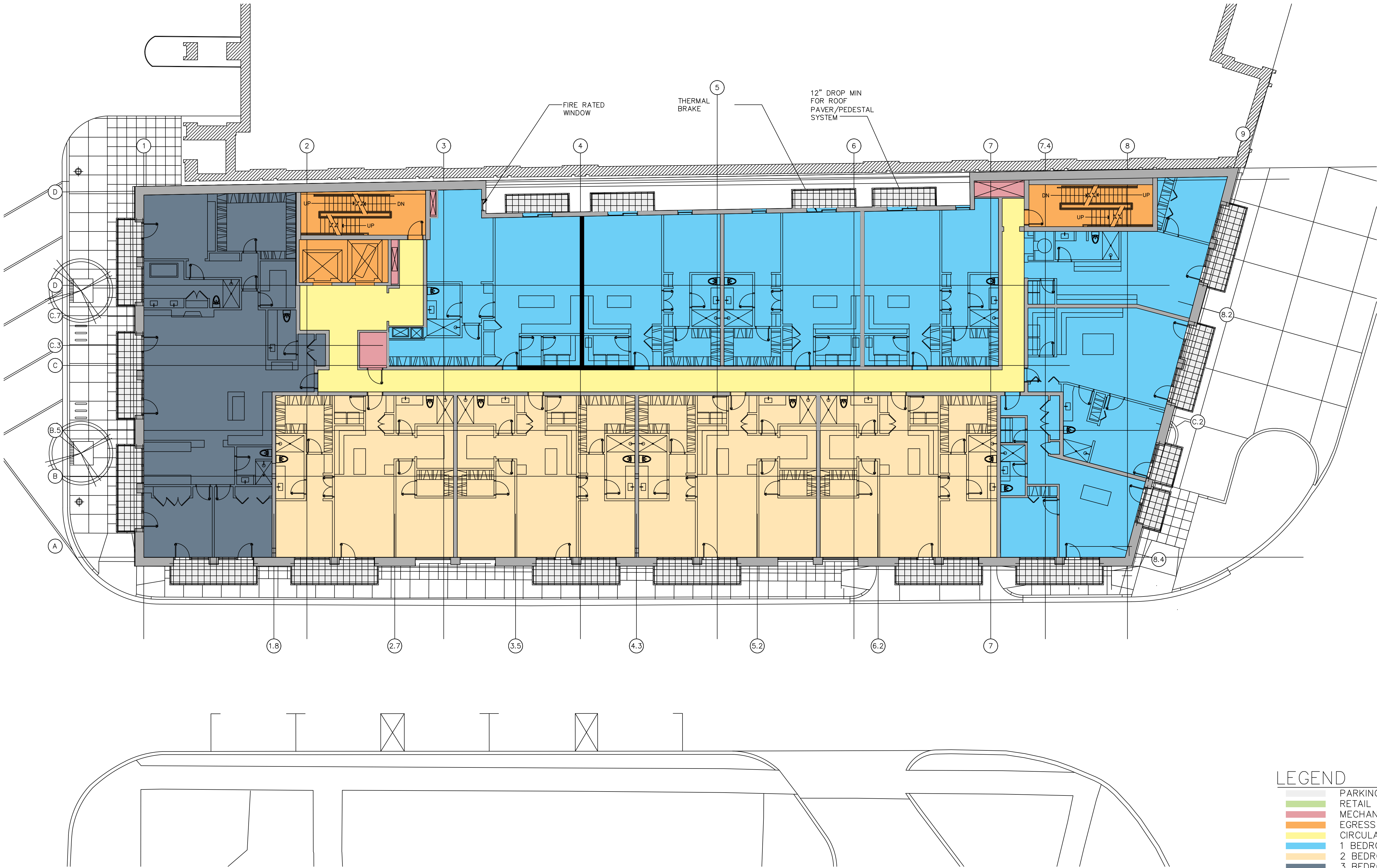
BIRMINGHAM TOWER PARTNERS, LLC
251 East Merrill Street, Suite 204
Birmingham, Michigan 48009



SECOND FLOOR (OFFICE/ELECTRICAL)

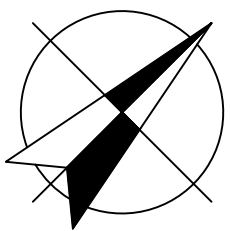
SCALE: 3/32" = 1'-0"

BIRMINGHAM TOWER PARTNERS, LLC
251 East Merrill Street, Suite 204
Birmingham, Michigan 48009



- LEGEND
- PARKING
 - RETAIL + LOBBY + OFFICE
 - MECHANICAL
 - EGRESS
 - CIRCULATION
 - 1 BEDROOM UNITS
 - 2 BEDROOM UNITS
 - 3 BEDROOM UNITS

THIRD FLOOR (RESIDENTIAL)



SCALE: 3/32" = 1'-0"

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P: 734.975.2400 • F: 734.975.2410
WWW.BOWERSARCH.COM

CONSULTANT + NAME

PROJECT + INFORMATION
BIRMINGHAM TOWER
PATNERS, LLC
251 EAST MERRILL STREET, SUITE 204
BIRMINGHAM, MI 48009

PROJECT + NUMBER
22-222

ISSUE + DATE

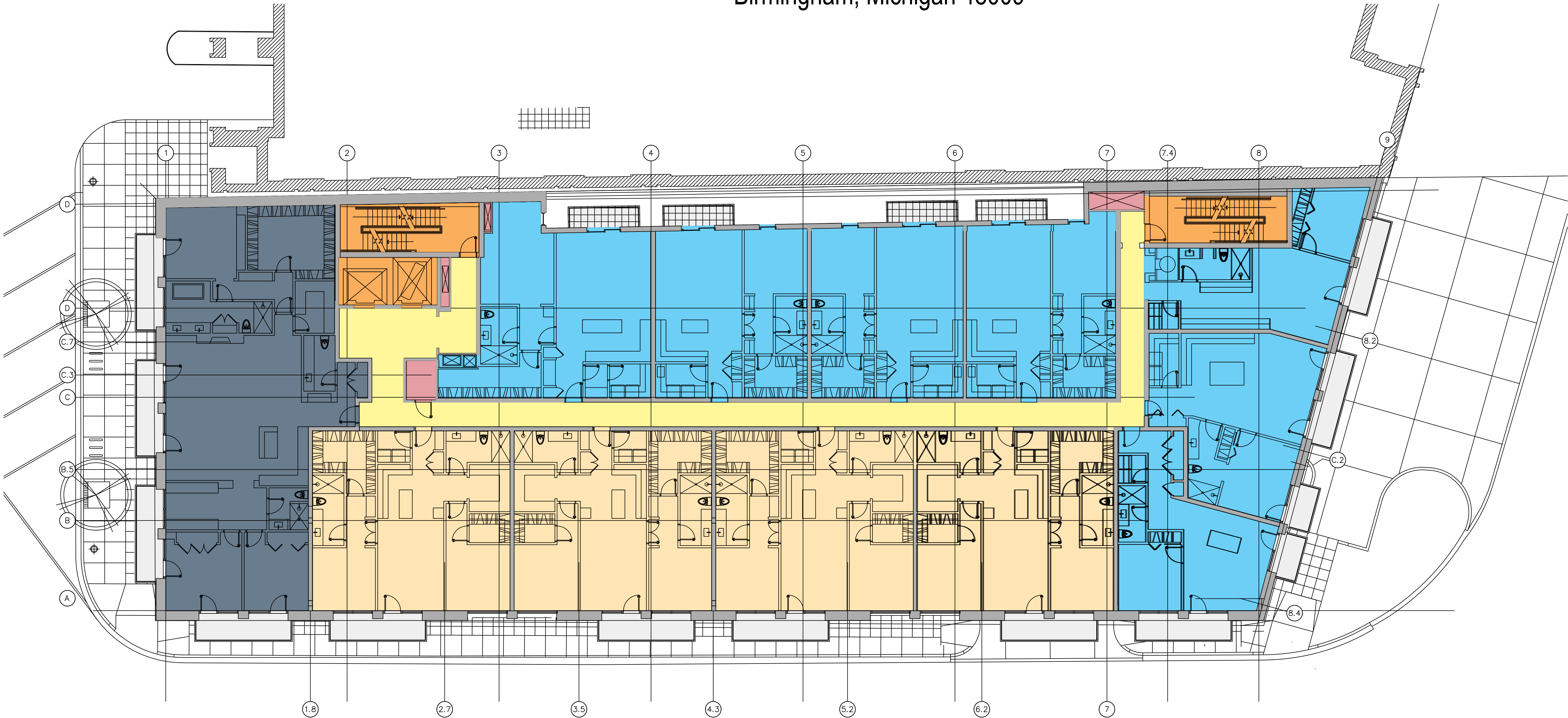
STATE OF MICHIGAN
SCOTT M. BOWERS
ARCHITECT
19103259
LICENSED ARCHITECT

SHEET + TITLE

SHEET + NUMBER
SD.5

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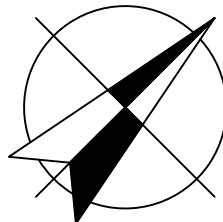
BIRMINGHAM TOWER PARTNERS, LLC
251 East Merrill Street, Suite 204
Birmingham, Michigan 48009



- LEGEND
- PARKING
 - RETAIL + LOBBY + OFFICE
 - MECHANICAL
 - EGRESS
 - CIRCULATION
 - 1 BEDROOM UNITS
 - 2 BEDROOM UNITS
 - 3 BEDROOM UNITS

FOURTH FLOOR (RESIDENTIAL)

SCALE: 3/32" = 1'-0"



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PROJECT + NUMBER
22-222

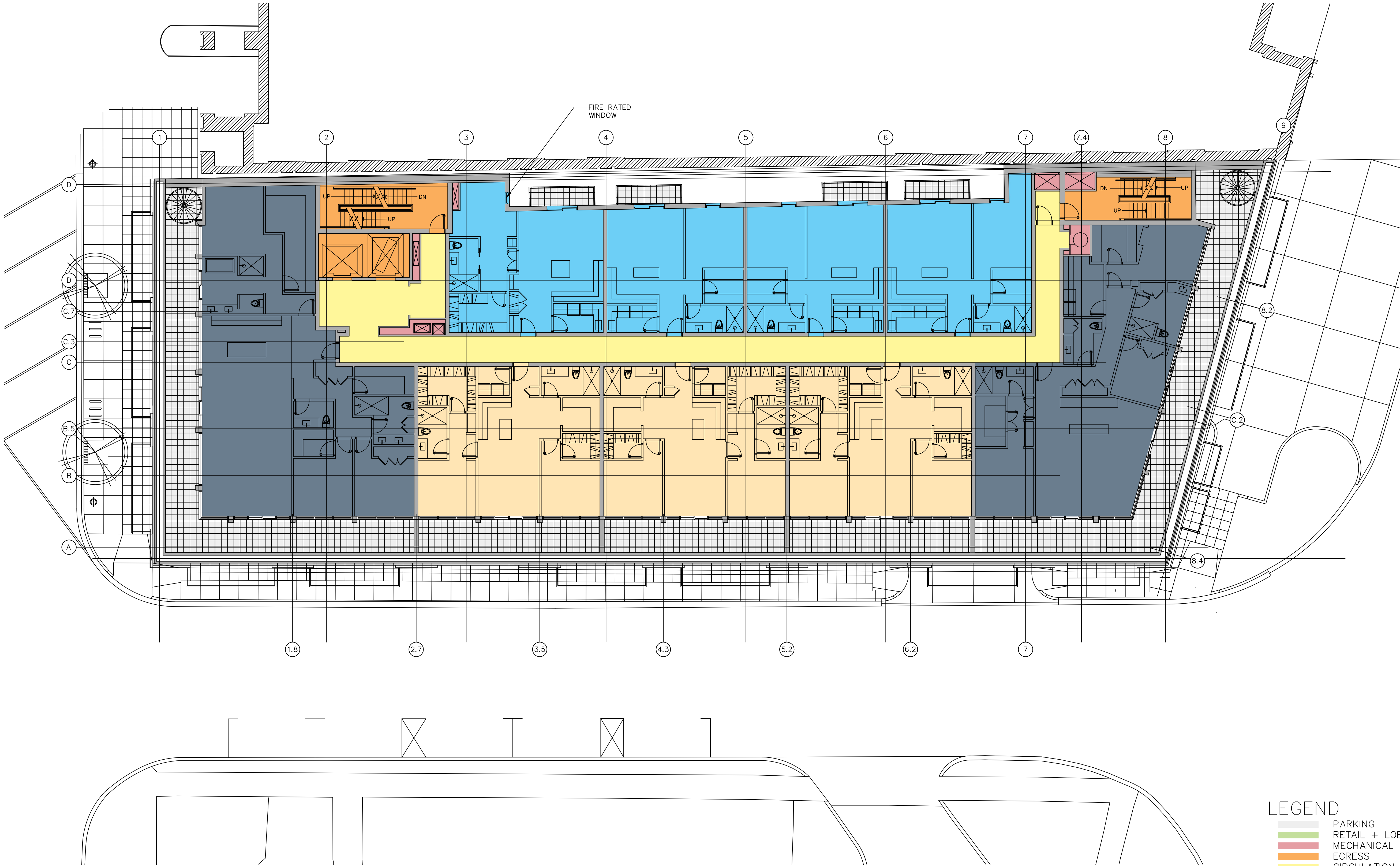
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SHEET + NUMBER
SD.6

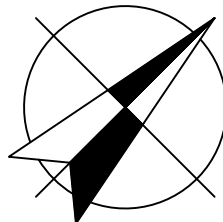
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BIRMINGHAM TOWER PARTNERS, LLC
251 East Merrill Street, Suite 204
Birmingham, Michigan 48009



- LEGEND
- PARKING
 - RETAIL + LOBBY + OFFICE
 - MECHANICAL
 - EGRESS
 - CIRCULATION
 - 1 BEDROOM UNITS
 - 2 BEDROOM UNITS
 - 3 BEDROOM UNITS

FIFTH FLOOR (RESIDENTIAL)



SCALE: 3/32" = 1'-0"

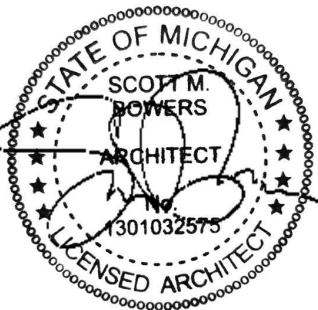
BOWERS+ASSOCIATES
ARCHITECTURE DESIGN
2400 SOUTH HURON PARKWAY • ANN ARBOR, MI 48104
P: 734.975.2400 • F: 734.975.2410
WWW.BOWERSARCH.COM

CONSULTANT + NAME

PROJECT + INFORMATION
**BIRMINGHAM TOWER
PARTNERS, LLC**
251 EAST MERRILL STREET, SUITE 204
BIRMINGHAM, MI 48009

PROJECT + NUMBER
22-222

ISSUE + DATE

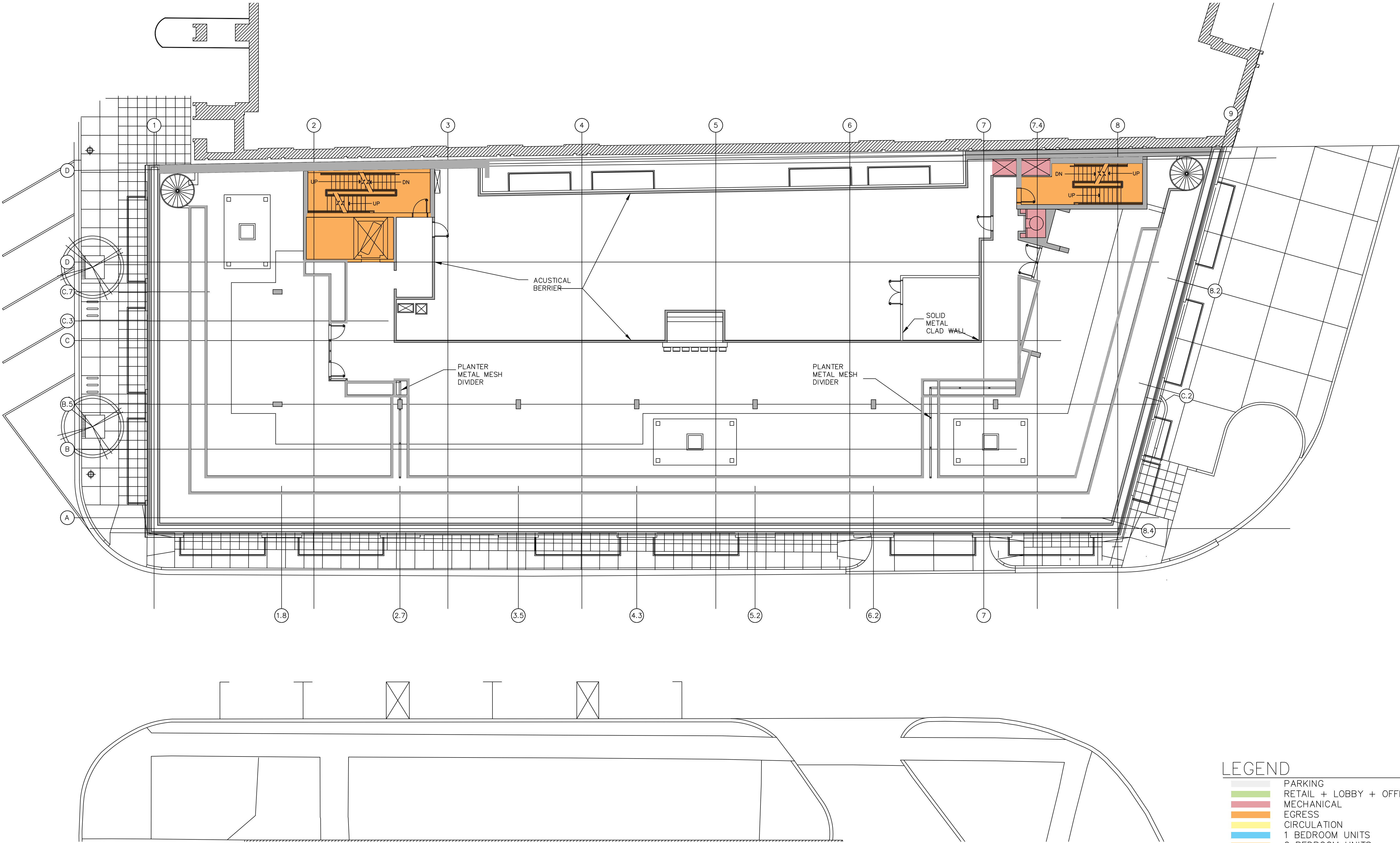


SHEET + TITLE

SHEET + NUMBER
SD.7

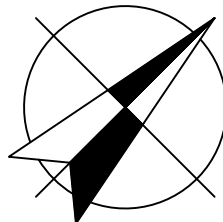
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Birmingham, Michigan 48009



SIXTH FLOOR (TERRACE)

SCALE: 3/32" = 1'-0"



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CONSULTANT + NAME

PROJECT + INFORMATION
**BIRMINGHAM TOWER
PARTNERS, LLC**
251 EAST MERRILL STREET, SUITE 204
BIRMINGHAM, MI 48009

PROJECT + NUMBER
22-222

ISSUE + DATE

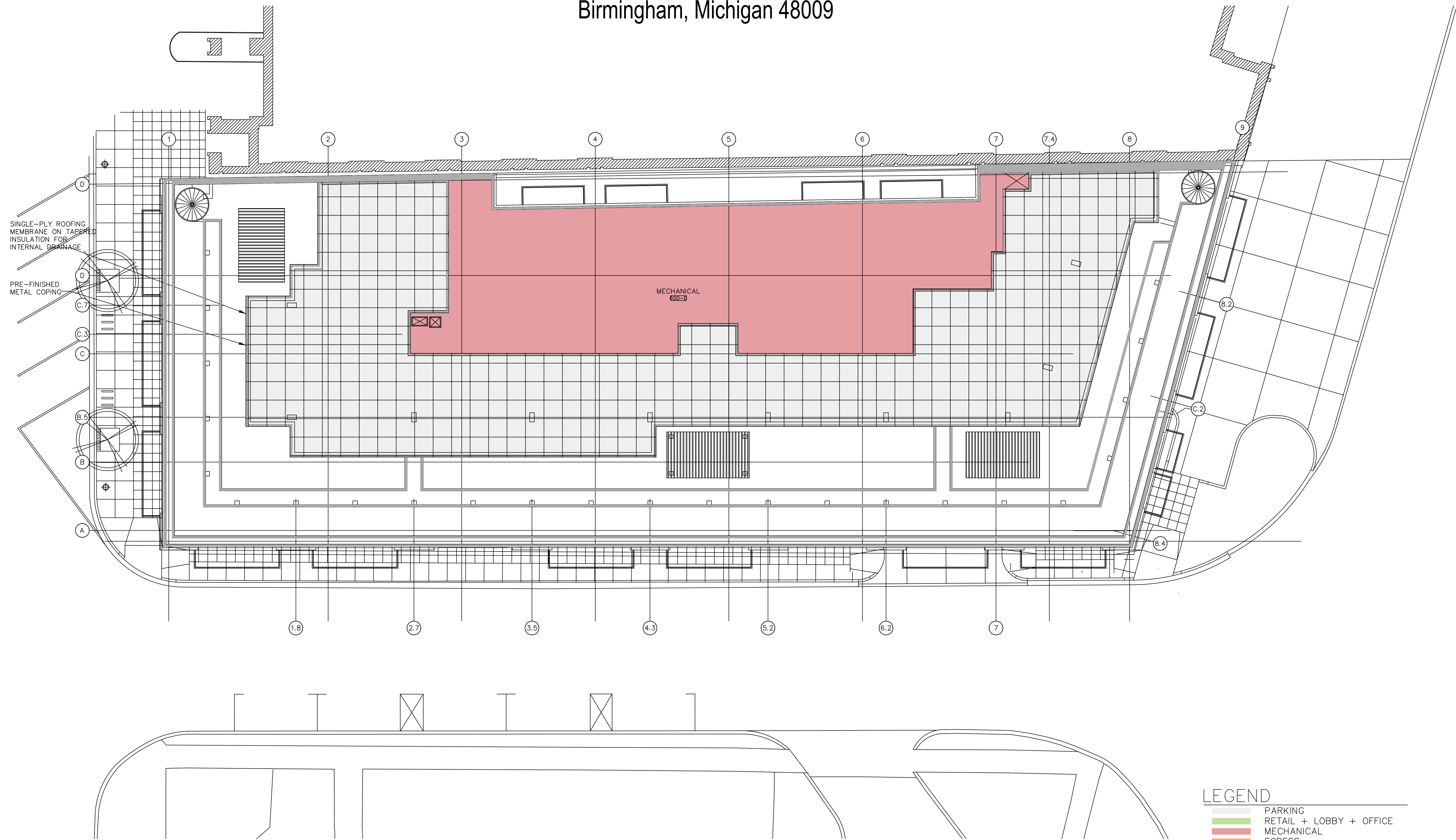
STATE OF MICHIGAN
SCOTT M. BOWERS
ARCHITECT
10103250
LICENSED ARCHITECT

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SHEET + NUMBER
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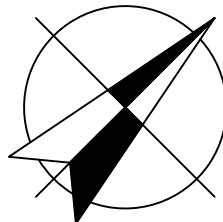
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- LEGEND
- PARKING
 - RETAIL + LOBBY + OFFICE
 - MECHANICAL
 - EGRESS
 - CIRCULATION
 - 1 BEDROOM UNITS
 - 2 BEDROOM UNITS
 - 3 BEDROOM UNITS

ROOF FLOOR PLAN

SCALE: 3/32" = 1'-0"



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BIRMINGHAM, MI 48009

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22-222

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Downtown Overlay Zoning

C

D-2

D-3

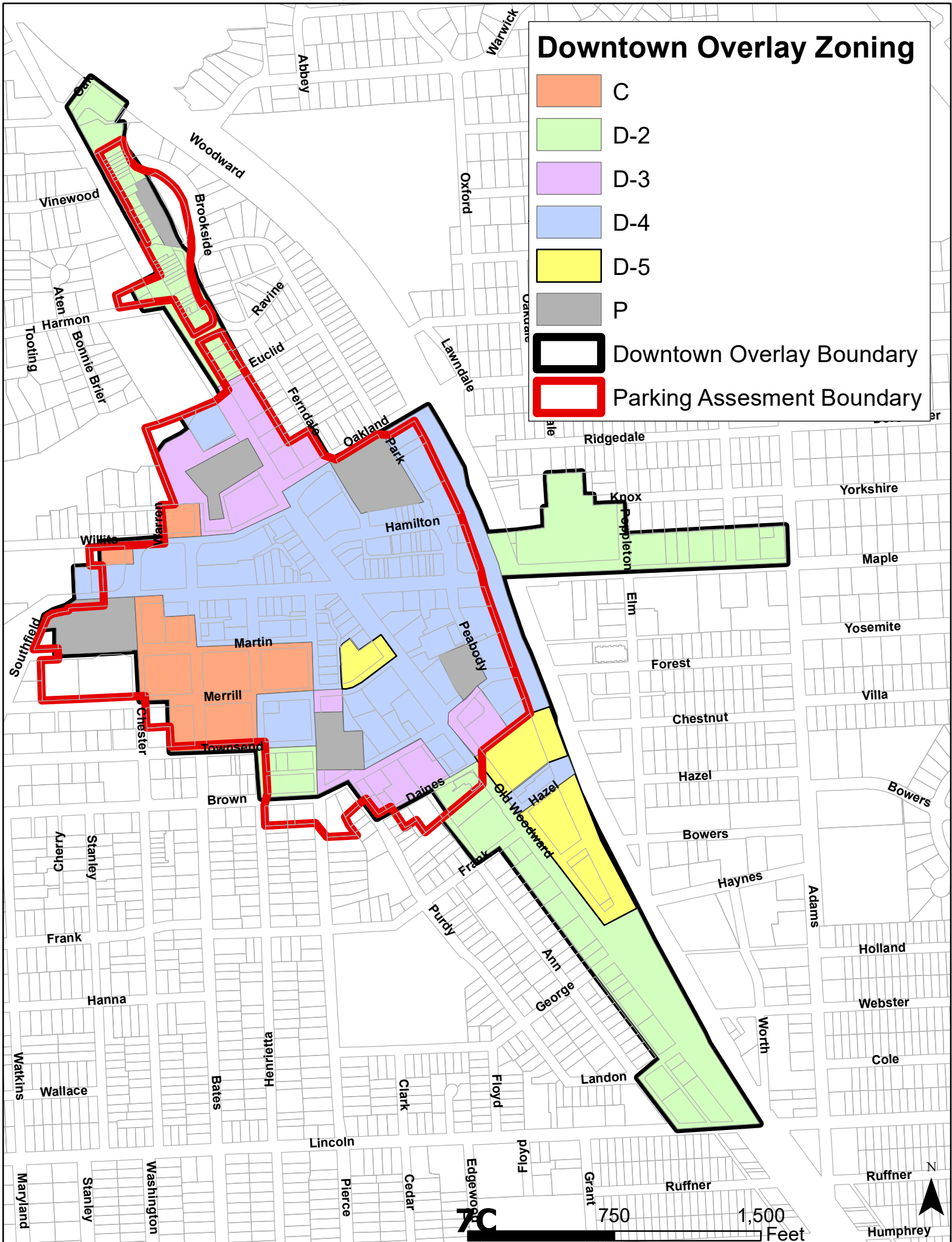
D-4

D-5

P

Downtown Overlay Boundary

Parking Assesment Boundary





Brooks Cowan <bcowan@bhamgov.org>

Fwd: S Old Woodward project

1 message

Nicholas Dupuis <ndupuis@bhamgov.org>
To: Brooks Cowan <bcowan@bhamgov.org>

Mon, Oct 10, 2022 at 10:38 AM

Will you add to the D4 file?

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

From: **LYNN GROTH** <lgroth@comcast.net>
Date: Fri, Oct 7, 2022 at 10:04 AM
Subject: S Old Woodward project
To: <ndupuis@bhamgov.org>

Mr. Dupuis and City Commission:

I am the owner of the building at [444 S Old Woodward](#). We have been a victim of not enough parking at our end of town. My 55 spaces are being used by everyone from YOGA ,Hair Salon, restaurants, including construction people that have been hired by the city to do the road project .The project across the street from us that is proposing to bypass the required parking requirements is going to allow them to build what they desire and going to impact us dramatically. It is not reasonable to to reduce the on street parking and then allow them to be short 70 spaces for their building. They knew the restraints that the location had when they purchased it. We are all for development but not at the cost of our tenants parking lot. We are fortunate to have the parking available for their patrons. We do get calls from our tenants about the parking lot being very full and the stores are not. When this happens I personally go over and monitor the parking situation and write notes on cars that if they choose to park there and not obey the signs they will be ticketed. We have called parking enforcement for tickets. If I see someone park and walk to another business I occasionally ask them to park somewhere else and explain that this is for patrons of the tenants. Most of the time I get very nasty responses. It's a very tricky situation.

When we lease buildings we guarantee parking, and the tenants are paying dearly for that right to have parking available. They leased from us because customers can easily park. For us to regulate the lot it may be necessary to hire security guards. That would be uncomfortable for us and not a good look for Birmingham.

I did leave Mr. Dupuis a voicemail message last week of our opinion. I hear that the planning board has recommended that the commission approve this change.

Please reconsider the position of this parking issue.

YES! there is a parking issue!!!

Thank you,
Lynn Groth
President Galyn Associates
248-420-9431

--

Nicholas J. Dupuis
Planning Director

7C

10/10/22, 2:57 PM

City of Birmingham MI Mail - Fwd: S Old Woodward project

Email: ndupuis@bhamgov.org

Office: 248-530-1856

Social: [Linkedin](#)

Important Note to Residents

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

7C



NOTICE OF INTENTION TO APPOINT TO PUBLIC ARTS BOARD

At the regular meeting of Monday, January 24, 2023, the Birmingham City Commission intends to appoint two regular members to the Public Arts Board to serve three-year terms to expire January 28, 2026, one alternate member to serve a three-year term to expire January 28, 2026, and one alternate member to serve the remainder of a three-year term to expire January 28, 2025.

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

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

Interested citizens may apply for this position by submitting an application available from the City Clerk's office. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, January 19, 2023. These applications will appear in the public agenda for the regular meeting at which time the commission will discuss recommendations, and may make nominations and vote on the appointments.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Members shall, in so far as possible, represent a major cultural institution, a registered architect of the State of Michigan, an artist, an art historian, and an art consultant. Members may also be members of the Historic District Commission, Design Review Board, the Parks and Recreation Board, or the Planning Board. At least four members of the Board shall be residents of the City of Birmingham.	1/19/2023	1/24/2023

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.