

**AMENDED**  
**BIRMINGHAM CITY COMMISSION AGENDA**  
**AUGUST 24, 2020**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**  
**VIRTUAL MEETING**

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

Pierre Boutros, Mayor

**II. ROLL CALL**

Alexandria Bingham, City Clerk Designee

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

**ANNOUNCEMENTS:**

- All city offices remain closed to the public. All departments are accessible via phone and email. Payments may be dropped off using the convenient drop box, located behind City Hall and accessible via the Police Department parking lot off Henrietta Street.
- 2020 Summer property taxes are due Monday, August 31, 2020 and must be received in the Treasurer's Office by that date to avoid a penalty. Due to COVID, mail delivery service is very slow and unpredictable, therefore, the Treasurer's Office recommends that you either drop off your payment in the drop box located behind City Hall or pay on-line using the Pay My Property Taxes quick link located on the City's website homepage. If you pay on-line, you can use a credit card and pay a 3% convenience fee or use the free e-check option. You can also use this link to check on the status of your payment with the City.
- The Baldwin Library is open to the public. Building capacity is limited, and people are asked to limit their stay to 45 minutes. Public computer use is restricted to 30 minutes. Masks and social distancing are required. The Library is open on its regular schedule, seven days a week, and is also offering Curbside Pickup service to patrons during limited hours, which are listed on the Library's website.
- We encourage everyone to sign up for our email distribution system to receive the latest information from the City. You can do this by going to our website and clicking on the box in the lower right corner of your screen to sign up.
- The Clerk's office would like to remind voters to turn in an absentee ballot applications if they wish to vote by mail for the November 3, 2020 General Election. To review your specific voting information visit [mi.gov/vote](http://mi.gov/vote). Persons 16 or older that are interested in learning more about elections and assisting the community could work on Election Day! Visit the elections inspectors tab on the clerk's website for more details [bhamgov.org/voting](http://bhamgov.org/voting).

**APPOINTMENTS:**

- A. Historic District Study Committee
  - 1. Joy Cantor

To appoint \_\_\_\_\_, as a regular member to the Historic District Study Committee to serve the remainder of a three-year term to expire June 25, 2022.

B. Advisory Parking Committee

1. Jennifer Yert
2. Lisa Krueger

To appoint \_\_\_\_\_ to the Advisory Parking Committee as an alternate member who is a downtown employee within the parking assessment district to serve a three-year term to expire September 4, 2023.

To appoint \_\_\_\_\_ to the Advisory Parking Committee as a regular member who is a downtown employee within the parking assessment district to serve a three-year term to expire September 4, 2023.

C. Greenwood Cemetery Advisory Board

1. Pam DeWeese

To appoint \_\_\_\_\_ to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2023.

<b>IV. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA</b>
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<b>V. CONSENT AGENDA</b>
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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.
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- A. Resolution approving the City Commission meeting of August 10, 2020.
- B. Resolution approving the City Commission work session of August 17, 2020.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated August 12, 2020 in the amount of \$7,213,982.68.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated August 19, 2020 in the amount of \$2,851,112.27.
- E. Resolution approving the purchase of 4 Canon Image Runner Advance C5550i copiers from Canon Solutions America, Inc. at the cost of \$7,800.00 each using extendable National IPA Contract Number: 18-020-LG, the total cost of purchase not to exceed \$31,200.00. Funds are available in the IT Machinery and Equipment fund account #636-228.000-971.0100.
- F. Resolution approving an extension of the 2020 Sidewalk Trip Elimination Program, Contract #6-18 (SW) for the 2020 sidewalk program repair area, at 2018 contract prices, to Precision Concrete, Inc., in the amount of \$109,992.00, contingent upon submittal of the necessary bonds and insurance certificate. All costs shall be charged to account number 101-444.001-981.0100.

- G. Resolution confirming the City Manager's authorization for the emergency expenditure related to the purchase of three (3) drop boxes in the amount not to exceed \$13,319.25 to Kingsley Library Returns and Equipment from accounts 101-253.000-971.0100, 101-262.000-971.0100, and 101-371.000-971.0100.
- H. Resolution approving the suggested precinct change as required by the Election Commission and as recommended by the City Clerk Designee. Precinct 6 located at City Hall will be moved to the Community House for the November 3, 2020 General Election.

## **VI. UNFINISHED BUSINESS**

## **VII. NEW BUSINESS**

- A. Resolution approving the Public Arts Board report on Terminating Vistas as a guideline for public art in such locations.
- B. Resolution approving the installation of Dismount Zone signs at the border of the Central Business District and at the City bike station in Shain Park.
- C. Resolution adopting the Temporary COVID-19 Off-Season Outdoor Dining Standards, to take effect October 1, 2020.
- D. Resolution authorizing continued free parking continue in the five municipal garages from September 1, 2020 through December 31, 2020,  
AND  
Require monthly parking permit holders to pay a one-time fee of \$100 by November 30, 2020 in order to retain their status as a monthly parker into the New Year.
- E. Resolution to add an item under the last item of New Business entitled "Commission Items for Future Discussion" for the Commission to raise topics for future discussion, if passed by a motion of the Commission.

## **VIII. REMOVED FROM CONSENT AGENDA**

## **IX. COMMUNICATIONS**

## **X. REPORTS**

- A. Commissioner Reports
  - Notice of Intention to appoint to the Design Review Board, Historic District Committee, Parks and Recreation Board and Museum Board.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. Legal Services Memo, submitted by City Attorney Kucharek

INFORMATION ONLY

## **XI. ADJOURN**

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

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

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





## NOTICE OF INTENTION TO APPOINT TO HISTORIC DISTRICT STUDY COMMITTEE

At the regular meeting of Monday, June 8, 2020, the Birmingham City Commission intends to appoint two regular members to the Historic District Study Committee to serve three-year terms to expire June 25, 2023, and two regular members to serve the remainder of three-year terms to expire June 25, 2022.

The goal of the Historic District Study Committee is to conduct historical research regarding the proposed designation of historic landmarks or districts in the City of Birmingham.

A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation, although city residency is not required if an expert on the potential historic district topic is not available among city residents. The committee shall include representation of at least one member appointed from one or more duly organized local historic preservation organizations. The meetings are held by resolution of the City Commission.

Interested parties may submit an application available at the City Clerk's Office on or before noon on Wednesday, June 3, 2020. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

### Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications
Joy Cantor	Shall have a clearly demonstrated interest in or knowledge of historic preservation.  Studied Art History; interest in/knowledge of historic preservation

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

### SUGGESTED ACTION:

To appoint \_\_\_\_\_, as a regular member to the Historic District Study Committee to serve a three-year term to expire June 25, 2023.

To appoint \_\_\_\_\_, as a regular member to the Historic District Study Committee to serve the remainder of a three-year term to expire June 25, 2022.



# HISTORIC DISTRICT STUDY COMMITTEE

Goal: To conduct historical research regarding the proposed designation of historic landmarks or districts in the City of Birmingham.

The committee shall consist of seven members in addition to a city appointed liaison. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation, although city residency is not required if an expert on the potential historic district topic is not available among city residents. The committee shall include representation of at least one member appointed from one or more duly organized local historic preservation organizations.

Terms: three years

Meetings are held by resolution of the City Commission.

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Beshouri</b>	<b>Paul</b>	(248) 895-4576	12/12/2016	6/25/2022
1740 Grant		<i>beshouri24@gmail.com</i>		
<b>German</b>	<b>Jacob</b>	(734) 934-9051	1/14/2019	6/25/2021
475 S. Adams #18		<i>jake@dunaskiss.biz</i>		
<b>McGough</b>	<b>Colleen</b>	(248) 808-4410	1/14/2019	6/25/2021
543 Watkins		<i>mcgough88@comcast.net</i>		
<b>Roush</b>	<b>Jennifer</b>	(248) 736-2801	8/10/2020	6/25/2022
2010 Buckingham		<i>jennygwtw</i>		

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
<b>VACANT</b>				6/25/2022
<b>VACANT</b>				6/25/2020
<b>Xenos</b> 608 W. Lincoln	<b>Michael</b>	(248) 496-8983  <i>mxenos@comcast.net</i>	2/22/2016 Nat'l Trust for Historic Preservation	6/25/2020

## 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](http://www.bhamgov.org/boardopportunities).

(Please print clearly)

Board/Committee of Interest Historic District Study Committee

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

Name Joy Cantor Phone 248.752.7773

Residential Address 636 Lakeview Ave. Email Joycantor@me.com

Residential City, Zip Birmingham, MI 48009 Length of Residence 6 1/2 years

Business Address above Occupation Master Gardener,

Business City, Zip above Landscape design,  
interior plantings

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

I have studied Art History @ O.U. I was almost graduated but  
had to deal w/ my divorce after 25 years. Once done w/ that, I  
decided to become a certified master gardener by going to night

List your related employment experience School @ WSU extension (keep me busy @ night.)

I have virtually no employment experience.

List your related community activities Volunteer-wise I have been involved in excavating? creating preservation

Very involved as a leader of the renewal & beautification of Lakeview  
Avenue as we go through many changes on our historical street.

List your related educational experience Volunteer for cystic fibrosis in the

80's, leading fundraisers: eventually becoming employed as an Event  
Fundraiser Leader. 6 years @ Sasha Farm, Manchester, Mich. →

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

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

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

Signature of Applicant Joy Cantor

Date 7-22-20



## Continuing "Reason For Interest"

I have visited many, many historical museums in several countries; I have a great interest & curiosity in preservation & knowledge gained from studying history & art history. I wrote and presented a thesis @ OU on Robert Indiana's "LOVE". I spoke to him a number of times while he was

living on an island off the coast of main. I got special permission to be escorted to the storage rooms @ the DIA to document & report to him his original pieces that were not currently on display & helped him to move what was stored & what was displayed for his liking, as many other pieces meant more to him than his "LOVE". In fact, he actually hated the "LOVE".

I have a deep interest in preservation & understanding the importance of it & something I get excited about sharing w/ people. As a Certified Master Gardener I use many historical vessels in my work to enhance the value, understanding & love of the piece I create.

## Continuing "Educational Experience"

Saving abused, neglected & sick animals while helping to create an environment of safety & love - also procuring & protecting old buildings, cemeteries & water features strictly from existing & natural earth components. Volunteer work for the Haven to the extent of preserving & redoing the lands, gardens & buildings.



## NOTICE OF INTENTION TO APPOINT TO THE ADVISORY PARKING COMMITTEE

At the regular meeting of Monday, August 10, 2020, the Birmingham City Commission intends to appoint three regular members to the Advisory Parking Committee to serve three-year terms expiring September 4, 2023. (a large retail representative, a downtown employee member, and a restaurant owner) and two alternate members to serve a three-year term to expire 9/4/2023.

Interested citizens may submit an application available at the City Clerk's Office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk's Office on or before noon on Wednesday, August 5, 2020. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and voter on appointments.

### Committee Duties

The Advisory Parking Committee shall provide guidance to the City Commission in the management of Birmingham's Auto Parking System. The Committee shall recognize parking requirements of the CBD and fairly assess the costs to users. It will provide for attractive, maintained and safe facilities.

### Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications
	Downtown employee
Jennifer Yert	Downtown employee; alternate member
Lisa Krueger	Downtown employee; regular member

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

### SUGGESTED ACTION:

To appoint \_\_\_\_\_ to the Advisory Parking Committee as an alternate member who is a downtown employee within the parking assessment district to serve a three-year term to expire September 4, 2023.

To appoint \_\_\_\_\_ to the Advisory Parking Committee as a regular member who is a downtown employee within the parking assessment district to serve a three-year term to expire September 4, 2023.



## ADVISORY PARKING COMMITTEE

Resolution No. 8-882-84 - August 6, 1984. Amended by Resolution No. 9-989-84 September 4, 1984. Amended by Resolution No. 05-152-00 May 22, 2000. Amended by Resolution No. 05-139-17 May 22, 2017. Amended by Resolution No. ##-###-19, October 28, 2019.

Terms: Three years

Appointment requirements for regular members: The majority of the members shall be residents and membership shall be as follows:

Downtown commercial representatives - large retail - 1 member; small retail - 1 member; professional firm - 1 member; Birmingham Shopping District - 1 member; restaurant owner - 1 member; downtown employee representative - 1 member; residential - two members who do not qualify under any of the previous categories, and one resident shopper.

2 alternate members may be appointed who own property, own a business or work in the parking assessment district.

The Advisory Parking Committee shall provide guidance to the City Commission in the management of Birmingham's Auto Parking System. The committee shall recognize parking requirements of the CBD and

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Astrein</b>	<b>Richard</b>	(248) 399-4228	12/9/2019	9/4/2021
13125 Ludlow			BSD member	
Huntington Woods	48070	<i>richard@astreins.com</i>		
<b>Champagne</b>	<b>Gayle</b>	(248) 978-5581	9/23/2019	9/4/2022
833 Hazel			Resident Shopper	
Birmingham	48009	<i>gchampagne1@aol.com</i>		
<b>Honhart</b>	<b>Anne</b>	(248) 644-3678	9/4/1984	9/4/2021
197 E. Frank			Resident	
Birmingham	48009	<i>ahonhart@atlaswelding.com</i>		
<b>Kalczynski</b>	<b>Steven</b>		11/26/2012	9/4/2023
100 Townsend		(248) 642-7900	Large Retail	
Birmingham	48009	<i>skalczynski@yahoo.com</i>		

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Krueger</b> 348 Ferndale Ave Birmingham	<b>Lisa</b> 48009	(248) 921-0099 <i>lisakrug21@gmail.com</i>	3/30/2015 Downtown Employee Member	9/4/2020
<b>Paskiewicz</b> 560 Woodland Birmingham	<b>Judith</b> 48009	248-642-3337 <i>judithpaskiewicz</i>	Professional Firm	9/4/2022
<b>Silverman</b> 1200 Latham Birmingham	<b>Lisa</b> 48009	248-642-3337 <i>lilas229@aol.com</i>	10/7/2019 Resident	9/4/2022
<b>VACANT</b>			Alternate	9/4/2020
<b>VACANT</b>			Restaurant Owner	9/4/2020
<b>Vaitas</b> 2633 Endsleigh Drive Bloomfield Village	<b>Algirdas</b> 48301	(248) 593-3177 <i>alvorth@aol.com</i>	11/13/2006 Small Retail	9/4/2021
<b>Yert</b> 490 Park St. Birmingham	<b>Jennifer</b> 48009	617-308-0080 <i>sulesq@yahoo.com</i>	8/13/2018 Alternate (Downtown Employee)	9/4/2020



## CITY BOARD/COMMITTEE ATTENDANCE RECORD

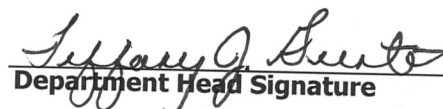
Name of Board: **Advisory Parking Committee**  
 Members Required for Quorum: **4**

Year: **2020**

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	MTG	MTG	Mtgs.	Absent	Attended
<b>REGULAR MEMBERS</b>																	
Champagne, Gayle	P	P	CM	NM	P	NM	NM								3	0	100%
Honhart, Anne	A	A	CM	NM	A	NM	NM								0	3	0%
Kalczynski, Steven	P	P	CM	NM	A	NM	NM								2	1	67%
Krueger, Lisa	P	P	CM	NM	A	NM	NM								2	1	67%
Paskiewicz, Judith	P	P	CM	NM	A	NM	NM								2	1	67%
Vaitas, Al	A	P	CM	NM	P	NM	NM								2	1	67%
Silverman, Lisa	P	A	CM	NM	P	NM	NM								2	1	67%
Astrein, Richard	P	P	CM	NM	P	NM	NM								2	1	67%
VACANT															3	0	100%
<b>ALTERNATES</b>																	
Yert, Jennifer (8/2018)	P	P	CM	NM	P	NM	NM										
Horowitz, Michael	A	A	CM	NM	P	NM	NM										
Reserved																	
Reserved															0	0	#DIV/0!
Present or Available	7	7	0	0	6	0	0	0	0	0	0	0	0	0	0	0	#DIV/0!

**KEY:**

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

  
 Department Head Signature

# CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board:        Advisory Parking Committee

Year:    2019

Members Required for Quorum:        4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	MTG	MTG	Mtgs.	Absent	Attended
REGULAR MEMBERS																	
Champagne, Gayle	P	P	CM	P	P	P	CM	CM	P						6	0	100%
Honhart, Anne	P	P	CM	P	P	P	CM	CM	A						5	1	83%
Kalczynski, Steven	P	P	CM	P	A	P	CM	CM	P						5	1	83%
Krueger, Lisa	P	A	CM	P	P	A	CM	CM	P						4	2	67%
Paskiewicz, Judith	P	P	CM	P	P	P	CM	CM	P						6	0	100%
Vaitas, Al	P	P	CM	P	P	P	CM	CM	P						6	0	100%
VACANT																	
VACANT																	
VACANT																	
ALTERNATES																	
Yert, Jennifer (8/2018)	A	P	CM	P	P	A			P								
VACANT																	
Reserved															0	0	#DIV/0!
Reserved															0	0	#DIV/0!
Present or Available	6	6	0	7	6	5	0	0	6	0	0	0	0	0			

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\_\_\_\_\_  
Department Head Signature

## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board:      Advisory Parking Committee

Year:    2018

Members Required for Quorum:      4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	MTG	MTG	Mtgs.	Absent	Attended
<b>REGULAR MEMBERS</b>																	
Champagne, Gayle	P	P	P	P	P	A	P	CM	CM	P	P	CM			8	1	89%
Honhart, Anne	P	P	P	P	P	P	P	CM	CM	P	A	CM			8	1	89%
Kalczynski, Steven	A	P	P	P	P	A	P	CM	CM	P	A	CM			6	3	67%
Krueger, Lisa	P	P	P	A	P	P	P	CM	CM	P	P	CM			8	1	89%
Paskiewicz, Judith	P	P	P	P	P	P	P	CM	CM	P	P	CM			9	0	100%
Vaitas, Al	P	P	P	P	P	P	P	CM	CM	P	P	CM			9	0	100%
VACANT																	
VACANT																	
VACANT																	
<b>ALTERNATES</b>																	
Yert, Jennifer (8/2018)								CM	CM	P	P	CM					
VACANT																	
Reserved															0	0	#DIV/0!
Reserved															0	0	#DIV/0!
Present or Available	5	6	6	5	6	4	6	0	0	7	5	0	0	0			

**KEY:**    A = Member absent  
             P = Member present or available  
             CP = Member available, but meeting canceled for lack of quorum  
             CA = Member not available and meeting was canceled for lack of quorum  
             NA = Member not appointed at that time  
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             CM = Meeting canceled for lack of business items

\_\_\_\_\_  
 Department Head Signature



## APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest Advisory Parking Committee

Specific Category/Vacancy on Board Resident / Alternate (see back of this form for information)  
Rep of firm w/in P.A.D.

Name Jennifer S. Yert

Phone 617. 398. 0080

Residential Address 490 Park St.

Email \* Sulesq@yahoo.com

Residential City, Zip Bham 48009

Length of Residence 16 years.

Business Address 550 W. Merrill St. Ste. 200

Occupation Attorney

Business City, Zip Bham, MI 48009

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied I am a current member of the Committee. I have experience as a resident in the downtown district and as a downtown employee. Pre-covid, I saw how parking shortages affected businesses and residents. I am prepared to provide recommendations regarding parking  
List your related employment experience I am currently employed in our post-pandemic world, as a VP of Claims for an Insurance Co. in downtown Birmingham.

List your related community activities Current member of - P.A.C.

Parent/Volunteer - Holy Name PTO

List your related educational experience B.A. Sociology Northeastern Univ. (Boston, MA)  
J.D. - Suffolk Univ. Law School (Boston, MA)

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

Jennifer S. Yert  
Signature of Applicant

8.13.2020  
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 [ca@bhamgov.org](mailto:ca@bhamgov.org) or by fax to 248.530.1080.

Updated 12/02/19

\*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.

**APPLICATION FOR CITY BOARD OR COMMITTEE**

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

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(Please print clearly)

Board/Committee of Interest Parking Advisory Committee

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

Name Lisa Krueger

Phone 248-921-0099

Residential Address 348 Ferndale Ave.

Email \* lisakrug21@gmail.com

Residential City, Zip 48009

Length of Residence 8 years

Business Address \_\_\_\_\_

Occupation Director of Technology

Business City, Zip \_\_\_\_\_

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

I am a downtown resident and employee of Birmingham. My children attend BPS and I am very active in the community.

List your related employment experience \_\_\_\_\_

I work for a company that employs 400+ employees in Birmingham. I have a strong perspective on parking issues as it relates to monthly pass users and visitors.

List your related community activities Current member of Parking Advisory Committee

Member of Junior League of Birmingham, Birmingham community sports

List your related educational experience \_\_\_\_\_

B.A in Business Administration from MSU

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

Lisa Krueger Digitally signed by Lisa Krueger  
Date: 2020.08.19 13:14:45 -04'00'

8/19/2020

Signature of Applicant

Date

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

Updated 12/02/19

*\*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.*



## **NOTICE OF INTENTION TO APPOINT TO THE GREENWOOD CEMETERY ADVISORY BOARD**

At the regular meeting of Monday, July 13, 2020 the Birmingham City Commission intends to appoint two regular members to the Greenwood Cemetery Advisory Board to serve three-year terms to expire July 6, 2023.

Members must be chosen from among the citizens of Birmingham and, insofar as possible, represent diverse interests, such as persons with family members interred in Greenwood Cemetery; owners of burial sites within Greenwood Cemetery intending to be interred in Greenwood Cemetery; persons familiar with and interested in the history of Birmingham; persons with familiarity and experience in landscape architecture, horticulture, law or cemetery or funeral professionals.

Interested citizens may submit a form available at the City Clerk's Office on or before noon on Wednesday, July 8, 2020. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

### Committee Duties

In general, it shall be the duty of the Greenwood Cemetery Advisory Board to provide recommendations to the City Commission on:

1. Modifications. As to modifications of the rules and regulations governing Greenwood Cemetery.
2. Capital Improvements. As to what capital improvements should be made to the cemetery. Future Demands. As to how to respond to future demands for cemetery services.
3. Day to Day Administration. The day to day administration of the cemetery shall be under the direction and control of the City, through the City Manager or his/her designee.
4. Reports. The Greenwood Cemetery Advisory Board shall make and submit to the City Commission an annual report of the general activities, operation, and condition of the Greenwood Cemetery for the preceding 12 months. The Greenwood Cemetery Advisory Board shall, from time to time, as occasion requires, either in the annual report, or at any time deemed necessary by the Greenwood Cemetery Advisory Board, advise the City Commission in writing on all matters necessary and proper for and pertaining to the proper operation of Greenwood Cemetery and any of its activities or properties.

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:

<b>Applicant Name</b>	<b>Criteria/Qualifications</b> Must be a resident of Birmingham and insofar as possible, represent diverse interests, such as persons with family members interred in Greenwood Cemetery; owners of burial sites within Greenwood Cemetery intending to be interred in Greenwood Cemetery; persons familiar with and interested in the history of Birmingham; persons with familiarity and experience in landscape architecture, horticulture, law or cemetery or funeral professionals.
Pam DeWeese	Resident; owner of burial site

SUGGESTED RESOLUTION:

To appoint\_\_\_\_\_ to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2023.





# GREENWOOD CEMETERY ADVISORY BOARD

Resolution No. 10-240-14 October 13, 2014.

The Greenwood Cemetery Advisory Board shall consist of seven members who shall serve without compensation. Members must be chosen from among the citizens of Birmingham and, insofar as possible, represent diverse interests, such as persons with family members interred in Greenwood Cemetery; owners of burial sites within Greenwood Cemetery intending to be interred in Greenwood Cemetery; persons familiar with and interested in the history of Birmingham; persons with familiarity and experience in landscape architecture, horticulture, law or cemetery or funeral professionals. The City Manager or his/her designee shall serve as ex official, non-voting members of the Board.

Term: Three years.

In general, it shall be the duty of the Greenwood Cemetery Advisory Board to provide recommendations to the City Commission on:

1. Modifications. As to modifications of the rules and regulations governing Greenwood Cemetery.
2. Capital Improvements. As to what capital improvements should be made to the cemetery.
3. Future Demands. As to how to respond to future demands for cemetery services.
4. Day to Day Administration. The day to day administration of the cemetery shall be under the direction and control of the City, through the City Manager or his/her designee.
4. Reports. The Greenwood Cemetery Advisory Board shall make and submit to the City Commission an annual report of the general activities, operation, and condition of the Greenwood Cemetery for the preceding 12 months. The Greenwood Cemetery Advisory Board shall, from time to time, as occasion requires, either in the annual report, or at any time deemed necessary by the Greenwood Cemetery Advisory Board, advise the City Commission in writing on all matters necessary and proper for and pertaining to the proper operation of Greenwood Cemetery and any of its activities or properties.

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Buchanan</b>	<b>Linda</b>	(248) 646-3297	12/14/2015	7/6/2022
1280 Suffield			Vice-Chairperson	
Birmingham	48009	<i>rlb4149@yahoo.com</i>		
<b>Peterson</b>	<b>Linda</b>	(248) 203-9010	11/24/2014	7/6/2021
1532 Melton			Family member interred in cemetery; owner of burial site and intending to be interred in Greenwood; person familiar with and interested in the history of Birmingham.	
Birmingham	48009	<i>lpeterson02@comcast.net</i>		



Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Schreiner</b> 591 Bird Birmingham	<b>Laura</b> 48009	(248) 593-0335  <i>laschreiner@yahoo.com</i>	11/24/2014 owner of burial site in Greenwood; person familiar with and interested in the history of Birmingham.	7/6/2021
<b>Stern</b> 1090 Westwood Birmingham	<b>George</b> 48009	(248) 345-2750  <i>sterngeo@aol.com</i>	11/24/2014 Person familiar with and interested in the history of Birmingham; person with experience in landscape architecture, horticulture, or law.	7/6/2021
<b>Suter</b> 1795 Yosemite Birmingham	<b>Margaret</b> 48009	(248) 644-5925  <i>maasuter@gmail.com</i>	5/23/2016 owns a plot, relative buried in Greenwood Cemetery	7/6/2022
<b>Vacant</b>				7/6/2023
<b>Vercellone</b> 572 W. Lincoln Birmingham	<b>Joseph</b> 48009	(248) 798-0460  <i>jvercellone@gmail.com</i>	8/10/2020 plot owner	7/6/2023



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

Clerk's Office  
City of Birmingham, AL

AUG - 8 2020

RECEIVED

## 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](http://www.bhamgov.org/boardopportunities).

(Please print clearly)

Board/Committee of Interest **Greenwood Cemetery Board**

Specific Category/Vacancy on Board \_Resident, plot holder\_\_\_\_\_ (see back of this form for information)

Name \_Pamela DeWeese

Phone 248-642-4256

Residential Address 932 Purdy Streett,

Email

pamdeweese@comcast.net

Residential City, Zip Birmingham  
,48009

Length of Residence \_31 years

Business Address

Occupation \_\_retired

\_NA

Business City, Zip

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied \_\_\_\_\_  
**Long time engagement in activities related to the cemetery, plot owner.**

List your related employment experience \_\_\_\_\_

List your related community activities Previous **Greenwood Cemetery Board Member, stepped down due to conflict of interest. Organized many cemetery tours, President of Birmingham Museum Friends.**

List your related educational experience \_ **Degrees in anthropology and social work.**

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\_\_\_\_

Pamela M. DeWitt 7/28/20  
Signature of Applicant Date

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

Updated 12/02/19

**BIRMINGHAM CITY COMMISSION MEETING**  
**AUGUST 10, 2020**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**  
**VIRTUAL MEETING**

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

Pierre Boutros, Mayor, called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

**II. ROLL CALL**

Alexandria Bingham, City Clerk Designee

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

ABSENT: None

Administration: City Manager Valentine, City Attorneys Currier, Planning Director Ecker,  
Building Official Johnson, IT Manager Brunk, Assistant Planning Engineer Cowan, City Clerk  
Designee Bingham, Chief Clemence

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

**ANNOUNCEMENTS:**

- All city offices remain closed to the public. All departments are accessible via phone and email. Payments may be dropped off using the convenient drop box, located behind City Hall and accessible via the Police Department parking lot off Henrietta Street.
- The Baldwin Library is open to the public. Building capacity is limited, and people are asked to limit their stay to 45 minutes. Public computer use is restricted to 30 minutes. Masks and social distancing are required. The Library is open on its regular schedule, seven days a week, and is also offering Curbside Pickup service to patrons during limited hours, which are listed on the Library's website.
- MeLCat, Michigan's statewide interlibrary loan program, is resuming service on Monday, August 10. The Baldwin Library will begin accepting requests on that day.
- We encourage everyone to sign up for our email distribution system to receive the latest information from the City. You can do this by going to our website and clicking on the box in the lower right corner of your screen to sign up.
- The City Commission would like to thank Bill Wiebrecht for his years of service as a long-standing member of the Parks and Recreation Board. Bill was appointed to the Parks

Board in October 1991 and resigned his term in June of 2020, with 29 years of dedicated service to the City of Birmingham.

- The City Commission thanks Michael Horowitz for his service to the city on the Advisory Parking Committee.
- The Clerk's Office and City Commission would like to thank all of the Election Inspectors and City Staff that helped with conducting a successful election on August 4<sup>th</sup> for the State Primary. We appreciate all of the voters who participated safely, turnout for this election was about 39% which was above the average for Oakland County.

#### **APPOINTMENTS:**

##### **08-138-20      APPOINTMENT OF STEVEN KALCZYNSKI TO THE ADVISORY PARKING COMMITTEE**

The Commissioners interviewed current member Steven Kalczynski for appointment to the Advisory Parking Committee.

**NOMINATION:**      Nomination by Commissioner Nickita:

To appoint Steven Kalczynski to the Advisory Parking Committee as a regular member who is a large retail representative within the parking assessment district to serve a three-year term to expire September 4, 2023.

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

##### **08-139-20      APPOINTMENT OF JOSEPH VERCELLONE TO THE GREENWOOD CEMETERY ADVISORY BOARD**

The Commissioners interviewed Dr. Joseph Vercellone to the Greenwood Cemetery Advisory Board.

**NOMINATION:**      Nomination by Commissioner Host

To appoint Joseph Vercellone to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2023.

ROLL CALL VOTE:	Ayes,	Commissioner Host Commissioner Baller Commissioner Nickita Commissioner Sherman Mayor Pro-Tem Longe Commissioner Baller
	Nays,	None
	Absent,	Commissioner Hoff (due to technical difficulties)

**08-140-20                    APPOINTMENT OF JENNY ROUSH TO THE HISTORIC DISTRICT STUDY COMMITTEE**

The Commissioners interviewed Jenny Roush for appointment to the Historic District Study Committee.

**NOMINATION:**    Nomination by Commissioner Sherman  
To appoint Jenny Roush, as a regular member to the Historic District Study Committee to serve a three-year term to expire June 25, 2023.

ROLL CALL VOTE:    Ayes,                    Commissioner Sherman  
   Commissioner Host  
   Commissioner Nickita  
   Mayor Pro-Tem Longe  
   Commissioner Baller  
   Mayor Boutros  
   Nays,                    None  
   Absent,                Commissioner Hoff (due to technical difficulties)

Joy Cantor was not in attendance; therefore her interview for appointment to the Historic District Study Committee was rescheduled for a later date.

**08-141-20                    APPOINTMENT OF DENNY MANDO TO THE BOARD OF BUILDING TRADES APPEALS**

The Commissioners interviewed Denny Mando for appointment to the Board of Building Trades Appeals.

**NOMINATION:**    Nomination by Commissioner Host  
To appoint Denny Mando, to the Board of Building Trades Appeals as a regular member to serve a three-year term to expire May 23, 2023.

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

**08-142-20                    APPOINTMENT OF SCOTT SIRICH TO THE BOARD OF BUILDING TRADES APPEALS**

The Commissioners interviewed Scott Sirich for appointment to the Board of Building Trades Appeals.

**NOMINATION:**    Nomination by Commissioner Nickita  
To appoint Scott Sirich, to the Board of Building Trades Appeals as a regular member to serve a three-year term to expire May 23, 2023.

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

#### IV. PUBLIC COMMENT

- Andrew Haig, resident, asked how the City planned to manage cruising on Woodward and complying with social distancing this weekend, in lieu of the Woodward Dream Cruise.
  - Mayor Boutros explained that the City of Birmingham has a plan in place that discourages gathering, vending, and other activities associated with the cruise.
- Debbie Harrington, DAR, petitioned for a flag raising ceremony scheduled for Veteran's Day.

#### 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.

##### 08-143-20 CONSENT AGENDA

The following items were removed from the Consent Agenda:

Mayor Pro-Tem Longe:	Item K – Resignation of William Wiebrect from the Parks and Recreation Board.
Commissioner Host:	Item A – City Commission Meeting Minutes of July 20, 2020.
Commissioner Hoff:	Item H – Outside agency service agreements.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Nickita: To approve the Consent Agenda excluding Items A, H and K; and recusing Commissioner Hoff from the vote on Item A.

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

- B. Resolution approving the warrant list, including Automated Clearing House payments, dated July 22, 2020 in the amount of \$695,837.64.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated July 29, 2020 in the amount of \$7,023,607.81.

- D. Resolution approving the warrant list, including Automated Clearing House payments, dated August 5, 2020 in the amount of \$549,867.45.
- E. Resolution authorizing the IT department to purchase 10 laptops from CDW Government, 75 Remittance Drive, Suite 1515 Chicago, IL 60675-1515 using MiDeal government pricing of \$924.88 each total cost of \$9,248.80 using funds from the Equipment under \$5,000 fund account # 636-228.000-799.0000.
- F. Resolution authorizing the IT department to purchase 95 block hours of GIS support from Geographic Information Services, Inc. 2100 Riverchase Center, Suite 105, Birmingham, AL 35244, the total purchase not to exceed \$15031.85. Funds are available in the IT Computer Maintenance fund account # 636-228.000-933.0600.
- G. Resolution approving a special event permit as requested by Piety Hill Chapter, NSDAR to hold the Veterans Day Wreath Laying Ceremony in Shain Park November 11, 2020 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event due to public health and safety measures.
- I. Resolution awarding the 2020 Concrete Sidewalk Repair Program, Contract #1-20 (SW) to Luigi Ferdinandi & Sons Cement Company, Inc., in the amount of \$573,970.00, to be charged to the various accounts as detailed in the report, contingent upon execution of the agreement and meeting all insurance requirements.
- J. Resolution authorizing the City Manager to cast a vote, on the City's behalf, for the two incumbent members of the Michigan Municipal League Workers' Compensation Fund for four-year terms, beginning October 1, 2020.
- L. Resolution approving the purchase of one 2021 Ford Explorer Police Interceptor from Gorno Ford through the MIDEAL extendable purchasing contract #071B7700181 in the amount not to exceed \$36,830.00 from the Auto Equipment Fund account #641-441.006.971.0100.
- M. Resolution approving the purchase of one 2020 Ford Escape S 4x2 FWD from Gorno Ford through the MIDEAL extendable purchasing contract #071B7700181 in the amount not to exceed \$20,928.00 from the Auto Equipment fund account #641-441.006.971.0100.

**08-144-20 (ITEM A) COMMISSION MEETING MINUTES OF JULY 20, 2020**

Commissioner Host removed this item from consent to correct a comment by Mayor Boutros on the last page, 4<sup>th</sup> paragraph, to read "not being rushed".

Commissioner Hoff referred to Page 6, 5 paragraphs down, and asked how could a West Bloomfield neighbor have concerns about where the Lutheran Church would be staging equipment during construction and asked for a review.

City Clerk Designee Bingham was directed to review the last meeting and make the appropriate corrections.



**MOTION:** Motion by Commissioner Host, seconded by Commissioner Hoff:  
To approve the City Commission Meeting Minutes of July 20, 2020 (Item A), with the requested revisions if appropriate after review by the City Clerk Designee, Bingham.

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

**08-145-20 (ITEM H) AGREEMENTS WITH OUTSIDE AGENCIES.**

Commissioner Hoff removed this item from consent to call attention to the report submitted by the Birmingham Bloomfield Community Coalition; and asked what is happening with funds contributed for 2019 and 2020 if no activities were scheduled.

- Chief Clemence clarified that Attachment B outlined expenditures through the 4<sup>th</sup> quarter of 2020.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Nickita:  
To approve the outside agency service agreements for services described in Attachment A of the agreement for fiscal year 2020-21 with Birmingham Bloomfield Community Coalition in the amount of \$3,000, Birmingham Youth Assistance in the amount of \$18,000 and Common Ground in the amount of \$1,500 from account number 101-301.000-811.0000, further directing the Mayor and City Clerk to sign the agreements on behalf of the City.

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

**08-146-20 (ITEM K) RESIGNATION OF WILLIAM WIEBRECHT FROM THE PARKS & RECREATION BOARD**

Mayor Pro-Tem Longe removed this item from consent to recognize Mr. Wiebrecht in more detail for his service.

- Longest Serving Member of the Parks and Recreation Board
- Passionate about serving
- Keen Eye for Budgeting and Operations
- Instrumental in improving Golf Course operations
- Extraordinary Service

**MOTION:** Motion by Mayor Pro-Tem Longe, seconded by Commissioner Host:  
To accept the resignation of William Wiebrecht from the Parks & Recreation Board, thanking him for his service, and directing the City Clerk to fill the vacancy.

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

<b>VI. UNFINISHED BUSINESS</b>
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<b>VII. NEW BUSINESS</b>
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**08-147-20 PUBLIC HEARING – 1365 CHAPIN**

Mayor Boutros opened the public hearing at 8:12 p.m.

Building Official Johnson presented this item and recommended cancelling the public hearing.

Commissioner Hoff asked if the City had heard from any of the residents regarding this matter.

Building Official Johnson acknowledged that there was a lot of positive feedback once the owners of the property completed demolition.

Mayor Boutros closed the public hearing at 8:15 p.m.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Nickita:  
To cancel the public hearing as prescribed in Section 50-42 of the Birmingham City Code for August 10, 2020, for the property located at 1365 Chapin.

ROLL CALL VOTE: Yeas,	Commissioner Hoff Commissioner Host Commissioner Nickita Mayor Pro-Tem Longe Commissioner Baller Mayor Boutros
Nays,	None
Absent,	Commissioner Sherman (due to technical difficulties)

**08-148-20 PUBLIC HEARING TO CONSIDER FINAL SITE PLAN AND SLUP –  
PERNOI, 310 E. MAPLE**

Mayor Boutros opened the public hearing at 8:16 p.m.

Planning Ecker presented this item.

Commissioner Nickita asked for clarity on the seating arrangements.

Planning Director Ecker explained that the only change would be the name of the establishment from Pernoi to Casa Pernoi.

Mayor Boutros closed the public hearing at 8:21 p.m.

**MOTION:** Motion by Mayor Pro-Tem Longe, seconded by Commissioner Hoff:  
To approve a Final Site Plan and Special Land Use Permit Amendment for 310 E. Maple to allow a change in name from Pernoi to Casa Pernoi (complete resolution in agenda packet).

ROLL CALL VOTE: Yeas, Mayor Pro-Tem Longe  
Commissioner Hoff  
Commissioner Nickita  
Commissioner Baller  
Commissioner Host

Mayor Boutros

Nays, None  
Absent, Commissioner Sherman (due to technical difficulties)

**08-149-20 TEMPORARY INSTALLATION OF LAURIE TENNENT'S EIGHT ART  
WORKS ALONG BOOTH TRAIL, QUARTON LAKE TRAIL, AND  
LINDEN TRAIL**

Planning Engineer Cowan presented this item.

Commissioner Baller asked if all of the installations would be lit; and do we have a statement from the artist.

Planning Engineer Cowan replied that only four would be lit.

Laurie Tennent affirmed that the installations would have statements attached and went on to give background information of her work and the method of installing if approved to address public safety.

Commissioner Hoff asked how would they stand up to the weather, and has there been any theft. She further asked who would finance the project.

Ms. Tennent affirmed that they are weather resistant and she has not had any theft or vandalism. She further affirmed that she is financing the project.

Mayor Boutros expressed support of the project.

Commissioner Hoff asked about the timing of the installations, if approved; and expressed favor for this project.

Ms. Tennent expressed that she could start installing at the end of the month.

Commissioner Nickita expressed admiration for Ms. Tennent's work and felt the City is fortunate to have this type of talent in Birmingham. He also noted that the series of locations are appropriate, with the exception of the installations that were selected for the all-natural environments, which would be in conflict with the area. He further asked if there had been any

feedback from the Parks and Recreation Board or the public in terms of locating graphic art in a total natural environment.

Planning Engineer Cowan confirmed that it had not come up from the Parks and Recreation Board, but the Public Arts Board discussed how the project would work on the trail and park network. Therefore, the team tried to position most of them at the trailheads.

Commissioner Nickita continued that an entrance condition is more desired than in the middle of complete natural environments.

Commissioner Baller suggested having the Social Media team have some fun with this to address all of the questions that would generate as the project is installed.

City Manager Valentine affirmed that the Social Media team would be engaged.

Commissioner Hoff reiterated that the artwork is of nature, and would be appropriate in the locations selected; and would contribute to the trails.

Commissioner Sherman regained connectivity, first complimented the art, and expressed that the people that use the trails are there to relax in nature, and thinks that the installations may distract from the beauty of nature. He also prefers the trailheads as opposed to disrupting the peacefulness along the trails.

Ms. Tennent has no problem with relocating some of the installations to more public spaces and gain more exposure.

**MOTION:** Motion by Commissioner Host, seconded by Commissioner Baller: Resolution approving the temporary installation of Laurie Tennent's eight art works along Booth Trail, Quarton Lake Trail and Linden Trail as identified in the application filed by Robert Kidd Gallery, dated June 16, 2020, for a period of one year.

Commissioner Baller asked if Ms. Tennent was the representative of Robert Kidd Gallery.

Ms. Tennent expressed that the Gallery represents her work and is not present tonight.

Commissioner Nickita while supporting the project expressed that he would like to see further review of the final placement of the pieces.

ROLL CALL VOTE:	Yeas,	Commissioner Host Commissioner Baller Commissioner Sherman Mayor Pro-Tem Longe Commissioner Hoff Mayor Boutros
	Nays,	None
	Absent,	None

<b>VIII. REMOVED FROM CONSENT AGENDA</b>
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<b>IX. COMMUNICATIONS</b>
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<b>X. REPORTS</b>
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- A. Commissioner Reports
- B. Commissioner Comments
  - Commissioner Hoff expressed that she supports linking the minutes to the video replay as was suggested at the July 13, 2020 meeting. She is also looking forward to the Parliamentary Procedure Workshop.
  - Commissioner Host also is excited about the workshop with the Parliamentarian, and hopes that it is the beginning of many to come. He went on to note that the Ad Hoc Senior Citizens committee met and have distributed a legal agreement to all of the communities anticipating responses within a month to 40 days.
  - Commissioner Baller expressed that he would like to see a review of the management of the parking system; and suggested that the Commission ask City Manager Valentine to provide options for alternative management structures and best practices. He further expressed concern about the performance of the Advisory Parking Committee.

**08-150-20            ALTERNATE MANAGEMENT STRUCTURES FOR PARKING SYSTEMS**

**MOTION:**            Motion by Commissioner Baller, seconded by Commissioner Host Requesting that City Manager Valentine provide the Commission, no later than September 14, 2020, options for studying alternative management structures and best practices for managing the parking systems.

Commissioner comments on the motion:

- Commissioner Hoff asked for specific examples of what Commissioner Baller is suggesting, because his comments were based on opinion.
- Commissioner Baller elaborated on the motion.
- Commissioner Sherman pointed out that municipal governance operates under a different set of rules than private management.
- Commissioner Nickita pointed out that the City plans well with the best information available that has led to continuous success. Others recognize Birmingham as a model City across the Midwest. He is not in support of directing the City Manager on a date certain for a task without facts or information available at this meeting to entertain an intelligent discussion. He would prefer a presentation by staff on the status of the parking system based on fact and possibly move forward with a discussion on how to improve the system for the users. He further disagrees with Motions during Commissioner Comment.
- Mayor Pro-Tem Longe suggested that this discussion take place in a workshop.
- Commissioner Host supports a workshop for this topic.
- Commissioner Hoff reminded everyone that parking in Birmingham is an extensive subject and it is unfair to ask for a presentation within the time frame requested.
- Commissioner Baller expressed that he is simply asking to explore options for a comparative analysis for better management.
- Mayor Boutros expressed that Commissioner Baller has presented a fair ask and it has merit because the parking system is due for a review.

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

**BIRMINGHAM CITY COMMISSION  
VIRTUAL SPECIAL PARLIAMENTARY PROCEDURE WORKSHOP  
MONDAY, AUGUST 17, 2020  
7:30 P.M.**

**WORKSHOP SESSION**

**This was considered a workshop session of the City Commission. No formal actions were taken. The purpose of this workshop was to participate in a discussion in parliamentary procedures with a registered parliamentarian.**

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

Pierre Boutros, Mayor, called the workshop session to order at 7:30 p.m. with the Pledge of Allegiance.

**II. ROLL CALL**

Alexandria Bingham, City Clerk Designee, called the roll.

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

ABSENT: None

Administration: City Manager Valentine, City Attorney Currier, IT Assistant Alawadi,  
City Clerk Designee Bingham

**III. PUBLIC COMMENT**

- Brad Coulter, resident, attended the meeting to understand the process of forming the Commission agenda.

**IV. PRESENTATION**

Parliamentary Procedure Presentation by Ms. Eleanor Coco Siewert, Professional Registered Parliamentarian, Parliamentarian of the Michigan Municipal League, and educator of municipal leaders on parliamentarian procedures. She served as Mayor, City Commissioner, Library Board Member, and other community boards and committees for the City of Birmingham.

- Funnel of Laws applicable to all boards, committees, and sub-committees
- Why Parliamentary Procedure
- Objectives of Parliamentary Law
- Rules of Debate
- Amendments Pertaining to Motions

- Postponing Action
- Reconsider Action
- Rescind Action<sup>1</sup>
- Tips for Better Meetings
  - Under New Business and after new business has been conducted, a Commissioner could make a motion to put an item on an upcoming agenda opening discussion as to priority, and factors relative to available resources.

### **Parliamentary Procedure Workshop Q&A:**

Commissioner Baller asked, relative to unanimous consent and objecting, in the absence of a motion, how and who expresses the item that the Commission is considering for consent.

- Ms. Siewert explained that when a suggestion is made, the person making the suggestion has expressed it and the use of unanimous consent is appropriate to direct staff. However, she recommended the practice of using motions to insure the clarity of direction.

Mayor Boutros asked if the motion is already written in the agenda is it necessary to restate the motion.

- Ms. Siewert advised that as long as everyone, including those at home, can see the motion on a screen, it is not necessary to restate the motion. If the motion is made during the meeting and not printed, it should be restated three times.

Commissioner Baller commented that due to the way that meetings are held today, there will always be someone that does not have an agenda visible. Therefore, it would make sense that the prepared motions are read.

Commissioner Hoff pointed out the significance of restating motions due to the amount of discussion typically surrounding a motion.

Commissioner Sherman agreed with Ms. Siewert on her recommendation to use New Business as a tool to introduce items that Commissioners would like to see on upcoming agendas.

Commissioner Hoff agreed that New Business is the appropriate tool to introduce new items for consideration on an upcoming agenda. She asked about reading and approval of the minutes, is a motion required.

- Ms. Siewert affirmed that a motion is required for approval of the minutes and adjourning a meeting. She added that minutes should reflect what was done and not what was said, including public comment as referenced in the Open Meetings Act and Roberts Rules of Order.

Commissioner Host asked how the rules of order for Commissioners and rules of order for the public relative to First Amendment Rights differ.

- Ms. Siewert pointed out that there is a common courtesy expected among colleagues; conversely, the public's behavior is unpredictable.

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<sup>1</sup> Note: Ms. Siewert expressed that while the Open Meetings Act requires that meetings are posted, it does not require posting the agenda. Therefore, an issue that has not been on the agenda may be discussed, but action cannot be taken.



Commissioner Baller pointed out that the Constitution of the United States trumps any procedure. Commissioner Hoff asked for clarity in the Rules for Debate and if the Birmingham City Commission is doing it correctly.

- Ms. Siewert advised that habitually making more motions and operating according to rules, arrival at a decision would happen sooner.

Commissioner Hoff suggested that Commissioner Comments should be limited to two minutes.

- Ms. Siewert advised that Commissioners should limit themselves and use a countdown timer. She went on to say that a 2/3 vote is required to adopt the limits.

Commissioner Nickita asked for clarity on the idea of adding items to New Business, is it only to decide if it is a valid item for discussion in the future.

- Ms. Siewert clarified that the motion is to put the item on the next agenda ***only***. Discussions and proposals for action would take place at the meeting where the item is on the agenda.

Commissioner Nickita asked what would be the appropriate type of things to bring to Commissioner Comments.

- Ms. Siewert conveyed that it is for the good of the order. It varies from municipalities across the State. Some have made a rule that there would be no response to Commissioner Comments; such as done with Public Comment. This is not the space for debate. Typically, it is a short opportunity for a Commissioner to speak directly with no response.

Mayor Pro-Tem Longe asked what is appropriate to report in Commissioner Reports.

- Ms. Siewert advised that some use the Top Three Take Aways rule, which is included in the rules. Reports from Commissioners on their other committees are printed in the agenda and only mentioned if action is required. The Commission must decide.

### **Public Comment**

- David Bloom, resident, thanked Ms. Siewert for her time. He commented on the City having a rich history of documenting what has happened in meetings. He expressed that it is important that he and other residents are able to go back through meeting minutes to see what Commissioners have said in the past. While it is not required it is invaluable to residents. He further asked for clarity on how motions could be rescinded and when is it appropriate to provide direction to the City Manager.
  - Ms. Siewert affirmed that minutes should be a reflection of what was done and not what was said. Direction to the City Manager is appropriate during New Business and not appropriate during Commissioner Comment. In response to rescinding a past motion attention to the funnel of laws is essential and it depends on the situation.
- Mr. Coulter, resident, reiterated his initial question.
  - Ms. Siewert explained that it should be done through New Business, and referred to the Mayor, City Manager, or City Clerk to speak on how it is currently done.
  - City Manager Valentine explained that the process of establishing an agenda is driven by the actions of the boards that support the City Commission. The

initiatives come through staff and the administration to be placed on the agenda. Additionally there are items that come from the Commission directly and emergencies that happen between meetings.

- Mayor Boutros asked, relative to rules of procedures, is it mandated to conclude the meetings by 11:00 p.m.
  - Ms. Siewert clarified that there are things in the rules of procedure that are mandates, suggestions, and goals. Having an end time is a goal for Birmingham.
- Commissioner Baller expressed concern that no action was taken at this workshop.

<b>V. ADJOURN</b>
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Mayor Boutros adjourned the meeting at 9:22 p.m.

# City of Birmingham

## Warrant List Dated 08/12/2020

Meeting of 08/24/2020

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
274720	*	007266	AETNA BEHAVIORAL HEALTH LLC	902.98
274721		003272	AMERICAN PLANNING ASSOC	1,385.00
274722		000167	ANDERSON ECKSTEIN WESTRICK INC	5,794.55
274723	*	008977	JOBMATCH LLC DBA APPLICANTPRO	1,127.00
274724		000500	ARTECH PRINTING INC	64.00
274725	*	006759	AT&T	1,887.08
274726	*	004027	AUTOMATED BENEFIT SVCS INC	17,360.10
274728		MISC	BASEMENT CRACKS & LEAKS/METRO	100.00
274729		004931	BIDNET	448.75
274730	*	001086	JACK TODD - PETTY CASH	448.00
274731		003526	BOUND TREE MEDICAL, LLC	1,374.68
274732		MISC	BRADLEY DICKS	100.00
274733		003907	CADILLAC ASPHALT, LLC	813.66
274734		009187	CLEARVIEW CAPTIONING LLC	2,611.25
274735		004188	COFFEE BREAK SERVICE, INC.	85.25
274736	*	004026	COFINITY	3,141.00
274737	*	008955	COMCAST	347.59
274738		000979	COMERICA BANK	1,394.50
274739	*	000627	CONSUMERS ENERGY	217.01
274740		002668	CONTRACTORS CLOTHING CO	300.00
274741		009145	CREATIVE COLLABORATIONS	3,800.00
274742		MISC	DAVID PAUL FORCE	100.00
274743	*	000177	DELWOOD SUPPLY	119.00
274744	*	006907	DENTEMAX, LLC	316.80
274745	*	004198	DETROIT HITCH CO	64.55
274746	*	008641	DINGES FIRE COMPANY	93.93
274747	*	000180	DTE ENERGY	40,429.30
274748	*	000179	DTE ENERGY	59.76
274749	*	000179	DTE ENERGY	1,149.79
274750	*	000179	DTE ENERGY	649.84
274751	*	000179	DTE ENERGY	903.84
274752	*	000179	DTE ENERGY	63.92
274753	*	000179	DTE ENERGY	217.37
274754	*	000179	DTE ENERGY	2,210.64
274755	*	000179	DTE ENERGY	64.92
274756	*	000179	DTE ENERGY	295.51
274757	*	000179	DTE ENERGY	21.61
274758	*	000179	DTE ENERGY	506.38
274759	*	000179	DTE ENERGY	721.04
274760	*	000179	DTE ENERGY	54.05
274761	*	000179	DTE ENERGY	62.63
274762	*	000179	DTE ENERGY	22.67

**City of Birmingham**  
**Warrant List Dated 08/12/2020**

Meeting of 08/24/2020

Check Number	Early Release	Vendor #	Vendor	Amount
274763	*	000179	DTE ENERGY	14.47
274764	*	000179	DTE ENERGY	1,496.43
274765	*	001077	DUNCAN PARKING TECH INC	11,066.66
274768		000196	EJ USA, INC.	1,412.51
274769		008504	ELECTIONSOURCE	1,864.68
274770	*	009100	ENZO WATER SERVICE	500.00
274771		001495	ETNA SUPPLY	30,010.00
274774	*	009193	FIRESTATIONFURNITURE.COM	899.00
274775	*	007366	FIRST ADVANTAGE OCCUPATIONAL	390.00
274776		MISC	FRIESEN, CAROL W	500.00
274778		007172	GARY KNUREK INC	125.00
274779		MISC	GILLETTE BROTHERS POOL & SPA	550.00
274780		006388	GODDARD COATINGS SPORT SURFACES	27,755.00
274781		008293	GRAINGER	328.14
274782		MISC	GREAT LAKES CUSTOM BUILDER LLC	1,400.00
274783		009211	GRIGG GRAPHIC SERVICES INC	87.00
274784		001531	GUNNERS METER & PARTS INC	1,705.00
274785		007342	H2A ARCHITECTS, INC.	120.00
274786		001377	HAGOPIAN CLEANING SERVICES	367.00
274787		001447	HALT FIRE INC	568.60
274788		003132	HASTINGS AIR-ENERGY CONTROL INC	57.71
274789		MISC	HM HOMES LLC	2,500.00
274790		000948	HYDROCORP	1,315.00
274791		MISC	JOHN MCCARTER CONSTRUCTION LLC	200.00
274792		MISC	KYLE MCCANHAM	120.00
274793		MISC	LAWRENCE JOSEPH KASS	100.00
274794	*	008158	LOGICALIS INC	9,700.00
274795		000972	MCKESSON MEDICAL-SURGICAL	258.49
274796		008793	MERGE MOBILE, INC.	146.00
274797		MISC	METZGER, THOMAS	10,000.00
274798	*	005252	MIAM	245.00
274799		MISC	MICHAEL CHRISTIAN HOMES INC	1,400.00
274800		009200	MICHAEL MORRISON	2,100.00
274801	*	001387	MICHIGAN MUNICIPAL LEAGUE	38,793.00
274802		MISC	MICHIGAN REMEDIATION SPECIALISTS	400.00
274804		MISC	MODHOME DESIGN	2,500.00
274806	*	006371	MPELRA	150.00
274808		007755	NETWORK SERVICES COMPANY	1,470.00
274808	*	007755	NETWORK SERVICES COMPANY	432.08
274809	*	000477	OAKLAND COUNTY	1,164.19
274810		000675	OAKLAND SCHOOLS	4,691.34
274811	*	004370	OCCUPATIONAL HEALTH CENTERS	520.00
274812	*	000481	OFFICE DEPOT INC	557.70

**City of Birmingham**  
**Warrant List Dated 08/12/2020**

Meeting of 08/24/2020

Check Number	Early Release	Vendor #	Vendor	Amount
274813		001626	OXFORD OVERHEAD DOOR SALES CO.	119.00
274814		009151	PARAGON LABORATORIES INC	820.00
274815		009151	PARAGON LABORATORIES INC	1,025.00
274816		009151	PARAGON LABORATORIES INC	164.00
274817		009151	PARAGON LABORATORIES INC	1,189.00
274819		MISC	PERSPECTIVES CUSTOM CABINETRY INC	300.00
274821		MISC	SCOTT QUALITY HOMES II LLC	2,500.00
274822	*	004202	SHRED-IT USA	196.19
274823	*	009009	SIGNATURE CLEANING LLC	1,505.00
274824	*	008073	SITEONE LANDSCAPE SUPPLY, INC	534.15
274825		004544	STRYKER SALES CORPORATION	7,319.32
274827	*	004355	SYMETRA LIFE INSURANCE COMPANY	36,158.38
274828		007087	TECHRADIUM, INC	214.50
274829		008748	TECHSEVEN COMPANY	519.00
274833		009199	UNIQUE IMAGE STUDIO OF PHOTOGRAPHY	1,230.00
274834	*	000158	VERIZON WIRELESS	800.92
274835	*	000158	VERIZON WIRELESS	76.02
274837	*	000158	VERIZON WIRELESS	155.50
274838	*	000158	VERIZON WIRELESS	1,070.16
274840		006491	VILLAGE AUTOMOTIVE	843.00
274841	*	009208	WALSH COLLEGE	1,295.00
274843		009128	WITMER PUBLIC SAFETY GROUP INC	61.90
SUBTOTAL PAPER CHECK				\$309,905.99
<b><u>ACH TRANSACTION</u></b>				
2693	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	11,652.53
2695	*	000282	APOLLO FIRE EQUIPMENT	3,900.00
2696	*	000517	BEIER HOWLETT P.C.	57,621.00
2697	*	007345	BEVERLY HILLS ACE	74.31
2698	*	008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	2,574,843.48
2699	*	000542	BLUE WATER INDUSTRIAL PRODUCTS INC	60.59
2701	*	001035	DOUGLASS SAFETY SYSTEMS LLC	71.00
2702	*	000207	EZELL SUPPLY CORPORATION	2,592.08
2703	*	000592	GAYLORD BROS., INC	1,222.45
2704	*	007465	IN-HOUSE VALET INC	3,000.00
2705	*	008851	INSIGHT INVESTMENT	4,731.03
2706		000261	J.H. HART URBAN FORESTRY	17,561.25
2707	*	005876	KROPF MECHANICAL SERVICE COMPANY	6,801.51
2709	*	007856	NEXT	27,511.00
2710	*	008843	OAKLAND COUNTY TREASURER- TAX PYMNT	4,113,012.40
2711	*	000897	PRINTING SYSTEMS INC	68.21
2712		006832	SAFEWARE INC.	1,263.76
2713	*	003785	SIGNS-N-DESIGNS INC	195.00
2714		000254	SOCRRA	77,688.00

**City of Birmingham**  
**Warrant List Dated 08/12/2020**

Meeting of 08/24/2020

Check Number	Early Release	Vendor #	Vendor	Amount
2715		000273	TERMINAL SUPPLY CO.	207.09
SUBTOTAL ACH TRANSACTION				\$6,904,076.69
GRAND TOTAL				\$7,213,982.68

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 08/19/2020**

Meeting of 08/24/2020

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
274844	*	000855	48TH DISTRICT COURT	100.00
274845	*	000855	48TH DISTRICT COURT	100.00
274846	*	006965	7UP DETROIT	772.40
274848		003708	AIRGAS USA, LLC	236.82
274849		007745	ALL COVERED	2,132.60
274850		007622	ALLSTAR PRO GOLF	809.88
274851		009180	ANTHEM SPORTS LLC	698.75
274852		007033	APPLIED IMAGING	1,008.27
274852	*	007033	APPLIED IMAGING	1,169.44
274854	*	006759	AT&T	331.37
274855	*	006759	AT&T	320.31
274857		003012	BATTERIES PLUS	46.95
274858		008036	BERMUDA SANDS	223.27
274859	*	001086	JACK TODD - PETTY CASH	1,365.15
274860		MISC	BISON PLUMBING INC	634.36
274861		003526	BOUND TREE MEDICAL, LLC	1,910.96
274862		006966	BRIDGESTONE GOLF, INC	255.00
274863	*	006953	JACQUELYN BRITO	347.03
274864		006520	BS&A SOFTWARE, INC	2,699.00
274865		003907	CADILLAC ASPHALT, LLC	512.62
274866		005238	CBTS	3,961.50
274867	*	000444	CDW GOVERNMENT INC	211.30
274868		000605	CINTAS CORPORATION	383.59
274869	*	004188	COFFEE BREAK SERVICE, INC.	85.25
274870	*	008955	COMCAST	620.84
274871	*	007774	COMCAST BUSINESS	1,255.70
274872		002668	CONTRACTORS CLOTHING CO	343.33
274873	*	MISC	CYNTHIA L. HORCOFF	25,847.46
274876		007795	DG TECHNOLOGIES	820.00
274877		MISC	DODA, LOUAY FOUAD	100.00
274878		MISC	DON THOMAS SPORHTHAUS	100.00
274879		007506	DST GLOBAL SERVICES	1,050.00
274880	*	000179	DTE ENERGY	66.99
274881		008741	EAGLE GRAPHICS & DESIGN INC	378.75
274882	*	007538	EGANIX, INC.	720.00
274883		003942	ENABLEPOINT, INC	2,999.00
274884	*	MISC	FEDERICO PALEO	270.63
274885	*	004514	FEDEX OFFICE	52.36
274886		006384	GEOGRAPHIC INFORMATION SERVICES, IN	2,765.27
274886	*	006384	GEOGRAPHIC INFORMATION SERVICES, IN	175.99
274887		001771	GOLF ASSOC. OF MICHIGAN	100.00
274888	*	004604	GORDON FOOD	2,627.83

# City of Birmingham

## Warrant List Dated 08/19/2020

Meeting of 08/24/2020

Check Number	Early Release	Vendor #	Vendor	Amount
274889	*	MISC	GRAPH-X	1,191.00
274890		MISC	GREAT LAKES CUSTOM BUILDER LLC	2,500.00
274891	*	008007	GREAT LAKES WATER AUTHORITY	5,335.33
274892		000249	GUARDIAN ALARM	246.80
274893		001531	GUNNERS METER & PARTS INC	1,375.00
274894		MISC	HANSELMAN, MATTHEW	1,000.00
274895		006153	HARRY'S ARMY SURPLUS	959.20
274896		007339	HIGHEST HONOR, INC	733.00
274897	*	MISC	HYDE PARK PRIME STEAKHOUSE	5,388.69
274898		000948	HYDROCORP	7,104.00
274899		000342	IBS OF SE MICHIGAN	710.86
274899	*	000342	IBS OF SE MICHIGAN	710.86
274900		004837	IDEACORE, LLC	75.00
274901		000340	INDUSTRIAL BROOM SERVICE, LLC	620.00
274902		000344	J.T. EXPRESS, LTD.	2,344.46
274903		005291	KAESER & BLAIR INC	5,283.71
274904		004088	KGM DISTRIBUTORS INC	411.00
274906		003620	LANGUAGE LINE SERVICES INC	28.02
274907	*	005932	LANSING COMMUNITY COLLEGE	2,316.00
274908		006817	LEXISNEXIS RISK DATA MANAGEMENT INC	100.00
274909		MISC	LMB PROPERTIES LLC	2,500.00
274910		008417	M-1 STUDIOS LLC	525.00
274911		001669	MACP	300.00
274912	*	008763	MARYKO HOSPITALITY, LLC	7,500.00
274913	*	009214	KYLE MCCANHAM	60.00
274914		000888	MCKENNA ASSOCIATES INC	37,273.13
274915		000369	MCMI	1,225.00
274917		007163	MOBILE HEALTH RESOURCES	1,207.02
274918		008671	MOMENTUS SPORTS	158.00
274919	*	001452	MONTGOMERY & SONS INC	1,362.25
274920		MISC	MORRIS, BARTON	300.00
274921	*	000477	OAKLAND COUNTY	471,369.42
274923		MISC	OROW HOME IMPROVEMENT	200.00
274924		006625	PACIFIC TELEMAGEMENT SERVICES	78.00
274924	*	006625	PACIFIC TELEMAGEMENT SERVICES	78.00
274925		009151	PARAGON LABORATORIES INC	41.00
274926	*	001753	PEPSI COLA	423.18
274927		001883	PIONEER DOOR COMPANY INC	355.00
274928		005379	RED WING BUSINESS ADVANTAGE ACCT	170.99
274929		007336	REVIZE LLC	3,100.00
274930	*	002806	SAM'S CLUB/SYNCHRONY BANK	167.04
274931		MISC	SCHOENHERR HOMES LLC	100.00
274932		MISC	SCOTT QUALITY HOMES II LLC	650.00



# City of Birmingham

## Warrant List Dated 08/19/2020

Meeting of 08/24/2020

Check Number	Early Release	Vendor #	Vendor	Amount
274933	*	006590	SECURE DOOR, LLC	189.50
274934		006850	SHELBY AUTO TRIM, INC.	90.00
274935	*	003483	SHERWIN WILLIAMS COMPANY	506.28
274936	*	007142	SHERWIN-WILLIAMS COMPANY	65.07
274937		009009	SIGNATURE CLEANING LLC	295.00
274937	*	009009	SIGNATURE CLEANING LLC	4,899.00
274938	*	007882	MICHAEL SIMPSON	147.27
274939	*	008073	SITEONE LANDSCAPE SUPPLY, INC	365.75
274940		007907	SP+ CORPORATION	53,086.89
274941		000260	SPARTAN DISTRIBUTORS INC	37,555.44
274942		001104	STATE OF MICHIGAN	1,646,901.11
274943		MISC	STERLING DEVELOPMENT CORP	1,000.00
274944		004544	STRYKER SALES CORPORATION	1,196.00
274945		006749	SUPERIOR SCAPE, INC	105,265.00
274946		000286	TARGET SPECIALTY PRODUCTS	5,054.50
274947		007586	TELEFLEX LLC	1,115.50
274949		MISC	TKO HOME MAINTENANCE	100.00
274950		008728	TWO THE RESCUE LLC	2,000.00
274952		008941	UPTOWN MARKET OF BIRMINGHAM	39.83
274953		007226	VALLEY CITY LINEN	271.90
274954	*	000158	VERIZON WIRELESS	90.12
274955	*	000158	VERIZON WIRELESS	495.76
274956		006491	VILLAGE AUTOMOTIVE	214.29
274957		MISC	WALLSIDE INC	500.00
274958		MISC	WECHSLER CONSTRUCTION LLC	200.00
274959		001438	WINDER POLICE EQUIPMENT	143.00
274960	*	005794	WINDSTREAM	885.93
274961		009128	WITMER PUBLIC SAFETY GROUP INC	387.96
274962	*	003890	LAUREN WOOD	525.00
274963	*	008391	XEROX CORPORATION	607.66
274964		009185	ZOOM VIDEO COMMUNICATIONS INC	424.85
SUBTOTAL PAPER CHECK				\$2,492,804.54

### ACH TRANSACTION

2718	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	12,116.07
2719		002284	ABEL ELECTRONICS INC	839.90
2721		002679	ANCHOR WIPING CLOTH CO	178.00
2722		008667	APOLLO FIRE APPRATUS REPAIR INC	450.26
2723	*	000282	APOLLO FIRE EQUIPMENT	1,281.54
2724	*	007345	BEVERLY HILLS ACE	33.27
2725	*	007624	BIRMINGHAM OIL CHANGE CENTER, LLC	30.72
2726	*	000542	BLUE WATER INDUSTRIAL PRODUCTS INC	116.41
2727		009183	BOB ADAMS TOWING	160.00
2728	*	008044	CLUB PROPHET	540.00

**City of Birmingham**  
**Warrant List Dated 08/19/2020**

Meeting of 08/24/2020

Check Number	Early Release	Vendor #	Vendor	Amount
2729	*	007359	DETROIT CHEMICAL & PAPER SUPPLY	5,858.50
2730	*	000207	EZELL SUPPLY CORPORATION	105.11
2731		006181	FIRST CHOICE COFFEE SERV	136.95
2732	*	007314	FLEIS AND VANDENBRINK ENG. INC	7,450.00
2733		000217	FOUR SEASON RADIATOR SERVICE INC	1,410.37
2734		003870	GREAT LAKES TURF, LLC	5,042.78
2735	*	002407	J & B MEDICAL SUPPLY	328.32
2736		000261	J.H. HART URBAN FORESTRY	17,478.25
2737	*	003458	JOE'S AUTO PARTS, INC.	116.26
2738		006370	KLM SCAPE & SNOW LLC	2,195.00
2739	*	005876	KROPF MECHANICAL SERVICE COMPANY	516.00
2741		000462	MOTOR CITY INDUSTRIAL	43.75
2742	*	006359	NYE UNIFORM COMPANY	261.00
2743	*	001181	ROSE PEST SOLUTIONS	545.00
2744	*	003785	SIGNS-N-DESIGNS INC	747.00
2745	*	001097	SOCWA	298,181.92
2746	*	001255	TEKNICOLORS INC	208.63
2747		000298	VESCO OIL CORPORATION	83.25
2748	*	000969	VIGILANTE SECURITY INC	220.50
2749	*	007278	WHITLOCK BUSINESS SYSTEMS, INC.	1,632.97
SUBTOTAL ACH TRANSACTION				\$358,307.73
GRAND TOTAL				\$2,851,112.27

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

IT Department

**DATE:** 08/24/2020

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

**FROM:** Eric Brunk, IT Manager

**SUBJECT:** Copier Replacement Multiple Departments

---

### Introduction:

The department copiers are the workhorse of printing for the City. They are designed to handle large copy and print jobs as well as scanning documents to the network, email or sending and receiving faxes. As a result they take a lot of abuse and can wear out quickly. Depending on "use case" most copiers / Multifunction printers only last three to five years before they begin to wear out.

The units in Finance/HR, BSD, Clerks, and Fire Station 1 are in need of replacement.

### Background:

The City of Birmingham previously purchased sharp copiers for Finance and BSD in late 2013 and a Xerox copier for the Clerks department in late 2014, the purchase date of the Lanier in use at the fire department is unknown. Last year the IT department replaced a failing copier in the Community Development department with a Canon Image Runner Advance C5550i. The machine has been a workhorse since installed easily handling any job sent to it. Since that machine had proven itself in one of our most print heavy environments the IT department looked at replacing aging / temperamental equipment in other departments with the same unit. The IT department budgeted for the replacement of the copier for Finance / HR, the copier in the clerks department, the copier in BSD and the Multifunction Printer in Fire Station 1. Purchase price for each copier is \$7,800.00. Total cost for all 4 devices is \$31,200.00.

### Legal Review:

We currently have a service / maintenance contract with Canon for the copier in Community Development and are adding these 4 copiers to that agreement.

### Fiscal impact:

The IT department worked with Canon Solutions America, Inc. to get Governmental pricing from Extendable National IPA Contract Number: 18-020-LG. Funds have been set aside in the Machinery and Equipment fund account # 636-228.000-971.0100 for this purchase.

### Summary:

The IT department would like to purchase 4 Canon Image Runner Advance C5550i Copiers from Canon Solutions America, inc. 39555 Orchard Hill Place, Suite 190, Novi, MI 48375 to replace aged / ailing equipment.

**SUGGESTED RESOLUTION:**

To Approve the purchase of 4 Canon Image Runner Advance C5550i copiers from Canon Solutions America, Inc. at the cost of \$7,800.00 each using extendable National IPA Contract Number: 18-020-LG, the total cost of purchase not to exceed \$31,200.00. Funds are available in the IT Machinery and Equipment fund account # 636-228.000-971.0100

## **ImageRUNNER Advance C5550i Configuration**

**Print speed: 50 Pages per Minute Color and Black/White  
B/W and Color Scan Speeds up to 160 images/minute  
150 Sheet Single Pass Duplexing Document Feeder  
External Staple Finisher with 3,250 Sheet Capacity, Staples up to 65 Sheets  
2,200 Sheet Paper Capacity Paper  
Fax Board**



**Purchase Price w/External Staple Finisher: \$7,800.00**

**Color Cost: \$.04      Black/White Cost: \$.0067**

**NIPA Pricing. Rates are locked for 48 months  
Pricing Includes Delivery, Installation and Training  
Service Program Includes all Toner, Parts and Labor**

**DATE:** August 19, 2020

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

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

**SUBJECT:** Sidewalk Trip Elimination Services  
Contract #6-20 (SW) - Contract Extension

---

**INTRODUCTION:**

As you may recall, in 2018 the Engineering Department issued a formal Request for Proposal (RFP) called Sidewalk Trip Elimination Services, Contract #6-18(SW). The RFP did not specify the actual method to be used to eliminate sidewalk trip hazards, while meeting certain criteria. Precision Concrete, Inc. was awarded the contract in 2018. They offered to hold their pricing for 2019 (via a contract extension) and have offered to again hold the 2018 pricing for this year as well (letter attached).

**BACKGROUND:**

Precision Concrete, Inc. has performed this work for the City the past three (3) years. These projects ranged from 1,000 to 2,500 separate work locations. Once mobilized to Birmingham, Precision is able to complete the work within two to four weeks. The crews work quickly, and caused little disruption to the residents and pedestrians in the immediate area. The amount of work that was accomplished relative to the amount of time the Engineering Department had to spend overseeing the work made the process a major success. Not only did it reduce the disruption to the neighborhood, it also reduced the size and value of the traditional concrete replacement program.

Given this success, the Engineering Department inspected the next sidewalk program area (Area #3) with the intention of having both a traditional concrete replacement program, supplemented with a sawcutting program. The program area #3 will focus on the the areas between Maple Road and 14 Mile Road & Pierce Street and Woodward/Adams Road. The criteria established states that any trip hazard measuring between ½ inch and 1½ inch vertical discrepancy between joints should be corrected using the sawcutting method. Inspection results determined that a larger quantity of the existing trip hazards would fall under the sawcutting method. We are pleased that Precision Concrete is offering to return to Birmingham at 2018 prices, and fully expect that if other bids were solicited for this work, no other similar proposals for this patented process would be received.

**LEGAL REVIEW:**

The offer to extend the contract terms has been reviewed and approved by the City Attorney's office. The Contractor has been apprised of the work area and quantity, and understands that new performance and payment bonds will have to be provided, as well as updated proof of insurance. Further, the Contractor understands that the new work area must be completed no later than October 30, 2020.

**FISCAL IMPACT:**

Based on current estimates, it is estimated that the value of the work, charged at the 2018 contract price of \$12.00 per foot equals \$109,992.00. This quantity represents over 1,800 separate work locations. If this work was paid for using traditional sidewalk remove and replace methods, the value of this work would be approximately double, representing a savings to the City of over \$110,000, not counting reduce staff time.

The cost of this work will be charged to the General Sidewalk Fund, account number 101-444.001-981.0100.

**PUBLIC COMMUNICATIONS:**

No public communications are anticipated as this method of eliminating trip hazards is performed quickly and causes little disruption to the residents and pedestrians in the immediate area.

**SUMMARY:**

It is recommended that the City Commission authorize the extension of Contract #6-18 (SW), 2018 Trip Hazard Elimination Program, to Precision Concrete, Inc., for the 2020 contract year, at a total cost of \$109,992.00.

**ATTACHMENTS:**

- Offer of contract extension from Precision Concrete, Inc.
- Summary of estimated quantity of 2020 work area by streets.
- Map of 2020 Work Area.

**SUGGESTED RESOLUTION:**

To approve an extension of the 2020 Sidewalk Trip Elimination Program, Contract #6-18 (SW) for the 2020 sidewalk program repair area, at 2018 contract prices, to Precision Concrete, Inc., in the amount of \$109,992.00, contingent upon submittal of the necessary bonds and insurance certificate. All costs shall be charged to account number 101-444.001-981.0100.





March 9, 2020

**City of Birmingham**

attn: Austin Fletcher, City Engineer  
151 Martin St  
Birmingham, MI 48012

Subject: Contract Extension for **SIDEWALK TRIP ELIMINATION SERVICES - CONTRACT #6-18(SW)**

Austin,

We appreciate the opportunity to submit this Contract Extension to the City of Birmingham. Please accept this letter as confirmation of our intent to honor the 2018 Bid Rates on sidewalk trip elimination services, as awarded to us in 2018 on Contract #6-18(SW) (rate and unit of measure; \$12.00 per Linear-Foot).

We will provide an updated proof of insurance (ACORD) and performance bonds/payment bonds if needed. Let us know if any additional information is required. We appreciate your ongoing consideration and the opportunity to provide our service for the City of Birmingham.

**Cost and Scope**

Based on the 2018 contract, PCC will bill for this project in 2020 at the rate of \$12.00 per Linear-Foot.

The scope of the sidewalk trip hazards has not changed. Trips are defined as a differential in the walkway of 0.5" high and less than or equal to 1.5" high. Trip hazards will be eliminated leaving a maximum running slope (ramp) of 1:12 as permitted to meet ADA requirements wherever possible. The work will be performed on City sidewalks as designated by City Engineering.

**Sole Source Status**

The technology that Precision Concrete Cutting uses to remove trip hazards has been developed and patented by Precision Concrete Cutting based in Provo, UT. Precision Concrete, Inc. is the only company authorized to use the patented equipment and method for removing sidewalk trip hazards as described by the following patent numbers:

U.S. Patent No. 6,827,074  
U.S. Patent No. 6,896,604  
U.S. Patent No. 7,000,606

U.S. Patent No. 7,143,760  
U.S. Patent No. 7,201,644  
U.S. Patent No. 7,402,095

These patent numbers and the Precision Concrete Cutting (PCC) licensing agreement make Precision Concrete, Inc. a sole source for trip hazard removal in Michigan using this technology.

Precision Concrete Cutting looks forward to continuing work with Birmingham to deliver a proactive and cost-effective sidewalk maintenance program to help with the efforts of ADA compliance and reduce liabilities associated with sidewalk trip hazards.

**Mark A. Bonkowski**, President

**Ben Johnson**, Business Manager, SE Michigan

**Precision Concrete, Inc. (Precision Concrete Cutting)**

1896 Goldeneye Drive  
Holland MI 49424

(616) 403-1140 Phone  
(616) 582-5951 Fax



### Summary of Area 3

Street Name	Estimated Sawcutting (lft)
14 Mile Rd	550.0
Adams Ave	450.0
Ann St	465.0
Bennaville Ave	200.0
Bird Ave	500.0
Bowers St	170.0
Catalpa Dr	205.0
Cedar St	225.0
Chapin Ave	210.0
Chestnut St	190.0
Clark St	70.0
Davis Ave	330.0
E Lincoln St	450.0
Edgewood Rd	495.0
Elm St	250.0
Emmons Ave	210.0
Forest Ave	200.0
Frank St	200.0
George St	351.0
Haynes St	160.0
Hazel St	180.0
Humphrey Ave	195.0
Landon St	150.0
Lincoln Ct	50.0
Maple Rd	200.0
Old Woodward Ave	400.0
Pierce St	250.0
Purdy St	380.0
Ruffner Ave	190.0
Smith Ave	425.0
Southlawn Blvd	210.0
Webster St	80.0
Woodward Ave	350.0
Worth St	225.0
	<b>9166.0</b>

# 2020 Sidewalk Program Area 3

## CAUTION

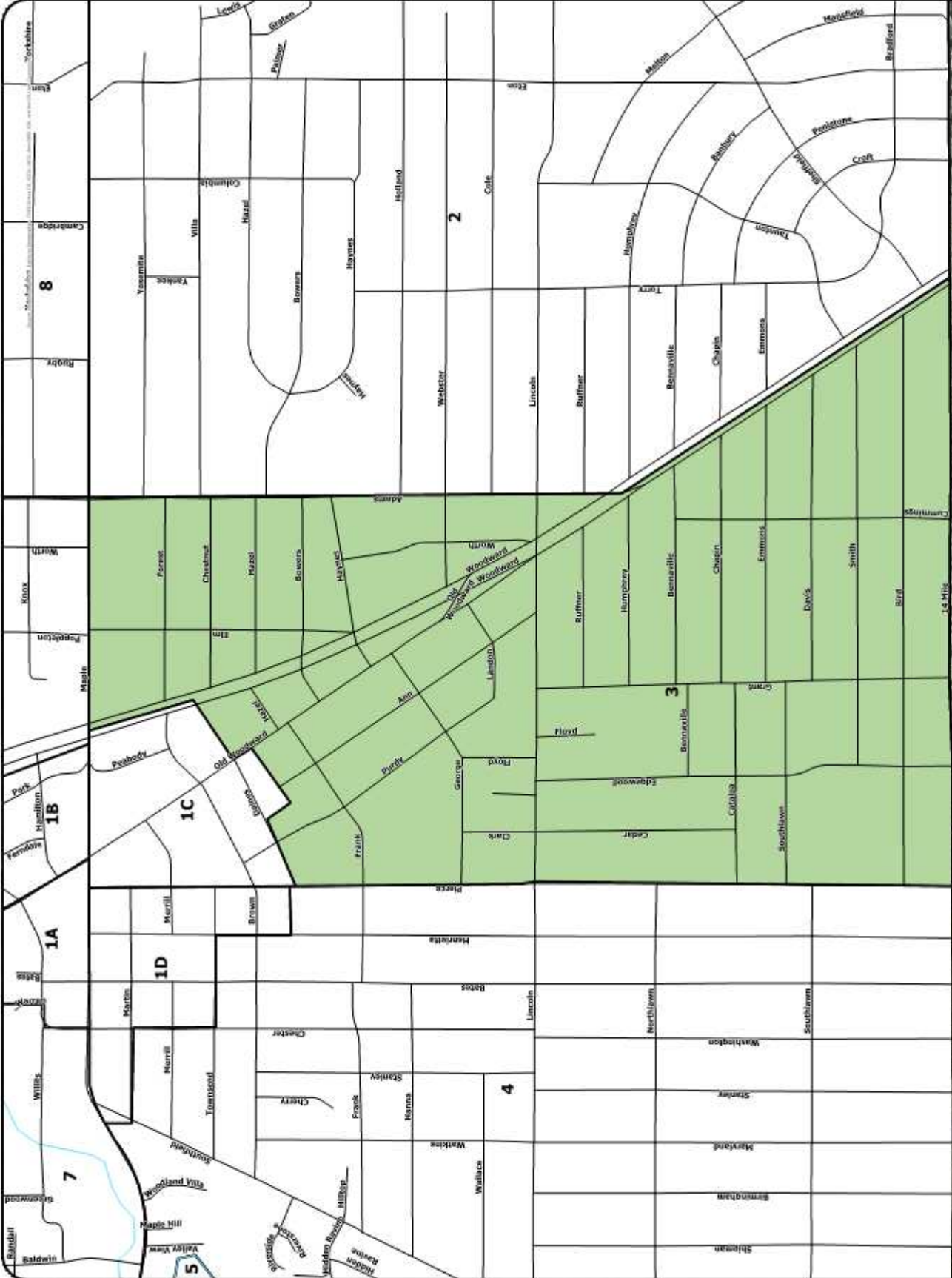
THIS MAP IS INTENDED FOR REFERENCE PURPOSES ONLY.  
Additional Excavations and Activities MAY NOT BE CITY  
OF BIRMINGHAM PROPERTY. THE CITY OF BIRMINGHAM  
DOES NOT WARRANT THE ACCURACY OF THIS MAP. ALL  
LANDS, DATA, CLAIMS AND ADJACENTS ARE  
THEIR OWNERS. THE CITY OF BIRMINGHAM  
DOES NOT WARRANT THE ACCURACY OF THIS MAP.



ANDERSON ECKSTEIN AND  
ASSOCIATES  
CONSULTING ENGINEERS, ARCHITECTS  
PLANNERS  
1000 17TH AVENUE, SUITE 200  
BIRMINGHAM, AL 35203  
205.933.1111  
www.aecandassociates.com

**Legend**  
District Number  
3

DATE: 06/14/2021	BY: J. HARRIS	PROJECT: 2020 Sidewalk Program
TITLE: 2020 Sidewalk Program	SCALE: 1" = 100'	PROJECT NO: 2020-0111
PROJECT NO: 2020-0111	PROJECT NO: 2020-0111	PROJECT NO: 2020-0111



**DATE:** August 20, 2020

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

**FROM:** Melissa Fairbairn, Management Intern

**SUBJECT:** Emergency Expenditure – Purchase of Ballot Drop Boxes

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**INTRODUCTION:**

The City Manager has authorized the purchase a new ballot drop box and new drop boxes for Treasurer's Office and the Community Development Department in response to residents' increased need to drop off absentee ballots, plans, permits and payments while City Hall remains closed to the public.

**BACKGROUND:**

The Clerk's Office received 5,318 absentee ballots during the August primary election the majority of which were received in the drop box at City Hall. The existing drop box has a capacity of only about 200 ballots and the City received feedback from residents that the current ballot drop box was confusing and hard to use. The Clerk's Office has already received more than 8,000 absentee ballot requests for the November 3 general election. A larger and more user-friendly ballot box will increase convenience for voters and ensure that the ballot box will not exceed its capacity of ballots during the November general election.

Since City Hall closed to the public, the Treasurer's Office and the Community Development Department have been accepting forms, payments, and submittals via drop box. These departments also require larger drop boxes that are clearly marked to best serve the public. The drop boxes for the Treasurer's Office and for Community Development will be included in the purchase to ensure a uniform and attractive appearance at City Hall.

**LEGAL REVIEW:**

This item does not require legal review.

**FISCAL IMPACT:**

The Manager's Office requested a purchase order in the amount of \$13,319.25 from accounts. This purchase should be eligible for reimbursement through grant funding as it is necessitated by the COVID-19 pandemic.

**SUMMARY**

The Manager's Office requests City Commission confirmation of the City Manager's authorization to proceed with the emergency expenditure for the purchase of ballot drop boxes in preparation of the November 3, 2020 general election. Kingsley estimates that the City will receive the boxes within about 4 weeks of the order date. In order to have the ballot drop box installed when absentee ballots are first received by residents, the City should place the order as soon as possible.

ATTACHMENTS:

Quote from Kingsley Library Returns and Equipment

SUGGESTED RESOLUTION:

- To confirm the City Manager's authorization for the emergency expenditure related to the purchase of three (3) drop boxes in the amount not to exceed \$13,319.25 to Kingsley Library Returns and Equipment from accounts 101-253.000-971.0100, 101-262.000-971.0100, and 101-371.000-971.0100.



# KINGSLEY

LIBRARY RETURNS AND EQUIPMENT

5525 E. Gibraltar Street  
Ontario, CA 91764  
P: 909-445-1240  
F: 909-980-1253  
E: sales@kingsley.com

## Quotation

Quote Number  
**0814.73**

Quote Date  
**Aug 14, 2020**

Page:  
**1**

*We are pleased to provide the following*  
*quote to:* CITY OF BIRMINGHAM

151 MARTIN ST  
BIRMINGHAM, MI 48009  
248-530-1807

### Ship To:

CITY OF BIRMINGHAM  
151 MARTIN ST  
BIRMINGHAM, MI 48009  
248-530-1807

Customer ID	Good Thru	Payment Terms	Sales Rep
COB1807	9/13/20	2% 10, Net 30 Days	DIRECT

Quantity	Item	Description	Unit Price	Extension
1.00	00-9955-CS	50 K-SERIES SYSTEM COSTOM COLOR WITH	4,499.00	4,499.00
		30-9050 CART		
1.00		RAL 6005 (CUSTOM COLOR)	744.00	744.00
381.00	99-8002	2" VINYL LETTERS TO READ:	2.25	857.25
1.00	02-9932-CS	30 K-SERIES BALLOT BOX CUSTOM	2,599.00	2,599.00
1.00		RAL 6005 (CUSTOM COLOR)	639.00	639.00
16.00	99-8002	2" VINYL LETTERS TO READ:	2.25	36.00
		OFFICIAL BALLOT DROP BOX		
1.00	34-9030	30 SERIES DURALIGHT HIGH CAPACITY WITH	599.00	599.00
		CART NO FLOAT TRAY		
1.00	02-9932-CS	30 K-SERIES BALLOT BOX CUSTOM	2,599.00	2,599.00
1.00		RAL 6005 (CUSTOM COLOR)	639.00	639.00
48.00	99-8002	2" VINYL LETTERS TO READ:	2.25	108.00
		TREASURY FORMS AND PAYMENTS		
Quote valid for 30 days. Quote does not include additional freight charges. If you do not have a trucking dock or forklift, you will require liftgate service (\$132). If you need inside delivery (\$157), you will need liftgate services. Other fees include residential delivery (\$54), construction site delivery (\$122), and call ahead				

**Subtotal**

**Continued**

**CA Base Rate State, Local, County Sales Tax @ 7.**

**Continued**

COLLECTION OF USE TAX MAY BE REQUIRED BY YOUR STATE. CONTACT YOUR FRANCHISE TAX BOARD FOR INFORMATION.

**Thank you!**

**Est. Freight**

**Total**

**Continued**

PLEASE DO NOT CONTACT CARRIER AND REQUEST ANY CHANGES TO YOUR DELIVERY. THIS WILL INCURE ADDITIONAL CHARGES, PAYABLE VIA CREDIT CARD, AND DELAY YOUR DELIVERY.



5525 E. Gibraltar Street  
Ontario, CA 91764  
P: 909-445-1240  
F: 909-980-1253  
E: sales@kingsley.com

## Quotation

Quote Number  
**0814.73**

Quote Date  
**Aug 14, 2020**

Page:  
2

*We are pleased to provide the following  
quote to:*

CITY OF BIRMINGHAM  
151 MARTIN ST  
BIRMINGHAM, MI 48009  
248-530-1807

### *Ship To:*

CITY OF BIRMINGHAM  
151 MARTIN ST  
BIRMINGHAM, MI 48009  
248-530-1807

Customer ID	Good Thru	Payment Terms	Sales Rep
COB1807	9/13/20	2% 10, Net 30 Days	DIRECT

Quantity	Item	Description	Unit Price	Extension
		notification (\$20). Freight charges can be added in the cart or at checkout. Thank you for choosing Kingsley! CUSTOM WORDING FOR 00-9955 FRONT COMMUNITY DEVELOPMENT DROP BOX Building Planning Engineering ONLY If submittal is oversized, please call (248)530-1850 CUSTOM WORDING FOR 00-9955 LEFT, RIGHT, BACK COMMUNITY DEVELOPMENT DROP BOX  02-9932 CUSTOM WORDING FRONT AND BACK TREASURY FORMS AND PAYMENTS		

**Subtotal 13,319.25**

**CA Base Rate State, Local, County Sales Tax @ 7.**

COLLECTION OF USE TAX MAY BE REQUIRED BY  
YOUR STATE. CONTACT YOUR FRANCHISE TAX  
BOARD FOR INFORMATION.

***Thank you!***

**Est. Freight**

**Tota 13,319.25**

PLEASE DO NOT CONTACT CARRIER AND REQUEST ANY CHANGES TO YOUR DELIVERY. THIS WILL INCUR  
ADDITIONAL CHARGES, PAYABLE VIA CREDIT CARD, AND DELAY YOUR DELIVERY.



# MEMORANDUM

City Clerk's Office

**DATE:** August 20, 2020

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

**FROM:** Alexandria Bingham, City Clerk Designee

**SUBJECT:** Precinct 6 Polling Location

---

## INTRODUCTION:

During preparation for the August 4<sup>th</sup> 2020 state primary it was apparent that City Hall, which hosts precinct 6 for Birmingham voters, was not a large enough space to comfortably accommodate election inspectors and voters with social distancing as recommended and required due to the COVID-19 pandemic.

## BACKGROUND:

Back in June of 2020 Clerk's Office Staff toured the Community House in preparation to expand the absentee ballot counting board due to the expected increase in absentee voting. At the time, the idea of having an agreement with the County to assist with absentee ballot tabulation was not yet conceived.

Due to the COVID-19 pandemic in order to maintain the safety and security of City Hall it was decided to move the space used in City Hall from the upstairs conference rooms to the garage. The garage space was adequate for a small flow of voters while keeping City Hall secure. During the August 4<sup>th</sup> election 163 voters were comfortably processed throughout the day and we were lucky to have good weather. The November General Election poses two major concerns, the first being an increased turnout and more voters to process on Election Day and the second concern is the weather.

It is my goal to be able to provide every voter and election inspector with a comfortable experience on Election Day. Since the Community House is not being used already to host an absentee counting board and it has the adequate space to comfortably accommodate voters and election inspectors on Election Day, I believe it would be most beneficial and practical to move precinct 6 from City Hall to the Community House.

The deadline to change a polling location is Friday, September 4, 2020. As soon approved I will be working with the State to update the location and send notification by mail to the affected voters. Signs will be posted at City Hall to direct precinct 6 voters to the Community House on Election Day and there will be several informative news blasts as well as social media posts to notify voters.

## LEGAL REVIEW:

City Attorney Tim Currier has been informed of this recommendation and supports it.

#### INITIATIVES FOR INFORMING THE AFFECTED VOTERS:

- Information will be sent to the State and updated in the Qualified Voter File
- A postcard mailing will go out to notify all precinct 6 voters
- The City Clerk's Elections Web page will have significant updates to highlight the temporary change, including updating the precinct location map
- The polling location change will be announced at City Commission Meetings prior to the election
- Social media posts and News Blasts will be made to inform voters
- Notification of the precinct location change will be published in the city's electronic and printed newsletters
- Signs will be posted at City Hall on Election Day directing precinct voters to the Community House

#### FISCAL IMPACT:

There will be a minor additional cost spent on the mailing to notify voters that their precinct location has changed.

#### SUMMARY

Approving the suggested resolution to change the polling location of precinct 6 from City Hall to the Community House is in the best interest of the City in providing adequate space and accommodations to voters and election inspectors.

#### ATTACHMENTS:

- Election Officials Manual, Chapter 1, Responsibilities of Election Commission Members
- Election Officials Manual, Chapter 14, Establishing Polling Places

#### SUGGESTED RESOLUTION:

To approve the suggested precinct change as required by the Election Commission and as recommended by the City Clerk Designee. Precinct 6 located at City Hall will be moved to the Community House for the November 3, 2020 General Election.



**Election Commission Responsibilities that should be handled via an Open Meeting by Election**

**Commission Members:**

- Approving of ballots
- Appointing precinct inspectors
- Public Accuracy Test
- Precinct Changes / Consolidations
- Adoption of resolution outlining delegated duties

**Election Commission Duties that may be delegated to the Local Clerk or authorized assistant**

**(note: Delegated duties should be documented via resolution):**

- Preparing meeting materials for the Election Commission (ballots proof for approval, list of election inspectors for appointment, etc.)
- Preparing, printing and delivering ballots
- Providing candidates and the Secretary of State with proof copies of ballots
- Providing notice to voters in the case of precinct changes/consolidations
- Providing election supplies and ballot containers
- Preliminary logic and accuracy testing
- Notifying major political parties of certified precinct Inspector appointments (federal and state elections only)

**SCHOOL ELECTION COORDINATING COMMITTEE:** Every school district has a School Election Coordinating Committee responsible for determining the details of how special school elections will be administered. The School Election Coordinating Committee is composed of a school election coordinator, the secretary of the school board and the clerks of all jurisdictions covered by the school district. For a school district wholly contained within a single jurisdiction, that clerk is the school election coordinator. In a school district that crosses jurisdiction lines the county clerk is the coordinator.

## **TYPES OF ELECTIONS**

There are several types of elections conducted in Michigan. The following is an overview of the various types.

**ESTABLISHING POLLING PLACES:** The city council or township board is responsible for determining the location of polling places in the jurisdiction. Michigan election law, MCL 168.662, provides the following with respect to the establishment of polling places:

- Whenever possible, a polling place must be located in a publicly owned or controlled facility such as a school building, fire station or police station.
- If it is necessary to establish a polling place in a building other than a publicly owned or controlled facility, the building must be owned or controlled by an organization that is “exempt from federal income tax pursuant to section 501(c) other than 501(c)(4), (5), or (6) of the internal revenue code of 1986....”
- As an exception to the above, a polling place may be established in a “profit or nonprofit residence or facility in which 150 persons or more aged 62 or older reside or at an apartment building or complex in which 150 persons or more reside.”
- All polling places must be fully accessible to the elderly and handicapped. If necessary, the use of temporary ramps and signs designating handicap parking spaces may be employed on Election Day to ensure access.
- If a polling place is established in a building not owned or controlled by the city or township, it is advisable to have a polling place use agreement with the building owners.
- A polling place may *not* be established in a building that is owned by a business, individual, firm, organization, etc. that has established, directs, controls or financially supports the administration of a Political or Independent Committee registered under the Campaign Finance Act. This prohibition extends to a building owned by a subsidiary of a corporation or the local of a labor organization if the parent corporation or labor organization has established, directs, controls or financially supports the administration of a Political or Independent Committee.
- The same polling place may be used to accommodate up to six precincts if convenient and practicable (each precinct must have its own precinct board.)

- A polling place may not be established, moved or abolished less than 60 days before an election unless the polling place has been “damaged, destroyed, or rendered inaccessible or unusable as a polling place.”
- An Accessibility Checklist can be found in the eLearning Center for use in determining whether a site is fully accessible or not. Use of the checklist is strongly recommended as there are many requirements to ensure ADA compliance.

**CHANGES REQUIRED IN QUALIFIED VOTER FILE:** Whenever a precinct or district boundary line or polling place changes, the information must also be updated in QVF.

**ARRANGING POLLING PLACES:** A polling place is composed of a processing/voting area and a public area. When arranging a polling place, consideration must be given to the space needed to establish these two areas, the need for an orderly flow of traffic and the right of voters to cast their ballots in secrecy.

- The processing/voting area of the polling place contains a table and chairs for the election inspectors appointed to work in the precinct. Sufficient room must be available in front of the table for electors who are offering to vote to stand. The election inspectors should be positioned so that they have a clear view of the polling place. The processing/voting area of the polling place also contains the voting stations and the tabulator needed to serve the precinct. Tabulators must be positioned in full view and close to the election inspectors so that they can be monitored at all times. The processing/voting area is reserved for the precinct inspectors engaged in processing voters, the voters applying to vote and in the process of voting, and any challengers qualified to serve in the precinct. No other persons have the authority to be present in the processing/voting area.
- The public area is reserved for voters entering and exiting the polling place and any persons on hand to observe the election who do not have official “challenger” status.

Some type of barrier must be established so that the processing/voting area of the polling place can be distinguished from the public area of the polling place. In instances where a polling place is used to accommodate two or more precincts, care must be taken to clearly separate the precinct boards to avoid voter confusion.

**DATE:** August 24<sup>th</sup>, 2020

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

**FROM:** Brooks Cowan, City Planner

**APPROVED:** Jana Ecker, Planning Director

**SUBJECT:** Public Arts Board Terminating Vista Report

---

**INTRODUCTION:**

The Public Arts Board was asked to conduct an inventory and evaluate ways in which Public Art can be used to enhance Terminating Vistas in downtown Birmingham. Terminating Vistas are identified in the Downtown Overlay District as buildings or structures that terminate a view with architectural features of enhanced character and visibility. The Public Arts Board has created a report which includes an inventory of Terminating Vistas and recommendations of ways in which public art may enhance Terminating Vistas in downtown Birmingham, as well as policy recommendations and implementation guidelines to improve the process of installing public art in such locations.

**BACKGROUND:**

On May 20<sup>th</sup>, 2019 The City Commission reviewed the Public Arts Board's recommendation to paint the electrical box at Merrill and S. Old Woodward as a popcorn box. Discussions arose about the location being a Terminating Vista and considerations for public art in such a site. City Commission motioned to approve the popcorn box design and also directed the Public Arts Board to pursue alternative concepts for public art to create a Terminating Vista at Merrill & S. Old Woodward, Hamilton & N. Old Woodward, and Henrietta & Maple.

The Public Arts Board is in the process of creating a call for entry to recruit new sculpture installations for 2021 at multiple Terminating Vistas including those as directed, as well as a few locations outside of downtown. The Public Arts Board would like to wait until Maple Road construction is complete and City Commission has approved their report on Terminating Vistas before finalizing their call for entry to bring in new art work.

In regards to the Terminating Vista report, the Public Arts Board has reviewed the intent of Terminating Vistas in the Downtown Overlay, the context of the locations, which sites they recommend as priorities for art work, as well as locations to be considered for Terminating Vistas. The Public Arts Board also reviewed various types of art that could be used in Terminating Vistas and has made recommendations for policies and implementation guidelines to allow for the installation of such art work. City staff and the Public Arts Board have agreed that it would be best to update the photos in the inventory section once construction downtown is complete.

**LEGAL REVIEW:**

No concerns from City Attorney.

**FISCAL IMPACT:**

There is no fiscal impact for this agenda item.

**PUBLIC NOTIFICATION:**

The memos regarding Terminating Vistas were posted in the Public Art Board agendas for seven different meetings which were posted online and around City Hall.

**SUMMARY**

The Planning Division requests that the City Commission motion to accept the Public Arts Board's report on Terminating Vistas as a guideline for public art in such locations.

**ATTACHMENTS:**

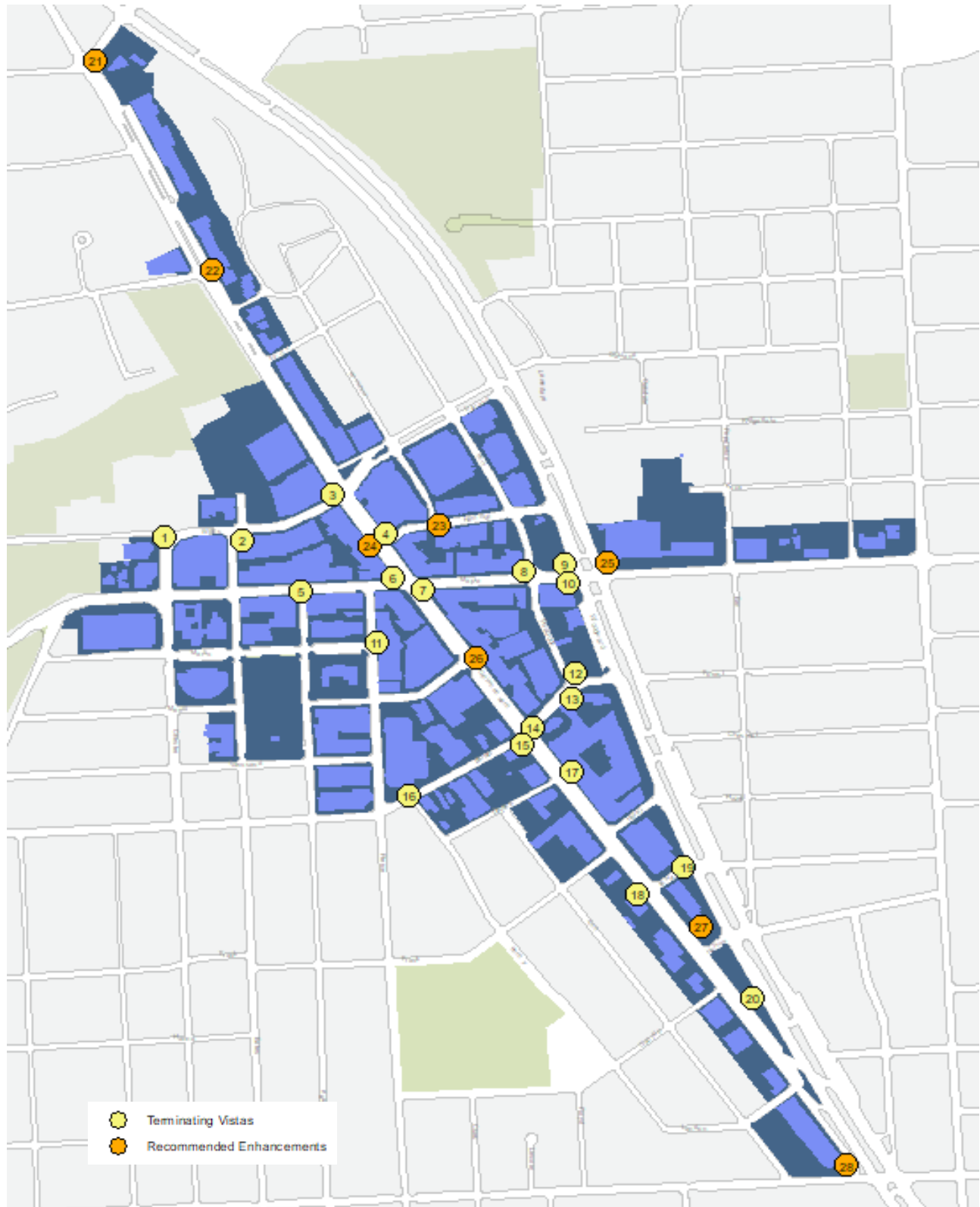
- Public Arts Board Terminating Vista Report
- Public Arts Board Terminating Vista Memo
- City Commission May 20<sup>th</sup>, 2019 Popcorn Box minutes
- Public Arts Board relevant Terminating Vista minutes

**SUGGESTED RESOLUTION:**

To accept the Public Arts Board report on Terminating Vistas as a guideline for public art in such locations.

# Terminating Vistas in Downtown Birmingham

A Report by the Birmingham Public Arts Board



August 24th, 2020

# Report Summary

On May 20th, 2019 The Birmingham Public Arts Board was asked by City Commission to evaluate ways to enhance Terminating Vistas in Birmingham's downtown through the use of Public Art.

The concept of Terminating Vistas having enhanced design features was first introduced to the City in the Downtown Birmingham 2016 Plan and the designated locations were approved as a part of the Downtown Overlay District in 1997.

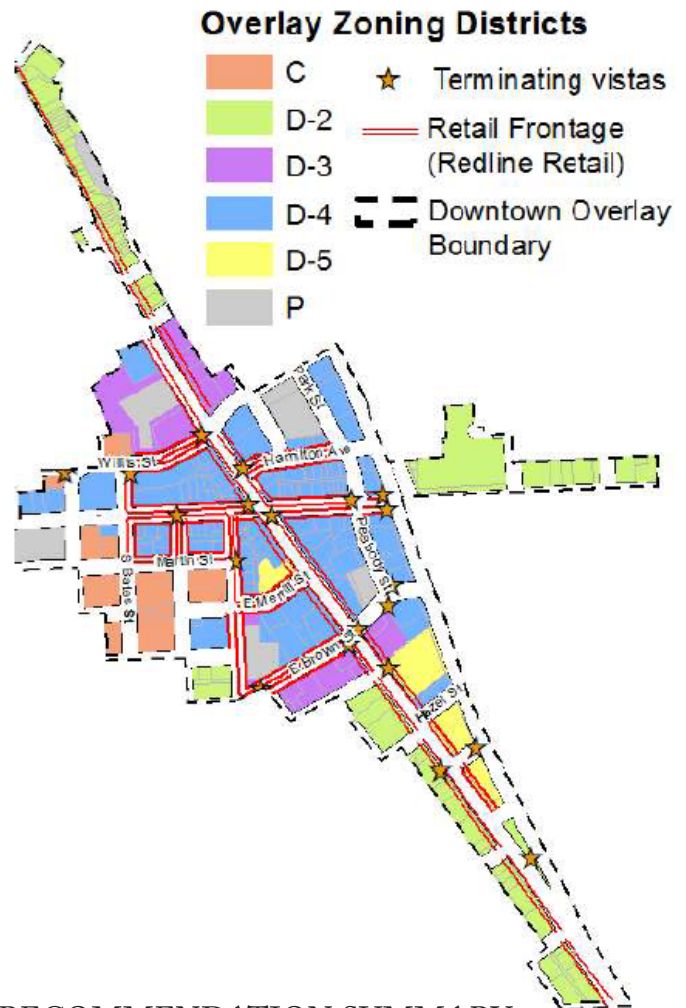
Terminated Vistas are defined in the Zoning Ordinance as *"a building or structure, or a portion thereof, as designated on the Regulating Plan, that terminates a view with architectural features of enhanced character and visibility"* (Section 9.02 Definitions).

Section 3.04(E)(15) of the Downtown Overlay Standards states that *"any building that terminates a view, as designated on the Regulating Plan, shall provide distinct and prominent architectural features of enhanced character and visibility, which reflect the importance of the building's location and create a positive visual landmark."*

The Downtown Overlay Zoning Districts Map has designated 20 locations as Terminating Vistas. The Birmingham Public Arts Board used these locations as a guide to evaluate Terminating Vistas and make recommendations relative to ways in which public art may help enhance the City's Terminating Vistas. Recommendations for prominent intersections that could benefit from enhanced design features were also made.

The Public Arts Board evaluated various types of public art that could be placed in Terminating Vistas such as sculptures, furniture, artistic utilities, landscaping and murals. Current City policy affecting the review process and installation process was also considered and recommendations were made regarding City standard furniture, landscaping, utilities and signage policy.

Lastly, the Public Arts Board evaluated City policy impacting the installation process of public art and has provided policy recommendations to assist in the implementation of the public art recommendations.



## RECOMMENDATION SUMMARY

- 1.) Use public art such as sculptures, artistic furniture, artistic utilities, landscaping and wall art to enhance the City's Terminating Vistas.
- 2.) Revise the sculpture installation process to incentivize sculptures on loan and to make the installation process more efficient for artists and City staff.
- 3.) Revise City policy towards City-standard benches, light poles, landscaping and utility boxes to permit an occasional artistic variation.
- 4.) Amend the sign ordinance and create a new design review policy to allow murals to be placed on the exterior of buildings.
- 5.) Create a public notification process for art in public spaces.



# Terminating Vista Locations in Birmingham





# Terminating Vista Locations in Birmingham





# Terminating Vista Locations in Birmingham





## Terminating Vista Locations in Birmingham

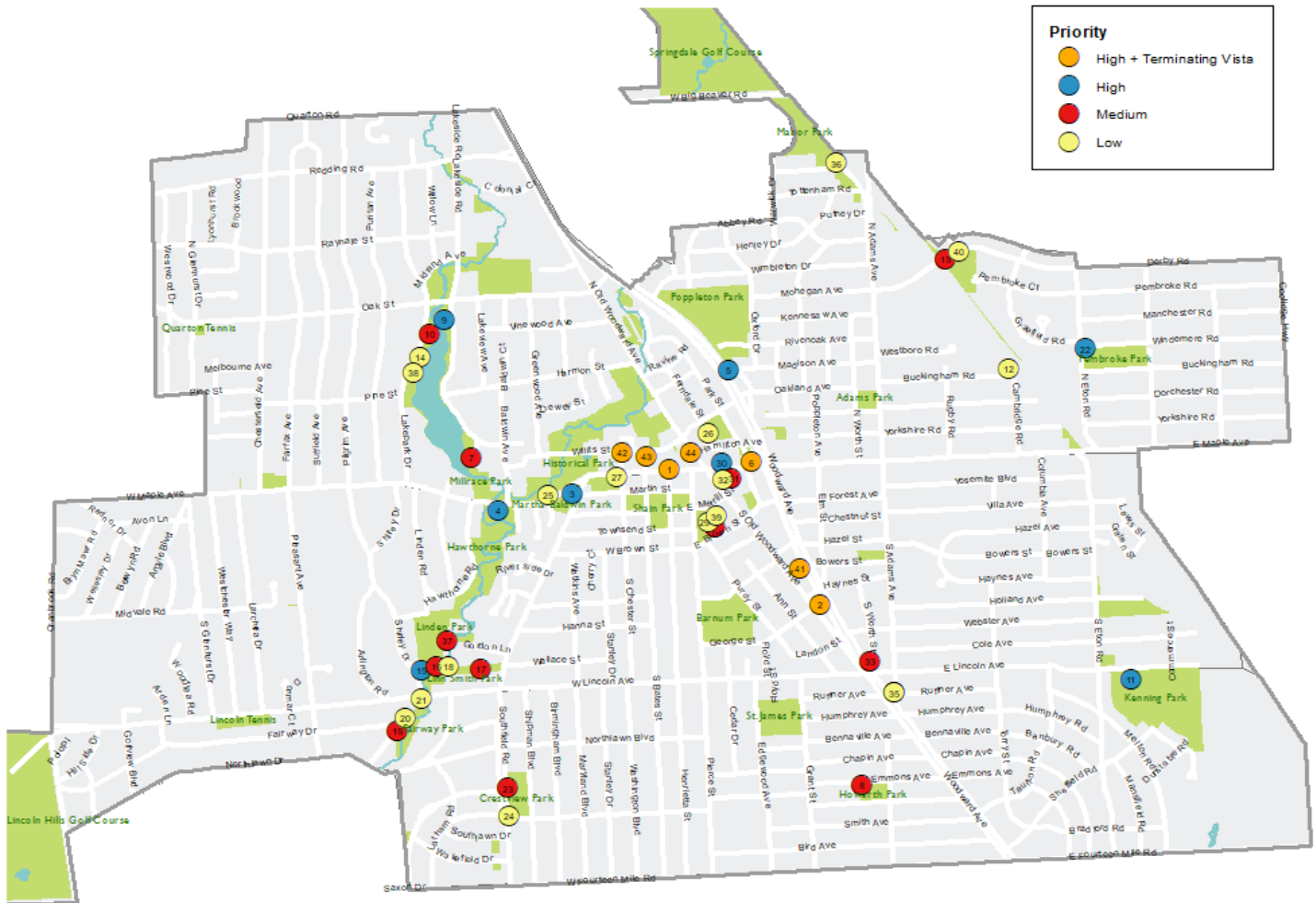


# Prioritized Locations for Public Art

The Public Arts Board maintains a map of prioritized locations for public art. It is used as a reference whenever a sculpture for loan or donation is made to the City. Each point is numbered for reference, and the colors indicate areas with higher priority. The priorities are meant to serve as a guideline, though the Public Arts Board has indicated that each sculpture will be evaluated on a case-by-case basis so that it can be contextual with its surroundings.

The Public Arts Board reviewed the various Terminating Vistas and selected seven of the locations to add to their priority map for sculptures. These locations include N. Old Woodward and Hamilton Row, Chester & Willits, Bates & Willits, Maple & Henrietta, Park & Maple, S. Old Woodward & Bowers, and S. Old Woodward & Woodward. The updated Prequalified Public Art Locations Map is pictured below where downtown Terminating Vistas were placed as a high priority.

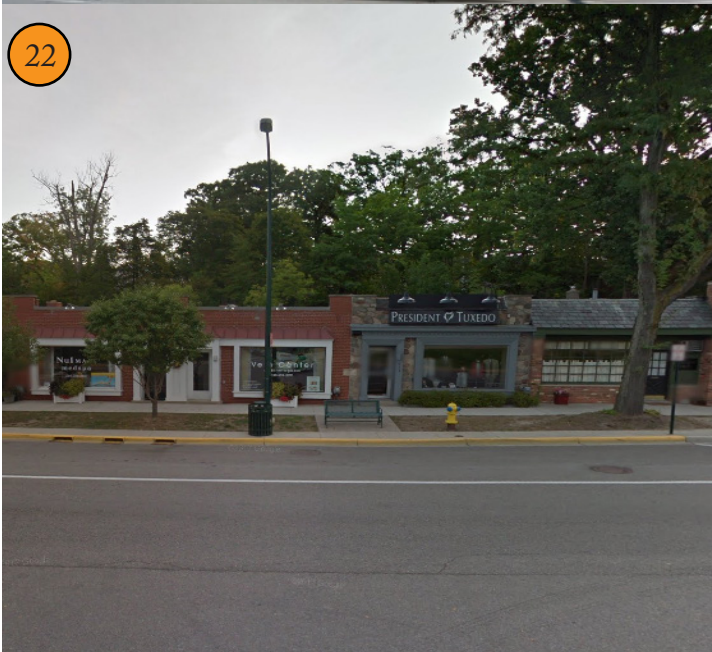
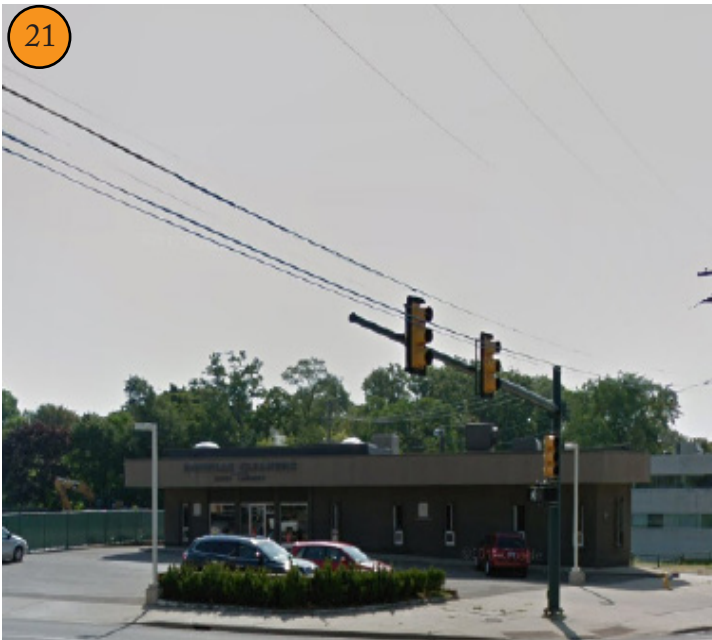
## City of Birmingham Prequalified Public Art Locations





# Recommended Locations for Public Space Enhancements

Terminating Vista locations are defined by the Downtown Overlay zoning map, as specified in Section 3.04(E)(15) of the Zoning Ordinance. Upon evaluation, the Public Arts Board finds that there are other intersections throughout downtown Birmingham that merit enhanced architectural and streetscape design features to create a positive visual landmark for that intersection which are included in the orange locations in the adjacent map. If the City wishes to officially deem these locations as Terminating Vistas, the Zoning Ordinance would have to be reviewed by the Planning Board and amended by the City Commission.





# Recommended Locations for Public Space Enhancements

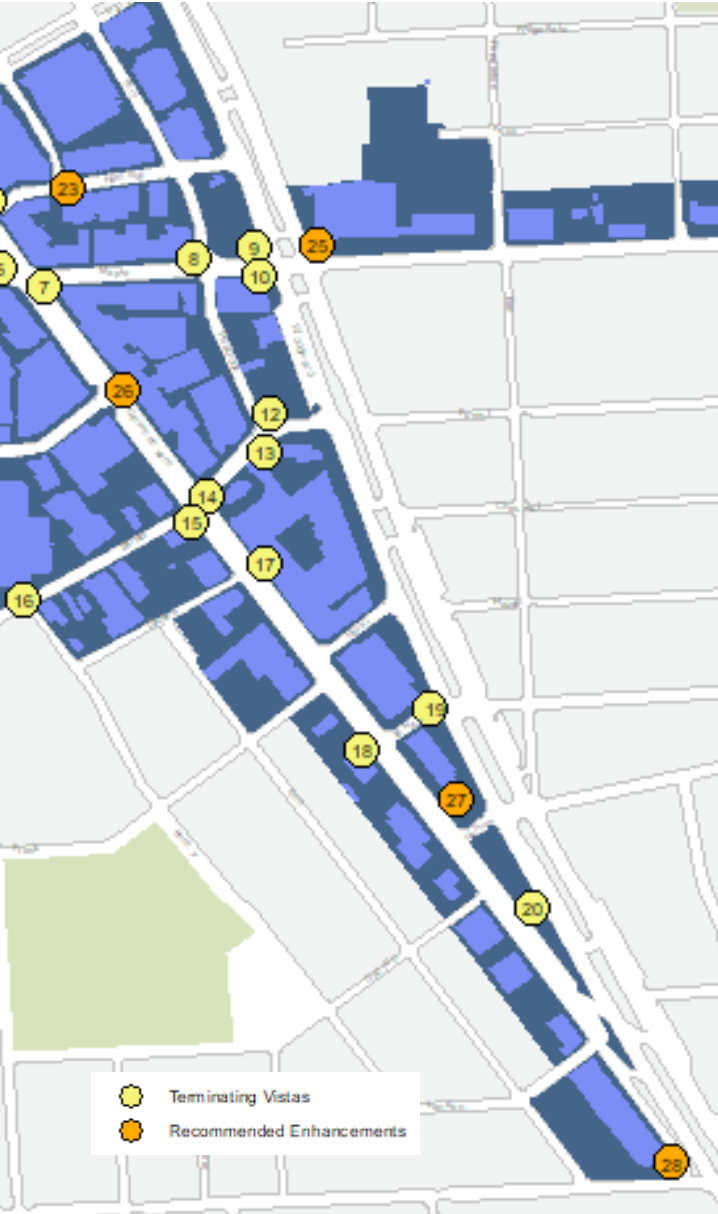
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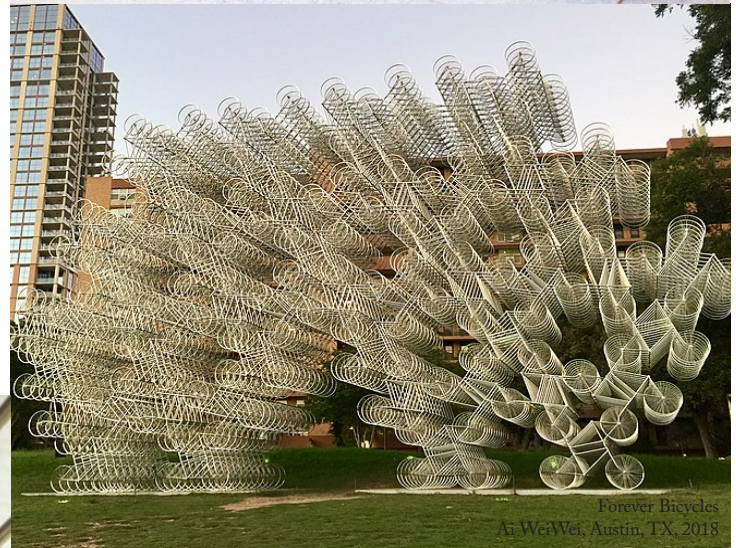
# Best Practices in Public Art for Terminating Vistas: Sculptures

Sculptures are one way in which public art can be used to enhance the architectural features of a Terminating Vista. Doing so may effectively draw more attention and bring more prominence to the surrounding buildings. Birmingham currently has fifteen sculptures throughout the City that have either been purchased, donated or placed on loan, though only one is currently in a designated Terminating Vista which is located at the corner of Pierce and Brown Street.

Public sculptures have the ability to compliment the surrounding buildings and invigorate public spaces. The various colors and shapes of sculptures provide the ability for art to interact with the surrounding building and public right-of-way, potentially enhancing the connection between the two. Unique public art may create a stronger sense of place and identity for the building and intersection where it is placed in a Terminating Vista. Such sculptures may capture the eye of a passer-by, bring more attention to the civic environment and contribute to a greater sense of civic vitality.



Tembo, Mother of Elephants  
Derrick Hudson, Toronto, ON, 2002



Forever Bicycles  
Ai Weiwei, Austin, TX, 2018



I See What You Mean  
Lawrence Argent, Denver, 2005



Flamingo  
Alexander Calder, Chicago, IL, 1974



# Best Practices in Public Art for Terminating Vistas: Artistic Furniture

Artistic furniture is another way public art can be used to enhance the character of a Terminating Vista. Doing so may accent the surrounding buildings while providing a unique public space for socializing or respite.

The City of Birmingham is a walkable city with pedestrian oriented design throughout its downtown and neighborhoods. Unique public furniture may invite a variety of uses that activate a Terminating Vista and promote social interaction. The shape and color of artistic furniture may also have an aesthetic contribution to the right-of-way and surrounding buildings. An artistic bench can be more inviting for a pedestrian to relax and enjoy a section of the City they may have otherwise walked past, and may provide an enhanced civic experience for leisure and appreciation of the surrounding cityscape. Artistic furniture can provide the opportunity to activate Terminating Vistas with people-oriented architectural streetscape design.



The Wave  
dSPACE Studio, Chicago, IL, 2014



Circular Bench  
Lucile Soufflet, Bruxelles, France 2003



Swirling Bench



Custom Curve Seats  
University of Sydney, Australia



Bench of Expectations  
Jeppe Hein, Springfield, MA 2018



# Best Practices in Public Art for Terminating Vistas: Artistic Utilities

Artistic utilities may also enhance a space and bring more prominence to the surrounding buildings. Many cities, including Birmingham, Michigan have painted electrical boxes with an interesting design to add more character to a utility box placed in the right-of-way. Cities such as Milwaukee, Wisconsin have commissioned artists to paint numerous utility boxes throughout their downtown with a theme to be determined by the artist. There are other examples of cities having sculptors create artistic coverings for electrical boxes that are equipped with hinges and gates for access to interior controls. These coverings provide opportunities for other types of art to be placed on and around them to compliment the surrounding space and improve the aesthetics of public utilities.

Artistic lighting could also be used to enhance the pedestrian experience and illuminate architectural features in a Terminating Vista. Cities such as Portland, Oregon and Seattle, Washington have explored various solar powered lights and sculptures with an artistic design and ambient glow to create unique public spaces. A well placed artistic light can enhance the character of the area and create an interesting talking point while highlighting the surrounding buildings.





# Best Practices in Public Art for Terminating Vistas: Wall Art

Outdoor wall art such as murals, mosaics, and ceramic tiling are another example of public art that can enhance a public space and the surrounding architectural features.

Wall art can be temporary or permanent. For local examples, The Park Shelton mural in Detroit, MI has been up since 1978, meanwhile Detroit's Eastern Market cycles through numerous murals every year.

Temporary murals can be done on materials such as plywood or canvas and be applied to the exterior of a building for a length of time and then be removed, thus maintaining the original design and color and the building. Mosaics and ceramic tiles can also be used to provide an interesting texture to the artistic experience.

The various forms of wall art can be especially effective in activating Terminating Vista spaces that have large sections of blank walls.



Tiger  
Arlin Graff, Detroit, MI



Park Shelton  
John Egner, Detroit, MI, 1974



Aretha  
Desiree Kelly, Detroit, MI



# Best Practices in Public Art for Terminating Vistas: Landscaping

Integrating artistic landscaping with art and design can be another way to enhance Terminating Vistas. Birmingham has a number of green spaces and planters surrounding buildings at prominent intersections. An example is at Park and Maple where a community garden welcomes people into the downtown. This garden blends well with the Pazzi Building immediate behind it, and provided a natural landscaping to screen the electrical box located within it. Landscaping could be an effective medium to connect buildings, utilities, furniture and sculptures together into one cohesive artistic experience.

As another example, the City of Seattle allows property owners and tenants to garden in the planting strip in front of their property as long as a proper street use permit is obtained. Once obtained, the plantings may include low growing perennials, ornamental grasses, shrubs, herbs, or edible plants. Doing so could encourage more interesting variety in landscape design and create a unique space at prevalent intersections.



Pazzi Community Garden  
Park & Maple, Birmingham, MI



Gramercy Park Co-Op  
New York City, NY



Personalized Planting Strip  
Seattle, WA



18th and F Streets, N.W.,  
Washington D.C.



# City Policy Related to Public Art in Terminating Vistas

## SCULPTURES

Birmingham currently has sculptures on display that were either donated to the City, purchased by the City, or placed on loan to the City for a certain period of time. If the sculpture is donated and placed on public property, the City is responsible for installation and maintenance of the sculpture. If a sculpture is on loan, the loan agreement specifies that the artist is responsible for installation, maintenance and removal.

An issue with the current policy for sculpture installation is that each piece is unique and may require special care for installation. This includes but is not limited to how the sculpture is transported to the installation site, how to safely secure the sculpture to the location, how to create the necessary base and fabricate proper mounts. City staff may not have adequate experience to handle the installation process of various unique sculpture shapes and sizes. Requiring the artist to be responsible for all installation and removal processes may also create issues related to the artist operating machinery on City property.



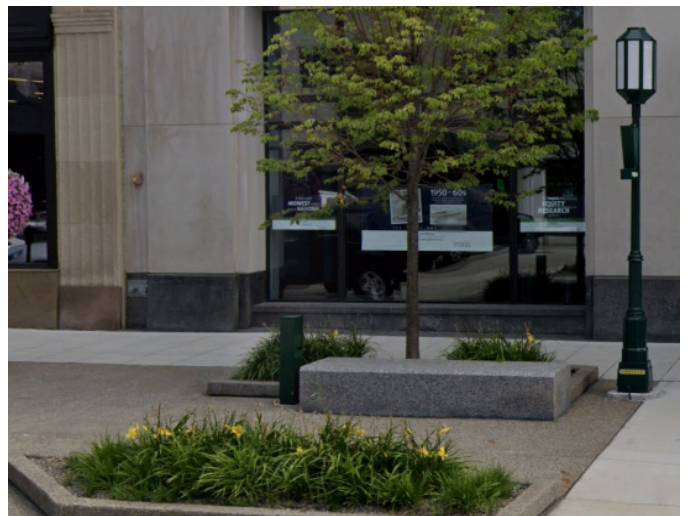
Local art museums such as the Detroit Institute of Arts and Cranbrook Museum have employees who specialize in the installation of sculptures. **The Public Arts Board recommends that the City of Birmingham consult with such specialists for installing sculptures that have been either donated or loaned to the City.** Doing so would enable a more efficient installation process in areas such as Terminating Vistas.



## ARTISTIC FURNITURE

Downtown Birmingham has City-standard green metal benches installed along the sidewalks as well as granite benches that were a part of the downtown Old Woodward and Maple Reconstruction projects. This classic design for public furniture fits in with the surrounding streetscape and does not detract from the architectural style of downtown Birmingham.

**The Public Arts Board recommends that Birmingham consider allowing more creative and artistic furniture that will contribute a positive design aesthetic to the character of the area.** Doing so could enhance the pedestrian space in Terminating Vistas and be used to activate the public space and compliment the surrounding architecture. The City's current approach to streetscape furniture with City-standard benches should remain relatively consistent, but the Public Arts Board recommends that an occasional deviation from City-standard furniture in Terminating Vistas could create a unique pedestrian experience and enhance the character of the area.



# City Policy Related to Public Art in Terminating Vistas

## PUBLIC UTILITIES

Birmingham's streetscape contains electrical utility boxes and a number of light-poles in the right-of-way in Terminating Vistas. The City-standard light poles and electrical boxes are all painted Birmingham green, with the exception being the recent popcorn box art project at the intersection of Merrill and Old Woodward.

The Public Arts Board has considered a number of different ways to paint and decorate electrical boxes throughout downtown. Various themes were discussed, as well as whether or not the design should be contextual with the surrounding. It was determined that each box should be considered on a case-by-case basis and should not be directly tied to any theme or be required to be related to the surrounding use. **The Public Arts Board recommends the City be open to all types of artistic designs for electrical boxes.**

Sculptural enclosures for such utility boxes have also been considered by the Public Arts Board. **The Public Arts Board recommends that these be considered on a case-by-case situation as well, and not be tied to any theme or surrounding context.** Given the intended function of electrical boxes, any sculpture placed on or around the electrical box should provide easy access to the interior controls and should only be mounted on the ground. **The Public Arts Board does not recommend drilling holes or attaching public art directly to the electrical boxes in order to maintain the integrity of the box.**

**The Public Arts Board also recommends that the City consider allowing unique designs in lighting that are in Terminating Vistas.** Lighting can be used for either function or form to create a unique aesthetic from the shape of the lantern and the ambient glow of the light. An occasional artistic light pole to replace a city standard lamp in front of a Terminating Vista could enhance the interaction between the streetscape and surrounding buildings. City standard lights should remain relatively consistent, but the Public Arts Board recommends an occasional deviation in this pattern to allow for unique designs.





# City Policy Related to Public Art in Terminating Vistas

## WALL ART

Artistic paintings such as murals on the front, side or rear of buildings are not currently permitted in Birmingham. Such paintings are considered a sign and section 1.03(D) of the Sign Ordinance states that *“No sign may be painted directly onto any building or surface.”*

The Public Arts Board recommends that the City re-evaluate its policy towards wall art and create a design review process for such art work. There are several Terminating Vistas with large blank walls that the Public Arts Board believes would be ideal for murals, but current policy restricts the building owner from pursuing such design enhancements.

The 2020 Birmingham Plan Draft recommends implementing a mural policy in the Lower Rail District to extend and improve upon the area's current character, though the Public Arts Board recommends that such a policy be implemented throughout the entire City. A temporary mural program is also recommended where the painting could be placed on some type of material which is then attached to the building.

Murals could be another form of public art used to enhance Terminating Vistas throughout downtown. There are some Terminating Vistas that are more suitable than others and the Public Arts Board recommends that the review process engage the public for input so there is support on a community level.

In order to permit murals and various types of wall art, the Public Arts Board recommends that the City amend the Zoning Ordinance and Sign Ordinance to allow wall art and to define a proper review process by the necessary boards. This would also include creating a public notification process for public art in the municipal code.





# City Policy Related to Public Art in Terminating Vistas

## LANDSCAPING

The City of Birmingham is an excellent example for maintaining high quality landscaping throughout its streetscape in downtown. Well-maintained flower pots can be found hanging from the lamp posts while an array of plants can be found within the gardens along the sidewalks. The landscaping blends well with the surroundings and provides a complimentary aesthetic to the area.

For instances when a public utility is placed within a planter box in a prominent intersection, the Public Arts Board recommends that special consideration for landscaping is made to help screen the utilities from view, especially in cases where no artistic design has been applied to the utility.

When a piece of art is placed within a planter box, the Public Arts Board recommends that special consideration also be made regarding the size and types of plantings surrounding the artwork in order to allow the aesthetics of the art, landscaping and surrounding buildings to work together in a complimentary manner.

The Public Arts Board also recommends the City consider allowing adjacent businesses in downtown design their own planter garden in front of their store. Proper permitting and design process would have to be created and implemented. Doing so could allow some unique designs regarding landscaping and how the plantings interact with the surroundings.

## PUBLIC NOTIFICATION

At the moment, there are no formal requirements for public notification regarding proposals for sculptures, artistic furniture and artistic utilities. The item is posted on the Public Arts Board Agenda and City Commission Agenda, but notifications are not required to be sent to surrounding businesses and residents for public art projects. **In order to promote public input at the Public Arts Board and City Commission, the Public Arts Board recommends establishing a public notification policy for public art projects on City property.**





# Recommendation and Implementation Priorities

**Recommendation 1:** Use public art such as sculptures, artistic furniture, artistic utilities, landscaping and wall art to enhance the City's Terminating Vistas

**Implementation:** Actively seek artists to provide various forms of artwork. Advertise in the art community for the type of art the City is seeking.

**Recommendation 2:** Revise the sculpture installation process to incentivize sculptures on loan and to make the installation process more efficient for artists and City staff.

**Implementation:** Establish an agreement with a professional sculpture installation specialist to consult and assist with sculpture installations in Birmingham. Amend the City's art on loan agreement to require approval of sculpture installation from installation consultant.

**Recommendation 3:** Revise City policy towards city-standard furniture and utilities to allow for an occasional artistic variation.

**Implementation:** Amend the Zoning Ordinance to allow an occasional deviation from city-standard benches and light poles where such items may be replaced by an artistically designed light or bench.

**Recommendation 4:** Create a new policy and review process to allow murals and other various forms of wall art to be placed on the exterior of a building.

**Implementation:** Amend Zoning Ordinance and Sign Ordinance to allow for placement of temporary and permanent murals and other various forms of wall art. The amendment should include review process by all relevant boards.

**Recommendation 5:** Establish a public notification policy for art projects on public property.

**Implementation:** Create a provision in the Public Art Section of the Municipal Code to require public notifications to be sent to residents for public art projects proposed within their area.







## MEMORANDUM

Planning Division

**DATE:** August 19<sup>th</sup>, 2020

**TO:** Public Arts Board Members

**FROM:** Brooks Cowan, City Planner

**APPROVED:** Jana Ecker, Planning Director

**SUBJECT:** Terminating Vistas

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On May 20, 2019, The Public Arts Board proposed a popcorn box design to City Commission for the electrical box on S. Old Woodward in front of the Birmingham 8 Theater. The City Commission approved the electrical box design and also directed the Public Arts Board to examine possible ways to enhance the City's Terminating Vistas through the use of public art in other parts of the City. Birmingham's Downtown Overlay Plan identifies multiple intersections as Terminating Vistas where Section 3.04(E)(15) of the Zoning Ordinance states:

Any building that terminates a view, as designated on the Regulating Plan, shall provide distinct and prominent architectural features of enhanced character and visibility, which reflect the importance of the building's location and create a positive visual landmark.

Photos of all Terminating Vistas in Birmingham as designated on the Regulating Plan were provided for review by the Public Arts Board as directed by City Commission. On October 16<sup>th</sup>, 2019, the Public Arts Board reviewed photos of the Terminating Vistas and determined that their top five priorities for sculptures are Chester & Willits, Bates & Willits, Park & Maple, S. Old Woodward & Bowers, and S. Old Woodward & Woodward. On November 20<sup>th</sup>, 2019, the PAB reviewed designs for the repaving of Maple Road. The Terminating Vista at Maple at Henrietta (#3) will have design elements meant for an art sculpture. The Public Arts Board agreed to make this location a priority for a sculpture as well.

On April 15<sup>th</sup>, 2020, The Public Arts Board had come to a general consensus on recommendations for ways to use public art to enhance the City's Terminating Vistas, as well as City policies that could be amended to further the use of public art throughout downtown. Along with these recommendations was a proposal to paint the electrical box at N. Old Woodward and Hamilton Ave as a Crayon Box.

The crayon box painting was presented to City Commission on May 18<sup>th</sup>, 2020. The City Commission had various opinions on the design, but there was general consensus that they would like to postpone deciding on the crayon box until they had approved a Terminating Vista Report from the Public Arts Board. The City would like public art approvals in Terminating Vista to align with recommendations of the plan.

On May 20<sup>th</sup>, 2020, the Public Arts Board considered comments and questions from City Commission regarding Terminating Vistas and determined that they should address such issues in a more elaborate Terminating Vista Report. The Public Arts Board wanted to provide a more in depth explanation of possible public art that could be used and include more photos. Staff also noted they would include more thorough recommendations to provide more direction and guidance for decision making.

On June 17<sup>th</sup>, 2020, an updated rough draft for a Terminating Vista report was reviewed by the Public Arts Board. The report went into more depth regarding how sculptures, artistic furniture, artistic utilities, and wall art can interact with surrounding buildings and streetscape to enhance Terminating Vistas. The report included more photos of examples of such art, and how these mediums may improve public spaces. The report also included more in depth analysis of policies affecting public art in Birmingham, as well as recommendations to enhance public art in Terminating Vistas.

Upon review, the Board approved of the general direction the report was going but wanted to have it updated with more formal recommendation lists and implementation priorities. The Board agreed that a designated section on the end summarizing the final recommendations and implementation priorities would lead to a more efficient process of what to address next. Sections for Final Recommendations and Implementation Priorities have been added to the end of the report to summarize what was presented and provide guidelines for moving forward.

The Public Arts Board has been requested to discuss other prominent locations for design enhancements that are not designated as Terminating Vistas and to discuss landscaping as a design feature. New pages and paragraphs have been added to the report for the Public Arts Board to review.

**BIRMINGHAM CITY COMMISSION MINUTES**  
**MAY 20, 2019**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

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

Mayor Patty Bordman called the meeting to order at 7:30 PM.

**II. ROLL CALL**

Present: Mayor Bordman  
Mayor Pro Tem Boutros  
Commissioner DeWeese  
Commissioner Harris (arrived at 8:46 p.m.)  
Commissioner Hoff  
Commissioner Nickita  
Commissioner Sherman

Absent: none

Administration: City Manager Valentine, City Attorney Ballard, City Attorney Currier, City Planner Cowan, Planning Director Ecker, Finance Director Gerber, Police Commander Grewe, City Engineer O'Meara, City Clerk Mynsberge

VOTE:           Yeas,           7  
                  Nays,           0

**05-129-19                   ELECTRICAL BOX PAINTING**

City Planner Cowan presented the item.

Commissioner Nickita would like to discuss policy for consistency in the approach to terminating vistas.

Commissioner DeWeese agreed with Commissioner Nickita that all of the electrical boxes should be examined immediately. He also expressed the following:

- The most iconic building in the City is the theater and the proposed concept fits in with the current landscape and is fun.
- The worst case scenario is that the box may need to be repainted.
- He is supportive of adopting this project and wants to give the challenge to the Public Arts Board to suggest what could be done at other locations.

City Planner Cowan stated that terminating vistas throughout the city had not been considered; the proposal by the Public Arts Board is a one-time solution for this specific vista.

Commissioner Hoff liked the idea but noted that the vista is partially in front of Hyde Park Steakhouse. She asked if anyone spoke with the owners of Hyde Park.

Mr. Cowan said that while he has not heard back from Ted Fuller, Hyde Park Steakhouse owner, the employees and staff liked the idea.

City Manager Valentine explained that decorating power boxes and creation of terminating vistas are two separate things.

Mayor Bordman felt the proposal was a very clever idea and fun. However, she agrees that the City must come up with something that is more appropriate for terminating vistas. She supported Commissioner Sherman's suggestion to use "and" instead of "or" in the resolution language. Mayor Bordman further inquired about the paint that will be used on this project.

Barbara Miller Heller<sup>1</sup>, Chair of Public Arts Board and painting conservator, explained:

- The paint can be removed from metal.
- It is the same type of paint that is used on all metal utility boxes.
- The surface must be prepared again before repainting.
- The paint is for outdoor use and is supposed to last for a number of years.
- A lot of cities paint these boxes in a number of artistic ways, and the Public Arts Board has a lot of ideas.

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

To accept the recommendation that the electrical box in the planter on the east sidewalk on S. Old Woodward at the intersection of Merrill Street be painted by Anne Ritchie as the popcorn box design created by Anne Ritchie and recommended by the Public Arts Board in an amount not to exceed \$250 charged to account #101-299-000-811-0000.

**AND**

To direct the Public Arts Board to pursue alternative concepts for this location and work with adjoining businesses to develop a concept that will incorporate a design or sculpture that will

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<sup>1</sup> As corrected on June 3, 2019

meet the objective of creating a terminating vista at Merrill and South Old Woodward, Hamilton and Old Woodward, and Henrietta and Maple.

Commissioner Nickita was interested in studying this topic more to understand what a terminating vista should be. He also believed the artwork should be something thoughtful.

Mayor Bordman added that she would like to see the Public Arts Board take an inventory around the City for other potential possibilities.

Mayor Pro Tem Boutros suggested the Public Arts Board use alternative concepts tailored to Birmingham's downtown as a whole rather than a particular business.

VOTE:	Yeas,	7
	Nays,	0

## **Public Arts Board Minutes**

**Rooms 202 & 203 Birmingham City Hall – October 16<sup>th</sup>, 2019**

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### **A. Roll Call:**

**Members Present:** Linda Wells, Barbara Heller, Monica Neville, Jason Eddleston,

**Members Absent:** Natalie Bishae, Anne Ritchie

**Administration:** Brooks Cowan, City Planner

### **B. Approval of Minutes – September 16<sup>th</sup>, 2019**

Spelling error on Jason Eddleston, motion to approve as amended.

**Yeas: 4                Nays: 0**

The motion carried.

### **C. Unfinished Business**

The Public Arts Board was asked to review ways to enhance the designated terminating vistas throughout the City. The board evaluated photos of each terminating vista and determined that their top five are numbers 1,2,9,16, and 17 as listed in the memo. Painting the bollards on the corner of Old Woodward and Maple was suggested, as well as decorating the building space above Bowers where the 555 Building passes over. These suggestions will be considered with the Board's pre-qualified art locations at the next meeting as the Board continues to evaluate these locations. The Board also wanted to pursue a greater reach of partnerships in their sculpture plan.

The Public Arts Board was evaluating designs for two electrical boxes, though Anne Ritchie was not in attendance. Since the weather was getting cold the Board felt they could discuss these items later on in the year.

The Board discussed doing a call entry for new sculptures. They would like to approach Cranbrook, CCS, Knight Foundation and similar programs involved in the art community for assistance on new sculptures. The Board felt doing this was appropriate after prioritizing sculpture locations in the terminating vista study.

A new logo has been submitted for Art in Public Spaces. The Board had a few comments and requests for changes to made to be reviewed at a future time

### **D. Communication**

Purchasing Chris Yockey's sculpture will be voted on at City Commission end of October.

### **Comments**

### **E. Adjournment**

The meeting adjourned at 7:45 p.m.

## Public Arts Board Minutes

**Rooms 202 & 203 Birmingham City Hall – November 20<sup>th</sup>, 2019**

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### A. Roll Call:

**Members Present:** Linda Wells, Barbara Heller, Monica Neville, Jason Eddleston, Anne Ritchie

**Members Absent:** Natalie Bishae,

**Administration:** Brooks Cowan, City Planner

### B. Approval of Minutes – October 16<sup>th</sup>, 2019

Motion to approve minutes made by Linda Wells, seconded by Monica Neville

**Yeas: 5              Nays: 0**

The motion carried.

### C. Unfinished Business

The Board discussed prioritizing Terminating Vistas for sculptures and updating the pre-approved site map for sculptures. It was brought to their attention that the sidewalk plans for repaving Maple Road indicated a sculpture site at the intersection of Maple and Henrietta. There was consensus from the PAB that this site should be made a priority. It was also brought to their attention the a previously approved location as a priority at Peabody and Maple was going to be modified in a way that reduced the amount of space where a sculpture could be placed. It was determined that the PAB would keep it as priority and see how much space was available after construction. The Board values the intersection of Peabody and Maple because of the adjacent building and its location as an entrance to Birmingham.

The Public Arts Board also discussed updating the map of pre-qualified public art site locations to include their prioritized terminating vista locations. It was determined that the terminating vista locations would have a high priority, but they did not want to place a high weight on ranking each site. They would rather evaluate available art pieces within the context of how it would fit into each site.

The installation of Michigan Spring at the Library was discussed by the PAB. The Board has previously indicated that they would like the sculpture to be put on a pedestal two feet in height. Some of the complications in doing so were brought to the Board. These complications included finding someone to design the pedestal, install the pedestal, and have the funds approved to do so. Another potential issue is the aesthetics of a box that has dimensions of 5 feet wide, 3 feet long, and 2 feet in height in front of the Library could appear bulky and cumbersome.

Without a pedestal the PAB was concerned that the base of the sculpture may be scratched by a lawnmower or weed wacker. One suggestion was to surround the sculpture base with rocks to provide a greater buffer. The rocks could surround the base in a circular manner in order to match the flow of the sculpture.

Anne Ritchie motioned to recommend that a circle of rocks extending 1.5 feet from the base pad be installed surrounding *Michigan Spring*, that the rocks be constrained by a landscape barrier edging, and that small rocks used in landscaping throughout the city such as the area by the skatepark be used. Monica Neville seconded the motion.

**Yeas: 5                      Nays: 0**

The motion carried.

The Public Art Board discussed 2019 accomplishments and 2020 goals to go into the annual report which is submitted to City Commission. The Board reflected on what went well in 2019 and what they believed they could replicate in 2020. There was general consensus that they should do Piano in the Park again and that four Farmers Markets was reasonable considering everyone's summer schedule. For a new project, the Board wants to provide a sculpture tour when the weather is nice, sometime late August or early September.

The Board agreed that in 2020, they would like professional design services to assist with an informational pamphlet about the city's sculptures. They also wanted to work on ways to streamline the sculpture installation process, and provide more incentives for artists to loan and/or donate work to the city. This information would all be included in an annual report for the Board to review at the next meeting.

### **Communication**

A new version of the sculpture map was placed on the website where viewers can click on the sculpture site and have an image with artist and title pop up. The Board wanted the PDF version to remain as well. City Commission approved the purchase of Chris Yockey's "The Counselor" at the October 28, 2019 Commission meeting. The Eastern Hophornbeam has been installed in Booth Park, and the piano has to be removed before December 25<sup>th</sup>, 2019.

### **Comments**

#### **D. Adjournment**

The meeting adjourned at 7:45 p.m.



## Public Arts Board Minutes

### Public Meeting on Zoom – April 15<sup>th</sup>, 2020

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#### A. Roll Call:

**Members Present:** Linda Wells, Barbara Heller, Monica Neville, Jason Eddleston, Anne Ritchie, Annie VanGelderren, Natalie Bishae

**Members Absent:**

**Administration:** Brooks Cowan, City Planner

#### B. Approval of Minutes – February 19<sup>th</sup>, 2020

Motion to approve minutes made by Annie VanGelderren, seconded by Jason Eddleston.

**Yeas: 7            Nays: 0**

The motion carried.

#### C. Unfinished Business

The PAB reviewed the Terminating Vista report and felt that it summarized their thoughts on ways in which the City may enhance Terminating Vistas throughout downtown. One revision was requested for recommendation number five regarding how the Board wanted electrical boxes to be painted with a pop-art theme, but wanted to remove specifying “making small items look big” from the recommendation. There was general consensus from the Board that the recommendations in the report accurately summarized their thoughts on creating a mural program for Birmingham and streamlining the sculpture installation process as a way to enhance Terminating Vistas. A motion to recommend the report to City Commission was made by Linda Wells and seconded by Monica Neville.

**Yeas: 7            Nays: 0**

The motion carried

The PAB discussed what to do about Piano in the Park 2020 given the spread of the corona virus and social distancing. The Board determined that they would like to provide a piano in Shain Park, but only once all social distancing bans have been lifted in the area. The Board wants to be respectful of peoples’ concerns regarding the virus and discussed a best case scenario where a piano is possibly allowed in the park in the fall. There was consensus that they would like to see a draft for a Piano in the Park 2020 program that was contingent upon public spaces being open to everyone once again. This way the Board would have items ready to go when social distancing bans are lifted.

#### **D. New Business**

Creating a Call For Entry pamphlet for sculpture loans and donations was then discussed by the Board. An example from 2006 was discussed, while Board members suggested looking at other organizations' call for entries such as Detroit Artist Market, BBAC and various other art organizations who host sculpture galleries.

The Public Arts Board discussed various ways they could provide interactive art projects to the City during the Corona Virus epidemic. Creating a coloring book out of sculpture images was suggested. The images could be posted on the City's social media and encourage users to learn more about the City's sculptures on other pages in the City's public art website. Users could then submit drawings they have done to the City and have them posted on social media. It was also suggested that various City employees host online coloring time. Another proposal was short videos similar to "The More You Know" could be posted on the City's website which provide fun facts related to different art and architectural elements of the City. Also, as the PAB is unsure if Birmingham in Stitches will occur this fall, it was also recommended that people decorate their front yards with yarn and the City advertise a catalogue of different decorations. City staff would look into what could be accomplished given resources and time constraints.

#### **E. Communication**

Barbara Heller mentioned that she will be hosting a sculpture tour with Detroit Art on October 10<sup>th</sup> from 3-5pm.

#### **F. Comments**

#### **G. Adjournment**

The meeting adjourned at 8:00 p.m.

## Public Arts Board Minutes

### Public Meeting on Zoom – June 17<sup>th</sup>, 2020

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#### A. Roll Call:

**Members Present:** Barbara Heller, Monica Neville, Jason Eddleston, Anne Ritchie, Annie VanGeldereren, Natalie Bishae

**Members Absent:** Linda Wells

**Administration:** Brooks Cowan, City Planner

#### B. Approval of Minutes – May 20<sup>th</sup>, 2020

Motion to approve minutes as amended made by Annie VanGeldereren, seconded by Anne Ritchie.

**Yeas: 6                      Nays: 0**

The motion carried.

#### C. Unfinished Business

At the May 20<sup>th</sup>, 2020 Public Arts Board meeting, the Board discussed changes and enhancements to their Terminating Vista report after receiving comments on the Crayon Box proposal and Terminating Vistas from City Commission. A rough draft of such changes were provided and discussed. For types of public art, the Board was comfortable with recommending sculptures, furniture, utilities, and murals. Members of the Board requested that painted furniture, mosaics and tiles be included as well.

There was general consensus that the recommendations captured what the PAB felt would help enhance Terminating Vistas. The Board also felt that the recommendations should be prioritized with some type of action plan or implementation guidelines. These were to be provided in the next meeting's draft.

The Public Arts Board then discussed their Piano in the Park program. They had previously considered recommending the art installation as an annual program and reviewed suggested recommendations to do so. The Board wanted to ensure that the piano be placed in Shain Park only when COVID-19 restrictions were lifted. Members of the board also suggested amending the recommendations so that the piano donated to the City was preferably from a Birmingham Resident, it would be painted as a community arts project on a date to be determined by the PAB, and the PAB be responsible for moving and maintenance. Motion to approve recommendations with suggested edits was made by Annie VanGeldereren, seconded by Monica Neville.

**Yeas: 6                      Nays: 0**

The motion carried.

## **D. New Business**

The Public Arts Board then reviewed the Public Art Installation Loan from Laurie Tennent. An initial application was completed to place a piece of her artwork at the corner of Park and Maple. Complications of this site were discussed regarding the current construction and not having a clear idea of how the space will look until it is complete, as well as the site being a Terminating Vista and the Board having a study related to these design elements underway.

The potential for a multi-piece installation was discussed throughout the City's parks and trails. The Board and the artist were in agreement that the trails connecting Booth Park, Quarton Lake, and Linden Park would be ideal for a multi-artwork installation of the artist's photos due to the way that the photos compliment the natural surrounding features.

The artist indicated that the images are installed into the ground with 2 pieces of rebar and leave 0 footprint when removed. A similar installation concept had been done at Belle Isle with great success. The artist also indicated how solar lights were shined on the artwork to keep them illuminated at night and the PAB was amicable to this. The artist was also agreeable to a 1-year loan term.

A motion to recommend a multi-installation of art work by Laurie Tennent from Booth Park to Quarton Lake and Linden at locations to be determined by the artist for a period of 1 year was made by XXXXXX, seconded by XXXXXX

**Yeas: 6                Nays: 0**

The motion carried.

## **E. Communication**

Barbara Heller indicated that she will be leading a tour of Birmingham sculptures for the Detroit Artist Market on July 18<sup>th</sup>, 2020 from 2-4pm.

## **F. Comments**

## **G. Adjournment**

The meeting adjourned at 8:00 p.m.

## Public Arts Board Minutes

### Public Meeting on Zoom – June 17<sup>th</sup>, 2020

---

#### A. Roll Call:

**Members Present:** Barbara Heller, Monica Neville, Jason Eddleston, Anne Ritchie, Annie VanGeldereren, Natalie Bishae

**Members Absent:** Linda Wells

**Administration:** Brooks Cowan, City Planner

**Members of the Public:** Kathy Walgren and Laurie Tennent

#### B. Approval of Minutes – May 20<sup>th</sup>, 2020

Motion to approve minutes as amended made by Annie VanGeldereren, seconded by Anne Ritchie.

**Yeas: 6                      Nays: 0**

The motion carried.

#### C. Unfinished Business

At the May 20<sup>th</sup>, 2020 Public Arts Board meeting, the Board discussed changes and enhancements to their Terminating Vista report after receiving comments on the Crayon Box proposal and Terminating Vistas from City Commission. A rough draft of such changes were provided and discussed. For types of public art, the Board was comfortable with recommending sculptures, furniture, utilities, and murals. Members of the Board requested that painted furniture, mosaics and tiles be included as well.

There was general consensus that the recommendations captured what the PAB felt would help enhance Terminating Vistas. The Board also felt that the recommendations should be prioritized with some type of action plan or implementation guidelines. These were to be provided in the next meeting's draft.

The Public Arts Board then discussed their Piano in the Park program. They had previously considered recommending the art installation as an annual program and reviewed suggested recommendations to do so. The Board wanted to ensure that the piano be placed in Shain Park only when COVID-19 restrictions were lifted. Members of the board also suggested amending the recommendations so that the piano donated to the City was preferably from a Birmingham Resident, it would be painted as a community arts project on a date to be determined by the PAB, and the PAB be responsible for moving and maintenance. Motion to approve recommendations with suggested edits was made by Annie VanGeldereren, seconded by Monica Neville.

**Yeas: 6                      Nays: 0**

The motion carried.

#### **D. New Business**

The Public Arts Board then reviewed the Public Art Installation Loan from Laurie Tennent. An initial application was completed to place a piece of her artwork at the corner of Park and Maple. Complications of this site were discussed regarding the current construction and not having a clear idea of how the space will look until it is complete, as well as the site being a Terminating Vista and the Board having a study related to these design elements underway.

The potential for a multi-piece installation was discussed throughout the City's parks and trails. The Board and the artist were in agreement that the trails connecting Booth Park, Quarton Lake, and Linden Park would be ideal for a multi-artwork installation of the artist's photos due to the way that the photos compliment the natural surrounding features.

The artist indicated that the images are installed into the ground with 2 pieces of rebar and leave 0 footprint when removed. A similar installation concept had been done at Belle Isle with great success. The artist also indicated how solar lights were shined on the artwork to keep them illuminated at night and the PAB was amicable to this. The artist was also agreeable to a 1-year loan term.

A motion to recommend a multi-installation of art work by Laurie Tennent from Booth Park to Quarton Lake and Linden at locations to be determined by the artist for a period of 1 year was made by Anne Ritchie, seconded by Annie VanGeldereren.

**Yeas: 6**

**Nays: 0**

The motion carried.

#### **E. Communication**

Barbara Heller indicated that she will be leading a tour of Birmingham sculptures for the Detroit Artist Market on July 18<sup>th</sup>, 2020 from 2-4pm.

#### **F. Comments**

#### **G. Adjournment**

The meeting adjourned at 8:00 p.m.

## Public Arts Board Minutes

### Public Meeting on Zoom – July 15<sup>th</sup>, 2020

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#### A. Roll Call:

<b>Members Present:</b>	Barbara Heller, Monica Neville, Jason Eddleston, Anne Ritchie, Annie VanGelderren, Linda Wells
<b>Members Absent:</b>	Natalie Bishae
<b>Administration:</b>	Brooks Cowan, City Planner
<b>Members of the Public:</b>	Kathy Walgren

#### B. Approval of Minutes – June 17<sup>th</sup>, 2020

Motion to approve minutes by Anne Ritchie, seconded by Jason Eddleston.

**Yeas: 6              Nays: 0**

The motion carried.

#### C. Unfinished Business

The Board reviewed the most recent draft of their report on Terminating Vistas. Barbara Heller had a few spelling corrections to make, but otherwise felt that the report covered what the Board thought was relevant to the subject sites. A new page including final recommendations and implementation recommendations had been added as a request from the previous meeting. The Board discussed whether to put the recommendations and implementation steps in the beginning of the report or the end. City staff mentioned that in general, public policy documents such as corridor plans and master plans for the City of Birmingham have final recommendations and implementation plans at the end of the report, following the content that includes issues and best practices. The Board eventually concluded to keep this section in the end.

The Public Arts Board felt they were ready to present their draft report to City Commission for feedback and were open to having it reviewed by any other relevant Board as well.

#### D. New Business

No new business

#### E. Communication

Barbara Heller indicated that she will be leading a tour of Birmingham sculptures for the Detroit Artist Market on July 18<sup>th</sup>, 2020 from 2-4pm. She requested that staff provide her with multiple Art in Public Spaces posters and sculpture tour brochures created earlier this spring.

**F. Comments**

**G. Adjournment**

The meeting adjourned at 8:00 p.m.

APPROVED



## Public Arts Board Minutes

### Public Meeting on Zoom – August 19<sup>th</sup>, 2020

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#### A. Roll Call:

**Members Present:** Barbara Heller, Monica Neville, Jason Eddleston, Anne Ritchie, Annie VanGelderren, Linda Wells, Natalie Bishae

**Members Absent:**

**Administration:** Brooks Cowan, City Planner

**Members of the Public:** Kathy Walgren

#### B. Approval of Minutes – July 15<sup>th</sup>, 2020

Motion to approve minutes by Linda Wells, seconded by Annie Van Gelderen.

**Yeas: 7            Nays: 0**

The motion carried.

#### C. Unfinished Business

The Board reviewed additional sections created for their report on Terminating Vistas. A new section was added to include locations for recommended enhancements that may not currently be designated as a Terminating Vista in the Zoning Ordinance. A section for landscaping was also included. The Board agreed that it was a good idea to include locations on N. Old Woodward at Harmon and Oak, and that the other intersections also made sense. The Board also liked the new landscaping section and agreed that plantings should compliment the surrounding art, utilities and architecture.

The Board then reviewed an updated memo for considerations in a call for entry to recruit new sculptures. Linden Park, Poppleton Park, and Maple & Henrietta had previously been discussed as ideal location for recruitment. The Board also agreed that Hamilton & N. Old Woodward as well as the intersection of Woodward and S. Old Woodward would be good locations to add. Three of these locations are Terminating Vistas so the Public Arts discussed how they should wait until the Terminating Vista report is accepted before pursuing public art for these locations.

The Board then discussed requesting an installation stipend to be issued for approved art work. There was general agreement from the Board to request an approval of a \$2,000 installation stipend for artists who loan or donate their work. The Board recommended a minimum loan period of 2-3 years in order to receive a stipend. The Board also recommended including a cap on the amount insurable and to notify artists of this beforehand. These details would be included in the next meeting's call for entry draft.

#### **D. New Business**

The Board reviewed a sculpture donation made to the City by Kegham Tazian. The piece is titled Pyramid Earth and is roughly 6' in height and sits on top of a large square foundation. The Board evaluated photos of the sculpture in a park setting surrounded by trees. The Board wanted to see photos of the sculpture from the side. Members of the board also requested staff to contact the artist to see if they could visit the sculpture in person. Questions raised would be addressed by staff in the next meeting.

#### **E. Communication**

Barbara Heller indicated that her Birmingham sculpture tour for the Detroit Artist Market on July 18<sup>th</sup>, 2020 went well and that all members received a map and a poster.

#### **F. Comments**

#### **G. Adjournment**

The meeting adjourned at 7:45 p.m.

**DATE:** June 11, 2020

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

**APPROVED BY:** Mark H. Clemence, Chief of Police

**FROM:** Scott Grewe, Operations Commander

**SUBJECT:** Wheeled Device Restriction Signage

**INTRODUCTION:**

At the February 10<sup>th</sup> City Commission meeting, the commission passed a resolution to amend City ordinance 74-6 which now includes restrictions for the usage of Skateboards, Bicycling and Electronic Personal Mobility Devices in the Central Business District (CBD).

At the May 7<sup>th</sup> meeting of the Multi-Modal Transportation Board (MMTB), signage options for this new restriction was discussed.

**BACKGROUND:**

Previously, there was no signage for the ordinance that restricted the use of a skateboard within the CBD. When officers observed a person skateboarding in the CBD they were advised of the ordinance. If there were multiple warnings to the same person and officer may have issued a violation, however this would have been very rare.

This topic was discussed by the MMTB and a report was presented by MKSK outlining signage possibilities and locations. The "Dismount Zone" sign pictured below was recommended by Staff and ultimately approved by the board who made the recommendation that they be installed at the locations listed. This list of locations would place a sign at all entrances into the CBD.



S. Old Woodward at Brown  
Henrietta at Townsend  
Chester at Merrill  
Southfield at Martin  
Chester at Willits

Pierce at Brown  
S. Bates at Merrill  
Southfield at Merrill  
Southfield at Maple  
N. Old Woodward at Oakland

Ferndale at Oakland  
Hamilton at Woodward  
Brown at Woodward

Park at Oakland  
Maple at Woodward

It was further discussed by the MMTB that additional locations could be added within the CBD if warranted due to the amount of violations observed.

**LEGAL REVIEW:**

No review conducted.

**FISCAL IMPACT:**

These proposed signs would be ordered and installed by the Department of Public Services. Approximate cost of signage is \$500.

**SUMMARY:**

Due to the increased use of all types of mobility devices and the City's new ordinance prohibiting their use in the CBD, signage bringing awareness to the restrictions is suggested. Signs can be installed boarding the CBD to advise people entering the area.

Recently the City installed bike stations, one of which is located in Shain Park, to allow riders to perform maintenance on their bikes. Staff suggests adding a sign at this location to ensure riders are informed of the restriction when they are within the CBD and a City bike station.

**ATTACHMENTS:**

1. April 28, 2020 Memo to the MMTB
2. MKSK – Micromobility Signage and Enforcement Strategies
3. CBD map with proposed sign locations
4. April 28, 2020 MMTB minutes

**SUGGESTED RESOLUTION:**

To approve the installation of Dismount Zone signs at the border of the Central Business District and at the City bike station in Shain Park.

**DATE:** April 28, 2020

**TO:** Multi-Model Transportation Board

**FROM:** Jana L. Ecker, Planning Director  
Cmdr. Scott Grewe, Police Department  
Austin Fletcher, City Engineer

**SUBJECT:** Wheeled Device Restriction Signage Options

### INTRODUCTION:

The City Commission recently approved an update to the Skateboarding ordinance. The new ordinance, 74-6 now includes Skateboards, Bicycling and Electronic Personal Mobility Devices. This ordinance prohibits their use in the Central Business District (CBD).

### BACKGROUND:

The previous ordinance 74-6 Skateboarding, has been in place restricting the use of skateboards in the CBD. With the popularity of new devices that use both human and electrical means of propulsion, the City Commission, having concerns for users and pedestrians safety approved the new ordinance.

In the past, there have been no signs indicating Skateboarding was prohibited. Previously, when complaints were received or a person was observed riding in the prohibited area and officer would request that they stop and advise them of the ordinance. With the enhanced restrictions, a review of possible notifications has been completed.

### SUMMARY:

MKSK was contacted and asked to review what type of signage was currently being used by others and what options the City has for means of notification. See attached report from MKSK.

Staff has reviewed the report and agree that the sign used in Lakewood, CO was a good option that could be placed in key locations around the CBD to give notice of the restricted areas. It was discussed that signage could be placed on streets entering the CBD and if needed, additional signs could be added within the district. See attached CBD map with "x" indicating possible sign locations.



**ATTACHEMENTS:**

1. MKSK report – Micromobility Signage and Enforcement Strategies.
2. Central Business District Map, with proposed signage locations.

**Suggested Recommendation:**

To install Dismount Zone signage in the locations identified in the attached map of the Central Business District.

To: Cmdr. Scott Grewe, Operations Commander  
Birmingham Police

From: Brad Strader, PTP, MKSK  
Ben Palevsky, MKSK

Date: April 24, 2020

**MKSK**

4219 Woodward Ave  
Suite 305  
Detroit, MI 48201  
313.652.1101

**Re: Micromobility Signage and Enforcement Strategies (draft)**

Based on the City's request and the discussion at a virtual meeting on April 15, 2020, MKSK has prepared a memo addressing the following "problem statement" regarding the City's regulation of e-scooters and micromobility devices in downtown Birmingham:

*The City has had issues with private e-scooter and e-bike owners riding on the sidewalks downtown. The City has just voted to ban riding on sidewalks downtown and has asked multi-modal advisors to explore signage options and regulation strategies to communicate this to riders.*

MKSK has conducted research through the following methods:

- Solicited examples of micromobility signage and other management techniques in the ITE Community Forum – received six responses.
- Reached out to Andy Kilpatrick, Public Service Director for City of Lansing, as Lansing has also prohibited scooters from downtown sidewalks.
- Interviewed a former colleague who now works at the scooter provider Lime about different ways e-scooter companies can help regulate and educate riders when they enter a city.
- Online research.

**SIGNAGE RECOMMENDATIONS**

MKSK recommends that the City deploy signage at all intersections that make up the downtown boundary for which riding on sidewalks is prohibited. Signage deployed within the downtown area should be prioritized along high volume micromobility and non-motorized streets such as Old Woodward, Pierce St and Maple Rd, and around civic destinations such as Shain Park and the public library.

Communities across the country have regulated e-scooter and e-bike usage on sidewalks using a variety of sign types. This memo includes signage examples of different styles and sizes. Some of the examples regulate all wheeled devices whether electric powered or not, while others specifically target scooters. Proactive wording on signs like "dismount zone" or "wheel control zone" is generally encouraged. Some of the examples are specific to e-bikes and e-scooters, and others include regular bikes, scooters, skateboards, roller blades, etc.

#### Lansing, MI

"Wheel Control Zone" signage was deployed several years ago throughout downtown but removed because the downtown merchants association thought they were not needed. Since then, e-scooters have been banned from riding on sidewalks downtown. City plans to modify the sign design and put them back up again if scooters get redeployed downtown.



#### Evanston, IL

"No Bikes on Sidewalks" signage is attached to traffic poles at intersections and aligned with pedestrian countdown signals.



#### Lakewood, CO

Redesigned "Dismount Zone" signage for wheeled devices to include show scooters instead of skateboards.





**Durango, CO**

City painted same version of edited "Dismount Zone" signage used by Lakewood onto the sidewalk.



**Minneapolis, MN**

"No Scooter Riding on Sidewalk" signage deployed on existing poles using zip-ties.



**Arlington, VA**

"No E-Scooter or E-Bike Riding on Sidewalk" signage and sidewalk stencils. Priority installation locations next to protected bicycle lanes.



**Hamilton, ON (Canada)**

Signage examples from McMaster University.



***ADDITIONAL ENFORCEMENT AND EDUCATION STRATEGIES***

Educational programs and campaigns are encouraged to inform riders of new or existing regulations before enforcement begins. These efforts inform residents what is illegal, why it is illegal, and how much they will be fined for disregarding the rules.

- Dissemination of flyers and other printed materials.
- Social media announcement/campaign.
- Advertise in newspapers or newsletters.
- Feature information of City's website.

## ***ELECTRIC SCOOTER PROVIDERS***

While the City has not contracted any electric scooter providers to date, the City may be approached by one or multiple of these companies about deploying e-scooters downtown in the near future. There are a few ways scooter companies can help communicate regulations and hold riders accountable for where they ride in the right-of-way. None of these techniques are a golden bullet for scooter enforcement by themselves, but they could increase adherence to rules by an expanding group of micromobility users, and at no cost to the City.

- **Ping Tags:**

Scooter companies often use "ping tags" on the vehicles themselves that are tailor-made for specific jurisdictions. The City of Birmingham would be able to stipulate specific content/rules spelled out on those tags. They have been used in Detroit, Grand Rapids, Minneapolis, and across the country.

- **Enforcement via Geofencing:**

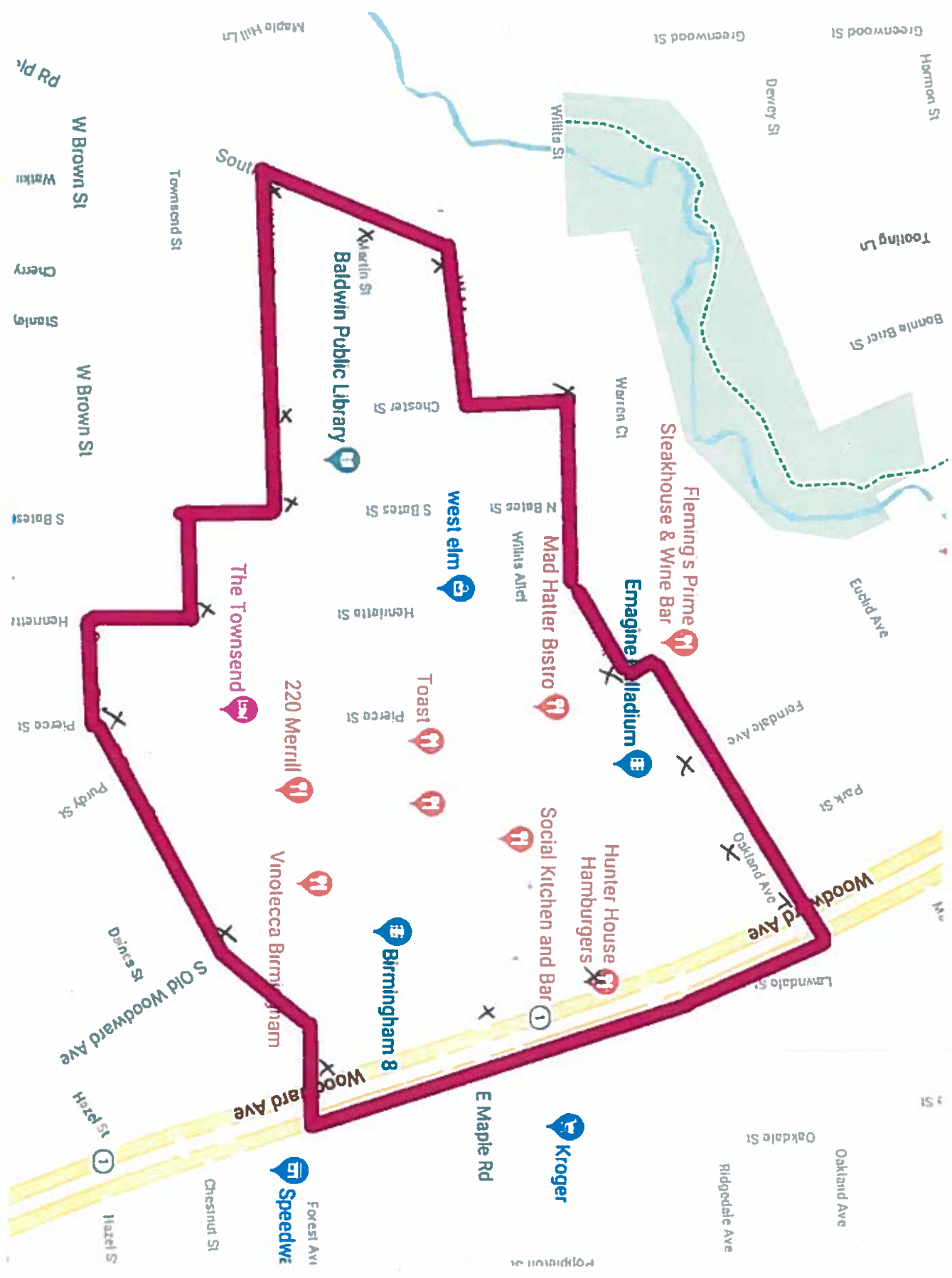
- City can require scooter service provider to geofence specific zones to require lower speeds or prohibit riding altogether – common on campuses, on specific streets or districts with magnified conflicts, etc.
- Current geofencing is not precise enough to differentiate between street and sidewalk. However, Lime is currently piloting two programs that could help to regulate riding on sidewalks. These may be deployed in the near future:
  1. Geofencing is downloaded directly to device instead of being accessed via satellite. This allows the device to update its location every 1s instead of every 30s, which allows geofencing boundaries to be more precise.
  2. The Gyroscope that detects when a scooter is tipped over is now being used to detect change in vibrations when the surface being ridden on changes (e.g. road to sidewalk). Currently being piloted with 95% accuracy differentiating between street and sidewalk, and this accuracy will likely increase as the technology is further refined.

- **Enforcement via Crowdsourcing:**

Many cities, including Portland, have required large print numbers on the back of each e-scooter deployed by a provider so passerby's can report people riding on sidewalk or breaking other rules to the City, who would then forward to the scooter provider to levy fines on riders.

- **Rules/Regulations Reminder on Service Provider's App:**

App requires user to read/click through prompts/rules before unlocking a scooter that are specific to the jurisdiction it geolocates them in.



# **DRAFT**

## **CITY OF BIRMINGHAM MULTI-MODAL TRANSPORTATION BOARD**

**Thursday, May 7, 2020**

**Held Virtually Via Zoom and Telephone Access**

Minutes of the virtual regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, May 7, 2020.

Chairwoman Johanna Slanga convened the meeting at 6:03 p.m.

### **1. ROLL CALL**

**Present:** Chairwoman Johanna Slanga; Board Members Tom Peard, Katie Schafer, Doug White, Joe Zane; Alternate Board Member Andrew Haig

**Absent:** Board Member Daniel Rontal

**Administration:** Jana Ecker, Planning Director  
Eric Brunck, IT Manager  
Laura Eichenhorn, Transcriptionist  
Austin Fletcher, Assistant City Engineer  
Scott Grewe, Police Commander

### **Fleis & Vandenbrink (F&V):**

Julie Kroll  
Justin Rose

**MKSK:** Ben Palevsky  
Brad Strader

Chairwoman Slanga reviewed the appropriate parliamentary procedures for a virtual meeting. She thanked everyone for their participation and cooperation in advance.

### **2. Introductions**

None.

### **3. Review Agenda**

No changes.

### **4. Approval of MMTB Minutes of March 4, 2020**

**Motion by Mr. White**

**Seconded by Mr. Zane to approve the MMTB Minutes of March 4, 2020 as submitted.**

Chairwoman Slanga asked Mr. Strader, Ms. Kroll and Planning Director Ecker to return with more suggestions for improving the safety of the Brown corridor for the next MMTB meeting. She said that the MMTB owed it to the Commission and the community to make recommendations for making Brown safer.

## **7. Signage for Scooter Use Downtown**

Commander Grewe reviewed the item.

After MMTB discussion, it was decided that a dismount sign in the Lakewood, CO style should be installed around the Central Business District.

**Motion by Mr. Zane**

**Seconded by Dr. Schafer to install dismount zone signage in the Lakewood, CO style in locations identified in the attached map of the Central Business District.**

**Motion carried, 6-0.**

ROLL CALL VOTE

Yeas: Zane, Schafer, Slanga, White, Peard, Haig

Nays: None

## **8. Meeting Open to the Public for items not on the Agenda**

## **9. Miscellaneous Communications**

## **10. Next Meeting – June 4, 2020**

## **11. Adjournment**

No further business being evident, the board members adjourned at 7:50 p.m.

Jana Ecker, Planning Director

Austin Fletcher, Assistant City Engineer



## MEMORANDUM

Planning Division

**DATE:** August 14, 2020

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

**FROM:** Jana Ecker, Planning Director

**SUBJECT:** Temporary COVID-19 Off-Season Outdoor Dining Standards

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### INTRODUCTION:

As we continue to struggle with the challenges of the COVID-19 pandemic with no end in sight, the City is considering providing options to assist restaurants throughout the fall and winter seasons by allowing temporary enclosed "outdoor dining" space to allow indoor seats lost to be provided outdoors in temporary enclosures or other structures through April 1, 2021.

### BACKGROUND:

On May 11, 2020, the City Commission adopted several resolutions to provide temporary assistance to business owners navigating the COVID-19 Pandemic and social distancing guidelines. The City approved the waiver of many fees, made changes to existing policies to assist businesses during the pandemic, and adopted temporary resolutions to allow for expanded outdoor dining and temporary uses outdoors through September 8, 2020.

On June 8, 2020, the City Commission rescinded the previous resolution on outdoor dining and adopted a new resolution to expand outdoor dining in light of new Executive Orders from the Governor, and temporary licensing changes approved by the Michigan Liquor Licensing Commission ("MLCC") with regards to a new limited term outdoor service area program for establishments serving alcoholic beverages through October 31, 2020. The 2020 Limited Permanent Outdoor Service Permission Application allows restaurants to provide or expand outdoor seating areas temporarily to accommodate social distancing guidelines and assist businesses through the pandemic.

At this time, the City is considering providing additional options to assist restaurants throughout the fall and winter seasons by allowing temporary enclosed "outdoor dining" space during the off-season to allow indoor restaurant seats lost to be provided outdoors in temporary enclosures or other structures from October 1, 2020 through April 1, 2021. This resolution is intended to provide "outdoor dining" options during the off-season and is proposed in addition to the resolution adopted by the City Commission on June 8, 2020 that provides temporary expanded outdoor dining through October 31, 2020.

### LEGAL REVIEW:

The City Attorney has reviewed the attached resolution.

**FISCAL IMPACT:**

Not applicable.

**PUBLIC COMMUNICATIONS:**

City staff has met with restaurateurs to discuss their concerns during the COVID Pandemic, and previously sent out a survey to garner input from restaurants as to their needs during re-opening. The City sent out a second survey this month to restaurant owners and operators to understand their needs and concerns to continue operations through the fall and winter seasons should the pandemic continue to challenge normal operations. Ongoing communication has continued on a daily basis.

**SUMMARY:**

City staff recommends that the City Commission adopt the Temporary COVID-19 Off-Season Outdoor Dining Standards Resolution.

**ATTACHMENTS:**

- Draft Temporary COVID-19 Off-Season Outdoor Dining Standards Resolution
- Survey results – City Survey # 2, August 2020

**SUGGESTED ACTION:**

To adopt the resolution entitled Temporary COVID-19 Off-Season Outdoor Dining Standards, to take effect October 1, 2020;



**RESOLUTION # \_\_\_\_\_**  
**TEMPORARY COVID-19 OFF-SEASON**  
**OUTDOOR DINING STANDARDS**

WHEREAS the novel coronavirus (COVID-19) is a respiratory disease that is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person;

WHEREAS the spread of COVID-19 has resulted in the State of Michigan declaring a State of Emergency under Section 1 of Article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, and the Emergency Powers of the Governor Act, 1945 PA 302, as amended, as evidenced in Executive Order 2020-99;

WHEREAS the City of Birmingham has activated their Emergency Operation Center to respond to the COVID-19 pandemic;

WHEREAS the City of Birmingham is committed to encouraging economic activity and assisting local businesses impacted by the COVID-19 pandemic to ease back into operation while containing the spread of COVID-19;

WHEREAS it is the intent of the City of Birmingham to assist establishments permitted to open to the public to expand into outdoor space to allow for the provision of the number of seats previously approved for their operation while also accommodating social distancing guidelines currently in force within the State of Michigan;

WHEREAS it is the intent of the City of Birmingham to continue to provide expanded outdoor dining options to assist food and drink establishments to navigate the challenges of the pandemic throughout the fall and winter months while also accommodating social distancing guidelines;

NOW THEREFORE BE IT RESOLVED, all food and drink establishments in existence as of October 1, 2020 will be permitted to operate off-season outdoor dining areas in accordance with the following Temporary COVID-19 standards from October 1, 2020 through March 31, 2021:

1. Establishments may add new outdoor dining areas or expand previously approved outdoor dining areas in order to add additional seating to compensate for lost interior seating as a result of COVID-19 related restrictions to accommodate social distancing and/or to allow for phased reopening;
2. The number of seats to be removed from the interior of the restaurant due to health guidelines is the maximum number that each establishment shall be permitted to add outdoors in the public right-of-way on the sidewalk, in the on-street parking zone, in a via and / or on private property;

3. Outdoor dining areas must commence adjacent to the establishment in accordance with Michigan Liquor Control Commission standards, and may extend out in front of neighboring establishments, or on abutting private property (with consent of the owner), as space permits;
4. Outdoor dining areas permitted temporarily in the off-season from October 1, 2020 through March 31, 2021 under this resolution may include the use of tents, coverings or other temporary structures with side enclosures to provide protection from the weather for the entire period that this resolution remains in effect;
5. All structures proposed temporarily during the off-season to enclose outdoor dining areas must meet all of the requirements listed in Exhibit A, and must be constructed and inspected under a valid building permit;
6. If a food and drink establishment is unable to provide or expand outdoor dining into the public right-of-way on the sidewalk, in the on-street parking zone, in a via or on private property and / or is unable to meet requirements (1) through (4) above in these locations, the City may permit other options for outdoor dining on a case by case basis if unique or mitigating circumstances exist.
7. All establishments seeking temporary changes in accordance with this resolution must obtain a building permit for all enclosure structures and submit an Administrative Approval application to the Planning Division, and include the following documents;
  - i) A plan view of the proposed outdoor dining area showing all fixtures and furnishings with all distances clearly marked for pedestrian paths and between seating;
  - ii) Proof of insurance to include coverage of the existing outdoor dining area and the area proposed for expansion; and
  - iii) A temporary license agreement, if located on public property.
  - iv) Documentation of any indoor heating equipment.

BE IT FURTHER RESOLVED, that all existing and expanded outdoor dining areas with or without enclosure structures on both public and private property are required to alter the design and layout of tables, chairs, fixtures and enclosure systems to meet social distancing guidelines in effect and contain the spread of COVID19 as follows:

1. Reconfigure the layout of the entire outdoor dining area, to the maximum extent practical, to provide a minimum 6' clear pedestrian walking path adjacent to the dining area;
2. Reconfigure tables and chairs to allow seating for patrons only in accordance with social distancing guidelines in effect;
3. Remove all previously approved chairs and other seating that does not meet social distancing guidelines;
4. Install temporary signage to encourage compliance with social distancing guidelines;
5. Provide a temporary hand sanitizing station adjacent to the outdoor dining area; and

6. Provide a temporary service station outdoors that includes a trash receptacle and disinfecting wipes or other supplies for the cleaning of tables and chairs between patrons and of high touch points in the outdoor dining area.

BE IT FURTHER RESOLVED, that the City of Birmingham will waive all application fees, permit fees, license and rental fees for the expanded portion of the outdoor dining area, any structures used to cover or enclose such outdoor dining areas permitted by this resolution, and any fees relating to the use of both on street and off street right-of-ways and City owned property.

BE IT FURTHER RESOLVED, Except as herein specifically provided, all ordinances of the City of Birmingham in effect at the time of the issuance of this resolution, and as they may be subsequently amended, shall remain in force. Failure to comply with all Federal and State laws and regulations and the ordinances of the City may result in enforcement action and/or termination of an existing Special Land Use Permit.

I, Alexandria Bingham, City Clerk Designee, of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on \_\_\_\_\_, 2020.

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Alexandria Bingham, City Clerk Designee

**Exhibit A**  
**Requirements for all Temporary Off-Season**  
**Outdoor Dining Tents and Structures**

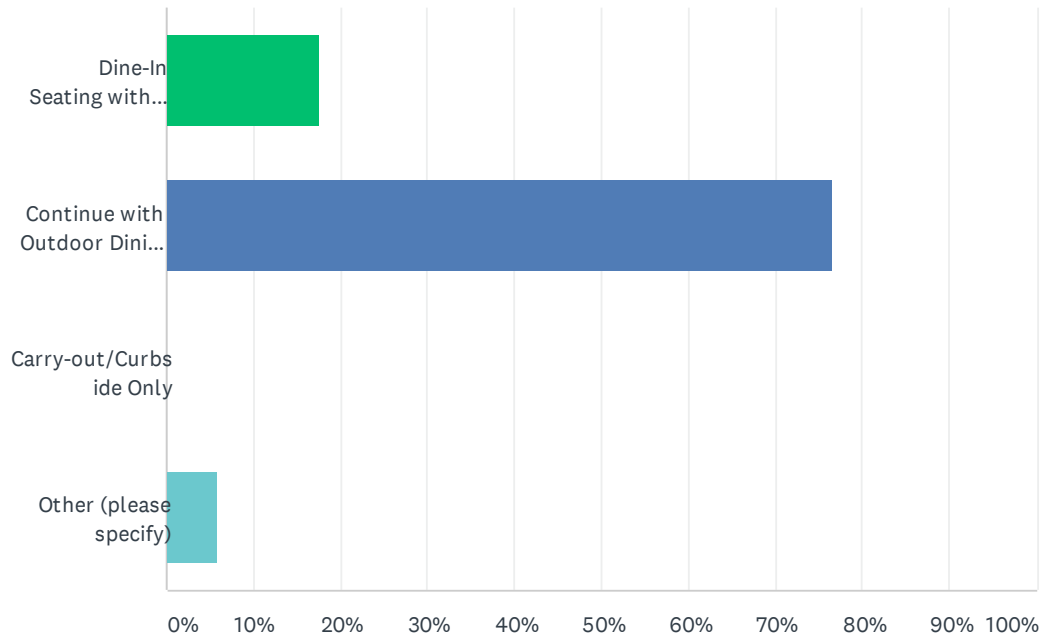
- Detailed plans and specifications shall be submitted for review and approval by the Fire and Community Development Departments.
- The tent/structure must be inspected and approved prior to use.
- All tents/structures must be flame resistant with certificate on site.
- Tents/structures must be properly anchored for the weather conditions, no stakes allowed.
- Aisles inside of tents/structures shall have a minimum width of 36 inches for up to 10 occupants and 44 inches for over 10 occupants.
- Clear Fire Department access must be maintained around all tents and temporary structures.
- Tents/structures may not obstruct fire hydrants or fire sprinkler connections on buildings.
- No smoking is permitted in any tent/structure. Signs are to be posted.
- No open flame or other devices emitting flame, or fire are permitted in any tents/structures. Cooking devices shall not be permitted within 20 feet of the tents/structures.
- All cords, hoses, etc. shall be matted to eliminate trip hazards.
- All exit openings shall be egress compliant.
  - ✓ Curtains shall be free sliding on a metal support not less than 80 inches above floor level. The curtain shall be arranged so when open, no part of the curtain obstructs the exit. Curtains shall be of color, or colors, that contrasts with the color of the tent/structure.
  - ✓ Doors shall swing in the direction of egress with an opening force not to exceed 15 pounds.
- Exits must be clearly marked within tents/structures.
- Two means of egress shall be provided for an occupant load of 10 to 199 people, with a minimum egress width of 72 inches for tents, 36 inches for membrane structures.
- Exits shall be spaced at approximately equal intervals around the perimeter of the structure.
- The means of egress shall be illuminated at all times.

- Heating equipment must be listed and approved for indoor use, and comply with the International Fire Code, International Fuel Gas Code, the International Mechanical Code, and shall be approved by the Fire Marshal and Mechanical Inspector. Documentation must be submitted for review and approval.
- Heating equipment shall not be located within 10 feet of exits and must be installed per the manufacturer's recommendations including clearance to combustibles.
- LP-Gas cannot be stored inside the tent/structure or adjacent buildings.
- Portable fire extinguishers with a minimum rating of 2A, 10BC shall be installed inside all tent/structures.
- Carbon Monoxide detectors shall be installed in all tents/structures.



## Q1 What are your plans for dining capacity after Oct. 31, 2020

Answered: 17 Skipped: 0

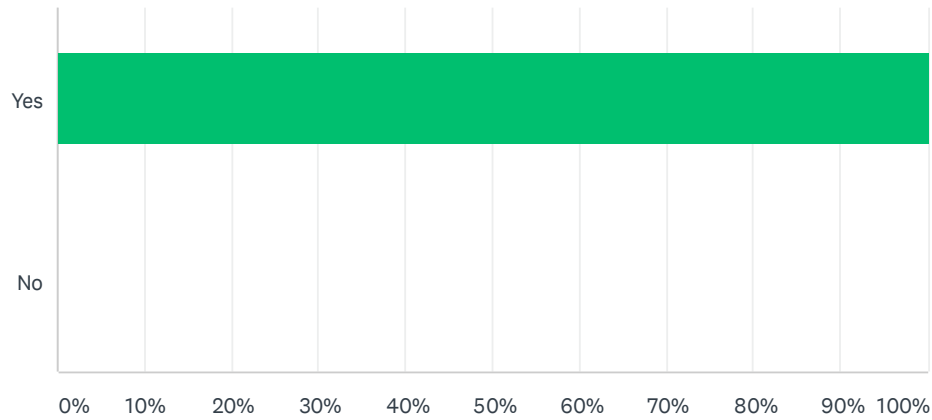


ANSWER CHOICES		RESPONSES	
Dine-In Seating with Capacity Limitations as dictated by the State of Michigan		17.65%	3
Continue with Outdoor Dining and Limited Indoor Dining Capacity, if permitted.		76.47%	13
Carry-out/Curbside Only		0.00%	0
Other (please specify)		5.88%	1
TOTAL			17

#	OTHER (PLEASE SPECIFY)	DATE
1	we would like to continue with being able to utilize outdoor space	8/12/2020 3:01 PM

## Q2 Will you provide carry-out/curbside service during the winter months?

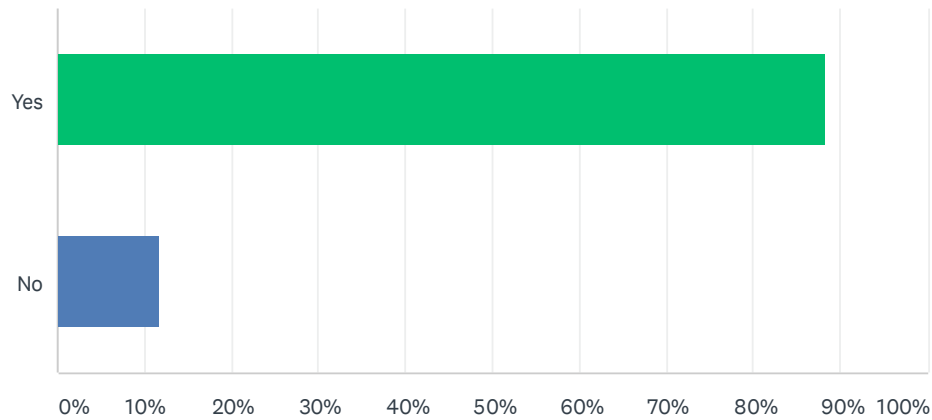
Answered: 17 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	100.00%	17
No	0.00%	0
TOTAL		17

### Q3 Would you be willing to continue with outdoor dining through the Fall/Winter if permitted to do so by the City?

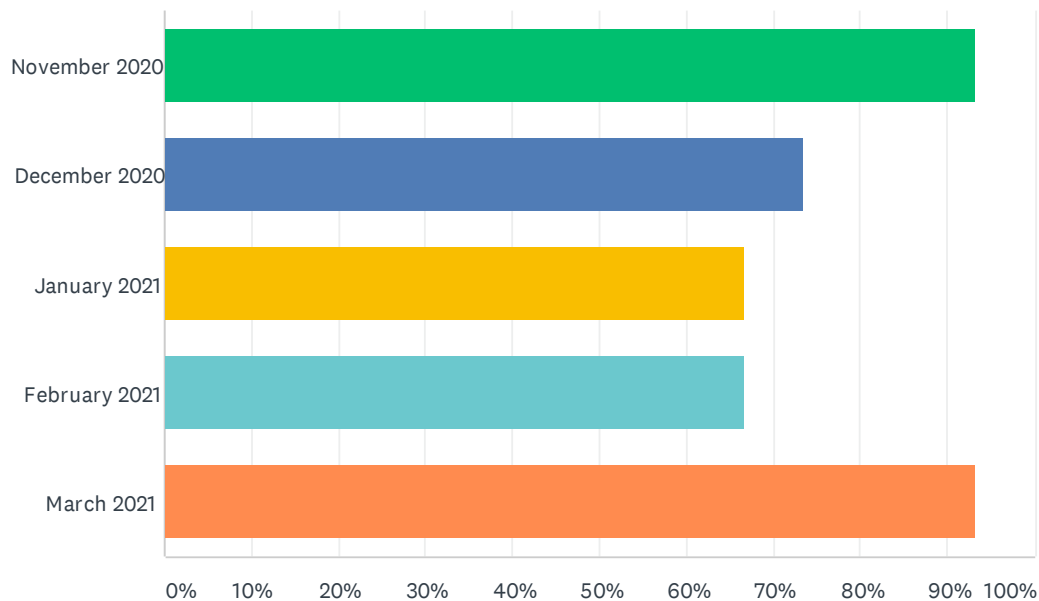
Answered: 17 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	88.24%	15
No	11.76%	2
TOTAL		17

Q4 If you answered yes to Q3, please indicate below each month that you would wish to continue with outdoor dining operations during the winter:

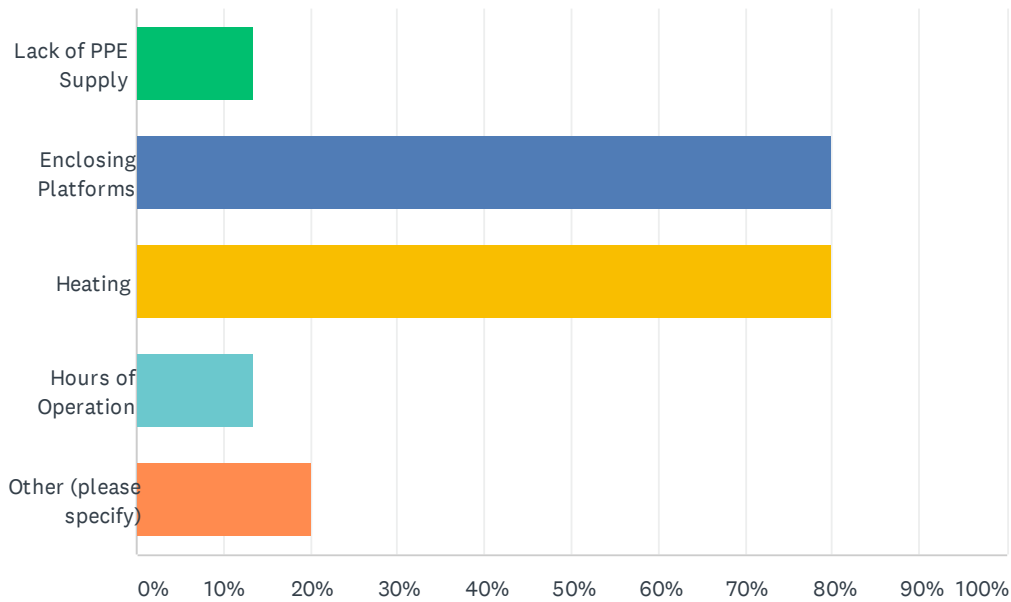
Answered: 15 Skipped: 2



ANSWER CHOICES	RESPONSES	
November 2020	93.33%	14
December 2020	73.33%	11
January 2021	66.67%	10
February 2021	66.67%	10
March 2021	93.33%	14
Total Respondents: 15		

## Q5 What constraints would you anticipate if winter outdoor dining was permitted? (Please select all the apply)

Answered: 15   Skipped: 2



ANSWER CHOICES	RESPONSES	
Lack of PPE Supply	13.33%	2
Enclosing Platforms	80.00%	12
Heating	80.00%	12
Hours of Operation	13.33%	2
Other (please specify)	20.00%	3
Total Respondents: 15		

#	OTHER (PLEASE SPECIFY)	DATE
1	My idea is to run a 10x10 tent +/- w sides from the building out to the parking spot if we can work it out.	8/15/2020 4:07 PM
2	Nothing	8/11/2020 7:06 PM
3	The cost of building/creating a heated space that is sustainable for business in the winter.	8/11/2020 4:22 PM



## Q6 Please share any thoughts you have on the existing outdoor dining experience you've had during the pandemic that you wish to share with the City.

Answered: 12   Skipped: 5

#	RESPONSES	DATE
1	Joe On behalf of my clients all have expressed an interest in doing as much as possible to maintain the outdoor dining through the winter given what is likely to be continued indoor seating restrictions. A few are already drafting plans for enclosures to the outdoor decks and seating areas if permitted.	8/17/2020 11:54 AM
2	Considering our handicaps, it's gone pretty well. I truly appreciate the fact that the City has been so easy to work with!	8/15/2020 4:07 PM
3	had it not for the expansion of the patio space we would not have been able to survive.	8/12/2020 3:01 PM
4	Amazing experience. Guests love the expanded patio.	8/11/2020 7:06 PM
5	Igloos!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!! But the city wont allow!!!!!!!!!!!!	8/11/2020 4:46 PM
6	This should not happen Bistros need to abide by the 65 person limit if your allowing this to continue . If there capacity is reduced inside by 59peecent Then they should be only be allowed to have the raking 30 seats outside. Enough is enough Bistros should not be allowed to set more people in the winter months than they were once approved for ! They should only be allowed to sit 60 people weather inside or outside!!	8/11/2020 4:30 PM
7	Additional space added for outdoor seating has been a huge help and guests are more comfortable seating outside. Without the extra added space, we would have really suffered.	8/11/2020 4:22 PM
8	We appreciated the cities accommodations during the past periods but eating out on a deck in winter I do not see justifying the expense or the comfort level.	8/11/2020 3:06 PM
9	I want to applaud the city for for allowing increased dining capacity. It has been vital for business survival during these difficult times.	8/11/2020 2:18 PM
10	Too strict on the rules. The City should be more flexible with seating. We had a couple tables on the sidewalk and we were threatened to have our SLUP removed if we didn't remove the tables. Tough times. It'd be nice to feel like the City supports it's businesses.	8/11/2020 2:02 PM
11	Clearly our customers feel more comfortable outside during Covid. We already have a inclosed heated patio on private property and have had many requests to keep it open during the cold months. Thank you, Luciano	8/11/2020 1:54 PM
12	I believe this is a great idea for the City and strongly support. If you are considering, we would need lead time to properly enclose Outdoor Patios. Great Job !	8/11/2020 1:46 PM



## MEMORANDUM

Office of the City Manager

**DATE:** August 24, 2020

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

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

**SUBJECT:** COVID 19 Economic Relief: Reduced Rate Parking Options – September 1, 2020 through December 31, 2020

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### Introduction:

In March 2020, due to the State of Michigan's shelter in place order, the City of Birmingham extended free parking to both transient and commuter (permit parkers) through September 1, 2020.

The financial of free transient parking in the garages, when compared to last year was, on average \$185,000 per month from April 1 – July 1 (4 Months) for a total impact of \$740,000.

The financial impact for free monthly permits is \$224,000 per month. From April 1 – September 1 (6 Months), total revenue loss was of \$1,344,000. The combined impact of lost revenue for both transient and monthly permit parking has been \$2,084,000 as of August 1.

The parking fund balance, as of June 2020, totaled \$20,383,867. The City has not charged for monthly or transient parking in the garages since April 1, 2020 and has endeavored to do complete several critical infrastructure projects during this period of low occupancy that were totaled approximately \$1.2 million. The current parking fund balance, as of August 2020, is \$18,938,287.

The impact to the parking fund reserve, to date, is a total \$1,445,580.

Revenue operations and occupancy for on-street parking have returned to approximately 70% of their normal levels.

Parking in the garages remain free through September 1, while occupancy in the garages has been hovering between 35%-40%. Chester garage hosts the lowest levels of occupancy at approximately 10%, while Pierce Street garage consistently has the highest level of occupancy of all of the garages at approximately 50% daily occupancy during the week.

The Advisory Parking Committee met on August 19 and recommended further relief be provided through December 31 for parking in downtown Birmingham that would allow free parking to continue in the garages. The committee further recommended that monthly permit holders be required to pay a one-time fee of \$100 by November 30, 2020 in order to retain their status as

a monthly parker into the new year. Non-payment of this one-time fee would result in forfeiture of the parking pass. The one-time payment, if paid by all current monthly pass holders, would generate \$383,700 in revenue.

#### Background:

The APC was presented with options for consideration to address the concern that free parking initiatives were set to expire on September 1. They essentially selected option one with the addition of the one-time payment requirement for monthly pass holders.

Inquiries from monthly parkers have been increasing as to whether the City will offer any additional economic relief initiatives as many will not be returning to their offices before the end of the year. Staff has been discussing potential options for providing support to the permit holders and ensuring that we continue to encourage visitors to the downtown.

The options presented to the committee included:

#### **Option 1: Continue with Free Parking in the Garages through December 31, 2020**

This would have been a simple continuation of the existing relief program without changes. The City would continue to forego \$224,000 per month in monthly pass revenue and \$185,000 in transient parking revenue (\$409,000 per month). Permit holders would continue to hold their permits through the end of the year. Total impact in projected revenue lost over last year would be \$1,636,000. (This section was corrected after the APC meeting to include transient parking revenue loss in the calculation.)

#### **Option 2: Free Parking in the Garages from Friday – Sunday / ½ Price Discount for Permit Holders**

This alternative would be an adjustment to the existing relief program. The gates in the garages would be operable from Monday – Thursday where transient parkers would be required to pay for parking (first two hours would remain free). It is unclear what the demand for parking would be and therefore, we can not provide an revenue estimate for transient parking at this time other than that it would be greater than \$0.

Monthly permit parkers would then be charged \$35 to retain their permits from now through the end of the year. Total impact in revenue lost over last year would be \$448,000. It is expected that there will be those that choose to relinquish their permits, even given this severely discounted rate. Staff could potentially recover revenue through calls to individuals on the waitlist.

#### **Option 3: Return to normal revenue operations. No further discounts or relief due to COVID.**

This option is self-explanatory. Staff does not suggest this is the best course of action given the existing circumstances due to the pandemic.

Staff levels have remained at a minimum in the garages to keep operational costs at a minimum while not collecting revenue. We continue to monitor these levels to ensure an appropriate level of customer service and responsiveness to issues as they arise. The attached worksheet provides line item level detail on parking financials. The parking staff operations budget has been reduced by more than half due to the lessened need for administrative staff to support revenue operations and associated maintenance/oversight with technology at the gates. Costs have decreased from approximately \$130,000 per month to \$60,000

#### Financial Impact:

The financial impact of each of these options have been presented with a comparison to last year. It is important to note that occupancy levels in the garages is substantially lower than last year. The highest level of occupancy in any garage is at 50%, where last year, it was rare for occupancy levels to dip below 85% in an garage. As such, the true financial impact, using observations at current occupancy levels system wide is at 30%, on average.

Revenue loss when compared to last year would total \$409,000 per month for a total of 4 months would total \$1,636,000.

Revenue loss when applied to observed occupancy levels in the five garages since the beginning of the shutdown remains steady at roughly 30% system wide, would represent a more accurate loss of revenue at approximately \$490,800.

It is difficult to predict revenue loss is in this environment. Occupancy levels may increase or decrease with news concerning the pandemic. The preceding figures are projections that are subject to change. The purpose of providing comparisons to last year is to provide worst case scenarios with respect to potential losses.

The parking fund balance, as of June 2020, totaled \$20,383,867. The current parking fund balance, as of August 2020, is \$18,938,287. The impact to the parking fund reserve, to date, is a total \$1,445,580.

#### **Suggested Resolution:**

To authorize continued free parking continue in the five municipal garages from September 1, 2020 through December 31, 2020,

-AND

Require monthly parking permit holders to pay a one-time fee of \$100 by November 30, 2020 in order to retain their status as a monthly parker into the new year.

## Birmingham Financials-Projected

	January 2020 Actuals	February 2020 Actuals	March 2020 Actuals	April 2020 Actuals	May 2020 Actuals	June 2020 Actuals	July 2020 Actuals	August 2020 Projected	September 2020 Projected	October 2020 Projected	November 2020 Projected	December 2020 Projected
Revenues - Monthly parking	\$167,439.00	\$227,533.50	\$221,582.37	\$65,062.00	\$46,616.00	\$2,870.00	\$4,035.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Revenues - Transient Parking	\$207,602.01	\$176,084.01	\$114,447.99	\$1,536.00	\$0.00	\$0.00	\$19,420.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Revenues - Card Fees	\$420.00	\$577.50	\$165.00	\$15.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Revenue - Lot #6	\$1,385.00	\$11,930.00	\$6,820.00	\$0.00	\$0.00	\$200.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total Income</b>	<b>\$376,846.01</b>	<b>\$416,125.01</b>	<b>\$393,015.36</b>	<b>\$66,613.00</b>	<b>\$46,616.00</b>	<b>\$3,070.00</b>	<b>\$23,455.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

Salaries and Wages	\$60,238.37	\$65,742.69	\$82,610.76	\$12,504.63	\$8,011.27	\$11,627.72	\$21,501.77	\$16,080.08	\$15,817.23	\$17,689.76	\$21,278.37	\$14,941.78
Payroll Taxes	\$7,330.01	\$7,364.57	\$6,114.82	\$2,938.69	\$1,174.51	\$1,053.24	\$2,002.17	\$1,507.05	\$1,477.19	\$1,653.88	\$1,994.33	\$1,391.06
Workmen's Comp Insurance	\$3,195.27	\$3,423.55	\$3,158.75	\$1,570.55	\$666.35	\$614.50	\$1,124.89	\$782.26	\$769.53	\$858.86	\$1,033.78	\$727.94
Group Insurance	\$19,732.04	\$21,391.74	\$24,171.52	\$21,758.14	\$16,404.13	\$7,754.84	\$9,673.75	\$9,673.75	\$9,673.75	\$9,673.75	\$9,673.75	\$9,673.75
Uniforms	\$0.00	\$0.00	\$33.14	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$500.00	\$0.00	\$0.00	\$0.00
Insurance	\$10,192.72	\$10,528.22	\$12,482.92	\$10,192.72	\$10,112.72	\$10,112.72	\$10,152.72	\$10,112.72	\$10,112.72	\$10,112.72	\$10,112.72	\$10,112.72
Utilities	\$985.52	\$1,059.36	\$1,134.59	\$864.14	\$870.11	\$891.05	\$902.39	\$1,134.59	\$1,134.59	\$1,134.59	\$1,134.59	\$1,134.59
Maintenance/Supplies	\$2,038.55	\$1,857.11	\$361.63	\$379.91	\$938.95	\$1,749.96	\$3,496.08	\$700.00	\$700.00	\$700.00	\$700.00	\$700.00
Parking Tags/Tickets	\$421.21	\$623.90	\$181.09	\$181.09	\$303.59	\$181.09	\$181.09	\$181.09	\$181.09	\$181.09	\$181.09	\$181.09
Professional Services	\$4,573.90	\$4,553.97	\$4,553.97	\$4,628.04	\$4,553.97	\$4,553.97	\$4,553.97	\$4,553.97	\$4,553.97	\$4,553.97	\$4,553.97	\$4,553.97
Office Supplies	\$640.83	\$80.83	\$678.12	\$0.00	\$633.98	\$1,782.43	\$61.07	\$300.00	\$300.00	\$300.00	\$300.00	\$300.00
Operating Cost - Vehicles	\$381.87	\$404.49	\$444.85	\$349.25	\$333.34	\$333.34	\$462.31	\$400.00	\$400.00	\$400.00	\$400.00	\$400.00
Pass Cards	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Employee Appreciation	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$300.00
Credit Card Fees	\$13,128.96	\$11,713.61	\$10,159.85	\$7,199.28	\$407.85	\$365.54	\$30.52	\$30.00	\$30.00	\$30.00	\$30.00	\$30.00
Bank Service Charges	\$68.09	\$65.79	\$65.34	\$67.77	\$61.25	\$61.25	\$61.53	\$61.25	\$61.25	\$61.25	\$61.25	\$61.25
Remote Management Services	\$7,265.00	\$7,265.00	\$7,265.00	\$7,265.00	\$7,265.00	\$7,265.00	\$7,265.00	\$7,265.00	\$7,265.00	\$7,265.00	\$7,265.00	\$7,265.00
Contingent Expenses	\$93.55	\$177.09	\$383.50	\$23.36	\$105.20	\$60.24	\$39.33	\$3,200.00	\$3,200.00	\$3,200.00	\$3,200.00	\$3,200.00
Management Incentive Fee	\$0.00	\$0.00	\$5,812.50	\$0.00	\$0.00	\$5,812.50	\$0.00	\$0.00	\$5,812.50	\$0.00	\$0.00	\$5,812.50
Fixed Management Fee	\$1,937.50	\$1,937.50	\$1,937.50	\$1,937.50	\$1,937.50	\$1,937.50	\$1,995.60	\$1,995.60	\$1,995.60	\$1,995.60	\$1,995.60	\$1,995.60
<b>Total Operating Expenses</b>	<b>\$132,223.39</b>	<b>\$138,189.42</b>	<b>\$161,549.85</b>	<b>\$71,860.07</b>	<b>\$53,779.72</b>	<b>\$56,156.89</b>	<b>\$63,504.19</b>	<b>\$57,977.36</b>	<b>\$63,984.41</b>	<b>\$59,810.46</b>	<b>\$63,914.44</b>	<b>\$62,781.24</b>
<b>Profit/-Loss</b>	<b>\$244,622.62</b>	<b>\$277,935.59</b>	<b>\$231,465.51</b>	<b>-\$5,247.07</b>	<b>-\$7,163.72</b>	<b>-\$53,086.89</b>	<b>-\$40,049.19</b>	<b>-\$57,977.36</b>	<b>-\$63,984.41</b>	<b>-\$59,810.46</b>	<b>-\$63,914.44</b>	<b>-\$62,781.24</b>

	January	February	March	April	May	June	July	August	September	October	November	December
2019 Revenue	\$446,374.00	\$431,891.01	\$558,863.00	\$506,109.00	\$549,901.08	\$516,378.00	\$469,002.60	\$514,280.00	\$494,312.05	\$482,348.26	\$463,866.00	\$570,611.00
2019 Operating Expenses	\$140,643.86	\$125,129.16	\$132,469.79	\$142,472.87	\$173,887.92	\$140,326.29	\$134,734.27	\$133,290.87	\$202,565.49	\$146,395.31	\$157,376.59	\$140,610.94
2019 Profit/-Loss	\$305,730.14	\$306,761.85	\$426,393.21	\$363,636.13	\$376,013.16	\$376,051.71	\$334,268.33	\$380,989.13	\$291,746.56	\$338,952.95	\$306,489.41	\$430,000.06
Revenue Variance to LY	-\$69,527.99	-\$15,766.00	-\$165,847.64	-\$439,496.00	-\$503,285.08	-\$513,308.00	-\$445,547.60	-\$514,280.00	-\$494,312.05	-\$482,348.26	-\$463,866.00	-\$570,611.00
Operating Expenses Variance to LY	-\$8,420.47	\$13,060.26	\$29,080.06	-\$70,612.80	-\$120,108.20	-\$84,169.40	-\$71,230.08	-\$75,313.51	-\$138,581.08	-\$86,584.85	-\$93,462.15	-\$77,829.70
Profit/-Loss Variance to LY	-\$61,107.52	-\$28,826.26	-\$194,927.70	-\$368,883.20	-\$383,176.88	-\$429,138.60	-\$374,317.52	-\$438,966.49	-\$355,730.97	-\$398,763.41	-\$370,403.85	-\$492,781.30



## MEMORANDUM

Office of the City Manager

**DATE:** August 19, 2020

**TO:** Advisory Parking Committee

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

**SUBJECT:** Reduced Rate Parking Options – September 2020 through December 2020

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In March 2020, due to the State of Michigan's shelter in place order, the City of Birmingham extended free parking to both transient and commuter (permit parkers) through September 1, 2020.

The financial, when compared to last year was, on average \$185,000 per month from April 1 – July 1 (4 Months) for a total impact of \$740,000 when compared to last year. The financial impact for free monthly permits is \$224,000. From April 1 – September 1 (6 Months) for a total impact of \$1,344,000 when compared to last year. The combined impact of lost revenue compared to last year was \$2,084,000.

The parking fund balance, as of June 2020, totaled \$20,383,867. The City has not charged for monthly or transient parking in the garages since April 1, 2020 and has endeavored to do complete several critical infrastructure projects during this period of low occupancy that were totaled approximately \$1.2 million. The current parking fund balance, as of August 2020, is \$18,938,287.

The impact to the parking fund reserve is a total \$1,445,580.

Revenue operations and occupancy for on-street parking have returned to their normal levels. Parking in the garages remain free through September 1, while occupancy in the garages has been hovering between 35%-40%.

Inquiries have been on-going as to whether the City will offer any additional economic relief initiatives as many will not be returning to their offices before the end of the year. Staff has been discussing potential options for providing support to the permit holders and ensuring that we continue to encourage visitors to the downtown.

### **Option 1: Continue with Free Parking in the Garages through December 31, 2020**

This would be a continuation of the existing relief program. The City would continue to forego \$224,000 per month in revenue. Permit holders would continue to hold their permits through the end of the year. Total impact in revenue lost over last year would be an additional \$896,000.



## **Option 2: Free Parking in the Garages from Friday – Sunday / ½ Price Discount for Permit Holders**

This alternative would be an adjustment to the existing relief program. The gates in the garages would be operable from Monday – Thursday where transient parkers would be required to pay for parking (first two hours would remain free). It is unclear what the demand for parking would be and therefore, we can not provide an revenue estimate for transient parking at this time other than that it would be greater than \$0.

Monthly permit parkers would then be charged \$35 to retain their permits from now through the end of the year. Total impact in revenue lost over last year would be \$448,000. It is expected that there will be those that choose to relinquish their permits as a result of this severely discounted rate. (Remember, those without permits during normal revenue operations pay close to \$220 per month). Staff feels fairly confident that this revenue can be replaced through calls to individuals on the waitlist.

## **Option 3: Return to normal revenue operations. No further discounts or relief due to COVID.**

This option is self-explanatory. Staff does not suggest this is the best course of action given the existing circumstances.

Staff levels have remained at a minimum in the garages to keep operational costs at a minimum while not collecting revenue. We continue to monitor these levels to ensure an appropriate level of customer service and responsiveness to issues as they arise. The attached worksheet provides line item level detail on parking financials. You'll see an uptick in salary and wage expenses as we increase the need for more administrative staff to support revenue operations and associated maintenance/oversight with technology at the gates.

## **Suggested Recommendation:**

To recommend to the City Commission that free parking continue in the garages from Friday – Sunday, while returning to normal revenue operations for transient parkers from Monday – Thursday and allowing permit holders to retain their permits for a fee of \$35 per month.

**DATE:** August 21, 2020

**TO:** City Commission

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

**SUBJECT:** City Commission Discussion Items

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At the City Commission workshop on August 17, 2020, the Commission received a presentation from professional parliamentarian Eleanor "Coco" Siewert. During this presentation and discussion, the Commission questioned the appropriate process for adding future items for discussion on the agenda. Ms. Siewert explained, the correct process would be to add a section on the agenda under New Business to have topics offered for discussion at a future meeting. A motion would be made to add the topic to a future meeting to allow the Commission to formally discuss it and provide any needed direction to the city administration. If approved, an agenda item would be added on that topic to a subsequent meeting agenda for consideration by the Commission.

This process appeared to have preliminary support by the Commission given the process of making motions during the Commissioner Comments portion of the agenda was not supported by Ms. Siewert as an appropriate action. While several parliamentary suggestions were provided by Ms. Siewert as outlined in the minutes of this meeting, the change to the agenda would be best effectuated by a motion of the City Commission, if there is support for this change.

A draft resolution has been provided for your consideration in this regard.

**SUGGESTED RESOLUTION:**

To add an item under the last item of New Business entitled "Commission Items for Future Discussion" for the Commission to raise topics for future discussion, if passed by a motion of the Commission.

**BIRMINGHAM CITY COMMISSION  
VIRTUAL SPECIAL PARLIAMENTARY PROCEDURE WORKSHOP  
MONDAY, AUGUST 17, 2020  
7:30 P.M.**

**WORKSHOP SESSION**

**This was considered a workshop session of the City Commission. No formal actions were taken. The purpose of this workshop was to participate in a discussion in parliamentary procedures with a registered parliamentarian.**

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

Pierre Boutros, Mayor, called the workshop session to order at 7:30 p.m. with the Pledge of Allegiance.

**II. ROLL CALL**

Alexandria Bingham, City Clerk Designee, called the roll.

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

ABSENT: None

Administration: City Manager Valentine, City Attorney Currier, IT Assistant Alawadi,  
City Clerk Designee Bingham

**III. PUBLIC COMMENT**

- Brad Coulter, resident, attended the meeting to understand the process of forming the Commission agenda.

**IV. PRESENTATION**

Parliamentary Procedure Presentation by Ms. Eleanor Coco Siewert, Professional Registered Parliamentarian, Parliamentarian of the Michigan Municipal League, and educator of municipal leaders on parliamentarian procedures. She served as Mayor, City Commissioner, Library Board Member, and other community boards and committees for the City of Birmingham.

- Funnel of Laws applicable to all boards, committees, and sub-committees
- Why Parliamentary Procedure
- Objectives of Parliamentary Law
- Rules of Debate
- Amendments Pertaining to Motions

- Postponing Action
- Reconsider Action
- Rescind Action<sup>1</sup>
- Tips for Better Meetings
  - Under New Business and after new business has been conducted, a Commissioner could make a motion to put an item on an upcoming agenda opening discussion as to priority, and factors relative to available resources.

### **Parliamentary Procedure Workshop Q&A:**

Commissioner Baller asked, relative to unanimous consent and objecting, in the absence of a motion, how and who expresses the item that the Commission is considering for consent.

- Ms. Siewert explained that when a suggestion is made, the person making the suggestion has expressed it and the use of unanimous consent is appropriate to direct staff. However, she recommended the practice of using motions to insure the clarity of direction.

Mayor Boutros asked if the motion is already written in the agenda is it necessary to restate the motion.

- Ms. Siewert advised that as long as everyone, including those at home, can see the motion on a screen, it is not necessary to restate the motion. If the motion is made during the meeting and not printed, it should be restated three times.

Commissioner Baller commented that due to the way that meetings are held today, there will always be someone that does not have an agenda visible. Therefore, it would make sense that the prepared motions are read.

Commissioner Hoff pointed out the significance of restating motions due to the amount of discussion typically surrounding a motion.

Commissioner Sherman agreed with Ms. Siewert on her recommendation to use New Business as a tool to introduce items that Commissioners would like to see on upcoming agendas.

Commissioner Hoff agreed that New Business is the appropriate tool to introduce new items for consideration on an upcoming agenda. She asked about reading and approval of the minutes, is a motion required.

- Ms. Siewert affirmed that a motion is required for approval of the minutes and adjourning a meeting. She added that minutes should reflect what was done and not what was said, including public comment as referenced in the Open Meetings Act and Roberts Rules of Order.

Commissioner Host asked how the rules of order for Commissioners and rules of order for the public relative to First Amendment Rights differ.

- Ms. Siewert pointed out that there is a common courtesy expected among colleagues; conversely, the public's behavior is unpredictable.

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<sup>1</sup> Note: Ms. Siewert expressed that while the Open Meetings Act requires that meetings are posted, it does not require posting the agenda. Therefore, an issue that has not been on the agenda may be discussed, but action cannot be taken.

Commissioner Baller pointed out that the Constitution of the United States trumps any procedure. Commissioner Hoff asked for clarity in the Rules for Debate and if the Birmingham City Commission is doing it correctly.

- Ms. Siewert advised that habitually making more motions and operating according to rules, arrival at a decision would happen sooner.

Commissioner Hoff suggested that Commissioner Comments should be limited to two minutes.

- Ms. Siewert advised that Commissioners should limit themselves and use a countdown timer. She went on to say that a 2/3 vote is required to adopt the limits.

Commissioner Nickita asked for clarity on the idea of adding items to New Business, is it only to decide if it is a valid item for discussion in the future.

- Ms. Siewert clarified that the motion is to put the item on the next agenda **only**. Discussions and proposals for action would take place at the meeting where the item is on the agenda.

Commissioner Nickita asked what would be the appropriate type of things to bring to Commissioner Comments.

- Ms. Siewert conveyed that it is for the good of the order. It varies from municipalities across the State. Some have made a rule that there would be no response to Commissioner Comments; such as done with Public Comment. This is not the space for debate. Typically, it is a short opportunity for a Commissioner to speak directly with no response.

Mayor Pro-Tem Longe asked what is appropriate to report in Commissioner Reports.

- Ms. Siewert advised that some use the Top Three Take Aways rule, which is included in the rules. Reports from Commissioners on their other committees are printed in the agenda and only mentioned if action is required. The Commission must decide.

### **Public Comment**

- David Bloom, resident, thanked Ms. Siewert for her time. He commented on the City having a rich history of documenting what has happened in meetings. He expressed that it is important that he and other residents are able to go back through meeting minutes to see what Commissioners have said in the past. While it is not required it is invaluable to residents. He further asked for clarity on how motions could be rescinded and when is it appropriate to provide direction to the City Manager.
  - Ms. Siewert affirmed that minutes should be a reflection of what was done and not what was said. Direction to the City Manager is appropriate during New Business and not appropriate during Commissioner Comment. In response to rescinding a past motion attention to the funnel of laws is essential and it depends on the situation.
- Mr. Coulter, resident, reiterated his initial question.
  - Ms. Siewert explained that it should be done through New Business, and referred to the Mayor, City Manager, or City Clerk to speak on how it is currently done.
  - City Manager Valentine explained that the process of establishing an agenda is driven by the actions of the boards that support the City Commission. The

initiatives come through staff and the administration to be placed on the agenda. Additionally there are items that come from the Commission directly and emergencies that happen between meetings.

- Mayor Boutros asked, relative to rules of procedures, is it mandated to conclude the meetings by 11:00 p.m.
  - Ms. Siewert clarified that there are things in the rules of procedure that are mandates, suggestions, and goals. Having an end time is a goal for Birmingham.
- Commissioner Baller expressed concern that no action was taken at this workshop.

<b>V. ADJOURN</b>
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Mayor Boutros adjourned the meeting at 9:22 p.m.





## **NOTICE OF INTENTION TO APPOINT TO DESIGN REVIEW BOARD**

At the regular meeting of Monday, September 14, 2020 the Birmingham City Commission intends to appoint two regular members to the Design Review Board to serve three-year terms to expire September 25, 2023, and two alternate members to serve three-year terms to expire September 25, 2022.

Interested parties may submit an application available from the City Clerk's office on or before noon on Wednesday, September 9, 2020. Applications will appear in the public agenda at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

The function and duty of the Design Review Board is to advise the City Commission in regards to the proper development of the City. The Design Review Board is specifically charged with carrying out the goals, objectives and intent of the City's adopted master plan and urban design plan and other development-oriented plans which may subsequently be adopted. The Design Review Board is authorized to advise and cooperate with the City Commission, City Planning Board, Historic District Commission and other City advisory boards and cooperate with the planning, historic district and legislative bodies of other governmental units in any area outside the boundaries of the City.

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
<ul style="list-style-type: none"><li>Members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions. Members shall be residents.</li></ul>	9/9/2020	9/14/2020

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



## **NOTICE OF INTENTION TO APPOINT TO HISTORIC DISTRICT COMMISSION**

At the regular meeting of Monday, September 14, 2020 the Birmingham City Commission intends to appoint two regular members to the Historic District Commission to serve three-year terms to expire September 25, 2023 and two alternate member to serve the remainder of a three year term expiring September 25, 2022.

Interested parties may submit an application available from the City Clerk's Office on or before noon on Wednesday, September 9, 2020. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

The function and duty of the Historic District Commission is to advise the City Commission with respect to the proper development of the City with primary emphasis upon the City's established historic districts, sites, properties and historic resources. The Commission is also authorized to recommend for the guidance of the City Commission amendments to the City Code relating to the control and development of lands within historic districts.

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
<ul style="list-style-type: none"><li>• A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation.</li><li>• Must be a resident</li></ul>	09/9/2020	09/14/2020

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



## **NOTICE OF INTENTION TO APPOINT TO THE PARKS & RECREATION BOARD**

At the regular meeting of Monday, September 14, 2020, the Birmingham City Commission intends to appoint one regular member to the Parks and Recreation Board to serve the remainder of a three-year term to expire March 13, 2021.

Interested citizens may submit an application available at the City Clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk's office on or before noon on Wednesday, September 9, 2020. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

### Responsibilities

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

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

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
Members must be electors (registered voters) of the City of Birmingham.	9/9/2020	9/14/2020

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



## NOTICE OF INTENTION TO APPOINT TO THE MUSEUM BOARD

At the regular meeting of Monday, September 14, 2020 the Birmingham City Commission intends to appoint one alternate member to the Museum Board to serve 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, September 9, 2020. 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.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Shall be qualified electors of the City.	9/9/2020	9/14/2020

*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.*

# MEMORANDUM

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**DATE:** August 20, 2020  
**TO:** Joseph A. Valentine  
**FROM:** Mary M. Kucharek  
**SUBJECT:** Birmingham City Attorney Agreement for Professional Legal Services

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## INTRODUCTION:

- Inquiry has been made regarding the agreement that exists between the law firm of Beier Howlett, P.C., and the City of Birmingham.

## BACKGROUND:

- Our relationship began back in 1950 when Dean Beier was elected to the Birmingham City Commission. He served from 1950-1956 as a Commissioner, and Mayor from 1951-1953. Mr. Beier spoke with Mr. Timothy J. Currier prior to his death. Mr. Beier explained he was asked if the firm of Howlett, Hartmann and Beier would be interested in serving as legal counsel for the City of Birmingham. In this regard, Mr. Beier indicated that the firm would, but he would not serve as the City Attorney for the initial term since he was a Commissioner, however, his partner, Mr. James Howlett Sr. would act in that capacity. Mr. Beier left the Commission in 1956 prior to the appointment by the City Commission of the firm of Howlett, Hartmann and Beier as the City Attorneys for the City of Birmingham. The Charter at that time was different than it is today. This appointment occurred September 4, 1956. Mr. Beier then assumed the role of City Attorney in approximately 1960. At the same time the inquiry was made of Howlett, Hartmann and Beier (before the name was changed to Beier Howlett), the former City Attorney, Forbes S. Hascall, who also served as the Justice of Peace for 23 years, retired and thus the reason for a change in counsel at that time.

Please see the attached Minutes from September 4, 1956 which established the relationship with Howlett, Hartmann and Beier. Also, please see the July 24, 1980 letter which confirmed the appointment of the firm for legal representation to the City.

- On behalf of the firm, Ms. Pamela Shea then served as City Attorney until 1992. In 1992 Mr. Timothy J. Currier assumed the duties of City Attorney and with many of the attorneys of Beier Howlett have honorably served the City since.
- The agreement between Beier Howlett and the City of Birmingham has always been understood to be an at will professional services agreement, with the firm serving at the pleasure of the City Manager, as provided in the Charter. As the current City Manager and previous City Managers were advised, if at any time the scope of our services or the particulars of our services needed to be reviewed and adjusted, the law office of Beier

Howlett has always been available to accommodate the best interests of the City of Birmingham. After extensive and exhaustive research, we can gleam that a professional service arrangement was entered in 1956. We have been operating under this agreement since the 1950's.

#### LEGAL REVIEW:

- The Home Rule City Act does not require the City Attorney to have a written contract with the City. The only required contract is for the chief administrative officer provided at MCL §117.3(d), which reads as follows:

"(d) The qualifications, duties, and compensation of the city's officers. If the city has an appointed chief administrative officer, the legislative body of the city may enter into an employment contract with the chief administrative officer extending beyond the terms of the members of the legislative body unless the employment contract is prohibited by the city charter. An employment contract with a chief administrative officer shall be in writing and shall specify the compensation to be paid to the chief administrative officer, any procedure for changing the compensation, any fringe benefits, and other conditions of employment. The contract shall state if the chief administrative officer serves at the pleasure of the legislative body, and the contract may provide for severance pay or other benefits in the event the chief administrative officer's employment is terminated at the pleasure of the legislative body."

In fact, it is a very common practice for professional services to be engaged through an engagement letter which memorializes the understanding between the parties and the scope of services. This is true of many of the different professional services including legal, auditing, and engineering firms.

- The current City charter, which was amended and enacted in 1969, sets forth appointments of staff, including the City Attorney at Chapter III. Plan of Government, Sec. 9, which reads as follows:

"The commission shall, whenever a vacancy occurs, appoint a clerk and a health officer, and it shall appoint the board of review as hereinafter provided. The manager may, with the advice and consent of the commission, appoint an assessor, a treasurer, a city attorney, an engineer, a chief of police, a chief of fire department, and any other officers for whose appointment provision shall be made in this Charter, and provide for their powers and duties. Unless otherwise provided in this Charter or by statute, all appointees of the commission shall hold office during the pleasure of the commission and all other appointed officers shall hold office during the pleasure of the manager. One person may be appointed to two or more offices except that of the office of clerk and treasurer shall not be filled by the same person."

- In Michigan, a contract can be express and/or implied as an agreement between the parties. The parties can declare the terms of an express contract either orally or in writing, and this writing may be expressed in an engagement letter for professional services. The parties' words form the agreement through an engagement document. When parties form an agreement by conduct, as opposed to by words, the agreement is an 'implied-in-fact'



contract. An implied-in-fact contract arises from circumstantial proof of an agreement, including a meeting of the minds and an intent to contract. Our employment arrangement has existed from 1956 through today, and our past performance is proof of the agreement between Beier Howlett and the City of Birmingham. This is also demonstrated by the fact that each and every year our fees are reviewed the by the City Manager, Finance Director and approved by the City Commission as part of the budget process hearing. Beier Howlett submits a legal review letter yearly, and for 29 years did not request an increase in the hourly rate.

- A further demonstration of our agreement, is the understanding of the handling of legal services. It is has always been understood by the City Manager and department heads, which lawyer from Beier Howlett is assigned to perform the particular services needed by the City. Therefore, the terms and conditions of our employment are well understood and have been decided and approved by the City Manager each year.

#### FISCAL IMPACT:

- The fees for services are understood and approved yearly at an open Commission meeting. Currently, the retainer for the City of Birmingham is \$18,000 per month which includes unlimited consultations, attendance at all meetings, consultation with department heads, availability for questions, the writing and drafting of ordinances, the writing of opinion letters and so on. We have always operated under a retainer agreement. The average amount of hours expended in a month under the retainer, range from approximately 100-160 hours, with the average of approximately 114 hours, which equates to \$157 per hour. This is only the average, and many months are in excess of this average. All other matters such as litigation and prosecutions are handled at an hourly rate of \$165 per hour, which is basically in the lower half of the mid-section of municipal legal fees according to the 2017 Michigan State Bar survey of legal fees for municipalities in the State of Michigan.

#### SUMMARY:

- The law offices of Beier Howlett and the City of Birmingham have been engaged in professional legal services based upon an engagement agreement which began in 1956. The agreement has been in full force and effect based upon and evidenced by our past performance and the City's words and deeds, and continued services to the City.
- The firm's representation of the City of Birmingham involved several major litigation matters including, but not limited to: *Pure Waters, Inc. v City of Birmingham*, in the US. District Court regarding the successful defense of the City's NPDS permits; *Kulak v City of Birmingham*, which was in the U.S. District Court and the 6th Circuit Court; *Harbor Telegraph-2103, LLC v City of Birmingham*, which was litigation involving the 425 Agreement and *Bloomfield Estates Improvement Association v City of Birmingham*. More recently, we have represented the City with respect to *Ara Darakjian v City of Birmingham*; *Schneider v City of Birmingham*, and *Rizik v City of Birmingham*. *Darakjian* and *Schneider*

resulted in an award of attorneys' fees to the City of Birmingham in the amount of \$51,000. Our litigation services have resulted in excellent representation to the City.

- After a review of both the City's records and those of Beier Howlett going back to 1956 the attached documents were discovered, which demonstrates that there was an engagement agreement entered into which remains in full force and effect to this date. In consideration of this, we have attached a current engagement letter. As best practice dictates, after all these years, another engagement letter ought be received and filed by the City Manager.

#### ATTACHMENTS:

- Resolution and Minutes from July 30, 1956 indicating the former City Attorney, Mr. Hascall services would be terminated.
- Minutes from September 4, 1956 which established the relationship with Howlett, Hartman and Beier.
- July 24, 1980 letter confirming the appointment of Howlett, Hartman and Beier to represent the City in 1956 by Phyllis Armour, then City Clerk.
- Confirmation engagement letter between the City of Birmingham and Beier Howlett, P.C.

**JULY 30, 1956**  
**RESOLUTION AND MINUTES**

- 1245 -

Report received from the City Manager, held over from July 23, 1956, advising that only one proposal had been received for furnishing 231 parking meters for installation in Lots 3-A and 3-HH. The Manager recommended purchase from the McGee-Hale Park -O- Meter Company in accordance with its proposal at a unit price of \$49.24 each.

- 1246 -

Moved by Commissioner Renfrew,  
Seconded by Commissioner Ingraham, that the Manager's recommendation be approved and that the purchase of 231 parking meters from the McGee-Hale Park -O- Meter Company at a unit price of \$49.24 each, being a total price of \$11,374.44, be and hereby is approved with the understanding that the proposal also contains a provision that there will be 7 spare meters furnished on a no-charge basis, which results in a net cost to the City of \$47.80 per meter.

Yeas: 6

Nays: 0

- 1247 -

Cash and Interfund Dept Report for the month of June, 1956 received from the Director of Finance.

It was noted that there is a surplus in the Recreation Fund and it was suggested that such surplus be returned to the General Fund for possible appropriation to other accounts. Mr. Egbert and the Attorney both indicated that funds could only be returned to the General Fund by mutual consent of the School Board, the Recreation Board, and the City Commission.

Mr. Purkiss was directed to inquire from the Recreation Board whether or not there are any outstanding bills; what surplus the Board has; whether or not it is going to live up to its operating budget as submitted.

Members of the Commission indicated that they would like a voice in the use of the surplus funds and would like to be assured that the rate of expenditures will comply with the outline in the budget as submitted for the year 1956-57.

- 1248 -

Report received from the City Manager, held over from July 23, 1956, and a supplemental report included in the agenda for this meeting, concerning attorney's services to the City of Birmingham.

The Manager's report submitted on this date, being supplemental to the report submitted on July 23, 1956, indicated that Mr. Hascall's services would be terminated as of September 1, 1956 and that after that date the City would expect to secure legal services for the City which would provide approximately 1,000 hours annually of a City Attorney's time.

Mr. Hascall was present and advised that he was in accord with the recommendation as outlined by the City Manager; however, should it be necessary to extend the present arrangement for a reasonable length of time, that he would be willing to provide legal counsel under the present arrangements until new arrangements can be made, if requested by the City Commission.

- X -

7-30-56

- 1249 -

Moved by Commissioner Denyes,  
Seconded by Commissioner Ingraham,

WHEREAS, there has, during the past four years since the existing arrangement was put into effect, been a substantial increase in the requirements for legal services to properly conduct the affairs of the City of Birmingham, and

WHEREAS, the City Attorney and the City Manager have recommended that legal services be available to the Commission and the Manager to an extent of not less than 800 hours annually,

NOW, THEREFORE, BE IT RESOLVED, that the present arrangements be terminated as of September 1, 1956, and

BE IT FURTHER RESOLVED, that the recommendation of the City Attorney and City Manager be approved, and the City Manager be directed to secure an arrangement whereby legal services would be provided to this Commission, the City Administration, the Planning Board, and other legally constituted boards as required such services in conducting of the City's affairs.

Yeas: 6  
Nays: 0.

- 1250 -

Report received from the City Manager, prepared by Mr. Gare, Director of Public Works, concerning allocations as proposed by the Oakland County Drain Commission Coordinator for Twelve Towns Relief Drains, and as discussed by the Commission on July 23rd (1195). The report included an explanation of the fact that no obsolescence figure was used on the sewers; an explanation of the formula used in computing replacement values of the Twelve Town Drain and an illustration of how the allocation of benefits had been determined.

Commissioner Renfrew suggested that the proposed allocation represents one of the largest commitments which he had reviewed since he had been on the Commission; and that although he did not question whether it is sound or right, that he did question whether or not there has been enough information presented on which to base the determination.

Commissioner Renfrew noted that in selling drain bonds, the life of the improvement is calculated, and raised a question as to whether or not the obsolescence factor ought to be used.

Commissioner Denyes indicated a desire also for additional information.

Mr. Gare stated that he could secure a map which might more clearly show the location of the existing drains as compared with the location of the proposed Twelve Towns Relief Drains and make it available August 6th.

- 1251 -

Moved by Commissioner Ingraham,  
Seconded by Commissioner Bailey, that this Commission tentatively approve an apportionment for construction of

*mjr*

July 30, 1956-No. 1248

July 27, 1956

City Commission  
Birmingham, Michigan

SUBJECT: ATTORNEY'S SERVICES

Gentlemen:

A report was submitted to the City Commission at their meeting Monday, July 23, 1956, in regard to the termination of the present arrangement for attorney's services as of September 1, 1956. Due to the number of items on the agenda for that night, the Commission was not able to act on this report.

There have been further discussions in connection with providing adequate legal services for the proper administration of the City. I believe that there would be a substantial advantage to have an attorney in attendance at the Plan Board meetings. There are numerous decisions made by the Plan Board in which the legal aspects of the problems should have consideration.

An arrangement which would make available an attorney's services at reasonable cost would make a practical arrangement and permit of the attorney devoting sufficient time to attending the Plan Board meeting and other meetings in order that he would have a full knowledge of the various aspects of the City government.

It is my opinion that some litigation could be avoided by this procedure. Certainly, the City would undoubtedly be in a better position to defend its actions if the previous actions, which occur prior to any litigation, are taken as a result of, and guided by, legal advice.

There has been further discussion with Mr. Hascall in regard to these proposed arrangements. The following resolution is submitted to the City Commission jointly by Mr. Hascall and me.

WHEREAS, there has, during the past four years since the existing arrangement was put into effect, been a substantial increase in the requirements for legal services to properly conduct the affairs of the City of Birmingham, and

*7/27*



City Commission  
Attorney's Services

-2-

July 27, 1956


WHEREAS, the City Attorney and the City Manager have recommended that legal services be available to the Commission and the Manager to an extent of not less than 800 hours annually,

NOW, THEREFORE, BE IT RESOLVED, that the present arrangements be terminated as of September 1, 1956, and

BE IT FURTHER RESOLVED, that the recommendation of the City Attorney and City Manager be approved, and the City Manager be directed to secure an arrangement whereby legal services would be provided to this Commission, the City Administration, the Planning Board, and other legally constituted boards as require such services in conducting of the City's affairs.

Respectfully submitted,

  
D. C. Egbert,  
City Manager

  
Forbes S. Hascall  
City Attorney

DCE:mh  
cc: Mr. Hascall

7/30/56

**SEPTEMBER 4, 1956**  
**MINUTES**

Mr. Schone reported that October 12, 1956, had been set for a final determination of the allocations.

- 1508 -

Mr. Schone reported that a survey had been made concerning the wishes of property owners on Willetts for oiling of the street; that it appears that such oiling can be deferred; that there is not presently sufficient oil on hand to do such a job; and suggested that there be no "second" oiling project for 1956.

- 1509 -

with Mr. Fryer of the League, Mr. Schone reported that he had discussed the matter of the Municipal Income Tax as it will be discussed at the League Conference in Grand Rapids on September 6, at a Sectional Meeting for Mayors, Presidents and Councilmen. He suggested that inasmuch as it does not appear that anyone from the Commission will attend the meeting, that the Commission might, by resolution, make its position known to the League so that it may be considered in determining League legislative policy at the business meeting on Friday, September 7, 1956.

- 1510 -

Moved by Commissioner Ingraham,  
Seconded by Commissioner Renfrew, that the Michigan Municipal League, in Convention in Grand Rapids on September 6, 7 and 8, be advised that this Commission is opposed to a Municipal Income Tax.

Yeas:- 7  
Nays:- 0

- 1511 -

Report received from Mr. Schone advising that as directed by Resolution No. 1249, he had secured a proposal from the firm of Howlett, Hartman & Beier, to provide legal services to the City upon a temporary or experimental basis; the arrangement to be reviewed prior to the close of the present fiscal year; the account to be serviced from an office in the Wabeek Building.

A copy of the proposal was attached to the manager's report, indicating that services to be rendered on a retainer basis would include:

- (a) Attendance at weekly City Commission meetings
- (b) Preparation of ordinances and other legal documents, but not including special projects of any magnitude:
- (c) Trial of City Ordinance cases in Municipal Court (retaining the right to hire competent trial counsel outside the firm to try City ordinance cases);
- (d) Unlimited consultation with administrative officials
- (e) Representation in all litigation in which the City becomes involved and undertaking such special projects as might be assigned to the firm by the City - such service to be rendered on a per diem basis. All Circuit Court lit.

igation would be under direct supervision of a firm member.

The proposal provided for a retainer fee of \$420.00 per month, and per diem charges for other services. Other details of the proposal were included in the report.

- 1512 -

Moved by Commissioner Renfrew,

Seconded by Commissioner Denyes, that the manager be authorized to develop an arrangement for legal services by the firm of Howlett, Hartman & Beier, on a contractual basis as outlined in the manager's report submitted on this date.

Yeas:- Allen, Bailey, Denyes, Ingraham, Renfrew and Willett  
Nays:- Roberts

- 1513 -

Moved by Commissioner Denyes,  
Seconded by Commissioner Willett,

WHEREAS, FORBES S. HASCALL has served the City of Birmingham as Justice of the Peace and then City Attorney for more than twenty-three years, and

WHEREAS, during his tenure in these important offices MR. HASCALL'S counsel and experience and the time he gave to the City's affairs have contributed substantially to the building of Birmingham and the welfare of its citizens,

NOW, THEREFORE, BE IT RESOLVED, that the Birmingham City Commission, on behalf of the City employees and all of the citizens of Birmingham, does hereby express its gratitude and appreciation to FORBES S. HASCALL and its genuine good wishes for his future well-being and success.

Moved by Commissioner Denyes that the meeting adjourn.

Meeting declared adjourned at 10:20 p.m.

  
City Clerk

5270

Agreement -

Hawlett, Hartman

and Beier - City Atty.

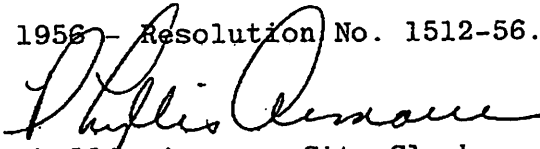
1956

**JULY 24, 1980**  
**LETTER CONFIRMING THE**  
**APPOINTMENT OF**  
**HOWLETT, HARTMAN AND BEIER**



July 24, 1980

Per Robert S. Kenning, City Manager -  
Agreement with Howlett, Hartman and Beier to represent City  
of Birmingham as City Attorney was authorized on September 4,  
1956 - Resolution No. 1512-56.

  
Phyllis Armour, City Clerk

**PROFESSIONAL  
LEGAL SERVICES AGREEMENT BETWEEN  
THE CITY OF BIRMINGHAM  
AND  
BEIER HOWLETT**

August 20, 2020

Mr. Joseph A. Valentine, City Manager  
**City of Birmingham**  
151 Martin Street, P.O. Box 3001  
Birmingham, MI 48012-3001

***Re: Engagement For Legal Services***

Dear Mr. Valentine:

It has been a pleasure to serve the City of Birmingham since 1956. Our research has evidenced the City has engaged the legal services of Beier Howlett through an engagement agreement which we have enjoyed thoroughly. This engagement letter confirms the relationship between the City of Birmingham and the law offices of Beier Howlett and the services we proudly offer to the City.

1. ***Client.*** Our client in this matter will be the City of Birmingham. This engagement gives rise to a lawyer-client relationship between the firm and the City of Birmingham.

2. ***Scope of Engagement.*** We have proudly been engaged to represent the City of Birmingham as the lead legal counsel in connection with all legal services. The scope of this engagement will be for legal communications, legal opinions, prosecute and defend lawsuits involving the City, appearing and providing legal opinions at Commission meetings, and provide all other legal representation on behalf of the City, which is requested by the City Manager, except it shall not include representation as bond counsel.

3. ***Staffing.*** The law offices of Beier Howlett will be responsible for providing all of the attorneys needed in order to fulfill the needs of the City.

4. ***Billing and Payment.*** Beier Howlett's legal fees shall be established annually through the budget process. Beier Howlett shall submit monthly statements with a summary of services rendered for litigation services, and services rendered under the retainer. A monthly letter summarizing the retainer services shall also be provided. Allowable expenses shall include court filing fees, transcript fees, expert witness fees as well as other similar costs. An administrative charge of two percent (2%) of the total bill for photocopying, facsimile transmissions and long distance telephone charges shall be on each monthly statement.

5. ***Retainer.*** The law offices of Beier Howlett will receive a monthly retainer of \$18,000, which includes unlimited consultations, attendance at all meetings, consultations with

# Beier Howlett

Mr. Joseph A. Valentine, City Manager  
August 20, 2020  
Page 2

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department heads, availability for questions, the writing and drafting of ordinances, the writing of opinion letters and so on.

6. ***Standard Terms of Engagement.*** Beier Howlett agrees to conform to all applicable federal, state and local laws. During the term of this contract, Beier Howlett agrees to maintain professional, comprehensive liability and workers compensation insurance policy for all staff assigned to work for the City. The parties agree that this is an "at will" agreement and the City reserves the right to terminate the relationship at any time and Beier Howlett shall be entitled to reimbursement for any services rendered prior to the date of termination. Beier Howlett agrees to continue to provide legal representation to the City at the City's sole discretion until a successor or successors are retained by the City and the City has provided notice of such event to Beier Howlett. Beier Howlett may also terminate this agreement by providing thirty (30) days written notice of termination to the City. This agreement shall not be modified or amended other than by an agreement in writing signed by both parties, or through the budget process stated above. This agreement may be executed in multiple counterparts, each of which when so executed shall be deemed an original, and such counterparts when taken together shall constitute one and the same instrument.

We have enjoyed our long history with the City of Birmingham and look forward to working together for a long time to come. Please acknowledge your agreement to the terms of this engagement by signing a copy of this letter and returning one copy to Beier Howlett and one copy for the City for our mutual files. If you have any questions about this engagement letter or any aspect of our fees, please feel free to contact me immediately.

Very truly yours,

**BEIER HOWLETT, P.C.**

  
Mary M. Kucharek

MMK/jc

AGREED AND ACCEPTED:

CITY OF BIRMINGHAM

By: \_\_\_\_\_  
Joseph A. Valentine  
City Manager

Dated: \_\_\_\_\_

**STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION  
NOTICE OF HEARING  
FOR THE GAS CUSTOMERS OF  
CONSUMERS ENERGY COMPANY  
CASE NO. U-20234**

- Consumers Energy Company requests Michigan Public Service Commission's approval for reconciliation of its gas cost recovery plan (Case No. U-20233) for the 12-month period April 2019-March 2020.
- The information below describes how a person may participate in this case.
- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, MI 49201, 517-788-0550 for a free copy of its application. Any person may review the documents at the offices of Consumers Energy Company.
- A pre-hearing will be held:

**DATE/TIME:**      **Tuesday, August 18, 2020 at 10:00 AM**

**BEFORE:**        **Administrative Law Judge Kandra Robbins**

**LOCATION:**       **Video/Teleconferencing**

**PARTICIPATION:**    Any interested person may participate. Persons needing any assistance to participate should contact the Commission's Executive Secretary at (517) 284-8090, or by email at [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov) in advance of the hearing. Instructions regarding participation will be filed in the docket.

The Michigan Public Service Commission (Commission) will hold a pre-hearing to consider Consumers Energy Company's (Consumers Energy) June 30, 2020 application requesting the Commission to: 1) approve their gas cost recovery (GCR) reconciliation for the 12-month period ending March 31, 2020 2) approve a \$641,408 under-recovery, including interest, to be rolled into the 2020-2021 GCR reconciliation beginning balance; and 3) grant Consumers Energy such other and further relief.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov).

**INFORMATION ONLY**

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by August 11, 2020. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy Company's Legal Department – Regulatory Group, One Energy Plaza, Jackson, MI 49201.

The prehearing is currently scheduled to be held remotely by video conference or teleconference. Persons filing a petition to intervene will be advised of the process to participate in the hearing. However, the Commission will continue to evaluate whether the prehearing can be safely converted to an in-person hearing. Thus, all interested persons should monitor this docket prior to the prehearing for any potential changes to the format of the prehearing.

Any person wishing to participate without intervention under Mich Admin Code, R 792.10413 (Rule 413), or file a public comment, may do so by filing a written statement in this docket. The written statement may be mailed or emailed and should reference Case No. U-20234. Statements may be emailed to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). Statements may be mailed to: Executive Secretary, Michigan Public Service Commission, 7109 West Saginaw Hwy., Lansing, MI 48917. All information submitted to the Commission in this matter becomes public information, thus available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

Requests for adjournment must be made pursuant to Michigan Office of Administrative Hearings and Rules R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

A copy of Consumers Energy Company's application may be reviewed on the Commission's website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets), and at the office of Consumers Energy Company. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

The Utility Consumer Representation Fund has been created for the purpose of aiding in the representation of residential utility customers in various Commission proceedings. Contact the Chairperson, Utility Consumer Participation Board, Department of Licensing and Regulatory Affairs, P.O. Box 30004, Lansing, Michigan 48909, for more information.

Jurisdiction is pursuant to 1909 PA 300, as amended, MCL 462.2 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; and Parts 1 & 4 of the Michigan Office of Administrative Hearings and Rules, Mich. Admin Code, R 792.10106 and R 792.10401 through R 792.10448.

**THE MICHIGAN PUBLIC SERVICE COMMISSION MAY GRANT OR DENY CONSUMERS ENERGY'S GAS COST RECOVERY RECONCILIATION AND OTHER PROPOSALS IN WHOLE OR IN PART, AND MAY APPROVE LESSER OR GREATER AMOUNTS THAN THOSE REQUESTED.**

U-20234  
2010-G



**CITY CLERK  
CITY OF BIRMINGHAM  
P.O. BOX 3001, 151 MARTIN STREET  
BIRMINGHAM, MI 48012**

**STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION  
NOTICE OF HEARING  
FOR THE ELECTRIC CUSTOMERS OF  
DTE ELECTRIC COMPANY  
CASE NO. U-20723**

- DTE Electric Company requests Michigan Public Service Commission's approval to commence a renewable energy cost reconciliation proceeding for the 12-month period ended December 31, 2019.
- The information below describes how a person may participate in this case.
- You may call or write DTE Electric Company, One Energy Plaza, 570 SB, Detroit, MI 48226, for a free copy of its application. Any person may review the documents at the offices of DTE Electric Company.
- A pre-hearing will be held:

**DATE/TIME: Thursday, September 3, 2020 at 9:30 AM**

**BEFORE: Administrative Law Judge Martin Snider**

**LOCATION: Video/Teleconferencing**

**PARTICIPATION:** Any interested person may participate. Persons needing any assistance to participate should contact the Commission's Executive Secretary at (517) 284-8090, or by email at [mpscdockets@michigan.gov](mailto:mpscdockets@michigan.gov) in advance of the hearing. Instructions regarding participation will be filed in the docket.

The Michigan Public Service Commission (Commission) will hold a pre-hearing to consider DTE Electric Company's (DTE Electric) June 29, 2020 application requesting approval of: 1) DTE Electric's Amended Renewable Energy Cost Reconciliation; 2) transfer prices for DTE Electric Renewable Energy Contracts and company-owned Renewable Energy Systems; and 3)

**INFORMATION ONLY**

2,871 Energy Waste Reduction Credits to be transferred at zero cost to the Amended Renewable Energy plan. DTE Electric is not requesting any modification of the current Renewable Energy plan surcharge of \$0.00/meter for all customer classes.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: [michigan.gov/mpscdockets](http://michigan.gov/mpscdockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: [mpscdockets@michigan.gov](mailto:mpscdockets@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: [mpscdockets@michigan.gov](mailto:mpscdockets@michigan.gov).

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by August 27, 2020. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon DTE Electric Company's attorney, Kelly M. Martorano, One Energy Plaza, Detroit, MI 48226.

The prehearing is currently scheduled to be held remotely by video conference or teleconference. Persons filing a petition to intervene will be advised of the process to participate in the hearing. However, the Commission will continue to evaluate whether the prehearing can be safely converted to an in-person hearing. Thus, all interested persons should monitor this docket prior to the prehearing for any potential changes to the format of the prehearing.

Any person wishing to participate without intervention under Mich Admin Code, R 792.10413 (Rule 413), or file a public comment, may do so by filing a written statement in this docket. The written statement may be mailed or emailed and should reference Case No. **U-20723**. Statements may be emailed to: [mpscdockets@michigan.gov](mailto:mpscdockets@michigan.gov). Statements may be mailed to: Executive Secretary, Michigan Public Service Commission, 7109 West Saginaw Hwy., Lansing, MI 48917. All information submitted to the Commission in this matter becomes public information, thus available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

Requests for adjournment must be made pursuant to Michigan Office of Administrative Hearings and Rules R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

A copy of DTE Electric Company's application may be reviewed on the Commission's website at: [michigan.gov/mpscdockets](http://michigan.gov/mpscdockets), and at the office of DTE Electric Company. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; 1982 PA 304, as amended, MCL 460.6j et seq.; 2008 PA 295, MCL 460.1001 et seq.; and Parts 1 & 4 of the Michigan Office of Administrative Hearings and Rules, Mich. Admin Code, R 792.10106 and R 792.10401 through R 792.10448.

U-20723





August 19, 2020

Paul Ajegba  
Michigan Department of Transportation  
State Transportation Building  
425 W. Ottawa St.  
P.O. Box 30050  
Lansing, MI 48909

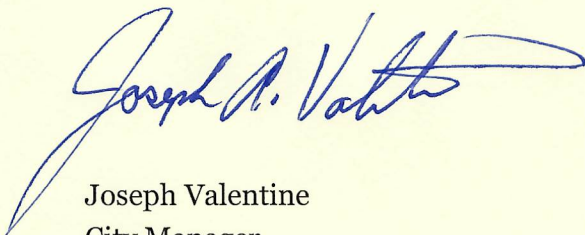
Dear Mr. Ajegba,

The City of Birmingham appreciates the improvements that MDOT has made to Woodward Avenue over the past few years. The new pedestrian crossing at Oak and the enhanced pavement markings have improved pedestrian safety and the walkability of our community. However, we feel that more can be done.

As you may know Birmingham had a fatal traffic accident in the early morning hours on Woodward Avenue on August 8, 2020. A pedestrian was fatally struck by a car near the crosswalk at Forest and Woodward. Unlike other pedestrian crossings along Woodward Avenue, this crossing is not associated with a traffic intersection, but is an isolated crossing between intersections. For this reason and the recent death in the area, it is critical that this crossing be evaluated for safety enhancements including, but not limited to, enhanced pedestrian markings, signage and lighting.

Thank you for your consideration of this matter and please feel free to contact me at (248) 530-1809 should you have any questions.

Sincerely,



Joseph Valentine  
City Manager

CC: Todd Wyett, STC Chairman

151 Martin Street • P.O. Box 3001 • Birmingham, MI 48012-3001  
(248) 530-1800 • Fax (248) 530-1080 • [www.bhamgov.org](http://www.bhamgov.org)

**INFORMATION ONLY**

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## Woodward Crossing

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Ajegba, Paul (MDOT) <Ajegbap@michigan.gov>  
To: Joe Valentine <jvalentine@bhamgov.org>  
Cc: Todd Wyett <todd@versacos.com>

Wed, Aug 19, 2020 at 7:08 PM

Hi Joe,  
It's been a long time and good to hear from an old friend. How are you and your family? I hope you are all staying safe. First, let me offer my condolences on death of the pedestrian. I will forward your letter to Ms. Kim Avery, MDOT Metro Region Engineer for her action. I am confident that she will follow up with this and hopefully come up with a workable solution to the problem. Please do not hesitate to reach out to me if I can be of further help. Thank you for bringing this to my attention.

Sent from my iPhone

On Aug 19, 2020, at 5:08 PM, Joe Valentine <jvalentine@bhamgov.org> wrote:

<b>CAUTION: This is an External email. Please send suspicious emails to <a href="mailto:abuse@michigan.gov">abuse@michigan.gov</a></b>
--

Paul,

I hope this message finds you well. It was nice to see your advancement with MDOT given our days with the WA3. I have attached a letter for your review regarding some requested attention to an area along Woodward Avenue in Birmingham. Please feel free to contact me if you have any questions.

Best regards,

--

**Joseph A. Valentine**  
City Manager  
City of Birmingham  
151 Martin Street  
Birmingham, MI 48009  
(248) 530-1809 Office Direct  
(248) 530-1109 Fax  
[jvalentine@bhamgov.org](mailto:jvalentine@bhamgov.org)  
Twitter: @JoeValentine151

To get the latest information regarding the City of Birmingham, please sign up for our communication tools by clicking here [www.bit.ly/bhamnews](http://www.bit.ly/bhamnews).

<08.19.2020-Ajegba Letter.pdf>