

BIRMINGHAM CITY COMMISSION AGENDA

December 19, 2022

MUNICIPAL BUILDING, 151 MARTIN

7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Therese Longe, Mayor

II. ROLL CALL

Alexandria Bingham, City Clerk

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

ANNOUNCEMENTS

- The City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple-layered masks for attendees.
- Swearing in of Police Chief Scott Grewe
- Proclamations regarding the Police Department

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

V. CONSENT AGENDA

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

- A. Resolution to approve the City Commission meeting minutes of November 28, 2022.
- B. Resolution to approve the City Commission meeting minutes of December 5, 2022.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated December 7, 2022, in the amount of \$2,719,952.40.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated December 14, 2022, in the amount of \$709,162.36.
- E. Resolution to approve the purchase of one (1) electric Zamboni edger from Mid America Rink Services, through the Sourcewell Cooperative Purchase Agreement Contract # 120320-FZC, in the amount not to exceed \$7,185.15. Funds for this purchase are available in the FY 2022-2023 Machinery & Equipment Fund account #661.0-441.006-933.0200.

- F. Resolution to approve the purchase of Powerphone training services and implementation for the new EMD protocols, and waive the normal bidding requirements. This project was budgeted in the 2022-2023 fiscal year and funds are available in the training account 101.0-325.000.957.0100 in the amount of \$12,498.
- G. Resolution to amend the Schedule of Fees, Charges, Bonds and Insurance as presented and to adopt the revised Public Records Policy, effective January 1, 2023.

VI. UNFINISHED BUSINESS

- A. Resolution to approve the 48th District Court's 2023 budget as submitted; further, to request the 48th District Court judges schedule more frequent meetings with the funding units and non-funding units in order to create a better understanding of the Court's operations and; further to request that the 48th District Court judges make the proposed budget available before the budget is to be considered to allow the various units' staffs sufficient time to analyze and question the proposed budget.

VII. NEW BUSINESS

- A. Public Hearing: Reprogramming Program Year 2019 Community Development Block Grant Funds
 Resolution to authorize the Finance Director to submit to Oakland County a request along with the public hearing advertisement and City Commission resolution to reprogram the Community Development Block Grant (CDBG) program year 2019 funds in the amount of \$25,263 from the Remove Architectural Barriers project – Adams Fire Station Entrance (*Account 731619*) to the Remove Architectural Barriers project – Historical Museum Park Barrier-free Access (*Account 731619*).
- B. Public Hearing: 2023-2024 Community Development Block Grant Application
 - 1. Resolution to approve the Program Year 2023 Community Development Block Grant application with the following projects and respective allocations:

	<u>Approved</u>	<u>2023-</u>	<u>2024**</u>
1. Public Services – Yard Services			\$12,500
2. Public Services – Senior Services			\$3,500
3. Remove Architectural Barriers – Museum Park			<u>\$20,912</u>
	Total		\$ 36,912

** (TO BE DETERMINED BY THE CITY COMMISSION AT THE DECEMBER 19, 2022 MEETING); and authorize the mayor to sign the application, conflict of interest certification, sub-recipient agreement (when available), and other documents resulting from this application on behalf of the City and submit the documents to Oakland County.
- C. Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.
- D. Commission discussion on items from a prior meeting
 - 1. McLain - Becoming Mayor
 - 2. Haig - Lighting topic to sustainability board

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

- A. Commissioner Reports
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. Tenant Rights Memo
 - a. Model Non-Discrimination Ordinance
 - b. Correspondence with County Commissioner Cavell
 - 2. Booth Park
 - 3. December City Manager's Report

INFORMATION ONLY

XI. ADJOURN

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

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

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

Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al [\(248\) 530-1880](tel:2485301880) por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).

DRAFT - Birmingham City Commission Minutes

November 28, 2022

Municipal Building, 151 Martin

7:30 p.m.

Vimeo Link: <https://vimeo.com/770999285>

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

City Clerk Bingham called the roll.

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

Absent: Commissioner Haig

Staff: City Manager Markus; City Clerk Bingham, City Planner Blizinski, Planning Director Dupuis,
Finance Director Gerber, City Attorney Kucharek

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

Announcements

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

Appointments

11-293-22 Appointment to the Board of Review

The Commission interviewed Kathleen Devereaux for the appointment.

MOTION: Nomination by Commissioner Host:

To appoint Kathleen Devereaux as a regular member to the Board of Review as a regular member to serve a three-year term to expire December 31, 2025.

VOICE VOTE: Ayes, Mayor Longe
MPT McLain
Commissioner Baller

Commissioner Host
Commissioner Boutros
Commissioner Schafer

Nays, None

11-294-22 Appointment to the Board of Review

The Commission interviewed Jill Stress for the appointment.

MOTION: Nomination by Commissioner Boutros:
To appoint Jill Stress as a regular member to the Board of Review as a regular member to serve a three-year term to expire December 31, 2025.

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

Nays, None

11-295-22 Appointment of the Alternate Hearing Officer

The Commission interviewed Rackeline Hoff for the appointment.

MOTION: Nomination by MPT McLain:
To appoint Rackeline Hoff as the Alternate Hearing Officer to serve the remainder of a three-year term to expire June 30, 2024.

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

Nays, None

11-296-22 Appointment to the Birmingham Shopping District Board

The Commission interviewed Beth Hussey for the appointment.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Baller:
To concur with the City Manager's appointment of Beth Hussey, who is a business representative, to the Birmingham Shopping District (BSD) Board to serve the remainder of a 4-year term expiring November 16, 2026.

VOICE VOTE: Ayes, Mayor Longe

MPT McLain
Commissioner Baller
Commissioner Host
Commissioner Boutros
Commissioner Schafer

Nays, None

CC Bingham swore in the present appointees. It was noted that appointees attending virtually would be sworn in at a later date.

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

V. CONSENT AGENDA

11-297-22 Consent Agenda

MPT McLain: Item B – City Commission Meeting Minutes of November 14, 2022

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Host:
To approve the Consent Agenda excluding Item B.

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

Nays, None

- A. Resolution to approve the City Commission workshop meeting minutes of November 14, 2022.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated November 16, 2022, in the amount of \$1,454,990.90.
- D. Resolution to approve the Oakland County Designated Assessor Interlocal Agreement.
- E. Resolution authorizing Birmingham to apply for a grant from the Michigan Spark Grants Program, and further, directing the City Clerk to sign the resolution.
- F. Resolution to approve a 2-year agreement with Superior Scape, Inc. for landscape bed maintenance services in the amount not to exceed \$129,868.00. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this project has been budgeted in the following accounts: Parks Other Contractual Services, 101.0-751.000-811.0000, Property Maintenance Other Contractual Services, 101.0-441.003-811.0000, and Major Streets Contract Maintenance, 202.0-449.003-937.0400.
- G. Resolution to discontinue the use of vehicle parking sensors and not replace them with an updated model at this time.

- H. Resolution to approve professional service for design and construction engineering with Nowak and Fraus Engineers as specified in their proposal, for the project at Lincoln Hill Golf Course Tee No. 1 in an amount not to exceed of \$54,740.00, further charge this service to account number 584.1-753.001-981.0100, and further appropriate and amend the 2022-2023 Lincoln Hills Golf Course Fund budget as follows:

Revenues:

Draw from Net Position	584.1-000.000-400.0000	\$54,740
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Expenses:

Recreation & Culture - Public Improvement	584.1-753.001-981.0100	\$54,700
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- I. Resolution to approve a special event permit as requested by the Chabad Jewish Center of Bloomfield Hills to hold the 2022 Shain Park Menorah Lighting & Celebration on Tuesday, December 20, 2022, and to display the Menorah in Shain Park from December 8, 2022 to January 4, 2023, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event.

11-298-22 (Item B) City Commission Meeting Minutes of November 14, 2022

MOTION: Motion by Commissioner Host, seconded by Commissioner McLain:
To approve the City Commission meeting minutes of November 14, 2022 as amended.

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

Nays, None

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

11-299-22 Public Hearing to amend Chapter 86 (Signs), Article 1, Table B to permit projecting signs to be located no higher than the sign band and no less than 8 ft. above grade

The Mayor opened the public hearing.

CP Blizinski presented the item.

Public Comment

Chris Kojanian, co-owner of 277 Pierce, spoke in favor of the ordinance change.

The Mayor closed the public hearing.

In reply to Commissioner Baller, PD Dupuis said he would work with the BSD to notify its members if the ordinance change was approved.

Seeing no questions from the Commission, the Mayor entertained a motion.

MOTION: Motion by Commissioner Boutros, Commissioner Baller:
To amend Chapter 86 (Signs), Article 1, Table B to permit projecting signs to be located no higher than the sign band and no less than 8 ft. above grade.

Commissioner Boutros praised the sign proposed by Mr. Kojaian and Schechter Wealth and thanked the businesses for investing in Birmingham.

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

Nays, None

11-300-22 2023 Initial Bistro Screening

PD Dupuis presented the item.

Kelly Allen, attorney, spoke on behalf of Birmingham Sushi Cafe.

Commissioner Boutros voiced his support for the recommended action.

MOTION: Motion by Commissioner Boutros, MPT McLain:
To direct the bistro application for Birmingham Sushi to the Planning Board for a Special Land Use Permit, Final Site Plan and Design Review.

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

Nays, None

11-301-22 Revised Purchasing Guidelines

FD Gerber presented the item and answered informational questions from the Commission.

MPT McLain commented positively on the proposed revisions.

MOTION: Motion by Commissioner Baller, Commissioner Host:
To approve the recommended changes to the purchasing guidelines.

ROLL CALL VOTE: Ayes, Commissioner Schafer
Commissioner Host

MPT McLain
Commissioner Boutros
Mayor Longe
Commissioner Baller

Nays, None

Commission Items for Future Discussion

Commission Discussion On Items From A Prior Meeting

11-302-22 Rental Rights

Commissioner Host summarized the proposed topic.

MOTION: Motion by MPT McLain, Commissioner Host:
To bring the subject of Rental Rights forward as a regular agenda item with the research and recommendations from Staff.

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

Nays, None

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

A. Fairway Drive Sidewalks

X. REPORTS

- A. Commissioner Reports
1. MPT McLain – Civility Day 2022

MPT McLain reported on Civility Day 2022 at Oakland University.

2. Host report on MML

Commissioner Host reported on green energy opportunities in Birmingham and on the 2022 MML Convention, held in Muskegon, MI.

B. Commissioner Comments

Commissioner Host provided comment regarding the 'Setting the Record Straight - 2040 Master Plan does not Rezone Property' portion of the City Manager's report.

MPT McLain and Commissioner Baller also spoke on the topic.

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

CM Markus reviewed the report.

In reply to Commissioner Host, CM Markus said Staff would review whether ownership of Booth Park could revert back to the Booth family if certain changes to the Park's uses occur.

The Mayor noted that plans for Booth Park would only include additional amenities, and no commercial features.

In reply to Commissioner Host, PD Dupuis stated that the third draft of the 2040 Master Plan had a few inconsistencies in terms of where commercial destinations in parks were recommended. He stated that the master planning team has been asked to resolve those inconsistencies.

INFORMATION ONLY

XI. ADJOURN

Mayor Longe adjourned the meeting at 8:49 p.m.

Alexandria Bingham
City Clerk



Laura Eichenhorn
City Transcriptionist

DRAFT - Birmingham City Commission Minutes

December 05, 2022

Municipal Building, 151 Martin

7:30 p.m.

Vimeo Link: <https://vimeo.com/776021657>

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

City Clerk Bingham called the roll.

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

Absent: None

Staff: City Manager Markus; City Clerk Bingham, Senior Planner Cowan, Planning Director Dupuis,
Finance Director Gerber, City Attorney Grochowski, City Attorney Kucharek

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

Announcements

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

Appointments

12-303-22 Appointment to the Museum Board

The Mayor noted that while Caroline Ashleigh was not able to be in attendance, the Commission had recently been able to interview Ms. Ashleigh when she applied for a different position on the Museum Board.

MOTION: Nomination by Commissioner Baller:

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

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

Nays, None

It was noted that Ms. Ashleigh would be sworn in at a future date.

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

George Dilgard raised concerns about some non-ordinance compliant light fixtures in the City, and asked the Commission to support bringing the lights into compliance.

V. CONSENT AGENDA

12-304-22 Consent Agenda

Commissioner Baller: Item K – Appointment of Scott Grewe as Police Chief
MPT McLain: Item C – Special Event Application: 58th Annual Village Fair

MOTION: Motion by Commissioner Baller, seconded by Commissioner Boutros:
To approve the Consent Agenda excluding Items C and K.

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

Nays, None

- A. Resolution to approve the warrant list, including Automated Clearing House payments, dated November 23, 2022, in the amount of \$390,693.98.
- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated November 30, 2022, in the amount of \$938,371.60.
- D. Resolution to approve a special event permit as requested by the Birmingham Memorial Day Committee to hold the annual Memorial Day Service on May 29, 2023, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.
- E. Resolution to approve the hiring of PCI Dailey for construction management services for the Front Entrance and Circulation Area of the Baldwin Public Library, to be paid out of account 271.0-

790.000-977.0000 (Capital Outlays – Building Improvements). Payment will be based on the bid submittal from October 19, 2022, with a construction management fee of 2.5% of the Guaranteed Maximum Price, to be determined once all subcontract bids are received.

- F. Resolution to confirm the City Manager’s authorization for the emergency expenditure related to backfilling the water main break on the north side of 14 Mile Road west of Shipman Boulevard by D’Angelo Brothers Inc., which is located at 30836 West 8 Mile Road, Farmington Hills, MI 48336, for a cost of \$21,358.00 to be charged to Water Fund account # 591.0-544.000-811.0000, pursuant to Sec. 2-286 of the City Code.
- G. Resolution to confirm the City Manager’s authorization for the emergency expenditure related to the purchase of materials from Carrier & Gable, Inc., for the repair of the west attenuator for the bridge at the S. Eton and Maple Road intersection for a cost of \$8,494.07 to be charged to Bridge Maintenance account for Other Contractual Services Account# 202.0-449.002-811.0000, pursuant to Sec. 2-286 of the City Code.
- H. Resolution to amend Fee Schedule A to add a \$40/unit monthly fee for dumpster rentals.
- I. Resolution to approve the sale of (34) used dumpsters to the Williamsburg of Birmingham Condominiums Complex at \$100 each, totaling \$3400, with Williamsburg Condominiums responsible for maintaining and replacing the dumpsters in the future.
- J. Resolution to authorize the City Clerk to complete the Local Government Approval Notice at the request of Toast Birmingham, LLC, which holds the Class C and SDM License with Sunday Sales (PM) and Outdoor Service Area located at 203 Pierce, Birmingham, Oakland County, MI, to maintain ownership in Toast Birmingham, LLC’s sole member, Toast Holdings, LLC., but to transfer ownership of one of Toast Holdings, LLC’s members, Vision Toast, solely to Regan Bloom.

12-305-22 (Item K) Appointment of Scott Grewe as Police Chief

Commissioners Baller and Haig congratulated Police Captain Grewe.

It was noted that if the motion passed Police Captain Grewe’s swearing in would be scheduled for the December 19, 2022 Commission meeting.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Haig:
To provide Commission consent to the City Manager’s appointment of Police Captain Scott Grewe to the role of Police Chief of the City of Birmingham.

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

Nays, None

12-306-22 (Item C) Special Event Application: 58th Annual Village Fair

Joe Bauman, President of Birmingham Bloomfield Chamber (BBC), answered brief informational questions about the event.

In reply to MPT McLain, Mr. Bauman said it would not be presently financially feasible to open the fair on Wednesday to under-resourced community members that might not otherwise be able to afford to attend. He explained that if the BBC were able to find a sponsor to allow that to happen it might be feasible. He noted that the BBC lost about 45% of its revenue in 2020 and 2021 because of the Covid-19 pandemic. He noted that the BBC also distributes a significant portion of its own fundraising to its non-profit partners throughout the year.

MPT McLain noted a number of organizations that might benefit from free attendance to the Fair on Wednesday night in the future.

CM Markus noted that the operator may be willing to offer some wristbands for free to allow for some under-resourced community members to attend.

Mr. Bauman said the operator likely already had such a program running. He added that it would be easier for the BBC to work with its non-profit partners to distribute some free wristbands for the Fair's regular operating hours than it would be to open the Fair on the Wednesday night prior.

CM Markus told the Commission that Mr. Bauman could include a proposal in the following year's application for helping under-resourced community members to attend.

MPT McLain confirmed she would want such a proposal to be presented, noting that community youth engagement is important for youth mental health and wellbeing.

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

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

Nays, None

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

Fiscal Year 2021-2022 Audit Presentation

FD Gerber introduced the item.

Timothy St. Andrew and Spencer Tawa from Plante Moran presented the audit and answered informational questions from the Commission.

Commissioner Baller commended the City administration and FD Gerber on their work.

The Mayor concurred.

CM Markus offered comments on how the City maintains its financial health.

MPT McLain thanked HR Staff and the City administration for managing the retiree health care fund well.

48th District Court 2023 Budget

FD Gerber introduced the item.

Patrick Dunn, representative for the 48th District Court (Court), presented the budget.

Mr. Dunn, CM Markus, and FD Gerber answered informational questions for the Commission.

MPT McLain noted for the public that the City has not increased enforcement in order to make a profit or increase a revenue stream.

The Mayor concurred, noting that increased enforcement results in more expenses for the City.

Commissioner Haig said he wanted to know how the Court and the funding units could work together to increase the Court's efficiency. He also emphasized that Birmingham has no interest in compromising community safety in order to increase the Court's efficiency.

The Mayor noted the Commission has a responsibility to inquire how the Court's expenses could be decreased and its revenues increased since Birmingham taxpayers help fund the Court's budget shortfall.

MPT McLain thanked Mr. Dunn for being present and participating. She noted that the Court has an excellent record in terms of the turnaround times for misdemeanors compared to many other courts in the metropolitan area. She noted that those turnaround times are extremely important to public safety. She also concurred with the Mayor that the Commission is accountable to Birmingham residents to understand the details of the Court's budget.

Mr. Dunn was asked to return at the December 19, 2022 Commission meeting with an estimate of the 2022 and 2023 shortfalls based on current cases, and the caseload per judge relative to similar communities.

CM Markus said it would be appropriate for Mr. Dunn and Mr. Gerber to meet to determine those figures.

12-307-22

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

The Mayor opened the public hearing.

SP Cowan presented the item.

Stephen Estey, attorney, and Doraid Markus, owner of 469-479 S. Old Woodward, spoke on behalf of the request.

Michele Prentice, senior property manager of Birmingham Place, spoke in support of the request.

The Mayor closed the public hearing.

SP Cowan, Mr. Markus, and Mr. Estey answered informational questions from the Commission.

Commissioner Baller noted that the present request did not entail a waiver of the parking requirements for 74 vehicles. He clarified that a future request could entail a smaller parking requirement waiver request.

Commissioner Boutros said that, with this request, the Commission must consider what would be best for the City overall. He noted that this site has remained undeveloped and could continue to remain undeveloped. He said it is valuable when developers work with their neighbors and with the City.

Mr. Markus said there would be sufficient parking available because residents of 469-479 S. Old Woodward would go to work during the day, leaving parking available for the retail use, and would park at 469-479 S. Old Woodward at night, when the retail use would be closed.

Commissioner Haig raised a concern that many of the vehicles of the residents of 469-479 S. Old Woodward would remain at the property during the day more frequently than in the past because of the increase in work-from-home positions.

Messrs. Estey and D. Markus said the applicant would work with City boards and Staff to find appropriate SLUP terms that would take circumstances like the one mentioned by Commissioner Haig into account.

At the request of MPT McLain, CA Grochowski reiterated the statement from the Staff memorandum that the recommendation by staff of the Planning Department was fully supported by the City Attorney.

Commissioner Baller said he takes Staff and City Attorney recommendations very seriously, and was not entirely persuaded by their arguments in this case. He noted that the City Attorney warned that there was a potential to set a precedent by moving forward with this request.

The Mayor noted it was possible the precedent was already set by allowing a SLUP with a dimensional variance in D5.

Commissioner Baller concurred. He noted that the Planning Board was also largely supportive of the request from the applicant. He said that the Commission may have a role in allowing this site to be developed appropriately.

CA Kucharek noted that the precedent she referred to in her correspondence regarding the request was that this could encourage any property owner to try and find a need to change the ordinance based on their goals for a property.

Commissioner Boutros noted that the City would be able to significantly influence the development of this property because of Mr. Markus' willingness to enter into a SLUP. He said he did not believe that the City would be setting a precedent through granting this request since 469-479 S. Old Woodward is the only D4-zoned property excluded from the Parking Assessment District (PAD). He said he was leaning towards supporting this request in order to allow this property to be developed in a way that would benefit the City.

MPT McLain said this project was one of a few recently in the City that had been stuck in negotiation at the City board and commission level. She said she would like to see a more creative approach to addressing that pattern. She said it was not beneficial to the City to have an essentially blighted property on S. Old Woodward. She said the Commission had to balance ordinances, zoning, and the public's interest in making these decisions.

Commissioner Haig said that while he concurred with his fellow Commissioners that this property needed to be developed, he was very concerned about the potential parking impact of this ordinance amendment. He said he would prefer to see a plan that would align with the proposed ordinance amendment before voting on the proposed ordinance amendment.

The Mayor said she believed it would be inappropriate to consider granting an ordinance amendment based on whether the Commission liked a plan for the property.

CA Grochowski confirmed that to be the case. He said the ordinance amendment would create the mechanism for allowing a plan to be considered at the Planning Board and then at the Commission.

Commissioner Host echoed Commissioner Haig's concerns about the ordinance amendment's potential impact on parking in the area.

Commissioner Schafer said there was no clear indication as to what could be developed on the property that would be ordinance and master plan compliant. She concurred with a number of her fellow Commissioners that the property needed to be developed. She echoed Commissioner Boutros' comment that the SLUP would allow the City substantial influence in the project. She noted that the Planning Board would consider the parking impacts of any potential plans for the site, and would be responsible to make sure there would not be a negative impact on the surrounding area. Given these facts, she said she was supportive of the proposed ordinance amendment.

The Mayor concurred with a number of her fellow Commissioners that the Commission does not usually vote differently from the City Attorney's and Staff's recommendations. She said it was within the Commission's purview to choose to pursue creative solutions as appropriate, and not Staff's to recommend it. She said that if the Commission voted against the proposed ordinance amendment, she also did not see an immediate opportunity for 469-479 S. Old Woodward to be developed. She said that, given the control afforded by a SLUP and the Commission's statements that they would not be interested in parking-intensive uses on the site, granting the proposed ordinance amendment would allow the applicant to bring a plan to the Planning Board that would not require a 74-space waiver of the parking requirements. She also noted that passing the ordinance amendment in no way would obligate the Commission to approve the plans for the site if the Commission found them to be inappropriate.

CM Markus provided his perspective on the discussion, including noting that there was a previously approved plan for the site from the same developer. He said he also agreed with Commissioner Haig about it being more appropriate to review a plan, with estimated parking counts, for the site before approving the proposed ordinance amendment.

CA Kucharek concurred with CM Markus and Commissioner Haig, saying that this particular circumstance was unique enough to warrant a review of the plan before considering an ordinance amendment.

Commissioner Baller noted that when the previous businesses were operating at 469-479 S. Old Woodward, there were operating at a parking deficit vis-a-vis the present ordinance requirements.

The Mayor asked Mr. Markus if he completely understood that the Commission would not be interested in a development on the site that would require a 74-space parking requirement waiver.

Mr. Markus confirmed that he did.

The Commission motioned to take a ten-minute recess.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Baller:
To adopt an ordinance to amend Article 3, Section 3.04(D)(3) of the Downtown Overlay Parking Requirements to allow nonresidential uses in the D4 Zone located outside of the former parking assessment district to reduce or eliminate parking requirements under the provision of a Special Land Use Permit per the Planning Board's recommendation.

Commissioner Schafer advised Mr. Markus that he would be expected to come back with plans that require a less than 74-space parking requirement waiver.

Commissioner Host said he would not support the motion given concerns about the proposed ordinance amendment's potential impact on parking in the area.

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

Nays, Commissioner Host
Commissioner Haig

Commission Items for Future Discussion

12-308-22 Discussion of Process for Selecting a Mayor

MOTION: Motion by MPT McLain, seconded by Commissioner Host:
To schedule a discussion on the history of how the City has chosen a Mayor, and how the City should choose a Mayor moving forward.

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

Nays, None

12-308-22 Discussion of Review of City Lighting

MOTION: Motion by Commissioner Haig, seconded by MPT McLain:
To discuss having the City's Sustainability Board come up with suggestions, guidelines, and/or best practices for reducing light pollution in the City.

Commissioner Boutros said that it might be more appropriate as a direction to the City Manager.

CM Markus said that could be considered as part of future discussions.

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

Nays, None

Commission Discussion On Items From A Prior Meeting

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of intention to appoint to the Public Arts Board
- B. Commissioner Comments

MPT McLain recommended residents use the GovAlert app to submit and track concerns.

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

INFORMATION ONLY

XI. ADJOURN

Mayor Longe adjourned the meeting at 11:48 p.m.

Alexandria Bingham
City Clerk

A handwritten signature in black ink, appearing to read 'Laura Eichenhorn', with a stylized, flowing script.

Laura Eichenhorn
City Transcriptionist

City of Birmingham

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Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
289350	*	007329	ALL AMERICAN ARENA PRODUCTS LLC	757.88
289351		009440	ALLIANCE ENTERTAINMENT, LLC	483.83
289352		002638	AMERICAN ALLIANCE OF MUSEUMS	165.00
289353		000167	ANDERSON ECKSTEIN WESTRICK INC	11,306.90
289354	*	MISC	ANDY SATTERFIELD	300.00
289355	*	007033	APPLIED IMAGING	9,565.63
289356		003946	ARAMARK	57.35
289357	*	000500	ARTECH PRINTING INC	81.00
289358	*	MISC	ASHLEY GOLD	434.00
289359	*	006759	AT&T	584.83
289360		000843	BAKER & TAYLOR BOOKS	373.90
289361		000408	BALDWIN PUBLIC LIBRARY	7.99
289362		002429	BIRMINGHAM BLOOMFIELD CHAMBER	230.00
289363	*	004828	BIRMINGHAM PUBLIC SCHOOLS - MUSIC	550.00
289364		009264	BLOOMFIELD TOWNSHIP	7,711.00
289365	*	009328	BERNARD BREWER	594.17
289366	*	000434	BRONNER'S COMMERCIAL DISPLAY	209.92
289367		005717	BSB COMMUNICATIONS, INC.	5,248.72
289368	*	003904	CAPITAL ONE BANK	3,427.60
289369		000444	CDW GOVERNMENT INC	755.40
289369	*	000444	CDW GOVERNMENT INC	655.16
289370		000902	CENGAGE LEARNING INC	18.39
289371	*	MISC	CHARLES C WANGE TRUST	3,606.92
289372		000605	CINTAS CORPORATION	171.06
289373		000605	CINTAS CORPORATION	128.83
289374	*	008955	COMCAST	1,470.30
289375	*	007774	COMCAST BUSINESS	980.81
289376	*	000627	CONSUMERS ENERGY	14,089.20
289377	*	008801	COSTAR REALTY INFORMATION, INC	918.00
289378		009145	CREATIVE COLLABORATIONS	3,800.00
289379	*	009557	ZECO, LLC	250.00
289380		000575	DEMCO, INC	131.16
289381	*	000179	DTE ENERGY	4,359.31
289382		002704	MICHAEL J DUL & ASSOC INC	3,595.25
289382	*	002704	MICHAEL J DUL & ASSOC INC	19,739.80
289383	*	009330	JOSEPH EADIE	460.00
289384	*	007505	EAGLE LANDSCAPING & SUPPLY	255.60
289385		008164	GARY EISELE	60.00
289386		009425	ENCURATE MOBILE TECHNOLOGY	300.00
289387	*	004615	ENGLISH GARDENS	1,524.92
289388		001495	ETNA SUPPLY	1,600.00
289388	*	001495	ETNA SUPPLY	28,450.00

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289389		007212	FOSTER BLUE WATER OIL	610.88
289390		009268	FULL MORTISE	3,124.00
289391	*	006262	FUSILIER FAMILY FARM & GREENHOUSE	675.00
289392	*	004604	GORDON FOOD	787.76
289393	*	004703	GROSSE POINTE NEWS	495.00
289394	*	006554	H & P PROTECTIVE SERVICES, INC.	1,548.30
289395	*	001956	HOME DEPOT CREDIT SERVICES	2,592.26
289396		009029	HORIZON COMMUNICATIONS CO. INC	160.00
289397	*	MISC	HOWIES HOCKEY TAPE	491.37
289398	*	MISC	HUGE LLC	488.51
289399		000948	HYDROCORP	1,381.00
289399	*	000948	HYDROCORP	4,950.00
289400		005990	ICC INC	53,357.00
289401	*	006695	J. P. COOKE COMPANY	181.75
289402	*	008564	JERRY'S TIRE INC	1,554.70
289403		005291	KAESER & BLAIR INC	608.14
289404	*	000362	KROGER COMPANY	34.93
289405	*	009337	LAUREL'S PRINCESS PARTIES	318.50
289406		009375	LITHIA MOTORS, INC SUPPORT SERVICES	216.00
289407	*	009350	LITTLE GUIDE LLC	3,000.00
289408		007910	MACALLISTER RENTALS	2,634.00
289409		001417	MAJIK GRAPHICS INC	760.00
289410		008793	MERGE MOBILE, INC.	73.00
289411	*	009085	MGSE SECURITY LLC	242.50
289412	*	MISC	MICHAEL KENNEDY	300.00
289413	*	009243	MICHAEL LAFEVER	1,250.00
289414	*	007659	MICHIGAN.COM #1008	267.68
289415	*	MISC	MIKE DUNN	300.00
289416		000230	MIKE SAVOIE CHEVROLET INC	1,191.32
289417	*	004827	NICK'S MAINTENANCE SERVICE	21,400.00
289418	*	000477	OAKLAND COUNTY	186,110.84
289419	*	008519	OAKLAND COUNTY MOMS	2,995.00
289420	*	008657	OCBOA	520.00
289421	*	004370	OCCUPATIONAL HEALTH CENTERS	336.00
289422		000678	OCLC, INC.	319.87
289423	*	009478	ODP BUSINESS SOLUTIONS, LLC	158.46
289424	*	000481	OFFICE DEPOT INC	68.38
289425	*	MISC	PAMELA CASTANS	2.00
289426	*	003588	PATRIOT 2000 INC.	735.00
289427		008028	PK SAFETY SUPPLY	1,562.00
289428	*	009565	POLITICAL PRODUCTIONS	2,225.00
289429	*	000801	POSTMASTER	2,307.44
289430		003483	SHERWIN WILLIAMS COMPANY	65.94

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289431		007114	SHERWIN WILLIAMS COMPANY	46.94
289432		008815	SHI INTERNATIONAL CORP.	993.92
289433	*	009009	SIGNATURE CLEANING LLC	8,524.47
289434	*	008073	SITEONE LANDSCAPE SUPPLY, INC	858.49
289435		009325	SMITH'S WATERPROOFING LLC	41,165.55
289436	*	007907	SP+ CORPORATION	100.00
289437	*	006895	STATE OF MICHIGAN	25.00
289438		004544	STRYKER SALES CORPORATION	4,982.44
289439		005863	SUCCESS COMMUNICATIONS, INC.	315.00
289440	*	008287	SUNBELT RENTALS INC	8,858.63
289441		005498	KRISTEN TAIT	26.58
289442	*	009336	THE GREAT DECORATE	3,500.00
289443	*	009566	U.S. FLOOD CONTROL CORP	3,791.00
289444	*	000293	VAN DYKE GAS CO.	308.99
289445	*	000158	VERIZON WIRELESS	147.33
289446	*	000158	VERIZON WIRELESS	819.51
289447	*	000158	VERIZON WIRELESS	103.48
289448	*	008986	RANDYL LEE WAGNER	2,185.00
289449	*	009140	WAHL TENTS	15,150.00
289450	*	009140	WAHL TENTS	1,098.76
289451	*	009052	ISABEL WALLACE	150.00
289452	*	003932	WDIV/TV4	350.00
289453	*	008465	WEEKEND COME BACK	650.00
289454	*	006318	FRANK J ZAMBONI CO. INC	257.11
289455	*	008902	ZORO TOOLS, INC.	436.70
SUBTOTAL PAPER CHECK				\$526,654.26
<u>ACH TRANSACTION</u>				
6670	*	002284	ABEL ELECTRONICS INC	100.00
6671	*	008226	KATHERINE ABELA	1,601.00
6672	*	008649	ROBERT ABRAHAM JR.	25.00
6673		009126	AMAZON CAPITAL SERVICES INC	223.96
6674		009126	AMAZON CAPITAL SERVICES INC	112.42
6675		009126	AMAZON CAPITAL SERVICES INC	59.98
6676	*	009126	AMAZON CAPITAL SERVICES INC	43.98
6677	*	009126	AMAZON CAPITAL SERVICES INC	829.41
6678		009126	AMAZON CAPITAL SERVICES INC	192.46
6679		009126	AMAZON CAPITAL SERVICES INC	8.99
6680		009126	AMAZON CAPITAL SERVICES INC	29.74
6681		009126	AMAZON CAPITAL SERVICES INC	45.56
6682		009126	AMAZON CAPITAL SERVICES INC	134.95
6683		009126	AMAZON CAPITAL SERVICES INC	67.47
6684		009126	AMAZON CAPITAL SERVICES INC	35.34
6685		009126	AMAZON CAPITAL SERVICES INC	75.95

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6686		009126	AMAZON CAPITAL SERVICES INC	59.00
6687		009126	AMAZON CAPITAL SERVICES INC	26.99
6688		009126	AMAZON CAPITAL SERVICES INC	27.47
6689		009126	AMAZON CAPITAL SERVICES INC	7.56
6690		009126	AMAZON CAPITAL SERVICES INC	122.06
6691		009126	AMAZON CAPITAL SERVICES INC	342.01
6692		008655	ANGELO IAFRATE CONSTRUCTION	1,719,061.48
6693	*	001357	ART/DESIGN GROUP LTD	2,839.00
6694	*	000517	BEIER HOWLETT P.C.	264.00
6695	*	000518	BELL EQUIPMENT COMPANY	702.99
6696	*	007345	BEVERLY HILLS ACE	37.32
6697		006683	BIRMINGHAM LAWN MAINTENANCE, INC	12,060.00
6698	*	007624	BIRMINGHAM OIL CHANGE CENTER, LLC	57.97
6699		000546	KAREN D. BOTA	3,350.00
6700	*	003282	LISA MARIE BRADLEY	651.00
6701	*	008983	BRENNA SANDLES	414.25
6702		008545	JAIMI BROOK	168.75
6703	*	009122	CLAIRE CHUNG	412.50
6704		002668	CONTRACTORS CLOTHING CO	1,253.80
6705	*	006528	DOWNTOWN PUBLICATIONS INC	550.00
6706	*	001077	DUNCAN PARKING TECH INC	6,393.15
6707	*	001230	FIRE SYSTEMS OF MICHIGAN LLC	689.00
6708	*	000243	GRAINGER	144.62
6709		001318	HERC RENTALS	1,920.46
6710		000331	HUBBELL ROTH & CLARK INC	18,291.88
6711	*	008851	INSIGHT INVESTMENT	6,454.63
6712		000261	J.H. HART URBAN FORESTRY	41,259.75
6713		009249	JCC CREATIVE LLC	525.00
6713	*	009249	JCC CREATIVE LLC	400.00
6714	*	003458	JOE'S AUTO PARTS, INC.	304.86
6715	*	005550	LEE & ASSOCIATES CO., INC.	813.92
6716	*	003527	LOWER HURON SUPPLY CO INC	1,253.93
6717		008611	MCCI, LLC	13,084.20
6718	*	002631	METRO PARENT PUBLISHING GROUP	1,500.00
6719	*	009370	MICHAEL SIMON	154.00
6720	*	000377	MICHIGAN MUNICIPAL LEAGUE	199.00
6721	*	009242	MILES PARTNERSHIP LLLP	1,107.50
6722		006409	MOSHER & ASSOCIATES LLC	117.60
6723	*	009331	MY CONCIERGE MICHIGAN, LLC	2,756.00
6724		008336	NBS COMMERCIAL INTERIORS	134.00
6725		001194	NELSON BROTHERS SEWER	566.00
6726	*	007755	NETWORK SERVICES COMPANY	788.81
6727		009276	NEWTONS SOLUTIONS LLC	900.00

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6728		001864	NOWAK & FRAUS ENGINEERS	38,344.00
6729	*	006359	NYE UNIFORM COMPANY	976.30
6730	*	002767	OSCAR W. LARSON CO.	225.00
6731	*	006853	PAUL C SCOTT PLUMBING INC	1,732.07
6732	*	005688	PEGASUS ENTERTAINMENT INC	5,050.00
6733	*	003554	RKA PETROLEUM	16,475.53
6734	*	000478	ROAD COMM FOR OAKLAND CO	4,272.48
6735	*	001181	ROSE PEST SOLUTIONS	74.00
6736	*	003785	SIGNS-N-DESIGNS INC	2,297.00
6737		000254	SOCRRA	82,545.00
6738		001097	SOCWA	186,921.42
6739		005787	SOUTHEASTERN EQUIPMENT CO. INC	128.45
6740	*	002433	THELMA GOLDEN	38.13
6741		009266	US SIGNAL COMPANY LLC	6,076.09
6742		002088	WM. CROOK FIRE PROTECTION CO.	1,050.00
6743	*	005360	WORRY FREE INC	1,340.00
SUBTOTAL ACH TRANSACTION				\$2,193,298.14
GRAND TOTAL				\$2,719,952.40

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

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Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
289456	*	000855	48TH DISTRICT COURT	500.00
289457	*	000855	48TH DISTRICT COURT	2,000.00
289458	*	000855	48TH DISTRICT COURT	500.00
289459	*	007329	ALL AMERICAN ARENA PRODUCTS LLC	62.03
289460	*	001797	ALLEGRA MARKETING, PRINT, MAIL	520.36
289461		BDREFUND	ANDREJ GOLOVAN	100.00
289462	*	008977	JOBMATCH LLC DBA APPLICANTPRO	3,059.00
289463		009202	AQUARIUM DESIGN INC	240.00
289464		BDREFUND	Archadeck of Southeast Michigan	100.00
289465		000500	ARTECH PRINTING INC	120.00
289466		001843	ASCE/MEMBERSHIP	283.00
289467		BDREFUND	BAM CONSTRUCTION AND DEVELOPMENT	375.00
289468		001122	BOB BARKER CO INC	253.07
289469		003012	BATTERIES PLUS BULBS	188.19
289470	*	MISC	BATTERY WAREHOUSE & BATTERY GIANT	89.95
289471	*	009042	RANDY BEARDEN	25.00
289472		BDREFUND	BELFOR USA GROUP INC	500.00
289473	*	004931	BIDNET	672.72
289474		002231	BILLINGS LAWN EQUIPMENT INC.	55.86
289475		BDREFUND	BINGHAM DEVELOPMENT LLC	500.00
289476		BDREFUND	BIRMINGHAM PLBG CO INC	1,000.00
289477		BDREFUND	BOES, JEFFREY P	300.00
289478		BDREFUND	BOJI GROUP	1,000.00
289479		003526	BOUND TREE MEDICAL, LLC	1,119.32
289480		BDREFUND	BUTCHER & BUTCHER CONSTRUCTION COMP	100.00
289481		BDREFUND	C & G CEMENT CONTRACTORS INC	100.00
289482		003907	CADILLAC ASPHALT, LLC	849.13
289483		007732	CAPITAL TIRE, INC.	729.76
289484	*	000444	CDW GOVERNMENT INC	162.24
289485		BDREFUND	CEDAR WORKS INC	600.00
289486		000902	CENGAGE LEARNING INC	36.78
289487		000605	CINTAS CORPORATION	171.06
289488		000605	CINTAS CORPORATION	227.60
289489		000605	CINTAS CORPORATION	25.46
289490	*	000605	CINTAS CORPORATION	315.82
289491		000605	CINTAS CORPORATION	420.08
289492	*	004026	COFINITY	2,940.00
289493	*	008955	COMCAST	395.56
289494		007774	COMCAST BUSINESS	273.85
289495		BLREFUND	COMMON GROUND	849.94
289496		BDREFUND	CREGGER SERVICES INC	3,000.00
289497		003923	CUMMINS BRIDGEWAY LLC	637.16

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289498	*	009549	DANIEL CRUMP DBA	1,400.00
289499	*	009549	AMAZON WEB SERVICES	96.67
289500	*	006907	DENTEMAX, LLC	155.70
289501		BDREFUND	DETROIT BARBERS	100.00
289502	*	TAXMISC	DIMA KHALIFE	2,876.44
289503	*	000179	DTE ENERGY	81.00
289504	*	000179	DTE ENERGY	17.12
289505	*	000179	DTE ENERGY	80.48
289506	*	000179	DTE ENERGY	167.77
289507	*	000179	DTE ENERGY	2,444.56
289508	*	000179	DTE ENERGY	99.96
289509	*	000179	DTE ENERGY	115.90
289510	*	000179	DTE ENERGY	1,922.41
289511	*	000179	DTE ENERGY	142.36
289512	*	000179	DTE ENERGY	514.61
289513	*	000179	DTE ENERGY	1,019.77
289514	*	000179	DTE ENERGY	184.44
289515	*	000179	DTE ENERGY	439.29
289516	*	000179	DTE ENERGY	99.95
289517	*	000180	DTE ENERGY	43,619.32
289518		BDREFUND	EDWIN ANTHONY HOMES	1,000.00
289519	*	007538	EGANIX, INC.	720.00
289520		BDREFUND	EGRESS SOLUTIONS INC	100.00
289521		000196	EJ USA, INC.	3,000.54
289522		BDREFUND	ELITE INSTALLS	100.00
289523		004574	FAIR-WAY TILE & CARPET, INC.	1,716.00
289524		000585	FARMINGTON COMM. LIBRARY	2,588.54
289525	*	000936	FEDEX	84.75
289526		BDREFUND	FERT-SCAPE INC	100.00
289527		BDREFUND	FIVE STAR PROPERTY	100.00
289528		006654	FLEETPRIDE INC	463.96
289529		BDREFUND	FORTUNA CONSTRUCTION	100.00
289530		BDREFUND	GILLETTE BROTHERS POOL & SPA	500.00
289531	*	004604	GORDON FOOD	89.25
289532		BDREFUND	HANSONS GROUP LLC	500.00
289533	*	001956	HOME DEPOT CREDIT SERVICES	735.06
289534	*	009563	HOWIES HOCKEY INC	247.90
289535	*	009500	IBM CORPORATION	12.00
289536		BDREFUND	IGOR K CONSTRUCTION	100.00
289537		009551	INTERMEDIA. NET INC	750.50
289538	*	009401	IRENE S WASSEL	500.00
289539		BDREFUND	ITEC ENTERPRISES LLC	6,400.00
289540		000344	J.T. EXPRESS, LTD.	3,384.21

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289541	*	UBREFUND	JAMES SEZWICK	381.66
289542	*	009403	JUSTIN ZAYID	250.00
289543		BDREFUND	K & A SIGNS, INC	100.00
289544		008954	K & D PHILLIPS CONTRACTING	1,800.00
289545	*	009539	K AND Q LAW PC	250.00
289546		BDREFUND	KIRK NIATSKAS	400.00
289547	*	002659	CHRISTOPHER KOCH	111.29
289548	*	000362	KROGER COMPANY	66.91
289549	*	009386	LAW OFFICE OF BRIAN P. FENECH	300.00
289550	*	009388	LAW OFFICE OF PATRICK G. GAGNIUK	300.00
289551		006817	LEXISNEXIS RISK DATA MANAGEMENT INC	71.00
289552		009375	LITHIA MOTORS, INC SUPPORT SERVICES	1,569.06
289553	*	001171	JIM LOTRIDGE	65.00
289554		BDREFUND	LYNCH CUSTOM HOMES	1,400.00
289555		BDREFUND	MAIN STREET DESIGN & BUILD	500.00
289556		BDREFUND	MANCO BUILDERS LLC	1,100.00
289557		BDREFUND	MARK AND MARY ALHERMIZI FAMILY TRST	10,000.00
289558	*	MISC	MECHAM MECHANICAL SERVICES	1,550.62
289559	*	009143	MICHAEL SHUKWIT	250.00
289560		BDREFUND	MICHIGAN ASPHALT PAVING	100.00
289561		008279	MICHIGAN MUNICIPAL EXECUTIVES	1,275.00
289562	*	005024	MIDWEST GLASS FABRICATORS, INC	75.76
289563		BDREFUND	MILFORD CONTRACTING	2,500.00
289564		008319	MKSK INC	5,411.80
289565		007163	MOBILE HEALTH RESOURCES	2,419.22
289566		BDREFUND	MOORE DEVELOPMENT GROUP LLC	300.00
289567		BDREFUND	NELSON BROS SWR & PLBG SVC INC	523.65
289568		BDREFUND	NEST CONSTRUCTION	400.00
289569		BDREFUND	NIGHTINGALE COMPANY	500.00
289570	*	000919	OAKLAND COUNTY TREASURER	30.00
289571	*	000919	OAKLAND COUNTY TREASURER	30.00
289572	*	004370	OCCUPATIONAL HEALTH CENTERS	517.00
289573	*	009478	ODP BUSINESS SOLUTIONS, LLC	82.15
289574		BDREFUND	PARO CONSTRUCTION LLC	200.00
289575	*	TAXMISC	PATRICK MARTIN	881.15
289576		BDREFUND	PELLA WINDOWS & DOORS, INC.	300.00
289577	*	009569	PHILLIP ANDREW LOVATI	550.00
289578		008028	PK SAFETY SUPPLY	1,911.93
289579		BDREFUND	PRM CUSTOM BUILDERS LLC	500.00
289580		009324	PULLMAN SST INC	6,793.65
289581		002852	QMI GROUP INC	119.00
289582	*	007336	REVIZE LLC	975.00
289583		BDREFUND	ROBERT CLANCY CONTRACTING	857.10

City of Birmingham

Warrant List Dated 12/14/2022

Meeting of 12/19/2022

Check Number	Early Release	Vendor #	Vendor	Amount
289584		BDREFUND	RUSZKOWSKI CONSTRUCTION	350.00
289585	*	007898	JEFFREY SCHEMANSKY	25.00
289586	*	005759	SCHEMA ROOFING & SHEET METAL CO INC	895.00
289587		BDREFUND	SCHLACHTER, KRIS J	200.00
289588		008815	SHI INTERNATIONAL CORP.	507.37
289589		BDREFUND	SIGN FABRICATORS INC	350.00
289590		005128	SOCPPWA	125.00
289591		002809	STATE OF MICHIGAN	872.79
289592		BDREFUND	STONELEIGH CONSTRUCTION LLC	100.00
289593		004544	STRYKER SALES CORPORATION	5,024.68
289594		007408	T-MOBILE	272.37
289595		BDREFUND	T-MOBILE CENTRAL LLC	100.00
289596	*	001076	TAYLOR FREEZER OF MICH INC	325.00
289597		BDREFUND	THOMAS SEBOLD & ASSOCIATES, IN	1,400.00
289598		BDREFUND	THORNTON & GROOMS INC.	1,000.00
289599		BDREFUND	TOAST BIRMINGHAM LLC	200.00
289600	*	004379	TURNER SANITATION, INC	290.00
289601		008941	UPTOWN MARKET OF BIRMINGHAM	220.46
289602	*	000293	VAN DYKE GAS CO.	252.81
289603	*	000158	VERIZON WIRELESS	149.40
289604	*	000158	VERIZON WIRELESS	1,104.39
289605	*	000158	VERIZON WIRELESS	76.02
289606	*	000158	VERIZON WIRELESS	151.10
289607		BDREFUND	WALLSIDE INC	600.00
289608		BDREFUND	WALLSIDE WINDOWS	500.00
289609		BDREFUND	WELKIN CONSTRUCTION COMPANY LLC	100.00
289610	*	008391	XEROX CORPORATION	193.19
SUBTOTAL PAPER CHECK				\$167,370.93

ACH TRANSACTION

22		009126	AMAZON CAPITAL SERVICES INC	9.94
23		009126	AMAZON CAPITAL SERVICES INC	(3.20)
6673		009126	AMAZON CAPITAL SERVICES INC	(0.08)
6745	*	002284	ABEL ELECTRONICS INC	450.00
6746		009126	AMAZON CAPITAL SERVICES INC	82.80
6747		009126	AMAZON CAPITAL SERVICES INC	139.98
6748		009126	AMAZON CAPITAL SERVICES INC	59.99
6749		009126	AMAZON CAPITAL SERVICES INC	53.49
6750	*	009126	AMAZON CAPITAL SERVICES INC	17.95
6751	*	009126	AMAZON CAPITAL SERVICES INC	14.79
6752		009126	AMAZON CAPITAL SERVICES INC	70.76
6753		009126	AMAZON CAPITAL SERVICES INC	29.98
6754		009126	AMAZON CAPITAL SERVICES INC	34.64
6755		009126	AMAZON CAPITAL SERVICES INC	45.80

City of Birmingham
Warrant List Dated 12/14/2022

Meeting of 12/19/2022

Check Number	Early Release	Vendor #	Vendor	Amount
6756		009126	AMAZON CAPITAL SERVICES INC	40.87
6757		009126	AMAZON CAPITAL SERVICES INC	139.98
6758	*	009126	AMAZON CAPITAL SERVICES INC	13.44
6759		009126	AMAZON CAPITAL SERVICES INC	60.33
6760		009126	AMAZON CAPITAL SERVICES INC	16.99
6761		009126	AMAZON CAPITAL SERVICES INC	97.96
6762		009126	AMAZON CAPITAL SERVICES INC	180.06
6763		009126	AMAZON CAPITAL SERVICES INC	33.78
6764		009126	AMAZON CAPITAL SERVICES INC	57.98
6765		009126	AMAZON CAPITAL SERVICES INC	80.62
6766		009126	AMAZON CAPITAL SERVICES INC	58.99
6767		009126	AMAZON CAPITAL SERVICES INC	14.99
6768		009126	AMAZON CAPITAL SERVICES INC	40.12
6769		009126	AMAZON CAPITAL SERVICES INC	51.55
6770		009126	AMAZON CAPITAL SERVICES INC	14.00
6771		009126	AMAZON CAPITAL SERVICES INC	99.99
6772	*	000517	BEIER HOWLETT P.C.	33,416.50
6773	*	000518	BELL EQUIPMENT COMPANY	2,915.00
6774	*	007345	BEVERLY HILLS ACE	8.99
6775	*	008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	47,402.54
6776	*	000542	BLUE WATER INDUSTRIAL PRODUCTS INC	99.75
6777		009183	BOB ADAMS TOWING	845.00
6778		002668	CONTRACTORS CLOTHING CO	478.23
6779	*	007359	DETROIT CHEMICAL & PAPER SUPPLY	105.07
6780	*	000243	GRAINGER	198.60
6781	*	001672	HAYES PRECISION INC	32.50
6782		001318	HERC RENTALS	1,620.46
6783		000331	HUBBELL ROTH & CLARK INC	47,008.81
6784	*	009390	IDUMESARO LAW FIRM, PLLC	1,400.00
6785		009249	JCC CREATIVE LLC	350.00
6786	*	003458	JOE'S AUTO PARTS, INC.	243.86
6787	*	004085	KONE INC	2,086.45
6788	*	009392	LAMB LEGAL CONSULTING SERVICES	250.00
6789	*	009385	LAW OFFICE OF MICHAEL J. DICK	1,990.00
6790	*	005550	LEE & ASSOCIATES CO., INC.	826.16
6791	*	009398	MARCIA C ROSS PC	1,100.00
6792	*	009573	MICHIGAN ECON DEVELOPMENT CORP.	8,989.50
6793	*	001864	NOWAK & FRAUS ENGINEERS	2,261.00
6794	*	008843	OAKLAND COUNTY TREASURER- TAX PYMNT	78,806.18
6795		008866	PRECISION CONCRETE CUTTING INC	133,408.35
6796	*	000478	ROAD COMM FOR OAKLAND CO	10,785.72
6797	*	001181	ROSE PEST SOLUTIONS	74.00
6798		006832	SAFEWARE INC.	4,586.60

City of Birmingham
Warrant List Dated 12/14/2022

Meeting of 12/19/2022

Check Number	Early Release	Vendor #	Vendor	Amount
6799		009301	SECURE-CENTRIC INC	1,187.02
6800	*	001097	SOCWA	133,499.17
6801		009526	TELLURIS ARCHITECTURE & URBAN PLANN	9,720.00
6802	*	002037	TOTAL ARMORED CAR SERVICE, INC.	796.28
6803	*	004692	TRANSPARENT WINDOW CLEANING	5,690.00
6804	*	007278	WHITLOCK BUSINESS SYSTEMS, INC.	3,851.20
6805	*	009379	YELLOW DOOR LAW	3,750.00
SUBTOTAL ACH TRANSACTION				\$541,791.43
GRAND TOTAL				\$709,162.36

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

Department of Public Services

DATE: December 12, 2022

TO: Thomas M. Markus, City Manager

FROM: Carrie A. Laird, Parks and Recreation Manager
Connie Folk, Recreation Coordinator

SUBJECT: Electric Zamboni Edger EZIII Purchase

INTRODUCTION:

Due to its age and condition, the Department of Public Service (DPS) recommends replacing its gas Zamboni edger that is used at the Birmingham Ice Sports Arena. The department is requesting it be replaced with a new electric Zamboni edger EZIII. The electric edger will be purchased from Mid America Rink Services, 1085 Bunkerhill Drive, Kalamazoo, Michigan 49009 through the Sourcewell Cooperative Purchase Agreement Contract # 120320-FZC.

BACKGROUND:

In 2000, DPS purchased one gas powered edger for use inside the Birmingham Ice Sports Arena as part of the daily ice maintenance program. The edger is used to remove ice buildup along the sides of the arena boards. The daily use of an ice edger is key to reduced ice maintenance time and ensures the best performance and exceptional ice quality.

LEGAL REVIEW:

The City Attorney has reviewed this purchase and agreement and has no objection.

FISCAL IMPACT:

The cost for the electric Zamboni Edger EZIII is \$7,185.15. Funds are available in the Machinery & Equipment Fund account #661.0-441.006-933.0200..

PUBLIC COMMUNICATIONS:

This does not apply to this purchase.

SUMMARY:

The Department of Public Service recommends replacing its gas operated edger, which was purchased in 2000. We are requesting that it be replaced with a new electric Zamboni edger EZIII. The electric edger will be purchased from Mid America Rink Services, 1085 Bunkerhill

Drive, Kalamazoo, Michigan 49009 through the Sourcewell Cooperative Purchase Agreement Contract # 120320-FZC. The edger comes with a one year warranty and the batteries and charger have a two year warranty.

Upon receipt of the new edger, the old edger will be listed on the Michigan Governmental Trade Network (MITN) for public auction or disposed of properly based on the mechanic findings.

ATTACHMENTS:

Attached to this report are the agreement, the vendor quote, and the warranty information.

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve the purchase of one (1) electric Zamboni edger from Mid America Rink Services, through the Sourcewell Cooperative Purchase Agreement Contract # 120320-FZC, in the amount not to exceed \$7,185.15. Funds for this purchase are available in the FY 2022-2023 Machinery & Equipment Fund account #661.0-441.006-933.0200.

AGREEMENT FOR EQUIPMENT PURCHASE BETWEEN THE CITY OF BIRMINGHAM & MID AMERICA RINK SERVICES

THIS AGREEMENT is entered into this _____ day of _____, 2022, by and between the **CITY OF BIRMINGHAM**, whose address is 151 Martin Street, Birmingham, MI 48009 (hereinafter referred to as the City) and Mid America Rink Services, 1085 Bunkerhill Dr, Kalamazoo, MI 49009, (hereafter referred to as Vendor) and the foregoing shall collectively be referred to as the parties.

WHEREAS, the City desires to purchase (1) 5E-40000 Edger EZIII Battery Powered, for its ice arena as more fully described in Attachment "A"; and

WHEREAS, Vendor has qualifications that meet the purchase requirements and has provided a response and cost proposal.

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

1. MUTUALLY AGREE: It is mutually agreed by and between the parties that the Vendor's Quotation shall be incorporated herein by reference, shall become a part of this Agreement, and shall be binding upon both parties hereto. (Attached hereto as Attachment "A.") In the event of a conflict in any of the terms of this agreement and the Vendor's Quotation, the terms of this Agreement shall prevail.

2. TERM: This is an outright purchase and shall have no term.

3. TERMS OF PAYMENT: The Vendor will invoice the City for the sale. The City may, at its sole discretion demand review and the right to request at any time further detailed accounting information for any or all bills. The right to inspection of any bill and invoice shall never be at any cost or billings to the City, nor shall preparation of said invoices be billed to the City or against the general retainer. Payment terms will be net 30 days unless otherwise specified by the City.

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

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

6. INDEPENDENT VENDOR: The Vendor and the City agree that the Vendor is acting as an independent contractor with respect to the Vendor role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Vendor nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Vendor shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Vendor shall not be considered entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.

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

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

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

City: City of Birmingham
P.O. Box 3001
Birmingham, Michigan 48012
Attn: Carrie Laird

Mid America Rink Services:
1085 Bunkerhill Dr.
Kalamazoo, MI 49009

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

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

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

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

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

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

16. RESPONSE TO GOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT: The Vendor shall be held to and bound by all terms, conditions, warranties and representations which it made in its written response dated November 16, 2022, to the City's Cooperative Purchasing Agreement, dated 12/7/22. In the event of a conflict in any of the terms of this Agreement and the Vendor Mid America Rink Services 12/7/22 (date of response) response, the terms of this Agreement shall prevail.

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

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

Mid America Rink Services

By: Susanne Remelius

Its: Co-Owner/Vice President

Susanne Remelius
12-9-22

STATE OF MICHIGAN)
) ss:
COUNTY OF OAKLAND)

On this 7th day of December, 2022, before me personally appeared Susanne Remelius, who acknowledged that with authority on behalf of Mid America Rink Services to do so he/she signed this Agreement.

Shane Rembold
Shane Rembold Notary Public
Oakland County, Michigan

Acting in Kalamazoo County, Michigan

My commission expires: 02/03/2029




ATTACHMENT A

CITY OF BIRMINGHAM:


By: _____
Therese Longe, Mayor

By: _____
Alexandria D. Bingham, City Clerk


APPROVED:




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



Director of Public Services
(Approved as to substance)



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



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

ATTACHMENT A

Mid AmericaRink Services
 1085 Bunkerhill Dr
 Kalamazoo, Mi 49009
 269-375-6277
 admin@midamericarinkservices.com



Date	Quote #
11/16/22	8928

Name/Address
Birmingham Ice Sports Arena Connie Folk 2300 E. Lincoln St. Birmingham, MI 48009

Ship To	
Birmingham Ice Sports Arena Connie Folk 2300 E. Lincoln St. Birmingham, MI 48009	
P.O. No.	Model/serial
120320-FZC	

Item	Description	Quanti	Cost	Total
5E-40000 EDGER BATTERY,	5E-40000 Edger EZIII Battery Powered	1	6,995.00	6,995.00
Discount	Sourcewell 3% Discount. 120320-FZC		-209.85	-209.85
MISC PART	Edger - 1 Year Warranty		0.00	0.00
Freight	Charger + Batteries - 2 Years Warranty			
	Estimated Freight Charges subject to change		400.00	400.00
	12+ weeks for delivery			
	Ship To:			
	Birmingham Ice Sports Arena			
	Connie Folk			
	2300 E. Lincoln St.			
	Birmingham, MI 48009			
Quotes are vaild for 30 days after that all will be requoted based on shipping and price changes				
10% Restocking fee plus all freight charges will apply for ALL returned Parts		Total		
Email order approvalAdmin@midamericarinkservices.com		\$7,185.15		



MEMORANDUM

(Police Department)

DATE: December 12, 2022

TO: Thomas M. Markus, City Manager

FROM: Greg Wald, Captain

SUBJECT: POWERPHONE Services for Emergency Medical Dispatching

INTRODUCTION:

The Oakland County Medical Control Authority requires Public Safety Answering Points (PSAP's) that dispatch EMS, be able to provide pre-arrival instructions, also known as emergency medical dispatching or EMD. These are the instructions a call taker can give a 911 caller, like CPR, choking, or childbirth instructions, prior to EMS arrival. Powerphone is a company that provides proprietary software which guides call takers through questions and answers to provide these pre-arrival instructions.

BACKGROUND:

In the early 2010's, the Oakland County Medical Control Authority began requiring PSAP's to provide pre-arrival instructions from an approved EMD program. At the time, the Police Department trained in and utilized the Priority Dispatch EMD program. Priority Dispatch offers instructions in two forms, computer software or physical "flip cards". The Police Department purchased, and still uses, the flip cards from Priority Dispatch.

The Birmingham Police Department dispatch center has three (3) workstations. Each workstation has a set of flip cards for call takers to use for pre-arrival instructions. Each set of flip cards is about 24 inches long by 12 inches wide and weigh several pounds.

When a medical 911 call comes in the call taker must, by Priority Dispatch protocol, ask 3-6 entry questions before dispatching EMS. After dispatching EMS, the call taker can then begin pre-arrival instructions. The call taker will navigate to the flip cards, locate the type of emergency (CPR, choking, etc), and read through a set of instructions. Depending on the nature of the incident, and how it plays out, the call taker may stay on the phone with the caller until first responders arrive. The average response time for the Birmingham Fire Department is three (3) minutes, from FD dispatch to FD arrival.

The Birmingham Police Department is a member of CLEMIS (Courts and Law Enforcement Management System). CLEMIS offers many services to its membership, including Computer Aided Dispatching (CAD). Many companies offer software based, user interfaced, pre-arrival instructions. Only two are approved for use on the CLEMIS CAD system or computers, Powerphone and Priority Dispatch. As the City of Birmingham uses CLEMIS CAD, we would need an additional computer and monitor at each workstation to go with any vendor other than Powerphone or Priority Dispatch. Per workstation, the Birmingham dispatch center is the third smallest of Oakland County's 19 dispatch centers. If the Birmingham Police Department were to switch to Powerphone or Priority Dispatch software, we would not have to add any hardware, and we could remove the three sets of flip cards.

Compared to Priority Dispatch, Powerphone software uses a less strict protocol, allowing call takers to break away from cumbersome entry level questions and dispatch EMS sooner if a situation warrants. Additionally, using software based pre-arrival instructions allows a call taker to begin instructions sooner. The Powerphone software is standalone, and is not integrated into the CLEMIS CAD network, whereas Priority Dispatch is integrated. Therefore Powerphone will still be usable during network maintenance or unexpected outages. For these reasons, the police department considers Powerphone the better of the two options, and therefore a sole source vendor. As such, licensing for Powerphone was budgeted for and purchased in FY 2021-2022 for \$2997 (\$999 per workstation).

Powerphone invoices separately for implementation and training. Initial training, onboarding, and implementation for 19 users (12 dispatchers and 7 dispatch certified officers) is \$12,498 for the first year. This training includes dozens for courses in addition to the EMD training required to use the software. Subsequent years for the unlimited training and licensing will cost \$4197 per year.

Due diligence warranted obtaining a quote from Priority Dispatch. Licensing, training, onboarding and implementation is \$46,210 for the first year, \$4200 in subsequent years.

LEGAL REVIEW:

The City Attorney has reviewed and approved the agreement.

FISICAL IMPACT:

This has been budgeted for in the 2022-2023 fiscal year.

PUBLIC COMMUNICATIONS:

N/A

SUMMARY:

Converting to digital, software based, pre-arrival instructions has been a strong trend in the 911 industry. Using pre-arrival instruction software allows for faster dispatch times for EMS, especially Powerphone, whose protocols allow a call taker to more quickly begin these instructions. Software based pre-arrival instructions are much more efficient to use as call takers do not have to navigate through multiple different cards for one incident. Eliminating bulky flip cards in the dispatch center will free up space. Powerphone protocols are approved by both MDHHS and the Oakland County Medical Control Authority. For redundant purposes, at least one set of flip cards will be kept and stored near dispatch.

ATTACHMENTS:

- 1) City contract with Powerphone
- 2) Insurance certificates
- 3) Quote from Powerphone
- 4) Quote from Priority Dispatch

SUGGESTED COMMISSION ACTION:

Make a motion to approve the purchase of Powerphone training services and implementation for the new EMD protocols, and waive the normal bidding requirements. This project was budgeted in the 2022-2023 fiscal year and funds are available in the Training account 101.0-325.000.957.0100 in the amount of \$12,498.

AGREEMENT OF: POWERPHONE Emergency Medical Dispatching Licensed Training

THIS AGREEMENT is entered into this 19th day of December, 2022, by and between the **CITY OF BIRMINGHAM**, whose address is 151 Martin Street, Birmingham, MI 48009 (hereinafter referred to as the City) and **POWERPHONE** a Connecticut Corporation, whose address is 1321 Boston Post Rd. 06443, hereafter referred to as Vendor and the foregoing shall collectively be referred to as the parties.

WHEREAS, the City desires Vendor for Emergency Medical Dispatch Training and a license that provides access to the entire Training Library of courses – certifications, continuing education, and software applications for the City's Police Department, and in connection therewith has requested quotes for Emergency Medical Dispatch Training; and

WHEREAS, Vendor has qualifications that meet the project requirements and has provided a response and cost quote to perform Emergency Medical Dispatch Training and a license that provides access to the entire Training Library of courses – certifications, continuing education, and software applications.

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

1 MUTUALLY AGREE: It is mutually agreed by and between the parties that the City's Request for a quote for Emergency Medical Dispatch Training and a license that provides access to the entire Training Library of courses – certifications, continuing education, and software applications dated July 29, 2022, which includes a cost estimate shall be fully incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto (attached hereto as Attachment "A").

2 TERM: This Agreement shall have a term of (1) year from the date stated above.

3 TERMS OF PAYMENT: The Vendor will invoice the City for an annual program for one annual price.

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

5 INSURANCE SUBMISSION REQUIREMENTS: The Vendor has submitted proof to the City that it meets all City insurance requirements. Insurance, with coverage amounts at no less than the City's minimum requirements, must be held by the Vendor throughout the term of this Agreement. Certificates of insurance as stated below will be required no later than five (5) business days from the date of December 19, 2022, Vendor acceptance of the terms of this Agreement.

6 CONFIDENTIAL AND OR PROPRIETARY INFORMATION: The Vendor acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Vendor recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Vendor agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Vendor

shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Vendor further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.

7. INDEPENDENT VENDOR: The Vendor and the City agree that the Vendor is acting as an independent contractor with respect to the Vendor's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Vendor nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Vendor shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Vendor shall not be considered entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.

8. COMPLIANCE WITH LAWS: Vendor agrees to fully and faithfully carry out the duties of set forth herein using its best efforts in accomplishing 3 all assignments from the City, and further, in addition to upholding all federal, and state laws and applicable codes of professional conduct to which Vendor is subject, Vendor hereby agrees to be bound by all Federal, State, or City of Birmingham ordinances, rules, regulations and policies as are amended from time to time, and including without limitation the Fair Labor Standards Act, the Equal Employment Opportunity rules and regulations, the Transportation Safety Act and the Occupational Safety and Health Acts.

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

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

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

11. STANDARD INSURANCE REQUIREMENTS:

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

A. Workers' Compensation Insurance:

For Non-Sole Proprietorships: Vendor shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers 4 Liability Coverage, in accordance with all applicable statutes of the State of Michigan.

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

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

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

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

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

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

1. Two (2) copies of Certificate of Insurance for Workers' Compensation

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

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

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

City: City of Birmingham
P.O. Box 3001
Birmingham, Michigan 48012
Attn: Mark H. Clemence, Chief of Police

POWERPHONE
1321 Boston Post Rd.
Madison, CT. 06443

Attn: Pamela Visel

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

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

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

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

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

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

19. RESPONSE TO REQUESTS FOR QUOTES: The Vendor shall be held to and bound by all terms, conditions, warranties and representations which it made in its written response dated July 29, 2022, to the City's Request for quote date. In the event of a conflict in any of the terms of this Agreement and the Vendor's July 29, 2022 response, the terms of this Agreement shall prevail.

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

IN WITNESS WHEREOF, the parties hereto agree to be bound by the above terms and conditions, and Vendor, by its authorized signature below, expressly accepts this Agreement upon

the above provided terms and conditions contained in this Agreement as of the date first above written.

POWERPHONE, Vendor:

By: P. Kelly
Its: Director of Operations

On this 13 day of December, 2022 before me personally appeared Patrick Kelly, who acknowledged that with authority on behalf of POWERPHONE to do so he/she signed this Agreement.

[Signature]
Notary Public
My commission expires: _____

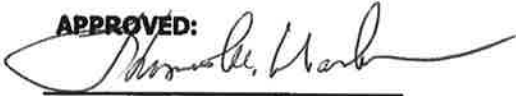
DOUGLAS DANAHER
Notary Public, State of Connecticut
My Commission Expires July 31, 2027

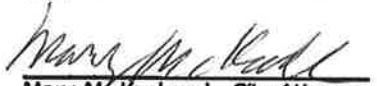
CITY OF BIRMINGHAM:


By: _____
Therese Longe, Mayor

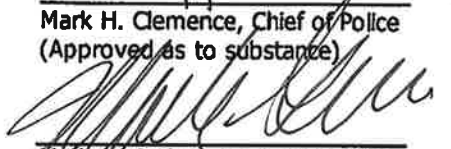
By: _____
Alexandria D. Bingham, City Clerk

APPROVED:


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


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


Mark H. Clemence, Chief of Police
(Approved as to substance)


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

O:\Birmingham\CONTRACTS & REAL ESTATE\Contracts\Emergency Medical Dispatching Licensed Training with POWERPHONE\2022.11.28 CLEAN Powerphone Agreement.docx
(1).docx



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/14/2022

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

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

PRODUCER AP INTEGO INSURANCE GROUP, LLC 375 Woodcliff Dr. Suite 103 Fairport NY 14450	CONTACT NAME: AP Intego Insurance Group, LLC PHONE (A/C, No, Ext): 888-289-2939 E-MAIL ADDRESS: certs@apintego.com FAX (A/C, No):
INSURED PowerPhone Inc 1321 Boston Post Rd Madison CT 06443	INSURER(S) AFFORDING COVERAGE INSURER A: Travelers Casualty Insurance Company Of America INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
	NAIC # 19046

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

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR <input type="checkbox"/> GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	<input type="checkbox"/>	<input type="checkbox"/>				EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG \$ \$ \$ \$ \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS	<input type="checkbox"/>	<input type="checkbox"/>				COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) \$ \$ \$ \$
	UMBRELLA LIAB EXCESS LIAB DED <input type="checkbox"/> RETENTION \$ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				EACH OCCURRENCE AGGREGATE \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICE/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y / N <input type="checkbox"/> N / A	<input type="checkbox"/>	UB4T694440	05/19/2022	05/19/2023	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
		<input type="checkbox"/>	<input type="checkbox"/>				

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

CERTIFICATE HOLDER**CANCELLATION**

City of Birmingham 151 Main Street Birmingham MI 48009	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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ACORD 25 (2010/05)

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3F

Clear All



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/14/2022

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

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

PRODUCER The Stone Agency 350 Goose Lane P. O. Box 309 Guilford CT 06437	CONTACT NAME: Kimberly Powell PHONE (A/C, No, Ext): (203) 453-2701 E-MAIL ADDRESS: kpowell@stoneinsagency.com FAX (A/C, No): (203) 458-7009
INSURED PowerPhone Incorporated PMSJ LLC 1321 Boston Post Rd. MADISON CT 06443-3431	INSURER(S) AFFORDING COVERAGE INSURER A: Main Street America INSURER B: NGM Insurance Company INSURER C: Axis Pro INSURER D: INSURER E: INSURER F:
	NAIC # 29939 14788 37273

COVERAGES**CERTIFICATE NUMBER:** 22-23**REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			BPB54643	05/19/2022	05/19/2023	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000 Data Compromise \$ 25,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			BPB54643	05/19/2022	05/19/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED <input checked="" type="checkbox"/> RETENTION \$ 10,000 OCCUR CLAIMS-MADE			CUB54643	05/19/2022	05/19/2023	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y / N <input type="checkbox"/> N / A						PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
C	Cyber Liability			P-002-000584805-02	05/19/2022	05/19/2023	Limit 1,000,000 Retention 5,000

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

Additional Insured: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof.

CERTIFICATE HOLDER**CANCELLATION**

City of Birmingham 151 Main Street Birmingham MI 48009	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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1321 Boston Post Rd
Madison, CT 08443
1.800.537.8937

Quote

Quote number: 19409
Date: 2022-07-08
Sales Person: Pamela Visel
Valid until: 2022-07-29

Bill To	Ship To
Cmdr. Greg Wald Birmingham Police Department 151 Martin Street Birmingham, MI, 48012	Cmdr. Greg Wald Birmingham Police Department 151 Martin Street Birmingham, MI, 48012

Total Response

Quantity	Part Number	Quoted Line Item	List Price	Unit Price	Ext. Price	Discount:
1.00	TRLT2WS	Licensed Training: 2 Workstation Initial pricing per agency for 2 call handling workstations for 1 year.	\$8,999.00	\$8,999.00	\$8,999.00	0.00%
1.00	TRLTAWS	Additional Licensed Training per Workstation For additional 3+ call handling workstations. Tiered pricing per workstation: 3-10: \$3499 11-20: \$3299 21-30: \$3099 31+ : \$2499	\$0.00	\$3,499.00	\$3,499.00	0.00%

Subtotal:	\$12,498.00
Discount:	\$0.00
Discounted Subtotal:	\$12,498.00
Tax:	\$0.00
Shipping:	\$0.00
Total	\$12,498.00

Service Plan

Quantity	Part Number	Quoted Line Item	List Price	Unit Price	Ext. Price	Discount:
1.00	TRATL	Annual Training License Tiered pricing per call handling workstation: 2-10: \$1393 11-20: \$1293 21-30: \$1194 31+: \$597	\$0.00	\$4,179.00	\$4,179.00	0.00%
1.00	PPCREDIT	Credit Reimbursement	\$0.00	\$-4,179.00	\$-4,179.00	0.00%

Subtotal:	\$0.00
Discount:	\$0.00
Discounted Subtotal:	\$0.00
Tax:	\$0.00
Shipping:	\$0.00
Total	\$0.00

Currency:	USD	Grand Total	
		Subtotal:	\$12,498.00
		Discount:	\$0.00
		Discounted Subtotal:	\$12,498.00
Tax Rate:	0.00%	Tax:	\$0.00
Shipping Provider:		Shipping:	\$0.00
		Total	\$12,498.00

110 Regent Street, Suite 500
Salt Lake City, UT 84111
USA
www.prioritydispatch.net
Prepared By: Jon Stones
Phone: (800) 363-9127
Direct: Ext. 149
Email: jon.stones@prioritydispatch.net

Agency: Birmingham Police Department
Agency ID#: 10663
Quote #: Q-62715
Date: 8/31/2022
Offer Valid Through: 12/30/2022
Payment Terms: Net 30
Currency: USD

Bill To:
Birmingham Police Department
Greg Wald
151 Martin St
Birmingham, Michigan 48009-3368
United States

Ship To:
Birmingham Police Department
Greg Wald
151 Martin St
Birmingham, Michigan 48009-3368
United States

Product	Qty	Amount
ProQA Medical Software Licenses Automated calltaking software	3	USD 13,833.51
AQUA Case Review Software for EMD Quality Assurance (case review) software base engine and discipline module	1	USD 2,712.29
XLerator Client Server Suite Client server software application suite	1	USD 2,712.45
Advanced SEND Cards for MPDS - Box of 100 Individual S.E.N.D. cards	1	USD 54.25
ED-Q Training and Certification for EMD Materials, tuition and certification (2 days, 16 hours)	3	USD 1,790.22
Remote ProQA Software Training - M Per person cost for four hours of ProQA software training completed in a virtual, instructor-led environment	15	USD 2,424.90
Remote AQUA Software Training - M Per person cost for six hours of AQUA software training completed in a virtual, instructor-led environment	3	USD 647.73
Remote ProQA & AQUA Reports Training Per person cost for 4 hours of training on the configuration and customization options in ProQA and AQUA, completed in a virtual, instructor-led environment	3	USD 484.98
Remote System Administration Training Per person cost for training for center management detailing program configuration and customization options, completed in a virtual, instructor-led environment	2	USD 431.82
Priority Dispatch AI SkillLab - Powered by Call Simulator ProQA calltaking training simulator powered by artificial intelligence (AI). Price is based on hourly usage and is sold in blocks of 100.	150	USD 3,255.00
College of Emergency Dispatch Annual Subscription Online access to the College of Emergency Dispatch for 12 months	14	USD 1,351.98

"To lead the creation of meaningful change in public safety and health."

Product	Qty	Amount
Implementation Support Package (LV) - M Implementation support and quality management program development	1	USD 13,019.77
Equip QA for EMD Initial implementation of expert case review, quality management and mentoring for telecommunicators, QA staff and management	1	USD 8,462.85
IAED Accreditation Application Fee EMD IAED fee for accreditation	1	USD 2,441.21
Priority Dispatch System ESP (P) M System License Renewal, Service & Support	3	USD 4,200.05
ACE Discount Incentive for achieving ACE in a reasonable timeframe	1	USD -7,413.00
Shipping & Handling	1	USD 0.00
Priority Dispatch Software System Implementation (M) TOTAL:		USD 46,209.96

Product	Qty	Amount
Priority Dispatch System ESP (P) M System License Renewal, Service & Support	3	USD 4,200.00
Priority Dispatch System Annual Maintenance: Year 2 TOTAL:		USD 4,200.00

Product	Qty	Amount
Priority Dispatch System ESP (P) M System License Renewal, Service & Support	3	USD 4,200.00
Priority Dispatch System Annual Maintenance: Year 3 TOTAL:		USD 4,200.00

Product	Qty	Amount
Priority Dispatch System ESP (P) M System License Renewal, Service & Support	3	USD 4,500.00
Priority Dispatch System Annual Maintenance: Year 4 TOTAL:		USD 4,500.00

"To lead the creation of meaningful change in public safety and health."

Product	Qty	Amount
Priority Dispatch System ESP (P) M System License Renewal, Service & Support	3	USD 4,500.00
Priority Dispatch System Annual Maintenance: Year 5 TOTAL:		USD 4,500.00

Subtotal	USD 46,210.01
Estimated Tax	
Total	USD 46,210.01

Customer Signature:		Date:	
Customer Name:		Purchase Order ID:	
Expiration Date:			

TERMS AND CONDITIONS

This quote is valid for 120 days from date of issue. All prices quoted are exclusive of any applicable taxes, duties, or government assessments relating to this transaction, which are the sole obligation of Buyer. You can find it here: <https://prioritydispatch.net/licensing/>



MEMORANDUM

Clerk's Office

DATE: December 19, 2022

TO: Thomas M. Markus, City Manager

FROM: Alexandria Bingham, City Clerk

SUBJECT: Annual Review of Fee Schedule for 2023

INTRODUCTION:

The City Commission annually reviews and adopts the Schedule of Fees, Charges, Bonds and Insurance. This includes the amount of any bond required to be posted, amount of insurance required to be carried, or fees to obtain any license to engage in the operation, conduct or carrying on of any trade, profession, business or privilege for which a license or permit is required by the provisions of the Birmingham City Code.

BACKGROUND:

Proposed changes are noted as follows on the attached fee schedule:

CHANGE CODES AS LISTED ON THE FEE SCHEDULE	
A	Fee has remained the same for many years
B	Proposed fee covers current costs
C	Pass through costs that reflect actual cost of service
D	Fee consistent with neighboring communities
E	New Fee
F	Increase to cover normal inflationary increase
G	No longer provide this service
H	Other

DEPARTMENTAL SUMMARY OF PROPOSED CHANGES:

Clerk's Office

In general, wording was altered to specify whether a fee was for an application, a license, or both. The Clerk's Office recommends an increase in pet licenses. This fee has not been updated in over 10 years. The proposed increase covers the labor cost and a simplified cost scale.

In past fee schedules, Estate sales or auctions have been categorized with the Initial Merchant License, however they are different licenses with different applications and approval procedures, because of this they will be referenced individually in the fee schedule.

Items pertaining to the cemetery have been increased to account for inflation and the going rate for these services. Fees for full casket interment and disinterment have been separated due to differences in labor for these two services.

Items pertaining to parking have been compiled in the Police fee schedule. This includes parking fees relating to outdoor dining platforms and valet parking.

An administrative fee pertaining to amendment requests for approved outdoor dining licenses and peddlers and commercial vendor license has been added. This amendment fee will cover labor and review needed when updating a license with new information.

An increase in Voter Information fees to account for labor and time cost. The Daily Absentee Voter List fee has changed from a flat fee to a per-day fee. This change will allow for accurate cost to labor.

Community Development

The Community Development Department recommends an increase on fees identified in the draft proposed 2023 Fee Schedule. These increases reflect the cost of providing a service or corrects fees which have not kept pace with inflation.

Department of Public Services

The Department of Public Services removed 2 items from the fee schedule to reflect current practice. Recycling bins are provided by Southeastern Oakland County Resource Recovery Authority (SOCRRA) and Refuse collection charges "Fill A Dump" was discontinued in 2019.

Engineering

The Engineering Department reviewed the fees for services, permits and licenses in the Fee Schedule and recommends adjustments to represent cost of providing service or updating fees to keep pace with inflation.

Items pertaining to parking have been compiled in the Police fee schedule. This includes parking fees relating to parking meters and parking structures.

The Engineering Department modified the items under Soil Erosion and Sediment Control Permit-Inspection Deposits, to include clarifying language describing how the deposit is used to cover inspection visit costs. The Department also eliminated the option for additional deposit fee per acre over 3 acres as it is not needed in common practice.

Fire Department

The Fire Department recommends increasing the 2023 ALS Emergency Transport I and ALS Non-Emergency Transport along with the Loaded Mile fee to the Blue Cross Blue Shield and Medicare 2023 acceptable payable amounts. This fee increase was recommended by the City's third party medical billing company MHR. This fee increase helps to offset increased medical supply and personnel costs for 2023. The administrative Fee-Non-electronic reporting fee is increased to cover

the cost of time to input the plans into the reporting program and the increased cost of the program fees.

Permit fees for Fire Code Operational Permits, Open Fires Permit, and Pyrotechnics Display have been removed. These permits are no longer issued by the department and therefore can be removed from the Fee Schedule.

Two new fees for service have been added and these fees correspond to the cost of providing the service. A Flow Test fee has been created to cover the cost of personnel and water usage for performing the flow test. A Fire System Acceptance Test Re-inspection fee has been created to cover the costs of personnel for re-inspections. These services are outlined in the City adapted 2021 International Fire code (IFC)

Museum

The Museum Department reviewed fees associated to research requests and identified that the use of a graduated charge per hour of research was not representative of actual cost of this service. A flat rate per hour will be used to cover the costs associated with this service offered.

Police

Items from the Clerk's Department and the Engineering Department pertaining to parking have been moved to the Police Department. This includes parking meters and parking structure fees from the Engineering Department and valet parking fees and meter fees for outdoor dining platforms from the Clerks Department.

Public Records Policy

Efficiencies due to upgraded technologies resulted in a reduction in fees for un-redacted Police audio and video footage requested with the Freedom of Information Act (FOIA).

LEGAL REVIEW:

The City Attorney has reviewed the fee schedule and is satisfied the fees are reflective of actual costs to the City in compliance with State of Michigan laws.

FISCAL IMPACT:

Most of the proposed changes in the fee schedule are to offset an increase in operating costs. The overall financial impact for the City will be an increase in revenues from charges for services which will keep these costs from being funded by property taxes.

PUBLIC COMMUNICATIONS:

Fee Schedule for Review is included in the Commission Packet, which is available online for residents to review and comment as available per standard commission meeting procedure. Departments will update their information on the website and any appropriate documents to reflect the changes after Commission approval.

SUMMARY:

As a result of the annual review of City fees, City Departments recommend changes as presented in the Draft 2023 Fee Schedule. These recommendations update this document to reflect current services and any changes relating to the cost of providing these services.

ATTACHMENTS:

- 2023 Proposed Fee Schedule
- Public Records Policy

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to amend the Schedule of Fees, Charges, Bonds and Insurance as presented and to adopt the revised Public Records Policy, effective January 1, 2023.



FEES, CHARGES, BONDS, INSURANCE

The fee required to be paid and the amount of any bond required to be posted, or insurance required to be carried, to obtain any license to engage in the operation, conduct or carrying on of any trade, profession, business or privilege for which a license is required by the provisions of the Code of the City of Birmingham code shall be as hereinafter provided. These fees may be amended by resolution of the City Commission.

Adopted by Resolution #02-18-10 by the Birmingham City Commission at a regular meeting held February 8, 2010, effective February 14, 2010.

A handwritten signature in cursive script, reading "Nancy A. Weiss".

City Clerk

STANDARD INSURANCE REQUIREMENTS

Where insurance is required to be carried to make application for a permit or license, the applicant shall procure and maintain the following coverages and limits unless otherwise specified in this document.

Workers' compensation insurance. Workers' compensation insurance, including employers' liability coverage, in accordance with all applicable statutes of the state.

Commercial general liability (CGL) insurance. Commercial general liability insurance on an "occurrence basis," with limits of liability not less than \$1,000,000 per occurrence combined single limit, personal injury, bodily injury and property damage. Coverage shall include broad form general liability extensions or equivalent.

Motor vehicle liability insurance. Motor vehicle liability insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit bodily injury and property damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

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

Professional liability. Professional liability insurance with limits of not less than \$1,000,000 per claim if providing service that is customarily subject to this type of coverage.

Cancellation notice. Thirty days advance written notice of insurance cancellation, non-renewal and/or reduction or material change in coverage shall be provided to the city. Notice of cancellation, material change or reduction shall be attached to the certificate of insurance, or otherwise evidenced as in effect under the policy listed.

Proof of insurance coverage. The city shall be provided with certificates of insurance evidencing the coverages outlined above.

Expiration. If any of the above coverages expire, renewal certificates and/or policies must be provided to the city at least ten days prior to the expiration date.

Acceptability of insurance company. All coverages shall be with insurance carriers licensed to do business in the state. All coverages shall be with carriers acceptable to the city.

CITY CLERK'S OFFICE	FEE	PROPOSED FEE	CHANGE CODE	STAFF
<u>Alcoholic beverages for consumption on the premises</u>				
Initial fee License	\$1,500.00			
Administrative Applicant Review	\$350.00			
Annual License renewal	\$350.00			
Transfer Application	\$1,500.00			
Annual criminal background check - per person <i>(to be provided by applicant using the Michigan State</i>				
<u>Animals (18-1)</u>				
Stray animal fines: See Police				
Pet dog and cat licenses:				
license for one year or less	\$5.00	\$15.00	A, B, F	AB
license for two years	\$10.00	\$0.00		AB
license for three years	\$12.00	\$0.00		AB
Each additional year, up to 3 years maximum		\$5.00	A, B, F	AB
license obtained 30 days after expiration	\$20.00			
Kennels:				
Annual fee license	\$300.00			
Plus for each dog in excess of ten	\$10.00			
<u>Auctions and Estate Sales (See Initial Merchants) 126 4.84</u>				
Application and license		\$100.00	H	AB
<u>Bicycle Rental Agencies (122-26) annual fee license</u>	\$5.00			
Insurance: Motor vehicle liability insurance conforming with Michigan Vehicle Code § 520: \$20,000 per				
<u>Charitable Solicitations (38-1)</u>	No charge			
Annual criminal background check - per person <i>(to be provided by applicant using the Michigan State</i>				
<u>Child Care Facilities (58-106)</u>				
Annual criminal background check - per person <i>(to be provided by applicant using the Michigan State</i>				
Initial investigation fee : Child Care Center, Group Day Care, Family Day Care	\$100.00			
Child Care Center Annual License: Child Care Center	\$150.00			
Day care home, family Annual License: Group or Family Day Care	\$100.00			
Initial investigation fee:-	\$100.00	\$0.00	H	AB
Day care home, group annual fee	\$100.00	\$0.00	H	AB
Initial investigation fee	\$100.00	\$0.00	H	AB
<u>Christmas Tree Sales (26-88)</u>				
December 1 through December 25 - non-profit corporations and merchants assessed for personal	No charge			
All others	\$100.00			
Deposit for clean up of lot <i>(forfeited if not cleaned up by January 1st.)</i>	\$300.00			
<u>Dancing Schools (26-201)</u>				
Investigation and annual fee license	\$50.00			
<u>Day Care (See Child Care Facilities)</u>				
<u>Electronic Video Game (14-106)</u>				
Each game, annual fee license <i>(subject to additional fees and requirements for regulated use)</i>				
<u>FOIA fees - See public records policy (attached)</u>				
<u>Fumigation (58-141)</u>				
Fumigation Contractor, annual fee license	\$50.00			
Fumigation permit, per event	\$25.00			
Insurance (58-144): Standard insurance requirements plus environmental impairment/pollution liability	\$50.00			
<u>Garage Public (54-26) - Annual fee license</u>	\$50.00			
<u>Going out of Business (State Law)</u>				
Up to 30 days	\$50.00			
Limit two renewals, each	\$50.00			
<u>Greenwood Cemetery (126-26)</u>				
Grave space accommodating one full burial or three cremations	\$4,000.00			
Additional Rights of Burial for cremated remains, each	\$750.00			
Grave space accommodating two cremated remains	\$2,600.00			
Grave space accommodating one cremated remains	\$1,300.00			
Administrative fee for transfer of grave ownership	\$200.00			
Interment and disinterment fees:				
Cremation	\$750.00			
Full Burial Casket Interment	\$1,400.00	\$1,650.00	A, B, C, F	AB
Full Casket Disinterment		\$2,000.00	B, C, F	AB
*additional equipment fees may apply for disinterment depending on conditions				
Foundation charges for markers & monuments:				
Foundation Installment - per linear foot	\$125.00	\$150.00	A, B, C, F	AB
Marker installation - single	\$250.00	\$300.00	A, B, C, F	AB
Marker installation - companion	\$350.00	\$400.00	A, B, C, F	AB
Marker or monument resets, reinstallations, raising & leveling:				
Single	\$250.00	\$300.00	A, B, C, F	AB
Companion	\$350.00	\$400.00	A, B, C, F	AB
*additional fees may apply, depending on scope of work, equipment necessary and time required.				
Foundation installation charge as per above schedule, plus an hourly charge for removal of old				
Weekend, holiday, and overtime interments	\$400.00			
<i>This fee is in addition to the normal interment fee charged during regular working hours. Hourly</i>				

Horse Drawn Carriages (122-71)				
Company, annual fee license	\$50.00			
Carriage, each vehicle annual fee license	\$50.00			
Insurance: Standard insurance requirement, with coverage to include premises liability; personal injury				
Hotels/Motels Annual License				
Annual License	\$75.00			
1-50 Rooms	\$300.00			
50+ Rooms	\$500.00			
Initial Merchants License:				
Initial Application and license	\$100.00			
Transfer	\$100.00			
Lumberyard Annual License	\$50.00			
Marriage Ceremony Fee	\$10.00			
Mechanical Amusement Device each device annual fee license	\$50.00			
<i>(Subject to additional fees and requirements for regulated use.)</i>				
Motor vehicle rentals (122-26)				
Annual fee license	\$50.00			
Insurance: Motor vehicle liability insurance conforming with Michigan Vehicle Code § 520: \$20,000 per				
Open Parking Stations Annual License (26-428)				
Lots accommodating 25 cars or less	\$100.00			
Lots accommodating 26-50 cars	\$125.00			
Lots accommodating 51-75 cars	\$150.00			
Lots accommodating 76 cars or more	\$200.00			
Outdoor Amusements (14-161)				
Annual fee license	\$25.00			
Surety bond or cash deposit	\$1,000.00			
Outdoor Dining Annual License				
Annual License	\$200.00			
Amendment to Outdoor Dining license after approval		\$20.00	E, B	AB
Additional flat fee for off-season (subject to additional fees for use of city right of way)	\$200.00	\$0.00	G	AB
Insurance:				
Workers' Compensation Insurance , including Employer's Liability Insurance, in accordance with all acceptable statutes of the State of Michigan.				
Commercial General Liability Insurance on an occurrence basis with the limits of liability of not less than				
Outdoor Dining Café Platform Meter Fees				
<i>See: Police Fee Schedule</i>				
Monthly Outdoor Dining Meter Rental Fee for \$1.00/Hour Meter	\$360.00		H	AB
Monthly Outdoor Dining Meter Rental Fee for \$1.50/Hour Meter	\$540.00		H	AB
Removal of parking meter housing and/or posts—minimum fee (cost)	\$88.29		H	AB
Removal of parking meter housing and/or posts—1 meter space (cost)	\$264.87		H	AB
Removal of parking meter housing and/or posts—2 meter spaces (cost)	\$441.45		H	AB
Outdoor Dining Public Land Rental				
Calculated by Treasury, based on squarefootage of public land used, land value and months used				
Outdoor Dining Temporary Structure/Platform Application				
<i>See: Community Development; Plan Examination fee for construction up to \$10,000</i>				
Passports				
Acceptance of passport application	\$35.00	\$0.00	G	AB
Pawnshops				
Annual License	\$500.00			
Annual criminal background check - per person <i>(to be provided by applicant using the Michigan State Police ICHAT system)</i>				
Peddlers and Commercial Vendors (Chapter 26)				
Annual criminal background check - per person <i>(to be provided by applicant using the Michigan State</i>				
Amendment to a peddler and commercial vendor license after initial approval				
		\$20.00	E, B	AB
Special Event and School Vendor/Athletic Vendor in City Park				
Application Fee <i>(per event/application)</i>	\$50.00			
Daily Fee <i>(per day/location)</i>	\$10.00			
<i>50% discount for Birmingham licensed merchants</i>				
Frozen Confection Vendor				
Application Fee	\$80.00			
Annual License Fee	\$500.00			
Amendment to the Application	\$26.00			
Insurance: Standard Insurance Requirements				
Peddling				
Application Fee <i>(per event/application)</i>	\$50.00			
Amendment to the Application	\$16.00			
Daily Fee Option <i>(per day/location)</i>	\$10.00			
Yearly Fee Option <i>(calendar year)</i>	\$1,825.00			
Poolroom, each billiard or pool table annual fee	\$50.00			
<i>(subject to additional fees for regulated use)</i>				
Refuse Collector: (Chapter 90)				
Annual fee first truck license, one truck included	\$150.00			

Each additional truck fee	\$75.00			
<i>Insurance: Proof of workers compensation coverage, motor vehicle liability insurance and the VIN</i>				
Regulated Uses not otherwise listed Chapter 26:				
Initial Application fee and license	\$1,000.00			
Annual licensing fee license	\$200.00			
Rollerskating rinks annual fee-license (Chapter 14)	\$50.00			
Special Events (98-140) non-refundable application fee				
Annual Application-fee	\$165.00			
First Time Event Application fee Initial event investigation	\$200.00			
<i>Additional permit fees as determined by administrative staff due two weeks prior to event with insurance</i>				
Telecommunications				
Application fee	\$500.00			
Annual maintenance fee as determined by the Metro Authority pursuant to Act 48 of the Public Acts of 2002				
Theatres annual fee 14.26	\$50.00			
Valet Parking 26.325				
Annual criminal background check - per person <i>(to be provided by applicant using the Michigan State</i>				
Initial application fee-	\$1,000.00			
Annual license-fee-application	\$500.00			
One-Day Valet Permit application fee	\$50.00			
Valet parking card deposit, per card	\$20.00		H	CW
Valet Parking in City Owned Structures <i>(See: Police fee schedule)</i>				
Fees per car:			H	CW
1-100 cars, pre-paying for six months in advance, per month	\$500.00		H	AB
101-200 cars, pre-paying for six months in advance, per month	\$750.00		H	AB
201 and above cars, pre-paying for six months in advance, per month	\$1,000.00		H	AB
Valet Parking Meter Bag fees - <i>(See: Police fee schedule)</i>				
Valet Parking Meter Bag Fees - Monthly	\$216.00		H	AB
<i>Insurance: Workers' compensation insurance, including employers' liability coverage, in accordance with</i>				
<i>Cancellation notice: Thirty (30) days advance written notice of insurance cancellation, nonrenewal,</i>				
<i>Proof of insurance coverage: The following certificates and policies shall be provided to the city:</i>				
1. Two copies of certificate of insurance for workers' compensation insurance.				
2. Two copies of certificate of insurance for garage liability insurance.				
3. Two copies of certificate of insurance for garage keepers legal liability insurance.				
4. If so requested, certified copies of all policies mentioned above will be furnished.				
<i>Expiration: If any of the above coverages expire, renewal certificates and/or policies must be provided to</i>				
<i>Acceptability of insurance company: All coverages shall be with insurance carriers licensed to do business</i>				
Voter Information				
Daily Absentee Voter List	\$15.00	\$2.00 daily	C	AB
Voter Information List	\$5.00	\$15.00	A	AB

<u>DATE AMENDED</u>	<u>RESOLUTION NUMBER</u>	<u>SECTION</u>
2/22/2010	02-30-10	Police - Parking Offenses and Fines
3/8/2010	03-44-10	Engineering - Schedule of Parking Fees
3/8/2010	03-48-10	Fire - EMS Transportation Fees
3/22/2010	03-37-10	Community Development - Vacant Property Registration Fee
5/10/2010	05-118-10	DPS - Water; Finance - Sewer Service Rates
6/14/2010	06-150-10	Engineering - Bidding Document Fee and Private Building Sewer Investigation Program Fee
6/28/2010	06-172-10	DPS - Sewer Lateral Fee
2/14/2011	02-38-11	Clerk - Voter Information Fees, Valet Parking Fee Museum - Research Fee
3/21/2011	03-72-11	Police - Non-metered zone, Precious Metal Dealer Fee
4/11/2011	04-89-11	DPS - Annual Dog Park Pass
5/23/2011	05-141-11	Clerk - Vendor and Peddler Fees
6/27/2011	06-172-11	DPS & Finance - Water/Sewer Rates
7/25/2011	07-190-11	DPS - Wedding Ceremony Fees
3/19/2012	03-74-12	DPS - Water and Sewer Connection Fees Clerk - Alcoholic Beverages for Consumption on the Premises Fee, Animal License Fee, Annual Licenses Criminal Background Check Fee, Frozen Confection Vendor Insurance Requirements Community Development - Lot Division Fee, Temporary Use Permit Fee, Zoning Ordinance Fees, Zoning Compliance Fees DPS - Water and Sewer Connection Fees, Wedding Rental (Parks) Fee Fire - EMS Transport Service Fee, Fire Code Operational Permits
6/11/2012	06-163-12	DPS - Water; Finance - Sewer Service Rates
9/10/2012	09-257-12	Museum - Allen House Event Request
12/17/2012	12-356-12	Clerk - Cemetery Fees
3/18/2013	03-100-13	DPS - Water and Sewer Connection Fees Community Development - Contractor Registration Fees, Bond Range
5/20/2013	05-163-13	DPS & Finance - Water/Sewer Rates (effective 7/1/13)
7/8/2013	07-203-13	Clerk - Special Event Fees
7/22/2013	07-211-13	DPS - Water/Sewer Connection Fees
12/16/2013	12-356-13	DPS - Water Meter Opt Out Plan Fees
4/28/2014	04-98-14	Community Development - Lot Division Fees, Mechanical & Refrigeration Permit Fees, Zoning Ordinance Fees Fire - EMS Transport Fees, Water Fee, Permit Fee, DPS - Frozen Water Line Fee, Water & Sewer Connection Fees, Water Disconnection Fee Police - Investigation Fees
5/19/2014	05-118-14	DPS - Water; Finance - Sewer Service Rates (effective 7/1/14)
7/28/2014	07-187-14	DPS - Grass & Noxious Weeds Civil Infraction
3/30/2015	03-63-15	Clerk - background check fees, DPS - Refuse Collection & Water and Sewer Connection fees, Fire - Hydrant Use fees
4/27/2015	04-86-15	Engineering - Monthly Parking Permit Rates (effective 7/1/15)
5/18/2015	05-112-15	DPS - Water; Finance - Sewer Service Rates (effective 7/1/15)
8/10/2015	08-174-15	Clerk - Cemetery Fees
9/10/2015	09-191-15	Police - Pedicabs & Quadricycle Fees
3/28/2016	03-99-16	Fire - BLS Transportation & Loaded Mile Fees, move Hydrant Fees to DPS section. Building - swimming pool & replacement window bonds & lawn sprinkler and water heater update
6/6/2016	06-183-16	Engineering - Daily Parking Rate at all parking structures (effective 7/1/16)

6/27/2016	06-203-16	DPS - Water; Finance - Sewer Service Rates (effective 7/1/16)
8/8/2016	08-252-16	Community Development - Lot Division Fee for Combination of Platted Lot
12/5/2016	12-364-16	Engineering (DPS) Trench maintenance fee;
12/5/2016	12-364-16	Community Development -Text change; Vents and Exhaust Fans (under 1500 C.F.M.) fee change
12/12/2016	12-376-16	Fire Department - Non-electronic reporting Administrative fee
2/27/2017	02-50-17	Engineering - Storm Water Utility Fees & Credits
5/22/2017	05-140-17	Engineering-\$.50 increase in all parking meter rates; Police-Daily Meter Bag Fee; City Clerk-Outdoor Dining Café Platform Fees, Removal/restoration of parking meter housings, valet parking Bag Meter Fee
6/26/2017	06-180-17	DPW & Finance - Water/Sewer Rate Changes for 2017-2018
12/11/2017	12-339-17	Clerk-Removal of Taxicabs due to State law. Community Development-increases in Site Evaluation fees & text change to include impervious surfaces
2/26/2018	02-057-18	Community Development - Adding Construction Site Maintenance Violations (Sec. 50-29)
6/25/2018	06-188-18	Water/Sewer Rate Changes for 2018-2019. Effective July 1, 2018.
9/17/2018	09-256-18	City Clerk-Addition, under Alcoholic Beverages Consumption on the Premises, of Administrative Applicant Review fee.
1/28/2019	01-026-19	Clerk: remove passport fee; increase application fee. Building: increase Site Evaluation fees. Community Development: Cross Connections relocated to Department of Public Services section; remove clause at end of section regarding reduced SLU permit fees. Engineering: remove Private Building Sewer Investigation Program; increase Trench Maintenance ROW fee; add Small Cell Monthly License fees. Fire Dept.: increase transport fees. Museum: Limited use fees specified for Allen House; limited use fees added for Park/Grounds
10/28/2019	10-259-19	Engineering;Waive fees for replacement of lead water services
11/25/2019	11-280-19	Clerk; Increase fee for Full Burial in Greenwood Cemetery to be consistent with other Oakland County cemeteries
12/16/2019	11-306-19	Engineering-Increase fees for: Right-of-Way Permits, Soil erosion & sediment control permit fees, Stormwater runoff permit fee, Streets & Sidewalks permit fees: curb closing, curb cuts, driveways, sidewalks, excavations; and Obstructions permits. Fire Department-Increase fees for ALS Emergency and Non-Emergency Transport
1/27/2020	01-025-20	Community Development: Changes in residential site evaluation fees
12/21/2020	12-286-20	Engineering - Increase to bidding document fees
3/22/2021	03-098-21	Fire - increases to emergency transport fees
4/26/2021	04-127-21	Grave Price increase for space that accommodates one full burial or up to 3 cremains from \$3000 to \$4000. Greenwood Cemetery increases to: grave space accommodating two and one cremains, fee for transfer of ownership, additional equip fees applicable for disinterment, marker installation (single and companion), marker or monument resets, and hourly overtime fee time changes.

10/24/2021	10-268-21	Remove usage of Shain Park Wedding Rental, Increase in wedding rental cost and security deposit for remaining parks
12/13/2021	12-321-21	Addition of Online Application fee for Community Development, Engineering. Transfer of Well (irrigation) permit from DPS to Engineering. Engineering: New fees for 5G small cell work. Addition of Flash Drive fee. Increase in trench maintenance, Engineering for less than 1 acre site, Well permit, Streets & Sidewalk minimum. Fire Dept: increases in ALSII and ALSI emergency transport and PLS emergency transport
2/14/2022	02-038-22	Community Development: Addition of Wall Art Application fee. Clerk's: Addition of Monthly Meter Rental Fees, removal of Daily and Seasonal Meter fees. Addition of Public Land Rental and Platform Application.
2/4/2022	06-161-22	Water and Sewer rate changes for 2022-2023 in DPS and Finance
12/5/2022 12/19/2022		DPS: Changes to Dumpster rental

CHANGE CODES AS LISTED ON FEE SCHEDULE

- | | |
|---|---|
| A | Fee has remained the same for many years |
| B | Proposed fee covers current costs |
| C | Pass through costs that reflects actual cost of service |
| D | Fee consistent with neighboring communities |
| E | New fee |
| F | Increase to cover normal inflationary increase |
| G | No longer provide this service |
| H | Other |

COMMUNITY DEVELOPMENT DEPT.	FEE	PROPOSED FEE	CHANGE CODE	STAFF
Administrative approval (Planning Department)	\$100.00	\$150.00	F	ND
Brownfield Developments				
Application fee non-refundable and non-reimbursable	\$1,500.00			
Outside consultant fees reimbursement:				
Where a review of applications, plans, construction documents, Brownfield development documents or any other documents is performed by outside consultants engaged by the city, a review fee shall be charged at 1.05 times the actual cost. Payment shall be in advance of the review based on estimated cost.				
Building Permits (Chapter 22)				
Online Application Fee	\$2.00			
(a) Building permit fees:				
The building permit fee is determined from the total construction value as shown in the most recent edition of the ICC Building Valuation Data Square foot construction costs. For all use groups except one and two family residential , the minimum square foot construction cost is 100% of the value shown in construction costs table; for renovations the minimum square foot construction costs is 50% of the value shown in the table. For residential one and two family structures, the minimum square foot construction cost is \$125.			A,H	BJ
(b) Total Construction Valuation:				
Building Permit fees are computed at \$85.00 \$90.00 for the first \$1,000 of construction valuation; \$10.00 for each additional \$1,000 (or fraction thereof) up to \$100,000 of construction valuation; and \$15.00 for each additional \$1,000 (or fraction thereof) over \$100,000 of construction valuation.			A	BJ
(c) Refunds:				
Refunds of any permit fees are subject to a minimum of 25 percent for administrative services with no construction work commencing. After construction has started, fees will be refunded proportionately as determined by the building official. Any permit fee for construction that is 75 percent or more completed will not be refunded.				
(d) Plan examination fees:				
When a plan is required to be submitted, a plan review fee must be paid at the time of submitting plans and specifications for review. The review fee shall be \$85.00 for projects up to \$10,000 in construction value; all other plan examination fees shall be computed as shown below:				
Construction value up to \$10,000	\$85.00	\$90.00	A	BJ
Construction Value from \$10,001 to \$500,000	Construction value multiplied by 0.0020 \$150.00 \$175.00 minimum \$1,000 plus construction value value multiplied by 0.0010		A	BJ
Construction Value over \$500,000				
The building plan review fee shall be multiplied by 1.25 when MEAP reviews are required.				
An administrative fee equal to the permit fee may be charged in addition to the permit fee, when				
(e) Construction Bonds				
In addition to the required building permit fee, a cash bond must be posted at the time the permit is issued in accordance with the following schedule:				
Construction value between \$0-\$10,000	\$100.00			
Construction value between \$10,001-\$50,000	\$200.00			
Construction value between \$50,001-\$100,000	\$300.00			
Construction value between \$100,001-\$500,000	\$500.00			
Construction value of \$500,001 and up	\$1,000.00			
Swimming Pools	\$1,000.00			
Window Permits	\$500.00			
Upon satisfactory completion of all final inspections required, and the issuance of a certificate of occupancy, if applicable, the construction bond will be returned upon request without interest.				
(f) A reinspection fee may be required by the building official	\$50.00			
(g) Bonding requirements for a temporary certificate of occupancy:				
When a temporary certificate of occupancy is issued prior to completion of the entire work covered by the permit, a cash bond shall be posted in an amount as determined by the building official up to \$10,000 \$60,000 for residential dwellings and \$100,000 \$150,000 for commercial buildings or spaces based on the cost of completing all remaining and outstanding work.			A	BJ
(h) Bonding requirements for maintenance and replacements costs of public right-of-way facilities:				

COMMUNITY DEVELOPMENT DEPT.	FEE	PROPOSED FEE	CHANGE CODE	STAFF
Administrative approval (Planning Department)	\$100.00	\$150.00	F	ND
Brownfield Developments				
Application fee non-refundable and non-reimbursable	\$1,500.00			
Outside consultant fees reimbursement:				
Where a review of applications, plans, construction documents, Brownfield development documents or any other documents is performed by outside consultants engaged by the city, a review fee shall be charged at 1.05 times the actual cost. Payment shall be in advance of the review based on estimated cost.				
Building Permits (Chapter 22)				
Online Application Fee	\$2.00			
(a) Building permit fees:				
The building permit fee is determined from the total construction value as shown in the most recent edition of the ICC Building Valuation Data Square foot construction costs. For all use groups except one and two family residential , the minimum square foot construction cost is 100% of the value shown in construction costs table; for renovations the minimum square foot construction costs is 50% of the value shown in the table. For residential one and two family structures, the minimum square foot construction cost is \$125.			A,H	BJ
(b) Total Construction Valuation:				
Building Permit fees are computed at \$85.00 \$90.00 for the first \$1,000 of construction valuation; \$10.00 for each additional \$1,000 (or fraction thereof) up to \$100,000 of construction valuation; and \$15.00 for each additional \$1,000 (or fraction thereof) over \$100,000 of construction valuation.			A	BJ
(c) Refunds:				
Refunds of any permit fees are subject to a minimum of 25 percent for administrative services with no construction work commencing. After construction has started, fees will be refunded proportionately as determined by the building official. Any permit fee for construction that is 75 percent or more completed will not be refunded.				
(d) Plan examination fees:				
When a plan is required to be submitted, a plan review fee must be paid at the time of submitting plans and specifications for review. The review fee shall be \$85.00 \$90.00 for projects up to \$10,000 in construction value; all other plan examination fees shall be computed as shown below:				
Construction value up to \$10,000	\$85.00	\$90.00	A	BJ
Construction Value from \$10,001 to \$500,000	Construction value multiplied by 0.0020 \$150.00 \$175.00 minimum \$1,000 plus construction value multiplied by 0.0010		A	BJ
Construction Value over \$500,000				
The building plan review fee shall be multiplied by 1.25 when MEAP reviews are required.				
An administrative fee equal to the permit fee may be charged in addition to the permit fee, when				
(e) Construction Bonds				
In addition to the required building permit fee, a cash bond must be posted at the time the permit is issued in accordance with the following schedule:				
Construction value between \$0-\$10,000	\$100.00			
Construction value between \$10,001-\$50,000	\$200.00			
Construction value between \$50,001-\$100,000	\$300.00			
Construction value between \$100,001-\$500,000	\$500.00			
Construction value of \$500,001 and up	\$1,000.00			
Swimming Pools	\$1,000.00			
Window Permits	\$500.00			
Upon satisfactory completion of all final inspections required, and the issuance of a certificate of occupancy, if applicable, the construction bond will be returned upon request without interest.				
(f) A reinspection fee may be required by the building official	\$50.00			
(g) Bonding requirements for a temporary certificate of occupancy:				
When a temporary certificate of occupancy is issued prior to completion of the entire work covered by the permit, a cash bond shall be posted in an amount as determined by the building official up to \$10,000 \$60,000 for residential dwellings and \$100,000 \$150,000 for commercial buildings or spaces based on the cost of completing all remaining and outstanding work.			A	BJ
(h) Bonding requirements for maintenance and replacements costs of public right-of-way facilities:				

Edited after Publishing; Edited 12/19/22 4:24pm

Included in agenda packet
12/19/22 4:24 pm

A bond shall be posted prior to the issuance of a building permit for new construction in the amount of \$5,000 to assure that the public right-of-way is properly maintained at all times during construction. This includes the replacement of city sidewalk, curb and gutter, and the re-establishment of green space in the public right-of-way.

Board of Building Trades Appeals

Single family residential	\$310.00			
All other construction	\$510.00			

Construction Site Maintenance Violations (Sec. 50-29)

Municipal Civil Infraction Penalty	\$100.00			
First Offense	\$250.00			
Second Offense	\$500.00			
Subsequent Offenses	\$500.00			
Building Permit Holders				
Five or more violations at same site within one calendar month	\$500.00			

Contractor Annual Registration Fees

Building Contractor	\$25.00			
Electrical Contractor	\$25.00			
Mechanical Contractor	\$5.00			
Plumbing Contractor	\$15.00			

Demolition of Buildings

Online Application Fee	\$2.00			
Less than 3,000 cubic feet	\$125.00			
3,000 to 50,000 cubic feet	\$200.00			
More than 50,000 cubic feet	\$300.00			
Performance cash bond:				
Minimum (as determined by the building official)	\$100.00			
Maximum (as determined by the building official)	\$50,000.00			

Electrical Installation (Chapter 22)

Online Application Fee	\$2.00			
Base fee	\$50.00	\$55.00	A	BJ
Reinspection Fee	\$50.00			
120 volt or 277 volt first circuit	\$15.00			
120 volt or 277 volt each additional circuit	\$8.00			
Each 208V, 240V, 480V branch circuits	\$20.00			
First 25 lights, receptacles and switches	\$20.00			
Each additional set of 20	\$15.00			
First sign	\$50.00			
Feeders/Buss Ducts:				
First 100 feet	\$25.00			
Over 100 feet	\$15.00			
Commercial fire alarms:				
Fire alarm panel	\$30.00			
Each alarm device	\$10.00			
Residential smoke detectors up to 8 units, 120 volts	\$20.00			
Low voltage smoke alarm with panel	\$50.00			
Residential smoke alarm system less than 50 volts with panel	\$50.00			
Services or transformers:				
30 AMP to 200 AMP	\$35.00			
201 AMP to 400 AMP	\$50.00			
Over 401 AMP	\$100.00			
A/C Interrupt service	\$20.00			
Temporary service up to 200 AMP	\$40.00			
Sub panel: Sidewalk inspection req:				
Each additional sign	\$20.00			
Each residential A/C	\$35.00			
Furnace/unit heaters	\$20.00			
Pools/hot tubs/spas	\$50.00			
Appliances/disposal/dishwashers	\$10.00			
Commercial HVAC:				
5 ton or less each	\$50.00			
Over 5 ton each	\$75.00			
Motors - Commercial only:				
1/4 HP up to 10 HP each	\$25.00			
Over 10 HP to 30 HP each	\$40.00			
Over 30 HP each	\$60.00			

New house construction minimum of four inspections requires ~~A~~an administrative fee equal to the permit fee may be charged in addition to the permit fee when work is started and/or completed without first obtaining the permit.

Equipment installation permit fee

	\$10.00			
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Final site inspection fee (Planning Dept.)

	\$100.00			
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Housing:

Housing Board of Appeals Fee:				
Residential dwelling unit	\$310.00			

Other - Commercial	\$510.00				
<u>Housing Inspections Owner Authorized:</u>					
One and two-family dwellings:					
Building structure fee per dwelling unit	\$200.00				
Electrical fee per dwelling unit	\$100.00				
Plumbing fee per dwelling unit	\$100.00				
Heating and refrigeration fee per dwelling unit	\$100.00				
<u>Landlord Licenses (See Rental Properties)</u>					
<u>Lot Division (Chapter 102):</u>					
Fee per parcel created from each platted or unplatted lot (<i>lot splits</i>)	\$200.00				
Boundary Adjustment for single family dwelling:					
Separation of platted lots (<i>fee per each lot</i>)	\$200.00	\$250.00	F	ND	
Combination of platted lots (<i>fee per each lot</i>)	\$200.00	\$250.00	F	ND	
<u>Massage Permits (26-251):</u>					
Investigation fee to operate massage facility (<i>subject to additional fees for regulated use</i>)	\$250.00				
Investigation fee to perform massage service	\$25.00				
Change of location (<i>subject to additional fees for regulated use</i>)	\$100.00				
<u>Mechanical Permits:</u>					
Online Application Fee	\$2.00				
Base Fee	\$50.00	\$55.00	A	BJ	
Gas/oil furnace/boilers, etc:					
100,000 BTU or less	\$60.00				
Over 100,000	\$70.00				
Over 500,000	\$80.00				
Ductwork	\$50.00				
V.A.V. boxes (variable air volume) each	\$30.00				
Humidified or air cleaner	\$30.00				
Mfg, fireplace (gas or solid fuel), stoves (solid fuel) includes chimney	\$30.00				
Gas or oil space heaters	\$30.00				
Automatic flue damper	\$25.00				
as part of furnace	\$10.00				
Gas piping - first two openings	\$30.00				
additional openings each	\$5.00				
Air handling systems:					
Vents & Exhaust Fans:					
Under 1,500 c.f.m. each	\$15.00				
1,500 to 10,000 c.f.m. each	\$35.00				
Over 10,000 c.f.m. each	\$55.00				
Heat Pumps:					
To 50,000 BTU	\$30.00				
To 200,000 BTU	\$40.00				
To 500,000 BTU	\$50.00				
Over 500,000 BTU	\$75.00				
Fire Suppression Systems:					
Standpipe systems:					
2-1/2" thru 4"	\$50.00				
Over 4"	\$70.00				
Fire pumps & connections	\$75.00				
Fire sprinkler system:					
First head up to 20 heads	\$50.00				
Each additional head	\$3.00				
Hood and duct fire suppression systems:					
Each establishment system- minimum	\$75.00				
Each additional system at same establishment	\$30.00				
Refrigeration:					
Self contained refrigeration systems	\$40.00				
Remote refrigeration systems:					
Up to 10 HP	\$50.00				
10 HP up to 50 HP	\$70.00				
Over 50 HP	\$95.00				
Water heater	\$30.00				
Chimney liner	\$20.00				
Hydronic Floor Heat:					
Up to 2,000 square feet	\$50.00				
Over 2,000 square feet	\$60.00				
Geo Thermal:					
Up to 100,000 BTU	\$75.00				
Over 100,000 BTU	\$90.00				
Additional reinspection	\$50.00				
Reinspection fee	\$50.00				
<i>An administrative fee equal to the permit fee may be charged in addition to the permit fee, when work is started and/or completed without first obtaining the permit.</i>					

Newsracks (90-160)

Review fee for each newsrack box	\$50.00			
Annual registration for each newsrack box	\$50.00			

Plumbing Permits

Online Application Fee	\$2.00			
Base Fee	\$50.00	\$55.00	A	BJ
Automatic washer	\$15.00			
Backflow preventer	\$25.00			
Bathtub	\$15.00			
Catchbasin	\$50.00			
Dental Chair	\$15.00			
Dishwasher	\$20.00			
Drains to 6 inches	\$25.00			
Drains over 6 inches	\$40.00			
Drinking fountain	\$15.00			
Floor drain	\$15.00			
Garbage disposal	\$15.00			
Grease trap	\$30.00			
Hose bibbs	\$15.00			
Humidifier	\$15.00			
Inside drain (weep tile)	\$15.00			
Laundry tray	\$15.00			
Lavatory	\$15.00			
Lawn sprinkler - including Backflow Device	\$50.00			
Miscellaneous equipment	\$15.00			
Reinspection fee	\$50.00			
Roof sump	\$15.00			
Safe waste	\$15.00			
Sewers to 6 inches	\$50.00			
Sewers to 8 inches	\$60.00			
Sewers to 10 inches	\$75.00			
Sewers to 12 inches	\$100.00			
Sewers over 13 inches	\$100.00			
Shower trap	\$15.00			
Stacks, conductors	\$15.00			
Stand pipe	\$15.00			
Sump w. pump	\$30.00			
Urinal	\$15.00			
Water closet	\$15.00			
Water distribution:				
3/4 inch	\$30.00			
1 inch	\$30.00			
1 1/4 inch and 1 1/2 inch	\$35.00			
2 inches	\$45.00			
3 inches	\$60.00			
4 inches	\$70.00			
Over 4 inches	\$75.00			
Water Heater	\$30.00			
Water service:				
1 inch	\$65.00			
1 1/2 inch	\$65.00			
2 inches	\$65.00			
Over 2 inches	\$125.00			
Additional Inspection	\$50.00			
Reinspections	\$50.00			
<i>An administrative fee equal to the permit fee may be charged in addition to the permit fee, when work is started and/or completed without first obtaining the permit.</i>				
Production filming fees 114-168:				
Permit application fee (non-refundable):				
Motion picture, television, or video on private property only	\$125.00			
Motion picture, television, or video on public property	\$225.00			
Still photography only on private property	\$50.00			
Still photography only on public property	\$100.00			
<i>Additional fee for expedited processing if less than normal processing time is required. (Late application processed at the discretion of the city manager or his/her designee)</i>				
	\$150.00			
Daily public property use fee (from prep to clean-up time):				
Motion picture, television, or video, per day	\$75.00			
Public property location holding - per day	\$75.00			
On-street base camp - per day (if approved)	\$25.00			
Parking space rental - per day	current rate			
Extended hours of permitted filming activity:				

Any film permitted activity beyond 7:00 a.m. to 7:00 p.m. or driving scenes on major, minor, or neighborhood roads requiring special barricades, noticing, and/or public safety personnel (hourly rates for staff time to be calculated and charged separately).	\$75.00			
Security deposit: A refundable security deposit may be required to cover any unanticipated city staff costs, clean-up costs, refund fees to user groups affected by the film permit activities, and/or other expenses not included/anticipated in the initial film permit fee calculation.	\$500.00			
Staff costs: Monitoring fee for additional police, fire, ordinance enforcement, public works, recreation and parks, or other staff as determined by the city manager or his/her designee; fee will be estimated based on hours needed and scheduled. Staff time to be based on most current city overtime rate schedule and calculated and paid in advance of film permit activities. Insurance: (Sec 14-172 (5) (6) (8) Standard insurance requirement plus limits of liability of not less than \$5,000,000 per occurrence in the event motor vehicles, aircraft, helicopters, explosives or pyrotechnics are used in the activity. Also, the permittee shall execute a hold-harmless agreement as provided by the city prior to the issuance of any permit.				
<u>Rental Properties</u>				
Fee for rented or leased premises: First unit	\$125.00			
For properties containing more than one unit: Add, per additional unit or common/exterior area, to the one-unit fee	\$40.00			
Additional re-inspection fee for rental properties requiring additional inspections, plus \$25.00 for each additional unit beyond the first unit. <i>The fee shall be increased by 50 percent for any application received more than 30 days after the required renewal date.</i>	\$75.00			
<u>Signs (Chapter 86)</u>				
Online Application Fee	\$2.00			
Construction	\$50.00			
Temporary - non-residential zone districts - permit per 30 square feet or fraction 86-133	\$50.00			
Temporary - churches in residential zone districts 86-70	\$25.00			
Marquee and roof annual fee	\$200.00			
Others:				
Permit per square foot	\$2.00			
Minimum	\$100.00			
Inspection fee every three years	\$50.00			
Removal fee 86-59 86-111	\$50.00			
Sign impound fee, per sign	\$25.00			
Sign inspection bonds per required inspection	\$200.00			
<u>Sign Erectors (Chapter 86)</u>				
Original license	\$25.00			
Renewal - annual fee	\$15.00			
Bond	\$5,000.00			
<u>Sign Removal:</u>				
Failure to comply with notice to remove, daily fine to commence on 31st day after notice to remove is issued.	\$25.00			
<u>Site Evaluation</u>				
Base Fee	\$50.00			
Online Application Fee	\$2.00			
New house (including one revision)	\$325.00			
Addition (including one revision)	\$200.00			
Additional reviews (after one revision included in initial fee)	\$150.00			
Each review for applicant initiated change	\$250.00			
Accessory structure and impervious surfaces	\$125.00			
Final Grade Inspection & As-built Survey Review (initial)	\$200.00			
Additional Final Grade Inspection & As-Built Survey Reviews	\$150.00			
<u>Special Land Use Permits (See Zoning)</u>				
<u>Subdivision plats (Chapter 102)</u>				
Tentative preliminary plat approval	\$2,500.00			
Additional fee per lot	\$10.00			
Final preliminary plat approval	\$1,000.00			
<u>Temporary Structure (Tents, Canopies, etc)</u>				
Online Application Fee	\$2.00			
Original permit	\$100.00			
Renewal	\$25.00			
Plan checking fee	\$50.00			
Temporary Use Permit	\$100.00			
<u>Vacant Property Registration Fee</u>				
Residential	\$100.00			
Commercial	\$100.00			
Safety and maintenance inspection	\$75.00			
Administrative costs: Inspector per hour	\$55.00			

Support staff per hour	\$45.00			
Sanctions, remedies, penalties:				
First offense	\$150.00			
Second offense and any other subsequent offense	\$500.00			
Zoning Ordinance Fees				
Online Application Fee	\$2.00			
Board of Appeals				
Single family residential	\$310.00			
All others	\$510.00			
Community Impact Review	\$2,050.00	\$2,700.00	F	ND
Design review fee	\$350.00	\$450.00	F	ND
Historic district review				
Single family residential district	\$0.00			
All other zone districts	\$350.00	\$450.00	F	ND
Public notice signs for land development applications				
Fee	\$50.00			
Deposit	\$100.00			
Site Plan Review				
R-4 through R-8 zone districts fee	\$850.00	\$1,200.00	F	ND
Plus, per dwelling unit affected by minor construction or minor site plan changes, as determined by the planning director	\$50.00			
Or, plus, for each dwelling unit in the entire complex for all other site plan changes, as determined by the planning director	\$50.00			
Non-residential districts fee	\$1,050.00	\$1,400.00	F	ND
Plus per acre or fraction thereof	\$50.00			
Special Land Use Permits				
*Special land use	\$800.00	\$1,100.00	F	ND
Plus, site plan review	\$1,050.00	\$1,400.00	F	ND
Plus, design review	\$350.00	\$450.00	F	ND
Plus, publish of legal notice	\$450.00	\$700.00	C	ND
Annual renewal fee	\$200.00			
Temporary Use Permit	\$100.00	\$150.00	F	ND
Wall Art Application	\$200.00			
Zoning Compliance Letters	\$50.00	\$75.00	F	ND
Zoning Compliance Permit Fees				
Online Application Fee	\$2.00			
Accessory Structures Under 200 Square Feet	\$125.00	\$150.00	A, B	BJ
Fence Permit - <i>Single Family Zoned Districts</i>	\$50.00			
Impervious Surface (driveway, patio, etc.) <i>Single Family Zoned Districts</i>	\$125.00	\$150.00	A,B	BJ
Zoning Ordinance Interpretation (Formal Report)				
One & two family zone districts	\$125.00			
All other zone districts	\$175.00			
THE FEES FOR DESIGN REVIEW, SITE PLAN REVIEW, HISTORIC DISTRICT REVIEW AND SPECIAL LAND USE PERMITS SHALL BE DOUBLE THE LISTED AMOUNTS IN THE EVENT THE PROPOSED PROJECT IS COMMENCED PRIOR TO FILING OF AN APPLICATION FOR REVIEW BY THE CITY.				
* Special Land Use permit fees may be waived or reduced at the discretion of the City Manager where an amendment is sought by the applicant to change the name of the establishment, or remove parties from the permit when it involves a liquor license associated SLUP.				

DEPARTMENT OF PUBLIC SERVICES	FEES	PROPOSED FEE	CHANGE CODE	STAFF
<u>Cross Connections Inspections/Re-Inspections (114-122)</u>				
Fee	\$50.00			
Plus, a per hour charge, to be charged at 1/4 hour increments, per city employee or city representative for the time spent on such inspections or re-inspections concerning a particular water consumer.				
Device test report review, per report	\$10.00			
<u>Dog Park Annual Pass:</u>				
Resident	\$50.00			
Non-Resident	\$200.00			
<u>Golf Course Fees - Adjusted annually by resolution of City Commission with recommendation of Parks and Recreation Board</u>				
<u>Grass & Weed Violations (118-66 to 118-68)</u>				
Cutting charge for properties less than or equal to 50 feet wide	\$135.00			
Cutting charge for properties greater than 50 feet wide	\$200.00			
Municipal Civil Infraction Fine (in addition to cutting charge):				
First Offense	\$50.00			
Second Offense	\$100.00			
Third Offense	\$200.00			
All violations after the third offense in a calendar year	\$200.00			
<u>Hydrant Use</u>				
Deposit (if required as determined by Fire Chief)	\$100.00			
Permit Fee	\$160.00			
Water Charge	\$64.75			
Includes 5000 gallons at standard charge. Water charge in excess of 5000 gallons will be charged at double rate \$25.90 per thousand gallons.	\$25.90			
<u>Hydrant Repair</u>				
To be calculated by DPS, Will include labor, equipment, material				
<u>Ice Arena Fees - Annual evaluation at budget</u>				
<u>Leisure Activity Pass:</u>				
First year	\$15.00			
Revalidate/Replace for subsequent seasons	\$10.00			
<u>Recycle Bins</u>	current cost	\$0.00	G	CL
<u>Refuse collection charges (Chapter 90) Fill A Dump</u>	\$300.00	\$0.00	G	CL
<u>Dumpster Leasing for multi-family units (Chapter 90)</u>	\$40.00			
Monthly lease fee for city owned 2 yard dumpster				
<u>Snow Removal from Sidewalks (98-66 - 98-68) - minimum charge</u>	\$100.00			
<u>Tree Preservation (Chapter 118)</u>				
Registration for tree service business	\$100.00			
Sanctions, remedies, penalties:				
First offense, per tree	\$500.00			
Second offense, per tree	\$1,000.00			
<u>Water</u>				
Customer requested service, emergency, 2 hr. minimum <i>plus equipment and materials if applicable</i>	\$200.00			
Meter department service fee, <i>plus equipment and materials if applicable</i>	\$80.00			
Meter department service fee for no show appointment	\$40.00			
Final meter reading without 24 hour notice	\$150.00			
Stop box construction deposit (<i>includes \$100 inspection \$400 refundable</i>)	\$500.00			
Curb box and lid repair (<i>done by city</i>)	\$500.00			
Opt Out Plan Meter Reading Fee	\$12.02			
Frozen water service line thaw - first visit	no charge			
Frozen water service line thaw - second visit and beyond (<i>\$200 minimum</i>)	time & material (\$200 minimum)			
<u>Water</u>				
Additional charge for water used:				
For each 1,000 gallons or part thereof	\$5.67			
Service of notice of intent to discontinue service for non-payment of charges (114-303)	\$50.00			
Meter department service fee	\$80.00			
Meter department service fee for no show appointment	\$40.00			
Final meter reading without 24 hour notice	\$150.00			
Stop box construction deposit (<i>includes \$100 inspection \$400 refundable</i>)	\$500.00			
Curb box and lid repair (<i>done by city</i>)	\$500.00			
<u>Water Rates</u>				
Meter Size				
5/8" Quarterly fixed charge	\$5.00			
5/8" Monthly fixed charge	\$1.67			
1" Quarterly fixed charge	\$8.00			
1" Monthly fixed charge	\$2.67			

1 1/2" Quarterly fixed charge	\$12.00			
1 1/2" Monthly fixed charge	\$4.00			
2" Quarterly fixed charge	\$16.00			
2" Monthly fixed charge	\$5.33			
3" Quarterly fixed charge	\$24.00			
3" Monthly fixed charge	\$8.00			
4" Quarterly fixed charge	\$32.00			
4" Monthly fixed charge	\$10.67			
6" Quarterly fixed charge	\$48.00			
6" Monthly fixed charge	\$16.00			
8" Quarterly fixed charge	\$64.00			
8" Monthly fixed charge	\$21.33			
Special charges to the city				
Annual charge for fire hydrants	\$18.50			
Annual charge for drinking fountains	\$20.00			
<u>Water & Sewer Connections (Chapter 114):</u>				
Water Service Only - Single Trench				
Easement 1":				
Service Install	\$1,790.00			
Water Meter, MTU, Brass Meter Spuds, and Trip	\$657.00			
Water for Construction	\$50.00			
Total	\$2,497.00			
Easement 1 1/2":				
Service Install	\$2,010.00			
Water Meter, MTU, Brass Meter Flanges, and Trip	\$1,850.00			
Water for Construction	\$70.00			
Total	\$3,930.00			
Easement 2":				
Service Install	\$2,210.00			
Water Meter, MTU, Brass Meter Flanges, and Trip	\$2,060.00			
Water for Construction	\$95.00			
Total	\$4,365.00			
All Paved Surfaces 1":				
Service Install	\$3,950.00			
Water Meter, MTU, Brass Meter Spuds, and Trip	\$657.00			
Water for Construction	\$50.00			
Total	\$4,657.00			
All Paved Surfaces 1 1/2":				
Service Install	\$4,270.00			
Water Meter, MTU, Brass Meter Flanges, and Trip	\$1,850.00			
Water for Construction	\$70.00			
Total	\$6,190.00			
All Paved Surfaces 2":				
Service Install	\$4,630.00			
Water Meter, MTU, Brass Meter Flanges, and Trip	\$2,060.00			
Water for Construction	\$95.00			
Total	\$6,785.00			
Water for construction rates on larger services:				
3"	\$120.00			
4"	\$190.00			
6"	\$330.00			
8"	\$465.00			
<i>(Prices on water services over 2" in size will be determined by (DPS) on a time and material basis. A deposit will be made for the estimated cost as determined by DPS.)</i>				
5/8" meter	\$120.00			
1" meter	\$180.00			
1 1/2" meter	\$1,320.00			
2" meter	\$1,525.00			
<i>(Price to be obtained from meter department for any water meter larger than 2")</i>				
Meter Transceiver Unit (MTU)	\$135.00			
1" Brass Meter Spuds	\$22.00			
1.5" Brass Meter Flanges	\$75.00			
2" Brass Meter Flanges	\$80.00			
Inspection fee when trenching not done by DPS per service	\$400.00			
Water disconnection fee:				
Water service disconnection at property line if service will be reused (1" or larger copper water services only)	\$1,000.00			
2" service or smaller	\$1,850.00			
4" service or greater to be determined individually by the DPS				
Fees for trench maintenance	\$800.00			
Refundable deposit	\$1,000.00			
<u>Wedding Rental (Parks)</u>	\$100.00			
All City Parks (weekdays/weekends) (excluding Shain Park)				
Resident	\$200.00			

Non-Resident
Security Deposit

	\$400.00			
	\$100.00			

ENGINEERING	FEE	PROPOSED FEE	CHANGE CODE	STAFF
Bidding Document Fee				
Large Set - Paper Copy	\$75.00			
Small Set - Paper Copy	\$50.00			
CD Copy <i>(any size)</i>	\$20.00			
Flash Drive	\$20.00			
<i>(Copy fee waived for Plan Room and Advertising Services)</i>				
Cable Communications Permit (30-133 (j))				
Cable Franchise Insurance: Standard Insurance requirements plus excess				
Curb Closings (See Streets & Sidewalks)				
Driveways (See Streets & Sidewalks)				
Parking Meters				
High Demand <i>(Areas Inside Central Core of Business District)</i>	\$1.50		H	AB
Lower Demand <i>(Areas Outside Central Core of Business District)</i>	\$1.00		H	AB
Parking Structures				
Less than 2 hours	free		H	AB
Less than 3 hours	\$2.00		H	AB
Less than 4 hours	\$4.00		H	AB
Less than 5 hours	\$6.00		H	AB
Less than 6 hours	\$8.00		H	AB
Over 6 hours	\$10.00		H	AB
Over 7 hours	\$10.00		H	AB
Over 8 hours	\$10.00		H	AB
Maximum Fee After 10:00PM	\$5.00		H	AB
Permit Parking—Chester St. Structure	\$50.00		H	AB
Permit Parking—All Others	\$70.00		H	AB
Parking Structure Permit Parking Activation Fee				
Deposit <i>(any cards returned after six months not eligible for refund)</i>	\$20.00		H	AB
Activation fee per AVI card	\$30.00		H	AB
Returned checks	\$30.00		H	AB
Permit Parking At Meters (3 Months)				
Lot 6—Regular	\$210.00		H	AB
Lot 6—Restricted	\$150.00		H	AB
Ann St. North	\$180.00		H	AB
South Old Woodward	\$120.00		H	AB
Lot 11—NW Corner Maple & Woodward	\$180.00		H	AB
Lot 12—SE Corner Maple & Woodward	\$180.00		H	AB
Right-of-Way Permits				
Online Application Fee	\$2.00			
Permit Fee	\$65.00	\$100.00	B,C,F	MC
Trench Maintenance	\$1,200.00	\$1,500.00	F	MC
Water Service Inspection Fee	\$400.00			
Sewer Service Inspection Fee	\$400.00			
Cash Bond <i>(Refundable)</i>	\$1,000.00			
Small Cell New Pole	\$300.00			
Small Cell Colocation	\$200.00			
Sidewalks (See Streets & Sidewalks)				
Soil erosion and sediment control permit fees:				
Online Application Fee	\$2.00			
Less than 1 acre site	\$100.00	\$125.00	B,C, F	MC
1-2 acre site	\$125.00	\$150.00	A,B,C, F	MC
2-3 acre site	\$125.00	\$150.00	A,B,C, F	MC
<i>The permit fee shall increase for every acre or portion thereof in excess of the above examples.</i>				
Inspection desposits:				
Inspection cost of \$100 per visit will be drawn against the inspection deposit. A refund of any unused deposit will be given at the end of the project, and the applicant will be responsible for \$100 per additional visit if the deposit balance is depleted.				
Less than 1 acre site	\$1,560.00	\$1,800.00	A,B,C,F	MC
1-2 acre site	\$3,120.00	\$3,600.00	A,B,C,F	MC

2-3-acre site 2 acres or greater site	\$4,680.00	\$5,000.00	A,B,C,F	MC
The inspection deposit shall increase \$1,560.00 per additional acre or portion thereof in excess of the above examples.				
<u>Soil Filling Permit (Chapter 50)</u>				
Application fee	\$600.00	\$1,000.00	A,B,C,F	MC
Online Application Fee	\$2.00			
Permit fee, per cubic yard	\$0.20			
<u>Small Cell Monthly License</u>				
Tier 1 - Per Month Per Pole	\$75.00			
Tier 2 - Per Month Per Pole	\$150.00			
Performance Bond	\$10,000.00			
Administrative Fee	\$500.00			
<u>Stormwater runoff (Chapter 114)</u>				
Permit per acre of affected area	\$125.00			
Minimum	\$65.00	\$125.00	A,B,C,F	MC
<u>Storm Water Utility Fee Related Charges</u>				
Storm Water Utility Fee Credit Application or Renewal	\$50.00	\$100.00	A,B,C,F	MC
Low Impact Development Determination	\$50.00	\$100.00	A,B,C,F	MC
Storm Water Utility Appeals Board Application	\$50.00	\$100.00	A,B,C,F	MC
<u>Well (Irrigaion) Permit</u>	\$350.00			
<u>Storm Water Utility Fee - Credit Schedule</u>				
<u>CREDIT</u>	<u>APPLIES TO</u>	<u>ANNUAL VALUE</u>	<u>RENEWAL PERIOD</u>	
<u>Rain Barrels</u>	SFR/Non-SFR	\$15	2 years	
<u>Rain Garden/Bio-Swale</u>	SFR/Non-SFR	\$20 *	5 years	
<u>Infiltration Trench/Dry Well</u>	SFR/Non-SFR	\$25 *	5 years	
<u>Cistern</u>	SFR/Non-SFR	\$25 *	10 years	
<u>Pervious Pavement</u>	SFR/Non-SFR	\$10 (200-300 Sq. Ft.) \$20 (300-400 Sq. Ft.) \$30 (>400 Sq. Ft.)	10 years	
<u>Disconnect Footing Drain</u>	SFR/Non-SFR	\$40	10 years	
<u>LID Building Measures</u>	Non-SFR	ESWU reduction	N/A	
<u>LID Site Measures</u>	Non-SFR	ESWU reduction	N/A	
<u>Enhanced Retention</u>	Non-SFR	ESWU reduction	N/A	
Those credits marked with an asterisk (*) will be multiplied by the				
<u>SFR CLASS</u>	<u>CREDIT MULTIPLICATION</u>			
Classes A & B	1			
Class C	1.6			
Class D	2.4			
Class E	3.2			
Class F	4.6			
<u>Streets & Sidewalks:</u>				
Minimum charge for all curb closing, curb, cuts, driveways and sidewalk permits	\$100.00			
Curb closings (98-91):				
Permit per linear foot	\$4.00	\$5.00	A,B,C,F	MC
Minimum	\$30.00	\$50.00	A,B,C,F	MC
Curb cuts (98-91):				
Permit per linear foot	\$4.00	\$5.00	A,B,C,F	MC
Minimum	\$30.00	\$50.00	A,B,C,F	MC
Driveways (98-91):				
Permit	\$40.00	\$50.00	A,B,C,F	MC
Sidewalks (98-57):				
Permit, per square foot	\$0.50			
Minimum	\$20.00	\$50.00	A,B,C,F	MC
Excavations (98-26):				
Permit	\$65.00	\$100.00	A,B,C,F	MC

<i>Plus deposit to be determined by city engineer to cover estimated cost of possible city expenses, minimum</i>				
Moving buildings (98-3 - 98-28):				
Permit	\$50.00	\$100.00	A,B,C,F	MC
<i>Plus deposit to be determined by city engineer to cover estimated cost of possible city expenses, minimum Insurance: Standard insurance requirements plus hold-harmless agreement</i>	\$1,000.00			
Obstructions (98-26):				
Permit	\$65.00	\$100.00	A,B,C,F	MC
<i>Plus deposit to be determined by city engineer to cover estimated cost of possible city expenses, minimum</i>	\$1,000.00			

FINANCE DEPARTMENT			FEE	PROPOSED FEE	CHANGE CODE	STAFF
<u>Sewer Service Rates (Chapter 114)</u>						
For each 1,000 gallons or part thereof			\$9.42			
<u>Storm Water Utility Fee (Chapter 114)</u>						
<u>Property Type</u>	<u>SFR Class</u>	<u>Average Runoff Potential</u>	<u>ESWU</u>			
Single-Family Residential, 0-125 acres or less	Class A	3,166	\$0.70			
Single-Family Residential, 0-126 acres - 0.250 acres	Class B	4,317	\$1.00			
Single-Family Residential, 0.251 acres - 0.500 acres	Class C	6,716	\$1.60			
Single-Family Residential, 0.501 acres - 0.750 acres	Class D	10,552	\$2.40			
Single-Family Residential, 0.751 acres-1,000 acres	Class E	13,094	\$3.20			
Single-Family Residential, 1,001 acres or larger	Class F	20,496	\$4.60			
<u>Non-Single Family ESWU.</u>						
Evergreen-Farmington Sewage Disposal District:						
For each Equivalent Storm Water Unit (ESWU)						
Quarterly fixed fee			\$62.00			
Monthly fixed fee			\$20.67			
Southeast Oakland County Sewage Disposal District:						
For each Equivalent Storm Water Unit (EWSU)						
Quarterly fixed fee			\$69.50			
Monthly fixed fee			\$23.17			
<u>Industrial Surcharge (Chapter 114)</u>						
An industrial surcharge shall be levied against industrial and commercial customers contributing sewage to the system with concentrations of pollutants exceeding the levels described as follows:						
Amounts of Industrial Surcharge - Total Charge per pound of excess pollutants						
Biochemical oxygen demand (BOD), over 275 mg/l			\$0.35			
Total suspended solids (TSS), over 350 mg/l			\$0.48			
Phosphorus (P), over 12 mg/l			\$6.45			
Fats, oils, grease (FOG) over 100 mg/l			\$0.11			
<u>Industrial Waste Control IWC (Chapter 114)</u>						
An industrial waste control charge shall be levied against all non-residential properties, in accordance with rates established by resolution.						
Meter Size - Quarterly Charge						
5/8"			\$10.74			
3/4"			\$16.11			
1"			\$26.85			
1 1/2"			\$59.07			
2"			\$85.92			
3"			\$155.73			
4"			\$214.80			
6"			\$322.20			
8"			\$537.00			
10"			\$751.80			
12"			\$859.20			
14"			\$1,074.00			
16"			\$1,288.80			
18"			\$1,503.60			
20"			\$1,718.40			
24"			\$1,933.20			
30"			\$2,148.00			
36"			\$2,362.80			
48"			\$2,577.60			
Effective July 1, 2022						

FIRE DEPARTMENT	FEE	PROPOSED FEE	CHANGE CODE	STAFF
EMS Transport Service Fees (Chapter 54)				
ALS Emergency Transport II	\$850.00			
ALS Emergency Transport I	\$650.00	\$675.00	F	Wells
ALS Non-Emergency Transport	\$650.00	\$675.00	F	Wells
BLS Emergency Transport	\$525.00			
BLS Non-Emergency Transport	\$525.00			
Loaded Mile (<i>scene to hospital fee per mile</i>)	\$15.00	\$15.50	F	Wells
Fire Code Operational Permits				
<i>As listed in the International Fire Code</i>	\$50.00	\$0.00	G	Wells
Hydrant Use & Hydrant Repair - See DPS				
Open Fires Permit (includes inspection)	\$50.00	\$0.00	G	Wells
Pyrotechnics displays Permit	\$50.00	\$0.00	G	Wells
Administrative Fee-Non-electronic reporting (inspections/testing/maintenance)	\$50.00	\$75.00	F,A,B	Wells
Flow Test		\$300.00	E,C	Wells
Fire System Acceptance Test Reinspection		\$150.00	E,C	Wells

MUSEUM	FEE	PROPOSED FEE	CHANGE CODE	STAFF
Limited Use Fee-Allen House				
Cleaning Deposit, returnable	\$100.00			
2 hrs. of approved private use - Allen House, first floor only, <i>with event specific rider and agreement</i>	\$550.00			
Limited Use Fee-Park/Grounds				
Security Deposit, returnable	\$100.00			
Up to 20 people-resident	\$250.00			
Up to 20 people- non resident	\$500.00			
21-100 people-resident	\$400.00			
21-100 people-non-resident	\$800.00			
Over 100 people	additional fees will apply			
Security Deposit, <i>returnable</i>	\$250.00			
<i>Insurance: Standard Insurance Requirements and Hold Harmless Agreement</i>				
Research Requests				
First hour Hourly Rate	\$25.00		A,B,D	Leslie
Each additional hour	\$15.00			

POLICE DEPARTMENT	FEE	PROPOSED FEE	CHANGE CODE	STAFF
Alcohol*:				
Specially Designated Distributor	\$500.00			
Specially Designated Merchant	\$500.00			
<i>*Fee for liquor license inspection may be waived at the discretion of the City Manager where an applicant</i>				
False Alarm fees (74-31):				
First false alarm per calendar year	no charge			
All subsequent false alarms per calendar year	\$50.00			
Fingerprints				
Full set of fingerprints; said fee shall be in addition to any license or permit fee which requires fingerprints to	\$10.00			
Parking Meters				
Hourly Meter Rates				
High Demand (Areas Inside Central Core of Business District)	\$1.50		H	AB
Lower Demand (Areas Outside Central Core of Business District)	\$1.00		H	AB
Meter Bags				
Daily Fee	\$18.00		H	AB
Outdoor Dining Metered Space for Platform				
Monthly Outdoor Dining Meter Rental Fee for \$1.00/Hour Meter	\$360.00		H	AB
Monthly Outdoor Dining Meter Rental Fee for \$1.50/Hour Meter	\$540.00		H	AB
Removal of parking meter housing and/or posts - minimum fee (cost)	\$88.29		H	AB
Removal of parking meter housing and/or posts - 1 meter space (cost)	\$264.87		H	AB
Removal of parking meter housing and/or posts - 2 meter spaces (cost)	\$441.45		H	AB
Parking Offenses & Fines (If paid before 10 days/If paid after 10 days)				
Expired meter: first seven offenses in calendar	\$10/20			
Expired meter: eight offenses or more in calendar year	\$30/40			
Overtime in non-metered zone	\$10/20			
Overtime in a time zone: less than 2 hours	\$15/25			
Overtime in a time zone: 2 hours or longer	\$30/40			
Stopping, standing or parking where prohibited	\$30/40			
Parking over the meter line	\$10/20			
Back into parking lot space	\$10/20			
Keys in ignition or ignition unlocked	\$30/40			
Other illegal parking	\$30/40			
No parking here to corner	\$30/40			
Handicap zone	\$100/125			
Violation of snow emergency parking ordinance	\$50/75			
Illegal parking in permit area	\$30/40			
Illegal parking on private property	\$30/45			
Parking Permits				
Meter Permit Parking (3 Months)				
Lot 6 - Regular	\$210.00		H	AB
Lot 6 - Restricted	\$150.00		H	AB
Ann St. North	\$180.00		H	AB
South Old Woodward	\$120.00		H	AB
Lot 11 - NW Corner Maple & Woodward	\$180.00		H	AB
Lot 12 - SE Corner Maple & Woodward	\$180.00		H	AB
Residential Permit Parking (110-136 - 110-150)				
Residential parking permit per household (includes 2 resident and 3 visitor permits for a two-year period)	\$8.00			
Parking Structure Permit Parking				
Deposit (any cards returned after six-months not eligible for refund)	\$20.00		H	AB
Activation fee per AVI card	\$30.00		H	AB
Returned checks	\$30.00		H	AB
Permit Parking - Chester St. Structure	\$50.00		H	AB
Permit Parking - All Others	\$70.00		H	AB
Parking Structure Rates				
Less than 2 hours	free		H	AB
Less than 3 hours	\$2.00		H	AB
Less than 4 hours	\$4.00		H	AB
Less than 5 hours	\$6.00		H	AB
Less than 6 hours	\$8.00		H	AB
Over 6 hours	\$10.00		H	AB
Over 7 hours	\$10.00		H	AB
Over 8 hours	\$10.00		H	AB
Maximum Fee After 10:00PM	\$5.00		H	AB
Parking for Valet Licenses				
Valet Parking in City Owned Structures				
Valet parking card deposit, per card	\$20.00		H	AB
Fees per car:				
1-100 cars, pre-paying for six months in advance, per month	\$500.00		H	AB
101-200 cars, pre-paying for six months in advance, per month	\$750.00		H	AB
201 and above cars, pre-paying for six months in advance, per month	\$1,000.00		H	AB

Valet Parking Meter				
Valet Monthly Bag fee	\$216.00		H	AB
<u>Pedi-cabs & Commercial</u>				
Annual Application Fee	\$50.00			
Insurance: The owner of every pedicab or commercial quadricycle shall procure and file with the city clerk a liability insurance policy or similar proof of insurance issued by an insurance company authorized to do business in the state. The amount of such liability insurance for each pedicab or commercial quadricycle shall be as follows: An amount of not less than \$2,000,000 because of bodily injury to or death of any one person; in an amount of \$2,000,000 because of bodily injury of two or more persons in any one accident; in an amount of not less than \$2,000,000 in medical coverage for each passenger. Such policy of insurance may be in the form of a separate policy for each pedicab or commercial quadricycle, or may be in the fleet policy covering all pedicabs or commercial quadricycles operated by such owner; provided, however, that such a policy provide for the same amount of liability for each pedicab or commercial quadricycle operated. Provided further, such policy shall name the City of Birmingham as an additional insured, and no such policy as required above may be cancelled until the expiration of 30 days after notice of intent to cancel has been given in writing to the city clerk of the City by registered mail or personal delivery of such notice and a provision to that effect is made a part of such policy.				
<u>Precious Metals Dealers 26-161</u>				
Annual License Fee	\$500.00			
Annual criminal background check - per person <i>(to be provided by applicant using the Michigan State Police ICHAT system)</i>				
<u>Preliminary breath test (PBT) each</u>	\$10.00			
<u>Stray Animal Fines:</u>				
Licensed pet properly immunized, first offense	\$25.00			
Second offense within twelve month period	\$50.00			
<u>Vehicle Identification Number Inspection Fee</u>	\$25.00			
<u>Vehicle Impounding Fee</u>	\$25.00			
<u>Vehicle Inspection Fee</u>	\$25.00			

TREASURER'S OFFICE	FEE	PROPOSED FEE
<u>Returned Check fees (15.1 - 15.3)</u>	\$25.00	
<u>Treasurer's certificate</u>	\$10.00	

CHANGE CODE	STAFF

CITY OF BIRMINGHAM
PUBLIC RECORDS POLICY

1. The City of Birmingham shall make public records available to the general public in accordance with the Freedom of Information Act (FOIA) and Article VIII, Sections 2-311 through 2.316.
2. The city clerk shall be designated the FOIA coordinator. The clerk may designate others to fulfill FOIA requests, but shall keep copies of requests according to the Records Retention and Disposal Schedule.
3. The FOIA Coordinator shall make available a standard form for requests for public records. There is no requirement under FOIA for lists or reports to be created.
4. Copying of public records shall only be done by city employees or may be reproduced by an outside source as arranged by the FOIA coordinator or his or her designee.
5. Copies of public records shall be charged at \$.10 each sheet of paper 8.5" x 11: and 8.5: x 14", using double sided printing when available.
6. Maps and plans shall be distributed as follows:

11" x 17"	\$5.00
24" x 36"	\$10.00
26" x 36"	\$13.00
36" x 42"	\$15.00
7. The building department does not release copies of interior plans of houses or commercial buildings without written approval of the owner.
8. All agendas will be posted on the city's website. Background material will be made available for public review at the respective department counter where the document is prepared. Upon request, commission agendas will be provided free of charge to the Birmingham homeowners associations representing residents of the City.
9. Requests for computer generated lists or documents shall be made available in accordance with FOIA and the city code. Costs for such documents shall be determined according to the departmental costs to produce such records.
10. Records of fire investigations shall be available to the public after the investigation has been completed. Copies of fire incident reports shall be sold for \$5.00 for each copy plus current mailing costs.

11. Copies of standard records from the police department, including dispatch cards, incident reports and accident reports shall be sold for \$5.00. Police Department letters of clearance will be prepared for \$10.00.
12. Copies of standard unredacted police video (booking room, in-car, body-worn camera and security) shall be sold for ~~\$75.00~~ \$15.00.
13. Copies of standard police audio (9-1-1, telephone, radio) shall be sold for ~~\$50.00~~ \$10.00.

Adopted by City Commission July 28, 2008, Resolution #07-240-08

Amended:

March 19, 2012, Resolution #03-74-12
August 27, 2012, Resolution #08-249-12
March 18, 2013, Resolution #03-100-13
April 28, 2014, Resolution #04-98-14
March 30, 2015, Resolution #03-63-15
March 28, 2016, Resolution #03-99-16
December 5, 2016, Resolution #12-364-16
December 12, 2016, Resolution #12-383-16
December 13, 2021, Resolution # 12-321-21
December 19, 2022, Resolution DRAFT



MEMORANDUM

Finance Department

DATE: December 13, 2022

TO: Thomas M. Markus, City Manager

FROM: Mark Gerber, Finance Director/Treasurer

SUBJECT: 48th District Court 2023 Budget

INTRODUCTION:

Every year the 48th District Court prepares an annual budget which is approved by the 3 current funding units: City of Birmingham, Bloomfield Township, and West Bloomfield Township.

BACKGROUND:

At the December 5, 2022, City Commission meeting Court Administrator Patrick Dunn presented the 48th District Court's proposed budget for 2023. After he completed this presentation, the City Commission had some questions related to budget that they would like the Court to answer at the December 19th meeting. Those questions are listed below:

Clarification of Judges Salaries and How They Are Funded

A Michigan District Court judge's salary is determined and funded by the State of Michigan through the State's budget appropriation process. For the State's fiscal year 2022-2023, that amount is fixed at \$166,769 annually. In addition, there is a supplemental amount available under MCL Section 600.8202(2) and (3)(b) which states that the funding unit in which the court holds court can provide a supplemental salary of \$45,724 per judge, which the State will reimburse.

In total each judge receives \$166,769 directly from the State plus \$45,724 from the district court which is reimbursed from the State for a total of \$212,493. The State pays the payroll taxes and retirement benefits on the \$166,769 of payroll, however, all other health care benefits and retirement costs on the \$45,724 of salary are the cost of the court.

This information is not readily discernable by reading the District Court's proposed budget. City staff recommends that the District Court add footnotes to the budget document to spell out the judge's pay and how and who provides it as is identified above.

Birmingham's Projected Share of Court Expenditures and Court Revenues for 2022

This was information requested by Commissioner Host. As of the date of this memo, this information has not been provided to the City from the Court. The Finance Department estimates that based on 39.65% of the caseload, the City's share of the Court's expenditures will be

approximately \$1,580,000 while the City's share of the Court revenues will be approximately \$1,180,000, or a difference of approximately \$400,000. If additional information is provided by the Court before the Commission meeting, it will be sent separately to the Commission.

Efficiency of Processing Court Cases

Commissioner Haig requested additional information regarding how efficient the judges in the Court were to other judges in other courts. According to the Court Administrator this information is not available from the State Court Administrator's Office.

Regular Review of Court's Expenditures

City Manager Thomas Markus believes that conducting periodic meetings between the funding units and the Court would go a long way in providing transparency to the funding units and for the funding units to gain a better understanding of the operations of the Court and its budget. Periodic meetings would help familiarize the funding units' staffs and possibly result in more informed suggestions for improved court efficiencies.

LEGAL REVIEW:

No legal review is required.

FISCAL IMPACT:

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

PUBLIC COMMUNICATIONS:

None.

SUMMARY:

It is recommended that the City Commission approve the 48th District Court budget as submitted. Representatives of the 48th District Court will be available to explain any answers provided to the City Commission from the questions posed at the meeting on December 5, 2022.

ATTACHMENTS:

1. 48th District Court Proposed Budget for FY 2023

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve the 48th District Court's 2023 budget as submitted; further, to request the 48th District Court judges schedule more frequent meetings with the funding units and non-funding units in order to create a better understanding of the Court's operations and; further to request that the 48th District Court judges make the proposed budget available before the budget is to be considered to allow the various units' staffs sufficient time to analyze and question the proposed budget.

STATE OF MICHIGAN

48th JUDICIAL DISTRICT COURT

Bloomfield Hills, MI 48302

2023 Budget

Proposed

THE COURT IN REVIEW

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

- Arraignments – advising defendants of their rights, the pending charge(s) and the setting of bond in misdemeanor & felony cases.
- Misdemeanors – all criminal cases punishable by imprisonment not exceeding one year, written under state law or local ordinance. This includes, but is not limited to: Operating While Intoxicated (1st and 2nd), Domestic Violence, Assault/Battery, Aggravated Assault/Battery, Drug Possession, Stalking, Retail Fraud, Larceny, Breaking and Entering, Driving While License Suspended, and all violations of probation for these cases.
- Preliminary Examinations – in all felony cases. A preliminary exam is a hearing where testimony is heard to determine whether there is probable cause that a crime has been committed and probable cause that the defendant committed the crime. If the judge so finds, the case is bound over to the Oakland County Circuit Court for further proceedings.
- Felony Guilty Pleas
- Civil Lawsuits – claims where the amount in controversy does not exceed \$25,000.
- Landlord/Tenant Disputes – Hearings, which include eviction proceedings, land-contract forfeitures and mortgage foreclosures.
- Small Claims – claims where the amount in controversy does not exceed \$6,500 and litigants represent themselves.
- Civil Infractions – includes all informal and formal hearings.
- Search Warrants – Judges and Magistrates on call 24 hours a day. Total search warrants issue year-to-date is 579; with nearly 9.4% issued after business hours.

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

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

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

48TH DISTRICT COURT PERFORMANCE MEASURES

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

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

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

48TH District Court Case Age and Clearance Rates

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

Civil Proceedings.

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

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

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

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

Criminal Proceedings

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

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

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

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

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

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

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

48TH DISTRICT COURT COLLECTION PROGRAM

Integrity and public trust in the judiciary depends in part on how well court orders are observed and enforced. In particular, restitution for crime victims and accountability for enforcement of monetary penalties imposed on criminals are issues of intense public interest and concern. The State Court Administrators Office focus of this measure is on the extent to which a court takes responsibility for the enforcement of orders requiring payment of monetary penalties. The 48th District Court has been deemed Compliant by SCAO. The judges and staff of the Court are diligent in collecting fines and costs at the time of sentencing to try and ensure that crime victims are made whole, and to provide funds to support law enforcement, libraries, and local governments.

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

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

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

EXPENSES, REDUCTIONS & COURT IMPROVEMENTS

Court Personnel

Knowing that employee salaries and benefits account for a substantial portion of Court expenses, the Court has continued to closely monitor staffing needs to run our operation in a manner which is accessible, efficient and timely for those we serve. The Court believes staff development and professional training are essential. As such our staff participates in training held by the State Court Administrative Office, Secretary of State and Michigan State Police. The importance of this training and expertise is expected to be heightened over the next two years as the State of Michigan implements the use of a statewide electronic document management system (MiFILE) that will constitute the biggest advancement in court administration in our lifetimes. The statewide e-Filing implementation team is currently assessing the courts equipment and software as part of its readiness assessment for implementation of MiFILE.

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

Personal Identifying Information

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

Clean Slate

Legislation designed to help residents more easily set aside criminal convictions and get a "clean slate" greatly expanded the number and revises the types of felonies and misdemeanors eligible to be set aside by application. This expansion now includes some first-time operating while intoxicated convictions and certain marijuana offenses, which has significantly increased the number of set aside hearings scheduled and heard by the Court. In 2019 the number of hearings was 38. In 2022 the Court will easily surpass 100 set aside hearings. Additional training and policies will be necessary to prepare the court for the implementation of the automatic set aside process that commences in April of 2023.

Early Probation Discharge

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

Landlord-Tenant Changes Due to COVID-19

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

Compliance with New Rules Regarding Remote Proceedings

Earlier this year the Michigan Supreme Court issued an order designed to increase access to justice through predictable use of videoconferencing technology and judicial discretion in setting and holding remote proceedings. The Court has updated its policies and procedures to clearly designate cases requiring in-person proceedings and cases where there is a presumption for the use of videoconferencing technology. The current hybrid operation of the Court has resulted in the bulk of civil cases continuing to be scheduled and heard via Zoom in the preliminary stages of the case, with criminal proceedings largely taking place in-person. Arraignments and probable cause conferences for in custody defendants is often taking place remotely to reduce the transport costs of our respective police departments. In 2021, the Court started scheduling disputed civil infractions for a pre-hearing with the City Attorney via Zoom to see if a resolution can be arrived at without an informal or formal hearing involving the presence of a police officer.

Courthouse

Lease

The Court has continued to deposit a fixed amount of \$44,750 into the “Building Improvement Fund” on an annual basis as provided in the Lease of the courthouse entered into with the Township of Bloomfield. This year, the Township has reimbursed the Court from the *Building Improvement Fund* for some maintenance expenses associated with the HVAC system and boilers. The Township of Bloomfield has scheduled the replacement of one of the Rooftop Units to commence an upgrade of the entire HVAC system and reduce future maintenance expenses. The Court has likewise developed a plan to make cosmetic repairs to the front clerk area to continue with the projects needed to address the normal wear and tear of the courthouse. The court parking lot has been identified for needed repairs.

Technology

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

Security

Heightened security measures, both inside and outside the building are mandatory to protect the public, judges and staff that visit and work within the courthouse. During 2017-2018, the Court upgraded security cameras and security access by installing a secured parking lot for all Court staff. In 2019, a separate security plan, approved by the funding units in 2018, expanded the Court’s entryway to allow for enhanced security checkpoints and additional room for the public to enter and exit the building safely. Additional space was built out in the lock-up area to provide confidential

meeting space for defense attorneys as required by the Michigan Indigent Defense Act. The clerical and cashier work areas also feature safety glass from counter to ceiling to further enhance security.

The Court currently employs one security officer, and contracts with the Oakland County Sheriff's Office for the presence of deputies to assist with screening individuals that enter the building. A Court Security Committee has been created that consists of the Chief Judge, Court Administrator, Court Officer, Police Officers, City Attorney's and Court staff members. The goal of the Security Committee is to recommend security procedures and enhancements to provide a safe environment for all individuals who either work or visit the courthouse. Security policies are reevaluated throughout the year to determine their effectiveness and to correct weaknesses.

SPECIAL PROGRAMS & SERVICES

- **Cost of Prosecution** – The law allows for the Court to collect costs of prosecution for Operating While Intoxicated (OWI) cases when requested by the prosecutor. Once collected, these funds are reimbursed, in full, directly to the appropriate municipality.
- **Restitution** – In proceedings involving individual or business victims, the Court collects the restitution from the defendant and forwards it to the crime victim. Since 2017, the Court forwarded over \$200,000 to individuals/businesses who have been victims of theft, embezzlement, fraud, property destruction, medical injuries, auto damage, etc.
- **OAK.gov Credit Card Processing** – The Court utilizes Oakland County's G2G online service to accept credit card payments both within the courthouse and on the Court's website. In return, the Court's funding units benefit from G2G's revenue sharing of the processing fees.
- **Website** – The Court's website, <http://48thdistrictcourt.us>, is an extremely user-friendly and informative site. Users are able to easily access general information about the Court, as well as print necessary court forms. The Court's website provides convenient and easy access for credit card payments through Oak.gov Credit Card Processing. The website reduces the number of telephone calls received by the clerks and reduces the foot traffic inside the courthouse, allowing the clerks to utilize their time more efficiently.
- **Mediation Program** – Small Claims participants are given the opportunity to enter into the Court's Mediation Program to voluntarily resolve disputes as an alternative to the formal judicial process. An impartial volunteer acts as a mediator. In the event that no agreement is reached, a trial before the magistrate will be scheduled. As of October 31, 2022, the Court has held 77 mediations, with 22 cases being resolved and 23 cases going to trial.
- **Drug and Alcohol Intensive Probation Oversight Program** – The Court has an intensive Probation Oversight program for defendants suffering with addictions. The program includes, but is not limited to, referral to intensive treatment facilities, counseling, education, 12-step programs, and aggressive testing requirements. This program is administered to those that have committed alcohol or drug related offenses, domestic violence, assault and battery, and other related crimes to ensure the safety of the public and promote rehabilitation of the defendant.

- **Hybrid DWI/Drug Treatment Court** – In late 2020 the Court was provisionally certified by the State Court Administrators Office to implement a Hybrid DWI/Drug Treatment Court. This specialty court certification offers additional support and resources which may be utilized in the continued quest to protect the public and rehabilitate defendants. This treatment court is overseen by Judge Diane D’Agostini with support of probation staff, along with Henry Ford Maplegrove therapists. The goals of the specialty court are clear: to reduce drug and alcohol-related crime, to reduce recidivism among drug and alcohol offenders, to save money and reduce court congestion, and perhaps most importantly to provide offenders with a new outlook on life and commitment to a lifetime of sobriety. The program currently has eight voluntary participants, and had its first graduate in 2022. The court is taking a close look at the results of the program, including the increased oversight and data recording duties imposed on the probation department.
- **Michigan Indigent Defense Commission** – The MIDC is statutorily required to develop and oversee the implementation, enforcement, and modification of minimum standards, rules, and procedures to ensure that indigent criminal defense services providing effective assistance of counsel are delivered to all indigent adults. Each local criminal indigent system is free to craft its own approach to indigent defense representation in compliance with the standards promulgated under the Michigan Indigent Defense Act. In 2018, each funding unit provided written authorization to the Court to administer the MIDC program on its behalf. A new MIDC standard requiring complete independence from the judiciary resulted in the Court being unable to administer the program in 2022. The Court continues to collect the required case data, and to work cooperatively with the City of Birmingham, Managed Assigned Counsel Coordinator responsible for oversight of the defense attorneys, prosecutors and defense attorneys involved in the local system.
- **Serving the Community** – In addition to serving as judges at the 48th District Court, each individual judge strives to use the Court as a tool to reach into the community and educate our youth helping them to make positive and empowering choices. Additionally, the judges host an annual “Constitution Day” to educate our middle school students about the Bill of Rights.
 - Judge Marc Barron presides over the “Teen Court” program, which allows high school students from local schools to take an active role in the Court process by handling actual juvenile cases. The students act as lawyers and jurors and decide the penalty on juvenile cases presented by the Prosecutor’s Office, while Judge Barron advises and sentences the individual.
 - Judge Diane D’Agostini’s “Order in the Court” program has hosted thousands of students through field trips to the Court where she educates the young visitors about the Court process and making responsible decisions. She also speaks at local high schools about the law and penalties in addition to conducting court at local high schools.
 - Judge Kimberly Small implemented her “Critical Life Choices” and “Cool to be Clean” programs which is conducted at our local middle schools. The programs are a combination of real court proceedings and a multi-media interactive presentation designed to help our youth make wise decisions. To date, she has shared her programs with over 20,000 students. She also participates in numerous community panels on drug and alcohol use prevention.

STATE OF MICHIGAN
48th JUDICIAL DISTRICT COURT

Case Type Activity

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

STATE OF MICHIGAN
48th JUDICIAL DISTRICT COURT

Case Volume By Community

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

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

STATE OF MICHIGAN
48th JUDICIAL DISTRICT COURT

Funding Unit Caseload Percentages

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

STATE OF MICHIGAN
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Budget Expenditure Summary

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

** Judicial Salary Reimbursement received from the State*

STATE OF MICHIGAN
48th JUDICIAL DISTRICT COURT

Benefit Expense

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

STATE OF MICHIGAN
48th JUDICIAL DISTRICT COURT

Operating Expenses

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

STATE OF MICHIGAN
48th JUDICIAL DISTRICT COURT

Professional Fees

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

STATE OF MICHIGAN
48th JUDICIAL DISTRICT COURT

Security & Other Expenses

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

STATE OF MICHIGAN
48th JUDICIAL DISTRICT COURT

Equipment & Capital Expense

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

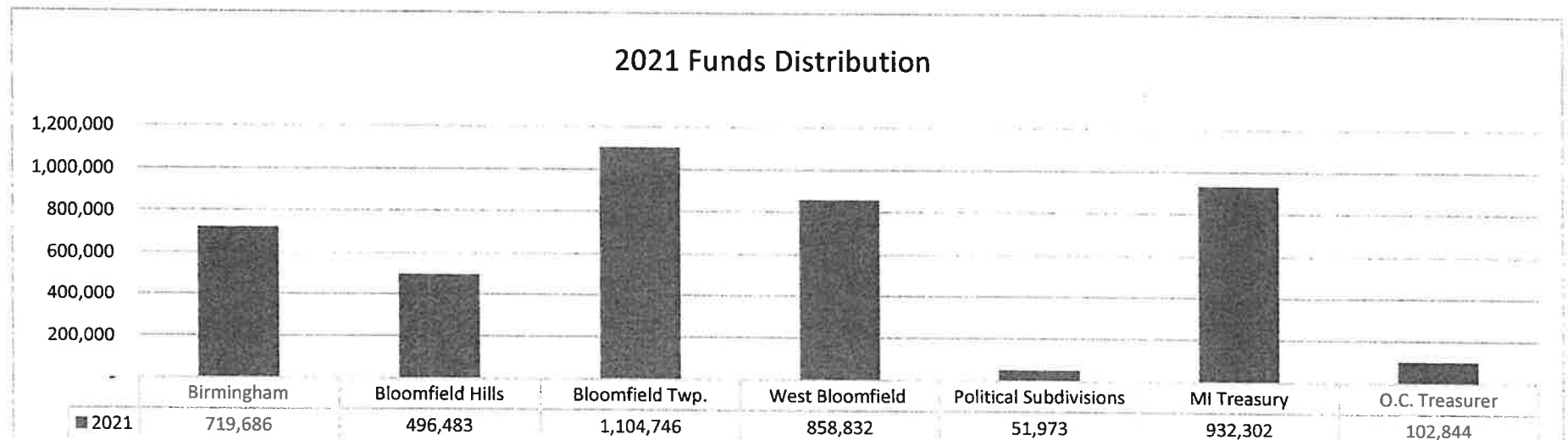
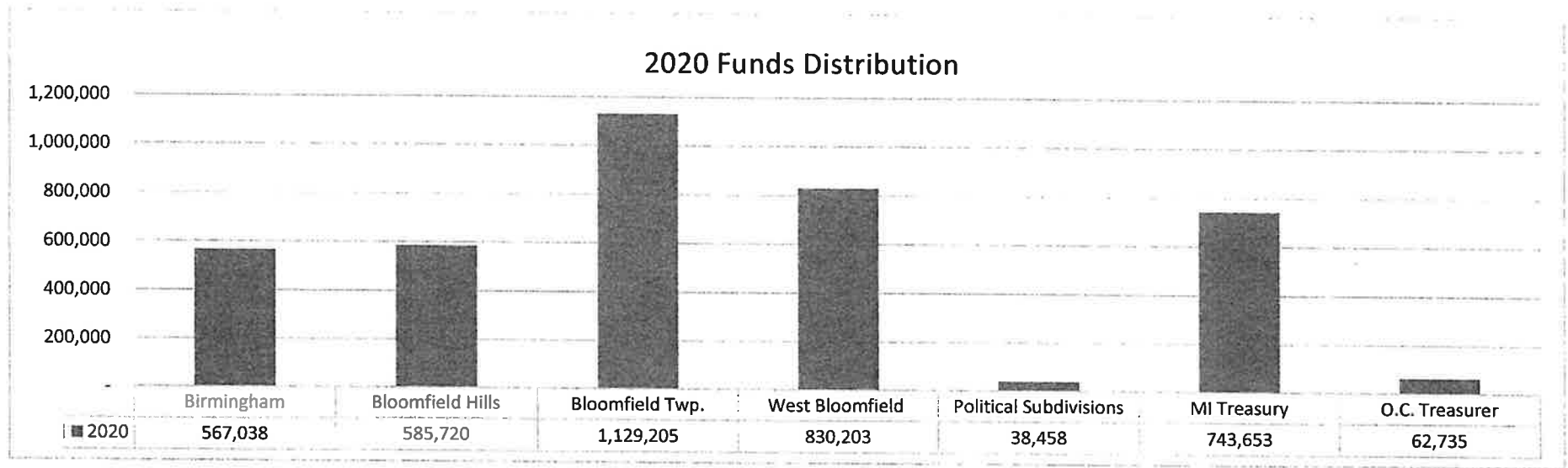
STATE OF MICHIGAN
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Cash Distribution - 2022

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

revised: 111722

STATE OF MICHIGAN 48TH JUDICIAL DISTRICT COURT



SCAO Performance Measures

pdunn@48thdc.us <pdunn@48thdc.us>
To: Mark Gerber <Mgerber@bhamgov.org>

Wed, Dec 14, 2022 at 4:29 PM

Good afternoon Mark,

I have attached case information for the 48th District Court and three other district courts with three judges relating to the performance measures.

Patrick T. Dunn

Court Administrator

48th District Court

(248) 686-5192

2 attachments

 **Performance Measures Comparison.pdf**
15K

 **DC Summary Analysis.pdf**
143K

PERFORMANCE MEASURES COMPARISON

<u>COURT:</u>	<u>NO. OF JUDGES:</u>	<u>NO OF CASES:</u>	<u>AVERAGE:</u>
D48	3 Judges	24,288	8,096
D15	3 Judges	13,938	4,646
D35	3 Judges	19,216	6,405
D41B	3 Judges	31,480	10,493

48th District Court Summary Analysis

Filing Trends, Case Age, and Clearance Rates				
Felony Cases	2020	2021	Change	Page
Filing Trend	193	223	16%	3
Case Age (disposed within 28 days)	65%	50%	-15%	3
Clearance Rate	97%	99%	2%	13
Misdemeanor Cases				
Filing Trend	2,069	2,735	32%	5
Case Age (disposed within 126 days)	94%	94%	0%	5
Clearance Rate	97%	100%	3%	13
Civil Infractions				
Filing Trend	12,697	17,223	36%	7
Case Age (disposed within 84 days)	95%	98%	3%	7
Clearance Rate	105%	98%	-7%	13
General Civil				
Filing Trend	2,532	3,089	22%	9
Case Age (disposed within 455 days)	100%	99%	-1%	9
Clearance Rate	91%	93%	2%	13
Summary Civil (w/o Jury Demand)				
Filing Trend	796	1,018	28%	11
Case Age (disposed within 126 days)	82%	91%	9%	11
Clearance Rate	103%	90%	-13%	13

15th District Court Summary Analysis

Filing Trends, Case Age, and Clearance Rates				
Felony Cases	2020	2021	Change	Page
Filing Trend	373	298	-20%	3
Case Age (disposed within 28 days)	36%	23%	-13%	3
Clearance Rate	96%	102%	6%	13
Misdemeanor Cases				
Filing Trend	1,052	1,048	0%	5
Case Age (disposed within 126 days)	81%	74%	-7%	5
Clearance Rate	102%	99%	-3%	13
Civil Infractions				
Filing Trend	3,576	3,291	-8%	7
Case Age (disposed within 84 days)	94%	97%	3%	7
Clearance Rate	104%	99%	-5%	13
General Civil				
Filing Trend	10,148	8,398	-17%	9
Case Age (disposed within 455 days)	84%	76%	-8%	9
Clearance Rate	58%	106%	48%	13
Summary Civil (w/o Jury Demand)				
Filing Trend	497	903	82%	11
Case Age (disposed within 126 days)	70%	77%	7%	11
Clearance Rate	109%	76%	-33%	13

35th District Court Summary Analysis

Filing Trends, Case Age, and Clearance Rates				
Felony Cases	2020	2021	Change	Page
Filing Trend	416	453	9%	3
Case Age (disposed within 28 days)	53%	45%	-8%	3
Clearance Rate	96%	100%	4%	13
Misdemeanor Cases				
Filing Trend	3,060	3,703	21%	5
Case Age (disposed within 126 days)	94%	96%	2%	5
Clearance Rate	101%	93%	-8%	13
Civil Infractions				
Filing Trend	10,141	10,605	5%	7
Case Age (disposed within 84 days)	88%	94%	6%	7
Clearance Rate	104%	101%	-3%	13
General Civil				
Filing Trend	2,112	2,195	4%	9
Case Age (disposed within 455 days)	98%	96%	-2%	9
Clearance Rate	73%	127%	54%	13
Summary Civil (w/o Jury Demand)				
Filing Trend	1,644	2,260	37%	11
Case Age (disposed within 126 days)	85%	88%	3%	11
Clearance Rate	79%	99%	20%	13

41B District Court Summary Analysis

Filing Trends, Case Age, and Clearance Rates				
Felony Cases	2020	2021	Change	Page
Filing Trend	947	1,153	22%	3
Case Age (disposed within 28 days)	26%	26%	0%	3
Clearance Rate	83%	107%	24%	13
Misdemeanor Cases				
Filing Trend	2,552	3,126	22%	5
Case Age (disposed within 126 days)	77%	79%	2%	5
Clearance Rate	84%	106%	22%	13
Civil Infractions				
Filing Trend	14,626	17,774	22%	7
Case Age (disposed within 84 days)	80%	80%	0%	7
Clearance Rate	100%	102%	2%	13
General Civil				
Filing Trend	3,642	5,201	43%	9
Case Age (disposed within 455 days)	57%	68%	11%	9
Clearance Rate	68%	131%	63%	13
Summary Civil (w/o Jury Demand)				
Filing Trend	3,141	4,226	35%	11
Case Age (disposed within 126 days)	86%	83%	-3%	11
Clearance Rate	106%	112%	6%	13

MEMORANDUM

Finance Department

DATE: December 7, 2022

TO: Thomas Markus, City Manager

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

SUBJECT: Public Hearing for Reprogramming Program Year 2019
Community Development Block Grant Funds

INTRODUCTION:

City staff is recommending reallocating program year 2019 CDBG funds to another project. Before this can take place, the City must conduct a public hearing to hear comments on this reallocation.

BACKGROUND:

At the November 25, 2019 City Commission meeting, the 2019 program year CDBG subrecipient agreement with Oakland County was approved. This agreement provided funding as follows: \$7,327 for yard services, \$3,500 for senior services, and \$25,263 for remove architectural barriers at the Adams Fire Station entrance doors. The project has not moved forward and it is requested that the \$25,263 be reprogrammed from remove architectural barriers to another remove architectural barrier project as shown below:

Existing (FROM) – Remove Architectural Barriers:

Account Number	Activity Description	Amount
731619	Remove Architectural Barriers - Adams Fire Station Entrance	\$25,263

Proposed (TO) – Remove Architectural Barriers:

Account Number	Activity Description	Amount
731619	Remove Architectural Barriers - Historical Museum Park Barrier-free Access	\$25,263

In order to transfer these funds, the City must conduct a public hearing to receive citizen input regarding the reprogramming of federal CDBG funds. At the November 14, 2022 City Commission meeting, the public hearing was set for December 19, 2022.

LEGAL REVIEW:

No legal review is required.

FISCAL IMPACT:

The reprogramming of these funds will allow the City to use the funds more expediently and for a better purpose. When the construction contract is approved by the City Commission, a budget amendment will be necessary to appropriate the grant funds.

PUBLIC COMMUNICATIONS:

This public hearing was noticed in the Eccentric Newspaper on November 27, 2022.

SUMMARY:

City staff is recommending that the City Commission approve this reprogramming so that staff may continue working on addressing access to the Museum grounds for individuals with physical disabilities.

ATTACHMENTS:

None.

SUGGESTED RESOLUTION: To authorize the Finance Director to submit a request along with the public hearing advertisement and City Commission resolution to Oakland County to reprogram the Community Development Block Grant (CDBG) program year 2019 funds in the amount of \$25,263 from the Remove Architectural Barriers project (Account 731619) – Adams Fire Station Entrance to the Remove Architectural Barriers project (Account 731619) – Historical Museum Park Barrier-free Access.

MEMORANDUM

Finance Department

DATE: December 2, 2022

TO: Thomas M. Markus, City Manager

FROM: Mark Gerber, Director of Finance/Treasurer
Kathryn Burrick, Senior Accountant

SUBJECT: 2023-2024 Community Development Block Grant Application
Public Hearing

INTRODUCTION:

The purpose of the December 19, 2022 public hearing is to: receive citizen input regarding the 2023-2024 Program Year Community Development Block Grant (CDBG) program; make a determination of eligible project(s) to be pursued; and determine the amount of funds to be allocated to each project.

BACKGROUND:

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

The City of Birmingham has been given a planning allocation of \$36,912, which is the same as last year's proposed allocation. Under CDBG guidelines communities may: a) spend a maximum of 30%, or \$11,073, of their 2023-2024 funding allocation on public service activities; b) allocate no less than \$3,500 per activity; and c) allocate funding to no more than 4 activities.

In the past, the City has allocated the maximum amount of funding (30%) to public service activities. For 2023-2024, the City will be requesting an override of the maximum percentage to fund an additional \$5,000 towards public services. This funding is typically allocated towards senior services and yard services (see attachments for activity descriptions). In the past, these activities have been administered by an outside agency which is selected through a bid process every program year. Historically, NEXT has administered these services.

Since the City has so few low-income residents, the City is really restricted on what it can do with the remaining funding. The remaining funding is usually allocated to minor home repair and/or the removal of architectural barriers. The minor home repair activity provides funding for repairs to homes of low-income residents that typically are less than \$5,000 per repair (see attached activity description). This activity is also administered by an outside agency which is selected through a bid process when funding is allocated to this activity. The removal of architectural

barriers activity provides funding to retrofit City property which was not ADA compliant such as bathrooms and entrances to public facilities and creating barrier-free pathways.

Federal regulations governing the public hearing process require: the public hearing to first be opened to the public for comment; after public comment, the public hearing should then be closed; **after the public hearing has been closed, the City Commission may then discuss the application and take action by roll call vote.** At the close of the public hearing, the eligible projects are required to be identified, along with the approved funding allocations. The deadline for submitting the grant application is Friday, December 23, 2022.

LEGAL REVIEW:

No legal review required.

FISCAL IMPACT:

No impact this fiscal year. The amount approved will be included in the 2023-2024 annual budget.

PUBLIC COMMUNICATIONS:

This public hearing is noticed in the Birmingham Eccentric.

SUMMARY:

Staff recommends that the amount of public services funding of \$16,000 be allocated as follows: Senior Services \$3,500 and Yard Services \$12,500. In addition, staff recommends the remaining funding of \$20,912 be allocated to the removal of architectural barriers located at the Birmingham Museum's John West Hunter Park to provide a barrier free parking space and provide a barrier free boardwalk and pathways overlooking the pond and Rouge River.

It is suggested that the City Commission approve the allocation of CDBG funds as proposed above, that the Finance Director prepare the 2023-2024 Community Development Block Grant application and conflict of interest certification according to those funding allocations, and that the mayor be authorized to sign the application, conflict of interest certification, and subrecipient agreement (when available).

ATTACHMENTS:

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

SUGGESTED RESOLUTION:

Make a motion adopting a resolution approving the Program Year 2023 Community Development Block Grant application with the following projects and respective allocations:

	APPROVED 2023-2024**
1. Public Services – Yard Services	\$ 12,500
2. Public Services – Senior Services	3,500
3. Remove Architectural Barriers – Museum Park	<u>20,912</u>
TOTAL	<u>\$ 36,912</u>

** (TO BE DETERMINED BY THE CITY COMMISSION AT THE DECEMBER 19, 2022 MEETING);

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

Applications Due
By 5:00 PM
Friday, December
23, 2023

NO EXCEPTIONS

PROGRAM YEAR 2023

(July 1, 2023 - June 30, 2024)

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

A guide designed to assist participating communities to complete their annual application for Community Development Block Grant (CDBG) funds. The guide outlines the application process and provides specific instruction on proper completion. The PY 2023 CDBG Application Workshop was held virtually on Wednesday, October 19, 2022.

PREVIOUS EDITIONS OBSOLETE

oakgov.com/advantageoakland/communities/Pages/Publications

Catalog of Federal Domestic Assistance (CFDA) # 14.218

DUNS #136200362

CAGE# 39SZ3

HEALTH & HUMAN SERVICES

Rudolph Hobbs • Deputy County Executive

NEIGHBORHOOD & HOUSING DEVELOPMENT DIVISION

Shane Bies • manager

OAKLAND COUNTY NEIGHBORHOOD & HOUSING DEVELOPMENT

250 Elizabeth Lake Rd • Suite 1900
Pontiac, Michigan 48341-0414

t: (248) 858-0493 • f: (248) 858-5311



CDBG PROGRAM RULES

- 1. MINIMUM ALLOCATION (THRESHOLD)** - Participating communities that generate less than \$7,000 by formula will receive a \$7,000 allocation. These threshold communities are allowed 1 Public Service activity at \$7,000 (procurement required) or 2 Public Service activities at \$3,500 each.
- 2. MINIMUM PROJECT ALLOCATION (NON-THRESHOLD)** - Participating communities that generate more than \$7,000 by formula will receive a formula allocation. These non-threshold communities are allowed up to 4 CDBG projects per program year and must allocate a minimum of \$3,500 for each project.
- 3. PUBLIC SERVICE CAP (NON-THRESHOLD)** - Oakland County will allow non-threshold communities to spend a maximum of 30% of their annual allocation on Public Services.
- 4. MULTIPLE AGENCY PUBLIC SERVICE CONTRACTS** - Multiple public service contracts providing the same type of service are not permitted within the same activity.
- 5. PUBLIC SERVICE CONTRACT DURATION** - Public service contracts may have 18-month duration and start on July 1.
- 6. PROJECT SERVICE DELIVERY COSTS** - Communities may seek reimbursement for eligible Project Service Delivery Costs. These costs include all eligible items related to the delivery of project services.
- 7. INELIGIBLE USES** - CDBG funds may not be used for maintenance of public facilities. The purchase of equipment, fixtures, motor vehicles, furnishings, or other property that is not an integral structural fixture is generally ineligible. CDBG funds may be used to purchase such items when necessary for use in the administration of activities assisted with CDBG funds when such items constitute all or part of a Public Service. For information on the all project eligibility including Fire Station Equipment, contact Planning & Evaluation at (248) 858-5312.
- 8. REQUIRED DRAWS** - 1 draw every 9 months per activity from Letter to Spend date in the HUD Integrated Disbursements and Information System (IDIS).
- 9. REQUIRED EXPENDITURES** - All funds per year per activity must be spent in 2 years from Letter to Spend date in IDIS. After two years, all unobligated funds will be evaluated for possible recapture.
- 10. MICRO-PURCHASE** - Goods or services \$10,000 or less are considered a micro-purchase and no procurement is required.

CDBG APPLICATION PROCESS

Application Process - As an urban county entitlement community, Oakland County distributes funds to participating communities through a formula grant application process. The County administers the CDBG Program through the Community & Home Improvement Division of the Economic Development & Community Affairs Department.

Record Retention - Each participating community must maintain all application documents for at least four years.

Application Steps - The annual application process begins by attending the Annual Application Workshop.-The attached application is to be used by communities requesting CDBG funds.

The **deadline for all CDBG applications is Friday, December 23, 2023 by 5:00 P.M.** Neighborhood & Housing Development staff provide technical assistance with applications and present the draft Annual Action Plan to its Citizens' Advisory Council for recommendation to the Oakland County Board of Commissioners. The following steps describe the application process:

1. Attend the PY 2023 CDBG Application Workshop
2. Determine Local Needs
3. Schedule required Public Hearing
4. Advertise Public Hearing Notice(s) as Required
5. Host Public Hearing
6. Complete Application Materials (Use most recently approved Project Summaries as a guide)
 - Application
 - Environmental Review Record
 - Conflict of Interest Certification
7. Prepare Citizen Participation Materials
 - Public Hearing Affidavit of Publication
 - Meeting Minutes OR Governing Body Resolution
8. Submit Application

Information Updates - Oakland County strives to maintain the latest information available. If any information in this guide is incorrect or any additional information is needed, please contact Samantha Ferguson, Grant Compliance Coordinator at (248) 858-5312.

CDBG APPLICATION PART 2 - APPLICANT INFORMATION

A - APPLICANT CONTACT

Community:	Birmingham		
CDBG Planning Allocation:	\$ 36,912.00		
Contact Person:	Mark Gerber		
Telephone:	(248) 530-1814		
Best time to contact:	Monday-Friday 8:00 am-5:00 pm		
UEI #:	J32HKEJRJNJ8		
Copy of current SAMS attached:	Yes <input checked="" type="checkbox"/>	If No, Explain:	
Is community subject to Single Audit?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	

B - PROPOSED PROJECT

Project # <u>1</u>	Name: <u>Remove Architectural Barriers #731619</u>	Allocation: \$ <u>\$20,912.00</u>
Project # <u>2</u>	Name: <u>Yard Services #73217</u>	Allocation: \$ <u>\$12,500.00</u>
Project # <u>3</u>	Name: <u>Senior Services #731712</u>	Allocation: \$ <u>\$3,500.00</u>
Total # of Projects:		3
# of Public Service Projects:		2
Public Service %:		43.3

C - AFFIDAVIT OF COMPLIANCE

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

Name of Highest Elected Official or Designee: Therese Longe

Title of Highest Elected or Designee: Mayor

Signature: _____

CDBG APPLICATION PART 2 - CONTINUED

D - CONFLICT OF INTEREST CERTIFICATION

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

TITLE 24--HOUSING AND URBAN DEVELOPMENT CHAPTER V--OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HUD

Part 570 Community Development Block Grants

Subpart K Other Program Requirements

Sec. 570.611 Conflict of interest

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

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

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

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

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

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

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

MEMORANDUM

DATE: December 12, 2022

TO: Mary Kucharek

FROM: Monika Koleci

RE: Tenant Rights

State Law on Tenant Rights

In Michigan, tenants have basic rights such as the right to live in a home that is in good, habitable condition, and landlords are required to keep any common areas in good enough shape for their normal use. There are other tenant rights established (i.e. security deposit rights) but those rights are not relevant to the topic at hand and for purposes of this research have been excluded.

It is important to note Michigan law does not reference the source of income protection, the right to renew, or the right to counsel. Michigan law does not place any limits on how much or how often a landlord can increase rent prices but there are a couple of circumstances where it is illegal to raise rent such as a form of retaliation for tenants exercising their legal rights or as a form of discrimination based on race, gender, ethnicity, sex, disability, religion, or familial status.

The Federal Fair Housing Act (generally, 45 USC 3601 to 3619) and the Michigan Elliott Larsen Civil Rights Act (MCL 37.2101 to 37.2804) prohibit discrimination in housing throughout the State of Michigan on the basis of race, color, religion, national origin, sex, familial status (presence of children under the age of 18 or pregnancy), disability, marital status, and age. The Fair Housing Act also bans discrimination in terms and conditions for buying or renting a home, advertising, and marketing housing. However, neither the Fair Housing Act nor Michigan Elliott Larsen Civil Rights Act provides protections for a source of income.

There has been recent legislation that has tried to change this. On November 19, 2019, Representatives Robert Wittenberg (D-Huntington Woods) and Yousef Rabhi (D-Ann Arbor) announced two pieces of legislation that would protect tenants from source of income discrimination. Rep. Rabhi's bill amends the 1976 Elliott-Larsen Civil Rights Act to include source of income protections. This would allow the Michigan Department of Civil Rights the authority to investigate reports of discrimination and empower local Fair Housing Centers to pursue litigation on behalf of tenants. Accompanying this bill, Rep. Wittenberg's proposal amends the 1972 Landlord and Tenant Relations Act. Landlords would be required to consider all legal sources of income in their calculations to determine if a tenant meets their income threshold. Enforcement would rest with the local jurisdiction rather than the state. In both bills, source of income is defined

as benefits or subsidy programs including housing assistance, public assistance, emergency rental assistance, veteran's benefits, social security, supplemental security income or other retirement programs, and other programs administered by any federal, state, local, or nonprofit entity. It does not include an income acquired via illegal means.

Neither of these bills has been passed yet. If Michigan were to pass either proposed bill, it would become the 12th state to provide such protections for low-income renters. However, even without these bills communities have passed ordinances for source of income protection as well as the right to renew and right to counsel.

Ordinances By Other Jurisdictions

In some communities, local fair housing ordinances protect against housing discrimination on an additional basis such as source of income, sexual orientation, gender identity, educational association, and/or political orientation. Source of income is usually defined broadly which can include: housing assistance, public assistance, emergency rental assistance, veterans benefits, social security, supplemental security income or other retirement programs, and other programs administered by any federal, state, local, or nonprofit entity.

The following Michigan communities have adopted ordinances for source of income protections: Ferndale, Hazel Park, Royal Oak, Oak Park, Lansing, East Lansing, Grand Rapids, Jackson, Kentwood, Wyoming, and Ann Arbor. The City of Ann Arbor has also gone even further to protect tenant rights by providing the right to renew. Meanwhile, the City of Detroit has passed legislation to provide tenants with the right to counsel.

Source of Income Protections

The City of Ferndale

The source of income discrimination ordinance in Ferndale allows the city to levy a fine on landlords who refuse to rent to people based on their income type, or who advertise exclusion. In Ferndale, landlords can no longer legally refuse to rent to someone because of how they pay their rent, including veteran's benefits, court-ordered payments, and voucher programs. Repeat offenders could be subject to a misdemeanor charge.

The Ferndale ordinance lists examples of source of income, "including but not limited to (a) money derived from any lawful profession or occupation; (b) money derived from any lawful contract, agreement, loan, or settlement; from any court order, such as court-ordered child support or alimony; from any gift or bequest; or from any annuity or life insurance policy; and (c) money derived from any benefit or subsidy program, including, but not limited to, any housing assistance programs, or any other form of housing assistance payment or credit whether or not paid or attributed directly to a landlord; public assistance; emergency rental assistance; veterans benefit; Social Security or other retirement program; supplemental security income; VA and FHA loans, and any other program administered by any federal, state, or local agency or nonprofit entity." The ordinance includes exceptions, such as "the person owning the dwelling does not own or have any interest in more than three dwellings within the City," and "Rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more

than four families living independently of each other, if the person owning the dwelling actually maintains and occupies one of such living quarters as his or her residence.”

The City of Hazel Park

Hazel Park also prohibits discriminatory practices based on source of income in the following: (1) leasing, selling, or otherwise making available any housing facility, (2) the terms, conditions, maintenance, or repair in providing any housing facility, (3) make, print, or publish any written or oral statement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on source of income or expressing any intent to make such preference or discrimination, (4) refusing to lend money for the purchase or repair of any real property to insure any real property solely because of the location in the City of Hazel Park, (5) promoting real estate transactions by representing that changes are occurring or will occur in an area with respect to any protected classification, (6) coerce, threaten, or retaliate against persons for making a complaint or assisting in the investigation regarding a violation or alleged violation. There are exceptions for religious organizations, refusal to enter a contract, and providing discounts on products or services to students, minors, veterans, and senior citizens. Violations are punishable by a civil infraction and a fine of up to \$500.

Right to Renew

The City of Ann Arbor

Ann Arbor has adopted a right-to-renew ordinance that requires landlords to make a good faith offer to renew a lease to a tenant 180 days prior to the end of their current lease unless the landlord can establish good cause not to renew to the current tenant. Therefore, Ann Arbor landlords will no longer be allowed to deny a tenant a lease renewal without cause and if they do, they will have to pay the tenant up to two times the current rent to cover the cost of relocating.

Right to Counsel

The right to an attorney is required for criminal matters, but not if a person is faced with eviction and becomes homeless. A tenant’s right to counsel provides housing stability, mitigates housing displacement, furthers the interest of justice, and protects our most vulnerable citizens such as the elderly, poor, and children.

The City of Detroit

Detroit has adopted an ordinance that ensures residents have a right to counsel in eviction cases. The legislation will pay for attorneys for low-income residents facing eviction, foreclosure, and legal issues related to land contracts. The Right to Counsel Initiative in Detroit will bridge the justice gap by providing legal representation to low-income persons facing eviction in Detroit.

Is it even legal?

Yes, the current Michigan law does not address source of income protections, the right to renew, or the right to counsel. Therefore, passing ordinances that provide those rights for tenants would

not contradict any current state law. In addition, there is no current pending litigation against the municipalities that have passed ordinances addressing the issue.

If so, what should we pass?

If the City of Birmingham wants to protect tenants and advance tenant rights, then it may consider passing ordinances, as the above municipalities have done, for source of income protections and for tenant's right to renew. The City of Birmingham may want to consider working with tenant rights activist groups. This would encourage those groups to assist with funding indigent persons who need to hire counsel to protect their legal interest in landlord-tenant issues.

The City Attorney's office will await direction from the City Commission to begin drafting ordinances that provide source of income protection and the right to renew.

Chapter __

Non-Discrimination as to Source of Income in Housing

1.0 Intent

It is the intent of the City/Township/Village that no person be denied housing due to source of income.

2.0 Definitions

Discriminate. To make a decision, offer to make a decision or refrain from making a decision based in whole or in part on person's or his or her relatives' or associates' source of income. Discrimination includes the use of facially neutral practices that have an adverse impact based on source of income.

Housing facility. Any dwelling unit or facility in which it is intended persons regularly will sleep and keep personal belongings including, but not limited to, a house, apartment, rooming house, housing cooperative, homeless shelter, hotel, motel, tourist home, retirement home or nursing home.

Person. "Person" includes one or more persons, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under title 11, receivers, and fiduciaries.

Source of Income. As used in this chapter, source of income refers to any lawful source of money paid directly to person or family or indirectly on behalf of person or family, including, but not limited to (a) money derived from any lawful profession or occupation; (b) money derived from any contract, agreement, loan, or settlement; from any court order, such as court-ordered child support or alimony; from any gift or bequest; or from any annuity or life insurance policy; and (c) money derived from any benefit or subsidy program, including, but not limited to, any housing assistance, such as Housing Choice Vouchers, Veterans Affairs Supportive Housing (VASH) Vouchers, or any other form of housing assistance payment or credit whether or not paid or attributed directly to a landlord; public assistance; emergency rental assistance; veterans benefit; Social Security or other retirement program; supplemental security income; VA and FHA loans, and any other program administered by any federal, state, or local agency or nonprofit entity.

3.0 Discriminatory housing practices

No person shall discriminate based on source of income in the following:

- (1). Leasing, selling or otherwise making available any housing facility.
- (2). The terms, conditions, maintenance, or repair in providing any housing facility.
- (3). Make, print, or publish, or cause to be made, printed, or published any written or oral notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on source of income or expressing any intent to make any such preference, limitation, or discrimination.
- (4). Refusing to lend money for the purchase or repair of any real property or insure any real property solely because of the location in the City/Township/Village of such real property.
- (5). Promoting real estate transactions by representing that changes are occurring or will occur in an area with respect to any protected classification.
- (6). Coerce, threaten, or retaliate against person for making a complaint or assisting in the investigation regarding a violation or alleged violation of this chapter, nor require, conspire with, assist or coerce another person to retaliate against person for making a complaint or assisting in an investigation.

4.0 Exceptions

Notwithstanding anything contained in this chapter, the following practices shall not be violations of this chapter.

- (1). Nothing in this part, other than the prohibitions against discriminatory advertising, applies to:
 - (a) The sale or rental of any single family house by an owner, provided the following conditions are met:
 - (i) The owner does not own or have any interest in more than three single family houses at any one time.
 - (ii) The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this paragraph (a)(1) of this section applies to only one such sale in any 24-month period.
 - (b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.
- (2). For a religious organization or institution to restrict any of its facilities of housing or accommodations which are operated as a direct part of religious activities to persons and clergy of the denomination involved.
- (3). To refuse to enter a contract with an unemancipated minor.
- (4). To provide discounts on products or service to students, minors, veterans, and senior citizens.
- (5). To discriminate in any arrangement for the sharing of a dwelling unit by person who is sharing the unit.
- (6). Nothing herein contained shall be construed to prohibit any affirmative action laws passed by any level of government.

5.0 Penalties

- (1) A violation of any provision of this chapter is a civil infraction punishable by a fine of not more than \$500.00, plus all costs of the action. The court may issue and enforce any judgment, writ, or order necessary to enforce this chapter.
- (3) Nothing contained in this chapter shall be construed to limit in any way the remedies, legal or equitable, which are available to the City/Township/Village or any other person for the prevention or correction of discrimination.

6.0 Private actions for damages or injunctive relief

- (1) To the extent allowed by law, person who is the victim of discriminatory action in violation of this chapter may bring a civil action for appropriate injunctive relief or damages or both against the person(s) who acted in violation of this chapter.
- (2) As used in subsection (1), "damages" means damages for injury or loss caused by each violation of this chapter, including reasonable attorney fees.
- (3) Private actions and remedies under this section shall be in addition to any actions for violations which the City/Township/Village may take.

7.0 Effective dates

Sections 5.0 and 6.0 shall go into effect two years year after the enactment of this Chapter. The remaining sections of this Chapter shall go into effect upon enactment.

Fwd: Options that may help re: Dorothy Conrad case

5 messages

Tom Markus <tmarkus@bhamgov.org>

Thu, Nov 3, 2022 at 12:25 PM

To: Mary Kucharek <Mkucharek@bhlaw.us.com>

Cc: City Commission <city-commission@bhamgov.org>, Department Heads <departmentheads@bhamgov.org>

FYI

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

From: **Cavell, Charles Swiderski** <cavellc@oakgov.com>

Date: Thu, Nov 3, 2022 at 10:37 AM

Subject: Options that may help re: Dorothy Conrad case

To: Tom Markus <tmarkus@bhamgov.org>, Steve Tomkowiak <stomkowiak@fairhousingdetroit.org>

CC: tlonge@bhamgov.org <tlonge@bhamgov.org>

Hi Tom and Mayor Longe--

I'm sure you're inundated with conversation about Dorothy Conrad's situation so I hope to use this email to add a couple of helpful options (if you don't already have these on your list):

1. Pass a Source of Income Protection Ordinance (model language attached).

I worked with the Fair Housing Center (Steve, the Exec Dir cc'd here) last year thru OakGov to have this done.

It has been passed in Ferndale, Hazel Park, Royal Oak, and Oak Park.

2. Pass a Right to Renew Ordinance.

Steve and the Fair Housing Center can assist if you'd like to have further conversation about this.

3. Pass a Right to Counsel Ordinance.

Steve and the Fair Housing Center can assist if you're interested.

Detroit passed this a couple years ago.

4. Support an Oakland County Tenants Rights and Responsibilities Council.

This is something our team is working on with the Fair Housing Center and will likely launch Q1 of next year.

I would be happy to talk more about how BHamGov could collaborate, if interested.

I would be happy to talk more with you about this and/or connect you/r team to housing advocates and resources.

Looking forward,

Charlie
947-500-1144

--

You received this message because you are subscribed to the Google Groups "DepartmentHeads" group.

To unsubscribe from this group and stop receiving emails from it, send an email to departmentheads+unsubscribe@bhamgov.org

bhamgov.org.

To view this discussion on the web visit <https://groups.google.com/a/bhamgov.org/d/msgid/departments/CALPLqCh5myJV%3De69GB3oLvXQdEXtmgvP5LXrh9ZPWg15kV4Hg%40mail.gmail.com>.



Model Non-Discrimination Ordinance - With Source of Income Protections - v3 (1) (2) (1) (1) (1).docx
35K

Tom Markus <tmarkus@bhamgov.org>

Mon, Dec 12, 2022 at 6:11 AM

To: Alex Bingham <abingham@bhamgov.org>

Cc: Jana Ecker <Jecker@bhamgov.org>, Melissa Fairbairn <mfairbairn@bhamgov.org>, Therese Longe <tlonge@bhamgov.org>

Please tentatively place County Commissioner Swiderski on the 1st meeting of January and we can firm up the date when he confirms his preference.

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

From: **Therese Longe** <tlonge@bhamgov.org>

Date: Sun, Dec 11, 2022 at 11:15 PM

Subject: Re: Options that may help re: Dorothy Conrad case

To: Cavell, Charles Swiderski <cavellc@oakgov.com>

CC: Tom Markus <tmarkus@bhamgov.org>

Hi Charlie,

Thank you again for providing these sample ordinances to protect tenant's rights. Tom immediately forwarded them to our City Attorney, and she and the City Manager will be reviewing them at an upcoming Commission meeting.

I want to congratulate you again on your re-election to the Oakland County Commission for the new District 19, representing seven Birmingham precincts.

I'd like to invite you to attend a Commission meeting in January (former Commissioner Moss attended regularly), to be on the agenda at the beginning of the meeting under Introduction of Guests. The January meetings are scheduled for the 9th and the 23rd. Please let me know if one of them is convenient for you.

In addition to any information you'd like to share about upcoming priorities for the Oakland County Commission, we would be most interested in your thoughts about tenant's rights, your work on senior initiatives and the Oakland County's Blueprint for Successful Aging, and thoughts on housing options for seniors.

Please let me know if you have any questions.

Thank you,

Therese Longe
Mayor
City of Birmingham

[Quoted text hidden]

Tom Markus <tmarkus@bhamgov.org>

Tue, Dec 13, 2022 at 5:57 AM

To: Alex Bingham <abingham@bhamgov.org>

Cc: Therese Longe <tlonge@bhamgov.org>

Move the attachments to pending. I will then move to reports and attach this correspondence to Mary Kucharek's report on Tenant's rights ordinances.

[Quoted text hidden]

December 5, 2022

Mr. Thomas M. Markus, City Manager
City of Birmingham
151 Martin Street
Birmingham, MI 48009

Re: Legal Opinion Regarding Booth Park

Dear Mr. Markus:

You have requested an opinion regarding the installation of restrooms, kiosks and concession stands in Booth Park, as the Cranbrook Foundation donated this land with the condition that the land would be a gift for park and recreational purposes forever, as long as the use is continued as intended by the Foundation.

On October 5, 1943 the Cranbrook Foundation tendered to the City of Birmingham a gift of land for park and recreational purposes, for the property on Woodward Avenue at Harmon, which is now known as Booth Park. The intent was that this land would be forever utilized and the donation has been executed as a deed conveying the same to the City as long as the property is used for a public park and for recreational and cultural purposes. The question before us is whether the additions of restroom facilities, kiosks and concession stands would thereby invalidate this gift.

It is my opinion that the installation of restrooms, kiosks and concession stands would support the intent of the donation of land from the Cranbrook Foundation back in 1943. It was clearly the intent that this land would always be utilized for park and recreation and cultural purposes. The legal definition of recreation can be defined as "all those activities that people choose to do to refresh their bodies and minds and make their leisure time more interesting and enjoyable." When one is able to meet their basic human needs such as physical relief and the ability to enjoy food and drink, it can certainly be argued that meeting one's basic needs allows one to further refresh their bodies and minds and make their leisure time more interesting and enjoyable.

It is, therefore, my legal opinion that the creation and additions of restrooms, kiosks and concession stands would further support the intent of the gift bestowed from the Cranbrook Foundation to the City of Birmingham.

If you have any further questions or concerns, please do not hesitate to contact me.

Very truly yours,

BEIER HOWLETT, P.C.



MMK/jc

Mary M. Kucharek



CITY MANAGER'S REPORT

December 2022

Baldwin Public Library

Library Board

The Library Board will meet on December 19 for its regular meeting. At their November meeting, the Library Board voted to elect Jennifer Wheeler as President, Karen Rock as Vice President, and Danielle Rumble as Secretary.

Phase 3 Expansion and Renovation

Construction drawings for the Phase 3 expansion and renovation are nearing completion. City and library staff are working with PCI Dailey and Merritt Cieslak Design to begin planning the bidding process for the Phase 3 project.

Winter Reading Challenge

Baldwin is currently hosting a Winter Reading Challenge from December 1 through January 31. Sign up online at <https://baldwinlib.beanstack.org/reader365> to get started. After you complete five challenges, you will be entered into the prize raffle. This program has been generously sponsored by the Friends of the Baldwin Public Library.

Behind the Scenes Tour

If you'd like to learn even more about the library, join Library Director Rebekah Craft for a Behind the Scenes Tour. You'll visit staff areas, learn how items are added to the collection, and hear about new programs and services. The next tour will meet in the Library's vestibule on Thursday, January 12 at 10:00 a.m.

Library Closed

The Library will be closed on Saturday, December 24, Sunday, December 25, Sunday, January 1, and Monday, January 16.

Baldwin Public Library Board Seeks Student Representatives

The Board of the Baldwin Public Library invites interested high school juniors who reside in the City of Birmingham, Village of Beverly Hills, Village of Bingham Farms, or the City of Bloomfield Hills to apply for the position of Student Representative to the Baldwin Public Library Board. To find application details, visit www.baldwinlib.org/volunteer. The completed application, essay, and two letters of recommendation are due by January 12, 2023 to Jaclyn Miller at the Baldwin Public Library, 300 West Merrill, Birmingham, MI 48009 or via email to Jaclyn.Miller@baldwinlib.org.

The Birmingham Museum

Elijah Fish and George Taylor's connections to our local Underground Railroad history has been officially entered into the Congressional Record by Representative Haley Stevens. The record details their stories and acknowledges the importance of the Birmingham Museum and the City of Birmingham in achieving the designation of Fish's and Taylor's burial sites at Greenwood Cemetery to the National Park Service's Network to Freedom. It also recognizes the important role played by the settlement of Birmingham in the anti-slavery movement in Michigan in the 19th century. This tribute will become part of the national record and will provide a permanent recognition of Birmingham's role in this important American story. A framed copy of the statement will be presented to the museum and will be displayed in the lobby.

Birmingham Shopping District (BSD)

Small Business Saturday

On Saturday, November 26, 2022, the BSD kicked off the holiday shopping season with special promotions, hot chocolate, roasted chestnuts and special giveaways all day. Shoppers and families once again participated in the annual Santa Walk with over 200 children participating, as well as enjoying horse-drawn carriage rides and free parking in the structures all day.

Winter Markt & Other Holiday Festivities

The Birmingham Winter Markt was held in Shain Park again this year from December 2 – 4, 2022 with Santa and Mrs. Claus being provided the key to the city and the annual Holiday Tree Lighting adorned with over 40,000 LED lights kicking it off. Visits with Santa were available each day during the Winter Markt, as well as horse drawn carriage rides, over 4,000 marshmallows being roasted and entertainment throughout the day from local students and organizations. Over 60 vendors participated featuring holiday decorations, gifts, food and a variety of local artisan products. A special thank you goes out to our Tree Lighting sponsor Wells Fargo, Winter Markt presenting sponsor Mercedes-Benz of Bloomfield Hills, event sponsors Surnow Company and TDR Orthodontics, and over 2,000 tree lighting glow wands were provided by KW Domain.

Holiday Shopping Weekend Activities & Promotions

On the weekends of December 10-11, December 17-18, and on Christmas Eve day, the Birmingham Shopping District continues the holiday spirit with horse-drawn carriage rides, pre-registered Santa House visits and complimentary hot cocoa at the Daxton Hotel, as well as the Grinch and Cindy Lou Who visiting downtown Birmingham on the 17th.

Live in the D

Downtown Birmingham was featured on Live in the D on Channel 4 (WDIV) on Wednesday, December 14 at 11:00 a.m. Residents and visitors can also browse our Holiday Gift Guide online at <https://www.allinbirmingham.com/visitors/shoppingguide> or pick one up in stores.

The Great Decorate

The Great Decorate (TGD) is on until December 31, with over 40 participating businesses decorating uniquely designed Christmas trees in their windows and stores - all for a good cause. TGD raises awareness and funds to support local foster teens. Each year, a group of foster teen recipients are selected for TGD through a partnership with the Michigan Adoption Resource Exchange. Visitors are encouraged to visit participating restaurants and retailers throughout downtown Birmingham to view magnificently decorated holiday trees and decor, and vote for their favorite by donating online at www.thegreatdecorate.com or in-store.

100% of donations go directly to local foster teens to use toward their future when they turn 18. Each year in the United States, more than 250,000 children are placed in foster care and over 26,500 age-out, including 1,700 in Michigan alone. TGD aims to make that transition a little easier for teens in need. To date, TGD has raised more than \$150,000 for local foster teens.

New Businesses

The BSD is pleased to announce that three new businesses opened this past month, including Serena & Lily (home furnishings), Faherty (apparel) and O2PT (health).

Dashboard Metrics

Retail Occupancy Rate - 96%

12 New Business Openings in 2022 (6 more in process)

59 FYE2022 Hosted Event Days

13 million in PR media impressions FYE2022

120,392 Website "hits" or "unique viewers" annually

214 Flower planters/baskets maintained

Building Department

Staff Recognition

Jeff Zielke and Suzanne Pedigo just earned certifications from the International Code Council. Jeff earned his Residential Plans Reviewer certificate and Suzanne earned the Permit Technician certificate. Both tests require a lot of time and preparation, so please join us in congratulating them!

Welcome, Kourtney Blanchard

We are happy to welcome Kourtney Blanchard to the Community Development team! She previously worked as a public safety emergency dispatcher for the City of Berkley and has been hired into the Secretary A position.

Insurance Services Office Evaluation Complete

The Building Department successfully completed its Insurance Services Office (ISO) evaluation. We expect to receive the results in approximately 3 months.

Monthly Report

The [Building Department's monthly report](#) provides an update on the following construction activity: building permits issued, building inspections conducted, trades permits issued and trades inspections conducted. In November, we processed 313 online permit applications for a total of 4,488 in 2022.

City Clerk's Office

Annual Licenses

Birmingham has many different annual licenses which are issued through the Clerk's office. Renewal notices and applications for fire prevention, pawn shops, child care, theaters, open parking systems, motor vehicle rentals, and hotels have been sent to businesses and are coming in. We are working with departments to ensure that any approvals and inspections needed are completed in order to renew these licenses.

Parade & Hometown Celebration

The Clerk's Office is gearing up to present the Celebrate Hometown Parade on Sunday, May 21, 2023. After department and City Commission approvals for the special event have been granted, we will be acquiring and organizing volunteers, getting donations and identifying groups to participate in the parade. Along with the parade, we will be organizing the Government Day Celebration.

Ethics Board

The Ethics Board last met on November 21, 2022 to collaborate with the Executive Director of Ethics for the City of Detroit on a proposed ethics conference for the spring of 2023 in Downtown Detroit.

The board also started to work through a review of the city's current Ethics Ordinance and a review of their rules of procedure. The board plans on continuing this work in January; meeting date to be determined.

Cemetery Board

The Greenwood Cemetery Advisory Board met on December 2, 2022. The board voted to approve the Historical Marker Application for the Taylor Monument. The next meeting is scheduled for Friday, February 3, 2023 at 8:30 am in City Hall and will include discussions of strategic planning and the review of the contract for cemetery services.

Board Appointments

The following City of Birmingham boards and commissions have vacant positions or members with terms expiring soon. Applications are due before noon the Wednesday prior to the commission interview/appointment date:

Board	Openings	Application Due by Noon	Interview/ Appointment at City Commission meeting 7:30 pm
Advisory Parking Committee	1 Resident shopper term ending 9/1/2025	Until Filled	
Architectural Review Committee	None		
Birmingham Shopping District	1 Regular Member term ending 11/16/2026	Until Filled	
Birmingham Area Cable Board	1 Regular member term ending 3/30/2024 1 Alternate Member term ending 3/30/2025	Until Filled	
Board of Building Trades Appeals	1 Regular member term ending 5/23/25 1 Regular member term Ending 5/23/24	Until Filled	
Board of Review	1 Alternate Member term ending 12/31/2025	Until Filled	
Board of Zoning Appeals	1 alternate member term ending 2/18/2023		

Brownfield Redevelopment Authority	1 regular member Term ending 5/23/2024	Until filled	
Design Review Board	None		
Ethics Board	None		
Greenwood Cemetery Advisory Board	None		
Hearing Officer	None		
Historic District Commission	1 alternate member term ending 9/25/25	Until Filled	
Historic District Study Committee	None		
Housing Board of Appeals	None		
Martha Baldwin Park Board	None		
Multi Modal Transportation Board	None		
Museum Board	None		
Parks & Rec Board	None		
Planning Board	None		
Public Arts Board	2 Regular Members term ending 1/28/2026, 1 alternate member term ending 1/28/2026, 1 alternate member 1/28/2025	1/19/23	1/24/23
Stormwater Utility Appeals Board	2 alternate members 1/31/2025 1 regular member term ending 1/31/2023	Until Filled	
Triangle District Corridor Improvement Authority	1 regular business owner term ending 12/15/2026	Until Filled	

City Manager's Office

Communications

Around Town e-Newsletter

The communications team is working on the January edition of the Around Town e-Newsletter, which will include information about new parking structure equipment, the Citywide Master Plan for 2040, winter sports, ice skating classes and more. Follow [this link to view the December edition](#) of the Around Town e-Newsletter.



2023 City of Birmingham Calendar

The 2023 City of Birmingham calendars are currently being mailed to residents and businesses. The calendar features beautiful images of the city from our photographer, Chris Cook, and the cover image is by our Parks and Forestry Operator, Brandon Wynn. Download the [2023 city calendar here](#).

Human Resources

Recruitment Update

The Human Resources department is evaluating candidates following the completion of interviews for the vacancy of Director of Public Services. We are anticipating a selection to be made in the next few days, and will make an announcement to the Commission, once a new Director has been chosen. Two Police Officers are in the hiring process, which will backfill vacancies left by the resignation of Officer Aguilar, and Chief Clemence's retirement. Sharee Monroe has been hired as a new part-time Police Dispatcher. Marc Schwartz is being hired into the Fire Department as a new Firefighter. A recruitment for Secretary A in the Community Development's Building department has been opened to backfill a vacancy caused by Brigette Moran's retirement. Applications for the Plumbing Inspector position continue to be collected.

City Manager Recruitment

The City Manager recruitment has closed, securing six candidates that meet the desired qualifications and will be provided to the Commission in a separate confidential message. It is the recommendation of Human Resources that first-round interviews be conducted in-house, with a list of 3-4 candidates narrowed down for a public Meet & Greet with the City Commission.

Department	FT & PT Staff Count	Current Vacancies/Hiring	Department Vacancies Filled Since 2020	Notes
Birmingham Shopping District	5	Events & Office Assistant	8	Recruitment for Events Asst on temporary hold
Clerk's Office	5	-	6	Clerk's Intern candidate contacted
Building	17	Plumbing Inspector Secretary A	3	Accepting applications.
Engineering	8	-	7	
Finance / Treasury	14		8	
Fire	35	-	12	M. Schwartz pending hire
Information Technology	4	-	3	
Maintenance	2	-	1	
Manager's Office / Communications / HR	6	-	6	
Museum	3	-	2	
Parking System	9		2	
Planning	7	-	4	New Admin Role Upcoming
Police	71		13	Recruitment for PT & FT Dispatcher ongoing
Public Services	56	DPS Director & Forestry Technician	14	
Ice Arena & Golf Courses	N/A	Seasonal Labor	48	

Congratulations to City Clerk, Alex Bingham

City Clerk Alex Bingham will graduate from Central Michigan University with her Master of Public Administration on Saturday, December 17, 2022. Please join us in congratulating her on this achievement.

BIRMINGHAM CITY COMMISSION - UPCOMING AGENDA ITEMS**Topics brought up by the Commission**

Meeting	Topic	Commissioner	Staff Follow Up	Dates Addressed	Status (resolved/ongoing)
In Progress					
12/5/22	Lighting to sustainability board	Haig			
12/5/22	Becoming Mayor	McLain			
11/14/22	Renters Rights	M: Host	Mary	11/28 CC Discussion Scheduled - Voted to make a formal agenda item at the next available meeting	In progress
9/12/22	Banner	M: Baller S: Host	TBD	11/14 CC discussion scheduled	
8/15/22	Birmingham Country Club	M: Host S: Haig	Fairbairn, Dupuis, Clerk's Office	8/29 – City Commission Discussion *Draft a letter	Resolved, letter sent
8/15/22	Speed Bumps	M: Haig S: Host	Clemence/Brooks	8/29 - Staff report *Further study by MMTB	In progress, sent to MMTB
6/13/22	Sustainability Board	M: Schafer S: Host	Nick Dupuis	On agenda for 6/27/22 - direction for staff to draft requirements to establish board, coming back at next available meeting 10/3/22 Workshop - staff given direction to return with recommendation	In progress
4/25/22	Improvements in Information	M: Haig S: Baller	TBD	TBD	

	Provision and Methodology				
3/28/22	City Manager Selection Process	M: Host S: Boutros	Managers Office & HR	4/25/22 - direct to formal agenda item 5/9/22 - New Business Item 5/23/22 CM report 10/3/22 - motion for CM to conduct formal recruitment	CM Recruitment Portfolio posted 10/25/22
1/10/22	Food Trucks	M: Host S: Schafer	Nick Dupuis/Jana Ecker	1/24/22 - CC req. more info 3/9/22 - Workshop 3/14/22 - Informally brought up by Host 6/20/22 Commission and Planning Board Discussed 6/27/22 - City Manager Directed to encourage food trucks at all city sponsored events, BSD events, and direct the BSD to organize a rotation of food truck events	6/27/22 In progress/ being monitored
1/10/22	Leaf Blowers	M: Baller S: Host	Nick Dupuis	1/24/22 - make formal item 10/3/22 Workshop - staff given direction to return with recommendation	In progress
1/10/22	Commissioner Conduct	No vote	Mary Kucharek	2/14/22 - Workshop 2/28/22 Directed CM to prepare Code of Conduct for future agenda 7/11/22 - Initial presentation to Commission by CA	Will be revised and presented again at an upcoming CC meeting
Resolved					
4/11/22	BBCC - Mental Health Workshop - More time to talk	M: Baller S: Haig	Marianne Gamboa	4/25/22 - clarify commissioners intent 5/9/22 - added time on the agenda to discuss	Resolved

				Tom directed staff to add mental health info in city publications	
5/9/22	Pickleball	Baller, no vote	Lauren Wood	Agenda item 5/23/22	Installed on 6-3-22
1/24/22	Social Districts	M: Schafer S: Boutros	Nick Dupuis/Jana Ecker	2/14/22 - make formal item 3/9/22 - Workshop 3/14/22 - Informally brought up by Host 6/20/22 Commission and Planning Board Discussed	No formal action taken by the Commission
5/23/22	Commission Meeting Start Time	Baller	Mary Kucharek	On agenda for 6/27/22 - Mary to draft generic ordinance language and discuss in July On agenda for 7/11/22 - Commission decided not to proceed	No changes for now

Topics Failed

4/25/22	On Street Parking Study	M: Haig S: Host
4/11/22	Downtown Parking	M: Host S: Haig
3/28/22	Parking Matters	M: Host S: Haig
6/13/22	479 SOW (Doraid) PAD	M: Boutros

Topics With No Vote - Resolved

1/10/22	Unimproved Streets	Discussed during the Long Range Planning meeting.
2/28/22	Solidarity with Ukraine	City Manager arranged for exterior lighting at City Hall.

Topics With No Vote - Unresolved

5/9/22	-PAD ordinance/cleanup	Baller, no vote	No vote
5/9/22	-Policy for granting public space ODD/Valet	Baller, no vote	No vote

Birmingham Public Schools Community Resource Officer

Follow [this link to download correspondence](#) between the City of Birmingham and Birmingham Public Schools regarding the school liaison officer and the potential for a full time school resource officer in the 2023-2024 budget year. Download [Birmingham Public Schools' 2022-2027 Strategic Plan here](#).

George W. Kuhn Retention Treatment Basin

The city received an email from Water Resources Commissioner, Jim Nash, regarding accusations made against the George W. Kuhn (GWK) Retention Treatment Basin. Mr. Nash's email ([available at this link](#)) provides information regarding the accusations, which pertain to pollution in Lake St. Clair and the Clinton River. Correspondence between Mr. Nash and Macomb County Public Works Commissioner, Candice Miller, and documentation countering the accusations are [available at this link](#).

Setting the Record Straight

2040 Master Plan does not Rezone Property

The previous City Manager's Report dated November 28, 2022 addressed inaccurate information being presented on social media to Birmingham's residents by a sitting City Commissioner. Specifically, two videos posted by Commissioner Host were discussed, [one on Oakland Ave.](#) in which he stated "these five homes as well as the two lots over near Woodward are going to be *rezoned* to multiple", and the other in the [Poppleton Neighborhood](#) in which he stated "in the proposed 2040 Plan they are going to *rezone* these two houses on Poppleton and turn them into multiples" and that "you have time to tell the master planners and Planning Board what you think about this *rezoning* proposal." These inaccuracies were raised and discussed at the City Commission meeting on November 28, 2022.

The City has repeatedly corrected the inaccuracies put forth by Commissioner Host in prior written documents as well. Specifically, the City has reiterated, in writing, the fact that comprehensive master plans do **not** rezone property once adopted in the following documents:

- In a press release distributed [February 11, 2021](#), which stated "it is important to clarify that a master plan does not rezone property. It is a framework setting the course for what the City may or may not do in the future."
- In a Frequently Asked Questions publication distributed on both [February 10, 2021](#) and [October 13, 2021](#), which included the following commentary:

Is the Master Plan rezoning the City?

No. The Master Plan will include a Future Land Use map, but not a new zoning map. The Master Plan recommends that the City study and revise its current zoning code, but does not establish any updated zoning. The Master Plan recommends that zoning be updated for two primary purposes: 1) to simplify but not substantively change zoning in the Downtown and Triangle District, and 2) to better align neighborhood zoning with existing character to avoid new houses that are out of character. Other zoning changes are recommended for further study by the City.

- In the November 28, 2022 edition of the City Manager's Report which stated:

The words "rezone" or "rezoning" do not exist within the 2040 Plan document, nor the [Michigan Planning Enabling Act](#) that regulates comprehensive master planning in Michigan. A comprehensive master plan is a document designed to guide the future actions of a community. It presents a vision for the future, with long-range goals and objectives for all activities that affect the local government. One might say however, and correctly so, that a comprehensive master plan *informs* future zoning. In the spirit of guiding future actions and informing zoning, a Future Land Use Map is created, which is contained across

pages 8 and 9 of the [current draft of the 2040 Plan](#). A Future Land Use Plan is legally required to be included in the 2040 Plan by the Michigan Planning Enabling Act.

Despite the continued corrections issued on the matter, yet another video has been circulating on social media in which Commissioner Host stands near the corner of Lincoln and Grant, and states that “The 2040 Plan as proposed is going to *rezone* to *multiples (sic)* all of the south side of Lincoln between here (*Grant Street*) and Woodward”. Once again, there is a need to reiterate that comprehensive master plans do **not** rezone property once adopted.

As discussed last month in both the City Manager’s Report and at the City Commission meeting on November 28, 2022, it is very important that City staff, board members and City Commissioners are factually accurate when discussing important issues with the public. The continued assertion by Commissioner Host that the Draft 2040 Plan will rezone single-family properties to multi-family zoning, despite repeated attempts by City staff to set the record straight as to the fact that master plans **do not** in fact rezone properties once adopted disregards the facts and staff’s attempts to advise him of his inaccuracies. Such communication undermines the confidence of the public in city government, and adversely affects the integrity of city government. Public office is a public trust. For government to operate properly, each city official, employee, or advisor must earn and honor the public trust through integrity and conduct.

2040 Master Plan does not Propose Food and Beverage Services at Quarton Lake Park or the W. Lincoln Well Site

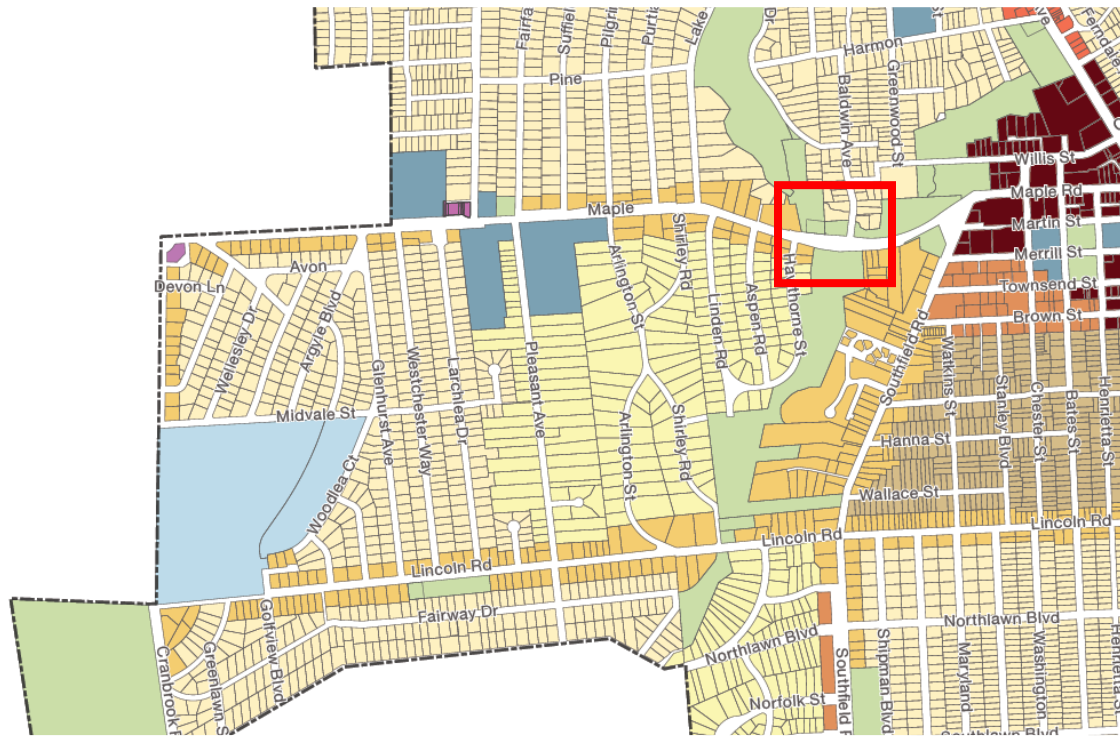
It is also important to set the record straight due to another video that has been circulating on social media in which Commissioner Host states that the 2040 Plan “proposes kiosks, cafes, food trucks, commercial endeavors here”, referencing the waterfall at the south end of Quarton Lake at the dam.

This area is part of Quarton Lake Park, and the draft 2040 Plan clearly refutes Commissioner Host’s inaccurate statement. Chapter 3, Retain Neighborhood Quality, of the draft 2040 Plan clearly contains a chart on page 53 (Figure 34) with all parks listed, and specifically excludes the provision of food and beverage services at Quarton Lake Park (see highlighted chart below).

	Athletics	Food & Bev.	Garden	Dogs	Exercise	Play	Splash	Seating	Walkways
Specialty Parks									
18. Booth		X		X	X	X	X	X	X
19. Rouge River								X	X
20. Shain		X				X	X	X	X
21. Quarton Lake			X	X	X	X	X	X	X
22. Museum								X	X
23. Manor					X	X		X	X
24. Springdale	X			X	X	X		X	X
25. Lincoln Hills	X			X	X			X	X
26. Worth Park		X						X	
26. Haynes Sq.		X			X	X	X	X	X

Figure 34. Recommended Park Amenities for Consideration in a Parks and Recreation Plan Update.

In addition, the Future Land Use Map contained in the draft 2040 Plan also clearly refutes Commissioner Host's statement. Section B, Future Land Use, of the draft 2040 Plan clearly contains the Future Land Use Map on page 8 (Figure 5), which does NOT recommend a commercial destination at the south end of Quarton Lake Park (location highlighted in red).



District Destinations

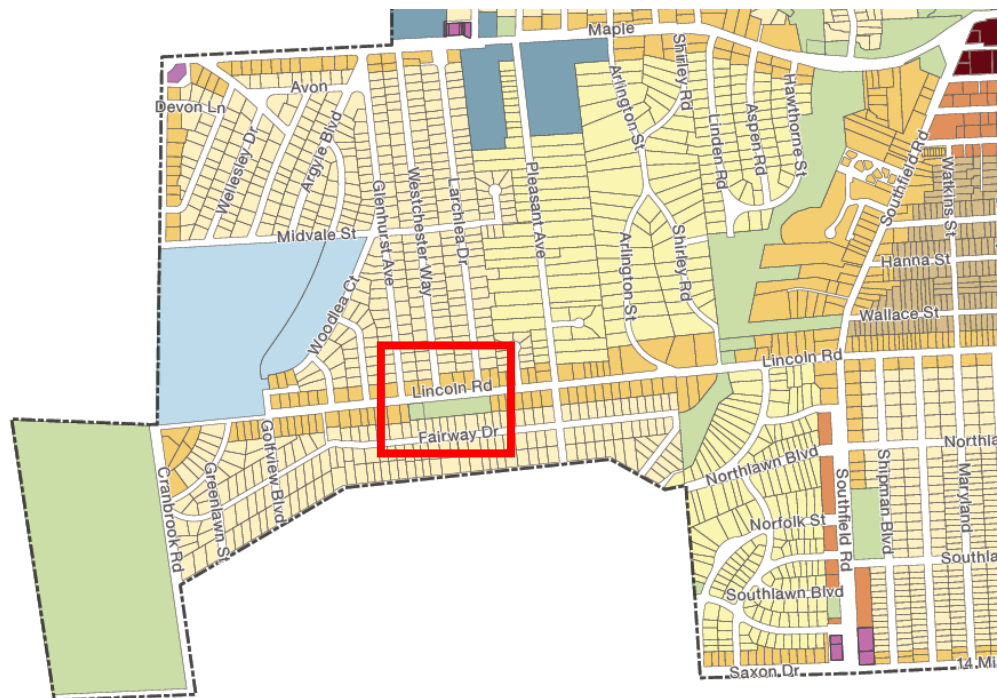
- Civic Destination: General
- Civic Destination: School
- Civic Destination: Cemetery
- Recreational Destination
- Commercial Destination

Yet another video was circulated on social media on December 14, 2022 in which Commissioner Host appears at the W. Lincoln Well Site on Lincoln between Larchlea and S. Glenhurst, and states that the 2040 master plan shows that "they want to put in kiosks, cafes, food trucks or carts...this is subject to interpretation. Does that mean a Starbucks?" at the W. Lincoln Well Site.

Once again, it is important to set the record straight. The area referenced by Commissioner Host is formally named W. Lincoln Well Site, and is also known as Lincoln Park. The draft 2040 Plan clearly refutes Commissioner Host's inaccurate statement. Chapter 3, Retain Neighborhood Quality, of the draft 2040 Plan clearly contains a chart on page 53 (Figure 34) with all parks listed, and specifically excludes the provision of food and beverage services at W. Lincoln Well Site (see highlighted chart below).

	Athletics	Food & Bev.	Garden	Dogs	Exercise	Play	Splash	Seating	Walkways
Mini Parks									
1. Baldwin Well								X	
2. Derby Well			X	X	X	X		X	X
3. Pump House					X			X	X
4. Redding Well			X		X			X	X
5. Lynn Smith			X		X			X	X
6. Martha Baldwin					X			X	X
7. South Well			X					X	X
Neighborhood Parks									
8. Crestview	X	X	X	X	X	X		X	X
9. Howarth	X		X	X	X	X		X	X
10. Linden	X		X	X	X	X		X	X
11. Pembroke	X		X	X	X	X		X	X
12. St. James	X		X	X	X	X		X	X
13. W. Lincoln Well Site	X		X	X	X	X		X	X
14. Adams Park	X				X	X		X	X
A. Adams Square	X			X	X	X		X	X
B. Quarton School	X			X	X	X		X	X

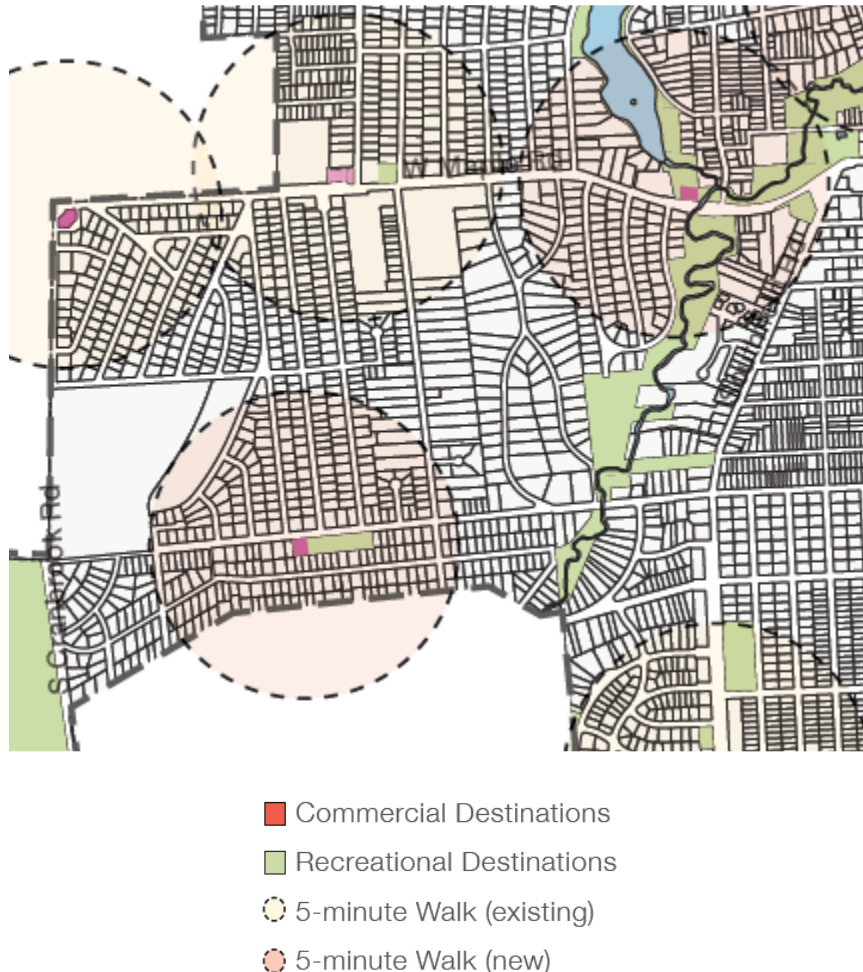
In addition, the Future Land Use Map contained in the draft 2040 Plan also clearly refutes Commissioner Host's statement. Section B, Future Land Use, of the draft 2040 Plan clearly contains the Future Land Use Map on page 8 (Figure 5), which does NOT recommend a commercial destination at the W. Lincoln Well Site (location highlighted in red).



District Destinations

- Civic Destination: General
- Civic Destination: School
- Civic Destination: Cemetery
- Recreational Destination
- Commercial Destination

The confusion about “commercial endeavors” being proposed in Quarton Lake Park, or a coffee shop at the W. Lincoln Well Site may have arisen as a result of Figure 22 in Chapter 1, Connecting the City, on page 36 of the draft 2040 Plan. Figure 22 shows recommended neighborhood commercial destinations at the south end of Quarton Lake Park, and at the west end of the W. Lincoln Well Site.



However, during Planning Board review of the draft plan, direction was provided to the consultant at a public meeting to remove the Quarton Lake Park and the W. Lincoln Well Site neighborhood commercial destinations based on public input. These updates were made to Figure 34 (Parks Chart) and to Figure 5 (Future Land Use Map) but updates were not made, and should have been, to Figure 22 (Neighborhood Destinations). However, Planning Director Dupuis clearly stated at the November 28, 2022 City Commission meeting that the consultant will ensure these corrections would be made in the final draft of the 2040 Plan.

During the past week, yet another video was posted on social media by Commissioner Host regarding the Poppleton neighborhood, wherein Commissioner Host states that “the 2040 master plan asks us to embrace managed growth and encourages these 2 lots to be townhouses, duplexes or multi-family buildings”. The change in terminology utilized in this video seems to demonstrate that perhaps

Commissioner Host may be attempting to self-correct his previous misstatements as to rezoning in earlier videos.

As noted above, it is very important that City staff, board members and City Commissioners are factually accurate when discussing important issues with the public, and thus City Commissioners and board members should contact City staff to verify the accuracy of all public communications.

The City goes to great lengths to accurately describe the purpose of our public meetings. Having elected officials encouraging public attendance is fine. Misrepresenting what the purpose of a hearing is or the topics that are to be discussed is inappropriate and only causes conflict and needless emotional distress. As I have stated before, "Let the process work". The City Commission has appointed citizens to the Planning Board to review the master plan drafts and the board members have shown their willingness to be completely transparent and open to considering public comments which may differ from what the draft master plan calls for. The professional staff and consultants are paid to provide their professional advice, however, they recognize that their recommendations must stand the test of the public process, and are likely to be questioned, challenged and altered through the very public and transparent review process. What the public does not need is a public official misstating the proposals contained within the draft 2040 Plan or encouraging a public position for or against the various recommendations contained in the evolving drafts of the proposed master plan.

I would also say that prematurely taking positions or advocating positions on the various aspects of the draft 2040 Plan is contrary to following an open public process, especially when it comes to a City Commissioner who ultimately is one of seven persons who are held responsible for the final decision on the plan. As those of you who have gone through the new City Commissioner orientation process know, I encourage our elected officials to keep an open mind about the decisions they make right up to the time they are called upon to vote.

Finally, I repeat, "Let the process work". Our community is filled with intelligent, thoughtful and well-informed people who are not likely to sit in a pot of boiling water without making their discomfort and views known. Our process works quite well and in my opinion, does not benefit from misinformation or fear mongering.

Boiling Frog Metaphor

At the November 28, 2022 City Commission meeting, a Commissioner asserted that frogs will remain in a pot of water that is slowly brought to a boil. Although the boiling frog metaphor is commonly used in political discourse, herpetologists have found that frogs will, in fact, attempt to escape a pot as its water temperature is raised. For more information, read this brief [article](#) by [Dr. Whit Gibbons](#), Professor Emeritus of Ecology at the University of Georgia.

Department of Public Services

Pat Andrews Tribute

The table below describes the donations received to date in honor of Pat Andrews.

Pat Andrews Tribute	Amount Received	Date Received
Name of Donor		
Debicki, Sandra	\$225.00	12/16/2021
Host, Bradley	\$500.00	11/17/2021
Karhohs, Jo	\$100.00	11/17/2021

Wagoner, Richard	\$250.00	11/17/2021
Total	\$1,075.00	

Some examples of recognition opportunities through the City of Birmingham include a tree with a plaque for approximately \$800 or a park bench for \$2,500.

A concept plan for the Fire Station #2 property was donated by local architect, Chris Longe. While DPS does not have a formal cost estimate for this plan, it is anticipated this plan could range between \$200,000 to \$350,000, depending on selection of materials. This project was not included in the budget or as part of the Parks and Recreation Bond. Fire Station #2 is public property designated for public safety, it is not a park. The Parks and Recreation Board reviewed the concept plan, provided comments but took no action.

The Parks and Recreation Board has a priority list of numerous other improvement projects to accomplish as part of the Parks and Recreation Bond funding.

Engineering Department

Water Service Verification Program

Verification of existing water service material as part of the Lead and Copper Rule work is continuing through the middle of December.

As a reminder, the "In-Home/Business" water service line material needs to be determined as part of this program. Property owners can schedule an inspection by an authorized City Representative at 248-303-2292 or determine the in-home/business material themselves with the steps provided in the property owner letter.

2023 Construction Projects

The Engineering Department is working on upcoming construction projects that will occur in 2023. Below is a preliminary list of projects in 2023:

- Continue work on 2022 Sidewalk Trip Elimination Services
- Continue work on 2022 Sidewalk Repair Program
- Water Lead Service Replacement Program
- Water Service Verification Program
- 2023 Sidewalk Trip Elimination Services
- 2023 Sidewalk Repair Program
- Hunter and Derby Water Tanks Exterior Paint and Miscellaneous Repairs
- 2022-2023 Cape Seal Program
- Parking Lot No. 5 Slope Repair
- Cranbrook Road Non-Motorized Pathway Improvements
- Lincoln Hills Golf Course Tee No. 1 Project
- Westwood, Oak, and Raynale
- Brown Street, S. Old Woodward to Woodward
- Pierce Street, 14 Mile Road to Lincoln
- 2023 Resurfacing Program

S. Eton Public Workshop

Planning work is starting on some of the 2024 construction projects. The City will be hosting a Public Workshop for S. Eton from 14 Mile Road to Yosemite Blvd on Tuesday, January 17, 2023 at 7:00 pm at the Department of Public Services' Conference Room – 851 S. Eton Street. This workshop will include

information on how to participate in an upcoming City survey and general information about the project.

Fire Department

FEMA Public Assistance Reimbursement Grants

The City was awarded two more FEMA Public Assistance Reimbursement Grants totaling \$228,000.51. The time frame for reimbursement requests was from January 1, 2022 to June 30, 2022. This money was reimbursed covering employee overtime costs caused by COVID-19 illnesses, mainly overtime in the fire and police departments. The City has received over four million dollars over the last three years in various COVID-19 grants.

Welcome, Firefighter Marc Schwartz

The Fire Department has recently hired Firefighter Marc Schwartz. Marc has been a Highland Township Firefighter/EMT for the past four years. Marc is currently enrolled in Paramedic school and will be completing the program in the Fall of 2023.

Independence Township Joins OAKWAY

Independence Township Fire Department has successfully met the requirements to join the OAKWAY mutual aid group and they were voted in this month. OAKWAY members now include: Birmingham, Bloomfield Township, Ferndale, Farmington Hills, Independence Township, West Bloomfield, Southfield, Rochester Hills, Royal Oak, and Waterford regional (which includes Waterford Township and the City of Pontiac).

Planning Department

Master Plan 2040

The third and final draft of the Birmingham Plan 2040 is available to read and download at www.thebirminghamplan.com. The schedule of review will consist of reviews at the Planning Board, the required 63-day public noticing period, and review by the City Commission. The remaining schedule of review should closely resemble the following:

Date	Meeting Type	Action Needed
<i>Required 63-Day Public Notice Period</i>		
January 11, 2023	Planning Board	<ul style="list-style-type: none">• Review final draft and present / discuss comments received during the distribution period.• Set public hearing date.
February 2023 (Exact Date TBD)	Planning Board	<ul style="list-style-type: none">• Present the final Plan and hold a public hearing. Further discuss comments received during the distribution period as needed.• Adopt plan; recommend to the City Commission for adoption.
March 2023 (Exact Date TBD)	City Commission	<ul style="list-style-type: none">• Present the final Plan and hold a public hearing.• If prepared to do so, the City Commission may adopt the Plan by resolution.

All of the documents related to the 2040 Plan remain available on www.thebirminghamplan.com. You can also watch a recording of past meetings on the City of Birmingham website. As a reminder, you can still submit comments directly to the consultant team through the aforementioned 2040 Plan website, and can submit comments directly to the Planning Division to be placed in the next available agenda of the Planning Board.

Planning Board

The Planning Board has reviewed 32 development applications this year so far. The Planning Board will finish the busy year with some final development applications, a public hearing for outdoor dining, and will be planning for a busy 2023. A tentative Planning Board schedule is provided below:

1. 2040 Master Plan – Draft #3 Review (Ongoing)
2. Outdoor Dining Ordinance – Public Hearing (12/14/22)
3. 300 S. Old Woodward – Restoration Hardware - Revised Special Land Use Permit, Final Site Plan & Design Review (12/14/22)

Historic Preservation

The Historic District Study Committee (HDSC) has started researching the Wallace Frost designed house at 1283 Buckingham, which was recently requested for Designation by Keith and Carole Deyer. In the coming months, the preliminary HDSC report will take form and a preliminary report will be circulated as required by City Code. In addition to this designation, the HDSC wrapped up its recommendation for a revived Heritage Home Program. After some refinement, the Planning Division plans to bring the proposal to the Commission in early 2023.

Sustainability

Mike Bernal (DPS), Leah Blizinski (Planning) and Nick Dupuis (Planning) recently took an opportunity to meet with key representatives at DTE to discuss Birmingham's approach to electric vehicles and the programs that DTE offers that can help Birmingham reach its EV infrastructure goals. The meeting was productive, and City Staff came away with some great ideas to get started. In addition to building relationships with DTE, City Staff continue to participate in a number of EV and sustainability related groups such as the Catalyst Leadership Circle, EV Smart Communities, Michigan Green Communities and the GWK Community Group.

Police Department

2023 Polar Plunge

On February 4th, 2023, Birmingham Police department members are participating in the 2023 Polar Plunge for the Special Olympics of Michigan. Special Olympics Michigan provides year-round sports training and athletic competition for children and adults with intellectual disabilities. The athletes achieve their dreams with the support of caring volunteers, coaches, family members and staff.

We're freezing for a reason! Donations from Michigan citizens and businesses provide funding for the program. You can support your Birmingham Police members in this cause by going to this link <https://www.classy.org/team/467203>.

Suspects Identified by Detective

Our Birmingham detective assigned to the multi-jurisdictional Special Investigations Unit (SIU) has identified two suspects involved in a rash of larceny from autos and stolen vehicles from our City and throughout the area. Detectives have filed reports with the prosecutor's office to obtain criminal charges. The vast majority of these incidents have involved unlocked vehicles, often with the keys left inside. We strongly encourage you to help reduce these crimes of opportunity by locking your doors and removing your keys.

Parking Systems Update

Equipment

New TIBA parking equipment is scheduled to be installed starting on January 9th. The current schedule is to start at the Chester Structure followed by Pierce, Peabody, Park, and N. Old Woodward.

Once the new TIBA equipment is installed, City staff is looking to extend the agreement with ParkMobile into its parking structures, giving the City one consistent online payment provider for all things parking. Currently ParkMobile is offered as a form of online payment for all the City's metered parking.

Construction

The Engineering Department is getting updated pricing to mill and repave Lot 5, the surface lot behind the N. Old Woodward Structure. This lot was originally scheduled to have a cap (thin layer of asphalt placed on top of the existing surface) put in place this past fall, but it was determined the lot was in too poor of condition and that a complete replacement was needed. The intent will be to repave the lot this spring when asphalt plants reopen.

Occupancy:

NOVEMBER AVG CAPACITY	
Chester Garage (880)	36.54%
Old Woodward (745)	48.38%
Park Garage (811)	58.44%
Peabody Garage (437)	74.46%
Pierce Garage (706)	69.11%

Future Agenda Items

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

Future Workshop Items

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

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GLANCE

Fall 2022



**FIVE STEPS
YOU CAN TAKE
TO RECRUIT
TALENT***

***AND NOT HAVE
TO HIRE US!**

Article by: [Heidi Voorhees](#), President, GovHR USA

Recruiting employees is very, very difficult right now. It is a candidates' market, and this may not change for quite a while. There are a few steps local governments can take to improve their odds for success in recruiting:

1. Create an appealing, focused job announcement that conveys information about your organization, the position, hybrid work environment (if appropriate) etc. Once you have a template, you can use it repeatedly with only minor modifications. Please do not cut and paste the ENTIRE job description and upload it as a job announcement. Also, do not post hourly compensation rates – annualize the compensation and mention other key benefits, include comments about your organizational culture.

2. Consider whether the position really requires a bachelor's degree, extensive local government experience or other licenses such as a CPA or P.E. – both a CPA and PE should be preferred and not required if possible. Many job descriptions were written 10 or 15 years ago when the job market was more favorable to employers. Consider a substitution clause – “a combination of education, training and experience may be substituted for a bachelor's degree.”

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3. Post the position announcement to LinkedIn (a major source of candidates for us),

media, if you all are willing. You and your colleagues’ well-chosen positive words about your organization can attract potential candidates. Consider the use of a QR code that links directly to your application.

4. Review the compensation and post a range that reflects as much as you can pay. Many local government employers are hiring in new employees near the top of the salary range. While this can create internal equity issues, it is often a choice between hiring at the top of the range or not hiring at all.

5. Move quickly! Consider interviewing promising candidates when they apply and if you find the right person, make an offer. Waiting 4 weeks for the deadline, then taking two weeks to review candidates and three weeks more before you interview, will cost you talented candidates. The announcement can say “apply at once, open until filled.”

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 Forward

 Share

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THE DISPATCH

Racial Discrimination Is Not the Path to Racial Justice

Why Harvard is wrong.

By David French

Oct 30, 2022

356



The John W. Weeks Bridge near Harvard University. (Stock photo via Getty Images.)

Tomorrow morning the Supreme Court will hear oral arguments in
<https://thedispatch.com/article/racial-discrimination-is-not-the-path-to-racial-justice>

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the most important case of this term, a case which is arguably among the most important of this new century. It will decide whether schools can continue to discriminate on the basis of race in college admissions.

The Supreme Court should say no. It should say no because the law should compel it to say no. We should cheer that outcome because morality and justice are in harmony with the law. Racial discrimination is in fundamental tension with racial justice, even when racial discrimination is purportedly designed to *advance* racial justice.

To understand the reasons for this position, we have to understand a few realities about American discrimination. Slavery is rightly called America's "original sin," but American racial discrimination didn't end when slavery did, and it hasn't been confined to America's black population. For centuries American law didn't just permit and protect vicious invidious discrimination, in some jurisdictions it *mandated* it.

It took 345 years—the time span from 1619 (when African slaves arrived on American shores) until 1964 (when the Civil Rights Act finally comprehensively outlawed race discrimination in the United States)—to end this dreadful legal inequality.

But one can't simply end discrimination by passing laws against discrimination. One way to think about the Civil Rights Act is that it

finally gave marginalized communities the tools they needed to seek
<https://thedispatch.com/article/racial-discrimination-is-not-the-path-to-racial-justice>

Racial Discrimination Is Not the Path to Racial Justice – The Dispatch

finally gave marginalized communities the tools they needed to seek

justice, and for the last 58 years they've been battling back, slowly but surely taking their rightful place in American life.

The moral necessity of ameliorating the effects of centuries of discrimination is clear; the method for doing so is not. But here's one principle that should guide our nation's response: The wounds caused by racial discrimination can't be healed by racial discrimination.

Indeed, when it comes to American education, that is exactly what the plain letter of the law requires. Here's the text of the Title VI of the Civil Rights Act of 1964, a law that applies to every educational institution in the United States that receives federal funding:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Clear enough, right? This is the legal mandate to end programs and practices that systematically disadvantaged Americans on the basis of nothing more than the color of their skin. And yet the Supreme Court has rejected that language. It has declared—in cases stretching from 1978's University of California v. Bakke to 2003's Grutter v. Bollinger to 2013's Fisher v. Texas—that universities can take race into account in admissions decisions without violating the Civil

Rights Act or the Equal Protection Clause of the Fourteenth

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Rights Act or the Equal Protection Clause of the Fourteenth Amendment.

They can't impose strict racial quotas, and they can't (in theory) use race against any applicant, but they can consider race as one part of an allegedly "holistic" admissions review. The Court has held that there is a "compelling governmental interest" in academic diversity, and racial considerations are one way to advance that interest.

But how has that system worked in practice? As Richard Kahlenberg argued last week in *The Atlantic*, universities are keeping a "dirty secret." Racial preferences "provide cover for an admissions system that mostly benefits the wealthy." In other words, the universities preserve a longstanding status quo that privileges those individuals—legacy admittees and children of donors, for example—who preserve the university's wealth and power while using race preferences as a blunt instrument to render universities "diverse" along racial lines only.

Here's how the system works. Elite universities attempt to accomplish multiple goals at the same time. They want to maintain the community and financial benefits of legacy admissions and donor favoritism. They also want to maintain the high class GPA and SAT scores that are the foundations of college rankings. *And* they want their incoming classes to "look like America."

The result—especially in elite academic circles—is extraordinarily pernicious. Favoritism for legacy admittees and donors' kids can

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pernicious. Favoritism for legacy admittees and donors' kids can result in classes that are both disproportionately wealthy and drawn from a relatively small ideological and religious slice of American life. Yet race consciousness creates clear academic double standards on the basis of race alone.

Harvard's practices are particularly egregious. As Students for Fair Admission (SFFA) noted in their Supreme Court brief, "Harvard's racial preferences are enormous." In "absolute terms," SFFA observed, "race is 'determinative' for at least '45% of all admitted African American and Hispanic applicants,' or 'nearly 1,000 students' over a four-year period."

But Harvard's affirmative action plan didn't involve merely boosting black and Hispanic applicants. To get the numbers Harvard wanted, it had to penalize another racial group—Asians.

Harvard's method was deeply disturbing. It systematically down-ranked Asian-American applicants' "personal rating." Again, here's SFFA:

Asian-American applicants should be admitted at a higher rate than whites. They are substantially stronger than white applicants on nearly every measure of academic achievement, including SAT scores, GPA, and the academic rating. They perform better on the extracurricular rating and in alumni interviews. And they perform similarly on nearly every other rating that matters. (Citations omitted).

Yet non-ALDC Asian applicants (ALDC refers to athletes, legacy admittees, donors' children, and children of faculty and staff) "were admitted at the same rate as non-ALDC white applicants."

The reason is the personal rating. At Harvard, the personal rating refers to "highly subjective qualities like 'integrity,' 'courage,' 'kindness,' and 'empathy.'" Here's where the story gets worse:

Although these personal qualities have nothing to do with race, Asian Americans receive by far the worst scores. Nor are those scores an innocent coincidence. The district court found "a statistically significant and negative relationship between Asian American identity and the personal rating assigned by Harvard admissions officers."

Think of how this works in real life. You've worked your entire life to get into your dream school. You know that gaining admission helps guarantee an extraordinary amount of economic opportunity and cultural prestige. But you're stymied not because of your test scores, your extracurricular activities, or any other objective measurement. Instead, like your other Asian classmates, you're deemed to lack "courage" or "kindness."

The assignment of negative personal characteristics on the basis of race is what invidious discrimination looks like. It's what the Civil Rights Act was designed to combat.

What can be done? If you, like me, believe that the American government and its institutions should be committed to racial justice, what is the solution?

First, we have to understand that racial discrimination—regardless of motive—is unjust. It violates the great aspiration of our founding, the goal of establishing a government that recognizes that “all men are created equal.” It violates the legal mandate of the Fourteenth Amendment, which requires “equal protection of the laws.” And it violates the clear language of federal law, which flatly and clearly prohibits “discrimination” on the basis of “race, color, and national origin.”

It’s not just unjust, it’s inherently divisive. The idea that members of different races should be held to different standards can’t help but generate both deep resentment and perverse outcomes. Think of the perversity of the Harvard plan—it disadvantages a historically marginalized Asian community and continues to privilege the most privileged class of Americans in the nation’s history, wealthy whites.

Second, given that race discrimination is inherently unjust, we should instead reach for race-neutral methods of ameliorating race-disproportionate disadvantages. Kahlenberg, an expert witness in the Harvard litigation, is one of the nation’s foremost advocates of a different form of admissions preference—preference on the basis of class, not race.

Why does this matter? Centuries of racial discrimination have left black Americans and other historically-marginalized groups with *disproportionate* economic and educational disadvantages, but not with *exclusive* economic and educational disadvantages. There are poor and disadvantaged Americans of all races, and systems that privilege, say, a wealthy black or Hispanic student over a poor white student both fail to recognize the real adversity faced by poor students of any race and diminish the true diversity of the incoming class.

Earlier in this essay, I quoted Kahlenberg's contention that race preferences "provide cover for an admissions system that mostly benefits the wealthy." Let's make this concrete. The student bodies of many of America's most elite universities are remarkably rich. In 2017, the New York Times published data showing that dozens of America's most elite schools have more students from the top one percent of American families (by income) than they do from the bottom 60 percent.

The worst school by this measure was Washington University of Saint Louis. An incredible 21.7 percent of its students came from the top one percent. Only 6.1 percent came from the bottom 60. Even a school like Harvard—which was "only" the 62nd-worst school in the country by this measure—had 15.1 percent of its students in the top one percent and a mere 20.4 percent in the bottom 60.

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12/6/22 at 5:02 PM

Expanding the data, you can see the *enormous* advantage of wealth.

This chart was sobering:

It's true that a good education can lead to self-perpetuating, multi-generational good outcomes for families. When education is part of a family's ethos, that family will generate disproportionately better students. But wealth also creates other advantages as well—tutors, private schools, and testing help (including disability accommodations) can provide a significant academic boost.

Thus, better scores aren't always evidence of better academic aptitude, but rather superior academic opportunities. But that's not the entire story. Even when poorer students do as well as rich students, they often don't even think to apply to elite schools. In his expert report in the Harvard litigation, Kahlenberg cites some rather

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12/6/2021 5:02 PM

interesting statistics:

Looking at very high achieving students (SAT scores of 1450 and higher), nearly half (43%) of those students from families making more than \$100,000 applied to become members of the Harvard class of 2009. By contrast, less than a quarter of those very high test scorers making less than \$100,000 applied.

Aggressive outreach can help close that gap, but rather than extend a wide net, Harvard “relies heavily on a relatively small number of “feeder” schools to fill a significant part of its class.” Again, the statistics are fascinating: “For the classes of 2007-2016, 20.3% of matriculates and 12.9% of applicants came from schools that represent just 0.6% of American high schools.”

If schools truly want to prioritize diversity, they should focus on class. Fostering greater class-based diversity can help achieve greater diversity across the board: More racial diversity, more economic diversity, more ideological diversity, and more diversity on the basis of religion.

Emphasizing diversity of class doesn’t just create a student body that looks like America. It creates a student body that *is* like America.

Third, we need to dismantle legacy preferences that perpetuate historical disparities. I’ve said this before, and I’ll say it again—one

way to understand the lingering effects of racism is by understanding
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that systems and structures designed by racists for racist reasons are often maintained by nonracists for nonracist reasons.

Classic examples including residential segregation maintained by draconian zoning rules designed to combat density and maintain home values, or de facto nepotism-based hiring preferences which may be motivated by familiarity and love yet perpetuate disparities established by discrimination.

And what are legacy preferences and preferences for children of faculty and staff but a form of nepotism? They're a form of unearned privilege, and while the motivations are understandable—there are strong reasons to bind communities together across generations—when legacy admissions are part of the fruit of the poisonous tree of past discrimination, then legacy admissions help preserve the effects of previous injustice.

So what happens if Harvard ends unearned legacy privileges and stops discriminating on the basis of race? Again, here's Kahlenberg:

In red and blue states alike, therefore, colleges that cannot employ race-based preferences have increased financial-aid budgets, taken top-ranking students from high schools in poor communities, dropped the use of legacy preferences, and increased admission of students who transfer from community colleges. Without using race, UC Berkeley and UCLA—which, among the top 25 national

have the highest percentage of students who receive federal Pell Grants—in 2021 admitted their most racially diverse classes in more than 30 years.

Harvard can achieve the same thing without meaningfully sacrificing academic standards. If the school “eliminated race-based and legacy preferences while giving low-income students half of the boost it gives to recruited athletes, its mean SAT score would drop from the 99th percentile to the 98th.” That’s hardly a material decline.

If the Supreme Court strikes down Harvard’s admissions standards and finally rules that Title VI means what it so plainly says, Harvard would still be Harvard—an extraordinarily elite institution with high academic standards and a history unmatched by an American university—but it would be a more just place, ultimately a more truly diverse place, and American law would finally live up to its clear language and noble ideals.

I don’t hate Harvard University. I actually love the place. I don’t just value my Harvard law degree, I deeply value my experience in Cambridge. The school has a proud legacy. Just this week I visited with my daughter Camille, and we walked through my favorite building on campus, Memorial Hall. It’s a beautiful structure, built to honor those Harvard classmates who died in the fight to abolish slavery and preserve the Union.

in a great central chamber illuminated by sunlight spilling through stained glass, you can read the names of the fallen, along with the places they fell—places that echo in American history. Gettysburg. Antietam. The Wilderness. Bull Run. Harvard is right to be proud of that sacrifice. It's right to honor their memory.

Harvard has a better story than many American institutions, but it wasn't a perfect story then, and it's not a perfect story now. It has an institutional responsibility to end racial discrimination, and if it won't do it voluntarily, then it's up to the Court to compel compliance with the clear commands of American law. We will never achieve racial justice so long as racial discrimination is still allowed in our land.

One more thing ...

As many readers know, my friend and colleague Jonah Goldberg lost his mom this week. His mother, Lucianne, was a remarkable woman, and Jonah wrote the kind of tribute that only Jonah could write. It's beautiful. If you haven't read it yet, [please read it now](#).

One last thing ...

I grew up in the a capella churches of Christ, a restorationist Christian movement that's centered mainly in the American Southeast. While there are many aspects of the church's theology I ultimately disagreed with, there was much to love about my church and my childhood. For one thing, our status as a rather small

Christian minority movement inoculated me against claims that

Christians were somehow destined to rule.

For another, I've always appreciated a capella music, and there is no song I loved more than what we just called "728b", after its number in the *Songs of the Church* hymnal. You can even buy a [728b t-shirt on Amazon](#). Its actual title is "Our God, He Is Alive," and here it is, beautifully sung by one person singing all four parts. Enjoy:



By David French

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The NFL Has a ‘Good Ol’ Boy’ Problem

A damaging new lawsuit lifts the veil on a profound cultural challenge.

By David French

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Head coach Brian Flores of the Miami Dolphins looks on against the Baltimore Ravens at Hard Rock Stadium. (Photo by Michael Reaves/Getty Images)

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One of the most troubling realities of American life can be summed up in a single sentence: Systems and structures designed by racists for racist reasons are often maintained by nonracists for nonracist reasons. This reality applies both to formal legal rules and to informal cultural norms.

To help you understand, I'll start with a relatively simple example. Residential segregation used to be enforced and maintained by explicit, intentionally racist operation of law. For generations, neighborhoods were defined according to racial composition, and explicit legal regulations and even deed covenants kept neighborhoods whites-only.

The result of residential segregation (combined with school segregation, discriminatory employment rules, and all the toxic elements of legalized bigotry) is that one American community enjoyed less opportunity. Other American communities enjoyed more, and their incomes, schools, businesses, and homes reflected that reality.

So even if you eliminate all explicit, legalized racism from the books, you're left with a serious problem. People who send their kids to nice schools or who live in nice homes do not want to risk the future prospects of the kids they love or the value of their most important investments.

Rezone schools? No. Why should we make changing educational environments when my kids thrive? Permit multifamily housing nearby (which would allow lower-income

individuals to move to high-income neighborhoods)? No. The increased traffic and changing character of the community might impact the value of my home and the ease of my life.

Individuals don't have to be racist to believe these things. In fact, they can *hate* racism and fly a Black Lives Matter flag yet still maintain the NIMBYism that plagues much of modern American life. The justification is obvious and sincere. After all, how is it racist to protect your investments? How is it racist to send your kids to the best schools?

And don't think for a moment that this mindset is confined to the conservative South. As a [viral New York Times video](#) detailed last year, some of America's most progressive communities have been among the most exclusive and restrictive when it comes to new developments that could benefit working-class families.

But if you're a person trying to leave a historically marginalized neighborhood, and the artificially maintained high costs of the better places serve as a barrier to entry and opportunity, the lack of explicit racism is cold comfort when the new place is still well beyond your reach.

That's the law. But how does this process work culturally? For a prime example, I'd direct your attention to the [bombshell lawsuit](#) that former Miami Dolphins football coach Brian Flores filed against the NFL and the Dolphins on Monday.

It's a long complaint packed with allegations, but broadly speaking, it contains two kinds of claims. First, that Dolphins owner Stephen Ross tried to induce and/or force Flores to violate the rules of the league. In his most explosive allegation, Flores says that Ross offered him \$100,000 per loss if he "tanked"—intentionally lost to help the Dolphins' position in the draft.

As troubling as those claims are, they're not the heart of the suit. The heart of the suit is an allegation that NFL teams systematically discriminate against Black applicants for coaching and front-office positions. Moreover, it says that the NFL's efforts to increase diversity, namely through the so-called Rooney Rule—which requires teams to interview at least one Black applicant for open general-manager, head-coach, and

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senior-assistant-coach positions—is little more than a cynical sham.

The lawsuit contains statistical and anecdotal evidence. It also tells a story. The statistical evidence demonstrates extraordinary underrepresentation of Black coaches and executives. While 70 percent of NFL players are Black, only one out of 32 teams employs a Black head coach; six out of 32 teams employ a Black general manager.

The anecdotal evidence of a sham process is deeply embarrassing to the NFL. The headline-making paragraphs of the complaint contain screenshots of text messages

from New England Patriots coach Bill Belichick purportedly congratulating Flores for securing the New York Giants coaching job.

There were two problems with these messages. First, Belichick was mistakenly texting the wrong Brian. He thought he was talking to Brian Daboll, the white candidate who actually landed the position. Second, he messaged Flores three days before Flores was scheduled to interview *for that same position*. The interview seemed to be a formality, a box-checking exercise before the team announced the decision it had apparently already made.

The complaint also contains claims that a 2019 Flores interview with the Denver Broncos was another transparent sham. Broncos general manager John Elway and President and CEO Joe Ellis allegedly arrived an hour late. Even worse, Flores claims, “they looked completely disheveled, and it was obvious that they had [been] drinking heavily the night before.”

Moreover, “it was clear from the substance of the interview that Mr. Flores was interviewed only because of the Rooney Rule, and that the Broncos never had any intention to consider him as a legitimate candidate for the job.”

The story the complaint tells is of a league that used to be riddled with outright, explicit racism. Racist people kept Black players and then Black coaches out of the league for racist reasons. The explicit racism faded, but its consequences have not. Why?

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It is entirely possible that the lawsuit will uncover evidence that some of that racism

didn't go away, but instead went underground. Early in my career I worked on a class-action nondiscrimination case and was simply stunned at what I saw in company documents after it was required to disclose internal communications.

But it's also probable that there's something else at play. Something even harder to combat than explicit racial discrimination—a *culture* that unintentionally but still systematically prevents Black coaches from advancing. I'm talking about an old-fashioned “good ol' boy” network.

When you hear that phrase, it might call to mind the lyrics to an old television show's theme song. The protagonists of *The Dukes of Hazzard* were “just two good ol' boys” who were “never meanin' no harm.” The phrase conjures up the image of old friends, drinking beer out of the back of pickup trucks and just, well, helping each other out. But the phrase can mean something else. It can refer to the networks and relationships that spring naturally from consistent, close proximity. When those networks and relationships are exclusively or almost exclusively white for *generations*, then patterns are established.

The hallmark of “good ol' boy” culture is some version of what I just explained above. There might not be beer. Premium bourbon works just as well. There might not be pickup trucks. The valet has the Maserati at the ready. But still, friends help each other out. They share connections. They help each other's families. They interact easily and freely. They vouch for each other. They forgive mistakes. You know, the way friends do.

Want evidence of a “good ol' boy” network? Look at the staggering NFL nepotism stats. As Kalyn Kahler wrote last month in *Defector*, “Overall, the league averages 3.4 coaches per team who are related to a current or former NFL coach, and the percentage of coaches at the supervisory levels—the ones with hiring power—is even higher. Eleven of 32 head coaches are related to a current or former NFL coach. There are 24 coordinators who are related to current or former coaches, almost a full quarter of them.”

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Here's the problem: While bad laws can be reformed by legal means, it's more difficult

to reform bad cultures through force of law. Nondiscrimination laws are a hammer designed to nail down explicit manifestations of discrimination, and even powerful evidence of underrepresentation is not always enough to establish a legal claim. Thus, while the hammers are often indispensable to justice and fairness, they're not always sufficient. Strip away all the legal barriers for entry, and somebody still has to look across the desk at an applicant and say, "You're my guy."

That's why a commitment to fairness can't be passive. A leader of pure heart can't simply say to himself or herself, "I'm not doing anything wrong." There has to be a commitment to do something right. What am I doing to expand my circle? What am

I doing to find talent, to elevate the talented, and support them with the same fervor that I support my friend (or the friend of my friend)?

America's elite spaces are small spaces. For a very long time they were intentionally white (and intentionally male). Now all too many are still passively white, well past the time when the rising stars of the post-civil-rights world have had a chance to earn their places at the table. Can anyone say there isn't enough Black football leadership and expertise to change the dreadful ratios outlined in the complaint?

And no, I don't believe in racial discrimination to reverse racial discrimination. The language of civil-rights laws is clear. They flatly prohibit racial discrimination. And the cultural effect of explicit racial discrimination is also clear—it destabilizes and alienates. But one doesn't have to discriminate against a single white person to change the culture of the NFL (or any number of elite American workplaces). The league can decide to be aggressively fair. It can expand its circle, and any circle that's fairly expanded will give Black coaches the chances they so richly deserve.

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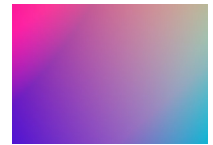
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