

BIRMINGHAM CITY COMMISSION AGENDA

March 22, 2021

7:30 P.M.

VIRTUAL MEETING

MEETING ID: 655 079 760

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Pierre Boutros, 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.

Appointments

- A. Parks & Recreation
 - 1. Heather Carmona
 - 2. Susan Collins
 - 3. Elyse Germack
 - 4. Jessica Newman
 - 5. John Rusche

To appoint _____ to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2024.

To appoint _____ to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2024.

To appoint _____ to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2024.

- B. Museum Board
 - 1. Jacqueline Patt

To appoint _____ to the Museum Board as a regular member to serve a three-year term to expire July 5, 2023.

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

C. Multi-Modal Transportation Board

1. Katie Schafer
2. Doug White

To appoint _____, as a regular member to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2024.

To appoint _____, as a regular member to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2024.

D. Planning Board

1. Jeffrey Bozell
2. Stuart Jeffares
3. Daniel Share
4. J. Bryan Williams

To appoint _____, to the Planning Board as a regular member to serve a three-year term to expire March 28, 2024.

To appoint _____, to the Planning Board as a regular member to serve a three-year term to expire March 28, 2024.

To appoint _____, to the Planning Board as a regular member to serve a three-year term to expire March 28, 2024.

E. Cablecasting Board

1. George Abraham
2. R. David Eick

To appoint _____ to the Cablecasting Board as a regular member to serve a three-year term expiring March 30, 2024.

To appoint _____ to the Cablecasting Board as a regular member to serve a three-year term expiring March 30, 2024.

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.
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A. Resolution to approve the City Commission Workshop meeting minutes of March 8, 2021.

B. Resolution to approve the City Commission meeting minutes of March 8, 2021.

- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 10, 2021, in the amount of \$2,211,995.98.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 17, 2021, in the amount of \$1,110,203.20.
- E. Resolution to approve the purchase of one (1) 2020 Ex Mark Spreader/Sprayer S-Series Kohler Stand On from Weingartz in the amount of \$7,999.00 from the Auto Equipment Fund, account #641-441.006.971.0100.
- F. Resolution to approve a request from Common Ground to hold the Art Fair on S. Old Woodward on September 18 & 19, 2021 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any modifications or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event, due to public health and safety measures.
- G. Resolution to approve a request from Eisenhower Dance Detroit to hold their Youth Ensemble Performance on the stage at Shain Park on May 23, 2021, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any modifications or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event, due to public health and safety measures.
- H. Resolution to authorize the IT department to enlist Advanced Lighting and Sound to upgrade the Audio Visual equipment and install additional cameras in the DPS conference room, total cost not to exceed \$12,782.00; to charge this project to account number 636-228.000-971.0100 Machinery and Equipment; and approve the appropriation and amendment to the fiscal year 2020-2021 Computer Equipment Fund budget as follows:

Computer Equipment Fund

Revenues:

636-000.000-401.0000	Draw from Fund Balance	<u>\$(6,000)</u>
636-000.000-588.0000	Cable Board Grant	<u>12,790</u>
Total Revenue		<u>\$ 6,790</u>

Expenditures:

636-228.000-971.0100	Machinery and Equipment	<u>\$ 6,790</u>
Total Expenditures		<u>\$ 6,790</u>

VI. UNFINISHED BUSINESS

- A. Liquor Licenses Renewals
 - 1. Public Hearing – Birmingham Sushi

- i. Resolution to renew the liquor license for Birmingham Sushi for the 2021 licensing period.
- 2. Public Hearing – Community House
 - i. Resolution to renew the liquor license for the Community House for the 2021 licensing period.
- 3. Public Hearing – Hazel Ravines & Downtown
 - i. Resolution to renew the liquor license for Hazel Ravines & Downtown for the 2021 licensing period.
- 4. Public Hearing – Hyde Park Prime Steakhouse
 - i. Resolution to renew the liquor license for Hyde Park Prime Steakhouse for the 2021 licensing period.
- 5. Public Hearing – Mad Hatter Bistro
 - i. Resolution to renew the liquor license for Mad Hatter Bistro for the 2021 licensing period.
- 6. Public Hearing – Pernoi
 - i. Resolution to renew the liquor license for Pernoi for the 2021 licensing period.
- 7. Public Hearing – Social Kitchen & Bar
 - i. Resolution to renew the liquor license for Social Kitchen & Bar for the 2021 licensing period.
- 8. Public Hearing – Tallulah Wine Bar & Bistro
 - i. Resolution to renew the liquor license for Tallulah Wine Bar & Bistro for the 2021 licensing period.
- 9. Public Hearing – Rojo Mexican Bistro & Sidecar
 - i. Resolution to renew the liquor license for Rojo Mexican Bistro & Sidecar for the 2021 licensing period.
- 10. Public Hearing – Rugby Grille
 - i. Resolution to renew the liquor license for Rugby Grille for the 2021 licensing period.
- 11. Public Hearing – Vinoteca
 - i. Resolution to renew the liquor license for Vinoteca for the 2021 licensing period.

B. Public Hearing – 34350 Woodward Avenue and 907-911 Haynes Street

- 1. Resolution to postpone the proposed lot combination hearing and direct City staff to continue to work with the applicant on a mutually acceptable agreement for future review by the City Commission.

VII. NEW BUSINESS

A. Public Hearing – 555 S. Old Woodward – Birmingham Pub

- 1. Resolution to approve the Revised Final Site Plan and Design and Special Land Use Permit Amendment at 555 S. Old Woodward to allow for the transfer of ownership, name change from Triple Nickel to Birmingham Pub, and site plan and design changes at 555 S. Old Woodward.

- B. Resolution to affirm and approve the summary from the Planning Board regarding recommended revisions to the first draft and the recommended direction to the DPZ team for preparation of the second draft of the 2040 Plan as outlined in the letter from DPZ dated March 15, 2021.
- C. Resolution to approve the bond authorizing resolution for the 2021 unlimited tax general obligation bonds as submitted by bond counsel.
- D. Resolution to direct the City Manager to continue to record ice arena operations in the General Fund and provide a finance report on those operations to the City Commission by October 31st for the preceding fiscal year;

OR

Resolution to direct the City Manager to create an enterprise fund for ice arena operations effective July 1, 2021.

- E. Resolution to award the Golf Cart Lease Option #3 for the Birmingham Golf Courses to EZ-Go Textron in the amount not to exceed \$51,338.46 per year or \$256,692.30, over a five-year period. Funds are available in the Equipment Rental or Lease account #584-753.002-941.0000 and #597-753.002-941.0000 for this contract. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of the required insurance coverage.
- F. Resolution to adopt the Resolution of the City of Birmingham demonstrating support of the project and submittal of the application to MDOT for FY 2024 funding assistance under their Local Bridge Program, as presented.
- G. Resolution to increase the price of the plots in Greenwood Cemetery that accommodate one full burial or up to 3 cremains from \$3000 to \$4000 effective immediately upon passage by the Commission, and for the new rate to be applicable to all currently released graves and future grave releases.
- H. Resolution to declare a state of emergency for the City of Birmingham and confirming the Mayor's Declaration of Emergency to continue the ability for virtual meetings during the pandemic as determined by the EMC and the CEO.

VIII. REMOVED FROM CONSENT AGENDA
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IX. COMMUNICATIONS

- A. Communication from Andrew Haig
- B. Communication from Cory “King” Holland Sr.

X. REPORTS

- A. Commissioner Reports
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. 2020 Annual Golf Staff Report
 - 2. Community Development Department Annual Report
 - 3. City Manager Report

INFORMATION ONLY

XI. ADJOURN

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

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



NOTICE OF INTENTION TO APPOINT TO THE PARKS AND RECREATION BOARD

At the regular meeting of Monday, March 22, 2021, the Birmingham City Commission intends to appoint three regular members to serve three year terms expiring on March 13, 2024.

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 17, 2021. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

Responsibilities

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

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

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

Applicant(s) Presented for City Commission Consideration:

Applicant Name	Criteria /Qualifications Members must be electors (registered voters) of the City of Birmingham.
Heather Carmona	Registered Voter
Susan Collins	Registered Voter
Elyse Germack	Registered Voter
Jessica Newman	Registered Voter
John Rusche	Registered Voter

SUGGESTED ACTION:

To appoint _____ to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2024.

To appoint _____ to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2024.

To appoint _____ to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2024.

PARKS AND RECREATION BOARD

Article II, Section 78

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

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

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

Members must be electors of the City of Birmingham

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

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Carmona	Heather	(248) 867-1346	3/12/2018	3/13/2021
887 Lakeview Ave.			Registered Voter	
		<i>htcarmona@sbcglobal.net</i>		
Carrel	R.J		2/22/2021	12/31/2021
			Student	
Chapnick	Alison		2/22/2021	12/31/2021
			Student	
Collins	Susan	(248) 761-6873	3/9/2020	3/13/2021
958 Pleasant			Registered Voter	
		<i>sbdcollins@comcast.net</i>		

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Graham 884 Knox	Pam	(248) 408-6277 <i>pamcracker@gmail.com</i>	1/13/2020 Registered Voter	3/13/2023
Kaplan 635 Oak	Ross	(248) 645-6526 <i>rkaplan@neumannsmith.com</i>	10/22/2007 Registered Voter in Birmingham	3/13/2023
LaBelle 1394 Westwood Dr.	Jeffrey	(312) 835-9287 <i>labejef@gmail.com</i>	3/9/2020 Alternate	3/13/2023
Lipp 2682 Buckingham	Anne	(248) 225-0136 <i>aecubera@gmail.com</i>	11/23/2020 Alternate	3/13/2022
Noble 1160 Lake Park Dr.	Eleanor	(248) 417-7777 <i>elliecnoble@hotmail.com</i>	7/10/2017 Registered Voter in Birmingham	3/13/2023
Pulis 824 Wimbledon Dr.	Dominick	(586) 381-5831 <i>dompulis@hotmail.com</i>	3/25/2019 Registered Voter in Birmingham	3/13/2022

Last Name	First Name	Home Business	Appointed	Term Expires
Home Address		E-Mail		
Rusche	John	(248) 731-7068	9/6/2018	3/13/2021
358 Henley St.			Registered Voter in Birmingham (was Alt)	
		<i>jprusche@aol.com</i>		
Sayers	Kyle		2/22/2021	12/31/2021
			Student	

CITY BOARD/COMMITTEE ATTENDANCE RECORD

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

Year: 2021

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Heather Carmona	P	P	P												3	0	100%
Susan Collins	P	P	P												3	0	100%
Dominick Pulis	P	P	P												3	0	100%
Pam Graham	P	P	P												3	0	100%
Ross Kaplan	A	P	P												2	1	67%
Eleanor Noble	P	P	P												3	0	100%
John Rusche	P	A	P												2	1	67%
STUDENTS																	
R.J. Carrel (Groves)	NA	NA	P												1	0	100%
Alison Chapnick (Groves)	NA	NA	P												1	0	100%
Kyle Sayers (Seaholm)	NA	NA	A														
ALTERNATES																	
Jeffrey LaBelle															0	0	100%
Anne Lippe	P	P															
Present or Available	6	6	9	0	0	0	0	0	0	0	0	0	0	0			

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

Department Head Signature

January 2021-Ross Kaplan arrived at 6:31 pm

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Parks and Recreation Board Year: 2020
Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtg. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Heather Carmona	P	P	P	NM	NM	P	P	P	P	P	P	P			10	0	100%
Susan Collins <i>(appointed as regular member at September CC)</i>	NA	NA	NA	NM	NM					P	P	P			3	0	100%
Dominick Pulis	P	P	P	NM	NM	P	P	P	P	P	P	P			10	0	100%
Pam Graham	P	P	P	NM	NM	P	P	P	P	P	P	P			10	0	100%
Ross Kaplan	A	P	A	NM	NM	P	P	P	P	P	P	P			8	2	80%
John Meehan <i>(never renewed)</i>	P	A	A														
Eleanor Noble <i>(appointed as regular member at March CC)</i>				NM	NM	P	P	P	P	P	P	P			7	0	100%
John Rusche	P	P	P	NM	NM	P	P	P	P	P	P	P			10	0	100%
William Wiebrecht <i>(sent resignation letter in June, 2020)</i>	P	P	A	NM	NM	A									2	2	50%
STUDENTS																	
James Hayden Watkinson (student)	NA	NA	P	NM	NM	P	P	A	P	A	A	A			4	4	50%
Mallory Windsor (student)	NA	NA	P	NM	NM	P	P	P	P	P	P	P			8	0	100%
ALTERNATES																	
Eleanor Noble		P	P														
Susan Collins <i>(appointed as alternate at March CC)</i>						P		P	P								
Jeffrey LaBelle <i>(appointed as alternate at March CC)</i>							P								1	0	100%
Anne Lippe <i>(appointed as alternate at November CC)</i>																	
Present or Available	6	7	7	0	0	9	9	8	9	8	8	8	0	0			

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NA = Member not appointed at that time
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CM = Meeting canceled for lack of business items

Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Parks and Recreation Board

Year: 2019

Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Heather Carmona	P	P	P	A	P	P	A	P	P	P	P	P			7	1	88%
Ross Kaplan	A	P	P	P	P	P	P	P	A	P	P	P			10	2	83%
Therese Longe	P	P	A	P	P	P	P	P	A	P					8	2	80%
John Meehan	P	A	A	P	A	P	A	A	P	P	P	P			7	5	58%
Dominick Pulis	NA	NA	P	A	P	P	P	P	P	A	P	P			8	2	80%
John Rusche	P	P	P	P	P	P	P	A	A	P	A	P			9	3	75%
Lilly Stotland	P	P	P												3	0	100%
William Wiebrecht	P	P	P	A	P	P	A	P	P	P	P	P			10	2	83%
CeCe Cousins (student)	P	P	NA												2	0	100%
Jakob Sayers (student)	P	A	NA												1	1	50%
John Butcher (student)			P	P	P	P	P	P	P	P	P	P					
ALTERNATES																	
Eleanor Noble	P	P	P	P	P	A	A	A	A	P	P				7	4	64%
Pam Graham	NA	NA	NA	NA	NA	NA	A	P	P		P	P			4	1	80%
															0	0	#DIV/0!
Present or Available	9	8	8	6	8	8	5	7	6	8	8	8	0	0			

KEY:

- A** = Member absent
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- NA** = Member not appointed at that time
- NM** = No meeting scheduled that month
- CM** = Meeting canceled for lack of business items

Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Parks and Recreation Board

Year: 2018

Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Heather Carmona	NA	NA	NA	P	P	P	P	P	P	P	A	P			7	1	88%
Ross Kaplan	A	P	A	P	P	P	P	P	A	P	P	P			9	3	75%
Therese Longe	P	P	P	P	P	P	P	P	P	A	P	P			11	1	92%
John Meehan	P	A	A	P	P	P	P	P	P	P	P	A			9	3	75%
John Rusche (frm Alt to Bd 9/6/18)		P	P					P	P	P	A	P			6	1	86%
Lilly Stotland	P	A	P	P	P	P	P	P	P	A	P	A			9	3	75%
Ryan Ross	P	P	P	P	P	P	P	NA	NA	NA	NA	NA	NA	NA	7	0	100%
Raymond Stevens	P	P	A	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	2	1	67%
William Wiebrecht	P	P	P	P	P	P	P	P	P	P	P	P			12	0	100%
CeCe Cousins (student)	NA	NA	P	A	P	P	A	P	P	P	P	A			7	3	70%
Jakob Sayers (student)	NA	NA	P	P	P	P	A	P	A	P	P	P			8	2	80%
ALTERNATES																	
Eleanor Noble	P	P	P						P	P	P	P			7	0	100%
VACANT																	
Reserved															0	0	#DIV/0!
Present or Available	7	7	8	8	9	9	7	9	8	8	8	7	0	0			

KEY:

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

Department Head Signature



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest Parks & Recreation

Specific Category/Vacancy on Board Board Member

Name Heather Carmona

Phone 248-867-1346

Residential Address 887 Lakeview Avenue

Email htcarmona@sbcglobal.net

Residential City, Zip Birmingham, 48009

Length of Residence 12 years

Business Address N/A

Occupation Self- Nonprofit Consultant

Business City, Zip N/A

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied _____
I have greatly enjoyed serving on the Board the past 3 years. I understand how government works and the important role of public service and volunteerism. I hope to continue my service to help guide the Bond projects moving forward.

List your related employment experience My day-to-day work involves listening and seeking solutions to challenges, engaging with diverse and often underrepresented clients and stakeholders. Past experience includes working in economic and community development.

List your related community activities I served on the Master Plan subcommittee and I am a daily user of the parks and trail system and advocate for strong environmental practices within our parks.

List your related educational experience BA Degree, Health Coach certification.

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

No

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

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

Heather Carmona

2/24/2021

Signature of Applicant

Date



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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

(Please print clearly)

Board/Committee of Interest Parks and Rec Board

Specific Category/Vacancy on Board Current Term exp. (see back of this form for information)

Name Susan Collins

Phone 248-761-6873

Residential Address 958 Pleasant St.

Email * sbdcollins@comcast.net

Residential City, Zip Birmingham MI 48009

Length of Residence 8.5

Business Address _____

Occupation _____

Business City, Zip _____

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

background at the ice arena has been helpful to the current board. I was
nominated and sit on the Capital Projects sub committee due
to my knowledge of the arena.

List your related employment experience Management background - understand how
to work w/in budgets and how to manage large projects.

List your related community activities Treasurer for large swim club and F.S.C.B.
various volunteer work at the schools; currently, arranging special
meals for nursing home employees.

List your related educational experience Wayne State MBA
Oakland Univ. BBA - Marketing

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

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

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

Susan Collins
Signature of Applicant

1/28/21
Date

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

Updated 11/18/2020

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

APPLICATION FOR CITY BOARD OR COMMITTEE

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

(Please print clearly)

Board/Committee of Interest Parks + Rec

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

Name Elyse Germack

Phone 248 227 2810

Residential Address 579 Puritan Ave

Email * germack.elyse@gmail.com

Residential City, Zip Birmingham MI

Length of Residence 18 yrs

Business Address Deloitte Tax

Occupation CPA / attny

Business City, Zip REN CEN, Detroit

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

I am a nonprofit attorney + CPA and understand nonprofit operations well. I helped install Booth Park playground. I utilize golf courses and parks regularly. I am passionate about placemaking and parks + beautification. I have been involved with funding Belle Isle projects.

List your related employment experience I have fundraised for Chicago outdoor sculptures

I am a trust, estates, nonprofit attorney + CPA for Deloitte Tax in Detroit. I have advocated for beautification in Eastern Market District Detroit

List your related community activities Former board member Parabolic Detroit Institute of Arts (junior council) and Detroit Historical Museum. Booster Detroit Symphony, Belle Isle and Eastern Market corporation. Former volunteer CPA for BPS, PTAs

List your related educational experience Auburn University, Business (Accounting) Masters (Tax) Univ. of Florida, Law Degree Chicago Kent

Board Member
conceptions
connect art
in public
spaces - Detroit

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

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

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

Signature of Applicant

Date

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

Updated 11/18/2020

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



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Parks and Recreation Board

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

Name Jessica Newman

Phone 248-762-5007

Residential Address 421 Madison St.

Email * jessica.m.newman@gmail.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 1 month

Business Address N/A

Occupation Sr. Director of Agriculture & Sustainability at McCain Foods

Business City, Zip N/A

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

After a decade away from Michigan, my husband and I are excited to move home and put down roots in Birmingham. We chose this community because of its walkability and parks (our new home backs onto the tennis courts in Poppleton Park). I am applying for this position because I am an avid walker, runner, and environmentalist who loves the outdoors. I want these critical resources preserved and expanded for my children. My background in environmental science, agriculture, and public policy/administration will bring relevant subject matter expertise to the Board. As a general manager in professional life, I am also organized, a good listener, adept at managing conflict, and comfortable with public speaking. I would be honored to serve.

List your related employment experience Consultant at the UN Food and Ag Organization, Researcher at the Consultative Group

on Intl Ag Research, Fellow at the Ecologic Institute, Consultant at Booz & Co, EDF Climate Corps Intern at the NYC Mayor's Office of

Sustainability, Sr. Director of Agronomy at Anheuser-Busch, Sr. Director of Ag & Sustainability at McCain Foods

List your related community activities None yet beyond exploring the city's parks! My husband and I moved to our new home in

Poppleton Park one month ago. We are looking forward to engaging more deeply once we are vaccinated.

List your related educational experience BA in Environmental Science and Public Policy (Harvard), MBA w/ Sustainability Certificate (MIT),

Masters in Public Administration (Harvard Kennedy School of Government)

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

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

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

Jess Newman
Signature of Applicant

3/12/2021
Date

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

Updated 11/18/2020

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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Parks & Recreation Board (current term ends 03-13-2021)

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

Name John P. Rusche

Phone H: 248-731-7068 M: 248-219-8114

Residential Address 358 Henley Street

Email * JPRusche@aol.com

Residential City, Zip Birmingham 48009

Length of Residence 12 years

Business Address _____

Occupation Consultant, Program Manager

Business City, Zip _____

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

I completed the inaugural Citizens Academy in May 2016. Looking for a volunteer opportunity I began attending P&R Board meetings in March 2017, and on July 10, 2017 was appointed an alternate. On September 6, 2018 I became a regular member. I have attended 90% of the 42 meetings since July 2017. I participated in development of the 2018-2022 P&R Master Plan and the November 2020 P&R Bond vote. I would like to assist in implementing both.

List your related employment experience _____

Forty-four years in training and consulting, focused primarily on standards-based process improvement for the auto industry and dealerships.

List your related community activities _____

Completed Birmingham Citizens Academy, May 2016. Former board member Detroit Science Center. Former volunteer computer instructor at Mariners Inn a Detroit treatment center for homeless men. Current member Cranbrook House and Gardens Auxiliary and regular member of Birmingham P&R Board.

List your related educational experience _____

BA and MBA Wayne State University.

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

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

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

John P. Rusche
Signature of Applicant

January 11, 2021
Date

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

Updated 11/18/2020

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NOTICE OF INTENTION TO APPOINT TO THE MUSEUM BOARD

At the regular meeting of Monday, March 22, 2021 the Birmingham City Commission intends to appoint one regular member and one alternate member to the Museum Board to serve the remainder of 3 year terms to expire July 5, 2023.

Interested parties may submit an application available at the City Clerk's office on or before noon on Wednesday, March 17, 2021. These applications will appear in the public agenda for the regular meeting at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

Board Duties

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

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

Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications
	Shall be qualified electors of the City and members of the Birmingham Historical Society
Jacqueline Patt	Resident

SUGGESTED ACTION:

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

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



MUSEUM BOARD

Chapter 62 - Section 62-26

Terms - Three years - expiring first Monday in July

Eight Members: Six are electors and appointed by city commission

One member is an Alternate

One is owner of a business and appointed by the city manager

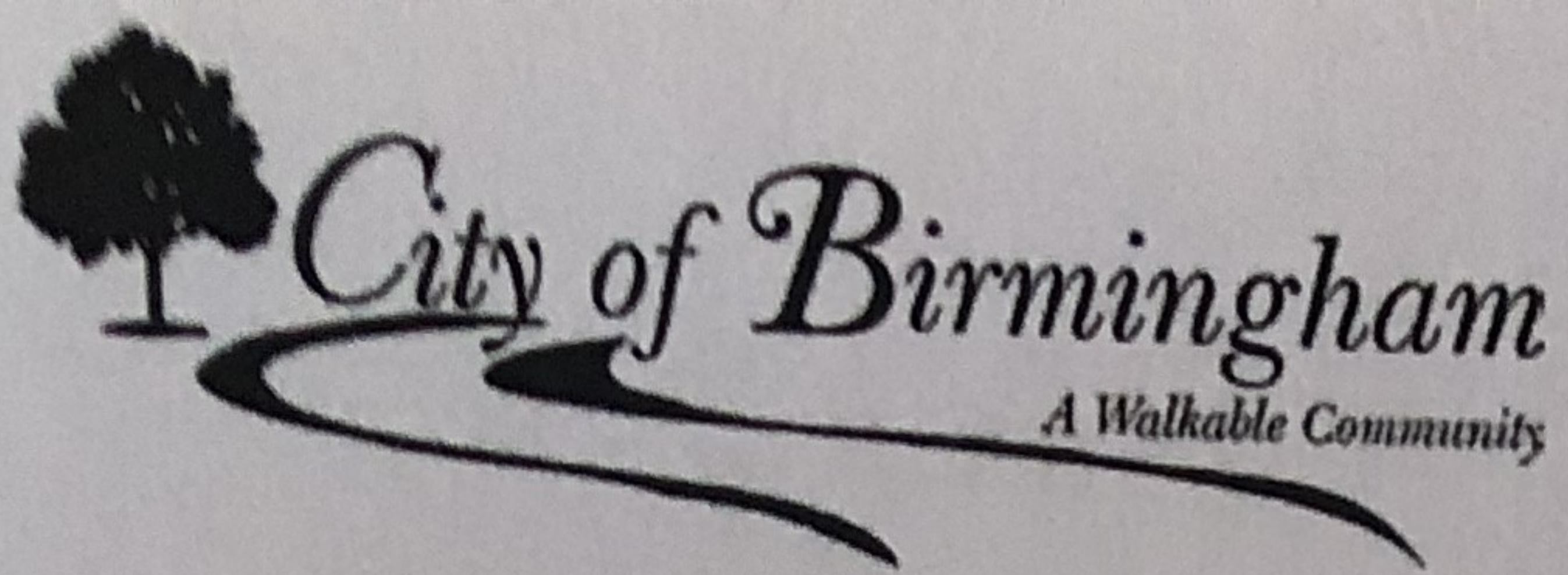
The Museum Board is charged with collecting, arranging, cataloguing and preserving historical material. The board may locate and erect plaques or markers at historic sites, buildings or properties in the City of Birmingham with the consent of the owner or owners of any such property and subject to the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

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Dixon	Russell	(248) 642-2314	11/24/2003	7/5/2021
1460 Bennaville		<i>russswdixon@aol.com</i>	Historical Society Member	
Hughes	Patrick J.	(248) 417-0470	9/23/2019	7/5/2022
915 Kennesaw		<i>phughes@brickstory.com</i>	Business owner member	
Keefer	Judith	(248) 249-0996	7/11/2016	7/5/2022
505 E. Lincoln, #4		<i>jlw2014@gmail.com</i>	Retired	
Krizanic	Tina	(248) 644-2124	1/26/2015	7/5/2021
2450 Northlawn Blvd		<i>tkrizanic8@gmail.com</i>	Historical Society Member	

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

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Logue 2010 Buckingham	Marty	(248) 649-4921 <i>gtferos@comcast.net</i>	9/26/2011 Historical Society Member	7/5/2023
Rosso 355 Columbia	Caitlin	(248) 229-4227 <i>caitlinrosso@maxbroock.com</i>	9/21/2015 Historical Society Member	7/5/2023
VACANT			Alternate	7/5/2023
VACANT			Regular Member	7/5/2023

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



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Birmingham Museum

Specific Category/Vacancy on Board -

Name Jacqueline L. Patt

Phone (248) 561-4052

Residential Address 773 Redding Road

Email JLPatt2@gmail.com

Residential City, Zip Birmingham 48009

Length of Residence 3 years

Business Address -

Occupation retired

Business City, Zip -

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied
I have been interested in genealogy for over 40 years and most recently have entered burials into The FindAGrave.com website, based on The 1945 and 1985 Greenwood Cemetery publications. So it is accessible by other researchers.

List your related employment experience 25 years as a Project Manager for Software Consulting companies. (Additionally - worked at Wayne State Med School; + most recently - in hospital + hospice work.)

List your related community activities none at this time

List your related educational experience a Bachelor Degrees in Biology, Chemistry + Computer Science. Additionally - have a Masters Degree.

To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: no - not applicable

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

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

Jacqueline L. Patt
Signature of Applicant

8-24-2021
Date



NOTICE OF INTENTION TO APPOINT TO THE MULTI-MODAL TRANSPORTATION BOARD

At the regular meeting of Monday, March 22, 2021, the Birmingham City Commission intends to appoint two regular members to the Multi-Modal Transportation Board to serve three-year terms to expire March 24, 2024.

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 17, 2021. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

In so far as possible, the seven member committee shall be composed of the following: one pedestrian advocate member; one member with a mobility or vision impairment; one member with traffic-focused education and/or experience; one bicycle advocate member; one member with urban planning, architecture or design education and/or experience; and two members at large living in different geographical areas of the City. Applicants for this position do not have to be a qualified elector or property owner in Birmingham.

Duties of the Multi-Modal Transportation Board

The purpose of the Multi-Modal Transportation Board shall be to assist in maintaining the safe and efficient movement of motorized and non-motorized vehicles and pedestrians on the streets and walkways of the city and to advise the City Commission on the implementation of the Multi-Modal Transportation Plan, including reviewing project phasing and budgeting.

Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications
	Traffic-focused education/experience, or urban planning, architecture or design education/experience.
Katie Schafer	Pedestrian Advocate
Doug White	Bicycle/Pedestrian Advocate

SUGGESTED ACTION:

To appoint _____, as a regular member to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2024.

To appoint _____, as a regular member to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2024.



MULTI-MODAL TRANSPORTATION BOARD

Chapter 110, Sections 110-26 & 110-27

The purpose of the Multi-Modal Transportation Board shall be to assist in maintaining the safe and efficient movement of motorized and non-motorized vehicles and pedestrians on the streets and walkways of the city and to advise the city commission on the implementation of the Multi-Modal Transportation Plan, including reviewing project phasing and budgeting.

In so far as possible, the seven member committee shall be composed of the following: one pedestrian advocate member; one member with a mobility or vision impairment; one member with traffic-focused education and/or experience; one bicycle advocate member; one member with urban planning, architecture or design education and/or experience; and two members at large living in different geographical areas of the city. At least five Board members shall be electors or property owners in the city. The remaining Board members may or may not be electors or property owners in the City.

Term: Three years.

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Haig	Andrew	(248) 506-9979	3/9/2020	3/24/2022
1814 Banbury St. Birmingham	48009	<i>ahjunkah@gmail.com</i>	Member at large	
Hocker	David	(313) 917-4718	11/23/2020	3/24/2022
898 Pilgrim Birmingham	48009	<i>dhocker@globalfacilitiesinc.com</i>	Regular Member	
Lurie	David	(248) 224-0752	11/23/2020	3/24/2023
755 Lakeview Ave Birmingham	48009	<i>dlurie2001@comcast.net</i>	Member at large from different geographical areas of the city.	

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Morris Groves High School	Lauren		2/22/2021 Student	12/31/2021
Peard 645 Suffield Birmingham	Thomas 48009	(248) 770-7761 <i>thomaspeard@yahoo.com</i>	1/13/2020 Urban Planning /Architecture /Design	3/24/2022
Schafer 1966 Fairway Birmingham	Katie 48009	(248) 835-5064 <i>schafekat@gmail.com</i>	3/13/2017 Pedestrian Advocate	3/24/2021
Schoener Seaholm High School	Justin		2/22/2021 Student	12/31/2021
Slanga 4410 Charing Way Bloomfield Hills	Johanna 48304	(248) 761-9567 <i>johannaslanga@gmail.com</i>	5/5/2014 Traffic-Focus Education/Experience Member	3/24/2022
VACANT			Alternate	10/27/2022

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

Walters	Alex		2/22/2021	12/31/2021
Seaholm High School			Student	

White	Doug	(248) 825-2223	5/14/2018	3/24/2021
1342 Holland St.			Bicycle/Pedestrian Advocate	
Birmingham	48009			
		<i>dwhite10@peoplepc.com</i>		

Zane	Joseph	(248) 563-3381	12/10/2018	10/27/2022
1014 Chestnut St.			Alternate	
Birmingham	48009			
		<i>Joseph.Michael.Zane@gmail.com</i>		

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Multi Modal Transportation Board

Year: 2020

Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
															0	0	#DIV/0!
Lara Edwards	P	P	P	NA	NA	NA	NM	NM							3	0	100%
Daniel Rontal	P	A	A	NA	NA	NA	NM	NM							1	2	33%
Amy Folberg	P	P	P	NA	NA	NA	NM	NM							3	0	100%
Johanna Slanga	P	A	P	NM	P	P	NM	NM	P	A	P	P			7	2	78%
Doug White	P	P	P	NM	P	P	NM	NM	P	P	P	P			9	0	100%
Katie Schafer	P	P	A	NM	P	P	NM	NM	P	P	P	P			8	1	89%
Tom Pearda	NA	P	P	NM	P	P	NM	NM	P	P	P	P			8	0	100%
Joe Zane	NA	NA	A	NM	P	P	NM	NM							2	1	67%
ALTERNATES																	
Andrew Haig	NA	NA	NA	NM	P	P	NM	NM	P	P	P	P			6	0	100%
Joe Zane	P	P	A	NM	NA	NA	NM	NM	A	P	P	A			4	3	57%
Bennett Pompei (Stdnt)	A	A	A	A	A	A	NM	NM							0	6	0%
Chris Capone (Stdnt)	A	A	A	A	A	A	NM	NM							0	6	0%
Present or Available	7	6	5	0	6	6	0	0	5	5	6	5	0	0			

KEY:

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

Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **Multi Modal Transportation Board**
 Members Required for Quorum: **4**

Year: **2019**

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Lara Edwards	A	P	P	NM	P	P	NM	NM	P	NM	P	A			0	0	#DIV/0!
Daniel Rontal	A	P	P	NM	P	A	NM	NM	P	NM	P	A			6	2	75%
Amy Folberg	A	P	P	NM	A	P	NM	NM	P	NM	P	A			5	3	63%
Johanna Slanga	P	P	P	NM	P	A	NM	NM	P	NM	P	A			5	3	63%
Doug White	P	A	P	NM	P	P	NM	NM	P	NM	P	A			6	2	75%
Katie Schafer	P	P	P	NM	A	P	NM	NM	P	NM	A	A			6	2	75%
															5	3	63%
															0	0	#DIV/0!
ALTERNATES															0	0	#DIV/0!
Daniel Isaksen	P	P	P	NM	P	P	NM	NM	P	NM	NA	NA					
Joe Zane	P	P	P	NM	A	A	NM	NM	P	NM	NA	NA			6	0	100%
Bennett Pompei (Stdnt)	NA	A	P	NM	P	P	NM	NM	A	NM	P	P			5	3	63%
Chris Capone (Stdnt)	NA	A	P		P	P	NM	NM	A	NM	P	P			5	2	71%
Present or Available	5	7	10	0	7	7	0	0	8	0	7	3	0	0	5	2	71%

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 Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Multi Modal Transportation Board

Year: 2018

Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Vionna Adams	P	A	P	P	NA	NA	NA	NA	NA	NA	NA	NA			3	1	75%
Lara Edwards	P	P	P	P	P	P	P	P	A	P	P	NM			10	1	91%
Andy Lawson	P	A	P	A	NA	NA	NA	NA	NA	NA	NA	NA			2	2	50%
Michael Surnow	P	A	A	A	NA	NA	NA	NA	NA	NA	NA	NA			1	3	25%
Amy Folberg	P	A	P	P	P	P	P	P	P	P	P	NM			10	1	91%
Daniel Rontal	P	A	P	A	P	A	P	A	P	P	P	NM			7	4	64%
Johanna Slanga	A	P	P	A	A	P	P	P	P	A	A	NM			6	5	55%
Doug White	NA	NA	NA	NA	NA	P	P		P	P					4	0	100%
															0	0	#DIV/0!
ALTERNATES																	
Katie Schafer	P	P	P	P	P	P	P	A	P	P	P	NM			10	1	91%
Daniel Isaksen	P	P	P	P	P	P	P	A	A	P	P	NM			9	2	82%
Alex Lindstrom Stdnt											A				0	1	0%
Reserved															0	0	#DIV/0!
Present or Available	8	4	8	5	5	6	7	3	5	6	5	0	0	0			

KEY:

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 Department Head Signature



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest MULTI MODAL TRANSPORTATION BOARD

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

Name Kate Schater

Phone 248-935-5064

Residential Address 1966 Fairway Drive

Email * Schaterkat@gmail.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 14 yrs

Business Address 2055 E. 14th Ave

Occupation physician / practice owner

Business City, Zip Birmingham, MI 48009

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

have been a current member of the MMTB for the past three years.
As an active member of the community who lives & raises a young
family in addition to running my business here I spend a lot of time in
List your related employment experience As a pediatrician I advocate for the Birmingham
safety and well being of children & families

List your related community activities Recent member of the Ad Hoc Unimproved
Streets Committee, current MMTB member, Birmingham business owner

List your related educational experience Attended medical school and residency
in pediatrics where we study safety & well being of children
& families. Other than that, entirely unrelated.

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

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

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

Kate Schater

2/24/21

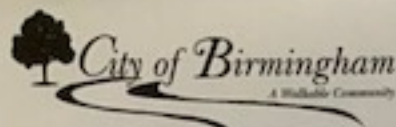
Signature of Applicant

Date

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

Updated 11/18/2020

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

APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest Multi-Modal Transportation Board
Specific Category/Vacancy on Board member (see back of this form for information)
Name Dag White Phone 248-825-2223
Residential Address 1342 Holland St Email dwhite10@peoplepc.com
Residential City, Zip Birmingham 48009 Length of Residence 15 years
Business Address _____ Occupation Automotive/Transportation
Business City, Zip _____

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

Three year MMTB member. Automotive professional with over 34 years of industry experience. Knowledgeable of the automotive trends + policies.

List your related employment experience Hino Trucks - ~~Atlanta~~ Novi, MI
Ford Motor Company Dearborn, MI

List your related community activities President: Tory Community Association

List your related educational experience B.A. Washington + Jefferson

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

NO

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

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

Signature of Applicant _____

Date 3/2/11

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

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



NOTICE OF INTENTION TO APPOINT TO PLANNING BOARD

At the regular meeting of Monday, March 22, 2021, the Birmingham City Commission intends to appoint three regular members to serve three-year terms to expire March 28, 2024. Members must consist of an architect duly registered in this state, a building owner in the Central Business or Shain Park Historic District, and the remaining members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions. Members must be residents of the City of Birmingham.

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 17, 2021. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

PLANNING BOARD DUTIES

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

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

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

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

Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications Building owner in the Central Business or Shain Park Historic District. Other members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions. Members must be residents of the City of Birmingham.
Jeffrey Bozell	Tax Attorney
Stuart Jeffares	Real Estate Professional
Daniel Share	Building Owner
J. Bryan Williams	Attorney

SUGGESTED ACTION:

To appoint _____, to the Planning Board as a regular member to serve a three-year term to expire March 28, 2024.

To appoint _____, to the Planning Board as a regular member to serve a three-year term to expire March 28, 2024.

To appoint _____, to the Planning Board as a regular member to serve a three-year term to expire March 28, 2024.

PLANNING BOARD

Chapter 82 – Section 82-27 – Seven Members

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

Terms: Three Years

Appointment by City Commission

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

Last Name	First Name	Home Business	Appointed	Term Expires
Home Address	E-Mail			
Boyce 179 Catalpa	Janelle <i>jlwboyce@hotmail.com</i>	(248) 321-3207	12/10/2007 Design profession	3/28/2023
Boyle 840 Wimbledon	Robin <i>r.boyle@wayne.edu</i>	(248) 961-1514	4/19/2004 Planning Professor	3/28/2022
Clein 1556 Yosemite	Scott <i>s.clein@comcast.net</i>	(248) 203-2068	3/22/2010 Civil Engineer/Urban Design	3/28/2022
Emerine 720 Bennaville Ave.	Jason <i>je@seiberkeast.com</i>	(312) 371-9398	5/14/2018 Alternate	11/2/2023
Jeffares 1381 Birmingham Blvd	Stuart <i>stuartjeffares@gmail.com</i>	(248) 321-2120	12/14/2015 Real Estate profession	3/28/2021

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Koseck 2441 Dorchester	Bert	(248) 302-4018 <i>bkoseck@comcast.net</i>	10/12/2009 Architect	3/28/2023
Murphy Seaholm High School	Daniel		2/22/2021 Student	12/31/2021
Ramin 1701 Maryland	Nasseem	(248) 765-9446 <i>nramin@dykema.com</i>	11/20/2017 Alternate/Attorney	11/2/2023
Share 1040 Gordon Lane	Daniel	(248) 642-7340 <i>dshare@bsdd.com</i>	11/24/2014 Building Owner	3/28/2021
Williams 1628 Latham St.	J. Bryan	(248) 420-3522 (248) 433-7289 <i>jwilliams@dickinsonwright.com</i>	4/16/2007 Attorney	3/28/2021
Wineman Seaholm High School	Jane		2/22/2021 Student	12/31/2021

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **PLANNING BOARD**

Year: **2021**

Members Required for Quorum: **4**

MEMBER NAME	1/12	1/27	2/10	2/24	3/10	3/24																SPEC MTG	SPEC MTG	Total Mtg. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																										
Janelle Boyce	P	P	P	P																				4	0	100%
Robin Boyle	P	P	P	P																				4	0	100%
Scott Clein	P	P	P	P																				4	0	100%
Stuart Jeffares	P	P	P	P																				4	0	100%
Bert Koseck	P	P	P	P																				4	0	100%
Daniel Share	P	P	P	P																				4	0	100%
J. Bryan Williams	P	P	P	P																				4	0	100%
ALTERNATES																										
Naseem Ramin	P	P	P	P																				4	0	100%
Jason Emerine	P	P	P	P																				4	0	100%
	NA	NA	NA	NA																				0	0	#DIV/0!
	NA	NA	NA	NA																				0	0	#DIV/0!
TOTAL	9	9	9	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

KEY:

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

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **PLANNING BOARD**

Year: **2020**

Members Required for Quorum:

4

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

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Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **PLANNING BOARD**

Year: **2019**

Members Required for Quorum:

MEMBER NAME	1/9	1/23	2/13	2/27	3/13	3/27	4/10	4/24	5/8	5/22	6/12	6/26	7/10	7/24	8/14	8/28	9/11	9/25	10/23	11/13	12/11	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																										
Janelle Boyce	P	P	P	P	P	A	P	P	P	P	A	P	P	P	P	P	P	P	P	P	P			19	2	90%
Robin Boyle	P	P	A	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	P	P	P			19	2	90%
Scott Clein	P	P	P	P	P	P	P	P	A	P	P	A	P	P	P	P	P	A	P	P	P			18	3	86%
Stuart Jeffares	P	P	P	P	A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			20	1	95%
Bert Koseck	P	P	P	P	P	A	P	A	A	P	P	P	P	P	A	P	P	P	A	P	P			16	5	76%
Daniel Share	P	P	P	P	A	P	P	P	P	P	P	A	A	A	P	P	P	P	P	P	P			17	4	81%
J. Bryan Williams	P	P	A	P	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	P			19	2	90%
																								0	0	#DIV/0!
																								0	0	#DIV/0!
ALTERNATES																										
Naseem Ramin	A	A	A	A	A	A	A	P	P	P	P	A	P	P	P	P	A	P	A	P	A			10	11	48%
Jason Emerine	P	P	A	P	P	P	A	P	P	P	P	P	P	P	P	P	P	P	P	A	A			17	4	81%
John Utley (Student)	NA	NA	NA	P	P	P	P	A	P	P	A	P	A	A	P	P	P	A	P	A	P			12	6	67%
Sophia Trimble (Studnt)	NA	NA	NA	A	P	P	A	P	A	P	P	P	P	P	P	P	P	A	A	A	A			12	6	67%
	8	8	5	9	8	8	8	9	8	11	9	7	9	9	10	11	9	9	8	8	8	0	0			

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 Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **PLANNING BOARD**

Year: **2018**

Members Required for Quorum:

MEMBER NAME	1/10	1/24	2/21	2/28	3/14	3/28	4/11	4/25	5/9	5/23	6/13	6/27	7/11	7/25	8/8	9/12	10/10	10/24	11/14	11/28	12/12	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																										
Janelle Boyce	P	P	NM	P	P	P	P	A	P	P	P	P	P	P	A	A	P	P	P	P	P			17	3	85%
Robin Boyle	P	P	NM	P	A	P	P	P	A	P	P	P	A	P	P	P	P	P	P	P	P			17	3	85%
Scott Clein	P	P	NM	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			20	0	100%
Stuart Jeffares	P	P	NM	P	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P			19	1	95%
Bert Koseck	P	P	NM	P	P	P	P	P	A	P	P	P	A	P	P	P	P	P	P	A	P			17	3	85%
Daniel Share	NA	NA	NM	NA	NA	NA	P	P	P	A	P	A	P	A	A	A	P	P	P	P	P			10	5	67%
J. Bryan Williams	P	P	NM	P	P	P	P	P	P	P	A	A	P	P	P	P	P	P	A	P	P			17	3	85%
																								0	0	#DIV/0!
Sam Fogel (Student)	NA	NA	NM	P	A	A	A	P	A	A	A	A	A	A	A	A	A	A	A	A	A			2	16	11%
ALTERNATES																										
Nassem Ramin	P	P	NM	P	P	P	A	P	A	A	P	P	P	P	P	P	A	A	A	A	A			12	8	60%
Jason Emerine	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	P	P	P	P	P	P	P	P	P			12	0	100%
Ellie McElroy (Student)	NA	NA	NM	P	P	A	P	A	P	A	A	A	A	A	A	P	A	A	A	A	A			6	12	33%
Madison Daminato(St.)	NA	NA	NM	P	A	A	A	P	P	A	A	A	A	A	A	P	A	A	A	A	A			4	14	22%
Present or Available	7	7	0	10	7	7	8	9	7	7	8	7	7	7	8	8	8	8	8	7	8	0	0			

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 Department Head Signature



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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

(Please print clearly)

Board/Committee of Interest Planning Board

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

Name Jeffrey Bozell

Phone 313-909-9924

Residential Address 1564 Penistone Street

Email * jeffrey.bozell@gmail.com

Residential City, Zip Birmingham 48009

Length of Residence 6 years

Business Address _____

Occupation Tax Attorney

Business City, Zip _____

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

I have lived here for six years and intend on remaining in the community for decades to come. I have three children and want to ensure that this community retains its desirable qualities (walkability, business environment, etc)

with an eye to future changes that would allow expanded tax base.

List your related employment experience I am a tax attorney with a large tax consulting firm. Previously, I was a litigator.

I have the quantitative background needed for proper analysis and an eye towards risk mitigation for the city.

List your related community activities Active member of First Presbyterian of Birmingham in mission activities and as part of Matthew 25 working group. Previous member of Birmingham Area Cablecasting Board.

Card carrying Baldwin library enthusiast, and frequent parks and downtown Birmingham businesses attendee.

List your related educational experience Bachelors in Economics from University of Michigan - Ann Arbor and JD specializing in tax law from Boston University School of Law.

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

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

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

Jeffrey R. Bozell
Signature of Applicant

March 4, 2021
Date

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

Updated 11/18/2020

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



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

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(Please print clearly)

Board/Committee of Interest PLANNING BOARD
Specific Category/Vacancy on Board REGULAR MBR (see back of this form for information)
Name STUART JEFFARES Phone 248-321-2120
Residential Address 1381 BIRMINGHAM Email * STUARTJEFFARES@GMAIL.COM
Residential City, Zip BIRMINGHAM, MI 48009 Length of Residence 17 YEARS
Business Address 275 S. OLD WOODWARD Occupation ASSEC BROKER - MAYBROOK
Business City, Zip BIRMINGHAM, 48009

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied 6+ YRS ON PLANNING BOARD, SPECIALIZE IN B'HAM REAL ESTATE, CRESTVIEW PRESIDENT, WORK IN TOWN

List your related employment experience R.E. BROKER, RESIDENTIAL BUILDER, 20+ YRS CORP. EXPERIENCE INCL. STRATEGIC PLANNING

List your related community activities BOARD MEMBER - NEXT, CADIEUX CYCLING CLUB, PAST BOARD MEMBER - BIRMINGHAM EDUCATION FDN.

List your related educational experience MASTER GARDNER, CONSTRUCTION TECH, U.S. BA, MKTG - MSU, MBA, FINANCE - INDIANA U.

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

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

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

Signature of Applicant

Date

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

Updated 11/18/2020

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Abrial Hauff <ahauff@bhamgov.org>

Fwd: March 22nd City Commission Meeting

1 message

Alex Bingham <abingham@bhamgov.org>
To: Abrial Hauff <ahauff@bhamgov.org>

Wed, Mar 10, 2021 at 1:23 PM

include with his application in the PB appointment package.

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

From: **Alex Bingham** <abingham@bhamgov.org>
Date: Wed, Mar 10, 2021 at 1:22 PM
Subject: Re: March 22nd City Commission Meeting
To: Stuart Jeffares <stuartjeffares@gmail.com>

Received, thank you.

On Wed, Mar 10, 2021 at 12:50 PM Stuart Jeffares <stuartjeffares@gmail.com> wrote:
Please include in City Commission Package

Dear Commissioners -

Please accept my apologies for being unable to participate in tonight's meeting as I am traveling.

I am hopeful that my application to continue my role with the Planning Board will meet with your approval. Leveraging my roles in Next and the Birmingham Neighborhood Association, my membership in 2 local bike clubs and my role as a Birmingham-based & Birmingham-focused residential Realtor, I feel that I have been able to offer a unique viewpoint to the board as an advocate for our senior community, our neighborhoods, our cyclists, our downtown workers and our homeowners. Also, my prior role as a strategic planning executive for a large firm has helped me be mindful of both the appropriate time horizon and inter-related considerations as we develop our next master plan.

I would appreciate the opportunity to continue to volunteer and help Birmingham build on its incredible foundation.

Thank you,

Stuart Jeffares
1381 Birmingham Blvd / 275 S. Old Woodward Ave

Alexandria D. Bingham
City Clerk

City of Birmingham
151 Martin Street
Birmingham, MI 48009
(248) 530-1802 Office Direct
(248) 530-1080 Fax

abingham@bhamgov.org

Important Note to Residents

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



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

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(Please print clearly)

Board/Committee of Interest PLANNING BOARD

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

Name DANIEL SHARE

Phone 248 642 7340

Residential Address 1040 BURDON LANE

Email * DSHARE@BSDD.COM

Residential City, Zip BIRMINGHAM MI 48409

Length of Residence 43 YEARS

Business Address 333 W FORT A 1200

Occupation ATTORNEY

Business City, Zip DETROIT 48226

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

I AM FAMILIAR WITH REAL ESTATE LAW + DEVELOPMENT
I HAVE SERVED ON THE PLANNING BOARD FOR SEVERAL
YEARS AS BOTH A FULL MEMBER AND AN ALTERNATE

List your related employment experience _____

REAL ESTATE + LAND USE LAW; COMMERCIAL ARBITRATION

List your related community activities 8 YEARS BIRMINGHAM SCHOOL BOARD

6 YEARS ORLAND SCHOOLS BOARD, VILLENWOOD COMMITTEE
AND DEC COMMITTEE; PLANNING BOARD

List your related educational experience BACHELORS DEGREE, LAW DEGREE

CONTINUING LEGAL EDUCATION COURSES IN REAL ESTATE +
LAND DEVELOPMENT

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

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

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

Date

Signature of Applicant

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

Updated 11/18/2020

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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Planning Board

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

Name J. Bryan Williams Phone 248-420-3522

Residential Address 1628 Latham St. Email * jwilliams@dickinsonwright.com

Residential City, Zip Birmingham, 48009 Length of Residence 46 years

Business Address 2600 W. Big Beaver Rd., Ste.300 Occupation Attorney

Business City, Zip Troy, MI 48084

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

Continue contributions to my community based upon my 49 years of experience as a practicing attorney with significant experience in municipal finance, corporate and real estate practice areas

List your related employment experience Dickinson Wright PLLC 1972- present (CEO 1991-2000)

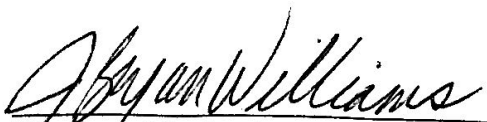
List your related community activities (1) Birmingham Planning Board (2007-present) (2) Board of Water Commissioners, Detroit Water and Sewerage Department (Oakland County representative) (2011-2015) (3) Detroit Regional Chamber of Commerce, Director (1994-2002), Vice Chairman (1997-2002)

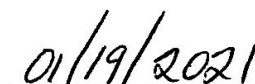
List your related educational experience (1) University of Michigan, J.D. (1972) (2) University of Notre Dame, A.B. 1969

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

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

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


Signature of Applicant


Date

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

Updated 11/18/2020

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NOTICE OF INTENTION TO APPOINT TO THE CABLECASTING BOARD

At the regular meeting of Monday, March 22, 2021 the Birmingham City Commission intends to appoint two regular members to the Cablecasting Board to serve three year terms expiring March 30, 2024. Applicants must be residents of the City of Birmingham.

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 17, 2021. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

Duties of the Cablecasting Board

- 1) Advise the municipalities on matters relating to cable communications;
- 2) Monitor the franchisee's compliance with the franchise agreement and the cable communications ordinance;
- 3) Conduct performance reviews as outlined in Chapter 30, Article VII of the city code;
- 4) Act as liaison between the franchisee and the public; hear complaints from the public and seek their resolution from the franchisee;
- 5) Advise the various municipalities on rate adjustments and services according to the procedure outlined in Chapter 30; Article VI
- 6) Advise the municipalities on renewal, extension or termination of a franchise;
- 7) Appropriate those moneys deposited in an account in the name of the cablecasting board by the member communities;
- 8) Oversee the operation of the education, governmental and public access channels;
- 9) Apprise the municipalities of new developments in cable communications technology;
- 10) Hear and decide all matters or requests by the operator (Comcast Cablevision);
- 11) Hear and make recommendations to the municipalities of any request of the operator for modification of the franchise requirement as to channel capacity and addressable converters or maintenance of the security fund;
- 12) Hear and decide all matters in the franchise agreement which would require the operator to expend moneys up to fifty thousand dollars;
- 13) Enter into contracts as authorized by resolutions of the member municipalities;
- 14) Administer contracts entered into by the board and terminate such contracts.

Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications Must be a resident of Birmingham
George Abraham	Resident
R. David Eick	Resident

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

SUGGESTED ACTION:

To appoint _____ to the Cablecasting Board as a regular member to serve a three-year term expiring March 30, 2024.

To appoint _____ to the Cablecasting Board as a regular member to serve a three-year term expiring March 30, 2024.



CABLECASTING BOARD

Chapter 30 - Section 30-226 - Birmingham City Code
Meeting Schedule: 3rd Wednesday of the month - 7:45 A. M

The Board shall consist of 12 members, which includes 7 members who are residents of the City of Birmingham. Each member community shall also appoint one alternative representative. (30-226)

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Abraham 898 Arlington	George	(248) 642-1257 <i>georgeabrahamjr@outlook.com</i>	5/14/2018 Birmingham resident	3/30/2021
Alam 1528 Bowers St	Rabbi	(816) 372-1873 <i>info@mdalam.us</i>	11/23/2020 ALTERNATE	3/30/2022
Cleary 2001 Fairway	Jim	(248) 840- 8416 <i>clearyjp@gmail.com</i>	12/21/2020 Birmingham resident	3/30/2022
Eick 559 Greenwood	R. David	(248) 231-8067 <i>eickhouse@comcast.net</i>	12/14/2015 Birmingham resident	3/30/2021
Fenberg 908 Chesterfield	Michael	(248) 310-7373 <i>michael.fenberg@bakertilly.com</i>	3/13/2017 Birmingham resident	3/30/2023

For Cable Inquires:

Cathy White 248-336-9445
P.O. Box 165, Birmingham, MI 48012

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
McLain 425 N Eton, #302	Elaine	(248) 225-9903 <i>ekmclain@gmail.com</i>	1/9/2006 Birmingham resident	3/30/2023
Shand 1645 Buckingham Ave.	Donovan	(248) 330-0747 <i>dgshand@gmail.com</i>	12/4/2017 Birmingham resident	3/30/2023

For Cable Inquires:

Cathy White 248-336-9445
P.O. Box 165, Birmingham, MI 48012



Abrial Hauff <ahauuff@bhamgov.org>

BACB Attendance- D. Eick and George Abraham

1 message

execdir@birminghamareacableboard.org <execdir@birminghamareacableboard.org>

Wed, Mar 17, 2021 at 10:03 AM

Reply-To: execdir@birminghamareacableboard.org

To: Abrial Hauff <ahauuff@bhamgov.org>

Cc: Elaine McLain <ekmclain@gmail.com>, "R. David Eick" <eickhouse@comcast.net>, George Abraham <gabraham@comcast.net>

Good morning, Abrial: In response to your request for Board attendance records for David Eick and George Abraham for 2018-2021, please be advised that they both have very good attendance records. George Abraham has been in attendance for all but two meetings (9/18/19 and this morning's meeting) and David Eick has been in attendance for all but three meetings (2/21/18, 2/19/20 and 2/17/21). Please let me know if you need any further information.

Cathy White
Executive Director of BACB
P.O.Box 165
Birmingham, MI 48012
248-336-9445

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(Please print clearly)

Board/Committee of Interest BACB Birmingham Area Cable Board

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

Name R. David Eick

Phone 248-231-8067

Residential Address 559 Greenwood Street

Email *eickhouse@comcast.net

Residential City, Zip Birmingham, MI 48009

Length of Residence 63 years

Business Address SAME

Occupation Marketing/Sales/Publishing

Business City, Zip SAME

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

40 plus years in the advertising/marketing business with national advertising agencies gives me the important background to contribute to BACB. I have also served on this Board for the past several years and feel this provides great continuity.

List your related employment experience National advertising agencies, marketing, publishing

List your related community activities Chair of the Allen House, BACB, Birmingham Public Schools PTA, Booth Park Reconstruction Committee, Millpond Home Owners Association

List your related educational experience BBA and MA Western Michigan University majoring in business and communications

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

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

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

R David Eick

01/22/2021

Signature of Applicant

Date

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

Updated 11/18/2020

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

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

(Please print clearly)

Board/Committee of Interest Birmingham Area Cable Board

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

Name George Abraham

Phone 248-642-1257

Residential Address 898 Arlington

Email * georgeabrahamjr@outlook.com

Residential City, Zip Birmingham 48009

Length of Residence 28 years

Business Address _____

Occupation Retired Chemical Engineer

Business City, Zip _____

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

I have been a member of the Cable Board for the past 4 years.

List your related employment experience Have extensively used computers in various jobs for over 40 years.

List your related community activities None

List your related educational experience PhD, PE in Chemical Engineering with minor in Computer Science

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

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

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

George Abraham
Signature of Applicant

1/14/2021
Date

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

Updated 11/18/2020

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**Birmingham City Commission - Special Workshop Meeting Minutes
Monday, March 8, 2021**

6:00PM

Virtual Meeting On Zoom

Meeting ID: 655 079 760

Vimeo Link: <https://vimeo.com/event/3470/videos/515580935/>

Workshop Session

This will be considered a workshop session of the City Commission. No formal actions will be taken. The purpose of this workshop is to participate in a discussion regarding the Birmingham Ice Sports Arena (BIA).

I. Call To Order

Pierre Boutros, Mayor

II. Roll Call

Alexandra Bingham, City Clerk, called the roll.

Present: Mayor Boutros (location: Birmingham, MI)
Mayor Pro Tem Longe (location: Birmingham, MI)
Commissioner Baller (location: Birmingham, MI)
Commissioner Hoff (location: Birmingham, MI)
Commissioner Host (location: Birmingham, MI)
Commissioner Nickita (location: Birmingham, MI)
Commissioner Sherman (location: Birmingham, MI)

Absent: None

Administration: City Manager Markus, City Clerk Bingham, Finance Director Gerber, DPS Director Wood

III. Presentation & Discussion

CM Markus provided an overview of the workshop's topic.

A. Explore the Idea of an Enterprise Fund for the Birmingham Ice Arena

Timothy St. Andrew presented the item.

Mr. St. Andrew stated that the already-allocated \$5 million was not factored into the presentation.

CM Markus noted that the clarity the Commission was seeking in the Ice Arena's accounting could be achieved by including operation costs, depreciation and capital investment in the budget documentation. He opined that it would not be necessary to make the Ice Arena into an enterprise fund to create that clarity. He also noted that there could be a focus on generating enough revenue to mitigate costs without the creation of an enterprise fund.

Mr. St. Andrews stated that less than 20% of communities would opt to make ice arenas enterprise funds because it is more work. He agreed that transparency in the accounting can be achieved whether it is run as an enterprise fund or not.

Commissioner Baller said he did not believe an enterprise fund was necessary to increase efficiency and track accounting, but did want the accounting to clarify taxpayer subsidies to the Ice Arena and how those might be minimized.

Commissioner Host opined that running the Ice Arena as an enterprise fund would make the accounting more transparent and would make a positive cash flow more likely.

Mayor Pro Tem Longe stated that improvements to the Ice Arena and increased advertising would increase the Ice Arena's revenue. She noted that the Ice Arena is a recreational amenity Birmingham provides its residents, and the focus should not be cost neutrality or making money. She explained that it is just one of the community offerings that attracts and retains residents. As far as resident buy-in, she reiterated the observations from herself and others that the residents voted overwhelmingly for the Ice Arena improvements when they voted on the Parks bond in November 2020. She agreed that the most positive outcome, cost-wise, would be to minimize the subsidies the City provides the Ice Arena.

CM Markus said most communities with ice arenas aim to have them recoup their operating costs. He said that hoping the Ice Arena will recoup the costs of depreciation, debt service, or capital outlays are incredibly unlikely.

Commissioners Sherman and Nickita said they wanted to be sure that these major improvement expenditures would result in a sufficient return on investment for residents.

Commissioner Baller asked whether all members of the Commission were necessarily on board with continuing investing in the Ice Arena.

Commissioner Sherman asked about the potential benefits of letting a third party operate the Ice Arena.

There was Commission consensus that the method of accounting should allow all costs, expenditures, and revenues to be tracked. There was also Commission consensus that the City should aim to reduce subsidies provided to the Ice Arena from the general fund as much as possible.

B. Review of Proposed Improvements & Future of the BIA

Robert Stempien presented the item.

Commissioner Hoff observed that the decision was already made by the Commission to invest in the Ice Arena. She expressed regret that the Commission had not had a workshop like this earlier in the process, but said that the focus now should be promoting the Ice Arena, minimizing costs and encouraging residents and the surrounding community to use the space.

Commissioner Baller said increasing promotion should be a key focus. He recommended banners across Maple as one way of better publicizing the Ice Arena as a community resource.

In reply to Mayor Boutros, and Commissioner Sherman's previous question, DPS Director Wood explained that while bringing in a third-party operator is not uncommon, it means that the Ice Arena is no longer provided as a community benefit.

Mr. Stempien and CM Markus explained that when a third-party operator is brought in, the City loses some or all of the control of the asset.

CM Markus noted utilizing a third-party operator could reduce resident and community use.

Commissioner Nikita asked if there was an option for a public-private partnership. He said all options for efficient running of the Ice Arena should be evaluated.

CM Markus stated he would return to the Commission with accounting options. Echoing Commissioner Hoff's comments, he said the presumption is that the City is moving forward with operating the Ice Arena, so the focus will be how to best manage and operate it. He said that a lot of this should be worked on by the Parks and Recreation Board, and said Staff would make a list of topics and questions for the PR Board. He said that once that process was complete, he would return to the Commission with the information and recommendations.

IV. Public Comment

Ann Lipp, Gary Petrrovich and Robert Runco all spoke in favor of the planned improvements to the Ice Arena. They stated that the PR Board has received an outpouring of community support regarding improving the Ice Arena. Messrs. Petrovich and Runco echoed their comments from previous Commission discussions of the Ice Arena to reiterate the Birmingham ice hockey and ice skating community's intent to use the Ice Arena much more once it is improved.

Mayor Boutros thanked them for their comments, and asked them to remain involved as the community conversation around the Ice Arena evolves.

V. Adjourn

Mayor Boutros adjourned the meeting at 7:15 p.m.

Birmingham City Commission Minutes

March 8, 2021

7:30 P.M.

Virtual Meeting

Meeting ID: 655 079 760

Vimeo Link: <https://vimeo.com/event/3470/videos/515580935/>

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Pierre Boutros, Mayor, opened the meeting with the Pledge of Allegiance.

II. ROLL CALL

Alexandra Bingham, City Clerk, called the roll.

Present: Mayor Boutros (location: Birmingham, MI)
Mayor Pro Tem Longe (location: Birmingham, MI)
Commissioner Baller (location: Birmingham, MI)
Commissioner Hoff (location: Birmingham, MI)
Commissioner Host (location: Birmingham, MI)
Commissioner Nickita (location: Birmingham, MI)
Commissioner Sherman (location: Birmingham, MI)

Absent: None

Administration: City Manager Markus, City Clerk Bingham, Police Chief Clemence, City Attorney Kucharek, Planning Director Ecker, Finance Director Gerber, Interim HR Director/Assistant City Manager Hock, Building Official Johnson, City Attorney Kucharek, Deputy Treasurer Todd

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

Announcements

- Happy Birthday Commissioner Baller

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

Brief updates were provided by County Commissioner Chuck Moss.

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.

03-052-21 Consent Agenda

The following items were pulled from the Consent Agenda:

- Commissioner Hoff: Item A – City Commission Meeting Minutes Of February 22, 2021
 Item E – Updated Park Rules and Regulations
 Item H – Cost Participation Agreement with the Board of Road
 Commissioners of the County of Oakland
 Item I – Use of Personal Identification Numbers for Filing Personal and
 Property Taxes Electronically
- Commissioner Sherman:
 Item G – On-Street Parking at 670 S. Old Woodward

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Host:
To approve Consent Agenda items B, C, D and F.

ROLL CALL VOTE: Ayes, Commissioner Sherman
 Commissioner Host
 Commissioner Nickita
 Commissioner Hoff
 Mayor Boutros
 Mayor Pro Tem Longe
 Commissioner Baller

Nays, None

- B. Resolution approving the warrant list, including Automated Clearing House payments, dated February 24, 2021, in the amount of \$4,908,727.09.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated March 3, 2021, in the amount of \$1,205,931.69.
- D. Resolution to approve the purchase and planting of eighty-three (83) trees from KLM Landscape for the Spring 2021 Tree Purchase and Planting Program for a total project cost not to exceed \$34,970.00. Funds are available from the Local Streets Fund-Forestry Service Contract account #203-449.005-819.0000, the Major Streets Fund-Forestry Service Contract account #202-449.005-819.0000, the Local Streets Fund-Operating Supplies account #203-449.005-729.0000, the Major Streets Fund-Operating Supplies account #202-449.005-729.0000 and the Parks- Other Contractual Services account #101-751.000-811.0000 for these services. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of the required insurance coverage.
- F. Resolution to approve the Program Year 2021 High Intensity Drug Trafficking Area (HIDTA) Sub recipient agreement between the County of Oakland and the City of Birmingham. Further, to authorize the Mayor and the City Manager to sign the agreement on behalf of the City.

03-053-21 (Item A) City Commission Meeting Minutes Of February 22, 2021

Commissioner Hoff noted the Commission did not vote to schedule a public hearing for Birmingham Sushi.

City Attorney Kucharek advised the Commission that at the March 22, 2021 meeting, if the restaurant has not cured the defect and a public hearing has to be set, the Commission should make a motion to set the public hearing for the same evening and to ask the owner to waive any complaint of defect of process. City Attorney Kucharek said it was very likely that the owner will have resolved the issue before then and that the public hearing would not have to be held.

PD Ecker confirmed she was working with counsel for Birmingham Sushi and that they had every intent to resolve their issues with the City before the March 22, 2021 meeting.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Sherman:
To approve the City Commission meeting minutes of February 22, 2021.

ROLL CALL VOTE: Ayes, Commissioner Sherman
Commissioner Host
Commissioner Nickita
Commissioner Hoff
Mayor Boutros
Mayor Pro Tem Longe
Commissioner Baller

Nays, None

03-054-21 (Item E) Updated Park Rules and Regulations

Commissioner Baller said closing the parks at 10 p.m. would prohibit someone from taking the Quarton Lake Trail, for instance, when walking after 10 p.m. He ventured that might be overly stringent. He raised a similar concern regarding the prohibition of alcohol in the parks, noting that sometimes people partake in a glass of wine during concerts in Shain Park or in similar circumstances. He said that perhaps a full prohibition was overbroad.

CM Markus opined that it is generally more appropriate for the City's family-friendly parks to be alcohol-free.

CM Markus and City Attorney Kucharek noted that relying solely on public drunkenness laws for alcohol enforcement in the parks sets a very high bar for police intervention. City Attorney Kucharek explained a person's behavior would have to endanger themselves, another person, property or cause a public disturbance for police to intervene. She said it would likely be better if that kind of behavior was curtailed well before it reached that level.

Chief Clemence concurred with CM Markus and City Attorney Kucharek. He said that having a rule prohibiting alcohol in the parks allows Birmingham Police Officers discretion in enforcing the rule when called for.

DPS Director Wood confirmed for Commissioner Hoff that anyone fishing in a City lake would have to procure a fishing license from the State.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Longe:
To adopt the updated Park Rules and Regulations as submitted with recommended changes.

ROLL CALL VOTE: Ayes, Commissioner Sherman
Commissioner Host
Commissioner Nickita
Commissioner Hoff
Mayor Boutros
Mayor Pro Tem Longe
Commissioner Baller

Nays, None

03-055-21 (Item G) On-Street Parking at 670 S. Old Woodward

Two Commissioners stated an item about parking allocations would ordinarily be an agenda item for the Commission and not a consent agenda item.

Dennis Cowan, attorney, and Frank Jarbou, owner, were present on behalf of the item.

Mr. Cowan stated that the proposed salon has a tracking system that shows that the building only ever reaches about a third of its occupancy at any given time. He said that Mr. Jarbou is working to revise the number of salon chairs being proposed down.

Commissioner Nickita noted the Commission could not make parking decisions based on likely occupancy. He said they had to make decisions based on maximum potential occupancy, and that not doing so could set a precedent.

The majority of Commissioners expressed concerns about the parking intensity required for a salon in that area. It was observed that there were a lot of other parking-intensive uses in the same area already. They were largely uncomfortable with counting the eight spots towards the overall parking requirements for the building before a shared parking agreement had been pursued.

CP Dupuis explained that even if Mr. Jarbou were able to finalize a shared parking agreement with a nearby building it would be unlikely to 'count' towards their parking requirements. The ordinance says that if a building enters into a shared parking agreement, the building with which the parking is shared has to be within 100 feet of the first building. CP Dupuis noted the closest building with which 670 S. Old Woodward could share parking is approximately 200 feet away.

Commissioner Baller noted that the Commission had been putting effort into supporting businesses during Covid-19, and said that since Staff recommended allowing the eight spaces to count towards the parking requirement he would support that recommendation.

MOTION: Motion by Commissioner Baller, with no second.

To approve the use of 8 parking spaces in the right-of-way adjacent to the property located at 670 S. Old Woodward to help fulfill the parking requirements per Article 4, section 4.43 (G) (4) of the Zoning Ordinance.

Motion failed for lack of a second.

Commissioner Sherman recommended that the discussion be postponed. He recommended the applicant attempt to obtain a shared parking arrangement before requesting the counting of the eight adjacent spots.

Commissioner Hoff recommended that the applicant finish determining the reduced number of salon chairs they intend to have in order to reduce the number of required parking spaces. She recommended they also pursue a variance from the Board of Zoning Appeals.

Mr. Cowan said the applicant will pursue a shared parking arrangement. He said they may still request the eight spaces from the Commission after that, and then would pursue a variance with the BZA.

03-056-21 (Item H) Cost Participation Agreement with the Board of Road Commissioners of the County of Oakland

In reply to Commissioner Hoff, Consulting City Engineer Surhigh said the water and sewer systems along this stretch of Cranbrook were not in need of repair. He stated that the traffic signal at Maple and Cranbrook would not be replaced.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Host:
To approve the Cost Participation Agreement with the Board of Road Commissioners of The County of Oakland, agreeing to pay the City's share of construction costs related to the road resurfacing and traffic signal improvements on Cranbrook Road between 14 Mile Road and Maple Road. The total amount of the City's share of the cost is \$166,799: with \$7,965 for traffic signal work to be charged to 202-303.001-971.0100, Major Street Fund Traffic Controls; and, \$158,834 for roadwork to be charged to the Major Streets Fund Public Construction, 202-449.001-981.0100. Also, to direct the Mayor to sign the agreement on behalf of the City.

ROLL CALL VOTE: Ayes, Commissioner Sherman
Commissioner Host
Commissioner Nickita
Commissioner Hoff
Mayor Boutros
Mayor Pro Tem Longe
Commissioner Baller

Nays, None

03-057-21 (Item I) Use of Personal Identification Numbers for Filing Personal and Property Taxes Electronically

Commissioner Hoff noted the dates included in this item needed to be changed from March 15, 2021 to March 8, 2021.

City Clerk Bingham confirmed she would amend the dates.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Nickita:
To authorize the use of personal identification numbers acquired from the Michigan Department of Treasury as electronic signatures for the purpose of filing personal and property taxes that are filed electronically.

ROLL CALL VOTE: Ayes, Commissioner Sherman
Commissioner Host
Commissioner Nickita

Commissioner Hoff
Mayor Boutros
Mayor Pro Tem Longe
Commissioner Baller

Nays, None

VI. UNFINISHED BUSINESS

None.

VII. NEW BUSINESS

03-058-21 Public Hearing – 219 Elm St. – All Seasons 2

The Mayor opened the public hearing at 8:31 p.m.

In reply to a question from Commissioner Baller, CM Markus confirmed that any monies paid by the owners of All Seasons 2 for additional parking would be put aside.

Mark Highlen, applicant, John Thompson, engineer, and Xander Bogaerts, architect, were present on behalf of the application.

In reply to a question from Mayor Pro Tem Longe, Mr. Highlen stated that the project's aim for LEED certification is to score well above the required 40 points in order to ensure certification is achieved. He said that they were aiming for the base level certification. He also confirmed that they would retrofit the building to achieve LEED certification if the project is not granted it after the first review.

In reply to CM Markus, PD Ecker confirmed that if the building were initially denied LEED certification, the applicant would be denied occupancy of the building until the LEED certification was granted.

The Mayor closed the public hearing at 9:07 p.m.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Baller:
To approve the Special Land Use Permit, Final Site Plan and Design Review application to allow the construction and operation of the All Seasons 2 independent senior living facility at 219 Elm St.

Commissioner Nickita said the approval of this project demonstrates the City's commitment to creating spaces where Birmingham residents can continue to age gracefully in the City.

Commissioner Nickita said he felt the information provided as part of the agenda item was somewhat insufficient in terms of representing the proposed building in context and demonstrating its potential impact on the surrounding area. He said that, in the future, all site plans, renderings, and other visual representations submitted to the Planning Department as part of an item should be included in the Commission's agenda packet for consideration of said item.

Public Comment

Paul Reagan noted that the support of the adjacent neighborhood association was cited in regards to the project. He asked where that support was documented.

PD Ecker noted that Doug Feehan, the president of the adjacent neighborhood association, had met with the applicant and expressed his approval of the updated designs.

CP Dupuis stated that Mr. Feehan spoke at the Planning Board review of this proposal and that his comments were documented in minutes and included as part of this item.

ROLL CALL VOTE: Ayes, Commissioner Sherman
 Commissioner Baller
 Commissioner Nickita
 Mayor Pro Tem Longe
 Commissioner Host
 Commissioner Hoff
 Mayor Boutros

Nays, None

03-059-21 First Draft Master Plan Review and Adoption Process

CM Markus introduced the item.

Commissioner Host said it had been his preference since October 2020 to have the Commission and Planning Board meet and discuss the master plan before the writing of the second draft is commenced.

PD Ecker provided an outline of how the rest of the feedback and revision process for the master plan would work. She noted that all the proposed revisions to the first draft of the master plan would be reviewed by the Planning Board and then submitted to the Commission for their comment and review before the writing of the second draft begins. She said the Planning Board and the Commission would then have a joint meeting in Summer 2021 where they would also discuss the master plan.

MOTION: Motion by Commissioner Nickita, seconded by Commissioner Sherman:
To adopt Resolution #03-59-21 to affirm and approve the master plan review and adoption process from the first draft of the 2040 Plan to the final public hearing to consider adoption of the final draft of the Birmingham 2040 Plan.

ROLL CALL VOTE: Ayes, Commissioner Nickita
 Commissioner Sherman
 Mayor Pro Tem Longe
 Commissioner Baller
 Commissioner Host
 Commissioner Hoff
 Mayor Boutros

Nays, None

03-060-21 Poverty Exemption and Updated Hardship Application

Deputy Treasurer Todd reviewed the item.

City Attorney Kucharek confirmed the process had been updated to reflect changes in state law.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Sherman:

To adopt a policy relative to the review and granting of poverty exemption by the City and the updated Hardship Application.

ROLL CALL VOTE: Ayes, Commissioner Sherman
 Mayor Pro Tem Longe
 Commissioner Baller
 Commissioner Host
 Commissioner Nickita
 Commissioner Hoff
 Mayor Boutros

Nays, None

03-061-21 Emergency Repair Invoice Authorization for the Chester Street Parking Structure

The Commission had no comment on the item.

MOTION: Motion by Commissioner Sherman, seconded by Mayor Pro Tem Longe:
To approve the October 21, 2020 invoice in the amount of \$9,360 and approval of the City Manager authorized emergency repair of the Chester Street Parking structure elevator agreements in the amount of \$11,611.

ROLL CALL VOTE: Ayes, Commissioner Sherman
 Mayor Pro Tem Longe
 Commissioner Baller
 Commissioner Host
 Commissioner Nickita
 Commissioner Hoff
 Mayor Boutros

Nays, None

03-062-21 Continuation of COVID-19 Business Relief

Interim HR Director/Assistant City Manager Hock reviewed the item.

Commissioner Host said he would be fine with the proposed motion as long as the gate remained down at the structures so the City could collect more data on the parking structures' use.

Commissioner Sherman said that while he valued the need for data, the revenue report included as part of this item in the agenda packet sufficiently demonstrated the current dearth of use of the City's parking system.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
To continue the Revised Temporary Signage Regulations due to COVID-19, to continue the Revised Temporary COVID-19 Off-Season Outdoor Dining Standards, and to waive parking fees charged for monthly permit parking holders and all other fees in all parking structures until June 30, 2021. All parking

fees including but not limited to monthly permit parking fees and gate fees shall resume effective July 1, 2021.

PD Ecker confirmed for Mayor Pro Tem Longe that the regular outdoor dining standards would resume on July 1, 2021. PD Ecker confirmed for Commissioner Nickita that the Planning Board would be adding year-round outdoor seating options to their action list.

Commissioner Baller noted that the discussion after the motion was made should pertain specifically to the motion. Regarding the motion, he said he was comfortable with the first two parts but not comfortable with the third. He said it would lead to the City foregoing too much money in parking fees especially when the state might be much more open by July 1, 2021. He also said that allowing the third part of the motion did not sufficiently address the ongoing issue of the lengthy permit parking waiting list.

Public Comment

John Henke spoke as an attorney for a number of Birmingham restaurants. He said that ending the Covid-19 business relief provisions on June 30, 2021 was shortsighted and contrary to what other local municipalities were doing. He recommended that the provisions be extended at least through Fall 2021, if not through the beginning of 2022.

Interim HR Director/Assistant City Manager Hock advised the Commission that they could elect to further extend these provisions at any point if they so choose.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Longe
 Commissioner Sherman
 Commissioner Nickita
 Commissioner Hoff
 Mayor Boutros

 Nays, Commissioner Baller
 Commissioner Host

Commission Discussion on items from prior meetings.

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.

VIII. REMOVED FROM CONSENT AGENDA
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IX. COMMUNICATIONS

A. Temporary COVID-19 Outdoor Dining Resolution

Mayor Boutros acknowledged the City's receipt of the February 25, 2021 letter from Edward A. Fuller that was included in the evening's agenda packet.

Commissioner Host said he has been very disappointed to see certain Birmingham restaurants extend their outdoor seating to be in front of adjacent businesses without speaking to the other businesses' owners.

Commissioner Hoff asked if there was a way for the Commission to encourage restaurants to come to agreements regarding outdoor seating in front of their neighbors' businesses.

CM Markus said it would be most appropriate for restaurants to communicate with their neighbors about outdoor seating arrangements in the spirit of neighborliness. He acknowledged that the City's current provision as written does allow restaurants to create outdoor seating in the parking spots in front of adjacent businesses without any need for consent from the adjacent business owner. He said he would not have necessarily advised such a broad allowance had he been part of authoring the resolution.

- B. Communication from Cory "King" Holland
 - a) Communication by Stuart Sherman

City Manager Markus provided a brief overview of the correspondence received. He noted that two emails had been sent to the City by Mr. Holland for inclusion in the meeting's communications. Mr. Holland, citing his aphasia, requested a disability accommodation that included having both of his emails read into the record.

City Attorney Kucharek, having determined that Mr. Holland's request constituted a reasonable accommodation, read Mr. Holland's emails into the record.

03-063-21 Motion to Extend Meeting by 15 Minutes

Noting that the current meeting had overrun the agreed upon 10 p.m. time limit, Commissioner Baller recommended that the Commission authorize a 15 minute extension of the meeting.

MOTION: Motion by Commissioner Baller, seconded by Mayor Pro Tem Longe:
To authorize the present Commission meeting to continue until 10:15 p.m.

ROLL CALL VOTE: Ayes, Commissioner Baller
 Mayor Pro Tem Longe
 Commissioner Sherman
 Commissioner Host
 Commissioner Nickita
 Commissioner Hoff
 Mayor Boutros

Nays, None

After the motion to extend the meeting, Commissioner Sherman offered a brief statement regarding Mr. Holland's emails.

X. REPORTS

- A. Commissioner Reports - Notice to Appoint (1) Architectural Review Comm., (2) Housing Board of Appeals, (3) Brownfield Redevelopment Authority
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. 2nd Quarter Financial Report
 - 2. 2nd Quarter Investment Report
 - 3. 2020 Police Department Annual Report

INFORMATION ONLY

XI. ADJOURN

Mayor Boutros adjourned the meeting at 10:13 p.m.

City of Birmingham
Warrant List Dated 03/10/2021

Meeting of 03/22/2021

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
278196	*	007266	AETNA BEHAVIORAL HEALTH LLC	421.59
278197	*	008977	JOBMATCH LLC DBA APPLICANTPRO	488.00
278200	*	006759	AT&T	202.45
278201	*	004027	AUTOMATED BENEFIT SVCS INC	19,294.30
278203		003012	BATTERIES PLUS BULBS	62.75
278205		002588	THE BLIND FACTORY INC	100.00
278206		003526	BOUND TREE MEDICAL, LLC	1,419.29
278206	*	003526	BOUND TREE MEDICAL, LLC	299.96
278212		007710	CINTAS CORP	273.44
278212	*	007710	CINTAS CORP	119.83
278213		000605	CINTAS CORPORATION	25.06
278213	*	000605	CINTAS CORPORATION	72.43
278215		009187	CLEARVIEW CAPTIONING LLC	290.00
278216	*	004026	COFINITY	1,458.00
278217	*	008955	COMCAST	405.60
278219	*	000627	CONSUMERS ENERGY	3,633.05
278220		002668	CONTRACTORS CLOTHING CO	296.90
278221		008512	COOL THREADS EMBROIDERY	1,129.33
278223	*	006907	DENTEMAX, LLC	153.00
278225	*	000179	DTE ENERGY	84.54
278226	*	000179	DTE ENERGY	2,363.10
278227	*	000179	DTE ENERGY	138.99
278228	*	000179	DTE ENERGY	2,038.98
278229	*	000179	DTE ENERGY	136.11
278230	*	000179	DTE ENERGY	14.95
278231	*	000179	DTE ENERGY	375.04
278232	*	000179	DTE ENERGY	293.15
278233	*	000179	DTE ENERGY	967.58
278234	*	000179	DTE ENERGY	33.18
278235	*	000179	DTE ENERGY	129.50
278236	*	000180	DTE ENERGY	43,341.64
278238	*	007538	EGANIX, INC.	720.00
278240	*	009100	ENZO WATER SERVICE	710.00
278242		000936	FEDEX	84.40
278243		001233	GCSAA	400.00
278244		000249	GUARDIAN ALARM	375.80
278245		001531	GUNNERS METER & PARTS INC	675.00
278246		001447	HALT FIRE INC	477.93
278247	*	001956	HOME DEPOT CREDIT SERVICES	2,274.93
278248		000342	IBS OF SE MICHIGAN	139.95
278250	*	008457	ITALIA CONSTRUCTION INC	63,745.18
278251		008564	JERRY'S TIRE INC	1,542.36

City of Birmingham
Warrant List Dated 03/10/2021

Meeting of 03/22/2021

Check Number	Early Release	Vendor #	Vendor	Amount
278252	*	009249	JOHN C COOK	100.00
278253		008450	KNOWBE4, INC	446.30
278254		006817	LEXISNEXIS RISK DATA MANAGEMENT INC	155.95
278256	*	007521	LUIGI FERDINANDI & SON INC	208,944.38
278257		001417	MAJIK GRAPHICS INC	720.00
278258		001505	MEADOWBROOK INSURANCE GROUP	838.00
278259		008793	MERGE MOBILE, INC.	73.00
278260		MISC	MICHALAK, JOSEPH	6,933.00
278261		001660	MICHIGAN CAT	367.75
278262	*	002089	MICHIGAN-SHIGA SISTER STATE BOARD	65.00
278264		005898	MIGCSA	100.00
278265		000230	MIKE SAVOIE CHEVROLET INC	625.00
278267	*	000668	NATIONAL TIME & SIGNAL CORP	436.84
278268		001194	NELSON BROTHERS SEWER	723.00
278270	*	000481	OFFICE DEPOT INC	503.13
278271		008028	PK SAFETY SUPPLY	59.00
278275		MISC	RGX	1,250.00
278276	*	MISC	ROMULUS FLOWERS & GIFTS	508.99
278277		000218	ROYAL OAK P.D.Q. LLC	190.00
278278		009146	SCHLICHT PONDS	2,000.00
278279		008383	SEMBOIA, INC.	300.00
278280	*	004202	SHRED-IT USA	153.85
278282		000260	SPARTAN DISTRIBUTORS INC	164.59
278283		004544	STRYKER SALES CORPORATION	37,554.50
278285	*	MISC	TRANSFORMER INSPECTION	475.00
278286		009266	US SIGNAL COMPANY LLC	77.29
278287	*	000293	VAN DYKE GAS CO.	136.14
278289	*	000158	VERIZON WIRELESS	76.02
278290	*	000158	VERIZON WIRELESS	1,087.85
278291	*	000158	VERIZON WIRELESS	147.90
278293		006285	WASHINGTON ELEVATOR CO, INC	610.10
278294	*	009010	WCI CONTRACTORS INC	2,025.00
278296	*	006897	WILKINSON CORPORATION	1,156.00
278297		009128	WITMER PUBLIC SAFETY GROUP INC	44.97
278299		009185	ZOOM VIDEO COMMUNICATIONS INC	539.80
SUBTOTAL PAPER CHECK				\$420,795.64
<u>ACH TRANSACTION</u>				
3490	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	37,855.68
3492		000517	BEIER HOWLETT P.C.	39,239.00
3493	*	007345	BEVERLY HILLS ACE	33.14
3494	*	007624	BIRMINGHAM OIL CHANGE CENTER, LLC	48.22
3495	*	008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	941,028.43
3496	*	000542	BLUE WATER INDUSTRIAL PRODUCTS INC	115.50

City of Birmingham
Warrant List Dated 03/10/2021

Meeting of 03/22/2021

Check Number	Early Release	Vendor #	Vendor	Amount
3497		007875	CANFIELD EQUIPMENT SERVICE INC.	9,639.98
3498	*	009246	CITY OF BIRMINGHAM #243	20,555.52
3499	*	008044	CLUB PROPHET	540.00
3500	*	003825	DEERE ELECTRIC INC	171.00
3501	*	001077	DUNCAN PARKING TECH INC	9,762.75
3502	*	000995	EQUATURE	678.64
3503	*	000207	EZELL SUPPLY CORPORATION	53.36
3504		001230	FIRE SYSTEMS OF MICHIGAN LLC	238.50
3504	*	001230	FIRE SYSTEMS OF MICHIGAN LLC	222.50
3505	*	007314	FLEIS AND VANDENBRINK ENG. INC	4,226.00
3506		008378	THE HUNTINGTON NATIONAL BANK	89,950.00
3507	*	007870	J.C. EHRLICH CO. INC.	50.00
3508		000261	J.H. HART URBAN FORESTRY	9,944.00
3509	*	003458	JOE'S AUTO PARTS, INC.	803.45
3510	*	007827	HAILEY R KASPER	236.25
3511	*	005550	LEE & ASSOCIATES CO., INC.	877.90
3512	*	008158	LOGICALIS INC	19,400.00
3513	*	000377	MICHIGAN MUNICIPAL LEAGUE	185.40
3515		001089	MUNICODE	1,116.00
3516	*	006359	NYE UNIFORM COMPANY	249.00
3517	*	008843	OAKLAND COUNTY TREASURER- TAX PYMNT	386,270.45
3518		000254	SOCRRA	77,688.00
3519	*	001097	SOCWA	138,974.00
3520		000273	TERMINAL SUPPLY CO.	234.64
3521		000278	TROY AUTO GLASS CO INC	463.78
3522		000298	VESCO OIL CORPORATION	83.25
3523	*	000969	VIGILANTE SECURITY INC	266.00
SUBTOTAL ACH TRANSACTION				\$1,791,200.34
GRAND TOTAL				\$2,211,995.98

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



Mark Gerber
Finance Director/ Treasurer

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

City of Birmingham

Warrant List Dated 03/17/2021

Meeting of 03/22/2021

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
278300		005430	21ST CENTURY MEDIA- MICHIGAN	1,402.00
278301	*	008226	KATHERINE ABELA	560.25
278303		003708	AIRGAS USA, LLC	482.22
278304		MISC	ALICE-HUANG	100.00
278305		MISC	AMERICAN STANDARD ROOFING	700.00
278306		MISC	ANTONELLI LANDSCAPE	100.00
278307		000500	ARTECH PRINTING INC	62.00
278308		MISC	ASSOCIATES OF 555	100.00
278309	*	006759	AT&T	360.53
278310		MISC	B-DRY SYSTEM OF MICHIGAN INC	100.00
278311		MISC	BACKIEL CONSTRUCTION	100.00
278312		MISC	BAILEY BIRMINGHAM PROPERTIES, LLC	100.00
278314		009269	BANG THE TABLE USA LLC	14,900.00
278315	*	003839	MATTHEW J. BARTALINO	40.24
278316		MISC	BASEMENT WATERPROOFING & FOUNDATION	100.00
278317		MISC	BINGHAM DEVELOPMENT LLC	4,000.00
278318		MISC	BLOOMFIELD CONSTRUCTION CO	100.00
278319		MISC	BLUMKE INSTALLATIONS	200.00
278320		003526	BOUND TREE MEDICAL, LLC	1,126.40
278321		007772	BRIXNSTONE LLC	1,475.00
278322		MISC	BRUTTELL ROOFING INC	200.00
278323		MISC	BUILDING DETAIL INC	200.00
278324		MISC	BUZCO CONSTRUCTION, INC.	100.00
278325	*	007313	CABINET ONE, INC.	2,688.83
278326		003907	CADILLAC ASPHALT, LLC	6,174.60
278327		009078	CANON SOLUTIONS AMERICA INC	579.00
278329		MISC	CASAZZA II, JAMES G	1,000.00
278330		MISC	CASPER'S TRUCK EQUIPMENT	163.37
278331	*	000444	CDW GOVERNMENT INC	34.75
278332		MISC	CHADI EL-ASSAAD	100.00
278333		MISC	CHAK, TIMOTHY	100.00
278334		009168	CHET'S CLEANING INC	250.00
278335		000605	CINTAS CORPORATION	590.02
278336		009187	CLEARVIEW CAPTIONING LLC	1,377.50
278337	*	008955	COMCAST	348.73
278338	*	007774	COMCAST BUSINESS	268.35
278339	*	MISC	CORBY, ELIZABETH PHD	21.09
278340		008582	CORE & MAIN LP	3,185.80
278341	*	009145	CREATIVE COLLABORATIONS	3,800.00
278342		008005	DE LAGE LANDEN FINANCIAL SVCS INC	173.75
278343		MISC	DKI INTERNATIONAL	200.00
278344		000190	DOWNRIVER REFRIGERATION	112.55

City of Birmingham

Warrant List Dated 03/17/2021

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Check Number	Early Release	Vendor #	Vendor	Amount
278345		MISC	DU MOUCHELLES	1,000.00
278346	*	MISC	EARL MCWILLIAMS	500.00
278347	*	004671	ELDER FORD	474.11
278348		MISC	EXTREME BUILDING & DESIGN INC	200.00
278349		MISC	FAST SIGNS OF BIRMINGHAM	200.00
278351		MISC	FINISHED BASEMENTS PLUS LLC	300.00
278352		007212	FOSTER BLUE WATER OIL	240.40
278353		MISC	FOUNDATION SYSTEMS OF MICHIGAN INC.	300.00
278354		MISC	FOUR CORNERS CONSTRUCTION L.P.	300.00
278355		MISC	FURLANI, DANIEL D	300.00
278356		MISC	G&M LANDSCAPING	100.00
278357		001056	GALLS, LLC	1,912.50
278358		MISC	GGA SERVICES LLC	2,500.00
278359		MISC	GLEN F SONS	300.00
278360		MISC	GORINSKI, JON PAUL	100.00
278361	*	009252	GOVTEMPS USA LLC	4,646.00
278362		MISC	GREATER DETROIT LANDSCAPE CO.	300.00
278363		MISC	GREX CONSTRUCTION	100.00
278364		009272	GRYPHON TRAINING GROUP, INC	145.00
278365		001447	HALT FIRE INC	175.00
278366		MISC	HANSONS GROUP LLC	200.00
278367		MISC	HARMON SIGN INC	200.00
278368		MISC	HM HOMES LLC	1,200.00
278369		MISC	HOLBROOK'S ROOFING CO	200.00
278370	*	001956	HOME DEPOT CREDIT SERVICES	393.92
278371		MISC	HOME DEPOT USA INC	1,000.00
278372		MISC	HOMES WITH DISTINCTION LLC	500.00
278373		MISC	HUGHES BUILDING LLC	100.00
278374		MISC	HUNTER ROBERTS HOMES	2,500.00
278375		MISC	IDEAL BUILDERS AND REMODELING INC	2,900.00
278378		MISC	ITALY AMERICAN CONSTRUCTION CO	200.00
278379		MISC	J M HARROP REMODELING AND CONSTRUCT	200.00
278380		000344	J.T. EXPRESS, LTD.	2,216.52
278381	*	003823	JAY'S SEPTIC TANK SERVICE	156.00
278382		MISC	JAYNES CUSTOM WORKS	100.00
278383		MISC	JOHN MCCARTER CONSTRUCTION LLC	200.00
278384		000347	JOHN R. SPRING & TIRE CENTER INC.	215.00
278385		MISC	LAKES DEVELOPMENT GROUP	200.00
278387		MISC	LIVE WELL CUSTOM HOME LLC	2,000.00
278388	*	MISC	LUTZ FINANCIAL SERVICES	122.63
278389		MISC	LYNCH CUSTOM HOMES	2,500.00
278390		MISC	MAC CONSTRUCTION, INC.	200.00
278391	*	005116	MADISON HEIGHTS FIRE DEPT	65.29

City of Birmingham
Warrant List Dated 03/17/2021

Meeting of 03/22/2021

Check Number	Early Release	Vendor #	Vendor	Amount
278392		MISC	MARTINO ENTERPRISES INC	100.00
278393		MISC	MARYGROVE AWNING CO	100.00
278394		MISC	MASSIMO D AGOSTINO	100.00
278395		009192	MASTERGRAPHICS.AEC, LLC	2,223.00
278396		MISC	MCCS, LLC	500.00
278397		MISC	MCEVOY ENTERPRISES INC	100.00
278398		000888	MCKENNA ASSOCIATES INC	34,672.38
278399		MISC	MERIEN DAKA DESIGN GROUP	200.00
278400		MISC	MERRILLWOOD COLLECTION	400.00
278401		009176	MICHIGAN APCO	125.00
278402		001660	MICHIGAN CAT	44.86
278403		006179	MICHIGAN GLASS COATINGS	220.00
278404		MISC	MICHIGAN SOLAR SOLUTIONS	100.00
278405		007819	MICHIGAN STATE UNIVERSITY	1,300.00
278406	*	006461	MID AMERICA RINK SERVICES	1,167.64
278408		000230	MIKE SAVOIE CHEVROLET INC	1,924.95
278409		MISC	MOSHER DOLAN	300.00
278410		MISC	NC CEMENT	200.00
278412	*	MISC	NICKOL, PATRICIA	1,218.72
278413		MISC	NOVA ENVIRONMENTAL INC	3,700.00
278414		MISC	NUMMER, MICHAEL C	1,000.00
278415		000477	OAKLAND COUNTY	352,890.37
278415	*	000477	OAKLAND COUNTY	453,570.83
278416	*	003461	OBSERVER & ECCENTRIC	716.76
278418		MISC	PELLA WINDOWS & DOORS, INC.	500.00
278419	*	001753	PEPSI COLA	264.24
278420		002518	PITNEY BOWES INC	845.88
278421	*	000801	POSTMASTER	1,987.68
278423		001132	PRIMO'S PIZZA	110.03
278424		MISC	PRM CUSTOM BUILDERS LLC	2,400.00
278425		006625	PTS COMMUNICATIONS	78.00
278426		MISC	R YOUNGBLOOD & CO	1,320.00
278427		MISC	RA LEE ELECTRIC INC	813.75
278428		MISC	REASONABLE ROOFING & REMODELING INC	100.00
278429		MISC	ROBERT R BRAND	100.00
278430		000495	ROCHESTER LAWN EQUIPMENT CENTER INC	131.20
278431		MISC	ROCK BUILDING COMPANY INC	200.00
278432		MISC	ROOF ONE LLC	200.00
278433		000218	ROYAL OAK P.D.Q. LLC	456.00
278434		MISC	ROYAL ROOFING CO. INC.	100.00
278435		MISC	RYAN HIRSCH	100.00
278436		MISC	SACHSE CONSTRUCTION	500.00
278437	*	002806	SAM'S CLUB/SYNCHRONY BANK	89.37

City of Birmingham

Warrant List Dated 03/17/2021

Meeting of 03/22/2021

Check Number	Early Release	Vendor #	Vendor	Amount
278438		MISC	SCHOENHERR HOMES LLC	100.00
278439		MISC	SEEK FIRST INTERNATIONAL, LLC	100.00
278440		MISC	SHELBY FENCE	37.50
278441	*	009009	SIGNATURE CLEANING LLC	12,808.00
278442	*	008073	SITEONE LANDSCAPE SUPPLY, INC	792.90
278443		MISC	SMOLYANOV CONSTRUCTION CO	100.00
278445		MISC	SPACE CARE INC	100.00
278446	*	008396	REBEKAH SPRINGER	156.82
278447		MISC	STAR BUILDERS INC	2,500.00
278448		001104	STATE OF MICHIGAN	309.87
278449	*	002809	STATE OF MICHIGAN	805.00
278450	*	009274	STATE OF MICHIGAN- DETROIT	3.04
278451		MISC	STERLING DEVELOPMENT CORP	1,020.00
278452		MISC	STEVE'S CONCRETE	100.00
278453		MISC	STIEBER PATRICK A	100.00
278454		MISC	STONEFIELD ENGINEERING	1,380.00
278455		MISC	STONIK'S SERVICES LLC	300.00
278456		MISC	SUMMIT COMMERCIAL ROOFING	200.00
278457		MISC	SUREGUARD CONSTRUCTION CO	200.00
278458		MISC	TACTICAL CONSTRUCTION	300.00
278459		MISC	THOMAS JAMES O'LEARY	100.00
278460	*	009254	THOMAS M MARKUS	500.00
278461		005481	TRI-COUNTY INTL TRUCKS, INC.	917.53
278462		008941	UPTOWN MARKET OF BIRMINGHAM	85.96
278463	*	000293	VAN DYKE GAS CO.	136.14
278464	*	009177	VANDYKE HORN PUBLIC RELATIONS LLC	4,000.00
278465	*	000158	VERIZON WIRELESS	734.95
278466	*	000158	VERIZON WIRELESS	308.16
278467	*	000158	VERIZON WIRELESS	151.77
278468		MISC	WALLSIDE INC	2,000.00
278469		000299	WEINGARTZ SUPPLY	278.07
278470	*	000301	PAUL WELLS	60.20
278471		MISC	WIEGAND, MICHAEL	500.00
278472		MISC	WILLIAMS, TODD L	100.00
278473		004512	WOLVERINE POWER SYSTEMS	24,500.00
278474		MISC	WYSE DESIGNS & REMODELING LLC	100.00
278475	*	008391	XEROX CORPORATION	585.15
SUBTOTAL PAPER CHECK				\$1,003,081.07
<u>ACH TRANSACTION</u>				
3528	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	17,546.47
3529	*	002284	ABEL ELECTRONICS INC	31.96
3531	*	000518	BELL EQUIPMENT COMPANY	1,769.47
3532		006077	DI PONIO CONTRACTING INC	14,213.53

City of Birmingham
Warrant List Dated 03/17/2021

Meeting of 03/22/2021

Check Number	Early Release	Vendor #	Vendor	Amount
3533	*	000565	DORNBOS SIGN & SAFETY INC	170.55
3534	*	000995	EQUATURE	297.00
3535	*	000243	GRAINGER	288.88
3536		000261	J.H. HART URBAN FORESTRY	9,746.50
3537	*	003458	JOE'S AUTO PARTS, INC.	673.08
3538	*	000891	KELLER THOMA	165.00
3539		004085	KONE INC	20,168.45
3540	*	001035	MUNICIPAL EMERGENCY SERVICES	10.50
3541	*	007856	NEXT	1,603.00
3542		008853	NORTH AMERICAN RESCUE LLC	344.98
3543	*	006359	NYE UNIFORM COMPANY	40.50
3544		002767	OSCAR W. LARSON CO.	3,400.00
3544	*	002767	OSCAR W. LARSON CO.	1,400.00
3545	*	001181	ROSE PEST SOLUTIONS	160.00
3546	*	004355	SYMETRA LIFE INSURANCE COMPANY	32,774.54
3547		000273	TERMINAL SUPPLY CO.	150.75
3548		000278	TROY AUTO GLASS CO INC	359.75
3549		007278	WHITLOCK BUSINESS SYSTEMS, INC.	1,395.22
3549	*	007278	WHITLOCK BUSINESS SYSTEMS, INC.	412.00
SUBTOTAL ACH TRANSACTION				\$107,122.13
GRAND TOTAL				\$1,110,203.20

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: March 13, 2021

TO: Thomas M. Markus, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Fertilizer Buggy Purchase

INTRODUCTION:

Due to increase fertilization requirements, the Department of Public Services (DPS) recommends purchase of a motorized fertilizer buggy, 2020 Ex Mark Spreader/Sprayer S-Series Kohler Stand On from Weingartz.

BACKGROUND:

DPS has an ongoing need for turf and landscape fertilization at city parks, municipal sites and public right-of-ways. In addition, increased usage of parks and city properties for social distancing and fitness classes has made this need even more apparent, as "traffic" can cause significant stress to turf.

In years past, DPS has fertilized with walk behind spreaders at high profile city properties, and contracted out the majority of fertilization at parks and other areas. However, contractors have been unreliable and not timely in fertilization requests. This equipment will be much more efficient and allow DPS to fertilize more areas internally, apply herbicide more frequently and efficiently, and save the City money in the future.

The Department of Public Services recommends purchasing (1) 2020 Ex Mark Spreader/Sprayer S-Series Kohler Stand On. This model has demonstrated reliability and all-season versatility. This vehicle is available for purchase from Weingartz for \$7,999.00, who is the only local certified Ex Mark dealer.

LEGAL REVIEW:

This purchase does not require legal review.

FISCAL IMPACT:

This purchase was planned for and included in the 2020-2021 vehicle/equipment replacement schedule, as published in the 2020-21 budget in the amount of \$11,000. Funds for this expenditure – totaling \$7,999.00 – are available from the Auto Equipment Fund account ##641-441.006.971.0100.

PUBLIC COMMUNICATION:

This purchase does not require public communication.

SUMMARY:

The Department of Public Services recommends approving the purchase of one (1) 2020 Ex Mark Spreader/Sprayer S-Series Kohler Stand On from Weingartz, using funds from the Auto Equipment Fund #641-441.006.971.0100 for a total expenditure of \$7,999.00.

ATTACHMENTS:

This report contains no attachments.

SUGGESTED RESOLUTION:

To approve the purchase of one (1) 2020 Ex Mark Spreader/Sprayer S-Series Kohler Stand On from Weingartz through the in the amount of \$7,999.00 from the Auto Equipment Fund, account #641-441.006.971.0100.



DATE: March 22, 2021

TO: Tom Markus, City Manager

FROM: Alexandria Bingham, City Clerk

SUBJECT: 2021 Art Fair (Common Ground) – Sept. 18 & 19, 2021

INTRODUCTION:

Common Ground submitted a Special Event application to hold the 2021 Art Fair event on S. Old Woodward on September 18th and 19th, 2021. Set-up for the event is scheduled for Friday, September 17th from 5 pm to 10 pm, with street closures to begin at 5 pm.

BACKGROUND:

Due to a wedding at Shain park on September 18th at 3:00pm, Common Ground moved the location of their event to S. Old Woodward which they have done in the past.

The Police Department has reviewed the proposed event details prior to submission for street closures and the need for safety personnel and has approved the details. DPS, Planning, Building, Police, Fire, and Engineering have indicated their approval. SP+ Parking has been notified of the event for planning purposes.

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

Farmers Market Celebrate Birmingham	Sundays	Lot 6
-------------------------------------	---------	-------

LEGAL REVIEW:

No review required.

FISCAL IMPACT:

No fiscal impact.

SUMMARY

The City Commission is being asked to approve the 2021 Art Fair special event to be held September 18th & 19th, 2021, with set-up to begin Friday, September 17th between 5 pm and 10 pm. Tear-down will begin at the conclusion of the event on Sunday, September 19th to begin at approximately 5 pm until 9 pm.

ATTACHMENTS:

1. Special Event application
2. Notification letter with map of event area distributed to residents/businesses within 300 feet of the event area on December 18, 2019. Notification addresses are on file in the Clerk's Office.
3. Hold Harmless Agreements signed by The Guild of Artists and Artisans, and Birmingham Bloomfield Art Center (Certificate of Insurance due on or before August 30, 2020)
4. Department Approval page with comments and estimated costs

SUGGESTED RESOLUTION:

To approve a request from Common Ground to hold the Art Fair on S. Old Woodward on September 18 & 19, 2021 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any modifications or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event, due to public health and safety measures.

21-00011933

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

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

Police Department acknowledgement: _____

I. EVENT DETAILS

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

Clerk's Office
City of Birmingham, MI

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

MAR 1 2021

(Please print clearly or type)

Date of Application January 10, 2021

RECEIVED

Name of Event Common Ground's 47th Annual Birmingham Street Art Fair

Detailed Description of Event (attach additional sheet if necessary) _____
Fine Art Fair featuring approximately 160 jury selected professional artists, artist demonstrations, and
children's art activities. The event serves as an annual fundraiser for Common Ground.

Location S. Old Woodward (see attached map)

Date(s) of Event September 18 & 19, 2021 Hours of Event Sat 10am-6pm Sun 10am-5pm

Date(s) of Set-up September 17, 2021 Hours of Set-up 5pm-10pm (5pm street closure w/3pm

NOTE: No set-up to begin before 7:00 AM, per City ordinance. _____ meters bagged

Date(s) of Tear-down September 19, 2021 Hours of Tear-down 5pm - 9pm

Organization Sponsoring Event Common Ground

Organization Address 1410 South Telegraph, Bloomfield Hills, MI 48302

Organization Phone 248.456.8150

Contact Person Jeffrey Kapuscinski

Contact Phone 248.431.3730

Contact Email jkapuscinski@commongroundhelps.org

II. EVENT INFORMATION

1. Organization Type Non-Profit
(city, non-profit, community group, etc.)
Common Ground's 47 Annual Birmingham Street Art Fair
2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.) _____
Producing Partner is The Guild of Artists & Artisans
118 N. Fourth Ave, Ann Arbor, MI 48104 (734)662-3382 ext. 303
Karen Delhey, Executive Director, karen@theguild.org
3. Is the event a fundraiser? YES ☒ NO ☐
List beneficiary Common Ground
List expected income \$25,000
Attach information about the beneficiary.
4. First time event in Birmingham? YES ☐ NO ☒
If no, describe This will be Common Ground's 47th annual Birmingham Street Art Fair

5. Total number of people expected to attend per day 30,000+
6. The event will be held on the following City property: (Please list)
☒ Street(s) S. Old Woodward (see attached map)

☐ Sidewalk(s) _____

☒ Park(s) _____

7. Will street closures be required? YES ☒ NO ☐
(Police Department acknowledgement prior to submission of application is required) (initial here)_____
8. What parking arrangements will be necessary to accommodate attendance? Exhibitors and attendees will use city structures and lots

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

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

Describe Trained staff and volunteers are on site from move in to move out to ensure safety and provide maintenance. Overnight professional security is contracted for the event.

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

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

Describe Police and paramedics

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

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

12. Will music be provided? YES ☒ NO ☐

X Live _____ Amplification _____ Recorded _____ Loudspeakers

Time music will begin Noon

Time music will end 5pm

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

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

Number of signs/banners Approx 15-20 signs

Size of signs/banners 24" and 36" A-frames

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

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

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

LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

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

III. EVENT LAYOUT

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

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

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables		6 for \$200.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles	30	\$4.00 each	Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.
Dumpsters	4	\$250.00 per day	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric)	____ # of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant		Contact the Fire Department.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Audio System		\$200.00 per day	Must meet with City representative.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

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

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 120 sq ft)	170	10x10
Portable Toilets	8-10	Reg and Handicap
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		

SIGNATURE OF APPLICANT REQUIRED

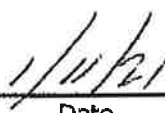
EVENT NAME Common Ground's 47th Annual Birmingham Street Art Fair

EVENT DATE September 18 & 19, 2021

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

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

 _____
Signature

 _____
Date

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

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



Common Ground

helping people move from crisis to hope

September 18 & 19, 2021
Common Ground's Birmingham Street Art Fair

As we move forward in planning the 2021 event, we know that there still may be State Guidelines in place regarding the Covid 19 Pandemic. We have attached two maps to this application. One is our standard layout, the second is a socially distanced layout. Should we need to do a socially distanced event, we will be prepared to implement any or all of the below mitigation strategies as needed at the time of the event.

1. Health Screening for all staff and volunteers each day of the event prior to allowing onsite
2. Gate the event to limit capacity (dependent on current capacity requirements)
3. Enforce mask wearing by artists and fairgoers.
4. One-way traffic flow inside the event.
5. Signage reminding people to adhere to 6' distance
6. Increase hand washing stations as well as have abundance of hand sanitizer throughout
7. Work with all artists and vendors to ensure they are following proper safety protocols
8. Increased staffing for enforcement and sanitation
9. Remove the Art Activity Area and any areas that encourage gathering
10. Increased spacing between booths

We will adhere to State of Michigan mandates and follow best practices as guided by the state and local government.

Thank you.

Karen Delhey
Executive Director
The Guild of Artists & Artisans

Jeffrey Kapucinski
Chief External Relations Officer
Common Ground



Common Ground
helping people move from crisis to hope

**SPECIAL EVENT REQUEST
NOTIFICATION LETTER**

DATE: March 4, 2021

TO: Principal Shopping District Members, Downtown Birmingham Residents,
Interested Parties and Property Owners

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

EVENT INFORMATION

NAME OF EVENT: **Common Ground's 47th Annual Birmingham Street Art Fair**

LOCATION: **S. Old Woodward, map enclosed**

DATES/TIMES OF EVENT:

Saturday, Sept. 18, 2021, 10am – 6pm and Sunday, Sept. 19, 2021, 10am – 5pm

BRIEF DESCRIPTION OF EVENT/ACTIVITY:

Fine art fair featuring the handmade and original artwork of approximately 160 juried artists and is an important annual fundraiser for Common Ground, which has been serving youths, adults and families in crisis for more than 40 years.

DATES/TIMES OF SET UP:

Friday, Sept. 17, 2021, meters bagged at 3pm and street closings at 5pm with move-in completed by 9pm

DATES/TIMES OF TEAR DOWN: **Sunday, Sept. 19, 2021, from 5pm to 9pm**

DATE/TIME OF CITY COMMISSION MEETING: **March 22, 2021 via zoom**

<https://zoom.us/j/655079760>

Meeting ID: 655 079 760

A complete copy of the application to hold this special event is available for your review at the city clerk's office (248.530.1880). To receive updates on special events held in the city log on to www.bhamgov.org/enotify.

EVENT ORGANIZER: Common Ground (Birmingham Street Art Fair)
ADDRESS: 1410 S. Telegraph
Bloomfield Hills, MI 48302
PHONE: 248.456.8150
Day of Event Contact: Karen Delhey (734)646-8431

Attachments: Proposed site map for Birmingham Street Art Fair

**1410 S. Telegraph • Bloomfield Hills, MI 48302 • 248.451.8150
www.commongroundhelps.org**



Common Ground is a nonprofit agency dedicated to helping people move from crisis to hope. The agency's programs throughout Oakland and Genesee Counties are a lifeline for runaway and homeless youths, families in crisis, victims of crime, people with mental illness and others in critical situations. Common Ground serves more than 80,000 individuals each year and is supported in part by state and federal grants, contracts, individual and corporate contributions, foundations, special events, the Oakland County Community Health Network and Genesee County Community Mental Health. Most of its services are free of charge and 90 percent of the funds received go to direct service. Common Ground's programs and services are divided into three distinct impact areas: Responding to crisis, providing safety and advocacy, and building communities of support. Here is a sampling of these programs and services:

- **Crisis and Resource Helpline** is available 24-hours per day, 365 days per year. Trained staff and volunteers provide over-the-phone, text and chat crisis intervention counseling, information and referrals.

Oakland Assessment and Crisis Intervention Service provides recovery oriented face to face assessment, crisis intervention, and stabilization services for all Oakland county residents including children at risk for hospitalization.

- **Victim Assistance Program** provides 24-hour access to counselors and advocates for victims of crime, domestic and sexual abuse, and workplace violence.

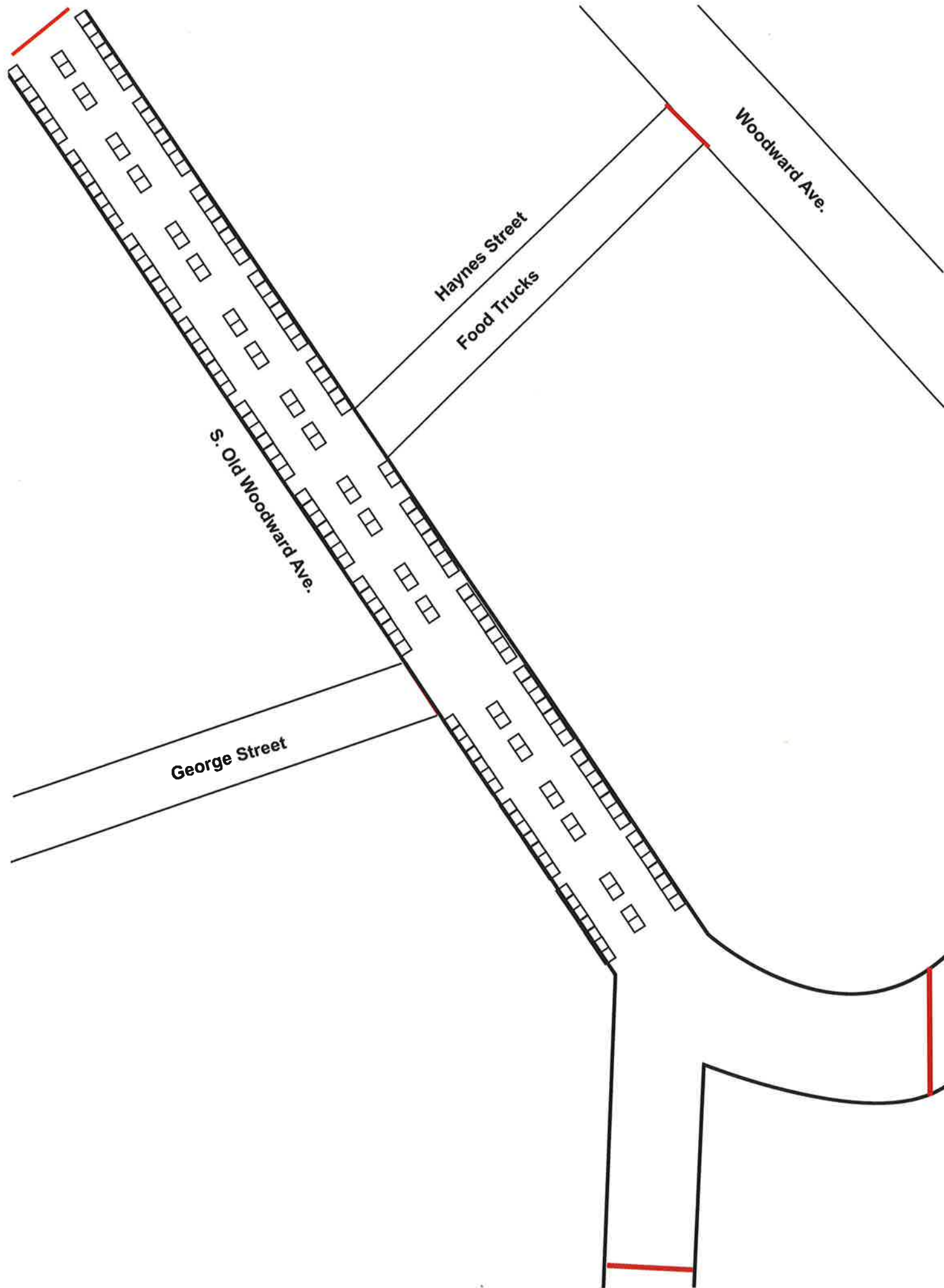
- **Crisis Residential Unit** provides short-term voluntary psychiatric care for adults that includes medical supervision, nursing and discharge planning. These services are designed to support stabilization, reduce symptoms, restore function and prevent additional functional impairment, with the goal of transitioning to a less-restrictive level of care.

- **The Sanctuary**, a free and safe 24-hour shelter, provides up to 3-week voluntary residential counseling to runaways and youths in crisis between the ages of 10-17, with the goal of reuniting youths with their families.

- **A Step Forward** is a safe and home-like transitional living shelter for homeless youths ages 16-21, who are seeking self-sufficiency. The program provides counseling, job training, career development, educational assistance, financial subsidies and medical assistance for up to 21 months.

- **Survivors of Suicide Support Group** is a bi-monthly free 12-week program available to all surviving family, friends and work colleagues of the person who ended their life through suicide.

- **Survivors of Homicide Support Group** is a bi-monthly free 12-week group available to all surviving family, friends and work colleagues of the homicide victim.





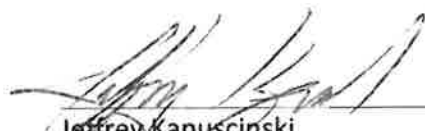
Common Ground

helping people move from crisis to hope

January 7, 2021

Hold Harmless Agreement

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



Jeffrey Kapuscinski
Chief External Relations Officer



Date



January 7, 2021

Hold Harmless Agreement

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



Karen Delhey
Executive Director

January 8, 2021

Date

T H E G U I L D O F A R T I S T S & A R T I S A N S

118 N. Fourth Avenue • Ann Arbor, MI 48104-1402
734.662.3382 • Fax: 734.662.0339 • info@theguild.org • www.theguild.org

DEPARTMENT APPROVALS

EVENT NAME COMMON GROUND ART FAIR

LICENSE NUMBER #21-00011933

COMMISSION HEARING DATE: March 22, 2021

NOTE TO STAFF: Please submit approval by **February 15, 2021**

DATE OF EVENT: SEPT. 18-19, 2021

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
PLANNING 101-000.000-634.0005 248.530.1855	TBC	No Cost No Comment		\$0	
BUILDING 101-000.000.634.0005 248.530.1850	MJM		Tents over 400 SQFT	\$221.48	
FIRE 101-000.000-634.0004 248.530.1900		BS & A Application Template 1. No Smoking in any tents or canopy. Signs to be posted. 2. All tents and Canopies must be flame resistant with certificate on site. 3. No open flame or devices emitting flame, fire or heat in any tents. Cooking devices shall not be permitted within 20 feet of the tents. 4. Tents and Canopies must be properly anchored for the weather conditions, no stakes allowed.			

- | | | | | | |
|--|--|--|--|--|--|
| | | <ol style="list-style-type: none">5. Clear Fire Department access of 12 foot aisles must be maintained, no tents, canopies or other obstructions in the access aisle unless approved by the Fire Marshal.6. Pre-event site inspection required.7. A prescheduled inspection is required for food vendors through the Bldg. dept. prior to opening.8. All food vendors are required to have an approved 5lbs. multi-purpose (ABC) fire extinguisher on site and accessible.9. Cords, hoses, etc. shall be matted to prevent trip hazards.10. Exits must be clearly marked in tents/structures with an occupant load over 50 people.11. Paramedics will respond from the fire station as needed. Dial 911 for fire/rescue/medical emergencies.12. A permit is required for Fire hydrant usage.13. Do Not obstruct fire hydrants or fire sprinkler connections on buildings.14. Provide protective barriers between hot surfaces and the public.15. All cooking hood systems that capture grease laden vapors must have an approved suppression system and a K fire extinguisher in addition to the ABC Extinguisher.16. Suppression systems shall be inspected, tested, and properly tagged prior to the event. All | | | |
|--|--|--|--|--|--|

		Sprinkler heads shall be of the 155 degree Quick Response type unless serving an area of high heat and approved by the Fire Marshal. The suppression system shall have a continuous water supply as well as a secondary back up supply. Activation of the suppression system will shut down the ride and cause illumination of the exits.			
POLICE 101-000.000.634.0003 248.530.1870	SG	Personnel and Barricades		\$1660	
PUBLIC SERVICES 101-000.000-634.0002 248.530.1642	CL	Includes Barricade placement, Dumpster rental, PSD boxes and trash removal as requested.		\$4,500	
ENGINEERING 101-000.000.634.0002 248.530.1839	SZ	Obstruction Permit (with Traffic control plan) for closure of S Old Woodard. Signs for detour	Obstruction Permit	\$65	
SP+ PARKING					
INSURANCE 248.530.1807			None	\$0	\$0
CLERK 101-000.000-614.0000 248.530.1803		Notification letters to be mailed by applicant no later than 3/8/2021. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than 9/3/2021.	Applications for vendors license must be submitted no later than 9/3/2021	\$165 paid 1/202/2021	

				TOTAL DEPOSIT REQUIRED \$6,446.48	ACTUAL COST
--	--	--	--	--	------------------------

FOR CLERK'S OFFICE USE

Deposit paid _____

Actual Cost _____

Due/Refund_____

Rev. 3/17/21

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

DATE: March 22, 2021

TO: Tom Markus, City Manager

FROM: Alexandria Bingham, City Clerk

SUBJECT: Eisenhower Dance Detroit Youth Ensemble Performance

INTRODUCTION:

Eisenhower Dance Detroit submitted a Special Event application to hold the 2021 Youth Ensemble Performance in Shain Park on Sunday, May 23, 2021. Set-up for the event is scheduled for Sunday, May 23, from 11:00am – 12:00pm.

BACKGROUND:

Due to COVID-19 and the indoor gathering restrictions, the City of Birmingham allowed Eisenhower Dance to have their small performance at Shain Park in the summer of 2020. The Clerk's office met with Carrie Laird and Connie Folk when Eisenhower submitted their request for 2021 to discuss how to handle these small productions going forward. Due to fairness and appropriate use of Shain Park, it was decided by city staff that all events should go through the special event process.

The Police Department has reviewed the proposed event details prior to submission for street closures and the need for safety personnel and has approved the details. DPS, Planning, Building, Police, Fire, and Engineering have indicated their approval. SP+ Parking has been notified of the event for planning purposes.

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

Birmingham Farmers Market
Annual Art Birmingham

Sundays in May
May 8 & 9

Lot 6
Shain Park

LEGAL REVIEW:

No review required.

FISCAL IMPACT:

No fiscal impact.

SUMMARY

The City Commission is being asked to approve the 2021 Eisenhower Dance Detroit special event to be held May 23, 2021, with set-up to begin Sunday, May 23, between 11:00am and 12:00pm. Teardown will begin at the conclusion of the event on Sunday, May 23 and begin at approximately 3:30pm until 4:00 pm.

ATTACHMENTS:

1. Special Event application
2. Notification letter with map of event area distributed to residents/businesses within 300 feet of the event area on December 18, 2019. Notification addresses are on file in the Clerk's Office.
3. Hold Harmless Agreements signed by The Guild of Artists and Artisans, and Birmingham Bloomfield Art Center (Certificate of Insurance due on or before August 30, 2020)
4. Department Approval page with comments and estimated costs

SUGGESTED RESOLUTION:

To approve a request from Eisenhower Dance Detroit to hold their Youth Ensemble Performance on the stage at Shain Park on May 23, 2021, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any modifications or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event, due to public health and safety measures.

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

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

Police Department acknowledgement: _____

I. EVENT DETAILS

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

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

Clerk's Office
City of Birmingham, MI

FEB 22 2021

(Please print clearly or type)

Date of Application 2/19/21 **RECEIVED**

Name of Event Eisenhower Dance Detroit Youth Ensemble Performance

Detailed Description of Event (attach additional sheet if necessary) EDDYE is a pre professional dance company
located in Birmingham. The event would include a 1 hr long dance performance on the stage at Shain Park.

Event necessities: Sound system (provided by EDD w/ all appropriate music choices), changing tent not staked to the ground
(provided by EDD) Depending on outdoor gathering restrictions, we will have an audience of roughly 50-100 persons.

Location Shain Park

Date(s) of Event Sunday, May 23 Hours of Event 12:00pm-3:30pm

Date(s) of Set-up Day of May 23 Hours of Set-up 11:00-12:00pm

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

Date(s) of Tear-down Day of May 23 Hours of Tear-down 3:30-4:00pm

Organization Sponsoring Event Eisenhower Dance Detroit

Organization Address 2155 Cole St. Birmingham, MI 48009

Organization Phone 248-594-9400

Contact Person Molly McMullen

Contact Phone 937-269-2453

Contact Email mcmullen@eisenhowerdance.org

II. EVENT INFORMATION

1. Organization Type non-profit arts organization
(city, non-profit, community group, etc.)
2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.) _____

3. Is the event a fundraiser? YES ☐ NO ☒
List beneficiary _____
List expected income _____
Attach information about the beneficiary.
4. First time event in Birmingham? YES ☒ NO ☐
If no, describe This is our first time applying for a special events permit, however, we did have a dance performance at Shain Park in October of 2020.
5. Total number of people expected to attend per day roughly 100
6. The event will be held on the following City property: (Please list)
☐ Street(s) _____
☐ Sidewalk(s) _____
☒ Park(s) Shain Park- utilizing the stage and grassy area in front as our audience.
7. Will street closures be required? YES ☐ NO ☒
(Police Department acknowledgement prior to submission of application is required) (initial here)_____
8. What parking arrangements will be necessary to accommodate attendance? None- Birmingham city parking is sufficient

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

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

Describe 5-10 staff members will be present

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

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

Describe _____

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

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

12. Will music be provided? YES ☒ NO ☐

_____ Live _____ Amplification x Recorded _____ Loudspeakers

Time music will begin 12:00pm

Time music will end 3:30pm

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

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

Number of signs/banners Two signs

Size of signs/banners 24x60 vertical banners

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

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

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

LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

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

III. EVENT LAYOUT

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

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

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables		6 for \$200.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles		\$4.00 each	Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.
Dumpsters		\$250.00 per day	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric)	____ # of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant		Contact the Fire Department.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Audio System		\$200.00 per day	Must meet with City representative.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

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

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 120 sq ft)	1	5ftx5ft
Portable Toilets		
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Eisenhower Dance Detroit Youth Ensemble Performance

EVENT DATE Sunday, May 23

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

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



2/19/21

Signature

Date

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

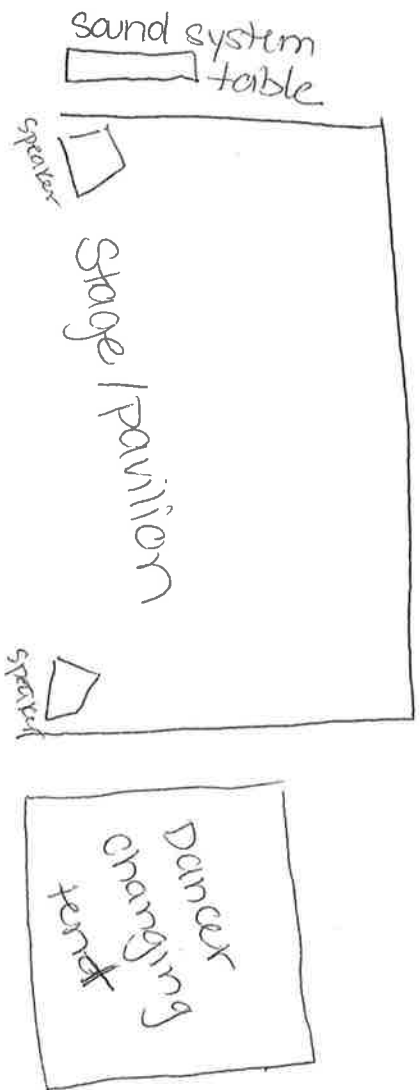
- Organizer must notify all potentially affected residential property and business owners of the date and time this application will be considered by the City Commission. *(Sample letter attached to this application.)*
- Attach a copy of the proposed letter to this application. The letter will be reviewed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

BATES ST

Fountain ↓

Grassy Area / Audience
seating

HENRIETTA





① Changing Tent

② vertical Banner (1 on each side)

EISENHOWER DANCE DETROIT

INNOVATE | CULTIVATE | INSPIRE

DATE: _____

TO: _____

Residential Property or Business Owner _____

Address:

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

EVENT INFORMATION

NAME OF EVENT: Eisenhower Dance Detroit Youth Ensemble Performance

LOCATION: Shain Park, Birmingham

DATE(S) OF EVENT: Sunday, May 23

HOURS OF EVENT: 11:00am-4:00pm

BRIEF DESCRIPTION OF EVENT/ACTIVITY: EDDYE is a pre-professional dance company. The students, ranging from 12-18 years, will be performing several dances within the time frame with an informal audience in the grassy area of Shain Park.

DATE(S) OF SET-UP: Sunday, May 23

HOURS OF SET-UP: 11:00-11:30am

DATE(S) OF TEAR-DOWN: Sunday, May 23rd

HOURS OF TEAR-DOWN: 3:30-4:00pm

DATE OF CITY COMMISSION MEETING: _March 22nd

The City Commission is currently meeting via zoom <https://zoom.us/j/655079760> Meeting ID: 655 079 760. A complete copy of the application to hold this special event is available for your review at the City Clerk's Office (248/530-1880). Log on to www.bhamgov.org/events for a complete list of special events.

EVENT ORGANIZER: Eisenhower Dance Detroit

ADDRESS: 2155 Cole St. Birmingham, MI 48009

PHONE: 248-594-9400

FOR QUESTIONS ON DAY OF EVENT, CONTACT: Molly McMullen at 937-269-2453

EISENHOWER DANCE DETROIT

INNOVATE | CULTIVATE | *INSPIRE*

In an effort to keep EDD's performance at Shain Park a healthy and safe event, Eisenhower Dance Detroit will take the following measures.

1. We will ask for audience RSVP's to ensure our overall numbers do not exceed the outdoor gathering limits that may still be in place at the time of the event.
2. Dancers will wear masks at all times and the dances being performed have been choreographed with distancing in mind.
3. We will be organizing our audience in small family pods distanced from each other. This includes encouraging families to bring a blanket or seating of their own.
4. The audience will be asked to wear their masks while doing anything outside of their designated seating area.
5. Staff will be on hand to remind attendees of keeping their distance while socializing.

EISENHOWER DANCE DETROIT

INNOVATE | CULTIVATE | INSPIRE

Stephanie Pizzo
Artistic Director

Gerald Salerno
Board Chair

Beth Cafaro, JD
Vice Chair

Christopher Gerback
Treasurer

Mary Devitt
Secretary

Maggie Allesee

Jenna Barba

Debra Bernstein-Siegel

Jocelyn Chen

Nancy Schild Kott

Gregory Patterson

Margaret Simcoe

Guy Simons

Danielle Susser

Marty Tremain

Martin Testasecca

Board Emeritus

Craig Chamberlain

Jimmie Sue Daniels

Dodie David

Amy Jidov

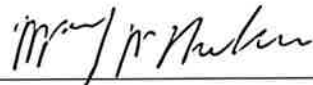
Dr. Arthur Manoli, III
(in Memoriam)

Larry Nahigian

Andi Schreiber

HOLD-HARMLESS AGREEMENT

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



Applicant's signature

2/24/21

Date

DEPARTMENT APPROALS

EVENT NAME: EISENHOWER DANCE DETROIT YOUTH ENSEMBLE PERFORMANCE

LICENSE NUMBER #21-00011994

COMMISSION HEARING DATE: 3/22/2021

NOTE TO STAFF: Please submit approval by **March 15, 2021**

DATE OF EVENT: 5/23/2021

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
PLANNING 101-000.000-634.0005 248.530.1855	TBC	No Cost No Comment		\$0	
BUILDING 101-000.000-634.0005 248.530.1850	MJM	Any tents over 400Sqft. Require a permit.		\$0	
FIRE 101-000.000-634.0004 248.530.1900		If needed, personnel will respond to emergencies from quarters. Follow state mandated social distancing and other COVID-19 related guidelines.		\$0	
POLICE 101-000.000-634.0003 248.530.1870	SG	On duty personnel will provide extra patrol.		\$0	\$0
PUBLIC SERVICES 101-000.000-634.0002 248.530.1642	CL	Estimated Cost for Trash Pick-Up after event.		\$40	
ENGINEERING 101-000.000-634.0002 248.530.1839		No obstruction concerns, metered parking spots could be bagged if desired cost of \$25 per day, not required.		\$0	\$0

SP+ PARKING	SG	No parking concerns.		\$0	\$0
INSURANCE 248.530.1807					
CLERK 101-000.000-614.0000 248.530.1803		Notification letters mailed by applicant no later than 3/8/2021. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than 5/9/2021.	Applications for vendors license must be submitted no later than 5/9/2021.	\$200 paid 2/25/2021	
				TOTAL DEPOSIT REQUIRED \$40	ACTUAL COST

FOR CLERK'S OFFICE USE

Deposit paid: _____

Actual Cost _____

Due/Refund _____

Rev. 3/17/21

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MEMORANDUM

IT Department

DATE: 03/22/2021

TO: Tom Markus, City Manager

FROM: Eric Brunk, IT Manager

SUBJECT: Equipment Upgrade – Department of Public Services

INTRODUCTION:

The IT Department would like to improve the equipment used for meetings in our DPS Conference room as well as add some cameras for recording and streaming of meetings.

BACKGROUND:

The Conference room at DPS is used monthly for our Parks and Recreation board meeting, occasionally for joint meetings between our City Commission and other boards as well as for general meetings or training that require a large room. Often BCTV would setup portable studio equipment, record the meeting, post the meeting on the BACB website and give the City a copy to post on the City's website. With Covid 19 still prevalent we see the City using this room more often for live meetings and zoom meetings that require the space for attendees to spread out for safety. To this end we would like to replace the aged equipment being used in this room as well as add some cameras that can be tied back to the production room in the City Hall for recording and live streaming of those meetings.

The IT department asked Advanced Lighting and Sound to come in, evaluate the existing equipment, provide a recommendation and a quote for its replacement, as well as a recommendation and quote to add 2 cameras to the room for recording and streaming purposes.

Advanced Lighting and Sound is a local vendor that the city has used for the other installations of audio/video equipment. The new equipment will be connected to the production equipment in the commission room. Advanced Lighting and Sound installed that equipment, they know our environment and being local can readily support the environment if we have issues.

Shawn Watts from advanced Lighting and sound put together a proposal with the following cost breakdown.

Video upgrade – \$4,523.00
Additional Cameras – \$5,834.00
Installation - \$2,425.00
Total Cost - \$12,782.00

FISCAL IMPACT:

The IT department budgeted \$6,000.00 to upgrade the video equipment in the conference room for the 2020-2021 budget year, but not for the addition of cameras and the additional labor for their installation. The IT Department on behalf of The City submitted a request to the Birmingham Area Cable Board for a grant to cover the cost of this project and was approved. A budget amendment is necessary for the additional cost of the equipment and for the anticipated grant revenue.

SUGGESTED RESOLUTION:

Authorize the IT department to enlist Advanced Lighting and Sound to upgrade the Audio Visual equipment and install additional cameras in the DPS conference room, total cost not to exceed \$12,782.00; to charge this project to account number 636-228.000-971.0100 Machinery and Equipment; and approve the appropriation and amendment to the fiscal year 2020-2021 Computer Equipment Fund budget as follows:

Computer Equipment Fund

Revenues:

636-000.000-401.0000	Draw from Fund Balance	<u>\$ (6,000)</u>
636-000.000-588.0000	Cable Board Grant	<u>12,790</u>
Total Revenue		<u>\$ 6,790</u>

Expenditures:

636-228.000-971.0100	Machinery and Equipment	<u>\$ 6,790</u>
Total Expenditures		<u>\$ 6,790</u>

**Advanced Lighting & Sound**

Phone: 248-817-2092
Fax: 248-817-2093
1026 Maplelawn Drive
Troy, MI 48084

Quote

No.: **15675**
Date: 1/20/2021

Prepared for:

City of Birmingham
151 Martin Street
Birmingham, MI 48012 USA

Prepared by: Shawn Watts

Account No.: 615

Phone: (313) 644-1800

Qty	Manuf	Item ID	Description	Sell	Total
VIDEO UPGRADE					
1	Panas	PT-VMZ50U7	5000 Lumen WUXGA Laser Projector with Lens, White	\$2,405.00	\$2,405.00
1	Chief	SLBLEGW	SLB/SLM UNIVERSAL LEG WHITE	\$15.00	\$15.00
1	Chief	RSAUW	MINI RPA UNIVERSAL WHT	\$155.00	\$155.00
1/1/2017					
1	DA-LI	20892L	COSMO 123D 65X104NPA MW	\$1,181.00	\$1,181.00
1	Krame	WP-20(W)	HDMI & XGA HDBaseT Transmitter	\$767.00	\$767.00
VIDEO UPGRADE SUBTOTAL					\$4,523.00
PTZ CAMERA ADD					
2	Panas	AW-HN40HWPJ	PTZ camera: 30x optical zoom lens, HDMI out, NDI - White	\$2,780.00	\$5,560.00
2	Vaddi	535-2000-243	THIN PROFILE WALL MOUNT SONY/PANA CAMS	\$118.00	\$236.00
1	The R	ISOBLOX	SIGNAL ISOLATOR	\$38.00	\$38.00
PTZ CAMERA ADD SUBTOTAL					\$5,834.00
INSTALL					
1	ALS	Install	Install Materials- CATx, audio cabling and connectors	\$225.00	\$225.00
1	ALS	Labor	Installation Labor - Wall mount screen, replace projector, wall plate, cable to projector, (2) PTZ cameras	\$1,700.00	\$1,700.00
1	ALS	Shipping	Shipping Charge	\$200.00	\$200.00
1	ALS	System PM	Project Management of Installed System	\$300.00	\$300.00
INSTALL SUBTOTAL					\$2,425.00
				Your Price:	\$12,782.00
				Total:	\$12,782.00

Prices are firm until 2/19/2021

Terms: COD

Prepared by: Shawn Watts, shawnw@go-als.com**Date:** 1/20/2021**Accepted by:** _____**Date:** _____**Disclaimer**

All prices quoted are valid for 30 business days. Please fax signed quote to 248-817-2093 or email to sales@go-als.com so that your

Quote

No.: **15675**

Date: 1/20/2021

order can be placed. Thank you for your business.



MEMORANDUM

City Clerk's Office

DATE: March 22, 2021

TO: Tom Markus, City Manager

FROM: Alexandria Bingham, City Clerk

SUBJECT: Public Hearings to Consider Objections to Renewal of Liquor Licenses – Birmingham Sushi, Community House, Hazel Ravines & Downtown, Hyde Park Steakhouse, Mad Hatter Bistro, Pernoi, Sidecar, Social Kitchen & Bar, Tallulah Wine Bar & Bistro, Rojo Mexican Bistro, Rugby Grille, and Vinoteca

INTRODUCTION:

On February 22, 2021 the City Commission reviewed the results of the annual investigation of each establishment in the City which sells intoxicating liquor for on premises consumption.

After consideration of the investigative findings, the Commission approved the renewal, for the 2021 licensing period, of all Class B, Class C, and microbrewery liquor licenses with the exception of the licenses for the following establishments:

Birmingham Sushi
Community House
Hazel Ravines & Downtown
Hyde Park Prime Steakhouse
Mad Hatter Bistro
Pernoi

Sidecar
Social Kitchen & Bar
Tallulah Wine Bar & Bistro
Rojo Mexican Bistro
Rugby Grille
Vinoteca

Because the above listed establishments were, at the time, in violation of Chapter 10, Sec. 10-40 of the Birmingham Code of Ordinances, the Commission adopted resolutions setting public hearings for 7:30 p.m. on Monday, March 22, 2021, to consider whether to file objections with the Michigan Liquor Control Commission to the renewal of the licenses held by the owners/operators of the listed establishments.

BACKGROUND:

The owners/operators of the listed establishments were notified, by first class, certified mail, of the date and time of the scheduled public hearings, that they have the right to be represented by counsel, may present witnesses, evidence and arguments on their behalf and confront adverse witnesses, and may submit written material to be considered by the City Commission.

Re-inspections were performed by the Community Development Department after the owners were notified of the public hearing. The Treasurer's office collected payments for outstanding tax bills and invoices. After March 1, 2021, tax bills need to be paid to Oakland County and receipts

need to be sent back to the City of Birmingham. The following liquor license holders resolved the non-compliance issues cited in the Commission's resolutions for setting the public hearings:

Birmingham Sushi	<i><u>RESOLVED</u> 10-40(3a) Outdoor Dining Platform & off season outdoor dining (Fixed 3/10/2021)</i>
Community House	<i><u>RESOLVED</u> 10-40(7) Sidewalk invoice \$2,086.50 (Paid 2/24/2021)</i>
Hazel Ravines & Downtown	<i><u>RESOLVED</u> 10-40(7) July 2020 Taxes \$321.69 (Paid 2/16/2021)</i>
Hyde Park Prime Steakhouse	<i><u>RESOLVED</u> 10-40(7) December 2020 taxes \$5,011.96 (Paid 3/1/2021)</i>
Mad Hatter Bistro	<i><u>RESOLVED</u> 10-40(7) Taxes 2020 summer/winter delinquent \$8,684.12 (Paid 3/8/2021)</i>
Pernoi	<i><u>RESOLVED</u> 10-40(3a) Outdoor Patio set up with isinglass (Fixed 3/10/2021)</i> <i><u>RESOLVED</u> 10-40(7) Winter 2020 Taxes delinquent: \$1,116.19 (Paid 3/17/2021)</i>
Sidecar	<i><u>RESOLVED</u> 10-40(7) July 2020 Taxes due: \$1,094.68 (Paid 2/15/2021)</i> <i>Prior year Delinquent Personal Property: \$1,518.62 (Paid 3/15/2021)</i>
Social Kitchen & Bar	<i><u>RESOLVED</u> 10-40(7) July 2020 Taxes: Summer 2020 penalty \$47.77 (Paid 2/26/2021)</i>
Tallulah Wine Bar & Bistro	<i><u>RESOLVED</u> 10-40(7) Winter 2020 Taxes \$463.95 (Paid 2/22/2021)</i>

Rojo Mexican Bistro

RESOLVED 10-40(7) -Summer/Winter 2020
Delinquent Taxes \$6,214.52 (Paid 3/15/2021)
-Prior year Delinquent Personal Property: \$7,327.82
(Paid 3/15/2021)
-Delinquent Water due: \$11,210.47
(Paid: \$10,000 3/9/2021) (Paid \$1,210.47
3/15/2021)

Rugby Grille

RESOLVED 10-40(3a) Canvas sides added to existing
canopy (Fixed 3/2/2021)
10-40(7) 2020 Sidewalk Invoice: \$4,172.40
(Paid 3/3/2021)

Vinoteca

RESOLVED 10-40(7) Winter 2020 taxes \$1,294.86
(Paid 2/24/2021)

In as much as all license holders previously scheduled for public hearings have resolved their outstanding issues, the staff recommends the process for license reissuance as described below.

PROCESS:

- Since all of the public hearings were noticed the Mayor will open each public hearing.
- Staff will report on the corrections made and answer questions.
- The Mayor will ask for further comments from the Commission or public.
- The Mayor will close the public hearing.
- A motion should be made to renew the liquor license for the establishment.
- A roll call vote will be taken.
- Repeat the process for the rest of the noticed hearings.

LEGAL REVIEW:

City Attorney Kucharek has reviewed the process and finds it in order.

FISCAL IMPACT:

None

SUMMARY:

The public hearings will proceed as noticed and pursuant to the process as outlined in this memo. Liquor license holders who have resolved their issues should have their license renewed.

SUGGESTED RESOLUTIONS

- To renew the liquor license for Birmingham Sushi for the 2021 licensing period.
- To renew the liquor license for the Community House for the 2021 licensing period.
- To renew the liquor license for Hazel Ravines & Downtown for the 2021 licensing period.
- To renew the liquor license for Hyde Park Prime Steakhouse for the 2021 licensing period.
- To renew the liquor license for Mad Hatter Bistro for the 2021 licensing period.
- To renew the liquor license for Pernoï for the 2021 licensing period.
- To renew the liquor license for Social Kitchen & Bar for the 2021 licensing period.
- To renew the liquor license for Tallulah Wine Bar & Bistro for the 2021 licensing period.
- To renew the liquor license for Rojo Mexican Bistro & Sidecar for the 2021 licensing period.
- To renew the liquor license for Rugby Grille for the 2021 licensing period.
- To renew the liquor license for Vinoteca for the 2021 licensing period.

ATTACHMENTS:

- Liquor License Renewal Master List – 2021.
- Certified letters to restaurants notifying them of their Public Hearing and Violation(s) with a copy of the City Code and the certified resolutions.

2021 LIQUOR LICENSE RENEWAL

License Type (City Type)	APPLICANT	APPLICATION RECEIVED	APPROVAL STATUS	Resolution # Approval	Resolution # Hearing	10-40(3) VIOLATION Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to (A-H) [please see ordinance]	10-40(7) VIOLATION Licensee's failure to timely pay its taxes or other monies due to the City.
Class C	220 Merrill Restaurant	YES	APPROVED 2/22/2021	02-050-21			
(Bistro)	Adachi	YES	APPROVED 2/22/2021	02-036-21			
Class C	All Seasons Senior Living (Hospitality of Birmingham LLC)	YES	APPROVED 2/22/2021	02-036-20			
(Bistro)	Bella Piatti	YES	APPROVED 2/22/2021	02-036-20			
Class C	Big Rock Chop House/The Reserve	YES	APPROVED 2/22/2021	02-036-21			
(Economic Development)	Birmingham Pub (NOT OPEN YET) Triple Nickle			02-036-21			
Class C (Bistro)	Birmingham Sushi Café, Inc	YES	PENDING		02-037-21 Vote not taken	10-40(3a) Outdoor Dining Platform & off season outdoor dining (Fixed 3/10/2021)	
Class C (Theater)	Birmingham Theater	YES	APPROVED 2/22/2021	02-036-21			
Class C (Bistro)	Bistro Joe's	YES	APPROVED 2/22/2021	02-036-21			
(Bistro)	Churchill's Bistro/Cigar Bar	YES	APPROVED 2/22/2021	02-036-21			
Class C	Community House	YES	PENDING		02-039-21		10-40(7) Sidewalk invoice \$2,086.50 (Paid 2/24/2021)
Quota	Dick O'Dow's	YES	APPROVED 2/22/2021	02-036-21			
(Bistro)	Elie's Mediterranean Café	YES	APPROVED 2/22/2021	02-036-21			
Class C (Theater)	Imagine Palladium & IronWood Grill	YES	APPROVED 2/22/2021	02-036-21			
Class C	Fleming's Prime Steakhouse	YES	APPROVED 2/22/2021	02-036-21			
(Bistro)	Forest Grill 2, LLC	YES	APPROVED 2/22/2021	02-036-21			
Micro Brewery	Griffin Claw Brewing Co.	YES	APPROVED 2/22/2021	02-036-21			
Development	Hazel, Ravines & Downtown	YES	PENDING		02-040-21		10-40(7) July 2020 Taxes \$321.69 (Paid 2/16/2021)
Class C Quota	Hyde Park Prime Steakhouse	YES	PENDING		02-041-21		10-40(7) December 2020 taxes \$5,011.96 (Paid 3/1/2021)
(Bistro)	La Strada Caffè, LLC	YES	APPROVED	02-036-21			
Class C	Lincoln Hills Golf Course	YES	APPROVED 2/22/2021	02-036-21			
Development (Bistro)	Luxe Bar & Grill	YES	APPROVED 2/22/2021	02-036-21			
(Bistro)	Mad Hatter Bistro (TEMPORARILY CLOSED)	NO	PENDING		02-042-21		10-40(7) Taxes 2020 summer/winter delinquent \$8,684.12 (Paid 3/8/2021)
Development (Bistro)	Market North End	YES	APPROVED 2/22/2021	02-036-21			
Class C	Morrie	YES	APPROVED 2/22/2021	02-051-20			
(Bistro)	Pernoi	NO	PENDING		02-043-21	10-40(3a) Outdoor Patio set up with isinglass (Fixed 3/9/2021)	10-40(7) Winter 2020 Taxes delinquent: \$1,116.19 (Paid 3/17/2021)
Quota	Phoenicia	YES	APPROVED 2/22/2021	02-036-21			
Development (Bistro)	Salvatore Scallopini	YES	APPROVED 2/22/2021	02-036-21			
	Slice/Shift/Sidecar (S-Three Restaurant LLC)		APPROVED 2/22/2021	02-048-21			
(Bistro)	Social Kitchen & Bar	YES	PENDING		02-044-21		10-40(7) July 2020 Taxes: Summer 2020 penalty \$47.77(Paid 2/26/2021)
Class C	Springdale Golf Course	YES	APPROVED 2/22/2021	02-036-21			
Quota	Streetside Seafood	YES	APPROVED 2/22/2021	02-036-21			
(Bistro)	Tallulah Wine Bar & Bistro	YES	PENDING		02-045-21		10-40(7) Winter 2020Taxes \$463.95 (Paid 2/22/2021)
Porperty not currently operating	Rojo Mexican Bistro (CLOSED)	NO	PENDING		02-049-21	10-40(7) -Summer/Winter 2020 Delinquent Taxes \$6,214.52 (Paid 3/15/2021) -Prior year Delinquent Personal Property: \$7,327.82 (Paid 3/15/2021) -Delinquent Water due: \$11,210.47 (Paid 3/15/2021) (Paid: \$10,000 3/9/2021)	
Porperty not currently operating	Sidecar	NO			02-049-21	10-40(7) July 2020 Taxes due: \$1,094.68 (Paid 2/15/2021) Prior year Delinquent Personal Property: \$1,518.62 (3/15/2021)	
Hotel Class B	Rugby Grille (Townsend Hotel)	YES	PENDING		02-046-21	10-40(3a) Canvas sides added to existing canopy (Fixed 3/2/2021)	10-40(7) 2020 Sidewalk Invoice: \$4,172.40 (Paid 3/3/2021)
Development (Bistro)	Toast Birmingham, LLC	YES	APPROVED 2/22/2021	02-036-21			
Development (Bistro)	Townhouse	YES		02-036-21			
Porperty not currently operating	Vinoteca (CLOSED)	NO	PENDING		02-047-21		10-40(7) Winter 2020 taxes \$1,294.86 Paid taxes (2/24/2021)
Quota	Whole Foods Market Group, Inc. (Maple Road Taproom)	YES	APPROVED 2/22/2021	02-036-21			



February 26, 2021

Birmingham Sushi
377 Hamilton Row
Birmingham MI 48009

****VIA: CERTIFIED MAIL #7013 3020 0001 0269 8998****

**Re: 2021 Liquor License Renewal – Birmingham Sushi
NOTICE OF PUBLIC HEARING**

At the City Commission meeting of February 22, 2021, the Birmingham City Commission adopted a resolution to hold a public hearing to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by Birmingham Sushi. The public hearing will be held on Monday, March 22, 2021 at 7:30 PM on Zoom, Meeting link: <https://zoom.us/j/655079760> Meeting ID: 655 079 760.

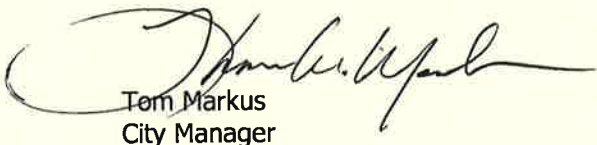
The reason for calling for a public hearing is the licensee's non-compliance with the following provision of Chapter 10 of the Birmingham City Code:

- **Section 10-40 (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:**
 - a. **Existing Violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;**

At the public hearing you have the right to be represented by counsel, you may present witnesses, evidence and arguments on your behalf and confront adverse witnesses. Any written material you would like considered by the City Commission should be delivered to the City Clerk no later than noon on Monday, Wednesday, March 15, 2021.

If the above referenced non-compliance issue is corrected by Wednesday, March 15th, please contact Nick Dupuis at 248-530-1856 to arrange for an inspection. If the City verifies the violation has been corrected we will announce that at the public hearing and you will be relieved of the obligation to appear before the City Commission.

Respectfully,



Tom Markus
City Manager

c: Ho Hwang, Bsushicafe@gmail.com
Enclosures: Chapter 10 of the Birmingham City Code
February 22, 2021 City Commission Resolution

The city commission may object to renewal of a license for consumption of intoxicating liquor on the premises for one or more of the following reasons:

- (1) Licensee's failure to comply with all applicable city and state laws concerning health, safety, moral conduct or public welfare.
- (2) Licensee's repeated violations of state liquor laws.
- (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:
 - a. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
 - b. A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood;
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining premises;
 - d. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility in the neighborhood of the licensed premises;
 - e. Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises;
 - f. Numerous police contacts with the licensed premises or the patrons of the premises;
 - g. Failure to adequately staff and control the premises; and
 - h. The conditions or practices of the business present immediate health and safety issues.
- (4) Licensee's failure to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of the City Code.
- (5) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license.
- (6) Licensee's failure to comply with all standards and plans established and approved by the city commission at the time of original approval or transfer of the license.
- (7) Licensee's failure to timely pay its taxes or other monies due the city.

(Code 1963, § 7.403(b); Ord. No. 1551, § 7.403(B), 3-15-93; Ord. No. 2067, 8-22-11)

**BIRMINGHAM CITY COMMISSION
REGULAR MEETING
FEBRUARY 22, 2021
RESOLUTION #03-037-21**

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Hoff

RESOLUTION TO SET A PUBLIC HEARING FOR 7:30 PM ON MONDAY, MARCH 22, 2021, THAT WILL BE HELD OVER ZOOM TO CONSIDER WHETHER TO FILE AN OBJECTION WITH THE MICHIGAN LIQUOR CONTROL COMMISSION TO THE RENEWAL OF THE LICENSE FOR CONSUMPTION OF INTOXICATING LIQUOR ON THE PREMISES CURRENTLY HELD BY THE OWNERS/OPERATORS OF BIRMINGHAM SUSHI, FOR THE FOLLOWING REASONS: 10-40(3)a OUTDOOR DINING PLATFORM & OFF-SEASON OUTDOOR DINING. FURTHER, TO DIRECT THE CITY MANAGER TO NOTIFY THE OWNERS/OPERATORS OF, IN WRITING, THAT THEY MAY SUBMIT ANY WRITTEN MATERIAL FOR CONSIDERATION BY THE CITY COMMISSION PRIOR TO THE DATE OF THE PUBLIC HEARING OR AT THE HEARING, THAT THE LICENSEE MAY APPEAR IN PERSON AT THE HEARING OR BE REPRESENTED BY COUNSEL AND THAT THE LICENSEE MAY PRESENT WITNESSES OR WRITTEN EVIDENCE AT THE HEARING.

PRESENT: Mayor Boutros, Mayor Pro Tem Longe, Commissioners Baller, Hoff, Host, Nickita, Sherman

ABSENT: None

Ayes,	Mayor Boutros Mayor Pro Tem Longe Commissioner Baller Commissioner Hoff Commissioner Host Commissioner Nickita Commissioner Sherman
Nays,	None
Absent,	None

Passed, adopted and approved this 22nd day of February, 2021.

CERTIFICATION

I, Alexandria Bingham, City Clerk, of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on February 22, 2021.



Alexandria Bingham, City Clerk



February 26, 2021

Community House
380 S Bates St
Birmingham MI 48009

****VIA CERTIFIED MAIL 7013 3020 0001 0269 9025****

**Re: 2021 Liquor License Renewal – Community House
NOTICE OF PUBLIC HEARING**

At the City Commission meeting of February 22, 2021, the Birmingham City Commission adopted a resolution to hold a public hearing to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by Community House. The public hearing will be held on Monday, March 22, 2021 at 7:30PM on Zoom, Meeting link: <https://zoom.us/j/655079760> Meeting ID: 655 079 760.

The reason for calling for a public hearing is the licensee's non-compliance with the following provision of Chapter 10 of the Birmingham City Code:

- **Section 10-40 (7) Licensee's failure to timely pay its taxes or other monies due the City**

At the public hearing you have the right to be represented by counsel, you may present witnesses, evidence and arguments on your behalf and confront adverse witnesses. Any written material you would like considered by the City Commission should be delivered to the City Clerk no later than noon on Monday, Wednesday, March 15, 2021.

The above referenced non-compliance issue was corrected on 2/24/2021. We will announce this at the City commission meeting on March 22, 2021. Now that the violation has been corrected, you are relieved of the obligation to appear before the City Commission but may still attend if you wish. If you have any questions please contact the City Clerk's office at (248) 530-1880.

Respectfully,

Tom Markus
City Manager

c: Danielle Labarge, Daniellel@tchserves.org
Enclosures: Chapter 10 of the Birmingham City Code
February 22, 2021 City Commission Resolution

The city commission may object to renewal of a license for consumption of intoxicating liquor on the premises for one or more of the following reasons:

- (1) Licensee's failure to comply with all applicable city and state laws concerning health, safety, moral conduct or public welfare.
- (2) Licensee's repeated violations of state liquor laws.
- (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:
 - a. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
 - b. A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood;
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining premises;
 - d. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility in the neighborhood of the licensed premises;
 - e. Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises;
 - f. Numerous police contacts with the licensed premises or the patrons of the premises;
 - g. Failure to adequately staff and control the premises; and
 - h. The conditions or practices of the business present immediate health and safety issues.
- (4) Licensee's failure to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of the City Code.
- (5) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license.
- (6) Licensee's failure to comply with all standards and plans established and approved by the city commission at the time of original approval or transfer of the license.
- (7) Licensee's failure to timely pay its taxes or other monies due the city.

(Code 1963, § 7.403(b); Ord. No. 1551, § 7.403(B), 3-15-93; Ord. No. 2067, 8-22-11)

**BIRMINGHAM CITY COMMISSION
REGULAR MEETING
FEBRUARY 22, 2021
RESOLUTION #03-039-21**

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Baller

RESOLUTION TO SET A PUBLIC HEARING FOR 7:30 PM ON MONDAY, MARCH 22, 2021, THAT WILL BE HELD OVER ZOOM TO CONSIDER WHETHER TO FILE AN OBJECTION WITH THE MICHIGAN LIQUOR CONTROL COMMISSION TO THE RENEWAL OF THE LICENSE FOR CONSUMPTION OF INTOXICATING LIQUOR ON THE PREMISES CURRENTLY HELD BY THE OWNERS/OPERATORS OF COMMUNITY HOUSE, FOR THE FOLLOWING REASONS: 10-40(7) UNPAID SIDEWALK INVOICE OF \$2,086.50. FURTHER, TO DIRECT THE CITY MANAGER TO NOTIFY THE OWNERS/OPERATORS OF, IN WRITING, THAT THEY MAY SUBMIT ANY WRITTEN MATERIAL FOR CONSIDERATION BY THE CITY COMMISSION PRIOR TO THE DATE OF THE PUBLIC HEARING OR AT THE HEARING, THAT THE LICENSEE MAY APPEAR IN PERSON AT THE HEARING OR BE REPRESENTED BY COUNSEL AND THAT THE LICENSEE MAY PRESENT WITNESSES OR WRITTEN EVIDENCE AT THE HEARING.

PRESENT: Mayor Boutros, Mayor Pro Tem Longe, Commissioners Baller, Hoff, Host, Nickita, Sherman

ABSENT: None

Ayes,	Mayor Boutros Mayor Pro Tem Longe Commissioner Baller Commissioner Hoff Commissioner Host Commissioner Nickita Commissioner Sherman
Nays,	None
Absent,	None

Passed, adopted and approved this 22nd day of February, 2021.

CERTIFICATION

I, Alexandria Bingham, City Clerk, of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on February 22, 2021.



Alexandria Bingham, City Clerk



February 26, 2021

Hazel, Ravines and Downtown
34977 Woodward Ave
Birmingham MI 48009

****VIA CERTIFIED MAIL 7013 3020 0001 0269 9056****

**Re: 2021 Liquor License Renewal – Hazel, Ravines and Downtown
NOTICE OF PUBLIC HEARING**

At the City Commission meeting of February 22, 2021, the Birmingham City Commission adopted a resolution to hold a public hearing to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by Hazel, Ravines and Downtown. The public hearing will be held on Monday, March 22, 2021 at 7:30PM on Zoom, Meeting link: <https://zoom.us/j/655079760> Meeting ID: 655 079 760.

The reason for calling for a public hearing is the licensee's non-compliance with the following provision of Chapter 10 of the Birmingham City Code:

- **Section 10-40 (7) Licensee's failure to timely pay its taxes or other monies due the City**

At the public hearing you have the right to be represented by counsel, you may present witnesses, evidence and arguments on your behalf and confront adverse witnesses. Any written material you would like considered by the City Commission should be delivered to the City Clerk no later than noon on Monday, Wednesday, March 15, 2021.

The above referenced non-compliance issue was corrected on 2/16/2021. We will announce this at the City commission meeting on March 22, 2021. Now that the violation has been corrected, you are relieved of the obligation to appear before the City Commission but may still attend if you wish. If you have any questions please contact the City Clerk's office at (248) 530-1880.

Respectfully,

Tom Markus
City Manager

Enclosures: Chapter 10 of the Birmingham City Code
February 22, 2021 City Commission Resolution

The city commission may object to renewal of a license for consumption of intoxicating liquor on the premises for one or more of the following reasons:

- (1) Licensee's failure to comply with all applicable city and state laws concerning health, safety, moral conduct or public welfare.
- (2) Licensee's repeated violations of state liquor laws.
- (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:
 - a. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
 - b. A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood;
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining premises;
 - d. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility in the neighborhood of the licensed premises;
 - e. Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises;
 - f. Numerous police contacts with the licensed premises or the patrons of the premises;
 - g. Failure to adequately staff and control the premises; and
 - h. The conditions or practices of the business present immediate health and safety issues.
- (4) Licensee's failure to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of the City Code.
- (5) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license.
- (6) Licensee's failure to comply with all standards and plans established and approved by the city commission at the time of original approval or transfer of the license.
- (7) Licensee's failure to timely pay its taxes or other monies due the city.

(Code 1963, § 7.403(b); Ord. No. 1551, § 7.403(B), 3-15-93; Ord. No. 2067, 8-22-11)

**BIRMINGHAM CITY COMMISSION
REGULAR MEETING
FEBRUARY 22, 2021
RESOLUTION #03-040-21**

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Nickita

RESOLUTION TO SET A PUBLIC HEARING FOR 7:30 PM ON MONDAY, MARCH 22, 2021, THAT WILL BE HELD OVER ZOOM TO CONSIDER WHETHER TO FILE AN OBJECTION WITH THE MICHIGAN LIQUOR CONTROL COMMISSION TO THE RENEWAL OF THE LICENSE FOR CONSUMPTION OF INTOXICATING LIQUOR ON THE PREMISES CURRENTLY HELD BY THE OWNERS/OPERATORS OF HAZEL RAVINES, FOR THE FOLLOWING REASONS: 10-40(7) UNPAID JULY 2020 TAXES OF \$321.69. FURTHER, TO DIRECT THE CITY MANAGER TO NOTIFY THE OWNERS/OPERATORS OF, IN WRITING, THAT THEY MAY SUBMIT ANY WRITTEN MATERIAL FOR CONSIDERATION BY THE CITY COMMISSION PRIOR TO THE DATE OF THE PUBLIC HEARING OR AT THE HEARING, THAT THE LICENSEE MAY APPEAR IN PERSON AT THE HEARING OR BE REPRESENTED BY COUNSEL AND THAT THE LICENSEE MAY PRESENT WITNESSES OR WRITTEN EVIDENCE AT THE HEARING.

PRESENT: Mayor Boutros, Mayor Pro Tem Longe, Commissioners Baller, Hoff, Host, Nickita, Sherman

ABSENT: None

Ayes,	Mayor Boutros Mayor Pro Tem Longe Commissioner Baller Commissioner Hoff Commissioner Host Commissioner Nickita Commissioner Sherman
Nays,	None
Absent,	None

Passed, adopted and approved this 22nd day of February, 2021.

CERTIFICATION

I, Alexandria Bingham, City Clerk, of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on February 22, 2021.



Alexandria Bingham, City Clerk



February 26, 2021

Hyde Park Prime Steakhouse
201 S Old Woodward Ave
Birmingham MI 48009

****VIA CERTIFIED MAIL 7013 3020 0001 0269 9032****

**Re: 2021 Liquor License Renewal – Hyde Park Prime Steakhouse
NOTICE OF PUBLIC HEARING**

At the City Commission meeting of February 22, 2021, the Birmingham City Commission adopted a resolution to hold a public hearing to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by Hyde Park Prime Steakhouse. The public hearing will be held on Monday, March 22, 2021 at 7:30PM on Zoom, Meeting link: <https://zoom.us/j/655079760> Meeting ID: 655 079 760.

The reason for calling for a public hearing is the licensee's non-compliance with the following provision of Chapter 10 of the Birmingham City Code:

- **Section 10-40 (7) Licensee's failure to timely pay its taxes or other monies due the City**

At the public hearing you have the right to be represented by counsel, you may present witnesses, evidence and arguments on your behalf and confront adverse witnesses. Any written material you would like considered by the City Commission should be delivered to the City Clerk no later than noon on Monday, Wednesday, March 15, 2021.

Tax bills can be paid until March 1st to the Treasurer's office at City Hall. After March 1st all payments have to be made to Oakland County Treasurer's office, they can be reached by phone (248) 858-0611 or by email treasurer@oakgov.com.

If the above referenced non-compliance issue is corrected by Wednesday, March 15, please contact Jack Todd at 248-530-1856 or at Jtodd@bhamgov.org. If paid at Oakland County please email your receipt as proof of payment. If the City verifies the violation has been corrected we will announce that at the public hearing and you will be relieved of the obligation to appear before the City Commission.

Respectfully,

Tom Markus
City Manager

c: Chris Lambert, birminghamhp@hydeparkgrille.com
Enclosures: Chapter 10 of the Birmingham City Code
February 22, 2021 City Commission Resolution

The city commission may object to renewal of a license for consumption of intoxicating liquor on the premises for one or more of the following reasons:

- (1) Licensee's failure to comply with all applicable city and state laws concerning health, safety, moral conduct or public welfare.
- (2) Licensee's repeated violations of state liquor laws.
- (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:
 - a. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
 - b. A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood;
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining premises;
 - d. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility in the neighborhood of the licensed premises;
 - e. Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises;
 - f. Numerous police contacts with the licensed premises or the patrons of the premises;
 - g. Failure to adequately staff and control the premises; and
 - h. The conditions or practices of the business present immediate health and safety issues.
- (4) Licensee's failure to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of the City Code.
- (5) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license.
- (6) Licensee's failure to comply with all standards and plans established and approved by the city commission at the time of original approval or transfer of the license.
- (7) Licensee's failure to timely pay its taxes or other monies due the city.

(Code 1963, § 7.403(b); Ord. No. 1551, § 7.403(B), 3-15-93; Ord. No. 2067, 8-22-11)

BIRMINGHAM CITY COMMISSION

REGULAR MEETING

FEBRUARY 22, 2021

RESOLUTION #03-041-21

MOTION: Motion by Mayor Pro Tem Longe, seconded by Commissioner Host

RESOLUTION TO SET A PUBLIC HEARING FOR 7:30 PM ON MONDAY, MARCH 22, 2021, THAT WILL BE HELD OVER ZOOM TO CONSIDER WHETHER TO FILE AN OBJECTION WITH THE MICHIGAN LIQUOR CONTROL COMMISSION TO THE RENEWAL OF THE LICENSE FOR CONSUMPTION OF INTOXICATING LIQUOR ON THE PREMISES CURRENTLY HELD BY THE OWNERS/OPERATORS OF HYDE PARK PRIME STEAKHOUSE, FOR THE FOLLOWING REASONS: 10-40(7) UNPAID DECEMBER 2020 TAXES OF \$5,011.96. FURTHER, TO DIRECT THE CITY MANAGER TO NOTIFY THE OWNERS/OPERATORS OF, IN WRITING, THAT THEY MAY SUBMIT ANY WRITTEN MATERIAL FOR CONSIDERATION BY THE CITY COMMISSION PRIOR TO THE DATE OF THE PUBLIC HEARING OR AT THE HEARING, THAT THE LICENSEE MAY APPEAR IN PERSON AT THE HEARING OR BE REPRESENTED BY COUNSEL AND THAT THE LICENSEE MAY PRESENT WITNESSES OR WRITTEN EVIDENCE AT THE HEARING.

PRESENT: Mayor Boutros, Mayor Pro Tem Longe, Commissioners Baller, Hoff, Host, Nickita, Sherman

ABSENT: None

Ayes,	Mayor Boutros Mayor Pro Tem Longe Commissioner Ballard Commissioner Hoff Commissioner Host Commissioner Nickita Commissioner Sherman
-------	--

Nays,	None
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Absent,	None
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Passed, adopted and approved this 22nd day of February, 2021.

CERTIFICATION

I, Alexandria Bingham, City Clerk, of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on February 22, 2021.



Alexandria Bingham, City Clerk



February 26, 2021

Mad Hatter Bistro
185 N Old Woodward Ave
Birmingham MI 48009

****VIA CERTIFIED MAIL 7013 3020 0001 0269 9049****

**Re: 2021 Liquor License Renewal – Mad Hatter Bistro
NOTICE OF PUBLIC HEARING**

At the City Commission meeting of February 22, 2021, the Birmingham City Commission adopted a resolution to hold a public hearing to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by Mad Hatter Bistro. The public hearing will be held on Monday, March 22, 2021 at 7:30PM on Zoom, Meeting link: <https://zoom.us/j/655079760> Meeting ID: 655 079 760.

The reason for calling for a public hearing is the licensee's non-compliance with the following provision of Chapter 10 of the Birmingham City Code:

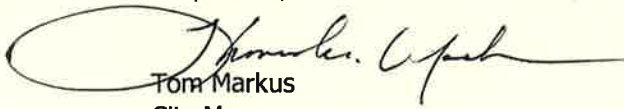
- **Section 10-40 (7) Licensee's failure to timely pay its taxes or other monies due the City**

At the public hearing you have the right to be represented by counsel, you may present witnesses, evidence and arguments on your behalf and confront adverse witnesses. Any written material you would like considered by the City Commission should be delivered to the City Clerk no later than noon on Monday, Wednesday, March 15, 2021.

Tax bills can be paid until March 1st to the Treasurer's office at City Hall. After March 1st all payments have to be made to Oakland County Treasurer's office, they can be reached by phone (248) 858-0611 or by email treasurer@oakgov.com.

If the above referenced non-compliance issue is corrected by Wednesday, March 15, please contact Jack Todd at 248-530-1856 or at Jtodd@bhamgov.org. If paid at Oakland County please email your receipt as proof of payment. If the City verifies the violation has been corrected we will announce that at the public hearing and you will be relieved of the obligation to appear before the City Commission.

Respectfully,



Tom Markus
City Manager

c: Randy Dickow, Randydickow@gmail.com
Enclosures: Chapter 10 of the Birmingham City Code
February 22, 2021 City Commission Resolution

The city commission may object to renewal of a license for consumption of intoxicating liquor on the premises for one or more of the following reasons:

- (1) Licensee's failure to comply with all applicable city and state laws concerning health, safety, moral conduct or public welfare.
- (2) Licensee's repeated violations of state liquor laws.
- (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:
 - a. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
 - b. A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood;
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining premises;
 - d. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility in the neighborhood of the licensed premises;
 - e. Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises;
 - f. Numerous police contacts with the licensed premises or the patrons of the premises;
 - g. Failure to adequately staff and control the premises; and
 - h. The conditions or practices of the business present immediate health and safety issues.
- (4) Licensee's failure to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of the City Code.
- (5) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license.
- (6) Licensee's failure to comply with all standards and plans established and approved by the city commission at the time of original approval or transfer of the license.
- (7) Licensee's failure to timely pay its taxes or other monies due the city.

(Code 1963, § 7.403(b); Ord. No. 1551, § 7.403(B), 3-15-93; Ord. No. 2067, 8-22-11)

**BIRMINGHAM CITY COMMISSION
REGULAR MEETING
FEBRUARY 22, 2021
RESOLUTION #03-042-21**

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Host

RESOLUTION TO SET A PUBLIC HEARING FOR 7:30 PM ON MONDAY, MARCH 22, 2021, THAT WILL BE HELD OVER ZOOM TO CONSIDER WHETHER TO FILE AN OBJECTION WITH THE MICHIGAN LIQUOR CONTROL COMMISSION TO THE RENEWAL OF THE LICENSE FOR CONSUMPTION OF INTOXICATING LIQUOR ON THE PREMISES CURRENTLY HELD BY THE OWNERS/OPERATORS OF MAD HATTER BISTRO, FOR THE FOLLOWING REASONS: 10-40(7) UNPAID JULY 2020 TAXES OF \$7,089.13 AND UNPAID WINTER 2020 TAXES OF \$1,420.68. FURTHER, TO DIRECT THE CITY MANAGER TO NOTIFY THE OWNERS/OPERATORS OF, IN WRITING, THAT THEY MAY SUBMIT ANY WRITTEN MATERIAL FOR CONSIDERATION BY THE CITY COMMISSION PRIOR TO THE DATE OF THE PUBLIC HEARING OR AT THE HEARING, THAT THE LICENSEE MAY APPEAR IN PERSON AT THE HEARING OR BE REPRESENTED BY COUNSEL AND THAT THE LICENSEE MAY PRESENT WITNESSES OR WRITTEN EVIDENCE AT THE HEARING.

PRESENT: Mayor Boutros, Mayor Pro Tem Longe, Commissioners Baller, Hoff, Host, Nickita, Sherman

ABSENT: None

Ayes,	Mayor Boutros Mayor Pro Tem Longe Commissioner Ballard Commissioner Hoff Commissioner Host Commissioner Nickita Commissioner Sherman
Nays,	None
Absent,	None

Passed, adopted and approved this 22nd day of February, 2021.

CERTIFICATION

I, Alexandria Bingham, City Clerk, of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on February 22, 2021.



Alexandria Bingham, City Clerk



February 26, 2021

Pernoi
310 E Maple Rd
Birmingham MI 48009

****VIA: CERTIFIED MAIL #7013 3020 0001 0269 9001****

**Re: 2021 Liquor License Renewal – Pernoi
NOTICE OF PUBLIC HEARING**

At the City Commission meeting of February 22, 2021, the Birmingham City Commission adopted a resolution to hold a public hearing to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by Pernoi. The public hearing will be held on Monday, March 22, 2021 at 7:30 PM on Zoom, Meeting link: <https://zoom.us/j/655079760> Meeting ID: 655 079 760.

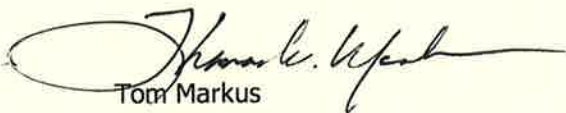
The reason for calling for a public hearing is the licensee's non-compliance with the following provision of Chapter 10 of the Birmingham City Code:

- **Section 10-40 (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:**
 - a. **Existing Violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;**

At the public hearing you have the right to be represented by counsel, you may present witnesses, evidence and arguments on your behalf and confront adverse witnesses. Any written material you would like considered by the City Commission should be delivered to the City Clerk no later than noon on Monday, Wednesday, March 15, 2021.

If the above referenced non-compliance issue is corrected by Wednesday, March 15th, please contact Nick Dupuis at 248-530-1856 to arrange for an inspection. If the City verifies the violation has been corrected we will announce that at the public hearing and you will be relieved of the obligation to appear before the City Commission.

Respectfully,



Tom Markus
City Manager

C: Michelle@baccoristorante.com , prachi@baccoristorante.com
Enclosures: Chapter 10 of the Birmingham City Code
February 22, 2021 City Commission Resolution

The city commission may object to renewal of a license for consumption of intoxicating liquor on the premises for one or more of the following reasons:

- (1) Licensee's failure to comply with all applicable city and state laws concerning health, safety, moral conduct or public welfare.
- (2) Licensee's repeated violations of state liquor laws.
- (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:
 - a. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
 - b. A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood;
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining premises;
 - d. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility in the neighborhood of the licensed premises;
 - e. Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises;
 - f. Numerous police contacts with the licensed premises or the patrons of the premises;
 - g. Failure to adequately staff and control the premises; and
 - h. The conditions or practices of the business present immediate health and safety issues.
- (4) Licensee's failure to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of the City Code.
- (5) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license.
- (6) Licensee's failure to comply with all standards and plans established and approved by the city commission at the time of original approval or transfer of the license.
- (7) Licensee's failure to timely pay its taxes or other monies due the city.

(Code 1963, § 7.403(b); Ord. No. 1551, § 7.403(B), 3-15-93; Ord. No. 2067, 8-22-11)

**BIRMINGHAM CITY COMMISSION
REGULAR MEETING
FEBRUARY 22, 2021
RESOLUTION #03-043-21**

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Host

RESOLUTION TO SET A PUBLIC HEARING FOR 7:30 PM ON MONDAY, MARCH 22, 2021, THAT WILL BE HELD OVER ZOOM TO CONSIDER WHETHER TO FILE AN OBJECTION WITH THE MICHIGAN LIQUOR CONTROL COMMISSION TO THE RENEWAL OF THE LICENSE FOR CONSUMPTION OF INTOXICATING LIQUOR ON THE PREMISES CURRENTLY HELD BY THE OWNERS/OPERATORS OF PERNOI, FOR THE FOLLOWING REASONS: 10-40(3)a OUTDOOR PATIO SET UP WITH ISINGLASS. FURTHER, TO DIRECT THE CITY MANAGER TO NOTIFY THE OWNERS/OPERATORS OF, IN WRITING, THAT THEY MAY SUBMIT ANY WRITTEN MATERIAL FOR CONSIDERATION BY THE CITY COMMISSION PRIOR TO THE DATE OF THE PUBLIC HEARING OR AT THE HEARING, THAT THE LICENSEE MAY APPEAR IN PERSON AT THE HEARING OR BE REPRESENTED BY COUNSEL AND THAT THE LICENSEE MAY PRESENT WITNESSES OR WRITTEN EVIDENCE AT THE HEARING.

PRESENT: Mayor Boutros, Mayor Pro Tem Longe, Commissioners Baller, Hoff, Host, Nickita, Sherman

ABSENT: None

Ayes,	Mayor Boutros Mayor Pro Tem Longe Commissioner Hoff Commissioner Host Commissioner Nickita Commissioner Sherman
Nays,	Commissioner Baller
Absent,	None

Passed, adopted and approved this 22nd day of February, 2021.

CERTIFICATION

I, Alexandria Bingham, City Clerk, of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on February 22, 2021.



Alexandria Bingham, City Clerk



February 26, 2021

Rojo Mexican Bistro
250 E Merrill St
Birmingham MI 48009

****VIA CERTIFIED MAIL 7013 3020 0001 0269 9070****

**Re: 2021 Liquor License Renewal – Rojo Mexican Bistro
NOTICE OF PUBLIC HEARING**

At the City Commission meeting of February 22, 2021, the Birmingham City Commission adopted a resolution to hold a public hearing to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by Rojo Mexican Bistro. The public hearing will be held on Monday, March 22, 2021 at 7:30PM on Zoom, Meeting link: <https://zoom.us/j/655079760> Meeting ID: 655 079 760.

The reason for calling for a public hearing is the licensee's non-compliance with the following provision of Chapter 10 of the Birmingham City Code:

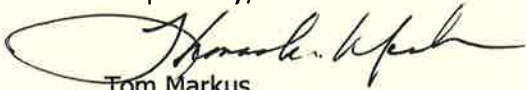
- **Section 10-40 (7) Licensee's failure to timely pay its taxes or other monies due the City**

At the public hearing you have the right to be represented by counsel, you may present witnesses, evidence and arguments on your behalf and confront adverse witnesses. Any written material you would like considered by the City Commission should be delivered to the City Clerk no later than noon on Monday, Wednesday, March 15, 2021.

Tax bills can be paid until March 1st to the Treasurer's office at City Hall. After March 1st all payments have to be made to Oakland County Treasurer's office, they can be reached by phone (248) 858-0611 or by email treasurer@oakgov.com.

If the above referenced non-compliance issue is corrected by Wednesday, March 15, please contact Jack Todd at 248-530-1856 or at Jtodd@bhamgov.org. If paid at Oakland County please email your receipt as proof of payment. If the City verifies the violation has been corrected we will announce that at the public hearing you will be relieved of the obligation to appear before the City Commission.

Respectfully,



Tom Markus
City Manager

c: Stephen Simon, Stevesimon1114@gmail.com
Enclosures: Chapter 10 of the Birmingham City Code
February 22, 2021 City Commission Resolution

The city commission may object to renewal of a license for consumption of intoxicating liquor on the premises for one or more of the following reasons:

- (1) Licensee's failure to comply with all applicable city and state laws concerning health, safety, moral conduct or public welfare.
- (2) Licensee's repeated violations of state liquor laws.
- (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:
 - a. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
 - b. A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood;
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining premises;
 - d. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility in the neighborhood of the licensed premises;
 - e. Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises;
 - f. Numerous police contacts with the licensed premises or the patrons of the premises;
 - g. Failure to adequately staff and control the premises; and
 - h. The conditions or practices of the business present immediate health and safety issues.
- (4) Licensee's failure to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of the City Code.
- (5) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license.
- (6) Licensee's failure to comply with all standards and plans established and approved by the city commission at the time of original approval or transfer of the license.
- (7) Licensee's failure to timely pay its taxes or other monies due the city.

(Code 1963, § 7.403(b); Ord. No. 1551, § 7.403(B), 3-15-93; Ord. No. 2067, 8-22-11)

**BIRMINGHAM CITY COMMISSION
REGULAR MEETING
FEBRUARY 22, 2021
RESOLUTION #03-049-21**

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita

RESOLUTION TO SET A PUBLIC HEARING FOR 7:30 PM ON MONDAY, MARCH 22, 2021, THAT WILL BE HELD OVER ZOOM TO CONSIDER WHETHER TO FILE AN OBJECTION WITH THE MICHIGAN LIQUOR CONTROL COMMISSION TO THE RENEWAL OF THE LICENSE FOR CONSUMPTION OF INTOXICATING LIQUOR ON THE PREMISES CURRENTLY HELD BY THE OWNERS/OPERATORS OF ROJO & SIDECAR, FOR THE FOLLOWING REASONS: 10-40(7) ROJO UNPAID JULY 2020 TAXES OF \$5,073.12, UNPAID WINTER 2020 TAXES OF \$1,016.66, PRIOR-YEAR DELINQUENT PERSONAL PROPERTY TAX OF \$7,306.15 AND DELINQUENT WATER DUE OF \$20,114.92 (TOTAL ROJO UNPAID = \$33,510.85); AND 10-40(7) SIDECAR UNPAID JULY 2020 TAXES OF \$1,094.68 AND PRIOR-YEAR DELINQUENT PERSONAL PROPERTY OF \$1,505.65. FURTHER, TO DIRECT THE CITY MANAGER TO NOTIFY THE OWNERS/OPERATORS OF, IN WRITING, THAT THEY MAY SUBMIT ANY WRITTEN MATERIAL FOR CONSIDERATION BY THE CITY COMMISSION PRIOR TO THE DATE OF THE PUBLIC HEARING OR AT THE HEARING, THAT THE LICENSEE MAY APPEAR IN PERSON AT THE HEARING OR BE REPRESENTED BY COUNSEL AND THAT THE LICENSEE MAY PRESENT WITNESSES OR WRITTEN EVIDENCE AT THE HEARING.

PRESENT: Mayor Boutros, Mayor Pro Tem Longe, Commissioners Baller, Hoff, Host, Nickita, Sherman

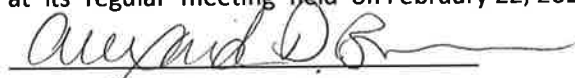
ABSENT: None

Ayes,	Mayor Boutros Mayor Pro Tem Longe Commissioner Baller Commissioner Hoff Commissioner Host Commissioner Nickita Commissioner Sherman
Nays,	None
Absent,	None

Passed, adopted and approved this 22nd day of February, 2021.

CERTIFICATION

I, Alexandria Bingham, City Clerk, of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on February 22, 2021.


Alexandria Bingham, City Clerk



February 26, 2021

Rugby Grille (Townsend Hotel)
100 Townsend St
Birmingham MI 48009

****VIA: CERTIFIED MAIL #7013 3020 0001 0269 9063****

**Re: 2021 Liquor License Renewal – Rugby Grille
NOTICE OF PUBLIC HEARING**

At the City Commission meeting of February 22, 2021, the Birmingham City Commission adopted a resolution to hold a public hearing to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by Rugby Grille. The public hearing will be held on Monday, March 22, 2021 at 7:30 PM on Zoom, Meeting link: <https://zoom.us/j/655079760> Meeting ID: 655 079 760.

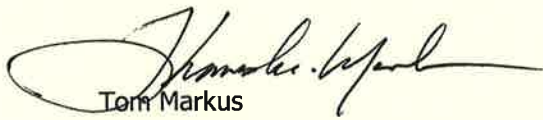
The reason for calling for a public hearing is the licensee's non-compliance with the following provision of Chapter 10 of the Birmingham City Code:

- **Section 10-40 (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:**
 - a. **Existing Violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes**
- (7) Licensee's failure to timely pay its taxes or other monies due the City.**

At the public hearing you have the right to be represented by counsel, you may present witnesses, evidence and arguments on your behalf and confront adverse witnesses. Any written material you would like considered by the City Commission should be delivered to the City Clerk no later than noon on Monday, Wednesday, March 15, 2021.

If the above referenced non-compliance issue is corrected by Wednesday, March 15th, please contact Nick Dupuis at 248-530-1856 to arrange for an inspection. If the City verifies the violation has been corrected we will announce that at the public hearing and you will be relieved of the obligation to appear before the City Commission.

Respectfully,



Tom Markus
City Manager

c: Steve Roth, Sroth@townsendhotel.com
Enclosures: Chapter 10 of the Birmingham City Code
February 22, 2021 City Commission Resolution

The city commission may object to renewal of a license for consumption of intoxicating liquor on the premises for one or more of the following reasons:

- (1) Licensee's failure to comply with all applicable city and state laws concerning health, safety, moral conduct or public welfare.
- (2) Licensee's repeated violations of state liquor laws.
- (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:
 - a. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
 - b. A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood;
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining premises;
 - d. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility in the neighborhood of the licensed premises;
 - e. Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises;
 - f. Numerous police contacts with the licensed premises or the patrons of the premises;
 - g. Failure to adequately staff and control the premises; and
 - h. The conditions or practices of the business present immediate health and safety issues.
- (4) Licensee's failure to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of the City Code.
- (5) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license.
- (6) Licensee's failure to comply with all standards and plans established and approved by the city commission at the time of original approval or transfer of the license.
- (7) Licensee's failure to timely pay its taxes or other monies due the city.

(Code 1963, § 7.403(b); Ord. No. 1551, § 7.403(B), 3-15-93; Ord. No. 2067, 8-22-11)

**BIRMINGHAM CITY COMMISSION
REGULAR MEETING
FEBRUARY 22, 2021
RESOLUTION #03-046-21**

MOTION: Motion by Commissioner Nickita, seconded by Commissioner Hoff

RESOLUTION TO SET A PUBLIC HEARING FOR 7:30 PM ON MONDAY, MARCH 22, 2021, THAT WILL BE HELD OVER ZOOM TO CONSIDER WHETHER TO FILE AN OBJECTION WITH THE MICHIGAN LIQUOR CONTROL COMMISSION TO THE RENEWAL OF THE LICENSE FOR CONSUMPTION OF INTOXICATING LIQUOR ON THE PREMISES CURRENTLY HELD BY THE OWNERS/OPERATORS OF THE TOWNSEND HOTEL-RUGBY GRILLE, FOR THE FOLLOWING REASONS: 10-40(3)a CANVAS SIDES ADDED TO EXISTING CANOPY, AND 10-40(7) UNPAID 2020 SIDEWALK INVOICE OF \$4,172.40. FURTHER, TO DIRECT THE CITY MANAGER TO NOTIFY THE OWNERS/OPERATORS OF, IN WRITING, THAT THEY MAY SUBMIT ANY WRITTEN MATERIAL FOR CONSIDERATION BY THE CITY COMMISSION PRIOR TO THE DATE OF THE PUBLIC HEARING OR AT THE HEARING, THAT THE LICENSEE MAY APPEAR IN PERSON AT THE HEARING OR BE REPRESENTED BY COUNSEL AND THAT THE LICENSEE MAY PRESENT WITNESSES OR WRITTEN EVIDENCE AT THE HEARING.

PRESENT: Mayor Boutros, Mayor Pro Tem Longe, Commissioners Baller, Hoff, Host, Nickita, Sherman

ABSENT: None

Ayes,	Mayor Boutros Mayor Pro Tem Longe Commissioner Baller Commissioner Hoff Commissioner Host Commissioner Nickita Commissioner Sherman
Nays,	None
Absent,	None

Passed, adopted and approved this 22nd day of February, 2021.

CERTIFICATION

I, Alexandria Bingham, City Clerk, of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on February 22, 2021.



Alexandria Bingham, City Clerk



February 26, 2021

Sidecar
117 Willits St
Birmingham MI 48009

****VIA CERTIFIED MAIL 7013 3020 0001 0269 9018****

**Re: 2021 Liquor License Renewal [REDACTED] Sidecar
NOTICE OF PUBLIC HEARING**

At the City Commission meeting of February 22, 2021, the Birmingham City Commission adopted a resolution to hold a public hearing to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by Sidecar. The public hearing will be held on Monday, March 22, 2021 at 7:30PM on Zoom, Meeting link: <https://zoom.us/j/655079760> Meeting ID: 655 079 760.

The reason for calling for a public hearing is the licensee's non-compliance with the following provision of Chapter 10 of the Birmingham City Code:

- **Section 10-40 (7) Licensee's failure to timely pay its taxes or other monies due the City**

At the public hearing you have the right to be represented by counsel, you may present witnesses, evidence and arguments on your behalf and confront adverse witnesses. Any written material you would like considered by the City Commission should be delivered to the City Clerk no later than noon on Monday, Wednesday, March 15, 2021.

Tax bills can be paid until March 1st to the Treasurer's office at City Hall. After March 1st all payments have to be made to Oakland County Treasurer's office, they can be reached by phone (248) 858-0611 or by email treasurer@oakgov.com.

If the above referenced non-compliance issue is corrected by Wednesday, March 15, please contact Jack Todd at 248-530-1856 or at Jtodd@bhamgov.org. If paid at Oakland County please email your receipt as proof of payment. If the City verifies the violation has been corrected we will announce that at the public hearing and you will be relieved of the obligation to appear before the City Commission.

Respectfully,

Tom Markus
City Manager

c: Stephen Simon, Stevesimon1114@gmail.com
Enclosures: Chapter 10 of the Birmingham City Code
February 22, 2021 City Commission Resolution

The city commission may object to renewal of a license for consumption of intoxicating liquor on the premises for one or more of the following reasons:

- (1) Licensee's failure to comply with all applicable city and state laws concerning health, safety, moral conduct or public welfare.
- (2) Licensee's repeated violations of state liquor laws.
- (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:
 - a. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
 - b. A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood;
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining premises;
 - d. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility in the neighborhood of the licensed premises;
 - e. Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises;
 - f. Numerous police contacts with the licensed premises or the patrons of the premises;
 - g. Failure to adequately staff and control the premises; and
 - h. The conditions or practices of the business present immediate health and safety issues.
- (4) Licensee's failure to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of the City Code.
- (5) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license.
- (6) Licensee's failure to comply with all standards and plans established and approved by the city commission at the time of original approval or transfer of the license.
- (7) Licensee's failure to timely pay its taxes or other monies due the city.

(Code 1963, § 7.403(b); Ord. No. 1551, § 7.403(B), 3-15-93; Ord. No. 2067, 8-22-11)

**BIRMINGHAM CITY COMMISSION
REGULAR MEETING
FEBRUARY 22, 2021
RESOLUTION #03-049-21**

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita

RESOLUTION TO SET A PUBLIC HEARING FOR 7:30 PM ON MONDAY, MARCH 22, 2021, THAT WILL BE HELD OVER ZOOM TO CONSIDER WHETHER TO FILE AN OBJECTION WITH THE MICHIGAN LIQUOR CONTROL COMMISSION TO THE RENEWAL OF THE LICENSE FOR CONSUMPTION OF INTOXICATING LIQUOR ON THE PREMISES CURRENTLY HELD BY THE OWNERS/OPERATORS OF ROJO & SIDECAR, FOR THE FOLLOWING REASONS: 10-40(7) ROJO UNPAID JULY 2020 TAXES OF \$5,073.12, UNPAID WINTER 2020 TAXES OF \$1,016.66, PRIOR-YEAR DELINQUENT PERSONAL PROPERTY TAX OF \$7,306.15 AND DELINQUENT WATER DUE OF \$20,114.92 (TOTAL ROJO UNPAID = \$33,510.85); AND 10-40(7) SIDECAR UNPAID JULY 2020 TAXES OF \$1,094.68 AND PRIOR-YEAR DELINQUENT PERSONAL PROPERTY OF \$1,505.65. FURTHER, TO DIRECT THE CITY MANAGER TO NOTIFY THE OWNERS/OPERATORS OF, IN WRITING, THAT THEY MAY SUBMIT ANY WRITTEN MATERIAL FOR CONSIDERATION BY THE CITY COMMISSION PRIOR TO THE DATE OF THE PUBLIC HEARING OR AT THE HEARING, THAT THE LICENSEE MAY APPEAR IN PERSON AT THE HEARING OR BE REPRESENTED BY COUNSEL AND THAT THE LICENSEE MAY PRESENT WITNESSES OR WRITTEN EVIDENCE AT THE HEARING.

PRESENT: Mayor Boutros, Mayor Pro Tem Longe, Commissioners Baller, Hoff, Host, Nickita, Sherman

ABSENT: None

Ayes,	Mayor Boutros Mayor Pro Tem Longe Commissioner Baller Commissioner Hoff Commissioner Host Commissioner Nickita Commissioner Sherman
Nays,	None
Absent,	None

Passed, adopted and approved this 22nd day of February, 2021.

CERTIFICATION

I, Alexandria Bingham, City Clerk, of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on February 22, 2021.



Alexandria Bingham, City Clerk



February 26, 2021

Social Kitchen & Bar
225 Maple
Birmingham MI 48009

****VIA CERTIFIED MAIL 7013 3020 0001 0269 8981****

**Re: 2021 Liquor License Renewal – Social Kitchen & Bar
NOTICE OF PUBLIC HEARING**

At the City Commission meeting of February 22, 2021, the Birmingham City Commission adopted a resolution to hold a public hearing to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by Social Kitchen & Bar. The public hearing will be held on Monday, March 22, 2021 at 7:30PM on Zoom, Meeting link: <https://zoom.us/j/655079760> Meeting ID: 655 079 760.

The reason for calling for a public hearing is the licensee's non-compliance with the following provision of Chapter 10 of the Birmingham City Code:

- **Section 10-40 (7) Licensee's failure to timely pay its taxes or other monies due the City**

At the public hearing you have the right to be represented by counsel, you may present witnesses, evidence and arguments on your behalf and confront adverse witnesses. Any written material you would like considered by the City Commission should be delivered to the City Clerk no later than noon on Monday, Wednesday, March 15, 2021.

The above referenced non-compliance issue was corrected on 2/26/2021. We will announce this at the City commission meeting on March 22, 2021. Now that the violation has been corrected, you are relieved of the obligation to appear before the City Commission but may still attend if you wish. If you have any questions please contact the City Clerk's office at (248) 530-1880.

Respectfully,

Tom Markus
City Manager

Enclosures: Chapter 10 of the Birmingham City Code
February 22, 2021 City Commission Resolution

The city commission may object to renewal of a license for consumption of intoxicating liquor on the premises for one or more of the following reasons:

- (1) Licensee's failure to comply with all applicable city and state laws concerning health, safety, moral conduct or public welfare.
- (2) Licensee's repeated violations of state liquor laws.
- (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:
 - a. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
 - b. A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood;
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining premises;
 - d. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility in the neighborhood of the licensed premises;
 - e. Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises;
 - f. Numerous police contacts with the licensed premises or the patrons of the premises;
 - g. Failure to adequately staff and control the premises; and
 - h. The conditions or practices of the business present immediate health and safety issues.
- (4) Licensee's failure to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of the City Code.
- (5) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license.
- (6) Licensee's failure to comply with all standards and plans established and approved by the city commission at the time of original approval or transfer of the license.
- (7) Licensee's failure to timely pay its taxes or other monies due the city.

(Code 1963, § 7.403(b); Ord. No. 1551, § 7.403(B), 3-15-93; Ord. No. 2067, 8-22-11)

**BIRMINGHAM CITY COMMISSION
REGULAR MEETING
FEBRUARY 22, 2021
RESOLUTION #03-044-21**

MOTION: Motion by Commissioner Nickita, seconded by Commissioner Hoff

RESOLUTION TO SET A PUBLIC HEARING FOR 7:30 PM ON MONDAY, MARCH 22, 2021, THAT WILL BE HELD OVER ZOOM TO CONSIDER WHETHER TO FILE AN OBJECTION WITH THE MICHIGAN LIQUOR CONTROL COMMISSION TO THE RENEWAL OF THE LICENSE FOR CONSUMPTION OF INTOXICATING LIQUOR ON THE PREMISES CURRENTLY HELD BY THE OWNERS/OPERATORS OF SOCIAL KITCHEN & BAR, FOR THE FOLLOWING REASONS: 10-40(7) UNPAID JULY 2020 TAX PENALTY OF \$47.77. FURTHER, TO DIRECT THE CITY MANAGER TO NOTIFY THE OWNERS/OPERATORS OF, IN WRITING, THAT THEY MAY SUBMIT ANY WRITTEN MATERIAL FOR CONSIDERATION BY THE CITY COMMISSION PRIOR TO THE DATE OF THE PUBLIC HEARING OR AT THE HEARING, THAT THE LICENSEE MAY APPEAR IN PERSON AT THE HEARING OR BE REPRESENTED BY COUNSEL AND THAT THE LICENSEE MAY PRESENT WITNESSES OR WRITTEN EVIDENCE AT THE HEARING.

PRESENT: Mayor Boutros, Mayor Pro Tem Longe, Commissioners Baller, Hoff, Host, Nickita, Sherman

ABSENT: None

Ayes,	Mayor Boutros Mayor Pro Tem Longe Commissioner Baller Commissioner Hoff Commissioner Host Commissioner Nickita Commissioner Sherman
Nays,	None
Absent,	None

Passed, adopted and approved this 22nd day of February, 2021.

CERTIFICATION

I, Alexandria Bingham, City Clerk, of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on February 22, 2021.



Alexandria Bingham, City Clerk



February 26, 2021

Tallulah Wine Bar & Bistro
155 S Bates ST #201
Birmingham MI 48009

****VIA CERTIFIED MAIL 7013 3020 0001 0269 9094****

**Re: 2021 Liquor License Renewal – Tallulah Wine Bar & Bistro
NOTICE OF PUBLIC HEARING**

At the City Commission meeting of February 22, 2021, the Birmingham City Commission adopted a resolution to hold a public hearing to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by Tallulah Wine Bar & Bistro. The public hearing will be held on Monday, March 22, 2021 at 7:30PM on Zoom, Meeting link: <https://zoom.us/j/655079760> Meeting ID: 655 079 760.

The reason for calling for a public hearing is the licensee's non-compliance with the following provision of Chapter 10 of the Birmingham City Code:

- **Section 10-40 (7) Licensee's failure to timely pay its taxes or other monies due the City**

At the public hearing you have the right to be represented by counsel, you may present witnesses, evidence and arguments on your behalf and confront adverse witnesses. Any written material you would like considered by the City Commission should be delivered to the City Clerk no later than noon on Monday, Wednesday, March 15, 2021.

The above referenced non-compliance issue was corrected on 2/22/2021. We will announce this at the City commission meeting on March 22, 2021. Now that the violation has been corrected, you are relieved of the obligation to appear before the City Commission but may still attend if you wish. If you have any questions please contact the City Clerk's office at (248) 530-1880.

Respectfully,

Tom Markus
City Manager

C: Marjan Camaj, Mcamaj@tallulahwine.com
Enclosures: Chapter 10 of the Birmingham City Code
February 22, 2021 City Commission Resolution

The city commission may object to renewal of a license for consumption of intoxicating liquor on the premises for one or more of the following reasons:

- (1) Licensee's failure to comply with all applicable city and state laws concerning health, safety, moral conduct or public welfare.
- (2) Licensee's repeated violations of state liquor laws.
- (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:
 - a. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
 - b. A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood;
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining premises;
 - d. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility in the neighborhood of the licensed premises;
 - e. Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises;
 - f. Numerous police contacts with the licensed premises or the patrons of the premises;
 - g. Failure to adequately staff and control the premises; and
 - h. The conditions or practices of the business present immediate health and safety issues.
- (4) Licensee's failure to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of the City Code.
- (5) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license.
- (6) Licensee's failure to comply with all standards and plans established and approved by the city commission at the time of original approval or transfer of the license.
- (7) Licensee's failure to timely pay its taxes or other monies due the city.

(Code 1963, § 7.403(b); Ord. No. 1551, § 7.403(B), 3-15-93; Ord. No. 2067, 8-22-11)

**BIRMINGHAM CITY COMMISSION
REGULAR MEETING
FEBRUARY 22, 2021
RESOLUTION #03-045-21**

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Host

RESOLUTION TO SET A PUBLIC HEARING FOR 7:30 PM ON MONDAY, MARCH 22, 2021, THAT WILL BE HELD OVER ZOOM TO CONSIDER WHETHER TO FILE AN OBJECTION WITH THE MICHIGAN LIQUOR CONTROL COMMISSION TO THE RENEWAL OF THE LICENSE FOR CONSUMPTION OF INTOXICATING LIQUOR ON THE PREMISES CURRENTLY HELD BY THE OWNERS/OPERATORS OF TALLULAH WINE BAR & BISTRO, FOR THE FOLLOWING REASONS: 10-40(7) UNPAID 2020 WINTER TAXES OF \$463.95. FURTHER, TO DIRECT THE CITY MANAGER TO NOTIFY THE OWNERS/OPERATORS OF, IN WRITING, THAT THEY MAY SUBMIT ANY WRITTEN MATERIAL FOR CONSIDERATION BY THE CITY COMMISSION PRIOR TO THE DATE OF THE PUBLIC HEARING OR AT THE HEARING, THAT THE LICENSEE MAY APPEAR IN PERSON AT THE HEARING OR BE REPRESENTED BY COUNSEL AND THAT THE LICENSEE MAY PRESENT WITNESSES OR WRITTEN EVIDENCE AT THE HEARING.

PRESENT: Mayor Boutros, Mayor Pro Tem Longe, Commissioners Baller, Hoff, Host, Nickita, Sherman

ABSENT: None

Ayes,	Mayor Boutros Mayor Pro Tem Longe Commissioner Baller Commissioner Hoff Commissioner Host Commissioner Nickita Commissioner Sherman
Nays,	None
Absent,	None

Passed, adopted and approved this 22nd day of February, 2021.

CERTIFICATION

I, Alexandria Bingham, City Clerk, of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on February 22, 2021.



Alexandria Bingham, City Clerk



February 26, 2021

Vinoteca Birmingham
210 S Old Woodward Ave
Birmingham MI 48009

****VIA CERTIFIED MAIL 7013 3020 0001 0269 9087****

**Re: 2021 Liquor License Renewal – Vinoteca Birmingham
NOTICE OF PUBLIC HEARING**

At the City Commission meeting of February 22, 2021, the Birmingham City Commission adopted a resolution to hold a public hearing to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by Vinoteca Birmingham. The public hearing will be held on Monday, March 22, 2021 at 7:30PM on Zoom, Meeting link: <https://zoom.us/j/655079760> Meeting ID: 655 079 760.

The reason for calling for a public hearing is the licensee's non-compliance with the following provision of Chapter 10 of the Birmingham City Code:

- **Section 10-40 (7) Licensee's failure to timely pay its taxes or other monies due the City**

At the public hearing you have the right to be represented by counsel, you may present witnesses, evidence and arguments on your behalf and confront adverse witnesses. Any written material you would like considered by the City Commission should be delivered to the City Clerk no later than noon on Monday, Wednesday, March 15, 2021.

The above referenced non-compliance issue was corrected on 2/24/2021. We will announce this at the City commission meeting on March 22, 2021. Now that the violation has been corrected, you are relieved of the obligation to appear before the City Commission but may still attend if you wish. If you have any questions please contact the City Clerk's office at (248) 530-1880.

Respectfully,

Tom Markus
City Manager

C: Kristin Jonna, Kristin@vinoteca.com
Enclosures: Chapter 10 of the Birmingham City Code
February 22, 2021 City Commission Resolution

The city commission may object to renewal of a license for consumption of intoxicating liquor on the premises for one or more of the following reasons:

- (1) Licensee's failure to comply with all applicable city and state laws concerning health, safety, moral conduct or public welfare.
- (2) Licensee's repeated violations of state liquor laws.
- (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:
 - a. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
 - b. A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood;
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining premises;
 - d. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility in the neighborhood of the licensed premises;
 - e. Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises;
 - f. Numerous police contacts with the licensed premises or the patrons of the premises;
 - g. Failure to adequately staff and control the premises; and
 - h. The conditions or practices of the business present immediate health and safety issues.
- (4) Licensee's failure to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of the City Code.
- (5) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license.
- (6) Licensee's failure to comply with all standards and plans established and approved by the city commission at the time of original approval or transfer of the license.
- (7) Licensee's failure to timely pay its taxes or other monies due the city.

(Code 1963, § 7.403(b); Ord. No. 1551, § 7.403(B), 3-15-93; Ord. No. 2067, 8-22-11)

**BIRMINGHAM CITY COMMISSION
REGULAR MEETING
FEBRUARY 22, 2021
RESOLUTION #03-047-21**

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Host

RESOLUTION TO SET A PUBLIC HEARING FOR 7:30 PM ON MONDAY, MARCH 22, 2021, THAT WILL BE HELD OVER ZOOM TO CONSIDER WHETHER TO FILE AN OBJECTION WITH THE MICHIGAN LIQUOR CONTROL COMMISSION TO THE RENEWAL OF THE LICENSE FOR CONSUMPTION OF INTOXICATING LIQUOR ON THE PREMISES CURRENTLY HELD BY THE OWNERS/OPERATORS OF VINOTECCA, FOR THE FOLLOWING REASONS: 10-40(7) UNPAID TAX WINTER TAXES OF \$1,294.86. FURTHER, TO DIRECT THE CITY MANAGER TO NOTIFY THE OWNERS/OPERATORS OF, IN WRITING, THAT THEY MAY SUBMIT ANY WRITTEN MATERIAL FOR CONSIDERATION BY THE CITY COMMISSION PRIOR TO THE DATE OF THE PUBLIC HEARING OR AT THE HEARING, THAT THE LICENSEE MAY APPEAR IN PERSON AT THE HEARING OR BE REPRESENTED BY COUNSEL AND THAT THE LICENSEE MAY PRESENT WITNESSES OR WRITTEN EVIDENCE AT THE HEARING.

PRESENT: Mayor Boutros, Mayor Pro Tem Longe, Commissioners Baller, Hoff, Host, Nickita, Sherman

ABSENT: None

Ayes,	Mayor Boutros Mayor Pro Tem Longe Commissioner Baller Commissioner Hoff Commissioner Host Commissioner Nickita Commissioner Sherman
Nays,	None
Absent,	None

Passed, adopted and approved this 22nd day of February, 2021.

CERTIFICATION

I, Alexandria Bingham, City Clerk, of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on February 22, 2021.



Alexandria Bingham, City Clerk



MEMORANDUM

Planning Department

DATE: March 22nd, 2021

TO: Tom Markus, City Manager

FROM: Brooks Cowan, City Planner

APPROVED: Jana Ecker, Planning Director

SUBJECT: Lot Combination of 34350 Woodward Avenue and 907-911 Haynes Street, Parcel # 19-36-281-022 - T2N, R10E, SEC 36 BOWERS ADD LOT 3 EXC THAT PART TAKEN FOR HWY, ALL OF LOTS 4 & 5, ALSO LOT 6 EXC ELY PART BEG AT NE LOT COR, TH W 1.35 FT ALG N LOT LINE, TH SLY 65.50 FT PARA TO E LOT LINE, TH SELY 52.89 FT TO SE LOT COR, TH NLY ALG LOT LINE TO BEG and Parcel # 19-36-281-030 – T2N, R10E, SEC 36 BOWERS ADD ELY PART OF LOT 6 BEG AT NE LOT COR, TH WLY 1.35 FT ALG N LOT LINE, TH S 01-00-00 W 65.50 FT PARA TO E LOT LINE, TH SELY 52.89 FT TO SE LOT COR, TH NLY 118.42 FT ALG E LOT LINE TO BEG, ALSO ALL OF LOTS 7, 8 & 9, ALSO WLY PART OF LOT 10 MEAS 10.14 FT ALG N LOT LINE & 10.58 FT ALG S LOT LINE

INTRODUCTION:

The owner of 34350 Woodward Avenue and 907-911 Haynes Street is seeking approval for a lot combination of two parcels into one in order to accommodate additional parking for the Fred Lavery Porsche Dealership. Auto sales agencies and auto show rooms within the Triangle District's MU-5 and MU-7 Zone require a Special Land Use Permit (SLUP) which the applicant obtained on November 8th, 2010 for the 34350 Woodward parcel only.

BACKGROUND:

On January 22nd, 2021, the applicant appeared before City Commission for lot combination review. Expanding the use of an auto sales agencies in the Triangle Overlay requires SLUP approval and requires the property to be brought into conformity with the Triangle Overlay zoning standards. At the time, the applicant had yet to obtain SLUP approval for the expansion, the proposed site plan for the lot combination did not conform with the Triangle Overlay zoning standards, and the applicant had yet to obtain the necessary variances to address the non-conformities created by the proposed site plan for the lot combination.

The Planning Division suggested postponement of the proposed lot combination due to the non-conformities created by the lot combination and the required variances which had yet to be sorted out by the Planning Board, City Commission, and Board of Zoning Appeals. Postponement was also suggested because the applicant had indicated an interest in reaching an agreement with the City to meet the Worth Street extension recommendations of the Triangle District Plan, though

the suggested terms of the agreement by the applicant had yet to be finalized and staff had raised a number of issues with proposals in the applicant's suggested agreement.

The City Commission postponed a decision for the applicant's lot combination after review and discussion of the lot combination requirements, the recommendations in the Triangle District Plan, and the suggested agreement from the applicant for the Worth Street extension. City staff was then directed to work with the applicant and attempt to reach an agreement that is amenable for both parties involved.

Since then, City staff has had a number of discussions with the applicant regarding the lot combination, however both sides have yet to reach amenable terms with which staff would be comfortable moving forward.

LEGAL REVIEW:

The City Attorney is in the process of working with the applicant and reviewing terms of agreement for the proposed Worth Street extension.

FISCAL IMPACT:

The lot combination may have a fiscal impact if the City chooses to pursue the Worth Street extension as recommended in the Triangle District Plan.

PUBLIC COMMUNICATIONS:

Prior to the application being considered by the City Commission, the City Clerk's office will send out notices to all property owners and tenants within 300 feet of both 34350 Woodward Avenue and 907-911 Haynes Street seeking public comment on the proposal.

SUMMARY:

The Planning Division finds that the proposed lot combination is not consistent with the Zoning Ordinance, nor the applicable Master Plan for the Triangle District due to the expansion of a surface parking lot. The applicant has indicated an interest in reaching an agreement with the City for the Worth Street extension, however City staff have yet to reach amicable terms with the applicant. Lot combination approval is not recommended at this time.

City staff also recommends that the City Commission consider discussing their interest in pursuing the Worth Street extension recommendations from the Triangle District. If the City Commission finds that the recommendations of the Worth Street extension should be pursued, it is recommended that some direction be provided to the applicant and the Planning Board for consideration if the applicant chooses to pursue their Special Land Use Permit.

ATTACHMENTS:

- January 22nd, 2021 Memo with Lot Combination Summary
- Proposed Site Plan (Initial)
- Proposed Lot Combination Agreement from applicant
- Letter to Planning Department and Commission from applicant dated 12.17.2020
- Application
- Letter to the City dated 08.27.2020
- Proof of ownership
- Registered Land Surveys

- Relevant Planning Board and City Commission minutes for prior SLUP hearings from 2010, 2016, and 2020 related to 34350 Woodward (Formerly 835 Haynes Street)

SUGGESTED ACTION:

To postpone the proposed lot combination hearing and direct City staff to continue to work with the applicant on a mutually acceptable agreement for future review by the City Commission.

DATE: January 25th, 2021

TO: Thomas Markus, City Manager

FROM: Brooks Cowan, City Planner

APPROVED: Jana Ecker, Planning Director

SUBJECT: **Revised Report and Draft Agreement - Lot Combination of 34350 Woodward Avenue and 907-911 Haynes Street, Parcel # 19-36-281-022 - T2N, R10E, SEC 36 BOWERS ADD LOT 3 EXC THAT PART TAKEN FOR HWY, ALL OF LOTS 4 & 5, ALSO LOT 6 EXC ELY PART BEG AT NE LOT COR, TH W 1.35 FT ALG N LOT LINE, TH SLY 65.50 FT PARA TO E LOT LINE, TH SELY 52.89 FT TO SE LOT COR, TH NLY ALG LOT LINE TO BEG and Parcel # 19-36-281-030 – T2N, R10E, SEC 36 BOWERS ADD ELY PART OF LOT 6 BEG AT NE LOT COR, TH WLY 1.35 FT ALG N LOT LINE, TH S 01-00-00 W 65.50 FT PARA TO E LOT LINE, TH SELY 52.89 FT TO SE LOT COR, TH NLY 118.42 FT ALG E LOT LINE TO BEG, ALSO ALL OF LOTS 7, 8 & 9, ALSO WLY PART OF LOT 10 MEAS 10.14 FT ALG N LOT LINE & 10.58 FT ALG S LOT LINE**

INTRODUCTION:

The owner of 34350 Woodward Avenue and 907-911 Haynes Street is seeking approval for a lot combination of two parcels into one in order to accommodate additional parking for the Fred Lavery Porsche Dealership. Auto sales agencies and auto show rooms within the MU-5 and MU-7 Zone require a Special Land Use Permit (SLUP), which the applicant obtained November 8th, 2010 for the 34350 Woodward parcel only.

On December 21st, 2020, the applicant requested that the item be postponed in order to allow the City Commission more time to review information submitted by the applicant, and to allow time for the applicant to meet with the City Manager to work towards reaching an agreement with the City. After meeting with the City to discuss issues with the lot combination and the intent of the Triangle District Plan, the applicant has proposed an agreement with the City which is attached for your review.

The proposed agreement involves a number of conditions, the most relevant being that the applicant has proposed to convey 60 feet of the easternmost portion of the 907-911 Haynes property to the City in exchange for the City granting approval of the lot combination AND conveying the portion of Elm Street on the west side of the Porsche dealership to the applicant, with the City being required to pay for all pavement removal and relocation of utilities within this portion of Elm Street. A draft of the proposed agreement proffered by the applicant was forward to the City Attorney, as well as the Engineering and Planning Departments for review and consideration. **City staff have reviewed the proposed agreement and have identified a**

number of issues that require further discussion and direction from the City Commission. A full report of these issues is included below following the summary of the lot combination requirements.

BACKGROUND:

The subject properties are located on the northeast corner of the intersection at Haynes Street, Elm Street, and Woodward Avenue. The Fred Lavery Porsche Dealership is located at 34350 Woodward while a two story commercial building is located at 907-911 Haynes Street. The applicant is proposing to combine the two parcels, demolish the current building at 907-911 Haynes, and expand the surface parking lot to accommodate more parking and display space for the Fred Lavery Porsche dealership. Auto sales agencies and auto show rooms within the MU-5 and MU-7 Zone require a Special Land Use Permit (SLUP), which the applicant obtained November 8th, 2010 for the 34350 Woodward parcel only. **The applicant has yet to obtain SLUP approval for the proposed expansion of the auto sales agency.**

In 2016, the applicant received a temporary SLUP amendment to use the 907-911 Haynes property as an office for the Porsche sales and management team for one year while renovations were made to the Porsche dealership at 34350 Woodward. Conditions of approval were that the applicant could not have cars for sale parked on 907-911 Haynes Street and that the applicant provide proof of adequate parking lot landscaping. On January 22nd, 2020, the applicant appeared before the Planning Board for a SLUP amendment which included the proposed lot combination for expanding the parking lot for auto sales, but no motion was finalized due to the applicant withdrawing their application during the meeting.

At this time, the applicant has submitted an application for a lot combination and has requested to appear before the City Commission for a decision on the proposed lot combination prior to appearing before the Planning Board for a review and recommendation on the site plan and SLUP. **As noted above, the applicant has now proposed an agreement with the City in an attempt to meet the recommendations of the Triangle District Plan and obtain lot combination approval.**

The Combination of Land Parcels Ordinance (Chapter 102, Section 102-83) requires that the following standards be met for approval of a lot combination.

- (1) The Combination will result in lots or parcels of land consistent with the character of the area where the property is located, Chapter 126 of this Code for the zone district in which the property is located, and all applicable master land use plans.*

In regards to character of the area, the property is located within the City's Triangle District. The area is surrounded by a variety of uses and buildings ranging from one story to five stories in height which are mostly surrounded by surface parking.

In regards to zoning, 34350 Woodward is zoned MU-7 in the Triangle Overlay District while 907-911 Haynes Street is zoned MU-5. Both parcels are zoned B-2 in the underlying Zoning District. As previously mentioned, auto sales and auto showrooms are permitted with approval of a Special Land Use Permit in the MU-5 and MU-7 Zones. The subject property's SLUP application in 2010 was for one parcel only at 34350 Woodward and expanding the auto sales and auto showroom use requires a SLUP amendment. **The applicant appeared before the Planning Board on January 22nd, 2020 for a SLUP amendment to expand the auto showroom use, but withdrew their**

application during the meeting. Therefore, the applicant has yet to obtain SLUP approval to expand the use of the auto show room and auto sales.

Article 3, Section 3.06(A)(3) of the Zoning Ordinance states that *"Any expansion to an existing use or building that requires site plan approval from the Planning Board shall be subject to the requirements of the Triangle Overlay District and shall be brought into compliance with the requirements of the Triangle Overlay District."* **No changes to the building footprint for the Fred Lavery Porsche Dealership have been proposed. Therefore, it does not appear that the proposed site plan complies with the requirements of Triangle Overlay District.**

In regards to front yard and building frontage requirements for the Triangle Overlay District, the MU-5 and MU-7 Zones require that the building façade be built within 5 feet of the frontage line for a minimum of 75% of the street frontage length. The proposed lot combination does not indicate a building with a front setback within 5 feet for 75% of the street frontage along Elm and Haynes. **Therefore the proposed site that would be created by the lot combination does not satisfy the front yard and building frontage standards and thus is not compliant with the Triangle Overlay District requirements.**

In regards to building height requirements for the Triangle Overlay District, the MU-5 and MU-7 Zones require a minimum of three stories for building height. **The proposed lot combination indicates a one story building with surface parking only, and therefore does not satisfy the minimum building height standards and thus is not in compliance with the Triangle Overlay District requirements.**

In regards to the placement of the building and parking, Article 3.06(G)(1)(b) requires that corner lots have the building located at the corner of the lot adjacent to the intersection, and that no more than 60 feet of the frontage be occupied by parking. The proposed lot combination does not indicate a building at the corner of the lot adjacent to the intersection, nor does the proposed lot combination indicate 60 feet or less of parking along the frontage line. **Therefore, the proposed site that would be created by the lot combination does not satisfy the parking and building requirements of the Triangle Overlay District.**

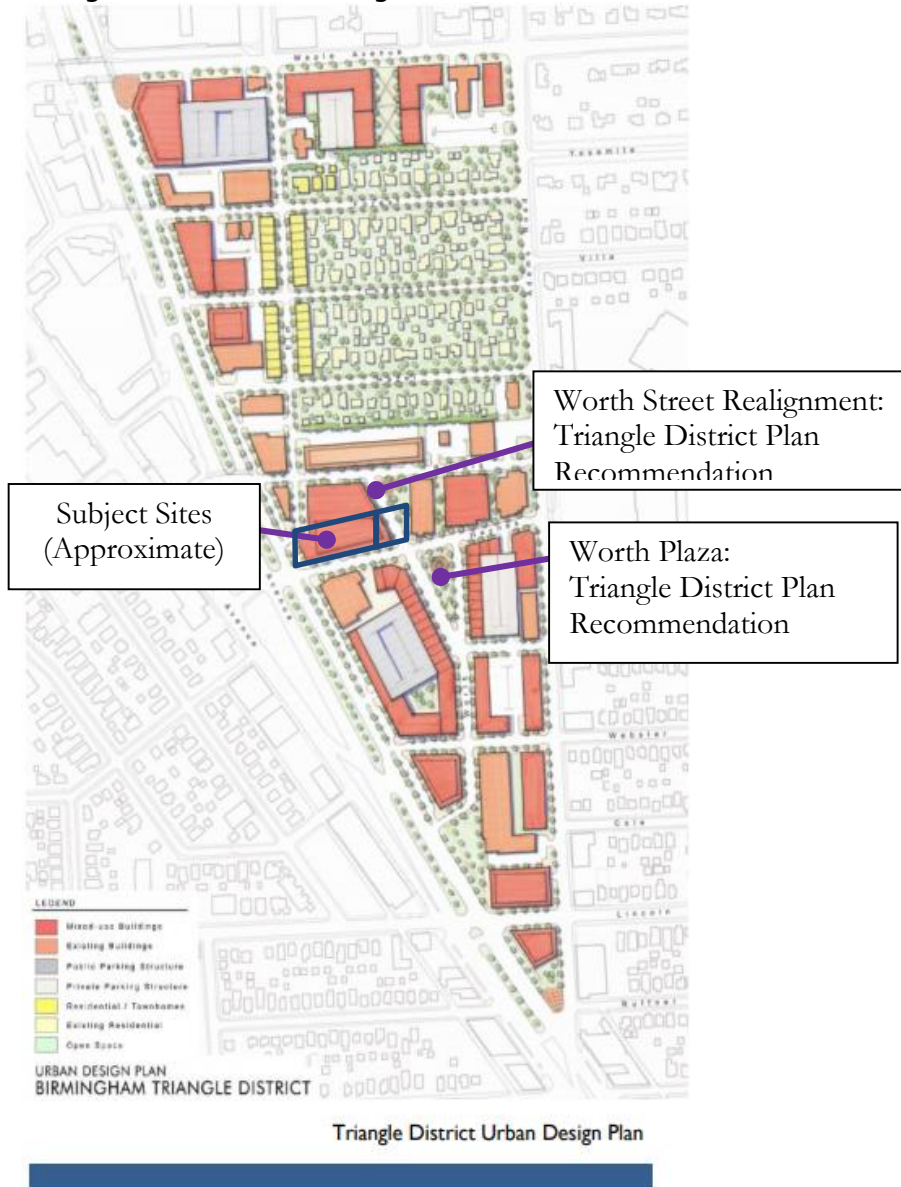
In regards to applicable Master Plans, the Triangle District Plan recommends infill development and redevelopment while advocating for an increase in building density to replace the large surface parking areas that currently exist. **The applicant's lot combination is proposed for the purpose of expanding surface parking which does not align with the recommendations of the Triangle District Plan.**

It is also of note that the Triangle District Plan recommends that Worth Street be realigned to connect Bowers Street to the proposed Worth Plaza to improve connectivity within the Triangle District as pictured below in Figure 1, which the proposed site plan does not accommodate. The Triangle District Plan recommends the realignment of Worth Street through the rear of the Walgreens parking lot as well as through the subject properties located between Haynes and Bowers included in the proposed lot combination.

In 2012, the City approved a donation of land from Walgreens to the City along Worth Street as a condition of their SLUP approval in order to work towards the recommendations to create Worth Plaza and realign Worth Street as recommended in the Triangle District Plan. The

proposed lot combination and request for site plan changes and an expansion of the SLUP at 34350 Woodward to include 907-911 Haynes provides an opportunity for the City to reach a similar agreement with the current applicant during the SLUP and lot combination process to continue the Worth Street realignment and extension north of the triangular City-owned property donated by Walgreens as a condition of their prior SLUP approval.

Figure 1: Triangle District Urban Design Plan



In regards to the Draft Master Plan which is currently under review, the plan makes no mention of extending Worth Street from Haynes to Bowers, however the renderings related to the proposed Haynes Square in the Draft Master Plan and connection to Worth Plaza suggest an infill of commercial space instead of a road extension at the applicant's site.

Accordingly, the lot combination proposal does not meet the requirements of #1.

(2) *All residential lots formed as a result of a combination shall be a maximum width of no*

more than twice the average lot width of all lots in the same zone district within 300 feet on the same street.

The proposed combination is commercial, not residential, therefore this requirement is not applicable.

- (3) *All residential lots formed as a result of a combination shall be a maximum area of no more than twice the average lot area of all lots in the same zone district within 300 feet on the same street.*

The proposed combination is commercial, not residential, therefore this requirement is not applicable.

- (4) *The combination will result in building envelopes on the combined parcels that will allow for the placement of buildings and structures in a manner consistent with the existing rhythm and pattern of development within 500 feet in all directions in the same zone district.*

The Triangle District has a variety of buildings types ranging in height and size, many of which are surrounded by large surface parking lots. **Given the existing conditions of the lower Triangle District, the proposed lot combination and building envelope appear to meet this requirement.**

- (5) *Any due or unpaid taxes or special assessments upon the property have been paid in full.*

There are no outstanding taxes due on this property. **The proposal meets this requirement.**

- (6) *The combination will not adversely affect the interest of the public or the abutting property owners. In making this determination, the City Commission shall consider, but not be limited to the following:*

a.) The location of proposed buildings or structures, the location and nature of vehicular ingress or egress so that the use or appropriate development of adjacent land or buildings will not be hindered, nor the value thereof impaired.

Based upon the initial lot combination application submitted, the proposed site plan does not appear to have a significant impact on vehicular ingress and egress, the development of adjacent buildings, or hinder the value of adjacent properties.

However, the agreement now proffered by the applicant appears to have a significant impact on vehicular ingress and egress if approved, as it proposes vacating the southern portion of Elm Street for private commercial development. The portion of Elm Street that the applicant suggests the City transfer to private ownership is the existing roadway that allows northbound traffic on Woodward to continue north on Elm Street, and allows southbound traffic on Elm Street to turn onto northbound Woodward Avenue. The proposed agreement also proposes that the applicant convey a portion of the 907 – 911 Haynes parcel to the City to provide an opportunity for the City to extend Worth Street to Bowers Street in the future, which may have a significant impact on the ingress and egress to the property and have a significant

impact on the use, development and value of adjacent properties. **Given the beginning stage of the applicant's proposal and the lack of adequate review for the SLUP by appropriate reviewing bodies, including the Engineering Department, the Planning Board, and the City Commission, it is yet to be determined whether the proposed agreement satisfies this requirement.**

b.) The effect of the proposed combination upon any floodplain areas, wetlands and other natural features and the ability of the applicant to develop a buildable site on the resulting parcel without unreasonable disturbances of such natural features.

The property is not located in a floodplain or wetlands, nor adjacent to a floodplain or wetlands.

c.) The location, size, density and site layout of any proposed structures or buildings as they may impact an adequate supply of light and air to adjacent properties and the capacity of essential public facilities such as police and fire protection, drainage structures, municipal sanitary sewer and water, and refuse disposal.

The initial lot combination application submitted does not appear to impact the supply of light and air to adjacent properties or the ability of the City to provide essential services. However, the lot combination agreement proposed by the applicant appears to have a significant impact on drainage structures, municipal sanitary sewer and water, and refuse disposal. The Engineering Department has indicated that there are a number of utilities located below the proposed conveyance parcel on the southern portion of Elm Street which the applicant wishes to obtain ownership of in their proposed lot combination agreement. Article III, Section 2 of the proposed agreement requires that the City give the applicant the area on South Elm Street west of the Porsche dealership, and that the City be solely responsible for costs related to removing all pavement from the road and relocating all utilities above and below the subject area. The Engineering Department has indicated this would be very expensive for the City to do so. **Therefore, the proposed agreement does not appear to satisfy this requirement.**

Based on the discussion at the City Commission meeting on December 21, 2020, the applicant has proposed to convey the easternmost 60 feet of the 907-911 Haynes Street property to the City in order to obtain approval for the lot combination and satisfy recommendations of the Triangle District Plan for the Worth Street extension. Conditions of this agreement include but are not limited to the the City approving the proposed lot combination, the City conveying the area of South Elm Street adjacent to the Porsche dealership to the applicant, and the City paying for removal of concrete and relocation of utilities above and below the subject area of South Elm Street. The applicant would gain additional commercial space in the MU-7 Zone if the South Elm Street conveyance parcel is approved. City staff have identified several issues with the numerous conditions of the agreement proposed by the applicant at this time.

By conveying the easternmost 60 feet of the 907-911 Haynes Street property, the applicant offers the possibility of Worth Street being re-routed through the current Walgreens parking lot and through the subject property on the north of Haynes Street. The Triangle District Plan recommends that Worth Street shift to the west in order to create more room for the triangular shaped Worth Plaza. Approval of this agreement would not complete the Worth Street extension though, as an agreement would still have to be reached with the owner(s) north of the subject

property facing Bowers Street. Related parcels for the proposed lot combination are outlined in the illustration below. An image of the Triangle District Plan land use recommendations has also been included below for reference of the Worth Street extension recommendation.

Figure 2: Subject parcels highlighted below are areas involved in the proposed lot combination agreement and future Worth Street extension to Bowers Street

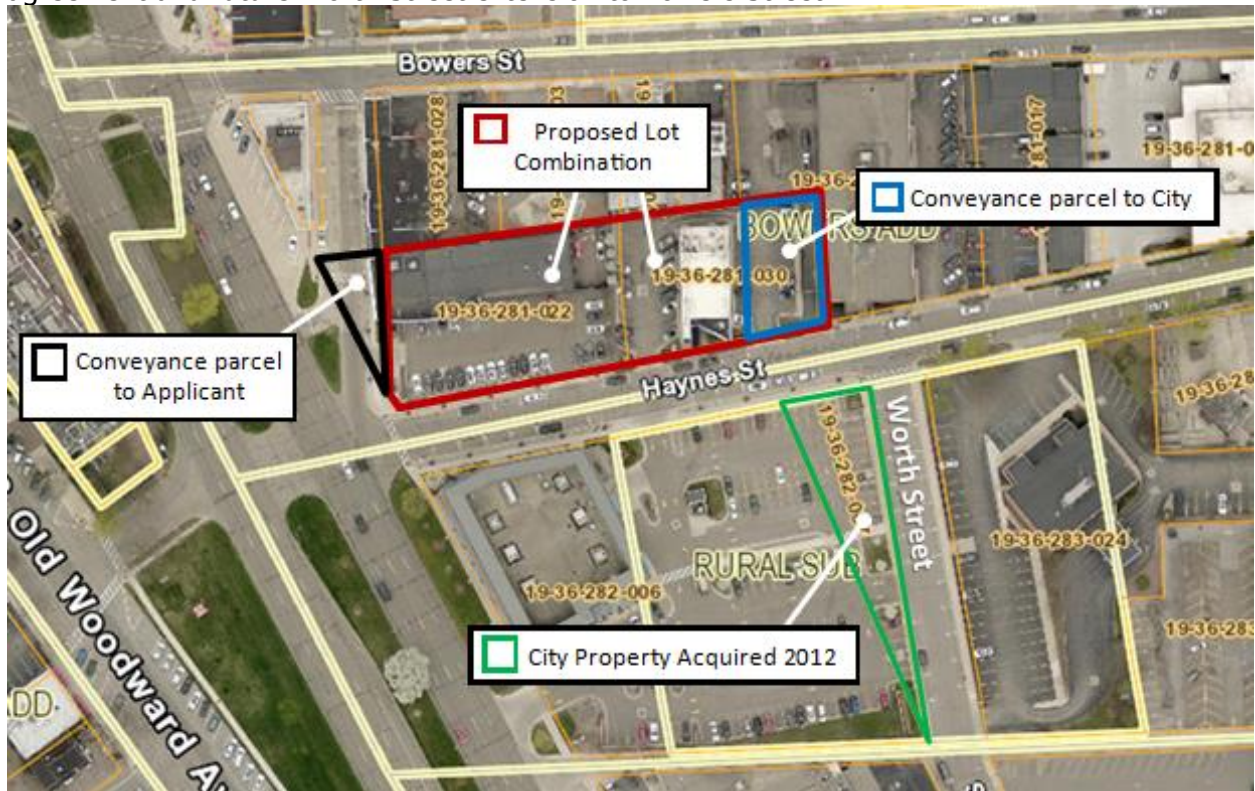
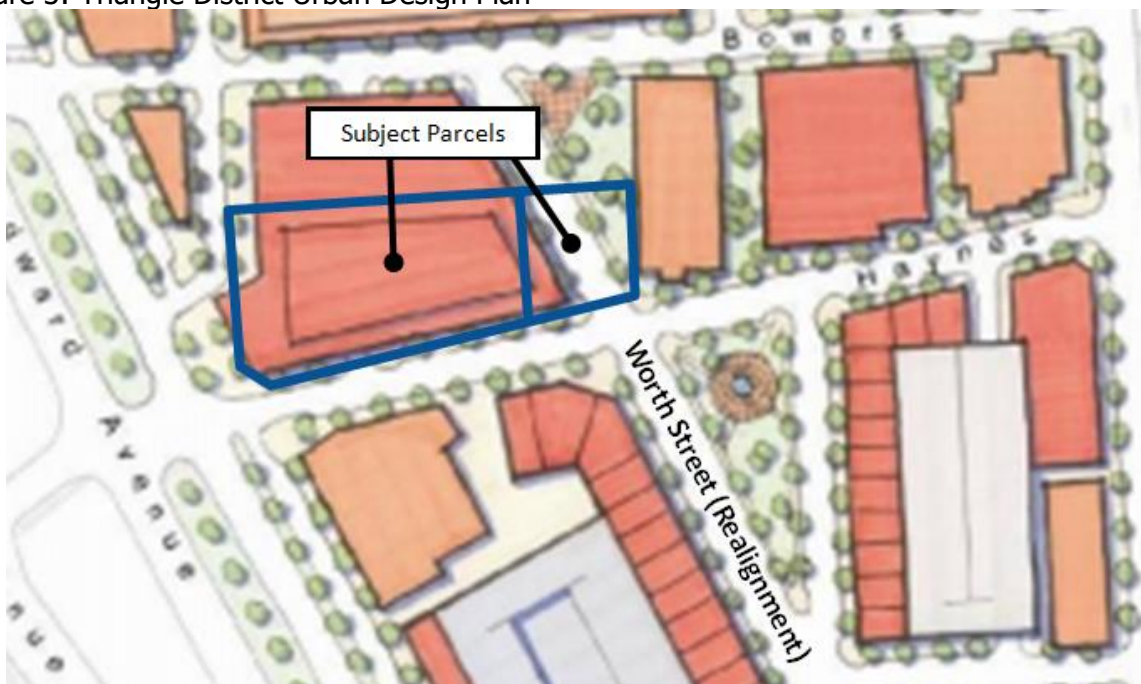


Figure 3: Triangle District Urban Design Plan



With regards to the proposed agreement offered by the applicant, City staff have raised a number of issues with the conditions of approval included in the agreement. Such issues include, but are not limited to, the following:

- The agreement proposes a lot combination approval before the subject properties obtain the necessary SLUP approval from the City Commission and the necessary variances from the Board of Zoning Appeals to accommodate additional surface parking for an auto show room use (Agreement Recitals H & I).
 - City staff recommends the applicant obtain a recommendation from the Planning Board on the site plan changes and SLUP and the necessary variances from the Board of Zoning Appeals prior to the City Commission making a decision on the requested lot combination.
- The agreement proposes that the applicant will pursue SLUP approval and necessary variances if the lot combination is approved, but that the proposed agreement will automatically terminate if the SLUP approval and necessary variances have not been granted within 6 months of the agreement approval, leaving the lot combination approval in place.
 - The proposed changes for South Elm Street and the impact of the proposal for the Worth Street extension will involve extensive research from the Engineering Department and traffic consultants, and may require a number of public meetings for review and public input before a final recommendation and approval may be granted. City staff does not recommend a decision on the requested lot combination until all of the relevant details can be resolved and noted on detailed and specific plans to be attached as an exhibit to the agreement, to be considered as a condition of the lot combination approval.
- The City has yet to determine if the proposed conveyance of the easternmost 60 feet of the 907-911 Haynes property provides adequate width for a road extension (Agreement Article II, Section 1).
 - Additional research and design work must be completed by both the Engineering Department and the City's traffic engineering consultants to determine if the 60' proposed will align with the piece of property to the south donated to the City by Walgreens, and whether it will be of a sufficient size. City staff does not recommend approval of the proposed agreement or lot split until this work has been completed and can be reviewed by City staff and the City Commission.
- The agreement proposes that the described portion of the South Elm Street area is to be conveyed by the City to the applicant, with the City to cover all costs and expenses related to the removal of the conveyance parcel pavement, the removal and/or relocation of all underground and overhead utilities, and restoration of any disturbed areas during such work (Article III, Section 2).
 - The Engineering Department has noted that there are large sewers and a number of utilities on the Elm Street parcel that would have to be re-routed if agreed upon and that relocating these utilities would be quite costly for the City. Additional research and design work must be

completed to determine the cost to the City. City staff does not recommend approval of the proposed agreement or lot split until this work has been completed and can be reviewed by City staff and the City Commission.

- The agreement proposes that if any non-conformities are created by the vacation of South Elm Street or the City's use of the conveyance parcel proposed on 907-911 Haynes Street, any such non-conformities for the use or development of the use shall be waived by the City (Article 3, Section 6(a)).
 - City staff does not recommend waivers of any non-conformities so created, but rather recommends review and approval of any non-conformities by the Board of Zoning Appeals as required by the City Code.
- The agreement proposes that any loss of parking spots on the applicant's property created by the Worth Street extension shall be made up by the City through such agreeable means as on-street permit parking or providing permit parking in any available deck which may hereafter be constructed (Article 3, Section 6(c)).
 - The City has not committed to the construction of any new public parking structures in the Triangle District at this time, nor should the City support the expansion of surface parking in the Triangle District which is specifically discouraged by the Triangle District Plan.

LEGAL REVIEW:

The City Attorney has reviewed the lot combination application, as well as the proposed agreement for an exchange of conveyance parcels and raised a number of issues. The lot combination agreement proposed by the applicant does not appear to benefit the long term goals of the City.

FISCAL IMPACT:

The proposed agreement from the applicant for the lot combination indicates that the City would be responsible to cover all costs and expenses related to the removal of pavement, as well as relocation of all underground and overhead utilities within the South Elm Street area proposed to be conveyed by the City to the applicant. Removing pavement and relocating all underground and overhead utilities for the subject area on South Elm Street would be very costly to the City.

PUBLIC COMMUNICATIONS:

Prior to the lot combination application being considered by the City Commission, the City Clerk's office sent out notices to all property owners and tenants within 300 feet of both 34350 Woodward Avenue and 907-911 Haynes Street seeking public comment on the proposal.

SUMMARY:

The Planning Division finds that the proposed lot combination for the purposed of demolishing a building to expand the surface parking area for Porsche is not consistent with the Zoning Ordinance, nor the applicable Master Plan for the Triangle District. The applicant has proposed an agreement with the City for a lot combination approval which attempts to satisfy the Worth Street extension recommendation of the Triangle District Plan, however City staff have raised a number of issues with the terms and conditions in the proposed agreement. Accordingly, direction from the City Commission is sought on each of the issues raised to continue the negotiation

process. In addition, direction from the City Commission is sought on the order of proceedings given the complicated and interwoven nature of the site plan changes, the SLUP amendment, lot combination and variances required. The City Commission may wish to postpone the lot combination hearing until the applicant goes through the SLUP Amendment process with the Planning Board and City Commission. Doing so would include more in depth review of the Zoning Ordinance and Triangle District Plan, allow all variances required from the Board of Zoning Appeals to be identified, and permit more public input related to the site plan changes and proposed exchange of property.

ATTACHMENTS:

- Proposed Site Plan
- Proposed Lot Combination Agreement from applicant
- Letter to Planning Department and Commission from applicant dated 12.17.2020
- Staff Report to Planning Board for SLUP Amendment
- Application for Lot Combination and Letter to the City dated 08.27.2020
- Proof of ownership
- Registered Land Surveys
- Relevant Planning Board and City Commission minutes for prior SLUP hearings from 2010, 2016, and 2020 related to 34350 Woodward (Formerly 835 Haynes Street)

SUGGESTED ACTION:

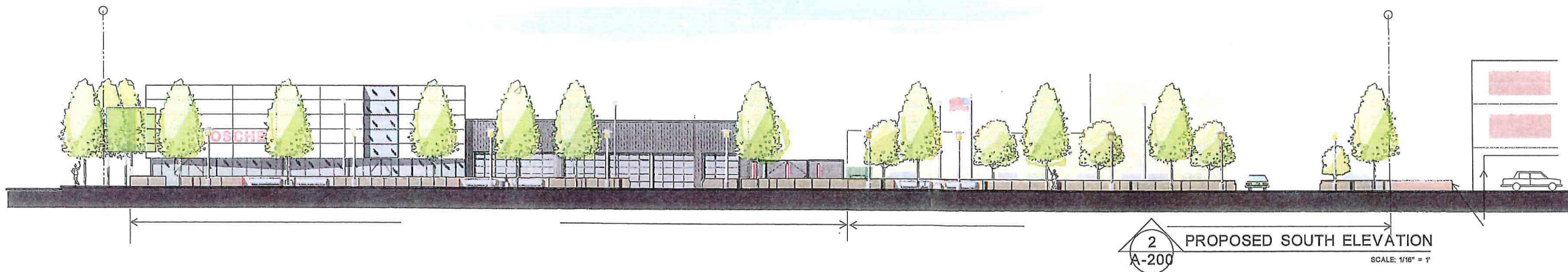
To deny the proposed lot combination of 34350 Woodward and 907-911 Haynes, parcel # 19-36-281-022 and parcel #19-36-281-030, as the resulting parcel would not be consistent with the requirements for the MU-5 and MU-7 Zones, nor consistent with the recommendations in the Triangle District Plan.

OR

To postpone the proposed lot combination hearing and direct City staff and the City Attorney to continue negotiations with the applicant based on the issues noted and to return with detailed plans on any property to be conveyed, including details and estimated costs to remove or reroute any utilities, specific dimensions of the parcel proposed as a result of the lot combination, and any other details needed to evaluate the terms and conditions offered by the applicant;

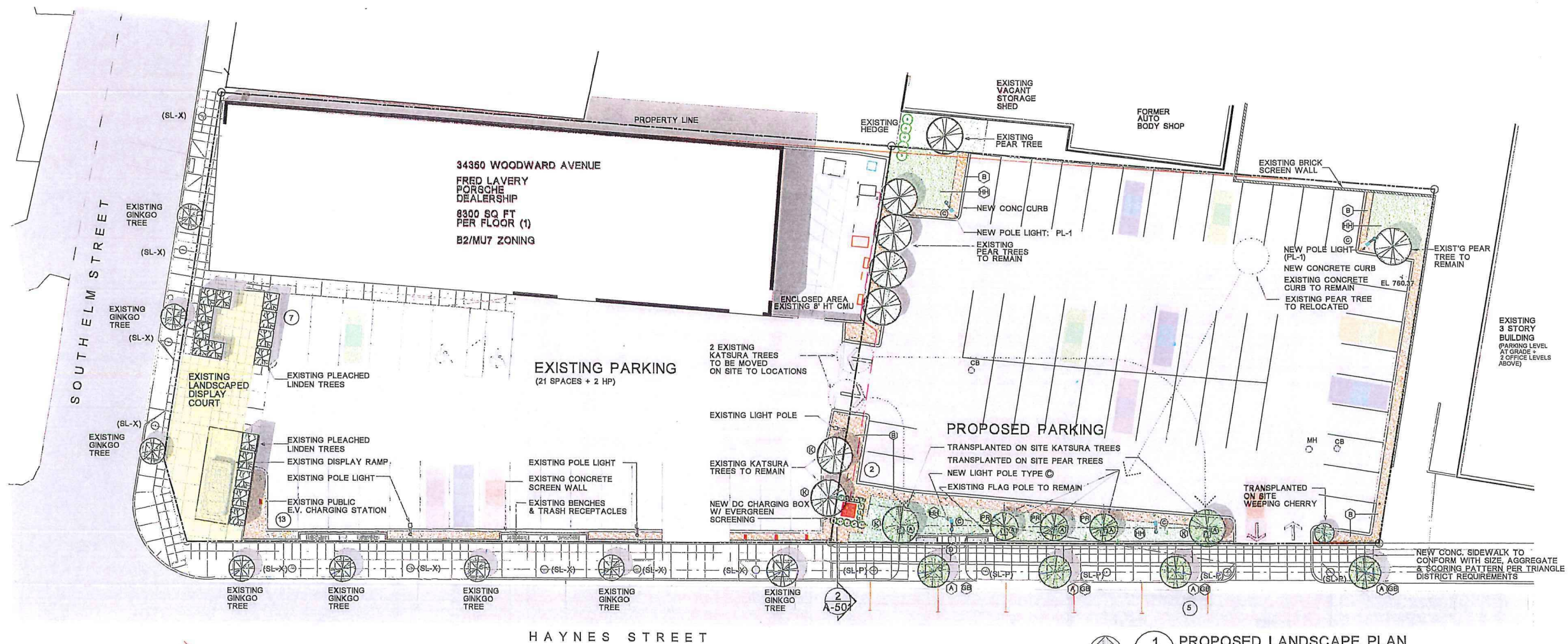
AND / OR

To postpone the proposed lot combination hearing and direct the applicant to first go through the site plan and SLUP amendment process at the Planning Board to obtain a recommendation from the board on expanding surface parking and the use of an auto sales agency within the MU-7 and MU-5 zones and findings as to whether the requirements of the Zoning Ordinance and the Triangle District Plan have been met.



Luckenbach
Ziegelman
Gardner
Architects
PLLC

555 South Old Woodward Suite 27L
Birmingham, Michigan 48009
248.644.0600



project:
Fred Lavery
PORSCHE
Special Land Use
Permit Review
835 Haynes Street
Birmingham, Michigan

sheet title:
PROPOSED

date issued:

1 PROPOSED LANDSCAPE PLAN
A/LA-200
SCALE: 1/16\"/>

LANDSCAPE KEY

- (A) NEW TREE WELL LOCATION
INSTALL WITH PLANTER BASE PER
TRIANGLE DISTRICT STANDARDS
Ginkgo biloba, "Autumn Gold"
- (B) EXISTING STONE (1\"/>

LIGHTING KEY

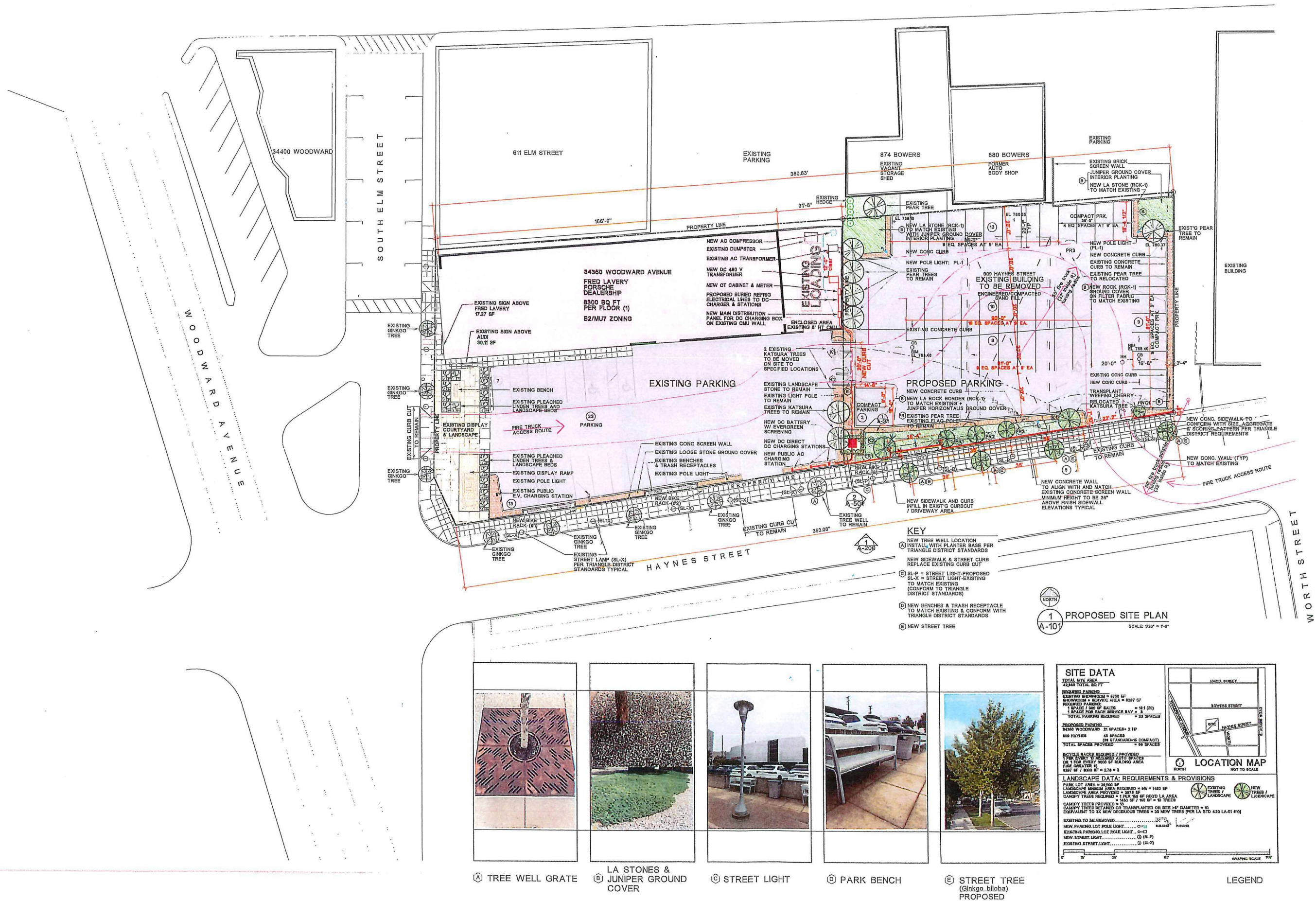
- (A) Auraltight 12V LED Micro well Uplight
- (B) Lumen Street Light Model PT90 - 42W
TO MATCH EXISTING
(CONFORM TO TRIANGLE
DISTRICT STANDARDS)
- (C) PARKING LIGHT POLE
Cooper Lighting - Lumark
Model MPTR (match existing)

project number:
LZG 2019.0025

sheet number:

A-200

A-101



AGREEMENT

THIS AGREEMENT (this "Agreement"), dated as of this ____ day of _____, 2021 (the "Effective Date"), is made by and between **Lavery Michigan Dealership Properties No. 1, LLC, a Michigan limited liability company** ("LMDP"), whose address is 440 Lake Park Drive, Birmingham, Michigan 48009, and the **City of Birmingham, a Michigan municipal corporation** (the "City"), whose address is 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001.

RECITALS

A. LMDP owns certain real property situated in the City of Birmingham, Oakland County, Michigan, being more particularly described on attached **Exhibit A** and identified as the "Woodward Parcel" and the "Haynes Parcel."

B. The Woodward Parcel is situated to the west of and adjacent to the Haynes Parcel, is bounded by South Elm Street on the west and by Haynes Street on the south, and is zoned B2 with MU-7 Triangle District Overlay. The Haynes Parcel is bounded by the Woodward Parcel on the west and by Haynes Street on the south, and is zoned B2 with MU-5 Triangle District Overlay.

C. Automotive show rooms and sales agencies are permitted uses under the current zoning of both the Woodward Parcel and the Haynes Parcel pursuant to a Special Land Use Permit.

D. In 2010, LMDP received a Special Land Use Permit ("2010 SLUP") to operate a Porsche automotive dealership on the Woodward Parcel.

E. The City approved an amendment to the 2010 SLUP to allow for the temporary use of the Haynes Parcel as an office for the Lavery Audi sales and management team during the

completion of renovations at the Lavery Audi automotive dealership located at 34602 Woodward Avenue, Birmingham, Michigan 48009 (the "Temporary SLUP Amendment," and together with the 2010 SLUP, the "SLUP").

F. LMDP desires to amend the site plan of the Woodward Parcel in combination with the Haynes Parcel to demolish the currently-existing building on the Haynes Parcel and to accommodate changes in Porche's dealership requirements that will impact both the Woodward Parcel and the Haynes Parcel (the "Amended Site Plan").

G. In advance of formal submittal to the City for approval of the Amended Site Plan, LMDP has applied to the City to combine the Woodward Parcel and the Haynes Parcel (the "Parcel Combination").

H. In the event that the Parcel Combination is approved, LMDP intends to proceed with formal submittal to the City for approval of the Amended Site Plan for related approval of a further amendment to the SLUP to incorporate the Haynes Parcel.

I. LMDP and the City mutually agree that the approval of the Parcel Combination, the Amended Site Plan (including any necessary variances) and the further amendment to the SLUP are in the best interest of both parties and, while the City cannot commit to such approvals outside of the formal procedures prescribed therefor, LMDP and the City desire to enter into this Agreement for the purpose of evidencing certain agreements and understandings between the parties should formal approval of the Parcel Combination, the Amended Site Plan and the further amendment to the SLUP be issued by the City.

NOW, THEREFORE, for One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, LMDP and the City hereby agree as follows:

ARTICLE I
INCORPORATION OF RECITALS; CONTINGENT AGREEMENT

1. **Incorporation of Recitals.** The Recitals to this Agreement are fully incorporated in this Agreement by this reference thereto with the same force and effect as though restated in this Agreement.

2. **Contingent Agreement.** This Agreement, and the obligations of LMDP and the City hereunder, are fully contingent upon formal approval by the City of the Parcel Combination, the Amended Site Plan (including any necessary variances) and the further amendment to the SLUP (collectively, the "Contingencies"). This Agreement shall automatically terminate and shall be of no further force or effect if the Contingencies have not been satisfied within six (6) months after the Effective Date. The City agrees to reasonably cooperate with LMDP in causing the Contingencies to be timely satisfied in a mutually-agreeable manner.

ARTICLE II
CONVEYANCE OF PROPERTY FROM LMDP TO THE CITY

1. **Conveyance from LMDP.** Within a reasonable period of time after the satisfaction of all of the Contingencies, LMDP shall convey by quit claim deed to the City a certain parcel of real property, which shall be more particularly described by surveyed legal description at or prior to the time of conveyance, but which shall generally consist of the easterly sixty (60) feet of the Haynes Parcel (the "LMDP Conveyance Parcel"), for the future use by the City in connection with the northerly extension of South Worth Street from Haynes Street to Bowers Street (the "South Worth Street Extension"). LMDP and the City shall cooperate with each other as necessary to effect any parcel division that may be required to allow for the conveyance of the LMDP Conveyance Parcel to the City as a separate and distinct parcel.

2. **Reservation of LMDP Easement.** The quit claim deed from LMDP to the City shall contain language reserving an exclusive, limited easement (the "LMDP Easement") in favor of LMDP and its successors and assigns, including successors-in-title to all or any portion of the combined Woodward Parcel and Haynes Parcel, over the surface of the LMDP Conveyance Parcel for purposes of providing parking for the combined Woodward Parcel and Haynes Parcel until such time that the South Worth Street Extension occurs. In the alternative to a reservation in the quit claim deed, LMDP and the City may enter into a separately-recorded easement agreement to establish the LMDP Easement.

3. **Term of LMDP Easement.** The LMDP Easement shall run with the land and shall benefit LMDP and its successors and assigns until such time as the City determines, in its sole discretion, that the LMDP Conveyance Parcel is needed for future use by the City in connection with the South Worth Street Extension. The City shall give a one (1) year notice of the termination of the LMDP Easement, which notice shall be recorded with the Oakland County Register of Deeds, and the LMDP Easement shall automatically terminate and shall be of no further force or effect on the date that is one (1) year from the date of such recording. Notwithstanding the foregoing or anything to the contrary contained in this Agreement, the City agrees that it shall not terminate the LMDP Easement until such time that the City has terminated the City Easement pursuant to Article III, Section 3, below.

4. **Taxes, Maintenance and Repair of LMDP Conveyance Parcel.** LMDP shall be responsible for any and all taxes, maintenance and repair of the surface of any improvements now or hereafter existing within the LMDP Conveyance Parcel until such time as the LMDP Easement is terminated by the City. Until such time as the LMDP Easement is terminated by the City, the City shall have no obligation to maintain and repair the surface of any improvements

now or hereafter existing within the LMDP Conveyance Parcel or to contribute to the cost thereof, and such improvements shall be maintained by LMDP as required by all federal, state, local laws and policies of the City.

5. **Insurance and Indemnification.** Until such time as the LMDP Easement is terminated by the City, LMDP shall, at its sole expense, obtain insurance as required herein. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with carriers acceptable to the City.

- A. **Commercial General Liability Insurance:** Until such time as the LMDP Easement is terminated by the City, LMDP shall procure and maintain 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 Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; and (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
- B. **Additional Insured:** The Commercial General 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 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, without regard to any other available coverage by primary, contributing or excess.
- C. **Cancellation Notice:** The Commercial General Liability Insurance, as described above, shall include an endorsement stating the following: "Thirty (30) days' Advance Written Notice of Cancellation or Non-Renewal shall be sent to: Finance Director, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001."
- D. **Proof of Insurance Coverage:** LMDP shall provide the City, at the time this Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City, as listed below.
 - 1) Two (2) copies of a Certificate of Insurance for Commercial General Liability Insurance;
 - 2) If so requested, Certified Copies of all policies mentioned above will be furnished.

- E. Coverage Expiration: If any of the above coverages expire prior to such time as the LMDP Easement is terminated by the City, LMDP shall deliver renewal certificates and/or policies to the City at least (10) days prior to the expiration date.
- F. Maintaining Insurance: Upon failure of LMDP to obtain or maintain such insurance coverage until such time as the LMDP Easement is terminated by the City, the City may, at its option, purchase such coverage and invoice LMDP for the cost of obtaining such coverage. In obtaining such coverage, the City shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.

Further, indemnification shall be provided as follows:

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

ARTICLE III CONVEYANCE OF PROPERTY FROM THE CITY TO LMDP

1. **Conveyance by City.** Within a reasonable period of time after the satisfaction of all of the Contingencies, the City shall convey by quit claim deed to LMDP a certain parcel of real property, which shall be more particularly described by surveyed legal description at or prior to the time of conveyance, but which shall generally consist of the area formed by extending the

northerly and southerly property lines of the Woodward Parcel west to the easterly right-of-way line of Woodward Avenue (the "City Conveyance Parcel"), for the future use by LMDP in connection with the development or redevelopment of the combined Woodward Parcel and Haynes Parcel. The City Conveyance Parcel shall be bounded on the west by the easterly right-of-way line of Woodward Avenue, to the north by the westerly extension of the northerly property line of the Woodward Parcel, to the east by the westerly property line of the Woodward Parcel and to the south by the westerly extension of the southerly property line of the Woodward Parcel. LMDP and the City shall cooperate with each other as necessary to effect any parcel division that may be required to allow for the conveyance of the City Conveyance Parcel to LMDP as a separate and distinct parcel and, if desired by LMDP, any parcel combination that may be required to combine the City Conveyance Parcel with the combined Woodward Parcel and Haynes Parcel.

2. **Reservation of City Easement.** The quit claim deed from the City to LMDP shall contain language reserving a non-exclusive, limited easement (the "City Easement") in favor of the public and the City, over the surface of the City Conveyance Parcel for purposes of providing for the continued use by the public and continued maintenance, repair and replacement by the City of the portion of South Elm Street and related improvements situated on the City Conveyance Parcel until such time that the City vacates such portion of South Elm Street, which vacation must also include, at the City's sole cost and expense, the removal from the City Conveyance Parcel of all pavement and the removal and relocation from the City Conveyance Parcel of all underground and overhead utilities, if any, and the restoration of the City Conveyance Parcel after such removal by finish-grading and seeding and/or sodding all disturbed

areas. In the alternative to a reservation in the quit claim deed, LMDP and the City may enter into a separately-recorded easement agreement to establish the City Easement.

3. **Term of City Easement.** The City Easement shall run with the land and shall benefit the public and the City until such time as the City determines, in its sole discretion, to vacate the portion of South Elm Street and related improvements situated on the City Conveyance Parcel. Upon the vacation of such portion, and the removal and relocation of all pavement and utilities and the restoration of the City Conveyance Parcel as set forth in Article III, Section 2, above, the City shall cause an appropriate vacating resolution to be recorded with the Oakland County Register of Deeds, whereupon the City Easement shall automatically terminate and shall be of no further force or effect. The City agrees that no easements will be reserved within the City Conveyance Parcel by the City in connection with the vacation.

4. **Maintenance and Repair of City Conveyance Parcel.** The City shall be responsible for any and all maintenance and repair of the surface of any improvements now or hereafter existing within the City Conveyance Parcel until such time as the City Easement is terminated. Until such time as the City Easement is terminated, LMDP shall have no obligation to maintain and repair the surface of any improvements now or hereafter existing within the City Conveyance Parcel or to contribute to the cost thereof, and such improvements shall be maintained by the City as required by all federal, state, local laws and policies of the City.

5. **Insurance.** Until such time as the City Easement is terminated by the City, the City shall, at its sole expense, obtain insurance as required herein. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with carriers acceptable to LMDP.

- A. Commercial General Liability Insurance: Until such time as the City Easement is terminated by the City, the City shall procure and maintain 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) Broad Form General Liability Extensions or equivalent; and (B) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
- B. Additional Insured: The Commercial General Liability Insurance, as described above, shall include an endorsement stating LMDP shall be *Additional Insured*. This coverage shall be primary to any other coverage that may be available to the additional insured, without regard to any other available coverage by primary, contributing or excess.
- C. Cancellation Notice: The Commercial General Liability Insurance, as described above, shall include an endorsement stating the following: "Thirty (30) days' Advance Written Notice of Cancellation or Non-Renewal shall be sent to: Lavery Michigan Dealership Properties No. 1, LLC, 440 Lake Park Drive, Birmingham, Michigan 48009."
- D. Proof of Insurance Coverage: The City shall provide LMDP, at the time this Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to LMDP, as listed below.
- 3) Two (2) copies of a Certificate of Insurance for Commercial General Liability Insurance;
- 4) If so requested, Certified Copies of all policies mentioned above will be furnished.
- E. Coverage Expiration: If any of the above coverages expire prior to such time as the City Easement is terminated by the City, the City shall deliver renewal certificates and/or policies to LMDP at least (10) days prior to the expiration date.
- F. Maintaining Insurance: Upon failure of the City to obtain or maintain such insurance coverage until such time as the City Easement is terminated by the City, LMDP may, at its option, purchase such coverage and invoice the City for the cost of obtaining such coverage. In obtaining such coverage, LMDP shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.
6. **Responsibilities of the City**. At such time, as applicable, as the LMDP Easement and the City Easement are terminated, the City shall provide assurances to LMDP or its successors in interest that:

a) Nonconformance. In the event that the vacation of South Elm Street or the use of the LMDP Conveyance Parcel by the City in connection with the South Worth Street Extension creates any nonconformance of the combined Woodward Parcel and Haynes Parcel, or the current use or development thereof, with the then-existing City codes or ordinances, including, but not limited to, the City's Zoning Ordinance, any such noncompliance shall be and is hereby waived.

b) Restore Property. The City, in performing any work with respect to the vacation of South Elm Street or the use of the LMDP Conveyance Parcel by the City in connection with the South Worth Street Extension, agrees that it shall be responsible to restore the combined Woodward Parcel and Haynes Parcel in like manner to the then-existing conditions, with the exception of restoring the lost striped surface parking spaces in the parking lot.

c) Parking Loss. The City understands and agrees that implementing the South Worth Street Extension will result in the loss of parking to LMDP. Any diminishment of the total number of parking spots from that total number shall be made up by the City. This parking loss is currently estimated at _____ parking spaces. The City shall make up for any loss of parking through such agreeable means as: on street permit parking, or providing permit parking in any available deck which may hereafter be constructed. The total current parking on the Woodward Parcel and the Haynes Parcel is _____ parking spaces. Any loss of parking made up for by the City pursuant to this provision must be located within the southern portion of the Triangle District.

ARTICLE IV MISCELLANEOUS

1. **Arbitration.** Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall take place in Oakland County, Michigan, and 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. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.

2. **Successors and Assigns.** This Agreement shall be binding upon and shall inure to the benefit of LMDP and the City and their respective successors and assigns; provided, however, the rights of the City hereunder are assignable by the City only if the City has received prior written consent from LMDP, which consent may be withheld at LMDP's sole discretion, in which case the City's rights shall not be assignable.

3. **Notices.** Any notice required or permitted to be given under this Agreement shall be in writing and shall be sent by registered or certified U.S. Mail or by Federal Express or other nationally recognized overnight delivery service to the party entitled to receive the same at the

address as stated hereafter or such alternative address as may be furnished by either party to the other in the future. Copies of such notices shall be addressed as follows:

If to the City:

City of Birmingham
151 Martin Street, P.O. Box 3001
Birmingham, Michigan 48012-3001
Attention: Joseph A. Valentine, City Manager

AND

Beier Howlett, P.C.
3001 West Big Beaver Road, Suite 200
Troy, Michigan 48084
Attention: Timothy J. Currier

If to LMDP:

Lavery Michigan Dealership Properties No. 1, LLC
440 Lake Park Drive
Birmingham, Michigan 48009
Attention: Frederick A. Lavery, Jr.

AND

Clark Hill PLC
500 Woodward Avenue, Suite 3500
Detroit, Michigan 48226
Attention: Stuart M. Schwartz

4. **Governing Law.** This Agreement shall be governed by and construed exclusively in accordance with the laws of the State of Michigan.

*[Remainder of page intentionally left blank
signatures on following pages.]*

SIGNATURE PAGE TO AGREEMENT
BY AND BETWEEN LAVERY MICHIGAN DEALERSHIP
PROPERTIES NO. 1, LLC AND THE CITY OF BIRMINGHAM

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective
Date.

**LAVERY MICHIGAN DEALERSHIP
PROPERTIES NO. 1, LLC**, a Michigan
limited liability company

By: _____
Frederick A. Lavery, Jr., Member

SIGNATURE PAGE TO AGREEMENT
BY AND BETWEEN LAVERY MICHIGAN DEALERSHIP
PROPERTIES NO. 1, LLC AND THE CITY OF BIRMINGHAM

CITY OF BIRMINGHAM, a Michigan
municipal corporation

By: _____
Pierre Boutros, Mayor

By: _____
Alexandria Bingham, Clerk

Exhibit A to Agreement

Legal Description

Land situated in the City of Birmingham, Oakland County, Michigan, more particularly described as:

Woodward Parcel

Lot 3 of "Bowers Addition", according to the plat thereof recorded in Liber 8 of Plats, Page 26, Oakland County Records, except that part taken for highway; also together with:

All of Lots 4 and 5 of "Bowers Addition", according to the plat thereof recorded in Liber 8 of Plats, Page 26, Oakland County Records; also together with:

Lot 6 of "Bowers Addition", according to the plat thereof recorded in Liber 8 of Plats, Page 26, Oakland County Records, except the Easterly part, beginning at the Northeast Lot corner; thence West 1.35 feet along the Lot line; thence Southerly 65.50 feet parallel to the East Lot line; thence South 52.89 feet to the Southeast Lot corner; thence Northerly along said Lot line to the beginning.

Commonly known as 835 and 845 Haynes Street

Tax Parcel No. 19-36-281-022

Haynes Parcel

Town 2 North, Range 10 East, Section 36, BOWERS ADDITION SUBDIVISION, as recorded in Liber 8, Page 26 of Plats, Oakland County Records. Easterly part of Lot 6 beginning at Northeast lot corner, thence Westerly 1.35 feet along North lot line, thence South 01 degrees 00 minutes 00 seconds West 65.50 feet parallel to East lot line, thence Southeasterly 52.89 feet to Southeast lot corner, thence Northerly 118.42 feet along East lot line to beginning, also all of Lots 7, 8 and 9, also Westerly part of Lot 10 measures 10.14 feet along North lot line and 10.58 feet along South lot line.

Commonly known as 907 and 911 Haynes Street

Tax Parcel No. 19-36-281-030

CLARK HILL

Stuart M. Schwartz
T (313) 965-8335
F (313) 309-6935
Email:SSchwartz@ClarkHill.com

Clark Hill PLC
500 Woodward Ave., Suite 3500
Detroit, MI 48226
T (313) 965-8300
F (313) 309-6935

clarkhill.com

December 17, 2020

VIA FEDERAL EXPRESS AND EMAIL

City of Birmingham
Planning Department
Attn: Ms. Jana Ecker
151 Martin St.
Birmingham, MI 48009
jecker@bhamgov.org

Re: **34350 Woodward Ave. (the “Woodward Property”) and 907-911 Haynes, Birmingham, MI 48009 (the “Haynes Property”)**

Dear Ms. Ecker:

Please let this letter serve as a supplement to Lavery Michigan Dealership Properties No. 1, LLC’s (“LMDP”) application to combine the Woodward Property and the Haynes Property. We ask that you add to the City Commission packet prior to Monday’s public hearing.

By way of background, LMDP appeared before the Planning Board on January 22, 2020 in regard to a Special Land Use Permit amendment (“SLUP”) and site plan amendment for the Woodward Property and the Haynes Property. At that time, City Planner Brooks Cowan noted that:

Although the construction of a surface parking [sic] does not appear to meet the intent of the Triangle District Plan, permitting this parking lot construction with the condition that the applicant reach an agreement with the City regarding the Worth Street realignment and extension could serve as an important step towards implementing the goals of the Triangle District Plan.

A copy of that memo is attached as **Exhibit 1**. Ultimately, Mr. Cowan recommended **approval** of LMDP’s application:

Based on a review of the site plan submitted, as well as the goals and intent of the Triangle District Plan, ***the Planning Division recommends that the Planning Board RECOMMEND APPROVAL of the applicant’s request for Final Site Plan and a SLUP amendment to allow the demolition of the building at 907-911 Haynes Street*** and for the property to be converted into a surface parking lot for

car sales, with the condition that the applicant reach an agreement with the City of Birmingham to comply with the goals of the Triangle District Plan, including but not limited to the accommodation of the Worth Street realignment.

Id. (emphasis added).

At the hearing on January 22, 2020, it became quickly evident that Planning Director Jana Ecker had a different view of LMDP's application. Ultimately, based on the direction in which Director Ecker was steering the conversation, LMDP decided to withdraw its application.

Thereafter, LMDP reached out to Director Ecker to discuss options relative to the Woodward Property and Haynes Property, including, without limitation, to discuss the plan for the Worth Street realignment project. Despite LMDP's best efforts, those discussions did not gain any traction and LMDP was left with no other option but to seek a lot combination, and limited its application accordingly at this time.

In response to LMDP's request for a lot combination, it appears the Planning Department is prepared to (pre) dispose of the application with a recommended denial of the same concept it previously recommended be approved. However, recently, Porsche rejected LMDP's draft plan and requested a number of revisions. Many of those revisions are not feasible at the Woodward Property and LMDP has not determined whether it will seek a modified SLUP amendment or take other action. Therefore, the factual basis for the Planning Department's memo is entirely misplaced.

Moreover, the Planning Departments proposed denial of LMDP's application is wholly inappropriate. Section 82-56 of the City of Birmingham's Code of Ordinances provides that the "planning director shall make the necessary studies and surveys of matters relating to city growth and development, advise the city manager as to the implementation of the city plan, furnish technical advice and assistance in planning and zoning matters and furnish such information and data to the city planning board, the design review board, and the historic district commission as they may require in the performance of their duties and functions." Accordingly, in recommending a denial, Director Ecker has exceeded the authority granted to her. Instead, the Planning Director should be proposing information and data to the City Commission so that it can make an informed decision. By simply recommending denial, Director Ecker has severely prejudiced LMDP's ability to have the City Commission fairly consider its request.

In addition to unduly prejudicing LMDP by recommending denial (instead of furnishing advice and information for the City Commission to make its decision), the Planning Department also has provided inaccurate information to the City Commission upon which its decision will be based regarding LMDP's future plans for the Woodward Property and the Hayne Property. **To be clear, LMDP is only seeking a lot combination at this time.** It has not reapplied for a SLUP amendment and therefore, the Planning Department's assumptions, based on LMDP's past application, is entirely misplaced. LMDP continues to evaluate options, which include, among

other things, closing the Porsche and Audi dealerships, seeking a revised SLUP amendment, and redevelopment of the combined lots. However, under all scenarios, a lot combination will be necessary and highly beneficial to the City.

LMDP also meets the standards set forth in Section 102-83 of the Ordinance relating to the combination of land parcels. With the exception of section (1), the Planning Department recognized that LMDP satisfies this standard as well. For the reasons that follow, LMDP believes that the City Commission can only conclude that a lot combination meets the standards set forth in the Ordinance:

The Combination will result in lots or parcels of land consistent with the character of the area where the property is located, Chapter 126 of this Code for the zone district in which the property is located, and all applicable master land use plans.

In regard to the character of the area, the property is located within the City's Triangle District. The area is surrounded by a variety of uses and buildings ranging from one story to five stories in height which are mostly surrounded by surface parking. The lot combination will result in a combined parcel of land that is consistent with the character of the area and will indeed, enhance the character by the removal of an outdated building, that is not code compliant, on the Haynes Property.

In regard to zoning, the Woodward Property is zoned MU-7 in the Triangle Overlay District while the Haynes Property is zoned MU-5. Both parcels are zoned B-2 in the underlying Zoning District. Auto sales and auto showrooms are permitted with approval of a Special Land Use Permit in the MU-5 and MU-7 Zones, which LMDP obtained for the Woodward Property in 2010. The lot combination will not alter any aspect of zoning compliance for these properties. Rather, by allowing a lot combination, greater possibilities exist to develop these properties in compliance with the Zoning Ordinance.

The lot combination also complies with the Master Plan, and more importantly, the draft new Master Plan for the Triangle District. On November 11, 2020, the Planning Board held a study session regarding the first draft of the Master Plan, and specifically discussed the Triangle District, and "Haynes Square," which includes the Woodward Property and the Haynes Property. In the words of the City's consultant, Matt Lambert, "the whole area is a mess." He also noted numerous instances of dangerous road conditions for pedestrians, cyclists, and drivers, including, the sharp turn off of Woodward Avenue that fronts the Woodward Property. Mr. Lambert further noted that the failure to build a parking structure in the area has held back development. Mr. Lambert stated that the current Master Plan is not working for the area, and that the City will need to relax its development standards, with the greatest relief being afforded to the Rail

District, and other relief being afforded to surrounding areas, including Haynes Square.

As it relates to mixed use development, Mr. Lambert raised a number of questions regarding retail and questioned what businesses would survive the COVID-19 pandemic. He stated that it was important to talk about housing since the United States is massively “over retailed.” Based on these comments, strict compliance with the current Master Plan is infeasible and does not make sense.

Many of the Planning Board members had similar concerns. Mr. Boyle, for example, questioned the mechanisms for implementing the new Master Plan and noted that the City has failed in the past with trying to achieve compliance; specifically mentioning the lack of any parking deck solution in the Triangle District.

Despite all of these concerns, any future compliance with the Master Plan will be predicated on a combination of these lots. **As such, a lot combination clearly will result in a parcel of land consistent with the Master Plan’s land use requirements.**

(1) All residential lots formed as a result of a combination shall be a maximum width of no more than twice the average lot width of all lots in the same zone district within 300 feet on the same street.

The proposed combination is commercial, not residential, therefore this requirement is not applicable.

(2) All residential lots formed as a result of a combination shall be a maximum area of no more than twice the average lot area of all lots in the same zone district within 300 feet on the same street.

The proposed combination is commercial, not residential, therefore this requirement is not applicable.

(3) The combination will result in building envelopes on the combined parcels that will allow for the placement of buildings and structures in a manner consistent with the existing rhythm and pattern of development within 500 feet in all directions in the same zone district.

The Triangle District has a variety of buildings types ranging in height and size, many of which are surrounded by large surface parking lots and therefore, **the lot combination meets this requirement.**

(4) *Any due or unpaid taxes or special assessments upon the property have been paid in full.*

There are no outstanding taxes due on this property. **The proposal meets this requirement.**

(5) *The combination will not adversely affect the interest of the public or the abutting property owners. In making this determination, the City Commission shall consider, but not be limited to the following:*

a.) *The location of proposed buildings or structures, the location and nature of vehicular ingress or egress so that the use or appropriate development of adjacent land or buildings will not be hindered, nor the value thereof impaired.*

A lot combination will ultimately help to improve vehicular ingress and egress should the City vacate the land in front of the Woodward Property to LMDP. It should otherwise have no impact on adjacent land and buildings. **As such, the lot combination and building envelope meet this requirement and will not have any impact on vehicular ingress or egress. It will also not hinder or impair adjacent land or buildings.**

b.) *The effect of the proposed combination upon any floodplain areas, wetlands and other natural features and the ability of the applicant to develop a buildable site on the resulting parcel without unreasonable disturbances of such natural features.*

The property is not located in a flood plain or wetlands, nor adjacent to a floodplain or wetlands.

c.) *The location, size, density and site layout of any proposed structures or buildings as they may impact an adequate supply of light and air to adjacent properties and the capacity of essential public facilities such as police and fire protection, drainage structures, municipal sanitary sewer and water, and refuse disposal.*

The proposed lot combination has no impact on the supply of light and air to adjacent properties or the ability of the City to provide essential services.

In addition to meeting the requirements of the Ordinance's standard for a lot combination, a lot combination also makes sense for the City. The Worth Street realignment, parking issues, and the possible vacating of the area between the Porsche dealership and Woodward Avenue are all

City of Birmingham
Planning Department
December 17, 2020
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issues that should be resolved in the next ten years (if not sooner). Combining the lots opens numerous opportunities for these properties, while a failure to do so can only result in higher hurdles to change any aspect of these properties. Putting in place short term solutions, while these issues are resolved, will ultimately benefit LMDP and the City.

Sincerely,

CLARK HILL PLC

/s/Stuart M. Schwartz

Stuart M. Schwartz

SMS:dem
Enclosure

cc: Mr. Brooks Cowan, City Planner (via email to bcowan@bhamgov.org)

EXHIBIT 1



MEMORANDUM

Planning Department

DATE: January 22, 2020

TO: Planning Board

FROM: Brooks Cowan, City Planner

SUBJECT: 34350 Woodward & 907-911 Haynes Street Fred Lavery Special Land Use Permit amendment (SLUP) for lot combination and site plan amendment

Executive Summary

The subject properties are located at 34350 Woodward and 907-911 Haynes Street. Both parcels are zoned B-2, General Business. 34350 Woodward is zoned MU-7 in the Triangle Overlay District while 907-911 Haynes Street is zoned MU-5. Auto sales agencies require a Special Land Use Permit to operate in the B2 District, which can be obtained as long as they meet their obligations required by the City. The applicant, Fred Lavery Company, received a Special Land Use Permit in 2010 to operate a Porsche car dealership within the B2 Zone and MU-7 Triangle District Overlay at 34350 Woodward.

In 2016, the applicant received a temporary SLUP amendment to use the Haynes property as an office for the Porsche sales and management team for one year while renovations were made to the Porsche dealership at 34350 Woodward. Conditions of approval were that the applicant could not have cars for sale parked on 907-911 Haynes Street and that the applicant provide proof of adequate parking lot landscaping. It appears as though the applicant has continued to store cars at the 907-911 Haynes location.

The applicant is proposing to demolish the two story building on Haynes Street and construct a surface parking lot to accommodate a larger fleet of cars for sale. The Birmingham Zoning Ordinance requires that the applicant obtain a Special Land Use Permit Amendment and approval from the City Commission to expand the auto sales agency use. Accordingly, the applicant will be required to obtain a recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit amendment, and then obtain approval from the City Commission for the Final Site Plan and Special Land Use Permit amendment. **A lot combination will also be required to be approved by the City Commission.**

1.0 Land Use and Zoning

- 1.1 Existing Land Use – 34350 Woodward is a single story building used as a Porsche Dealership. 907-911 Haynes contains a two-story building where the first floor is unoccupied and the second floor is used as a spa.

- 1.2 Existing Zoning – Both properties are zoned B-2, Business-Residential. 34350 Woodward is zoned MU-7 in the Triangle Overlay District while 907-911 Haynes is zoned MU-5. The existing use and surrounding uses appear to conform to the permitted uses of each Zoning District.

- 1.3 Summary of Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site.

	North	South	East	West
Existing Land Use	Office	Retail/ Commercial (Walgreens)	Commercial (Goodwin & Scieszka Law)	Woodward Ave & Elm St Intersection
Existing Zoning District	B-2, General Business	B-2, General Business	B-2, General Business	B-2, General Business
Triangle Overlay Zoning District	MU-3	MU-7/MU-5	MU-5	MU-3

- 1.4 Proposed Use – The proposed use that would remain at 34350 Woodward is permitted within the MU-7 zoning district with a Special Land Use Permit. At this time, the applicant is requesting approval of a SLUP Amendment for 34350 Woodward to expand the use of the auto sales agency by expanding the parking lot to be used for storage and display of vehicles for sale to include the site at 907-911 Haynes Street.

2.0 Screening and Landscaping

- 2.1 Screening –All parking facilities must be screened in accordance with Article 4, section 4.53 of the Zoning Ordinance. A minimum 32" masonry screen wall is required. The applicant is proposing a new concrete wall to align with and match the existing concrete screen wall with a maximum height of 36" along Haynes Street. The existing brick screen wall in the northeast corner of the property is proposed to remain.

The length of the new proposed screenwall is not provided, although it appears to be longer than 50 feet. Article 4, Section 4.54(B)(5) requires a break in the screenwall every 50-100 feet. **The applicant must submit plans indicating a break in the screenwall to reduce the length of the gray concrete screening.**

The site plan also indicates a new DC battery charging box in the front of the property along Haynes Street that will be screened by Juniper Evergreens ranging from four to six feet in height.

- 2.2 Landscaping— There are no proposed landscape changes to the site at 34350 Woodward. This portion of the site plan has a landscaped display court with Pleached Linden trees along Elm Street. Changes to landscaping for 907-911 Haynes are proposed which includes a new landscaping bed along Haynes with new trees.

The size of the parking area exceeds 7,500 sq. ft. (approximately 29,000 sq ft after demolition), therefore the applicant must provide landscaping that equals 5% of the parking lot size. ($29,000 * 0.05 = 1,450$ square feet of required landscaping). The applicant has proposed 2,575 square feet of landscape coverage, thus satisfying the coverage requirement.

Article 04 section 4.20 LA-01 states that the interior planting areas shall be located in a manner that breaks the expanse of paving throughout the parking lot interior. Each interior planting area shall be at least 150 square feet in size, and not less than 8 feet in any single dimension. **The proposed landscaping is only located on the edges of the property, and does not break up the expanse of the parking lot interior. The applicant must place landscaping plantings no smaller than 150 square feet, and not less than 8 feet in any single dimension throughout the parking lot in a manner that breaks the expanse of paving throughout the parking lot interior, or obtain a variance from the Board of Zoning Appeals.**

Article 04 section 4.20 LA-01 also states there shall be at least one canopy tree for each 150 square feet or fraction thereof of interior planting area required. The applicant is required to provide 10 canopy trees ($1,450 / 150 = 10$) within the parking lot area, or obtain a variance from the Board of Zoning Appeals. The applicant has proposed 13 trees which satisfies the requirement. Seven of these trees are existing along the sides of the property which include two Katsura trees and five Pear trees. Five new trees are proposed along the front of the property which include two Pear trees and three Katsura trees while a Weeping Cherry tree will be transplanted on site.

3.0 Parking, Loading, Access, and Circulation

- 3.1 Parking – The Porsche showroom area is 5,730 square feet while the service area has three service bays. The applicant is required to provide one parking space for each 300 sq. ft. of floor area of sales room plus one space for each auto service stall, not to be used for new or used car storage. Accordingly, the applicant is required to provide a total of 22 spaces on site. The applicant has proposed a total of 66 parking spaces, with 23 parking spaces on the current 34350 Woodward site and a proposed 43 parking spaces on 907-911 Haynes. **The Zoning Ordinance requires that the 22 parking spaces required be available for employees**

and customers of the business for 34350 Woodward, and cannot be used as car storage for dealership inventory.

The applicant has also provided 3 bike racks which satisfies the Zoning Ordinance requirements of 1 for every 3000 square feet of building area.

- 3.2 Loading – The applicant has indicated there is an existing loading area on the east side of the Porsche dealership which is enclosed by an 8' fence that screens the area from the right-of-way, therefore satisfying the Zoning Ordinance requirement of one loading space for a commercial use between 5,001-20,000 square feet.

- 3.3 Vehicular Access & Circulation - Vehicular access to the Porsche dealership on 34350 Woodward has two curb cuts for ingress and egress, one on Elm Street and one on Haynes Street. The applicant has indicated one curb cut for ingress and egress at the proposed parking lot expansion on 907-911 Haynes. The site plan also indicates a two-way access drive connecting the current dealership to the proposed parking lot.

An existing curb cut on 907-911 Haynes Street will be replaced with new sidewalk and street curb installed.

- 3.4 Pedestrian Access & Circulation –Pedestrian access is via sidewalks along Haynes and Elm. A pedestrian sidewalk connects the dealership entrance to the City sidewalk on Elm Street. The site plan does not indicate a pedestrian walkway from either curb cut along Haynes Street. **The applicant must submit plans indicating a pedestrian path through the parking lot at 907-911 Haynes Street where the screen wall opening is placed.**

- 3.5 Streetscape – This site is located within the Triangle District, which states that the sidewalk environment should accommodate ample space for pedestrians, street furniture and prominent storefronts. The Plan also states that there should be ample space for sidewalk cafés, street trees, pedestrian scale lights, benches and other elements in order to create a comfortable pedestrian experience

The applicant is not proposing any changes to the existing streetscape surrounding the current Porsche dealership. The site plan indicates four new tree well locations in front of 907-911 Haynes with Ginko Biloba trees planted and tree grates per Triangle District Standards. The proposed Haynes Street frontage will be 353 feet which will require 9 total street trees, therefore the applicant has satisfied this requirement.

The site plan also indicates two new benches and a trash receptacle in front of 907-911 Haynes Street that appear to be the same type and make as the existing benches and trash receptacles in front of the dealership at 34350 Woodward. Three new bike racks along the sidewalk are also proposed.

Five new Lumenton Street Light Models PT90 pedestrian scale street lights are proposed in front of 907-911 Haynes Street to match existing street lights and conform to the Triangle District Standards.

4.0 Lighting

The applicant is not proposing any lighting changes to the current dealership at 34350 Woodward Haynes. The site plan for 907-911 Haynes indicates four new light poles to illuminate the proposed parking lot. The Proposed lights are Tru-Tribute pulse start metal halide 100-400 watt full-cutoff luminaires. Light pole plans indicate a height of 16 feet which satisfies the ordinance.

The photometric plan for the proposed parking lot indicates a foot-candle ratio of 13.63 within the circulation area which satisfies the requirements of 20 or less in Article 4, Section 4.21(F)(3).

5.0 Departmental Reports

- 6.1 Engineering Division – Engineering Division has not yet provided comments, but will do so prior to the meeting on January 22, 2020.
- 6.2 Department of Public Services – No concerns were reported.
- 6.3 Fire Department – Fire Department has not yet provided comments, but will do so prior to the meeting on January 22, 2020.
- 6.4 Police Department - No concerns were reported from the Police Dept.
- 6.5 Building Division – The additional parking spaces will require another accessible parking space be provided in addition to the two existing. One of the three will need to be van accessible.

6.0 Design Review

The applicant has proposed to remove the two-story building at 907-911 Haynes Street to make way for a 43 space surface parking lot. The parking lot will be surrounded by a concrete screenwall and additional landscaping. The parking lot will be accommodated with new AC & DC charging stations for vehicles.

No changes to the existing Porsche Dealership building at 34350 Woodward are proposed at this time. The site plan does indicate a new access drive connecting 34350 Woodward to 907-911 Haynes. See Figure 1 for an aerial of this area.

7.0 Signage Review

No changes or additions to the signage have been proposed. The applicant currently has signs advertising "Fred Lavery", "PORSCHE", a Porsche logo wall sign, and a Porsche logo ground sign.

8.0 Birmingham Triangle District

The opening paragraph for the Triangle District Plan states, *"The Triangle District is a stage for bold and distinctive architecture that creates a unique identity for the neighborhood and City. Building masses are the primary features, replacing the bleak parking lots that currently dominate the landscape"* (pg. 1).

In regards to the Development Plan Summary, *"Infill development and redevelopment is recommended to create a distinct character for the Triangle District while complementing the Downtown and surrounding neighborhoods,"* (pg. 4).

The Triangle District Plan advocates for an increase in building density to replace the large surface parking areas that currently exist. Demolishing a two-story building to make way for a larger surface parking lot appears to be counterproductive to what the Triangle District Plan recommends.

In regards to the recommended Worth Street Plaza and Worth Street realignment, the subject site faces the suggested urban plaza which is recommended to be *"... an island of activity bounded by tree-lined sidewalks and brick lined local streets, and enclosed by five to seven story buildings, (pg. 10).* **Constructing a 43-space surface parking lot to serve an expanding car dealership does not appear to meet the intent of the Triangle District Plan's vision for the spaces surrounding Worth Plaza.**

In regards to rerouting Worth Street, the *Circulation* section of the Triangle District Plan states:

*Currently Worth Street ends at Haynes Street. This prevents circulation between the Triangle District's northern and southern halves. Worth should be realigned parallel to Woodward Avenue and extended to Bowers. This will improve north/south interior connectivity with the Triangle District and better link the north and south halves of the District, which will help support redevelopment of the area. This road reconfiguration will also allow the creation of Worth Plaza in the heart of the Triangle District. The alignment of Worth Street will be through the rear of the Borders (Now Walgreens) parking lot and buildings currently located between Bowers and Haynes. **Therefore Worth Street realignment will need to be done in conjunction with the development of a parking structure and redevelopment of the properties on the north side of Haynes. The specific alignment shown on this plan is conceptual and could be varied, provided the ultimate alignment created Worth Plaza (pg. 19).***

Phase I of the Triangle District Plan states that Worth Plaza is the centerpiece of the plan and also mentions the necessity of acquiring additional roadway right-of-way stating:

There are two key improvements that will be necessary precursors to the successful implementation of Phase I. They are the realignment of Worth Street to create the Worth Plaza open space and a substantial public or public-private parking deck. The reconfiguration Worth Street requires public acquisition of additional roadway right-of-way and includes the extension of Worth Street to Bowers (pg. 26).

See Figure 2 for Triangle District Urban Design Plan.

On February 3rd, 2012, a similar situation regarding Worth Street realignment on the rear property line of Walgreens was brought to City Commission. A condition of approval for the Walgreens SLUP was that Walgreens grant a portion of property to the City for future rerouting of Worth Street. An agreement was reached between the City and the property owner, hence the triangular piece of property on the east side of Walgreens which is now owned by the City of Birmingham. See Figures 1 & 3.

The Triangle District Plan recommends acquiring additional land for the Worth Street realignment during redevelopment of the properties on the north side of Haynes which would include this subject's application. 907-911 Haynes plays a crucial role in the realignment of Worth Street and connecting Worth Street to Bowers Street as the subject site is located in the Triangle District Urban Design Plan's Worth Street right-of-way extension.

Although the construction of a surface parking does not appear to meet the intent of the Triangle District Plan, permitting this parking lot construction with the condition that the applicant reach an agreement with the City regarding the Worth Street realignment and extension could serve as an important step towards implementing the goals of the Triangle District Plan.

Figure 1: Parcel Map and Aerial Image of Subject Properties:



Figure 2: Triangle District Urban Design Plan

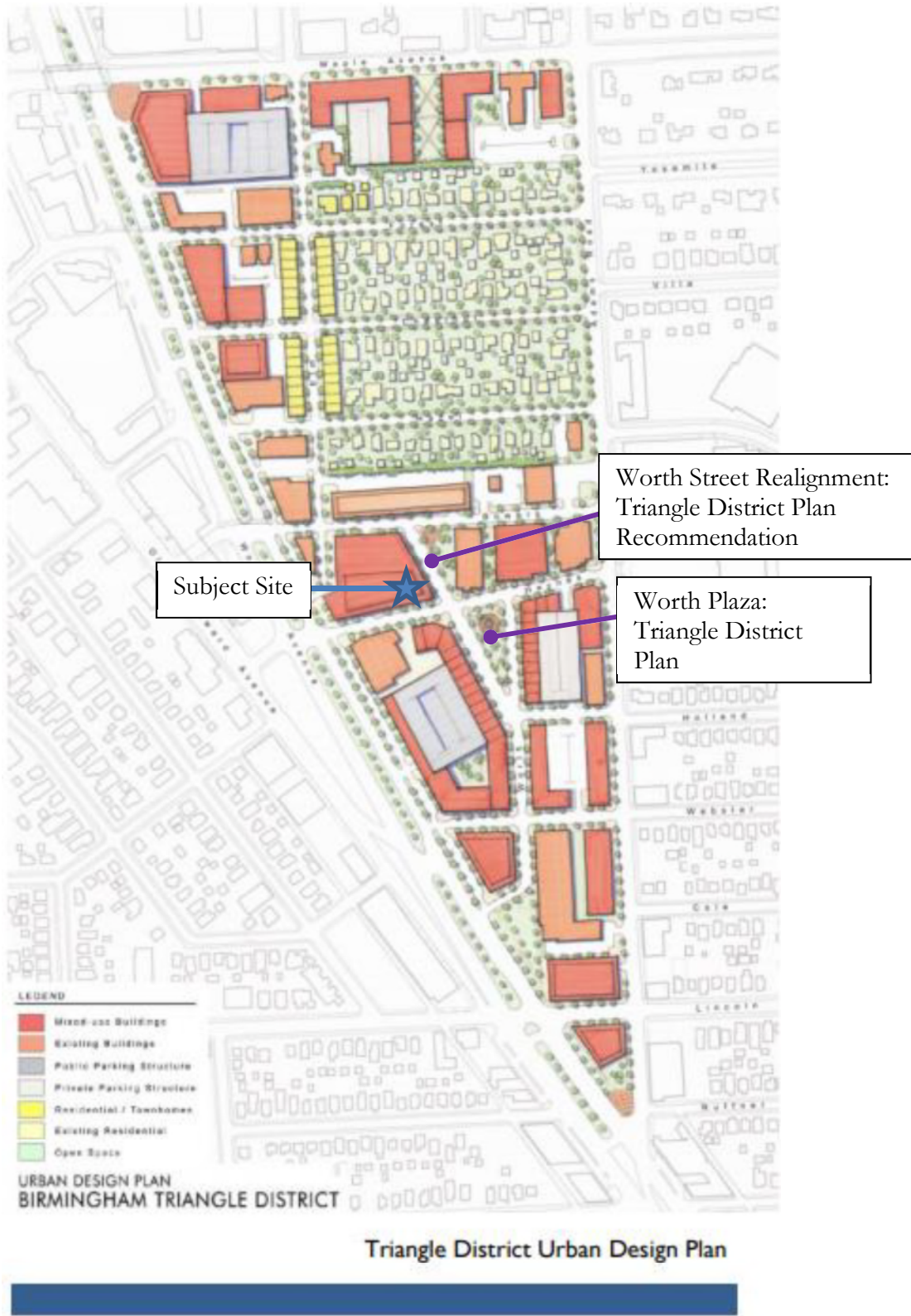


Figure 3: Current Parcel Outlines Overlaid on Triangle Design Plan



9.0 Approval Criteria for Final Site Plan

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property not diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

10.0 Approval Criteria for Special Land Use Permits

Article 07, section 7.34 of the Zoning Ordinance specifies the procedures and approval criteria for Special Land Use Permits. Use approval, site plan approval, and design review are the responsibilities of the City Commission. This section reads, in part:

Prior to its consideration of a special land use application (SLUP) for an initial permit or an amendment to a permit, the **City Commission shall refer the site plan and the design to the Planning Board for its review and recommendation. After receiving the recommendation, the City Commission shall review the site plan and design of the buildings and uses proposed** for the site described in the application of amendment.

The City Commission's approval of any special land use application or amendment pursuant to this section shall constitute approval of the site plan and design.

11.0 Suggested Action

Based on a review of the site plan submitted, as well as the goals and intent of the Triangle District Plan, the Planning Division recommends that the Planning Board RECOMMEND APPROVAL of the applicant's request for Final Site Plan and a SLUP amendment to allow the demolition of the building at 907-911 Haynes Street and for the property to be converted into a surface parking lot for car sales, with the condition that the applicant reach an agreement with the City of Birmingham to comply with the goals of the Triangle District Plan, including but not limited to the accommodation of the Worth Street realignment.

12.0 Sample Motion Language

Based on a review of the site plan submitted, as well as the goals and intent of the Triangle District Plan, the Planning Board RECOMMENDS APPROVAL of the applicant's request for Final Site Plan approval to allow the demolition of the 907-911 Haynes Street building and for the property to be converted into a surface parking lot for car sales with the following conditions;

1. The applicant reach an agreement with the City of Birmingham to comply with the goals of the Triangle District Plan, including but not limited to the accommodation of the Worth Street realignment;
2. The applicant obtain lot combination approval from City Commission; and
3. The applicant break up the expanse of the parking lot with various landscaping islands.
4. The applicant provide a break in the new screenwall;
5. The applicant provide a pedestrian pathway through the lot currently at 907-911 Haynes where the new screenwall opening is placed; and
6. The applicant ensures that 22 of the parking spaces are used for employee and customer parking only and not used for the storage of new or used vehicles for sale, lease or repair.

AND

Based on a review of the site plan submitted, as well as the goals and intent of the Triangle District Plan, the Planning Board RECOMMENDS APPROVAL of the applicant's request for a Special Land Use Permit amendment to allow the demolition of the 907-911 Haynes Street building and for the property to be converted into a surface parking lot for car sales with the following conditions;

1. The applicant reach an agreement with the City of Birmingham to comply with the goals of the Triangle District Plan, including but not limited to the accommodation of the Worth Street realignment;
2. The applicant obtain lot combination approval from City Commission; and
3. The applicant break up the expanse of the parking lot with various landscaping islands.
4. The applicant provide a break in the new screenwall;

5. The applicant provide a pedestrian pathway through the lot currently at 907-911 Haynes where the new screenwall opening is placed; and
6. The applicant ensures that 22 of the parking spaces are used for employee and customer parking only and not used for the storage of new or used vehicles for sale, lease or repair.

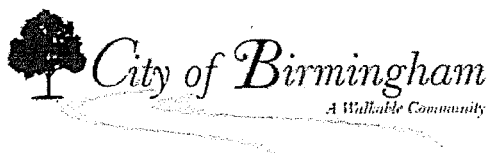
OR

Based on a review of the site plan submitted, the Planning Board RECOMMENDS DENIAL of the applicant's request for Final Site Plan and a SLUP Amendment to allow the demolition of the 907-911 Haynes Street building and for the property to be converted into a surface parking lot for car sales for the following reasons:

1. _____
2. _____
3. _____
4. _____
5. _____

OR

Motion to POSTPONE the Final Site Plan and SLUP Amendment to the City Commission for Lavery Porsche at 34350 Woodward & 907-911 Haynes, with the following conditions:



Combination of Platted Lots Application

Planning Division

Form will not be processed until it is completely filled out.

1. Applicant

Name: Lavery Michigan Dealership No. 1, LLC
Address: _____
440 Lake Park, Birmingham, MI 48009
Phone Number: _____
Fax Number: _____
Email address: _____

2. Property Owner

Name: Lavery Michigan Dealership No. 1, LLC
Address: 440 Lake Park, Birmingham, MI 48009
Phone Number: _____
Fax Number: _____
Email address: _____

3. Applicant's Attorney/Contact Person

Name: Stuart Schwartz
Address: _____
500 Woodward Ave., Suite 3500, Detroit, MI 48226
Phone Number: 313-965-8335
Fax Number: 313-309-6935
Email address: SSchwartz@clarkhill.com

4. Project Designer/Developer

Name: PEA, Inc.
Address: _____
2430 Rochester Ct., Ste. 100, Troy, MI 48083
Phone Number: 248-689-9090
Fax Number: 248-689-1044
Email address: tshelly@peainc.com

5. Project Information

Address/Location of Property: 34350 Woodward Ave./907-911 Haynes
Sidwell #: 19-36-281-030 and 19-36-281-022
Parcel #: _____
Current Zoning: MU5/MU7 Triangle Overlay B-2

Legal Description: See attached survey

6. Required Attachments

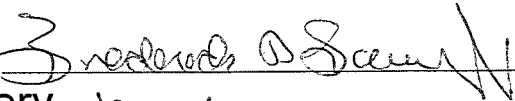
- I. Two (2) copies of a *registered* land survey showing:
 - i. All existing and proposed platted lot lines;
 - ii. Legal descriptions of proposed lots;
 - iii. Locations of existing/surrounding structures for at least 500 ft. in all directions;
 - iv. Footprints of proposed development including proposed building envelope with front, side and rear setbacks clearly marked;
- II. One (1) digital copy of plans;
- III. Proof of ownership;
- IV. Written statement of reasons for request;
- V. A letter of authority or power of attorney in the event the application is made by a person other than the property owner;
- VI. Sketches of proposed development (*optional*);
- VII. Other data having a direct bearing on the request.
- VIII. Any other data requested by the Planning Board, Planning Department, or other City Departments.

7. Details of the Proposed Development (attach separate sheet if necessary)

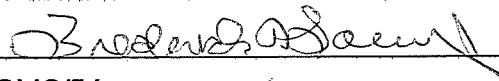
See attached summary.

(I), (We), the undersigned, do hereby request to combine lots of record in the City of Birmingham, Oakland County, Michigan.
(I), (We), do hereby swear that all of the statements, signatures, and descriptions appearing on and with this request are in all respects true and accurate to the best of (my), (our), knowledge.

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

Signature of Property Owner:  Date: 8/11/20

Print Name: Fred Lavery member

Signature of Applicant:  Date: 8/11/20

Print Name: Fred Lavery member

Office Use Only

Application#: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Reviewed By: _____

Combination of Platted Lots

Overview of the Process:

Step 1 – Make an appointment with a city planner: A conceptual survey plan must be presented to a city planner prior to acceptance of an application for Combination of Platted Lots. This meeting is intended for information sharing and general guidance.

Step 2 – Combination of Platted Lots Application filed: An application is deemed complete upon submission and acceptance of the completed application form and all required documentation. Once an application is deemed complete, a petitioner will be scheduled for a public hearing before the Birmingham City Commission, which will be at least 15 days after submission of the application.

Step 3 – Departmental Review: Submitted survey plans are sent to appropriate departments for review. Comments are returned to the Planning Division prior to final review by Planning Division personnel.

Step 4 – Notices of Public Hearing: Notices are sent by the City Clerk to all property owners within 300' of the subject property at least 15 days prior to the City Commission Public Hearing meeting at which the application will be considered.

Step 5 – Review Report: The Planning Division reviews the application and prepares a report to the City Commission for consideration at the public hearing.

Step 6 – Public Hearing at the City Commission: Birmingham City Commission meets to consider the application for Combination of Platted Lots. Petitioner appears before City Commission to answer any questions.

Step 7 – Decision: The City Commission approves, denies, or postpones the Combination of Platted Lots application.

Combination of Platted Lots Application Requirements:

1. A complete Combination of Platted Lots application is to be submitted to the Community Development Department.
2. The application must be completed in its entirety and signed by the owners or applicants.
3. The application must be accompanied by the following supporting documentation:
 - a. Proof of ownership
 - b. Written statement of reasons for request
 - c. A letter of authority or power of attorney in the event the application is made by a person other than the property owner
 - d. Two (2) copies of a **registered** land survey showing:
 - i. All existing and proposed platted lot lines
 - ii. Legal descriptions of proposed lots
 - iii. Locations of existing/surrounding structures and setbacks for at least 500 feet in all directions
 - iv. Footprints of proposed development including proposed building envelope with front, side and rear setbacks clearly marked.
 - v. One set of survey plans mounted on display boards
 - vi. Any other data having a direct bearing on the request
4. All taxes and special assessments must be paid at the time of application.
5. All water bills must be paid at the time of application.
6. All building permits must be obtained at the time of application.
7. Signatures from the City of Birmingham Treasurer, Water Department, and Building Department are required.
8. Signatures of the property owner and applicant are required.
9. Fee: \$200.00 per parcel affected in the request, minimum fee: \$400.00

TO
THE
ORDER
OF

CLARK HILL

Stuart M. Schwartz
T (313) 965-8335
F (313) 309-6935
Email:SSchwartz@ClarkHill.com

Clark Hill PLC
500 Woodward Ave., Suite 3500
Detroit, MI 48226
T (313) 965-8300
F (313) 309-6935

clarkhill.com

August 27, 2020

VIA US MAIL AND E-MAIL

City of Birmingham
Planning Department
Attn: Ms. Jana Ecker
151 Martin St.
Birmingham, MI 48009
jecker@bhamgov.org

RE: 34350 Woodward Ave. (the “Woodward Property”) and 907-911 Haynes, Birmingham, MI 48009 (the “Haynes Property”)

Dear Ms. Ecker:

Clark Hill PLC is legal counsel to Lavery Michigan Dealership Properties No. 1, LLC (“LMDP”), the owner of the Woodward Property and the Haynes Property (collectively, “Lavery Properties”). Enclosed herewith, please find the following documents relative to LMDP’s application to combine the Woodward Property and Haynes Property into one lot:

1. Combination of Platted Lots Application;
2. Two (2) copies of the registered land survey;
3. Proof of ownership;
4. Sketches of the proposed development; and
5. One digital copy of plans.

In addition, this letter shall serve as LMDP’s details of the proposed development.

In 2010, LMDP received a Special Land Use Permit (“2010 SLUP”) for the Woodward Property to operate a Porsche car dealership within the B2 Zone and MU-7 Triangle District Overlay. Auto show rooms and sales agencies are permitted uses in the MU-5 and MU-7 zones of the Triangle Overlay District pursuant to a Special Land Use Permit. It is our understanding that in 2016, the Planning Board and City Commission approved an amendment to the 2010 SLUP to allow for the temporary use of the Haynes Property as an office for the Audi sales and management team, while renovations were being completed at the Lavery Audi dealership located at 34602 Woodward Ave., Birmingham, MI (the “Temporary SLUP Amendment”). Under the Temporary SLUP Amendment, LMDP could use the Haynes Property as offices for the Audi car dealership while Spa Mariana remained on the second floor. LMDP now proposes

to modify the site plan of the Woodward Property in combination with the Haynes Property pursuant to the enclosed site plan in order to accommodate changes in Porsche's dealership requirements. To be clear, at this time, LMDP is not requesting a change to the 2010 SLUP or the Temporary SLUP Amendment. Rather, LMDP is only requesting that the Lavery Properties be combined into one lot. LMDP is also not making any modifications to the Porsche dealership or the existing use associated with the Porsche dealership. Upon approval of that combination, LMDP will then seek an amendment to the 2010 SLUP as described below.

By way of background, newly enacted United States and European Union regulations require that Porsche have an all-electric (full electric and hybrid electric) fleet of vehicles by 2025. This new fleet of vehicles requires dealerships to install a new electric vehicle infrastructure. Four parking spaces at the Woodward Property will be converted for electric vehicle charging stations and will no longer be available for customer and inventory parking. Those spaces will be available to the public's use. In order to accommodate customer and inventory parking, spaces will need to be relocated to the Haynes Property. In furtherance of this plan, LMDP will be adding extensive landscaping and a screening wall along Haynes Street as more particularly depicted on the accompanying site plans and drawings.

It is no secret that parking remains a major concern throughout the City of Birmingham. As set forth in the 2007 Triangle District Urban Design Plan, "[p]arking needs to be provided more efficiently than the current configuration of disjointed surface parking lots. Redevelopment should incorporate multi-level parking structures and maximize the use of on-street parking. More efficient use of shared parking facilities will allow for redevelopment that is more pedestrian oriented and less dominated by parking lots." "A more efficient means of accommodating parking is needed in the Triangle District. In the short term, a shared parking program may reduce parking demand. As the Triangle District redevelops, this plan recommends a managed parking system with a combination of parking on-street, in structures and in limited surface lots to ensure that convenient parking is provided to the uses with the greatest demand and that there is efficient use of land. ***Construction of a parking structure is an imperative element of the plan and should be implemented during the first phase.***" (emphasis added). Unfortunately, to date, the City has not constructed a parking structure. After more than a decade since this plan was created, there is no managed parking system for the Triangle System, no parking garage, and no public plans to implement a managed parking system.

LMPD's proposal is meant as a short-term measure until the City can implement the vision set forth in the Triangle District Urban Design Plan, build a parking garage and implement a managed parking system. The use of the combined lots is an appropriate place-holder that will cause the demolition of a dilapidated building and the beautification of the Haynes Property. It is not possible and would not be prudent to redevelop these lots without adequate parking capacity. By approving this lot combination, the land will remain available for future development in accordance with the Triangle District Plan.

August 27, 2020
Page 3

Please schedule this request for the earliest available hearing. If you need any additional information or if you would like to discuss, do not hesitate to contact me.

Sincerely,

CLARK HILL PLC

/s/Stuart M. Schwartz

Stuart M. Schwartz

SMS:at
Enclosure

cc: Mr. Brooks Cowan, City Planner (via email to bcowan@bhamgov.org)

OAKLAND COUNTY TREASURER'S CERTIFICATE
This is to certify that there are no delinquent property
taxes as of the date owed to our office on this property.
No representation is made as to the status of any taxes,
penalties or fines owed to any other entities.

MAY 15 2015

1.00

ANDREW E. MEISNER, County Treasurer
Sec 135, Act 206, 1993 as amended

LIBER 48188 PAGE 142
\$22.00 DEED - COMBINED
\$4.00 REMONUMENTATION
\$17,200.00 TRANSFER TX COMBINED
05/18/2015 03:32:24 PM RECEIPT# 56415
PAID RECORDED - Oakland County, MI
Lisa Brown, Clerk/Register of Deeds

STATE OF
MICHIGANREAL ESTATE
TRANSFER TAX

OAKLAND
05/18/2015
56415

\$2,200.00 CO
\$15,000.00 ST
001002777

★
★
★
★
★
★

WARRANTY DEED

THEODORE N. MITCHELL AND KATHY MITCHELL, husband and wife,
GREGORY MITCHELL AND ATHINA MITCHELL, husband and wife, AND MARK
MITCHELL AND MARTHA MITCHELL, husband and wife (collectively, "Grantor"),
whose address is 339 N. Center Street, Northville, Michigan 48167 ("Grantor"),
conveys and warrants to Lavery Michigan Dealership Properties, a Michigan limited
liability company ("Grantee"), whose address is 33583 Woodward Ave. Birmingham, the
premises situated in the City of Birmingham, Oakland County, Michigan, more
specifically described as: **HI 48009

*No. 1, LLC, a Michigan limited liability company

See Exhibit A hereto

for the sum set forth on the Real Estate Transfer Tax Valuation Affidavit filed herewith,
subject only to the exceptions set forth on Exhibit B hereto.

If the land being conveyed is unplatted, the following is deemed to be included:

Grantor grants to Grantee the right to make all division(s) under
Section 108 of the Land Division Act, Act No. 288 of the Public Acts of
1967, as amended.

This property may be located within the vicinity of farmland or a
farm operation. Generally accepted agricultural and management
practices which may generate noise, dust, odors, and other associated
conditions may be used and are protected by the Michigan Right to Farm
Act.

Dated: April 30, 2015

OK-LB

SP
A
Cert

[SIGNATURES BEGIN ON NEXT PAGE]

Warranty Deed

1508076

26

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS
2015 MAY 13 AM 10:59

GRANTOR:

Theodore N. Mitchell

Theodore N. Mitchell

Kathy Mitchell

Kathy Mitchell, his wife

Gregory Mitchell

Gregory Mitchell

Athina Mitchell

Athina Mitchell, his wife

Mark Mitchell

Mark Mitchell

Martha Mitchell

Martha Mitchell, his wife

STATE OF MICHIGAN

COUNTY OF OAKLAND

ss.

The foregoing instrument was acknowledged before me in OAKLAND County, Michigan, this 16 day of June, 2010, by Theodore N. Mitchell and Kathy Mitchell, his wife.

Sandra J. Melki

Print name: Sandra J. Melki

Notary Public

State of Michigan, County of _____

My commission expires _____

Acting in the County of _____

Sandra J Melki
Notary Public of Michigan
Oakland County
Expires 05/13/2013
Acting in the County of <u>OAKLAND</u>

Warranty Deed

STATE OF MICHIGAN)
COUNTY OF Oakland) ss.

The foregoing instrument was acknowledged before me in Oakland County, Michigan, this 6th day of June, 2010, by Gregory Mitchell and Athina Mitchell, his wife.

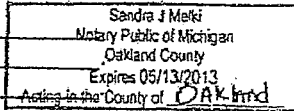
Sandra J. Meeki
Print name: Sandra J. Meeki

Notary Public

State of Michigan, County of _____

My commission expires _____

Acting in the County of _____



STATE OF MICHIGAN)
COUNTY OF Oakland) ss.

The foregoing instrument was acknowledged before me in OAKland County, Michigan, this 10th day of June, 2010, by Mark Mitchell and Martha Mitchell, his wife.

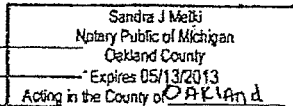
Sandra J. Meeki
Print name: Sandra J. Meeki

Notary Public

State of Michigan, County of _____

My commission expires _____

Acting in the County of _____



Drafted by and when recorded return to:
Howard N. Luckoff, Esq.
Honigman Miller Schwartz and Cohn LLP
2290 First National Building
660 Woodward Avenue
Detroit, MI 48226

Send subsequent tax bills to: Grantee

Recording Fee: \$ _____

Transfer Tax: See Real Estate Transfer Tax Valuation Affidavit

Warranty Deed

EXHIBIT A

LEGAL DESCRIPTION

Land situated in the City of Birmingham, Oakland County, Michigan, more particularly described as:

Lot 3 of "Bowers Addition", according to the plat thereof recorded in Liber 8 of Plats, Page 26, Oakland County Records, except that part taken for highway; also together with:

All of Lots 4 and 5 of "Bowers Addition", according to the plat thereof recorded in Liber 8 of Plats, Page 26, Oakland County Records; also together with

Lot 6 of "Bowers Addition", according to the plat thereof recorded in Liber 8 of Plats, Page 26, Oakland County Records, except the Easterly part, beginning at the Northeast Lot corner; thence West 1.35 feet along the Lot line; thence Southerly 65.50 feet parallel to the East Lot line; thence South 52.89 feet to the Southeast Lot corner; thence Northerly along said Lot line to the beginning.

Sidwell #: 19-36-281-022
Commonly Known As: 835 and 845 Haynes Street

EXHIBIT B

EXCEPTIONS

1. Taxes and assessments for the year 2010 and thereafter which constitute a lien on the Property but are not yet due and payable.
2. Highway Easement recorded in Liber 53, Page 355 of Miscellaneous Records, Oakland County Records, Michigan.

OAKLAND.1841170.1

OAKLAND COUNTY TREASURERS CERTIFICATE
I HEREBY CERTIFY that there are no TAX LIENS or TITLES
held by the state or any individual against the within description
and all TAXES on same are paid for five years previous to the
date of this instrument as appears by the records in the office
except as stated.

JUN 06 2014

ANDREW E. MEISNER, County Treasurer
Sec. 135, Act 206, 1893 as amended

1.00

00-1862

LIBER 47102 PAGE 586
\$19.00 DEED - COMBINED
\$4.00 REMONUMENTATION

06/06/2014 03:17:34 PM RECEIPT# 53438
PAID RECORDED - Oakland County, MI
Lisa Brown, Clerk/Register of Deeds

COVENANT DEED

Agim Bardha and Sheriban Bardha, husband and wife (collectively, "Grantor"), whose address is 550 Bates, Birmingham, Michigan 48009, hereby sells, conveys, grants and bargains to Lavery Michigan Dealership Properties No. 1, LLC, a Michigan limited liability company ("Grantee"), whose address is 440 Lake Park Drive, Birmingham, Michigan 48009, the premises situated in the City of Birmingham, Oakland County, Michigan, more specifically described as:

See Exhibit A hereto

for the sum set forth on the Real Estate Transfer Tax Valuation Affidavit filed herewith.

Grantor, for itself, its successors and assigns, covenants, grants, bargains, and agrees to and with Grantee, its successors and assigns, that, subject to the exceptions set forth on Exhibit B hereto, Grantor has not done, committed or knowingly suffered to be done or committed any act, matter, or thing whatsoever, whereby the premises hereby granted, or any part thereof, is, or shall or may be, charged or encumbered in title, estate or otherwise.

If the land being conveyed is unplatted, the following is deemed to be included:

Grantor grants to Grantee the right to make all division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

[SIGNATURES ON NEXT PAGE]

OK = LG

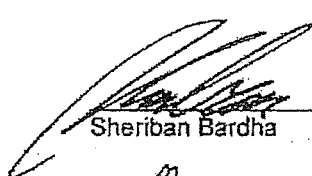
RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS
2014 JUN -6 PM 3:17

REVENUE TO BE AFFIXED
AFTER RECORDING

Covenant Deed
Page 1 of 2

SIGNATURE PAGE TO COVENANT DEED FROM
SHERIBAN AND AGIM BARDHA TO LAVERY MICHIGAN DEALERSHIP
PROPERTIES NO. 1, LLC

GRANTOR:



Sheriban Bardha

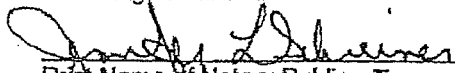


Agim Bardha

Dated as of June 2, 2014

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

This instrument was acknowledged before me in Oakland County, Michigan, on the 2nd of June, 2014, by Sheriban Bardha and Agim Bardha.



Print Name of Notary Public: Jennifer L. Schreiner
Notary Public, State of Michigan, County of Oakland
My commission expires: 4/14/20
Acting in the County of Oakland

~~Drafted by and when recorded return to:~~

Sarah Baumgartner, Esq.
Honigman Miller Schwartz and Cohn LLP
660 Woodward Avenue
2290 First National Building
Detroit, MI 48226-3506

When Recorded Return to:

Title Source, Inc. -
Commercial Team
662 Woodward Avenue
Detroit, MI 48226
TSI#: 58767941

Send subsequent tax bills to: Grantee

Recording Fee: \$ _____

Transfer Tax: See Real Estate Transfer Tax Valuation Affidavit

Covenant Deed
Page 2 of 2

EXHIBIT A - LEGAL DESCRIPTION

Tax ID Number(s): 19-36-281-030

Land Situated in the City of Birmingham in the County of Oakland in the State of MI

Town 2 North, Range 10 East, Section 36, BOWERS ADDITION SUBDIVISION, as recorded in Liber 8, Page 26 of Plats, Oakland County Records. Easterly part of Lot 6 beginning at Northeast lot corner, thence Westerly 1.35 feet along North lot line, thence South 01 degrees 00 minutes 00 seconds West 65.50 feet parallel to East lot line, thence Southeasterly 52.89 feet to Southeast lot corner, thence Northerly 118.42 feet along East lot line to beginning, also all of Lots 7, 8 and 9, also Westerly part of Lot 10 measures 10.14 feet along North lot line and 10.58 feet along South lot line.

Client Reference: 907 & 911 Haynes St., Birmingham, MI 48009

EXHIBIT B

EXCEPTIONS

1. Lease dated June 3, 2010 between Sheriban and Agim Bardha and Spa Mariana, LLC, successor in interest to Corpo Chair Massage, LLC.

CERTIFICATE OF SURVEY
ORIGINAL PARCEL CONFIGURATION

LEGAL DESCRIPTION
(Per Survey Oakland)

19-36-281-030
T2N, R10E, SEC 36 BOWERS ADD ELY PART OF LOT 6 BEG AT NE LOT COR, TH WLY 1.35 FT ALG N LOT LINE, TH S 01-00-00 W 65.50 FT PARA TO E LOT LINE, TH SELY 52.89 FT TO SE LOT COR, TH NLY 118.42 FT ALG E LOT LINE TO BEG, ALSO ALL OF LOTS 7, 8 & 9, ALSO WLY PART OF LOT 10 MEAS 10.14 FT ALG N LOT LINE & 10.58 FT ALG S LOT LINE

LEGAL DESCRIPTION
(Per Survey Oakland)

19-36-281-022
T2N, R10E, SEC 36 BOWERS ADD LOT 3 EXC THAT PART TAKEN FOR HWY, ALL OF LOTS 4 & 5, ALSO LOT 6 EXC ELY PART BEG AT NE LOT COR, TH W 1.35 FT ALG N LOT LINE, TH SLY 65.50 FT PARA TO E LOT LINE, TH SELY 52.89 FT TO SE LOT COR, TH NLY ALG LOT LINE TO BEG



PEA, Inc.

2430 Rochester Ct, Ste 100
Troy, MI 48063-1872
t: 248.689.9090
f: 248.689.1044
www.peainc.com

CLIENT:
Lavery Michigan Dealership Properties No. 1, LLC
909 HAYNES STREET
BIRMINGHAM, MICHIGAN 48009

SCALE: —

JOB No: 2019-344

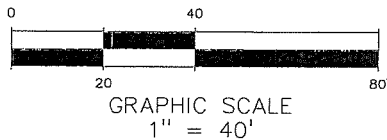
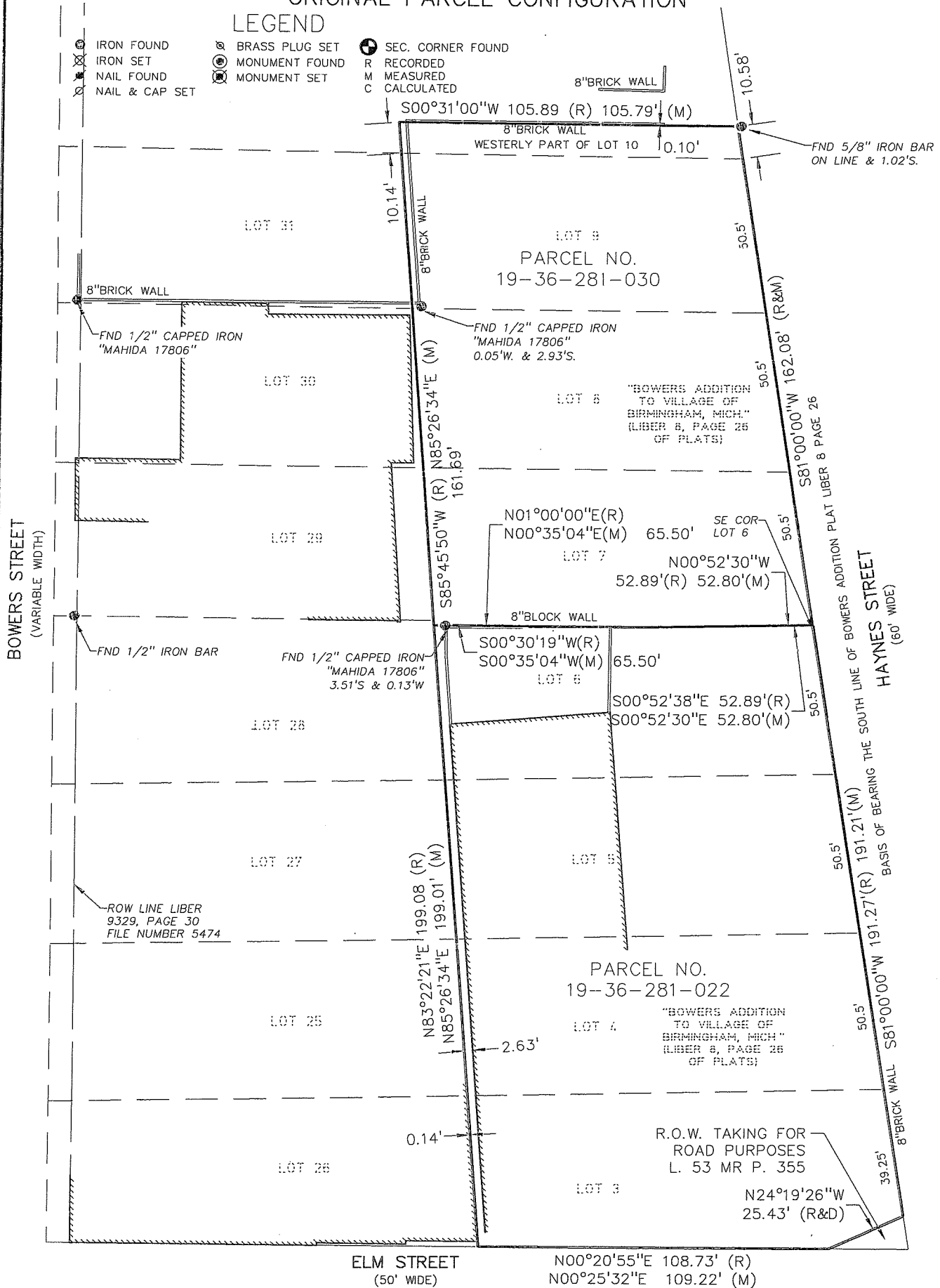
DATE: 9/18/19

DWG. No: 1 of 4

CERTIFICATE OF SURVEY ORIGINAL PARCEL CONFIGURATION

LEGEND

- | | | |
|--|--|---|
| <ul style="list-style-type: none"> ⊗ IRON FOUND ⊗ IRON SET ⊗ NAIL FOUND ⊗ NAIL & CAP SET | <ul style="list-style-type: none"> ⊗ BRASS PLUG SET ⊗ MONUMENT FOUND ⊗ MONUMENT SET | <ul style="list-style-type: none"> ⊙ SEC. CORNER FOUND R RECORDED M MEASURED C CALCULATED |
|--|--|---|



CLIENT:
Lavery Michigan Dealership Properties No. 1, LLC
909 HAYNES STREET
BIRMINGHAM, MICHIGAN 48009

SCALE: 1" = 40'

JOB No: 2019-344

DATE: 9/18/19

DWG. No: 2 of 4

PEA, Inc.

2430 Rochester Ct, Ste 100
Troy, MI 48063-1872
t: 248.689.9090
f: 248.689.1044
www.peainc.com

CERTIFICATE OF SURVEY
PROPOSED PARCEL CONSOLIDATION

LEGAL DESCRIPTION

(Per PEA Inc.)

Combined Parcel

Land situated in the City of Birmingham, County of Oakland, State of Michigan
Described as follows:

A parcel of land lying in "Bowers Addition" being a part of Section 36, Town 2 North, Range 10 East, including all of lots 3, 4, 5, 6, 7, 8, 9, and the westerly 10.14 feet along the northerly line of Lot 10 and the westerly 10.58 feet along the southerly line of Lot 10, excluding a portion taken for Right-of-Way purposes, as described in Liber 53 Miscellanies Records, Page 355,, more particularly described as;

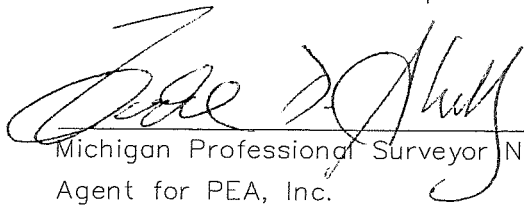
Commencing at the southwest corner of Lot 3, thence N81°00'00"E, 10.79 feet along the south line of said Lot 3 to the Point of Beginning;
thence N24°19'26"W, 25.43 feet;
thence N00°25'32"E, 109.22 feet along the West Line of said Lot 3 and the East Line of Elm Street;
thence N85°26'34"E, 360.70 feet along the North Line of Lots 3-10 of said Bower's Addition;
thence S00°31'00"W, 105.79 feet;
thence S81°00'00"W, 353.29 feet along the South Line of said Lots 3-10 and the North Line of Haynes Street to the Point of Beginning.
Containing 0.99 Acres more or less.

Basis of bearing the south line of Bowers Addition Plat Liber 8 Page 26

CERTIFICATION

I, Todd D. Shelly, being a Licensed Professional Surveyor, hereby certify, that I have surveyed and mapped the parcel(s) heron described and that the relative positional precision of each corner is within the limits accepted by the practice of professional surveying and that all the requirements of P.A. 132 of 1970, as amended, have been complied with.

DATE


Michigan Professional Surveyor No. 41111
Agent for PEA, Inc.

9-19-19



PEA, Inc.

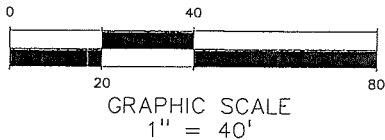
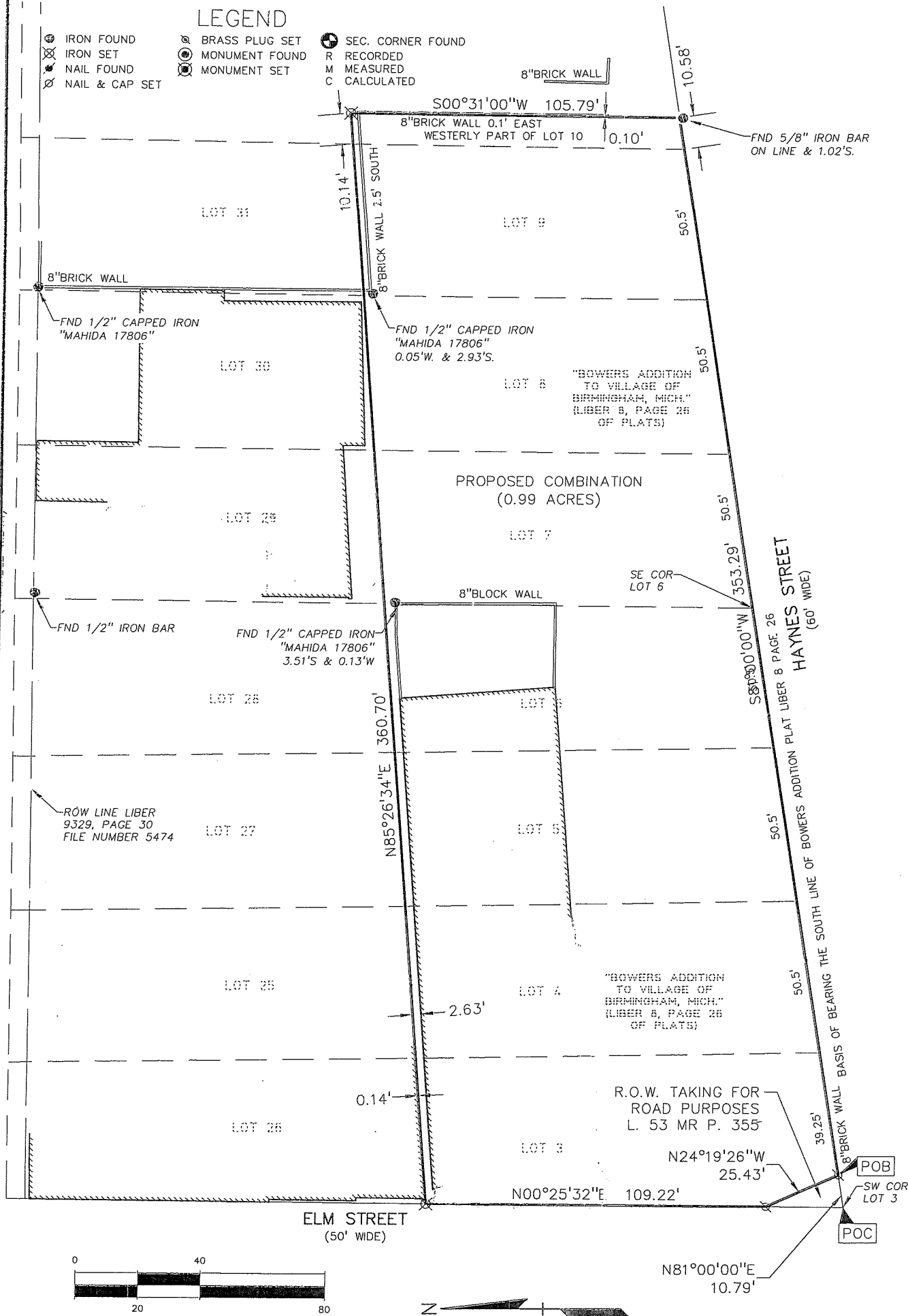
2430 Rochester Ct, Ste 100
Troy, MI 48063-1872
t: 248.689.9090
f: 248.689.1044
www.peainc.com

CLIENT: Lavery Michigan Dealership Properties No. 1, 909 HAYNES STREET BIRMINGHAM, MICHIGAN 48009	SCALE: — LC	JOB No: 2019-344
	DATE: 9/18/19	DWG. No: 3 of 4

CERTIFICATE OF SURVEY
PROPOSED PARCEL CONSOLIDATION

LEGEND

- IRON FOUND
IRON SET
NAIL FOUND
NAIL & CAP SET
BRASS PLUG SET
MONUMENT FOUND
MONUMENT SET
SEC. CORNER FOUND
R RECORDED
M MEASURED
C CALCULATED



CLIENT:
Lavery Michigan Dealership Properties No. 1, LLC
909 HAYNES STREET
BIRMINGHAM, MICHIGAN 48009

SCALE: 1" = 40'

JOB No: 2019-344

DATE: 9/18/19

DWG. No: 4 of 4

PEA, Inc.

2430 Rochester Ct, Ste 100
Troy, MI 48063-1872
t: 248.689.9090
f: 248.689.1044
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LEGAL DESCRIPTION

(Per PEA Map)

Land located in the City of Birmingham, County of Oakland, State of Michigan described as follows:

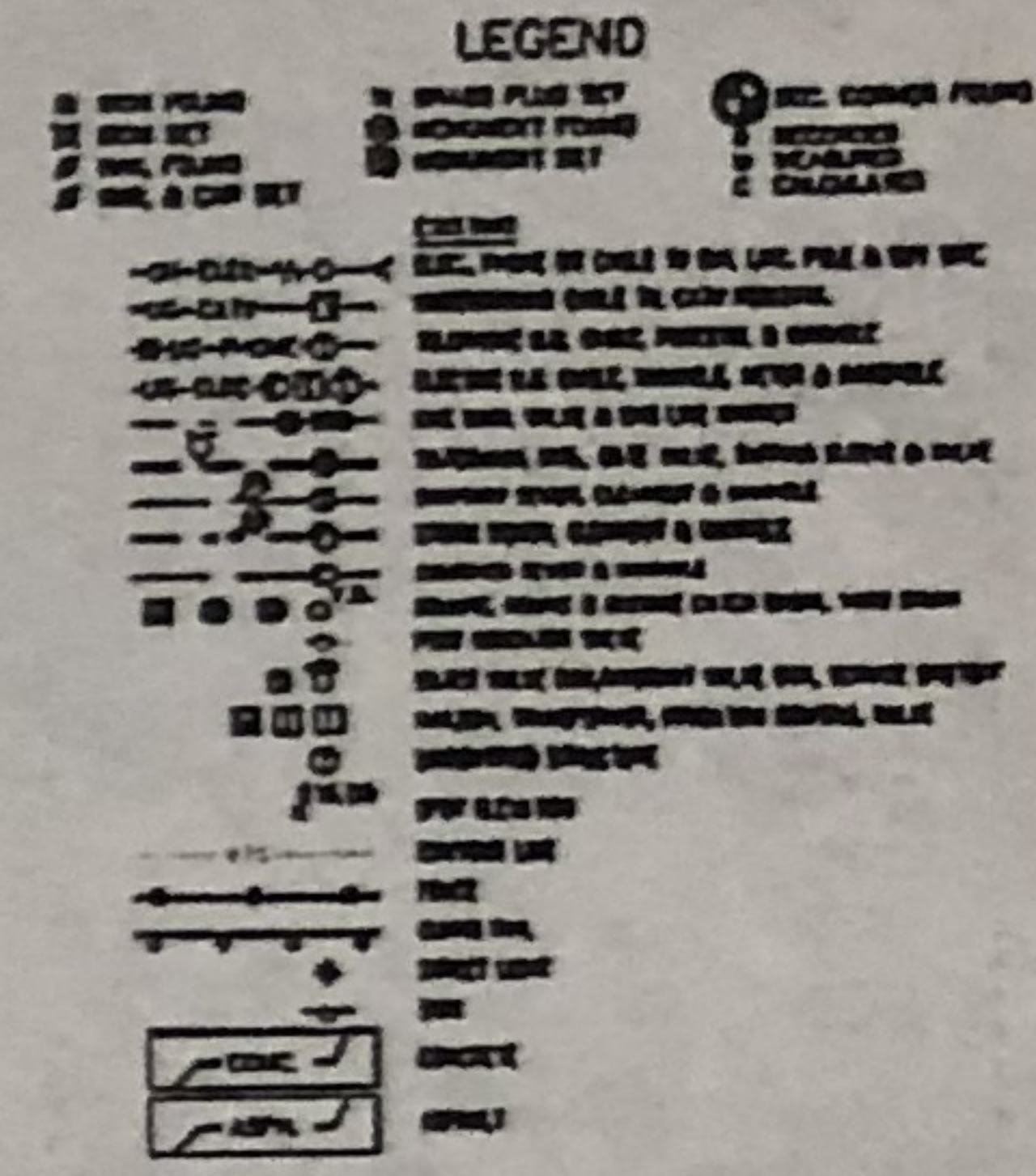
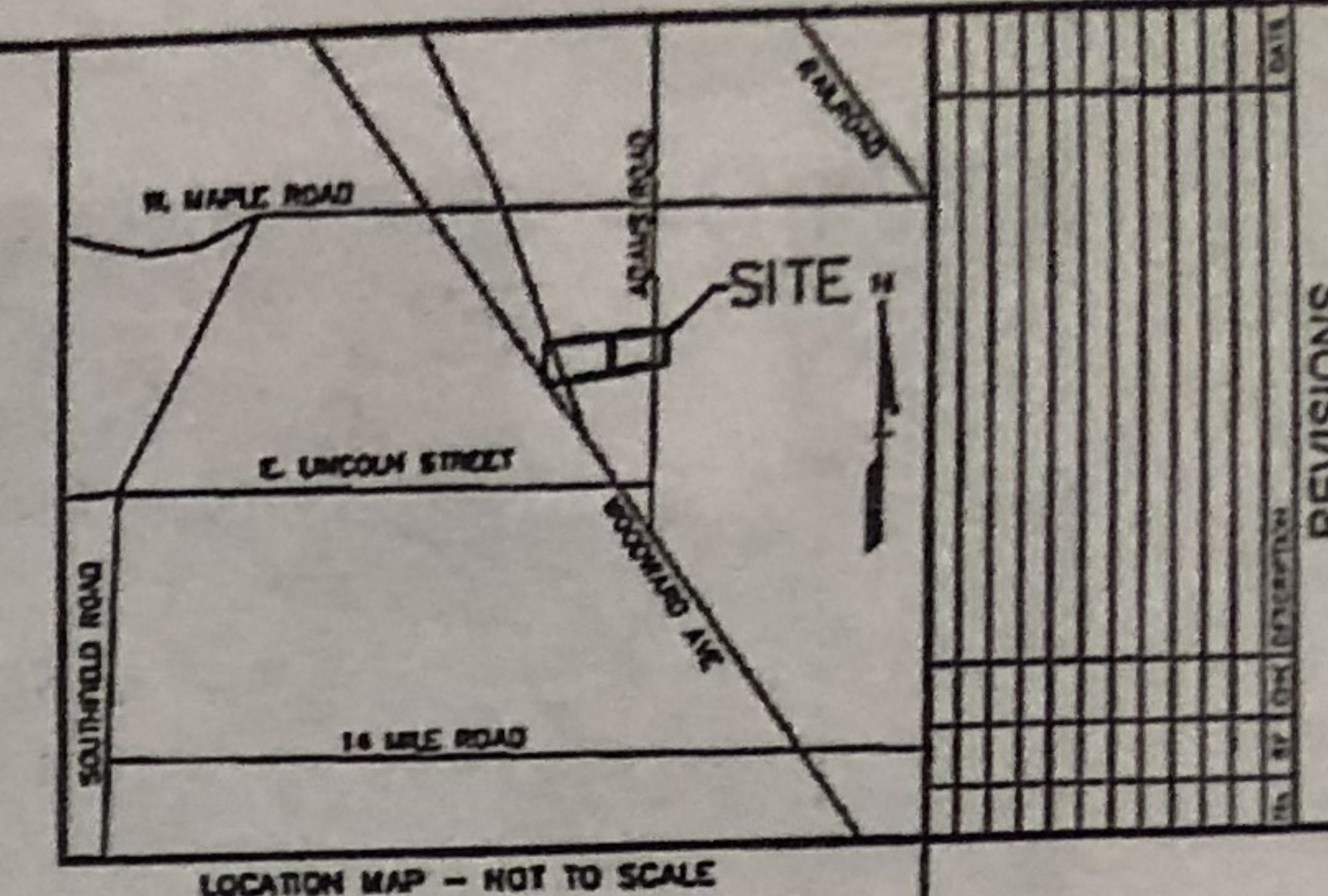
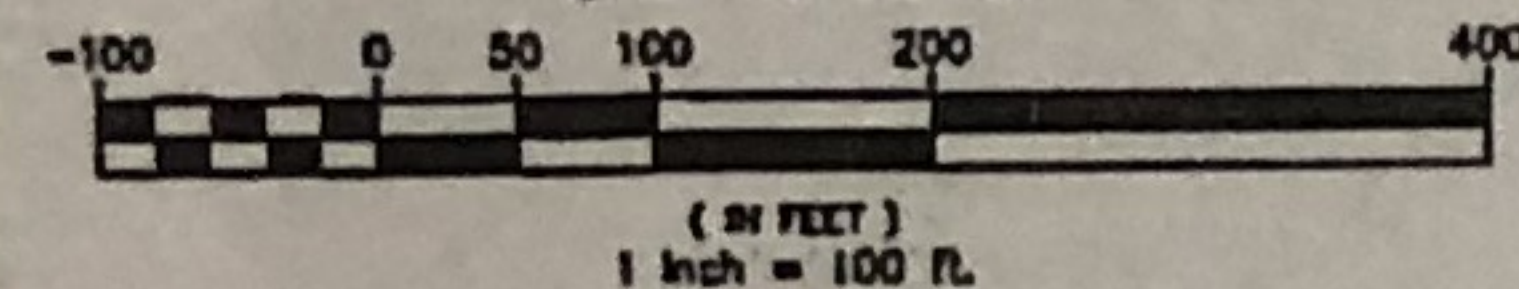
A parcel of land lying in "Bowers Addition" being a part of Section 36, Town 2 North, Range 10 East, including all of lots 3, 4, 5, 6, 7, 8, 9, and the westerly 10.14 feet along the northern line of Lot 10 and the westerly 10.58 feet along the northern line of Lot 11, including a portion (later for Right-of-Way purposes, as described in Liber 53 Miscellaneous Records, Page 255, more particularly described as:

Commencing at the southeast corner of Lot 3, thence N81°00'00"E, 10.79 feet along the south line of said Lot 3 to the Point of Beginning;
thence S24°17'25"W, 15.43 feet;
thence S69°23'23"E, 108.22 feet along the West Line of said Lot 3 and the East Line of the Street;
thence S82°24'54"E, 100.70 feet along the North Line of Lots 3-10 of said Bowers Addition;
thence S00°21'00"W, 105.79 feet;
thence S81°00'00"W, 333.29 feet along the South Line of said Lots 3-10 and the North Line of Haynes Street to the Point of Beginning.
Containing 0.95 Acres more or less.

Beats of bearing the south line of Bowers Addition Plat Liber 8 Page 26



GRAPHIC SCALE



CAUTION:
This map was prepared by a Professional Land Surveyor and is subject to the provisions of the Michigan Surveying Act. It is not to be used for any purpose other than that for which it was prepared. The user assumes all responsibility for the use of this map.

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Lavery Michigan Dealership Properties No. 1, LLC
600 HAYNES STREET
BIRMINGHAM, MICHIGAN 48009
LAND COMBINATION SURVEY
BOWERS ADDITION
PART OF THE NORTH 1/4 OF SECTION 36, TOWN 2N, RANGE 10E
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN
DES. DATE SUB. DATE P.M. TDS

ORIGINAL ISSUE DATE:
September 10, 2010
PEA JOB NO. 2010-344
SCALE: 1" = 100'
DRAWING NUMBER:
1

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, SEPTEMBER 22, 2010**
Commission Chamber, City Hall
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held September 22, 2010. Chairman Robin Boyle convened the meeting at 7:30 p.m.

Present: Chairman Robin Boyle; Board Members Scott Clein, Bert Koseck, Gillian Lazar (arrived at 7:53 p.m.), Janelle Whipple-Boyce, Bryan Williams; Student Representative Aaron Walden

Absent: Board Member Carroll DeWeese

Administration: Matthew Baka, Planning Intern
Jana Ecker, Planning Director
Carole Salutes, Recording Secretary

09-170-10

SPECIAL LAND USE PERMIT ("SLUP") REVIEW

835 Haynes St., Porsche Showroom and Sales

Request approval of a SLUP to allow an automobile sales agency in an existing building

FINAL SITE PLAN REVIEW

835 Haynes St., Porsche Showroom and Sales

Request approval of a SLUP to allow an automobile sales agency in an existing building

Mr. Baka explained the subject site is located on the east side of Woodward Ave., on the northeast corner of Haynes and Elm. The parcel is zoned B-2 Business-Residential and MU-7 in the Triangle Overlay District. The applicant, Fred Lavery Company, is seeking approval of an auto sales agency and showroom. The Birmingham Zoning Ordinance requires that the applicant obtain a SLUP and approval from the City Commission to operate an auto sales agency and showroom in the MU-7 District.

Accordingly, the applicant will be required to obtain a recommendation from the Planning Board on the Final Site Plan and SLUP, and then obtain approval from the City Commission for the Final Site Plan and SLUP.

Mr. Baka explained that the applicant is planning minimal changes to the actual site. They are basically looking at some improvements to the screening, lighting and also landscaping. The parking lot is over 7,500 sq. ft., which would kick in the 5 percent landscaping rule. However, because this area is identified as one of the gateways to the Triangle District, the Planning Division thought it would be more beneficial to pedestrians to locate the landscaping at the west end of the site on the outside of the screenwall.

The materials board was passed around for viewing.

The applicant proposes to install two name letter signs and one two-sided ground sign. The total linear building frontage is 165 ft. This permits 165 sq. ft. of sign area per the requirement of Article 1.0, section 104 (B) of the Birmingham Sign Ordinance, Combined Sign Area. The total area of all signs will be 128.59 sq. ft. which meets this requirement.

The proposed Porsche and Fred Lavery sign letters will be constructed of silver finished fabricated aluminum. The proposed Porsche ground sign will be a fabricated aluminum cabinet with an internal aluminum frame.

The Porsche name letter sign will be internally lit with 15mm red neon lamps. The Fred Lavery name letter sign will be halo backlit with 15mm white neon tubes. The Porsche ground sign is proposed to be internally backlit with fluorescent tubes.

Mr. Robert Ziegelman, Luckenbach Ziegelman Architects, PLLC, was present with Messrs. Lavery and Lavery; Mr. Pat Taylor from his office; along with Mr. Mark Daringowski, representing Porsche Cars North America. Mr. Ziegelman indicated they are not touching the footprint of the building. Mr. Koseck observed that floor plans would help to understand why the entry points are where they are.

Ms. Lazar arrived at this time.

Ms. Whipple-Boyce received clarification that the applicant is proposing roughly 700 sq. ft. of landscaping in the parking lot. 600 sq. ft. is required. Moving the screenwall to the inside of the landscaping would take the requirement down significantly.

Chairman Boyle suggested a Porsche display in the parking lot would be astonishingly attractive.

Mr. Fred Lavery, the owner and operator of the Porsche dealership, said they did not consider a car display because it wouldn't be seen as a result of the screenwall requirement.

Mr. Williams was not in favor of the display because it is not easy to negotiate out onto Woodward Ave. from Haynes and the display might be a distraction.

Mr. Koseck noted the existing aisles in the parking lot are 24 ft. wide and they exceed the required width by 4 ft. He thought the width could be reduced and that would allow additional room for landscaping. Further, he expected the main entrance to the building would be at the southwest corner so a pedestrian would not be forced to walk through the parking lot to enter. Mr. Lavery explained there are two pedestrian entrances. The second pedestrian entrance is also used for vehicles. He noted they adhere to the Porsche standards which they have no control over. The entire inside of the showroom is oriented towards the main entrance. Mr. Koseck then pointed out that the upper left hand section shows a thin wall that extends up, as opposed to wrapping around. The elevation that faces to the north is even thinner yet and they both look as though they were glued onto the building.

Ms. Lazar thought perhaps Porsche could offer the applicant some latitude given the fact that they are rehabbing the building.

Mr. Lavery went on to state that parking is an important part of their operation. His experience has been that the parking standards are minimal for a car dealership. They have always utilized other parking spaces in addition to those that have been required on-site.

Mr. Daringowski explained the Porsche concept of a jewel box with all of the Porsches illuminated inside that box. Their flexibility for change is minimal, but they will work with the comments that have been made tonight.

The chairman took the discussion to members of the public at 8:25 p.m.

Mr. James Ellsman, owner of the building immediately to the north, expressed his concern that this building offers no consistency with the concept of the Triangle District. At the entrance point to the Triangle District only a one-story renovated building is being considered. He asked about the longevity of the project.

Mr. Ted Mitchell, the owner of the building, verified that the term of the lease is five years.

Mr. Williams noted this is an area of at times very high traffic congestion and people driving too fast. So he is not troubled by moving access to the building away from Elm, far away from the intersection, He doesn't think that many people will actually walk to the Porsche car dealership.

Mr. Clein was not in favor of giving up on the pedestrian. Rather, implementing the streetscape improvement standards in conjunction with moving the screenwalls should be considered.

Ms. Whipple-Boyce thought that Mr. Koseck's proposal makes a lot of sense; but that said, the main entrance is further east where the interior of the building is oriented. She thinks Mr. Lavery made it clear that rather than turning the three extra parking spots that

aren't required into landscaping, he needs the parking. However, she agrees that the screenwall should be moved to the interior of the parking lot so that the pedestrian side gets all of the greenery. Landscaping might look better than benches along the sidewalk.

Chairman Boyle said he is glad to see that the applicant is coming in to improve this property. A little trees and grass doesn't really help the attractiveness of this particular piece of property. Benches are to be encouraged. This dealership should be vibrant, colorful, lit at night, and have a red, shiny Porsche on display.

Mr. Williams thought the reality is that a five-story building is not going to be built on that site right now. This proposal is a significant improvement over what exists.

Motion by Mr. Williams

Seconded by Mr. Clein that the Planning Board recommends approval of the applicant's request for Final Site Plan and a SLUP to permit an auto sales agency and showroom at 834 Haynes with the following conditions:

- 1) The applicant adds a canopy tree to each of the two landscaped areas;**
- 2) The applicant moves the west facing screenwalls to expose the landscaped areas to the street; and**
- 3) The applicant install tree grates around street trees and implement sidewalk standards along Haynes and Elm.**

Mr. Koseck reiterated that the extended fascia doesn't return on itself and he thinks it will look weird from two vantage points. Mr. Lavery indicated they will certainly suggest that to Porsche. He thinks the return on Elm St. is more critical than the return on Haynes because the building to the east screens that side of the façade. Mr. Daringowski is sitting in the audience and will ultimately be involved in that decision. Mr. Williams was not inclined to make the return on the parapets a condition of his motion.

Mr. Koseck said he will not approve the motion because there are subtle things that can be done that would make huge improvements to the plan.

Ms. Whipple-Boyce expressed her feeling that it is important for the parapets to become part of the motion because as proposed they are unlikely to be attractive to the community. She cannot support the motion without that addition.

The chairman opened discussion to the audience at 9 p.m.

Ms. Dorothy Conrad, 2252 Yorkshire, said that as a resident of the City of Birmingham she hopes that the motion will include the suggestions that have been discussed in great detail tonight. Shame on the board if it doesn't.

Motion failed, 3-3.

VOICE VOTE

Yeas: Williams, Clein, Boyle

Nays: Koseck, Lazar, Whipple-Boyce

Absent: DeWeese

Motion by Ms. Whipple-Boyce

Seconded by Ms. Lazar based on review of the site plan submitted the Planning Board recommends approval of the applicant's request for Final Site Plan and SLUP to permit an auto sales agency at 835 Haynes with the following conditions:

- 1) The applicant adds a canopy tree to each of the two landscaped areas;**
- 2) The applicant moves the west facing screenwalls to expose the landscaped areas to the street;**
- 3) Install tree grates around street trees and implement sidewalk standards along Haynes and Elm; and**
- 4) Create returns on the parapet wall on both Haynes and Elm to disguise the bracing.**

Mr. Williams indicated he would vote in favor of the motion because he thinks the project needs to move forward. Mr. Koseck did not see the urgency. He was uncomfortable because the board has not been provided with readings or a floor plan.

There were no final comments from members of the public at 9:05 p.m.

Mr. Ziegelman said they would be more than happy to discuss improvements with staff.

Motion carried, 5-1.

VOICE VOTE

Yeas: Whipple-Boyce, Lazar, Boyle, Clein, Williams

Nays: Koseck

Absent: DeWeese

BIRMINGHAM CITY COMMISSION MINUTES

NOVEMBER 8, 2010

MUNICIPAL BUILDING, 151 MARTIN

7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Rackeline J. Hoff, Mayor called the meeting to order at 7:30 PM.

II. ROLL CALL

ROLL CALL:	Present,	Mayor Hoff Commissioner Dilgard Commissioner McDaniel Commissioner Moore Commissioner Nickita Mayor Pro Tem Rinschler Commissioner Sherman
	Absent,	None

Administration: Manager Markus, Attorney Currier, Clerk Broski, Assistant Manager Valentine, Planning Director Ecker, Planner Baka, City Engineer O'Meara, Assistant City Engineer Cousino, Finance Director Ostin, Building Official Johnson, Fire Chief Metz, Fire Marshall Monti, PSD Director Heiney, Assistant to the Manager Wuerth

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

11-269-10 ORGANIZATION OF THE CITY COMMISSION

MOTION: Motion by Rinschler:

To nominate Rackeline Hoff as Temporary Chair of City Commission for purposes of conducting the Mayor and Mayor Pro Tem election.

VOTE: Yeas, 7
Absent, None

MOTION: Motion by McDaniel:

To nominate Commissioner Rinschler as Mayor.

VOTE: Yeas, 7
Absent, None

MOTION: Motion by Moore:

To nominate Commissioner Nickita as Mayor Pro Tem.

VOTE: Yeas, 7
Absent, None

- 7) The applicant submit revised plans with all of these changes to the Planning Dept. prior to going to the City Commission so the Commission would see the revisions when they consider this issue; and
- 8) All work must be completed in concurrence with the installation of the TV screens, to be completed by June 1, 2011.

WHEREAS, The applicant has agreed to comply with all conditions for approval as recommended by the Planning Board on September 22, 2010;

WHEREAS, The Birmingham City Commission has reviewed the Speedway SuperAmerica LLC Special Land Use Permit Amendment application as well as the standards for such review as set forth in Article 7, section 7.34 of Chapter 126, Zoning of the City Code,

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below and the Speedway SuperAmerica LLC application for a Special Land Use Permit Amendment is hereby approved, subject to the attached site plan, and subject to the following conditions:

- 1) Repair the cap on the dumpster enclosure walls and repair the dumpster gate;
- 2) Repair the existing screenwalls on the site;
- 3) Improvement of the existing landscape areas on Woodward Ave. to include the installation of several large canopy trees in each bed along with smaller shrubs and perennials;
- 4) Repair damaged portions of the existing sidewalk and approach off of Chestnut;
- 5) Installation of a shield on the wall pack fixture located on the rear of the building and repair of the existing parking lot light fixtures;
- 6) Repair all items on the list that Speedway provided and previously had agreed to repair;
- 7) The applicant submit revised plans with all of these changes to the Planning Dept. prior to going to the City Commission so the Commission would see the revisions when they consider this issue; and
- 8) All work must be completed in concurrence with the installation of the TV screens, to be completed by June 1, 2011.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, the Speedway SuperAmerica LLC Company and its heirs, successors and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Speedway SuperAmerica LLC Company to comply with all the ordinances of the City, may result in the Commission revoking this Special Land Use Permit.

VOTE: Yeas, 7
 Nays, None
 Absent, None

11-274-10 PUBLIC HEARING TO CONSIDER SPECIAL LAND USE PERMIT 835 HAYNES

Mayor Rinschler opened the Public Hearing to consider approval of a Special Land Use Permit application for 835 Haynes to allow the operation of an auto sales agency and showroom 8:34 PM.

In response to a question from Mayor Pro Tem Nickita, Bob Ziegelman, Luckenbach, Ziegelman Architects, explained there are two entry locations - one from the sidewalk and one from the parking lot. He explained that there are two four-foot doors.

Mayor Pro Tem Nickita explained that this is a gateway site. He stated that the planning division recommended the planning board consider additional enhancements to the corner of

the site at Haynes and Elm. He stated that in the submitted rendering the enhancements are minimally addressed.

Mr. Baka explained there was discussion about enhancing the corner. He stated that it is appropriate to fully implement the streetscape standards.

Mr. Ziegelman confirmed that the owner is willing to comply with the streetscape standards.

Brad Lavery, owner, confirmed for Mayor Rinschler that new and used cars will be parked in the parking lot.

James Ellsman, owner of 635 Elm Street, commented that this is an underperforming site.

Mayor Rinschler closed the public hearing at 9:08 PM.

Discussion ensued regarding the streetscape. Mr. Lavery agreed to do the additional streetscape improvements which are a considerable expense.

MOTION: Motion by Nickita, seconded by Hoff:

To approve the request for a Special Land Use Permit at 835 Haynes to allow the operation of an auto sales agency and showroom for Porsche with the following conditions:

- The applicant implements the complete streetscape standards, including exposed aggregate and pedestrian scale lighting.
- In addition to consider the redevelopment of the corner at Haynes and Elm by incorporating enhancements in the adjacent parking space and additionally the entrance at the northwest corner of the parking lot, including the incorporation of parking lot there as well for administrative approval.

WHEREAS, Lavery Porsche has applied for a Special Land Use Permit to operate a Porsche automobile sales agency 835 Haynes,

WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the northeast corner of Elm and Haynes,

WHEREAS, The land is zoned B-2 General Business, which permits automobile sales agencies with a Special Land Use Permit,

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning, requires a Special Land Use Permit Amendment to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;

WHEREAS, The Planning Board reviewed the proposed Special Land Use Permit request on September 22, 2010 at which time the Planning Board voted to recommend approval of the Final Site Plan and SLUP to the City Commission with the following conditions:

- 1) The applicant adds a canopy tree to each of the two landscaped areas;
- 2) The applicant moves the west facing screenwalls to expose the landscaped areas to the street;
- 3) Install tree grates around street trees and implement sidewalk standards along Haynes and Elm; and
- 4) Create returns on the parapet wall on both Haynes and Elm to disguise the bracing.

WHEREAS, The applicant has agreed to comply with all conditions for approval as recommended by the Planning Board on September 22, 2010;

WHEREAS, The Birmingham City Commission has reviewed the Lavery Porsche Special Land Use Permit Amendment application as well as the standards for such review as set forth in Article 7, section 7.34 of Chapter 126, Zoning of the City Code,

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below and the Lavery Porsche application for a Special Land Use Permit is hereby approved, subject to the attached site plan, and subject to the following conditions:

- 1) The applicant adds a canopy tree to each of the two landscaped areas;
- 2) The applicant moves the west facing screenwalls to expose the landscaped areas to the street;
- 3) Install tree grates around street trees and implement sidewalk standards along Haynes and Elm; and
- 4) Create returns on the parapet wall on both Haynes and Elm to disguise the bracing.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, Lavery Porsche and its heirs, successors and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Lavery Porsche to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

VOTE: Yeas, 7
 Nays, None
 Absent, None

**11-275-10 REQUEST FOR WAIVER
 LOT 229, FOREST HILLS SUBDIVISION**

Mr. Johnson explained that the property owners of Lot 229 in the Forest Hills Subdivision are seeking a waiver from the provisions of Chapter 102 of the city code to allow a home to be built on a substandard sized lot that has been reduced from its original size.

The Commission received a communication from Daniel Share, Barris, Sott, Denn & Driker, PLLC.

Rick Rattner, representing the petitioner, spoke in favor of the request for waiver to build on the lot.

Daniel Share, representing the adjacent property owner, spoke in opposition to the request for waiver.

Commissioner Sherman questioned whether the attorneys and their clients have spoke with each other to resolve this matter. Mr. Share confirmed that there had been discussion. Mr. Share commented that his clients would be fine with having another discussion. Mr. Rattner commented that further discussion would not be helpful as his client wants to build on the lot.

Commissioner McDaniel moved to waive the requirements of Section 102-51 (1) of the Birmingham City Code for Lot 229 of the Forest Hills Subdivision (19-25-257-001), to allow the construction of a home on said lot in compliance with all zoning regulations of Chapter 126 of the City Code except minimum lot area and minimum lot width. With no second, Commissioner McDaniel withdrew his motion.

The following spoke in opposition to the request:
Dan Roovers, 205 Wimbleton

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, APRIL 27, 2016
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on April 27, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Gillian Lazar, Lisa Prasad, Janelle Whipple-Boyce; Student Representative Colin Cusimano

Absent: Board Member Bryan Williams; Alternate Board Member Daniel Share

Administration: Matthew Baka, Senior Planner
Brooks Cowan Asst. Planner
Jana Ecker, Planning Director
Carole Salutes, Recording Secretary

04-73-16

UNFINISHED BUSINESS

Special Land Use Permit ("SLUP") Review

Final Site Plan Review

835-909 Haynes

Fred Lavery Porsche/Audi

Request for a SLUP Amendment to allow the temporary expansion of the existing SLUP at 835 Haynes to include 909 Haynes to allow an Audi sales facility for a maximum of one year. (postponed from March 23, 2016)

Mr. Baka noted the subject site is located on the north side of the street between Woodward Ave. and Elm St. The parcel is zoned B-2 General Business and MU-5 in the Triangle Overlay District. The applicant, Fred Lavery Co., owns the adjacent property to the west, 835 Haynes St., which received a SLUP in 2010 to operate a Porsche car dealership within the B-2 Zone and MU-7 in the Triangle District Overlay.

The applicant is conducting renovations to the existing Audi dealership at 34602 Woodward Ave., and wishes to amend its existing SLUP at 835 Haynes St. to temporarily include 909 Haynes St. while the building on Woodward Ave. is being renovated. The applicant is requesting temporary use of the first floor of 909 Haynes St. for office space and business operations for their Audi car dealership for no more

than 12 months. Along with the dealership, there is an existing beauty spa on the second floor of 909 Haynes St., Spa Mariana.

The Birmingham Zoning Ordinance requires that the applicant obtain a SLUP Amendment and approval from the City Commission to expand the auto sales agency and showroom to temporarily include the property at 909 Haynes St.. Accordingly, the applicant will be required to receive a recommendation from the Planning Board on the Final Site Plan and SLUP Amendment, and then obtain approval from the City Commission for the Final Site Plan and SLUP Amendment.

On March 23, 2016 the Planning Board reviewed the proposal to temporarily expand the SLUP to include 909 Haynes for one year. However, at that time the architect indicated that the property owner would like the expansion to be permanent. The Planning Board and Planning Staff indicated that a permanent expansion would not be considered without the level of details normally provided for a SLUP Amendment. The applicant was postponed until the April 27, 2016 meeting to allow them time to consider how they wished to proceed. The applicant has now indicated that they intend to proceed with the temporary proposal and apply at a later date for a permanent expansion of the SLUP.

The applicant is now proposing to install the five (5) required canopy trees and create three (3) new landscaped areas in the interior of the parking lot. The applicant must provide the dimensions of the landscaped areas to determine if they meet the size requirements mandated by the Zoning Ordinance.

The applicant is not proposing any changes to the existing streetscape. The current streetscape in front of the subject building does not match the Triangle District standard as installed on the Porsche site.

The design for the building on Woodward Ave. has been approved by the Design Review Board and the applicant is getting ready to start the renovations.

Design Review

No changes to the facade are proposed.

Signage Review

The 909 Haynes St. building has 40 ft. of street frontage; therefore a total of 40 sq. ft. of signage is allowed, per the City of Birmingham's Sign Ordinance. The applicant has revised their signage proposal to bring the amount of signage down to 40 sq. ft. so that it complies with the regulations of the Sign Ordinance.

Ms. Ecker explained that because there were violations going on with the storage of vehicles, Code Enforcement went out, but enforcement activities have been put on hold until it is determined if the temporary SLUP is feasible.

Mr. Fred Lavery noted they will not display cars in the building; it will only contain offices for the sales staff and sales manager. They will probably park their demonstrators in the spaces that are not required to meet the parking requirement for the building. The Audi building on Woodward Ave. is being renovated to Audi's current corporate image.

Chairman Clein called for public comments at 8:32 p.m.

Mr. James Ellsman business owner at 635 Elm, asked if the approval of an amended SLUP is a guarantee that the Triangle District restrictions against car dealerships is waived. Ms. Ecker clarified the Triangle District doesn't prohibit the use for car sales agencies, but it only allows it with the strict control and regulation of a SLUP because of the potential impact on the neighborhood. In this case the car dealership is only requesting approval for a period of one year.

Mr. Koseck commented that this is not his vision for the Triangle District. By granting this request it takes the property out of contention for other developments over the next 12 months. After the temporary SLUP amendment has expired he will not support this because the property has a higher and better use. Mr. Lavery responded that a seven story building cannot be constructed on this property without public parking. Only when public parking becomes available will there be a higher and better use for this property. Therefore, the proposed use bridges the gap so he doesn't have a \$7 or \$8 million investment that produces no visible revenue stream until public parking gets approved and constructed.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Boyle that based on a review of the site plans submitted, the Planning Board recommends approval of the applicant's request for Final Site Plan and a SLUP Amendment to the City Commission to allow the temporary expansion of the auto sales agency and showroom for up to one (1) year at 835 Haynes to include 909 Haynes with the following condition:

- **Applicant provides the dimensions of the parking lot landscaping islands to verify that they comply with the requirements of the Zoning Ordinance.**

There were no comments on the motion from members of the audience at 8:40 p.m.

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: Whipple-Boyce, Boyle, Clein, Jeffares, Koseck, Lazar, Prasad

Nays: None

Absent: Williams

BIRMINGHAM CITY COMMISSION MINUTES
JUNE 27, 2016
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Rackeline J. Hoff, Mayor, called the meeting to order at 7:33 PM.

II. ROLL CALL

ROLL CALL:	Present,	Mayor Hoff
		Commissioner Bordman
		Commissioner Boutros
		Commissioner DeWeese
		Commissioner Harris
		Mayor Pro Tem Nickita
		Commissioner Sherman
	Absent,	None

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, City Planner Ecker, City Engineer O'Meara, Finance Director Gerber, Deputy Treasurer Klobucar, DPS Director Wood, Police Chief Clemence

06-200-16

**PUBLIC HEARING TO CONSIDER
TEMPORARY SPECIAL LAND USE PERMIT
835 & 909 HAYNES, LAVERY PORSCHE**

Mayor Hoff opened the Public Hearing at 10:37 PM to consider the Revised Final Site Plan and Temporary Special Land Use Permit Amendment – 835 & 909 Haynes, Lavery Porsche.

City Planner Ecker explained that renovations are being done to the Audi building. The applicant would like to use 909 Haynes temporarily for the sales office. She noted that the request is to use the building for a period of twelve months. She noted that the Planning Board had a few comments regarding landscape and screening in the parking area. She noted that twenty-four parking spaces are required by ordinance and there are thirty-six dedicated parking spaces for this site. She pointed out that vehicles for sale or lease are not allowed to be stored within the twenty-four spaces required for the building.

Fred Lavery, applicant, explained that the sales staff and managers will have to be relocated due to the renovation to the Audi building. He noted that the twenty-four parking spaces are for the occupants of the building. The difference between the twenty-four required spaces and thirty-six spaces will be used for the storage of cars.

A resident at 635 Elm Street expressed his support of the request, but only for one year.

The Mayor closed the Public Hearing at 10:54 PM.

MOTION: Motion by Nickita, seconded by Bordman:

To approve the Revised Final Site Plan and Temporary Special Land Use Permit Amendment of one year for 835 & 909 Haynes – Lavery Porsche with the condition that applicant provides the dimensions of the parking lot landscaping islands to verify that they comply with the requirements of the Zoning Ordinance.

WHEREAS, Lavery Porsche has applied for a Temporary Special Land Use Permit Amendment of one year to operate an Audi automobile sales agency on the first floor of the building located at 909 Haynes,

WHEREAS, The land for which the Temporary Special Land Use Permit Amendment is sought is located on the north side Haynes east of Elm,

WHEREAS, The land is zoned MU-5, Mixed Use 5, which permits automobile sales agencies with a Special Land Use Permit,

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning, requires a Special Land Use Permit Amendment to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;

WHEREAS, The Planning Board reviewed the proposed Temporary Special Land Use Permit Amendment request on April 27, 2016 at which time the Planning Board voted to recommend approval of the Final Site Plan and SLUP to the City Commission with the following condition:

1) Applicant provides the dimensions of the parking lot landscaping islands to verify that they comply with the requirements of the Zoning Ordinance.

WHEREAS, The applicant has agreed to comply with all conditions for approval as recommended by the Planning Board on April 27, 2016;

WHEREAS, The Birmingham City Commission has reviewed the Lavery Porsche Temporary Special Land Use Permit Amendment application as well as the standards for such review as set forth in Article 7, section 7.34 of Chapter 126, Zoning of the City Code,

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below and the Lavery Porsche application for a Temporary Special Land Use Permit amendment is hereby approved for one year from the date of approval, subject to the attached site plan, and subject to the following conditions:

1) Applicant provides the dimensions of the parking lot landscaping islands to verify that they comply with the requirements of the Zoning Ordinance.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, Lavery Porsche and its heirs, successors and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Lavery Porsche to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

VOTE: Yeas, 7
Nays, None
Absent, None

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JANUARY 22, 2020**

City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on January 22, 2020. Chairman Scott Clein convened the meeting at 7:30 p.m.

A. ROLL CALL

Present: Chairman Scott Clein; Board Members Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Jason Emerine, Nasseem Ramin

Absent: Board Member Robin Boyle, Stuart Jeffares

Administration: Jana Ecker, Planning Director
Brooks Cowan, City Planner
Nicholas Dupuis, City Planner
Laura Eichenhorn, Transcriptionist

01-13-20

F. Special Land Use Permit Reviews

1. 34350 Woodward (previously 835 Haynes, Fred Lavery Porsche) & 907 - 911 Haynes (former Barda Salon Building) - Amendment of Special Land Use Permit at 34350 Woodward to include the property at 907-911 Haynes to allow demolition of the existing Barda Salon Building and construction of a surface parking lot on 907 – 911 Haynes to provide additional parking for the Porsche dealership at 34350 Woodward

City Planner Cowan, Fred Lavery, owner, John Gardner, architect, and Rick Rattner, attorney, reviewed the item for the Board.

Chairman Clein asked Mr. Rattner:

- How the Board could support approval of this proposal when it does not seem to support the purpose of the Triangle District as required by ordinance; and,
- Whether the Board's approval of the proposal would amount to the expansion of a legal non-conforming use, which the Board is not permitted to do.

Mr. Rattner said the proposal supports the Triangle District plans because the surface lot would function as a placeholder for the eventual Worth Street realignment. He said it would not be expanding a legal non-conformity because the lot combination would be allowed under a SLUP as an auxiliary use.

Mr. Share noted that the combined lot could require a variance since the parking lot frontage would be greater than ordinance allows.

After Board discussion, Planning Director Ecker received confirmation from the Board that they were requesting clarification from the Building Official and City Attorney regarding whether the Board has authority to consider granting the requests put forth by the applicant, what impediments exist to granting the requests, and what the remedies to the impediments could be. She said the remedies could include a variance if the City chose to allow more than 25% of the frontage to be parking, an expansion of an existing non-conformity because the lots will be combined, or some other factor in a lot combination that could affect the result.

Motion by Mr. Share

Seconded by Mr. Koseck to postpone consideration of the SLUP amendment for 34350 pending a response from the City Attorney and/or Building Official regarding whether the Board has authority to consider granting these requests, what impediments exist to granting the requests, and what the remedies to the impediments could be.

Mr. Rattner said it would be useful to know what effect an agreement with the City would have vis-a-vis resolving these problems. Mr. Rattner then stated that Mr. Lavery requested to withdraw his application for the SLUP amendment.

The Board allowed Mr. Lavery to withdraw his request and accordingly took no action on the motion.

BIRMINGHAM CITY COMMISSION MINUTES

DECEMBER 21, 2020

7:30 P.M.

VIRTUAL MEETING

MEETING ID: 655 079 760

Video Link: <https://vimeo.com/event/3470/videos/488387498/>

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Pierre Boutros, Mayor, opened the meeting with the Pledge of Allegiance.

II. ROLL CALL

Alexandra Bingham, City Clerk, called the roll.

Present: Mayor Boutros (location: Birmingham, MI)
Mayor Pro Tem Longe (location: Birmingham, MI)
Commissioner Baller (location: Birmingham, MI)
Commissioner Hoff (location: Birmingham, MI)
Commissioner Host (location: Birmingham, MI)
Commissioner Nickita (location: Birmingham, MI)
Commissioner Sherman (location: Birmingham, MI)

Absent: None

Administration: City Manager Valentine, City Clerk Bingham, City Planner Brooks Cowan, Planning Director Ecker, Finance Director Gerber, City Attorney Kucharek, Consulting City Engineer Surhigh, DPS Director Wood

1. Resolution to deny the proposed lot combination of 34350 Woodward and 907-911 Haynes, parcel # 19-36- 281-022 and parcel #19-36-281-030, as the resulting parcel would not be consistent with the requirements for the MU-5 and MU-7 Zones, nor consistent with the recommendations in the Triangle District Plan.

The Mayor opened the public hearing at 8:20 p.m.

Jason Canvasser, representing the applicant, asked that the item be postponed to January 25, 2021 and that the City Manager schedule time to meet with the applicant regarding the proposed lot combination before then.

MOTION: Motion by Commissioner Host, seconded by Commissioner Sherman:
To postpone the Public Hearing for 34350 Woodward & 907-911 Haynes – Lot Combo to January 25, 2021.

Commissioners Sherman, Baller, Hoff, and Nickita all expressed doubts that a consensus between the City and the applicant would be reached in advance of a January 25, 2021 meeting. They agreed that the City could attempt to hold a meeting between the City Manager and the applicant in January 2021, noting it would only be a first step in the conversation. Among the reasons cited for the Commissioners' doubts that a consensus would be reached in January 2021 were the fact that the new City Manager will still be onboarding during that time, that the master plan remains in flux, that the applicant's proposal is inconsistent with the Triangle District Plan, and that the applicant's proposals have not been sufficiently reviewed or approved by other City boards.

The possibility of moving the public hearing to the first Commission meeting in February 2021 was discussed, but Mr. Canvasser stressed the applicant's desire to have it at the January 25, 2021 meeting since the applicant is trying to navigate a potential capital outlay in February 2021 that will hinge on the Commission's decision.

Commissioner Baller said he was comfortable with the public hearing being held on January 25, 2021 with the understanding that the matter could be continued to the following meeting if necessary.

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

Nays, Commissioner Sherman



MEMORANDUM

Planning Division

DATE: March 15, 2021

TO: Thomas Markus, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Public Hearing for a Special Land Use Permit and Final Site Plan and Design Review at 555 S. Old Woodward – Birmingham Pub

INTRODUCTION:

On February 3, 2021, the owners of Triple Nickel submitted an application for a Special Land Use Permit Amendment ("SLUP") and Revised Final Site Plan and Design Review ("FSP") for approval to transfer ownership of the existing restaurant operating under an economic development license, to change the name of the restaurant, add new signage and awnings and make minor changes to the interior of the restaurant.

BACKGROUND:

The subject site is located at 555 S. Old Woodward Street, on the ground floor of the 555 Building. The parcel is zoned B3 (General Business), and D5 in the Downtown Overlay District. The applicant is seeking approval to transfer ownership from Crush, LLC to Birmingham Pub, LLC, and to change the name of the Crush, LLC dba the Triple Nickel to Birmingham Pub and continue to operate the restaurant using an economic development license under Chapter 10, Alcoholic Liquors, of the City Code. Chapter 10 requires that the applicant obtain a Special Land Use Permit and approval from the City Commission to operate an establishment with an economic development license within the City of Birmingham. Operators of such establishments are also required to obtain approval of the City Commission for ownership transfers, name changes and site plan and design changes. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Revised Final Site Plan and Special Land Use Permit Amendment, and then obtain approval from the City Commission for the Revised Final Site Plan and Special Land Use Permit Amendment.

The applicant appeared before the Planning Board for a review of the SLUP Amendment and Revised Final Site Plan and Design Review for Birmingham Pub on February 24, 2021 for a review of interior and exterior changes to the former Triple Nickel space. Exterior changes proposed to the building include new signage with lighting and new awnings. Minor interior layout changes are also proposed. The Planning Board voted unanimously to recommend approval of the Final Site Plan and Design Review for Birmingham Pub to the City Commission, with the following conditions:

- (1) The Planning Board designates the Bowers elevation as the principal building frontage;
- (2) The applicant remove the proposed illumination from the building identification sign on Woodward Avenue or obtain a variance from the Board of Zoning Appeals; and

(3) Applicant provide all material, color and lighting specifications for all signage.

The Planning Board also voted unanimously to recommend approval of the Special Land Use Permit Amendment for Birmingham Pub to the City Commission, with the following conditions:

- (1) The Planning Board designates the Bowers elevation as the principal building frontage;
- (2) The applicant remove the proposed illumination from the building identification sign on Woodward Avenue or obtain a variance from the Board of Zoning Appeals;
- (3) Applicant provide all material, color and lighting specifications for all signage; and
- (4) Applicant execute a revised contract with the City of Birmingham outlining the nature of the proposed operation of Birmingham Pub and approving the use of the existing Economic Development liquor license under the new name Birmingham Pub.

The applicant has submitted updated signage plans with all requested material, color and lighting information. The building identification sign proposed on the second floor of the east elevation is still shown with illumination. The applicant has advised that they intend to apply for a variance from the Board of Zoning Appeals to illuminate this sign as shown.

LEGAL REVIEW:

The City Attorney has reviewed this request and has no concerns.

FISCAL IMPACT:

There are no fiscal impacts for this agenda item.

SUMMARY:

The City Commission set a public hearing date for March 22, 2021 to consider approval of the Revised Final Site Plan and Design and Special Land Use Permit Amendment to allow the transfer of ownership, name change from Triple Nickel to Birmingham Pub, and site plan and design changes at 555 S. Old Woodward.

ATTACHMENTS:

Please find attached the following documents for your review:

- Draft Special Land Use Permit Resolution
- Contract for Transfer of Liquor License
- Plans for Proposed Changes
- Application submitted by applicant
- Previously Approved Plans for Triple Nickel
- Relevant Minutes

SUGGESTED RESOLUTION:

To approve the Revised Final Site Plan and Design and Special Land Use Permit Amendment at 555 S. Old Woodward to allow for the transfer of ownership, name change from Triple Nickel to Birmingham Pub, and site plan and design changes at 555 S. Old Woodward.

**BIRMINGHAM PUB
(FORMERLY CRUSH, LLC dba TRIPLE NICKEL)
555 S. OLD WOODWARD
SPECIAL LAND USE PERMIT AMENDMENT 2021**

WHEREAS, CRUSH, LLC dba TRIPLE NICKEL filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a food and drink establishment utilizing an economic development license in the Downtown Birmingham Overlay District in accordance Article 3, Section 3.04(C)(10) of Chapter 126, Zoning, of the City Code;

WHEREAS, CRUSH, LLC dba TRIPLE NICKEL wishes to transfer ownership of the food and drink establishment to BIRMINGHAM PUB, LLC dba BIRMINGHAM PUB at the same location, and proposes site plan and design changes to the former Triple Nickel establishment at 555 S. Old Woodward;

WHEREAS, the land for which the Special Land Use Permit Amendment is sought is located on the east side of S. Old Woodward, south of Bowers;

WHEREAS, The land is zoned B-3, and is located in the D-5 zone within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic liquors using an economic development license with a Special Land Use Permit;

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit Amendment to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;

WHEREAS, The applicant submitted an application for a Special Land Use Permit Amendment and Revised Final Site Plan and Design for BIRMINGHAM PUB to operate at 555 S. OLD WOODWARD;

WHEREAS, The Planning Board on February 24, 2021 reviewed the application for a Revised Final Site Plan and Design Review and recommended approval to the City Commission for BIRMINGHAM PUB at 555 S. OLD WOODWARD with the following conditions:

- (1) The Planning Board designates the Bowers elevation as the principal building frontage;
- (2) The applicant remove the proposed illumination from the building identification sign on Woodward Avenue or obtain a variance from the Board of Zoning Appeals; and
- (3) Applicant provide all material, color and lighting specifications for all signage.

WHEREAS, The Planning Board on February 24, 2021 reviewed the application for a Special Land Use Permit Amendment and recommended approval to the City Commission to permit an ownership transfer and name change for Triple Nickel to BIRMINGHAM PUB at 555 S. OLD WOODWARD with the following conditions:

- (1) The Planning Board designates the Bowers elevation as the principal building frontage;
- (2) The applicant remove the proposed illumination from the building identification sign on Woodward Avenue or obtain a variance from the Board of Zoning Appeals;
- (3) Applicant provide all material, color and lighting specifications for all signage; and
- (4) Applicant execute a revised contract with the City of Birmingham outlining the nature of the proposed operation of Birmingham Pub and approving the use of the existing Economic Development liquor license under the new name Birmingham Pub.

WHEREAS, The applicant has provided all requested information, intends to apply to the Board of Zoning Appeals for a variance to permit illumination of the building identification sign on the east elevation, and to comply with all conditions noted by the Planning Board;

WHEREAS, The Birmingham City Commission has reviewed BIRMINGHAM PUB's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that BIRMINGHAM PUB's application for a Special Land Use Permit Amendment and Revised Final Site Plan and Design at 555 S. OLD WOODWARD is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted subject to the following conditions:

- (1) The Planning Board designates the Bowers elevation as the principal building frontage;
- (2) The applicant remove the proposed illumination from the building identification sign on Woodward Avenue or obtain a variance from the Board of Zoning Appeals;
- (3) Applicant provide all material, color and lighting specifications for all signage;
- (4) Applicant execute a revised contract with the City of Birmingham outlining the nature of the proposed operation of Birmingham Pub and approving the use of the existing Economic Development liquor license under the new name Birmingham Pub;
- (5) BIRMINGHAM PUB will close outdoor dining areas at midnight each day of the week;
- (6) BIRMINGHAM PUB shall abide by all provisions of the Birmingham City Code; and
- (7) The Special Land Use Permit Amendment may be canceled by the City Commission upon finding that the continued use is not in the public interest.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, BIRMINGHAM PUB and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of BIRMINGHAM PUB to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

MAY IT BE FURTHER RESOLVED that BIRMINGHAM PUB is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises, with a Class C Liquor License, above all others, subject to final inspection.

I, Alexandria Bingham, Acting City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on March 22, 2021.

Alexandria Bingham
City Clerk

CONTRACT FOR TRANSFER OF A LIQUOR LICENSE
(ECONOMIC DEVELOPMENT)

This Contract is entered into this ____ day of _____, 2021, by and between **BIRMINGHAM PUB, LLC, doing business as Birmingham Pub**, whose address is 555 S. Old Woodward Avenue, Birmingham, MI, (Licensee) and the **CITY OF BIRMINGHAM**, a Michigan Municipal Corporation, whose address is 151 Martin Street, Birmingham, Michigan 48012 (City).

R E C I T A L S:

WHEREAS, Crush, LLC, doing business as Triple Nickel, wishes to transfer their Class C liquor license to the Licensee, to allow the Licensee to operate Birmingham Pub at 555 S. Old Woodward Avenue, Birmingham, Michigan (Property); and

WHEREAS, local legislative approval is required by the **CITY OF BIRMINGHAM** for the transfer of a Class C liquor license pursuant to Section 10-42 of the Birmingham City Code; and

WHEREAS, Licensee desires to enter into this Contract as an inducement to the **CITY OF BIRMINGHAM** to approve the request of the aforementioned transfer of the liquor license; and,

WHEREAS, the **CITY OF BIRMINGHAM** is relying upon this Contract in giving its approval to the transfer of the on-premises licenses as described herein.

NOW, THEREFORE, the parties agree as follows:

1. Crush, LLC, doing business as Triple Nickel, shall be permitted to transfer its liquor license to Birmingham Pub, LLC, to operate said restaurant on the Property. Any transfer of the aforementioned license from the Property to any other location in the CITY OF BIRMINGHAM shall require the approval of the Birmingham City Commission in accordance with Section 10-63. In addition, any expansion of the building location at the Property shall also require the approval of the Birmingham City Commission.
2. Licensee further acknowledges that it must secure a special land use permit amendment as required by the Birmingham City Code. It is further agreed that it shall comply with all provisions of the special land use permit, or any amendments thereto, as a condition of this contract. Licensee further acknowledges and agrees that a violation of any provision of the special land use permit is a violation of the terms of the contract entitling the City to exercise any or all of the remedies provided herein.
3. Licensee acknowledges that it may apply for entertainment, dance and additional bar permits from the Michigan Liquor Control Commission for use only on the premises described in its special land use permit. Licensee further agrees that it shall not apply or seek from the Michigan Liquor Control Commission any other permit endorsements to its liquor license whether available in the current Michigan Liquor Control Code or in future Michigan Liquor Control Codes, or amendments thereto, without the prior approval of the Birmingham City Commission.
4. Licensee further agrees that it shall not seek any change in its license status/class whether such changes are available now in the current Michigan Liquor Control Code or in future Michigan

Liquor Control Codes, or amendments thereto, without prior approval of the Birmingham City Commission.

5. Licensee agrees that it shall adhere to all Federal, State and Local laws currently in effect or as subsequently amended or enacted.

6. Licensee agrees that its failure to follow any of the provisions herein shall be grounds for the Michigan Liquor Control Commission to suspend, revoke or not renew its liquor license and/or for the Birmingham City Commission to revoke the special land use permit, either of which would prohibit Licensee from operating its establishment. Licensee agrees that in addition to the City of Birmingham's right to seek suspension, revocation or non-renewal of its liquor license and/or revocation of the special land use permit, the City retains any and all rights to enforce this Contract that may be available to it in law or in equity. Licensee further agrees that it shall reimburse the City all of its costs and actual attorney fees incurred by the City in seeking the suspension, revocation or non-renewal of its liquor license and/or revocation of the special land use permit, as well as enforcing such other rights as may be available at law or in equity.

7. To the fullest extent permitted by law, Licensee and any entity or person for whom Licensee is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City, its elected and appointed officials, employees and volunteers and others working on behalf of the City against any and all claims, demands, suits, or loss, including all costs connected therewith, including all costs and actual attorney fees, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on behalf of the City, by reason of personal injury, including bodily injury, death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with Licensee's operation of its establishment at the Property.

8. In the event Licensee fails to reimburse the City the costs and/or attorney fees as required herein, or any part thereof, then said amount could be transferred to the tax roll in accordance with Section 1-14 of the Birmingham City Code.

9. Any disputes arising under this Contract, not within the jurisdiction of the Michigan Liquor Control Commission, shall be settled either by commencement of a suit in Oakland County Circuit Court or by compulsory arbitration, at the election of the City. The Licensee shall notify the City of any dispute it has arising out of this Contract and shall demand that the City elect whether the dispute is to be resolved by submitting it to compulsory arbitration or by commencement of a suit in Oakland County Circuit Court. The City shall make its election in writing within thirty (30) days from the receipt of such notice. If the City elects to have the dispute resolved by compulsory arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan, with each of the parties appointing one arbitrator and the two thus appointed appointing a third. In the event the City fails to make such an election, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court.

10. This Contract shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan.

11. If any provision of this contract is declared invalid, illegal or unenforceable, such provision shall be severed from this contract and all other provisions shall remain in full force and effect.

12. This Contract shall be binding upon and apply and inure to the benefit of the parties hereto and their respective successors or assigns. The covenants, conditions, and the agreements herein contained are hereby declared binding on the CITY OF BIRMINGHAM and Licensee. It is further agreed that there shall be no change, modification, or alteration hereof, except in writing, signed by both of the parties hereto. Neither party shall assign any of the rights under this contract without prior approval, in writing, of the other. Any attempt at assignment without prior written consent shall be void and of no effect.

IN WITNESS WHEREOF, the parties hereby have executed this Contract as of the date set forth above.

By: Joseph P. Kuan

Its: Owner

Date: 3/16/21

CITY OF BIRMINGHAM

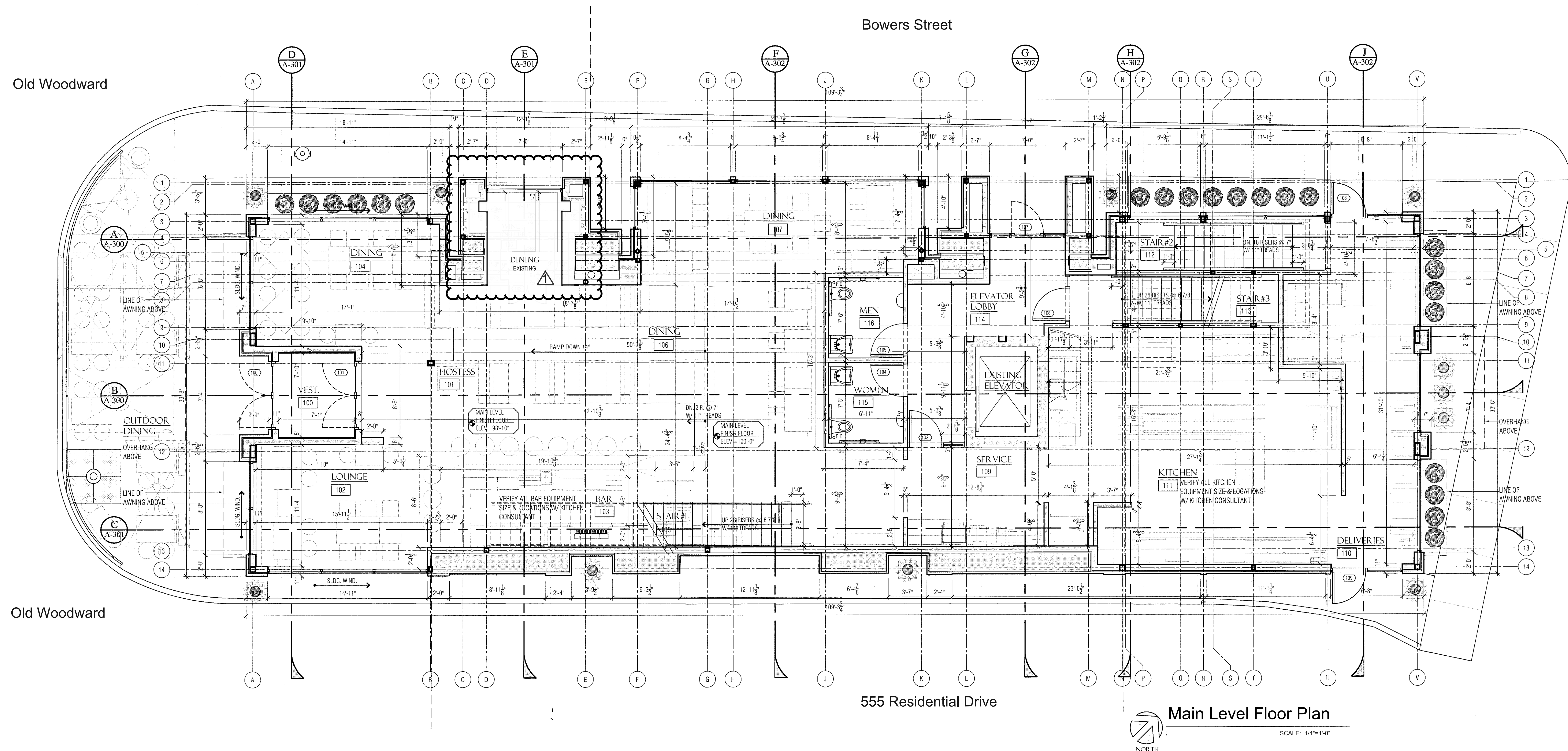
By: _____
Pierre Boutros, Mayor

Date: _____

By: _____
Alexandria Bingham, Acting Clerk

Date: _____

Luckenbach
Ziegelman
Gardner
Architects
pllc



SHEET TITLE

MAIN LEVEL
FLOOR PLAN

TRIPLE NICKEL SQ. FT.	
MAIN LEVEL	= 3,453 SF
EAST TERRACE	= 1,056 SF
WEST TERRACE	= 1,170 SF
TOTAL	= 5,679 SF

PROJECT

Birmingham Pub
AS BUILT FLOOR PLAN

555 South Old Woodward Ave.
Birmingham, Michigan 48009

PROJECT NUMBER

2021.04

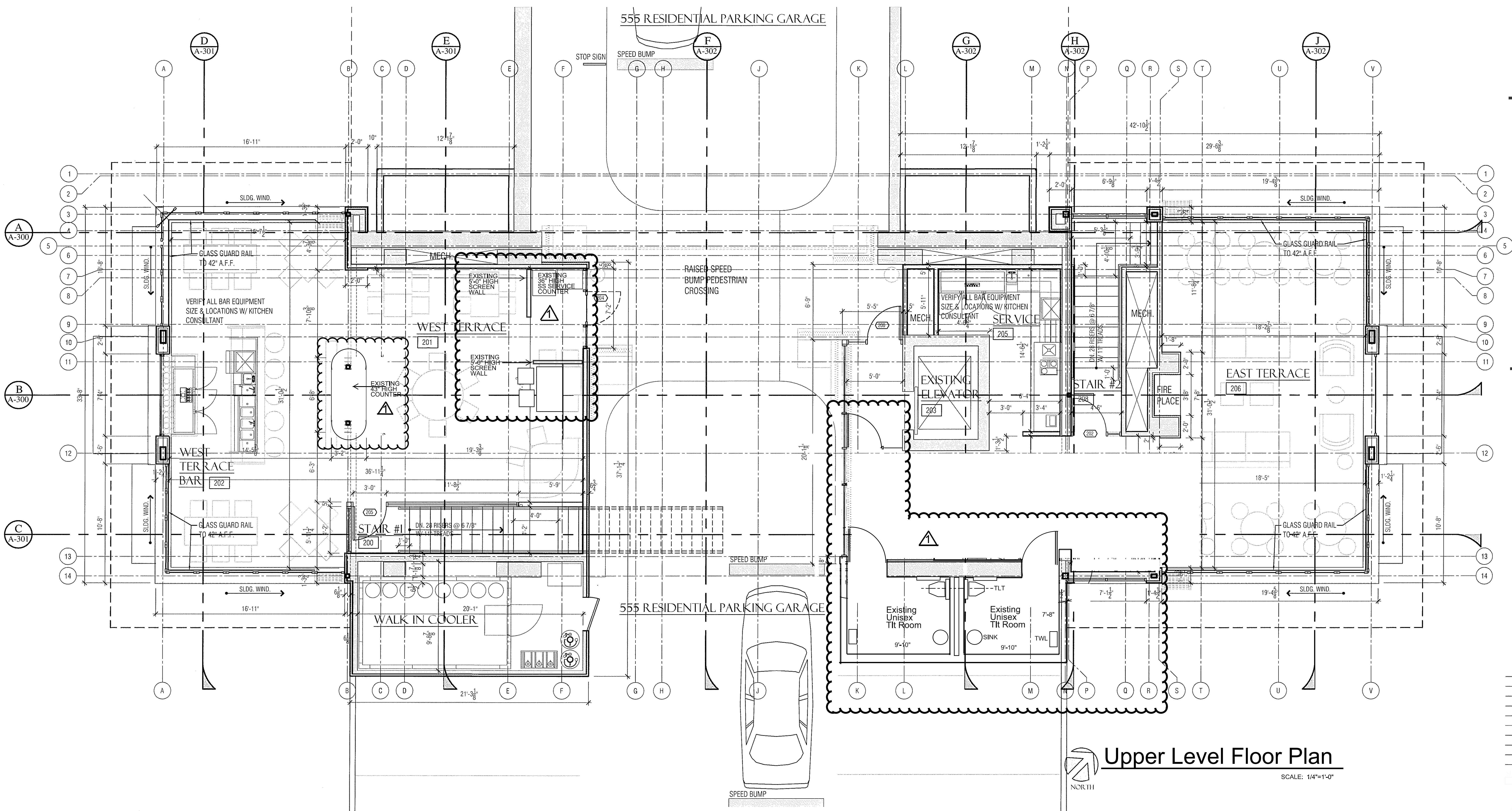
DATE

ISSUE

FEB 16, 2021

A1.01

Luckenbach
Ziegelman
Gardner
Architects
pllc



SHEET TITLE
UPPER LEVEL
FLOOR PLAN

TRIPLE NICKEL SQ. FT.	
MAIN LEVEL	3,453 SF
EAST TERRACE	1,056 SF
WEST TERRACE	1,170 SF
TOTAL	5,679 SF

PROJECT
Birmingham Pub
AS BUILT FLOOR PLAN
555 South Old Woodward Ave.
Birmingham, Michigan 48009

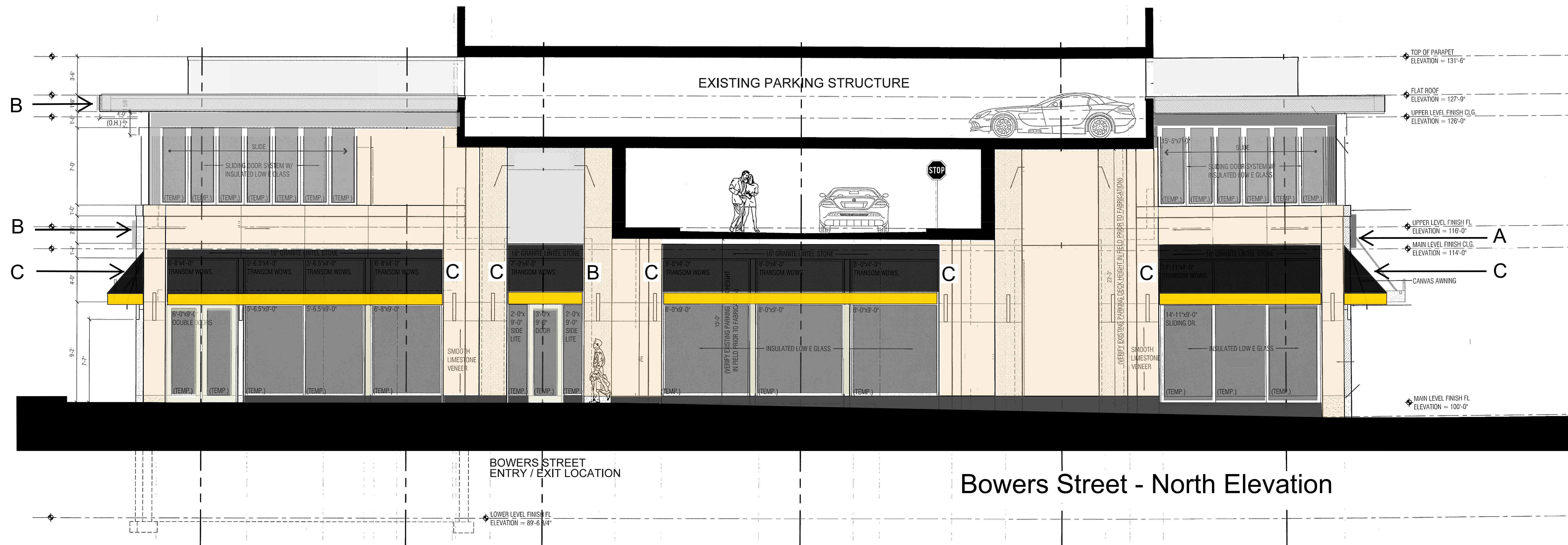
PROJECT NUMBER
2021.04

DATE
FEB 16, 2021

ISSUE
▲

Upper Level Floor Plan
SCALE: 1/4"=1'-0"

A1.04



Bowers Street - North Elevation



KEY

- A New Signage See Exhibit "A"
 - B New Signage See Exhibits "B", "B.1", "B.2"
 - C New Canvas Awnings See Exhibits "C", "D", "E"
- Note: All Other Building Elements / Materials to Remain Unchanged

Luckenbach
Ziegelman
Gardner
Architects
pllc

555 South Old Woodward Avenue
Suite 27L
Birmingham, Michigan 48009
248.642.3990

Sheet Title
BUILDING ELEVATIONS
Awnings and Signage

Project
Birmingham Pub
555 South Old Woodward Ave.
Birmingham, Michigan 48009

Project Number
2021.04

Date Issue
Feb 18, 2021 Review

SK 3.01

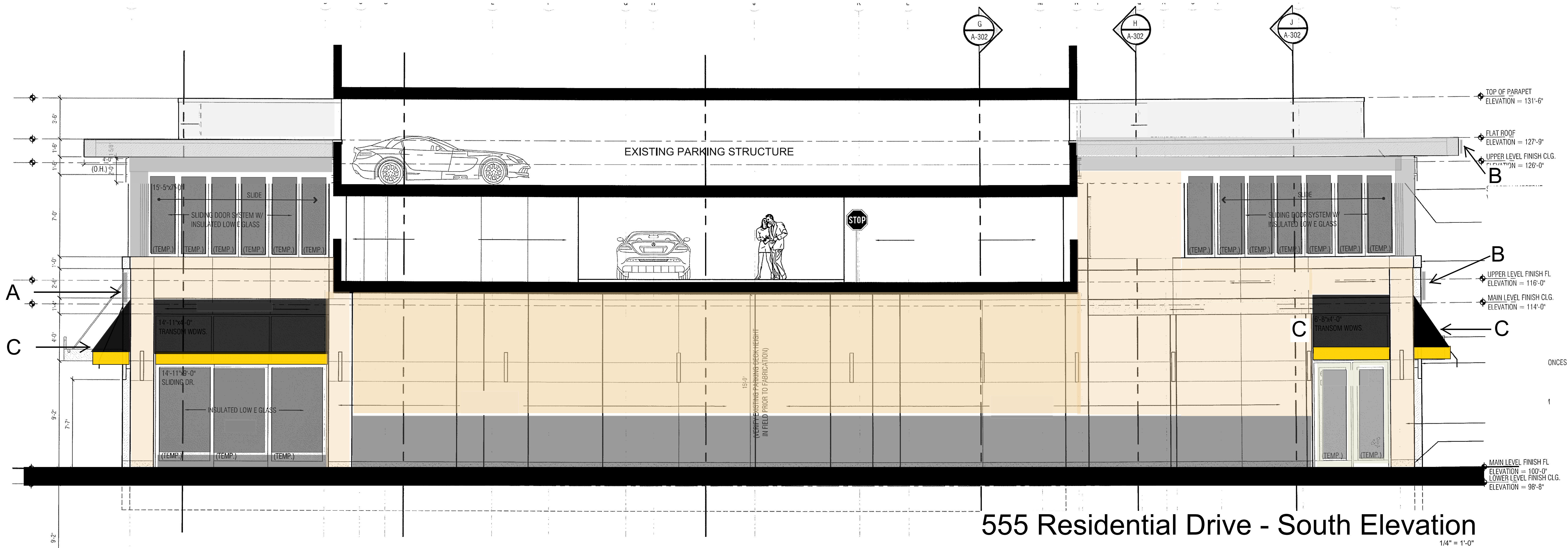
Luckenbach
Ziegelman
Gardner
Architects
pllc

555 South Old Woodward Avenue
Suite 27L
Birmingham, Michigan 48009
248 642 3990

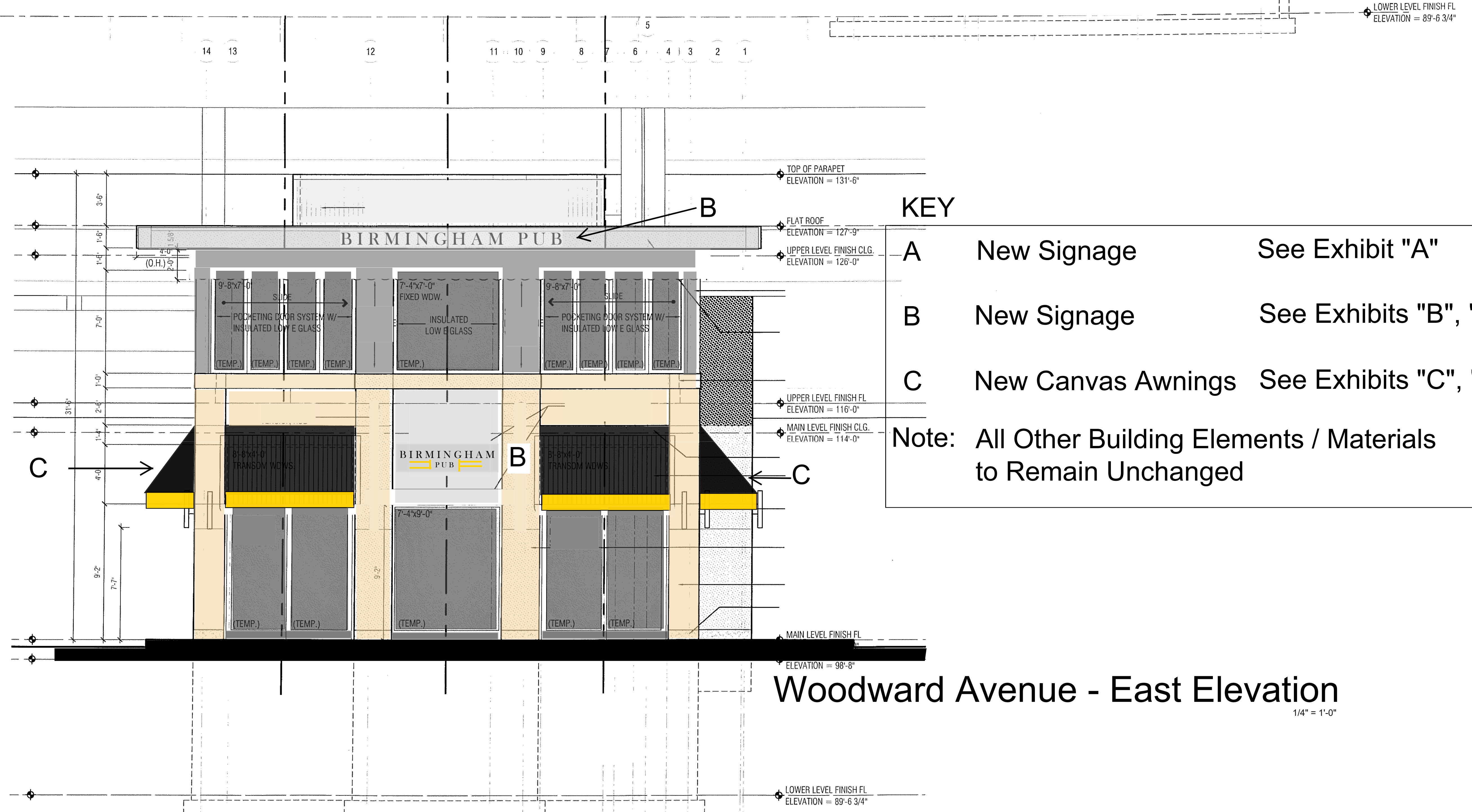
Sheet Title
BUILDING ELEVATIONS
Signage & Awnings

Project
Birmingham Pub
555 South Old Woodward Ave.
Birmingham, Michigan 48009

Project Number
2021-04



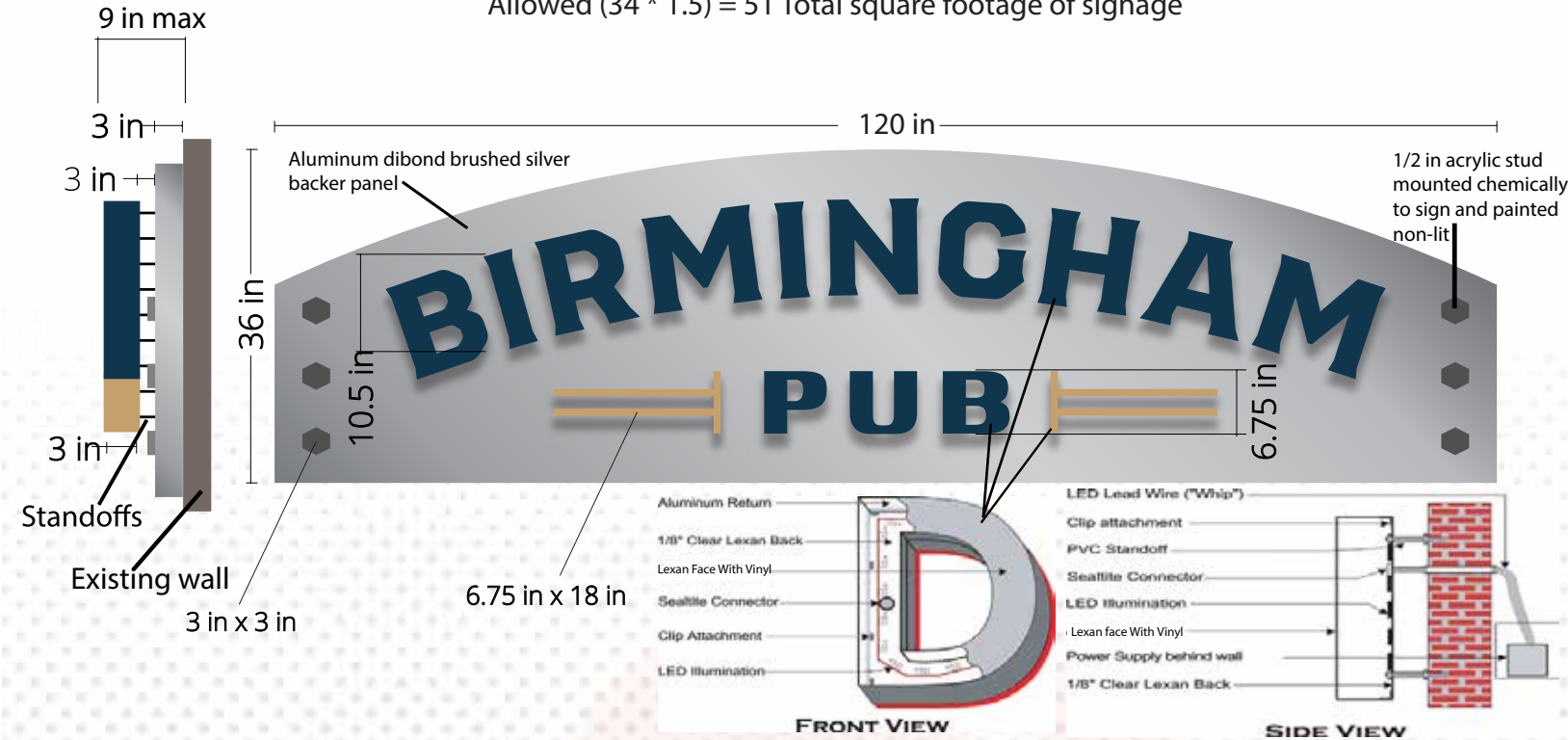
555 Residential Drive - South Elevation



Woodward Avenue - East Elevation

KEY		
A	New Signage	See Exhibit "A"
B	New Signage	See Exhibits "B", "B.1", "B.2"
C	New Canvas Awnings	See Exhibits "C", "D", "E"
Note: All Other Building Elements / Materials to Remain Unchanged		

Front wall sign facing South Old Woodward square footage: $(36 \times 120) / 144 = 30$ square feet
Allowed $(34 \times 1.5) = 51$ Total square footage of signage



NOTE: Image is for mock up purpose only. Actual sign sizing and location may vary slightly due to angle of photo taken distance from wall

NIGHT



34' of frontage along South Old Woodward

- Custom wall sign mounted to existing wall stone
- Brushed aluminum backer panel with custom front-lit (blue) and halo-lit (white) channel letters
- Decorative 3x3" accents on left/right sides
- Includes removing Triple Nickle decorative sign prior to install

ARTWORK **Matt Schwartz**
DATE **03/11/2021**
VERSION **6**

EXTERIOR ELECTRONIC MESSAGE CENTERS • INTERIOR LED DISPLAYS • DESIGN • MANUFACTURE • SERVICE & INSTALLATION • PROJECT MANAGEMENT • SIGN SOLUTIONS FOR ALL INDUSTRIES

PREPARED FOR **Birmingham Pub**

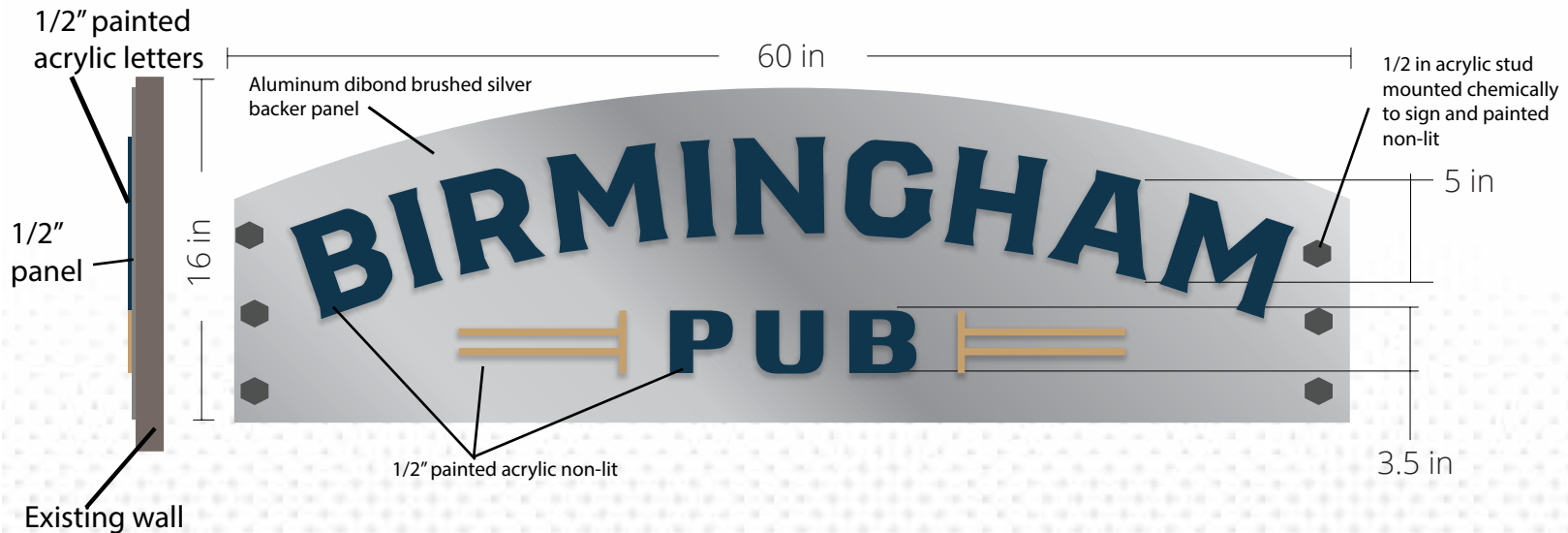
CLIENT APPROVAL SIGNATURE

DATE

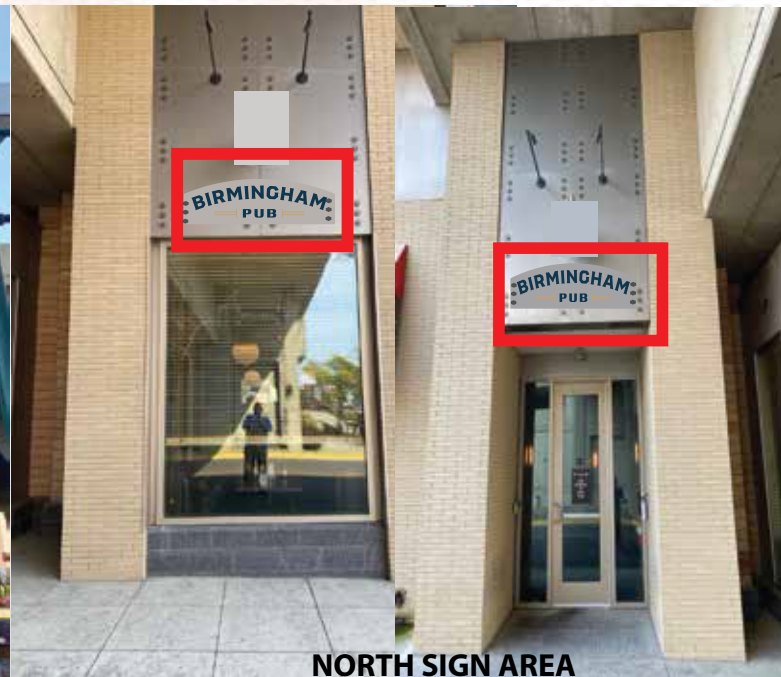
CLIENT APPROVAL By signing this proof I approve the size, spelling, color(s) and overall design of my order. I understand that I am 100% responsible for any additional changes made to my order after the date indicated on my approval.

USE OF THIS PROOF The designs, details and plans represented herein are the property of Curb Appeal Concepts, Inc.; specifically developed for your personal use in connection with the project being planned for you by Curb Appeal Concepts, Inc. It is not to be shown to anyone outside of your organization, nor are they to be used, reproduced, exhibited or copied in any fashion whatsoever. All or any part of this design (excepting registered trademarks) remains the property of Curb Appeal Concepts, Inc..

1 wall sign facing Woodward and 2 wall signs facing Bowers square footage: $(16 \times 60) / 144 = 6.67$ square feet each one
 $6.67 \times 3 = 20.01$ Total square footage of wall non-lit signage



NOTE: Image is for mock up purpose only. Actual sign sizing and location may vary slightly due to angle of photo taken distance from wall



- Custom routed lettering on brushed aluminum backer panel. All 3 signs are the same. 1/2" painted acrylic letters
- Remove existing "Nickels" on rear and two on north side and cover with a painted metal to match as close as possible
- 3 signs are all non-lit

ARTWORK **Matt Schwartz**
DATE **03/11/2021**
VERSION **3**

EXTERIOR ELECTRONIC MESSAGE CENTERS • INTERIOR LED DISPLAYS • DESIGN • MANUFACTURE • SERVICE & INSTALLATION • PROJECT MANAGEMENT • SIGN SOLUTIONS FOR ALL INDUSTRIES

PREPARED FOR **Birmingham Pub**

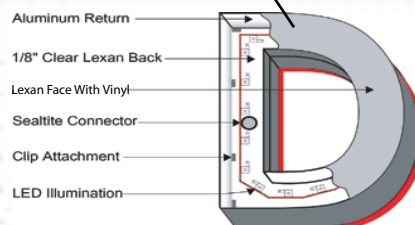
CLIENT APPROVAL SIGNATURE

DATE

CLIENT APPROVAL By signing this proof I approve the size, spelling, color(s) and overall design of my order. I understand that I am 100% responsible for any additional changes made to my order after the date indicated on my approval.
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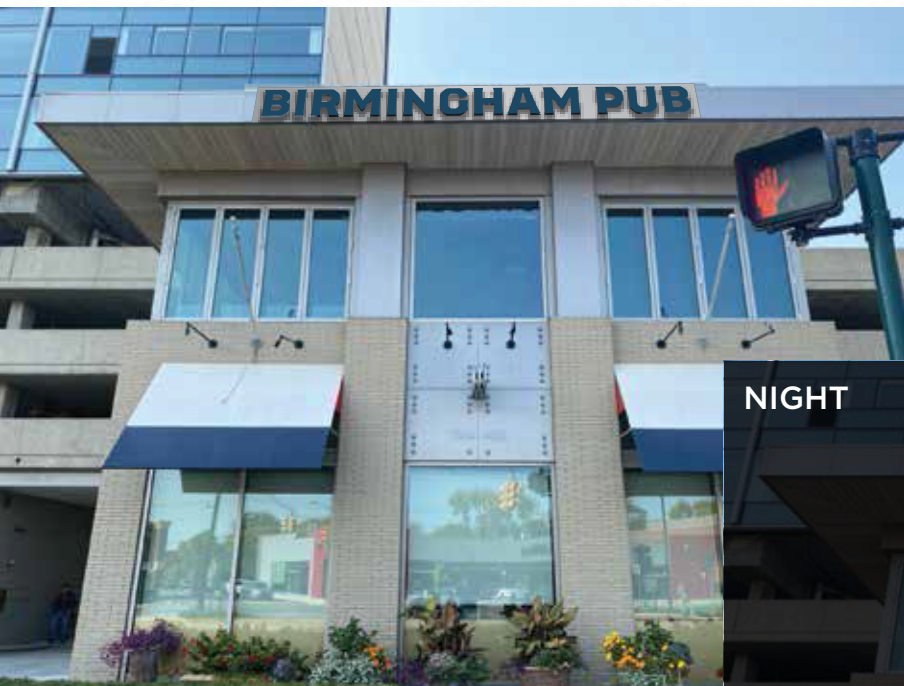
Rear wall sign facing Woodward square footage: $(18 \times 252) / 144 = 31.5$ square feet

Internally led and
halo lit channel letters



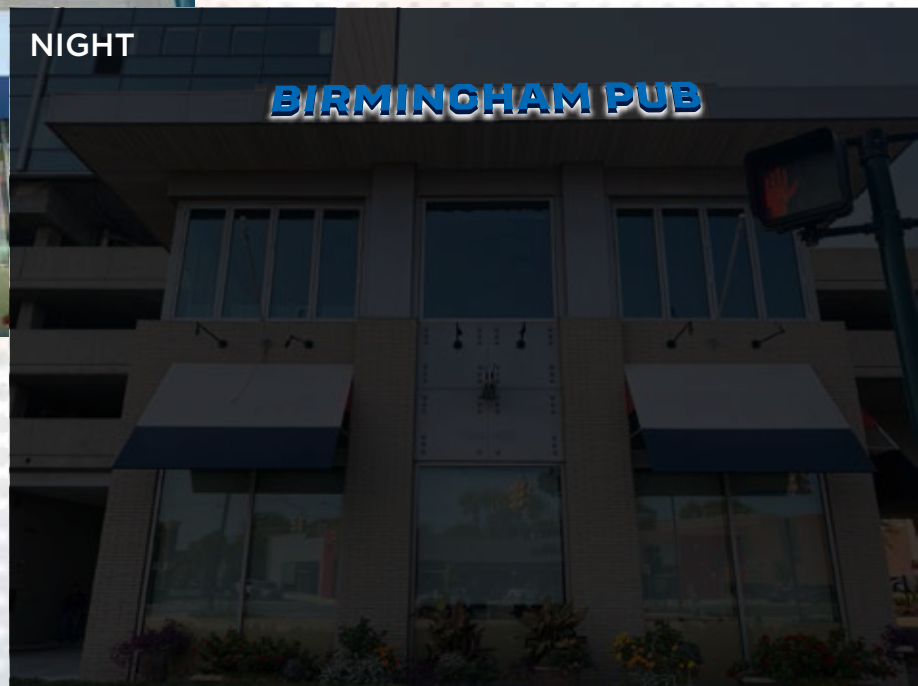
FRONT VIEW

Internally led and
halo lit channel letters
9 in max



EAST ELEVATION SIGN AREA

NIGHT



- Custom front-lit (blue) and halo-lit (white) channel letters installed onto backer cabinet raceway

NOTE: Image is for mock up purpose only. Actual sign sizing and location may vary slightly due to angle of photo taken distance from wall

ARTWORK **Matt Schwartz**
DATE **10/18/2020**
VERSION **2**

EXTERIOR ELECTRONIC MESSAGE CENTERS • INTERIOR LED DISPLAYS • DESIGN • MANUFACTURE • SERVICE & INSTALLATION • PROJECT MANAGEMENT • SIGN SOLUTIONS FOR ALL INDUSTRIES

PREPARED FOR **Birmingham Pub**

CLIENT APPROVAL SIGNATURE

DATE

CLIENT APPROVAL By signing this proof I approve the size, spelling, color(s) and overall design of my order. I understand that I am 100% responsible for any additional changes made to my order after the date indicated on my approval.

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555 S. Old Woodward Ave
Birmingham Pub

Existing Awnings – SW Corner



Existing Awnings – NE Corner



Proposed Design – SW Corner

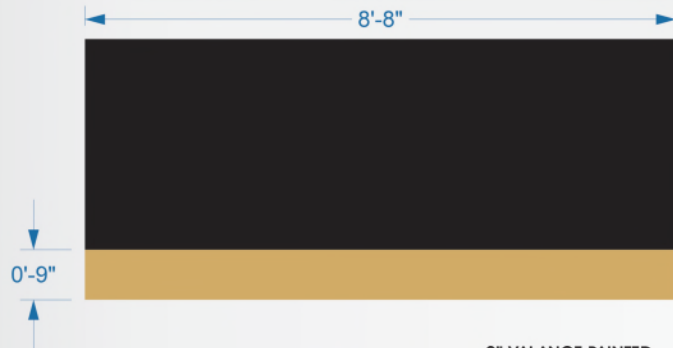


Proposed Design – NE Corner



EXHIBIT "C"

4 AWNINGS AT THIS SIZE

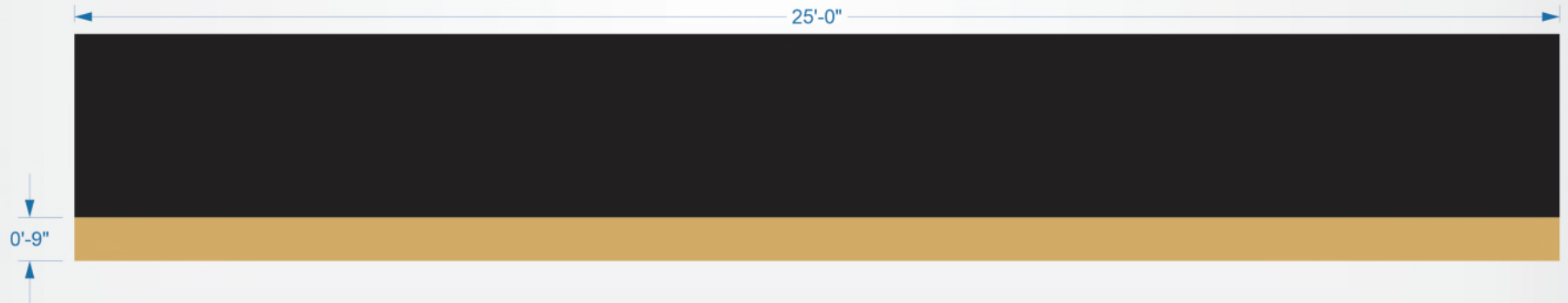


9" VALANCE PAINTED
WITH SIGN PAINTERS
GOLD SCREEN INK

1 AWNING AT THIS SIZE



1 AWNING AT THIS SIZE



sunbrella
black
4608

Pantone
1245C

BIRMINGHAM
PUB

Marygrove
AWNINGS

EXHIBIT "D" Awning Materials



Awning Recovers | 555 S. Old Woodward Ave. | Birmingham Pub
(formerly Triple Nickel)

List of Requested Design Changes

Six (6) existing awnings to be refurbished:

- Awning height cut down and rigid valance (drip edge) added.
- Overall height of awnings & clearance remain unchanged.
- Fabric changed to solid black with gold valance.

List of New Materials to be Used

- Sunbrella #6008 Black awning canvas (see sample previously submitted)
- Gold Nazdar screen ink color match to Pantone 1245C, painted onto valance portion only (see sample previously submitted)
- Metal framework on new valances will match existing.

EXHIBIT "E"

Birmingham Pub Brunch Menu

Brunch Concepts (Cinnamon Sugar Beignets) – will this be offered to everyone as a first course type of item? I like the idea of French serving them and not leaving them in a basket on the table

American Omelets – maybe change this heading to Egg Cookery

The Western Omelet - Ham, cheese, peppers and onions (I would remove this item)

Omelet Arnold Bennett – Select casserole of smoked white fish, Mornay, Gruyere & Herbs (is this a rolled omelet or baked omelet style preparation, either way I think its great)

Spinach Feta Omelet – Fresh baby spinach, grilled tomato, imported feta (I would switch to a Frittata and change the feta to goat, and blend of roasted mushrooms and top with arugula slaw)

Eggs Benedict – Wolferman's English muffin, ham, poached eggs, hollandaise sauce 16 (Use Nueske's Canadian Bacon, cage free eggs and move up from the specialties section)

House Corned Beef Hash & Eggs – Olive oil basted egg, grilled asparagus 14 (will also verbally offer eggs any style with this item)

Egg White Options Available for All Egg Cookery

(All omelets Served with your choice of toast and chef roasted potatoes)

I like the idea of making the toast a sliced and grilled bread to order

Brunch Specialties

Belgium Waffle – Fresh fruit, maple syrup, confectionary sugar 13 (Yeast raised batter studded with Pearl Sugar, Grade A Maple Syrup, source local)

Pancakes – Choose one | Blueberry | Apple | Banana 13 (Make them ricotta pancakes as the base)

Steak & Eggs – Grilled tenderloin tips, eggs any style, petite arugula, shaved parmesan cheese 19 (add Chimichurri as a sauce to bring it all together)

Add: Fresh Seasonal Fruit & Yogurt – Greek vanilla yogurt, fresh cut fruits and berries, granola, chia seeds, honey

Smoked Salmon – Plain bagel, cream cheese, snipped chives 24 (toasted bagel, capers, red onion, cucumber, mascarpone, use a blend of smoked and beet cured salmon)

Terry's Famous Fried Chicken & Waffles 19 (maple bourbon butter drizzle)

Grilled Artichoke & Romaine Salad - Caesar dressing, crouton, choice of protein 10

(Chicken Paillard 16 | Seared Ōra King Salmon 21 | Grilled Shrimp 18)

Add: Superfoods Bowl – Bean sprouts, kale, edamame, Marcona almonds, sweet potatoes, Avocado, acai berry vinaigrette

Brunch Sandwiches

Nantucket Sleigh Ride - Toasted sandwich size English muffin, Olive oil poached egg, bacon, Irish cheddar 14 (half pound Tri-Blend burger)

Pub Ruben- Shaved corned beef, Jewish rye, Swiss cheese, sauerkraut, 1000 island dressing 14 (using Sy Ginsberg's raw corned beef)

Southern Fried Chicken Sandwich – Toasted brioche bun, extra crunchy chicken breast, creamy slaw, pickle chips, mayo 12
(add a drizzle of Mike's Hot Honey)

Add ? – Avocado Toast – crisp olive oil baguette, heirloom tomatoes, arugula, smoked salmon \$xx add 2 eggs any style \$xx

Bunch Sides: Thick Cut Bacon ([Apple-wood](#)) | Grilled Ham ([Nueske's](#)) | Sausage ([Housemade Patties](#)) | Biscuits & Gravy
([House Made Sausage Gravy](#)) | Eggs any Style ([Cage Free](#)) | Breakfast Potatoes 7

Fresh Fruit Plate – [move to Specialties and offer as entree](#)

Toast: White, Wheat, Rye, English muffin, Butter Milk Biscuits ([eliminate the White and Wheat, offer French Baguette, Multi-Grain Baguette or Rye](#))

Kids Menu 10

PBJ Finger Sandwiches – crust less white bread, smooth peanut butter, grape jelly

Pigs in a Blanket – buttermilk pancakes, breakfast sausages, maple syrup

“Eggs & Toast” – buttered white bread filled with egg, served over easy with sausage, like a one eyed susan

Breakfast Fondue - silver dollar pancakes or petite waffles with sprinkled royal icing

Franks & Beans | Grilled Cheese Sandwiches | Chicken Fingers | PBJ | Mac-n-cheese – Hot Dog

Home Made Spaghetti O's | Frozen Grapes ([remove all of these items except PBJ](#))

Dessert: \$9

Add: Monkey Bread – bourbon caramel sauce, spiced cashews and pecans, crème anglaise

Sticky Toffee Pudding | Vanilla ice cream & spiked caramel sauce 9

Crème Brule Burnt Tableside – Served with fresh berries 9 | GF

Traverse City's Brownie – Baked to order, brandied cherries sauce, vanilla ice cream 9

Michigan Granny Apple Crumble – Tart caramelized apples, macerated currents, brown sugar streusel 9

New York Style Cheese Cake – Seasonal berries, cardamom chantilly 9

Birmingham Pub Lunch Menu

Bread Service - Pimento Cheese Canapés - cold service

Small Plates | Starters Pub Grub:

Steamed Mussels “Fata Paper” - Vermouth, herbs de province, garlic, butter, lemon, confit of tomatoes, bread | GF **17**

Pierogi – Browned in butter served with sour cream, apple sauce & crispy onions **12** | V

Buffalo Cauliflower - Crispy tempura florets, Buffalo sauce, blue cheese dust, curly celery **12** | V

Rhode Island Calamari – Olive oil, Italian peppers, parsley, parmesan, marinara, piquillo pepper sauce **13**

Sausage & Peppers – Hungarian hot banana peppers, fresh Italian sausage, rosemary-roasted potatoes **14** | GF

Soups and Salads:

Mushroom Soup en Croute – Select forest mushrooms, mirepoix of vegetable, veal jus, truffle, pastry top **12** | V

Michigan Five Onion Soup – hearty broth, caramelized onions, Michigan stout, Dijon-gruyere croustades **9** | V

Avocado Toast – Fresh avocado, salad of petite arugula, heirloom tomatoes, red onions, quinoa, thin toast **17** | V

Poke – Grilled Ōra King Salmon or Ginger Seared Tuna - Sushi rice, soy pickled bean sprouts, cucumber, edamame, scallions, sweet & sour red cabbage, miso mayo, GF Sesame-ginger vinaigrette **28** | GF

Chicken Fattoush Salad – Romaine, radicchio, baby green, red onion, heirloom tomatoes, cucumbers, pita chips, garlic lemon sumac vinaigrette **16**

Birmingham Cobb Salad – Chopped egg, grilled chicken, avocado, bacon, tomato, blue cheese **15** | GF

Grilled Artichoke & Romaine Salad - Caesar dressing, crouton, choice of protein **10**

(Chicken Paillard **16** | Seared Ōra King Salmon **28** | Grilled Shrimp **19**)

House Dressing's to include: (All dressings are GF)

Honey Lemon | Chunky Blue Cheese | Balsamic | Raspberry Vinaigrette | Ranch | Spicy Thai Peanut |

Tuscan Creamy Italian | Fattoush Sumac Vinaigrette

Birmingham Tri-Blend Burgers & Such (Beyond Burgers Available)

All American Angus Burger – Grilled brioche, choice of cheese, lettuce, tomato, onion, pickle, 1k dressing **13**

The Nantucket Sleigh Ride - Toasted sandwich size English muffin, Olive oil poached egg, bacon, Irish cheddar **14**

City Style Patty Melt – Grilled onions, toasted rye bread, gruyere cheese **13**

Pub Ruben - Shaved corned beef, Jewish rye, Swiss cheese, sauerkraut, 1k dressing **16**

Southern Fried Chicken Sandwich - Toasted brioche bun, extra crunchy chicken breast, creamy slaw, pickle chips, mayo, hot honey drizzle **12**

Blackened Chicken Sandwich - Grilled onions, provolone cheese, lettuce, tomato, ancho chili mayo **12**

Toad in a Hole – Yorkshire pudding, traditional sausage, roasted onion, duck fat potatoes **17**

Terry's Famous Fried Chicken & Waffles – 4 piece chicken, extra crispy, golden waffle, honey butter, Carolina sauce 19

Dessert: \$9

Sticky Toffee Pudding | Vanilla ice cream & spiked caramel sauce 9

Crème Brule Burnt Tableside – Served with fresh berries 9 | GF

Traverse City's Brownie – Baked to order, brandied cherries sauce, vanilla ice cream 9

Michigan Granny Apple Crumble – Tart caramelized apples, macerated currents, brown sugar streusel 9

New York Style Cheese Cake – Seasonal berries, cardamom Chantilly 9

Birmingham Pub Dinner Menu

Bread Service - Pimento Cheese Canapés – cold service

Small Plates | Starters Pub Grub:

Steamed Mussels “Fata Paper” - Vermouth, herbs de province, garlic, butter, lemon, confit of tomatoes, bread | GF **17**

Pierogi – Browned in butter served with sour cream, apple sauce & crispy onions **12** | V

Buffalo Cauliflower - Crispy tempura florets, Buffalo sauce, blue cheese dust, curly celery **12** | V

Rhode Island Calamari – Olive oil, Italian peppers, parsley, parmesan, marinara, piquillo pepper sauce **13**

Sausage & Peppers – Hungarian hot banana peppers, fresh Italian sausage, rosemary-roasted potatoes **14** | GF

Soups and Salads:

Mushroom Soup en Croute – Select forest mushrooms, mirepoix of vegetable, veal jus, truffle, pastry top **12** | V

Michigan Five Onion Soup – hearty broth, caramelized onions, Michigan stout, Dijon-gruyere croustades **9** | V

Avocado Toast – Fresh avocado, salad of petite arugula, heirloom tomatoes, red onions, quinoa, thin toast **17** | V

Poke – Grilled Ōra King Salmon or Ginger Seared Tuna - Sushi rice, soy pickled bean sprouts, cucumber, edamame, scallions, sweet & sour red cabbage, miso mayo, GF Sesame-ginger vinaigrette **28** | GF

Grilled Artichoke & Romaine Salad - Caesar dressing, crouton, choice of protein **10**

(Chicken Paillard **16** | Seared Ōra King Salmon **28** | Grilled Shrimp **19**)

House Dressing's to include: (All dressings are GF)

Honey Lemon | Chunky Blue Cheese | Balsamic | Raspberry Vinaigrette | Ranch | Spicy Thai Peanut |

Tuscan Creamy Italian | Fattoush Sumac Vinaigrette

Birmingham Tri-Blend Burgers & Such (Beyond Burgers Available)

All American Angus Burger – Grilled brioche, choice of cheese, lettuce, tomato, onion, pickle, 1k dressing **13**

The Nantucket Sleigh Ride – Half pound tri-blend burger, Wolferman's English muffin, olive oil poached egg, bacon, Irish cheddar **14**

Blackened Chicken Sandwich - Grilled onions, provolone cheese, lettuce, tomato, ancho chili mayo **12**

Pub Specialties:

Braised Brisket of Beef - Garnished with noodles of brown butter Spaetzle, sweet & sour red cabbage, natural pan sauce **24**

Toad in a Hole – Yorkshire pudding, traditional sausage, roasted onion, duck fat potatoes **17**

Terry's Famous Fried Chicken & Waffles – 4 piece chicken, extra crispy, golden waffle, honey butter, Carolina sauce **19**

Ōra King Salmon – Provençal vegetables, parsnip puree, pickled mustard seeds **36** | GF

Cedar Plank Simple Fish - Everything bagel crusted Michigan white fish, grilled asparagus, saffron rice, lemon **24**

Grey Goose Shrimp & Penne – Creamy vodka sauce, baby bella mushrooms, asparagus, fresh basil, Florida gulf shrimp **28**

Prime Marbles Meats

USDA Prime Filet Mignon – 8 oz fillet “pressed” Yukon gold potatoes, roasted vegetables, true Zip sauce **39** | GF

Steak Frites USDA Prime NY Strip – Tarragon and pickled shallot béarnaise, truffle parmesan steak fries **46** | GF

Berkshire Pork Porter House – caramelized apples, braised red cabbage, brown butter Spaetzle, apple butter **27**

Sides:

Crispy Brussels Sprout’s – Pancetta “Bac-Os”, sautéed onions, beurre monté, everything bagel spice **7**

Fire Roasted Asparagus - Warm mayonnaise & cayenne **9**

Truffle Parmesan Fries - Shoe string or steak cut or simple sweet potato fries **7**

Seasonal Decided Daily – Chefs selection **7**

Duck Fat Potatoes – Herbs, garlic, and onion **7**

Dessert: \$9

Sticky Toffee Pudding | Vanilla ice cream & spiked caramel sauce **9**

Crème Brule Burnt Tableside – Served with fresh berries **9** | GF

Traverse City’s Brownie – Baked to order, brandied cherries sauce, vanilla ice cream **9**

Michigan Granny Apple Crumble – Tart caramelized apples, macerated currents, brown sugar streusel **9**

New York Style Cheese Cake – Seasonal berries, cardamom Chantilly **9**



Special Land Use Permit Application Planning Division

Form will not be processed until it is completely filled out.

1. Applicant

Name: Birmingham Pub, LLC
Address: 7096 EAST FOURTEEN MILE ROAD
WARREN, MI 48092 USA
Phone Number: 586-770-3500
Fax Number: _____
Email address: joev@andiamoitalia.com

2. Property Owner

Name: Manorwood Properties, LLC
Address: 555 S. Old Woodward, Suite 705
Birmingham, Michigan, 48009
Phone Number: 248-728-5085
Fax Number: 248-728-5086
Email address: jireinhart@gmail.com

3. Applicant's Attorney/Contact Person

Name: Joseph A. Shallal - Mekani, Orow, Mekani, Shallal & Hindo
Address: 255 South Old Woodward, Suite 310
Birmingham, Michigan 48009
Phone Number: 248-223-9830
Fax Number: 248-265-4107
Email address: joeshallal@mornshlaw.com

4. Project Designer/Developer

Name: NA
Address: _____
Phone Number: _____
Fax Number: _____
Email address: _____

5. Required Attachments

- I. Two (2) paper copies and one (1) digital copy of all project plans including:
 - i. A detailed Existing Conditions Plan including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft. of the subject site's property lines;
 - ii. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
 - iii. A certified Land Survey;
 - iv. Interior floor plans;
 - v. A Landscape Plan;
 - vi. A Photometric Plan;
 - vii. Colored elevation drawings for each building elevation;
- II. Specification sheets for all proposed materials, light fixtures and mechanical equipment;
- III. Samples of all proposed materials;
- IV. Photographs of existing conditions on the site including all structures, parking areas, landscaping and adjacent structures;
- V. Current aerial photographs of the site and surrounding properties;
- VI. Warranty Deed, or Consent of Property Owner if applicant is not the owner;
- VII. Any other data requested by the Planning Board, Planning Department, or other City Departments.

6. Project Information

Address/Location of the property: 555 South Old Woodward
Birmingham, Michigan, 48009
Name of development: Birmingham Pub
Sidwell #: _____
Current Use: Restaurant
Proposed Use: Restaurant
Area of Site in Acres: Lot Area approx 4.499 sq feet
Current zoning: B-3
Is the property located in the floodplain? No
Name of Historic District Site is located in: NA
Date of Historic District Commission Approval: NA
Date of Application for Preliminary Site Plan: 12-12-12
Date of Preliminary Site Plan Approval: 2-25-13

Date of Application for Final Site Plan: 1-23-13
Date of Final Site Plan Approval: 1-23-13
Date of Application for Revised Final Site Plan: 8-26-13
Date of Revised Final Site Plan Approval: 10-13
Date of Design Review Board Approval: 2-25-13
Is there a current SLUP in effect for this site? yes
Date of Application for SLUP: 8-26-13
Date of SLUP Approval: 2-25-13 (and 12-12-12) (final 12-25-13)
Date of Last SLUP Amendment: 10-13
Will proposed project require the division of platted lots? no
Will proposed project require the combination of platted lots? no

Sta. 100

7. Details of the Proposed Development (attach separate sheet if necessary)

No change in use. No change in exterior design. (Will change signs per latest city code) No change in menu (currently American Fare and will stay American Fare)

To show slight modifications of the interior layout made during initial construction

8. Buildings and Structures

Number of Buildings on Site: three (1 2-story restaurant)

Height of Buildings & # of Stories: 7 story office, 15 story apartments

Use of Buildings: OFFICE, COMMERCIAL, RESIDENTIAL, RESTAURANT

Height of Rooftop Mechanical Equipment: NA NO CHANGE

9. Floor Use and Area (in Square Feet)

Proposed Commercial Structures:

Total basement floor area: (lower level) 702

Number of square feet per upper floor: Main level 3453

Total floor area: 7,173

Floor area ratio (total floor area ÷ total land area):

7173/4499 = 1.59

Open space: East Terrace 1056 West Terrace 1170 2nd level storage 792

Percent of open space: (1056 + 1170)/4499 = 49.47%

Office Space: NA -- NO CHANGE

Retail Space: NA

Industrial Space: NA

Assembly Space: NA

Seating Capacity: 135 INDOOR AND OUTDOOR

Maximum Occupancy Load: unknown

Proposed Residential Structures:

Total number of units: NA NO CHANGE

Number of one bedroom units: _____

Number of two bedroom units: _____

Number of three bedroom units: _____

Open space: _____

Percent of open space: _____

Rental units or condominiums? NA -- NO CHANGE

Size of one bedroom units: _____

Size of two bedroom units: _____

Size of three bedroom units: _____

Seating Capacity: _____

Maximum Occupancy Load: _____

Proposed Additions:

Total basement floor area, if any, of addition: NA -- NO CHANGE

Number of floors to be added: _____

Square footage added per floor: _____

Total building floor area (including addition): _____

Floor area ratio (total floor area ÷ total land area): _____

Open Space: _____

Percent of open space: _____

Use of addition: NA NO CHANGE

Height of addition: _____

Office space in addition: _____

Retail space in addition: _____

Industrial space in addition: _____

Assembly space in addition: _____

Maximum building occupancy load (including addition): _____

10. Required and Proposed Setbacks

Required front setback: NA NO CHANGE

Required rear setback: NA NO CHANGE

Required total side setback: NA NO CHANGE

Side setback: NA NO CHANGE

Proposed front setback: NA NO CHANGE

Proposed rear setback: NA NO CHANGE

Proposed total side setback: NA NO CHANGE

Second side setback: NA NO CHANGE

11. Required and Proposed Parking

Required number of parking spaces: NA NO CHANGE

Typical angle of parking spaces: NA NO CHANGE

Typical width of maneuvering lanes: NA NO CHANGE

Location of parking on site: NA NO CHANGE

Location of parking off site: NA NO CHANGE

Number of light standards in parking area: NA NO CHANGE

Screenwall material: NA NO CHANGE

Proposed number of parking spaces: NA NO CHANGE

Typical size of parking spaces: NA NO CHANGE

Number of spaces <180 sq. ft.: NA NO CHANGE

Number of handicap spaces: NA NO CHANGE

Shared parking agreement? NA NO CHANGE

Height of light standards in parking area: NA NO CHANGE

Height of screenwall: NA NO CHANGE

12. Landscaping

Location of landscape areas: NA NO CHANGE

Proposed landscape material: NA NO CHANGE

13. Streetscape

Sidewalk width: NA NO CHANGE

Number of benches: NA NO CHANGE

Number of planters: NA NO CHANGE

Number of existing street trees: NA NO CHANGE

Number of proposed street trees: NA NO CHANGE

Streetscape plan submitted? NA NO CHANGE

Description of benches or planters: NA NO CHANGE

Species of existing trees: NA NO CHANGE

Species of proposed trees: NA NO CHANGE

14. Loading

Required number of loading spaces: NA NO CHANGE

Typical angle of loading spaces: NA NO CHANGE

Screenwall material: NA NO CHANGE

Location of loading spaces on site: NA NO CHANGE

Proposed number of loading spaces: NA NO CHANGE

Typical size of loading spaces: NA NO CHANGE

Height of screenwall: NA NO CHANGE

Typical time loading spaces are used: NA NO CHANGE

15. Exterior Waste Receptacles

Required number of waste receptacles: NA NO CHANGE

Location of waste receptacles: NA NO CHANGE

Screenwall material: NA NO CHANGE

Proposed number of waste receptacles: NA NO CHANGE

Size of waste receptacles: NA NO CHANGE

Height of screenwall: NA NO CHANGE

16. Mechanical Equipment

Utilities and Transformers:

Number of ground mounted transformers: NA NO CHANGE

Size of transformers (L•W•H): NA NO CHANGE

Number of utility easements: NA NO CHANGE

Screenwall material: NA NO CHANGE

Location of all utilities & easements: NA NO CHANGE

Height of screenwall: NA NO CHANGE

Ground Mounted Mechanical Equipment:

Number of ground mounted units: NA NO CHANGE

Size of ground mounted units (L•W•H): NA NO CHANGE

Screenwall material: NA NO CHANGE

Location of all ground mounted units: NA NO CHANGE

Height of screenwall: NA NO CHANGE

Rooftop Mechanical Equipment:

Number of rooftop units: NA NO CHANGE

Type of rooftop units: NA NO CHANGE

Screenwall material: NA NO CHANGE

Location of screenwall: NA NO CHANGE

Location of all rooftop units: NA NO CHANGE

Size of rooftop units (L•W•H): NA NO CHANGE

Percentage of rooftop covered by mechanical units: NA NO CHANGE

Height of screenwall: NA NO CHANGE

Distance from rooftop units to all screenwalls: NA NO CHANGE

17. Accessory Buildings

Number of accessory buildings: NA NO CHANGE

Location of accessory buildings: NA NO CHANGE

Size of accessory buildings: NA NO CHANGE

Height of accessory buildings: NA NO CHANGE

18. Building Lighting

Number of light standards on building: NA NO CHANGE

Type of light standards on building: NA NO CHANGE

Size of light fixtures (L•W•H): NA NO CHANGE
Maximum wattage per fixture: NA NO CHANGE
Light level at each property line: NA NO CHANGE

Height from grade: NA NO CHANGE
Proposed wattage per fixture: NA NO CHANGE

19. Site Lighting

Number of light fixtures: NA NO CHANGE
Size of light fixtures (L•W•H): NA NO CHANGE
Maximum wattage per fixture: NA NO CHANGE
Light level at each property line: NA NO CHANGE

Type of light fixtures: NA NO CHANGE
Height from grade: NA NO CHANGE
Proposed wattage per fixture: NA NO CHANGE
Holiday tree lighting receptacles: NA NO CHANGE

20. Adjacent Properties

Number of properties within 200 ft.: NA NO CHANGE

Property #1

Number of buildings on site: NA NO CHANGE
Zoning district: _____
Use type: _____
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: NA NO CHANGE

North, south, east or west of property? _____

Property #2

Number of buildings on site: NA NO CHANGE
Zoning district: _____
Use type: _____
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: NA NO CHANGE

North, south, east or west of property? _____

Property #3

Number of buildings on site: NA NO CHANGE
Zoning district: _____
Use type: _____
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: NA NO CHANGE

North, south, east or west of property? _____

Property #4

Number of buildings on site: NA NO CHANGE
Zoning district: _____
Use type: _____
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: NA NO CHANGE

North, south, east or west of property? _____

Property #5

Number of buildings on site: NA NO CHANGE
Zoning district: _____
Use type: _____
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: NA NO CHANGE

North, south, east or west of property? _____

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes made to an approved site plan. The undersigned further states that they have reviewed the procedures and guidelines for Site Plan Review in Birmingham, and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

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

Signature of Owner: _____

Date: 1-21-21

Print Name: _____

John J Reinhart

Signature of Applicant: _____

Date: _____

Print Name: _____

Joseph Vicari

Signature of Architect: _____

Date: _____

Print Name: _____

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Accepted by: _____

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes made to an approved site plan. The undersigned further states that they have reviewed the procedures and guidelines for Site Plan Review in Birmingham, and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

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

Signature of Owner: _____ Date: _____

Print Name: John J Reinhart

Signature of Applicant: Joseph P Vicari Date: 1/22/21

Print Name: Joseph Vicari

Signature of Architect: _____ Date: _____

Print Name: _____

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Accepted by: _____



SPECIAL LAND USE PERMIT APPLICATION CHECKLIST – PLANNING DIVISION

Applicant: Birmingham Pub, LLC Case #: _____ Date: _____
Address: 555 S. Old Woodward Project: transfer of ownership

All site plans and elevation drawings prepared for approval shall be prepared in accordance with the following specifications and other applicable requirements of the City of Birmingham. If more than one page is used, each page shall be numbered sequentially. All plans must be legible and of sufficient quality to provide for quality reproduction or recording. Plans must be no larger than 24" x 36", and must be folded and stapled together. The address of the site must be clearly noted on all plans and supporting documentation.

Site Plan for Special Land Use Permit

A full Site Plan detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

- ☐ 1. Name and address of applicant and proof of ownership;
- ☐ 2. Name of Development (if applicable);
- ☐ 3. Address of site and legal description of the real estate;
- ☐ 4. Name and address of the land surveyor;
- ☐ 5. Legend and notes, including a graphic scale, north point, and date;
- ☐ 6. A separate location map;
- ☐ 7. A map showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;
- ☐ 8. Aerial photographs of the subject site and surrounding properties;
- ☐ 9. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
- ☐ 10. A detailed Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft. of the subject site's property lines;
- ☐ 11. Interior floor plans;
- ☐ 12. A chart indicating the dates of any previous approvals by the Planning Board, Board of Zoning Appeals, Design Review Board, or the Historic District Commission ("HDC");

- ☐ 13. Existing and proposed layout of streets, open space and other basic elements of the plan;
- ☐ 14. Existing and proposed utilities and easements and their purpose;
- ☐ 15. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, isolated preserve-able trees, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the development;
- ☐ 16. General description, location, and types of structures on site;
- ☐ 17. Location of sidewalks, curb cuts, and parking lots on subject site and all sites within 200 ft. of the property line;
- ☐ 18. Details of existing or proposed lighting, signage and other pertinent development features;
- ☐ 19. Elevation drawings showing proposed design;
- ☐ 20. Screening to be utilized in concealing any exposed mechanical or electrical equipment and all trash receptacle areas;
- ☐ 21. Location of all exterior lighting fixtures;
- ☐ 22. A Photometric Plan depicting proposed illuminance levels at all property lines;
- ☐ 23. A Landscape Plan showing all existing and proposed planting and screening materials, including the number, size, and type of plantings proposed and the method of irrigation; and
- ☐ 24. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.

Elevation Drawings

Complete elevation drawings detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

- ☐ 25. Color elevation drawings showing the proposed design for each façade of the building;
- ☐ 26. List of all materials to be used for the building, marked on the elevation drawings;
- ☐ 27. Elevation drawings of all screenwalls to be utilized in concealing any exposed mechanical or electrical equipment, trash receptacle areas and parking areas;
- ☐ 28. Details of existing or proposed lighting, signage and other pertinent development features;
- ☐ 29. A list of any requested design changes;
- ☐ 30. Itemized list and specification sheets of all materials, light fixtures and mechanical equipment to be used, including exact size specifications, color, style, and the name of the manufacturer;
- ☐ 31. Location of all exterior lighting fixtures, exact size specifications, color, style and the name of the manufacturer of all fixtures, and a photometric analysis of all exterior lighting fixtures showing light levels to all property lines; and
- ☐ 32. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.



Notice Signs - Rental Application Community Development

1. Applicant

Name: Birmingham Pub, LLC
Address: 7096 East Fourteen Mile Road
Warren, Michigan 48092
Phone Number: 586-770-3500
Fax Number: _____
Email address: joev@andiamoitallia.com

Property Owner

Name: Manorwood Properties, LLC
Address: 555 North Old Woodward, Suite 705
Birmingham, Michigan 48009
Phone Number: 248-728-5085
Fax Number: _____
Email address: jireinhart@gmail.com

2. Project Information

Address/Location of Property: 555 North Old Woodward
Name of Development: 555 Building
Area in Acres: .10

Name of Historic District site is in, if any: NA
Current Use: Restaurant
Current Zoning: B-3 approved Restaurant

3. Date of Board Review

Board of Building Trades Appeals: _____
City Commission: _____
Historic District Commission: _____
Planning Board: _____

Board of Zoning Appeals: _____
Design Review Board: _____
Housing Board of Appeals: _____

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to post the Notice Sign(s) at least 15 days prior to the date on which the project will be reviewed by the appropriate board or commission, and to ensure that the Notice Sign(s) remains posted during the entire 15 day mandatory posting period. The undersigned further agrees to pay a rental fee and security deposit for the Notice Sign(s), and to remove all such signs on the day immediately following the date of the hearing at which the project was reviewed. The security deposit will be refunded when the Notice Sign(s) are returned undamaged to the Community Development Department. Failure to return the Notice Sign(s) and/or damage to the Notice Sign(s) will result in forfeiture of the security deposit.

Signature of Applicant: _____

Joseph P. Vucari

Date: 1/22/21

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Reviewed by: _____

Joseph A. Shallal
Neb Mekani
John J. Orow
John N. Hindo

Law Offices Of

**MEKANI, OROW, MEKANI,
SHALLAL & HINDO, P.C.**

A Professional Corporation
255 South Old Woodward
Park Place Suite 310
Birmingham, MI 48009
Telephone (248) 223-9830
Facsimile (248) 265-4107
joeshallal@aol.com

Of Counsel
Jane Shallal
John I. Kittel

Louie E. Mekani
(1971 – 2000)

January 25, 2021

City of Birmingham
C/O Jana Ecker
Planning Director
151 Martin
Birmingham. Michigan 48009

RE: Transfer of Ownership of Class C and SDM licenses and permits and Special Land Use Permit (SLUP) Application and/or Amendment to SLUP request from existing licensee, Crush, LLC, to proposed licensee, Birmingham Pub, LLC.

Dear Jana:

Please find enclosed a completed SLUP application for the property located at 555 South Old Woodward, Birmingham, Michigan 48009 and a check for the application fee. The parties are merely seeking approval for a transfer of ownership from Crush, LLC (d/b/a Triple Nickel) to Birmingham Pub, LLC. No modification to the type of menu will be made. The menu consists of American fare and will continue as American fare meals. The hours of operation will not change and there will be no material changes to the interior or exterior of the building except for color scheme for the interior of the restaurant, signage, and name changes. The attached renderings and prints show the original renderings and prints belonging to Triple Nickel since there were no material changes in such plans. Therefore, we did not submit any new plans. The last few pages of the renderings show what we believe are the City approved "as-built" interior layout.

Please place this on the next available agenda for City review. If there is anything that might be deficient in the application or if there is anything we might need to add to the attached package, please let me know as soon as possible.

Very truly yours,
Mekani Orow Mekani
Shallal & Hindo, P.C.

Joseph A. Shallal

Joseph A. Shallal

L V MANAGEMENT INC
ANDIAMO AIRPORT
7096 E 14 MILE RD
WARREN MI 48092

1341

9-9/720
242

CHECK NUMBER

Date

11/22/21

Pay to the
Order of

City of Birmingham
Two Thousand, Eight Hundred & no/100

\$ 2800.00

Dollars



Comerica Bank
www.comerica.com



Dollars

Joseph P. Vaini

For

MP

⑆072000096⑆ 1853161626⑈ 01341



Phone: 586-268-3200 | Fax: 586-268-3224
7096 E 14 Mile Rd Warren, MI 48092
andiamoitalia.com

November 10, 2020

City of Birmingham

Re: Purchase of Triple Nickel Restaurant
Located at 555 South Old Woodward
Birmingham, MI 48009

To whom this may concern:

Per your request, I have included the following pertinent information as part of the application process for purchasing the Class C liquor license previously held at the Triple Nickel Restaurant located at 555 South Old Woodward in Birmingham, MI:

1. Name of Company purchasing the liquor license is Birmingham Pub, LLC, with myself, Joseph P. Vicari, as the sole member. I have been in the restaurant business for over 38 years and currently own 22 restaurants and catering entities. As part of those restaurants, I own 14 liquor licenses in Michigan and Las Vegas, NV.
2. Number of indoor seats will remain unchanged, which there is currently 65 seats;
3. Number of outdoor seats will remain unchanged, which there is currently 135 seats;
4. Number of seats at the bar will remain unchanged, which is currently 10 seats;
5. Hours of operation will Monday through Thursday from 1130am until 10pm, Friday from 1130am until 12pm, Saturday from 10am until 12pm and Sunday from 10am until 9pm.
6. The inside of the acquire property will remain the exact same structurally with slight modifications to the exterior awnings and signage, interior décor (i.e. paint, wall décor and artwork, upholstery no chairs and booths, wall coverings/blinds, light fixtures) and replacement of carpet;
7. The menu will feature fresh, made from scratch American recipes, emphasizing more casual, comfort food fare. The menu will be changed out on a quarterly basis with seasonal features and specials being added. A copy of our menu including price points will be provided once finalized.
8. This restaurant concept will be our core concept moving forward and will not change with seasons or to feature additional revenue opportunities.
9. There is no plan for entertainment at this restaurant.
10. As noted above in number 6, there will be no structural changes to the interior or exterior of the building. All changes made to the property will be in the form of leasehold improvements or cosmetic upgrades.
11. Additionally, there will be no lighting changes to the exterior or interior of the building. We plan on replacing existing light covers to fit the design and theme of our new concept however we will not be adding any additional light fixtures in new locations either inside or outside the restaurant.
12. Once the design, color and location of the new exterior signage and awning are completed, a sample drawing will be provided. The exterior signage on the front of the building will come off the outside of the overhang and be attached to the building, which conforms and complies with the current city code and ordinances.





Phone: 586-268-3200 | Fax: 586-268-3224
7096 E 14 Mile Rd Warren, MI 48092
andiamoitalia.com

13. As the new tenant of the property and owner and user of the liquor license, we will sign and agree to be bound by the Contract for Transfer of a Liquor License (Economic Development) when presented to us.

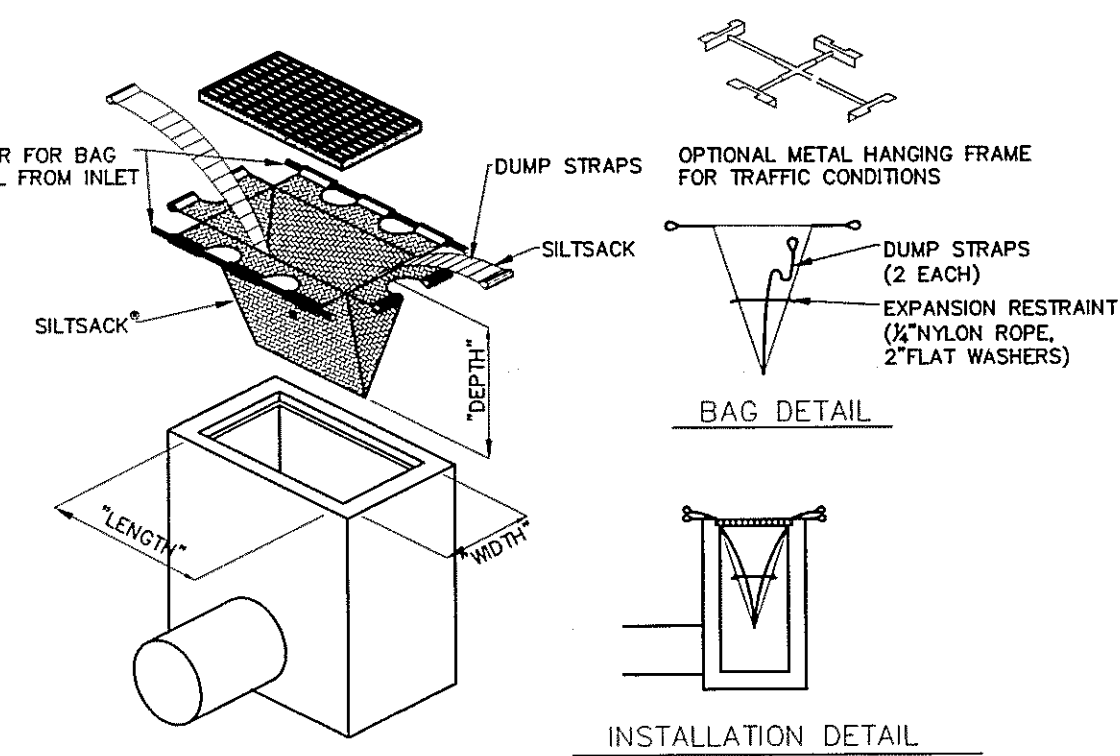
If you have any further questions or need me to elaborate on anything further I can be reached directly on my mobile phone at (586)770-3500 or via email at joev@andiamoitalia.com. Thank you for your time and help with this application and we are excited and anxious to be a staple in the Birmingham community for the days and years to come.

Sincerely,

A handwritten signature in black ink that reads "Joseph P. Vicari".

Joe Vicari
President & CEO





SILT SACK FILTER DETAIL

NOTE

THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SOIL EROSION CONTROLS TO BE MAINTAINED WEEKLY AND AFTER EVERY STORM EVENT.

SOIL EROSION CONTROL SEQUENCE OF OPERATION (NEW CONSTRUCTION)

INSTALL CRUSHED CONCRETE ACCESS DRIVE AND TEMPORARY CULVERTS AT THE SITE ENTRANCE AS INDICATED ON THE PLANS.

INSTALL SILT FENCE OR SIMILAR APPROVED SILT BARRIER ALONG PROPERTY LINES AND AROUND SENSITIVE NATURAL FEATURES AS INDICATED ON THE PLANS.

EXCAVATE A SHALLOW SWALE/DITCH AROUND PERIMETER OF SITE. GRADE THE TEMPORARY SWALE TO AN EXISTING DRAINAGE FACILITY. PLACE OUTLET FILTER IN EXISTING UPSTREAM STORM SEWER FACILITIES.

IF INDICATED ON CONSTRUCTION PLANS, SEDIMENTATION BASINS, DETENTION POND, ETC., SHALL BE CONSTRUCTED PRIOR TO THE INSTALLATION OF ANY OTHER WORK.

STRIP EXISTING TOPSOIL, VEGETATION AND ORGANIC MATTER FROM BUILDING PAD AND PARKING AREAS. COMMENCE LAND BALANCE AND MASS GRADING OPERATIONS. MAINTAIN A MINIMUM BUFFER OF 15' OF EXISTING VEGETATION WHEREVER POSSIBLE AROUND SITE PERIMETER. STOCK PILES SHOULD BE LOCATED AWAY FROM EXISTING DRAINAGE FACILITIES.

EXCAVATE AND INSTALL UNDERGROUND UTILITIES. INSTALL PEASTONE INLET FILTERS AROUND ALL NEW STORM SEWER FACILITIES AS INDICATED ON THE PLANS. EXISTING AND PROPOSED STORM SEWER FACILITIES SHALL BE PROTECTED FROM EROSION AND SEDIMENT INFILTRATION AT ALL TIMES.

COMMENCE FINAL GRADING AND TRIMMING OPERATIONS. PREPARE SUBGRADE FOR INSTALLATION OF PROPOSED PAVEMENT.

SEED AND MULCH ALL DISTURBED SITE AREAS AND INSTALLED SITE LANDSCAPING.

REMOVE CONSTRUCTION DEBRIS AND JET VAC NEWLY INSTALLED STORM SEWER SYSTEM AS REQUIRED BY THE MUNICIPALITY.

REMOVE ALL REMAINING TEMPORARY SOIL EROSION AND SEDIMENTATION CONTROL MEASURES ONCE PERMANENT MEASURES ARE ESTABLISHED.

WHENEVER POSSIBLE, THE SITE SHALL BE GRADED TO WITHIN SIX INCHES (6") OF THE PROPOSED FINISH GRADE PRIOR TO INSTALLATION OF UNDERGROUND FACILITIES.

STAGING OF PROPOSED WORK SHALL BE COMPLETED BY THE CONTRACTOR AS REQUIRED TO ENSURE PROGRESSIVE STABILIZATION OF DISTURBED AREAS.

SOIL EROSION CONTROL

CUTTING, FILLING AND GRADING SHALL BE MINIMIZED AND THE NATURAL TOPOGRAPHY OF THE SITE SHALL BE PRESERVED TO THE MAXIMUM POSSIBLE EXTENT, EXCEPT WHERE SPECIFIC FINDINGS DEMONSTRATE THAT MAJOR ALTERATIONS WILL STILL MEET THE PURPOSES AND REQUIREMENTS OF THIS ORDINANCE.

DEVELOPMENT SHALL BE STAGED TO KEEP THE EXPOSED AREAS OF SOIL AS SMALL AS PRACTICABLE.

SOIL EROSION CONTROL MEASURES SHALL BE INSTALLED BETWEEN THE DISTURBED AREA AND ANY WATERCOURSES, INCLUDING RIVERS, STREAMS, CREEKS, LAKES, PONDS AND OTHER WATERCOURSES; WETLANDS; OR ROADWAYS ON OR NEAR THE SITE.

SEDIMENT RESULTING FROM ACCELERATED SOIL EROSION SHALL BE REMOVED FROM RUNOFF WATER BEFORE THAT WATER LEAVES THE SITE.

TEMPORARY AND PERMANENT SOIL EROSION CONTROL MEASURES DESIGNED AND CONSTRUCTED FOR THE CONVEYANCE OF WATER AROUND, THROUGH, OR AWAY FROM THE SITE SHALL BE DESIGNED TO LIMIT THE WATER FLOW TO A NON-EROSIVE VELOCITY.

TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE REMOVED AFTER PERMANENT SOIL EROSION CONTROL MEASURES HAVE BEEN IMPLEMENTED. ALL SITES SHALL BE STABILIZED WITH PERMANENT SOIL EROSION CONTROL MEASURES.

IF LAKES, PONDS, CREEKS, STREAMS, OR WETLANDS ARE LOCATED ON OR NEAR THE SITE, EROSION CONTROL MEASURES WHICH DIVERT RUNOFF AND TRAP SEDIMENT MUST BE PROVIDED AT STRATEGIC LOCATIONS. STRAW BALE BERMS MAY BE USED AS TEMPORARY STORMWATER DIVERSION STRUCTURES, BUT WILL NOT BE CONSIDERED SUFFICIENT FOR TRAPPING SEDIMENT. THE USE OF SEDIMENT BASINS, FILTER FABRIC, VEGETATED BUFFER STRIPS, AND ROCK FILTERS IN LIEU OF STRAW BALE BERMS SHALL BE STRONGLY ENCOURAGED. OTHER MEASURES MAY BE REQUIRED IF REASONABLY DETERMINED TO BE NECESSARY TO PROTECT A WATERCOURSE OR WETLAND.

WHEN IT IS NOT POSSIBLE TO PERMANENTLY STABILIZE A DISTURBED AREA AFTER AN EARTH CHANGE HAS BEEN COMPLETED OR WHEN SIGNIFICANT EARTH CHANGE ACTIVITY CEASES, TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE INSTALLED.

PERMANENT EROSION CONTROL MEASURES FOR ALL SLOPES, CHANNELS, DITCHES, OR ANY DISTURBED LAND AREA SHALL BE COMPLETED WITHIN 15 (FIFTEEN) CALENDAR DAYS AFTER FINAL GRADING OR THE FINAL EARTH CHANGE HAS BEEN COMPLETED. ALL TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL PERMANENT SOIL EROSION CONTROL MEASURES ARE IMPLEMENTED.

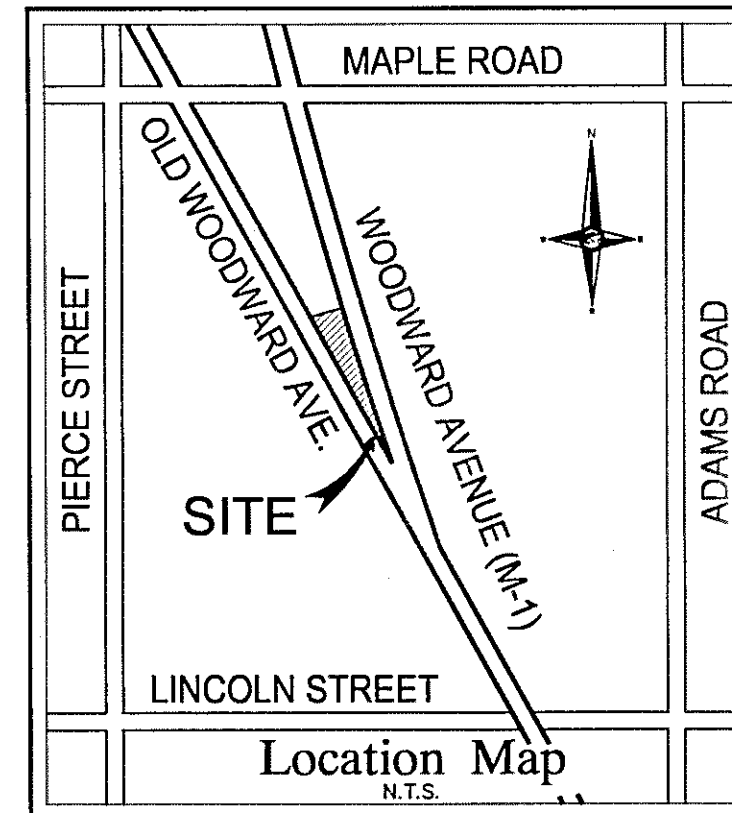
VEGETATED BUFFER STRIPS SHALL BE CREATED OR RETAINED ALONG THE EDGES OF ALL LAKES, PONDS, CREEKS, STREAMS, OTHER WATERCOURSES, OR WETLANDS.

EROSION AND SEDIMENTATION CONTROL MEASURES SHALL RECEIVE REGULAR MAINTENANCE TO ASSURE PROPER FUNCTIONING.

ALL GRADING PLANS AND SPECIFICATIONS, INCLUDING EXTENSIONS OF PREVIOUSLY APPROVED PLANS, SHALL INCLUDE PROVISIONS FOR EROSION AND SEDIMENT CONTROL IN ACCORDANCE WITH, BUT NOT LIMITED TO, THE STANDARDS CONTAINED IN THE "STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL", PUBLISHED BY THE OAKLAND SOIL CONSERVATION DISTRICT.

CONSTRUCTION SEQUENCE / TIMING SCHEDULE

1. INSTALL SILT FABRIC FENCING AND TEMP. CONSTRUCTION ACCESS PER PLAN.	NOVEMBER 2013
2. CONDUCT DEMOLITION AND SITE CLEARING AS REQUIRED PER PLAN.	NOVEMBER 2013
3. COMMENCE MASS GRADING OF SITE.	MARCH 2014
4. COMMENCE UNDERGROUND UTILITY INSTALLATIONS.	APRIL 2014
5. INSTALL INLET FILTERS ON PROPOSED DRAINAGE INLET STRUCTURES PER PLAN.	JULY 2014
6. FILL IN TEMPORARY SEDIMENTATION TRAPS AND PAVE SITE.	AUGUST 2014
7. COMPLETE ALL BUILDING CONSTRUCTION, LANDSCAPE ACTIVITY AND SITE RESTORATION.	AUGUST 2014
8. JET VAC NEW STORM SEWER SYSTEM AS REQUIRED.	AUGUST 2014
9. REMOVE ALL TEMPORARY SOIL EROSION MEASURES.	SEPTEMBER 2014

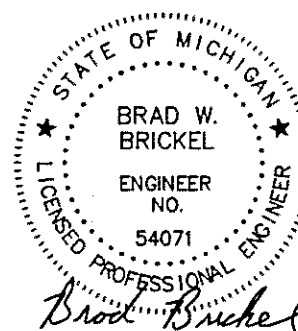


NF ENGINEERS

CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS

NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257

SEAL



PROJECT

Triple Nickel

CLIENT

Triple Nickel, LLC
555 S. Old Woodward Ave.,
Suite 610
Birmingham, MI 48009
Contact:
Mr. John J. Reinhart, CPA
Ph: 248-792-5085
Fax: 248-792-5086

PROJECT LOCATION

Part of the NE 1/4
of Section 36
T. 2 North, R. 10 East,
City of Birmingham,
Oakland County, Michigan

SHEET

Soil Erosion Control Plan



REVISIONS

10-16-13 ISSUED FOR ENG./MDOT REVIEW
10-31-13 REVISED PER ENG./MDOT REVIEW
11-20-13 REVISED PER ENG. REVIEW

DRAWN BY:

R. Johnson

DESIGNED BY:

B. Brickel

APPROVED BY:

B. Brickel

DATE:

October 16, 2013

SCALE: 1" = 20'

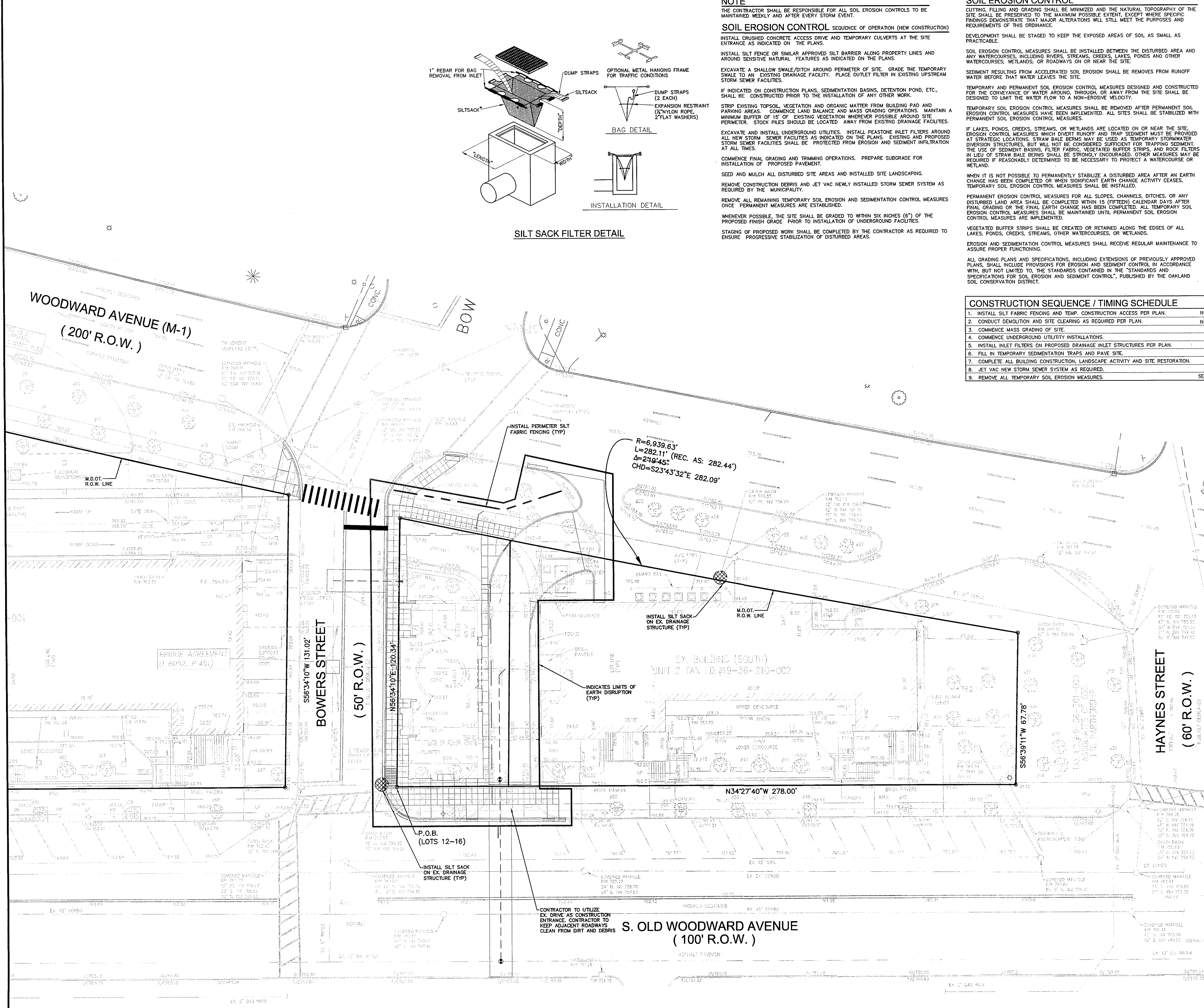
20 10 0 10 20 30

NFE JOB NO.

E940-05

SHEET NO.

C6



NOTE: THIS SHEET TO BE USED FOR DRAINAGE AREA AND SOIL EROSION CONTROL MEASURES ONLY. NOT TO BE USED FOR CONSTRUCTION.

SOIL NOTE

SOIL TYPE FOR THIS SITE ACCORDING TO THE OAKLAND COUNTY SOIL SURVEY IS URBAN LAND.

SOIL EROSION NOTE

THE CONSTRUCTION ENTRANCE IS TO BE MAINTAINED BY THE CONTRACTOR UNTIL SITE PAVING HAS BEEN COMPLETED.

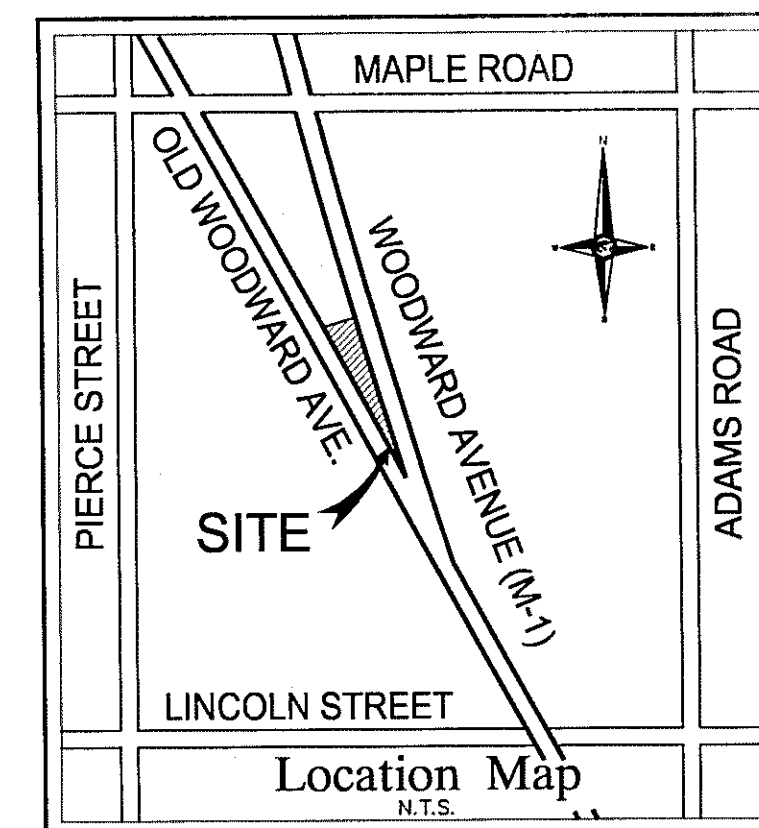
ALL STRUCTURE COVERS SHOULD BE WRAPPED IN GEOTEXTILE FABRIC AFTER PAVING UNTIL RESTORATION IS ESTABLISHED.

THE TOTAL AREA OF DISTURBANCE IS 0.31 ACRES.

ESTIMATED QUANTITIES

SOIL EROSION

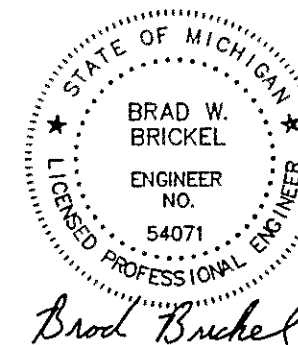
DESCRIPTION	QUANTITY	UNITS
SILT SACK OR EQUAL SILT FABRIC FENCING	277	EA. L.F.



NF
ENGINEERS
CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS

NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257

SEAL



PROJECT
Triple Nickel

CLIENT
Triple Nickel, LLC
555 S. Old Woodward Ave.,
Suite 610
Birmingham, MI 48009
Contact:
Mr. John J. Reinhart, CPA
Ph: 248-792-5085
Fax: 248-792-5086

PROJECT LOCATION
Part of the NE 1/4
of Section 36
T. 2 North, R. 10 East,
City of Birmingham,
Oakland County, Michigan

SHEET
Construction Fencing/
Pedestrian Traffic Plan



REVISIONS
10-16-13 ISSUED FOR ENG./MDOT REVIEW
10-31-13 REVISED PER ENG./MDOT REVIEW
11-20-13 REVISED PER ENG. REVIEW

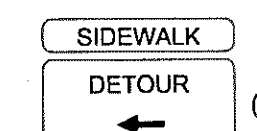
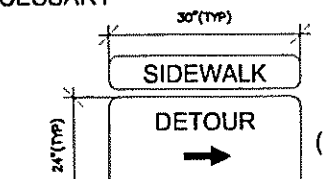
DRAWN BY:
R. Johnson
DESIGNED BY:
B. Brickel
APPROVED BY:
B. Brickel

DATE:
October 16, 2013

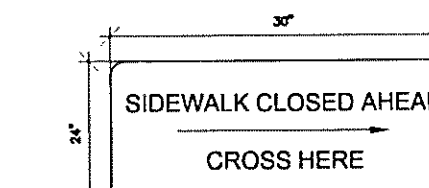
SCALE: 1" = 20'
NFE JOB NO. E940-05 SHEET NO. C7

DETOUR SIGNING ESTIMATED QUANTITIES				
SIGN DESCRIPTION	SIGN CODE	SIGN AREA	NO. REQUIRED	TOTAL AREA
SIDEWALK CLOSED	R9-11	5.0 SFT.	3	15.0 SFT.
DETOUR	M4-9 (L)	5.0 SFT.	4	20.0 SFT.
DETOUR	M4-9 (R)	5.0 SFT.	2	10.0 SFT.
DETOUR	M4-9 (S)	5.0 SFT.	1	5.0 SFT.

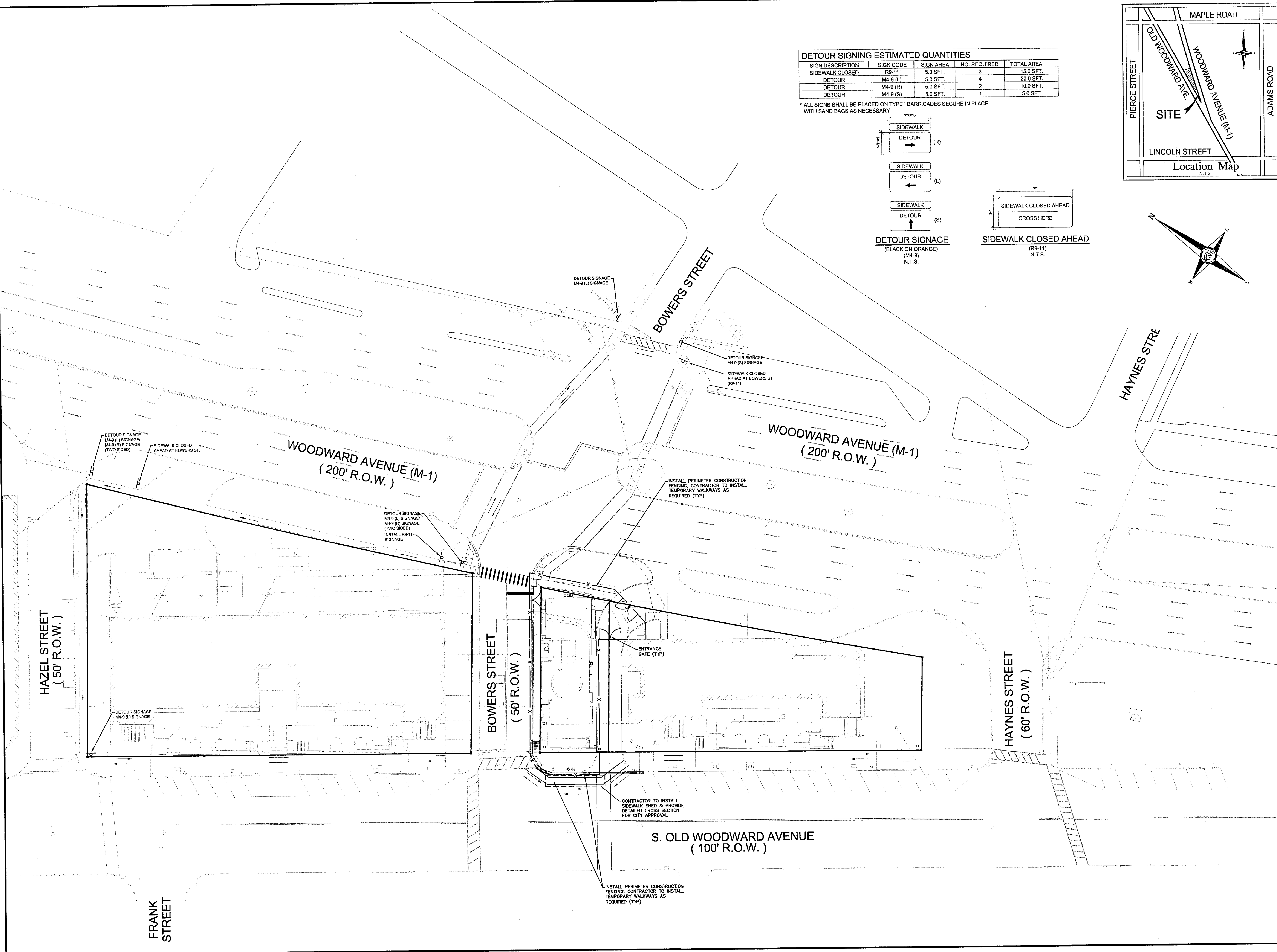
* ALL SIGNS SHALL BE PLACED ON TYPE I BARRICADES SECURE IN PLACE WITH SAND BAGS AS NECESSARY

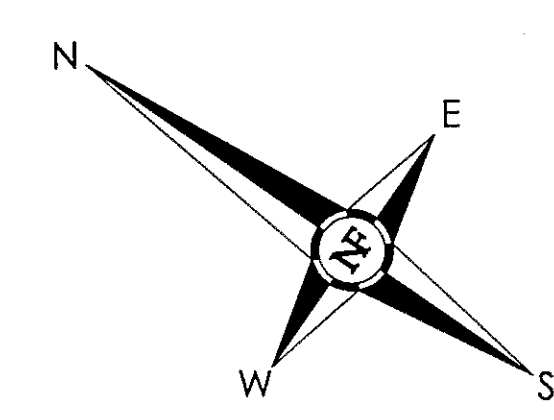
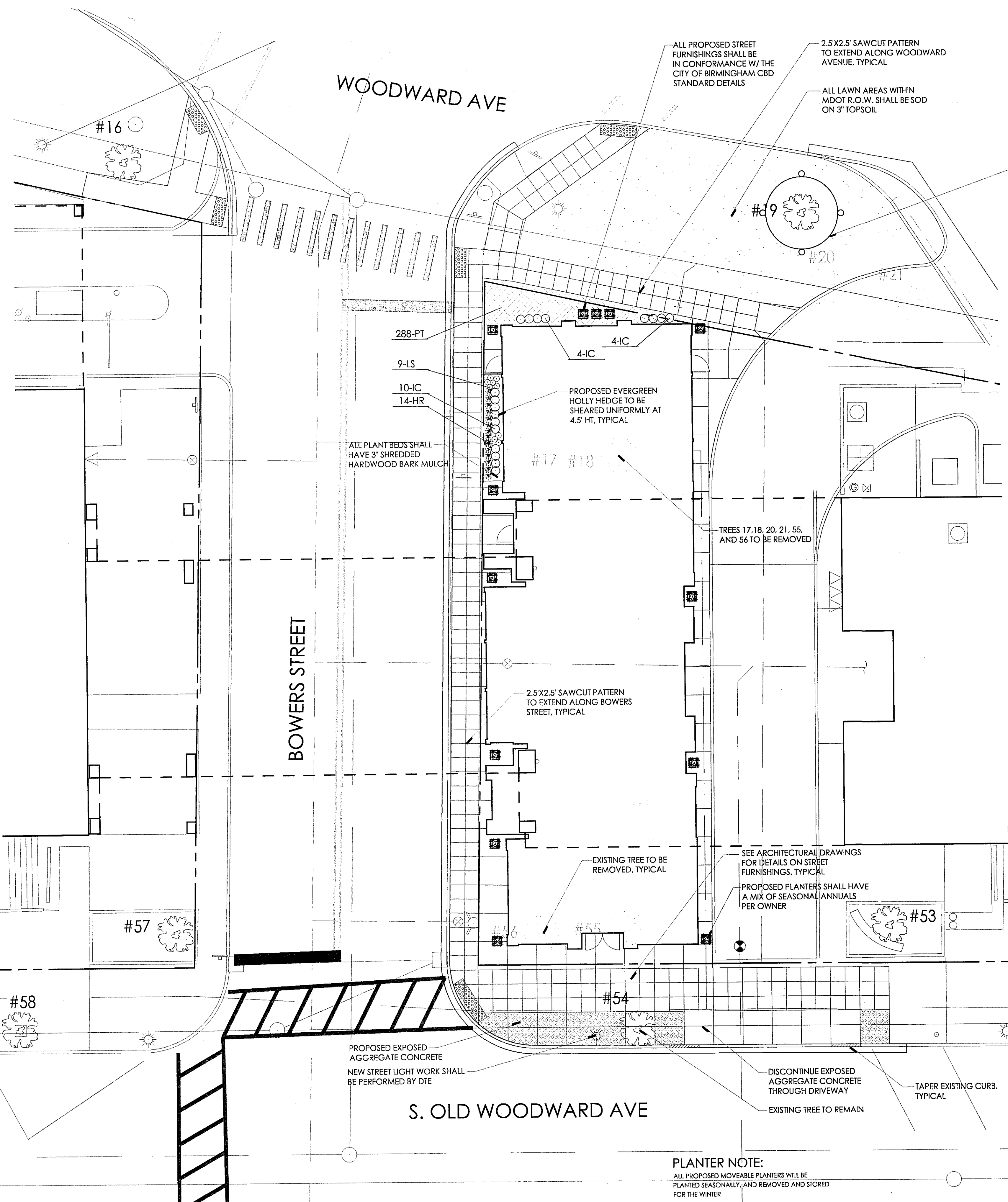


DETOUR SIGNAGE
(BLACK ON ORANGE)
(M4-9)
N.T.S.



SIDEWALK CLOSED AHEAD
(R9-11)
N.T.S.

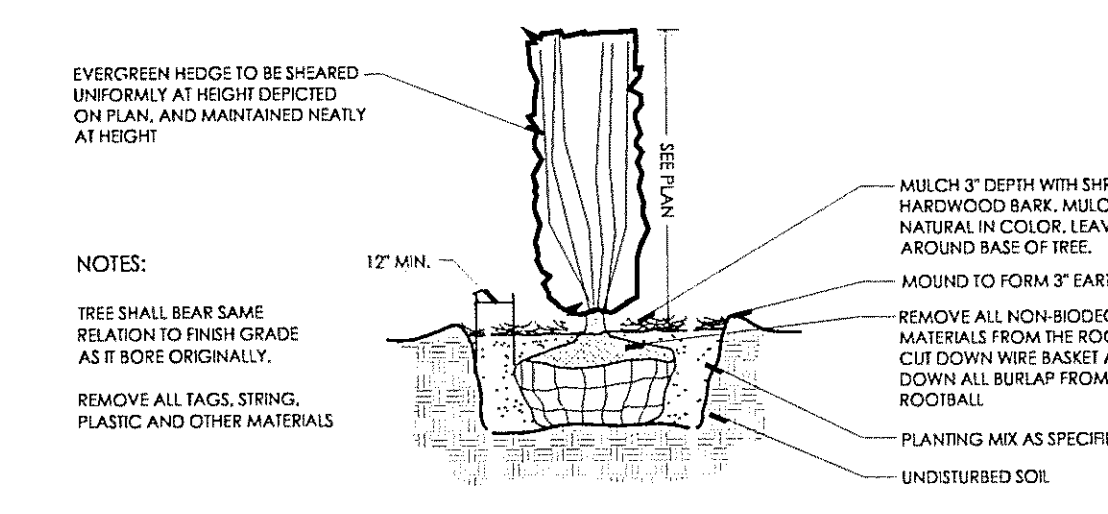




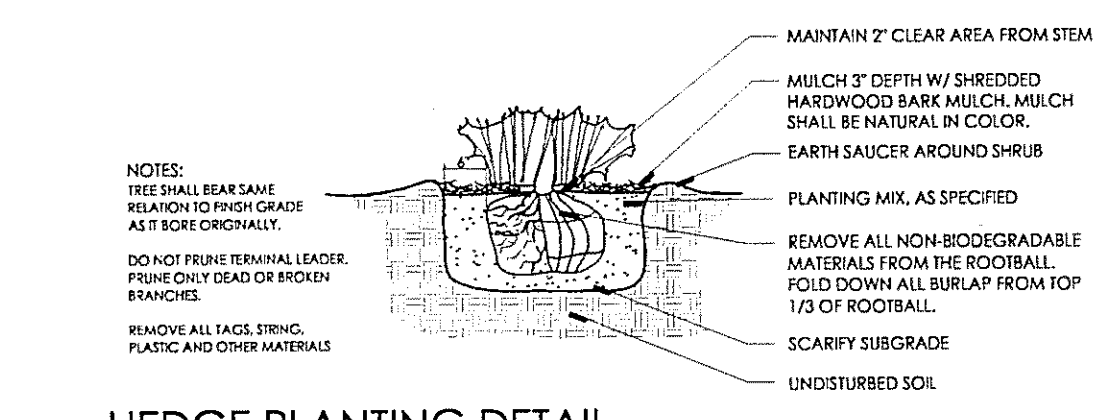
LOCATION MAP

GENERAL LANDSCAPE NOTES

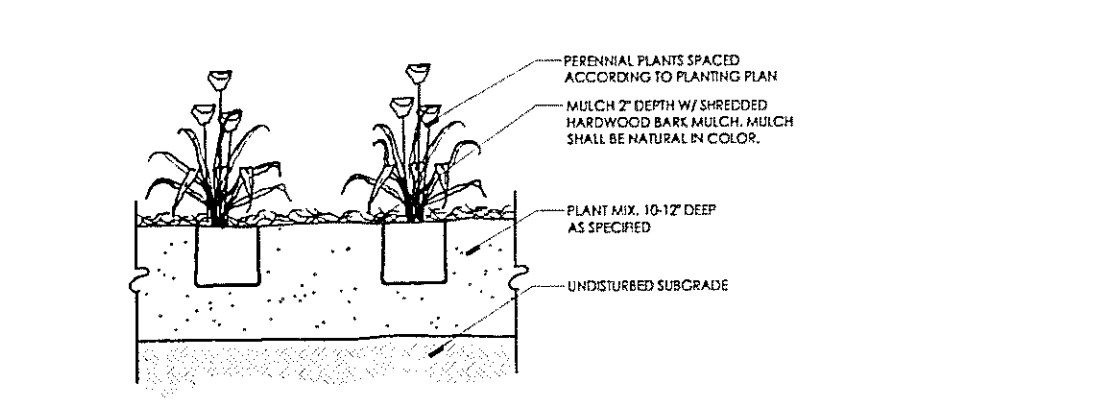
1. LANDSCAPE CONTRACTOR SHALL VISIT SITE, INSPECT EXISTING CONDITIONS AND REVIEW PROPOSED PLANTING AND RELATED WORK. IN CASE OF DISCREPANCY BETWEEN PLAN AND FIELD, THE PLAN SHALL GOVERN QUANTITIES. CONTACT THE LANDSCAPE ARCHITECT WITH ANY CONCERNS.
2. THE CONTRACTOR SHALL VERIFY LOCATIONS OF ALL ON-SITE UTILITIES PRIOR TO BEGINNING CONSTRUCTION ON HIGHER PHASE OF WORK. ANY DAMAGE OR INTERFERENCE OF SERVICES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
3. THE CONTRACTOR SHALL COORDINATE ALL RELATED ACTIVITIES WITH OTHER TRADES, AND SHALL REPORT ANY UNACCEPTABLE SITE CONDITIONS TO THE OWNER'S REPRESENTATIVE PRIOR TO COMMENCEMENT.
4. PLANTS SHALL BE FULLY WELL-BRANCHED, AND IN HEALTHY VIGOROUS GROWING CONDITION.
5. PLANTS SHALL BE WATERED BEFORE AND AFTER PLANTING IS COMPLETE.
6. ALL TREES MUST BE STAKED, FERTILIZED AND MULCHED AND SHALL BE GUARANTEED TO EXHIBIT A NORMAL GROWTH CYCLE FOR AT LEAST ONE (1) YEAR FOLLOWING PLANTING.
7. ALL MATERIAL SHALL CONFORM TO THE GUIDELINES ESTABLISHED IN THE MOST RECENT EDITION OF THE "AMERICAN STANDARDS FOR NURSERY STOCK". CONTRACTOR WILL SUPPLY FINISHED GRADE AND EXCAVATE AS NECESSARY TO SUPPLY PLANT MIX DEPTH IN ALL PLANTING BEDS AS INDICATED IN PLANT DETAILS AND A DEPTH OF 4" IN ALL LAWN AREAS.
8. PROVIDE CLEAN BACKFILL SOIL, USING MATERIAL STOCKPILED ON SITE. SOIL SHALL BE SCREENED AND FREE OF DEBRIS, FOREIGN MATERIAL AND STONE. SLOW-RELEASE FERTILIZER SHALL BE ADDED TO THE PLANT MIX BEFORE BEING BACKFILLED. APPLICATION SHALL BE AT THE MANUFACTURER'S RECOMMENDED RATES.
11. AMENDED PLANT MIX (PREPARED TOPSOIL) SHALL CONSIST OF 1/3 SCREENED TOPSOIL, 1/3 SAND, AND 1/3 "DAIRY DOOD" COMPOST, MIXED WELL AND SPREAD TO A DEPTH AS INDICATED IN PLANTING DETAILS.
12. ALL PLANTINGS SHALL BE MULCHED WITH SHREDDED HARDWOOD BARK, SPREAD TO A DEPTH OF 3" FOR TREES AND SHRUBS, AND 2" ON ANNUALS, PERENNIALS AND GROUNDCOVER PLANTINGS. MULCH SHALL BE FREE FROM DEBRIS AND FOREIGN MATERIAL, AND PEGS ON INCONSISTENT SIZE.
13. NO SUBSTITUTIONS OR CHANGES OF LOCATION, OR PLANT TYPE SHALL BE MADE WITHOUT THE APPROVAL OF THE LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE. THE LANDSCAPE ARCHITECT SHALL BE NOTIFIED OF ANY DISCREPANCIES BETWEEN THE PLANS AND FIELD CONDITIONS PRIOR TO INSTALLATION.
14. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL PLANT MATERIAL IN A VERTICAL POSITION THROUGHOUT THE GUARANTEED PERIOD.
15. THE LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE SHALL HAVE THE RIGHT TO RECTIFY ANY WORK OR MATERIAL THAT DOES NOT MEET THE REQUIREMENTS OF THE PLANS AND/OR SPECIFICATIONS.
17. THE LANDSCAPE CONTRACTOR SHALL SEED AND MULCH OR SOD (AS INDICATED ON PLANS) ALL AREAS DESIGNATED AS SUCH ON THE PLANS, THROUGHOUT THE CONTRACT LIMITS. FURTHER, THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING AREAS DISTURBED DURING CONSTRUCTION, NOT IN THE CONTRACT LIMITS, TO EQUAL OR GREATER CONDITION.
18. ALL LANDSCAPE AREAS SHALL HAVE PROPER DRAINAGE THAT PREVENTS EXCESSIVE WATER FROM PONDING ON LAWN AREAS OR AROUND TREES AND SHRUBS.
19. ALL LANDSCAPE AREAS SHALL BE IRRIGATED WITH AN AUTOMATIC UNDERGROUND SYSTEM.



SHEARED EVERGREEN PLANTING DETAIL



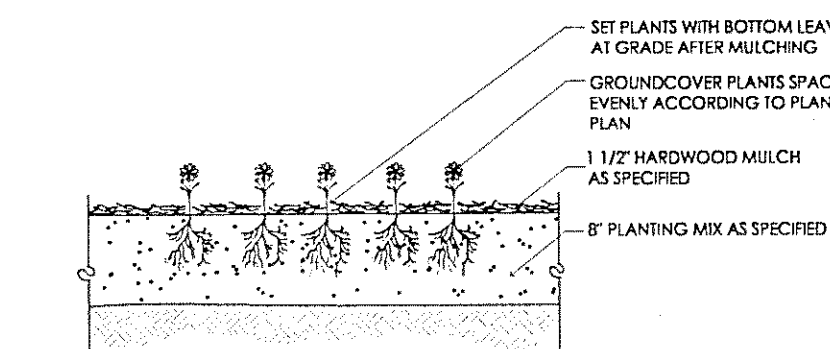
HEDGE PLANTING DETAIL



PERENNIAL PLANTING DETAIL

SOD NOTE:

ALL LAWN AREAS DESIGNATED TO BE SODDED, SHALL BE SODDED WITH A SPECIES NORMALLY GROWN IN OAKLAND COUNTY. ALL SOD SHALL BE PLACED ON 3" PREPARED TOPSOIL, AND WATERED DAILY UNTIL ESTABLISHED.

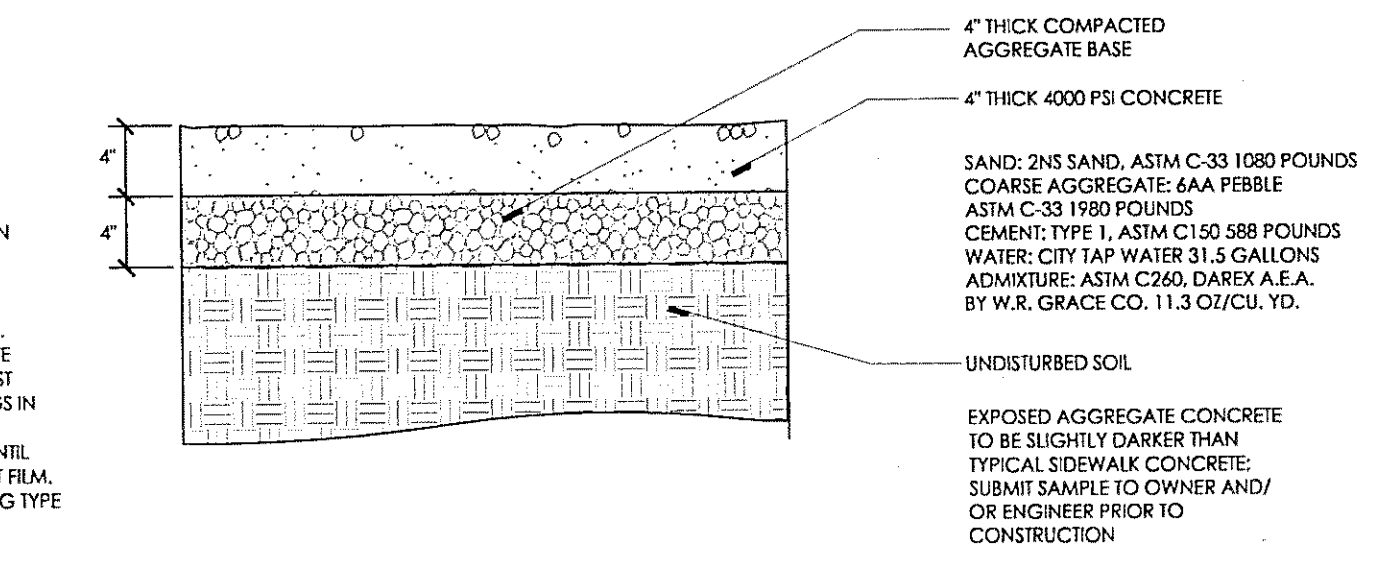


GROUNDCOVER PLANTING DETAIL

PLANT SCHEDULE

KEY	QTY	BOTANICAL/COMMON NAME	SIZE	SPACING	ROOT	COMMENT
SHRUBS						
IC	18	Ilex crenata 'Sky Pencil' Sky Pencil Holly	5' HT	18" OC	B&B	MAINTAIN AS 4.5' HT HEDGE
GROUNDCOVERS/PERENNIALS						
HR	14	Hemerocallis 'Rocket City' Rocket City Daylily	2 GAL	24" OC	CONT	WELL-ROOTED
LS	9	Lilium 'Epicurea' Creeping Lilyturf	1 GAL	12" OC	CONT	WELL-ROOTED
PT	288	Pachysandra terminalis Common Pachysandra	#1 POT	10" OC	CONT	WELL-ROOTED

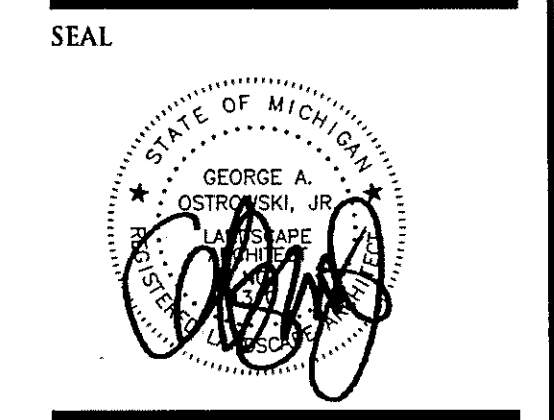
EXPOSED AGGREGATE CONCRETE NOTES:
1. SURFACE RETARDANT: EXPOSED AGGREGATE FINISH SHALL BE EXPOSED BY USE OF SURFACE RETARDANT "PRECO FAC-5" OR APPROVED EQUAL.
2. CONCRETE SHALL BE PLACED, LEVELED AND FLOATED IN NORMAL FASHION.
3. IMMEDIATELY AFTER THE SLAB HAS BEEN SCREENED AND DARRIED, THE AGGREGATE SHALL BE "WASHED" IN A UNIFORM MANNER UNTIL ENTIRE SURFACE IS EXPOSED.
4. THROUGH EXPOSURE OF THE EXPOSED AGGREGATE SHALL BE PERFORMED UNTIL ALL AGGREGATE IS LEFT JUST ABOVE THE SURFACE, LEAVING NO HOLES OR OPENINGS IN THE SURFACE.
5. THE SURFACE SHALL THEN BE BRUSHED AND WASHED UNTIL ALL THE AGGREGATE IS EXPOSED AND FREE OF CEMENT FILM.
6. EXPANSION JOINT MATERIAL: RESILIENT, NON-EXTRUDING TYPE PREMOLDED BITUMINOUS IMPREGNATED FIBERBOARD.



EXPOSED AGGREGATE WALK DETAIL

NF ENGINEERS
CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS

NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257



PROJECT
Triple Nickel

CLIENT
Triple Nickel, LLC
555 S. Old Woodward Ave.,
Suite 610
Birmingham, MI 48009
Contact:
Mr. John J. Reinhart, CPA
Ph: 248-792-5085
Fax: 248-792-5086

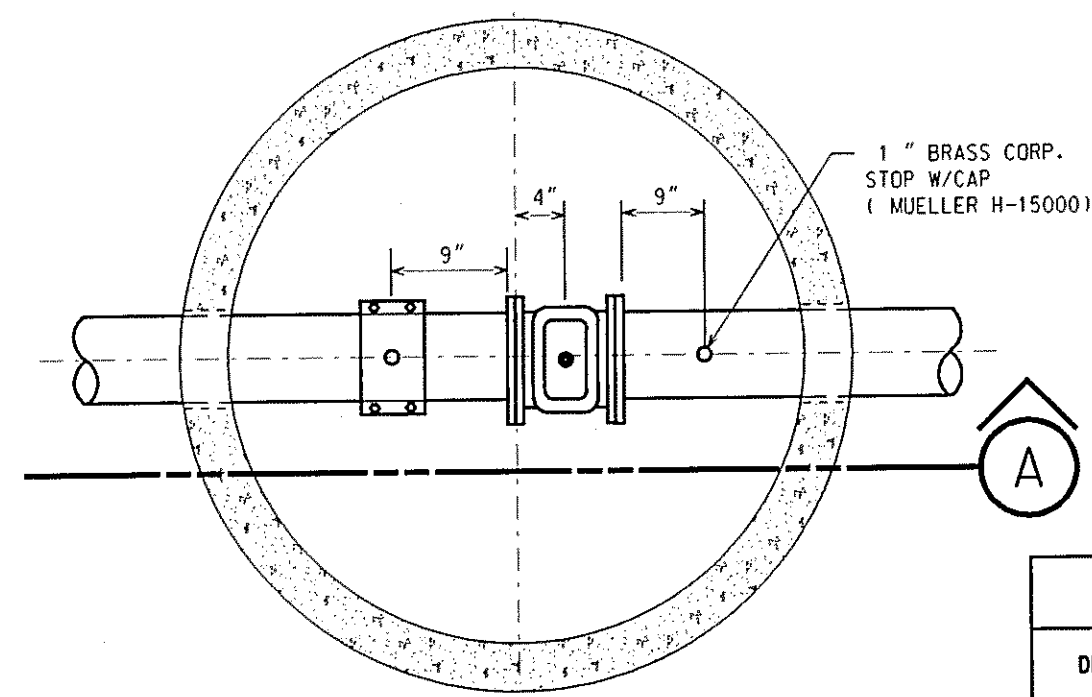
PROJECT LOCATION
Part of the NE 1/4
of Section 36,
T. 2 N., R. 10 E.,
City of Birmingham,
Oakland County, Michigan

SHEET
Landscape Plan



REVISIONS
10-17-13 REVISED PER CITY ENGINEER/MDOT
10-31-13 REVISED PER CITY ENGINEER
11-20-13 REVISED PER CITY ENGINEER

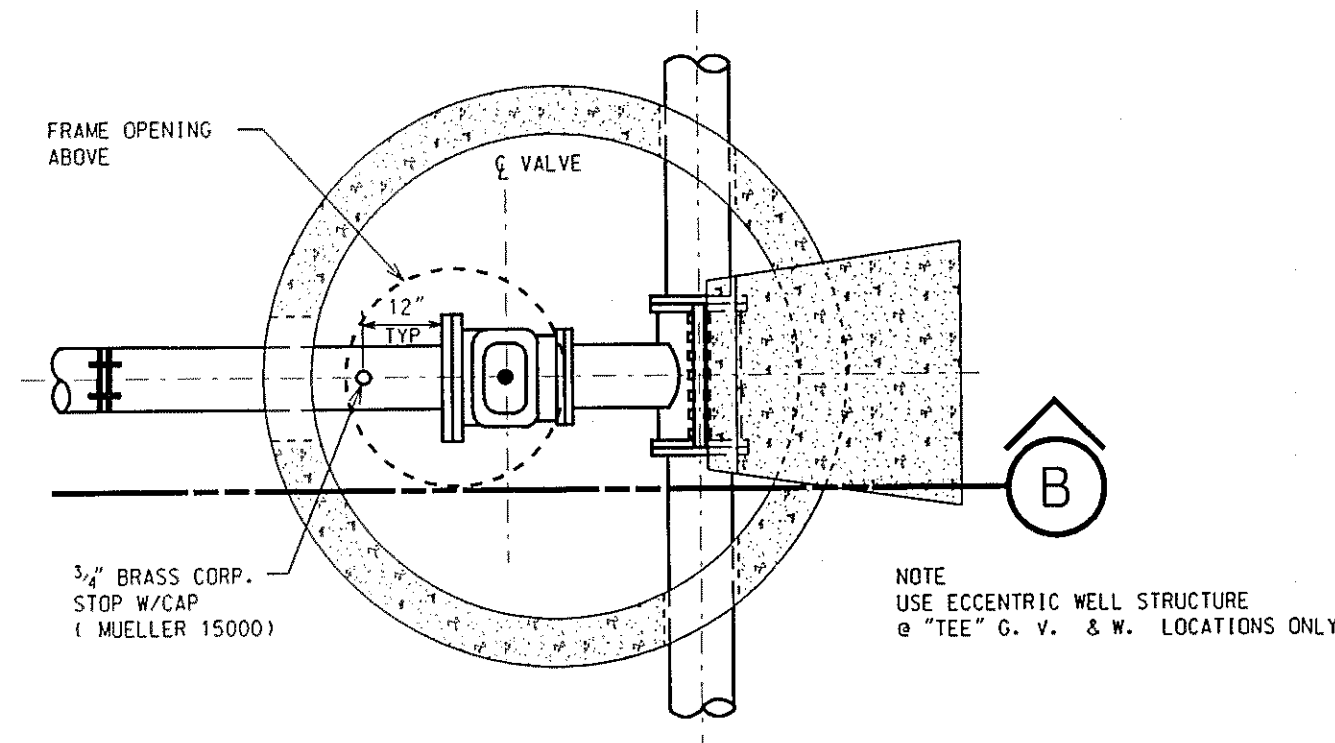
DRAWN BY:
G. Ostrowski
DESIGNED BY:
G. Ostrowski
APPROVED BY:
G. Ostrowski
DATE:
November 21, 2012
SCALE:
1" = 10'
NFE JOB NO.
E940-05
SHEET NO.
L1



GATE WELL PLAN

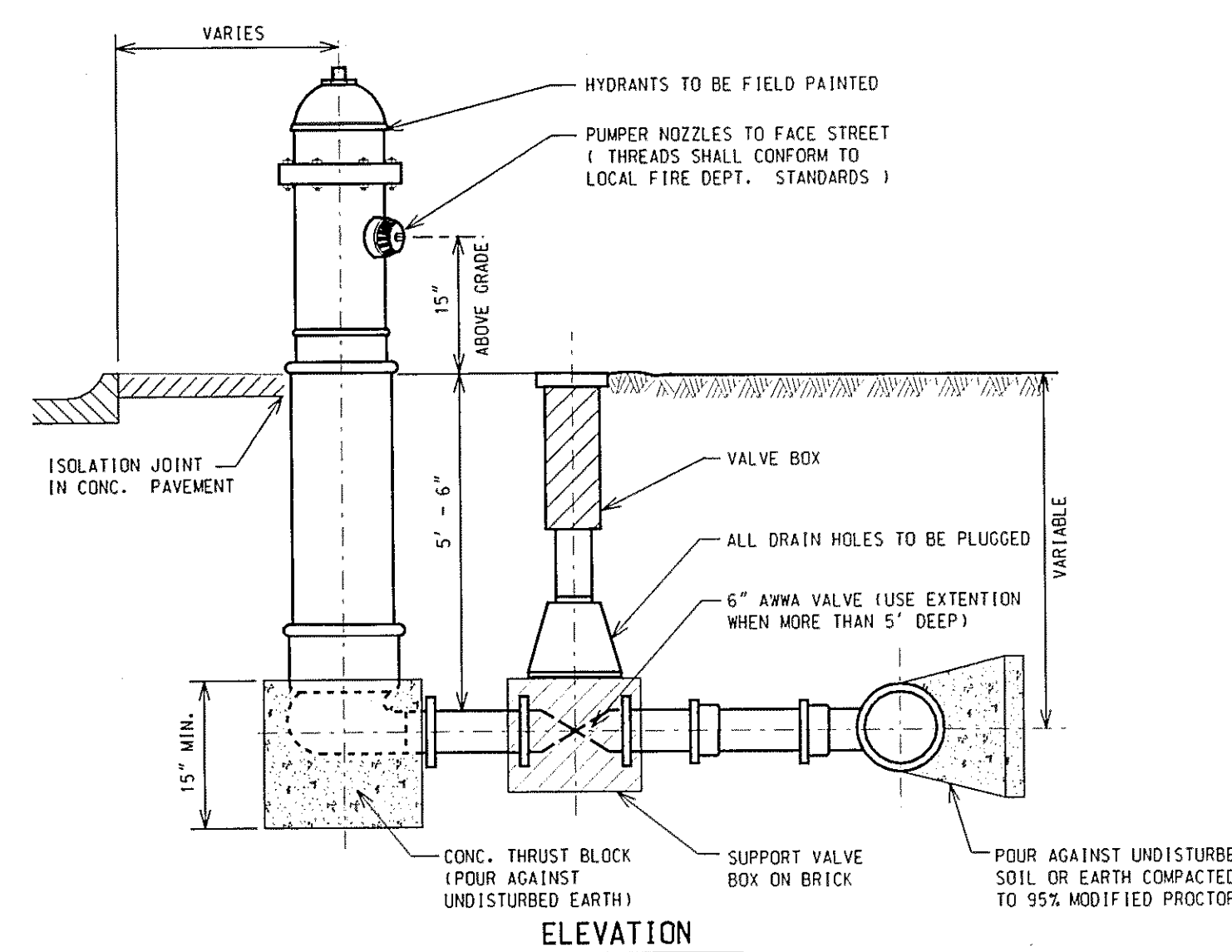
NO SCALE

GATE WELL SCHEDULE				
DESCRIPTION	DIM.	PIPE DIA. INCHES		
INSIDE DIA.	A	6"	8"	12"
WALL THICK.	B	5"	7"	7"
VALVE BLOCK THICK.	C	4"	4"	4"

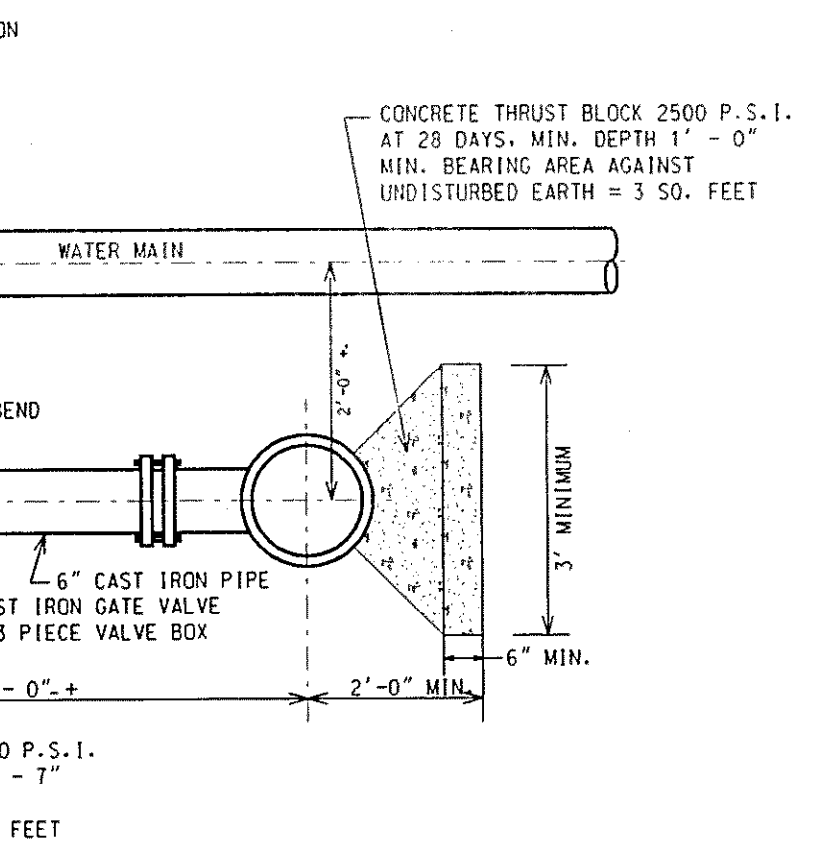


TAPPING SLEEVE, VALVE & WELL PLAN

NO SCALE



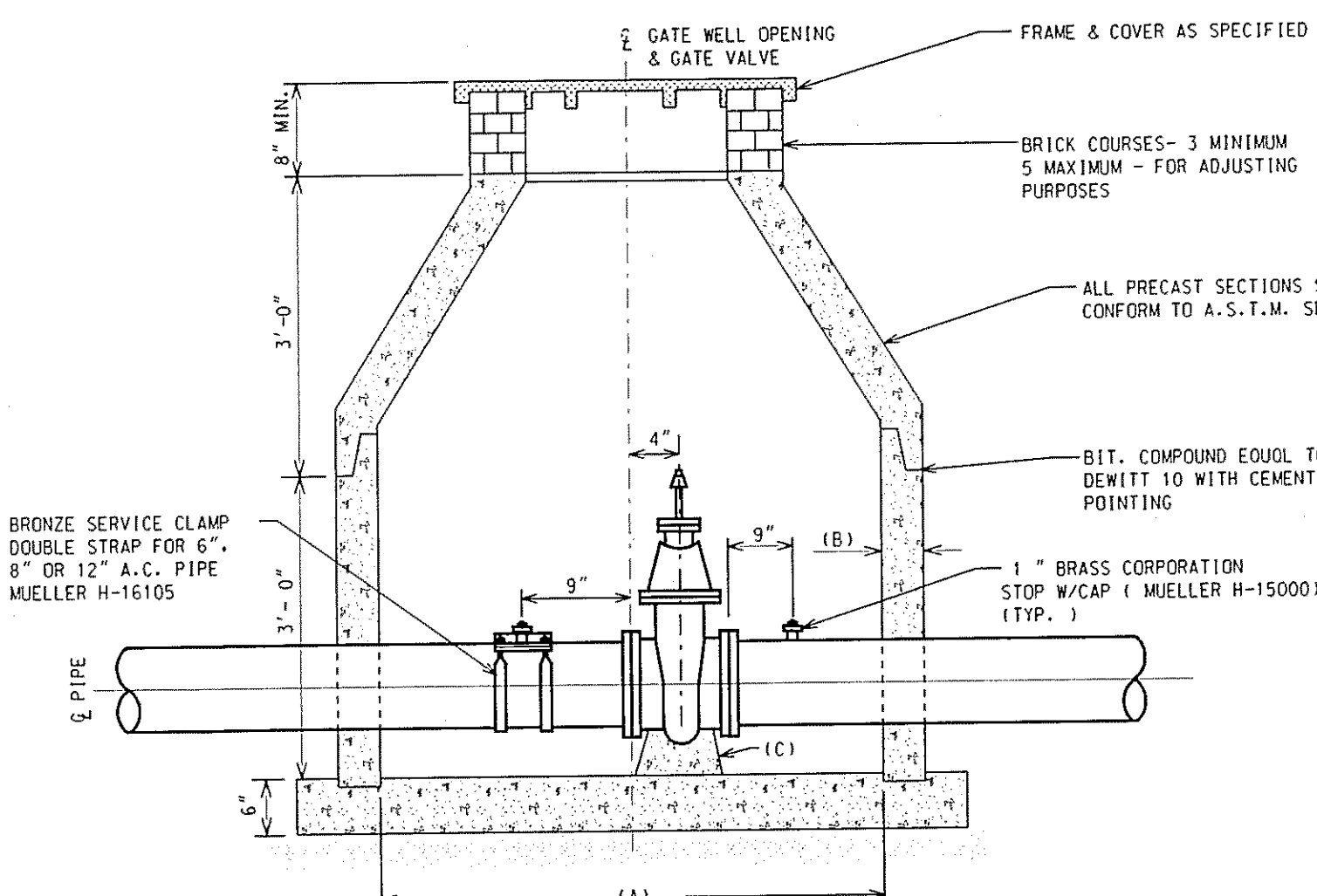
ELEVATION



"L" HYDRANT CONNECTION

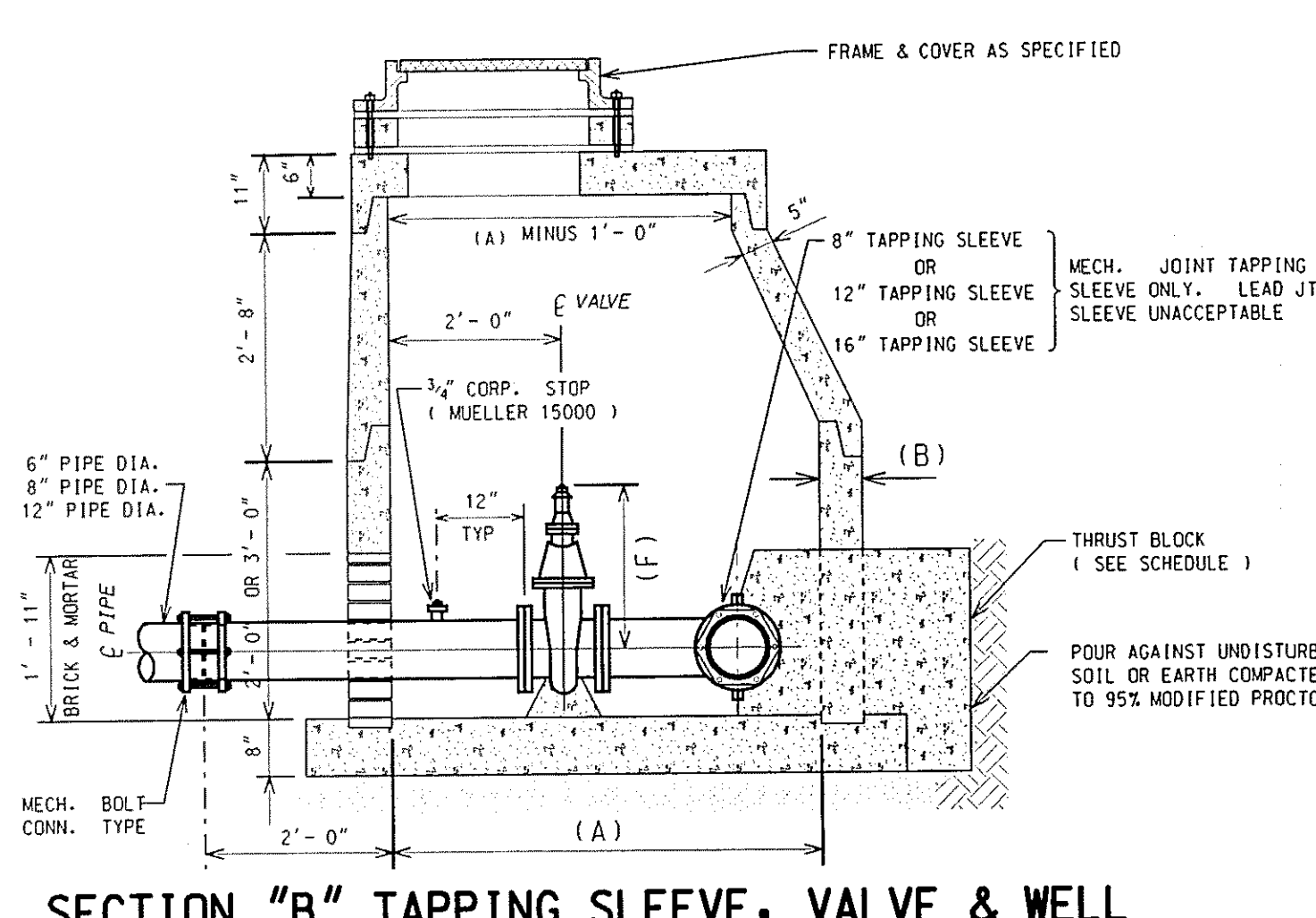
NO SCALE

NOTE: FOR CONSTRUCTION OF NEW FIRE HYDRANT TO EXISTING "LIVE" WATERMAIN, USE 6" TAPPING SLEEVE VALVE & BOX TO MAKE CONNECTION, AND DELETE "6" CAST IRON GATE VALVE WITH 3 PIECE VALVE BOX" AS SHOWN ON DETAIL.



SECTION "A" GATE WELL

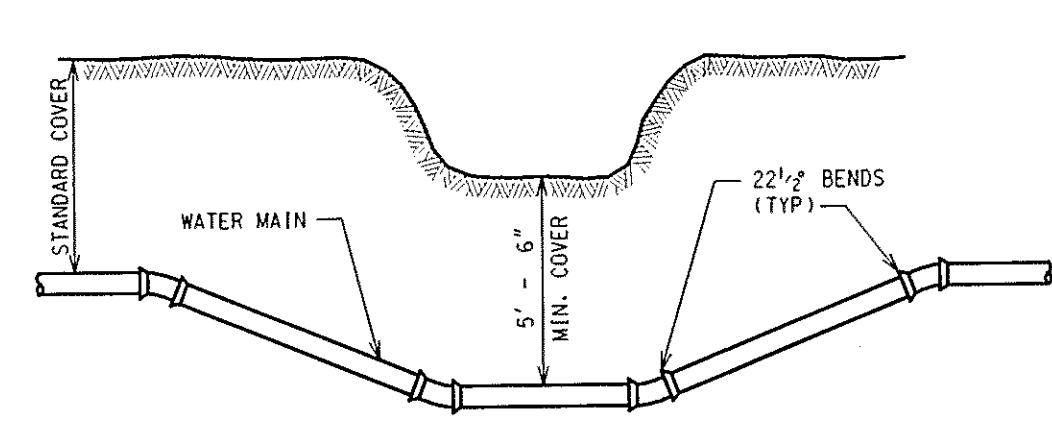
NO SCALE



SECTION "B" TAPPING SLEEVE, VALVE & WELL

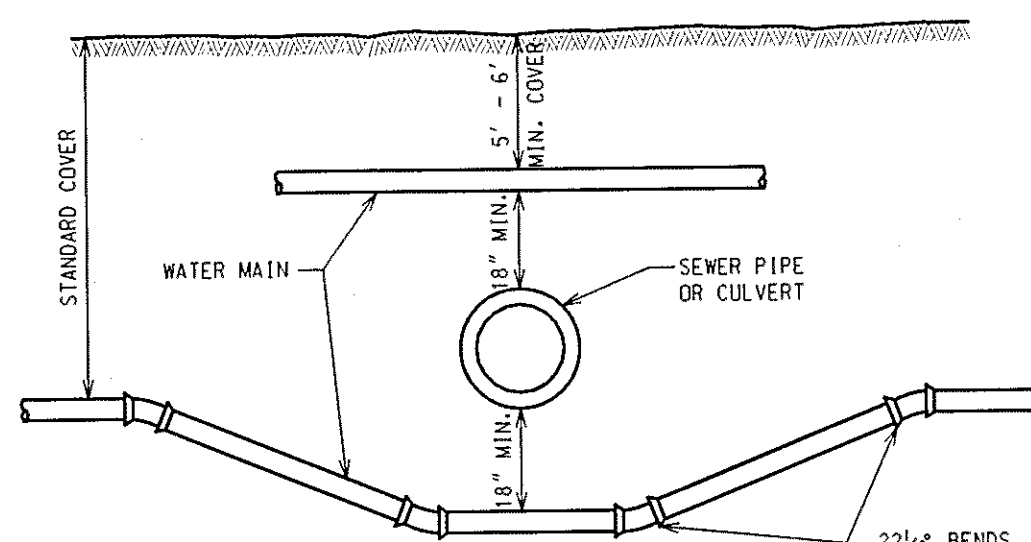
NO SCALE

FIRE HYDRANT GUARD POSTS DETAIL



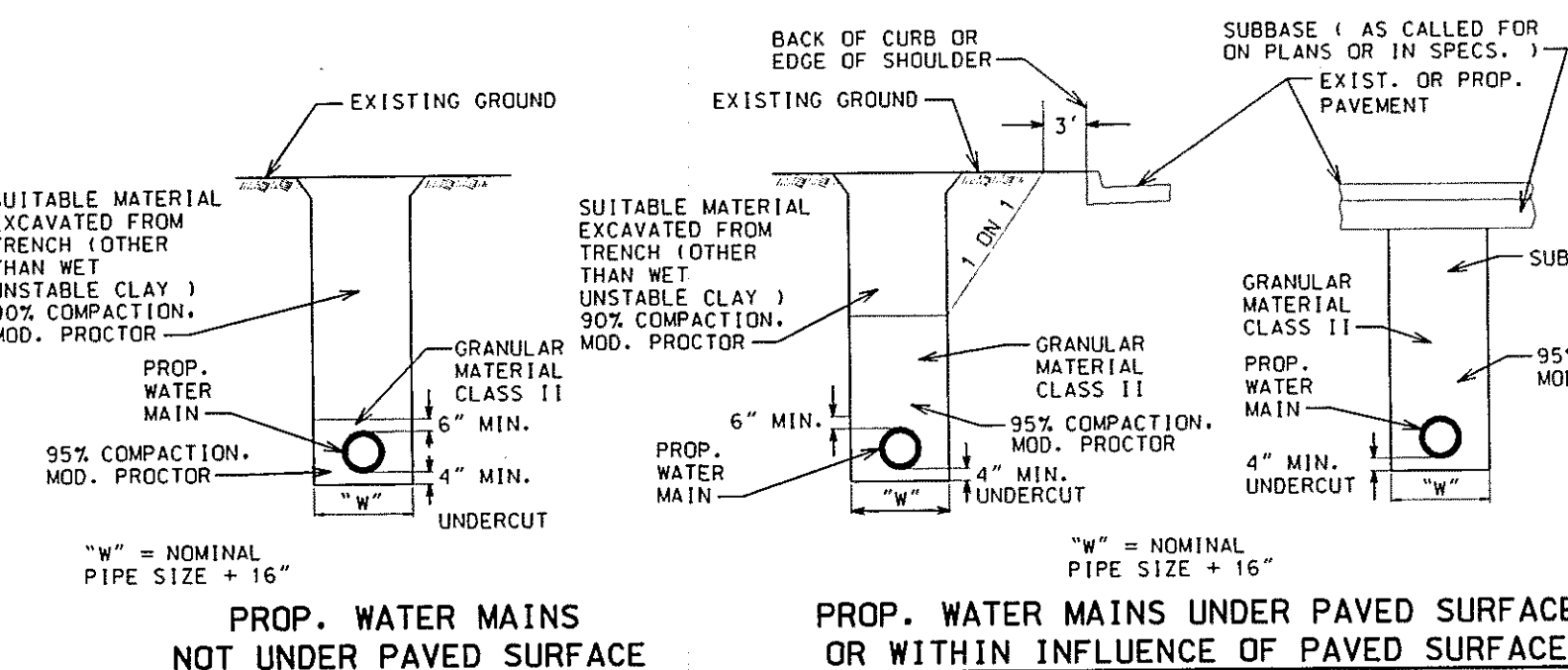
DITCH AND STREAM CROSSING

NO SCALE



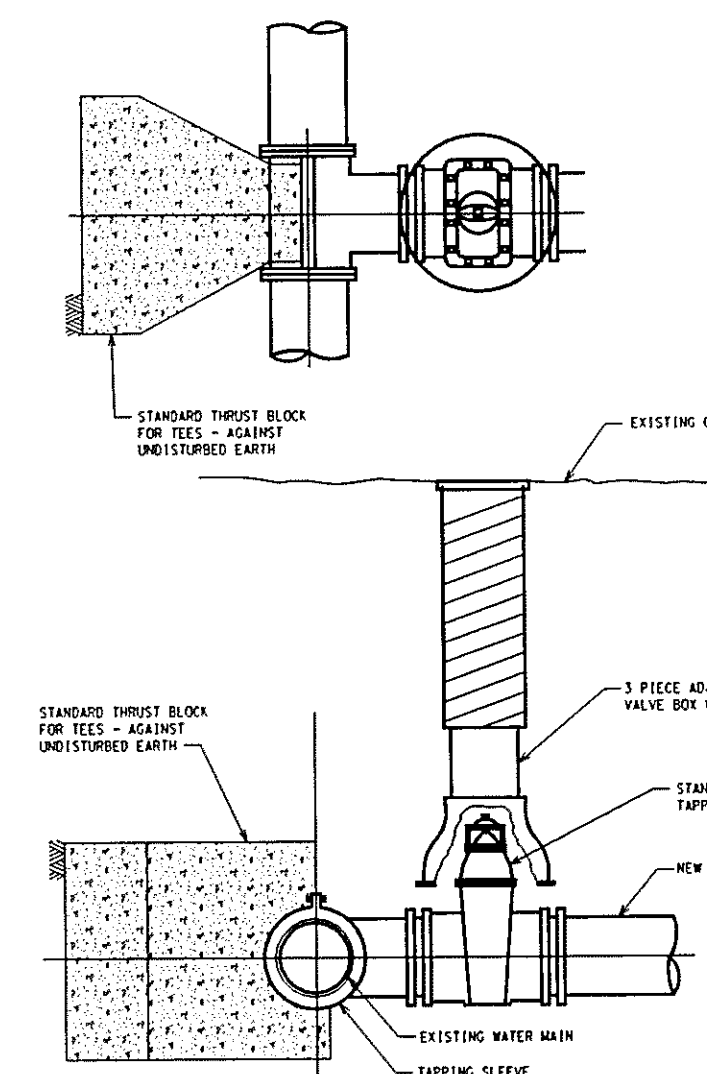
SEWER OR CULVERT CROSSING

NO SCALE

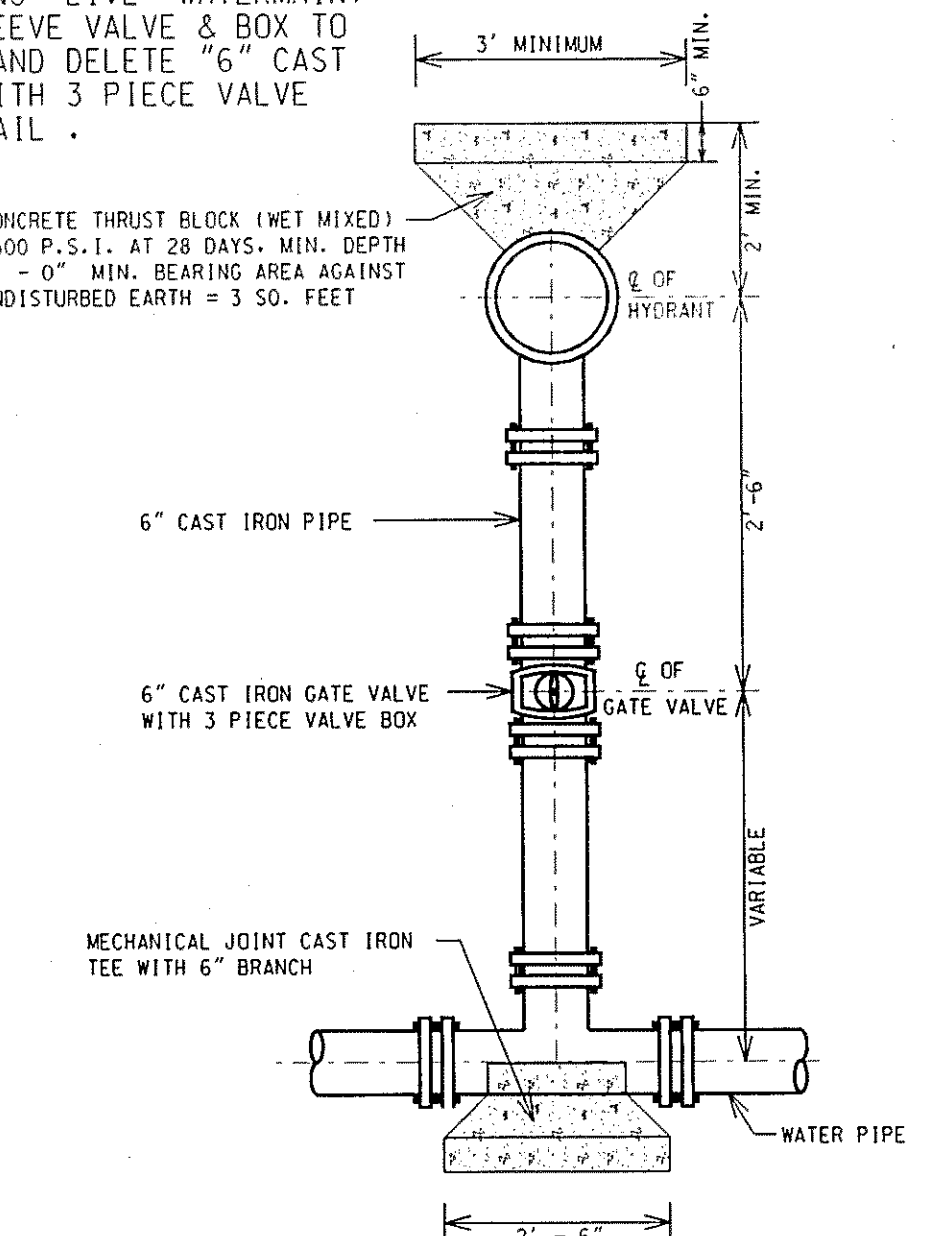


BEDDING DETAILS

NO SCALE

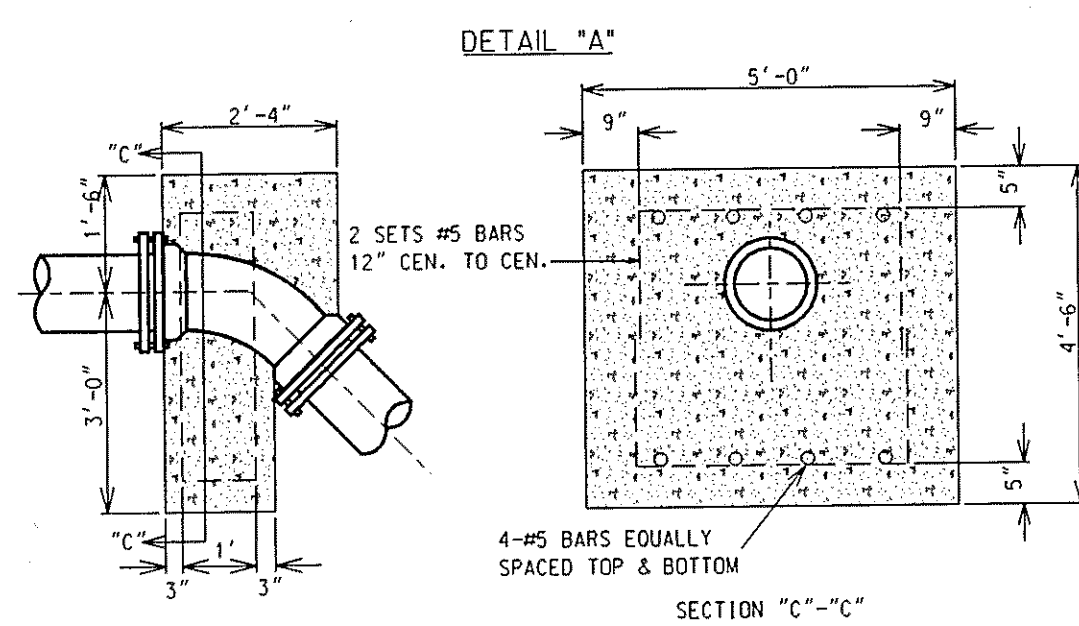


TAPPING SLEEVE & VALVE W/VALVE BOX



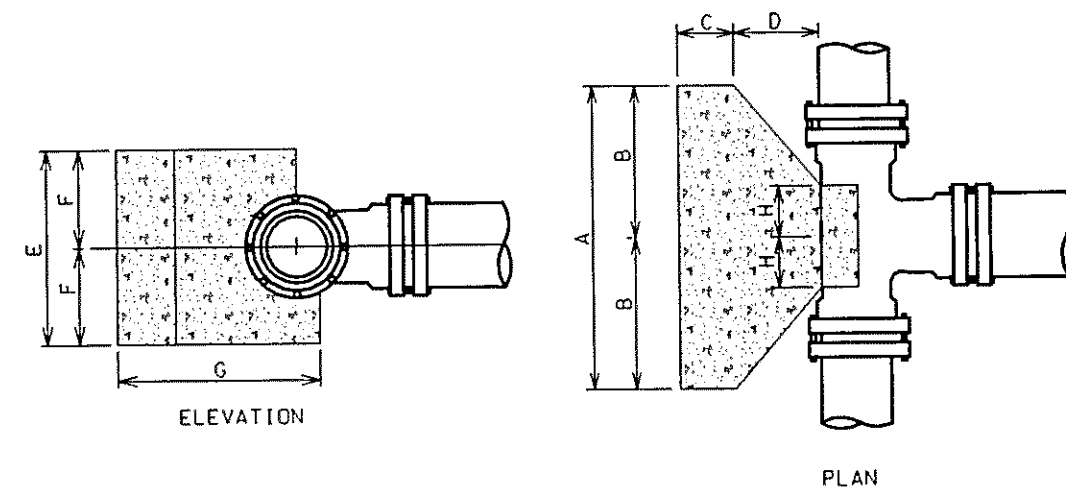
STRAIGHT HYDRANT CONNECTION

NO SCALE



DETAIL "A"

NO SCALE

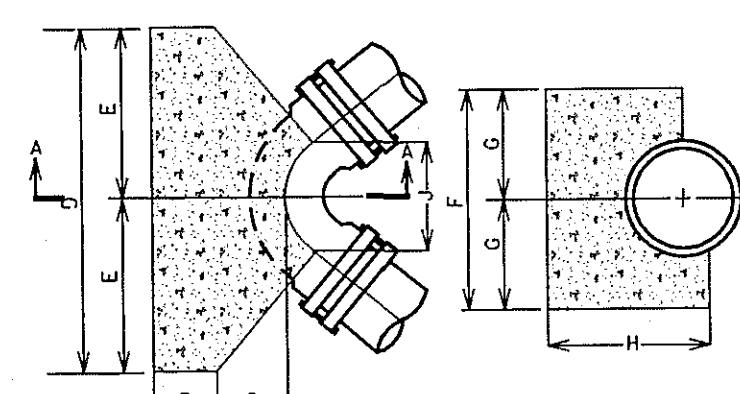


ELEVATION

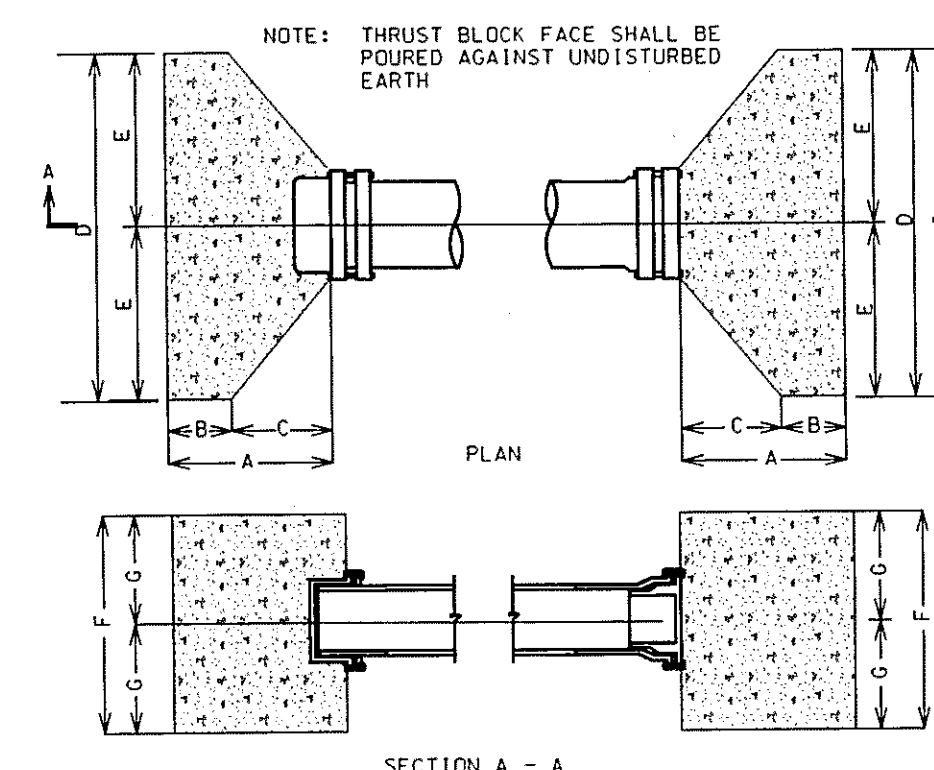
NO SCALE

SCHEDULE OF THRUST BLOCK DIMENSIONS				
CODE	TEE SIZE			
	8"x8"	12"x12"	16"x16"	24"x24"
A	3'-0"	4'-0"	5'-0"	6'-0"
B	1'-6"	2'-0"	2'-6"	3'-0"
C	0'-9"	0'-9"	0'-9"	1'-0"
D	1'-0"	1'-4"	1'-8"	2'-0"
E	2'-0"	3'-0"	4'-0"	5'-0"
F	1'-0"	1'-6"	2'-0"	3'-0"
G	12'-2"	2'-10"	3'-8"	4'-2"
H	12'-2"	2'-10"	3'-8"	4'-2"

THRUST BLOCK FACE SHALL BE POURED AGAINST UNDISTURBED EARTH.
CONCRETE FOR THRUST BLOCKS TO BE WET MIXED 2500 P.S.I.



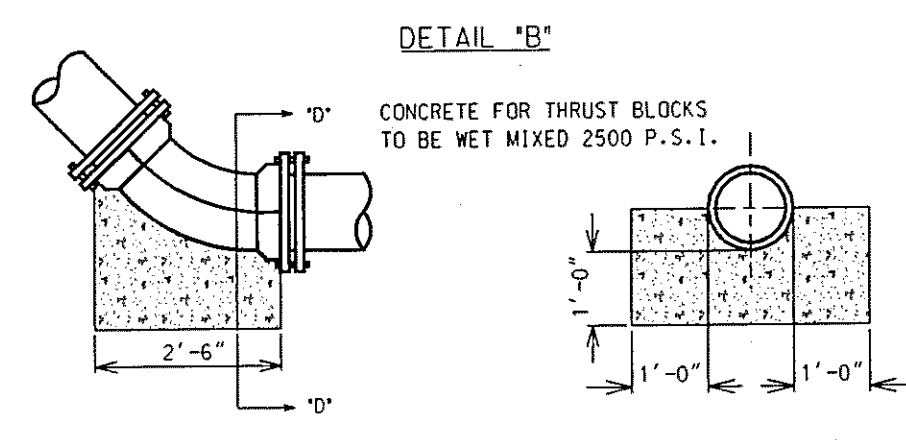
NOTE: THRUST BLOCK FACE TO BE POURED AGAINST UNDISTURBED EARTH.
CONCRETE FOR THRUST BLOCKS TO BE WET MIXED 2500 P.S.I.



SECTION A - A

SIZE	A MIN.	B MIN.	C	D	E	F	G	H MIN.	J
6"	45°	1'-6"	0'-9"	0'-9"	1'-6"	0'-9"	1'-6"	0'-10"	0'-10"
8"	45°	1'-6"	0'-9"	0'-9"	1'-6"	0'-9"	1'-6"	0'-10"	0'-10"
12"	45°	1'-6"	0'-9"	0'-9"	1'-6"	0'-9"	1'-6"	0'-10"	0'-10"
16"	45°	1'-6"	0'-9"	0'-9"	1'-6"	0'-9"	1'-6"	0'-10"	0'-10"
24"	45°	1'-6"	0'-9"	0'-9"	1'-6"	0'-9"	1'-6"	0'-10"	0'-10"

CONC. THRUST BLOCKS FOR PLUGS & CAPS



VERTICAL BEND THRUST BLOCKS FOR 8"-12" MAINS

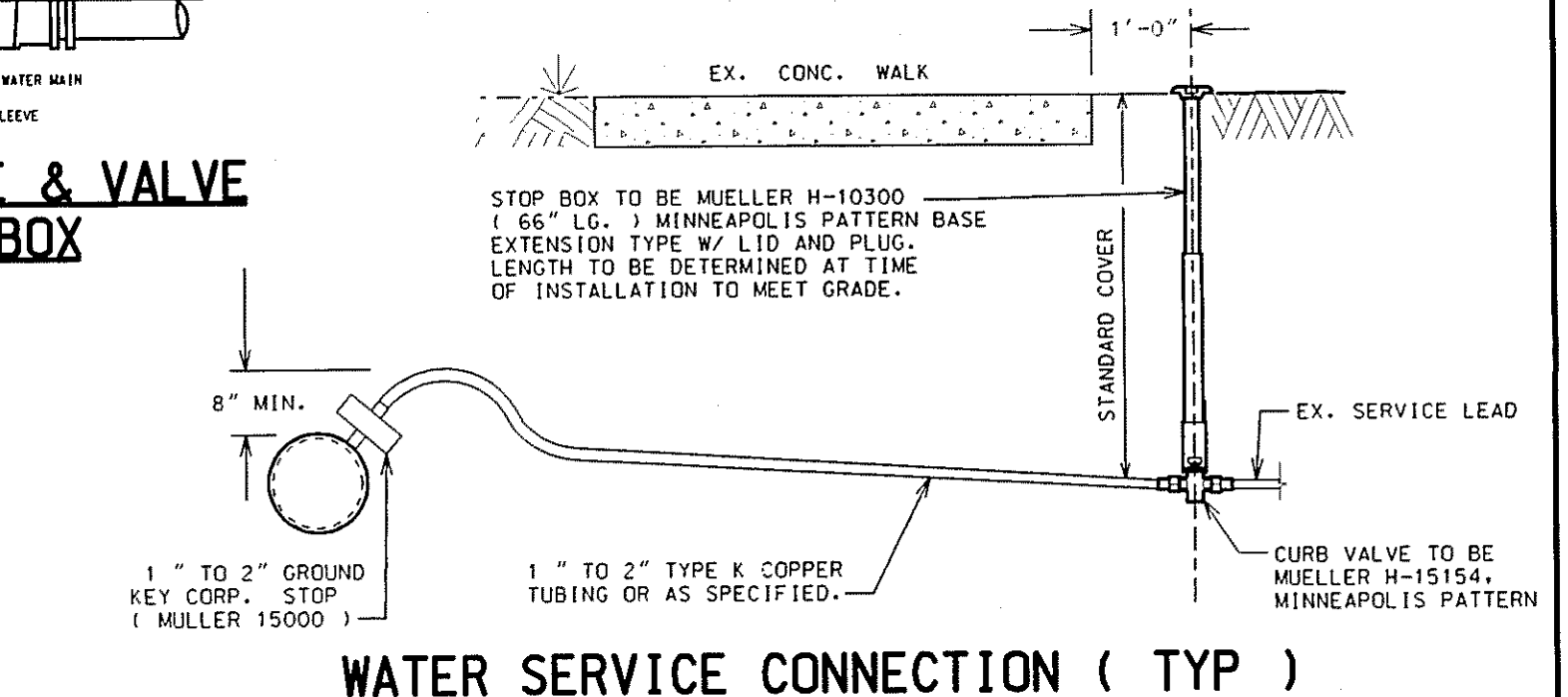
SECTION "D"-"D"

CONCRETE THRUST BLOCK FOR TEES

N.T.S.

CONCRETE THRUST BLOCK FOR BENDS

N.T.S.



WATER SERVICE CONNECTION (TYP)

NO SCALE

151 MARTIN STREET BIRMINGHAM, MICHIGAN 48102

WATER MAIN STANDARD DETAILS

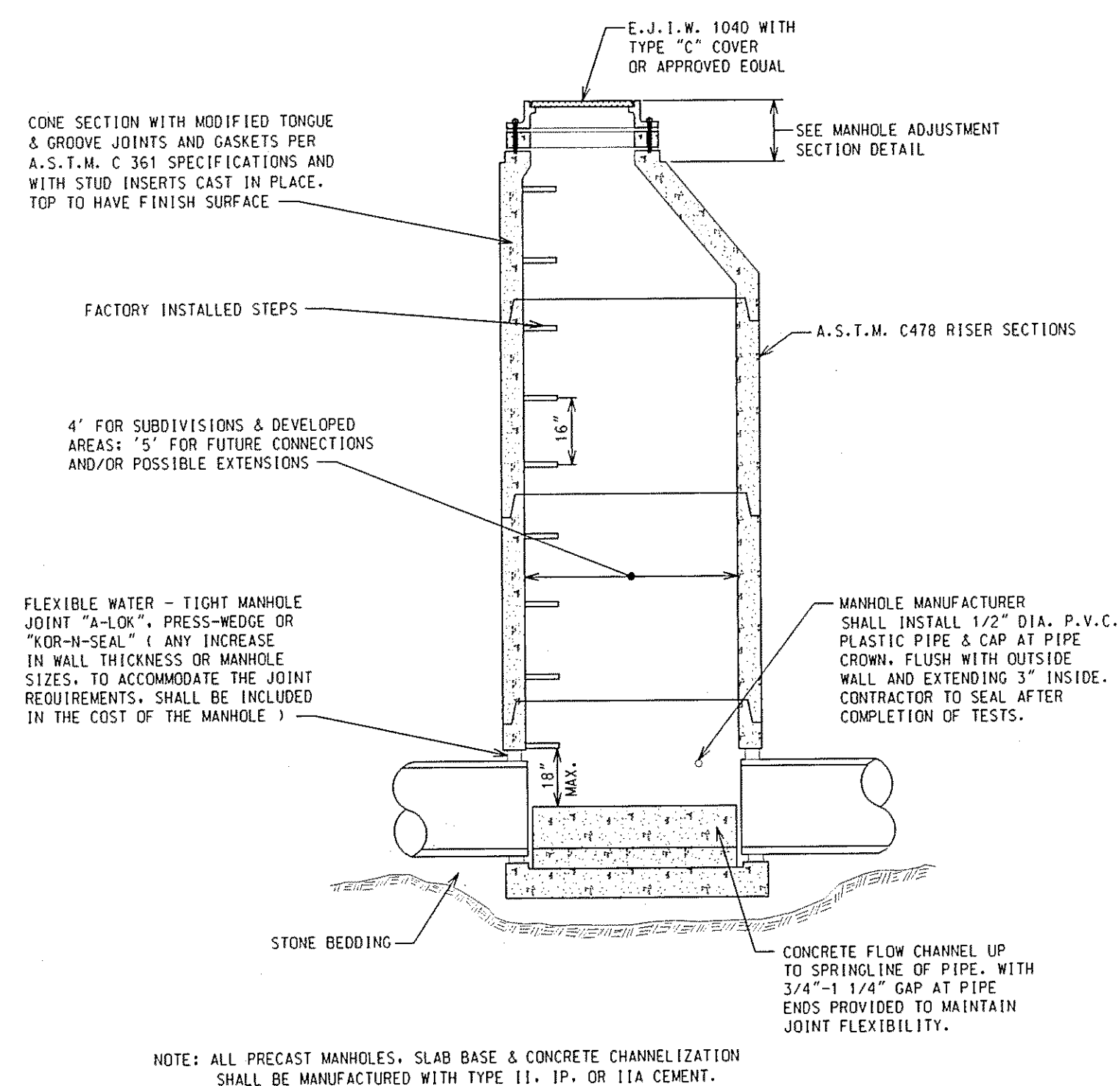
DATE: _____ ADDITION AND/OR REVISION: _____

DESIGNED: _____ SCALE: _____

APPROVED: _____

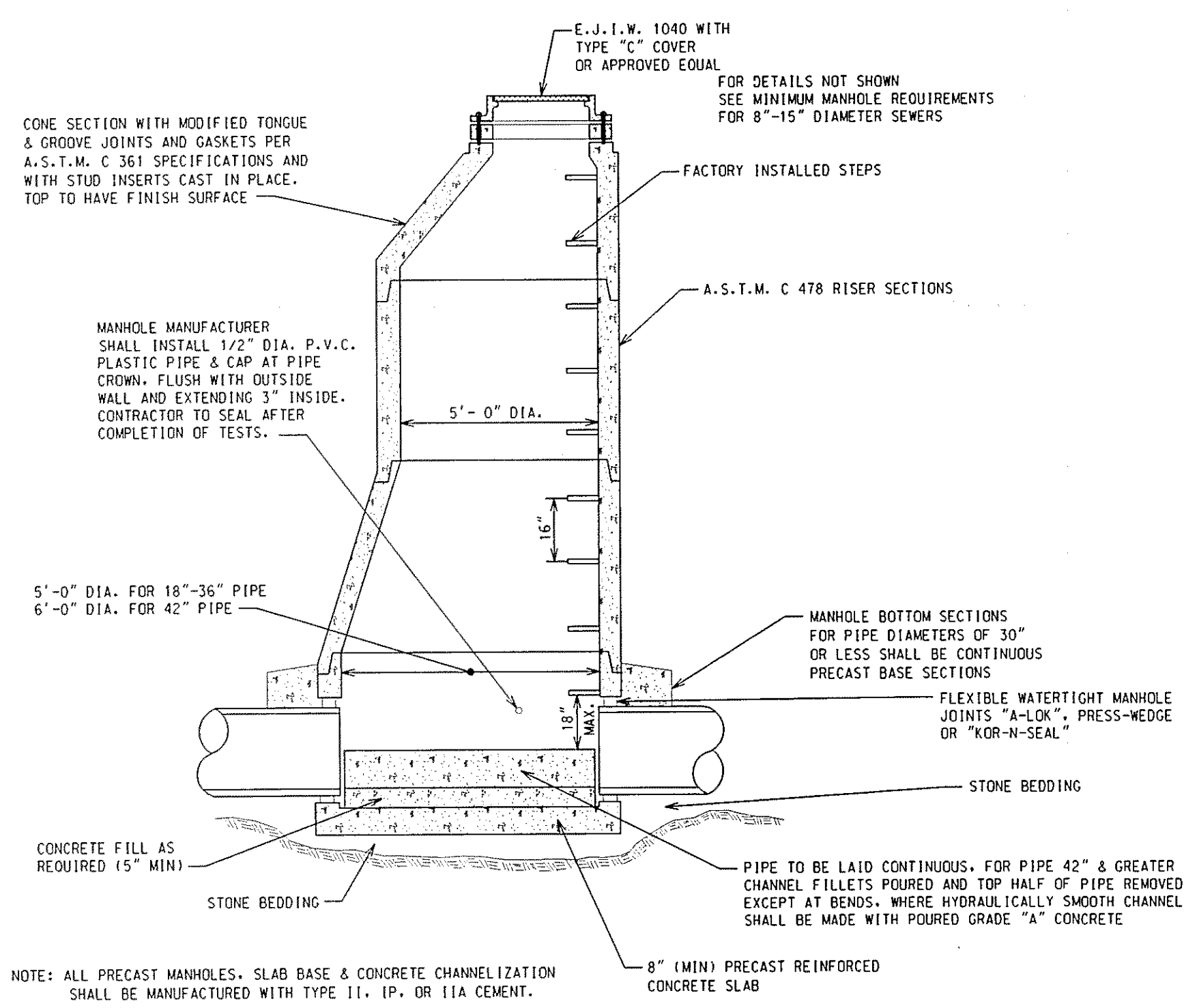
PROJECT NO. _____ DATE: APRIL 2005

SHEET NO. WM-1



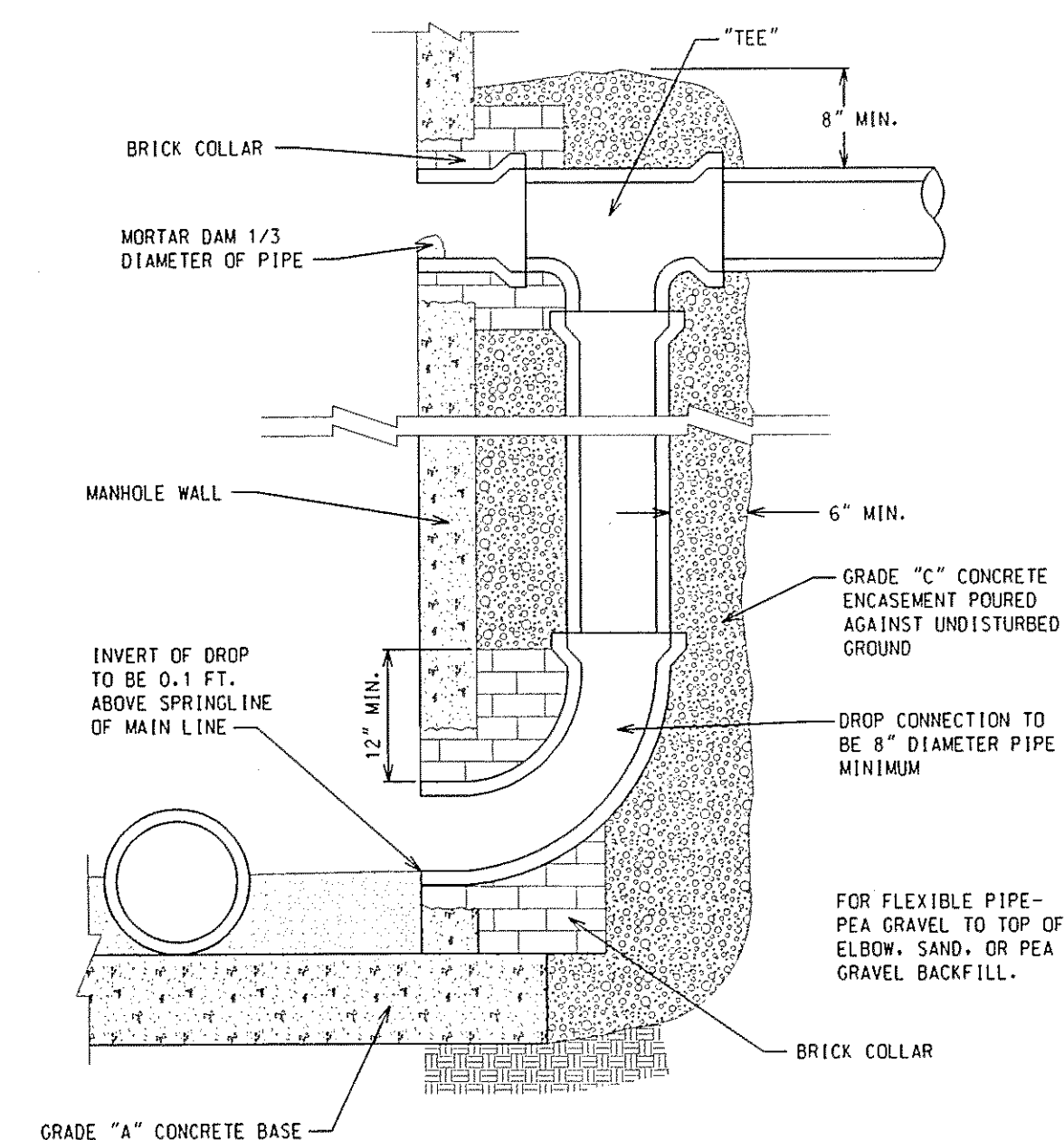
SEWER MANHOLE

(8" THRU 15" DIA. SEWERS)

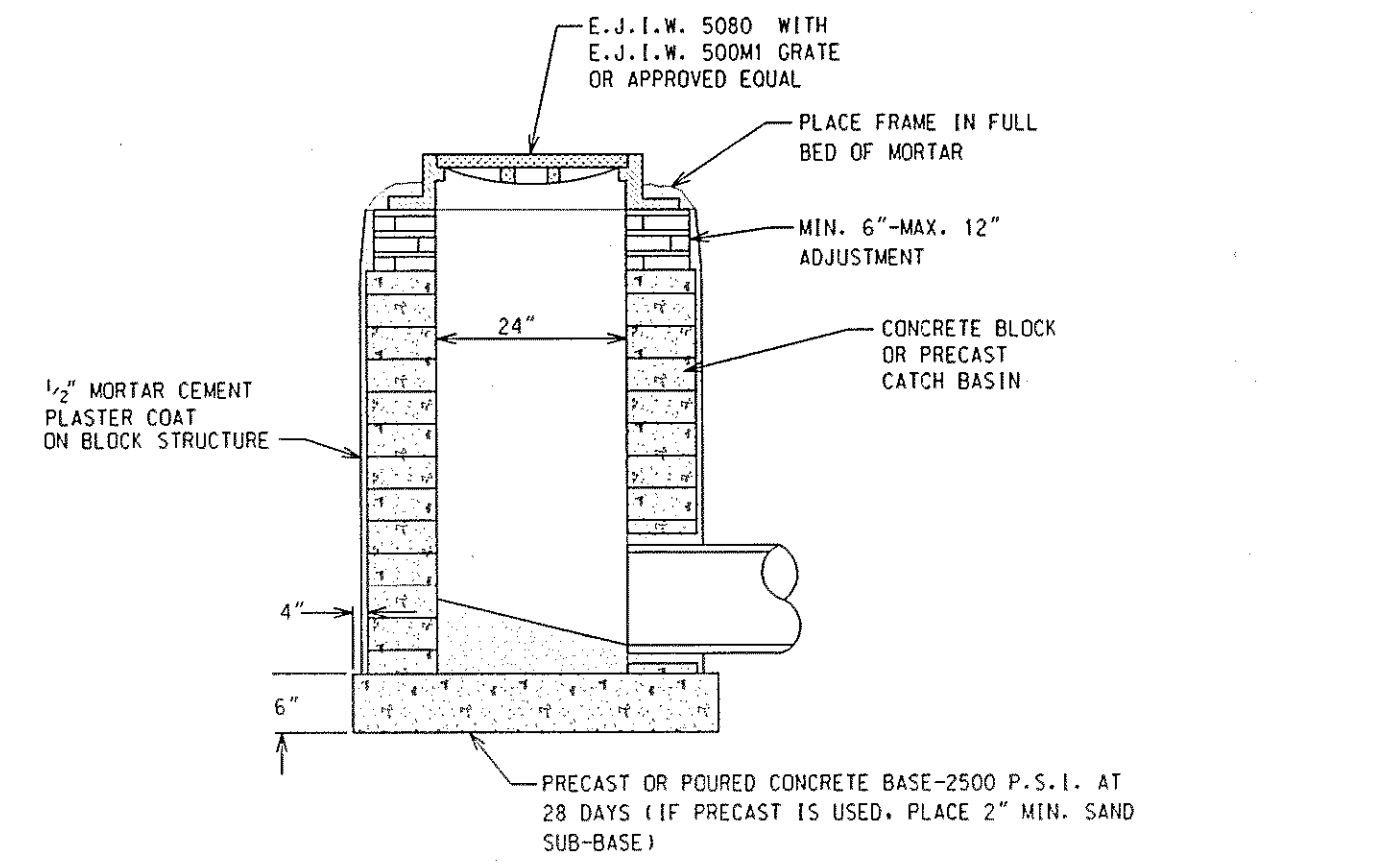


SEWER MANHOLE

(18" THRU 42" DIA. SEWERS)

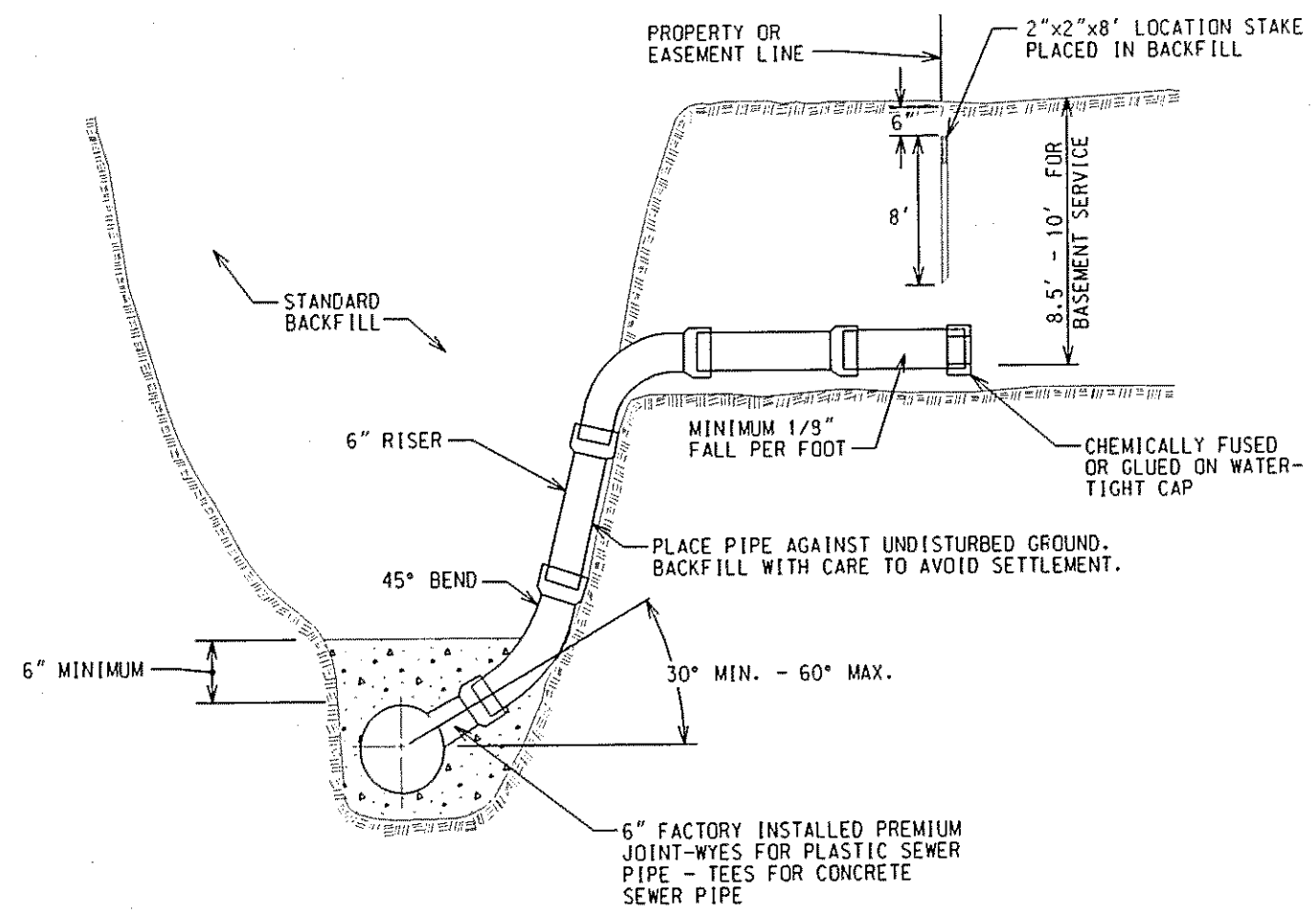


EXTERNAL DROP CONNECTION



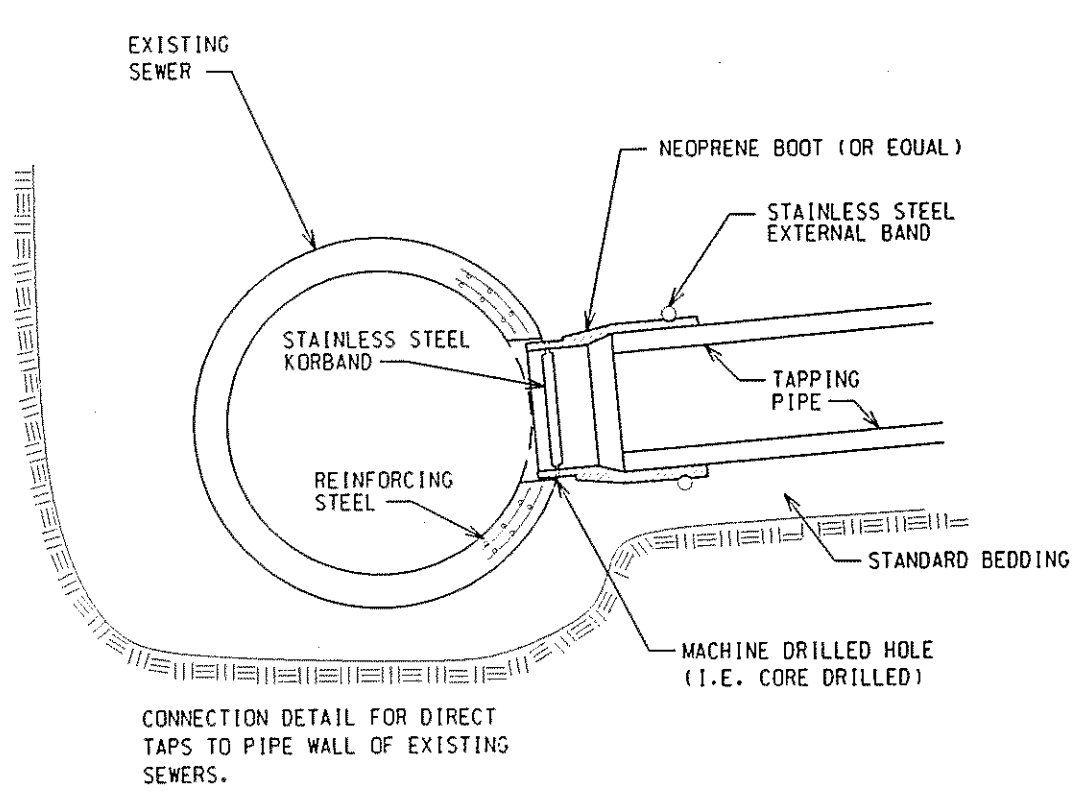
2 FT. DIAMETER INLET

NOTE: FOR CATCH BASINS OR INLETS WITHIN YARD AREAS USE E.J.I.W. 1040 WITH TYPE "N" COVER OR APPROVED EQUAL



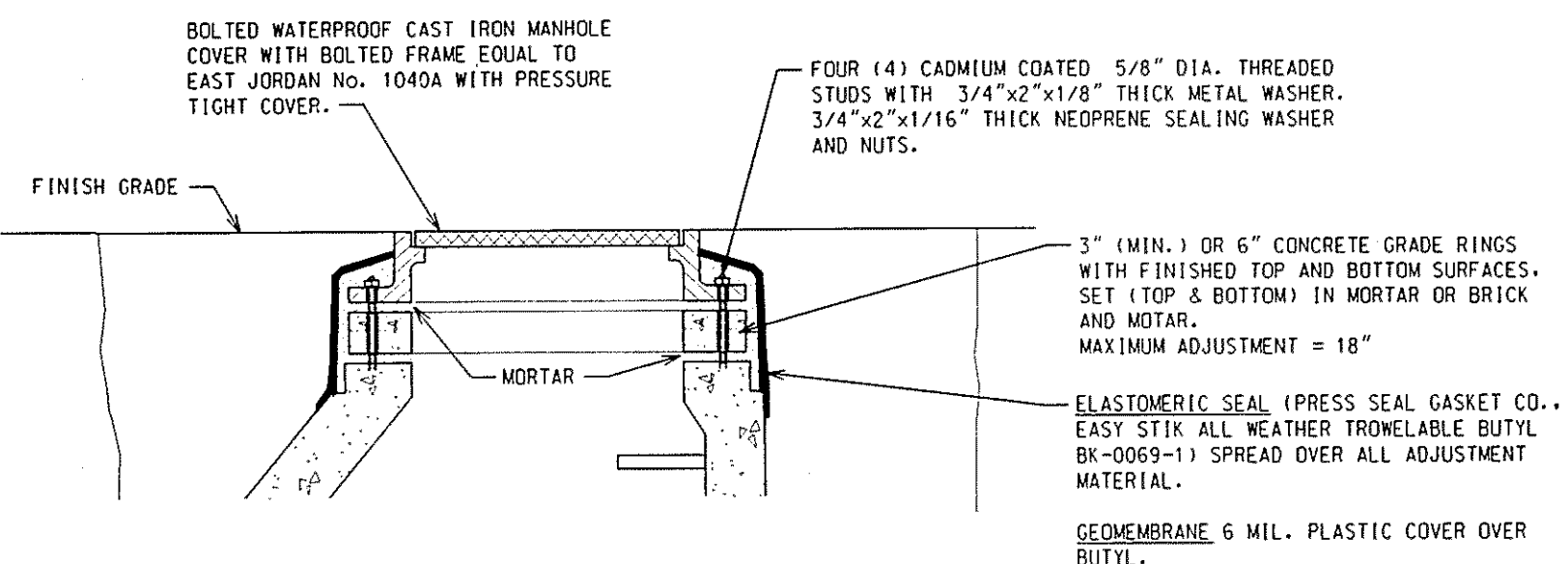
BUILDING LEAD DETAIL

0' - 15' COVER

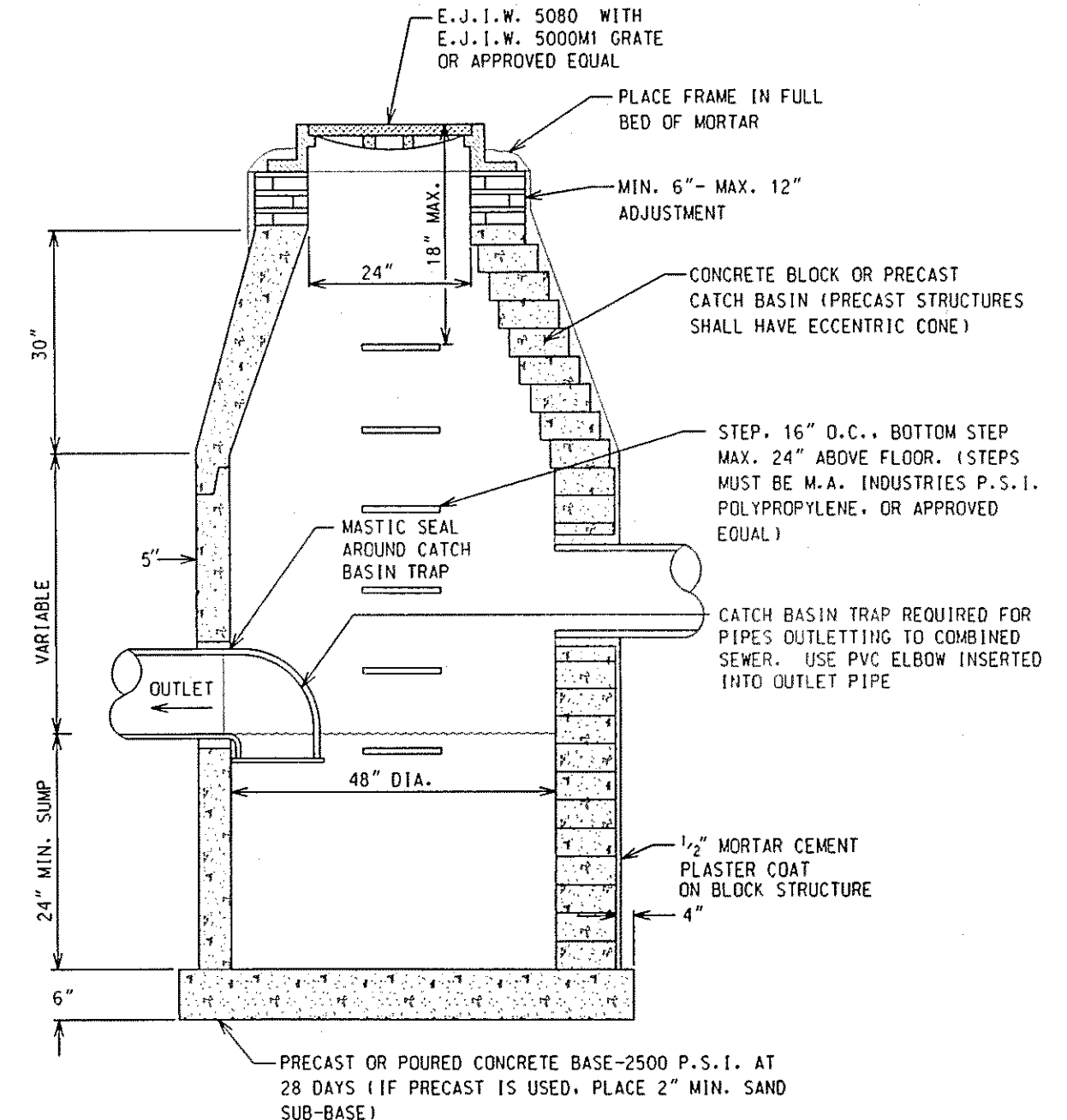


KOR-N-TEE TAP FOR CONCRETE

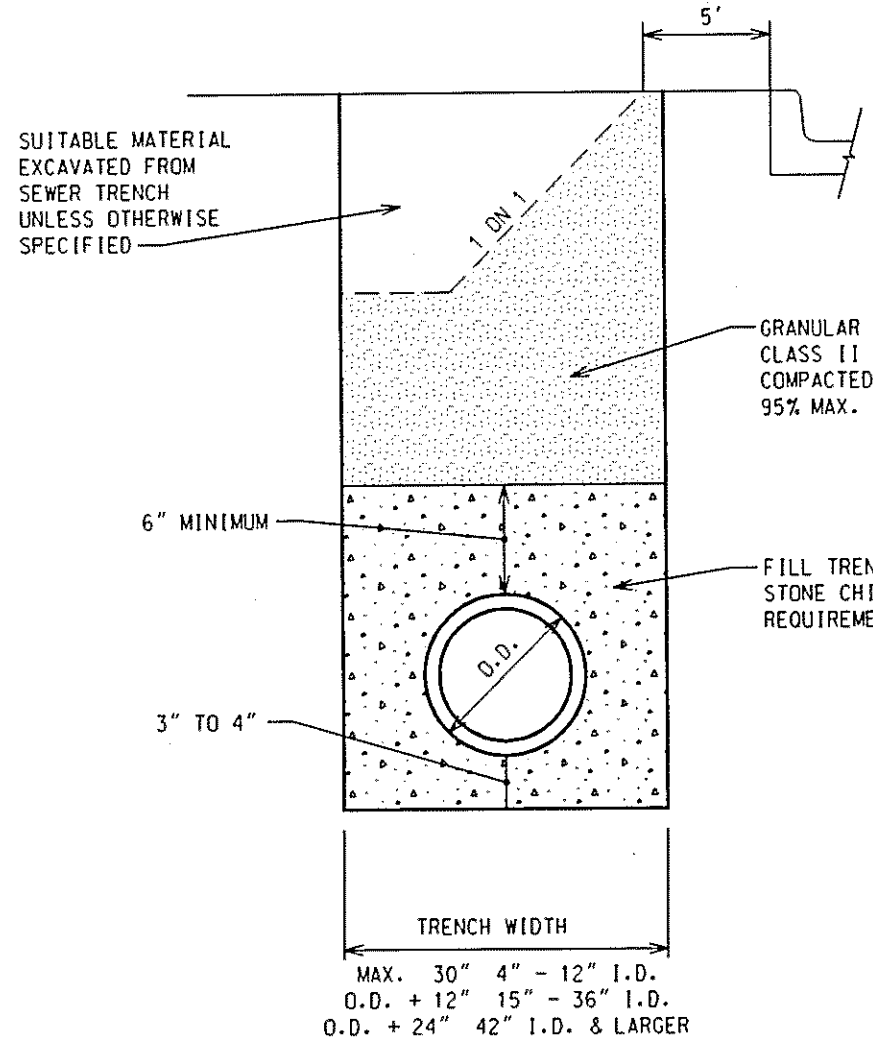
NO SCALE



SANITARY MANHOLE ADJUSTMENT SECTION DETAIL



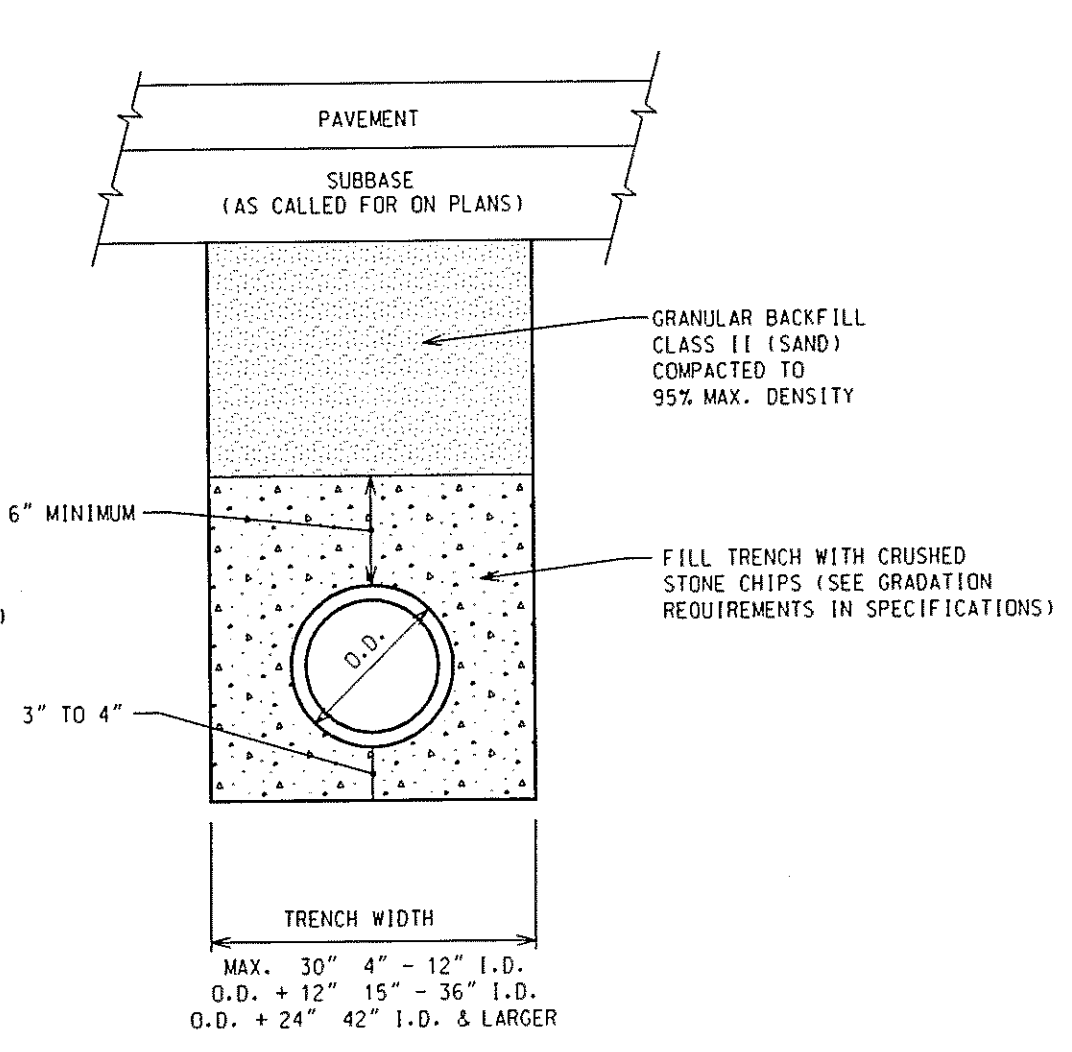
4 FT. DIAMETER CATCH BASIN



TRENCH DETAIL "A"

SEWER UNDER ROAD BED OR WITHIN THE INFLUENCE OF ROAD BED

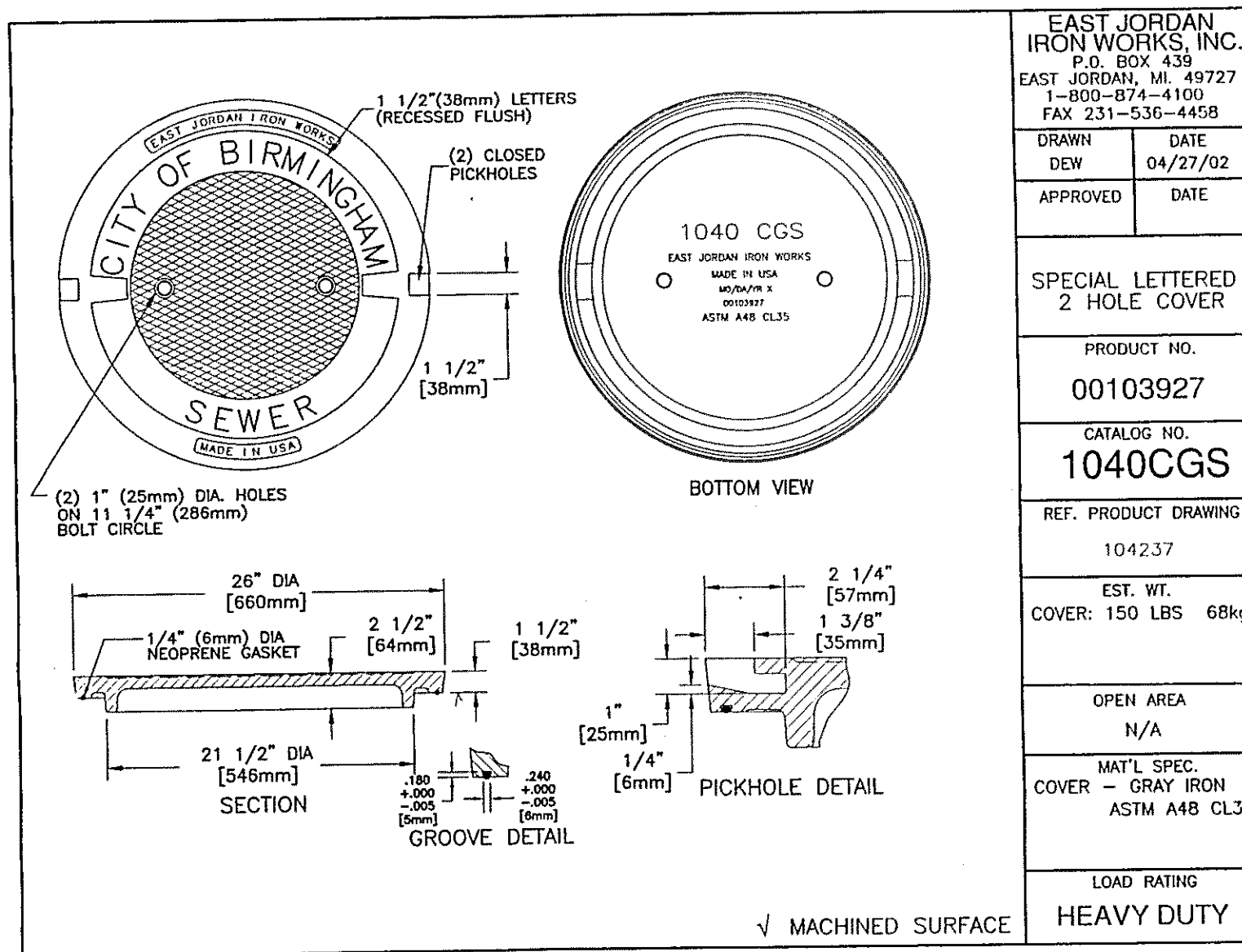
NOT TO SCALE



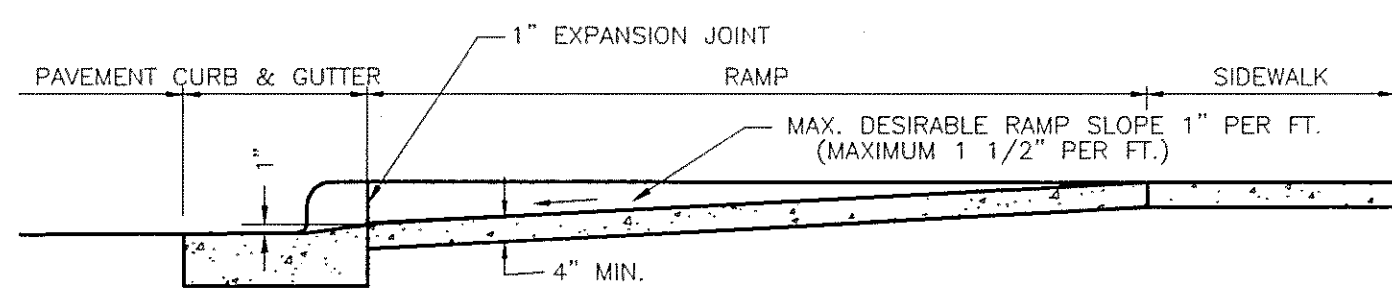
TRENCH DETAIL "B"

SEWER NOT UNDER ROAD BED

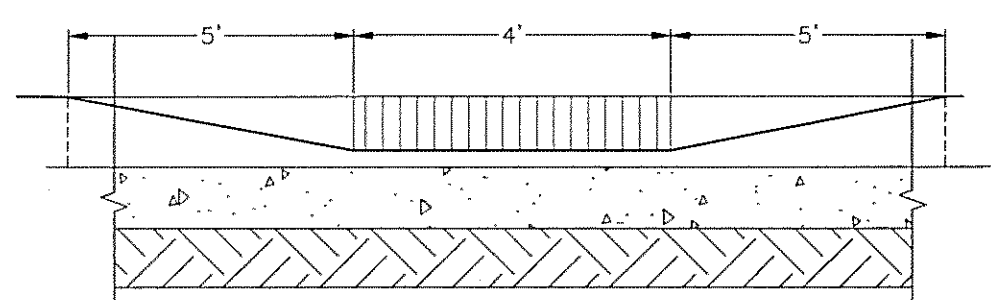
NOT TO SCALE



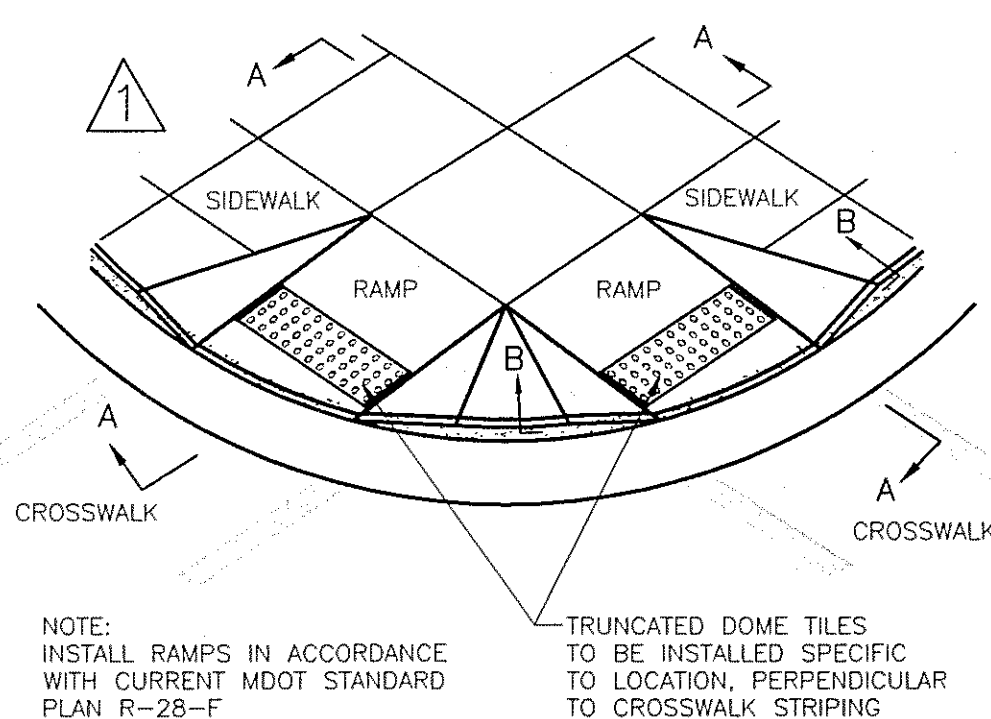
City of Birmingham A Walkable Community			
151 MARTIN STREET BIRMINGHAM, MICHIGAN 48102			
SEWER STANDARD DETAILS			
DATE	ADDITION AND/OR REVISION	DRAWN	PROJECT NO.
		DESIGNED	DATE
		APPROVED	SCALE
			JANUARY 2007



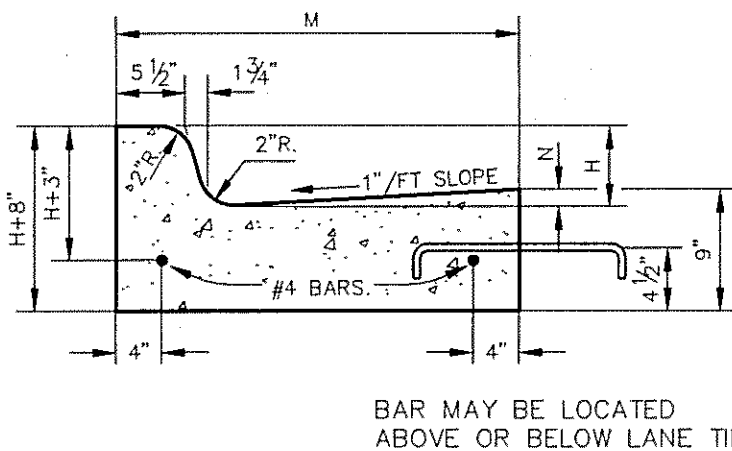
SECTION A-A
N.T.S.



SECTION B-B
N.T.S.

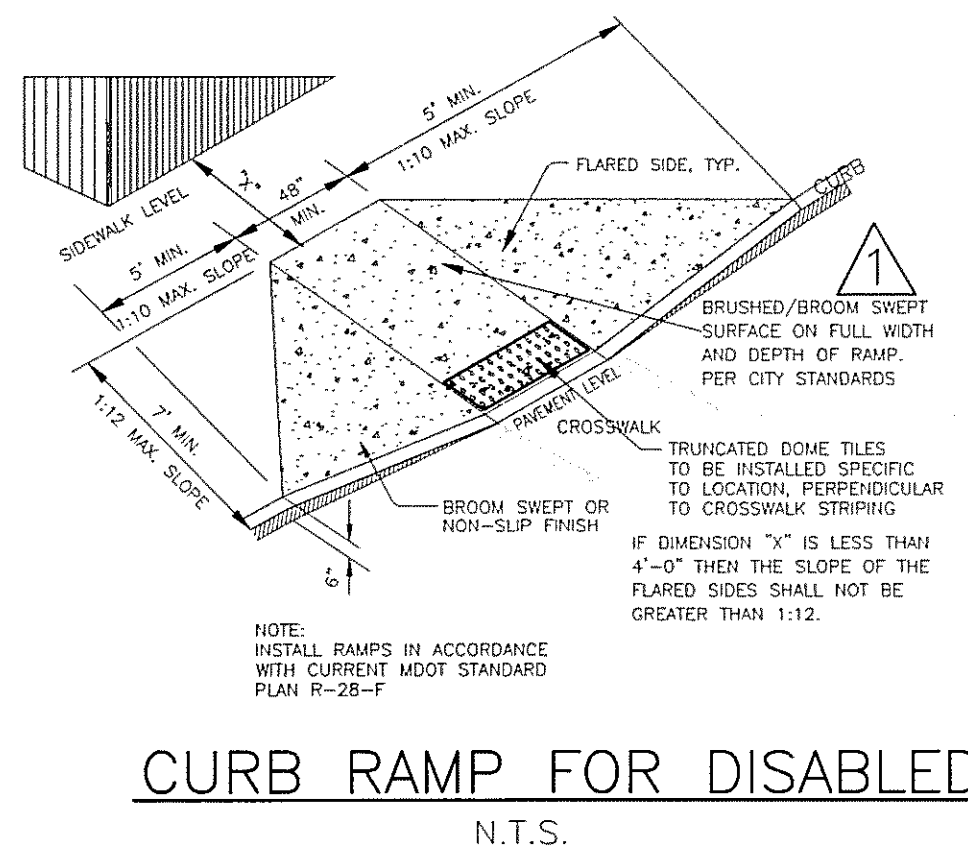


SIDEWALK RAMP TYPE 1
(TWO RAMP ARE SHOWN)
N.T.S.

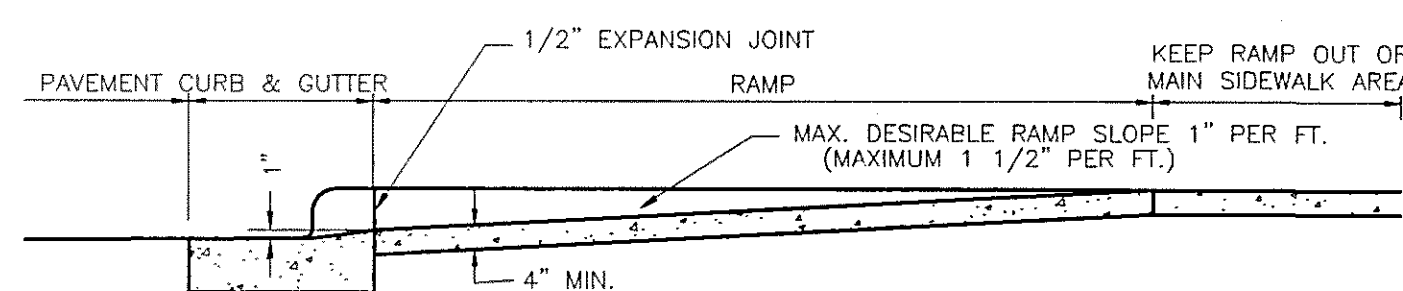


THE "H" DIMENSION SHALL BE AS SPECIFIED, TO ENABLE A MINIMUM 6" CURB HEIGHT. H = TBD

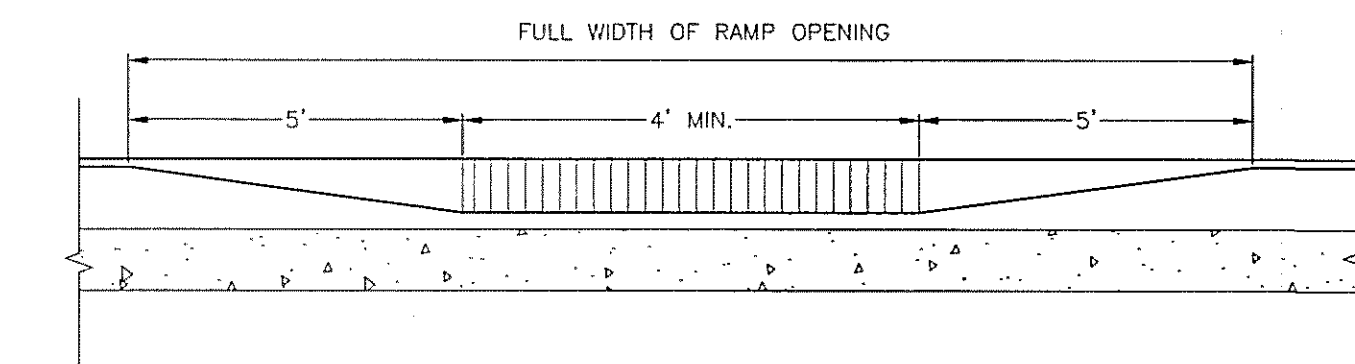
DETAIL	DIMENSIONS	LANE TIES	CONCRETE CU. YD./LIN. FT.
F1	1'-6"	7/8"	AS SHOWN
F2	1'-6"	7/8"	OMITTED



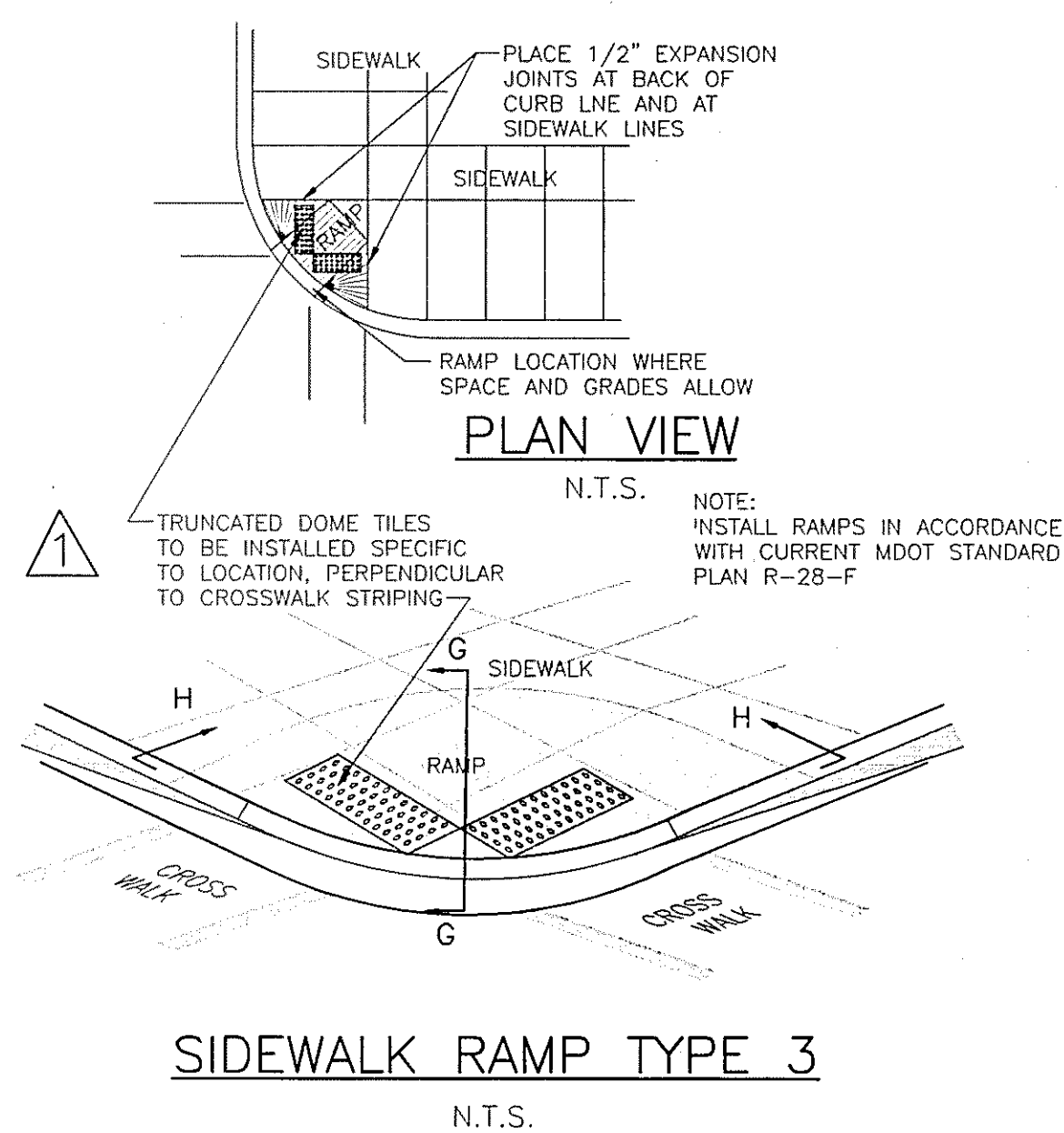
CURB RAMP FOR DISABLED
N.T.S.



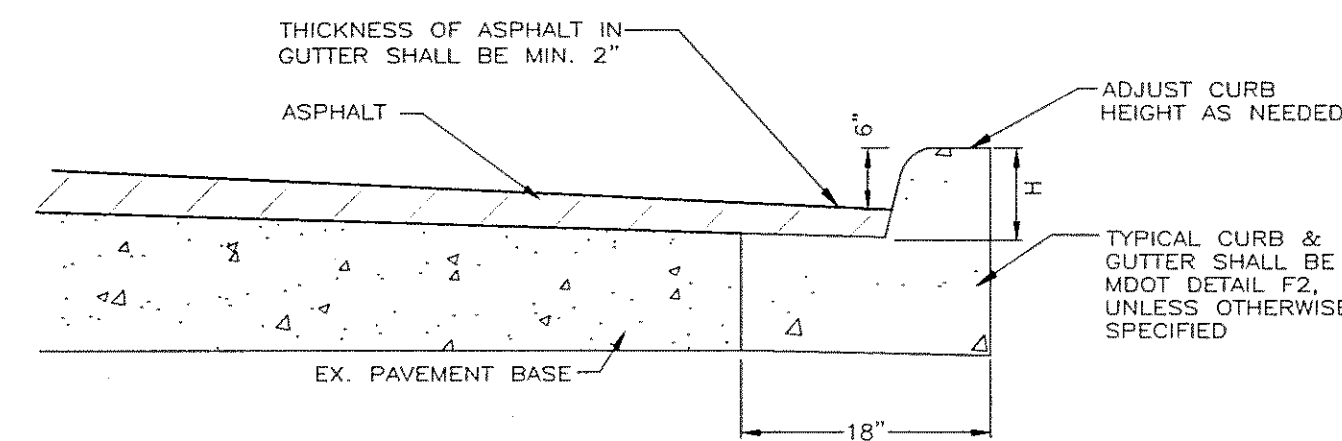
SECTION G-G
N.T.S.



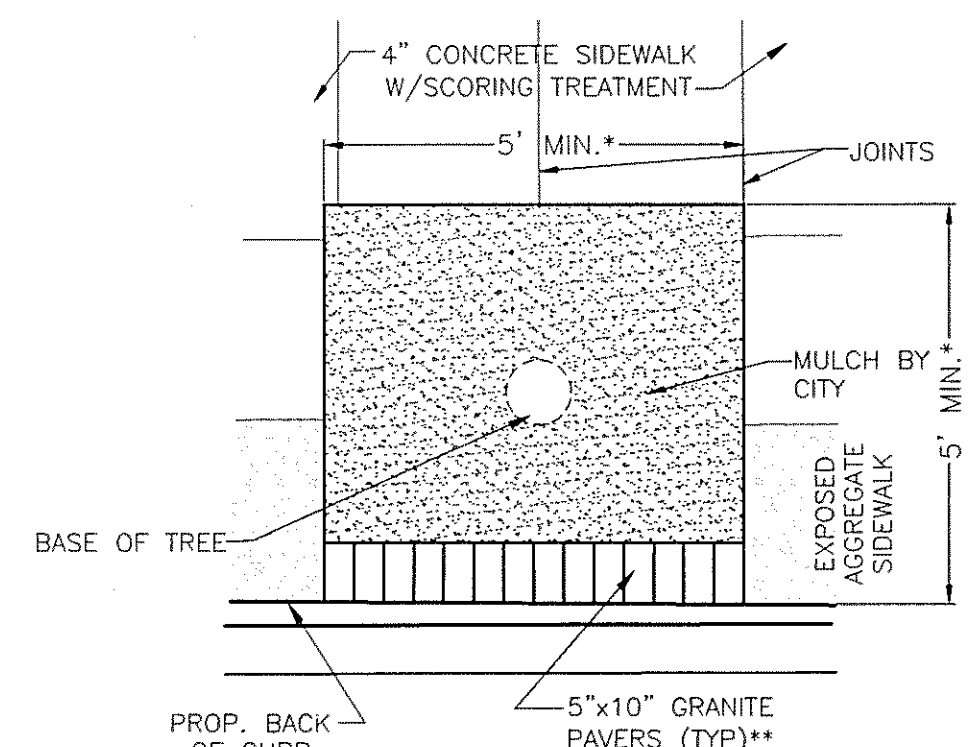
SECTION H-H
N.T.S.



SIDEWALK RAMP TYPE 3
N.T.S.



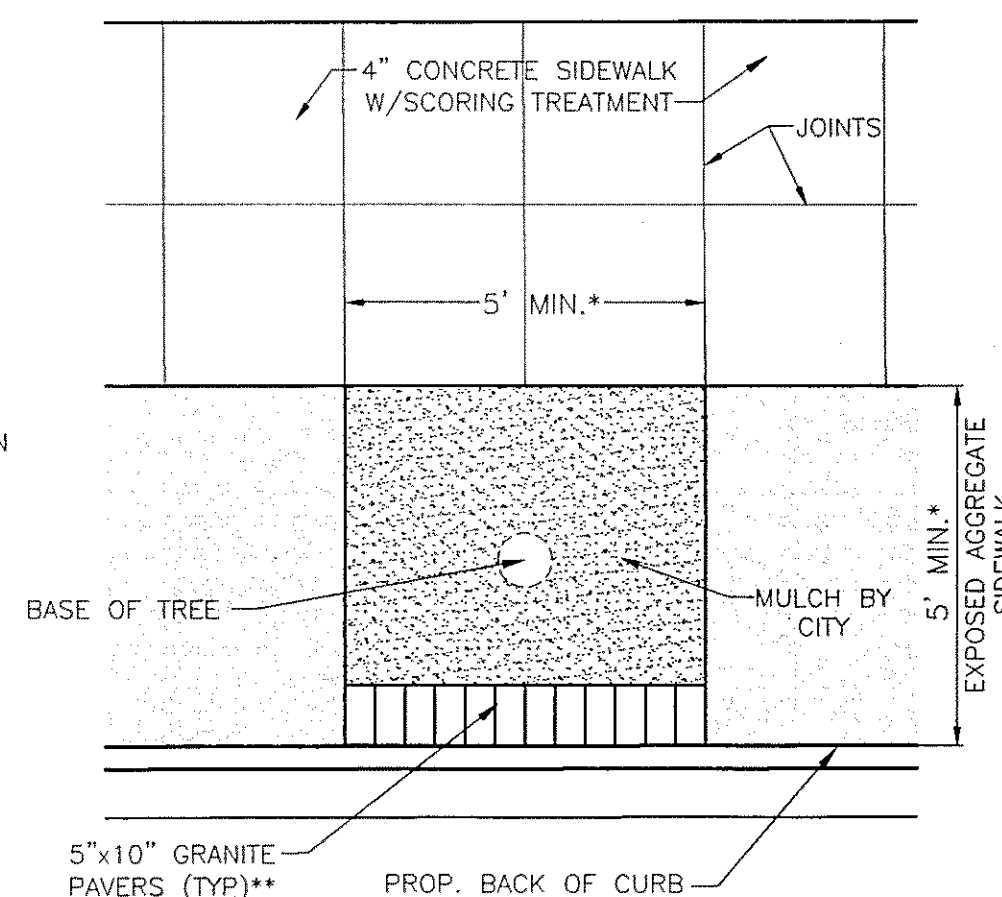
MDOT DETAIL F
(WITH ASPHALT OVERLAY)
N.T.S.



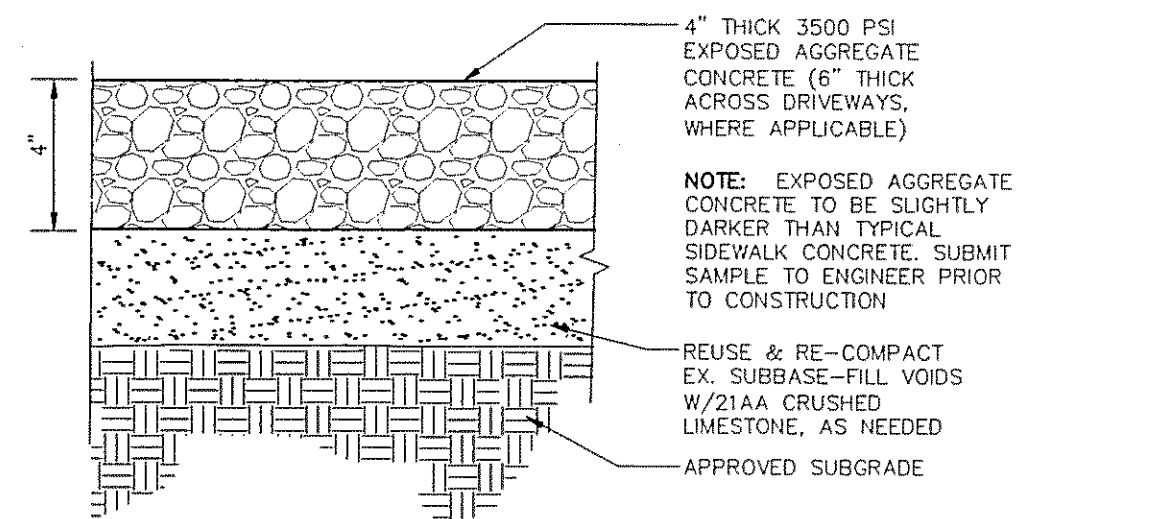
TREE WELL DETAIL #1
N.T.S.

NOTE: INSTALL 2 - 2" PVC SLEEVES BETWEEN TREE WELLS FOR FUTURE UNDERGROUND IRRIGATION, AS REQUIRED. INSTALLATION PER THE CITY OF BIRMINGHAM STANDARDS. TIE INTO PROPOSED WATER METER PITS.

**GRANITE PAVER NOTE: GRANITE PAVER INSTALLATION SHALL APPLY FOR TREE WELLS ADJACENT TO PARALLEL PARKING SPACES ON A STREET. GRANITE PAVERS SHALL BE "CARNE LIAN" (COLOR) BY COLD SPRING GRANITE COMPANY SET IN A FULL MORTAR BED WHERE INDICATED ON THE DRAWINGS. SUBMIT SAMPLES OF PAVERS (FOR COLOR AND FINISH) AND GROUT COLOR TO CITY OF BIRMINGHAM ENGINEERING FOR APPROVAL. LAYOUT PATTERN IS AS NOTED IN THE PLANS.

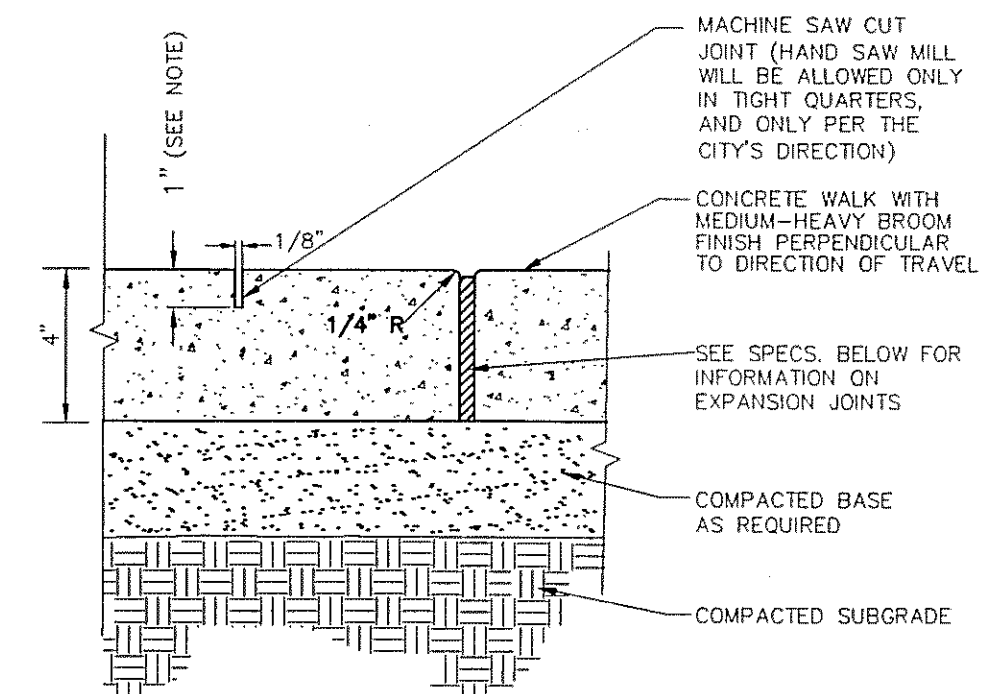


TREE WELL DETAIL #2
N.T.S.



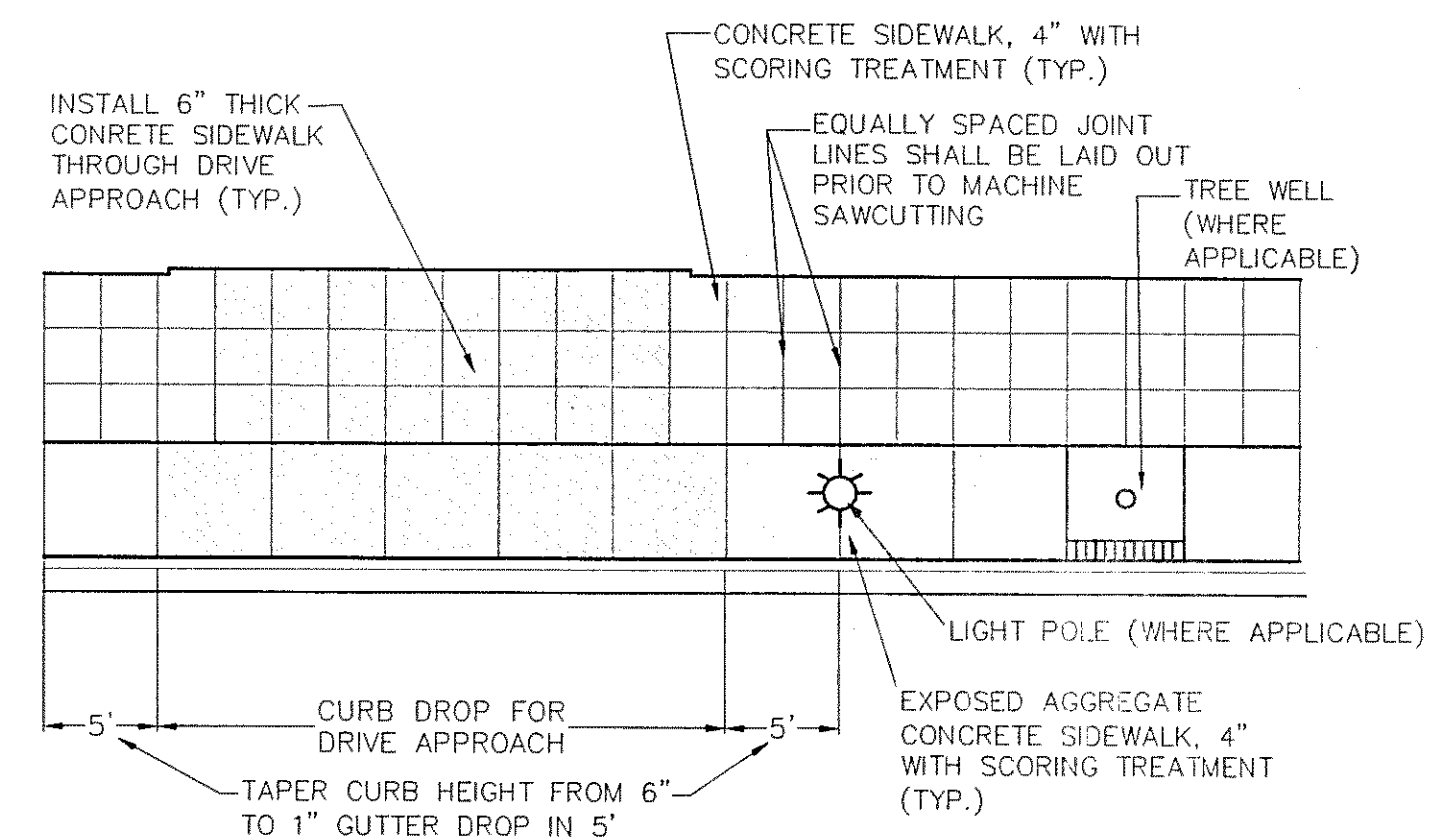
- EXPPOSED AGGREGATE SIDEWALK PROCEDURE:
1. SURFACE RETARDANT: EXPOSED AGGREGATE FINISH SHALL BE EXPOSED BY USE OF SURFACE RETARDANT "PRECO EAC-5" OR APPROVED EQUAL.
 2. CONCRETE SHALL BE PLACED, LEVELED & FLOATED IN A NORMAL FASHION (SEEDING WILL NOT BE PERMITTED).
 3. IMMEDIATELY AFTER THE SLAB HAS BEEN SCREENED AND DARNED, THE AGGREGATE SHALL BE WASHED IN A UNIFORM MANNER UNTIL ENTIRE SURFACE IS EXPOSED. A THOROUGH "EXPOSING" OF THE EMBEDDED AGGREGATE SHALL BE PERFORMED UNTIL ALL AGGREGATE IS LEFT JUST ABOVE THE SURFACE, LEAVING NO HOLES OR OPENING IN THE SURFACE.
 4. THE SURFACE SHALL THEN BE BRUSHED AND WASHED UNTIL ALL THE AGGREGATE IS EXPOSED AND FREE OF CEMENT FILM.
 5. AFTER INITIAL CURING, THE EXPOSED AGGREGATE SIDEWALK SHALL BE SEALED WITH TRANSPARENT CONCRETE SEALER, AS APPROVED BY THE ENGINEER.

EXPPOSED AGGREGATE WALK DETAIL
N.T.S.



- NOTE: SAWCUT CONTROL JOINTS, 2" DEPTH EVERY 100 SF OF PAVING MAX.
1. SAWCUT CONTROL JOINTS, 2" DEPTH EVERY 100 SF OF PAVING MAX.
 2. SQUARE PATTERN SAWCUT JOINTS, 1" DEPTH, APPROX. EVERY 2'-5"x2'-5" GRID, AS SHOWN.
 3. PROVIDE EXPANSION JOINTS EVERY 400 SF OF PAVING MAX.
- EXPANSION JOINT MATERIAL SPECS:
1. EXPANSION JOINT MATERIAL: RESILIENT, NON-EXTRUDING TYPE PREMODDED BITUMINOUS IMPREGNATED FIBERBOARD.
 2. SEALANT BACKER ROD: COMPRESSIBLE ROD STOCK OF POLYETHYLENE FOAM OR OTHER FLEXIBLE, PERMANENT, DURABLE NON-ABSORPTIVE MATERIAL AS RECOMMENDED FOR COMPATIBILITY BY SEALANT MANUFACTURE. TEMPORARILY INSTALL ABOVE FIBER BOARD TO CREATE SPACE FOR JOINT SEALANT AT THE APPROPRIATE GRADE. REMOVE PRIOR TO INSTALLING JOINT SEALANT.
 3. JOINT SEALANT: TWO PART POLYSULFIDE SEALANT, SELF-LEVELING, LIGHT GRAY COLOR. SUBMIT COLOR SAMPLE FOR APPROVAL. FEDERAL SPECIFICATIONS TT-S-00276, TYPE 1, DOW CORNING #780 OR EQUAL. INSTALL AFTER REMOVING BACKER ROD TO COMPLETELY COVER FIBER BOARD.

SAWCUT AND EXPANSION JOINT
DETAIL FOR CONCRETE SIDEWALK
N.T.S.



CONCRETE DRIVE APPROACH
& SIDEWALK JOINT LAYOUT
N.T.S.

CONCRETE SIDEWALK MIX DESIGNS:

PLAIN CONCRETE MIX:

SAND: 2NS SAND, ASTM C-33 1350 POUNDS
COURSE AGGREGATE: 6AA LESTONE PRESQUE ISLE
ASTM C-33 1680 POUNDS
CEMENT: TYPE 1, ASTM C150 588 POUNDS
WATER: CITY TAP WATER 31.5 GALLONS
ADMIXTURE: ASTM C260, DAREX A.E.A.
BY W.R. GRACE CO. 11.3 OZ./CU. YD.

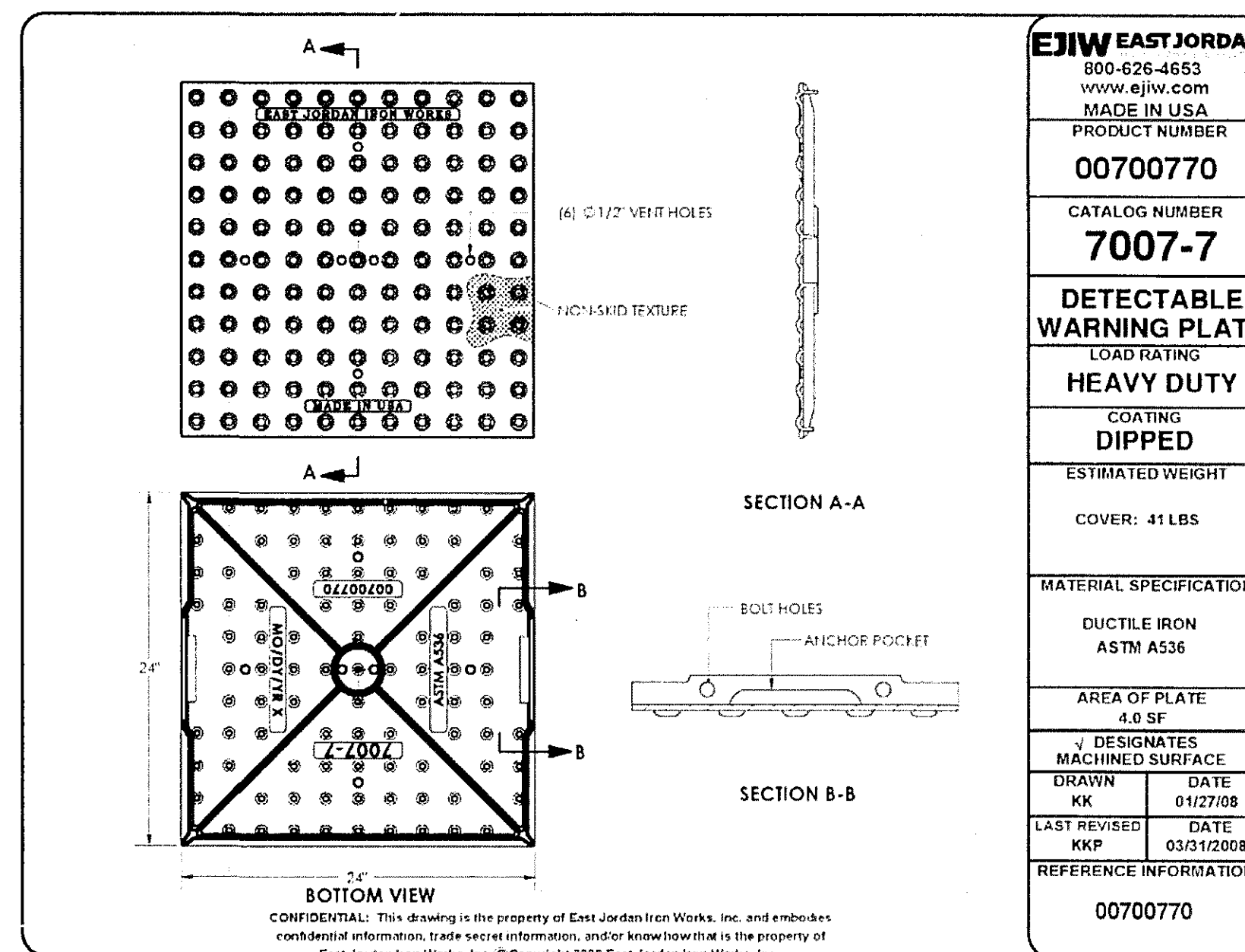
EXPPOSED AGGREGATE CONCRETE MIX:

SAND: 2NS SAND, ASTM C-33 1080 POUNDS
COURSE AGGREGATE: 17A
ASTM C-33 1980 POUNDS
CEMENT: TYPE 1, ASTM C150 588 POUNDS
WATER: CITY TAP WATER 31.5 GALLONS
ADMIXTURE: ASTM C260, DAREX A.E.A.
BY W.R. GRACE CO. 11.3 OZ./CU. YD.

* PEBBLE, WASHED, SUBMIT SAMPLE

CONCRETE STRENGTH SHALL BE 3,500 PSI AT 28 DAYS, WITH 6% ± OR - ENTRAINED AIR. MIX DESIGN SHALL NOT HAVE LESS THAN 6.25 SACKS OF CEMENT PER CUBIC YARD AND SHALL BE APPROVED BY THE CITY OF BIRMINGHAM ENGINEERING.

△ HANDICAP TRUNCATED DOMES

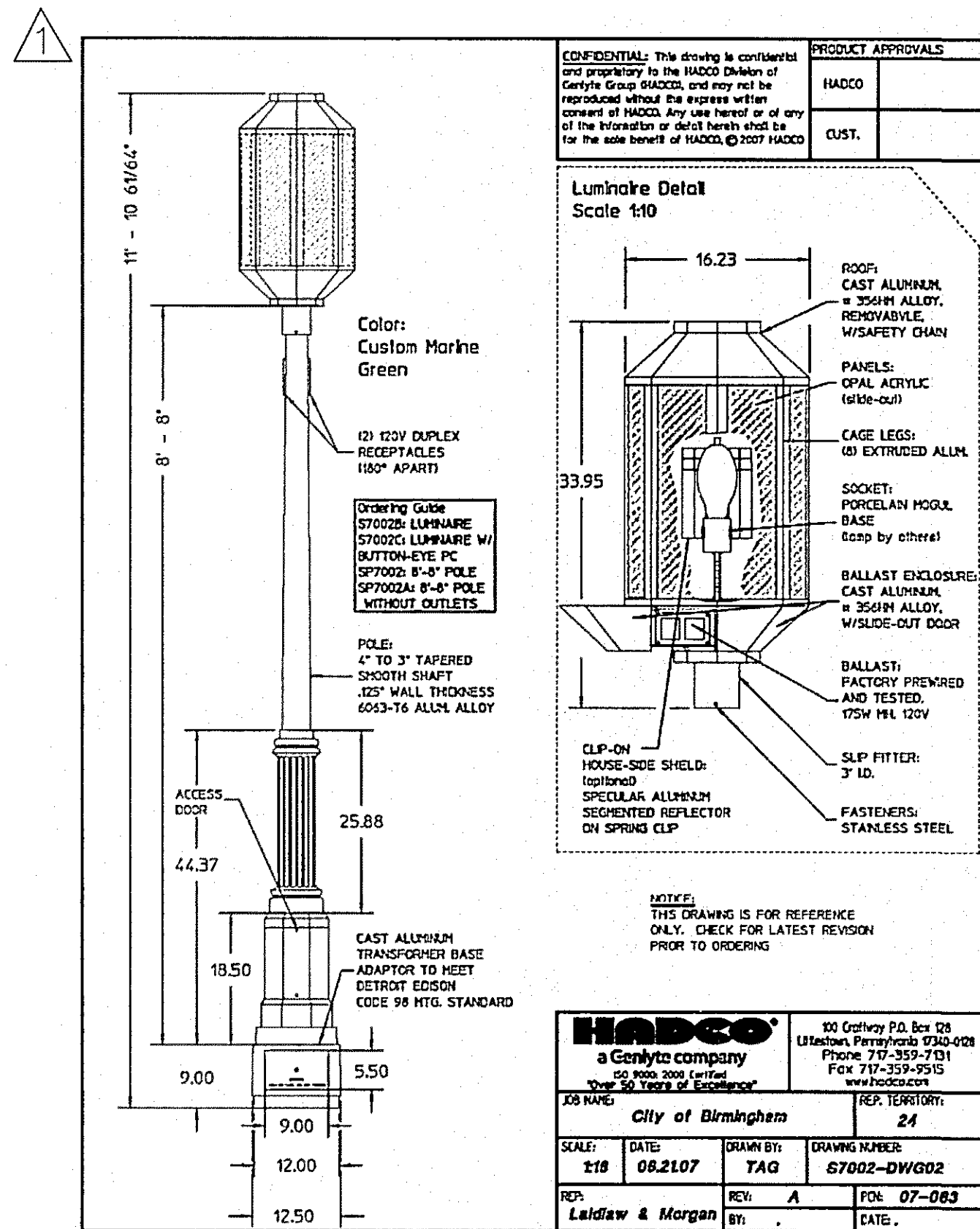
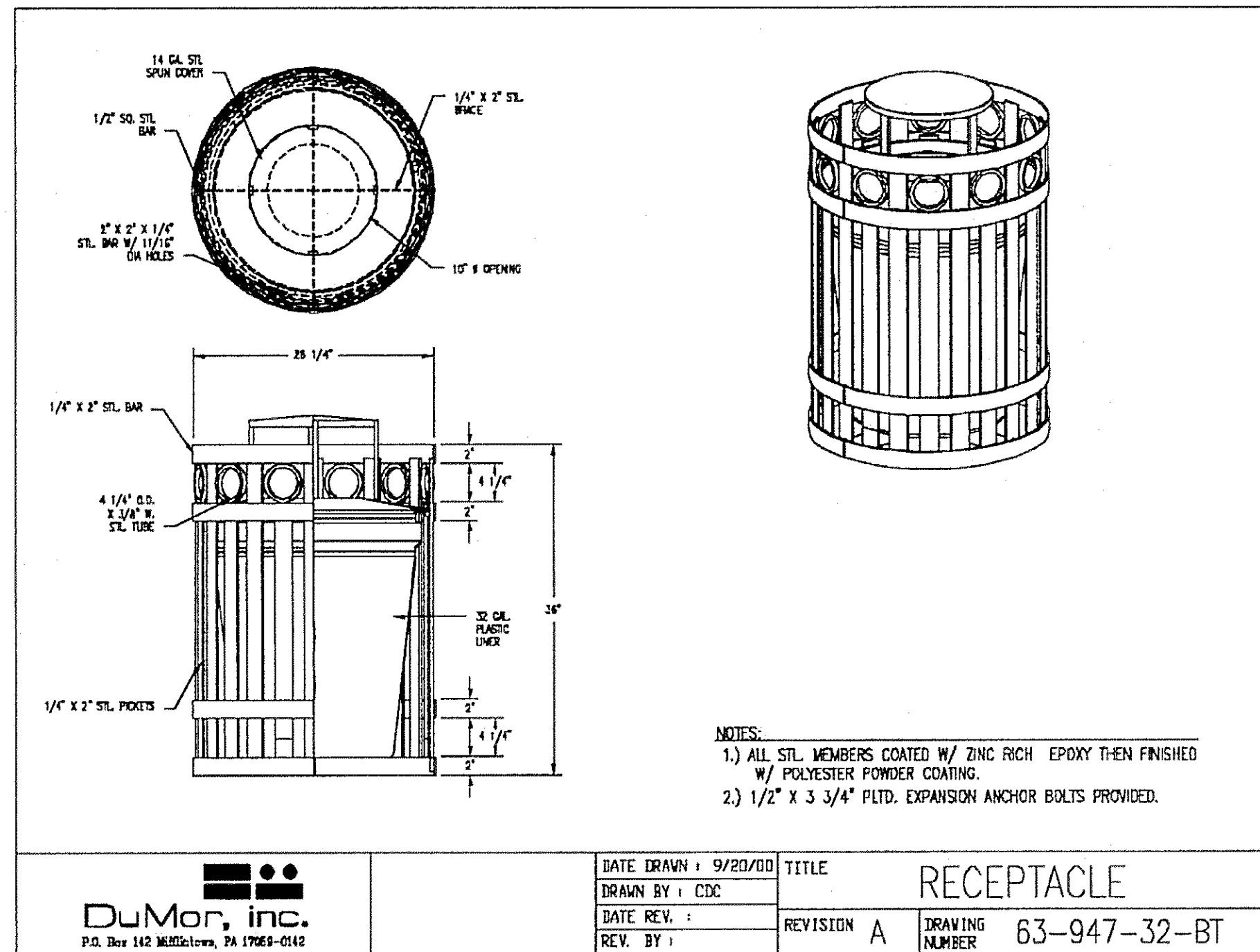
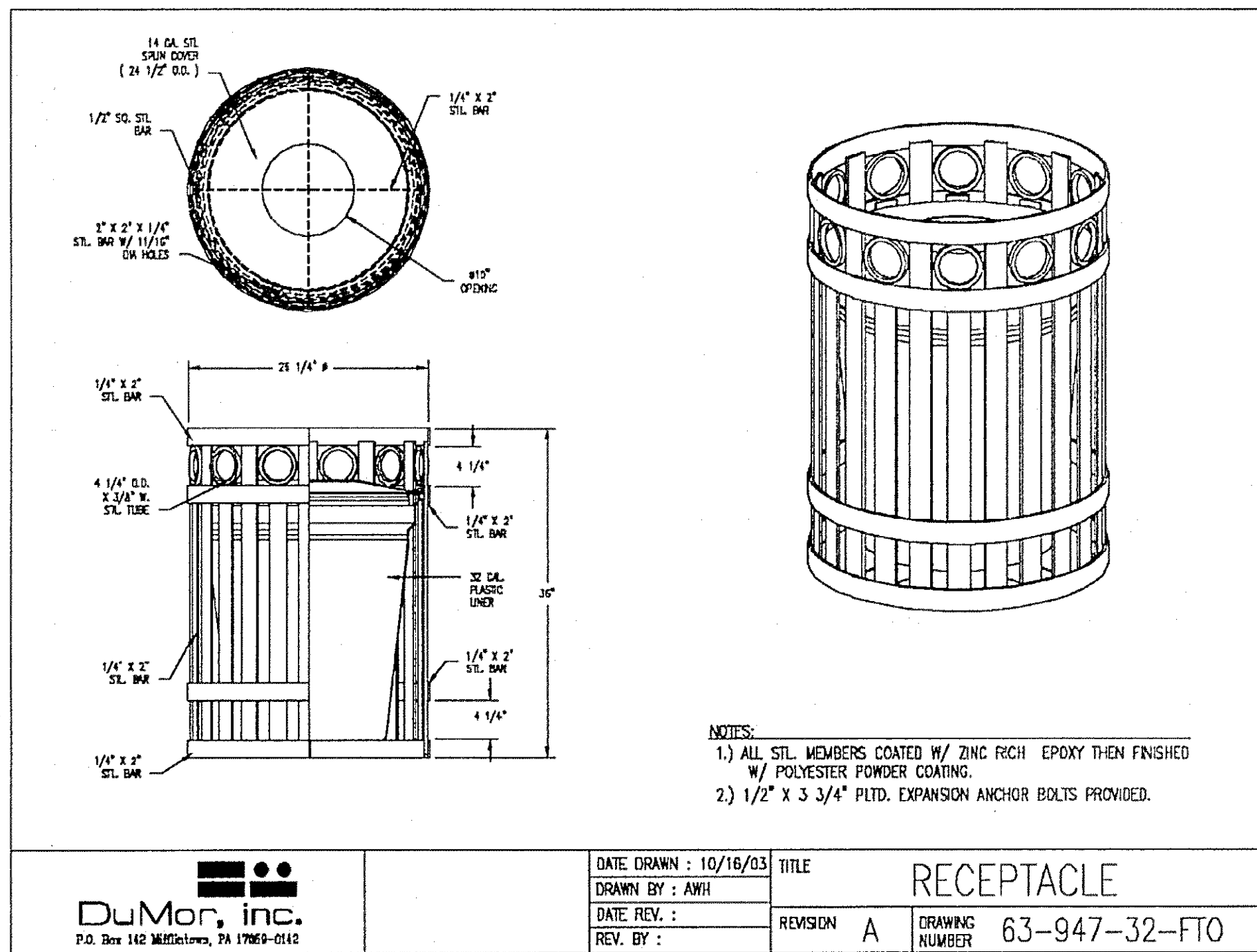


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CATALOG NUMBER	
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DETECTABLE WARNING PLATE	
LOAD RATING	
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COATING	
DIPPED	
ESTIMATED WEIGHT	
COVER: 41 LBS	
MATERIAL SPECIFICATION	
DUCTILE IRON	
ASTM A536	
AREA OF PLATE	
4.0 SF	
DESIGNATES	
MACHINED SURFACE	
DRAWN	DATE
KK	01/27/08
LAST REVISED	DATE
KKP	03/12/09
REFERENCE INFORMATION	
00700770	

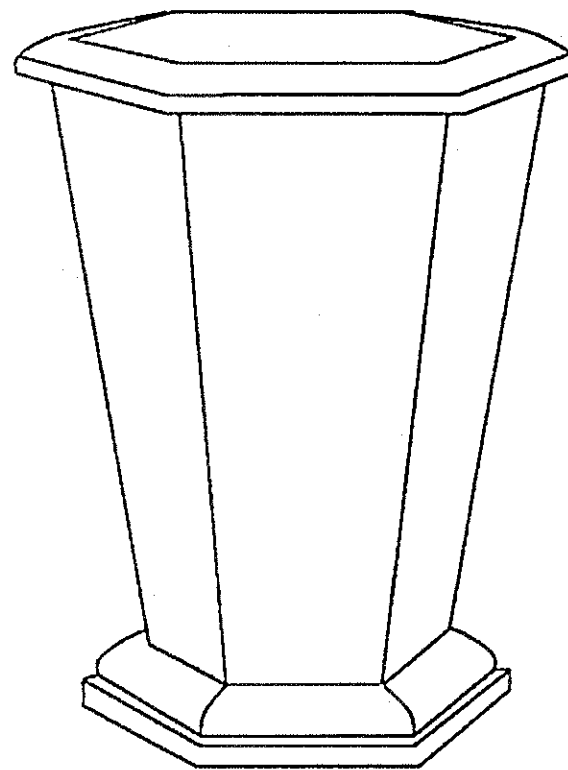
NOTES:

1. SURFACE TEXTURE OF SIDEWALK RAMP SHALL BE THAT OBTAINED BY A COURSE BROOMING, TRANSVERSE TO THE SLOPE OF THE RAMP.
2. CARE SHALL BE TAKEN TO ASSURE A UNIFORM GRADE ON SIDEWALK RAMP, FREE OF SAGS AND SHORT GRADE CHANGES.
3. IF POSSIBLE, DRAINAGE STRUCTURES SHOULD NOT BE PLACED IN LINE WITH RAMP. EXCEPT WHERE EXISTING DRAINAGE STRUCTURES ARE BEING UTILIZED IN THE NEW CONSTRUCTION, LOCATION OF THE RAMP SHOULD TAKE PRECEDENCE OVER LOCATION OF DRAINAGE STRUCTURE.
4. SIDEWALK RAMP 3 SHALL BE INSTALLED ONLY AT THE CITY'S DIRECTION.
5. REMOVE AND REPLACE CONCRETE CURB AND GUTTER SECTION AT CURB DROPS ON NON-ASPHALT SURFACED GUTTERS. USE EXISTING JOINTS OR SAW CUT FOR JOINTS. SAW CUT AT 18" FROM BACK OF CURB (FOR CURVED SECTIONS SAW CUT AT MINIMUM OF 12" AND AT A MAXIMUM OF 24" FROM BACK OF CURB). THE NEW CONCRETE SECTION TO EXISTING PAVEMENT WITH HOOK BOLTS OR RED HEADS AT MAXIMUM OF 40" C.C.

REVISIONS				CITY OF BIRMINGHAM, MICHIGAN ENGINEERING DEPARTMENT	
No.	DATE	BY		CBD STREETSCAPE STANDARD DETAILS	
1	07-06-07	City	Added Truncated Dome details		
2	06-26-08	City	Revised Truncated Dome details		
SCALE: HORIZONTAL				ACCT. NO.	
VERTICAL				APPROVED BY	
DRAWN BY: NF				CITY ENGINEER	
CHECKED BY				DATE: April 4, 2003	
SHEET				OF SHEETS	

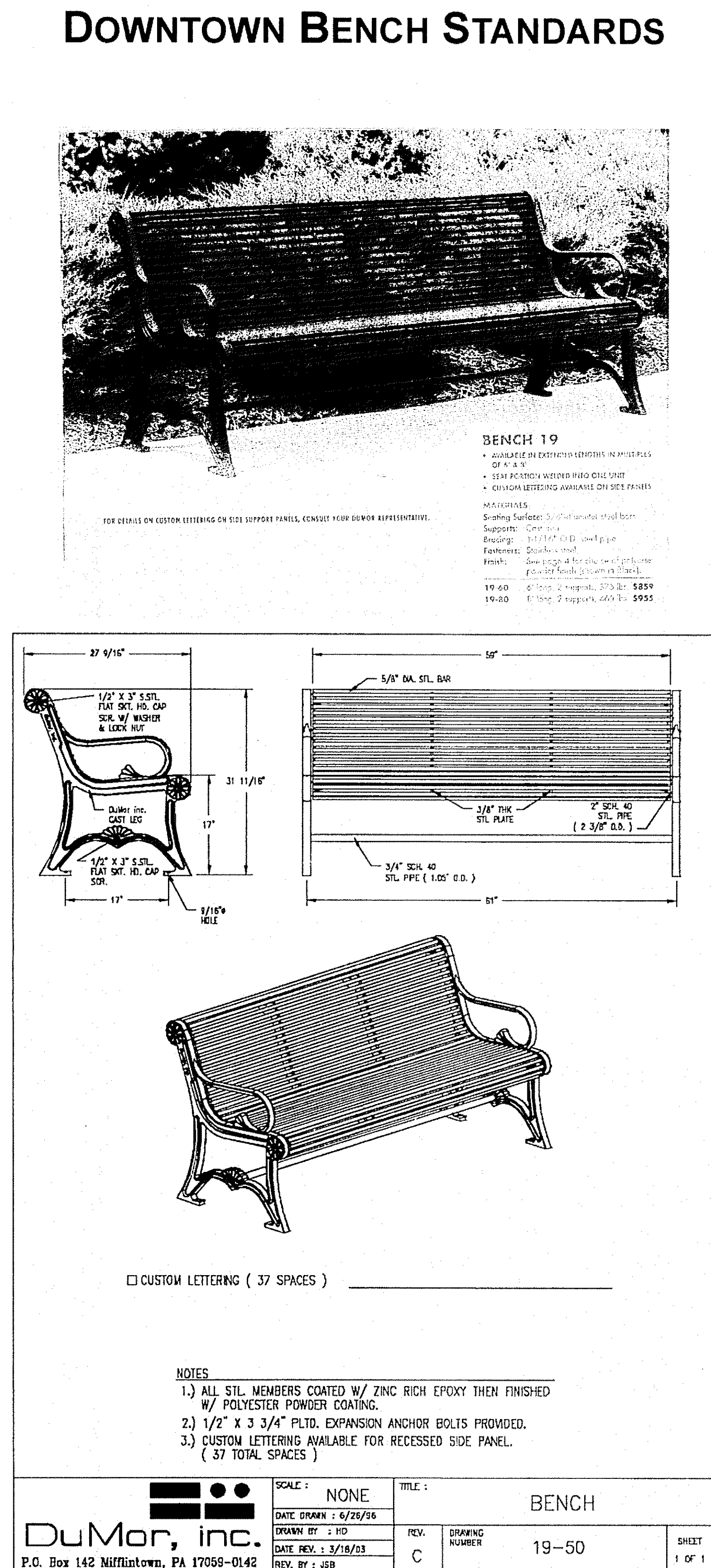


City of Birmingham Concrete Planter
 Line Drawing Sketch—Not to Scale



Notes:
 -Six-sided cast concrete pot with steel reinforcement
 -Approximate dimensions are 34" across at top; 26" across at bottom; 40" tall
 -Includes (2) cast "B" medallions bolted and mortared on (2) opposite sides

Branch
 355 South Sanford / Pontiac, MI / 48342
 248-874-1314 phone / 248-874-1316 fax
 www.thebranchstudio.com / info@thebranchstudio.com

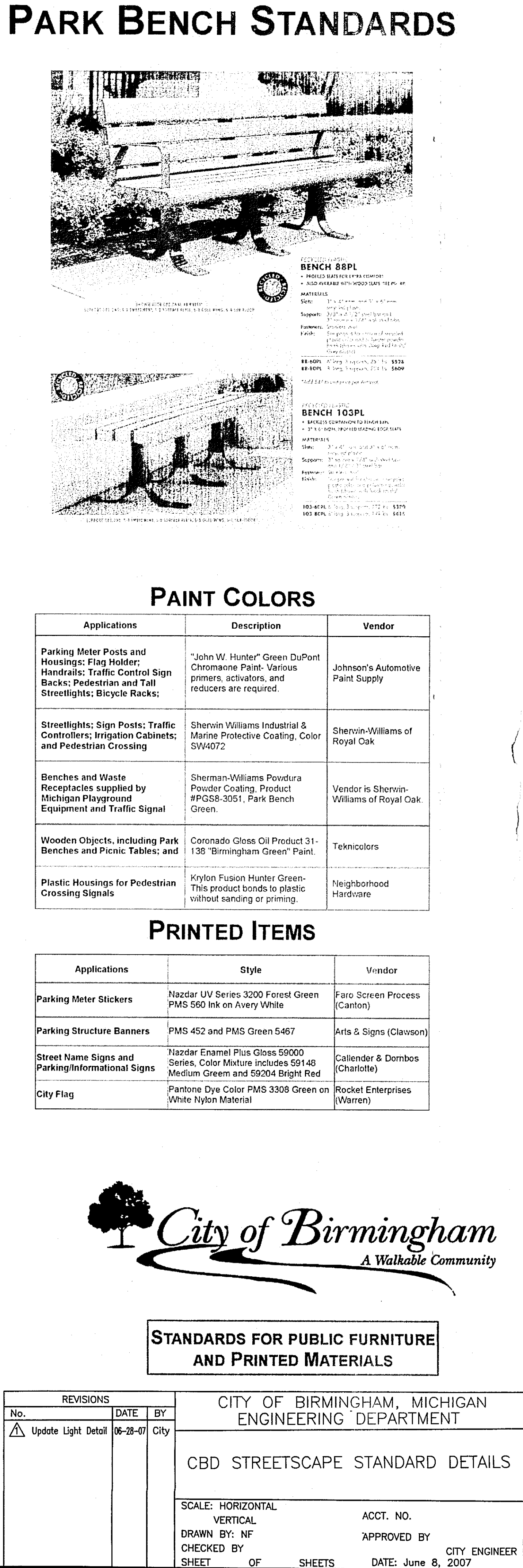
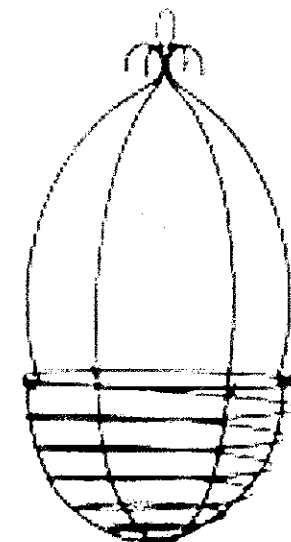


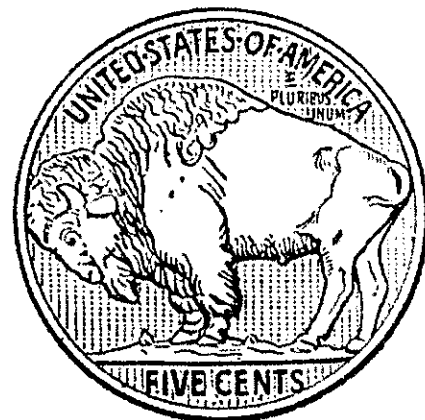
MONARCH HANGING PLANTER

Versatile, new hanging planters combine the old fashioned spiral hanging basket look with graceful curved hangers, instead of chains. The hangers clip securely onto the rims of the baskets, but are detachable for ease of shipping and storage.

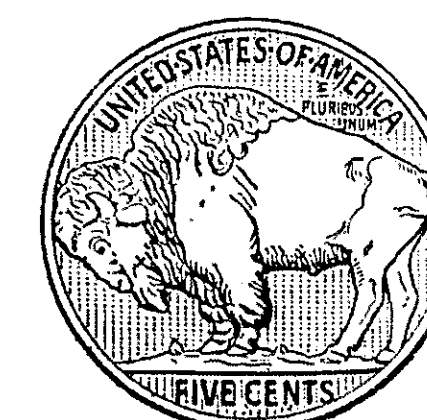
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TRIPLE NICKEL



C-ARC
DESIGN GROUP
TEL: 586.303.6318
CCAMPBELLARCH@YAHOO.COM
ARCHITECTURE-PLANNING-INTERIORS

Permit No. JCB 13-0007
Address: 555 S. OLD WOODWARD
Description: TRIPLE NICKEL
Code: 2007 NBC

City of Birmingham
APPROVED PLANS
Date: 12-4-13 Building X
Pkg/Mech: Electrical X
Approval of these plans will not allow
violation of any City or State Code or
Ord. due to oversight of issuing official.
Approved set of plans must be on job
for use by inspectors.
Builder: _____
Owner: _____
Code Official: Mike Lopez
Permit # _____

THESE PERMITS WILL ALSO BE NEEDED
Heating _____ Plumbing _____ Electrical _____
Refrigeration _____ Sign _____ Building _____

NO EXTERIOR ALTERATIONS
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operator will be glad to locate
their facilities at no charge to the caller

ALL FIRE SUPPRESSION
SPRINKLER ALTERATIONS
MUST BE APPROVED
By FIRE DEPARTMENT

NOTE:
AMERICAN DISABILITIES ACT OF 1991
THESE PLANS HAVE NOT BEEN REVIEWED
FOR ANY COMPLIANCE OF THE A.D.A.
REQUIREMENTS IN ACCORDANCE
WITH TITLE III OF THE ACT.

LOCATIONS FOR EXIT SIGNS AND
EMERGENCY LIGHTS ARE SUBJECT
TO FIELD INSPECTION.

CITY APPROVED PLANS MUST
REMAIN ON JOB SITE.

NOTICE
This permit does not cover work in the
public right-of-way. A separate permit
for that work must be secured from
the City Engineering Department.

STOPPING REQUIREMENT
Permittees shall install signs and barriers shall be
placed with a material capable of preventing the
passage of traffic and the signs shall be subject to the
requirements of the Manual Uniform Traffic Control Devices
(MUTCD) (1981).

STREET FENCES ARE REQUIRED OF WAY IS NOT
AROUND ALL EXCAVATIONS. SIZING
AND PLACEMENT SHALL BE AS SPECIFIED IN THE
MUTCD (1981).

555 SOUTH OLD WOODWARD
BIRMINGHAM, MICHIGAN
48009



ARCHITECT/PROJECT DESIGNERS
C-ARC DESIGN GROUP
283 EAST FRANK STREET
BIRMINGHAM, MI
48009
M: 586.303.6318

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TRADEMARK CONSTRUCTION
SERVICES
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48009
O: 248.840.2044
M: 248.792.2098

STRUCTURAL ENGINEER
PAUL HANNENBERG & ASSOCIATES
42505 WOODWARD AVENUE
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BLOOMFIELD HILLS, MI
48304
O: 248.334.5100
F: 248.334.7100

INTERIOR DESIGNER
RONANDROMAN
275 EAST FRANK STREET
BIRMINGHAM, MI
48009
O: 248.202.3716

CIVIL ENGINEER
NOWAK & FRALIS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI
O: 248.332.7931
F: 248.332.8257

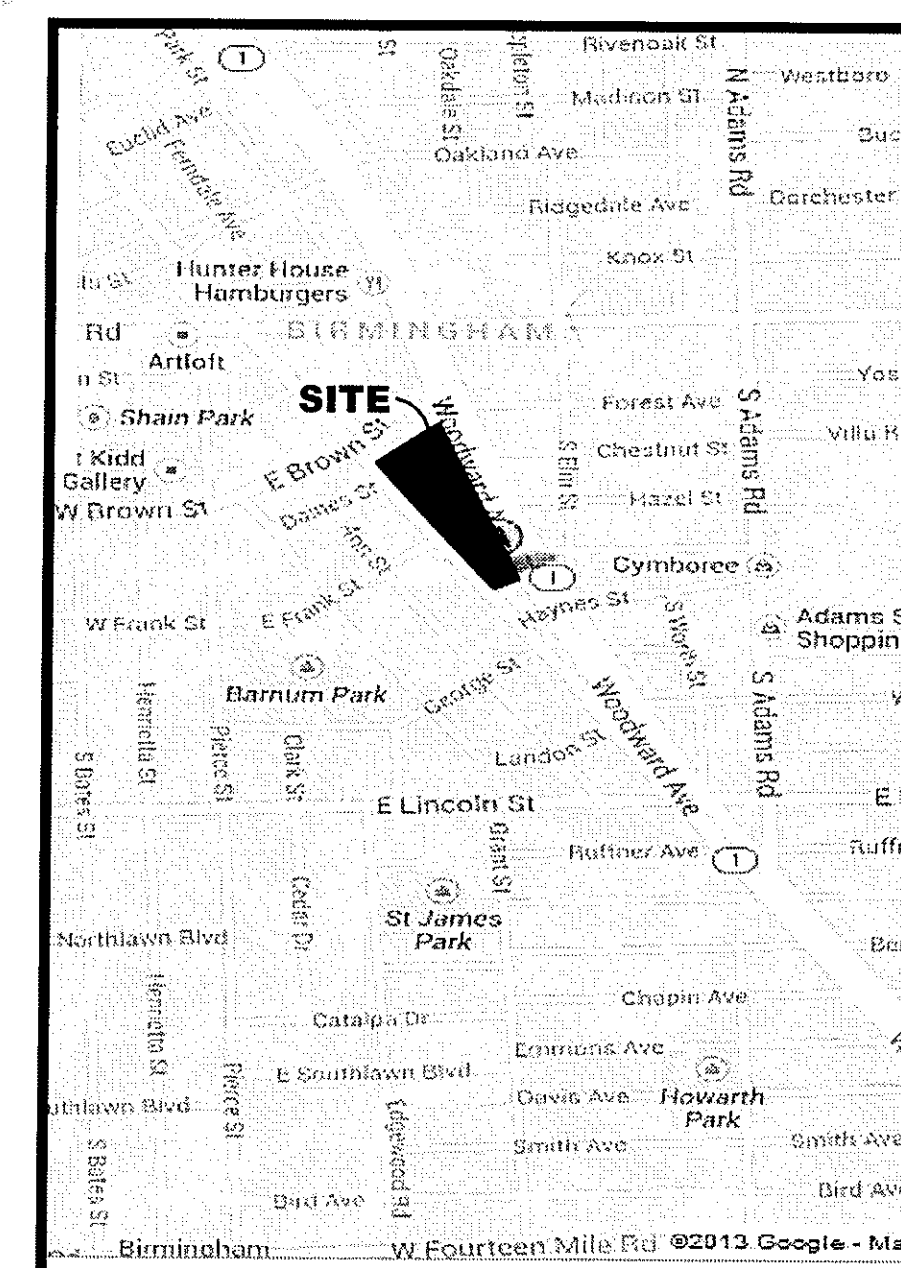
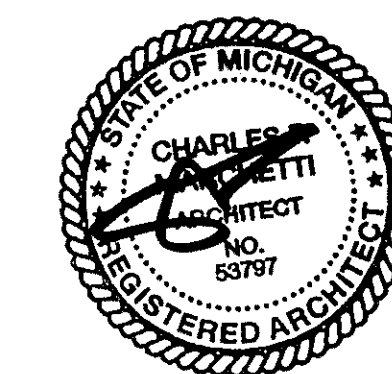
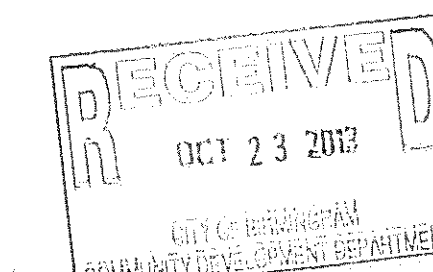
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48009
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PRODUCTS AND SERVICES LLC.
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48079
O: 586.804.4377
F: 586.329.6039

PROJECT:
**TRIPLE
NICKEL**

555 SOUTH OLD WOODWARD
BIRMINGHAM, MICHIGAN 48009

COVER SHEET/
DRAWING INDEX



SITE MAP
SCALE: NO SCALE

DATE:
08.26.2013 SLIP AMENDMENT
10.22.2013 CITY SUBMITTAL
SHEET NO.:
CS-1

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● C2	DEMOLITION PLAN	
● C3	PAVING & GRADING PLAN	
● C3A	MOOT DETAIL SHEET	
● C3B	MOOT DETAIL SHEET	
● C3C	MOOT DETAIL SHEET	
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● C5	OWNERS & ENGINEERS GENERAL CONSTRUCTION REQUIREMENTS CONTRACTORS DUTIES	
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● C7	CONST. FENCING / PEDESTRIAN TRAFFIC PLAN	
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● E203	UPPER LEVEL FLOOR PLAN - POWER	
● E204	ROOF PLAN - POWER	

GENERAL NOTE SHEET

GENERAL NOTE SHEET:

ALL CONSTRUCTION METHODS AND MATERIALS SHALL COMPLY WITH THE CURRENT 2009 MICHIGAN BUILDING CODE, ORDINANCES AND REQUIREMENTS AS ADOPTED BY THE LOCAL GOVERNING BODY WHERE THE BUILDING IS TO BE LOCATED. IN CASE OF CONFLICT, THE MOST STRINGENT REQUIREMENT SHALL COMPLY.

- THE FOLLOWING DISCIPLINES NOT INCLUDED IN THIS PACKAGE AND WILL BE SUBMITTED UNDER A SEPARATE COVER BY OTHERS: GENERAL CONTRACTOR TO COORDINATE. FIRE SPRINKLERS AND SUPPRESSION IF REQUIRED, FIRE ALARM, TELEPHONE / LOW VOLTAGE, AV / DATA
- VERIFY SITE CONDITIONS BEFORE BEGINNING CONSTRUCTION ALL NEW AND EXISTING DIMENSIONS, MEMBER SIZES, MATERIALS AND CONDITIONS SHOWN ON THE DRAWINGS. IF DISCREPANCIES ARE FOUND NOTIFY THE ARCHITECT OR ENGINEER, IN WRITING, BEFORE PROCEEDING WITH THE WORK.
- MATERIALS OR CONSTRUCTION PROCEDURES WITH ARE PROHIBITED BY LAW OR SHALL CAUSE A HARMFUL EFFECT TO THE NATURAL ENVIRONMENT OR TO THE HEALTH OF ANY PERSON ON THE SITE DURING CONSTRUCTION AND/OR DURING OCCUPANCY SHALL NOT BE USED IN THIS PROJECT.
- ALL TRADES SHALL CONFORM WITH ALL THE APPLICABLE FEDERAL, STATE & LOCAL CODES, RULES AND REGULATIONS. IN CASE OF CONFLICT, THE MOST STRINGENT REQUIREMENT SHALL APPLY.
- ALL CONSTRUCTION SITES ARE REQUIRED TO BE MAINTAINED IN A SAFE CONDITION AND TO BE PROTECTED FROM UNAUTHORIZED ENTRY.
- ALL CONSTRUCTION MEANS AND METHODS AND MATERIALS ARE THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL COMPLY WITH THE CURRENT MICHIGAN BUILDING CODE, ORDINANCES AND REQUIREMENTS AS ADOPTED BY THE LOCAL GOVERNING BODY WHERE THE BUILDING IS TO BE LOCATED.
- THESE NOTES ARE FOR GENERAL REFERENCE ONLY; WHERE CONFLICTS EXIST BETWEEN THESE NOTES AND CURRENT CODES THE MORE STRINGENT REQUIREMENTS SHALL PREVAIL.
- DO NOT SCALE DRAWINGS. USE PRINTED DIMENSIONS ONLY. IF ANY DISCREPANCY OCCURS, NOTIFY THE DESIGNER IMMEDIATELY FOR DIRECTION. CONTRACTOR TO VERIFY AND COORDINATE ALL DIMENSIONS PRIOR TO CONSTRUCTION.
- ALL DIMENSIONS ARE TO BE CONSIDERED NOMINAL UNLESS OTHERWISE NOTED. DIMENSIONS SHALL BE FACE TO FINISH, CENTERLINE OF COLUMN OR AS OTHERWISE SPECIFICALLY INDICATED.
- ALL DIMENSIONS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO PROCEEDING WITH THE WORK. ANY AND ALL DISCREPANCIES BETWEEN ACTUAL CONDITIONS AND DOCUMENTS SHALL BE REPORTED TO THE OWNERS REPRESENTATIVE PRIOR TO COMMENCING WITH THE WORK.
- DIMENSIONS ARE TO FINISH FACE OF GYPSUM BOARD UNLESS OTHERWISE NOTED.
- DETAILS NOT INDICATED ARE SIMILAR IN CHARACTER TO THOSE SHOWN. WHERE SPECIFIC DIMENSIONS, DETAILS OR DESIGN INTENT CAN NOT BE DETERMINED, NOTIFY THE OWNERS REPRESENTATIVE FOR CLARIFICATION.
- PROVIDE NON-COMBUSTIBLE TREATED WOOD BLOCKING / REINFORCING FOR GRAB BARS, MIRRORS, TOILET ACCESSORIES, DOOR BUMPERS, SHELVING, CLOSET POLES, COAT HOOKS AND ANY MILLWORK
- PROVIDE 2A-108 C TYPE FIRE EXTINGUISHERS AT ALL TYPICAL LOCATIONS
- PROVIDE LARSENS SEMI-RECESSED FIRE EXTINGUISHER WITH ROLLED EDGE, MODEL HORIZONTAL DUO OR EQUAL. VERIFY LOCATIONS AND AMOUNT WITH LOCAL FIRE MARSHALL AS REQUIRED
- THE CONTRACTOR IS TO LOCATE AND INSTALL EXIT SIGNS AND DEVICES OVER EXIT DOORS. EXIT SIGNS MAY ALSO BE REQUIRED TO PROPERLY IDENTIFY THE PATHWAY LEADING TO THE EXIT IN ACCORDANCE WITH THE BUILDING CODE AND AS DIRECTED BY THE FIRE MARSHALL AND ANY OTHER AUTHORITY HAVING JURISDICTION. EXIT SIGNS INDICATED ON THESE DRAWINGS ARE NOT INCLUSIVE OF ALL EXIT SIGNS REQUIRED.
- PROVIDE EMERGENCY LIGHTING AS DESIGNATED BY THE FIRE MARSHALL TO ILLUMINATE THE EXIT ACCESS IN CASE OF A POWER OUTAGE. CONTRACTOR SHOULD CONTACT THE FIRE MARSHALL FOR PROPER PLACEMENT OF EMERGENCY LIGHTING UNITS.
- FIRE ALARM SYSTEM BY CONTRACTOR
- CONTRACTOR TO PROVIDE ENGINEERING DRAWINGS OF FIRE SUPPRESSION SPRINKLERS AND FIRE ALARM SYSTEM TO BE SUBMITTED TO THE CITY FOR APPROVAL
- ALL SIGNAGE SHALL BE PROVIDED AS REQUIRED BY CODE AT RESTROOMS.
- ANY SIGNAGE AND GRAPHICS INDICATED BUT NOT REQUIRED BY CODE ARE PROVIDED BY OWNER.
- ANY SIGNAGE AND GRAPHICS INDICATED BUT NOT REQUIRED BY CODE ARE PROVIDED BY OWNER.
- ALL PLUMBING, MECHANICAL VENT STACKS AND FURNACE FLUES SHALL BE OFFSET TO REAR ROOF LINES. FLASHING AT ALL PENETRATIONS AS REQUIRED.
- ALL DOORS HEIGHTS TO BE VERIFIED W/ OWNER AND ARCHITECT PRIOR TO CONSTRUCTION.
- FF&E ALL FURNITURE, FIXTURES, AND EQUIPMENT SHALL BE PROVIDED BY THE OWNER. FFE ITEMS INCLUDED, BUT ARE NOT LIMITED TO, OFFICE FURNITURE, HEALTH, MEDICAL, AND REHABILITATION EQUIPMENT, KITCHEN APPLIANCES, AND OFFICE EQUIPMENT.
- PROVIDE THE APPROPRIATE SAFETY GLASS (IN ACCORDANCE WITH ALL APPLICABLE BUILDING CODES) FOR ALL HAZARDOUS LOCATIONS LISTED BELOW:
 - GLAZING IN INGRESS AND EGRESS DOORS EXCEPT WIRED GLASS IN REQUIRED FIRE DOORS AND JALOUSIES.
 - GLAZING IN ALL UNFRAMED SWINGING DOORS.
 - GLAZING, OPERABLE OR INOPERABLE, ADJACENT TO A DOOR IN ALL BUILDINGS AND WITHIN THE SAME PLANE AS THE DOOR IN A CLOSED POSITION AND WHOSE BOTTOM EDGE IS LESS THAN SIXTY (60) INCHES ABOVE THE FLOOR OR WALKING SURFACE.
 - GLAZING IN FIXED PANELS HAVING A GLAZED AREA IN EXCESS OF NINE (9) SQUARE FEET WITH LOWEST EDGE LESS THAN EIGHTEEN (18) INCHES ABOVE THE FINISHED FLOOR OR WALKING SURFACE WITHIN THIRTY-SIX (36) INCHES OF SUCH GLAZING. IN LIEU OF SAFETY GLAZING SUCH GLAZED PANELS MAY BE PROTECTED WITH A HORIZONTAL MEMBER NOT LESS THAN ONE AND ONE TWENTY-FOUR (24) AND THIRTY-SIX (36) INCHES ABOVE THE WALKING SURFACES.
- PROVIDE TRANSITION STRIPS AT EACH CHANGE IN FINISH FLOOR MATERIAL

REQUIRED LEVELS OF GYP. BOARD FINISH:

- REFER TO LEVELS OF FINISH FOR SPECIFIC APPLICATIONS OF MATERIALS AS INDICATED BELOW PER GA-214-56.
- PROPOSED GYPSUM BOARD CONDITIONS TO COMPLY WITH THE FOLLOWING CRITERIA.
- LEVELS OF FINISH: THE FOLLOWING LEVELS OF FINISH ARE ESTABLISHED AS A GUIDE FOR SPECIFIC FINAL DECORATION. THE MINIMUM REQUIREMENTS FOR EACH LEVEL SHALL BE AS DESCRIBED HEREIN.

LEVEL 0: NO TAPING, FINISHING, OR ACCESSORIES REQUIRED. THIS LEVEL OF FINISH MAY BE USEFUL IN TEMPORARY CONSTRUCTION OR WHENEVER THE FINAL DECORATION HAS NOT BEEN DETERMINED.

LEVEL 1: ALL JOINTS AND INTERIOR ANGLES SHALL HAVE TAPE SET IN JOINT COMPOUND. SURFACE SHALL BE FREE OF EXCESS JOINT COMPOUND. TOOL MARKS AND RIDGES ARE ACCEPTABLE. FREQUENTLY SPECIFIED IN PLENUM AREAS ABOVE CEILINGS, IN ATTICS, IN AREAS WHERE THE ASSEMBLY WOULD GENERALLY BE CONCEALED OR IN BUILDING SERVICE CORRIDORS, AND OTHER AREAS NOT NORMALLY OPEN TO PUBLIC VIEW. ACCESSORIES OPTIONAL AT SPECIFIER DISCRETION IN CORRIDORS AND OTHER AREAS WITH PEDESTRIAN TRAFFIC. SOME DEGREE OF SOUND AND SMOKE CONTROL IS PROVIDED IN SOME GEOGRAPHIC AREAS THIS LEVEL IS REFERRED TO AS "TIE-UPING" WHERE A FIRE-RESISTANCE RATING IS REQUIRED FOR THE GYPSUM BOARD ASSEMBLY, DETAILS OF CONSTRUCTION SHALL BE IN ACCORDANCE WITH REPORTS OF FIRE TESTS OF ASSEMBLIES THAT HAVE MET THE FIRE-RATING REQUIREMENT. TAPE AND FASTENER HEADS NEED NOT BE COVERED WITH JOINT COMPOUND.

LEVEL 2: ALL JOINTS AND INTERIOR ANGLES SHALL HAVE TAPE EMBEDDED IN JOINT COMPOUND AND WIPED WITH A JOINT KNIFE LEAVING A THIN COATING OF JOINT COMPOUND OVER ALL JOINTS AND INTERIOR ANGLES. FASTENER HEADS AND ACCESSORIES SHALL BE COVERED WITH A COAT OF JOINT COMPOUND. SURFACE SHALL BE FREE OF EXCESS JOINT COMPOUND. TOOL MARKS AND RIDGES ARE ACCEPTABLE. JOINT COMPOUND APPLIED OVER THE BODY OF THE TAPE AT THE TIME OF TAPE EMBEDDMENT SHALL BE CONSIDERED A SEPARATE COAT OF JOINT COMPOUND AND SHALL SATISFY THE CONDITIONS OF THIS LEVEL. SPECIFIED WHERE WATER-RESISTANT GYPSUM BACKING BOARD (ASTM C 630) IS USED AS A SUBSTRATE FOR TILE. MAY BE SPECIFIED IN GARAGES, WAREHOUSE STORAGE, OR OTHER SIMILAR AREAS WHERE SURFACE APPEARANCE IS NOT OF PRIMARY CONCERN.

LEVEL 3: ALL JOINTS AND INTERIOR ANGLES SHALL HAVE TAPE EMBEDDED IN JOINT COMPOUND AND ONE ADDITIONAL COAT OF JOINT COMPOUND APPLIED OVER ALL JOINTS AND INTERIOR ANGLES. FASTENER HEADS AND ACCESSORIES SHALL BE COVERED WITH TWO SEPARATE COATS OF JOINT COMPOUND. ALL JOINT COMPOUND SHALL BE SMOOTH AND FREE OF TOOL MARKS AND RIDGES. NOTE: IT IS RECOMMENDED THAT THE PREPARED SURFACE BE COATED WITH A DRYWALL PRIMER PRIOR TO THE APPLICATION OF FINAL FINISHES. SEE PAINTING/WALLCOVERING SPECIFICATION IN THIS REGARD. THIS LEVEL SHOULD BE SPECIFIED WHERE FLAT PAINTS, LIGHT TEXTURES, OR WALLCOVERINGS ARE TO BE APPLIED. IN CRITICAL LIGHTING AREAS, FLAT PAINTS APPLIED OVER LIGHT TEXTURES TEND TO REDUCE JOINT PHOTOGRAPHING. GLOSS, SEMI-GLOSS, AND ENAMEL PAINTS ARE NOT RECOMMENDED OVER THIS LEVEL OF FINISH. THE WEIGHT, TEXTURE, AND SHEN LEVEL OF WALLCOVERINGS APPLIED OVER THIS LEVEL OF FINISH SHOULD BE CAREFULLY EVALUATED. JOINTS AND FASTENERS MUST BE ADEQUATELY CONCEALED IF THE WALLCOVERING MATERIAL IS LIGHTWEIGHT, CONTAINS LIMITED PATTERN, HAS A GLOSS FINISH, OR ANY COMBINATION OF THESE FINISHES IS PRESENT. UNBACKED VINYL WALLCOVERINGS ARE NOT RECOMMENDED OVER THIS LEVEL OF FINISH.

LEVEL 4: ALL JOINTS AND INTERIOR ANGLES SHALL HAVE TAPE EMBEDDED IN JOINT COMPOUND AND TWO SEPARATE COATS OF JOINT COMPOUND APPLIED OVER ALL FLAT JOINTS AND ONE SEPARATE COAT OF JOINT COMPOUND APPLIED OVER INTERIOR ANGLES. FASTENER HEADS AND ACCESSORIES SHALL BE COVERED WITH THREE SEPARATE COATS OF JOINT COMPOUND. A THIN SKIM COAT (REF: TERMINOLOGY, SECTION II, PAGE 2) OF JOINT COMPOUND OR A MATERIAL MANUFACTURED ESPECIALLY FOR THIS PURPOSE, SHALL BE APPLIED TO THE ENTIRE SURFACE. THE SURFACE SHALL BE SMOOTH AND FREE OF TOOL MARKS AND RIDGES. NOTE: IT IS RECOMMENDED THAT THE PREPARED SURFACE BE COATED WITH A DRYWALL PRIMER PRIOR TO THE APPLICATION OF FINISH PAINT. SEE PAINTING SPECIFICATION IN THIS REGARD. THIS LEVEL OF FINISH IS HIGHLY RECOMMENDED WHERE GLOSS, SEMI-GLOSS, ENAMEL, OR NONTEXTURED FLAT PAINTS ARE SPECIFIED OR WHERE SEVERE LIGHTING CONDITIONS OCCUR. THIS HIGHEST QUALITY FINISH IS THE MOST EFFECTIVE METHOD TO PROVIDE A UNIFORM SURFACE AND MINIMIZE THE POSSIBILITY OF JOINT PHOTOGRAPHING AND OF FASTENERS SHOWING THROUGH THE FINAL DECORATION.

LEVEL 5: ALL JOINTS AND INTERIOR ANGLES SHALL HAVE TAPE EMBEDDED IN JOINT COMPOUND AND TWO SEPARATE COATS OF JOINT COMPOUND APPLIED OVER ALL FLAT JOINTS AND ONE SEPARATE COAT OF JOINT COMPOUND APPLIED OVER INTERIOR ANGLES. FASTENER HEADS AND ACCESSORIES SHALL BE COVERED WITH THREE SEPARATE COATS OF JOINT COMPOUND. A THIN SKIM COAT (REF: TERMINOLOGY, SECTION II, PAGE 2) OF JOINT COMPOUND OR A MATERIAL MANUFACTURED ESPECIALLY FOR THIS PURPOSE, SHALL BE APPLIED TO THE ENTIRE SURFACE. THE SURFACE SHALL BE SMOOTH AND FREE OF TOOL MARKS AND RIDGES. NOTE: IT IS RECOMMENDED THAT THE PREPARED SURFACE BE COATED WITH A DRYWALL PRIMER PRIOR TO THE APPLICATION OF FINISH PAINT. SEE PAINTING SPECIFICATION IN THIS REGARD. THIS LEVEL OF FINISH IS HIGHLY RECOMMENDED WHERE GLOSS, SEMI-GLOSS, ENAMEL, OR NONTEXTURED FLAT PAINTS ARE SPECIFIED OR WHERE SEVERE LIGHTING CONDITIONS OCCUR. THIS HIGHEST QUALITY FINISH IS THE MOST EFFECTIVE METHOD TO PROVIDE A UNIFORM SURFACE AND MINIMIZE THE POSSIBILITY OF JOINT PHOTOGRAPHING AND OF FASTENERS SHOWING THROUGH THE FINAL DECORATION.

PROJECT INFORMATION

ALL CONSTRUCTION METHODS AND MATERIALS SHALL COMPLY WITH THE CURRENT 2009 MICHIGAN BUILDING CODE, ORDINANCES AND REQUIREMENTS AS ADOPTED BY THE LOCAL GOVERNING BODY WHERE THE BUILDING IS TO BE LOCATED. IN CASE OF CONFLICT, THE MOST STRINGENT REQUIREMENT SHALL COMPLY.

2009 MICHIGAN BUILDING CODE:

2009 MICHIGAN MECHANICAL CODE
2009 MICHIGAN PLUMBING CODE
2009 MICHIGAN UNIFORM ENERGY CODE
MBC 2009 (MICHIGAN BUILDING CODE 2009) CHAPTER 13 &
MEUC 2009 (MICHIGAN UNIFORM ENERGY CODE 2009) CHAPTER 5 &
MICHIGAN UNIFORM ENERGY CODE, PART 10a RULES (ANSI/ASHRAE 90.1-2007)
2008 NATIONAL ELECTRICAL CODE WITH PART 8 AMENDMENTS
2007 NFPA 13
2007 NFPA 72
O.S.H.A.
(ADA) AMERICAN WITH DISABILITIES ACT
ICC / ANSI A117.1-2009

USE GROUP:

PRIMARY: A-2 (ASSEMBLY: RESTAURANT)
INCIDENTAL: S-2 (STORAGE) A-2 (KITCHEN)

CONSTRUCTION TYPE:

CONSTRUCTION TYPE: TYPE III-B
FIRE PROTECTION: SPRINKLED THROUGHOUT / PER NFPA - 13

OCCUPANT LOAD:

(OCCUPANT LOAD BASED ON 2009 MICHIGAN BUILDING CODE)

MAIN LEVEL: (3,453 sq. ft.) 103 OCCUPANTS

UPPER LEVEL EAST: (1,056 sq. ft.) 99 OCCUPANTS

UPPER LEVEL WEST: (1,170 sq. ft.) 99 OCCUPANTS

UPPER LEVEL: (2,226 sq. ft.)

LOWER LEVEL: 8 OCCUPANTS

TOTAL: = 210 OCCUPANTS

PLUMBING FIXTURES:

PLUMBING FIXTURES REQUIRED FOR 201 OCCUPANTS (ASSEMBLY A-2)
MENS = 105 OCCUPANTS

REQUIRED: 101/75 = 2 TOILETS (1 TOILET/1 URINAL)
2 TOILETS
101/75 = 1 SINK
2 SINKS
WOMENS = 105 OCCUPANTS

REQUIRED: 101/40 = 2 TOILETS
2 TOILETS
101/75 = 1 SINK
2 SINKS
DRINKING FOUNTAINS = 210 OCCUPANTS

REQUIRED: WATER SERVED - NOT REQUIRED
SERVICE SINKS = 210 OCCUPANTS
N/A

REQUIRED: 1 SERVICE SINK
1 PROVIDED

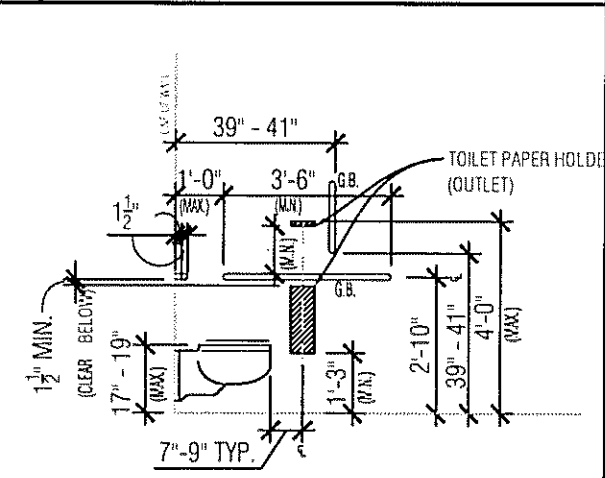


LOCATION MAP

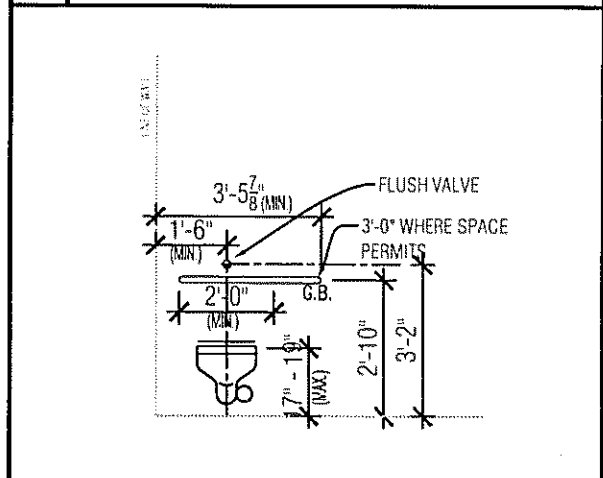
GENERAL BARRIER FREE REQUIREMENTS

NOTE: ALL CONSTRUCTION METHODS AND MATERIALS SHALL COMPLY WITH THE CURRENT BARRIER FREE, CURRENT ANSI, AMERICAN WITH DISABILITIES ACT, ORDINANCES AND REQUIREMENTS AS ADOPTED BY THE LOCAL GOVERNING BODY WHERE THE BUILDING IS TO BE LOCATED. IN CASE OF CONFLICT, THE MOST STRINGENT REQUIREMENT SHALL COMPLY.

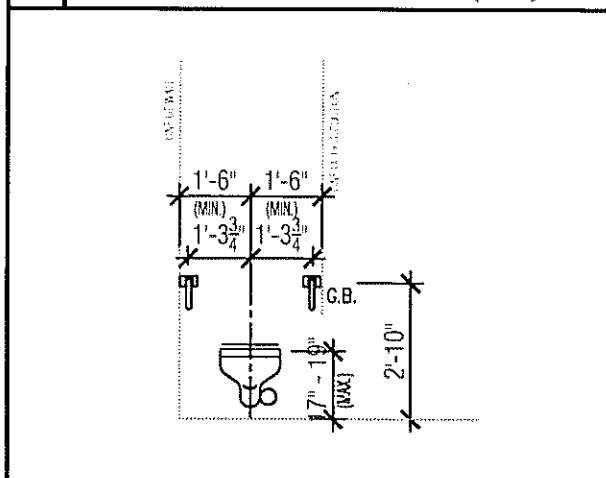
A | WATER CLOSET (B.F.)



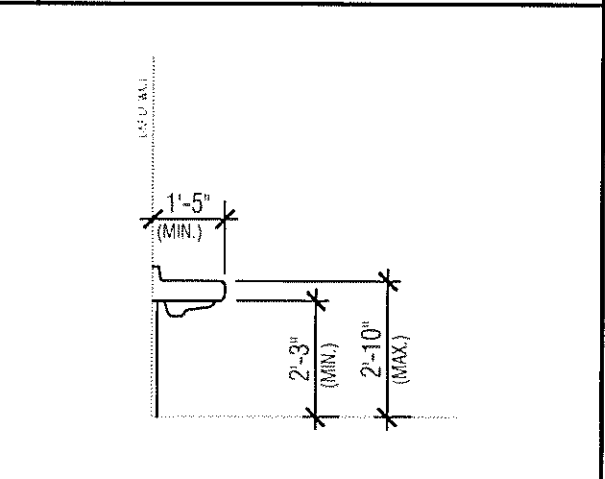
B | WATER CLOSET (B.F.)



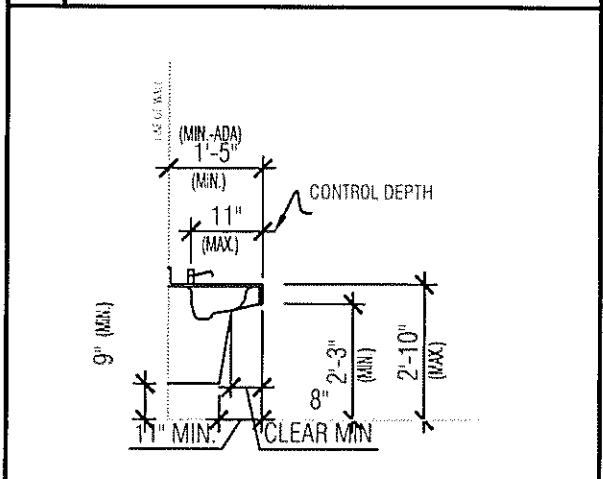
C | SWING UP GRAB BARS (B.F.)



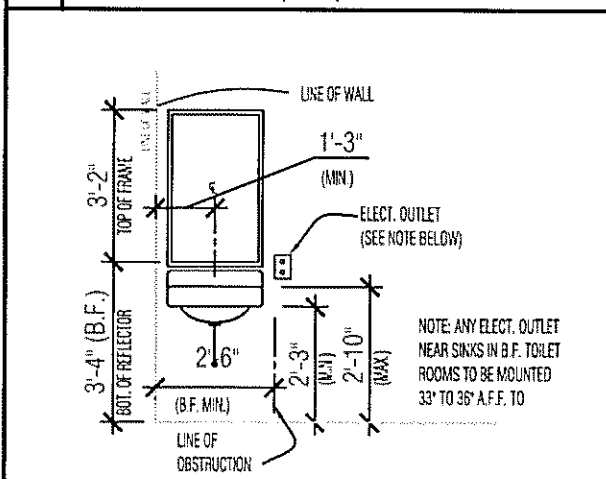
D | LAVATORY (B.F.)



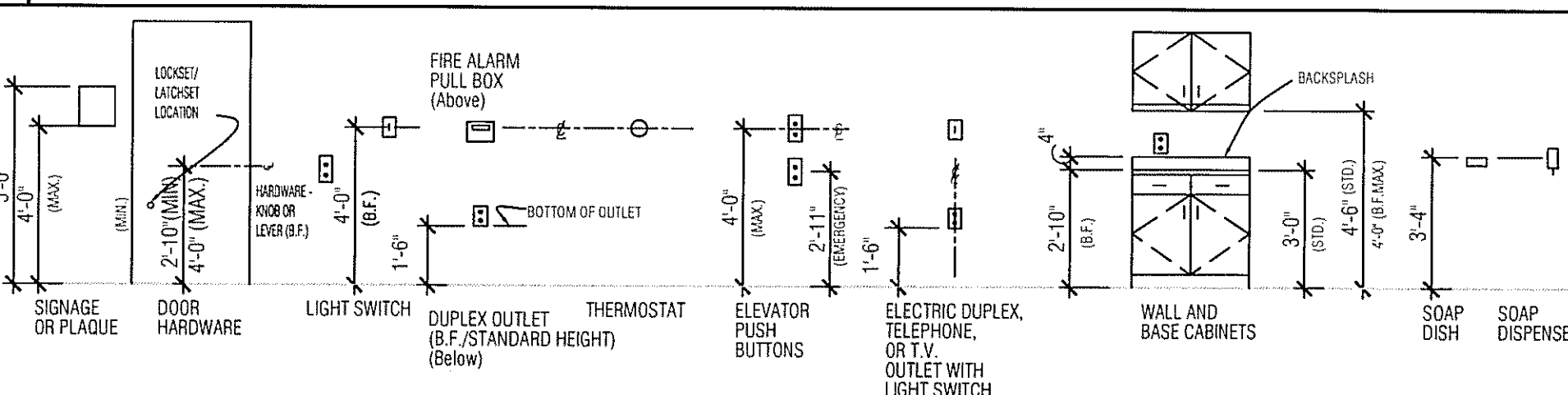
E | LAVATORY (B.F.)



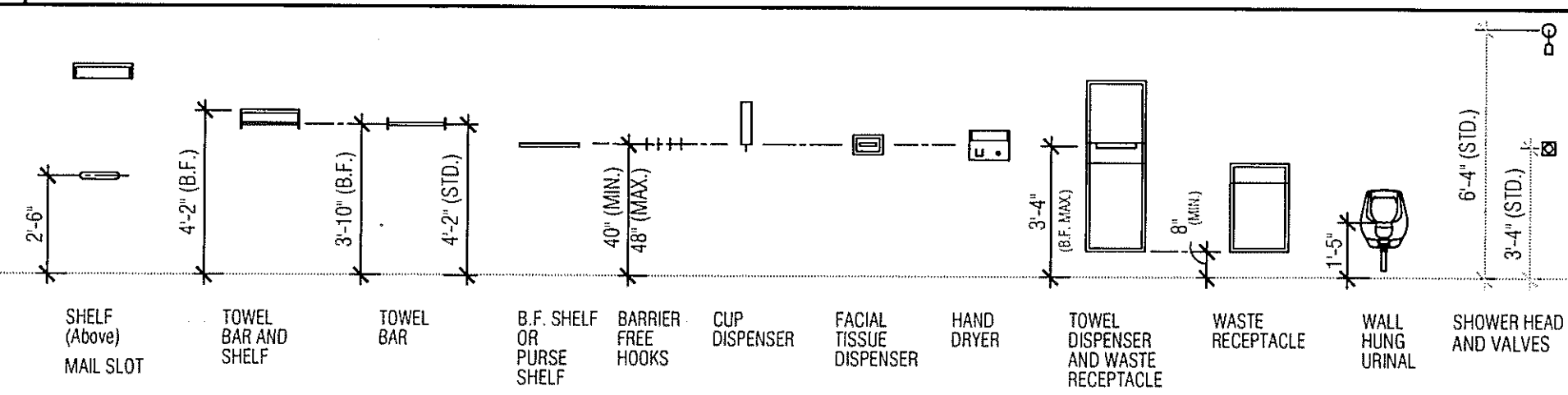
F | LAVATORY (B.F.)



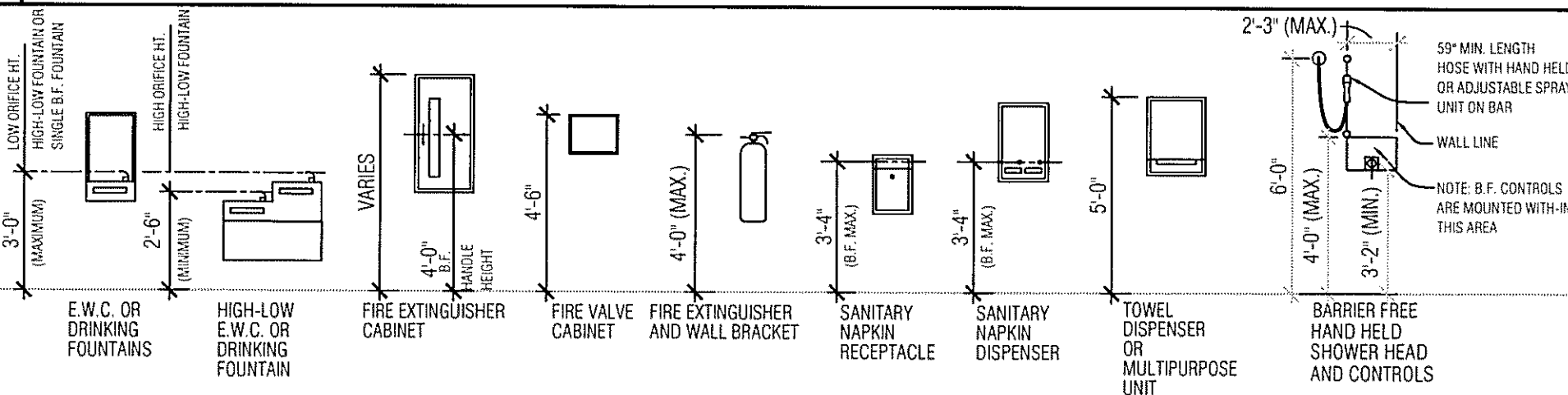
G | GENERAL (B.F.) HEIGHT REQUIREMENTS



H | GENERAL (B.F.) HEIGHT REQUIREMENTS



I | GENERAL (B.F.) HEIGHT REQUIREMENTS



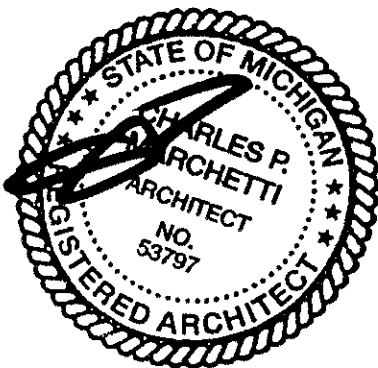
PROJECT:

TRIPLE NICKEL

555 SOUTH OLD WOODWARD
BIRMINGHAM, MICHIGAN 48009

SHEET TITLE:

GENERAL NOTES /
GENERAL BARRIER
FREE REQUIREMENTS



DATE:

08.26.2013. SLUP AMENDMENT
10.22.2013. CITY SUBMITTAL

SHEET NO.:

GN-100

PROJECT NO.:

1302

1

2

3

4

5

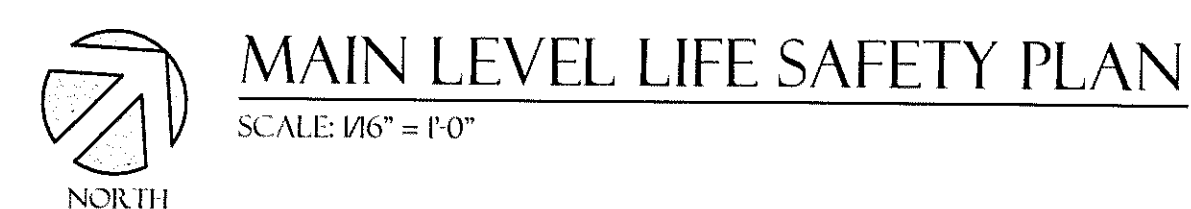
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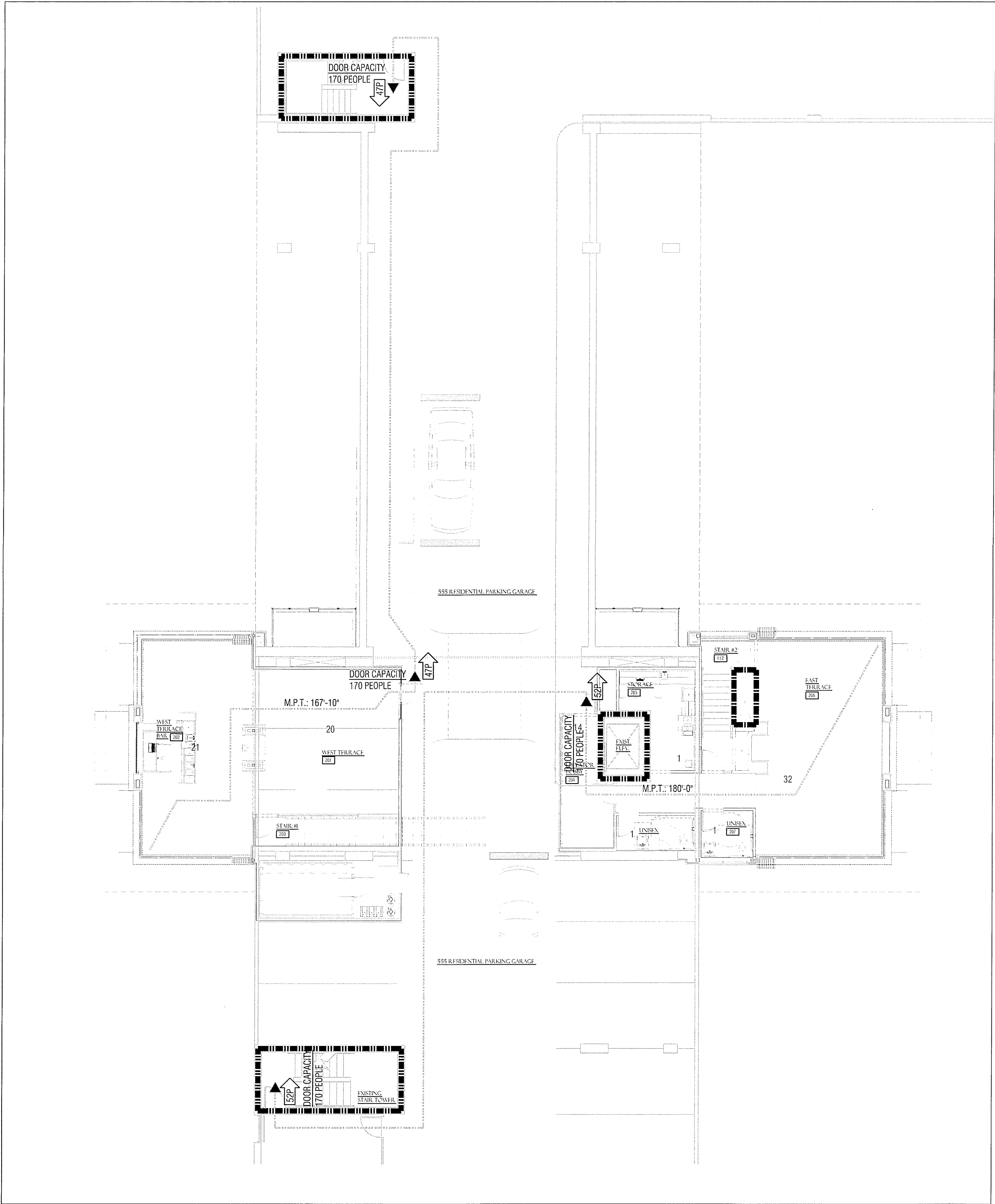
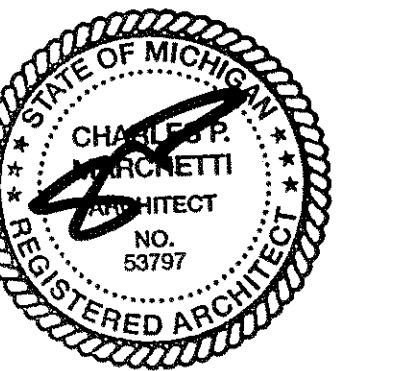
7

8

9

10





LIFE SAFETY LEGEND:

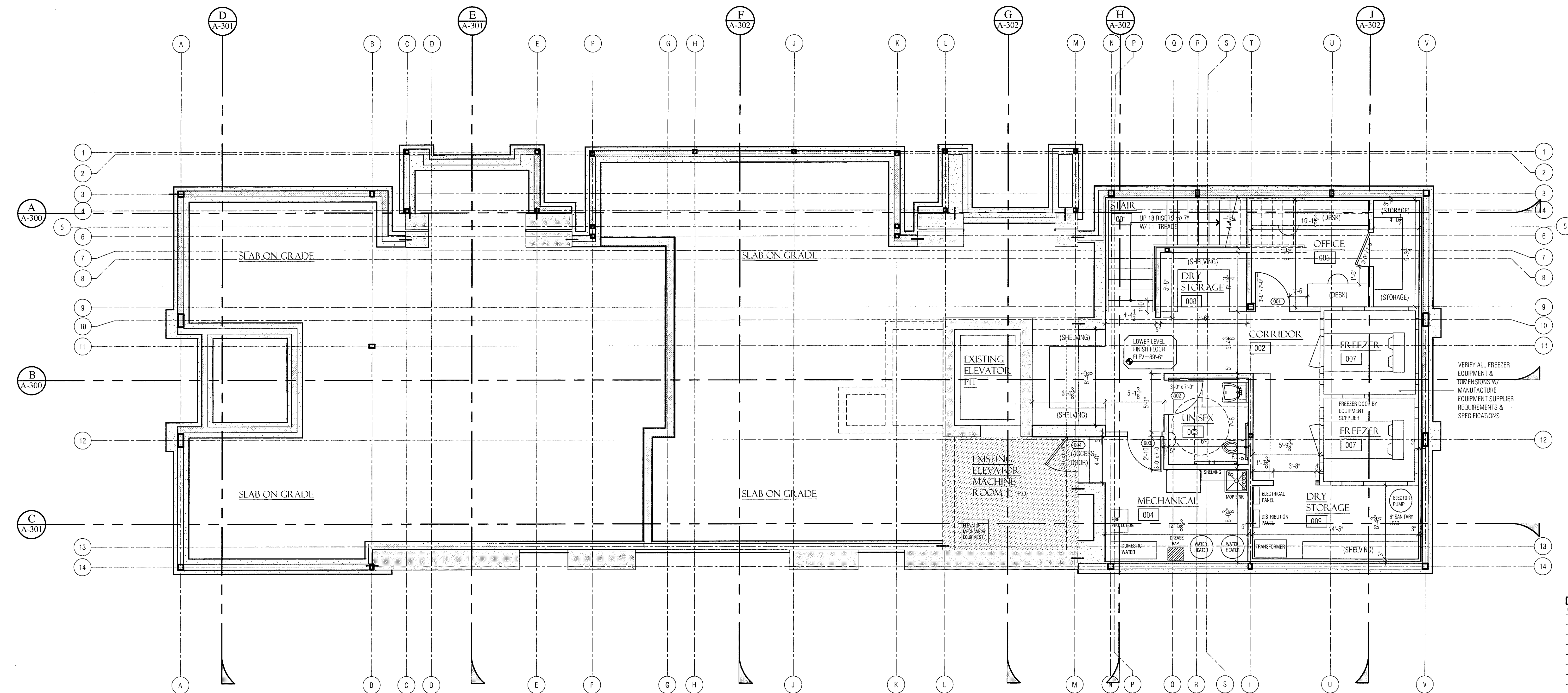
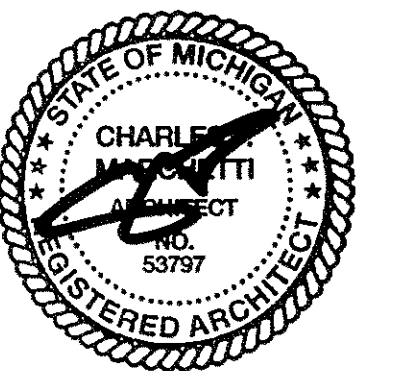
- FIRE EXIT
- SMOKE BARRIER WALL
- ONE HOUR FIRE BARRIERS
- TWO HOUR FIRE BARRIERS
- MAXIMUM PATH OF TRAVEL (M.P.T.)
- NFEC = NEW FIRE EXTINGUISHER CABINET
- NFE = NEW FIRE EXTINGUISHER (WALL MOUNTED)
- EGRESS OCCUPANT LOAD
- NUMBER OF OCCUPANTS

NOTES:

- FIRE EXTINGUISHERS TO BE RATED FOR ABC FIRES.
- MAXIMUM PATH OF CONVEYANCE ALLOWED FOR A FULLY SPRINKLED BUILDING IS 200'-0".
- OCCUPANT LOAD: 201 PEOPLE.



UPPER LEVEL LIFE SAFETY PLAN
SCALE 1/16" = 1'-0"



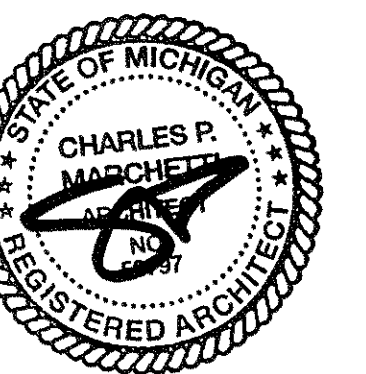
PROJECT:
TRIPLE NICKEL
 555 SOUTH OLD WOODWARD
 BIRMINGHAM, MICHIGAN 48009

BOWERS STREET

555 RESIDENTIAL DRIVEWAY

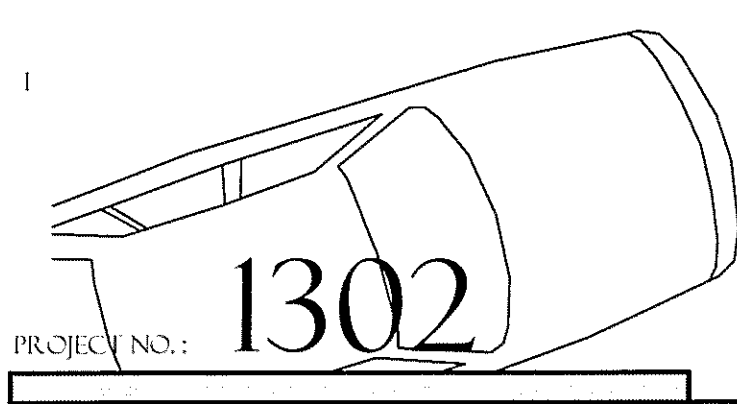
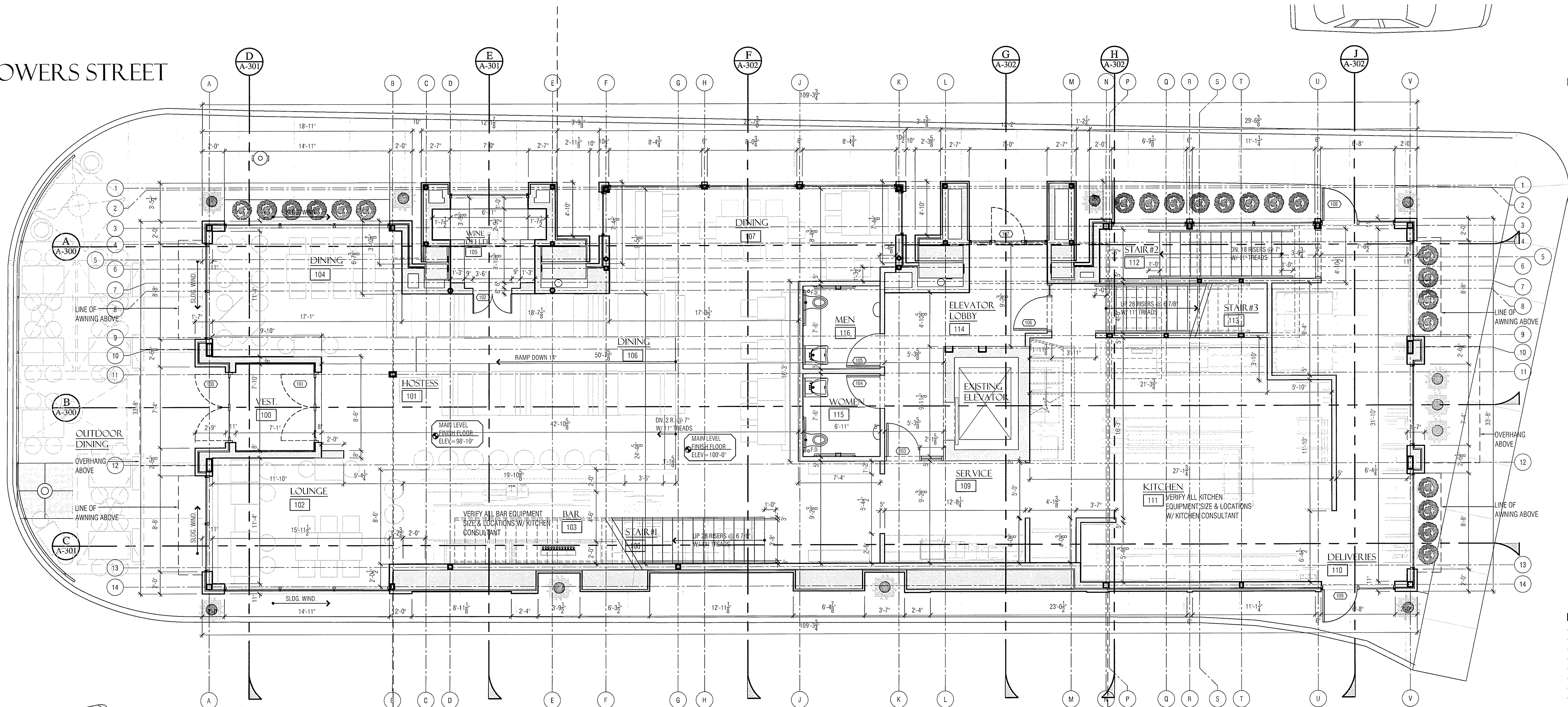
SHEET TITLE:
MAIN LEVEL FLOOR PLAN

TRIPLE NICKEL SQ. FT.	
MAIN LEVEL	= 3,453 SF
EAST TERRACE	= 1,056 SF
WEST TERRACE	= 1,170 SF
TOTAL	= 5,679 SF



DATE:
 08.26.2013 SLIP AMENDMENT
 10.22.2013 CITY SUBMITTAL
 SHEET NO.:
A-101

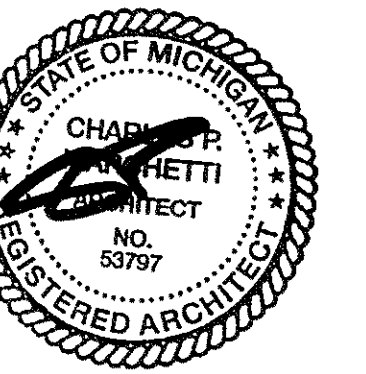
MAIN LEVEL FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 NORTH



PROJECT:
TRIPLE NICKEL
 555 SOUTH OLD WOODWARD
 BIRMINGHAM, MICHIGAN 48009

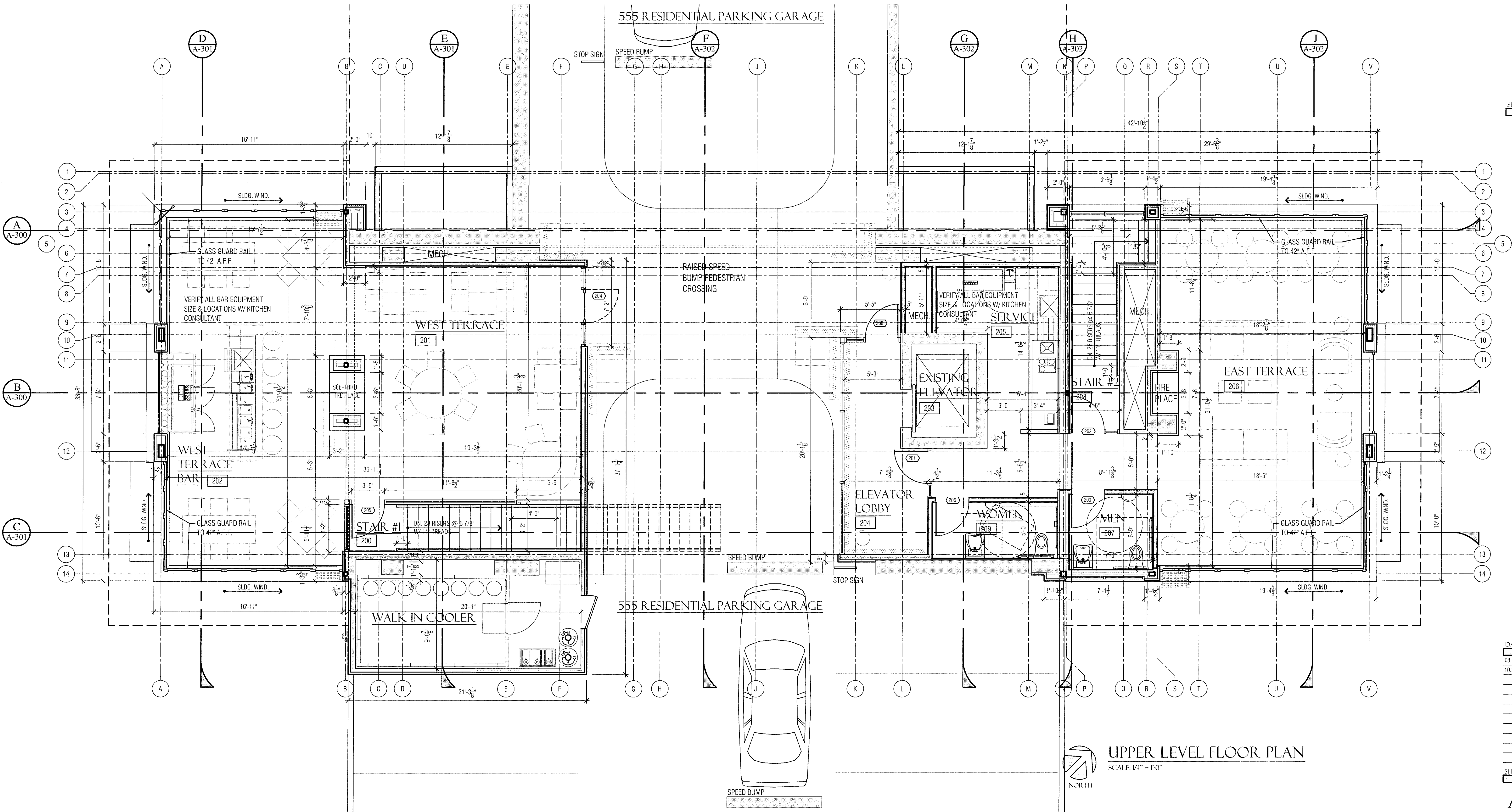
SHEET TITLE:
UPPER LEVEL FLOOR PLAN

TRIPLE NICKEL SQ. FT.	
MAIN LEVEL	= 3,453 SF
EAST TERRACE	= 1,056 SF
WEST TERRACE	= 1,170 SF
TOTAL	= 5,679 SF



DATE:	
08.26.2013	SUPPLEMENT
10.22.2013	CITY SUBMITTAL
SHEET NO.:	

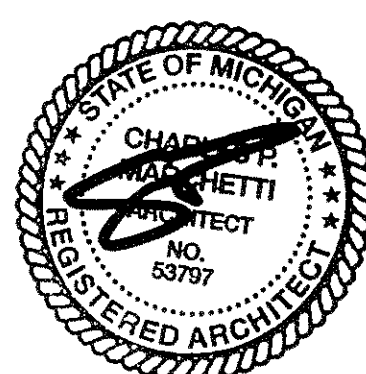
A-104



UPPER LEVEL FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 NORTH

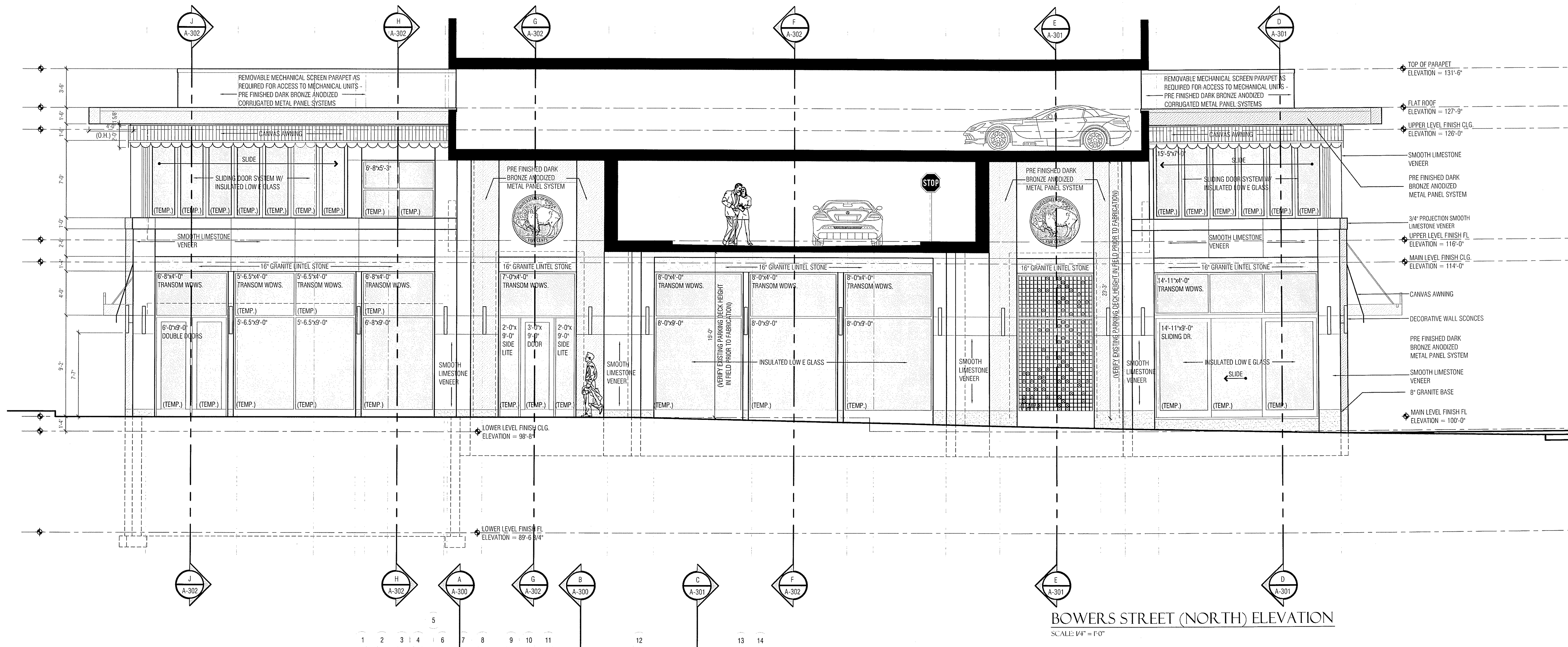
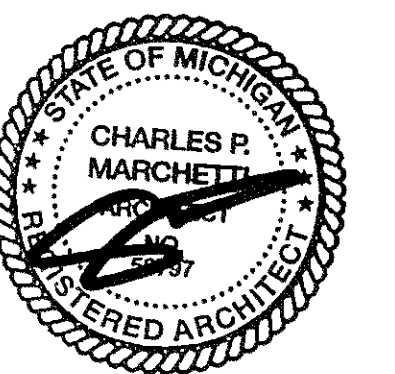
ALL PENETRATIONS OF THE ROOFING MEMBRANE SHALL BE MADE BY THE ROOFING CONTRACTOR. ANY TRADE WHICH REQUIRES PENETRATIONS SHALL SUB-CONTRACT WITH THE ROOFING CONTRACTOR FOR THIS WORK.

SHEET TITLE:



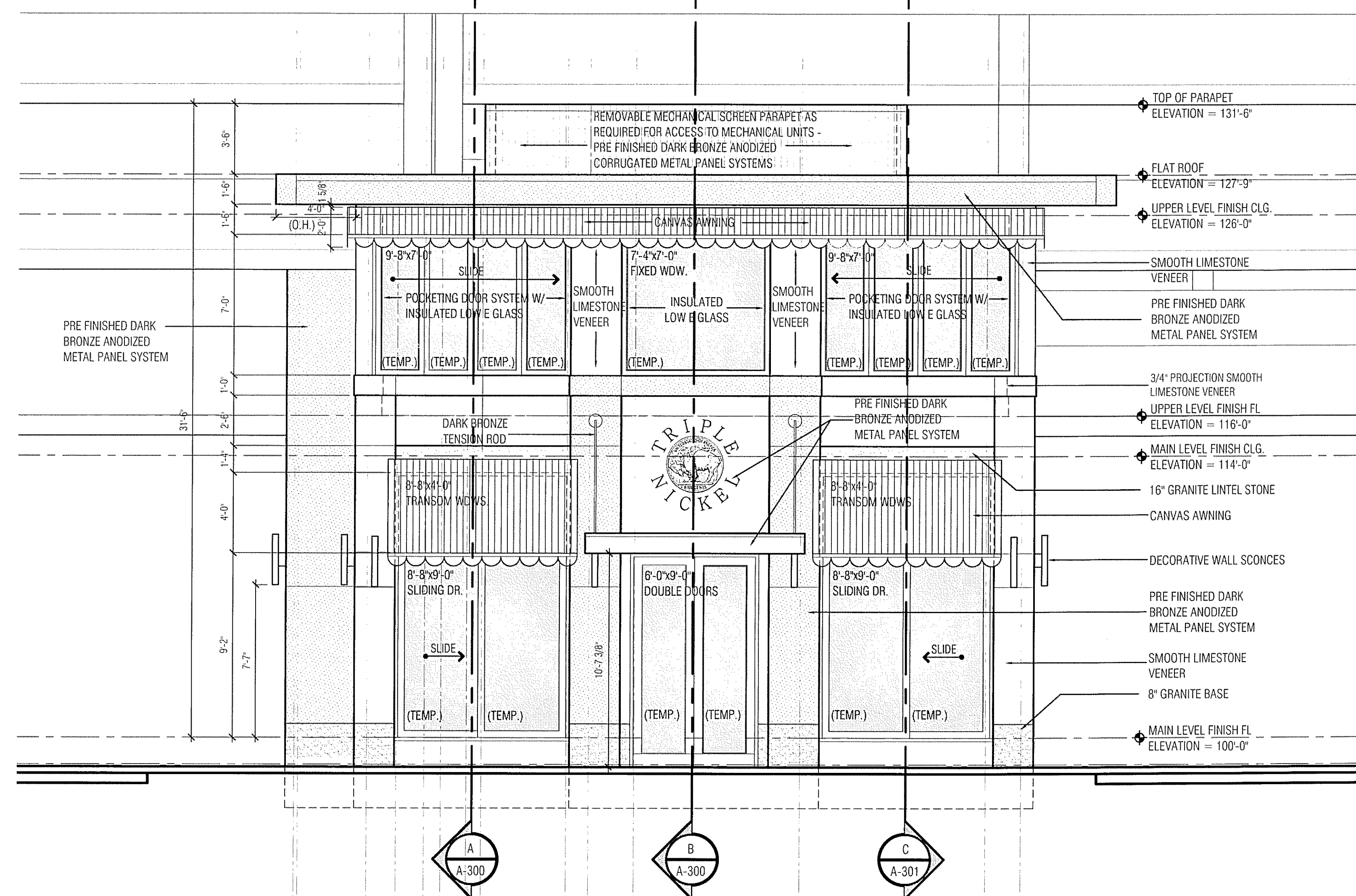
SHEET NO. :

A-107



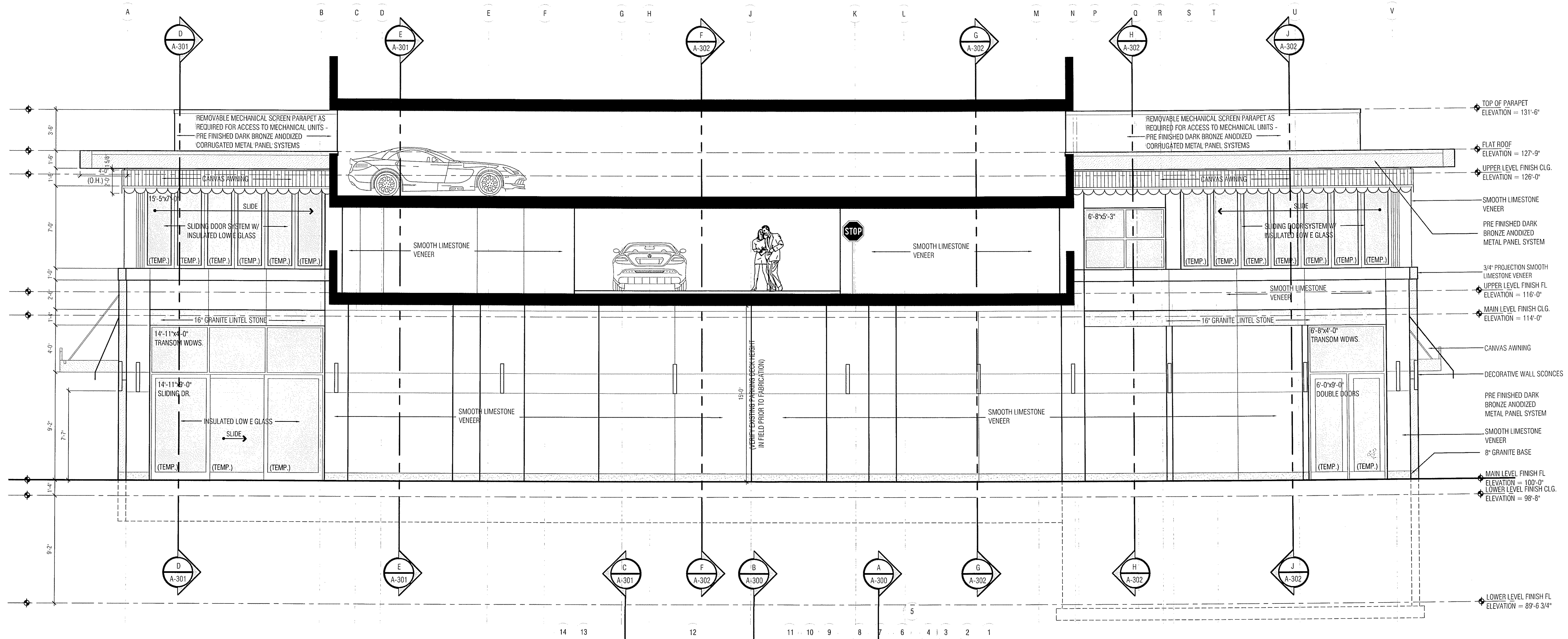
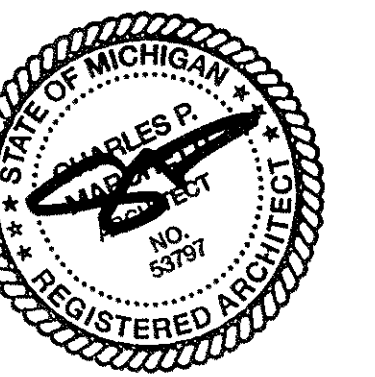
BOWERS STREET (NORTH) ELEVATION

SCALE: 1/4" = 1'-0"

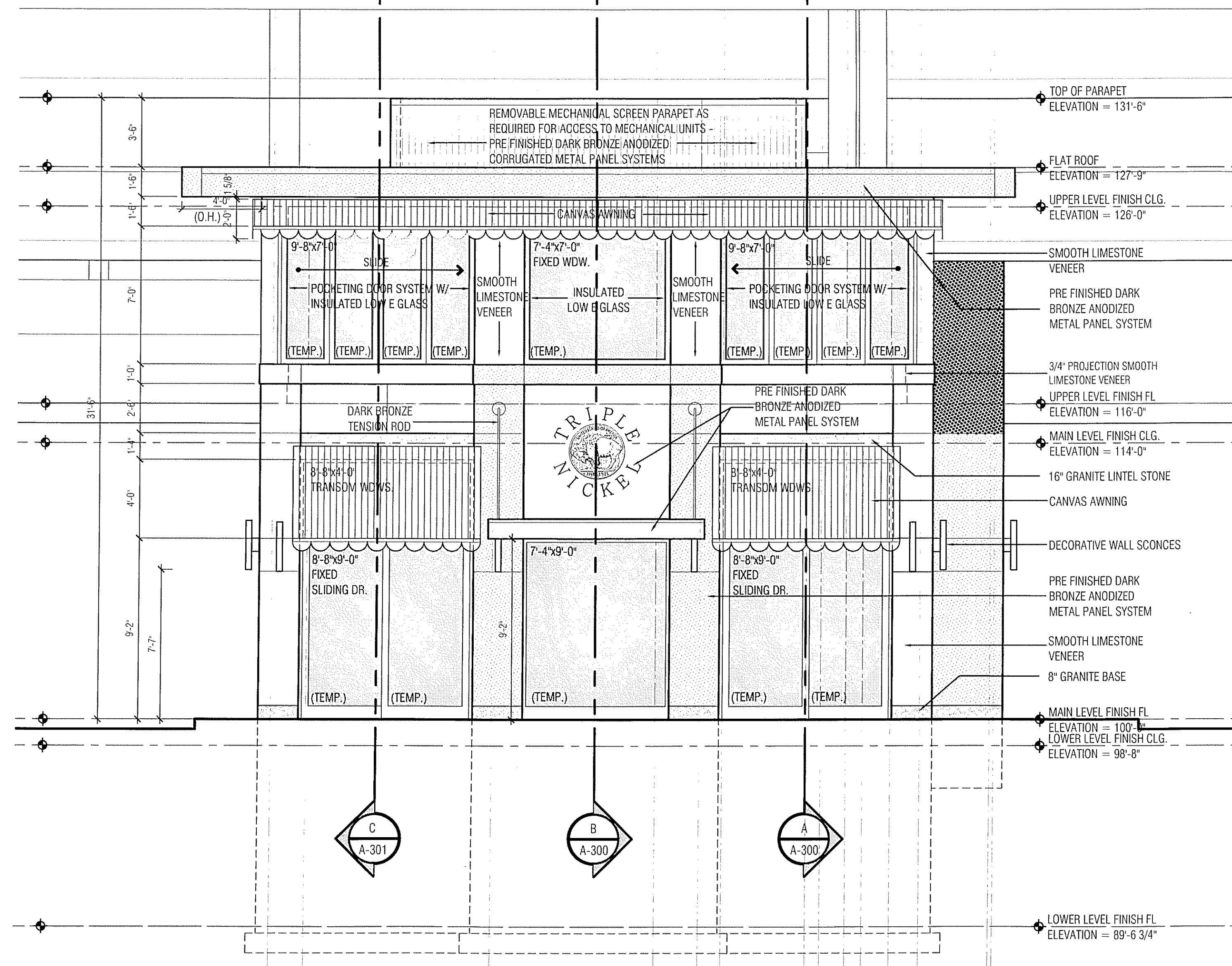


SOUTH OLD WOODWARD AVE. (WEST) ELEVATION

SCALE: 1/4" = 1'-0"



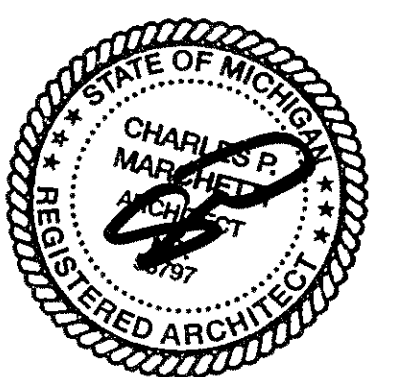
RESIDENTIAL DRIVEWAY (SOUTH) ELEVATION
SCALE: 1/4" = 1'-0"



WOODWARD AVE. (EAST) ELEVATION
SCALE: 1/4" = 1'-0"

PROJECT:
TRIPLE NICKEL
555 SOUTH OLD WOODWARD
BIRMINGHAM, MICHIGAN 48009

SHEET TITLE:
BUILDING SECTIONS



NOTE:
FIELD VERIFY ALL EXISTING GRADES IN RELATIONSHIP TO NEW FOOTING & BRICK LEDGE ELEVATION HEIGHTS. REFER TO SURVEY DRAWINGS FOR FINAL GRADES

NOTE:
ELEVATION TARGET HEIGHTS ARE CALCULATED FROM MAIN LEVEL FINISH FLOOR BENCH MARK ELEV = 100'-0". SEE SITE PLAN FOR CORRESPONDING USGS ELEVATION (764.0)

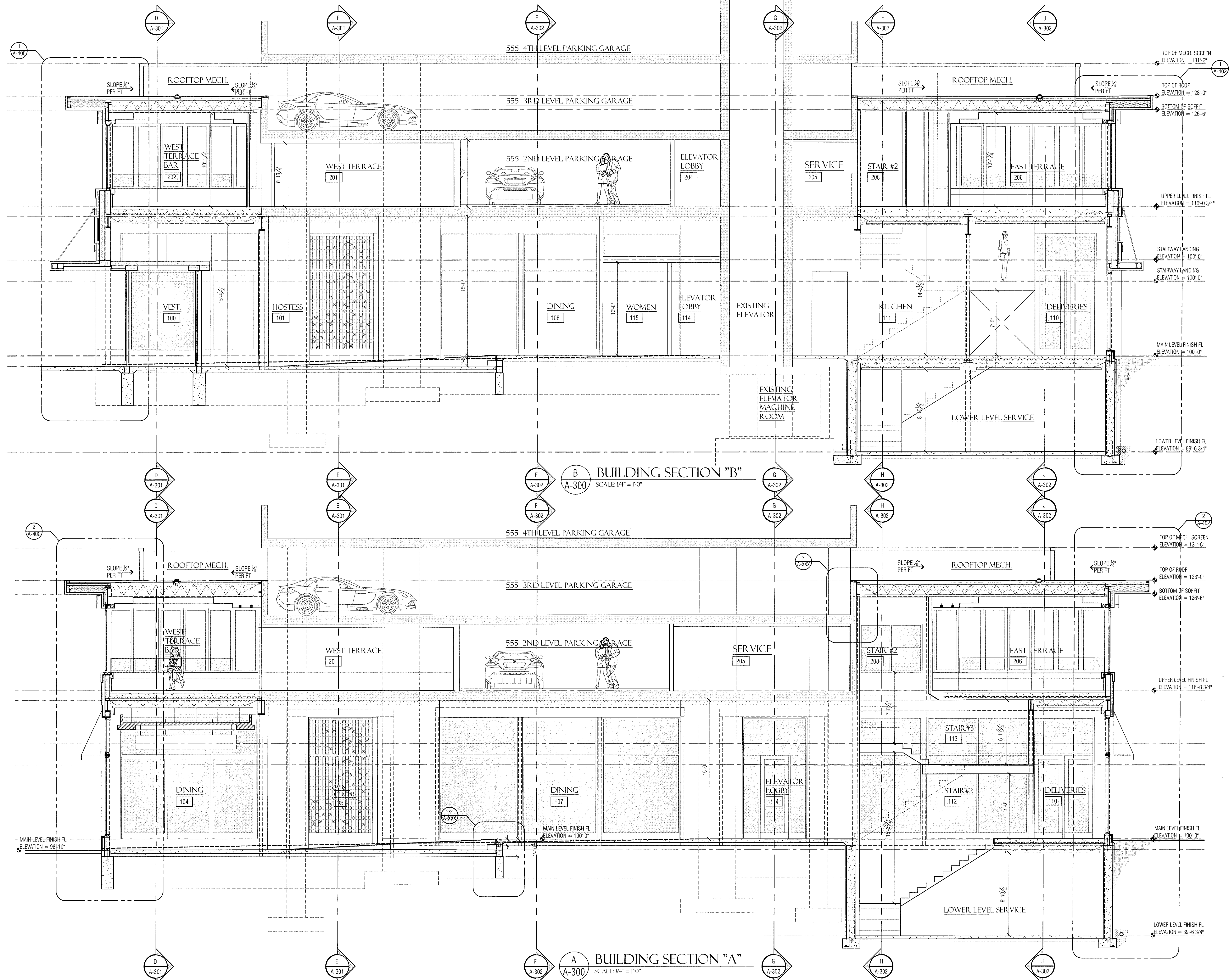
NOTE:
CONTRACTOR TO FIELD VERIFY ALL DIMENSION, HEIGHTS & ELEVATIONS AND MUST NOTIFY ARCHITECT OF ANY DISCREPANCIES

NOTE:
DO NOT SCALE DRAWINGS

DATE:
10.22.2013 PERMIT SET

SHEET NO.:

A-300

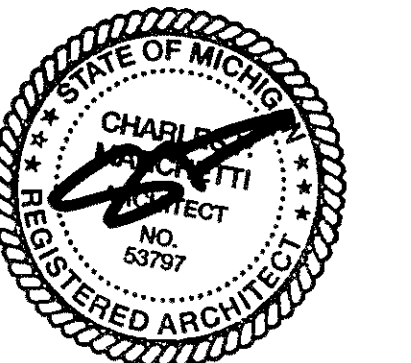


BUILDING SECTION "B"
SCALE: 1/4" = 1'-0"

BUILDING SECTION "A"
SCALE: 1/4" = 1'-0"

PROJECT:
TRIPLE NICKEL
 555 SOUTH OLD WOODWARD
 BIRMINGHAM, MICHIGAN 48009

SHEET TITLE:
BUILDING SECTIONS



NOTE:
 FIELD VERIFY ALL EXISTING GRADES IN RELATIONSHIP TO NEW FOOTING & BRICK LEDGE ELEVATION HEIGHTS. REFER TO SURVEY DRAWINGS FOR FINAL GRADES

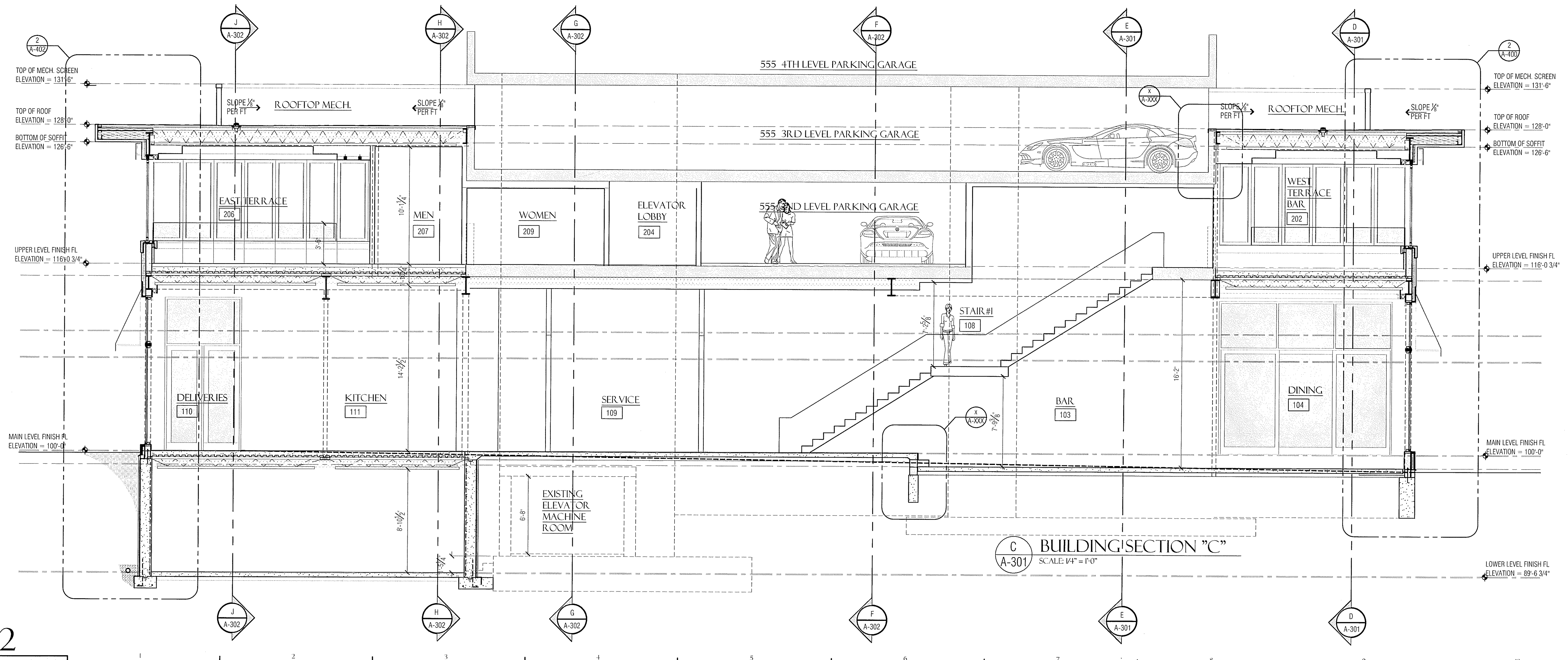
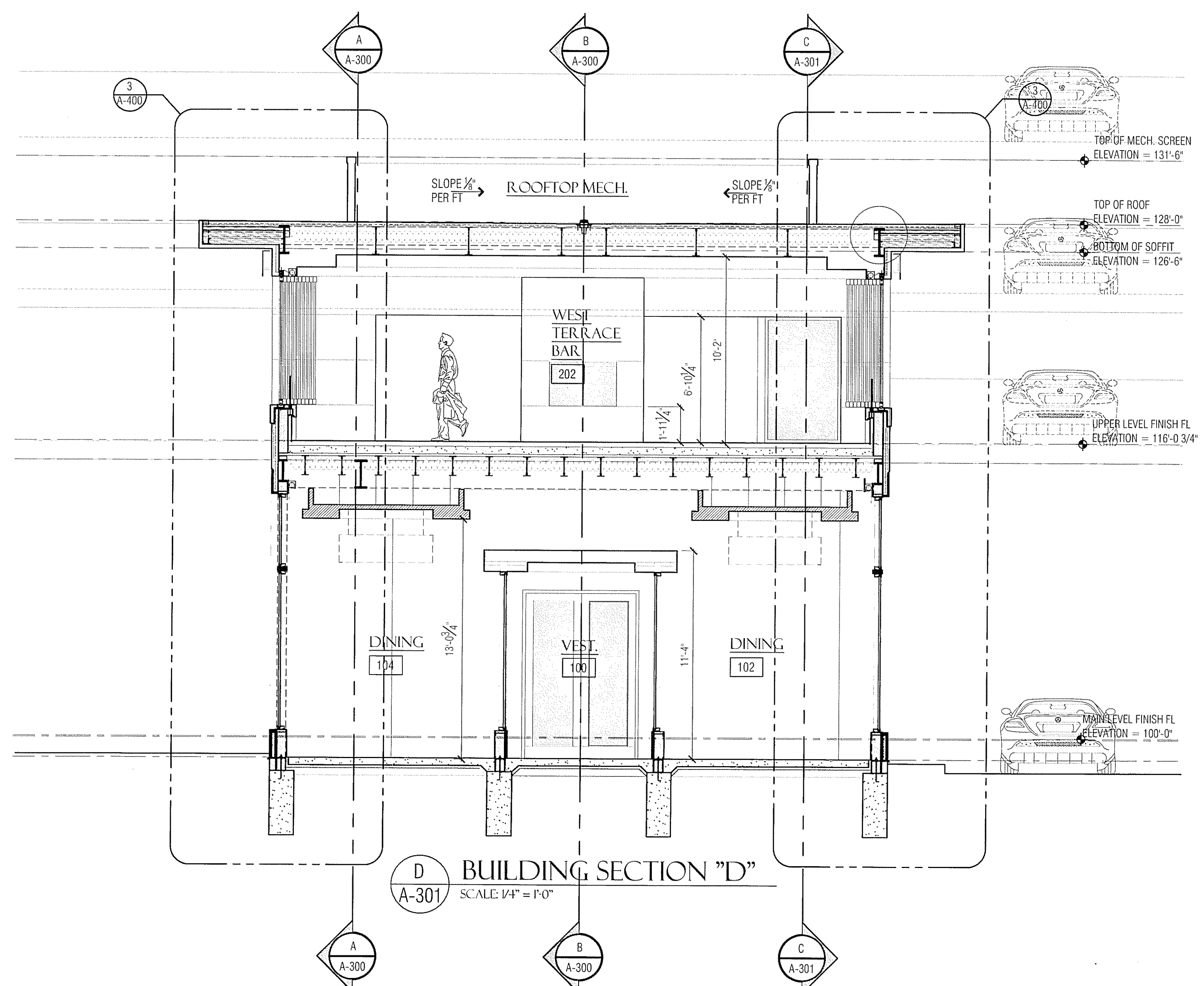
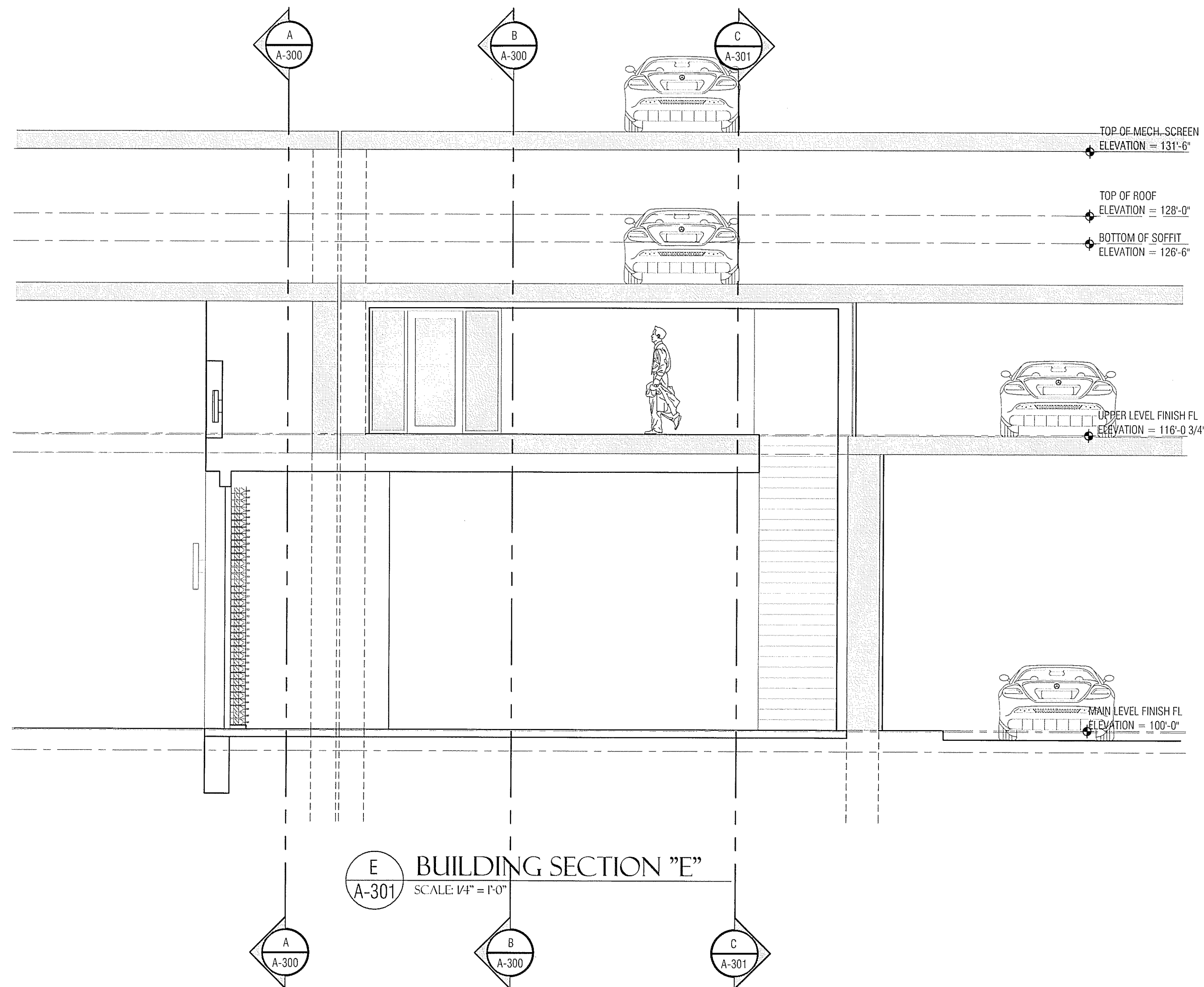
NOTE:
 ELEVATION TARGET HEIGHTS ARE CALCULATED FROM MAIN LEVEL FINISH FLOOR BENCH MARK ELEV=100'-0". SEE SITE PLAN FOR CORRESPONDING USGS ELEVATION (764.0)

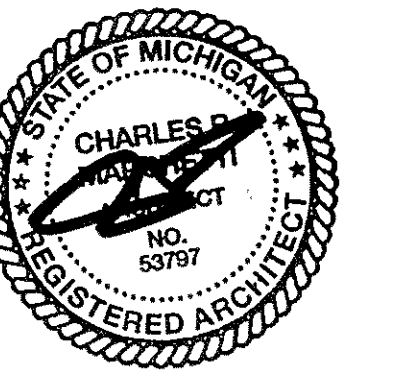
NOTE:
 CONTRACTOR TO FIELD VERIFY ALL DIMENSION, HEIGHTS & ELEVATIONS AND MUST NOTIFY ARCHITECT OF ANY DISCREPANCIES

NOTE:
DO NOT SCALE DRAWINGS

DATE:
 10.22.2013 PERMIT SET

SHEET NO.:
A-301





NOTE:
 FIELD VERIFY ALL EXISTING GRADES IN RELATIONSHIP TO NEW FOOTING & BRICK LEDGE ELEVATION HEIGHTS. REFER TO SURVEY DRAWINGS FOR FINAL GRADES

NOTE:
 ELEVATION TARGET HEIGHTS ARE CALCULATED FROM MAIN LEVEL FINISH FLOOR BENCH MARK ELEV = 100'-0". SEE SITE PLAN FOR CORRESPONDING USGS ELEVATION (764.0).

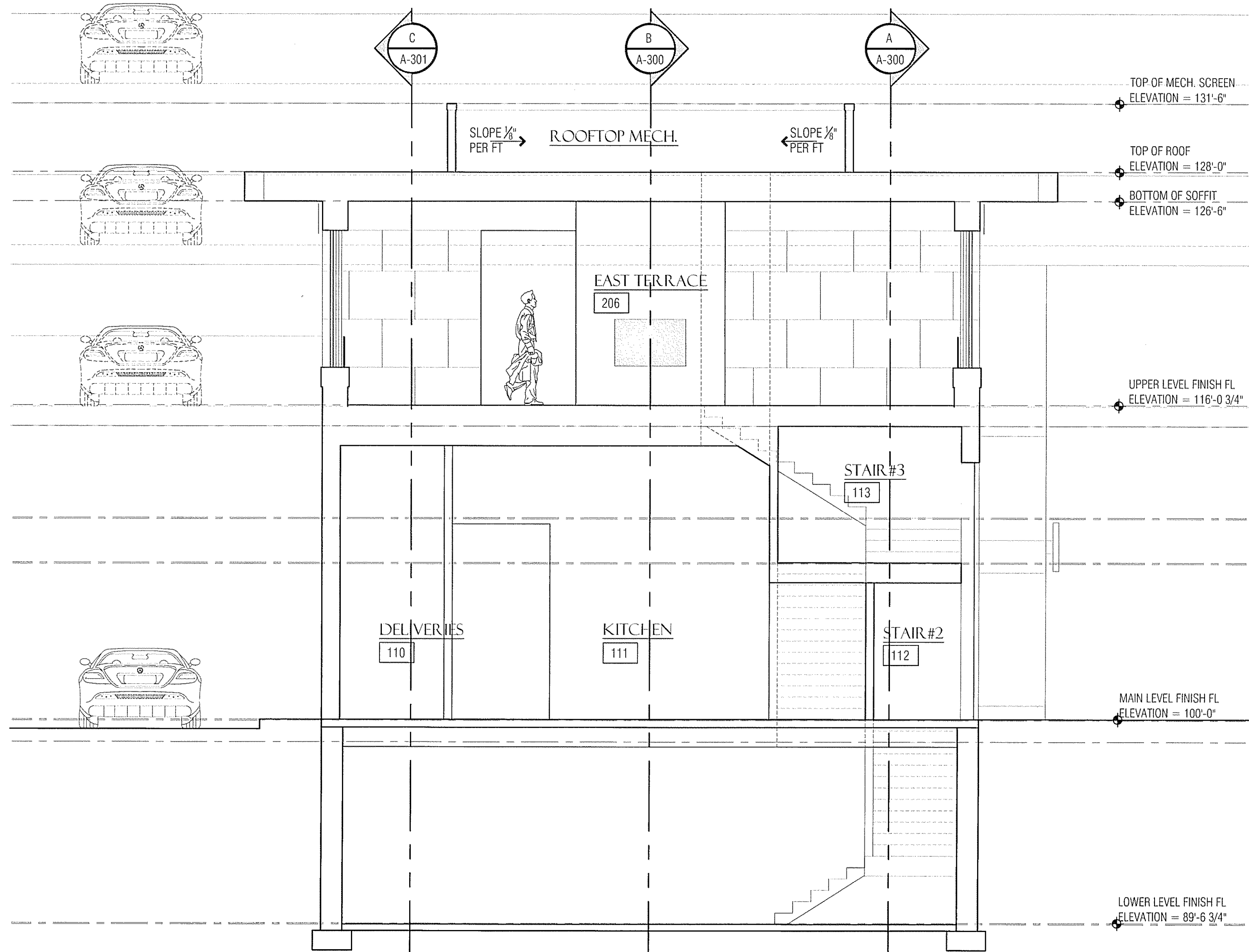
NOTE:
 CONTRACTOR TO FIELD VERIFY ALL DIMENSION, HEIGHTS & ELEVATIONS AND MUST NOTIFY ARCHITECT OF ANY DISCREPANCIES

NOTE:
DO NOT SCALE DRAWINGS

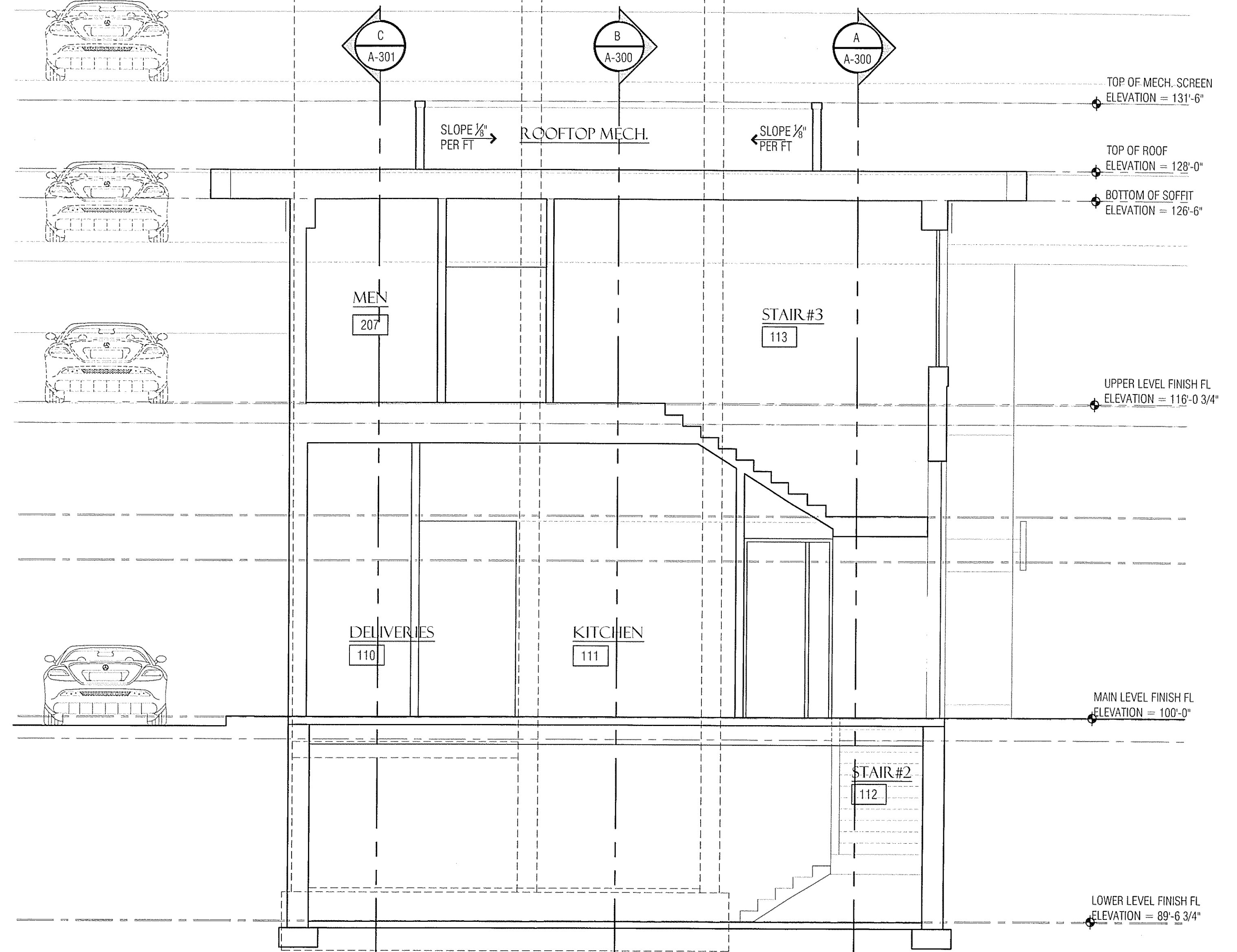
DATE:
 10.22.2013 PERMIT SET

SHEET NO.:

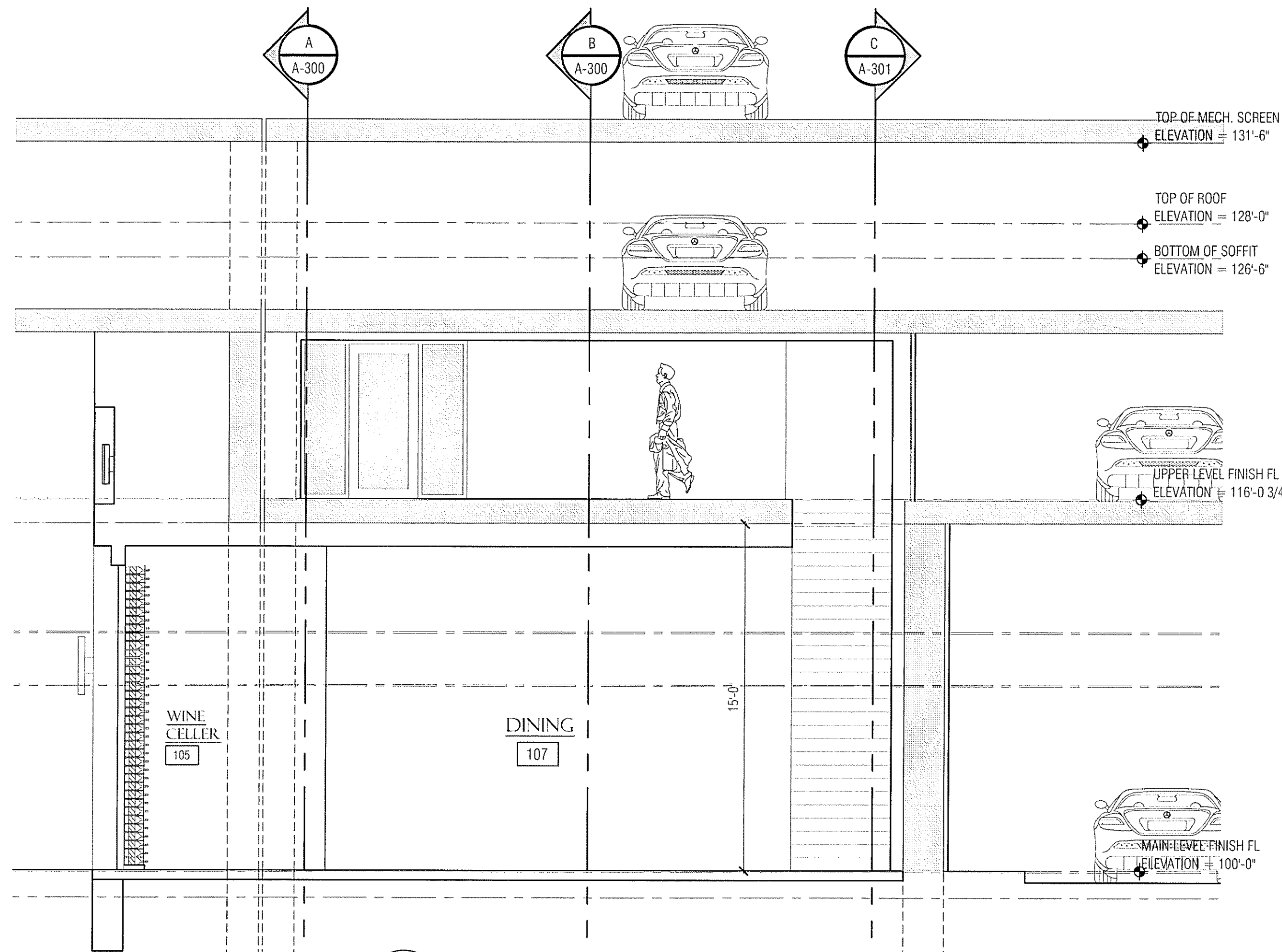
A-302



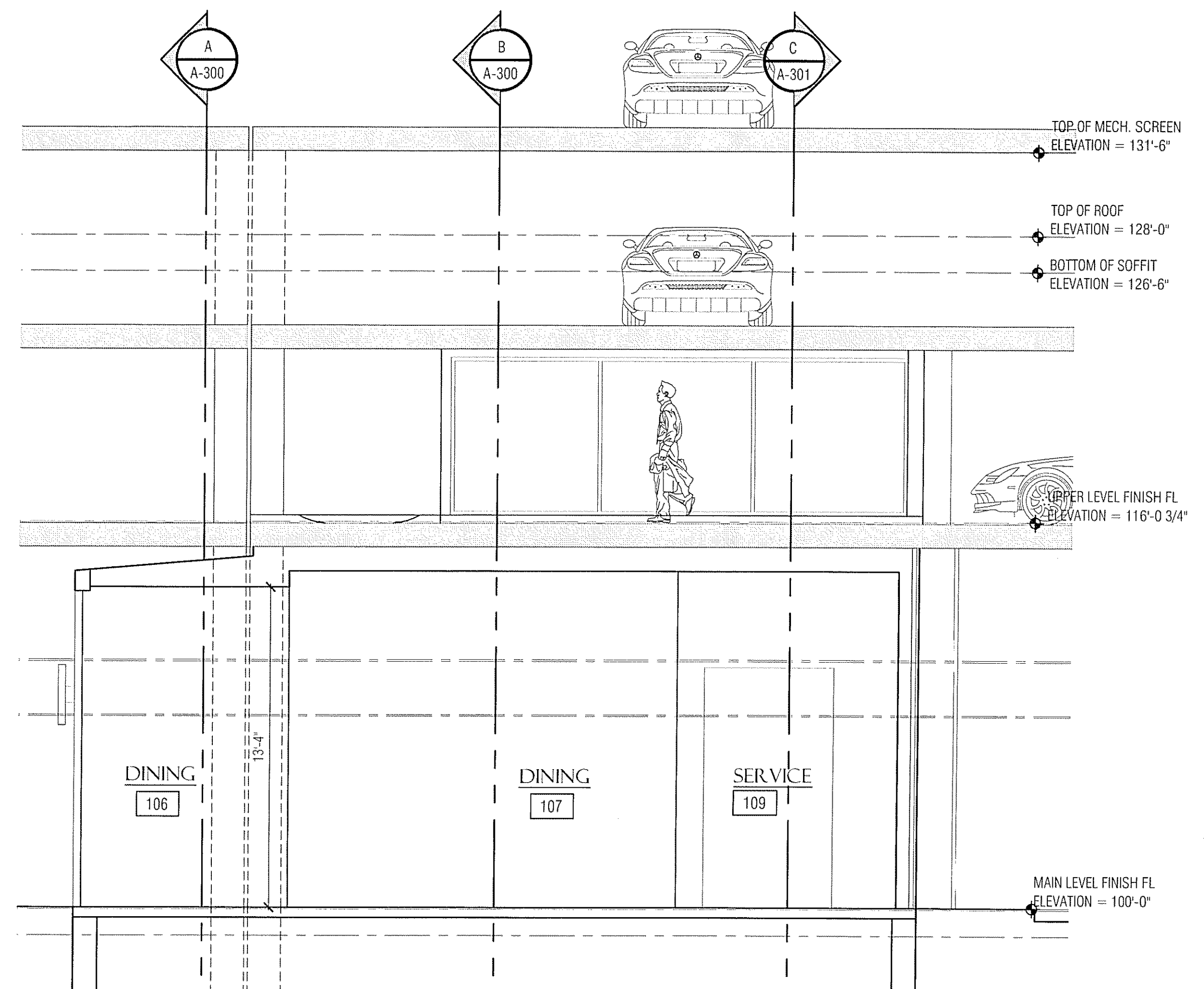
J
A-302
 BUILDING SECTION "J"
 SCALE: 1/4" = 1'-0"



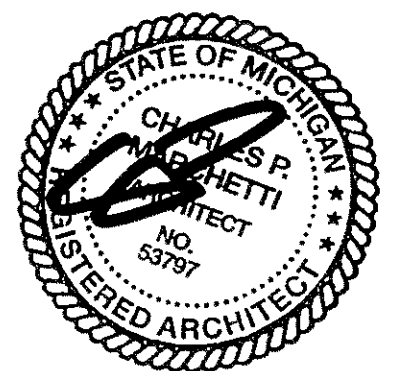
H
A-302
 BUILDING SECTION "H"
 SCALE: 1/4" = 1'-0"



G
A-302
 BUILDING SECTION "G"
 SCALE: 1/4" = 1'-0"



F
A-302
 BUILDING SECTION "F"
 SCALE: 1/4" = 1'-0"



NOTE:
FIELD VERIFY ALL EXISTING GRADES IN RELATIONSHIP TO NEW
FOOTING & BRICK LEDGE ELEVATION HEIGHTS. REFER TO
SURVEY DRAWINGS FOR FINAL GRADES

NOTE:
ELEVATION TARGET HEIGHTS ARE CALCULATED FROM MAIN
LEVEL FINISH FLOOR BENCH MARK ELEV = 100'-0" SEE SITE
PLAN FOR CORRESPONDING USGS ELEVATION (764.0)

NOTE:
CONTRACTOR TO FIELD VERIFY ALL DIMENSION, HEIGHTS &
ELEVATIONS AND MUST NOTIFY ARCHITECT OF ANY
DISCREPANCIES

NOTE:
DO NOT SCALE DRAWINGS

DATE:
10.22.2013 PERMIT SET

SHEET NO.:

A-400

REFERENCE NOTES:

ROOF SYSTEM:

(NOTE: R-1)
DURO-LAST ROOFING MEMBRANE OR EQUAL
50 MIL CPA MECHANICALLY FASTEN SYSTEM
INSTALLED PER MANUF. REQUIREMENTS ON
2 LAYERS OF 1 1/2" ISO BOARD
SLOPED TO DRAIN (3" TOTAL R18.3) INSULATION
MECHANICALLY FASTEN TO METAL ROOF DECK
ON PRE-ENG. METAL ROOF TRUSSES WITH
3" (R-21) JOHNS MANVILLE CORBOND III
CLOSED CELL SPRAY POLYURETHANE FOAM
(SPF) OR EQUAL (REFER TO STRUCTURAL
DRAWINGS FOR SPECIFICATION, SIZE &
LOCATION)

WALL & WINDOW SYSTEM:

(NOTE: W-1)
1 1/2" STONE VENEER ON
MORTAR SETTING BED ON
SCRATCH COAT ON METAL LATHE
ON GRADE-D BUILDING PAPER ON
2" DOW THERMAX CI INSULATION INCLUDE
DOW FROTH PAK / GREAT STUFF (R26.87)
GAPS & CRACKS & BUTYL TAPE AS REQUIRED
(IF REQUIRED BY INSULATION SYSTEM) PROVIDE
VAPOR BARRIER & PERIMETER TAPE ON
3/4" DENS GLASS GOLD ON
6" x 16 GA L.G. METAL STUDS @ 16" O.C. W/
3" (R-21) JOHNS MANVILLE CORBOND III
CLOSED CELL SPRAY POLYURETHANE FOAM
(SPF) OR EQUAL (INSIDE METAL STUD)
5/8" PAINTED GYP. BOARD

(NOTE: W-2)
METAL PANEL RAIN SCREEN SYSTEM
ALUCLAD BOND OR EQUAL
(VERIFY JOINTS & COLOR W/ ARCHITECT)
(INSTALL PER MANF. SPECIFICATIONS)
W/ MISC. FURRING ON
2" DOW THERMAX CI INSULATION INCLUDE
DOW FROTH PAK / GREAT STUFF
GAPS & CRACKS & BUTYL TAPE AS REQUIRED
(IF REQUIRED BY INSULATION SYSTEM) PROVIDE
VAPOR BARRIER & PERIMETER TAPE ON
3/4" DENS GLASS GOLD ON
6" x 16 GA L.G. METAL STUDS @ 16" O.C. W/
3" (R-21) JOHNS MANVILLE CORBOND III
CLOSED CELL SPRAY POLYURETHANE FOAM
(SPF) OR EQUAL (INSIDE METAL STUD)
5/8" PAINTED GYP. BOARD

(NOTE: W-3)
METAL PANEL RAIN SCREEN SYSTEM
ALUCLAD BOND OR EQUAL
(VERIFY JOINTS & COLOR WITH ARCHITECT)
(INSTALL PER MANF. SPECIFICATIONS)
W/ MISC. FURRING ON
VAPOR BARRIER & PERIMETER TAPE ON
3/4" DENS GLASS GOLD ON
L.G. METAL STUDS @ 16" O.C.

FLOOR SYSTEM:

(NOTE: F-1)
REFER TO MATERIAL PLAN FOR
FINISH FLOOR LOCATIONS ON SHEET A-XXX
4" CONCRETE SLAB
(REFER TO STRUCTURAL DRAWINGS
FOR SPECIFICATION, SIZE & LOCATION) ON
6 MIL VAPOR BARRIER W/ TAPED SEAMS ON
2" RIGID PERIMETER INSULATION (R-11 MIN.)
4" MIN. COMPACTED PEA STONE
PROVIDE 1/2" PRE MADE
EXPANSION JOINT FILLER @ PERIMETER
(REFER TO STRUCTURAL DRAWINGS)

(NOTE: F-2)
REFER TO MATERIAL PLAN FOR FINISH FLOOR
LOCATIONS ON SHEET A-XXX
REINFORCED CONCRETE SLAB ON METAL DECK
(REFER TO STRUCTURAL DRAWINGS
FOR SPECIFICATION, SIZE & LOCATION)

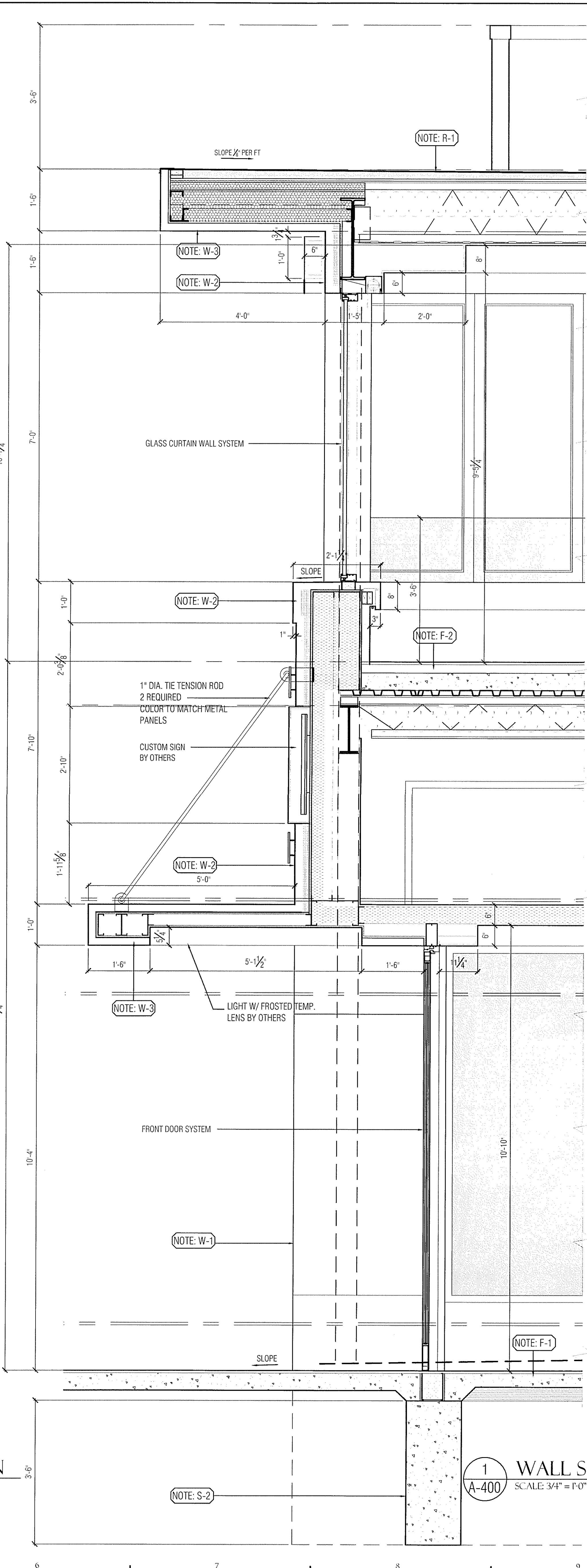
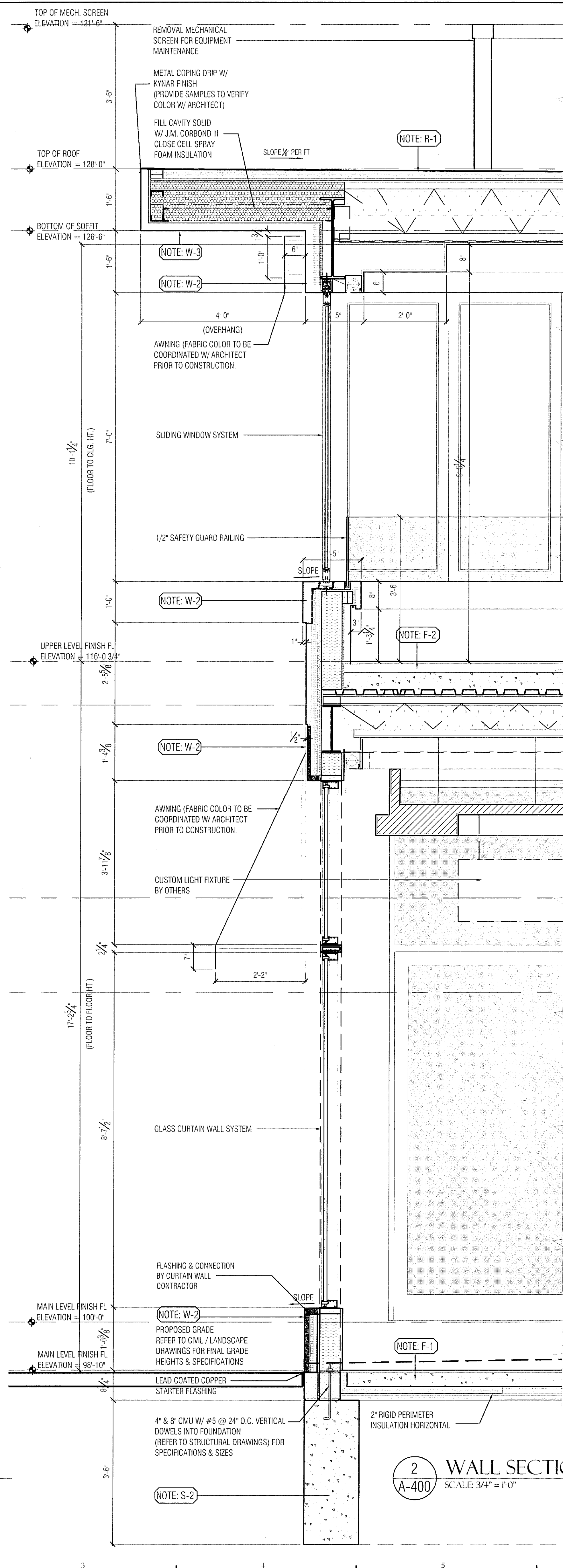
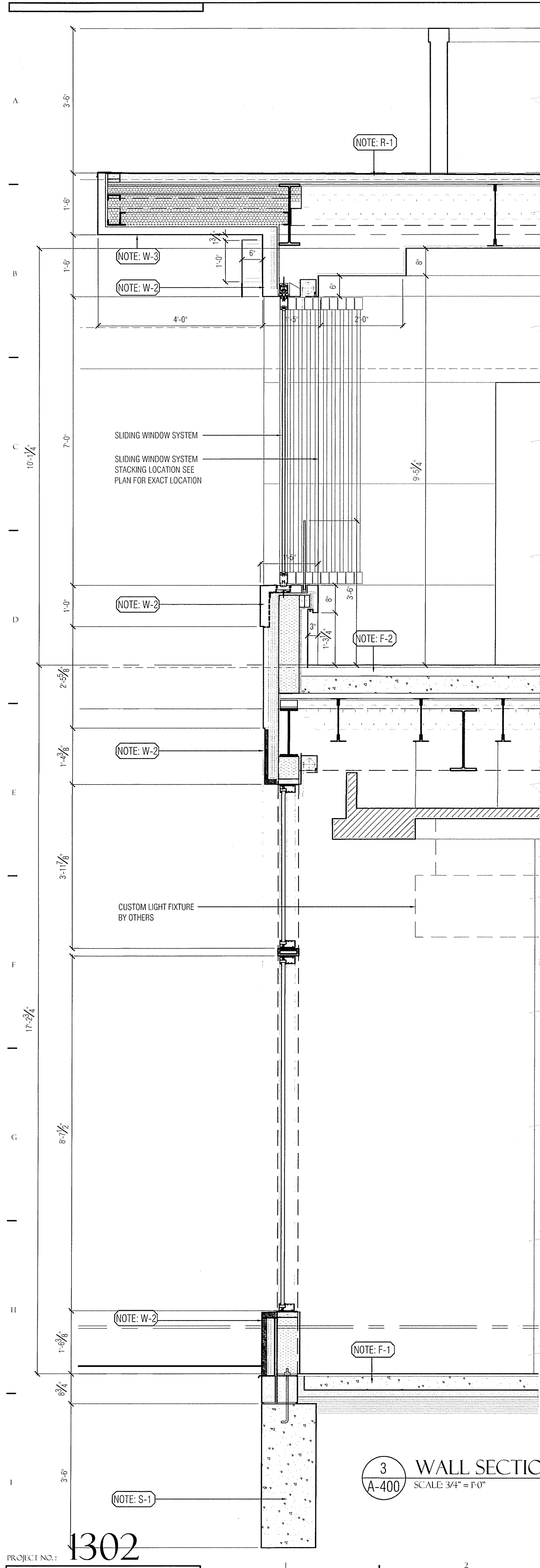
(NOTE: F-3)
REFER TO MATERIAL PLAN FOR FINISH FLOOR
LOCATIONS ON SHEET A-XXX
EXISTING 9" REINFORCED CONCRETE DECK W/
7" (R-49) JOHNS MANVILLE CORBOND III
CLOSED CELL SPRAY POLYURETHANE FOAM
(SPF) OR EQUAL

STRUCTURAL & FOUNDATIONS:

(NOTE: S-1)
POURED REINFORCED CONCRETE WALL
(REFER TO STRUCTURAL DRAWINGS FOR
SPECIFICATION, SIZE & LOCATION)

(NOTE: S-2)
POURED REINFORCED TRENCH FOOTING
(REFER TO STRUCTURAL DRAWINGS FOR
SPECIFICATION, SIZE & LOCATION)

(NOTE: S-3)
POURED REINFORCED SPREAD FOOTING
(REFER TO STRUCTURAL DRAWINGS FOR
SPECIFICATION, SIZE & LOCATION)



**Planning Board Minutes
February 24, 2021**

02-029-21

E. Special Land Use Permit and Final Site Plan & Design Reviews

1. 555 S. Old Woodward – Birmingham Pub (Formerly Triple Nickel), Special Land Use Permit Amendment request and Final Site Plan and Design Review to consider changes in ownership and name, as well as interior and exterior changes to allow the approval of Birmingham Pub, a food and drink establishment serving alcoholic liquor under an existing economic development license.

PD Ecker reviewed the item.

In reply to a question from Ms. Whipple-Boyce, PD Ecker noted that the Planning Board had the right to require changes to the third-floor balcony wall lights under the new SLUP. She stated the lights do not change quickly enough to run afoul of the ordinance regarding flashing lights. She stated that the City had not received any complaints regarding the wall lights.

After Board discussion regarding the wall lights, there was consensus that the effect of the lights was generally positive and did not need be limited by the SLUP.

There was also Board consensus that the eastern view of the kitchen should be cleared of pots, pans, and other clutter, and maintained that way.

Joseph Shallal, lawyer for the applicant, said the applicant, Joe Vicari, would commit to decluttering the view of the eastern window fronting Woodward.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Boyle to recommend approval to the City Commission of the applicant's request for Revised Final Site Plan for Birmingham Pub restaurant at 555 S. Old Woodward with the following conditions: (1) The Planning Board designates the Bowers elevation as the principal building frontage ~~or the applicant reduces the overall building signage by 47.76 sq. ft.~~; (2) The applicant remove the proposed illumination from the building identification sign on Woodward Avenue or obtain a variance from the Board of Zoning Appeals; and (3) Applicant provide all material, color and lighting specifications for all signage.

Mr. Shallal asked if a variance would need to be obtained for the proposed illumination of the building identification sign on Woodward Avenue since a variance was previously granted for the illumination of that sign, and usually variances stay with the building.

PD Ecker said the applicant would have to request another variance from the BZA because all granted variances are tied to the specific submitted plans as a condition of approval.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Whipple-Boyce, Boyle, Share, Williams, Koseck, Klein, Jeffares

Nays: None

Motion by Ms. Whipple-Boyce

Seconded by Mr. Boyle to recommend approval to the City Commission of the applicant's request for a Special Land Use Amendment for Birmingham Pub restaurant at 555 S. Old Woodward with the following conditions: (1) The Planning Board designates the Bowers elevation as the principal building frontage ~~or the applicant reduces the overall building signage by 47.76 sq. ft.~~; (2) The applicant remove the proposed illumination from the building identification sign on Woodward Avenue or obtain a variance from the Board of Zoning Appeals; (3) Applicant provide all material, color and lighting specifications for all signage; and (4) Applicant execute a revised contract with the City of Birmingham outlining the nature of the proposed operation of Birmingham Pub and approving the use of the existing Economic Development liquor license under the new name Birmingham Pub.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Whipple-Boyce, Williams, Boyle, Share, Koseck, Klein, Jeffares

Nays: None



MEMORANDUM

Planning Division

DATE: March 15, 2021

TO: Thomas Markus, City Manager

FROM: Jana Ecker, Planning Director

SUBJECT: Direction from Review of First Draft of the 2040 Plan

As the City has now completed a detailed review of the first draft of the 2040 Plan to solicit public input, the DPZ team prepared a summary of the public input received, and the recommendations for changes to the first draft expressed by Planning Board members to date.

At the Planning Board meeting on March 10, 2021, the Planning Board reviewed the recommendations for changes discussed through the review of the first draft of the 2040 Plan. Please find attached a summary letter of these recommendations, which has been updated with the direction received by the Planning Board on March 10, 2021.

At this time, the City Commission is asked to review the recommendations for changes discussed through the review of the first draft of the 2040 Plan and the direction of the Planning Board to include these changes in the second draft of the 2040 Plan, and to provide comment.

After the City Commission review of the recommendations, the DPZ team will prepare the second draft of the 2040 Plan, to be provided to the City in May 2021. The remaining steps in the master plan updating process will then include the review of the second draft of the 2040 Plan and the completion and review of a final draft of the 2040 Plan using the formal public hearing process required under State and local law.

Suggested Action:

To affirm and approve the summary from the Planning Board regarding recommended revisions to the first draft and the recommended direction to the DPZ team for preparation of the second draft of the 2040 Plan as outlined in the letter from DPZ dated March 15, 2021.



March 15, 2021

City Commission Members
City of Birmingham
151 Martin St.
Birmingham, MI 48012

1st Draft Master Plan Recommendations, March 22, 2021 City Commission Meeting

Dear City Commission Members,

After a lengthy and detailed review of the Master Plan First Draft, delayed by Covid-19, we have prepared a summary of direction provided by the Planning Board. This was provided to the Board and reviewed on March 10th, with modifications included as specified during that meeting. We hope you are just as eager to see the first draft revised in order to focus on a path towards Birmingham's future. Some items included within the list were shared by City Commission members through joint sessions with the Planning Board in 2019. Quite a long time has been given to a review of the first draft which has received clear feedback and direction by the Planning Board in consideration of their judgement along with public comment.

We provide the information below presented to and modified by the Planning Board, for the consideration of the City Commission in affirming and augmenting the Master Plan Second Draft. As a reminder of process, the second draft will again receive detailed review and modification ahead of the State mandated regional review and adoption process.

Material provided to the Planning Board for review, as modified following that review:

Through the detailed review process of the Master Plan First Draft, the Planning Board provided clear direction on many topics, along with place-specific recommendations. Below is a summary of that direction focused on plan elements that should be modified. Additional direction was provided concerning plan elements that should be prioritized but not necessarily changed. Some of this direction is reflected in the Master Plan Themes that have been refined through this review process. Additional

supportive direction has been focused on connecting across Woodward, recommendations within mixed-use districts, and the use of planning districts to evaluate whether residents are well served with necessities like sidewalks and public amenities like parks. Some place-specific recommendations fall within the broader topics and are not separately specified here.

Over the course of review, many topics were revisited and direction made more clear. For instance, the discussion of Seams evolved from their first appearance during our Premise and Theme-based meetings, to consideration of housing infill in the Triangle District, and finally to the clear recommendation provided in the meeting focused on that topic specifically, recounted below. While the list here is relatively short, each item includes additional background from the conversations over this past year.

In addition to the feedback provided by Planning Board members, the planning team has received approximately 320 individual public comments through the project website and via email. Public input was also collected during the 11 meetings, both of the Planning Board and City Commission. Additional feedback was collected in a survey following the First Draft release, with 310 responses and 142 comments in the open-ended questions. Many of these comments are addressed by the direction of the Planning Board, and have helped influence this direction through public comment at meetings which has mirrored many written comments received. Some comments include place and topic-specific recommendations beyond what can be more broadly addressed, which will be considered for the Master Plan Second Draft as it is prepared.

Some public comment has clearly expressed concern that changes have not yet been made. We are just now completing the initial review to collect input. It has been quite lengthy, but that has also allowed greater detail in review. Once the initial review is complete, the Second Draft will be written, reflecting the input received. The planning team is just as eager to revise the First Draft as the public is in seeing their input shape the plan.

Following is a summary of mostly high-level direction provided by the Planning Board.

General Direction

1. The length of the Master Plan should be significantly reduced.
2. The Master Plan should provide clear prioritization of recommendations, including the Themes created during the review process.
3. Language should be as plain as possible, where technical language is required, it should be clearly defined. This extends to terms that can be vague like sustainability.
4. Adjust and clarify the correction to growth projections (2,000 people not 2,000 units).
5. Infrastructure should be addressed. (the details of this request require discussion)
6. Increase the focus on sustainability.
7. Acknowledge Covid-19, including a prologue to ground the document in the current condition. (occurred after the Master Plan First Draft)
8. Focus on the bold moves, like Haynes Square and perhaps more aggressive fixes for Woodward, so the plan is forward-looking.
9. Schools should be more prominently featured in the plan expressing a shared vision between the City and the School District.
10. The senior center proposal should be more prominently featured in the plan.
11. Further address connections to surrounding communities.
12. Include recommendations for new historic districts and strengthening of existing districts.
13. Ensure all considerations for walkability address older adults and people of varying abilities.
14. Growth should be focused in Downtown, the Triangle District, and a small amount in the Rail District.

15. More outdoor gathering spaces are needed in light of Covid-19, including covered outdoor spaces in parks.
16. Increase the focus on connecting across Big Woodward and pedestrian safety.
17. Big Woodward north of Maple should be further investigated for traffic calming, in addition to the portion between 14 and Maple.
18. Retain the reduction of parking regulation complexity, but recommend that it be further studied by committee rather than proposing the solution.
19. More broadly address the Rouge natural area, including bank restoration, removal of invasive species, improving the natural condition, and trail modifications to increase accessibility without detracting from the natural environment.
20. Consider the future of the public golf courses.

Direction Related to Mixed-use Districts

1. Generally
 1. Consider more shared streets and pedestrian-only areas, including Worth Park as a potential piazza.
 2. Consider dining decks in light of Covid-19.
 3. EV charging and other similar sustainable strategies should be considered in mixed-use districts.
2. Downtown
 1. Bates Street should be included in recommendations.
 2. Revisit the pilot parking program for downtown housing in light of Covid-19 changing business demand and potential future office space demand.
 3. Retail district standards (redline) should be lightened on side streets.
3. Haynes Square / Triangle District

1. Adams Square should be included in recommendations.
 2. Consider live-work buildings.
 3. Add a pedestrian or vehicular connection from Worth to Bowers.
 4. Address how the abandoned portion of Old Woodward south of Haynes should transfer ownership with concern for the existing property owners with frontage on Old Woodward. Also address the City's ability to vacate property by ordinance.
 5. Focus Missing Middle housing principally in Haynes Square and Adams Square.
 6. Look more closely at the Haynes / Adams traffic situation with respect to the proposed modifications.
4. South Woodward Gateway
1. Study the housing proposals along the South Woodward alleys more closely and consider other effective means of noise buffering.

Direction Related to Neighborhoods

1. Revise to define sub-areas of the City as "planning districts" and remove all recommendations related to neighborhood associations.
2. Seams should be significantly reduced in location, intensity, and building types allowed, and be thoughtfully located in the limited areas where they may be appropriate.
3. Accessory Dwelling Units need to be revisited and should be severely limited should they be permitted anywhere.
4. New neighborhood commercial destination locations should be reduced and thoughtfully considered while existing destinations strengthened; include more clarity on the uses that should be permitted.
5. Torrey requires more amenities.

6. Include stronger reference to the Unimproved Streets Committee recommendations. (completed after the Master Plan First Draft)
7. Completing sidewalks requires more focus and prioritization, could be handled similarly to the committee on Unimproved Streets.
8. Provide more detail on green infrastructure opportunities.
9. Clarify the neighborhood loop, bicycle boulevards, and protected bike paths by including street sections and greater detail addressing different user types.
10. Clarify the Kenning Park path recommendations concerning both pedestrians and cyclists.
11. Increase aggressiveness of tree preservation and replacement recommendations.
12. Provide more detail on non-financial incentives for renovation of homes over new construction and provide greater ability to add 1st floor master bedrooms. This topic is likely to differ between planning districts.
13. Review lot coverage standards and consider adjustments by lot size.
14. Provide more detail on design controls that may be considered.
15. Remove lot combination areas but review the existing ordinance to provide better direction.

We look forward to a discussion of this direction and to revising the Draft Master Plan; thank you.

Regards,



Matthew Lambert

Cc: Jana Ecker, Planning Director; Bob Gibbs, Gibbs Planning Group; Sarah Traxler, McKenna



MEMORANDUM

Finance Department

DATE: March 16, 2021

TO: Thomas M. Markus, City Manager

FROM: Mark Gerber, Director of Finance/Treasurer

SUBJECT: Parks & Recreation Bond Authorizing Resolution

INTRODUCTION:

In order to proceed with the sale of the first series of parks and recreation bonds, a bond authorizing resolution must be approved by the City Commission.

BACKGROUND:

In November 2020, voters approved a ballot authorizing \$11.25M in general obligation bonds for parks and recreation improvements. The plan was to sell these bonds in two series. The first would be for \$4.75M and the second for \$6.5M.

In order to sell the bonds, a bond authorizing resolution must be passed by the City Commission. This resolution would authorize the City Manager and Finance Director to proceed with the sale of the bonds. The sale of the bonds is anticipated to be completed in May with the first debt levy to start with July 1, 2021's tax bills.

Representatives from our bond counsel Miller Canfield and our municipal finance advisors Bendzinski & Co. will be available to answer any questions concerning the resolution.

LEGAL REVIEW:

The bond authorizing resolution was prepared by our bond counsel Patrick McGow from Miller Canfield.

FISCAL IMPACT:

If the bond authorizing resolution is passed, the debt for the new bonds will be levied on taxes going out July 1, 2021.

SUMMARY:

It is recommended that the City Commission approve the bond authorizing resolution, so the City may proceed with the sale of the bonds.

ATTACHMENTS:

- Letter from Miller Canfield
- Bond Authorizing Resolution

SUGGESTED RESOLUTION:

To approve the bond authorizing resolution for the 2021 unlimited tax general obligation bonds as submitted by bond counsel.

Founded in 1852
by Sidney Davy Miller



PATRICK F. MCGOW
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CANADA: Windsor

CHINA: Shanghai

MEXICO: Monterrey

POLAND: Gdynia

Warsaw • Wrocław

March 15, 2021

VIA EMAIL

Mr. Thomas Markus
City Manager
City of Birmingham
151 Martin Street
Birmingham, MI 48012-3001

Re: City of Birmingham – 2021 Unlimited Tax General Obligation Bonds for Parks
and Recreation Improvements

Dear Tom:

As we discussed, I have enclosed a Bond Authorizing Resolution to be considered for approval by the City Commission at its regular meeting on Monday, March 22nd. The Resolution authorizes the issuance of Bonds for the parks and recreation improvements based on the bond proposal approved by the City's voters in November 2020. This will be the first of two series of bonds pursuant to the 2020 voter-approved bond proposal. The Bonds will pledge the City's unlimited tax full faith and credit for support of the Bonds and will be paid from the special debt millage levied to pay the debt service on the Bonds.

The Resolution is based on the bond specifications prepared by Bendzinski & Co., the City's financial advisor, and sets forth the terms of the Bonds, the form of Bonds, and provides for a competitive public sale of the Bonds. There are various blanks in the Resolution in the form of bond and form of Notice of Sale that are intended to be in blank as those items will be completed in the final forms of those documents.

The Resolution is the final action item required by the City Commission for the Bond issue. Once approved, the Resolution authorizes various City officials, including the City Manager and Finance Director, to take the necessary actions to issue, sell and deliver the Bonds and delegates the authority to award the Bonds to the authorized officers, based on the lowest true interest cost to the City.

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

Mr Thomas Markus

-2-

March 15, 2021

If approved, the bond sale would occur in early May, with proceeds available in late May and the first debt millage levy on the July 1, 2021 tax bills. I would appreciate it if you could have the City Clerk's office send me three certified copies of the Resolution upon approval.

I plan to attend the Council meeting via Zoom to answer any questions about the Resolution or the Bonds. If you have any questions, please give me a call.

Very truly yours,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.



By:

Patrick F. McGow

cc: Mark Gerber
Lauren Wood
Robert J. Bendzinski
Stephen Hayduk

**RESOLUTION AUTHORIZING
2021 UNLIMITED TAX GENERAL OBLIGATION BONDS**

CITY OF BIRMINGHAM
County of Oakland, State of Michigan

Minutes of a regular meeting of the City Commission of the City of Birmingham, County of Oakland, State of Michigan, held electronically on March 22, 2021, at 7:30 p.m., prevailing Eastern Time.

PRESENT: Members: _____

ABSENT: Members: _____

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS, the qualified electors of the City of Birmingham, County of Oakland, State of Michigan (the "City"), at the election duly called and held on November 3, 2020, did by more than the required majority of those voting approve the following proposition:

PARKS AND RECREATION BOND PROPOSAL

Shall the City of Birmingham, Oakland County, Michigan, borrow the principal sum of not to exceed Eleven Million Two Hundred Fifty Thousand Dollars (\$11,250,000), and issue its unlimited tax general obligation bonds in one or more series, payable over a period not to exceed twenty-one (21) years from the date of issuance, to be used by the City for the purpose of paying all or part of the cost of acquiring, constructing, furnishing, equipping and renovating parks and recreation improvements, including parks, playgrounds and trail system improvements and renovations to the Birmingham Sports Ice Arena, including all appurtenances and attachments? The estimated millage to be levied in 2021 is 0.0485 mills (\$0.05 per \$1,000 of taxable value) and the estimated simple average annual millage rate required to retire the bonds is 0.2064 mills (\$0.21 per \$1,000 of taxable value).

WHEREAS, the City Commission has determined that it is necessary to issue the first series of its unlimited tax general obligation bonds in the aggregate principal amount of not to exceed Four Million Seven Hundred Fifty Thousand Dollars (\$4,750,000) for the purpose of paying all or part of the cost of acquiring, constructing, furnishing, equipping and renovating parks and recreation improvements, including parks, playgrounds and trail system improvements and renovations to the Birmingham Sports Ice Arena, including all appurtenances and attachments (the

“Project”).

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Authorization of Bonds; Bond Terms. Bonds of the City designated 2021 UNLIMITED TAX GENERAL OBLIGATION BONDS (the “Bonds”) are authorized to be issued in the aggregate principal sum of not to exceed Four Million Seven Hundred Fifty Thousand Dollars (\$4,750,000) for the purpose of paying the costs of the Project, including the costs incidental to the issuance, sale and delivery of the Bonds. The issue shall consist of bonds in fully-registered form of the denomination of \$5,000, or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, numbered consecutively in order of registration, dated as of the date of delivery. The Bonds shall bear interest, mature and be payable at the times and in the manner set forth in Sections 6 and 7 hereof.

The bonds shall bear interest at a rate or rates to be determined at the time of the sale thereof, but in any event not to exceed three percent (3%) per annum, payable on October 1, 2021 (or such date as determined at the time of the sale thereof) and semiannually thereafter. The Bonds shall be sold at public sale at a price not less than 99% of the principal amount thereof.

The Bonds shall be subject to redemption prior to maturity in the manner and at the times and prices set forth in Sections 6 and 7 hereof and if term bonds are selected by the original purchaser of the Bonds, then the Bonds will be subject to mandatory redemption in accordance with the foregoing maturity schedule at par.

Interest shall be payable to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The record date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. The principal of the Bonds shall be payable at The Huntington National Bank, Grand Rapids, Michigan, who is hereby selected to act as transfer agent for the Bonds (the “Transfer Agent”), or such other bank or trust company as may be selected by the City Manager or Finance Director (each an “Authorized Officer”) at the time of sale of the Bonds.

The Bonds may be issued in book-entry-only form through The Depository Trust Company in New York, New York (“DTC”) and each Authorized Officer is authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Bonds in book-entry-only form and to make such changes in the Bond Form within the parameters of this resolution as may be required to accomplish the foregoing.

2. Execution of Bonds. The Bonds of this issue shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and City Clerk and shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bonds. No Bond executed by facsimile signature shall be valid until authenticated by an authorized officer or representative of the Transfer Agent. The Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser or other person in accordance with instructions from an Authorized Officer upon payment of the purchase price for the Bonds in accordance with the bid therefor when accepted.

3. Transfer of Bonds. The Transfer Agent shall keep the books of registration for this issue on behalf of the City. Any Bond may be transferred upon such registration books by the registered owner of record, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the City shall execute and the Transfer Agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

Unless waived by any registered owner of Bonds to be redeemed, official notice of redemption shall be given by the Transfer Agent on behalf of the City. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial redemption) the called amounts of each certificate; the place where the Bonds called for redemption are to be surrendered for payment; and that interest on the Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date.

In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

4. Debt Retirement Fund; Unlimited Tax Pledge; Defeasance of Bonds. The City Treasurer is authorized and directed to open a depository account with a bank or trust company designated by the City Commission, to be designated 2021 UNLIMITED TAX GENERAL OBLIGATION BONDS DEBT RETIREMENT FUND (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Bonds as they mature. The City hereby pledges its unlimited tax full faith and credit for the prompt payment of the Bonds. Commencing with the year 2021, there shall be levied upon the tax rolls of the City for the purpose of the Debt Retirement Fund each year, in the manner required by the provisions of Act 34, Public Acts of Michigan, 2001, as amended, an amount sufficient so that the estimated collection therefrom will be sufficient to promptly pay, when due, the principal of and interest on the Bonds becoming due prior to the next annual tax levy; provided, however, that if at the time of making any such annual tax levy there shall be other funds available or surplus moneys on hand in the Debt Retirement Fund for the payment of principal of and interest on the Bonds, then credit therefor may be taken against such annual levy for the Debt Retirement Fund.

In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Bonds, shall be deposited in trust, this resolution shall be defeased and the owners of the Bonds shall have no further rights under this resolution except to receive payment of the principal of, premium, if any, and interest on the Bonds from the cash or securities deposited

in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

5. Construction Fund; Proceeds of Bond Sale. The City Treasurer is authorized and directed to open a separate depository account with a bank or trust company designated by the City Commission, to be designated 2021 UNLIMITED TAX GENERAL OBLIGATION BONDS CONSTRUCTION FUND (the “Construction Fund”), and deposit into said Construction Fund the proceeds of the Bonds less accrued interest, if any, which shall be deposited into the Debt Retirement Fund. The moneys in the Construction Fund shall be used solely to pay the costs of the Project and the costs of issuance of the Bonds.

6. Bond Form. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF OAKLAND

CITY OF BIRMINGHAM

2021 UNLIMITED TAX GENERAL OBLIGATION BOND

Interest <u>Rate</u>	Maturity <u>Date</u>	Date of <u>Original Issue</u>	<u>CUSIP</u>
	October 1, _____	_____, 2021	

Registered Owner:

Principal Amount: _____ Dollars

The City of Birmingham, County of Oakland, State of Michigan (the "City"), acknowledges itself to owe and for value received hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Maturity Date specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on October 1, 2021 and semiannually thereafter. Principal of this bond is payable at the corporate trust office of The Huntington National Bank, Grand Rapids, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this bond is payable to the registered owner of record as of the fifteenth (15th) day of the month preceding the interest payment date as shown on the registration books of the City kept by the Transfer Agent by check or draft mailed to the registered owner of record at the registered address. For prompt payment of this bond, both principal and interest, the full faith, credit and resources of the City are hereby irrevocably pledged.

This bond is one of a series of bonds of even Date of Original Issue aggregating the principal sum of \$_____, issued for the purpose of constructing parks and recreation improvements throughout the City and paying costs incidental to the issuance of the bonds in pursuance of a vote of the qualified electors of the City voting thereon at an election duly called and held on November 3, 2020.

Bonds of this issue maturing in the years 2024 to 2030, inclusive, shall not be subject to redemption prior to maturity. Bonds or portions of bonds of this issue in multiples of \$5,000 maturing in the year 2031 and thereafter shall be subject to redemption prior to maturity, at the option of the City, in any order of maturity and by lot within any maturity, on any date on or after October 1, 2030, at par and accrued interest to the date fixed for redemption.

[Insert Term Bond redemption provisions, if necessary.]

In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent, upon presentation of the bond called in part for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given to the registered owner of any bond or portion thereof called for redemption by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered address of the registered owner of record. A bond or portion thereof so called for redemption shall not bear interest after the date fixed for redemption provided funds are on hand with the Transfer Agent to redeem said bond or portion thereof.

This bond is transferable only upon the registration books of the City kept by the Transfer Agent by the registered owner of record in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the resolution authorizing this bond and upon the payment of the charges, if any, therein prescribed.

This bond is payable out of the City's Debt Retirement Fund for this issue and in order to make such payment, the City is required each year to levy taxes on all taxable property within the boundaries of the City for such payment, without limitation as to either rate or amount.

It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this bond and the series of bonds of which this is one, exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the City, including this bond, does not exceed any constitutional, statutory or charter debt limitation.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the City of Birmingham, by its City Commission, has caused this bond to be signed in the name of the City by the facsimile signatures of its Mayor and City Clerk and a facsimile of its corporate seal to be printed hereon, all as of the Date of Original Issue.

CITY OF BIRMINGHAM

County of Oakland

State of Michigan

By: _____

Its Mayor

(SEAL)

By: _____

Its City Clerk

(Form of Transfer Agent's Certificate of Authentication)

DATE OF AUTHENTICATION:

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within-mentioned resolution.

The Huntington National Bank
Grand Rapids, Michigan
Transfer Agent

By: _____

Authorized Signatory

[Bond printer to insert form of assignment]

7. Notice of Sale. The Authorized Officers are authorized to fix a date of sale for the Bonds and to arrange to publish a notice of sale of the Bonds in ***The Bond Buyer***, New York, New York, which notice of sale shall be in substantially the following form:

OFFICIAL NOTICE OF SALE
\$[_____] *
CITY OF BIRMINGHAM
COUNTY OF OAKLAND, STATE OF MICHIGAN
2021 UNLIMITED TAX GENERAL OBLIGATION BONDS
**Subject to adjustment as provided in this Notice of Sale*

Bids for the purchase of the above bonds will be received in the manner described in this Notice of Sale on _____, _____, 2021 until __:__ .m., prevailing Eastern Time, at which time and place said bids will be read. The award or rejection of the bids will occur on that date.

FAXED BIDS: Signed bids may be submitted by fax to the offices of Bendzinski & Co. Municipal Finance Advisors at (313) 961-8220, provided that faxed bids must arrive before the time of sale and the bidder bears all risks of transmission failure and the GOOD FAITH DEPOSIT MUST BE MADE AND RECEIVED as described in the Section "GOOD FAITH" below.

ELECTRONIC BIDS: Electronic bids will also be received on the same date and until the same time by Bidcomp/Parity as agent of the undersigned. Further information about Bidcomp/Parity, including any fee charged, may be obtained from Bidcomp/Parity, Anthony Leyden or CLIENT SERVICES, 1359 Broadway, Second Floor, New York, New York 10018, (212) 849-5021. IF ANY PROVISION OF THIS OFFICIAL NOTICE OF SALE SHALL CONFLICT WITH INFORMATION PROVIDED BY BIDCOMP/PARITY, AS THE APPROVED PROVIDER OF ELECTRONIC BIDDING SERVICES, THIS OFFICIAL NOTICE OF SALE SHALL CONTROL.

Bidders may choose any means or location to present bids but a bidder may not present a bid by more than one means.

BOND DETAILS: The bonds will be registered bonds of the denomination of \$5,000 or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, originally dated as of the date of initial delivery, numbered in order of registration, and will bear interest from their date payable on October 1, 2021, and semiannually thereafter.

The bonds will mature on the 1st day of October in each of the years, as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2024	\$150,000	2033	\$265,000
2025	150,000	2034	270,000
2026	150,000	2035	300,000
2027	175,000	2036	330,000
2028	175,000	2037	340,000
2029	200,000	2038	360,000
2030	245,000	2039	365,000
2031	250,000	2040	375,000
2032	260,000	2041	390,000

*ADJUSTMENT OF TOTAL PAR AMOUNT OF BONDS AND PRINCIPAL MATURITIES: The City reserves the right to decrease the aggregate principal amount of the bonds after receipt of the bids and prior to final award, if necessary, so that the purchase price of the bonds will provide an amount determined by the City to be sufficient to construct the project and to pay costs of issuance of the bonds. The adjustments, if necessary, will be in increments of \$5,000. The purchase price will be adjusted proportionately to the increase or decrease in issue size, but the interest rates specified by the successful bidder for all maturities will not change. The successful bidder may not withdraw its bid as a result of any changes made within these limits.

*ADJUSTMENT TO PURCHASE PRICE: Should any adjustment to the aggregate principal amount of the bonds be made by the City, the purchase price of the bonds will be adjusted by the City proportionally to the adjustment in principal amount of the bonds. The adjusted purchase price will reflect changes in the dollar amount of the underwriter's discount and original issue discount/premium, if any, but will not change the per-bond underwriter's discount as calculated from the bid and initial reoffering prices.

PRIOR REDEMPTION OF BONDS: Bonds maturing in the years 2024 to 2030 inclusive, shall not be subject to redemption prior to maturity. Bonds or portions of bonds in multiples of \$5,000 maturing in the year 2031 and thereafter shall be subject to redemption prior to maturity, at the option of the City, in any order of maturity and by lot within any maturity, on any date on or after October 1, 2030, at par and accrued interest to the date fixed for redemption.

In case less than the full amount of an outstanding bond is called for redemption, the transfer agent, upon presentation of the bond called for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given to the registered owner of any bond or portion thereof called for redemption by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered address of the registered owner of record. A bond or portion thereof so called for redemption shall not bear interest after the date fixed for redemption provided funds are on hand with the transfer agent to redeem said bond or portion thereof.

TERM BOND OPTION: The initial purchaser of the bonds may designate any one or more maturities from October 1, 2024 through the final maturity as term bonds and the consecutive maturities on or after the year 2024 which shall be aggregated in the term bonds. The amounts of the maturities which are aggregated in a designated term bond shall be subject to mandatory redemption on October 1 of the years and in the amounts set forth in the above maturity schedule at a redemption price of par, plus accrued interest to the date of mandatory redemption. Term bonds or portions thereof mandatorily redeemed shall be selected by lot. Any such designation must be made at the time bids are submitted and must be listed on the bid.

INTEREST RATE AND BIDDING DETAILS: The bonds shall bear interest at rate or rates not exceeding three percent (3%) per annum, to be fixed by the bids therefor, expressed in any fraction of 1%. The interest on any one bond shall be at one rate only and all bonds maturing

in any one year must carry the same interest rate. The difference between the highest and lowest interest rates bid shall not exceed two percent (2%) per annum. No proposal for the purchase of less than all of the bonds or at a price less than 99% of their par value will be considered.

BOOK-ENTRY ONLY: The bonds will be issued in book-entry-only form as one fully registered bond per maturity and will be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company (“DTC”), New York, New York. DTC will act as securities depository for the bonds. Purchase of the bonds will be made in book-entry-only form, in the denomination of \$5,000 or any multiple thereof. Purchasers will not receive certificates representing their interest in bonds purchased. It will be the responsibility of the purchaser to obtain DTC eligibility. Failure of the purchaser to obtain DTC eligibility shall not constitute cause for a failure or refusal by the purchaser to accept delivery of and pay for the bonds.

TRANSFER AGENT AND REGISTRATION: Principal shall be payable at the principal corporate trust office of The Huntington National Bank, Grand Rapids, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner of record not less than 60 days prior to an interest payment date. Interest shall be paid by check mailed to the registered owner of record as shown on the registration books of the City as of the 15th day prior to an interest payment date. The bonds will be transferred only upon the registration books of the City kept by the transfer agent.

PURPOSE AND SECURITY: The bonds were authorized at an election held on November 3, 2020 for the purpose of acquiring and constructing parks and recreation improvements. The bonds will pledge the full faith and credit of the City for payment of the principal and interest thereon and will be payable from ad valorem taxes which may be levied without limitation as to rate or amount. The rights or remedies of bondholders may be affected by bankruptcy, insolvency, fraudulent conveyance or other laws affecting creditors’ rights generally now existing or hereafter enacted and by the application of general principles of equity including those relating to equitable subordination.

GOOD FAITH: A good faith deposit in the form of a certified or cashier’s check drawn upon an incorporated bank or trust company, or wire transfer, in the amount of \$47,500, payable to the order of the City will be required of the successful bidder. The successful bidder is required to submit its good faith deposit to the City as instructed by the City not later than Noon, prevailing Eastern Time, on the next business day following the sale. The good faith deposit will be applied to the purchase price of the bonds. In the event the purchaser fails to honor its accepted bid, the good faith deposit will be retained by the City. No interest shall be allowed on the good faith check. The good faith check of the successful bidder will be cashed and payment for the balance of the purchase price of the bonds shall be made at the closing.

AWARD OF BONDS: The bonds will be awarded to the bidder whose bid produces the lowest true interest cost determined in the following manner: the lowest true interest cost will be the single interest rate (compounded on October 1, 2021 and semi-annually thereafter) necessary to discount the debt service payments from their respective payment date to the date of closing, in an amount equal to the price bid, excluding accrued interest. Each bidder shall state in its bid the true interest cost to the City, computed in the manner specified above.

TAX MATTERS: In the opinion of Miller, Canfield, Paddock and Stone, P.L.C., bond counsel, under existing law, assuming compliance with certain covenants, interest on the bonds is excludable from gross income for federal income tax purposes as described in the opinion, and the bonds and interest thereon are exempt from all taxation by the State of Michigan or by any taxing authority within the State of Michigan except estate taxes and taxes on gains realized from the sale, payment or other disposition thereof.

“QUALIFIED TAX-EXEMPT OBLIGATIONS”: The City has designated the bonds as “qualified tax-exempt obligations” for purposes of deduction of interest expense by financial institutions pursuant to the Internal Revenue Code of 1986, as amended.

ISSUE PRICE: The winning bidder shall assist the City in establishing the issue price of the bonds and shall execute and deliver to the City at closing an “issue price” or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the bonds, together with the supporting pricing wires or equivalent communications, substantially in the form attached either as Appendix __ or Appendix __ to the Preliminary Official Statement for the bonds, with such modifications as may be appropriate or necessary, in the reasonable judgment of the winning bidder, the City and bond counsel.

The City intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining “competitive sale” for purposes of establishing the issue price of the bonds) will apply to the initial sale of the bonds (the “Competitive Sale Requirements”) because:

- a. the City is disseminating this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
- b. all bidders shall have an equal opportunity to bid;
- c. the City anticipates receiving bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- d. the City anticipates awarding the sale of the bonds to the bidder who submits a firm offer to purchase the bonds at the lowest true interest cost, as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the bonds, as specified in the bid.

In the event that all of the Competitive Sale Requirements are not satisfied, the City shall so advise the winning bidder. At or before the time of the award of the bonds, the winning bidder, in consultation with the City, shall determine whether to treat the first price at which 10% of a maturity of the bonds (the “10% Test”) is sold to the public as the issue price of that maturity and/or (ii) the initial offering price to the public as of the sale date of any maturity of the bonds as the issue price of that maturity (the “hold-the-offering price rule”), in each case applied on a maturity-by-maturity basis. The winning bidder shall advise the City if any maturity of the bonds satisfies the 10% Test as of the date and time of the award of the bonds. The winning bidder shall promptly advise the City, at or before the time of the award of the bonds, which maturities of the

bonds shall be subject to the 10% Test or shall be subject to the hold-the-offering price rule.

The City will not require bidders to comply with the “hold-the-offering price rule.” Bids will not be subject to cancellation in the event that the competitive sale requirements are not satisfied. Bidders should prepare their bids on the assumption that, for all of the maturities of the bonds, the winning bidder, in consultation with the City, may decide whether the 10% Test or the hold-the-offering price rule applies in order to establish the issue price of the bonds.

By submitting a bid, the winning bidder shall (i) confirm that the underwriters have offered or will offer the bonds to the public on or before the date of the award at the offering price or prices (the “initial offering price”), or at the corresponding yield or yields, set forth in the bid submitted by the winning bidder, and (ii) if the hold-the-offering price rule applies, agree, on behalf of the underwriters participating in the purchase of the bonds, that the underwriters will neither offer nor sell unsold bonds of any maturity to which the hold-the-offering price rule shall apply to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of the following:

- a. the close of the fifth (5th) business day after the sale date; or
- b. the date on which the underwriters have sold at least 10% of that maturity of the bonds to the public at a price that is no higher than the initial offering price to the public;

The winning bidder shall promptly advise the City when the underwriters have sold 10% of that maturity of the bonds to the public at a price that is no higher than the initial offering price to the public, if that occurs prior to the close of the fifth (5th) business day after the sale date.

The City acknowledges that, in making the representation set forth above, the winning bidder will rely on (i) the agreement of each underwriter to comply with the hold-the-offering price rule, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the hold-the-offering price rule, as set forth in a selling group agreement and the related pricing wires, and (iii) in the event that an underwriter is a party to a retail distribution agreement that was employed in connection with the initial sale of the bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the hold-the-offering price rule, as set forth in the retail distribution agreement and the related pricing wires. The City further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the hold-the-offering price rule and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a retail distribution agreement to comply with its corresponding agreement regarding the hold-the-offering price rule as applicable to the bonds.

If the Competitive Sale Requirements are not satisfied, and the 10% Test applies, then until the 10% Test has been satisfied as to each maturity of the bonds, the winning bidder agrees to promptly report to the City the prices at which the unsold bonds of that maturity have been sold to the public. That reporting obligation shall continue, whether or not the closing date has occurred, until the 10% Test has been satisfied as to the bonds of that maturity or until all Securities of that

maturity have been sold.

By submitting a bid, each bidder confirms that:

- a. any agreement among underwriters, any selling group agreement and each retail distribution agreement (to which the bidder is a party) relating to the initial sale of the bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such retail distribution agreement, as applicable, to report the prices at which it sells to the public the unsold bonds of each maturity allotted to it until it is notified by the winning bidder that either the 10% Test has been satisfied as to the bonds of that maturity or all bonds of that maturity have been sold to the public, if and for so long as directed by the winning bidder and as set forth in the related pricing wires; and
- b. any agreement among underwriters relating to the initial sale of the bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter that is a party to a retail distribution agreement to be employed in connection with the initial sale of the bonds to the public to require each broker-dealer that is a party to such retail distribution agreement to report the prices at which it sells to the public the unsold bonds of each maturity allotted to it until it is notified by the winning bidder or such underwriter that either the 10% Test has been satisfied as to the bonds of that maturity or all bonds of that maturity have been sold to the public, if and for so long as directed by the winning bidder or such underwriter and as set forth in the related pricing wires.

Sales of any bonds to any person that is a related party to an underwriter shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale:

- a. “public” means any person other than an underwriter or a related party,
- b. “underwriter” means (A) any person that agrees pursuant to a written contract with the City (or with the lead Underwriter to form an underwriting syndicate) to participate in the initial sale of the bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the bonds to the public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the bonds to the public);
- c. a purchaser of any of the bonds is a “related party” to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (i) at least 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (ii) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (iii) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity

is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other); and

- d. “sale date” means the date that the bonds are awarded by the City to the winning bidder.

LEGAL OPINION: Bids shall be conditioned upon the approving opinion of Miller, Canfield, Paddock and Stone, P.L.C., attorneys of Detroit, Michigan, a copy of which opinion will be furnished without expense to the purchaser of the bonds at the delivery thereof. The fees of Miller, Canfield, Paddock and Stone, P.L.C. for services rendered in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue its approving opinion as to validity of the above bonds, Miller, Canfield, Paddock and Stone, P.L.C. has not been requested to examine or review and has not examined or reviewed any financial documents, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the bonds, and accordingly will not express any opinion with respect to the accuracy or completeness of any such financial documents, statements or materials.

DELIVERY OF BONDS: The City will furnish bonds ready for execution at its expense. Bonds will be delivered without expense to the purchaser through DTC in New York, New York, or such other place to be agreed upon. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the bonds, will be delivered at the time of delivery of the bonds. If the bonds are not tendered for delivery by twelve o’clock noon, prevailing Eastern Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful bidder may on that day, or any time thereafter until delivery of the bonds, withdraw its proposal by serving notice of cancellation, in writing, on the undersigned in which event the City shall promptly return the good faith deposit. Payment for the bonds shall be made in Federal Reserve Funds. Accrued interest to the date of delivery of the bonds shall be paid by the purchaser at the time of delivery.

CUSIP NUMBERS: It is anticipated that CUSIP identification numbers will be printed on the bonds, but neither the failure to print such numbers on any bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with terms of the purchase contract. All expenses in relation to the printing of CUSIP numbers on the bonds shall be paid for by the City; provided, however, that the CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the purchaser.

OFFICIAL STATEMENT: A preliminary Official Statement that the City deems to be final as of its date, except for the omission of information permitted to be omitted by Rule 15c2-12 of the Securities and Exchange Commission, has been prepared and may be obtained from Bendzinski & Co. Municipal Finance Advisors, financial advisors to the City, at the address and telephone listed under REGISTERED MUNICIPAL ADVISOR below. Bendzinski & Co. Municipal Finance Advisors will provide the winning bidder with 50 final Official Statements within 7 business days from the date of sale to permit the purchaser to comply with Securities and Exchange Commission Rule 15c2-12. Additional copies of the Official Statement will be supplied by Bendzinski & Co. Municipal Finance Advisors upon request and agreement by the purchaser to Bendzinski & Co. Municipal Finance Advisors, within 24 hours of the time of sale.

BOND INSURANCE AT PURCHASER’S OPTION: If the bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the bidder/purchaser, the purchase of any such insurance policy or the issuance of any such commitment shall be at the option and expense of the purchaser of the bonds. Any and all increased costs of issuance of the bonds resulting from such purchase of insurance shall be paid by the purchaser, except that if the City has requested and received a rating on the bonds from a rating agency, the City shall pay the fee for the requested rating. Any other rating agency fees shall be the responsibility of the purchaser. FAILURE OF THE MUNICIPAL BOND INSURER TO ISSUE THE POLICY AFTER THE BONDS HAVE BEEN AWARDED TO THE PURCHASER SHALL NOT CONSTITUTE CAUSE FOR FAILURE OR REFUSAL BY THE PURCHASER TO ACCEPT DELIVERY OF THE BONDS FROM THE CITY.

CONTINUING DISCLOSURE: As described more fully in the Official Statement, the City has agreed to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, on or prior to the sixth month after the end of each fiscal year commencing with the fiscal year ended June 30, 2021, (i) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, generally consistent with the information contained or cross-referenced in the Official Statement relating to the bonds, (ii) timely notice of the occurrence of certain material events with respect to the bonds and (iii) timely notice of a failure by the City to provide the required annual financial information on or before the date specified in (i) above.

BIDDER CERTIFICATION: NOT “IRAN-LINKED BUSINESS” By submitting a bid, the bidder shall be deemed to have certified that it is not an “Iran-Linked Business” as defined in Act 517 Michigan Public Acts of 2012, being MCL 129.311 et. seq.

REGISTERED MUNICIPAL ADVISORS: Bendzinski & Co. Municipal Finance Advisors, Grosse Pointe, MI (the “Municipal Advisor”) is a Registered Municipal Advisor in accordance with the rules of the Municipal Securities Rulemaking Board (“MSRB”). The Municipal Advisor has been retained by the City to provide certain financial advisory services relating to the planning, structuring and issuance of the bonds. The Municipal Advisor is not engaged in the business of underwriting, trading, marketing or the distribution of securities or any other negotiable instruments. The Municipal Advisor’s duties, responsibilities and fees arise solely as a Registered Municipal Advisor to the City and it has no secondary obligation or other responsibility.

FURTHER INFORMATION relating to the bonds may be obtained from Bendzinski & Co. Municipal Finance Advisors, 17000 Kercheval Ave., Suite 230, Grosse Pointe, MI 48230. Telephone (313) 961-8222.

THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

Alexandria Bingham
City Clerk
City of Birmingham

8. Useful Life of Project. The estimated period of usefulness of the Project is hereby declared to be not less than twenty (20) years.

9. Tax Covenant; “Qualified Tax-Exempt Obligations”. The City shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the “Code”), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditures and investment of Bond proceeds and moneys deemed to be Bond proceeds. The City hereby designates the Bonds as “qualified tax-exempt obligations” for purposes of deduction of interest expense by financial institutions pursuant to the Code.

10. Official Statement; Qualification for Insurance; Ratings. Each Authorized Officer is hereby authorized and directed to (a) approve the circulation of a preliminary Official Statement describing the Bonds and to deem the preliminary Official Statement “final” for purposes of Rule 15c2-12 of the SEC; (b) solicit bids for and approve the purchase of a municipal bond insurance policy for the Bonds, if deemed economically advantageous to the City; (c) apply for ratings on the Bonds; and, (d) do all other acts and take all other necessary procedures required to effectuate the sale, issuance and delivery of the Bonds.

11. Continuing Disclosure. The City agrees to enter into a continuing disclosure undertaking for the benefit of the holders and beneficial owners of the Bonds in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, and each Authorized Officer is hereby authorized to execute such undertaking prior to delivery of the Bonds.

12. Authorization of Other Actions. Each Authorized Officer is hereby authorized to adjust the final bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing are authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, Public Acts of Michigan, 2001, as amended, including but not limited to, determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, and other matters within the parameters described in this resolution. Each Authorized Officer is hereby authorized and directed to take all other actions necessary or advisable, and to make such other filings with any parties, including the Michigan Department of Treasury, to enable the sale and delivery of the Bonds as contemplated herein.

13. Award of Sale of Bonds. Each Authorized Officer is hereby authorized on behalf of the City to award the sale of the Bonds to the bidder whose bid meets the requirements of law and which produces the lowest true interest cost to the City computed in accordance with the terms of the Official Notice of Sale as published.

14. Bond Counsel. The City recognizes that Miller, Canfield, Paddock and Stone, P.L.C., has represented from time to time, and currently represents financial institutions and other potential participants in the bond financing process for unrelated projects, any of which might offer to purchase the City’s Bonds. The City appoints Miller, Canfield, Paddock and Stone, P.L.C. as

bond counsel for this issue notwithstanding the potential representation of any such bidder regarding any unrelated manner.

15. Municipal Advisor. Bendzinski & Co. Municipal Finance Advisors is retained as the registered municipal advisor to the City in connection with the issuance of the Bonds.

16. Rescission. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members: _____

NAYS: Members: _____

RESOLUTION DECLARED ADOPTED.

Alexandria Bingham, City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Birmingham, County of Oakland, State of Michigan, at a regular meeting held on March 22, 2021, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Alexandria Bingham, City Clerk

37364920.1/008626.00031



MEMORANDUM

Finance Department

DATE: March 12, 2021

TO: Thomas M. Markus, City Manager

FROM: Mark Gerber, Director of Finance/Treasurer

SUBJECT: Ice Arena Operations as an Enterprise Fund

INTRODUCTION:

On March 8, 2021, the City Commission conducted a workshop to explore whether the ice arena operations should continue to be reported in the General Fund or be transferred into a new enterprise fund. The City Commission is being asked to decide how they would like to proceed with the ice arena.

BACKGROUND:

Over the past few years, significant capital improvement needs have been identified for the ice arena. This has resulted in an increased interest by the City Commission and the public in the operations of the ice arena and how much is being subsidized by property taxes. The operations of the ice arena are currently recorded in the City's General Fund along with other basic governmental services of the City. As a result, the operations of the ice arena are not readily determinable by looking at the City's financial statements.

On March 8, 2021, the City Commission held a workshop meeting to discuss whether the ice arena operations should remain in the General Fund or be moved to a separate enterprise fund. A representative from Plante Moran explained what an enterprise fund is, how the accounting is different for the General Fund than an enterprise fund, and the pros and cons of moving the operations to an enterprise fund. One of the key points to come out of the workshop was the need for financial information on the operations of the ice arena in order to facilitate decisions on capital improvements, rate structure, and additional uses/programming. The question then becomes what is the best way to accomplish this goal.

In order to move the ice arena operations to an enterprise fund, several things would need to be done. First, assets and liabilities (including pension and OPEB) would need to be identified and recorded. As demonstrated in the workshop, this would likely result in a deficit unrestricted net position. State law does not allow a City to have a negative unrestricted net position, therefore an operating transfer from the General Fund would be needed to correct this. Unless revenues are generated sufficient to offset the costs (including depreciation), the transfer of funds from the General Fund to this enterprise would need to be done on an annual basis. Second, if ice arena operations are not sufficient to generate sufficient resources for capital improvements, then additional transfers from the General Fund would be needed to support this. Third, there are additional cost allocations (which were not reported in the workshop proforma) for administrative costs (accounting, audit, risk management, etc.) which are typically charged to enterprise funds. In total, establishing an enterprise fund for the ice arena will likely result in more property tax funding to support it than if it were left in the General Fund. In addition, creating and maintaining

an enterprise fund would require significantly more administrative time to setup and maintain, however, it would provide the most accurate and detailed information on the operations.

As an alternative to creating a separate enterprise fund, the ice arena operations could remain in the General Fund but with financial reporting which would provide most if not all the requested information. This could be very similar to the annual golf course report providing both financial and operating data. The financial information would provide basic revenue and expenditure information about the operations of the ice arena without all the accounting adjustments and transfers that would be necessary under an enterprise system. It would answer the basic question, does the ice arena revenues cover its operating costs.

LEGAL REVIEW:

No legal review required.

FISCAL IMPACT:

Creating a separate enterprise fund for the ice arena would require General Fund transfers to eliminate any beginning balance deficits and any on-going operational deficits. The budget would need to be moved from the General Fund into its own fund. Additional schedules would need to be created in the Comprehensive Annual Finance Report to report these activities. Overall, it is likely more General Fund property tax revenue would be needed to support an enterprise fund than if it were to remain in the General Fund.

SUMMARY:

Staff recommends keeping the operations of the ice arena in the General Fund with supplemental financial reporting. If after trying this approach for a period of time, the City Commission decides the supplemental financial reporting is inadequate for its purposes, then the City Commission can authorize the creation of an enterprise fund at that time.

ATTACHMENTS:

- Slides from workshop on March 8, 2021
- Report from Lauren Wood, Director of Public Services, on ice arena operational improvements and future actions

SUGGESTED RESOLUTION:

To direct the City Manager to continue to record ice arena operations in the General Fund and provide a finance report on those operations to the City Commission by October 31st for the preceding fiscal year;

OR

To direct the City Manager to create an enterprise fund for ice arena operations effective July 1, 2021.



Enterprise Fund Accounting

Overview



What is an Enterprise Fund?

GASB Statement No. 34:

- Enterprise funds may be used to report any activity for which a fee is charged to external users for goods and services
- Current City Enterprise Funds:
 - Water Fund
 - Sewage Disposal System Fund
 - Automobile Parking System Fund
 - Golf Courses (nonmajor enterprise fund)



When to use Enterprise Funds?

GASB Statement No. 34:

- Activities are required to be reported as enterprise funds if any one of the following criteria is met:



- The activity is financed with debt that is secured by a pledge of the net revenues from fees and charges of the activity



- Laws or regulations require that the activity's costs of providing services be recovered with fees and charges, rather than with taxes or similar revenues



- Management establishes fees and charges, pursuant to its pricing policies, designed to recover its costs of providing services, including capital costs (such as depreciation or debt service)



Enterprise Fund Basis of Accounting

Accrual basis of accounting

- **Revenue is recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows**
- **Balance sheet would include long-term assets and long-term liabilities**

Financial statement presentation would include operating income and expenses, as well as a cash flow statement



Balance Sheet Comparison

	Balance Sheet - Modified Accrual	Adjustments	Statement of Net Position - Full Accrual
Assets			
Pooled cash and investments	\$ -	\$ -	\$ -
Noncurrent assets:			
Capital Assets:			
Assets not subject to depreciation	-	1,612,075	1,612,075
Assets subject to depreciation	-	10,000	10,000
Total assets	<u>\$ -</u>	<u>\$ 1,622,075</u>	<u>\$ 1,622,075</u>
Deferred Outflows of Resources			
Deferred pension costs	-	54,465	\$ 54,465
Deferred OPEB costs	-	15,761	15,761
Total deferred outflows of resources	-	70,226	70,226
Liabilities			
Accounts payable	\$ 5,132	\$ -	\$ 5,132
Accrued payroll	2,874	-	2,874
Noncurrent liabilities			
Due within one year:			
Compensated absences	-	37,295	37,295
Due in more than one year:			
Compensated absences, net of current portion	-	8,395	8,395
Net pension liability	-	184,590	184,590
Net OPEB liability	-	83,284	83,284
Total liabilities	8,006	313,564	321,570
Deferred Inflows of Resources			
Deferred pension cost reductions	-	9,422	\$ 9,422
Deferred OPEB cost reductions	-	20,178	20,178
Total deferred inflows of resources	-	29,600	29,600
Fund Balance/Net Position			
Unassigned fund balance	(8,006)		
Net investment in capital assets	-	1,622,075	1,622,075
Unrestricted (deficit)	-	(272,938)	(280,944)
Total net position (deficit)	<u>\$ (8,006)</u>	<u>\$ 1,349,137</u>	<u>\$ 1,341,131</u>



Income Statement Comparison

	Revenues and Expenditures - Modified Accrual	Adjustments	Statement of Activities - Full Accrual
Revenue			
Taxes (1)	\$ 90,327	\$ (90,327)	\$ -
Charges for services	509,756	-	509,756
Total revenue	600,083	(90,327)	509,756
Expenses			
Operations and Maintenance	608,089	(20,402)	587,687
Depreciation	-	36,816	36,816
Total expenses	608,089	16,414	624,503
Excess of Revenue (Under) Over Expenses	(8,006)	(106,741)	(114,747)
Other Financing Sources			
Transfer in from General Fund	-	90,327	90,327
Total other financing sources	-	90,327	90,327
Change in Net Position	(8,006)	(16,414)	(24,420)
Net Position (Deficit) - Beginning of year	-	1,365,551	1,365,551
Net Position (Deficit) - End of year	<u>\$ (8,006)</u>	<u>\$ 1,349,137</u>	<u>\$ 1,341,131</u>
(1) Assumption that there is a use of General Fund property taxes towards the operations of the ice arena.			



Key Considerations

Pros:

- Allows the City to see how well rates/fees are covering costs
- More transparency on Ice Arena operations
- Long-term assets and liabilities are included which allows for short-term and long-term perspective on financial condition

Cons/Alternative Options:

- More administrative work for the finance/accounting team (i.e. separate accounting, cost allocations, budgeting, etc.)
- Accounting for the activity in an enterprise fund will not impact operations or profitability of the activity
- Transparency can be accomplished through other means such as enhanced internal reporting



MEMORANDUM

Department of Public Services

DATE: March 10, 2021

TO: Thomas M. Markus, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Ice Arena Operational Improvements and Future Actions

INTRODUCTION:

On March 8, 2021, the City Commission conducted a workshop to examine deeper accounting practices with the ice arena reporting in the General Fund versus an enterprise fund. We highlighted the current Ice Arena facility improvements and held talks about some other potential revenue sources going into the future.

BACKGROUND:

To make it clear, the Department of Public Services (DPS) has focused many years on the Ice Arena operation, in particular with the various noted facility deficiencies; now with the renovations we will be in a much better business position to be competitive in the local arena market.

Several years ago, staff explored various local arena operations and had discussions with other entities regarding privatization options and services. As the old adage goes, "timing is everything".

Now is the time for well-executed actions to enhance the viability of the Birmingham Ice Arena, both operationally and as a community asset. For example, the following is how the golf courses were re-invented. I established goals and objectives for the newly hired Golf Manager in 2012. We plan to apply the same principles to the new and improved Ice Arena operations. The objectives include such focus areas as 1.) Marketing and communications, 2.) Grow the business, 3.) Merchandise, food and beverages, 4.) Personnel and 5.) Budgeting and financial.

We will be looking at best ways to run the ice arena successfully and it will require a cohesive team. Staffing caliber and overall program needs will be re-visited. In addition, the evaluation of available ice time along with current rates/fees is underway. We want the arena to be run as cost effective as possible.

In the past, we have leased out the pro shop for operations to a third party. We will continue to examine best practices for any hybrid opportunities for rental space. Of course, filling all of the ice time and maximizing the use of the facility is the ultimate goal.

The most frequently visited Birmingham website page is the Ice Arena page.

FISCAL IMPACT:

Taking into account both the potential revenue generators with the renovated ice arena facility and input from the workshop session, we will be in a good position to improve usage at the building. Several areas of note have been analyzed and reviewed during the last few years.

Below is a non-exhaustive list of probable revenue enhancements and cost-saving measures to be realized during the Ice Arena season after the renovation project concludes.

- Extended four (4) month operation
- Spring Hockey League and Summer Camps
- Team Locker Room Lease
- Additional Meeting Room Rental Opportunities
- Equipment Efficiencies – Maintenance and Energy Savings
- Women's Leagues
- Naming Rights/Banner Advertising
- Maximize Concession Usage during events and ice rentals
- Projected Yearly Revenue is approximately \$60,000

SUMMARY:

The future is bright! The renovation/addition project is providing the only chance of success and survival for the Birmingham Ice Sports Arena. It is important to emphasize after the improvements are completed and we host a "Grand Opening" that the Ice Arena should serve as a venue for community use. Ongoing community outreach will occur with the local senior residence facilities, other area residents, NEXT, Library and Community House to name a few.

The year round operation now because of a new refrigeration/flooring system will be very beneficial, as over the years the facility loses rental users to other Ice Arena facilities because we close down four months. Program reviews will continue on a regular periodic basis. This includes the instructional component of the business. The facility also affords us with a premier venue to promote all aspects of functions and operations.

We are exploring setting up an online live time glance of available blocks of ice rental time for public viewing and filling any openings of ice time for users. Re-engaging the current users on the faculty status and our interest in long-term relationships is another objective.

After a solid three years of re-inventing the ice arena business, the City will be in a much better position to examine outside third party operators. We will keep up on best practices and the latest privatization alternatives/options throughout the next few years, in order to make any future recommendations to the Parks and Recreation Board.

I will continue to provide updates to the Parks and Recreation Board and City Manager Markus.



MEMORANDUM

Department of Public Services

DATE: March 12, 2021

TO: Thomas M. Markus, City Manager

FROM: Jacquelyn Brito, Golf Manger

APPROVED: Lauren A. Wood, Director of Public Services

SUBJECT: Golf Cart Lease for Lincoln Hills and Springdale Golf Courses

INTRODUCTION:

The last contract with Pifer Inc. for the golf cart lease expired October 2020, end of season. We lease 52 golf carts comprised of thirty-five (35) 2015 RVX electric carts and seventeen (17) 2013 TXT Gas Carts. We went out to bid using Michigan Inter-Governmental Trade Network (MITN) on December 19, 2020. The specification for this bid was requesting lease pricing for used golf carts 2017 or newer. This bid included a total fleet of 56 carts comprised of thirty-nine (39) electric carts and nineteen (17) gas carts.

BACKGROUND:

The Birmingham golf courses have utilized refurbished golf carts since July of 1999 with Pifer Inc. It has been a good relationship and was cost efficient for the City, especially for the years it operated in the red. The leases typically are for two (2) or three (3) years, because it is a good practice to change the carts because of wear and tear of the equipment with an older fleet.

Historically, when we go out to bid we generally have one or two vendors, which is Pifer for refurbished carts and other companies for new carts. The low bid has always been Pifer Inc. and we have always awarded the bid to Pifer, due to costs. The last lease agreement was a three-year term at an annual cost of \$35,940.

Pifer Inc. services include a weekly maintenance visit for repairs and provides replacement tires when needed. Upon completion of the season, all carts are removed from the facilities and are tuned-up by Pifer, Inc. during the winter months. All of the golf carts are delivered back to the golf facilities in early spring or late winter, depending upon the busy schedule.

Last July, we started experiencing issues with our carts, especially the electrics. They began to break down, because of bad batteries and cables. These issues were expressed weekly with the Mechanic. In August, golf course staff reached out to inform them of these re-occurring issues and to discuss getting a new fleet in 2021.

The player's experience is very important to us, and to have a player walk in because of a bad cart (stalled) is simply unacceptable. Considering this past season, it is important for our members and guests to see improvements in 2021. The other issue was the performance of the gas carts, which are least desired by the players. They have become extremely loud and rough over the past two seasons, and a few of them emit gray smoke. The cart barns have limited space to charge electric carts so our fleet is supplemented with the gas carts. These carts are used as the last resort and staff had stated many times to the Pifer mechanic, that we do not want these carts back in 2021.

Bids were opened on January 19, 2021. We received only one bid from Pifer Inc. This bid provided the same carts supplied to us last season, which were 2015 and 2013 golf carts. Therefore, this did not meet the bid specifications.

The bid from Pifer Inc. provided deviations to the specified carts. They were unable to provide 2017 or newer fleet for the 2021 season. Mr. Pifer suggested that we keep the same fleet and extend our current contract until he could supply a new fleet, with newer carts. He would then bring in a new fleet with new pricing.

Therefore, we went back out to bid on February 3, 2021 on MITN to expand the parameters with offering three (3) options. We opened bids on February 11, 2021 and we received three (3) bids below: Pifer Inc., Mid-West Turf, and EZ-Go Textron.

Option 1	2017+ RXV Electric	2017+ TXT Gas	Annual Cost 56 Carts	2 Year Lease	3 Year Lease	5 Year Lease
EZ-Go (2019 Fleet)	846.48	813.30	46,838.89	N/A	140,516.67	N/A
Mid-West Turf	N/A	N/A	N/A	N/A	N/A	N/A
Pifer, Inc. - (Existing Fleet)	675.00	675.00	37,800.00	75,600.00	N/A	N/A

Option 2	2021 RXV Electric	2021 TXT/RXV Gas	Annual Cost 56 Carts	3 Year Lease	5 Year Lease
EZ-Go	1,229.46	887.88	47,948.94	143,846.82	
EZ-Go	845.46	760.02	45,893.28		229,466.40
Mid-West Turf	1,036.68	1,038.18	58,079.58	174,238.74	
Mid-West Turf	856.86	778.44	46,651.02		233,255.10
Pifer, Inc.	N/A	N/A	N/A	N/A	N/A

Option 3	2021 Lithium	2021 RXV/Prec.	Annual Cost 56 Carts	3 Year Lease	5 Year Lease
EZ-Go	1,212.12	887.88	62,366.64	187,099.92	
EZ-Go	985.08	760.02	51,338.46		256,692.30
Mid-West Turf	1,362.24	1,038.18	70,776.42	212,329.26	
Mid-West Turf	1,098.96	778.44	56,092.92		280,464.60
Pifer, Inc.	N/A	N/A	N/A	N/A	N/A

Staff researched the industry to see if there would be an advantage going to brand new carts rather than a refurbished fleet. The main vendors, Club Car and EZ-Go rolled out a new cart with lithium batteries about four years ago. The results have been extremely positive as proven in the field, **with no maintenance of batteries, energy savings up to 40%, and a 5-year warranty on the battery.** In addition, the 2021 EZ-Go EX1 and Club Car Precedent gas carts offer a new engine that is much quieter and provides for a smoother ride where the players will enjoy riding the gas carts.

We added two other options to get pricing for new 2021 carts in addition to keeping the used or refurbished option available for bid. The services provided by the other vendors include a weekly maintenance visit to check fleet and will supply tires. The carts will be stored at the facilities and with the lithium battery, it does not require any winter maintenance. The gas carts will be winterized at the end of the season and if there are any issues, both vendors will take of the fleet prior to opening.

LEGAL REVIEW:

The City Attorney has completed a review of this contract agreement and approved with signature.

FISCAL IMPACT:

The cost will be higher for the new cart lease compared to a refurbished fleet, but we believe the advantages far outweigh the costs. The new fleet will be \$13,538.46 more per year than keeping the old equipment. However, we will eliminate the maintenance of the acid battery and will eliminate the problems we have had with failure of batteries and cables. In addition, the annual energy savings from the lithium battery is estimated to be around \$7,000, as shown in chart below. The battery has a 5-year warranty, the length of the lease.

Electric Golf Carts	kWH Per Rd	Annual Cart Rds	Total kWH Used	kWH Rate	Total Cost Per Fleet
EZ-Go Lead Acid	3.628	24,700	89,612	\$0.13	\$11,649.56
EZ-Go Elite	1.398	24,700	34,531.00	\$0.13	\$4,489.03

See the chart below for the previous realized revenue for cart rentals and 2021 projection.

YEAR	REVENUE	LEASE COST	PROFIT/LOSS	PROFIT %
2018	157,789	35,940	121,849	77%
2019	157,620	35,940	121,680	77%
2020	178,896	35,940	142,956	80%
TOTALS	\$664,305	\$107,820	\$386,485	58%

Projected				
2021	170,000	51,338.46	118,661.54	70%

Funds are available from the approved FY Budget 2020-2021 in the Equipment Rental or Lease account #584-753.002-941.0000 and #597-753.002-941.0000 for this contract.

PUBLIC COMMUNICATIONS:

There is no public communications at this time.

SUMMARY:

The Department of Public Services recommends Option #3 and to award the Golf Cart Lease for the Birmingham golf courses to EZ-Go for \$51,338.46 per year or \$256,692.30 over a 5-year period.

ATTACHMENTS:

The Agreement including the required Insurance Certificate, EZ-Go Textron Bid Proposal, Master Lease and Iran Sanctions Act Vendor Certificate Form are attached for your review.

SUGGESTED RESOLUTION:

To award the Golf Cart Lease Option #3 for the Birmingham Golf Courses to EZ-Go Textron in the amount not to exceed \$51,338.46 per year or \$256,692.30, over a five-year period. Funds are available in the Equipment Rental or Lease account #584-753.002-941.0000 and #597-753.002-941.0000 for this contract. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of the required insurance coverage.

GOLF CART LEASE AGREEMENT

This Agreement (Agreement) is entered into this _____ day of _____, 2021, by and between _____ whose address _____ (hereinafter called the "Vendor") and the **CITY OF BIRMINGHAM**, a Michigan Municipal Corporation, whose address is 151 Martin Street, Birmingham, Michigan 48009 ("City").

RECITALS:

WHEREAS, the City has heretofore advertised for bids to obtain a fleet of 56 golf carts for both, Lincoln Hills and Springdale Golf Courses, and in connection therewith has prepared a request for sealed proposals ("RFP"), which includes certain instructions to bidders, specifications, terms and conditions

WHEREAS, the CITY would like to lease golf carts for its municipal golf courses from VENDOR as well as enter a Service Agreement with VENDOR related to the maintenance of the golf carts, and,

WHEREAS, the City has prepared a request for sealed proposals (RFP) endorsed "**Golf Cart Lease Bid – February 11, 2021**" which includes certain instructions to bidders and specifications, and, in connection therewith, has advertised for and sought sealed proposals endorsed "**Golf Cart Lease Bid – February 11, 2021**" which includes certain qualifications, instructions to bidders, specifications, and General Contract Conditions (collectively the "RFP"), and,

WHEREAS, the VENDOR has made a bid ("Bid") to provide golf carts in accordance with the RFP, in the amount set forth in its bid form, and which bid has been accepted by the CITY.

WHEREAS, the VENDOR is willing to lease such golf carts and enter into such a Service Agreement desired by the CITY for the considerations hereinafter expressed.

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE RESPECTIVE AGREEMENTS AND UNDERTAKINGS HEREIN CONTAINED, THE PARTIES AGREE AS FOLLOWS:

1. It is mutually agreed by and between the parties that the documents consisting of the RFP documents, Bid, Bid Forms and all bid bonds required for this project shall be incorporated herein by reference, and shall become a part of this Agreement, and shall be binding upon both parties hereto. If any of these documents are in conflict with this Agreement, the terms of this Agreement shall take precedence, then the RFP documents, then the Bid.

2. The CITY shall lease fifty-six (56) golf carts from VENDOR as follows:
- a. Seventeen (17) Gas reconditioned or new E-Z-GO Golf Carts, preferred green with tan canopy and seats, model year 2017 or newer (Option 2 & 3).
 - b. Thirty-nine (39) Electric reconditioned or new E-Z-GO Golf Carts, preferred green with tan canopy and seats, model RXV that is from year 2017 or newer (Option 2 & 3), new Trojan Batteries and Battery Indicators where applicable.
 - c. All Golf Carts shall have a sweater basket, windshield, new message holders, two (2) sand buckets per cart, fender scuff guard, and two (2) tow bars per every forty (40) carts.
 - d. The above agreed upon Golf Carts will meet specifications required under this Agreement and the RFP, and the Lease shall be a Full Service Lease.

SEBID FORM

3. The City shall pay VENDOR \$_____ per cart per year as rental. With a "pay six-months/skip six-month" payment schedule. Payment shall be due from CITY to VENDOR on the 1st of the month. Any payment past due shall accrue late charges from the due date at the lower of (a) VENDOR's then prevailing late charge rate, or (b) the highest rate permitted by law.

The payment schedule shall be as set forth below:

Option 1 – RXV Electric and TXT Gas – Year 2017+

The lease of thirty-nine (39) reconditioned Electric Power Golf Carts.

The lease of seventeen (17) reconditioned Gas Power Golf Carts

	Electric (39) Cost/Per Cart	Gas (17) Cost/Per Cart	Annual Cost	Total Cost For Fleet
3 Year Lease				
5 Year Lease				

Option 2 – RXV Electric and TXT Gas – Year 2021

The lease of thirty-nine (39) Electric Power Golf Carts.

The lease of seventeen (17) Gas Power Golf Carts.

	Electric (39) Cost/Per Cart	Gas (17) Cost/Per Cart	Annual Cost	Total Cost For Fleet
3 Year Lease				
5 Year Lease				

Option 3 – RXV Elite and EX1 Gas – Year 2021

The lease of thirty-nine (39) Electric Power Golf Carts.

The lease of seventeen (17) Gas Power Golf Carts.

	Electric (39) Cost/Per Cart	Gas (17) Cost/Per Cart	Annual Cost	Total Cost For Fleet
3 Year Lease				
5 Year Lease				

Each payment made pursuant to this Lease shall be applied first to any charges or other expenses due under the terms of this Lease and the remaining balance, if any, to any rent then due.

4. The term of this Agreement shall be _____ years commencing on _____, 2021 and expiring on March _____, _____. This Agreement is non-cancelable and shall commence upon actual delivery of the Golf Carts to the CITY.

5. **WARRANTIES.** The CITY acknowledges that VENDOR is not the manufacturer or seller of the equipment. VENDOR MAKES NO WARRANTY OR REPRESENTATION, EITHER EXPRESSED OR IMPLIED, OF ANY KIND ~~WHATSOEVER~~ WITH RESPECT TO THE EQUIPMENT, INCLUDING BUT NOT LIMITED TO THE MERCHANTABILITY OF THE EQUIPMENT, OR ITS FITNESS FOR A PARTICULAR PURPOSE, OR THE DESIGN OR CONDITION OF THE EQUIPMENT, OR THAT THE EQUIPMENT SATISFIES THE REQUIREMENTS OF ANY LAW, GOVERNMENTAL REGULATION, CONTACT, OR SPECIFICATION.

The CITY hereby agrees to and acknowledges that the standard E-Z-GO new cart and the battery manufacturer's warranties remain in effect but that the CITY shall not receive any reduction in monthly payments listed herein for any warranty work provided or arranged by the VENDOR under this agreement.

6. **TITLE TO EQUIPMENT.** The CITY shall have not right, title or interest in the Equipment, except a leasehold interest to possess and use the equipment during the term of the Lease subject to the terms hereof. The equipment is and shall remain personal property and shall not become part of CITY's physical plant. VENDOR shall have the right to display notice of its ownership on the equipment by affixing to each piece of Equipment in a conspicuous place such metal plate, or other form of notice that VENDOR may reasonably require and CITY will not alter, deface, cover, obscure, or remove such ownership notice. Except as provided in Section 17, upon termination of this Lease, VENDOR shall be entitled to all equipment leased herein and the VENDOR or the VENDOR's designates shall have the right to enter the CITY's premises and remove same. It is understood and agreed that for all purposes this Agreement is intended to be a Lease and that CITY does not hereby acquire right, title, or interest to any equipment leased hereunder, except the right to use the same under the terms provided herein.

7. **LIENS AND ALTERATIONS.** The CITY will keep equipment free from any liens, claims or encumbrances and will not without the prior written consent of VENDOR, make or suffer any changes, alterations, improvements or remove any parts, accessories or attachments other than in the course of routine maintenance.

8. **USE OF EQUIPMENT.** CITY agrees and warrants that the equipment

leased herein will not be used or operated in violation of any law, ordinance or governmental regulation.

9. **ASSIGNMENT.** This Agreement and all rights of VENDOR hereunder may be assigned by VENDOR at any time without CITY's consent, and after notice to CITY of such assignment, CITY agrees thereafter to make all lease payments hereunder to VENDOR's assignee. In the event of any such assignment, the CITY agrees that it shall not assert against VENDOR's assignee, any defense, deduction, claim, counter claim or set off which CITY may have against VENDOR, whether arising out of this agreement or any other transaction or otherwise. After any such assignment, all references to "VENDOR" herein shall refer to the VENDOR's assignee, and such assignee shall have all rights, privileges and remedies of VENDOR hereunder. The CITY shall not sell, transfer, assign, sub lease, convey or pledge its interest in or to this Lease or the equipment without the prior written consent of VENDOR and any such sale, transfer, assignment, sublease, conveyance or pledge, whether by operation of law or otherwise, without the prior written consent of VENDOR shall be void. Should the CITY sell the golf course, it will notify the VENDOR and the Lease Agreement will be transferred to the new owner.

10. **STORAGE.** The CITY assumes the responsibility for the safe housing indoors or under suitable cover of Equipment during the night and non-utilized periods. The VENDOR shall be required to repair all flat tires. Additional tires or rims will be provided by the VENDOR.

11. **INSPECTION BY VENDOR.** CITY agrees that VENDOR or VENDOR's agent shall have the right, during CITY's normal operating hours, to inspect the equipment and the maintenance records of the equipment. Upon inspection, VENDOR may serve written notice to CITY should there be incidence of noncompliance with the terms of this Agreement. If, after ten (10) days from the date of such notice, said non-compliance has not been corrected to the reasonable satisfaction of VENDOR, VENDOR shall have the option to:

- A. Effect the necessary repairs and collect the cost of said repairs from CITY;
- B. Take possession of the subject Equipment and collect from the CITY the cost of repairing the Equipment, all owing and unpaid lease payment and an amount equal to six times the monthly rental payment; and,
- C. Declare CITY in default of this Agreement, and proceed to exercise its rights under Section 15 hereof.

12. **INSURANCE.** The City shall, at its own expense, insure equipment against loss, theft, damage, fire, destruction or vandalism in the amount of \$5,000 per incident per cart. Lessor shall carry insurance against loss, theft, damage, fire,

destruction or vandalism in amounts in excess of \$5,000 per incident per cart, but such coverage shall not extend to the negligent operation of equipment by the City or individual operators renting from the City. Lessor acknowledges that the City is self-insured. Insurance proceeds shall be applied at the option of the Lessor (i) for the replacement, restoration or repair of any equipment, which may be lost, stolen, destroyed or damaged or (ii) toward the obligations of the City for rent hereunder. In the event the Lessor elects to apply the proceeds to the replacement, restoration or repair of any equipment, which may be lost, stolen, destroyed or damaged, this Lease shall continue in full force and effect. In the event that the Lessor elects to apply such proceeds to the City's obligations for rent hereunder, any balance of the proceeds shall be the property of the Lessor and the City's obligations for rent shall cease. Lessor will provide to the City evidence of its liability insurance, which must be acceptable to the City.

The VENDOR shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required by this paragraph. All certificates of insurance shall be with insurance carriers licensed and admitted to do business in the State of Michigan. The CONTRACTOR shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:

- A. Workers' Compensation Insurance: Contractor shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
- B. Commercial General Liability Insurance: Contractor 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 Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
- C. Motor Vehicle Liability: Contractor shall procure and maintain during the life of this Agreement 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.
- D. Additional Insured: Commercial General Liability 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.

- E. Professional Liability: Professional liability insurance with limits of not less than \$1,000,000 per claim if Contractor will provide service that are customarily subject to this type of coverage.
- F. Cancellation Notice: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.
- G. Proof of Insurance Coverage: Contractor 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;
 - 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
 - 3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
 - 4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
 - 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
- H. Coverage Expiration: If any of the above coverages expire during the term of this Agreement, Contractor shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.
- I. Maintaining Insurance: Upon failure of the Contractor 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.

13. PERFORMANCE OF OBLIGATIONS OF CITY BY VENDOR. If CITY fails to timely and properly perform any of its obligations hereunder, VENDOR may, but shall not be obligated to perform such obligations on behalf of CITY, and the cost of such performance and the amount of the reasonable expenses of VENDOR incurred in connection with such performance together with late charges at the rate specified in section 2 for late payments, shall be payable by CITY upon demand by VENDOR and such action by VENDOR shall not be deemed a cure or waiver of any default of CITY hereunder. Gasoline, E Z Go Oil, or electricity required for the operation of said carts shall be furnished by the CITY. The CITY agrees that it will not permit any other electrical or mechanical golf carts to be operated on said golf course except for member owned carts. City also agrees the golf carts will not be used as a maintenance vehicle, carrying refreshments, or picking up balls from the driving range.

14. TAXES. CITY will pay, or reimburse VENDOR, for any and all sales use, property and any other taxes now or hereafter imposed by any state, federal or local government based upon the ownership, leasing, renting, sale or possession or use of the equipment whether the same be assessed to the VENDOR or CITY, together with any penalties or interest in connection therewith, except taxes imposed or measured by the net income of the VENDOR.

15. INVESTMENT TAX CREDIT INDEMNIFICATION. It is hereby agreed that Lessee shall indemnify and hold harmless Lessor from and against any loss or liability incurred by Lessor by reason of any disposition or other disqualifying use of the equipment by Lessee affecting the Investment Tax Credit allowed for the equipment under the Internal Revenue Code of 1954, as amended.

16. DEFAULT. The occurrence of any of the following events shall, at the option of the VENDOR, terminate this lease and CITY's right to possession of the equipment,

- (a) The default by CITY under any term, covenant, or condition of this lease; and,
- (b) Any act of bankruptcy or insolvency or reorganization or receivership or assignment or levy by or against CITY.

Upon the happening of any of the above events, VENDOR reserves the right to:

- (i) Enter any premises where any equipment shall be located and

remove or retain same without being liable to any suit, action, defense or other proceeding by Lessee;

- (ii) Sell at public or private sale or lease any portion of said equipment, and apply the proceeds of such sale or lease, after deducting all costs incurred by VENDOR including, but not limited to repair costs, recovery fees, storage costs, and attorney's fees, against the amounts then due or thereafter to become due by CITY under the Lease. If such proceeds are less than the present amounts due plus any future amounts due, CITY shall immediately pay VENDOR the difference;
- (iii) Recover from CITY all amounts due or to become due herein and/or; and,
- (iv) Pursue any other remedy at law or in equity whether or not covered in this Agreement.

17. NOTICE AND PAYMENTS. All communications which may be or are required by VENDOR or CITY shall be in writing. Communications to the VENDOR shall be addressed to:

VENDOR ADDRESS

If to CITY:

CITY OF BIRMINGHAM

Lauren A. Wood, Director of Public Services
851 S. Eton Street
Birmingham, MI 48009

18. **OPTION TO PURCHASE.** Such option shall be exercised by giving Lessor written notice of same no later than 30 days prior to the expiration of this Lease. The purchase price for the equipment shall be as stated in Section 2 above. Lessee shall take title to the equipment "AS IS, WHERE IS."

19. **SAVING CLAUSE.** In the event that any terms and provisions of this Agreement are in violation of, or prohibited by, any law, statute or ordinance of the state, or country in which it is used, the remainder of this Agreement shall not be invalidated.

20. **ADDITIONAL DOCUMENTS.** CITY agrees to execute, or obtain and deliver to VENDOR, at VENDOR's request, such additional documents as VENDOR may reasonably deem necessary to protect VENDOR's interest in the equipment and in this Agreement, including, without limitation, financing statements, landlord's waivers, and mortgagee's waivers. CITY shall pay, or reimburse VENDOR on demand any filing fees or expenses incurred in connection with such additional documents. The execution of financing statements, or the filing of the same shall be for information purposes only and shall not be construed as an intention by the parties that the equipment is being sold to CITY under this Agreement.

21. **ENTIRE AGREEMENT.** The parties agree that this instrument, together with attached Addenda (if any) constitute the entire Agreement between the parties and that no verbal understanding not incorporated in this document is binding upon either party. Both parties covenant to fulfill the obligations imposed upon them and waive any specific rights granted by state laws which might allow them to evade their respective responsibilities.

22. **SETTLEMENT OF DISPUTES.** Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL§600.5001 et. seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made

pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.

23. UNIT LOCATION. It is hereby agreed by both parties that the units shall be exclusively located at: City of Birmingham Golf Courses and the VENDOR shall endeavor to service the units at this location. VENDOR reserves the right to transport the units to an outside location if major repairs are required.

24. SERVICE SCHEDULE. The VENDOR agrees to service and maintain the units herein subject to the terms of this Agreement on an on call basis during all months the Club normally operates the units.

25. CLUB'S MAINTENANCE RESPONSIBILITIES. The Club agrees at its sole cost and expense to: (a) on a daily basis, charge, water and clean batteries; store and secure units and maintain vehicles except for normal wear and tear; (b) on a weekly basis, to check and maintain tire pressure, change flat tires, wash and clean carts; and, (c) on an as needed basis, gas units only, check and refill oil. VENDOR will provide flat tire service when needed and will supply tires and tire rims.

26. VENDOR MAINTENANCE RESPONSIBILITIES. Subject to the terms and conditions of this Agreement as well as the Attachment to VENDOR's BID FORM, which incorporated herein, the VENDOR agrees to keep all units herein in good repair and operating condition, doing so with reasonable dispatch and to replace with new parts and badly worn or broken parts. The VENDOR will repair or replace all accessories and components of the vehicles as may detract from its cosmetic condition or appearance for cars of comparable age, under normal conditions, subject to expected wear and tear. The VENDOR further agrees to provide replacement Trojan batteries as required. VENDOR agrees to furnish a replacement vehicle to the City when one of the leased vehicles is serviced for a period of time exceeding one (1) week.

27. PARTS DISPOSITION. It is expressly agreed to by the CITY that the VENDOR shall be given title to and shall retain for the VENDOR's use of disposition all parts and batteries replaced under this Agreement.

28. VENDOR'S PERSONNEL. VENDOR warrants that VENDOR's service personnel will be qualified golf cart mechanics. The VENDOR shall maintain workman's compensation coverage on its employees.

29. INDEMNIFICATION. Each Party shall be responsible for its own acts and the acts of its employees and officers, the costs associated with those acts, and the

defense of those acts.

IN WITNESS WHEREOF, the parties execute this Contract.

WITNESSES:

Denise Fabozzi
Denise Fabozzi

VENDOR

By: Marjella Williams
Its: Contracts Administrator

CITY OF BIRMINGHAM

By: _____
Pierre Boutros
Its: Mayor

By: _____
Alexandria Bingham
Its: City Clerk

Approved:

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

Lauren A. Wood
Lauren A. Wood, Director of Public Services
(Approved as to substance)

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

Mark Gerber
Mark Gerber, Director of Finance
(Approved as to financial obligation)



CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)
03/17/2021

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 Aon Risk Services Northeast, Inc. Boston MA Office 53 State Street Suite 2201 Boston MA 02109 USA		CONTACT NAME: PHONE (A/C No. Ext): (866) 283-7122 FAX (A/C No.): 800-363-0105 E-MAIL ADDRESS:	
INSURED Textron Inc. & E-2-GO Division of Textron Inc. 1451 Marvin Griffin Road Augusta GA 30913 USA		INSURER(S) AFFORDING COVERAGE INSURER A: Zurich American Ins Co INSURER B: American Zurich Ins Co INSURER C: Westminster Ins Co. INSURER D: INSURER E: INSURER F:	
		NAIC # 16535 40142 12725	

COVERAGES

CERTIFICATE NUMBER: 570086405664

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.

Limits shown are as requested

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WTD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
C	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC OTHER:			3441GLUS021 GENERAL LIABILITY	01/01/2021	01/01/2022	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE PRODUCTS - COMP/OP AGG Products - Comp/Op \$1,000,000
A	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY			BAP 4020209 06	04/01/2020	04/01/2021	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION						EACH OCCURRENCE AGGREGATE
B	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 N	N/A	WC402021006	04/01/2020	04/01/2021	☒ PER STATUTE ☐ OTH E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE-EA EMPLOYEE \$1,000,000 E.L. DISEASE-POLICY LIMIT \$1,000,000
A	Excess WC			EWS402021206 SIR applies per policy terms & conditions	04/01/2020	04/01/2021	EL Each Accident \$1,000,000 EL Disease - Policy \$1,000,000 EL Disease - Ea Emp \$1,000,000

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

RE: Golf Car Bid 2/2021. 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 is included as Additional Insured in accordance with the policy provisions of the General Liability policy. General Liability policy evidenced herein is Primary and Non-Contributory to other insurance available to an Additional Insured, but only in accordance with the policy's provisions. As respects General Liability policy number 3441GLUS020, Aon Risk Solutions (U.S.) is generating and distributing this certificate in an administrative capacity. Coverage is Independently Procured by the Insured. Aon Insurance Managers is the insurance manager and/or authorized representative.

CERTIFICATE HOLDER**CANCELLATION**

City of Birmingham Lauren A. Wood, Director Public Services 851 S. Eton Street Birmingham AL 48009 USA	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Aon Risk Services Northeast Inc</i>

**CITY OF BIRMINGHAM
BID FORM**

Except where noted below under "Deviations or Exceptions", the following bids are in strict accordance with the specifications contained in the sealed proposals requested endorsed "Golf Cart Lease Bid – February 11, 2021" to be opened at the office of the Director of Public Services at 851 S. Eton, Birmingham, Michigan 48009.

Proposal:

Option 1 – RXV Electric and TXT Gas – Year 2017+

The lease of thirty-nine (39) reconditioned Electric Power Golf Carts.
The lease of seventeen (17) reconditioned Gas Power Golf Carts

	Electric (39) Cost/Per Cart	Gas (17) Cost/Per Cart	Annual Cost	Total Cost For Fleet
3 Year Lease	148.08 p/mo 848.45 p/yr	135.53 p/mo 813.30 p/yr	46,838.89	140,516.46
5 Year Lease	N/A	N/A		

Option 2 – RXV Electric and TXT Gas – Year 2021

The lease of thirty-nine (39) Electric Power Golf Carts
The lease of seventeen (17) Gas Power Golf Carts.

	Electric (39) Cost/Per Cart	Gas (17) Cost/Per Cart	Annual Cost	Total Cost For Fleet
3 Year Lease	204.91 p/mo 1,229.46 p/yr	147.98 p/mo 887.88 p/yr	63,042.90	189,128.70
5 Year Lease	148.91 p/mo 345.46 p/yr	126.67 p/mo 760.02 p/yr	45,893.28	229,446.40

Option 3 – RXV Elite and EX1 Gas – Year 2021

The lease of thirty-nine (39) Electric Power Golf Carts.
The lease of seventeen (17) Gas Power Golf Carts.

	Electric (39) Cost/Per Cart	Gas (17) Cost/Per Cart	Annual Cost	Total Cost For Fleet
3 Year Lease	202.02 p/mo 1,212.12 p/yr	147.98 p/mo 887.88 p/yr	62,336.64	187,099.92
5 Year Lease	164.18 p/mo 985.08 p/yr	126.67 p/mo 760.02 p/yr	51,338.46	256,692.30

Delivery for fleet is required by April 1st or sooner based on weather.

Deviations or Exceptions:

NEW VEHICLES TO BE DELIVERED AUG 2021. LOANER FLEET
TO BE PROVIDED APRIL 1, 2021 (37-2019 RXV ELITE, 17-2017 TATS LOANER FLEET)

Make & Model Bid: EZGO RXV 48V, RXV ELITE, RXV EXI

Delivery Date: 4/1/2021 Total Price: SEE PRICE SHEET Terms: SEE PRICE SHEET

Authorized Signature: [Signature] Date: 2/11/2021

Firm Name: E-2-GO

Address: 1451 MARVIN GRIFFIN ROAD, AUGUSTA GA 30906

Phone #: 401-457-2800

When mailing in this bid please address to: City of Birmingham
Department of Public Services
851 S. Eton
Birmingham, Michigan 48009

Note: The outside of the envelope should be clearly endorsed with "Golf Cart Lease Bid - February 11, 2021."

IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM
For IRRIGATION SYSTEM CONSULTATION and DESIGN SERVICES

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

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

Maruellen Williams January 28, 2021
PREPARED BY DATE
(Print Name)

Contracts Administrator January 28, 2021
TITLE DATE

Maruellen Williams mwilliams@textron.com
AUTHORIZED SIGNATURE E-MAIL ADDRESS

E-ZGO Division of Textron Inc.
COMPANY

1451 Marvin Griffin Rd, Augusta, GA 30906 401-457-2327
ADDRESS PHONE

Textron Inc. 401-421-2800
NAME OF PARENT COMPANY PHONE

40 Westminster St., Providence, RI 02903
ADDRESS

05-0315468
TAXPAYER I.D.#

DATE: March 17, 2021

TO: Thomas M. Markus, City Manager

FROM: James J. Surhigh, Consulting City Engineer

SUBJECT: Resolution to Submit Application for Funding of Derby Road Bridge Replacement to MDOT under the Local Bridge Program

INTRODUCTION:

The City of Birmingham manages twelve inventoried bridges and culverts that would be eligible to apply to the Michigan Department of Transportation (MDOT) Local Bridge Program for funding assistance for necessary preventative maintenance, rehabilitation, or replacement. Bridge inspections are completed every two years on these bridges, and recommendations are made for repairs. From the latest inspection cycle conducted in October 2020, the Derby Road bridge (over CN railroad) is recommended to be scheduled for replacement. An application will be made to the MDOT Local Bridge Program, requesting funding assistance for FY 2024. As part of the application, a resolution from the local governing body is required to demonstrate support of the project.

BACKGROUND:

The Derby Rd bridge was constructed in 1930, and is a multi-span bridge over the CN railroad. The superstructure consists of cast-in-place, reinforced concrete beams and monolithic deck. The superstructure is supported by cast-in-place, reinforced concrete abutments and piers. The abutments and piers are supported on cast-in-place, reinforced concrete spread footings that bear on the underlying soil.

Extensive repairs to the deck, beams, railings, and piers were completed in 1981, and again in 2007. Based on the extent of the ongoing deterioration, including cracking and spalling in the concrete with reinforcing steel exposed in some locations, and previous repairs exhibiting signs of failure, a complete replacement of the bridge is recommended in the near future. The estimated project cost for replacement of the bridge is approximately \$3,467,000, and includes estimated construction cost in 2024 dollars, 10% contingency, and engineering for both design and construction. The report from the City's Bridge Consultant is attached for reference.

MDOT manages a Local Bridge Program to provide funding assistance to local road agencies, including counties, cities and villages. MDOT is currently accepting applications for eligible projects for potential future funding in FY 2024. Applications are competitively evaluated by MDOT and prioritized, and offers are made to the local agencies for funding according to the project prioritization. Under this program, costs for right-of-way, design engineering and construction engineering are not eligible, and must be paid by the local agency. A minimum 5% local match is required, however, due to the competitive nature

of this potential source of funding, most recent projects that have been awarded funding have proposed 20 to 25% local match. The Engineering Department recommends submitting an application for replacement of the Derby Rd bridge for consideration under the Local Bridge Program funding for FY 2024, with a 20% local match. The application submittal deadline is April 5, 2021 for consideration for potential FY 2024 funding. Attached is the Local Bridge Program application package, including the resolution for support of the project that must accompany the application.

LEGAL REVIEW:

The attached resolution was reviewed by the City Attorney, who did not object to the language of the resolution as presented.

FISCAL IMPACT:

There is no cost to the City for adopting this resolution. The bridge replacement project will be programmed in the future Capital Improvement Plan for FY 2024 considering the proposed City contribution of \$1,156,000, which includes the 20% match of construction costs plus design and construction engineering costs (estimated at 20% of the construction cost), and would be funded by the Major Streets Fund. The potential funding award being requested from MDOT is approximately \$2,311,000. If the project is not prioritized for funding, then the proposed year of replacement may need to be extended, and intermediate repairs conducted, so that the full amount of funds can accumulate. The proposed funding conditions and capital improvement planning were reviewed with the Finance Department.

PUBLIC COMMUNICATIONS:

None required at this time.

SUMMARY:

The recent bridge inspections conducted in October 2020 have concluded that the Derby Rd bridge be scheduled for replacement in the near future. An application will be made to MDOT for potential funding assistance under the Local Bridge Program for FY 2024. The application must be submitted by April 5, 2021, and requires a resolution from the City Commission demonstrating support of the project.

ATTACHMENTS:

- City Commission Resolution for Support of the Project
- Local Bridge Program Application for Replacement of Derby Rd Bridge over CN Railroad, prepared by Anderson, Eckstein & Westrick (AEW), the City's Bridge Consultant.
- MDOT's Announcement of the Solicitation of Applications for Candidate Projects for the Local Bridge Program (FY 2024 Funding).

SUGGESTED RESOLUTION:

To adopt the Resolution of the City of Birmingham demonstrating support of the project and submittal of the application to MDOT for FY 2024 funding assistance under their Local Bridge Program, as presented.

**CITY OF BIRMINGHAM
NOTICE OF RESOLUTION**

At a meeting of the City Commission for the City of Birmingham, Michigan, held at 151 Martin Street, Birmingham, Michigan 48012, on the 22nd day of March, 2021, at which time a quorum of the City Commission was present, the following resolution was adopted by vote taken by yeas and nays and entered at large upon the record of said Board.

RESOLUTION

WHEREAS, the City Commission for the City of Birmingham is required under the provisions of the Local Bridge Program to review, approve, and state that they are actively seeking funding participation in certain bridge replacements; and,

WHEREAS, the staff of the City of Birmingham has reviewed the bridge system in Birmingham, Michigan and has found that there is a need for the replacement of the Derby Road bridge to improve their traffic safety and structural capacity; and,

WHEREAS, the available City funds are insufficient to fund the bridge project submitted while still maintaining the remainder of the road system.

NOW, THEREFORE, BE IT RESOLVED that the City Commission for the City of Birmingham seeks participation in the Local Bridge Program for the following project and affirm that the City Commission of Birmingham, Michigan is committed and will provide local funds estimated to be \$1,156,000, for payment of all design engineering, construction engineering, and 20% of the total cost of construction, in the event the project receives Federal and State funding.

Bridge and Location

Estimated Total Cost of Construction

Derby Road Bridge over CN Railroad

\$2,889,000.00

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to execute the necessary documents and that a certified copy of this resolution be submitted with the application for the Local Bridge Program funding.

I hereby certify that the above is a true copy of part of the 2021 minutes of a meeting held on the 22nd day of March, 2021, by the City Commission of Birmingham, Michigan.

The City of Birmingham

Pierre Boutros, Mayor

Alexandria Bingham, City Clerk

2021 LOCAL BRIDGE PROGRAM APPLICATION

REPLACEMENT OF DERBY STREET OVER CN RAILROAD

CITY OF BIRMINGHAM



SUBMITTED BY:

James J. Surhigh, P.E.
Consulting City Engineer
151 Martin Street
Birmingham, MI 48009
cityengineer@bhamgov.org
(248) 530-1839

March 2021

PREPARED BY:



ANDERSON, ECKSTEIN & WESTRICK, INC.
CIVIL ENGINEERS SURVEYORS ARCHITECTS

51301 SCHOENHERR RD. SHELBY TOWNSHIP, MI 48315
www.aewinc.com p(586)726-1234



Derby Street over CN Railroad
2021 Local Bridge Program Application

City of Birmingham

MDOT BSIR AND SI&A FORMS

MICHIGAN DEPARTMENT OF TRANSPORTATION

STR 8230

BRIDGE SAFETY INSPECTION REPORT

Facility	Latitude / Longitude	MDOT Structure ID	Structure Condition	
DERBY ST	42.5543 / -83.203	634074600043R01	Fair Condition(5)	
Feature	Length / Width / Spans	Owner		
GRAND TRUNK WESTERN RR	165 / 43 / 5	City: BIRMINGHAM(0746)		
Location	Built / Recon. / Paint / Ovly.	TSC	Operational Status	
0.9 MI W OF COOLIDGE HWY	1930 / 2007 / /	Oakland(23)	P Posted for load(364452)	
Region / County	Material / Design	Last NBI Inspection	Scour Evaluation	
Metro(7) / Oakland(63)	1 Concrete / 04 Tee Beam	10/28/2020 / 39V0	N Not Over Waterway	

NBI INSPECTION

39V0

Inspector Name	Agency / Company Name	Insp. Freq.	Insp. Date
Kevin Zauel	Anderson, Eckstein & Westrick, Inc.	24	10/28/2020

GENERAL NOTES

Bridge Spans East-West for purposes of Inspection.

Weight limit signs in place on both ends of bridge	YES
Weight limit shown on signs at bridge	364452
Required advance warning weight limit signs in place	YES
Weight limit shown on advance warning signs	_____

Frequency Justification Comments (required when Poor Condition and frequency is equal to 24 months)

Underside of deck should be monitored for additional spalling

DECK

	10/16	10/18	10/20	
1. Surface (SIA-58A)	6	6	6	Longitudinal and transverse cracking in all spans, worst on eastern spans; 5 ft spacing in center span, wider cracks in west span with several spalls and patching. Map cracking at expansion joint repairs. (10/20) Longitudinal and transverse cracking at regular intervals, 5 ft spacing in center span. Wider cracks in west span with several spalls and patching. Wide longitudinal and transverse cracks in east span. Map cracking at expansion joint repairs. (10/18) Longitudinal and transverse cracking at regular intervals, 5 ft spacing in center span. Wider cracks in east & west span with several spalls. Wide longitudinal and transverse cracks in east span. Map cracking at expansion joint repairs. (10/16)
2. Expansion Joints	8	8	8	Debris build-up in joints over piers, leakage noted below. Separation of sealant at sidewalks. (10/20) Debris build-up in joints over piers, leakage noted below. Separation of sealant at sidewalks. (10/18) Debris build-up in joints over piers, leakage noted below. Separation of sealant at sidewalks. (10/16)
3. Other Joints	8	8	8	Patched spall at east abutment joint on north end. (10/20) Spall at east abutment joint on north end. (10/18) Spall @ east abutment joint on north end. (10/16)
4. Railings	7	7	7	Spalling of approach railing at end anchorage in all quadrants. Minor cracking & spalling at end walls in SW quad. Steel railing post s. fascia over western most pier out of plumb (leaning west). Missing nut at 4th post from west end of south railing. Minor rusting at steel piers at few locations. (10/20) Spalling of approach railing at end anchorage in all quadrants. Minor cracking & spalling at end walls in SW quad. Steel railing post s. fascia over western most pier out of plumb. Missing nut at 4th post from west end of south railing. Minor rusting at steel piers at few locations. (10/18) Spalling of approach railing at end anchorage in SE & SW quadrant. Minor cracking & spalling at end walls in SW quad. Steel railing post s. fascia over western most pier out of plum. (10/16)

MICHIGAN DEPARTMENT OF TRANSPORTATION

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5. Sidewalks or Curbs	7	7	7	Additional spalling at bottom of recent repairs to outer edge of north sidewalk, extensive in west quadrant. Hairline map cracking in recent top surface repairs under railing throughout, worse in southwest quadrant. Minor spalling at north sidewalk curb line and south sidewalk top surface. Minor spalling at south sidewalk joints. Transverse cracks on north sidewalk in northeast quadrant. Large spall SW and SE quad near curb line. All sidewalks quadrants except SE were ground to match approaches settlements. (10/20) Additional spalling at bottom of recent repairs to outer edge of north sidewalk. Hairline map cracking in recent top surface repairs under railing in southwest quadrant. Minor spalling at north sidewalk curb line and south sidewalk top surface. Minor spalling at south sidewalk joints. Transverse cracks on north sidewalk in northeast quadrant. Large spall SW quad near curb line. All sidewalks quadrants except SE were ground to match approaches settlements. (10/18) Additional spalling at bottom of recent repairs to outer edge of north sidewalk. Hairline map cracking in recent top surface repairs under railing in southwest quadrant. Minor spalling at north sidewalk curb line and south sidewalk top surface. Minor spalling at south sidewalk joints. Transverse cracks on north sidewalk in northeast quadrant. Large spall SW quad near curb line. (10/16)
6. Deck Bottom Surface (SIA-58B)	5	5	4	Minor cracking in previous deck repairs. Delaminations and spalling in easternmost and westernmost spans, minor cracking in center spans, 2nd beam space from the north at east span. Two major spalls 12 SF area each in west span, 3rd beam space from south spalled with exposed reinforcement, near W abutment and pier. Large delamination with two spalls were observed in the 2nd beam from north in east abutment at midspan. 16 SF spall with exposed bar east of west pier, 3rd beam space from the north. Delamination east of west-center and west of east pier, 2nd beam space from the north (10/20) Minor cracking in previous deck repairs. Delaminations and spalling in easternmost and westernmost spans, minor cracking in center spans. Two major spalls 12 SF area each in west span, 3rd beam space from south spalled with exposed reinforcement, near W abutment and pier. Large delamination with two spalls were observed in the 2nd beam from north in east abutment at midspan. (10/18) Minor cracking in previous deck repairs. Delaminations and spalling in easternmost and westernmost spans, minor cracking in center spans. Major spall 12 SF area in west span, 3rd beam space from south spalled with exposed reinforcement. (10/16)
7. Deck (SIA-58)	6	6	5	Spalls on north and south fascias not into rebar (10/20) Spalls on north and south fascias not into rebar (10/18) Spalls on north and south fascias not into rebar (10/16)
8. Drainage				(10/20) (10/18) (10/16)

SUPERSTRUCTURE

	10/16	10/18	10/20	
9. Stringer (SIA-59)	6	6	5	Rust staining on some diaphragms under the expansion joints. Efflorescence and cracks in some previous beam and deck repairs. North and south fascia beams continue to crack and spall at bevels. Minor cracking at other beams, with larger horizontal cracks in end and center spans. Cracking and delamination underside of 3rd beam from north in west span. North fascia beam, west span has interior spall at bottom of beam near midspan. East ends of center and 3rd beam from the south, in east center span has delamination and spalling with exposed bar. (10/20) Rust staining on some diaphragms under the expansion joints. Efflorescence and cracks in some previous beam and deck repairs. North and south fascia beams continue to crack and spall at bevels. Minor cracking at other beams, with larger horizontal cracks in end and center spans. Cracking and delamination underside of 3rd beam from north in west span. (10/18) Rust staining on some diaphragms under the expansion joints. Efflorescence and cracks in some previous beam and deck repairs. North and south fascia beams continue to crack and spall at bevels. Minor cracking at other beams, with larger horizontal cracks in end and center spans. Cracking underside of 3rd beam from north in west span. (10/16)

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10. Paint (SIA-59A) N N N (10/20)
(10/18)
(10/16)

11. Section Loss N N N (10/20)
(10/18)
(10/16)

12. Bearings 7 9 8 (10/20)
(10/18)
(10/16)

SUBSTRUCTURE

10/16 10/18 10/20

13. Abutments (SIA-60) 7 6 6 Cracking and spalling of concrete continues at each abutment corner. Full height vertical crack in west and east abutment near center. Ponding water, east side of rail road ballast near east pier. (10/20)
Cracking and spalling of concrete continues at each abutment corner. Full height vertical crack in west abutment near center. (10/18)
Cracking and spalling of concrete continues at each abutment corner. Full height vertical crack in west abutment. (10/16)

14. Piers (SIA-60) 6 6 6 Cracking with efflorescence observed at each pier. Delamination on south face of west pier. Delamination south end 2nd pier from east near previous crack repair. Heavy efflorescence underside of west pier & on east face. (10/20)
Cracking with efflorescence observed at each pier. Delamination on south face of second pier from west. Delamination south end 2nd pier from east near previous crack repair. Heavy efflorescence underside of west pier & on face of east pier. (10/18)
Cracking with efflorescence observed at each pier. Delamination on south face of second pier from west. Delamination south end 2nd pier from east near previous crack repair. Heavy efflorescence underside of west pier & on face of east pier. (10/16)

15. Slope Protection 4 4 5 None present (10/20)
None present (10/18)
None present (10/16)

16. Channel (SIA-61) N N N (10/20)
(10/18)
(10/16)

17. Scour Inspection N N N (10/20)
(10/18)
(10/16)

APPROACH

10/16 10/18 10/20

18. Approach Pavement 8 8 8 (10/20)
(10/18)
(10/16)

19. Approach Shoulders Sidewalks 7 7 7 Recently replaced sidewalk at SE and NE quadrant. Settlement at southwest approach sidewalk joints. Pitting and scaling in northwest approach sidewalk. Bituminous patching and settlement at southeast and southwest approach sidewalk joints. Pitting and scaling in northwest approach sidewalk, cracks in southeast quadrant. (10/20)
Recently replaced sidewalk at SE and NE quadrant. Settlement at southwest approach sidewalk joints. Pitting and scaling in northwest approach sidewalk. (10/18)
Settlement at southeast and southwest approach sidewalk joints. Pitting and scaling in northwest approach sidewalk, cracks in southeast quadrant. Transverse cracks in recently replaced sidewalk SE quad. (10/16)

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20. Approach Slopes (10/20)
(10/18)
(10/16)

21. Utilities (10/20)
(10/18)
(10/16)

22. Drainage Culverts (10/20)
(10/18)
(10/16)

MISCELLANEOUS

Guard Rail

<u>Item</u>	<u>Rating</u>
36A. Bridge Railings	1
36B. Transitions	0
36C. Approach Guardrail	0
36D. Approach Guardrail Ends	0

Other Items

<u>Item</u>	<u>Rating</u>
71. Water Adequacy	N
72. Approach Alignment	8
Temporary Support	0 No Temporary Supports
High Load Hit (M)	No
Special Insp. Equipment	
Underwater Insp. Method	0

False Decking (Timber) Removed to Complete Inspection

N/A - No False Decking

Critical Feature Inspections (SIA-92)

	<u>Freq</u>	<u>Date</u>
92A. Fracture Critical		
92B. Underwater		
92C. Other Special		
92D. Fatigue Sensitive		

MICHIGAN DEPARTMENT OF TRANSPORTATION

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STRUCTURE INVENTORY AND APPRAISAL

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Bridge History, Type, Materials

27 - Year Built	1930
106 - Year Reconstructed	2007
202 - Year Painted	
203 - Year Overlay	
43 - Main Span Bridge Type	1 04
44 - Appr Span Bridge Type	
77 - Steel Type	0
78 - Paint Type	0
79 - Rail Type	4
80 - Post Type	3
107 - Deck Type	1
108A - Wearing Surface	3
108B - Membrane	0
108C - Deck Protection	1

Structure Dimensions

34 - Skew	0
35 - Struct Flared	0
45 - Num Main Spans	5
46 - Num Apprs Spans	0
48 - Max Span Length	31.8
49 - Structure Length	165
50A - Width Left Curb/SW	5.2
50B - Width Right Curb/SW	5.2
33 - Median	0
51 - Width Curb to Curb	29.9
52 - Width Out to Out	43
112 - NBIS Length	Y

Inspection Data

90 - Inspection Date	10/28/2020
91 - Inspection Freq	24
92A - Frac Crit Req/Freq	N
93A - Frac Crit Insp Date	
92B - Und Water Req/Freq	N
93B - Und Water Insp Date	
92C - Oth Spec Insp Req/Freq	N
93C - Oth Spec Insp Date	
92D - Fatigue Req/Freq	N
93D - Fatigue Insp Date	
176A - Und Water Insp Method	0
58 - Deck Rating	5
58A/B - Deck Surface/Bottom	6 4
59 - Superstructure Rating	5
59A - Paint Rating	N
60 - Substructure Rating	6
61 - Channel Rating	N
62 - Culvert Rating	N

Navigation Data

38 - Navigation Control	N
39 - Vertical Clearance	0
40 - Horizontal Clearance	0
111 - Pier Protection	
116 - Lift Brdg Vert Clear	0

Route Carried By Structure(ON Record)

5A - Record Type	1
5B - Route Signing	5
5C - Level of Service	0
5D - Route Number	00000
5E - Direction Suffix	0
10L - Best 3m Unclr-Lt	0 0
10R - Best 3m Unclr-Rt	99 99
PR Number	
Control Section	
11 - Mile Point	0
12 - Base Highway Network	0
13 - LRS Route-Subroute	0000006144 06
19 - Detour Length	2
20 - Toll Facility	3
26 - Functional Class	16
28A - Lanes On	2
29 - ADT	1952
30 - Year of ADT	1988
32 - Appr Roadway Width	27.9
32A/B - Ap Pvt Type/Width	5 27.99
42A - Service Type On	5
47L - Left Horizontal Clear	0.0
47R - Right Horizontal Clear	40.4
53 - Min Vert Clr Ov Deck	99 99
100 - STRAHNET	0
102 - Traffic Direct	2
109 - Truck %	5
110 - Truck Network	0
114 - Future ADT	3002
115 - Year Future ADT	2020
Freeway	0

Structure Appraisal

36A - Bridge Railing	1
36B - Rail Transition	0
36C - Approach Rail	0
36D - Rail Termination	0
67 - Structure Evaluation	4
68 - Deck Geometry	5
69 - Underclearance	4
71 - Waterway Adequacy	N
72 - Approach Alignment	8
103 - Temporary Structure	
113 - Scour Criticality	N

Miscellaneous

37 - Historical Significance	1
98A - Border Bridge State	
98B - Border Bridge %	
101 - Parallel Structure	N
EPA ID	
Stay in Place Forms	
143 - Pin & Hanger Code	
148 - No. of Pin & Hangers	

Route Under Structure (UNDER Record)

5A - Record Type	
5B - Route Signing	
5C - Level of Service	
5D - Route Number	
5E - Direction Suffix	
10L - Best 3m Unclr-Lt	
10R - Best 3m Unclr-Rt	
PR Number	
Control Section	
11 - Mile Point	
12 - Base Highway Network	
13 - LRS Route-Subroute	
19 - Detour Length	
20 - Toll Facility	
26 - Functional Class	
28B - Lanes Under	
29 - ADT	
30 - Year of ADT	
42B - Service Type Under	2
47L - Left Horizontal Clear	
47R - Right Horizontal Clear	
54A - Left Feature	
54B - Left Underclearance	99 99
54C - Right Feature	
54D - Right Clearance	99 99
Under Clearance Year	
55A - Reference Feature	R
55B - Right Horiz Clearance	8.9
56 - Left Horiz Clearance	8.9
100 - STRAHNET	
102 - Traffic Direct	
109 - Truck %	
110 - Truck Network	
114 - Future ADT	
115 - Year Future ADT	
Freeway	

Proposed Improvements

75 - Type of Work	
76 - Length of Improvement	
94 - Bridge Cost	
95 - Roadway Cost	
96 - Total Cost	
97 - Year of Cost Estimate	1998

Load Rating and Posting

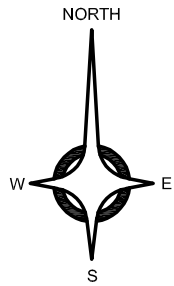
31 - Design Load	0
41 - Open, Posted, Closed	P
63 - Fed Oper Rtg Method	1
64F - Fed Oper Rtg Load	30.1
64MA - Mich Oper Rtg Method	
64MB - Mich Oper Rtg	44
64MC - Mich Oper Truck	
65 - Inv Rtg Method	1
66 - Inventory Load	18
70 - Posting	0
141 - Posted Loading	364452
193 - Overload Class	



Derby Street over CN Railroad
2021 Local Bridge Program Application

City of Birmingham

LOCATION MAP



BRIDGE LOCATION



ANDERSON, ECKSTEIN AND
WESTRICK, INC.

CIVIL ENGINEERS SURVEYORS ARCHITECTS
51301 Schoenherr Rd Phone 586 726 1234
Shelby Township Fax 586 726 8780
Michigan 48315
www.aewinc.com



SCHOOL
HOSPITAL
FIRE STATION
POLICE STATION
MALL

DERBY STREET BRIDGE OVER CN RAILROAD CITY OF BIRMINGHAM, MICHIGAN

DATE	3-12-21	PROJECT No.	0221-0048
DRAWN BY	VLH	SCALE	NONE
CHECKED BY	KEZ	SHEET No.	1



Derby Street over CN Railroad
2021 Local Bridge Program Application

City of Birmingham

PHOTOGRAPHS



Derby Street over CN Railroad
2021 Local Bridge Program Application

City of Birmingham



Approach looking northeast w/ posting sign



Approach looking southwest w/ posting sign



Derby Street over CN Railroad
2021 Local Bridge Program Application

City of Birmingham



South elevation - west portion



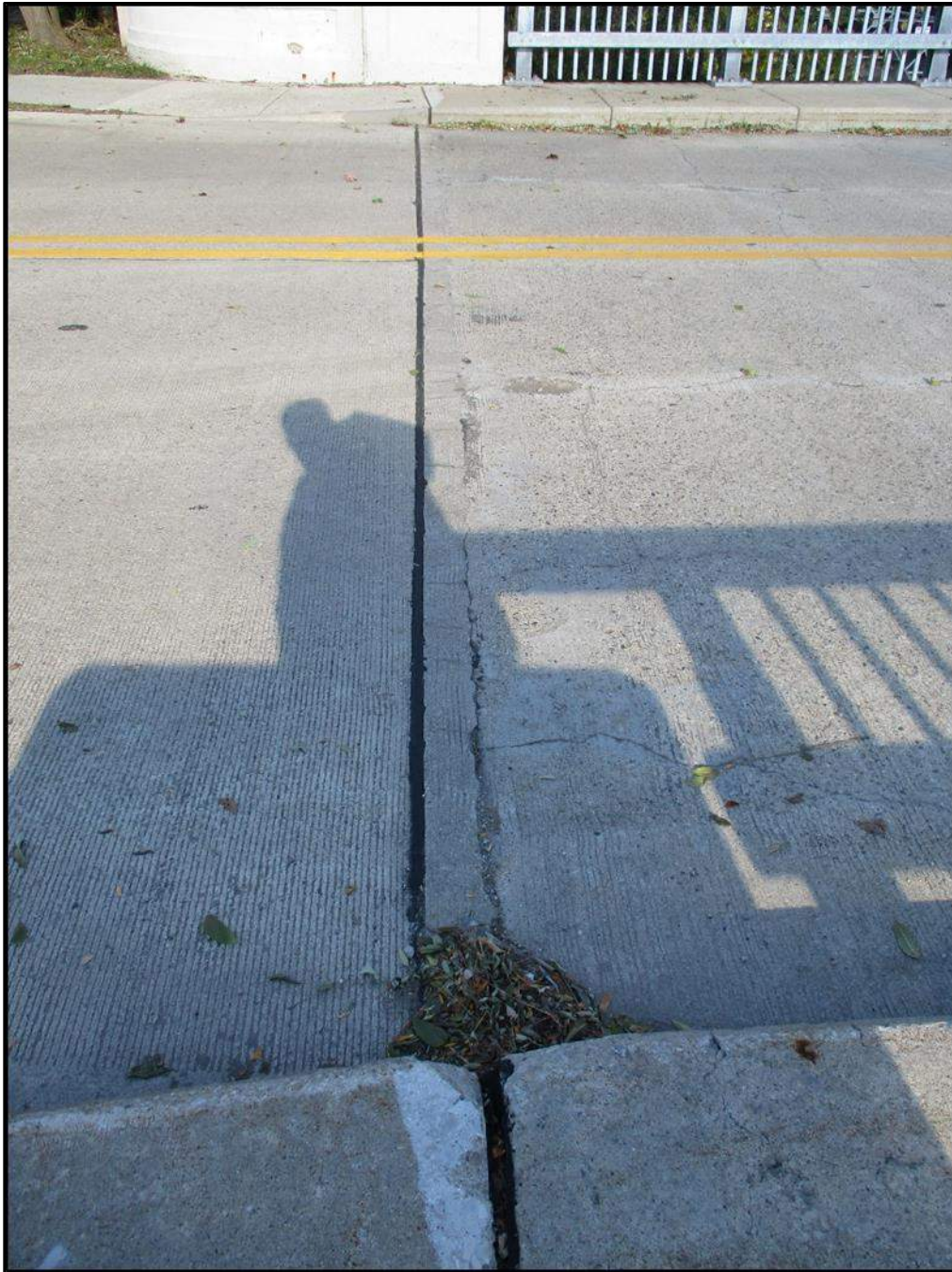
South elevation - east portion



Sidewalk and spalls in concrete railing in southwest quadrant



Sidewalk deterioration at abutment



Cracking at headwall along west abutment joint



Longitudinal and transverse cracking in west span of bridge deck



**Hairline cracking in top surface repair of
sidewalk under railing in southwest quadrant**



Separation of sealant at south sidewalk expansion joint



Spalling of south sidewalk



Longitudinal cracks and spalls in east span of bridge deck



Deterioration on south fascia with out of plumb steel railing post at west pier



Spalls in fascia beam and abutment in southwest quadrant



Spalls in sidewalk fascia and beam in northwest quadrant



**Deck spalls with exposed rebar, beam cracks
and diaphragm deterioration in west span**



Cracking and delamination of previous repair in west span



Deck spalls with exposed rebar in west span



Deck spalls with exposed rebar and pier cracks in west center span



Previous deck and pier repairs near east pier



Deck delamination in east span



Derby Street over CN Railroad
2021 Local Bridge Program Application

City of Birmingham

NARRATIVE



Due to the extent of its deteriorated condition, the City of Birmingham is requesting Local Bridge Program funds for the replacement of the Derby Street Bridge over the CN Railroad.

The contact person is:

James J. Surhigh, P.E.
Consulting City Engineer
City of Birmingham
cityengineer@bhamgov.org
(248) 530-1839

ECONOMIC IMPORTANCE

Derby Street is a local two-lane road that carries business and residential traffic between Birmingham and Troy. The average daily traffic volume (ADT) is 1,952 vehicles per day, measured in 1988. The projected ADT, forecasted for 2020, is 3002. The current commercial truck traffic for this portion of roadway is estimated at 5%.

Derby Street is the only east-west road that crosses the CN railroad between West Big Beaver Road and East Maple Road and is a major route for the police and fire departments, ambulances, and city maintenance vehicles. The Somerset Mall, local restaurants and businesses rely on this as a supply route. Local residents depend on this bridge for their daily commute from the residential areas surrounding the bridge to easily access the Troy and Birmingham business districts. Additionally, with public and private schools located just to the east and west of the crossing, this bridge is an important part of their respective transportation routes.

If the bridge were to close, eastbound traffic would be detoured north on N. Adams Road to W. Big Beaver Road or south on N. Adams Road to E. Maple Road. Westbound traffic would divert north on Coolidge Hwy to W. Big Beaver Road or south on Coolidge Hwy to E. Maple Road. The detour amounts to about 2 miles, round trip. Closure of the structure would have an adverse impact on emergency response times, school bus routes and business district congestion.

BRIDGE DESCRIPTION AND DEFICIENCIES

The existing Derby Street is a five-span bridge measuring 43 feet wide and 165 feet long. From the west, the second span crosses the railroad maintenance access road while spans 3 and 4 cross the two railway lines. The superstructure consists of cast in place concrete beams, with a monolithic concrete deck slab. A concrete wearing surface and concrete sidewalks were poured over the deck. The superstructure is supported by cast



in place concrete abutments and piers. Both the piers and abutments are supported on concrete spread footings that bear on the soil. No piles were believed to have been driven to support the substructure. The bridge was constructed in 1930, with extensive repairs to the deck, beams, railings and piers conducted in 1981, and again in 2007.

The 2007 renovation removed and replaced the expansion joints and railing. It also patched, painted, and replaced concrete diaphragms and headwalls over the piers and the abutments, and repaired several large surface spalls and cracks on the fascia beams, deck underside, piers and abutments. However, continued cracks and spalls occur along the deck and sidewalk surfaces. Additional delamination and spalling, with exposed and rusting reinforcement occur on the northern and southern fascia beams. Two major spalls (approximately 12 square feet each) in the deck underside have exposed reinforcement in the west span near the west abutment and near the west pier. A large delamination with two spalls in the deck underside were also recently observed in the middle of the eastern span. Minor cracking was observed in other beams, with larger horizontal beam cracks occurring in the end and center spans. Delamination and cracking also occurs at several previous concrete repairs.

Heavy efflorescence was observed on the underside of the west pier cap and on the face of the east pier. Delamination has occurred on the south end of the second pier from the west near the previous crack repair. Cracking and spalling continue at each abutment corner. A full height vertical crack exists on the west abutment near the center.

Based on the extent of the ongoing deterioration and previous repairs exhibiting signs of failure, our recommendation is for complete replacement of both the monolithic superstructure and the substructure.

As a result of the advancing deterioration and reduced load distribution capability, a load rating required a reduction in capacity. The bridge is currently posted for the following: 1-Unit Truck, 36T; 2-Unit Truck, 44T; 3 Unit-Truck, 52T.

The Federal Sufficiency Rating (FSR) for the Derby Street bridge is 67.8, however this FSR value was calculated prior to the 2020 inspection.

The City of Birmingham has managed its inventory of twelve (12) inventoried bridges and culverts in a fiscally responsible manner over the last several decades and pledges to continue to do so.

The repair of Derby Street, completed in 2008, was funded by City of Birmingham resources. The cost-effective repair measures were made in an effort to reduce the rate of deterioration until a replacement of the bridge could be performed.



Derby Street over CN Railroad
2021 Local Bridge Program Application

City of Birmingham

We hereby request that this application for Local Bridge Program funding be accepted and given all due consideration of the review committee for approval of funding, to assist the City of Birmingham to continue to maintain its bridge assets at the high quality the public deserves.



ESTIMATED BRIDGE REPLACEMENT COSTS

A) APPROACH CONSTRUCTION	\$ 200,000
B) STRUCTURE CONSTRUCTION	<u>\$ 2,689,000</u>
TOTAL:	\$ 2,889,000

No right-of-way acquisition is anticipated for the proposed work. The estimated cost includes mobilization, traffic control, contingencies and inflation – see the following worksheet.

The City of Birmingham cost assuming design and construction engineering and 20% participation of construction cost (A and B) is estimated to be \$1,155,600.

Exhibit 4 - Cost Estimating Worksheet

2021

BRIDGE COST ESTIMATE WORKSHEET

REV. 01/28/2021

- CPM, REHAB, REPLACE -

DATE: 3/15/2021

OWNER: City of Birmingham
REGION: Metro(7)/Oakland(63)
TSC: Oakland(23)

FISCAL YEAR: 2024

PR: MP: LOCATION: Derby St. over CN Railroad

Out to Out Curb to Curb
LENGTH WIDTH WIDTH
165.0 43.0 30.0

ENGINEER: KEZ

STRUCTURE ID: 634074600043R01
BRIDGE ID: 8230

PRIMARY WORK ACTIVITY Bridge Replacement
OTHER WORK:

DECK AREA: 7,095 SFT
CLEAR ROADWAY: 4,950 SFT

STR. TYPE: Mono. Conc. T-Beams

WORK ACTIVITY	Michigan Bridge Design Manual	QUANTITY	UNIT	UNIT COST	TOTAL
NEW BRIDGE (increase deck area based on design standards and hydraulic requirements)					
Single or Multiple Spans, Grade Separation	(add demo, approach, MOT)	7,095.0	SFT	\$235.00 /SFT	\$1,667,325
Single Span, Over Water	Length < 100ft (add demo, approach, MOT)		SFT	\$350.00 /SFT	
Multiple Spans, Over Water	Length > 100ft (add demo, approach, MOT)		SFT	\$300.00 /SFT	
Precast Culvert	Length < 40ft (add demo, approach, MOT)		SFT	\$350.00 /SFT	
NEW SUPERSTRUCTURE					
New Superstructure, Grade Separation	(incl. remove exist deck/super; add MOT & approach)		SFT	\$195.00 /SFT	
New Superstructure, Over Water	(incl. remove exist deck/super; add MOT & approach)		SFT	\$230.00 /SFT	
WIDENING					
Structure Widening, _____ ft	(incl. deck/super/sub widening, add approach transition)		SFT	\$350.00 /SFT	
NEW DECK					
New Bridge Deck & Barrier	(incl. remove exist deck/railing, add approach, MOT)		SFT	\$85.00 /SFT	
DEMOLITION					
Entire Structure, Grade Separation		7,095.0	SFT	\$38.00 /SFT	\$269,610
Entire Structure, Over Water			SFT	\$46.00 /SFT	
DECK REPAIR / TREATMENTS					
Bridge Railing Replacement	(incl. removal and replacement)		FT	\$460.00 /FT	
Concrete Brush Block / Curb Patch	(incl. hand chipping and formwork)		FT	\$24.00 /FT	
Concrete Barrier Patch	(incl. hand chipping and formwork)		SFT	\$70.00 /SFT	
Concrete Deck Patch	(incl. hand chipping)		SFT	\$40.00 /SFT	
Deep Overlay	(incl. joint repl & hydro)		SFT	\$37.00 /SFT	
Epoxy Overlay	(incl. warranty)		SYD	\$30.00 /SYD	
Expansion Joint Gland Replacement	(remove and replace elastomeric gland)		FT	\$115.00 /FT	
Expansion Joint Replacement	(incl. removal)		FT	\$700.00 /FT	
Full Depth Patch			SFT	\$77.00 /SFT	
Healer / Sealer	(penetrates cracks in bridge deck)		SYD	\$15.00 /SYD	
HMA Overlay with WP membrane			SYD	\$60.00 /SYD	
Overlay Removal	(Epoxy: \$22/syd Latex: \$26/syd HMA: \$7/syd)		SYD	\$22.00 /SYD	
Reseal Bridge Joints			FT	\$18.00 /FT	
Shallow Overlay	(incl. joint repl & hydro)		SFT	\$35.00 /SFT	
SUPERSTRUCTURE REPAIR					
Bearing Realignment / Replacement	(incl. temporary supports)		EA	\$5,100.00 EA	
Heat Straightening	(incl. clean and coat)		EA	\$45,000.00 EA	
Pack Rust Repair	(greater than 3/8" separation)		FT	\$550.00 /FT	
Paint - Complete	(incl. clean & coat)		SFT	\$30.00 /SFT	
Paint - Partial / Spot / Zone	(incl. clean & coat - \$20k minimum)		SFT	\$60.00 /SFT	
PCI Beam End Blockout	(incl. temporary supports)		EA	\$7,200.00 EA	
Pin & Hanger Replacement	(incl. temporary supports)		EA	\$10,000.00 EA	
Structural Steel Repair	(based on 6ft repair length)		EA	\$3,000.00 EA	
Structural Steel Repair - Stiffener	(includes each side of beam)		EA	\$1,200.00 EA	
SUBSTRUCTURE REPAIR					
Substructure Patching	(measured x 2) replace if repair area > 30%		CFT	\$300.00 /CFT	
Substructure Replacement	(incl. temporary supports, excavation)		CFT	\$335.00 /CFT	
Substructure Horizontal Surface Sealer			SYD	\$75.00 /SYD	
Temporary Supports	(add Structural Steel Repair - Stiffener for ea steel beam)		EA	\$2,500.00 EA	
MISCELLANEOUS					
Articulating Concrete Block System (ACB)			SYD	\$200.00 /SYD	
Concrete Surface Coating			SYD	\$28.00 /SYD	
Culvert Cleanout			FT	\$125.00 /FT	
Epoxy Crack Injection	(structural crack repair)		FT	\$70.00 /FT	
Metal Mesh Panels	(48" width, max 6'-6" length)		SFT	\$26.00 /SFT	
Pressure Relief Joint	(use when approach concrete roadway exceeds 1,000ft)		FT	\$110.00 /FT	
Riprap	(assume 10ft distance around perimeter of substructure)	250.0	SYD	\$213.00 /SYD	\$53,250
Silane Treatment	(penetrating sealer for concrete surfaces)		SFT	\$7.00 /SFT	
Slope Protection Repairs			SYD	\$100.00 /SYD	
Other					
STRUCTURE CONSTRUCTION BUDGET					\$1,990,185
ROAD WORK					
Approach Pavement, 12" RC	(incl. removal; add curb, gutter, guardrail) 20' ea. end	175.0	SYD	\$180.00 /SYD	\$31,500
Approach Curb & Gutter	(incl. removal) 20' ea. quadrant	80.0	FT	\$56.00 /FT	\$4,480
Guardrail Anchorage to Bridge	(each quadrant)	4.0	EA	\$1,900.00 /EA	\$7,600
Guardrail	(incl. removal) < 200ft beyond reference line	330.0	FT	\$30.00 /FT	\$9,900
Guardrail Terminal	(each quadrant)	4.0	EA	\$2,600.00 /EA	\$10,400
Roadway Approach Work	(beyond approach pavement)	1.0	LSUM	\$36,448.00 /LSUM	\$36,448
Utilities		1.0	LSUM	\$54,672.00 /LSUM	\$54,672
TRAFFIC CONTROL Unit Cost to be determined by Region or TSC Traffic & Safety					
Part Width Construction			LSUM		
Crossovers			EA	\$300,000.00 /EA	
Temporary Traffic Signals			set	\$25,000.00 /set	
RR Flagging		1.0	LSUM	\$45,000.00 /LSUM	\$45,000
Detour			LSUM		
RELATED ROAD/TRAFFIC CONSTRUCTION BUDGET					\$200,000
CONTINGENCY	(10% - 20%) (use higher contingency for small projects)	10	%	\$2,190,000.00	\$219,000
MOBILIZATION	(estimate at 10%)	10	%	\$2,409,000.00	\$241,000
INFLATION	(assume 3% per year, beginning in 2022)	9	%	\$2,650,000.00	\$239,000

(Does not include PE or CE)

TOTAL CONSTRUCTION BUDGET **\$2,889,000**



Derby Street over CN Railroad
2021 Local Bridge Program Application

City of Birmingham

PRIORITY LIST

DERBY ROAD OVER THE CN RAILROAD



Derby Street over CN Railroad
2021 Local Bridge Program Application

City of Birmingham

CITY COMMISSION RESOLUTION

**CITY OF BIRMINGHAM
NOTICE OF RESOLUTION**

At a meeting of the City Commission for the City of Birmingham, Michigan, held at 151 Martin Street, Birmingham, Michigan 48012, on the 22nd day of March, 2021, at which time a quorum of the City Commission was present, the following resolution was adopted by vote taken by yeas and nays and entered at large upon the record of said Board.

RESOLUTION

WHEREAS, the City Commission for the City of Birmingham is required under the provisions of the Local Bridge Program to review, approve, and state that they are actively seeking funding participation in certain bridge replacements; and,

WHEREAS, the staff of the City of Birmingham has reviewed the bridge system in Birmingham, Michigan and has found that there is a need for the replacement of the Derby Road bridge to improve their traffic safety and structural capacity; and,

WHEREAS, the available City funds are insufficient to fund the bridge project submitted while still maintaining the remainder of the road system.

NOW, THEREFORE, BE IT RESOLVED that the City Commission for the City of Birmingham seeks participation in the Local Bridge Program for the following project and affirm that the City Commission of Birmingham, Michigan is committed and will provide local funds estimated to be \$1,156,000, for payment of all design engineering, construction engineering, and 20% of the total cost of construction, in the event the project receives Federal and State funding.

Bridge and Location

Estimated Total Cost of Construction

Derby Road Bridge over CN Railroad

\$2,889,000.00

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to execute the necessary documents and that a certified copy of this resolution be submitted with the application for the Local Bridge Program funding.

I hereby certify that the above is a true copy of part of the 2021 minutes of a meeting held on the 22nd day of March, 2021, by the City Commission of Birmingham, Michigan.

The City of Birmingham

Pierre Boutros, Mayor

Alexandria Bingham, City Clerk



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

PAUL C. AJEGBA
DIRECTOR

February 9, 2021

Ms. Denise Donohue, Director
County Road Association of Michigan
101 South Washington Square, Unit 200
Lansing, Michigan 48933

Dear Ms. Donohue:

Local Bridge Program
Deadline for Applications – April 5th, 2021

The Michigan Department of Transportation (MDOT) is pleased to announce the solicitation of applications for candidate projects for the Local Bridge Program. Selected projects will be funded during the 2024 fiscal year (FY). Do not submit projects which cannot be committed to construction within FY 2024. The applications can be submitted by the local agency owner or their consultant. All bridge applications submitted in previous years that have not been selected for funding have been discarded. **There is no limit to the number of applications from any one local agency. An agency must be able to fund ALL applications submitted for FY 2024 in that fiscal year.**

The FY 2024 Local Bridge Program budget is estimated at \$50 million. This amount may be subject to revisions. We are asking the County Road Association of Michigan and the Michigan Municipal League to distribute this notice to their member agencies.

All applications are to be electronically submitted by Monday, April 5th, 2021.

Refer to the enclosed Exhibits for information regarding eligibility and submitting candidate Local Bridge Project Applications.

If you have any questions or need further information, please contact Keith Cooper, Bridge Program Manager, at 517-331-1395 or at CooperK@Michigan.gov.

Sincerely,

Larry T. Doyle, P.E.,
Division Administrator
Development Services Division

Enclosures

Ms. Denise Donohue

Page 2

February 9, 2021

cc: Mark Lewis, FHWA
Kurt Zachary, FHWA
John LaMacchia II, MML
Matt Bach, MML
Matt Chynoweth, MDOT
Anita Boughner, MDOT
Tracie Leix, MDOT
Keith Cooper, MDOT
MDOT, Region Engineers
MDOT, Transportation Service Managers
MDOT Local Agency Program Listserv Members
Metropolitan Planning Organizations
Rural Task Forces

Exhibit 1 – Bridge Definition and Application Process

Definition

To be eligible for bridge funds, the structure must meet the definition of a bridge, defined as a structure with a total clear span of more than 20 feet, measured along the centerline of the roadway over a stream, watercourse, or opening. For a span bridge, this means the clear opening span, measured face to face at the inside of the abutments, is greater than 20 feet. A multi-unit culvert is considered a bridge if the total length, as measured along the centerline of the roadway, is greater than 20 feet and the distance between the culvert units is less than half the diameter of the smallest unit. This description is referenced in item number 112 of the Michigan Structure Inventory and Appraisal Coding Guide. There are many multi-unit culverts under local agency jurisdiction that qualify as bridges and thus, are required to be on the structure inventory and regularly inspected. Please check multi-unit culverts in your area to see if they qualify under the definition of a “bridge.”

Work Type

An application must list the specific work being applied for in the preventative maintenance and/or rehabilitation categories.

Participation Level

The preventive maintenance, structure rehabilitation and replacement, and approach construction costs may be eligible for a maximum of 95 percent participation from federal and/or state funds. The right-of-way, design engineering, and construction engineering costs are not eligible for Local Bridge Program funds.

Cost Estimates

The current Local Agency Program (LAP)–Bridge Cost Estimate Worksheet, dated 01/28/2021, which indicates per unit cost estimates of various replacement, rehabilitation, and preventive maintenance options (Exhibit 4). This information will be helpful in determining estimated construction costs for different types of repairs. All estimates for projects to be constructed in 2024 should incorporate an annual inflationary factor of three percent (3%). If the structure is over a railroad, include the railroad’s flagging and construction fees.

Data Formula Points

The data found on the Structure Inventory and Appraisal (SI&A) form is used in many of the formula rating point calculations and is one item looked at by your Region Bridge Council when considering discretionary rating points. It is very important that this data be current and correct before submitting the application; incorrect data may significantly affect the rating points. When completing an application, the data stated in the supporting documents must match the data found in the SI&A form.

Site Review for Bridge Applications

MDOT bridge personnel will review submitted applications for completeness and determine the preliminary (computer generated) rating points. The LAP bridge staff will perform site visits, verify appropriate scopes of work, and create written site reports. The applications, preliminary rating points, and the site visit reports will then be forwarded to the respective Region Bridge Council for their review and the addition of the discretionary rating points.

Project Estimate vs. Application Estimate

The Local Bridge Advisory Board has set a policy for projects coming in over application estimate. If, at the grade inspection stage, the project estimate exceeds the application estimate by more than twenty percent, the Region Bridge Council may review the project. The council can decide to accept the project at the increased estimate, cap the project at a percentage above the application estimate, or request an application for additional funds be submitted in the next call for projects. Due diligence must be taken in getting the most reasonable application estimates.

Bridge Application Package and Submission

Please be sure your Structure Number is correct and have your signed resolution, SI&A, Bridge Inspection Report, cost estimate, location and detour maps, project narrative, letters of support, and photos ready to include as attachments. See Exhibit 3 for further details.

Applications can be submitted electronically using the [Local Agency Bridge Program Website](#), or directly at [FY 2024 Local Bridge Program - Call for Applications Submission Sheet](#)

Exhibit 2 – Bridge Scoping and Work Type Definitions

Bridge Scoping

To assist in the bridge scoping and fix selection process, refer to [MDOT's Scoping Manual](#), specifically pages 30 through 48 of Chapter 5, *Signs of Pavement & Bridge Distress and Fix Selection Guidelines*.

Bridge Asset Management Plan

To assist with managing bridge inventory and developing an optimum bridge preservation strategy, a valuable resource is the [Asset Management Guide for Local Bridges](#) in Michigan.

All local agencies are encouraged to submit asset management plans for the bridge applications being submitted. A summary of the local agency's bridge network asset management plan may also be submitted for review.

Replacement

Replacement projects involve replacing the entire substructure, superstructure, deck and necessary approach work. If a multi-use path or sidewalk is planned but does not currently exist, the estimate needs to clearly indicate the costs of these items. If the project is selected for funding, a master plan showing the path or sidewalk must be provided for them to be considered participating in the Local Bridge Program.

The approach costs should be estimated using a minimum of \$35,000 per station, with a minimum approach cost of \$200,000. The estimate needs to account for public utilities such as water mains and sewers, which will need to be altered during construction. Also, if the structure is within a substandard horizontal or vertical alignment, the estimate must account for any possible increase in approach distance.

Replacement projects need to meet current American Association of State Highway and Transportation Officials (AASHTO) guidelines and the Load Factor Resistance Design criteria.

Rehabilitation

Rehabilitation is defined as major work required to restore the structural integrity of a bridge, as well as work necessary to correct major safety defects. These projects are required to meet AASHTO guidelines. If a rehabilitation project is over water, a scour analysis will be required during the design phase and the existing foundations will need to be shown to be stable under a scour event. A structure that is not found to be stable during a scour event may not be allowed to proceed to contract. If making the structure stable results in a change in scope, it may be necessary to re-apply during a future call for applications.

Estimated repair costs for bridge rehabilitation projects will vary by the type of work. Include publicly owned utility relocation costs. Examples of rehabilitation work eligible for funding under the program include:

- Full deck replacement (with or without painting of steel beams)
- Superstructure replacement
- Structure widening
- Removal of existing bridge without replacement

Preventive Maintenance

Preventative Maintenance applications can be a single bridge or multiple bridges submitted for similar preventive maintenance work into one application. This can include multiple agencies working together to submit one application. A multiple preventative maintenance bridge application will count as one application. The Region Bridge Councils will review a multiple structure application as one package and will not rate each structure independently. Preventive Maintenance activities are eligible under the Local Bridge Program.

When applying for a multiple bridge preventative maintenance project, submit each structure individually. For electronic submission, select “PM-Multiple Structure” as the type of work on each form. For paper submission, identify on the cover sheet that each bridge is part of a “PM-Multiple Structure” application. Examples of Preventive Maintenance include:

- Hot mix asphalt (HMA) overlay with waterproofing membrane
- Epoxy deck overlay (Concrete)
- Deck overlay (removing and replacing concrete surface above/below the top mat of steel reinforcement)
- Painting only (full, zone, or spot painting)
- Pin and hanger replacement
- Slope paving repair
- Joint replacement and repair
- Drainage system repair (bridge deck drains and bridge approach downspouts)
- Scour countermeasures
- Concrete crack sealing
- Concrete patching and repair
- Approach pavement relief joint installation
- Temporary supports
- Expansion or construction joint repair
- Guard rail beam retrofit or installation
- Substructure repairs

Exhibit 3 – Application Requirements

1. Submit a narrative which includes the following:
 - a. **The responsible local agency contacts person's name, title, e-mail, mailing address, and telephone number.**
 - b. Clearly indicate whether the application is for replacement, rehabilitation or preventive maintenance. For rehabilitation and preventive maintenance, clearly specify work requested for funding.
 - c. A statement explaining the economic importance of the structure.
 - d. In a short paragraph, if there is currently a detour for the structure, explain "Existing detour currently affects"
 - e. In a short paragraph, if the structure is or would be closed, explain "If the structure is closed, the detour would affect...."
 - f. If the structure is closed, what year the structure was closed.
 - g. A statement of any maintenance done on the structure either past or present.
2. Include the most recent Structure Inventory and Appraisal (SI&A) form and Bridge Inspection Report form (BIR). These forms must have been updated within the 24-month period, prior to April 5th, 2021. It is very important that this data be current and correct before submitting the application; incorrect data may significantly affect the rating points. The SI&A and BIR forms must be updated electronically on MiBridge prior to the April 5th, 2021 deadline. Do not send in any marked-up forms as we cannot update the data for you.
3. Submit a legible map (8 ½" X 11") showing:
 - a. Emergency facilities such as fire stations, hospitals or police stations.
 - b. Schools and other significant traffic generating facilities.
 - c. The alternate routes or detours which must be used because of load limits or closures.
4. For all applications, include a minimum of two photographs of the following:
 - a. One showing the structure's alignment.
 - b. One showing the structure's profile view.
 - c. If the bridge is posted, include one photograph of the bridge clearly showing the current posting sign.
5. For **rehabilitation** and **preventive maintenance** applications, also include photographs of the following:
 - a. The deck showing the areas of delamination and patches.
 - b. The substructure units showing areas of delamination's/spalls.
 - c. The beams showing areas of cracks and delamination for concrete and local areas of corrosion and/or local failure for steel.

6. Submit a breakdown of the estimated replacement, rehabilitation, and preventive maintenance as follows:

A.	Approach Construction	(A) \$	_____
B.	Structure Construction	(B) \$	_____
	Total (A & B)	Total \$	_____

Note: Use the attached Cost Estimate Worksheet to calculate the approach and structure construction costs.

7. Submit a "**Priority List**" listing all the structures that you want rated.
8. **For each application**, submit a current resolution, signed, and dated, from the governing board supporting the project. Resolutions from previous applications will not be accepted. Any application not containing a signed resolution for all applications will be considered incomplete and will be rejected. Letters of local support are recommended but are not mandatory.
9. Any application that is not complete will be rejected. Common examples of incomplete applications are those that are missing updated SI&A forms, photos of postings, load ratings, missing resolutions, and priority lists. All completed applications must be submitted by the April 5th, 2021 deadline.
10. All local agencies are encouraged to submit asset management plans for the applications being submitted. A summary of the local agencies bridge network asset management plan may also be submitted for review. Refer to the Asset Management Guide for Local Agency Bridges in Michigan, located on MDOT's Local Agency Bridge Program's website.
11. Previous years' applications have been discarded. The Region Bridge Councils and the Local Bridge Advisory Board will only review applications submitted during the current call for applications. After the applications have been reviewed and projects have been selected for funding, all non-funded bridge applications will be discarded.

Submit Applications:

By E-mail: Fill out form at the link below and attach application (One application per sheet).

Application conversion to pdf is preferred over scanned applications due to file size.

[FY 2024 Local Bridge Program - Call for Applications Submission Sheet](#)

Questions: Contact Rita Levine at (517) 335-4528 or Keith Cooper at (517) 331-1395.

Exhibit 4 - Cost Estimating Worksheet

2021

BRIDGE COST ESTIMATE WORKSHEET
- CPM, REHAB, REPLACE -

REV. 01/28/2021

OWNER:	FISCAL YEAR:		Out to Out	Curb to Curb	DATE:	2/1/2021
REGION:			WIDTH	WIDTH	ENGINEER:	
TSC:	PR:	MP:	LENGTH		STRUCTURE ID:	
	LOCATION:	over			BRIDGE ID:	
PRIMARY WORK ACTIVITY			DECK AREA:	SFT	STR. TYPE:	
OTHER WORK:			CLEAR ROADWAY:	SFT		

WORK ACTIVITY	Michigan Bridge Design Manual	QUANTITY	UNIT	UNIT COST	TOTAL
NEW BRIDGE (increase deck area based on design standards and hydraulic requirements)					
Single or Multiple Spans, Grade Separation	(add demo, approach, MOT)		SFT	\$235.00 /SFT	
Single Span, Over Water	Length < 100ft (add demo, approach, MOT)		SFT	\$350.00 /SFT	
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Precast Culvert	Length < 40ft (add demo, approach, MOT)		SFT	\$350.00 /SFT	
NEW SUPERSTRUCTURE					
New Superstructure, Grade Separation	(incl. remove exist deck/super; add MOT & approach)		SFT	\$195.00 /SFT	
New Superstructure, Over Water	(incl. remove exist deck/super; add MOT & approach)		SFT	\$230.00 /SFT	
WIDENING					
Structure Widening, _____ ft	(incl. deck/super/sub widening, add approach transition)		SFT	\$350.00 /SFT	
NEW DECK					
New Bridge Deck & Barrier	(incl. remove exist deck/railing, add approach, MOT)		SFT	\$85.00 /SFT	
DEMOLITION					
Entire Structure, Grade Separation			SFT	\$38.00 /SFT	
Entire Structure, Over Water			SFT	\$46.00 /SFT	
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Deep Overlay	(incl. joint repl & hydro)		SFT	\$37.00 /SFT	
Epoxy Overlay	(incl. warranty)		SYD	\$30.00 /SYD	
Expansion Joint Gland Replacement	(remove and replace elastomeric gland)		FT	\$115.00 /FT	
Expansion Joint Replacement	(incl. removal)		FT	\$700.00 /FT	
Full Depth Patch			SFT	\$77.00 /SFT	
Healer / Sealer	(penetrates cracks in bridge deck)		SYD	\$15.00 /SYD	
HMA Overlay with WP membrane			SYD	\$60.00 /SYD	
Overlay Removal	(Epoxy: \$22/syd Latex: \$26/syd HMA: \$7/syd)		SYD	\$22.00 /SYD	
Reseal Bridge Joints			FT	\$18.00 /FT	
Shallow Overlay	(incl. joint repl & hydro)		SFT	\$35.00 /SFT	
SUPERSTRUCTURE REPAIR					
Bearing Realignment / Replacement	(incl. temporary supports)		EA	\$5,100.00 EA	
Heat Straightening	(incl. clean and coat)		EA	\$45,000.00 EA	
Pack Rust Repair	(greater than 3/8" separation)		FT	\$550.00 /FT	
Paint - Complete	(incl. clean & coat)		SFT	\$30.00 /SFT	
Paint - Partial / Spot / Zone	(incl. clean & coat - \$20k minimum)		SFT	\$60.00 /SFT	
PCI Beam End Blockout	(incl. temporary supports)		EA	\$7,200.00 EA	
Pin & Hanger Replacement	(incl. temporary supports)		EA	\$10,000.00 EA	
Structural Steel Repair	(based on 6ft repair length)		EA	\$3,000.00 EA	
Structural Steel Repair - Stiffener	(includes each side of beam)		EA	\$1,200.00 EA	
SUBSTRUCTURE REPAIR					
Substructure Patching	(measured x 2) replace if repair area > 30%		CFT	\$300.00 /CFT	
Substructure Replacement	(incl. temporary supports, excavation)		CFT	\$335.00 /CFT	
Substructure Horizontal Surface Sealer			SYD	\$75.00 /SYD	
Temporary Supports	(add Structural Steel Repair - Stiffener for ea steel beam)		EA	\$2,500.00 EA	
MISCELLANEOUS					
Articulating Concrete Block System (ACB)			SYD	\$200.00 /SYD	
Concrete Surface Coating			SYD	\$28.00 /SYD	
Culvert Cleanout			FT	\$125.00 /FT	
Epoxy Crack Injection	(structural crack repair)		FT	\$70.00 /FT	
Metal Mesh Panels	(48" width, max 6'-6" length)		SFT	\$26.00 /SFT	
Pressure Relief Joint	(use when approach concrete roadway exceeds 1,000ft)		FT	\$110.00 /FT	
Riprap	(assume 10ft distance around perimeter of substructure)		SYD	\$213.00 /SYD	
Silane Treatment	(penetrating sealer for concrete surfaces)		SFT	\$7.00 /SFT	
Slope Protection Repairs			SYD	\$100.00 /SYD	
Other					

STRUCTURE CONSTRUCTION BUDGET \$0

ROAD WORK					
Approach Pavement, 12" RC	(incl. removal; add curb, gutter, guardrail) 20' ea. end		SYD	\$180.00 /SYD	
Approach Curb & Gutter	(incl. removal) 20' ea. quadrant		FT	\$56.00 /FT	
Guardrail Anchorage to Bridge	(each quadrant)		EA	\$1,900.00 /EA	
Guardrail	(incl. removal) < 200ft beyond reference line		FT	\$30.00 /FT	
Guardrail Terminal	(each quadrant)		EA	\$2,600.00 /EA	
Roadway Approach Work	(beyond approach pavement)		LSUM		LSUM
Utilities			LSUM		LSUM

TRAFFIC CONTROL Unit Cost to be determined by Region or TSC Traffic & Safety					
Part Width Construction			LSUM		LSUM
Crossovers			EA	\$300,000.00 /EA	
Temporary Traffic Signals			set	\$25,000.00 /set	
RR Flagging			LSUM		LSUM
Detour			LSUM		LSUM

RELATED ROAD/TRAFFIC CONSTRUCTION BUDGET \$0

CONTINGENCY	(10% - 20%) (use higher contingency for small projects)	10	%	\$0.00	\$0
MOBILIZATION	(estimate at 10%)	10	%	\$0.00	\$0
INFLATION	(assume 3% per year, beginning in 2022)		%	\$0.00	\$0

(Does not include PE or CE)

TOTAL CONSTRUCTION BUDGET \$0

DATE: March 16, 2021

TO: Thomas M. Markus, City Manager

FROM: Alexandria Bingham, City Clerk

SUBJECT: Grave Pricing for Greenwood Cemetery

INTRODUCTION:

- At the January 25, 2021 City Commission Meeting a resolution was passed by a 7-0 vote for the suggested grave site release of the 14 graves in Section C, row 18-A. Within that resolution the City Commission also charged the GCAB with the duty of evaluating the current grave prices and providing the Commission with a recommendation before the next release of graves.
- The Greenwood Cemetery Advisory Board has been highly motivated to evaluate and bring this issue to the City Commission. Increasing grave prices would assist GCAB with their financial goals for the Perpetual Care Fund, which would allow for the Historic Greenwood Cemetery to make progress towards being able to cover the cost of standard maintenance and operations with less of an impact on the tax payers of the community.
- GCAB spent significant time thinking about and discussing the matter at the meetings held on February 5, 2021 and March 5, 2021.

BACKGROUND:

- In July 2019 the Greenwood Cemetery Advisory Board evaluated grave prices and recommended keeping the price per plot at the current rate of \$3,000. At that price point even if all remaining available graves are sold at the rate of \$3000 per space, the Greenwood Cemetery's Perpetual Care Fund would not reach its financial goal.
- The GCAB took into consideration three different rates for the available plots and considered the pros and cons of each rate. The rates were: \$3000/space, \$4000/space & \$5,000/space, based on the sale of 175 plots.
- At the February 5, 2021 meeting it was evident that the GCAB had many ideas about grave pricing that needed to be organized. City Clerk Bingham then created homework sheets for the board members to complete prior to the March meeting. This assignment allowed for the creation of a combined summary on GCABs thoughts and recommendations on grave pricing.
- At the March 5, 2021 meeting the GCAB examined the cumulative responses of their homework and were able to solidify their recommendation for the commission.
- After weighing the pros and cons GCAB decided to support increasing the grave prices to \$4,000.
- Further GCAB considered when the increase should be effective. The consensus was for the increase to be effective immediately. Board Member Schreiner offered the idea of making a later effective date for the grave price, but the rest of the board supported the increase effective immediately for the contributions to the Perpetual Care Fund.

- The idea of a later effective date for grave price increase, such as April 1, 2021, was also supported in a later discussion with the City Clerk by Cheri Arcome of Creative Collaborations, the Cemetery Management Contractor.

LEGAL REVIEW:

- None

FISCAL IMPACT:

- The Greenwood Cemetery Advisory Board is interested in the goal of achieving a perpetual care fund balance of \$2,000,000 so that the cemetery can be more self-sufficient when it comes to providing the funds for basic maintenance and care of the grounds. However the demand, and quality of product must also be taken into consideration as well as the price of plots at nearby/comparable cemeteries. Even with the most aggressive increase the Perpetual Care Fund may not reach its goal of \$2M.

*Based on the sale of 175 plots.

Unit Price	Contributions	Current Balance	Projected Balance	Goal	Difference
\$3,000.00	\$525,000.00	\$922,431.25	\$1,447,431.25	\$2,000,000.00	(\$552,568.75)
\$4,000.00	\$700,000.00	\$922,431.25	\$1,622,431.25	\$2,000,000.00	(\$377,568.75)
\$5,000.00	\$875,000.00	\$922,431.25	\$1,797,431.25	\$2,000,000.00	(\$202,568.75)

PUBLIC COMMUNICATIONS:

- GCAB virtual meeting notices & agendas have been posted regularly on the City's website. There haven't been any members of the public attending or making public comment at the GCAB meetings.
- Cheri Arcome of Creative Collaborations did communicate that a few more people have been reaching out to her lately with concerns and to inquire about available grave spaces before the increase takes effect. Arcome also stated that another grave release will be needed in the very near future. The limited availability of graves has been a deterrent to some recent sales inquiries.

SUMMARY

- The GCAB has the greatest support towards the increase of Greenwood Cemetery grave prices to \$4000, but would like the Commission's thoughts on maintaining the price of \$3000 or a more aggressive increase to \$5000. The GCAB also wishes to gain insight on how important the perpetual care fund balance goal of \$2M is to the Commission to help GCAB align their priorities.

ATTACHMENTS:

- o GCAB DRAFT Minutes from March 5, 2021.
- o March 5, 2021 GCAB Grave Price Agenda Packet Documents
- o Excerpt from the 2021 Fee Schedule, City Clerk's Office, Greenwood Cemetery

SUGGESTED RESOLUTION:

- To increase the price of the plots in Greenwood Cemetery that accommodate one full burial or up to 3 cremains from \$3000 to \$4000 effective immediately upon passage by the Commission, and for the new rate to be applicable to all currently released graves and future grave releases.

**Greenwood Cemetery Advisory Board
Meeting Minutes
Friday, March 5, 2021, 10 A.M.
Virtual Meeting**

I. CALL TO ORDER

Linda Buchanan, Chair, called the meeting to order at 10:00 A.M.

II. ROLL CALL

Present: Chair Linda Buchanan (location: Birmingham, MI)
Pam DeWeese (location: Birmingham, MI)
Linda Peterson (joined 10:05 a.m.)(location: Birmingham, MI)
Laura Schreiner (location: Birmingham, MI)
George Stern (location: Birmingham, MI)
Margaret Suter (location: Birmingham, MI)

Absent: Joseph Vercellone

Administration: City Clerk Alexandria Bingham; Museum Director Leslie Pielack

Guests: None

III. APPROVAL OF THE MINUTES

A. Review of the Minutes of February 5, 2021

MOTION: by DeWeese, seconded by Suter:

To approve the minutes of February 5, 2021.

VOTE: Yeas, 7
Nays, 0

IV. UNFINISHED BUSINESS

A. Grave Pricing Evaluation and Recommendation

City Clerk Bingham reviewed the item.

The GCAB concurred that City Clerk Bingham should submit the spreadsheet containing the GCAB's comments and considerations to the City Commission as part of the grave pricing evaluation and recommendation agenda item.

MOTION: by Shriner, seconded by Stern:

To recommend the Commission authorize changing the grave prices in Greenwood Cemetery to \$4,000 based on the supporting documentation which shall be included in the GCAB's report to the Commission, and to present all pricing options to the Commission.

VOTE: Yeas, 6
Nays, 0

Some Board conversation ensued about when they would recommend the resolution go into effect.

Chair Buchanan said increasing the price immediately upon approval by the Commission would allow the City to increase its contribution to the perpetual care fund.

Ms. Shriner said she would recommend making the price increase effective 30 days after approval by the Commission in case there are sales being negotiated at the current price.

The majority of the GCAB concurred with Chair Buchanan.

MOTION: by Suter, seconded by Peterson:

To include the condition that the price increase would be effective immediately upon passage by the Commission and applicable to all currently released graves and future grave releases.

VOTE: Yeas, 5
Nays, 1 (Shriner)

B. Review of Greenwood Cemetery Rules & Regulations

V. NEW BUSINESS

None.

VI. REPORTS

- A. Financial Reports
- B. Cemetery Sales & Activity
- C. Clerk's Office Update
- D. City Managers Report (January)

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

There were no public comments.

VIII. BOARD COMMENTS

IX. ADJOURN

Ms. Buchanan adjourned the meeting at 11:42 AM.

Next meeting: April 9, 2021

DATE: February 26, 2021

TO: Greenwood Cemetery Advisory Board

FROM: Alexandria Bingham, City Clerk

SUBJECT: Grave Price Evaluation and Recommendation Memo

INTRODUCTION:

- At the January 25, 2021 City Commission Meeting a resolution was passed by a 7-0 vote for the suggested grave site release of the 14 graves in Section C, row 18-A. Within that resolution the City Commission also charged the GCAB with the duty of evaluating the current grave prices and providing the Commission with a recommendation before the next release of graves.
- GCAB is highly motivated to evaluate and bring this issue to the City Commission due to the financial goals for the Perpetual Care Fund which would allow for the Historic Greenwood Cemetery to make progress towards being able cover the cost of standard maintenance and operations with less of an impact on the tax payers of the community.

BACKGROUND:

- In July 2019 the Greenwood Cemetery Advisory Board evaluated grave prices and recommended to keep the price per plot at the current rate of \$3,000. If all remaining available graves are sold at the rate of \$3000 pre space the Greenwood Cemetery's Perpetual Care Fund would not reach its financial goal.

LEGAL REVIEW

- Not yet obtained.
- The Greenwood Cemetery Operational Procedures and Regulations will be adjusted in accordance with any decision made by the Commission.

FISCAL IMPACT

- The Greenwood Cemetery Advisory Board is interested in the goal of achieving a perpetual care fund balance of \$2,000,000 so that the cemetery can be more self-sufficient when it comes to providing the funds for basic maintenance and care of the grounds. However the demand, and quality of product must also be taken into consideration as well as the price of plots at nearby/comparable cemeteries.

*Based on the sale of 175 plots.

Unit Price	Contributions	Current Balance	Projected Balance	Goal	Difference
\$3,000.00	\$525,000.00	\$922,431.25	\$1,447,431.25	\$2,000,000.00	\$552,568.75
\$4,000.00	\$700,000.00	\$922,431.25	\$1,622,431.25	\$2,000,000.00	\$377,568.75
\$5,000.00	\$875,000.00	\$922,431.25	\$1,797,431.25	\$2,000,000.00	\$202,568.75

PROCESS

- The City Clerk's office will provide information to GCAB to consider.
- GCAB will weigh the pros and cons of the proposed increases, how a change may affect the market and make a decision in the best interest of the Cemetery, City & its constituents.
- GCAB will finalize their recommendation for the City Commission to review.

ATTACHMENTS:

- GCAB Members cumulative responses on homework assigned from the February meeting.
- Current Grave Purchase Comparison
- August 2019 Grave Price Report
- August 16, 2019 GCAB Minutes
- CRAINS October 2020 article on Cremation becoming the "norm"

SUGGESTED RESOLUTION:

To direct the City Clerk to finalize a report with the recommendations of the Greenwood Cemetery Advisory Board on grave pricing to the Commission for a final decision on current grave prices for the Historic Greenwood Cemetery.

DRAFT RESOLUTION TO THE COMMISSION:

To recommend that the City Commission:

- A. Resolution to retain the current grave prices at \$3,000 per grave
- OR
- B. Resolution to increase the purchase price to \$4,000 per grave
- OR
- C. Resolution to increase the purchase price to \$5,000 per grave

Cemetery Grave Pricing Evaluation – GCAB Homework - Complete Collaboration of GCAB Members
REMEMBER NOT TO SHARE YOUR THOUGHTS WITH ANYONE UNTIL THE NEXT PUBLIC GCAB MEETING

*Return your thoughts to **Alex only** at your earliest convenience

*Data calculated by the sale of 175 plots

Option	Price per unit	Contributions to Perpetual Care Fund	Projected Balance of Perp Care Fund (without calculating interest)	Difference from the 2M goal
A	\$3000	\$525,000	\$1,447,431	\$552,569
B	\$4000	\$700,000	\$1,622,431	\$377,569
C	\$5000	\$875,000	\$1,797,431	\$202,568
Option A		Option B		Option C
Potential Positive Impacts - Competitive with area plots - Lower cost will help drive quantity of sales - Given - Status Quo - No change - It is in keeping with local cemetery pricing, particularly with the restrictions (both the marker restrictions and the resale restrictions) are considered. - Price can still be adjusted upward. - Highly Affordable - A would keep graves most accessible to more people		Potential Positive Impacts - Slightly higher than comparable plots in the area, but not unreasonable - Higher cost reflects exclusivity of cemetery - Helps better build our Perpetual Care Fund - Higher % of funds toward self-sustainability = higher % of interest =greater % of expenses the cemetery can pay - Not big difference produce high funds - This gets the contributions into the Perpetual Care Fund closer to the mark, but still somewhat in alignment with local pricing. - Price can still be adjusted upward. - Very affordable - Fewer years needed to reach self-sustainability for the cemetery - Less need to push sales to reach goals - Allows for potential plot availability for future residents - B strikes a balance between raising additional funds and making the graves accessible. It keeps us more in line with other cemeteries. - The amount may be increased in the future.		Potential Positive Impacts - Greatest impact of raising perpetual care funds - Higher % of funds toward self-sustainability=higher% In interest earned yields greater % of expenses the cemetery can pay - Closer to funds - Gets more from each sale into the Perpetual Care Fund. - We wouldn't have to reconsider the price for a longer time. - Slightly expensive compared to other cemeteries in the area, but far less than the prices that were paid during the years of private sales of plots - Reach our sustainability goal very quickly - Less need to push sales to reach goals - Fewer sales can cut overhead expenses for sales person - Allows for potential plot availability for future residents - C brings us closest to our two million dollar goal. - It would be the fee for the foreseeable future since it is already somewhat out of line with other cemeteries.
Potential Negative Impacts - Limits our ability to increase Perpetual Care Funds - May sell more plots for ultimately least net profit - Diminishes the exclusivity of cemetery; given the history, charm and importance to the city, shouldn't it be harder to acquire a plot? - Less money in endowment fund =less interest=less % cemetery can contribute to expenses - Less money in endowment fund = less interest=less % the cemetery can contribute to expenses - No gain in funds - Depending on market conditions and demands, we may have to review both the price and release of grave sites more frequently. - We may need to look to other options to fund the Perpetual Care Fund or never have the Greenwood Cemetery become fully self sufficient (even with the 2mil funding, we don't have a guarantee that the fund will always be self sufficient/there not be partial reliance on General funds to support the Cemetery - Many years to reach goal incurring long term salary expenses for sales person or - Must sell all remaining plots quickly to reach the goal for self-sustainability in a timely fashion leaving nothing left for future Birminghamites - Quick sales mentality could incur expenses such as fees for advertising outside of the local area - A would not increase the accumulation of funds necessary to reach the \$2 million goal.		Potential Negative Impacts - Still short of allowing us to generate maximum Perpetual Care Funds - Increased price may deter some from buying plots in Greenwood - Rise in price of \$1000 but if potential customers can pay \$3000 a \$1000 increase is not unreasonable \$1000 difference - Depending on market conditions and demands, we may have to review both the price and release of grave sites more frequently. - Several years to reach goals - B, obviously, will not raise as much money as C but more than A.		Potential Negative Impacts - Price would be highest in the area - Far fewer sales will likely occur at the price point - Rise in price of \$2000 - Too high - Sales may slow down - For the services offered, this may be a bad PR move for Birmingham. - If sales really slow down, it is harder/bad PR to lower the price in the near future. - Fewer sales - C is at the high end of the local market. The price makes the graves less accessible and could reduce demand when we are dependent on sales to reach our fund goal.

Which option are you in favor of and why?

Greatest support to \$3000

A-\$3000 as it is more in keeping with the current local market for the product offered. This could be used as a favorable PR move if we choose to try to have an article written about the cemetery and include the pricing; a significant price increase would more likely than not be seen as bad PR and would probably get press even if we didn't want it. Again, this does not restrict a price change in the future. Also, we can look at other ways to add to the Perpetual Care Fund. Remember, the 2million is a goal – there is no surety that even if that mark is reached the income from the Fund will result in the cemetery always being self-sufficient.

With regard to price, I am comfortable at the current level, but I could move up to \$4,000 if that was the general consensus.

Greatest Support to \$4000

Given the location of the cemetery, the historical importance to the city, the charm of the surroundings, and competitive analysis of similar cemeteries in the area, Greenwood should increase plot costs to \$4,000. The amount underscores the exclusivity of the cemetery without drastically deterring sales and will allow us to get closer to the Perpetual Care Funds desired.

\$4000-B Raise in price of \$1000 but not an unreasonable price hike. Commission has already raised full burial fees from \$1200-\$1400. Rising prices (inflation) is a day to day reality. Also many families at Greenwood have spent \$4000-\$5000 on monuments alone, not including the previously purchased grave site.

\$4000-B Fair

Having said all of that, Option "B" sale price \$4,000 will probably continue to encourage sales and get us to the \$2M goal. That is the price I'm in favor of and anticipate that the finance department will invest appropriately so we can quickly meet the goal they've set.

Greatest Support for \$5000

I propose that the \$5,000 sale price is what Birmingham needs to charge given the recent "accurate" number of plots available and the perpetual fund goal that was given the cemetery Board by the Finance Dept. Also, \$5,000 was the minimum sale price offered by the private sale sellers.

Local Cemetery Comparisons:

Cemetery Name	Price Per Grave	Clusters of 2-4 graves next to each other	Cremation or Casket	Monument
Oakview- Royal Oak	\$2,995 - \$3,495	Yes they have clusters of 2-4	Maximum of 1 casket and 2 cremations	Need 2 graves for a monument. Flat monument is no extra charge but upright monument is an additional \$500 per grave due to easement
St Hugo of the Hills Columbarium <i>Bloomfield Hills</i>	\$4,000 - 1 urn \$5,000 - 2 urn "companion" niche	n/a - no gravesites, ground burials or caskets. Multiple adjacent niches available	Cremations only	None. Cremains are housed in a series of niches built into stone walls along connected pathways. Each niche is 11"x11"x17" deep and can hold 1 or 2 urns. Name and years of birth and death in bronze letters on niche front.
Holy Sepulchre	\$1,995 - \$5,000 depending on the section	Yes the have clusters of 2, 4 & 6	Maximum of 1 casket and 5 cremations in one grave	Monuments can be upright or flat. Have to have a minimum of 2 graves for monument
Roseland Park Cemetery <i>Berkley</i>	\$2,295 - \$3.795	Yes - anything from 2-6	Maximum1 casket + 1 cremation per gravesite	Flat or upright monuments depending on the section. Upright monument requires at least two gravesites.

Information collected 1/29/2021



MEMORANDUM

City Clerk's Office

DATE: August 9, 2019
TO: Greenwood Cemetery Advisory Board
FROM: J. Cherilynn Mynsberge, City Clerk
SUBJECT: Recommendation to City Commission on Cemetery Plot Pricing

On July 8, 2019, the City Commission considered the GCAB's recommendation to release 60 additional cemetery plots for sale. The Commission took no action on the recommendation. Following discussion the Commission asked that the GCAB study the market price of cemetery plots and make a recommendation on what the price of Greenwood Cemetery plots should be.

Additionally, the Commission asked that the GCAB evaluate and make a recommendation on whether or not additional plots in Sections B & C should be sold.

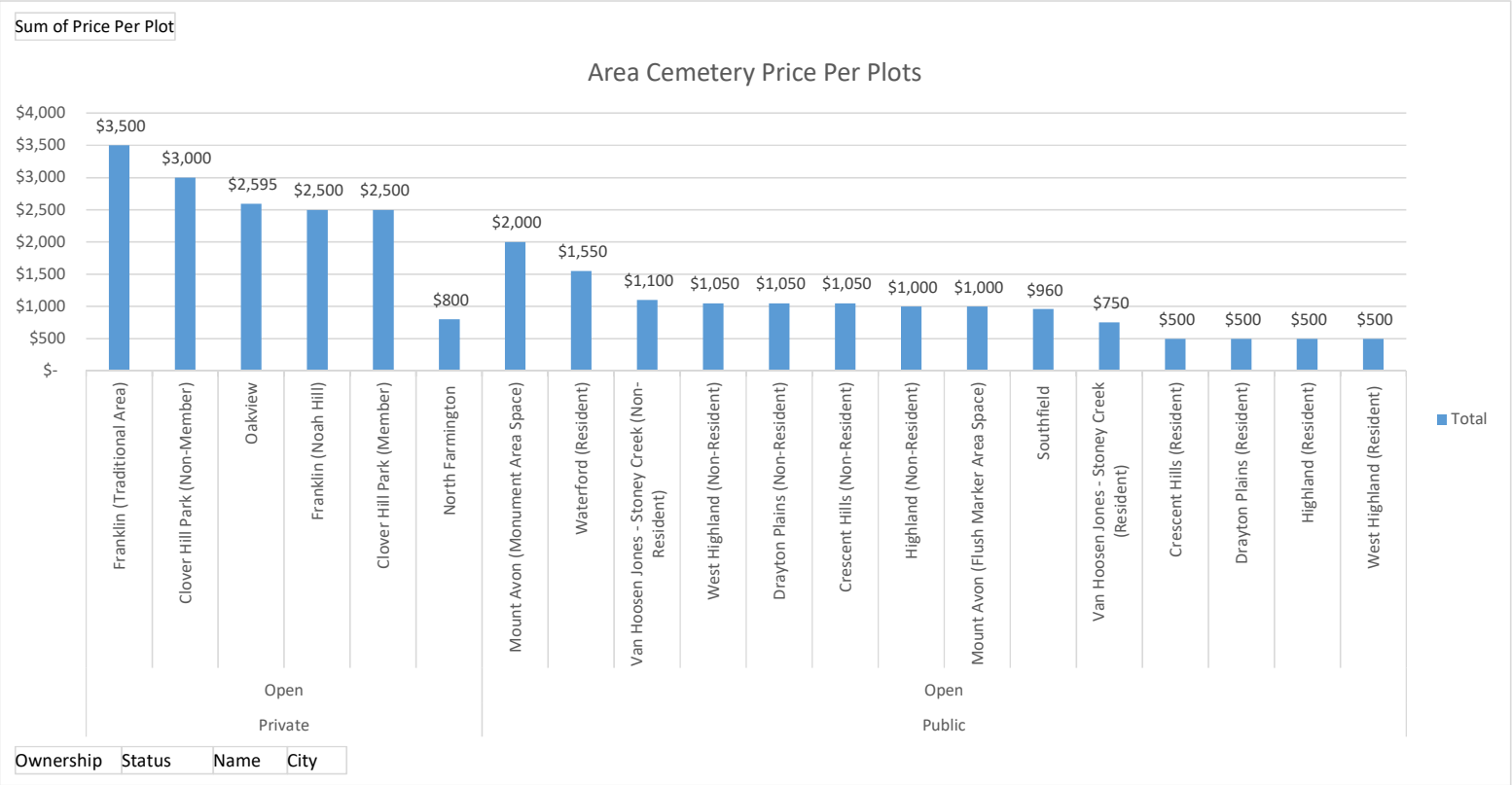
On the issue of market price, the Assistant to the City Manager, James Gallagher conducted a survey of cemeteries in Oakland County and presented his findings in the attached data worksheet and graph. This data should assist you in evaluating the current market price for cemetery plots.

Also attached is an excerpt from the minutes of the July 8, 2019 City Commission meeting detailing the Commission's discussion.

Name	Address	City	Ownership	Telephone #	Contact Person	Dimensions (acreage)	Historic Designation(s)	How Many Plots Total	How Many Spots Left	Sold	Price Variable	Price Per Plot	How Many Cremitaory Remains 1 Plot	Mngt Services	Sales Staff	Status
White Chapel Memorial Park	621 W. Long Lake Rd	Troy	Private	248-362-7693	Steve (Supt.) - left v/m	200 acres						N/A				Didn't Respond
					Ashley (Sales Mngr.)								4 human remains in 1 plot (Requires 2,3,4 rights of internments to be purchased) allow benches above ground to add 4 people in bench			
Oakview	1032 N. Main	Royal Oak	Private	248-541-0139		94 acres	No	59,000 people currently burried	10 acres	Not Public Info	Range	\$ 2,595		Internally	Internally	Open
Acacia Park	31300 Southfield Rd	Beverly Hills	Private	248-646-4228	Sales Mngr. out had a heart attack, spoke with Betty							N/A				Didn't Respond
Roseland Park	29001 N. Woodward	Berkley	Private	248-541-1154	(Ikera?) Contact out of office until Aug. 1	135	Yes					N/A				Didn't Respond
Franklin (Noah Hill)		Franklin	Private	248-200-9493	Steve Bancroft (Cemetary Dir.) cell: 313-570-1811	7	Yes	6,000	about 800	N/A	Noah Hill	\$ 2,500	3 remains per plot	Yes - Huron Cemetary Maitenance (sexton) all burials done by them	Steve (not looking for more work)	Open
Franklin (Traditional Area)		Franklin	Private	248-200-9494	Steve Bancroft (Cemetary Dir.) cell: 313-570-1812					N/A	Traditional Section	\$ 3,500				Open
Clover Hill Park (Member)	2425 E. Fourteen Mile	Birmingham	Private	248-723-8884	Vickie Straitz	60-65	No	26,000	6,500	5,000	Member	\$ 2,500	1 invid. Remains only in designated creamtion area	internment charge \$4,000 (lowering, tent, flowers in perpetuity, etc)	executive sales director handles all sales	Open
Clover Hill Park (Non- Member)	2426 E. Fourteen Mile	Birmingham	Private								Non-Member	\$ 3,000				Open
Royal Oak Cemetary		Royal Oak	Public	248-246-3300	Deann Morris (DPS/Recreation Clerk)	N/A	No	N/A	N/A			N/A	No Policy	In House	In House	Didn't Respond
Ottawa Park	6180 Dixie Hwy	Pontiac	Public	248-623-7705	Melissa	60-80	No					N/A				Didn't Respond
Oak Hill	216 University Dr	Pontiac	Public	248-623-7705	Melissa	~ 200	Yes					N/A				Didn't Respond
Southfield	Civic Center Dr. between Lasher/ Berg	Southfield	Public	248-796-4630	John Thompson/ Kevin Frantz	10	Yes	1,000	300	N/A		\$ 960	No Policy	In House	In House	Open
Highland (Resident)		Highland Twp	Public	248-887-6700	Mike Willenburg	13.35	No	6600	337	1,937	Resident	\$ 500	up to 4 for cremationed remains per plot or 1 burrial and 3 remains on top	Mike Willenburg	Mike Willenburg	Open
Highland (Non- Resident)		Highland Twp	Public								Non-Resident	\$ 1,000				Open

West Highland (Resident)		Highland Twp	Public	248-887-6700	Mike Willenburg (Sexton) Tammy (Clerk)	3.75	Yes	2750 (1234)	297	1,219	Resident	\$ 500	up to 4 for cremationed remains per plot or 1 burrial and 3 remains on top	Mike Willenburg	Mike Willenburg	Open
West Highland (Non-Resident)		Highland Twp	Public								Non-Resident	\$ 1,050				Open
Crescent Hills (Resident)		Waterford Twp	Public	248-618-7437	Mary	10.67	No	2,964	1,364	1,600	Resident	\$ 500	1 traditional burial with 1 additional "cremains"	Internal Staff	Internal Staff	Open
Crescent Hills (Non-Resident)		Waterford Twp	Public								Non-Resident	\$ 1,050				Open
Waterford (Resident)		Waterford Twp	Public	248-618-7437	Mary	2.37	In Process	945	26	919	Resident	\$ 500	1 traditional burial with 1 additional "cremains"	Internal Staff	Internal Staff	Open
Waterford (Resident)		Waterford Twp	Public								Non-Resident	\$ 1,050				Open
Drayton Plains (Resident)		Waterford Twp	Public	248-618-7437	Mary	4.98	In Process	1,921	673	1,248	Resident	\$ 500	1 traditional burial with 1 additional "cremains"	Internal Staff	Internal Staff	Open
Drayton Plains (Non-Resident)		Waterford Twp	Public								Non-Resident	\$ 1,050				Open
Van Hoosen Jones - Stoney Creek (Resident)	Tienken & Sheldon	Rochester Hills	Public	248-652-4713	Calvin Leach (Sexton) Laura Douglas (Records Clerk)	16.8	No	12,237	7,618	4,619	Resident	\$ 750	Traditional burial section: 4 cremains per space Traditional burial section w/ traditional burial: 2 cremains on top	Calvin Leach (internal staff)	Calvin Leach	Open
Van Hoosen Jones - Stoney Creek (Non-Resident)	Tienken & Sheldon	Rochester Hills	Public								Non-Resident	\$ 1,100				Open
Oakwood (Resident)		Farmington	Public	248-474-5500	Jen/ Chuck Shute (Dps)	6.7	No	850	No Plots Left only crypts	7 crypts	Resident	\$ 5,000	N/A	DPW	Clerks	Closed
Oakwood (Non-Resident)		Farmington	Public						No Plots Left only crypts		Non-Resident	\$ 9,000				Closed
Novi	25755 Novi Rd	Novi	Public	248-735-5611	Jeff Muck	2.4	No	948	No Plots Left	0		\$ -	N/A	N/A	N/A	Closed
Knapp	43005 Nine Mile Rd	Novi	Public	248-735-5611	Jeff Muck	0.5	No	87	No Plots Left	0		\$ -	N/A	N/A	N/A	Closed
North Farmington		Farmington	Private	248-887-6700	Mike Willenburg							\$ 800	1 grave plus 2 cremains or 3 cremains	Mike Willenburg	Mike Willenburg	Open
Mount Avon (Flush Marker Area Space)		Rochester	Public	248-651-90610	Jessica Wawrzynski		Yes				Flush Marker Area Space	\$ 1,000				Open
Mount Avon (Monument Area Space)		Rochester	Public								Monument Area Space	\$ 2,000				Open

Row Labels		Sum of Price Per Plot
Private		
Open		
Franklin (Traditional Area)	\$	3,500
Clover Hill Park (Non-Member)	\$	3,000
Oakview	\$	2,595
Franklin (Noah Hill)	\$	2,500
Clover Hill Park (Member)	\$	2,500
North Farmington	\$	800
Public		
Open		
Mount Avon (Monument Area Space)	\$	2,000
Waterford (Resident)	\$	1,550
Van Hoosen Jones - Stoney Creek (Non-Resident)	\$	1,100
West Highland (Non-Resident)	\$	1,050
Drayton Plains (Non-Resident)	\$	1,050
Crescent Hills (Non-Resident)	\$	1,050
Highland (Non-Resident)	\$	1,000
Mount Avon (Flush Marker Area Space)	\$	1,000
Southfield	\$	960
Van Hoosen Jones - Stoney Creek (Resident)	\$	750
Crescent Hills (Resident)	\$	500
Drayton Plains (Resident)	\$	500
Highland (Resident)	\$	500
West Highland (Resident)	\$	500
Grand Total	\$	28,405



**GREENWOOD CEMETERY ADVISORY BOARD
MEETING MINUTES
FRIDAY, AUGUST 16, 2019 AT 8:30 AM
MUNICIPAL BUILDING, ROOM 205, 151 MARTIN**

I. CALL TO ORDER

Chairperson Gehringer called the meeting to order at 8:30 a.m.

II. ROLL CALL

Present: Linda Buchanan, Vice Chairwoman
Darlene Gehringer, Chairwoman
Linda Peterson
Laura Schreiner
Margaret Suter

Absent: Kevin Desmond
George Stern

Administration: Administrative Transcriptionist, Verna Chapman and James Gallagher, Asst.
to the City Manager

III. APPROVAL OF MINUTES

A. Approval of meeting minutes of June 7, 2019

MOTION: Motion by Margaret Suter, seconded by Linda Buchanan:

To approve the minutes of June 7, 2019 as corrected:

- Page 3, Ms. Schreiner's comment was amended.
- Page 3, Amended to include Ms. Genringer's comment.
- Page 5, Amended to replace the word mom with mother.
- Page 7, Corrected by removing end parenthesis.
- Page 7, Corrected by removing a duplicate "nay".
- Page 8, Amended to replace Advisor Schreiner with Mrs. Schreiner.

VOTE: Ayes, 5
Nays, 0
Absent, 2

IV. NEW BUSINESS

A. Election of Chairperson

Chairperson Gehringer opened the floor to nominations for Chairperson.

Nominated by Margaret Suter, seconded by Laura Schreiner

To elect Darlene Gehringer chairperson of Greenwood Cemetery Advisory Board for one one-year term.

VOTE: Ayes, 5
Nays, 0
Absent, 2

B. Election of Vice Chairperson

Chairperson Gehringer opened the floor to nominations for Vice Chairperson.

Nominated by Margaret Suter, and seconded by Linda Peterson

To elect Linda Buchanan as Vice Chairman of the Greenwood Cemetery Advisory Board for one one-year term.

VOTE:	Ayes,	5
	Nays,	0
	Absent,	2

Ms. Peterson asked if there is a rule that governs attendance of board members; if so, how is it applied.

Ms. Gehringer referred the question to City Clerk Mynsberge (in absentia) who tracks the attendance of board members.

C. Approval of Request for Proposals (RFP) for Ground Penetrating Radar of Greenwood Cemetery.

Assistant to the City Manager Gallagher presented this item.

Chairperson Gehringer asked if the liability insurance of \$1,000,000.00, professional liability, and pollution liability of \$1,000,000.00, and owners/contractors protective liability of \$3,000,000.00 per occurrence was excessive.

Margaret Suter expressed that it is probably standard language to meet the City's requirements and advised the board to accept the limits outlined in the RFP. She went on to say that the board should only want to consider good solid companies that are not affected by the RFP requirements.

Laura Schreiner agreed with Ms. Suter and asked for a response from the City.

Assistant City Manager Gallagher stated that the language used was boilerplate language approved by the City's legal department to be used with any request for proposal. He further stated that pollution control and professional liability insurance limits could change depending on the type of service that would be provided. Mr. Gallagher agreed to verify the proposed limits.

Chairperson Gehringer referred to the City Clerk to review the limits and determine if adjustments should be made. She expressed that she does not want the bid to fail because insurance limits were a factor.

Linda Buchanan asked how long would the RFP stay out for bid.

Margaret Suter noted that there were no dates on any of the documents presented in the proposed request for approval.

Chairman Gehringer suggested that a 30-day period be used for bid submittals.

Laura Schreiner asked what the board did the last time it had an RFP out for bid. She also reminded everyone that time must be allowed for the selection to go through this board, the

planning board, and the city commission. She also suggested a “no later than” date be set to allow for the project award and commencement by the spring thaw of 2020.

Linda Buchanan and Chairperson Gehringer thought that previous request for proposals had been out for bid for 30 days. However, Ms. Buchanan felt that the date for contract execution should be expressed as “TBD”, because of the variables involved.

The board agreed with the chairperson by consensus that:

- Contract execution would be 14 days after contractor selection.
- Project commencement would be scheduled for April 2020.
- Project completion would be set for May 2020.

MOTION: Motion by Ms. Suter, seconded by Ms. Peterson

To recommend approval of the Request for Proposal for the Ground Penetrating Radar of Greenwood Cemetery as revised.

VOTE: Ayes, 5
 Nays, 0
 Absent, 2

D. Evaluation and Recommendation to City Commission:

1. Market Pricing for Cemetery Plots

Assistant to the City Manager Gallagher presented this item.

- a. Laura Schreiner asked if there was feedback from Ms. Arcome as to whether or not potential purchasers chose not to buy at Greenwood when price was a factor.
- b. There was no data available to support any input from Ms. Arcome.
- c. Based on the data presented comparing regional cemetery pricing, the board concluded that the current pricing at Greenwood was fair and reasonable.

MOTION: Motion by Ms. Schreiner, seconded by Vice Chairperson Buchanan

To recommend, based on the data presented, that the City Commission keep pricing for cemetery plots at \$3,000.00 per plot.

VOTE: Ayes, 5
 Nays, 0
 Absent, 2

2. Future of Sales in Sections B and C

Linda Buchanan gave a brief overview of what occurred at the City Commission meeting of July 08, 2019. Margaret Suter, Laura Schreiner, and George Stern also attended.

- Prior to this meeting, the GCAB recommended selling 60 plots in Sections B and C, stopping at 300, conducting a reanalysis of sales at 270.
- There was hesitation from the Commission with respect to selling in Section B.
- Ms. Buchanan was in favor of revisiting the analysis and maybe only releasing plots in Section C. She also felt that the situation could be re-evaluated at any time and more plots could be released for sale at a later date.
- The GCAB recommended that the City Commission be prudent in making sure there are plots available for future purchases.

- Ms. Shreiner reminded the board that this decision had to go through the GCAB cycle and the City Commission.
- Ms. Suter expressed that if the cemetery fills up, Section B may be revisited. The focus should be on Section C and the other remaining sections.
- Commissioner Hoff commented there were 57 plots in other sections of the cemetery that should be sold before selling in Section B and C. No one could affirm that number.
- Section A was designated pure historical and there are no plots available for sale.
- There are many Birmingham pioneers in Section B, suggesting it is historical as well.
- Approximately, 206 plots have been sold in Section B.
- It was noted that overall sales have slowed down to a normal pace at this time.

MOTION: Motion by Vice Chairman Buchanan, seconded by Ms. Peterson
To recommend for the City Commission approval that sales in Section B be suspended and 30 plots in Section C be released for sale.

VOTE: Ayes, 5
Nays, 0
Absent, 2

V. UNFINISHED BUSINESS

Items under Unfinished Business will be presented as a status update to the Board and may not require action at this time.

A. Finalization of Master Plan/Historical Collaboration Priority List

Chairperson Gehringer presented a list of Master Plan/Collaborative Preservation Projects from the City Commission and the Greenwood Cemetery Advisory Board prioritized the list as follows:

1. Ground Penetrating Radar Services (in process)
2. Potter Field (in progress)
3. Digitizing and Mapping Cemetery Records (in process)
4. Match Cemetery Records with Headstones
5. Historic Headstone Inventory
6. Update Greenwood
7. Alternate Sources of Revenue
8. Review Contract with Elmwood
9. Long-term financial status
10. Maintenance and Landscaping

MOTION: Motion by Ms. Suter, seconded by Ms. Peterson:
To recommend the removal of Columbaria from the Finalization of Master Plan/Historical Collaboration Priority List.

VOTE: Ayes, 5
Nays, 0
Absent, 2

MOTION: Motion by Vice Chair Buchanan, seconded Ms. Peterson
To recommend the Finalized Master Plan/Historical Collaboration Priority List as revised.

VOTE: Ayes, 5
 Nays, 0
 Absent, 2

VI. FINANCIAL REPORT

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

VIII. BOARD COMMENTS

- Ms. Buchanan noted that at the July 8, 2019 City Commission meeting, the commission had information that the Greenwood Cemetery Advisory Board did not have.
- Ms. Suter would like to see the GCAB copied on all information that the City Commission receives regarding the Cemetery.

IX. ADJOURN

The meeting adjourned at 10:46 a.m.

NEXT MEETING: OCTOBER 4, 2019

Cheryl Arft, Acting City Clerk/vc

Greenwood Cemetery Advisory Board:

The powers and duties of the Greenwood Cemetery Advisory Board is to provide the following recommendations to the City Commission:

1. Modifications: *As to modifications of the rules and regulations governing Greenwood Cemetery.*
2. Capital Improvements: *As to what capital improvements should be made to the cemetery.*
3. Future Demands: *As to how to respond to future demands for cemetery services.*

Section 34-30 (g) of the Birmingham City Code

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October 18, 2020 12:06 AM

Cemeteries plot their future as cremation becomes the norm

KIRK PINHO □ □

Mt. Elliott Cemeteries

Mt. Olivet Cemetery is Detroit's largest, built in 1888 on over 300 acres.

If you die in the next 20 years, the chances are good that you're going to be cremated.

Data from the National Funeral Home Association says that by 2040 in Michigan, 83.6 percent of the people who die will be cremated, compared to 47.3 percent in 2010. And according to the NFHA, the median cost for a cremation funeral with an urn is \$6,645, compared to \$9,135 for a funeral with a burial, including the cost of the casket and the burial vault.

That's causing cemeteries and funeral homes to search for new revenue streams.

"It does affect cash flow," said Bert Edquist of Mission Hills Memorial Gardens in Niles in southwest Michigan. "But also it gives you the opportunity to make more burials because you're using smaller spaces for the cremation burials. Your land is producing more income, but you're not getting that income as quickly as you did before. Basically it's going to make the cemeteries last longer."

Much of the equation comes down to simple real estate. According to Lawrence Sloane, who is director of Elmwood Cemetery in Detroit and runs Albany, N.Y.-based L. F. Sloane Consulting Group Inc., the average plot for an urn burial is 4 to 6 square feet, whereas a plot for a casket is 24 to 40 square feet. And in general, the smaller the plot, the lower the cost.

Kirk Pinho/Crain's Detroit Business

Elmwood Cemetery is the oldest continuously operating, nondenominational cemetery in Detroit.

In addition, an accepted industry standard is that only about 25 percent of cremated remains end up in cemeteries at all, with the rest kept on mantles or scattered at favorite and sentimental spots as just some examples, Sloane said.

Translation: Even less revenue for cemeteries.

"Cemeteries have to work to present themselves as relevant places to remember your loved ones," Sloane said of the impending cremation surge, which has been caused by a host of factors.

Among them: environmental concerns with things like embalming and other factors; more geographically diverse families; greater religious acceptance of the practice, as well as a general shift away from organized religion overall; and economics.

"Can that (cremation trend) change? Sure," said Leonard Turowski, a fourth-generation funeral home owner with operations in Livonia and Canton Township. "Forever and ever, it was always strictly burials and then all of a sudden cremation came in and maybe it can change going forward. It is especially challenging for cemetery owners."

Kirk Pinho/Crain's Detroit Business

Mt. Elliott Cemetery in Detroit was consecrated in 1841 — just four years after Michigan became the 26th state.

To make up the revenue lost from the more expensive casket burials and selling larger plots of land for them, cemeteries have had to get creative, said Michael Chilcote, general manager and COO of the nonprofit Mt. Elliott Cemeteries, which oversees the Mt. Elliott and Mt. Olivet cemeteries in Detroit as well as Resurrection Cemetery in Clinton Township, All Saints Cemetery and The Preserve at All Saints in Waterford Township and Guardian Angel Cemetery in Rochester.

That includes things like cremation gardens, cremation niches, small buildings for up to 20 sets of cremated remains, cremation benches and other such memorials. All those help make up for lost burial plot revenue.

"There are a lot of different ways you can accommodate a cremation space," Chilcote said. "Really the cremation trend has opened up a lot of innovation — the only thing is getting information to the public about what their options are."

Mt. Elliott Cemeteries

Mt. Olivet cremation garden

Not only is that revenue helpful in the short term, but it also provides a lasting benefit.

David Harns, interim communications director for the Michigan Department of Licensing and Regulatory Affairs, said there are just over 200 cemeteries — 105 greater than 10 acres and 96 under 10 acres — that are required to have so-called perpetual care funds, which are trusts that ensure the upkeep of the cemetery property after the last burial plots are sold.

Under Public Act 251 of 1968, 15 percent of burial, entombment and columbarium rights sold are deposited into the cemetery's perpetual care fund; only interest and dividends from those funds can

be used and they are set up for the long-term care of the property.

But Sloane says the funds overall are not well-funded enough.

"That was not adequate and there are very few cemeteries in Michigan that are properly funded," he said. "Seven hundred have already been given back to municipalities. Very few were actually built by cities; they just went bankrupt and the cities took them over."

Larry Michael, vice president of Midwest operations for Houston-based Park Lawn Corp., which owns and manages 28 cemeteries in Michigan, said the cremation increase has been felt in those funds.

"States have these because at some point, when there is no more revenue coming in because there is nothing left to sell, there is this fund," Michael said. "With cremation rates growing, that has impacted it. But every interment right has a percentage, a cremation has a percentage that goes into a perpetual care fund. So some cemeteries, the funds may have actually increased, depending on the product they've been selling."

According to the [Michigan Department of Community Health](#), pre-COVID-19, the state averaged 8,201 deaths per month between January 2019 and February 2020, although that figure during the pandemic has increased to an average of 8,924 per month, with a high of 13,049 deaths in April and 5,399 reported in September.

And Chilcote said it's unlikely that new, sprawling cemeteries — akin to the 300-acre Resurrection Cemetery in Clinton Township — will be developed regularly in the future given the cremation trend. Some of the newer ones are Glen Eden East, developed in 2004 along 26 Mile Road in Macomb Township; the federal Great Lakes National Cemetery in Holly, established in 2005; and Guardian Angel Cemetery in Rochester, developed in 2003 by Mt. Elliott Cemetery Association.

"Those days of 300-acre cemeteries are done," he said.

Inline Play

Source URL: <https://www.crainsdetroit.com/real-estate/cemeteries-plot-their-future-cremation-becomes-norm>

FEE SCHEDULE

CITY CLERK'S OFFICE	EXISTING FEE
<u>Day Care (See Child Care Facilities)</u>	
<u>Electronic Video Game (14-106)</u>	
Each game, annual fee (subject to additional fees and requirements for regulated use)	\$ 50.00
<u>FOIA fees - See public records policy (attached)</u>	
<u>Fumigation (58-141)</u>	
Fumigation Contractor, annual fee	\$ 50.00
Fumigation permit, per event	\$ 25.00
Insurance (58-144): Standard insurance requirements plus environmental impairment/pollution liability coverage	
<u>Garage Public (54-26) - Annual Fee</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	\$ 3,000.00
Additional Rights of Burial for cremated remains, each	\$ 750.00
Grave space accommodating two cremated remains	2,000.00
Grave space accommodating one cremated remains	1,000.00
Administrative fee for transfer of grave ownership	\$ 150.00
Interment and disinterment fees:	
Cremation	\$ 750.00
Full Burial	\$ 1,400.00
Foundation charges for markers & monuments:	
Foundation Installment - per linear foot	\$ 125.00
Marker or monument resets:	
Foundation installation charge as per above schedule, plus an hourly charge for removal of old foundation	
Weekend, holiday, and overtime interments. This fee in addition to the normal interment fee charged during regular working hours.	\$ 400.00
<u>Horse Drawn Carriages (122-71)</u>	
Company, annual fee	\$ 50.00
Carriage, each vehicle annual fee	\$ 50.00
Insurance: Standard insurance requirement, with coverage to include premises liability; personal injury liability; products liability; and horse or horses liability. (122-75)	
<u>Hotels/Motels annual fee</u>	\$ 75.00
1-50 Rooms	\$ 300.00
50+ Rooms	\$ 500.00
<u>Initial Merchants: (All types including transfers)</u>	\$ 100.00
<u>Kennels (See Animals)</u>	

MEMORANDUM

DATE: March 17, 2021
TO: Thomas M. Markus
FROM: Mary M. Kucharek
SUBJECT: Local State of Emergency and Virtual Meetings

INTRODUCTION AND BACKGROUND:

- Senate Bill 1246 amended the Open Meetings Act (OMA) and provided that beginning January 1, 2021, meetings of public bodies may only be held electronically under very limited circumstances:
 1. To accommodate members absent due to military service.
 2. To accommodate members with a medical condition.
 3. In the event of a local state of emergency.

AND

It also allowed the continuation of virtual meetings to be in compliance with the OMA through March 31, 2021 for any reason. This allowance for any reason has not been extended past March 31, 2021, as of this date. It is important that we are prepared to continue to meet virtually through December 31, 2021, or until further MDHHS Orders, or an emergency is no longer declared, whichever occurs first, in order to maintain the safety, health and welfare of the City of Birmingham, its elected officials and citizens and to conform to the MDHHS, March 2, 2021 Orders.

LEGAL REVIEW:

- Under Act 390 of 1976, the Emergency Management Act under Sec. 30.409(2), a municipality shall appoint a Municipal Emergency Management Coordinator in order to protect its citizens from certain disasters including epidemics as defined in Sec. 30.402(e) Disaster in order to declare a local state of emergency.
- Pursuant to the Birmingham City Charter at Sec. 42-31, the Mayor, as executive head of the City government shall be the director of the emergency services forces of the City and shall be responsible for their organization, administration, and operation working through the City Manager and the Emergency Management Coordinator.
- Under Birmingham City Charter Sec. 42-32, the powers and duties of the City Mayor includes that the Mayor, whenever a situation requires or is likely to require that the Mayor invoke such power and authority, the Mayor shall, as soon as reasonably expedient

convene the Commission to perform its legislative and administrative duties as the situation demands, and further outlines the abilities and duties of the Mayor during times of an emergency.

- Beginning January 1, 2021, through December 31, 2021, only those circumstances requiring accommodation of members to meet virtually extends to those absent due to military duty, a medical condition, or a statewide or local state of emergency or state of disaster. Also, an electronic meeting due to a local state of emergency or of disaster, would apply only to allow the electronic attendance of a member of the public body who lives in the affected area or to allow the electronic meeting of a public body that usually holds its meetings in the affected area.
- The Birmingham City Charter Sec. 42-33 authorizes and directs the City Manager to create an organization to prepare for community disasters utilizing to the fullest extent, existing agencies within the City, which the City of Birmingham has in place.
- The EMA, at Sec. 30.410(b) states that the management coordinator may:

“Declare a local state of emergency if circumstances within the county or municipality indicate that the occurrence of threat of widespread or severe damage, injury or loss of life or property from a natural or human-made cause exist, and under a declaration of a local state of emergency, issue directives as to travel restrictions on county or local roads. This power shall be vested in the chief executive official of the county or municipality of the official designated by charter, and shall not be continued or renewed for a period in excess of seven days except with the consent of the governing body of the county or municipality. The declaration of a local state of emergency shall be promptly filed with the emergency management division of the department unless circumstances attendant upon the disaster prevent or impede its prompt.”

SUMMARY:

- Therefore, Mayor Boutros would be appointed as the Chief Executive Official pursuant to the EMA Sec 30.409 and Sec. 30.410, and must issue a written declaration of a State of Emergency.
- The City Manager has appointed Fire Chief Paul Wells as the Emergency Management Coordinator.
- The attached Declaration must be filed with the Department of State Police under Emergency Management Division.

ATTACHMENTS:

- Resolution for the City Commission that would extend the powers of the Mayor and continue a local state of emergency for a period as declared by the EMC to allow continued virtual meetings. This Resolution can be renewed as necessary.

- Written Declaration of a Local State of Emergency.

SUGGESTED ACTION:

- To adopt a resolution declaring a state of emergency for the City of Birmingham and confirming the Mayor's Declaration of Emergency to continue the ability for virtual meetings during the pandemic as determined by the EMC and the CEO.

RESOLUTION DECLARING A STATE OF EMERGENCY

Moved by: _____

Seconded by: _____

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

WHEREAS, the Governor of the State of Michigan has been stripped of her powers to issue Executive Orders related to COVID-19; and,

WHEREAS, Senate Bill 1246 would amend the Open Meetings Act to revise provisions added to the Act by 2020 PA 228 (SB 1108) that deal with remote attendance at meetings of a public body; and,

WHEREAS, Senate Bill 1246 would revise the third bulleted item to include a state of disaster or emergency declared pursuant to a local ordinance (in addition to those declared under law or charter). The bill would also replace "a local official or local governing body," as a person who may declare a state of emergency or disaster, with "a local chief administrative officer;" and,

WHEREAS, due to COVID-19 and maintaining safety, it is imperative that virtual meetings are continued; and,

WHEREAS, under Act 390 of the Emergency Management Act ("EMA"), and due to the pandemic of COVID-19, the Mayor is authorized to declare a local state of emergency; and,

WHEREAS, the City of Birmingham Charter Sec. 42-31 authorizes the Mayor to act as the director of emergency services; and,

WHEREAS, the City of Birmingham Charter Sec. 42-32 authorizes that the Mayor may assemble emergency services forces and,

WHEREAS, the City of Birmingham Charter Sec. 42-33 hereby authorizes and directs the City Manager to create an organization to prepare for community disasters utilizing to the fullest extent existing agencies within the City, which the City of Birmingham has in place; and,

WHEREAS, pursuant to the EMA, the Michigan State Police Department Emergency Management Division shall be notified of all declarations; and,

WHEREAS, the governing body of this City, that being the City Commission support the powers of the Mayor declaring the local state of emergency and further find and support the Mayor in the decision to hold its meetings virtually in accordance with enrolled Senate Bill 1246 as attached to the Mayor's Declaration.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Mayor is hereby authorized to declare a local state of emergency.

2. The City Manager has appointed Fire Chief Paul Wells as Emergency Management Coordinator.
3. Virtual Commission meetings shall continue until December 31, 2021, or until further MDHHS Orders, or an emergency is no longer declared, whichever occurs first.
4. The City's local state of emergency shall be continued, and if there remains a need for all City of Birmingham's virtual meetings, an extension is hereby permitted, in writing, by the EMC.

Passed, adopted and approved this _____ day of _____, 2021.

AYES:

NAYS:

PRESENT:

ABSENT:

CERTIFICATION

I, Alexandria D. Bingham, being the duly appointed and qualified City Clerk of the City of Birmingham, Oakland County, Michigan, do hereby certify and declare that the foregoing is a true and correct copy of Resolution, the original of which is on file in my office, adopted by the City of Birmingham Commission at a regular meeting held on _____, 2021.

Alexandria D. Bingham, City Clerk

DECLARATION OF EMERGENCY

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person.

COVID-19 has been identified as the cause of an outbreak of respiratory illness that has caused millions of cases and thousands of death across this world and country. Specifically, in the State of Michigan there are a total of 612,628 positive cases and 15,810 deaths as of March 16, 2021.

The State of Michigan, the County of Oakland and the City of Birmingham have been taking proactive steps to prevent and prepare for the spread of this novel disease. On February 3, 2020, the Michigan Department of Health and Human Services (MDHHS) activated a Community Health Emergency Coordination Center, and has provided Orders throughout this time in order to limit gatherings, prevent indoor dining, require masks in public, limit gatherings, etc. Throughout this time, the City of Birmingham, County of Oakland and State of Michigan have been working with schools, businesses, medical providers, local health departments, and residents to make sure they have the information they need to prepare for potential cases and cases that continue to exist in this crisis.

Pursuant to the Emergency Management Act ("EMA") 1976 P.A. 390 at 30.409 and 30.410, the Mayor of the City of Birmingham may declare a state of local emergency indicating that the occurrence or threat of widespread harm and potential loss of life exists.

Therefore, as the Mayor and Chief Executive of the City of Birmingham, I am ordering the following:

1. A state of local emergency is declared throughout the City of Birmingham.
2. The ability to conduct in person meetings would cause potential harm, illness to human life, and therefore, I extend the ability for the City of Birmingham to conduct all of its meetings virtually as long as all of the requirements of Senate Bill No. 1246 are followed, which is attached to this Declaration and made a part hereof.
3. The local state of emergency will be terminated when the emergency and the pandemic conditions no longer exist.

Given under my hand with the authority set forth in me as Mayor and Chief Executive of the City of Birmingham on this _____ day of _____, 2021.

CITY OF BIRMINGHAM

By: _____
Pierre Boutros,
Mayor/Chief Executive

CERTIFICATION

I, Alexandria D. Bingham, being the duly appointed and qualified City Clerk of the City of Birmingham, Oakland County, Michigan, do hereby certify and declare that the foregoing is a true and correct copy of the Mayor/Chief Executive's Declaration of Emergency, the original of which is on file in my office.

Alexandria D. Bingham, City Clerk



MEMORANDUM

City Manager's Office

DATE: March 18, 2021

TO: City Commission

FROM: Thomas M. Markus, City Manager

SUBJECT: Haig Communication

RECCOMENDATION:

The City Manager has reviewed the communication and recommends that the Commission consider this item under Commission Items for Future Discussion.



Alex Bingham <abingham@bhamgov.org>

Request to discuss streets issues at an upcoming City Commission meeting

A H Public email <ahjunkah@gmail.com>

Tue, Mar 9, 2021 at 5:37 PM

To: Pierre Boutros <pboutros@bhamgov.org>, abingham@bhamgov.org, Brad Host <bhost@bhamgov.org>, Racky Hoff <rhoff@bhamgov.org>, Stuart Sherman <ssherman@bhamgov.org>, Mark Nickita <mnickita@bhamgov.org>, Therese Longe <tlonge@bhamgov.org>, Clinton Baller <cballer@bhamgov.org>, Jana Ecker <Jecker@bhamgov.org>, Markus Tom <tmarkus@bhamgov.org>, lwood@bhamgov.org, Bruce Johnson <Bjohnson@bhamgov.org>

Dear all, I would like to use this as a formal request to discuss the streets and damage to them at a future Commission meeting in the near future with the attached packet being inserted into the agenda as a scheduled item for review.

I have been working on this for some time, as is evident by the chronology in the package and I am sending it today because I saw something going on in the street early today. Lots of noise and lights at 6.00 am (I start work very early so I am up and eating breakfast by 6), I went to see what was going on & saw the Channel 7 news truck in the street filming at the exact spot I have been writing this package about. This was rather interesting as I had no idea that they had any information about our issues here let alone that they were coming to film anything. I found their news segment from this morning on the WXYZ website and watched it with rather a lot of interest.

link:

<https://www.wxyz.com/getting-around-metro-detroit/checking-out-some-of-the-worst-roads-in-birmingham>

That prompted me to send it today as apparently this is a topic that has bothered someone else so much that it obviously has been brought to your attention already so here is what I have been looking at. Most of this package is a photo diary of the degradation of the street and the causes of the destruction. I did not have the opportunity to photograph every single instance of damage, but the data pretty much speaks clearly and loudly for itself.

Please can this also be shared with the Unimproved Streets members, as I do not readily have all their contact info, as it is pertinent to that board & its scope/final report.

There are points in my presentation that I wish to discuss as discrete items - specifically types of permitted vehicles and equipment within the city (soft wheel/rubber track only) and the road damage deposit proposal and not have them linked together.

Personally I have zero interest in having another assessment for a Cape seal on Banbury as it will just continue to be destroyed by developers, I want to refer back to a different proposal I brought to you last year to limit the number of developments within any given radius to reduce the amount of traffic at any given timeframe before we even look at repair or replacement of any roads, anywhere within the City limits. This is because any repair or replacement during this phase of extreme construction overcramping in the residential neighborhoods will only drive cost onto the residents and then the repair costs onto us a 2nd time when all upgraded infrastructure fails to meet the original expected life due to incorrect road load use.

Yours,

Andrew Haig



3-2021 Streets damage & payment proposal.pdf
1606K

Builder and developer streets damage.
Issues, costs, remedial action & payment
proposal

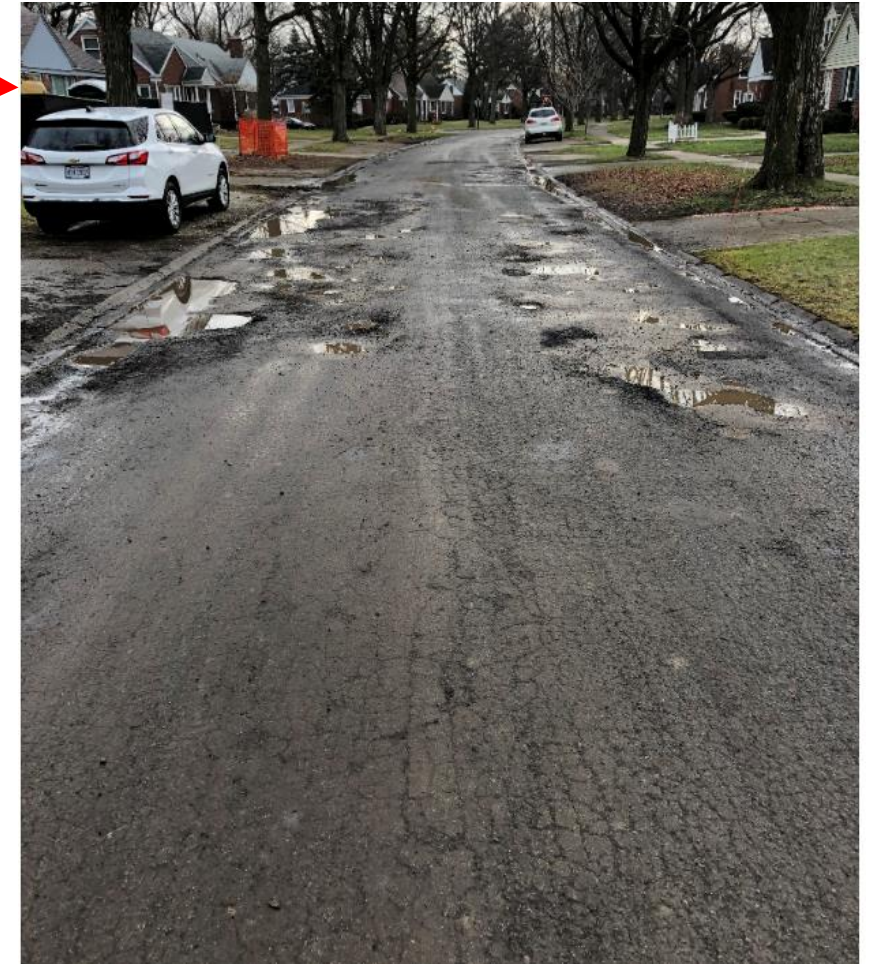
Andrew Haig. 3/8/2021

Streets damage issue due to developers and types of equipment used

- Banbury Street is a microcosm case study of many things that are wrong with our City & it's processes that are really not significantly wrong or difficult to rectify.
- Current case point – street damage due to Developers.
- Many posts on Social Media have shown the distress of many residents throughout the city due to developers and noise, interruptions etc. The one factor that has not been very seriously addressed is street damage.
- Developers by the nature of the work, need to bring in heavy equipment.
- No streets in Birmingham, other than main roads such as Maple, or Old Woodward, are designed for consistent ultra heavy and significant daily traffic – in fact certain streets such as South Eton specifically post that these types of traffic are not allowed access.
- In addition, Developers do not appear to care about the type of equipment brought into the city. Many are using steel tracked excavating equipment that is utterly destructive to roads, easements, curbs etc. (this particular case has already been reported to Bruce Johnston a couple of months ago).
- Utility companies, on the other hand have noted this issue many years ago and every single tracked or heavy equipment used by DTE, Consumers etc. is a soft wheel or rubber tracked machine, which cause significantly lower levels of damage to City and residents infrastructure.

A study in pictures of street damage by 1 single Developer

- December 2020. Banbury Street
- Photo diary did not start until December to show the street condition prior to December.
- Note Excavator in both pictures.
- Diesel spill is not visible in these pictures.
- 1st picture shows the damage from the steel tracks (notified to Bruce Johnston).
- 2nd picture shows the overall condition of the already damaged unimproved street
- Track damage data shared with Bruce Johnston.



December 2020 continued

- Diesel spill not very visible in water.
- Shows easement area, intact curbs, undemolished house and some more of the currently intact street surface
- Developer name intentionally obscured



December 2020 – Semi trucks

- Semi trucks lined up, parked down the street, waiting to be loaded with mixed house debris (wood, siding, roofing material and concrete) and excavated soil.
- Street was blocked in this manner for 2+ days.
- Reminder of MI truck loading laws, not including Spring seasonal loading constraints:
- https://www.michigan.gov/documents/Loads_dim_87014_7.pdf
- Highlighting from author to show relevant axle loads on a Semi truck with tandem tractor axles & triple trailer axles



TABLE OF MAXIMUM ALLOWABLE GROSS AXLE LOADINGS				
Spacings Between Axles	Normal Loadings When Seasonal Load Limitations Are Not In Force (Speed Limit 55 MPH)		Seasonal Load Limitations (Speed Limit 35 MPH)	
	Vehicles Exceeding 80,000 lbs. Gross Weight	† Vehicles 80,000 lbs. Or Under Gross Weight	Rigid	Flexible
9 feet or over	18,000 lbs.	20,000 lbs.	13,500 lbs.	11,700 lbs.
More than 3 ½ feet but, less than 9 feet	13,000 lbs.	13,000 lbs.	9,750 lbs.	8,450 lbs.
When part of a tandem axle assembly	*16,000 lbs.	34,000 lbs. on tandem	**12,000 lbs.	***10,400 lbs.
When less than 3 ½ feet	9,000 lbs.	9,000 lbs.	6,750 lbs.	5,850 lbs.
Maximum load on any wheel shall not exceed: (lbs. per inch of tire width)	700 lbs.	700 lbs.	525 lbs.	450 lbs.

† Gross vehicle weight may not exceed 80,000 lbs. and the following: An overall gross weight on a group of 2 or more consecutive

January 14th 2021

- Simultaneous emergency sewer replacement while house deconstruction ongoing – note same excavator in RHS of picture and Semi truck in the background



Social media pictures January 2021

- Photos as posted to Nextdoor.com by a resident of Banbury Street who was blocked in repeatedly by construction & who also lives directly in front of the destroyed street.
- Taken from her front room window.



February 9th 2021

- Screen grab from a video of multiple Semi trucks lined up & waiting to load excavated soil – this was an all day event with trucks blocking the intersection of Taunton & Banbury.
- Mail truck was blocked.
- Same issue on February 11th with Garbage trucks being blocked.



March 1st 2021

- Street condition showing pot holes, destroyed curb, gravel covered easement that is not contained & spilling into the street, damaged sidewalk not obvious from photo.
- Sidewalk damage not shown here, but is visible in person.



March 7th 2021

- Drier street. Shows a shredded vehicle tire found in the middle of the street from an overnight driver.
- Gravel patch on easement (LHS) in photo shows relative location of blown out & shredded tire to the significant street damage



March 7th 2021 continued

- Same view of the same street that was originally shown to be intact in December 2020.
- Street surface has been utterly destroyed, all road integrity is lost, street has truly reverted back to loose gravel road.
- Damage to easement and loose spill from rocks from construction site still present.
- Blown shredded tire now visible on the edge of the 2nd driveway on the LHS of photo where it was removed from the roadway for safety.



March 7th 2021 continued



Summary

- Situation summary:
 - Pictures tell 1,000 words.
 - The preceding pictures show the visible destruction of an unimproved street mostly by one single Developer as the majority of the damage is directly in front of that construction site.
 - The residents left behind are also left with the invoice for repairing the street with tax dues for road patches until the assessment for an unimproved street is levied for full street repair.
 - Residents are left with a road so utterly destroyed, it causes damage to their private vehicles through no fault of their own – see blown tire picture from this week.
 - Developers continue to destroy the city around them as they build with no significant consequences for inconsiderate or damaging actions.
 - This particular developer has now built a track record of non compliance with Builders behavior codes as well as significantly detracted from the quality of life of all surrounding residents – as one single point example. Others exist throughout the City.

Proposal

- Per page 34 of the Unimproved streets report it indicates that a high cost repair of a city street = \$1,600,000 per mile. This is the assumed baseline for a full depth tear out of any road and replacement with a new one, including curbs, not including any sub surface infrastructure.
- Cost = ~\$304 per linear foot assuming full road width.
- Proposal:
 - All developers in the City of Birmingham shall pay a cash deposit into an accrual account equivalent to \$304 per linear foot (2021CY values, adjusted annually for inflation, labor & material cost increases) of roadway for the entire road width and length of any property being remodeled, developed, rebuilt etc. E.g. 45 foot lot width = $\$304 \times 45 = \$13,680$ deposit. Corner lots to be handled in the same manner as Unimproved streets assessments.
 - Deposit will be a cash amount, not a bond or insurance policy, actual deposit of funds and the complete deposit of said funds will be the final hurdle to a building start permit. If a Developer cannot afford this deposit, they should not be issued a permit to build.
 - The road condition of the entire street: road surface, curbs and easements, will be photographically documented with any and all existing conditions noted in a written report that will be required to be signed by the developer and the City.
 - Cash will be held by the City until all work is complete on the site and a C of A is issued by final inspection.
 - Upon completion of the C of A and all equipment has been removed from the site, the street will be reassessed, compared to the original report, any intermediate road patches, repairs or other remedial work also noted and a damage report will be issued.
 - The damage report will indicate the amount of work & cost to bring the road, curbs and easements back up to the original condition at the start of the report. This amount will then be deducted from the cash deposit provided to the city at the start of the project. If the damage assessment exceeds the amount held as a security deposit, the balance will be assessed against the property as Lien if not paid immediately.
 - Any remaining balance of security deposit to be returned to the Developer, with no interest to be paid upon said deposit.
 - All funds accrued in this manner are to be sent to a specific Roads replacement fund to be set up as a specific Capital Project fund to support both the Unimproved and Improved Streets repair & replacement projects throughout the City.
- Residents are NOT to be left to pay for and clean up the mess left behind by any Builder or Developer within the City boundaries. It is also not the responsibility of the new homeowners moving into the city to pay for the damage caused in building their new homes.
- To permit Developers to continue to take advantage of the City – as was astutely noted by Comissioner Sherman early in 2020 when Covid relief measures discussions were held including items such as water bill payments by Developers, some of whom already use the “Bank of the City of Birmingham” as it is cheaper than their construction loan interest, is a totally unacceptable situation to allow to continue.

Title

- Words

2. Medium Cost per Mile

Street rehabilitation at a medium level of cost per mile can fall into several subcategories.

- Major Street Resurfacing* – There are currently several major street segments planned for resurfacing. Minimal underground improvements are planned, but the asphalt surface is in need of replacement. Asphalt work will tend to be at least 2 inches of asphalt removal and replacement. Traffic management on these streets require additional effort. Several of the currently planned projects will be completed with funding from outside sources, such as federal, county, or adjoining jurisdiction. The cost per mile shown reflects the entire expenditure.
- Local Street Rehabilitation* - Many pavements built in the 1950's and 1960's are in need of water main replacements, and in some cases, sewer work. The curb and gutter systems are in relatively good condition, but the driving surface is poor to marginal. Since utility work is needed, the pavement can be removed, while the curb and gutter system is saved. This then saves the cost of drive approach and lawn replacements, and simplifies construction. Since the curb and gutter system is not being replaced, a lower cost asphalt pavement is justified. With its shorter service life, the entire street will age at a more consistent level.
- Unimproved Street Utility Improvements* – As noted before, utility improvements on unimproved streets have not been prioritized, given the difficult task of attempting to completely rebuild a gravel street that has no drainage system. Unimproved streets that have curbs do not have this issue. Water and sewer improvements can be completed with the curbs left intact, and a new cape seal surface can be installed at a lower cost. Two neighborhoods are identified with such work in the near future, including the northwest corner of the city, where water mains and storm sewer work is planned on streets such as Westwood Dr. and N. Glenhurst Dr., as well as water main replacement on Arlington Rd. and Shirley Dr.

Sample estimated costs per mile:

2.a.	Cranbrook Rd. (Maple Rd. to 14 Mile Rd.) =	\$1,600,000 per mile ¹
2.b.	Bowers St. (Hazel St. to Columbia Ave.) =	\$1,830,000 per mile
2.c.	Arlington Rd. (Maple Rd. to Lincoln Ave.) =	\$ 140,000 per mile ²



Alex Bingham <abingham@bhamgov.org>

Final public comments for the agenda on March 22, 2021

King Khii <hollandcustody@gmail.com>
To: Alex Bingham <abingham@bhamgov.org>

Sun, Mar 14, 2021 at 12:19 PM

Hi

It's King again

The Penalty for defrauding disabled people is...

Mcl. 750.174a

If you use fake documents and attempt or are successful in getting money over 50 grand, it's a automatic 20-25 year felony, and even more egregious if you do it to a vulnerable or disabled person. This is what commissioner Sherman did with the illegal eviction, and why he gave Warren Buffett legal team a false affidavit to throw out my car accident case.

He desperately need people to believe my disabilities are fake, even though he swore to them, to get my social security benefits. I have been throughly vetted by social security and was just re vetted for my disability status in January 2021, they say my disabilities are indeed real.

I live off of my ssi, I live a very hard life, since the commissioner defrauded me.

Credibility

I grew up in a house full of drug addicts who would steal all my things and sell them, I was only left with a couple pair of shirts and pants, one pair of shoes, that I had to sleep with or they would be stolen as well. I ended up homeless living in abandoned buildings around 13 years old.

I lost my educational opportunities, because I was expelled at 15 cause I had a gun in jr high school, but it's was for protection. I was the victim of severe child abuse and my mother was being beaten relentlessly, the gun was to protect us from our abuser, I had been carrying guns since the age of 13 , now I'm on my own, homeless ,it was for survival.

Like I said every headline has a story behind it, not as simple as "bad kids", but since the commissioner says my credibility is in question

Let's see what other voices agree with me about him.

Judge Daniel O'Brien

First is Judge Daniel O'Brien, he said this about commissioner Sherman, " at least this case and in his dealings in this case, on the witness stand and in front of me in court, is wholly unbelievable, incredible, not to be trusted, and said, I don't believe him, I do not accept his testimony except on the simplest things.

The judge went on to say

Commissioner Sherman is "completely untrustworthy"

Attorney grievance disciplinary panel

Also the hearing panel who suspended the commissioner law license said this....

"As the record demonstrates, this case is plagued with dishonesty" the panel wrote. " It is a theme that has continued throughout the disciplinary process, giving rise to a pattern of misconduct, which is yet another aggravating factor. The attorney discipline board has made clear that it can conceive of few factors deserving of greater weight in aggravation than a finding that an attorney has given false testimony during disciplinary proceedings"

So here are two examples of unbiased judgements of commissioner Sherman, and I concur with all there findings.

Why not Sue me for Defamation ?

Commissioner Sherman is an Attorney, if I'm just making all this up and defaming his name and reputation, then sue me like he did his attorney for malpractice.

Commissioner Sherman told me my Valentine's Day accident was worth millions of dollars, that's why he defrauded me, so if I'm such a fraud, take action against me Commissioner, I dare you. That why he tried to defraud me with that fake will, that would have given him full control of my estate and estate planning, with whatever millions he thought was coming from my car accident.

Liar?

I offered to take a lie detector, commissioner Sherman refused, why?, is he afraid of the results?

Me and the commissioner both know the truth, that's why he won't take a lie detector or sue me.

He is simply not fit to represent Birmingham or any other city, town, board or state ,with a trusted position

Cory "King" Holland Sr

Sent from my iPad

Case number - 102184081

KMS HOLDING COMPANY, LLC

3707 West Maple Road, Suite 100B
Bloomfield Hills, Michigan 48301
Telephone: (248) 321-4409

June 24, 2018

To Whom It May Concern:

As you are aware, Cory Holland, our tenant for the property located at 905 East Mapledale, Hazel Park, Michigan, suffered a catastrophic closed head injury as a result of an automobile accident. Mr. Holland has been a very good tenant of ours for many years and we made a decision to allow him to remain in the property under a deferred rent basis. It is our understanding with Mr. Holland that once he has the ability to make rental payments and catch up on the back rental payments from either the settlement of his lawsuit or from other sources he will do so. We plan on continuing to work with Mr. Holland and wish him a full and speedy recovery.

If you have any questions, please feel free to call me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stuart Lee Sherman", with a long horizontal flourish extending to the right.

Stuart Lee Sherman

SLS/rjs

248-677-1426

REAL ESTATE LEASE

THIS LEASE, made as of this 1st day of November, 2013, by and between **KMS Holding Company, LLC, a Michigan limited liability company**, ("Lessor"), whose address is 30600 Northwestern Highway, Suite 245, Farmington Hills, Michigan 48334 and **Cory Holland**, whose address is 88 Parkview Street, Mt. Clemens, Michigan 48043 ("Lessee").

Lessor is the property manager of the premises commonly known as 905 East Mapledale, Hazel Park, Michigan 48030 (the "Premises").

Upon the terms and conditions set forth in this Lease, Lessor is desirous of leasing to Lessee, and Lessee is desirous of leasing from Lessor, the Premises.

Lessor has delivered to Lessee the Premises.

The parties agree as follows:

1. **Lease.** Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, the Premises for on a month to month basis beginning on the date of this Lease.

2. **Rental.** For use of the Premises, Lessee agrees to pay to Lessor rent equal to \$825.00 per month, payable monthly, in advance, on the first of each month, commencing on the date of the Lease. A late fee in the amount of \$50.00 is assessed and due if the rent is not paid on or before the fifth of each month. Rent for any period during the Term which is for less than one month shall be a pro-rata portion of the monthly installment. Rent for the first month of this Lease shall be paid upon execution of this Lease. Rent shall be payable in lawful money of the United States to Lessor at the address set forth above or at such other places as Lessor may designate in writing. All rent and additional rent shall be payable without any setoff or deduction whatsoever. This Lease is a "net lease", it being understood that Lessor shall receive the rent set forth in this Paragraph 2 free and clear of any and all other impositions, liens, charges or expenses of any nature whatsoever in connection with the ownership and operation of the Premises, except as specifically set forth in this Lease.

3. **Repairs and Replacements to the Premises.** Lessee shall, during the continuance of this Lease, at its own expense: (a) keep the Premises and every part thereof, including the lawn, in good general order, including upkeep, maintenance and repair; and (b) make any repairs, alterations or improvements to the Premises or any of its systems (e.g. plumbing, electrical, mechanical) which are required by any law, statute, ordinance, rule, regulation or governmental authority or insurance carrier. Lessee shall not make any alterations, additions or improvements to the Premises without Lessor's written consent, which shall not be unreasonably withheld or delayed, and all alterations, additions or improvements made by either of the parties hereto upon the Premises, except moveable furniture and non-attached fixtures put in at the expense of Lessee, shall be the property of Lessor, and shall

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2. Rental. For use of the Premises, Lessee agrees to pay to Lessor rent equal to \$875.00 per month, payable monthly, in advance, on the first of each month, commencing on the date of the Lease. A late fee in the amount of \$50.00 is assessed and due if the rent is not paid on or before the fifth of each month. Rent for any period during the Term which is for less than one month shall be a pro-rata portion of the monthly installment. Rent for the first month of this Lease shall be paid upon execution of this Lease. Rent shall be payable in lawful money of the United States to Lessor at the address set forth above or at such other places as Lessor may designate in writing. All rent and additional rent shall be payable without any setoff or deduction whatsoever. This Lease is a "net lease", it being understood that Lessor shall receive the rent set forth in this Paragraph 2 free and clear of any and all other impositions, liens, charges or expenses of any nature whatsoever in connection with the ownership and operation of the Premises, except as specifically set forth in this Lease.

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STATE OF MICHIGAN

NOTICE TO QUIT
TO RECOVER POSSESSION OF PROPERTY
Landlord-Tenant

A
TO: CORY HOLLAND
905 EAST MAPLEDALE
HAZEL PARK, MICHIGAN 48030

B
1. Your landlord/landlady, KMS HOLDING COMPANY, LLC, is seeking to recover possession of property pursuant to
Name (type or print)

C ☐ MCL 554.134(1) or (3) (see other side) ☒ other: LEASE EXPIRATION/NONRENEW and wants to evict you from:

D Address or description of premises rented (if different from mailing address):
905 EAST MAPLEDALE, HAZEL PARK, MICHIGAN 48030

E 2. You must move by OCTOBER 31, 2019 or your landlord/landlady may take you to court to evict you.
Date (*see note)

3. If your landlord/landlady takes you to court to evict you, you will have the opportunity to present reasons why you believe you should not be evicted.

4. If you believe you have a good reason why you should not be evicted, you may have a lawyer advise you. Call him or her soon.

F 09/25/2019
Date

Signature of owner of premises or agent

3707 WEST MAPLE ROAD, SUITE 302

Address

BLOOMFIELD HILLS, MICHIGAN 48301

City, state, zip

248-631-4965

Telephone no.

*NOTE: Unless otherwise allowed by law, the landlord/landlady must give notice equal in time to at least one rental period.

CERTIFICATE OF SERVICE

G I certify that on 09/25/2019 I served this notice on CORY HOLLAND
Date Name

- by ☐ delivering it personally to the person in possession.
☐ delivering it on the premises to a member of his/her family or household or an employee of suitable age and discretion with a request that it be delivered to the person in possession.
☒ first-class mail addressed to the person in possession.
☐ electronic service to the person in possession (who has consented in writing to such service) at the following electronic service address: _____

Signature

Court copy (to be copied, if necessary, to attach to the complaint)



Stuart ▾



Did you cut off
power to house I'm
cleaning

09/2/2015, 3:47 PM

Don't think so.
Why?

09/2/2015, 4:57 PM

I was there last time
and it was off, so I
was making sure the
power is on, cause

Add text





82% 10:52 AM



Stuart ▾



I was going to finish that house , but still no dollie, so when u feel well enough, soon as I have it, the house will be ready for the next stage

08/19/2015, 3:34 PM

House was painted and carpet will be going in soon. It's almost done

Add text





Bluetooth, Alarm, Signal strength, 84%, Battery, 8:07 AM



Stuart ▾



I will get right on
house, let you know
when it's ready,
thanks

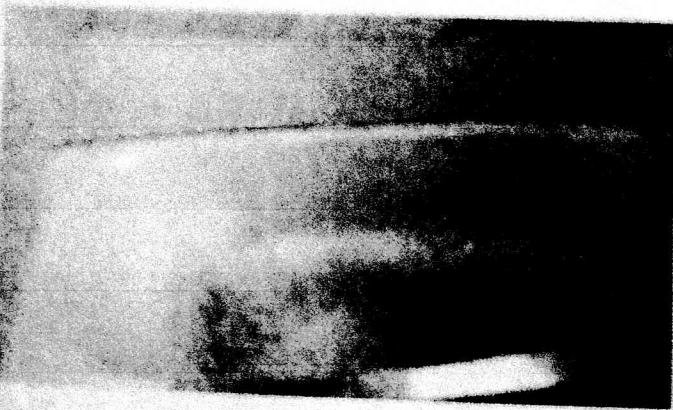
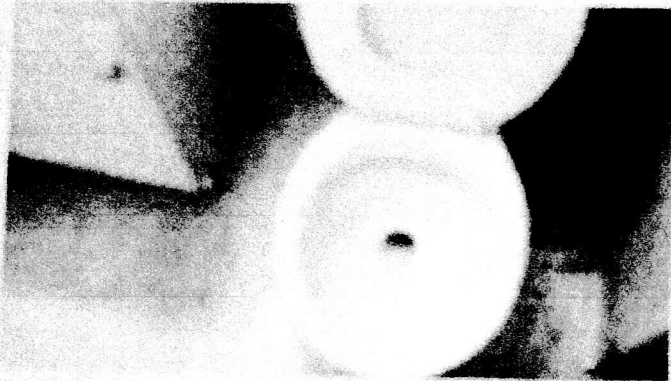
11/27/2015, 3:24 PM

I know you said
throw away
everything, but there
is extra carpet and
padding, you want
that thrown away as
well?

Add text



Stuart ▼



Stain won't come
out, but it's clean

12/7/2015, 10:55 AM



MEMORANDUM

Department of Public Services

DATE: March 9, 2021

TO: Thomas M. Markus, City Manager

FROM: Jacquelyn Brito, Golf Manager
Lauren A. Wood, Director of Public Services

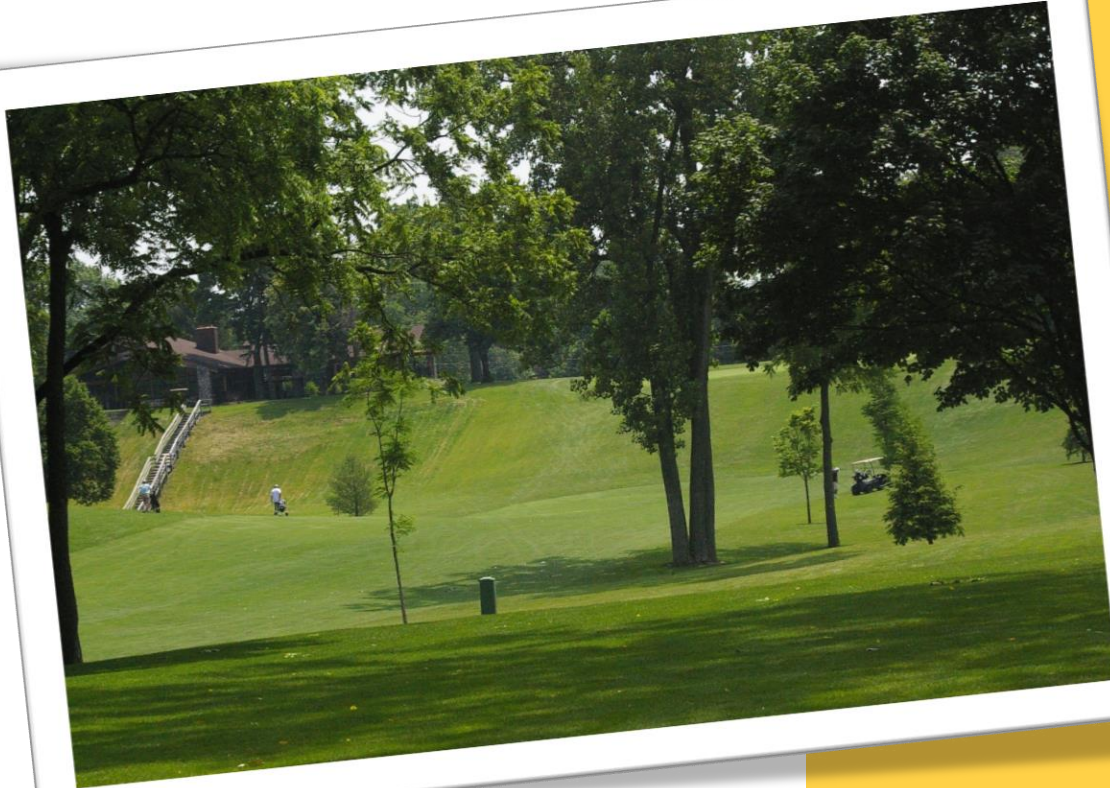
SUBJECT: 2020 Annual Golf Report – Staff Report

Please find attached the 2020 Annual Golf Report, which is a review of the results of the 2020 golf season for Lincoln Hills and Springdale Golf Courses along with a 2021 prospectus. This is a comprehensive report on the business activities of the golf courses throughout the preceding year. It includes a review of the following items: club membership synopsis, history of annual rounds, Junior Golf Program overview, Food & Beverage, Capital Improvements, three (3) year financial performance analysis and a forecast for the 2021 season.

The Annual Golf Report also includes an update on the upcoming 2021 marketing strategies and exciting events. There is no change from the 2020 golf course fees and rates for the golf passes and golf packages. The Parks and Recreation Board reviewed and accepted the report at their March 3, 2020 meeting to be submitted for your review.



2020 Annual Golf Report



Department of Public Services

Lincoln Hills GC
2666 W 14 Mile
248.530.1670

Springdale GC
316 Strathmore
248.530.1660

www.golfbirmingham.org

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2020 Review

Thanks to the golfers who came out in record-setting fashion, whether they were seeking to get outside, get exercise, get together with family, or all of the above. Thanks to the tireless employees who handled unforeseen challenges, from interacting with the members and guests, and booking rounds in ways to juggle safety and state mandates.

We finished with an **Operating Income** of \$511,310 and after Depreciation (\$101,975) and the Contribution to the General Fund (\$150,000), the season ended with a **Net Surplus of \$259,335**.

According to the National Golf Foundation (NGF), rounds played increased by 13.9% over 2019 nationwide. It is clear golfers considered their local club a refuge in a sea of uncertainty. With this pandemic, we had a robust increase in summer and fall rounds, as many golf courses had a remarkable pivot since the “dark days” of March and April. The States that did not experience this surplus were Hawaii and Nevada, where tourism is a must for their location.

Once the Governor allowed for golf courses to open on April 24th, we hit the ground running and opened Lincoln Hills on April 25th and Springdale on April 27th. There was some “catchup” to get these courses ready, because the Governor had everything shut down, including work being done on a golf course.



It was very important to us to support public health and safety initiatives by adhering to all of the Executive Orders put in place throughout the season. At the beginning, the National Golf Course Owners Association (NGCOA) created a model for the industry to follow, which included guidelines to keep all patrons safe while on and off the course. All of the temporary measures that were implemented at both courses aligned with the Center for Disease Control (CDC).



Memberships

2020 was one of the most challenging and unexpected years in many of our lives. However, despite all of the craziness, golf thrived in the COVID world. It provided one of the only activities that people could do in a safe manner with numerous State restrictions. They did it and enjoyed it, and kept coming back for more.

Resident memberships increased by 134, or 8%, and Non-Residents increased by 20%, a total of 167 new memberships. This has been great for the industry, but our objective is to keep them in 2021 by connecting them with other members through our activities and events.

Membership Analysis 2016-2020

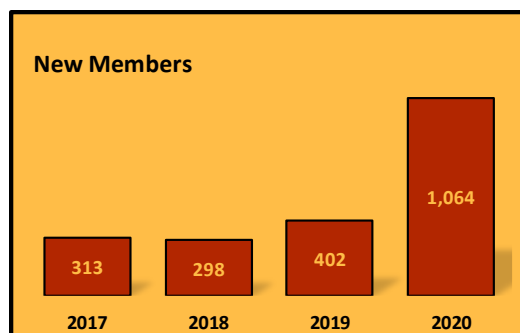
MEMBERSHIPS	CY 2016		CY 2017		CY 2018		CY 2019		CY 2020	
	#	%	#	%	#	%	#	%	#	%
Business	109	13%	92	10%	107	12%	89	10%	68	6%
Non-Resident - Individual	465	54%	502	56%	499	56%	539	59%	636	60%
Non-Resident - Dual	209	24%	220	24%	222	25%	219	24%	247	23%
Non-Resident - Family	85	10%	84	9%	59	7%	64	7%	106	10%
Total	868	100%	898	100%	887	100%	911	100%	1057	100%

RESIDENT MEMBERSHIPS	CY 2016		CY 2017		CY 2018		CY 2019		CY 2020	
	#		#		#		#		#	
Resident	1,874		1,898		1,744		1,675		1,809	

Total Memberships	2,742	2,796	2,631	2,586	2,866
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With the uncertainty in Spring and people were not sure if they should play or not, we offered a \$25 COVID-19 discount off of the Non-Resident and Business memberships. This discount was applied to 918 memberships that totaled \$22,950, and was well received by all.

The chart below shows the number of new members added into the customer database over the past 4 years, when this software was installed. In 2020, new Resident memberships totaled 412, and the remaining 652 comprised of Non-Resident memberships and lapsed members that came back home.



We were successful in sending out a couple of marketing pieces in the winter, to our lapsed Residents and Businesses, but then came the pandemic, and everything was put on hold! Hopefully, with COVID-19 in our rearview mirror, and vaccinations being rolled out, we will be able to host more events for our members to connect with their courses.

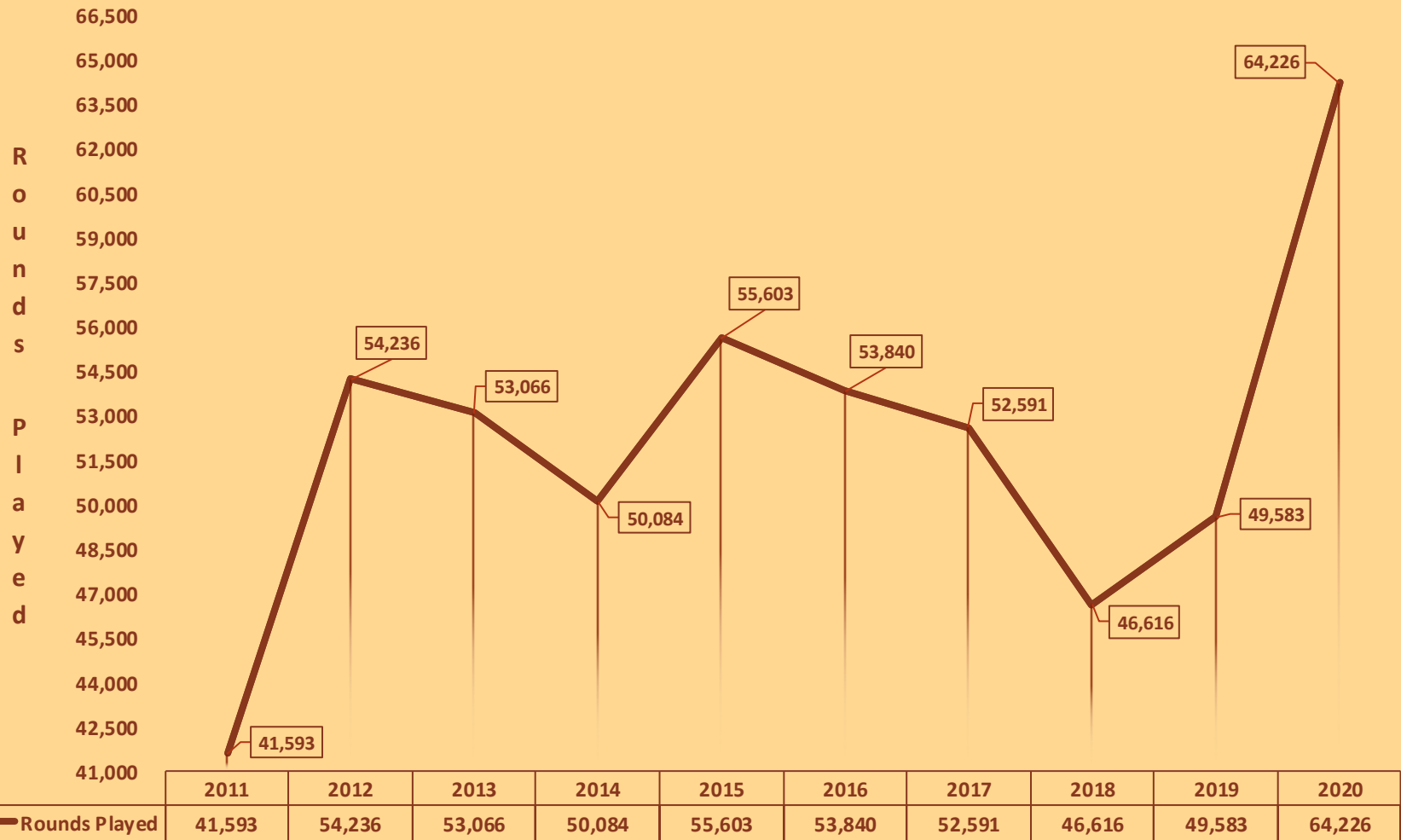
Rounds

Lincoln Hills opened on April 25th and closed on November 30th while Springdale opened on April 27th and closed on October 18th. We did experience a few rainy days that hindered the weekend play during the summer months, but we were so fortunate to have such favorable weather during this time. It truly would have been a different outcome if Mother Nature played a bigger role.

This was a record year with combined rounds of 64,027 which is an increase of 14,444, or 29% compared to 2019. The next closest season was 2004 with combined rounds of 59,522. Special circumstances called for special measures. The focus was to keep people safe by implementing the following: social distancing, clean and sanitize all “high-touch” areas, clean and sanitize pull carts and power carts after each use, tee times and payment available online, signage posted, sanitizing stations in and around clubhouse, and wearing masks in all public spaces. When the Governor opened the Clubhouses in June, we adhered to the mandate of allowing only ten patrons inside at all times and required masks as the pandemic grew.

MONTH	2016			2017			2018			2019			2020		
	LH	SD	Total	LH	SD	Total	LH	SD	Total	LH	SD	Total	LH	SD	Total
January	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
February	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
March	321	0	321	60	0	60	0	0	0	297	0	297	216	0	216
April	2,389	1,616	4,005	2,816	1,383	4,199	2,471	0	2,471	2,157	1,569	3,726	918	324	1,242
May	5,461	3,910	9,371	4,759	3,975	8,734	4,303	2,410	6,713	3,425	2,819	6,244	5,096	4,368	9,464
June	5,595	4,269	9,864	5,812	4,431	10,243	5,245	4,544	9,789	5,322	4,232	9,554	6,476	5,985	12,461
July	5,788	4,856	10,644	6,027	4,720	10,747	5,858	5,027	10,885	5,518	4,788	10,306	7,514	5,792	13,306
August	4,273	3,873	8,146	3,631	3,974	7,605	3,950	3,893	7,843	4,459	4,461	8,920	5,189	5,350	10,539
September	3,163	2,698	5,861	3,057	3,089	6,146	2,929	2,828	5,757	3,026	2,998	6,024	4,904	4,124	9,028
October	2,037	1,990	4,027	2,556	1,610	4,166	1,289	1,486	2,775	2,510	1,696	4,206	3,279	1,916	5,195
November	2	1,545	1,547	610	0	610	0	383	383	306	0	306	2,576	0	2,576
December	0	54	54	185	0	185	0	0	0	0	0	0	0	0	0
TOTALS	29,029	24,811	53,840	29,513	23,182	52,695	26,045	20,571	46,616	27,020	22,563	49,583	36,168	27,859	64,027

COMBINED ROUNDS LINCOLN HILLS & SPRINGDALE 10 YEAR HISTORY



Lincoln Hills Rounds

It felt like we were back in the 90's, where golfers just kept coming all day. The 10-minute interval worked beautifully and people were just happy to be out playing golf.

Lincoln Hills Round Analysis

		Weekday			Weekend		
		2019	2020	Difference	2019	2020	Difference
Resident							
Adult		835	1,712	877	1,143	1,119	(24)
Junior		239	945	706	122	198	76
Senior		1,533	2,521	988	938	1,419	481
		2,607	5,178	2,571	2,203	2,736	533
Property Owner							
Adult		15	51	36	46	83	37
Junior		0	2	2	0	8	8
Senior		50	82	32	39	20	(19)
		65	135	70	85	111	26
Non-Resident							
Adult		658	1,530	872	425	1,103	678
Junior		118	51	(67)	215	363	148
Senior		2,675	4,293	1,618	1,966	2,819	853
		3,451	5,874	2,423	2,606	4,285	1,679
Business							
Adult		50	50	0	48	25	(23)
Junior		0	0	0	1		(1)
Senior		153	226	73	58	55	(3)
		203	276	73	107	80	(27)
Guest							
Adult		1,196	2,046	850	1,021	1,453	432
Junior		238	547	309	199	301	102
Senior		1,913	2,984	1,071	1,249	1,440	191
		3,347	5,577	2,230	2,469	3,194	725
City Employee							
Adult		4	1	(3)	0	0	0
Junior		0	0	0	0	0	0
Senior		35	114	79	50	81	31
		39	115	76	50	81	31
High Schools							
Birmingham		504	180	(324)			
Non Birmingham		72	12	(60)			
		576	192	(384)			
Other							
Junior Golf		2,240	1,360	(880)	0	0	0
Leagues		4,312	4,255	(57)	0	0	0
Outings		411	344	(67)	175	85	(90)
Promotions		23	23	0	0		0
Twilight		1,106	1,150	44	528	730	202
Unlimited		300	283	(17)	117	104	(13)
		8,392	7,415	27	820	919	99
TOTAL ROUNDS		18,680	24,762	6,082	8,340	11,406	3,066

The Adult member nearly doubled and was great to see them playing!

		Weekday			+/-
		2019	2020	Diff	
Adult		2,758	5,390	2,632	95%
Junior		1,171	1,737	566	48%
Senior		6,359	10,220	3,861	61%

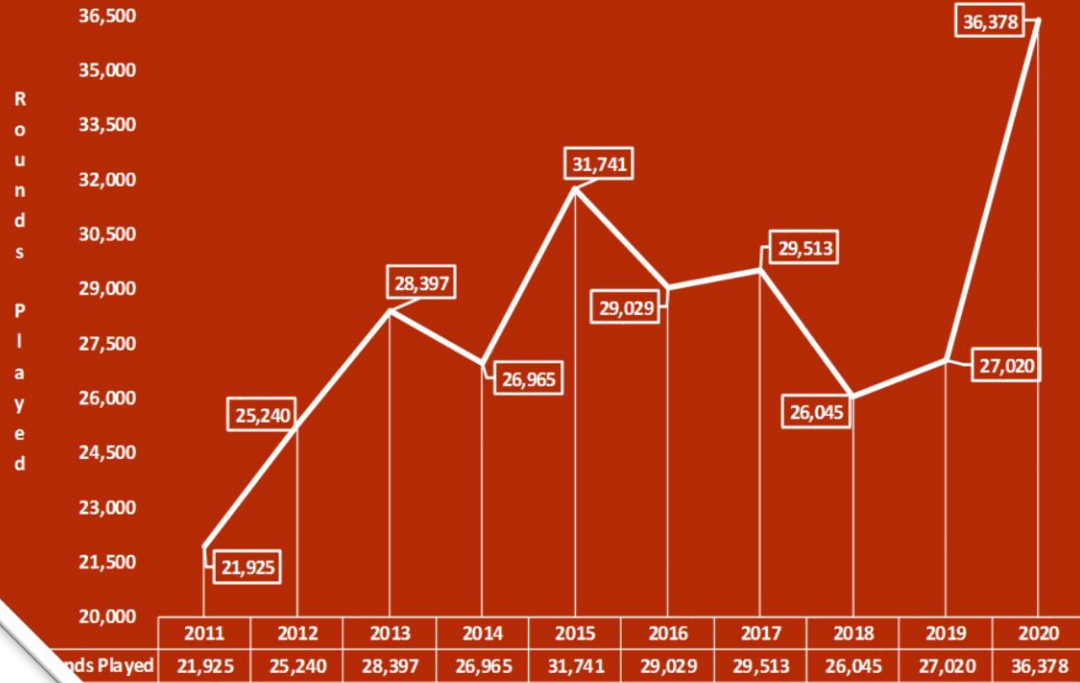
Weekend play increased as more families spent time together.

		Weekend			+/-
		2019	2020	Diff	
Adult		2,683	3,783	1,100	41%
Junior		537	870	333	62%
Senior		4,300	5,834	1,534	36%

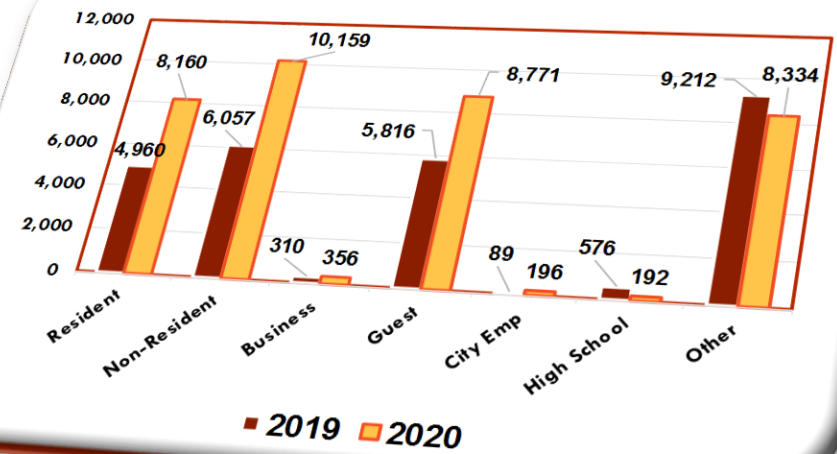
It was a very good year, with an increase of 9,148 rounds, or 34%. Obviously the COVID restrictions put golf back on the radar.

		Overall Analysis			+/-
		2019	2020	Difference	
Adult		5,441	9,173	3,732	69%
Junior		1,708	2,607	899	53%
Senior		10,659	16,054	5,395	51%

LINCOLN HILLS ROUNDS PLAYED - 10 YEAR HISTORY



Rounds Played by Category - Lincoln Hills



Springdale Rounds

Springdale Round Analysis

	Weekday			Weekend		
	2019	2020	Difference	2019	2020	Difference
Resident						
Adult	796	1,177	381	1,100	1,572	472
Junior	144	271	127	94	154	60
Senior	1,813	2,454	641	962	1,173	211
	2,753	3,902	1,149	2,156	2,899	743
Property Owner						
Adult	75	80	5	40	27	(13)
Junior	0	0	0	0	0	0
Senior	64	77	13	32	26	(6)
	139	157	18	72	53	(19)
Non-Resident						
Adult	431	862	431	91	77	(14)
Junior	136	334	198	136	253	117
Senior	3,160	3,910	750	1,644	1,911	267
	3,727	5,106	1,379	1,871	2,241	370
Business						
Adult	34	55	21	22	39	17
Junior	0	0	0	0	0	0
Senior	135	125	(10)	138	53	(85)
	169	180	11	160	92	(68)
Guest						
Adult	923	1,417	494	871	1,147	276
Junior	229	395	166	174	221	47
Senior	2,124	3,166	1,042	1,256	1,510	254
	3,276	4,978	1,702	2,301	2,878	577
City Employee						
Adult	11	23	12	0	6	6
Junior	1	1	0	0	3	3
Senior	7	18	11	21	30	9
	19	42	23	21	39	18
High Schools						
Birmingham	408	172	(236)			
Non Birmingham	76		(76)			
	484	172	(312)			
Other						
Leagues	3,601	3,277	(324)	0	0	0
Outings	138	172	34	78	77	(1)
Promotions	5	19	14	0	0	0
Twilight	977	961	(16)	286	412	126
Unlimited	315	201	(114)	15	1	(14)
	5,036	4,630	(406)	379	490	111
TOTAL ROUNDS	15,603	19,167	3,564	6,960	8,692	1,732

The Adult Member again, had the biggest growth, followed by Seniors.

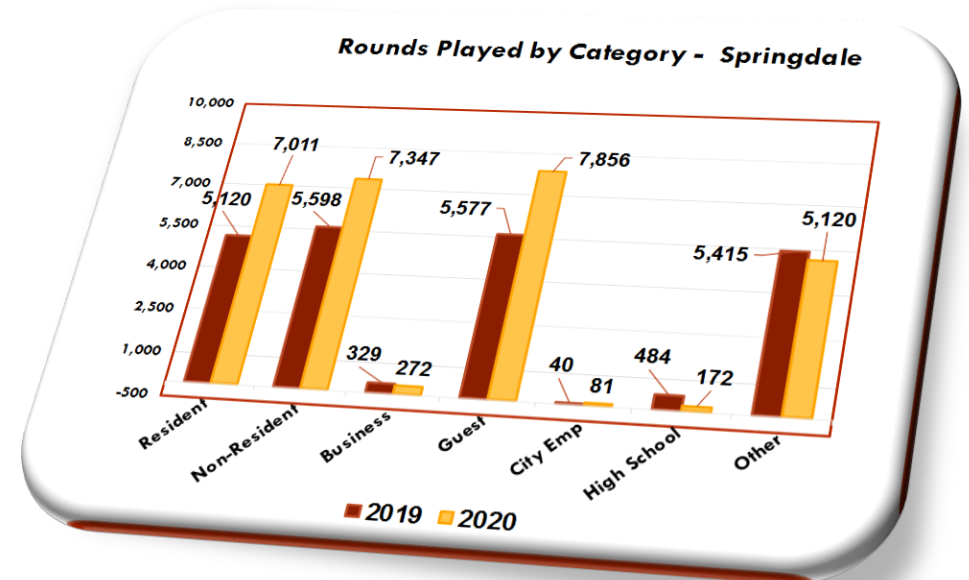
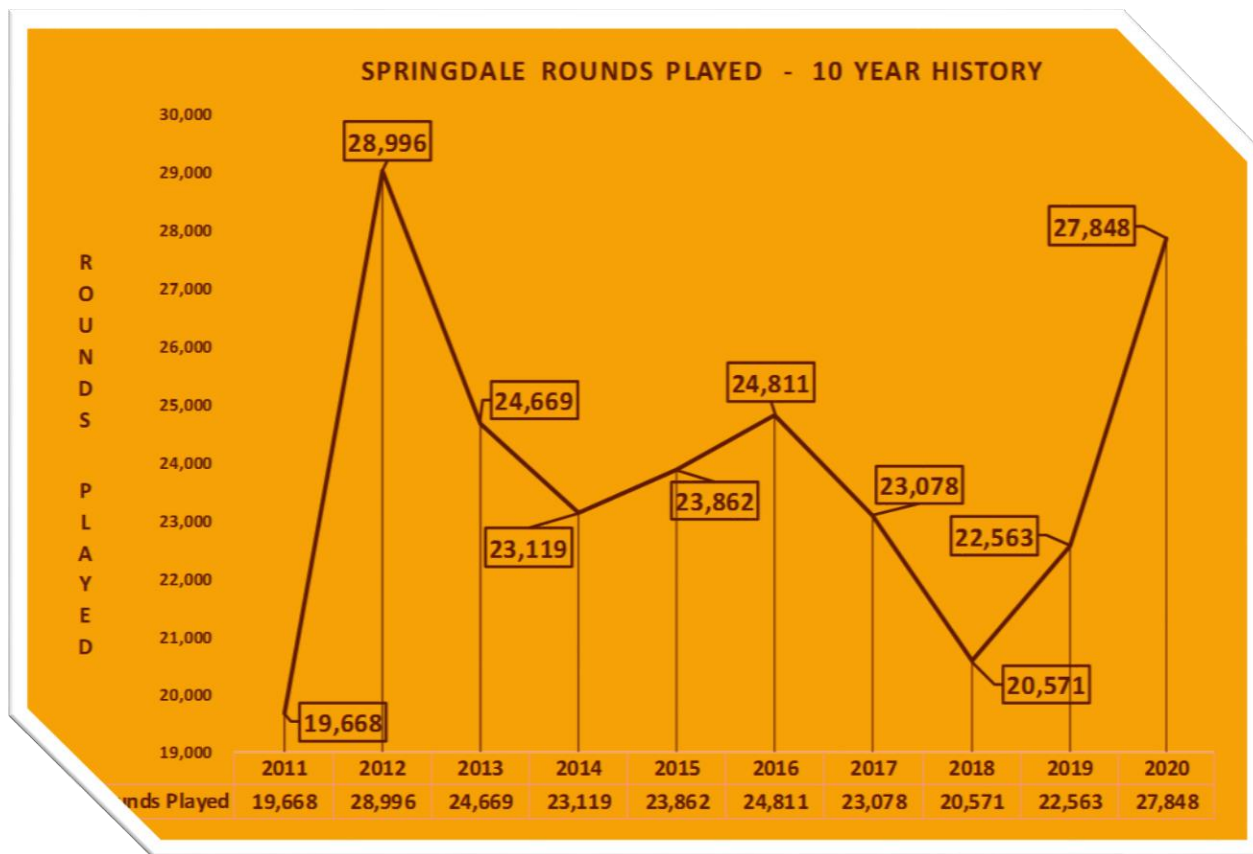
	Weekday			
	2019	2020	Diff	
Adult	2,270	3,614	1,344	59%
Junior	994	1,173	179	18%
Senior	7,303	9,750	2,447	34%

Families also enjoyed playing at Springdale, and it is a great course for Beginners and Juniors.

	Weekend			
	2019	2020	Diff	
Adult	2,124	2,868	744	35%
Junior	404	631	227	56%
Senior	4,053	4,703	650	16%

Rounds increased by 5,296 over 2019, or 23%.

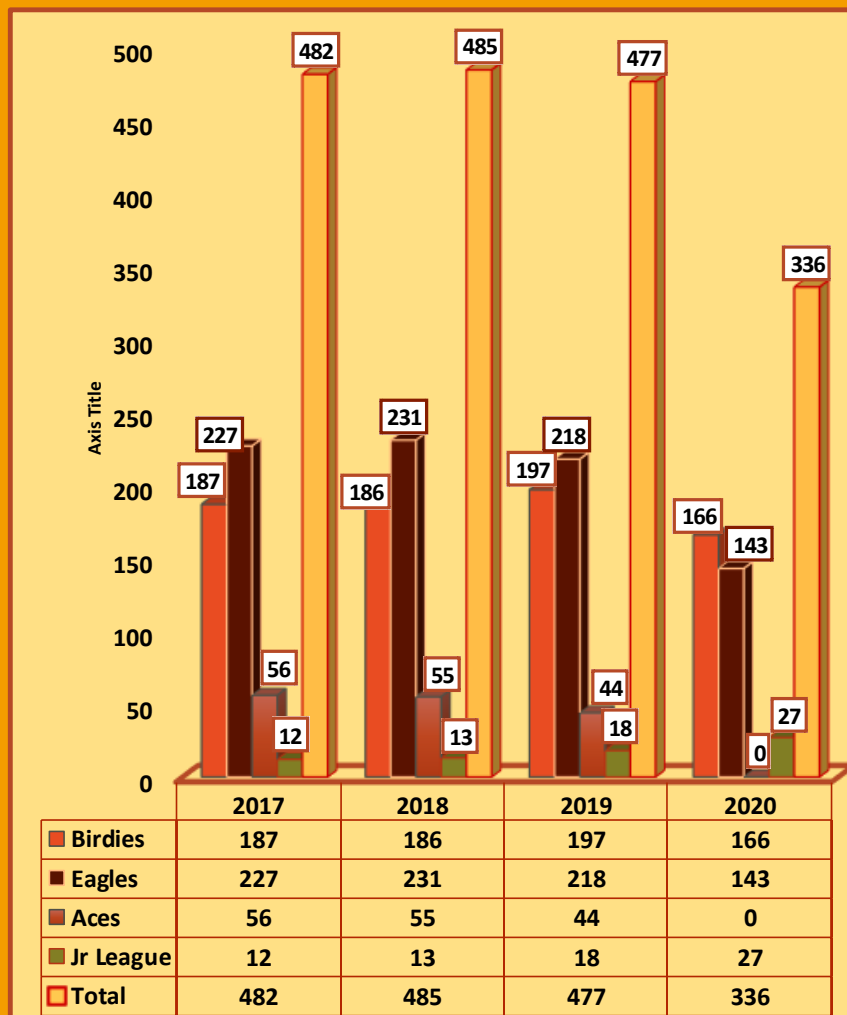
	Overall Analysis			
	2019	2020	Diff	
Adult	4,394	6,482	2,088	48%
Junior	1,398	1,804	406	29%
Senior	11,356	14,453	3,097	27%



Junior Golf

We were fortunate to implement this program and it was modified to eliminate gatherings by reducing class size from 12-14 participants to only 9. We anticipate to increase our class size to 10-12 in 2021, depending on the pandemic and where we are at in June. It definitely had challenges, but the kids really enjoyed being around others in a fun environment.

Jr Golf Program Analysis 2017-2020



The structured lesson plans from the American Development Model (ADM) worked well with the structure of kids learning according to their age, that included fun activities to promote all aspects of the golf swing.

The PGA continues to roll out new lesson plans and we will incorporate these into our 2021 season.

This year, everyone had to register online and it made the registration process so much easier, and had many great comments on this process. We are also excited to use a new software that will be even more "user-friendly" for our parents.

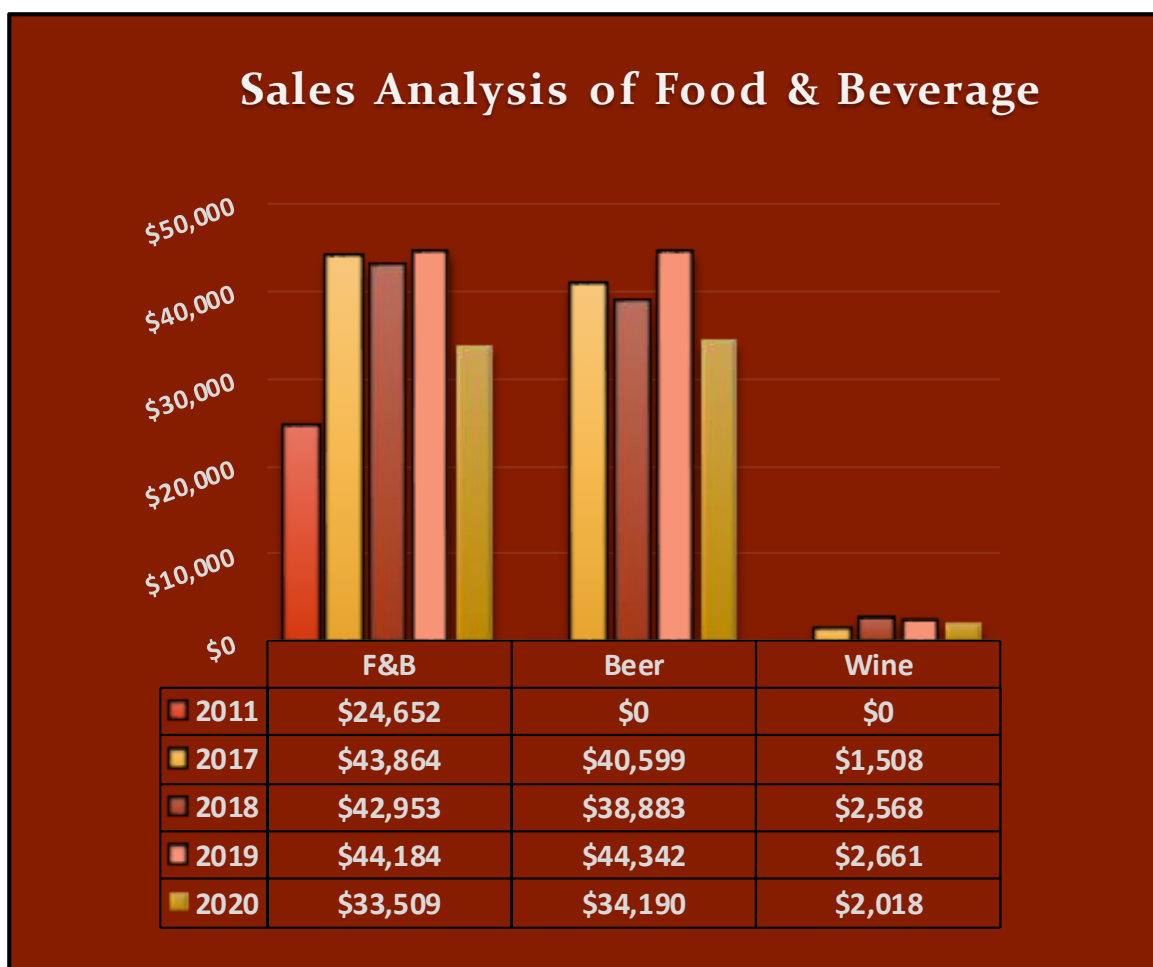
Expectations were not very high in May when registration usually begins. However, we were excited to be able to put this program on, and know the parents were excited too.

Year	Revenues	Expeses	Net
2013	89,882	34,734	55,148
2014	90,142	34,051	56,091
2015	86,140	37,713	48,427
2016	89,392	32,715	56,677
2017	87,357	36,156	51,201
2018	91,287	33,358	57,929
2019	87,453	29,506	57,947
2020	58,560	23,720	34,840

Food & Beverage

This department was out of our control with the State mandates. However, we did make up some revenues at the end of the summer with a few of our tournaments that we held in August through November. Jr Golf is a major contributor to our sales at Lincoln Hills and like all the other players, people came to us to play golf, and there was not a lot of demand for food items, except for our delicious hot-dogs.

We will be offering Boxed Lunches to begin the season and will add more items as we work through the pandemic. Seating outside will be increased at both courses to create additional space for our members and guests to stay a bit longer in a “social distance” environment.



Considering the circumstances, we did ok. We do anticipate to grow this back in 2021, but it will depend on the pandemic. We are optimistic and will offer items that were requested from our “end of the season” survey.

Capital Improvements

Most of our projects were put on hold this year, but we were excited that we did have the patio completed at Springdale. We are on schedule to return to our budgeted projects this year as listed below.



Capital Improvements for 2020/2021

Springdale

- Renovate and Add New Cart Paths (Abutments on all bridges, #4, #5 and #2)
- Extending Cart Path to Wash Carts – Damage from COVID
- Installing New Tee Signs
- Installing a New Bathroom (Fabricated Building) with Cement Pad
- Begin the Process for Irrigation System

Lincoln Hills

- Install Enclosure for Garbage Dumpsters in Parking Lot
- Beautify Clubhouse and Bathroom Beds
- Add Drainage on #4
- New Entrance Sign
- Build Up Putting Green

Financials - 2018 – 2020

	2018			2019			2020		
REVENUES:	LINC. HILLS	SPRINGDALE	TOTAL	LINC. HILLS	SPRINGDALE	TOTAL	LINC. HILLS	SPRINGDALE	TOTAL
WEEKDAY GREENS FEES	180,992	159,215	340,207	181,264	167,828	349,092	272,908	220,525	493,433
WEEKEND GREENS FEES	88,557	71,265	159,822	99,711	85,889	185,600	135,631	106,074	241,705
FOOD & BEVERAGE	49,979	34,425	84,404	53,385	37,801	91,187	42,045	27,820	69,866
MERCHANDISE	13,404	8,260	21,664	19,027	9,166	28,192	19,904	7,197	27,101
PULL CART RENTAL	4,694	4,147	8,842	5,319	5,548	10,867	7,048	8,021	15,070
GOLF CART RENTAL	84,175	73,636	157,810	84,991	72,628	157,620	98,177	80,070	178,247
GAM HANDICAP	2,408	806	3,214	2,756	1,001	3,757	3,146	656	3,802
CLASSES	91,287	0	91,287	87,328	0	87,328	58,560	0	58,560
RESIDENT MEMBERSHIPS	0	0	0	0	0	0	2,425	1,545	3,970
BUSINESS MEMBERSHIPS	8,960	1,900	10,860	7,500	1,400	8,900	5,675	3,250	8,925
NON-RESIDENT MEMBERSHIPS	114,965	18,260	133,225	106,040	34,650	140,690	107,700	38,815	146,515
UNLIMITED GOLF PASS	4,200	0	4,200	7,000	1,000	8,000	4,400	0	4,400
PACKAGE CLUB PASSES	0	0	0	145	26	171	435	0	435
TOURNAMENT ENTRY FEES	4,702	2,384	7,086	7,527	2,754	10,281	3,708	1,955	5,663
INTEREST INCOME	21,449	0	21,449	78,551	0	78,551	83,681	0	83,681
LEASE INCOME	7,137	20,580	27,717	7,351	25,688	33,040	7,572	26,405	33,977
SALE OF EQUIPMENT	0	0	0	0	0	0	0	0	0
MISCELLANEOUS INCOME	472	91	562	411	68	479	838	45	883
CASH OVERAGE/(SHORTAGE)	-1	-132	-133	70	75	145	12	27	39
GENERAL FUND CONTRIBUTION	0	0	0	0	0	0	0	0	0
TOTAL REVENUES	677,380	394,836	1,072,216	748,377	445,522	1,193,898	853,864	522,406	1,376,270

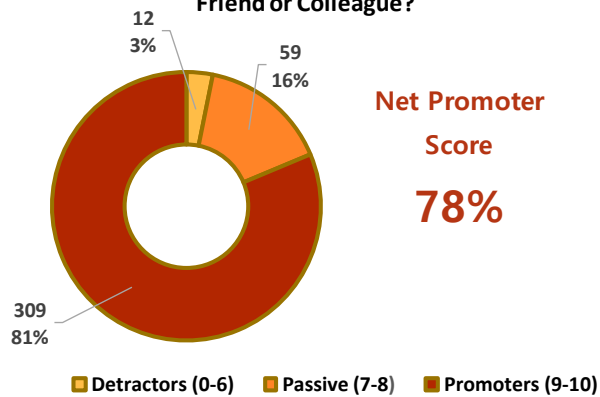
	2018			2019			2020		
EXPENSES:	LINC. HILLS	SPRINGDALE	TOTAL	LINC. HILLS	SPRINGDALE	TOTAL	LINC. HILLS	SPRINGDALE	TOTAL
ADMINISTRATIVE									
ADMINISTRATIVE CHARGE	16,964	16,964	33,928	18,324	18,324	36,648	19,015	19,015	38,030
AUDIT	675	675	1,350	743	743	1,486	707	707	1,413
SUB-TOTAL ADMINISTRATIVE	17,639	17,639	35,278	19,067	19,067	38,134	19,722	19,722	39,443

EXPENSES:	2018			2019			2020		
MAINTENANCE	LINC. HILLS	SPRINGDALE	TOTAL	LINC. HILLS	SPRINGDALE	TOTAL	LINC. HILLS	SPRINGDALE	TOTAL
SALARIES AND WAGES	70,046	75,012	145,058	72,787	77,364	150,151	74,668	70,981	145,649
OVERTIME PAY	81	1,114	1,195	1	185	186	85	63	148
LONGEVITY	28	28	57	28	28	57	28	28	57
FICA	4,826	5,286	10,112	5,569	5,934	11,503	5,543	5,260	10,803
HOSPITALIZATION	8,202	8,152	16,354	8,481	10,929	19,410	8,149	9,719	17,867
LIFE	180	180	360	180	180	360	186	187	373
RETIREE HEALTH CARE	5,957	5,981	11,938	7,451	7,840	15,291	(2,207)	(2,194)	(4,402)
DENTAL/OPTICAL	667	665	1,331	693	692	1,385	639	639	1,278
DISABILITY INSURANCE	292	292	584	304	305	609	327	327	655
WORKER'S COMPENSATION	580	632	1,212	810	857	1,667	877	831	1,708
SICK TIME PAY OUT	0	0	0	0	0	0	0	0	0
RETIREMENT CONTRIBUTION	6,453	6,474	12,927	6,201	6,458	12,659	6,598	6,578	13,175
HRA BENEFIT	10	10	20	10	10	20	10	10	20
HSA CONTRIBUTION/ RETIRE EMPR	3,822	3,810	7,632	4,156	4,150	8,306	4,352	4,352	8,704
OPERATING SUPPLIES	33,313	37,874	71,187	47,261	43,059	90,319	32,985	29,650	62,635
OTHER CONTRACTUAL SERVICE	4,882	17,944	22,826	13,362	12,181	25,543	12,011	6,607	18,618
EQUIPMENT UNDER \$5,000	0	0	0	0	0	0	405	405	810
ELECTRICITY	10,096	4,006	14,102	3,867	2,836	6,704	5,050	3,341	8,390
GAS	1,015	1,052	2,067	1,273	1,529	2,802	782	1,125	1,907
WATER	365	0	365	440	0	440	274	0	274
TRAINING	565	682	1,247	175	175	349	410	410	819
PRINTING & PUBLISHING	0	0	0	0	0	0	0	0	0
EQUIPMENT RENTAL	29,049	29,500	58,549	29,109	30,214	59,323	29,000	30,000	59,000
BUILDINGS	0	0	0	0	0	0	0	0	0
MACHINERY & EQUIPMENT	0	0	0	0	0	0	0	0	0
PUBLIC IMPROVEMENTS	0	140,886	140,886	57,264	0	57,264	5,837	0	5,837
CONTRIBUTED EXP - CAP OUTLAY	0	(140,886)	(140,886)	(57,264)	0	(57,264)	(5,837)	0	(5,837)
SUB-TOTAL MAINTENANCE	180,431	198,693	379,124	202,158	204,927	407,085	180,172	168,318	348,490

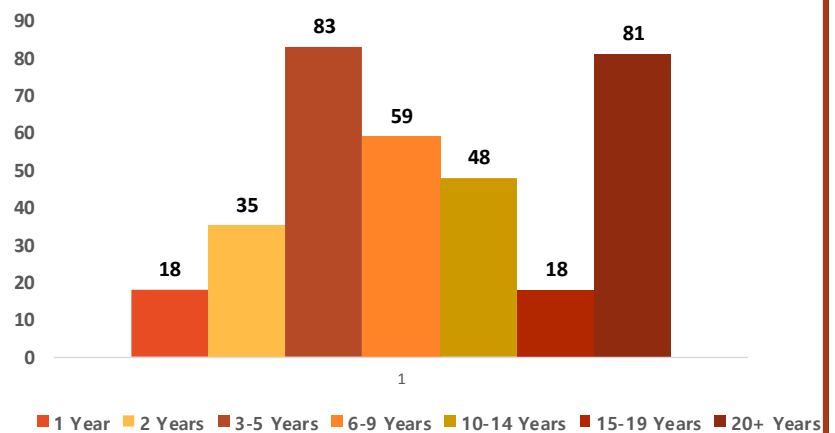
EXPENSES:	2018			2019			2020		
CLUBHOUSE:	LINC. HILLS	SPRINGDALE	TOTAL	LINC. HILLS	SPRINGDALE	TOTAL	LINC. HILLS	SPRINGDALE	TOTAL
SALARIES AND WAGES	114,727	89,336	204,063	97,653	84,369	182,021	102,038	86,123	188,162
OVERTIME	629	573	1,202	567	2,288	2,855	2,075	8,083	10,158
LONGEVITY	41	41	83	41	41	83	41	41	83
FICA	8,995	6,360	15,355	6,791	6,623	13,414	7,938	7,181	15,119
HOSPITALIZATION	13,373	13,324	26,698	14,155	15,469	29,623	13,570	14,593	28,162
LIFE	22	21	43	21	21	42	22	22	44
RETIREE HEALTH CARE	6,095	6,124	12,220	7,604	7,992	15,596	(2,280)	(2,265)	(4,545)
DENTAL/OPTICAL	804	803	1,607	800	801	1,601	729	730	1,459
DISABILITY	355	353	707	359	359	717	380	380	760
WORKER'S COMPENSATION	1,011	768	1,779	1,040	939	1,979	1,255	1,110	2,365
SICK TIME PAYOUT	0	0	0	0	0	0	0	0	0
RETIREMENT CONTRIBUTION	7,122	7,154	14,276	6,778	7,029	13,807	7,110	7,087	14,197
HRA BENEFIT	20	20	40	20	20	40	20	20	40
HSA CONTRIBUTION/ RETIRE EMPR	4,291	4,252	8,543	4,497	4,497	8,994	4,738	4,738	9,477
OPERATING SUPPLIES	15,381	11,872	27,253	19,061	12,126	31,187	17,080	11,468	28,549
FOOD & BEVERAGE	17,364	10,844	28,208	16,297	11,990	28,287	11,262	8,671	19,934
BEER & WINE PURCHASES	6,640	6,207	12,847	7,825	7,105	14,930	4,849	4,723	9,572
MERCHANDISE	11,297	6,041	17,338	14,329	10,360	24,689	12,452	3,735	16,187
OTHER CONTRACTUAL SERVICES	14,976	10,075	25,052	12,725	11,714	24,438	21,152	15,325	36,477
EQUIPMENT UNDER \$5,000	0	0	0	0	0	0	4,291	0	4,291
TELEPHONE	1,680	1,721	3,401	512	822	1,333	0	0	0
CONTRACTUAL ALARM	1,772	965	2,737	1,678	992	2,669	1,906	1,036	2,942
ELECTRICITY	0	3,527	3,527	5,117	4,639	9,756	6,126	4,933	11,059
GAS	279	1,279	1,558	257	1,757	2,014	228	1,256	1,483
WATER	3,783	1,806	5,589	1,756	1,786	3,542	1,181	1,042	2,224
LIQOUR LICENSE	1,253	1,253	2,505	1,253	1,253	2,505	1,253	1,253	2,505
PRINTING & PUBLISHING	3,690	2,105	5,795	1,397	1,234	2,632	2,178	2,099	4,276
MARKETING & ADVERTISING	3,018	3,125	6,143	7,485	5,225	12,709	3,823	2,323	6,145
MISCELLANEOUS	0	0	0	0	0	0	0	0	0
DEPRECIATION	56,445	55,417	111,862	46,293	46,410	92,703	51,414	50,561	101,975
EQUIPMENT RENTAL	18,244	17,569	35,813	18,000	17,750	35,750	18,125	17,550	35,675
TRAINING	2,403	2,403	4,806	812	812	1,624	439	848	1,287
MEMBERSHIP & DUES	0	0	0	0	0	0	281	281	561
CONFERENCES & WORKSHOPS	0	0	0	0	0	0	448	40	488
LIABILITY INSURANCE	13,970	13,970	27,939	13,819	13,819	27,638	13,947	13,947	27,893
CONTRIBUTED EXP. - CAP. OUTLAY	(4,388)	0	(4,388)	(3,162)	0	(3,162)	0	(10,375)	(10,375)
MACHINERY & EQUIPMENT	0	9	9	3,162	0	3,162	0	0	0
FURNITURE	0	0	0	0	0	0	0	0	0
BUILDINGS	0	0	0	0	0	0	0	0	0
PUBLIC IMPROVEMENTS	4,388	0	4,388	0	0	0	0	10,375	10,375
CONTRIBUTION TO GENERAL FUND	100,000	0	100,000	150,000	0	150,000	150,000	0	150,000
SUB-TOTAL CLUBHOUSE	429,681	279,315	708,996	458,940	280,240	739,181	460,070	268,931	729,001
TOTAL OPERATING EXPENSE	627,751	495,647	1,123,398	680,165	504,234	1,184,399	659,964	456,970	1,116,935
TOTAL REVENUES	677,380	394,836	1,072,216	748,377	445,522	1,193,898	853,864	522,406	1,376,270
OPERATING INCOME (LOSS)	49,629	(100,811)	(51,182)	68,211	(58,712)	9,499	193,900	65,436	259,335

2020 “End of Season” Survey

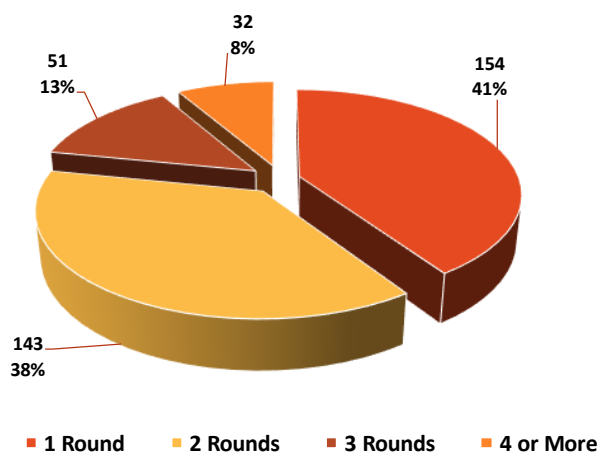
How likely is it that you would recommend Lincoln Hills and Springdale Golf courses to a Friend or Colleague?



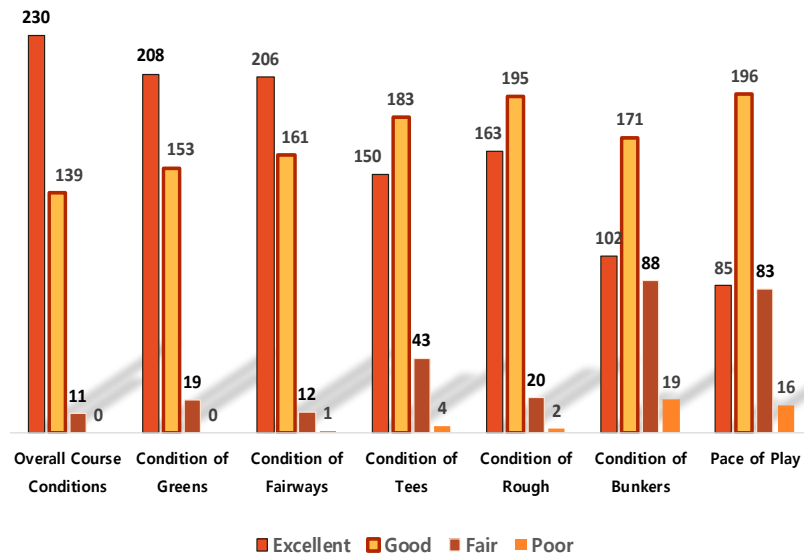
How long have you been a member of Lincoln Hills and Springdale Golf Courses?



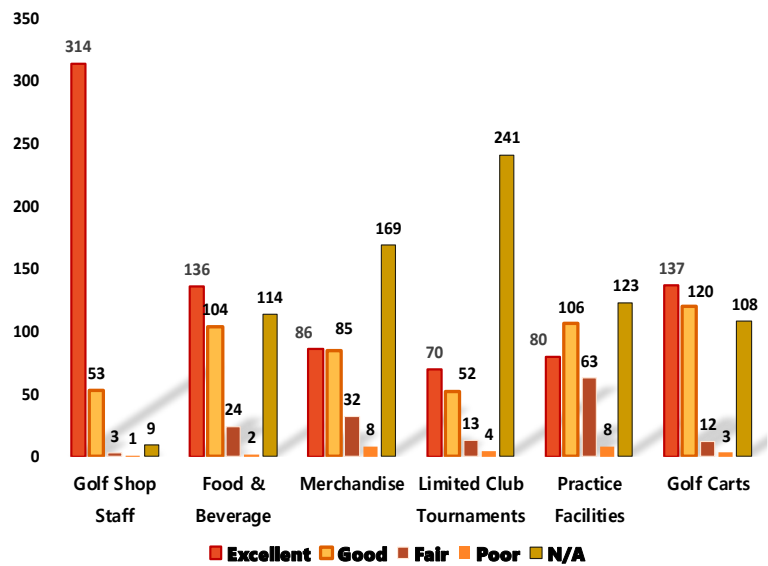
How many rounds do you play in a typical week?



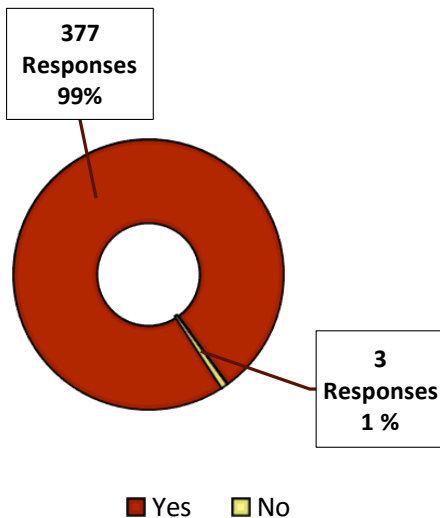
Please indicate the level of satisfaction regarding Golf Course Maintenance.



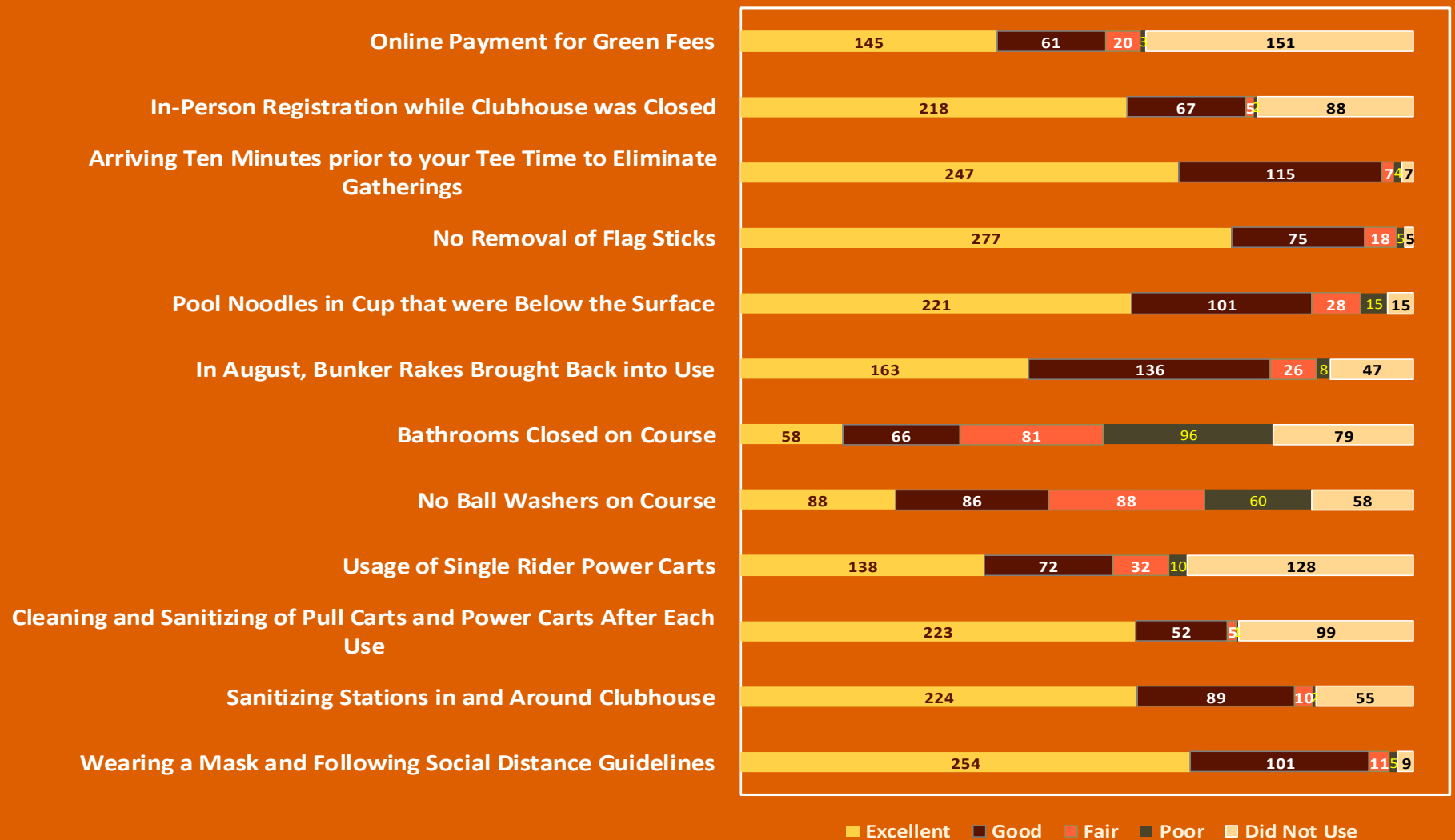
Please indicate your level of satisfaction regarding Clubhouse Operations.



Do You plan on renewing your membership for the upcoming year?

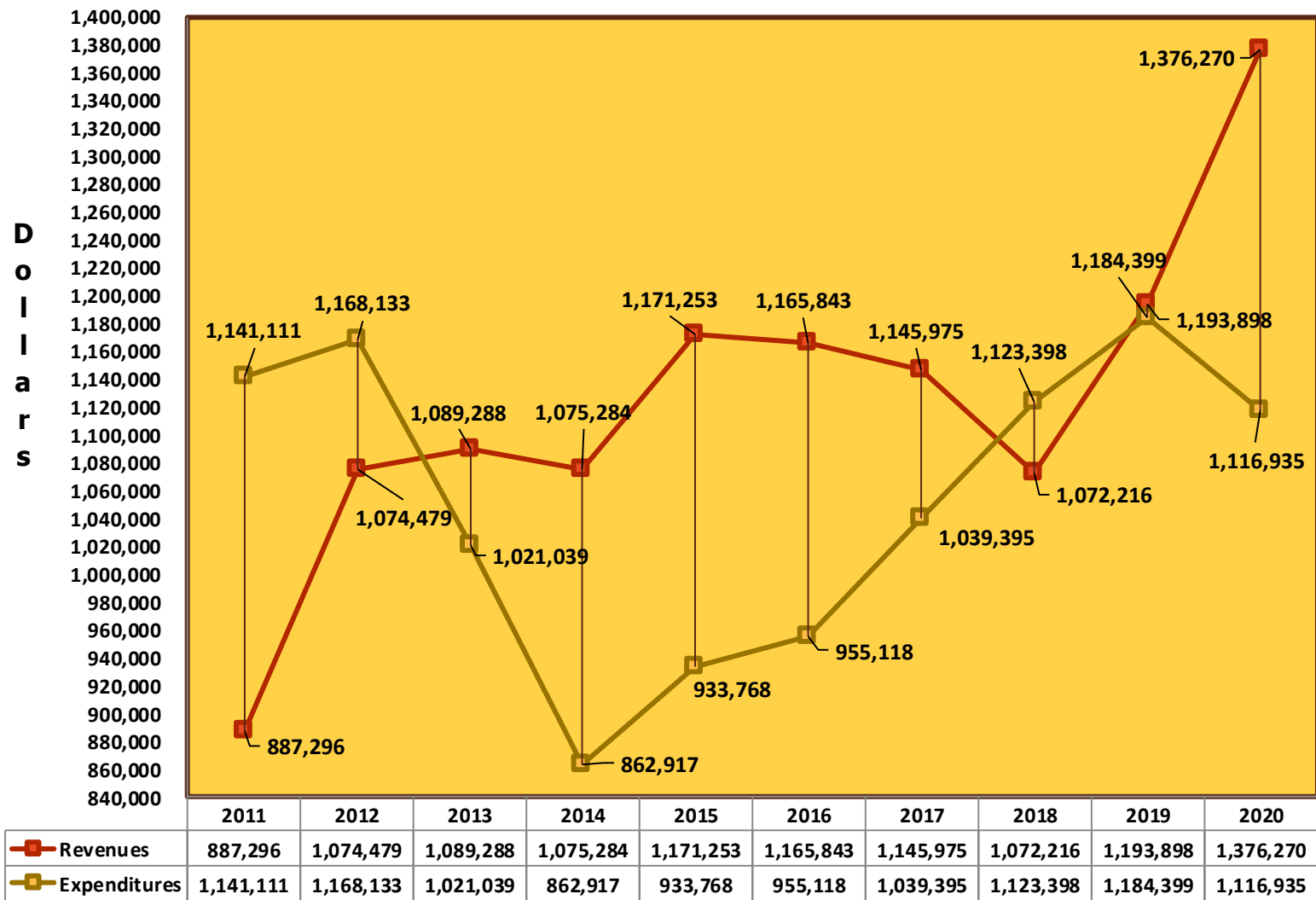


Please indicate your level of satisfaction regarding the COVID safety procedures implemented this year.



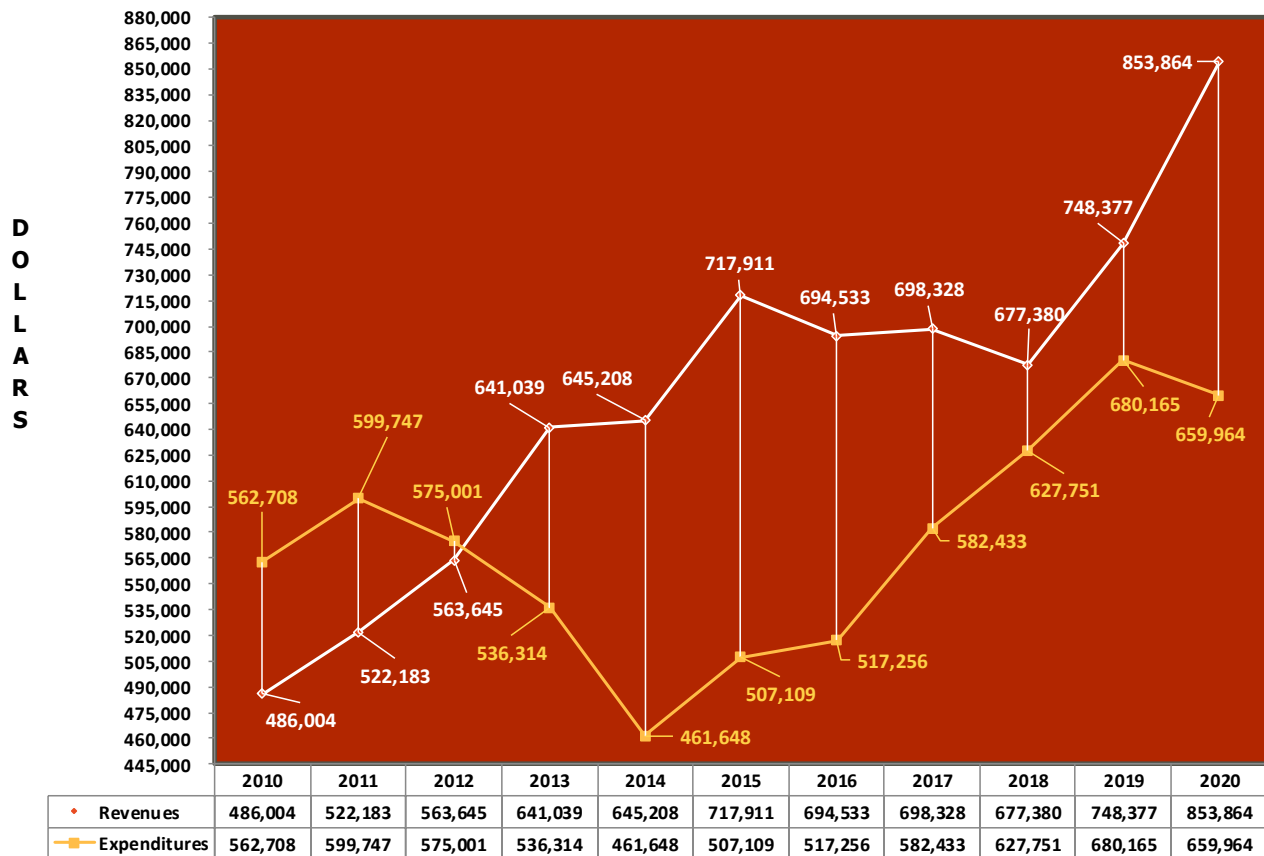
Financials

Revenue and Expenditure Comparison - Lincoln Hills & Springdale



Lincoln Hills Financials

Lincoln Hills - Revenues and Expenditures Comparison



CALENDAR YEAR 5-YEAR ANALYSIS (2016 - 2020)

LINCOLN HILLS G.C.	2016	2017	2018	2019	2020
REVENUES	694,533	698,328	677,380	748,377	853,864
EXPENDITURES	459,098	475,304	471,306	483,872	458,551
OPERATING INCOME/(LOSS) Before Dep	235,435	223,024	206,075	264,504	395,314
DEPRECIATION	58,207	57,130	56,445	46,293	51,414
CONTRIBUTION TO G.F.		50,000	100,000	150,000	150,000
NET INCOME/(LOSS)	177,228	115,895	49,629	68,211	193,900

Springdale Financials

Springdale - Revenues and Expenditures Comparison



CALENDAR YEAR 5-YEAR ANALYSIS (2016 - 2020)

SPRINGDALE G.C.	2016	2017	2018	2019	2020
REVENUES	471,310	447,647	394,836	445,522	522,406
EXPENDITURES	386,006	406,184	440,231	457,824	406,409
OPERATING INCOME/(LOSS) Before Dep	85,304	41,463	(45,394)	(12,303)	115,997
DEPRECIATION	51,807	50,776	55,417	46,410	50,561
NET INCOME/(LOSS)	33,497	(9,314)	(100,811)	(58,712)	65,436

Financials - 2018 – 2020

	2018			2019			2020		
REVENUES:	LINC. HILLS	SPRINGDALE	TOTAL	LINC. HILLS	SPRINGDALE	TOTAL	LINC. HILLS	SPRINGDALE	TOTAL
WEEKDAY GREENS FEES	180,992	159,215	340,207	181,264	167,828	349,092	272,908	220,525	493,433
WEEKEND GREENS FEES	88,557	71,265	159,822	99,711	85,889	185,600	135,631	106,074	241,705
FOOD & BEVERAGE	49,979	34,425	84,404	53,385	37,801	91,187	42,045	27,820	69,866
MERCHANDISE	13,404	8,260	21,664	19,027	9,166	28,192	19,904	7,197	27,101
PULL CART RENTAL	4,694	4,147	8,842	5,319	5,548	10,867	7,048	8,021	15,070
GOLF CART RENTAL	84,175	73,636	157,810	84,991	72,628	157,620	98,177	80,070	178,247
GAM HANDICAP	2,408	806	3,214	2,756	1,001	3,757	3,146	656	3,802
CLASSES	91,287	0	91,287	87,328	0	87,328	58,560	0	58,560
RESIDENT MEMBERSHIPS	0	0	0	0	0	0	2,425	1,545	3,970
BUSINESS MEMBERSHIPS	8,960	1,900	10,860	7,500	1,400	8,900	5,675	3,250	8,925
NON-RESIDENT MEMBERSHIPS	114,965	18,260	133,225	106,040	34,650	140,690	107,700	38,815	146,515
UNLIMITED GOLF PASS	4,200	0	4,200	7,000	1,000	8,000	4,400	0	4,400
PACKAGE CLUB PASSES	0	0	0	145	26	171	435	0	435
TOURNAMENT ENTRY FEES	4,702	2,384	7,086	7,527	2,754	10,281	3,708	1,955	5,663
INTEREST INCOME	21,449	0	21,449	78,551	0	78,551	83,681	0	83,681
LEASE INCOME	7,137	20,580	27,717	7,351	25,688	33,040	7,572	26,405	33,977
SALE OF EQUIPMENT	0	0	0	0	0	0	0	0	0
MISCELLANEOUS INCOME	472	91	562	411	68	479	838	45	883
CASH OVERAGE/(SHORTAGE)	-1	-132	-133	70	75	145	12	27	39
GENERAL FUND CONTRIBUTION	0	0	0	0	0	0	0	0	0
TOTAL REVENUES	677,380	394,836	1,072,216	748,377	445,522	1,193,898	853,864	522,406	1,376,270

	2018			2019			2020		
EXPENSES:	LINC. HILLS	SPRINGDALE	TOTAL	LINC. HILLS	SPRINGDALE	TOTAL	LINC. HILLS	SPRINGDALE	TOTAL
ADMINISTRATIVE									
ADMINISTRATIVE CHARGE	16,964	16,964	33,928	18,324	18,324	36,648	19,015	19,015	38,030
AUDIT	675	675	1,350	743	743	1,486	707	707	1,413
SUB-TOTAL ADMINISTRATIVE	17,639	17,639	35,278	19,067	19,067	38,134	19,722	19,722	39,443

EXPENSES:	2018			2019			2020		
MAINTENANCE	LINC. HILLS	SPRINGDALE	TOTAL	LINC. HILLS	SPRINGDALE	TOTAL	LINC. HILLS	SPRINGDALE	TOTAL
SALARIES AND WAGES	70,046	75,012	145,058	72,787	77,364	150,151	74,668	70,981	145,649
OVERTIME PAY	81	1,114	1,195	1	185	186	85	63	148
LONGEVITY	28	28	57	28	28	57	28	28	57
FICA	4,826	5,286	10,112	5,569	5,934	11,503	5,543	5,260	10,803
HOSPITALIZATION	8,202	8,152	16,354	8,481	10,929	19,410	8,149	9,719	17,867
LIFE	180	180	360	180	180	360	186	187	373
RETIREE HEALTH CARE	5,957	5,981	11,938	7,451	7,840	15,291	(2,207)	(2,194)	(4,402)
DENTAL/OPTICAL	667	665	1,331	693	692	1,385	639	639	1,278
DISABILITY INSURANCE	292	292	584	304	305	609	327	327	655
WORKER'S COMPENSATION	580	632	1,212	810	857	1,667	877	831	1,708
SICK TIME PAY OUT	0	0	0	0	0	0	0	0	0
RETIREMENT CONTRIBUTION	6,453	6,474	12,927	6,201	6,458	12,659	6,598	6,578	13,175
HRA BENEFIT	10	10	20	10	10	20	10	10	20
HSA CONTRIBUTION/ RETIRE EMPR	3,822	3,810	7,632	4,156	4,150	8,306	4,352	4,352	8,704
OPERATING SUPPLIES	33,313	37,874	71,187	47,261	43,059	90,319	32,985	29,650	62,635
OTHER CONTRACTUAL SERVICE	4,882	17,944	22,826	13,362	12,181	25,543	12,011	6,607	18,618
EQUIPMENT UNDER \$5,000	0	0	0	0	0	0	405	405	810
ELECTRICITY	10,096	4,006	14,102	3,867	2,836	6,704	5,050	3,341	8,390
GAS	1,015	1,052	2,067	1,273	1,529	2,802	782	1,125	1,907
WATER	365	0	365	440	0	440	274	0	274
TRAINING	565	682	1,247	175	175	349	410	410	819
PRINTING & PUBLISHING	0	0	0	0	0	0	0	0	0
EQUIPMENT RENTAL	29,049	29,500	58,549	29,109	30,214	59,323	29,000	30,000	59,000
BUILDINGS	0	0	0	0	0	0	0	0	0
MACHINERY & EQUIPMENT	0	0	0	0	0	0	0	0	0
PUBLIC IMPROVEMENTS	0	140,886	140,886	57,264	0	57,264	5,837	0	5,837
CONTRIBUTED EXP - CAP OUTLAY	0	(140,886)	(140,886)	(57,264)	0	(57,264)	(5,837)	0	(5,837)
SUB-TOTAL MAINTENANCE	180,431	198,693	379,124	202,158	204,927	407,085	180,172	168,318	348,490

EXPENSES:	2018			2019			2020		
CLUBHOUSE:	LINC. HILLS	SPRINGDALE	TOTAL	LINC. HILLS	SPRINGDALE	TOTAL	LINC. HILLS	SPRINGDALE	TOTAL
SALARIES AND WAGES	114,727	89,336	204,063	97,653	84,369	182,021	102,038	86,123	188,162
OVERTIME	629	573	1,202	567	2,288	2,855	2,075	8,083	10,158
LONGEVITY	41	41	83	41	41	83	41	41	83
FICA	8,995	6,360	15,355	6,791	6,623	13,414	7,938	7,181	15,119
HOSPITALIZATION	13,373	13,324	26,698	14,155	15,469	29,623	13,570	14,593	28,162
LIFE	22	21	43	21	21	42	22	22	44
RETIREE HEALTH CARE	6,095	6,124	12,220	7,604	7,992	15,596	(2,280)	(2,265)	(4,545)
DENTAL/OPTICAL	804	803	1,607	800	801	1,601	729	730	1,459
DISABILITY	355	353	707	359	359	717	380	380	760
WORKER'S COMPENSATION	1,011	768	1,779	1,040	939	1,979	1,255	1,110	2,365
SICK TIME PAYOUT	0	0	0	0	0	0	0	0	0
RETIREMENT CONTRIBUTION	7,122	7,154	14,276	6,778	7,029	13,807	7,110	7,087	14,197
HRA BENEFIT	20	20	40	20	20	40	20	20	40
HSA CONTRIBUTION/ RETIRE EMPR	4,291	4,252	8,543	4,497	4,497	8,994	4,738	4,738	9,477
OPERATING SUPPLIES	15,381	11,872	27,253	19,061	12,126	31,187	17,080	11,468	28,549
FOOD & BEVERAGE	17,364	10,844	28,208	16,297	11,990	28,287	11,262	8,671	19,934
BEER & WINE PURCHASES	6,640	6,207	12,847	7,825	7,105	14,930	4,849	4,723	9,572
MERCHANDISE	11,297	6,041	17,338	14,329	10,360	24,689	12,452	3,735	16,187
OTHER CONTRACTUAL SERVICES	14,976	10,075	25,052	12,725	11,714	24,438	21,152	15,325	36,477
EQUIPMENT UNDER \$5,000	0	0	0	0	0	0	4,291	0	4,291
TELEPHONE	1,680	1,721	3,401	512	822	1,333	0	0	0
CONTRACTUAL ALARM	1,772	965	2,737	1,678	992	2,669	1,906	1,036	2,942
ELECTRICITY	0	3,527	3,527	5,117	4,639	9,756	6,126	4,933	11,059
GAS	279	1,279	1,558	257	1,757	2,014	228	1,256	1,483
WATER	3,783	1,806	5,589	1,756	1,786	3,542	1,181	1,042	2,224
LIQOUR LICENSE	1,253	1,253	2,505	1,253	1,253	2,505	1,253	1,253	2,505
PRINTING & PUBLISHING	3,690	2,105	5,795	1,397	1,234	2,632	2,178	2,099	4,276
MARKETING & ADVERTISING	3,018	3,125	6,143	7,485	5,225	12,709	3,823	2,323	6,145
MISCELLANEOUS	0	0	0	0	0	0	0	0	0
DEPRECIATION	56,445	55,417	111,862	46,293	46,410	92,703	51,414	50,561	101,975
EQUIPMENT RENTAL	18,244	17,569	35,813	18,000	17,750	35,750	18,125	17,550	35,675
TRAINING	2,403	2,403	4,806	812	812	1,624	439	848	1,287
MEMBERSHIP & DUES	0	0	0	0	0	0	281	281	561
CONFERENCES & WORKSHOPS	0	0	0	0	0	0	448	40	488
LIABILITY INSURANCE	13,970	13,970	27,939	13,819	13,819	27,638	13,947	13,947	27,893
CONTRIBUTED EXP. - CAP. OUTLAY	(4,388)	0	(4,388)	(3,162)	0	(3,162)	0	(10,375)	(10,375)
MACHINERY & EQUIPMENT	0	9	9	3,162	0	3,162	0	0	0
FURNITURE	0	0	0	0	0	0	0	0	0
BUILDINGS	0	0	0	0	0	0	0	0	0
PUBLIC IMPROVEMENTS	4,388	0	4,388	0	0	0	0	10,375	10,375
CONTRIBUTION TO GENERAL FUND	100,000	0	100,000	150,000	0	150,000	150,000	0	150,000
SUB-TOTAL CLUBHOUSE	429,681	279,315	708,996	458,940	280,240	739,181	460,070	268,931	729,001
TOTAL OPERATING EXPENSE	627,751	495,647	1,123,398	680,165	504,234	1,184,399	659,964	456,970	1,116,935
TOTAL REVENUES	677,380	394,836	1,072,216	748,377	445,522	1,193,898	853,864	522,406	1,376,270
OPERATING INCOME (LOSS)	49,629	(100,811)	(51,182)	68,211	(58,712)	9,499	193,900	65,436	259,335

2021 MARKETING PLAN

Memberships

The main focus always revolves around membership, and with the abundant new members during COVID-19, we need to create activities, tournaments, leagues and lessons to connect these new golfers to the game. We will then capture the attention and excitement of each golfer in ways that will create a golfer for a lifetime!

“Meet and Greet” New Members

- Welcome them to their Club and introduce our programs & activities for the upcoming season.
- Jr Golf, Leagues, Outings, and Instruction
- New Events: Family Cup Day and “Sip and Chip”

“Family Cup Days”

- New National Pilot PGA program – similar to the PGA Jr League, but all family members play.
- It is a great way to see families having fun and introducing the game to those who never played.

“Sip & Chip”

- To introduce golf in a stress-free, fun environment.
- Learning one of the most important aspects of golf, the short game.
- Objective to move the participants into a Beginners League.

“Bring a Friend” Day

- “Bring a Friend” to play 9 Holes at either Lincoln Hills or Springdale to showcase your courses.
- Enjoy lunch on us and, if your guest joins the club, you and your guest will receive a Complimentary Green Fee for your next round of golf!

“Get Golf Ready”

- The objective is simple, introduce the game in a fun and friendly atmosphere to get them playing on the course with their family and friends as quickly as possible.
- Guarantee Results – GGR Break 60, GGR Break 55, GGR Break 50, etc.
- Upon completion, they will have the opportunity to play weekly on a designated GGR league.

“Complimentary Golf Clinics”

- Give the members value and easy tips so they can see the results quickly
- Connect them with others

“PGA Jr League Golf”

- This program features a team – vs – team scramble format in a structured league setting that provides for a more popular, less stressful, competition.
- The emphasis is on the fun, recreation, and sportsmanship of the game for players at any skill
- Includes: Team Jerseys, instruction and match competitions.

Marketing Tools:

1. Chamber of Commerce – Full Page Advertisement
2. Host “Business to Business” Chamber Event
3. Chamber E-Blast for our Upcoming Events
4. LittleGuide Detroit – used for Jr Golf
5. Postcard Mailing - Resident & Surrounding Communities
6. Jewish News – Membership
7. Welcome Packet for New Residents
8. Utilize BPSD – Business Mailing List
9. Local Schools – Jr Golf
10. E-Blast, Flyers, Postcards, E-Notify through the City, Website, “We Miss You” Letters, Surveys
11. Our Staff!





MEMORANDUM

Planning Division

DATE: March 12, 2021

TO: Thomas Markus, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Community Development Department/Planning Division Annual Report & Planning Board, Historic District Commission, and Design Review Board Action Lists for 2021-2022

Please find attached the Planning Division's Annual Report for 2020-2021, including the Planning Board's Action List 2021-2022, the Historic District Commission's Action List, the Design Review Board's Action List and the Public Arts Board's Action List for your review.

**COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ANNUAL REPORT
AND 2021-2022 ACTION LIST FOR
THE PLANNING BOARD THE HISTORIC DISTRICT COMMISSION
THE DESIGN REVIEW BOARD THE PUBLIC ARTS BOARD**

PLANNING DIVISION STAFF

Jana L. Ecker, Planning Director
Brooks Cowan, City Planner
Nicholas Dupuis, City Planner

PLANNING BOARD

Scott Clein, Chairperson
J. Bryan Williams, Vice Chair
Janelle Whipple Boyce
Bert Kosek
Robin Boyle
Stuart Jeffares
Daniel Share
Jason Emerine (Alternate Member)
Nasseem Ramin (Alternate Member)
Daniel Murphy, Student Representative
Jane Wineman, Student Representative

**HISTORIC DISTRICT COMMISSION
("HDC")**

John Henke, III, Chairperson
Keith Deyer, Vice Chair
Patricia Lang
Michael Willoughby
Natalia Dukas
Gigi Debbrecht
Dustin Kolo
Cassandra McCarthy (Alternate Member)
Steven Lemberg (Alternate Member)
Charles Cusimano, (Student Representative)
Elizabeth Wiegand, (Student Representative)

DESIGN REVIEW BOARD ("DRB")

John Henke, III, Chairperson
Keith Deyer, Vice Chair
Gigi Debbrecht
Patricia Lang
Michael Willoughby
Natalia Dukas
Dustin Kolo
Samantha Capello (Alternate Member)
Kristin Kriel (Alternate Member)

PUBLIC ARTS BOARD ("PAB")

Barbara Heller, Chairperson
Linda Wells, Vice Chair
Monica Neville
Natalie Bishae
Anne Ritchie
Annie VanGelderens
Jason Eddleston
Peggy Daitch (Alternate Member)
Hadley Lovell, Student Representative
Nora Sherifaj, Student Representative

**MULTI MODAL TRANSPORTATION
BOARD ("MMTB")**

Johanna Slanga, Chairperson
Doug White
Katie Schafer
Andrew Haig
Thomas Peard
David Lurie
David Hocker
Joe Zane (Alternate Member)
Lauren Morris, Student Representative
Justin Schoener, Student Representative
Alex Walters, Student Representative

**THE 2020-2021 COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION ANNUAL REPORT
PLANNING BOARD, HISTORIC DISTRICT COMMISSION, DESIGN REVIEW BOARD, MULTI-MODAL
TRANSPORTATION BOARD, AND PUBLIC ARTS BOARD**

Each year, the City Commission asks the Planning Division to prepare a report outlining the board and commission activities from the previous year. This report covers the year beginning **April 1, 2020 and ending March 31, 2021**. In preparing the report, the Planning Board, the HDC, the DRB, MMTB and the PAB have the chance to review their goals and objectives for the upcoming year.

The report is separated into two distinct parts: 1) Accomplishments and 2) Goals. The Accomplishments section cites in narrative form the activities conducted by each board. This narrative will include a list of public hearings, studies and reviews.

The Goals section lists the items from the Planning Board's 2021-2022 Action List, the HDC's 2021-2022 Action List, the DRB's 2021-2022 Action List, and the PAB's Action List and speaks to the action taken on each item. From this list, each board, as well as the City Commission, has the opportunity to evaluate their goals and objectives, and make any needed amendments.

SECTION ONE: ACCOMPLISHMENTS

PLANNING BOARD

The Planning Board, which meets the second and fourth Wednesdays of each month, sets aside their first meeting of the month for discussion or study items and their second meeting of the month for site plan reviews.

Site Plans

The following list includes all the site plans reviewed from **April 1, 2020 to March 31, 2021**. It should be noted that each site plan may have been reviewed more than once:

1. 35001 Woodward (Parking lots & Hunter House), Revised Preliminary Site Plan and Community Impact Study Review to allow construction of a new 5 story mixed use building containing retail, office and residential uses
2. 1800 W. Maple (Lutheran Church of the Redeemer) - Revised Final Site Plan to allow renovation and expansion of the Church
3. 35001 Woodward (Parking lots & Hunter House), Revised Preliminary Site Plan and Community Impact Study Review to allow construction of a new 5 story mixed use building containing retail, office and residential uses.
4. 219 Elm Street (vacant office building) – Request for Preliminary Site Plan Review to allow construction of a new 5 story multiple family building
5. 770 S. Adams (vacant medical building) – Request for Final Site Plan and Design Review for approval for construction of a new five story mixed use building in the MU3/MU5 zone of the Triangle District
6. 469-479 S. Old Woodward (former Mountain King and Talmer Bank) – Request for Final Site Plan and Design Review for approval for construction of a new five story mixed use building in the B4/D4 zone district
7. 545 W. Brown Street (single family residence) – Request for Design Review to allow an addition to the second floor of a single family home in an R8 zoning district
8. 34745 Woodward (JAX Car Wash) – Request for Revised Final Site Plan and Design Review for site plan and design changes to JAX Car Wash
9. 525 N. Old Woodward, Luxe Bistro – Request for Revised Final Site Plan Review to expand the existing restaurant into the storefront space to the south
10. 768 N. Old Woodward, The French Lady (Former LY Sushi) – Request for Final Site Plan and Design Review for design changes to operate a food and drink establishment (no alcohol) in an O2 zone district
11. 469-479 S. Old Woodward (former Mountain King and Talmer Bank) – Request for Final Site Plan and Design Review for approval for construction of a new five story mixed use building in the B4/D4 zone district
12. 35001 Woodward (Parking lots & Hunter House), Revised Preliminary Site Plan and Community Impact Study Review to allow construction of a new 5 story mixed use building containing retail, office and residential uses.
13. 34745 Woodward (JAX Car Wash) – Request for Revised Final Site Plan and Design Review for site plan and design changes to JAX Car Wash
14. 470 N. Old Woodward, EM Bistro – Request for a Final Site Plan and Design Review to consider approval of a new bistro EM (Employee Meal)

- 15.** 856 N. Old Woodward – Fruition (New Building – The Pearl), Final Site Plan and Design Review for changes to the building for the operation of a new food and drink establishment (no alcohol) in an O2 zone district
- 16.** 251 E. Merrill, Suite 236 – Tapper’s Gold Exchange (Merrillwood Building), Final Site Plan and Design Review to permit a jewelry store including the buying and selling of precious metals in a second floor suite
- 17.** 219 Elm Street – All Seasons Phase 2 (vacant office building), Final Site Plan and Design Review for new construction of a multi-family independent senior living building
- 18.** 35001 Woodward – The Maple (vacant lot, Hunter House), Revised Preliminary Site Plan Review to revise the first floor of a new 5 story mixed use building to include surface parking
- 19.** 219 Elm Street – All Seasons Phase 2 (vacant office building), Final Site Plan and Design Review for new construction of a multi-family independent senior living building
- 20.** 2101 E. 14 Mile Road – Medical Office Building (vacant parking lot) – Request for Revised Final Site Plan and Design Review for construction of a new one story medical office building in the O1 Office zoning district
- 21.** 555 S. Old Woodward – Birmingham Pub (Formerly Triple Nickel), Final Site Plan and Design Review for interior and exterior changes to accommodate a change in ownership and name to allow the approval of Birmingham Pub, a food and drink establishment serving alcoholic liquor under an existing economic development license
- 22.** 720 N. Old Woodward – Vinewood Bistro (Lower Level in Kohler Building), Final Site Plan and Design Review request to consider approval of Vinewood, a new bistro proposed at the rear of the building, including the service of alcoholic liquor
- 23.** 856 N. Old Woodward – Fruition (New Building – The Pearl), Final Site Plan and Design Review for changes to the building for the operation of a new food and drink establishment (no alcohol) in an O2 zone district
- 24.** 300, 394 S. Old Woodward and 294 E. Brown Street (Lutz/Capital Title, Frank’s Shoe Repair, portion of Coldwell Banker Weir Manual parking lot)

Special Land Use Permits

The Planning Board reviewed the following special land use permits (SLUPs):

- 1.** 1800 W. Maple (Lutheran Church of the Redeemer) - Special Land Use Permit Amendment to allow renovation and expansion of the Church
- 2.** 525 N. Old Woodward, Luxe Bistro – Request for Special Land Use Permit Amendment to expand the existing restaurant into the storefront space to the south
- 3.** 768 N. Old Woodward, The French Lady (Former LY Sushi) – Request for Special Land Use Permit for design changes to operate a food and drink establishment (no alcohol) in an O2 zone district
- 4.** 470 N. Old Woodward, EM Bistro – Request for Special Land Use Permit to consider approval of a new bistro EM (Employee Meal)
- 5.** 856 N. Old Woodward – Fruition (New Building – The Pearl), Request for Special Land Use Permit for the operation of a new food and drink establishment (no alcohol) in an O2 zone district
- 6.** 251 E. Merrill, Suite 236 – Tapper’s Gold Exchange (Merrillwood Building), Request for Special Land Use Permit to allow a jewelry store including the buying and selling of precious metals in a second floor suite

7. 219 Elm Street – All Seasons Phase 2 (vacant office building), Request for Special Land Use Permit to allow an independent senior living building
8. 555 S. Old Woodward – Birmingham Pub (Formerly Triple Nickel), Special Land Use Permit for interior and exterior changes to accommodate a change in ownership and name to allow the approval of Birmingham Pub, a food and drink establishment serving alcoholic liquor under an existing economic development license
9. 720 N. Old Woodward – Vinewood Bistro (Lower Level in Kohler Building), Special Land Use Permit to consider approval of Vinewood, a new bistro proposed at the rear of the building, including the service of alcoholic liquor

Community Impact Statements

For proposed construction over 20,000 square feet, the developer must provide a Community Impact Statement (CIS), which addresses planning, zoning, land use and environmental issues, as well as public service and transportation concerns.

1. 35001 Woodward (Parking lots & Hunter House), Revised Community Impact Study Review to allow construction of a new 5 story mixed use building containing retail, office and residential uses
2. 219 Elm Street (vacant office building) – Request for Community Impact Study to allow construction of a new 5 story multiple family building
3. 35001 Woodward (Parking lots & Hunter House), Revised Community Impact Study Review to allow construction of a new 5 story mixed use building containing retail, office and residential uses and a ground floor surface parking area
4. 219 Elm Street (vacant office building) – Request for Community Impact Study to allow construction of a new 5 story multiple family building
5. 469-479 S. Old Woodward (Former Mountain King and Talmer Bank) – Request for Community Impact Study to allow construction of a new 5 story mixed use building

Rezoning Applications

Over the past year, there were 2 requests for rezoning/zoning amendments on property within the City of Birmingham.

1. 469-479 S. Old Woodward (Former Mountain King and Talmer Bank) – Request for rezoning from B3/D4 (up to 5 stories) to B3/D5 (over 5 stories)
2. 566 Ann Street, Roby Law Building – Request for rezoning from R3 (Single Family Residential) to TZ2 (Transitional Zone)

Pre-Application Discussions, as suggested in the DB2016 Report, are recommended for new construction. This type of discussion is beneficial to both the applicant and the Planning Board, giving both the opportunity to informally discuss proposals. However, the placement of the discussion, at the end of a site plan review meeting, often precludes all issues from being discussed. The following Pre-Application discussions occurred from April 1, 2020 to March 31, 2021

1. 519 E. Lincoln
2. Brown and Watkins – Portion of property facing Watkins

Courtesy Reviews

None.

Study Sessions/ Discussions

The Planning Board also engaged in many study sessions and discussions with regard to the following topics. It should be noted that these topics are often discussed at multiple meetings:

1. Debrief and discussion on draft 2040 Plan review process
2. Use of Virtual Meetings
3. Draft Master Plan Review Process
4. Planning Board Action List
5. Glazing Requirements
6. Solar Panel Review Process
7. Review of Key Themes in Draft Master Plan Document
8. Review of first draft of 2040 Plan – Mixed Use Districts (Maple and Woodward, Market North)
9. Draft Bates Street Public Process Framework
10. Review of first draft of 2040 Plan – Mixed Use Districts (Haynes Square, S. Woodward Gateway, Rail District)
11. Review of first draft of 2040 Plan – Neighborhood and Housing Policy
12. Review of first draft of 2040 Plan – Neighborhood Elements and Plans
13. Direction for Changes to the first draft of 2040 Plan
14. Status Update on Study Session Items
15. Action List 2021-2022

Public Hearings/ Zoning Amendments

Public hearings held by the Planning Board to ensure public participation at various stages in the planning process. The following ordinances were reviewed at public hearings by the Planning Board:

Glazing Requirements

1. **AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:**
TO AMEND ARTICLE 3, SECTION 3.04(E), ARCHITECTURAL STANDARDS, TO AMEND THE WINDOW GLAZING STANDARDS IN THE DOWNTOWN BIRMINGHAM OVERLAY DISTRICT.
2. **AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:**
TO AMEND ARTICLE 4, SECTION 4.90(A) (8), WINDOW STANDARDS, TO AMEND THE WINDOW GLAZING STANDARDS IN THE DOWNTOWN BIRMINGHAM OVERLAY DISTRICT.

3. AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 9, DEFINITIONS, TO REDEFINE CLEAR GLAZING, AND TO ELIMINATE THE DEFINITION OF LIGHTLY TINTED GLAZING.

HISTORIC DISTRICT & DESIGN REVIEW COMMISSION, THE HISTORIC DISTRICT COMMISSION, AND THE DESIGN REVIEW BOARD

Both the HDC (Historic District Commission) and the DRB (Design Review Board) meet on the first and third Wednesdays of each month, with a limit of 4 regular reviews per meeting, and up to 8 reviews without formal presentation. Limiting reviews in this way allows the HDC & DRB time to conduct public hearings and discuss study session items.

Design Reviews

The following businesses requested design reviews by the DRB to alter the appearance of their buildings:

1. 525 Merrill
2. 400 S. Old Woodward – The Forefront
3. 470 N. Old Woodward
4. 1740 W. Maple – Holiday Market Select
5. 855 Forest – Abood Law Firm
6. 825 Bowers – Todds Room
7. 2295 E. Lincoln – Lincoln Commerce Center

Historic Reviews

The following historic buildings proposed changes that required review by the HDC:

1. 412 Willits – Stickney House
2. 743 W. Frank – King-Argus House
3. 361 E. Maple – Hawthorne Building
4. 100 N. Old Woodward – Maplewood (Parks) Building

Sign Reviews

The following businesses requested sign reviews:

1. 856 N. Old Woodward – The Pearl
2. 996 S. Adams – Primo's Pizza
3. 298 S. Old Woodward - Madam

Courtesy Reviews

1. None

Pre-Application Discussions

1. 743 W. Frank – King Argus House
2. 612 S. Bates – Frank Schlaack House
3. 146 W. Maple – James & Bloom

Study Session Discussions:

1. Canopy Signs
2. The Birmingham Plan 2040
3. Wall Art
4. SHPO Community Partnership Program
5. FY21 Certified Local Government Grant Projects

MULTI-MODAL TRANSPORTATION BOARD

The Multi-Modal Transportation Board (MMTB) meets on the first Thursday of every month and reviews all transportation-related projects and issues.

Pedestrian Improvements

1. Brown Street Intersection Design Studies (Pierce - Chester)
2. Mobility Oriented Development Study Review

Signage and Signal Requests

1. Lincoln and Adams Signal Improvements
2. Signage for Scooter Use Downtown
3. Bicycle Signage on E. Lincoln at S. Eton, Adams and Woodward, W. Lincoln at Southfield Road
4. Southfield and Brown Intersection Improvements
5. Park/Peabody/Maple Intersection Improvements

Bicycle Improvements

1. Bicycle Rack Installation at Neighborhood Commercial Destinations

Other

1. Transportation Impact Study Requirements for Private Development
2. On Street ADA Parking Improvements
3. Board Training – Pedestrian Crossings, Bicycle Facilities and Traffic Calming
4. 2021 Construction Project Review
5. Board Training – Mobility Oriented Development, Woodward Avenue Issues and Opportunities
6. Phase III Downtown Improvements – S. Old Woodward, Brown to Lincoln

PUBLIC ARTS BOARD

The Public Arts Board meets every 3rd Wednesday of the month and discusses matters related to public art in Birmingham.

Art Installations

1. The Public Arts Board finalized a call for entry to recruit sculptures for 5 locations throughout the City and will provide a \$2,000 stipend to artists for approved work.
2. *Pyramid Earth* by Kegham Tazian was approved as a sculpture donation to the City to be installed at Linden Park. The Public Arts Board coordinated with the Engineering Department to have a concrete base pad installed, and the final installation is scheduled for May 2021.
3. *City Bloom: Birmingham* by Laurie Tennent was approved as art-on-loan for an 8-piece exhibit that was installed in natural settings along Birmingham's Rouge Trail network. The exhibit consists of 8 monochromatic photos of plants and flowers set in locations with real plants and flowers in the surroundings.
4. Piano in the Park was recommended to be an annual program by the Public Arts Board. It would have the same stipulations as the first year it was approved in 2019 such as being painted off-site, having lockable industrial wheels, and would be covered during events. The Parks & Recreation Board was in support of the program, however final review with City Commission has been placed on hold until Covid-19 restrictions are lifted.

Study Sessions

1. The Public Arts Boards completed a report on ways to enhance Terminating Vistas in the City with the use of public art. The recommendations were presented to City Commission in August 2020 and then the implementation plan for the report was presented in September 2020.
2. The Public Arts Board has been discussing policy to enable wall art such as murals and temporary canvasses on the exterior of buildings. The Board has also discussed a review process for wall art that begins with the Public Arts Board and is finalized with the Design Review Board. The Public Art Board's recommendations for wall art have been reviewed by the Design Review Board and is in the process of being refined to be more specific about locations where wall art may be permitted. Final steps will require Planning Board and City Commission review.
3. The Public Arts Board has discussed establishing a public notification process to encourage more public participation. The Board has recommended a notification process similar to a site plan review with notification of the neighbors within 300 ft. Final review for public notification recommendations will go before City Commission in the spring of 2021.

SECTION TWO: GOALS

The Planning Division boards and commissions set specific goals and priorities each year as part of the annual report. The formulation of these goals comes from the City Commission, Planning Board, HDC, DRB, PAB and City Staff. Upon review of the items noted on the action lists that follow (see attached), the Planning Board, the HDC, the DRB, and the PAB will make recommendations to the City Commission, as they deem important and necessary.

2021 HDC ACTION LIST RANKING

Historic District Commission	Quarter	Rank
Schedule Training Sessions for HDC and Community	1 st (January-March)	1
Create RFP for Historic Design Guidelines	1 st (January-March)	2
Develop and Market Historic Walking Tours	2 nd (April-June)	3
Develop Resources for the Michigan Historic Preservation Tax Credit	3 rd (July-September)	4
Adopt Historic Preservation Marketing Plan	3 rd (July-September)	5
Historic District Ordinance Enforcement	4 th (October-December)	6

2021 DRB ACTION LIST RANKING

Design Review Board	Quarter	Rank
Wall Art	1 st (January-March)	1
Update Sign Ordinance	2 nd (April-June)	2
Create New Informational Artwork for Sign Ordinance	3 rd (July-September)	3
Sign Ordinance Enforcement	4 th (October-December)	4

2021 PLANNING BOARD ACTION LIST

Topic	General Goals	CC Directive?	Quarter	Status	
				In Progress	Complete
2040 Master Plan	Adopt a new comprehensive master plan.	☐	Ongoing	☒	☐
Solar Panel Ordinance	Simplify and encourage the use of solar panels in Birmingham.	☐	2 nd (April-June)	☒	☒
Window Standards (Glazing)	Update window standards to help support building renovation and the Energy Code requirements.	☐	2 nd (April-June)	☒	☐
SLUP Application Process	Clarify the SLUP process in terms of the order of board/commission review.	☐	2 nd (April-June)	☐	☐
Outdoor Dining Enclosures	Study/consider the possibility of allowing outdoor dining enclosures.	☒	3 rd (July-September)	☐	☐
Medical Marijuana & CBD	Update the Zoning Ordinance to help regulate Medical Marijuana and CBD through ordinance language.	☐	3 rd (July-September)	☐	☐
Sustainability Initiatives	Prepare a sustainability agenda to increase Birmingham's resilience.	☐	4 th (October-December)	☐	☐
Wall Art	Review PAB and DRB recommendations regarding wall art on private buildings.	☐	4 th (October-December)	☐	☐

2021 PUBLIC ARTS BOARD ACTION LIST

1. Recruiting new sculptures for Birmingham. Staff and board members have been forwarding information to the local art community and recruiting artists to provide sculptures for various locations.
2. The Public Arts Board would like to increase its coordination with the Cultural Council of Birmingham Bloomfield and work towards obtaining more funding from outside donors to assist with art-on-loan and donations.
3. Due to Covid-19 restrictions and the drive-through nature of the Birmingham Farmers Market, the Public Arts Board would like to put together arts and crafts packages to be handed out to anyone interested.
4. The Public Arts Board would like to coordinate with the local art community and businesses for a Public Arts Day which could hopefully occur in 2022. Preliminary discussions involve highlighting Birmingham's numerous sculptures as well as the various galleries around downtown.
5. The Public Arts Board would like to have sculpture unveiling events for *Michigan Spring*, *Pyramid Earth*, and any other sculpture installations once Covid-19 restrictions are lifted.



CITY MANAGER'S REPORT

March 2021

Baldwin Public Library

The Library reopened to the public on February 8 for Grab and Go service. [Curbside Pickup](#) and Grab & Go services are both available seven days per week and [virtual programs](#) for all ages are ongoing. The Baldwin Public Library Board named Karen Rock as its newest trustee at a Special Board Meeting on February 23. Ms. Rock will serve a partial term that ends on November 1. The Library is in the process of hiring a new Head of Adult services after Maria Williams, the former Head of Adult Services, resigned on February 26. A public budget hearing was held on Monday, March 15 at 7:30 p.m. to consider the 2021-2022 budget for the Baldwin Public Library.

The Birmingham Museum

Usually, March is the time of year when we are preparing for 2nd grade students to make their annual site tour of the museum. We generally host almost 500 students, teachers, and parents in guided tours geared toward local history curriculum requirements.

Due to the COVID crisis last year, the museum created a seven-part video tour of the Hunter House to provide a virtual experience for students. This year, we have expanded our student virtual tours with a companion video series that takes an in-depth look at selected artifacts in the Hunter House that relate to Birmingham's early days. The videos will be launched on the museum's YouTube channel the last week in March and will be promoted to teachers and students through the schools, the Baldwin Public Library, and through the museum's social media.

Birmingham Shopping District

The Birmingham Shopping District is pleased to report that they had an overwhelming response to the Birmingham Restaurant Week promotion. Although they initially budgeted \$20,000, due to high demand, they reallocated funds and distributed over \$40,000 in Birmingham Bucks to members of the community. This money will be spent with local retailers and restaurants.

The BSD is also proud to have partnered with the fire department and Oakland County to distribute over \$100,000 in restaurant relief grant money and equipment. They are also providing PPE to Birmingham businesses. A new website for the shopping district is scheduled to be unveiled this month.

Building Department

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.

Clerk's Office

Greenwood Cemetery

Cemetery Operational Procedures, Conditions & Regulations

The GCAB is planning on reviewing the entire document over their next few meetings to update language and make sure the rules and regulations of Greenwood Cemetery fit the cemetery's current needs.

Data Entry for GIS Mapping

The Clerk's Office and Museum Director met and spent several hours with Cheri Arcome on Wednesday, February 10th to study the various cemetery records we keep and to develop a deeper understanding of the records and naming conventions to help with the data entry for the GIS map.

This meeting sparked some ideas for ways the Clerk's office can update our records to more current formats. Currently a lot of our records are still kept with books that include handwritten data entry and mapping. We will be looking for more digital solutions that work alongside our BSA-Cemetery Management database that will be more current with technology and easier to preserve. We will work toward linking documents such as deeds and lot maps to the BSA records. The old books that we currently use alongside the BSA software are showing obvious signs of wear/aging and need to be handled carefully.

This will be a very intense and time consuming project for the Clerk's office and Museum staff and will likely take several months.

Future Landscaping Plan

The Clerk's office is in communication with DPS to schedule a meeting date (weather permitting) with Cheri Arcome and an arborist to evaluate the cemetery, stay tuned!

Cemetery Fee Schedule

The Clerk's office is working with Cheri Arcome of Creative Collaborations & DPS to update the current fee schedule, which will be reviewed at the next GCAB meeting and coming to a City Commission meeting soon. Conversations are also happening with the finance department to structure online payments so families and owners in Greenwood Cemetery can have more convenient options to pay for plots and services.

Greenwood Cemetery Website

Since the last GCAB meeting the City Clerk's office realized that although there is some information about the Cemetery on the City's website, the majority of the content is linked to a third party site. Instead of sending our visitors to a third party site we have moved all of the content from the old <https://greenwoodhistoriccemetery.org/> site and now all of the information is housed and maintained through the City's website at bhamgov.org/cemetery.

Ground Penetrating Radar

The Clerk's Office needs more time to gather research and information before bringing this issue back to GCAB for consideration and direction.

March is Cemetery Cleanup Month!

Creative Collaborations coordinates time with the City of Birmingham's DPS staff to clean up all grave blankets and Christmas decorations that will get picked up along with any other debris.

April & May

Creative Collaborations and the City of Birmingham's DPS staff schedule time with respect to the weather to top dress, seed or reseed and complete any additional cleanup in the spring. Markers and memorials can start being delivered and installed on April 1st. Creative Collaborations and the City of Birmingham's DPS staff schedule the regular spring fertilization.

Turf Improvement

Cheri Arcome of Creative Collaborations suggested and has been working closely with the City of Birmingham's Department of Public Services to improve the turf on cemetery grounds beyond the regularly scheduled maintenance and fertilizations.

Ethics Board

The Ethics Board has met to hear two cases so far this year and will be reviewing their draft opinion on case 2021-01 on Monday, March 15th. Case 2021-02 was dismissed.

Hybrid Meetings

The IT Department and City Clerk's office are working together to structure hybrid public meetings as a more accommodating option for the future.

Liquor Licenses

The pending liquor licenses will be reviewed at the March 22nd City Commission meeting. Ten of the pending restaurants have resolved their violations and one establishment has an outstanding violation. All issues need to be resolved by March 15th. After the March 22nd meeting, all Liquor License applicants that were approved will be sent invoices for their annual liquor license renewal fee of \$350 with the City of Birmingham. Once payment is received the license will be issued by the City Clerk's Office.

Pet License

Pet license renewal post cards are being sent out at the beginning of each month now and have shown to be very effective. The Clerk's office has been receiving a ton of pet license renewal applications in the mail and online. We are working on updating our postcards to have the pet license website link for online renewals.

Outdoor Dining

The deadline for outdoor dining licenses was at the beginning of March. Licenses are now going through the approval process and will be issued by April 1, 2021. License application fees are

being charged on schedule. The City will begin charging for the use of City property for outdoor platforms beginning July 1, 2021.

Special Events

A lot of Special Event applications are being turned in to the Clerk's office right now. At the March 22nd City Commission meeting, the Common Ground's Art Fair will be asking for approval. At the April 12th City Commission meeting The Michigan Parkinson Foundation's walk and the City of Birmingham in the Park Concert Series will be asking for approval.

Board Vacancies & Upcoming Appointments

There are upcoming board appointments on the following boards at the March 22nd Meeting:

- Parks & Recreation
- Multi-Modal Transportation Board
- Cablecasting Board

Government Day

The City's annual Celebrate Birmingham Hometown Parade is a beloved tradition that regularly occurs in May. The celebration serves in part to recognize residents who give their time and talents as members of City boards and commissions. In light of the current statistics and progression of the COVID-19 pandemic, the in-person gathering of the celebration is canceled. The City still wishes to show gratitude for its volunteers and has an alternative way to celebrate Birmingham. The City Clerk's Office would like to celebrate our board members in a safe way with an appreciation video that includes each board/commission's accomplishments and photos of members with a scheduled release date of May 16, 2021. We encourage everyone to view the appreciation video on our website: www.bhamgov.org/parade.

Department of Public Services

Below are some noteworthy happenings in the Department of Public Services (DPS).

- Due to the rising temperature the past few weeks, water main breaks have been plentiful this year. DPS crews have been very busy between road patching and water main break repairs. Both issues dominate our time once the weather begins to warm up. After the winter freeze and thaw begins, it affects the roadways and underground infrastructure. So far, there have been sixteen (16) water main breaks during 2021. The total number of water main breaks during 2020 was twenty-four (24).
- Spring is official on March 20, 2021 and the golf community is anxiously waiting to return to Springdale and Lincoln Hills Golf Courses. The three-year golf cart lease ended last season. We have provided used golf carts for the golf members at both courses, which has been the standard for over twenty years. For the next three or five years we are exploring other lease opportunities to provide the members newer more reliable equipment. We have evaluated our best options for leasing golf carts in the most effective and efficient means. These findings will be part of a recommendation from staff at the March 22, 2021 City Commission meeting.

- Andrus Architecture has finalized the design drawings for the Ice Sports Arena Renovation/Additions project. The Parks and Recreation Board reviewed and accepted the design at their March 2, 2021 meeting and the Architectural Review Committee reviewed and provided input on the design for this public improvement project at their March 4, 2021 meeting. The General Contractor request for proposals (RFP) are out on the street and bids for the construction project are due on March 31, 2021.
- Birmingham Golf Course Season Opening Soon! We anticipate Lincoln Hills Golf Club (GC) to open on April 1st, contingent on the weather. Springdale GC should follow a few days later. Our Early Sign-Up Bonus starts on March 15th to March 19th and again on March 22nd to March 26th at Lincoln Hills GC. Clubhouse hours will be 10:00 am until 6:00 pm for this membership renewal. Residents will receive a Complimentary Green Fee (valid through May 31, 2021).
- We anticipate scheduling an invasive species controlled prescribed burn at Barnum Park later in March or early April. This is all contingent upon the weather, the drier the better. This will be the third scheduled burn that continues the maintenance and management of the natural grass areas.

DPS has engaged the services of David Borneman LLC to conduct a prescribed ecological burn at Barnum Park this spring. David has over 30 years of professional experience conducting prescribed, ecological burns. All trained personnel assisting David for this work have prior burn experience and are able to conduct this burn safely.

The purpose of a burn is to stimulate native species to grow more vigorously, and to discourage non-native plants from forming. Non-native (or invasive species) have not adapted to be able to withstand the heat from fire. The prescribed burn is safe. The burn is done in cooperation and with approval from the Birmingham Fire Department. The crew brings water, works in a slow, deliberate manner as to minimize the amount of smoke, and to direct smoke away from any smoke-sensitive areas with safety equipment on hand.

Signs cautioning the public about smoke are placed in appropriate areas. Due to prescribed burns being weather-dependent, it is impossible to predict exactly when it will occur, though it is likely to take place between 12 p.m. and 7 p.m., on a weekday or Saturday. The City will give as much notice as possible as to the date of work, and post to social media outlets and the City website. Neighborhood notification letters are sent out in advance, describing the project and contact information.

Engineering Department

Engineering Department is now scheduling for lead water service replacements for this summer and fall. The City is committed to replacing at least 52 lead water services each year, and we have developed a two-step process for scheduling this work. The first step is to have an initial meeting with the homeowner to conduct an inspection of the existing water meter located in the home, review the temporary entry agreement, discuss schedule openings for the contractor, and answer any questions. After the initial meeting, the work for the contractor is scheduled,

and they will return at that later date to complete the work. We want to get the word out that if any residents have a lead water service, and would like to take part in the replacement program this year, to contact the Engineering Department, or their consultant Hubbell, Roth & Clark who is assisting with this effort.

Finance Department

The Finance Department received seven responses to the RFP for investment consulting services for the retirement and retiree health care system. The Retirement Investment Committee will be reviewing these RFP's and conducting interviews with selected respondents over the next couple of months.

The City Manager has conducted budget meetings with department heads. The budget requests are being further reviewed and compiled into the recommended budget. The recommended budget is tentatively scheduled to be delivered to the City Commission on April 16th.

Board of Review meetings are taking place this month. This is an opportunity for taxpayers to appeal their tax assessment for the upcoming summer and winter tax bills.

Payroll Office Coordinator Ruth Rowland is retiring after 28 ½ years of service. Her last day will be April 1, 2021. She will be missed!

Fire Department

In the month of March, the Fire Department will be recertified at Emergency Vehicle Driver Training. This is an annual emergency vehicle drivers training course that is both classroom and practical based. Ice and water rescue training will also be ongoing this month on Quarton Lake. This time of year the ice can be unpredictable and its a good time to practice safe ice rescue techniques and procedures.

The Fire Department will continue to apply for various CARES act and Public Assistance grants related to COVID-19. Oakland County officially declined the Fire Department's request for vaccines due to the lack of other Oakland County fire departments willing to participate in the program. Chief Wells continues to explore other options for receiving the vaccine directly from the government.

Information Technology

The IT department is currently working on modifying our video production system to allow for Hybrid Meetings. This will allow the continuation of Zoom communication once we go to live meetings.

We are also currently working on upgrading the equipment in the DPS conference room to allow for live streaming from that room and are working on securing a grant to help cover the cost of those upgrades.

Manager's Office

Communications

The website team is reviewing bids received from the City's Website Redesign & Hosting RFP. We will be meeting with select vendors in April.

Residents will receive the spring newsletter around April 1, 2021. This edition includes updates about spring events, the Citywide Master Plan, child safety seats, construction projects, the Parks & Recreation Bond, Junior Golf and more.

Stay In Touch postcards promoting the Citywide Email System and the City's social media accounts are being mailed to all residents in the March, April and May water bills.

Earlier this month the communications team published a new [animated video promoting the Citywide Email System](#). The video was included in the March Around Town e-newsletter and posted via the City's social media channels.

The communications and website teams are developing the City's new public engagement tool, Bang the Table, which is expected to launch in April.

Human Resources

MERC Election Process

The Teamsters Local 214 now represent employees in the Department of Public Services. The Technical, Professional & Officeworkers Association of Michigan (TPOAM) have filed with the Michigan Employment Relations Commission (MERC) to represent this group. MERC calls this a Certification of Representative election.

There has already been a telephone conference with all parties establishing the election process. The City provided all the names of eligible employees working on February 11, 2021 along with their addresses to MERC and both unions. Notice of the election and a copy of the ballot were posted in all buildings where these eligible employees work on 3/4/21.

MERC will mail the ballots out on March 12 and they are due back to them by March 31. On April 1, the ballots will be counted and the union that has 50% plus one vote wins.

The Teamsters current labor agreement with the City expires June 30, 2021.

Miscellaneous:

American Rescue Plan

The Southeast Michigan Council of Governments (SEMCOG) recently published an article about the American Rescue Plan (ARP) and what it means for local governments. Unlike the CARES Act of 2020, every county, city, village, and township will receive funds under the plan. The article addresses how and when funds will be distributed, in addition to how and when the funds may be used. SEMCOG provides a [spreadsheet](#) showing the City of Birmingham will receive \$2,111,917. Access the article and complete spreadsheet

at <https://www.semcog.org/blog/what-the-american-rescue-plan-act-means-for-local-governments>.

Code Assistance Officer

At the direction of the City Manager, Code Enforcement has been renamed Code Assistance.

The word enforcement connotes more of a police function when the purpose of this division of the Building Department is to work with residents, builders and developers, and to make sure City ordinances, which focus on safety concerns, are addressed.

Code compliance is a very important issue in the City. Working with residents rather than punishing them is always preferable.

D48th's Michigan Indigent Defense Commission (MIDC) Grant/Indigent Defense Program

Nicole M. Smithson, a Regional Manager for the Michigan Indigent Defense Commission, recently presented to local communities regarding a grant between the State of Michigan, MIDC, Department of Licensing and Regulatory Affairs, and the 48th District Court. The grant would enable a new process for appointing defense attorneys for indigent individuals. Download the [presentation](#) and [meeting notes here](#).

DTE Update on Moving Electrical Infrastructure Underground

A recent correspondence from a DTE representative in regards to moving electrical infrastructure underground states, "I have done some preliminary research into other municipal requests to bury electric infrastructure. We believe that based on current equipment and labor costs, it would cost approximately \$3-5 million per mile to underground electric service. However, this does not include the costs that would be incurred by the City to bury cable or communication providers along those same routes. We would be happy to study this further for you to provide a better estimate to underground electric service in Birmingham for locations that are looking to pave unimproved roads."

Highway Noise Barriers

Visit <https://undark.org/2017/12/27/highway-noise-barrier-science/> to read an article regarding the effectiveness of highway noise barriers.

Virtual Meetings

On Monday, March 15, the City received the following message from Senator McMorrow's office regarding virtual meetings:

Good Morning All-

We wanted to check in regarding the extension of virtual meetings in OMA.

As we discussed in our meeting on this issue at the end of last year, the conversation around changes to the OMA is a broader one that needs to happen in the legislature.

Our local governments and our residents have expressed how virtual meetings have increased access and public participation to their local councils, commissions, and boards- this is something we should be encouraging. We remain committed to working with our colleagues in the legislature and with MML to have this broader conversation about how we need to adapt the OMA to reflect what we've learned and experienced over the last year during this pandemic.

That being said, I know that there is a more immediate need for an update to the bills from last year. Governor Whitmer has expressed to legislative leadership that she would like the legislature to extend the ability for local governments to meet virtually. Unfortunately, as of last week, Republican leadership has not been receptive and right now it is unlikely that bills will move to extend the virtual meetings provision past the end of the month.

I'll be keeping in touch with MML on their conversations with in the House and Senate and if we get any further updates I will be sure to share them.

Sincerely,

Molly Korn

Chief of Staff

Office of State Senator Mallory McMorrow

Woodward Avenue Tunnel

Following the discussion regarding the Woodward Avenue tunnel last month, the City received the following photos from Joe Valentine showing the inside of the tunnel.



Planning Department

The Hawthorne Building at 361 E. Maple is being reviewed at the Historic District Commission for a 3-story addition proposed on the 1-story historic building. The applicant has previously sought the de-designation of the building as a historic resource. The HDC is now considering the addition's potential effect on the historic resource in relation to the Secretary of the Interior's Standards for Rehabilitation.

Police Department

1. Detective Sergeant, Mike Simpson has been selected by the Birmingham Optimist Club as their "Respect for Law Enforcement" recipient for 2021 for his service and dedication to the students and community of the Birmingham Public Schools. Det. Sgt. Simpson is currently assigned to the Investigative Division and acts as the Department's school liaison officer.
2. Officer Jeff Whipple, currently assigned by the Department to the FBI's Financial Crimes Task Force, was the lead investigator on a major case involving unemployment insurance fraud. Off. Whipple's investigation led to the arrest of a Detroit resident responsible for defrauding the State of Michigan out of \$180,000 worth of false unemployment benefits. The defendant was charged with wire fraud, fraud in connection with devices and aggravated identity theft.
3. After successfully completing the mock assessment for MACP Accreditation, the Department is addressing concerns raised during the mock assessment and has been assigned April 20 and 21st for the Department's final assessment. The final assessment includes two days of ride-alongs by assessors, a dedicated open phone line for residents to comment on the Department and an in-depth analysis of department policies, procedures and proofs of compliance. If successful, the department will receive its accreditation in June of 2021 from MACP.
4. The joint Mental Health Co-Response Program with the City of Auburn Hills, Bloomfield Township and the Oakland County Health Network continues to move forward. In joint meetings, the following took place: an interlocal agreement was written and will be submitted shortly for legal review; policies and procedures for the social worker were developed for operations; the records management system was developed and is now being reviewed by I.T. professionals for suitability. Training classes in advanced crisis intervention are in the planning stages for both July of 2021 and October of 2021.
5. The police department has reached out (voicemail message and email sent to Ms. Manoogian's Legislative Aide/Constituent Services Erin Panter) to State Representative Mari Manoogian in reference to the May 2020 letter we sent her seeking clarification on Michigan Vehicle Code Section 257.707c(3).
6. Birmingham Police Chief Mark Clemence prepared a report for Commissioner Brad Host regarding Woodward Avenue vehicle noise concerns. The report includes information regarding: traffic, pedestrians, parking and the towing of vehicles, and the needs of the police department. [Download the report here.](#)

Future Agenda Items

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

Future Workshop Items

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

Ferndale, Pleasant Ridge move to reduce travel lanes on Woodward Avenue

By Jack Nissen | Published 1 day ago | Traffic | FOX 2 Detroit

FERNDALE, Mich. - [Michigan](#)'s most famous roadway could be getting a tune-up next year by losing lanes for both north and southbound traffic.

The reduction in travel space would be paired with shorter crossing distances for pedestrians and a larger emphasis on mobility for cyclists.

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Both [Ferndale](#) and Pleasant Ridge, whose section of Woodward is scheduled for routine maintenance from the [Michigan Department of Transportation](#) next year, approved resolutions to apply for a transportation grant that would help fund the additional changes.

Currently, Woodward has eight [traffic lanes](#) that stretch from [Detroit](#) into [Oakland County](#).

Under a new proposal from the two suburb cities, each direction would lose a lane and be replaced by on-street parking and a protected bike lane.

Plans to redo Woodward were first considered after [MDOT](#) announced plans to perform maintenance on the Metro Detroit corridor between 8 Mile and I-

696. Officials with the city of Ferndale said while they won't be able to add all of the changes they want to the road, it makes sense to tackle part of the project as the state plans for its own construction.

"Those we didn't get to choose when MDOT was going to resurface Woodward, we do get an opportunity to set the table for the future and think about how space can be used more for people in the future," said Justin Lyons, Ferndale's city planner said during a Feb. 22 city council meeting.

RELATED: [Oak Park just put your Nine Mile on a diet](#)

Both [Ferndale](#) and Pleasant Ridge approved applications for a Transportation Alternatives Program grant that would help offset some of the costs for improvements. Candgnews first [reported](#) the approvals.

Right now, space on the road isn't being used as efficiently as it could.

A study of traffic volume by the city found the daily volume of traffic is around 42,000 vehicles a day. However, an eight-lane road like Woodward has the capacity for more than a hundred thousand vehicles a day.

Projects that consider shrinking major traffic junctures have been colloquially known as 'road diets' and are designed to promote more mobility among pedestrians and cyclists while reducing the amount of traffic.

The reduction of lanes is also targeted at increasing safety on Woodward. From 2016-2019, there were more than 900 crashes. A study from the city of Ferndale found most occurred at 10 Mile, Drayton, Cambourne, and 9 Mile.

Drivers would only need to travel a few miles west on 9 Mile to see where similar road projects were put into place. In 2019, Oak Park reduced travel lanes to two with a protected left lane, while increasing space for cyclists. It also built paved trails and erected a bike rental operation.

The new Nine Mile is here

Say hello to your new Nine Mile

With approved funding from the Department of Transportation, Ferndale and Pleasant Ridge would have to pay \$1.29 million and \$155,000 respectively.

MDOT's work on Woodward was delayed by a year due to construction on I-75.

Construction on Woodward is now scheduled for April 2022 and would extend until November.

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Alex Bingham <abingham@bhamgov.org>

Fwd: Post March Board of Review

1 message

Tom Markus <tmarkus@bhamgov.org>
To: Alex Bingham <abingham@bhamgov.org>

Wed, Mar 17, 2021 at 12:29 PM

Please add to info only

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

From: **Boger, Teresa Marie** <bogert@oakgov.com>

Date: Wed, Mar 17, 2021 at 11:43 AM

Subject: Post March Board of Review

To: Mark Gerber <Mgerber@bhamgov.org>, Tom Markus <tmarkus@bhamgov.org>, Jack Todd <jtodd@bhamgov.org>

Cc: Paris, Bryan Joseph <parisb@oakgov.com>, Jones, Tracy <jonestr@oakgov.com>

March 17, 2021

Good morning Gentleman,

Since the board of review was handled virtually for the City this year for the first time during the March Board session I wanted to touch base with you all and let you know how it went now that the board is closed.

First of all I want to let you know what a great job Erik Bunk from you IT department did. The recurring meeting was set up exactly how we requested it to be for the two boards to function simultaneously at the same time. Every session Erik would log on with us first thing to make sure that we were all set. Any small issues we may have had he helped us to quickly resolve. I was very appreciative of his assistance.

We handled 143 petitions virtually this year; the petitions consisted of valuation appeals, capping/uncapping and personal property petitions. The board members all did a great job this year handling and conducting the board in a new fashion; with e signatures and being flexible with how they were viewing and receiving documentation/evidence from the petitioners. Though it was a different format they were flexible and overall everything went well.

Have a great day!

Teresa Boger

Teresa Boger

INFORMATION ONLY

3/17/2021

City of Birmingham MI Mail - Fwd: Post March Board of Review

bogert@oakgov.com

Oakland County Equalization

Equalization Appraiser III/MAAO

248-858-9765



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