



**CITY COMMISSION MEETING AGENDA
APRIL 23, 2018
7:30 PM**



Municipal Building, 151 Martin, Birmingham, MI 48009

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BIRMINGHAM CITY COMMISSION AGENDA
APRIL 23, 2018
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Andrew M. Harris, Mayor

II. ROLL CALL

J. Cherilynn Mynsberge, City Clerk

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

Announcements:

- The City of Birmingham's annual ice show will be held on May 4-6 at the Birmingham Ice Arena. Tickets are available at the Ice Arena which is located at 2300 East Lincoln. Call 248-530-1640 for more information.
- Opening Day for the Birmingham Farmers Market is Sunday, May 6th. The market will be open 9:00 a.m. until 2:00 p.m. in Parking Lot #6 on N. Old Woodward between Ravine and Oak.
- The Museum Board invites the public to a reception on Saturday, May 12th from 2:00 until 4:00 p.m. for the current museum exhibit, "The People of Birmingham: Celebrating 200 Years of Stories". This is a crowd-sourced exhibit which showcases the stories of Birmingham's citizens.

IV. CONSENT AGENDA

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

- A. Resolution approving the City Commission meeting minutes of April 9, 2018.
- B. Resolution approving the warrant list, including Automated Clearing House payments, dated April 11, 2018 in the amount of \$1,237,371.01.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated April 18, 2018 in the amount of \$518,434.82.
- D. Resolution accepting the resignation of Vionna Adams from the Multi-Modal Transportation Board as a regular member, thanking her for her service, and directing the City Clerk to begin the process of filling the vacancy.
- E. Resolution accepting the resignation of Daniel Share from the Planning Board as an alternate member, thanking him for his service, and directing the City Clerk to begin the process of filling the vacancy.
- F. Resolution setting a public hearing date of May 14, 2018 at 7:30 p.m. to consider the following Zoning Ordinance amendments:

1. To amend Article 3, Section 3.04(C)(10), Specific Standards, Building Use, to amend the regulations for a bistro in the Downtown Overlay District.
 2. To amend Article 5, Section 5.06(A), O1 – Office District, Specific Standards, Building Use, to amend the regulations for a bistro in the O1 District.
 3. To amend Article 5, Section 5.07(A), O2 – Office Commercial District, Specific Standards, Building Use, to amend the regulations for a bistro in the O2 District.
 4. To amend Article 5, Section 5.08(A), P – Parking District, Specific Standards, Building Use, to amend the regulations for a bistro in the P District.
 5. To amend Article 5, Section 5.10(B), B2 – General Business District, B2B – General Business District, B2C – General Business District, Specific Standards, Building Use, to amend the regulations for a bistro in the B2B District.
 6. To amend Article 5, Section 5.11(A), B3 – Office-Residential District, Specific Standards, Building Use, to amend the regulations for a bistro in the B3 District.
 7. To amend Article 5, Section 5.12(B), B4 – Business-Residential District, Specific Standards, Building Use, to amend the regulations for a bistro in the B4 District.
 8. To amend Article 5, Section 5.13, MX(C) – (M) – Mixed Use District, Specific Standards, Building Use, to add regulations for a bistro in the MX District and renumber regulations following (C).
 9. To amend Article 9, Section 9.02, Definitions, to amend the existing definition of bistro.
- G. Resolution approving a request from Temple Beth El to hold Havdalah in the Park in Shain Park, on June 9, 2018 contingent upon compliance with all permit and insurance requirements and payment of all fees, and further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- H. Resolution approving the purchase of one (1) new Exmark LZX740EKC526WO Zero Turn Riding Mower from Weingartz Supply for a total expenditure not to exceed \$10,871.00. Funds for this purchase are available in the Auto Equipment Fund, account #641-441.006-971.0100.
- I. Resolution approving the use of two (2) parking spaces in the right-of-way on Mansfield Drive directly abutting the property located at 2075 14 Mile Road to fulfill a portion of the off-street parking requirements per Article 4, section 4.43 (G)(1) of the Zoning Ordinance.
- J. Resolution directing the Treasurer to transfer unpaid and delinquent special assessments and invoices, including interest and penalty, of subject properties to the 2018 City tax roll and authorizing removal from the list any bills paid or a payment plan agreement signed after City Commission approval.
- K. Resolution directing the Treasurer to transfer unpaid and delinquent water/sewage bills of subject properties to the 2018 City tax roll and authorizing removal from the list any bills paid or a payment plan agreement signed after City Commission approval.
- L. Resolution approving the purchase of WinDSX upgrades to the ReadyKey access control building security systems for the Department of Public Services, City Hall, and Police pistol range from Vigilante Security, Inc. in the amount of \$44,190; further charging the budgeted expenditures to account numbers 401-901.013-977.0000 (DPS - \$18,186) and 401-301.000-971.0100 (City Hall and Police - \$26,004).

- M. Resolution awarding the Landscape Maintenance Services contract to Superior Scape, Inc. for a two year agreement commencing May 1, 2018 and ending November 15, 2019 in an amount not to exceed \$66,896.00. Funds for this project are available in the following accounts: Property Maintenance-Other Contractual Services account #101-441.003-811.0000, Major Streets-Contract Maintenance account #202-449-003-937.0400, Local Streets-Contract Maintenance account #203-449.003-937.0400, and Parks-Other Contractual Services account #101-751.000- 811.0000. Further, authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.
- N. Resolution awarding the 2018 Concrete Sidewalk Repair Program, Contract #2-18(SW) to Italia Construction, Inc., in the amount of \$732,129.00, to be charged to the various accounts as detailed in the report; and further approving the appropriations and budget amendments to the 2017-2018 budget.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

- A. Public Hearing to consider a Special Land Use Permit Amendment & Final Site Plan – First Presbyterian Church, 1669 W. Maple
 - 1. Resolution approving the application for a Special Land Use Permit Amendment and Final Site Plan for First Presbyterian Church at 1669 W. Maple to allow the use of the Church's kitchen by Canape Cart.

OR

Resolution denying the application for a Special Land Use Permit Amendment and Final Site Plan for First Presbyterian Church at 1669 W. Maple, as recommended by the Planning Board on March 14th, 2018, to deny the use of the Church's kitchen by Canape Cart.
- B. Public Hearing to consider the proposed combination of 298 S. Old Woodward & 325 E. Brown
 - 1. Resolution approving the proposed lot combination of 298 S. Old Woodward, Parcel #1936202016 and 325 E. Brown, Parcel #1936202009 as proposed.
- C. Public Hearing to consider the proposed lot combination of 34965 Woodward & 215 Peabody
 - 1. Resolution approving the proposed lot combination of 34965 Woodward, Parcel #1936207008, and 215 Peabody, Parcel #1936207004.
- D. Public Hearing to consider ordinance amendments to Zoning Ordinance – Site Plan and Special Land Use Permit review
 - 1. Resolution approving the following ordinance amendments to amend the submittal requirements for Site Plan and Special Land Use Permit review:
 - (a) Ordinance amending Article 7, Section 7.26, Application, amending the site plan review submittal requirements to include adjacent property details; and
 - (b) Ordinance amending Article 7, Section 7.34, Special Land Use Permit Review, amending the Special Land Use Permit review process to include adjacent property details.

- E. Resolution directing the bistro application for Taste of Ethiopia to the Planning Board for full site plan and design review and Special Land Use Permit review.

OR

Resolution taking no action at this time.

- F. Resolution authorizing staff to submit application on behalf of the City to the Michigan State Historic Preservation Office and United States Department of the Interior/National Park Service to nominate the Allen House and grounds for listing on the National Register of Historic Places.
- G. Resolution directing staff to issue an RFP to solicit a professional firm to build on the existing efforts and finalize the concepts for a new city logo.
- H. Resolution to meet in closed session pursuant to Section 8(h) of the Open Meetings Act. **(A roll call vote is required and the vote must be approved by a 2/3 majority of the commission. The commission will adjourn to closed session after all other business has been addressed in open session and reconvene to open session, after the closed session, for purposes of taking formal action resulting from the closed session and for purposes of adjourning the meeting.)**

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

- A. Metered Parking

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

X. REPORTS

- A. Commissioner Reports
1. Notice of Intention to appoint one regular member to the Multi-Modal Transportation Board on May 14, 2018.
 2. Notice of Intention to appoint one alternate member to the Planning Board on May 14, 2018.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff

XI. ADJOURN

INFORMATION ONLY

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

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

BIRMINGHAM CITY COMMISSION MINUTES
APRIL 9, 2018
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Harris called the meeting to order at 7:30 p.m.

II. ROLL CALL

ROLL CALL: Present,	Mayor Harris Mayor Pro Tem Bordman Commissioner Boutros Commissioner DeWeese Commissioner Hoff Commissioner Nickita Commissioner Sherman
Absent,	None

Administration: City Manager Valentine, City Attorney Currier, Golf Manager Brito, IT Director Brunk, Chief of Police Clemence, Planning Director Ecker, DPS Manager Filipski, Finance Director Gerber, Assistant City Manager Gunter, Building Official Johnson, Assistant Building Official Morad, City Clerk Mynsberge, City Engineer O'Meara, BSD Director Tighe, Director of Public Services Wood

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

04-090-18 ANNOUNCEMENTS

Representative Mike McCready reported on the legislature's 2018-2019 budget process, emphasizing funding for road improvements.

Mayor Harris announced:

- The 2018 Bicentennial Lecture Series co-presented by The Birmingham Museum and The Baldwin Public Library continues on April 19th from 7:00 until 8:00 p.m. at the Baldwin Public Library. Please register online at www.baldwinlib.org on the Event Calendar, or call 248-647-1700 for more information.
- The Birmingham Citizens Academy starts on Tuesday, April 24th. Applications are being accepted through April 20th. For more information contact the City Manager's office at 248-530-1807 or visit www.bhamgov.org.

04-091-18 APPOINTMENTS TO THE PLANNING BOARD

City Manager Valentine reported:

- On March 12, 2018 the City Commission considered Stuart Jeffares, J. Bryan Williams, Nasseem Ramin, and Daniel Share for appointment to three positions on the Planning Board.

- The City Commission left the nominations for the Planning Board open until April 9, 2018 in order for staff to determine the intended definition of "central business district" in Chapter 82, Section 82-27 of the Birmingham Code of Ordinances and to determine if 442 S. Old Woodward is located within the defined "central business district".
- On March 26, 2018 the City Commission adopted an ordinance amending Chapter 1-General provisions, Sec. 1-2 Definitions, to define the Central Business District as those areas included within the Downtown Birmingham Overlay District as described in Article Three: Overlay Districts, 3.02 Section D of the Birmingham Zoning Ordinance.
- By the new definition 442 South Old Woodward is within the Central Business District, and Daniel Share is an eligible candidate for the Planning Board position which requires building ownership within the District.

Nominations left open from March 12, 2018:

MOTION: Motion by Mayor Pro Tem Bordman:

To appoint Daniel Share to the Planning Board as a regular member who is a building owner in the Central Business or Shain Park Historic District to serve a three-year term to expire March 28, 2021.

MOTION: Motion by Commissioner Boutros:

To appoint Stuart Jeffares to the Planning Board as a regular member to serve a three-year term to expire March 28, 2021.

MOTION: Motion by Commissioner DeWeese:

To appoint J. Bryan Williams to the Planning Board as a regular member to serve a three-year term to expire March 28, 2021.

Mayor Harris called for additional nominations. There being no further nominations, Mayor Harris called for a vote on each nomination.

VOTE FOR STUART JEFFARES:

Yeas, 7
Nays, 0
Absent, 0

VOTE FOR J. BRYAN WILLIAMS:

Yeas, 7
Nays, 0
Absent, 0

VOTE FOR DANIEL SHARE:

Yeas, 7
Nays, 0
Absent, 0

04-092-18 APPOINTMENT TO THE ARCHITECTURAL REVIEW COMMITTEE

Larry Bertollini, currently serving on the Committee, submitted an application but was unable to attend.

MOTION: Motion by Commissioner DeWeese:
To appoint Larry Bertollini to the Architectural Review Committee as a regular member to serve a three-year term to expire April 11, 2021.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

04-093-18 APPOINTMENTS TO THE HOUSING BOARD OF APPEALS

Ken Peterson, currently serving on the Board, submitted an application but was unable to attend. The City Commission interviewed Philip Vincenti.

MOTION: Motion by Commissioner Hoff:
To appoint Ken Peterson to the Housing Board of Appeals as a regular member to serve a three-year term to expire May 4, 2021.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

MOTION: Motion by Commissioner Boutros:
To appoint Philip Vincenti to the Housing Board of Appeals as a regular member to serve a three-year term to expire May 4, 2021.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

The City Clerk administered the Oath of Office to the appointees.

IV. 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.

04-094-18 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Mayor Pro Tem Bordman: Item L, Irrigation Services
 Item M, Purchase of Larvicide Material for Mosquito Control Program
- Mayor Pro Tem Bordman stated she would not vote on Item A, approval of the City Commission meeting minutes of March 26, 2018 because she was absent from that meeting.
- Mayor Harris stated he would not vote on Item A, approval of the City Commission meeting minutes of March 26, 2018 because he was absent from that meeting.
- Commissioner Hoff: Item D, 2018 Spring Tree Purchase and Planting Project

Item K, 2018 Catch Basin Cleaning Program
Item R, Springdale Golf Course Bridge Enhancement
Change Order

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Hoff:
To approve the Consent Agenda, with Items D, K, L, M, and R removed, and with the notation
that Mayor Pro Tem Bordman and Mayor Harris are not voting on Item A.

ROLL CALL VOTE:	Yeas,	Mayor Pro Tem Bordman Commissioner Boutros Commissioner DeWeese Mayor Harris Commissioner Hoff Commissioner Nickita Commissioner Sherman
	Nays,	None
	Absent,	None

- A. Resolution approving the City Commission meeting minutes of March 26, 2018.
- B. Resolution approving the warrant list, including Automated Clearing House payments, dated March 28, 2018 in the amount of \$283,865.49.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated April 4, 2018 in the amount of \$646,548.74.
- E. Resolution approving the purchase of one (1) 2019 Freightliner 108 chassis from Wolverine Freightliner through the Rochester Hills Cooperative Award Agreement #RFP-RH-13-30 totaling \$106,471.00 from account #641-441.006.971.0100; further, approving the purchase and installation of snow removal up-fitting equipment from Truck & Trailer Specialties, Inc. through the Rochester Hills Cooperative Award Agreement #RFP-RH-13-30 totaling \$115,200.00 from account #641-441.006.971.0100, for a total combined expenditure of \$221,671.00.
- F. Resolution waiving the formal bidding requirements and approving the purchase of repairs to City Vehicle #154 by Cannon Truck Equipment at a cost not to exceed \$7,280.00 with funds from the Auto Equipment Fund account #641-441.006-933.0200.
- G. Resolution scheduling a formal Public Hearing of Necessity related to the 2018 Cape Seal Program during the May 14, 2018 meeting of the City Commission; further, scheduling the formal Confirmation of the Special Assessment Roll related to the 2018 Cape Seal Program during the June 4, 2018 meeting of the City Commission, pending an affirmative determination of necessity.
- H. Resolution accepting the resignation of Katie Schafer from the Multi-Modal Transportation Board as an Alternate Member, thanking her for her service, and directing the City Clerk to begin the process of filling the vacancy.
- I. Resolution approving a request from the Birmingham Shopping District to hold the Birmingham Cruise Event on August 18, 2018, contingent upon compliance with all permit and insurance requirements and payment of all fees, and, further, pursuant to

any minor modifications that may be deemed necessary by administrative staff at the time of the event.

- J. Resolution approving a request from the Birmingham Shopping District requesting permission to hold Day on the Town in downtown Birmingham, July 28, 2018, with the footprint of the event to be that depicted on Plan A in the application if the Old Woodward construction is complete and the footprint to be that depicted on Plan B in the application if the Old Woodward construction is incomplete. Approval is contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- N. Resolution approving the street light agreement between the City of Birmingham and DTE Energy regarding the installation of street lights at 35975 Woodward Ave. Further, directing the Mayor to sign the agreement on behalf of the City. All costs relative to this agreement will be charged to the adjacent owner.
- O. Resolution approving an amendment of the public services contract with NEXT for the purpose of modifying program year 2017-2018 Community Development Block Grant funds for the Yard Services, Senior Outreach Services, and Minor Home Repair program administered by NEXT; and further authorizing the Mayor to sign the amendment on behalf of the City.
- P. Resolution setting a public hearing date of May 14, 2018 to consider the following ordinance amendments:
 - 1. To amend Chapter 10, Alcoholic Liquors, Article II, Division 5, to allow hotels in Downtown Birmingham to qualify to operate with liquor licenses, similar to theaters;
 - 2. To amend Chapter 126, Zoning, Article 2, section 2.37, B-4 Business Residential, to allow the sale of liquor in hotels in the B-4 zoning district with a valid Special Land Use Permit.
- Q. Resolution setting a public hearing date of May 14, 2018 to consider a Special Land Use Permit & Final Site Plan for 260 N. Old Woodward – The Morrie, to allow the operation of a restaurant, serving alcoholic liquors, and providing live entertainment.
- S. Resolution approving the recommendation from the Advisory Parking Committee to authorize a one-time expenditure of \$60,000.00 to be paid from account #585-538.001-901.0300 in support of the BSD reconstruction marketing campaign.
- T. Resolution approving the IT Services Agreement with Oakland County to provide unlimited ArcGIS Online services at no cost to the City and further, authorizing the Mayor to sign the Agreement on behalf of the City.
- U. Resolution authorizing the 2018 Sidewalk Repair Program, and directing the Engineering Department to notify the owners of properties on the attached list of the City's intention to replace sidewalks adjacent to their properties.

04-095-18 2018 SPRING TREE PURCHASE AND PLANTING PROJECT (ITEM 4D)

DPS Director Wood told Commissioner Hoff that:

- Residents are responsible for watering the trees once planted.
- The trees are warrantied for two years after planting.

- DPS tracks the need to replace trees. In general, the replacements are not due to lack of care; rather, they result from the trees not surviving the implantation process.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:

To approve the purchase and planting of 102 trees from KLM Landscape for the 2018 spring tree purchase and planting project for a total project cost not to exceed \$47,180.00. 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 and the Major Streets Fund-Operating Supplies account #202-449.005-729.0000 for these services. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.

04-096-18 2018 CATCH BASIN CLEANING PROGRAM (ITEM 4K)

DPS Manager Filipski clarified that:

- The catch basin cleaning program is scheduled for every other fiscal year, not every other calendar year.
- Catch basin cleaning occurs first and larvacide application follows.

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

To award the contract for the 2018 Catch Basin Cleaning Program to National Industrial Maintenance of Dearborn, MI in an amount not to exceed \$118,250.00 from the Major and Local Streets Funds, account #'s 202/203-449.004-937.0400, and further to authorize the Mayor and the City Clerk to sign the agreement on behalf of the City upon receipt of required insurances. Further, to approve the appropriation and budget amendments to the fiscal year 2017-2018 budget:

Major Street Fund

Revenues:

Draw from Fund Balance	
202-000.000-400.0000	\$14,500.00
Total Revenue	\$14,500.00

Expenses:

Contract Maintenance	
202-449.004-937.0400	\$14,500.00
Total Expenses	\$14,500.00

Local Street Fund

Revenues:

Draw from Fund Balance	
203-000.000-400.0000	\$21,750.00
Total Revenue	\$21,750.00

Expenses:

Contract Maintenance	
203-449.004-937.0400	\$21,750.00
Total Expenses	\$21,750.00

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

04-097-18 IRRIGATION SERVICES (ITEM 4L)

DPS Director Wood told Mayor Pro Tem Bordman that:

- Birmingham has not used Techseven before, but their prices are comparable to the previous vendor the City used.
- Sterling Heights, Livonia, and Warren all use Techseven and highly recommend their services.
- Repairs result from accidents and damages to the material. The City has historically only needed \$3,000/year for repairs, but DPS wanted the latitude of \$21,000 over three years in case more repairs are needed.

MOTION: Motion by Mayor Pro Tem Bordman, seconded by Commissioner Boutros:

To approve the Agreement for Irrigation Services to Techseven Company in the amount of the base bid total of \$9,960.00 plus an amount not to exceed \$21,000.00 for routine maintenance, repairs, and miscellaneous system improvements commencing April 2018 to October 2020. Funds are available from the Major Streets Maintenance account #202-449.003-937.0400, Parking Fund account #'s 585-538.002-811.0000, 585-538.003-811.0000, 585-538.004-811.0000, 585-538.005-811.0000, 585-538.008-811.0000, 585-538.009-811.0000, Property Maintenance Other Contractual Services account #101-441.003-811.0000, and the Parks Other Contractual Services account #101-751.000-811.0000. Further, to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City upon receipt of required insurances.

04-098-18 PURCHASE OF LARVICIDE MATERIAL FOR MOSQUITO CONTROL PROGRAM (ITEM 4M)

DPS Director Wood explained the City has been using an efficacious, natural product with spinosad that can be toxic to insects, but has largely no effects on any other animals, including humans.

Mayor Pro Tem Bordman stated that:

- Tablet application of the larvacide is safer than spray because it remains contained.
- Application of larvacide is also important due to diseases potentially carried and spread by mosquitoes such as Zika and West Nile Virus.
- Citizens should be careful to eliminate standing water on their properties in order to staunch the spread of mosquitoes.

MOTION: Motion by Mayor Pro Tem Bordman, seconded by Commissioner DeWeese:

To approve the purchase of the larvacide material from Clarke Mosquito Control in the amount not to exceed \$8,255.40. Further, to waive the normal bidding requirements based on the government regulated pricing for this type of material. Funds for this purchase will come from the Sewer Fund-Operating Supplies Account #590-536.002-729.0000.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

04-099-18 SPRINGDALE GOLF COURSE BRIDGE ENHANCEMENT CHANGE ORDER (ITEM 4R)

DPS Director Wood told Commissioner Hoff that:

- Kyle Builders was \$35,000 upfront in order to begin collecting materials for their work.
- The project was originally bid as a maintenance-repair project, which was approved February 26, 2018. Then AEW joined the project and suggested some more substantial changes to increase the longevity of the bridges. That proposal is before the Commission tonight.

Golf Manager Brito told Commissioner Hoff that:

- The proposed updates to the bridges were included in the MDEQ permits.
- All the bridges are now covered under the permits, whereas before bridges one and two were not going to be permitted.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:

To approve the Change Order for the Springdale Bridge Project to Kyle Builders, Inc., as reviewed and confirmed by AEW and staff, in the amount of \$41,040.00, to be funded from Springdale Golf Course – Public Improvement account #584-753.001-981.0100 and further; to approve the appropriation and amendment to the 2017-2018 Springdale Golf Course Fund budget:

Springdale Golf Course Fund

Revenues:

Draw from Net Position	
584-000.000-400.0000	<u>\$34,440.00</u>
Total Revenue	<u>\$34,440.00</u>

Expenses:

Capital Outlay – Public Improvements	
584-753.001-981.0100	<u>\$34,440.00</u>
Total Expenses	<u>\$34,440.00</u>

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

04-100-18 2018 – 2019 PLANNING BOARD ACTION LIST

Planning Director Ecker presented the action list as prepared by the Planning Board:

	TOPIC	SPECIFIC DIRECTION/ PROBLEM DEFINITION	STATUS
1	Bistro Parameters	<ul style="list-style-type: none"> • Review the bistro regulations on the location or number of outdoor dining seats permitted • Clarify and/or provide additional regulations to regulate the operation of bistros • Consider different standards for different districts 	In Progress

2	Renovation of Commercial Properties	<ul style="list-style-type: none"> • Amend the review procedures for new construction and/or the renovation of existing buildings • Clarify the distinction between a renovation and new construction • Clarify the distinction between a site plan review and a design review • Consider Planning Board review for use changes 	In Progress
3	Definition of Retail – Long Term Study		In Progress
4	Commercial Projections onto Public Property / Architectural Allowances	<ul style="list-style-type: none"> • Clarify in the Zoning Ordinance which, if any, projections are permitted into the ROW • Draft regulations to address the height, projection or permitted materials for architectural features projecting into the ROW 	In Progress
5	Shared Parking	<ul style="list-style-type: none"> • Evaluate the success/difficulties encountered in other communities • Require a formal shared parking agreement 	
6	Church/Religious Institutions	<ul style="list-style-type: none"> • Add definitions for Church and/or Religious Institutions • Clarify in which zone district(s) each use is permitted 	
7	Amend cost of parking space for payment-in-lieu of parking to allow additional building height in the Triangle District	<ul style="list-style-type: none"> • Update cost of parking space to today's cost • Build in automatic cost increase/year into ordinance language 	
8	Consider looking at principal uses allowed and add flexibility ("and other similar uses")	<ul style="list-style-type: none"> • Evaluate the current system of listing only permitted uses in each zone district • Determine whether to continue this system, or switch to broad use categories that do not list all specifically permitted uses (i.e. retail is permitted, instead of listing drugstore, shoe store, grocery store, etc.) 	
9	Potential residential zoning changes; MF & MX garage doors	<ul style="list-style-type: none"> • Consider adding garage placement standards and/or garage and garage door size or design standards for mixed use and multi-family residential developments 	
10	Sustainable Urbanism (Green building standards, pervious surfaces, geothermal, native plants, low impact development, etc.)	<ul style="list-style-type: none"> • Incentive option in Triangle District • Guest speakers in LEED • Certification, Pervious Concrete, LED Lighting, Wind Power, Deconstruction • Sustainability website & awards • Native Plant brochure 	<p>Solar ordinance completed.</p> <p>Wind ordinance completed.</p>

11	Additional Items to be Considered during Master Plan Process	<ul style="list-style-type: none"> • Woodward Avenue Gateway Plan (Lincoln to 14 Mile Road) • Parking • Complete Streets • Regional Planning 	On Hold
12	Review Process for Public Projects	<ul style="list-style-type: none"> • Clarify review process for projects on public property • Consider requiring same site plan review process as that for private projects 	

Planning Director Ecker told Commissioner Hoff that:

- Shared parking would occur outside of the Parking Assessment District in areas where there are no parking shortages.
- As far as looking at principal uses allowed and potentially adding flexibility, the Planning Board is looking into other communities' approaches, as well as considering the potential zoning difficulties created by more broad zoning categories. Best practices are to create specific zoning categories, but neighboring communities take both approaches.

Planning Director Ecker told Commissioner Nickita that the Commission will be able to direct parking considerations through the Master Plan process.

Discussion ensued pertaining to the relative position of items 1-5.

Commissioner Boutros noted all of the top priorities are currently underway indicating the list could be kept as-is.

Planning Director Ecker confirmed the Bistro Parameters are nearly complete, Renovation of Commercial Properties is nearly complete, the Definition of Retail – Long Term Study is well underway but a longer-term project, and that Commercial Projections onto Public Property / Architectural Allowances has started.

Planning Director Ecker told Commissioner Nickita that reordering the top priorities would yield a negligible difference due to progress already made on each project.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Nickita:
To approve the 2018-2019 Planning Board Action List as provided.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

04-101-18 COMPREHENSIVE MASTER PLAN UPDATE

Planning Director Ecker outlined the scope of work and other notable aspects of the proposed Request for Proposals (RFP) for a comprehensive update of the City's existing master plan.

Discussion among the Commission members yielded suggestions for clarifications to the RFP document as detailed below.

Introduction (pp 6 – 7)

Commissioner Bordman asked that the bullet points on page 7 emphasize residential neighborhoods as a priority, and that the review and update of the transportation section as detailed in the 6th bullet point focus on local data. Ensuing discussion about changing the order of bullet points on page 7 to emphasize residential neighborhoods resulted in agreement that the list was in the right order, because it begins on a global basis and drills down to local. The Commission suggested a statement be added to the introduction section to indicate that the plan needs to make residential a priority.

Commissioner Bordman asked how the parking study interacts with the master plan. City Manager Valentine explained the parking study is an operational analysis of the parking system, while the master plan focuses on land use issues associated with parking.

Scope of Work (pp 8 – 10)

Commissioner Bordman asked that #4.6 on pg. 9 clarify that the analysis of ride sharing, etc. should be “as it pertains to the metro Detroit area”.

Planning Director Ecker clarified funding for the master plan is budgeted in fiscal years 2017-2018 and 2018-2019.

Commissioner Hoff asked when and how the Commission would decide who should be on the evaluation committee. Planning Director Ecker said the consideration of the committee will come to the Commission as a separate agenda item after the RFP is released.

Project Timeline (pg 16)

After discussing the pros and cons of asking vendors to complete the work in a shorter timeframe, the Commission generally agreed to:

- Add “maximum” in parentheses after the “Project Timeline” heading; and
- Add “timeline of completion” to the list of criteria by which the proposals will be evaluated on pg. 13 under the “Evaluation Procedure and Criteria” heading.

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

To direct the Planning Division to issue the Master Plan RFP on April 11, 2018 with the following changes:

- Addition to the Introduction section that states the sub-area plans that have been completed in the past have predominantly covered commercial areas; we need to have a focus on the predominantly residential areas in town.
- Clarify #4.6 on pg. 9 that the analysis of ride sharing, etc. should be “as it pertains to the metro Detroit area”.
- Addition to bullet point 6 on page 7 of the word “local”: “. . . section to include current “local” vehicular, pedestrian . . .”.

MOTION: Motion by Commissioner Nickita, seconded by Commissioner DeWeese:

To amend the motion:

- to add “maximum” in parentheses after the “Project Timeline” heading;
- to add a statement under the “Project Timeline” heading that a shorter timeline is encouraged; and

- to add “timeline of completion” to the list of criteria by which the proposals will be evaluated on pg. 13 under the “Evaluation Procedure and Criteria” heading.

VOTE ON AMENDMENT:

Yeas, 7
Nays, 0
Absent, 0

VOTE ON MAIN MOTION AS AMENDED:

Yeas, 7
Nays, 0
Absent, 0

04-102-18 TRIANGLE DISTRICT STREETScape-BIKE RACKS

Planning Director Ecker reported:

- The “Pi” style bike racks in the Triangle District are no longer being manufactured.
- As a result, the Multi-Modal Transportation Board (MMTB) was tasked with reviewing a number of other bike rack options.
- Since the Commission previously selected lighting, trash receptacles and benches from the 35 Collection by Landscape Forms for the Triangle District, the MMTB chose to recommend the “Loop” bicycle racks from the 35 Collection as well. The “Loop” bike racks cost approximately \$360 each.
- The MMTB recommends that the eleven extant “Pi” bike racks remain installed, since they are in good condition and nine are on private property. Removing the two “Pi” bike racks the City owns would cost about \$50 each.

Commissioner Hoff noted that the “Classic U” bike racks are installed downtown, are more cost-effective relative to the “Loop” bike rack, and may be suitable for the Triangle District since it is similar enough to other items from the 35 Collection.

Planning Director Ecker replied that:

- The MMTB thought the “Loop” bike rack kept the Triangle District’s aesthetic both internally consistent and distinct from the downtown aesthetic.
- The “Classic U” bike rack was solely available in a black finish.

MOTION: Motion by Commissioner Nickita, seconded by Commissioner Bordman:

To approve keeping the installed “Pi” bike racks.

AND

To accept the recommendation of the Multi-Modal Transportation Board, and adopt the Loop model bike rack, embedded and with a metallic silver finish, produced by Landscape Forms to be the new standard bike rack for the Triangle District.

VOTE: Yeas, 7
Nays, 0
Absent, 0

04-103-18 VALET PARKING PROPOSAL – 298 S. OLD WOODWARD

City Engineer O’Meara reported:

- The Daxton Hotel (The Daxton) project at 298 S. Old Woodward Avenue requested the right to operate a full time valet station in front of the proposed hotel building before the Commission on October 16, 2017.
- After review, The Daxton concluded that during normal daily operations, the hotel can suitably function if six parking spaces are removed from the Old Woodward Ave. frontage of the building, leaving two angled parking spaces. They requested the two angled spaces be installed just south of the parking garage exit area near the north end of the site. During times of peak occupancy, the applicant would pay for and obtain two meter bags to close the two parking spaces, thereby allowing the valet area to operate at peak capacity.
 - The Advisory Parking Committee reviewed this option, and voted 6-1 to concur with the request.

Mike Darga, traffic engineer with Giffels Webster, explained that providing valet service for The Daxton on Brown Street would drop service to unacceptable levels due to various constraints, and would result in navigability issues in the area that would negatively impact the surrounding business community. Mr. Darga then clarified aspects of the study for the Commission.

City Manager Valentine told Commissioner Hoff that the Final License Agreement:

- Recognized the party of the agreement as Woodward-Brown Ventures LLC;
- Provided a 90-day expiration in paragraph five and seven; and,
- Updated the mayoral signatory to Mayor Harris.

City Attorney Currier added that the correct annual license fee is \$32,400.

Mayor Pro Tem Bordman reiterated concerns that the loss of six parking spaces may negatively impact surrounding businesses. Commissioner Nickita and Commissioner Sherman echoed those concerns.

Rick Rattner, representing the owner/applicant of The Daxton, said:

- One of the main objectives The Daxton had was to avoid interrupting the flow of traffic on S. Old Woodward.
- The Daxton is supplying thirty more parking spaces underground than are required by the City. Those spaces are available to the public, and with valet services The Daxton can park nearly eighty vehicles.
- The City will have a net gain of parking spaces with the implementation of the The Daxton's valet services, even after removal of the six on-street parking spaces.
- Valet frontage with space for only two vehicles at a time is insufficient.
- The Daxton took the Commission's direction to explore fewer spaces and the option of valet on Brown Street extremely seriously, and conducted involved studies over a number of months. The models reflected double the traffic on Brown Street at peak times of the morning, and 60% more time spent by vehicles on Brown Street at peak times in the afternoon.
- During events, The Daxton will run valet services through the parking structures at Pierce Street and Peabody Street. Other City businesses also utilize valet parking in the structures during events.
- Most visitors staying at The Daxton will not have their own vehicles.

Matt Schwan, principal and partner at Giffels Webster, stated that The Daxton employees will be encouraged to be dropped off at work or to take alternate transportation such as buses. Mr. Schwan said this initiative has proven successful at the Detroit hotels Giffels Webster advises.

Commissioner Nickita said:

- Brown Street could potentially accommodate three lanes and space for drop-offs during overflow or special events in order to diminish the number of spaces lost from S. Old Woodward.
- He would like to see fewer spaces permanently removed, with the possibility of temporarily clearing all eight spaces for valet use during overflow of special events.
- The Wurlitzer Hotel in downtown Detroit has 106 rooms and only two parallel spaces cut out for valet.
- The Daxton is proposing three other parking spaces be removed to provide egress from the underground parking lot in addition to the proposed removal of the six angled spots for the valet frontage.
- When the curb is re-done at the north side of Brown, a re-striping of Brown could be done.

Commissioners Nickita and Sherman said The Daxton has insufficiently explored all the potential options for conserving more of the spaces on S. Old Woodward.

Mr. Darga said that pushing a lane closer to The Daxton on the north side of Brown creates serious geometric problems in terms of the horizontal and vertical grades. All the grades would have to be changed on that sidewalk.

Commissioner Nickita said:

- This possibility should be sufficiently studied before the Commission decides on it.
- Surface parking spaces are more valuable than underground parking spaces.

Commissioner DeWeese said that:

- The Daxton is being built in the overlay district, and is providing more parking than is required.
- The Daxton should construct a clear agreement providing them access to Birmingham Place.
- In hotels he has seen, having fewer spaces in front for valet is generally only possible on wider roads. Since S. Old Woodward has been narrowed with the angled parking, providing fewer valet spaces will be more difficult.
- The alternatives should be reviewed by The Daxton, but the Commission should look at this as a gain in parking spaces for the City.
- He is glad to see the City receiving more money from The Daxton for this licensing agreement.

Mayor Harris concurred with Commissioner Boutros and Commissioner DeWeese, but said he is not convinced that all effort has been exhausted towards conserving the parking spaces on S. Old Woodward.

Richard Astrein, downtown business owner, said he walks the area in question frequently, and that putting the valet on S. Old Woodward makes more sense due to the already-slowed traffic relative to Brown Street.

Mr. Rattner said further study would be performed, and will be returned to the Commission at a later date.

04-104-18 PARKING CAPACITY INCREASE – 34952 WOODWARD AVENUE

Assistant City Manager Gunter reported:

- 138 additional parking spaces can be made available at 34952 Woodward Avenue located on the corner of Woodward Avenue and Maple. The Advisory Parking Committee (APC) made a recommendation on April 4, 2018 for consideration by the City Commission.
- Additionally, the rendering illustrates a concrete section that runs along Woodward. Cars are currently parking for free in this location. The APC recommends the sale of 20 hangtag permits to further serve waitlisted customers. This recommendation will result in the sale of 170 total passes located near the existing Peabody garage.
- Staff negotiated a minimum term of eighteen (18) months to ensure the cost to implement the parking expansion program would not exceed the benefits. The capital outlay is estimated at \$87,400.
- Assuming a 10% contingency, the total cost for implementation would be \$96,100. The cost per space for opening this lot would be approximately \$700 per space. On average, the cost per space for surface lots in core downtown areas is upwards of \$27,000.
- Staff will instruct SP+ to offer the passes to the members of the Peabody waitlist first, and then open to other users if passes remain available.

Assistant City Manager Gunter added that the resolution should be updated to reflect the authorized expenditure, account number, and the lot number designation of 12.

City Engineer O'Meara told:

- Commissioner Hoff that the lot on the northwest corner of Brown and Peabody had just finished construction when the City became able to use it. That lot had 38 spaces and passes were \$70 each.
- Mayor Harris that the City will have no problem selling the 150 parking passes that will be coming available.

Commissioner Nickita stated that Lot 12 should be developed into something more attractive after the 18-month agreement concludes because it is in such a prominent location.

City Manager Valentine concurred with Commissioner Nickita's concern while acknowledging that the City should maintain options for parking until a new parking structure can be built in Birmingham.

City Engineer O'Meara confirmed for Commissioner Nickita that the spaces would be redrawn in the lot in order to enable vehicles sufficient parking access to all the designated spaces.

MOTION: Motion by Commissioner Nickita, seconded by Commissioner Boutros:

To approve the recommendation from the Advisory Parking Committee to authorize the contract between Markyo Hospitality, LLC and the City of Birmingham to expand the capacity for permit parking within the Central Business District by 150 parking spaces at a cost of \$60.00 per permit.

AND

To approve the recommendation from the Advisory Parking Committee to authorize the sale of 20 hangtag parking permits at a cost of \$60.00 per permit for the adjacent concrete lot on Woodward.

AND

To authorize the expenditure of \$96,100.00 from account no. 585-538.12-981.0100 to prepare the proposed site to allow permit parking for a minimum of 18 months.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**04-105-18 FREE PARKING GARAGE – SATURDAYS – DURING OLD
WOODWARD CONSTRUCTION**

Assistant City Manager Gunter reported that:

- In 2017, between the months of April and July, the total revenue collected for all parking garages on Saturdays was \$103,411. That utilization will likely be down by approximately 15% due to the reconstruction.
- The total impact to the Automobile Parking System (APS) resulting from offering free Saturdays would be approximately \$88,000. This amount is significantly less than 1% of the total revenue earned during the 2016-2017 Fiscal Year by the APS.
- Making this investment during construction would be a significant boon to the retailers and visitors to downtown Birmingham.

MOTION: Motion by May Pro Tem Bordman, seconded by Commissioner Boutros:

To approve the recommendation of the Advisory Parking Committee to implement a temporary free parking garage option on Saturdays during the period of reconstruction for Old Woodward.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

Mr. Astrein thanked the Commission for their work to aid retailers during the S. Old Woodward construction.

VII. REMOVED FROM THE CONSENT AGENDA
--

The items removed were discussed earlier in the meeting.

VIII. COMMUNICATIONS

None.

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

None.

X. REPORTS

04-106-18 COMMISSIONER REPORTS

The City Commission will appoint three regular members to the Board of Building Trades Appeals on May 14, 2018.

The City Commission will appoint one regular member to the Brownfield Redevelopment Authority on May 14, 2018.

The City Commission will appoint one alternate member to the Multi-Modal Transportation Board on May 14, 2018.

04-107-18 COMMISSIONER COMMENTS

Mayor Pro Tem Bordman noted a disconnect between parking utilization reports and the anecdotal comments from business owners about lack of available spaces. She suggested that the parking utilization reports be broken down into blocks of time in order to further study the issue.

Mayor Harris stated:

- He has also heard feedback from business owners that do not seem to reflect the data in the parking utilization reports.
- He would like to know how often the decks reach capacity for periods of less than one hour.

Commissioner DeWeese said he would like to know how many individuals park for less than two hours and how many individuals remain in the structures all day.

04-108-18 CITY STAFF

The Commission received the Parking Utilization report submitted by Assistant City Manager Gunter.

XI. ADJOURN

Mayor Harris adjourned the meeting at 10:23 p.m.

J. Cherilynn Mynsberge, City Clerk

City of Birmingham
Warrant List Dated 04/11/2018

Meeting of 04/23/2018

Check Number	Early Release	Vendor #	Vendor	Amount
257450	*	000855	48TH DISTRICT COURT	100.00
257451	*	000855	48TH DISTRICT COURT	421.00
257452	*	000855	48TH DISTRICT COURT	100.00
257453	*	000855	48TH DISTRICT COURT	300.00
257454	*	000855	48TH DISTRICT COURT	100.00
257455	*	000855	48TH DISTRICT COURT	100.00
257456	*	000855	48TH DISTRICT COURT	334,904.96
257457		008555	ABELL PEST CONTROL INC	40.00
257458		008106	ACUSHNET COMPANY	1,821.71
257459	*	007266	AETNA BEHAVIORAL HEALTH LLC	466.44
257460		007745	ALL COVERED	2,384.00
257461		007233	ALL STAR PRO GOLF	147.27
257462	*	007696	AMERICAN CLEANING COMPANY LLC	1,350.00
257463	*	007793	AMERICAN HOME FITNESS	2,000.00
257464		001206	AMERICAN MIDWEST PAINTING INC	1,295.00
257465		MISC	ANNE E MACINTYRE-FREEDLAND	272.70
257466	*	008280	APWA - MICHIGAN CHAPTER	200.00
257469	*	006759	AT&T	152.29
257470	*	006759	AT&T	154.00
257471	*	006759	AT&T	136.70
257472	*	006759	AT&T	47.95
257473	*	004027	AUTOMATED BENEFIT SVCS INC	7,738.55
257475		MISC	BELFOR USA GROUP INC	200.00
257476		MISC	BENZ ALUMINUM	100.00
257477		MISC	BERGSMAN WIAND BOUCHARD & CO	300.00
257478		007624	BIRMINGHAM OIL CHANGE CENTER, LLC	31.97
257479		MISC	BLOOMFIELD CONSTRUCTION CO	100.00
257480		000542	BLUE WATER INDUSTRIAL	88.75
257481		MISC	BRANDYWINE CONSTRUCTION LLC	1,000.00
257482		MISC	BRB EQUITIES LLC	1,500.00
257483	*	005289	BUSINESS CARD	414.00
257484		003907	CADILLAC ASPHALT, LLC	5,934.56
257485		008385	CALLAWAY GOLF SALES COMPANY	443.14
257486		MISC	CAPALDI BUILDERS	300.00
257487	*	007732	CAPITAL TIRE, INC.	258.24
257488		008742	CARY CAVITT CORPORATION	3,000.00
257489	*	000444	CDW GOVERNMENT INC	326.96
257490		MISC	CERTIFIED HOME IMPROVEMENT LLC	200.00
257491		008306	CHARTER TOWNSHIP OF BLOOMFIELD	396.08
257492		000603	CHEMCO PRODUCTS INC	210.00
257493	*	007835	SARAH CHUNG	143.00
257494		008743	CIT GROUP/COMMERCIAL SERVICES	626.87
257495		008743	CIT GROUP/COMMERCIAL SERVICES	388.36

City of Birmingham
Warrant List Dated 04/11/2018

Meeting of 04/23/2018

Check Number	Early Release	Vendor #	Vendor	Amount
257496	*	008044	CLUB PROPHET	1,807.00
257497	*	004026	COFINITY	1,431.00
257498	*	007625	COMCAST	453.46
257499		002668	CONTRACTORS CLOTHING CO	435.75
257500		001367	CONTRACTORS CONNECTION INC	285.60
257501		MISC	CRAIG LEVELL JOHNSON	500.00
257502	*	004386	CYNERGY PRODUCTS	145.00
257503		MISC	DAN LYNCH	400.00
257504		006104	DAPHNE'S HEADCOVERS	499.65
257505		MISC	DEBORAH D ODETTE MICHAEL JAMES	100.00
257506		000956	DELTA TEMP INC	4,727.49
257507	*	006907	DENTEMAX, LLC	142.20
257508		MISC	DESIGNER HOMES INC	1,000.00
257509		MISC	DESIGNER HOMES INC	1,200.00
257510		MISC	DEWEY DAVIS JR	100.00
257511		007414	DISPLAYS2GO	118.45
257512		001454	DOUGLAS CLEANERS INC.	31.60
257514		008741	EAGLE GRAPHICS & DESIGN INC	1,400.00
257515		007702	EASY PICKER GOLF PRODUCTS, INC	183.11
257516		000995	EQUATURE	7,500.00
257517		MISC	EXTREME BUILDING & DESIGN INC	500.00
257518	*	008447	AARON FILIPSKI	527.23
257519		006181	FIRST CHOICE COFFEE SERV	132.95
257520		MISC	FOUR SEASONS ROOFING & SHEET METAL	200.00
257521		007172	GARY KNUREK INC	91.00
257522		006384	GEOGRAPHIC INFORMATION SERVICES, IN	450.94
257523		MISC	GGA SERVICES LLC	1,000.00
257524		MISC	GGA SERVICES LLC	807.00
257525		005347	GMIS	375.00
257526	*	004604	GORDON FOOD	730.15
257527	*	005103	GORNO FORD, INC.	30,637.00
257528		000243	GRAINGER	145.41
257529		007347	GREAT LAKES AWARDS, LLC	19.00
257530		008382	GREAT LAKES PORTABLE STORAGE LLC	169.00
257531	*	007723	BRYAN GRILL	100.00
257532	*	006799	NATALIA HAASE	468.00
257533		008745	HALFMOON EDUCATION INC	279.00
257534		001447	HALT FIRE INC	172.09
257535		001415	HORNUNG'S PRO GOLF SALES INC	553.25
257536		MISC	HUGHES BUILDING LLC	2,000.00
257537		000948	HYDROCORP	1,315.00
257540		002407	J & B MEDICAL SUPPLY	495.44
257541		000186	JACK DOHENY COMPANIES INC	620.00

City of Birmingham
Warrant List Dated 04/11/2018

Meeting of 04/23/2018

Check Number	Early Release	Vendor #	Vendor	Amount
257542		MISC	JANELLE LYNN WHIPPLE-BOYCE	200.00
257543		003458	JOE'S AUTO PARTS, INC.	355.28
257544		MISC	JONNA LUXURY HOMES	2,400.00
257545		007423	K/E ELECTRIC SUPPLY	35.00
257546		MISC	KEARNS BROTHERS INC	100.00
257548		008740	KENTWOOD OFFICE FURNITURE	785.90
257549		MISC	KENTWOOD PROPERTIES LLC	100.00
257550		MISC	LIVE WELL CUSTOM HOMES LLC	3,057.00
257551		MISC	LUTZ ROOFING COMPANY INC	300.00
257552		007797	MAILFINANCE INC.	422.13
257553		MISC	MARANGON BUILDERS LLC	100.00
257554		007530	MARTINI TEES	104.48
257555	*	008477	MEDIANEWS - 21CM ADVERTISING	3,996.47
257556		MISC	MICHAEL PAUL KAMIE	100.00
257557		006955	MICTA	100.00
257558		000230	MIKE SAVOIE CHEVROLET INC	410.00
257559		MISC	MILLCREEK CONSTRUCTION MANAGEMENT C	4,900.00
257560		007163	MOBILE HEALTH RESOURCES	1,706.76
257561	*	008624	MSU DIAGNOSTIC SERVICES	80.00
257563		004876	NATIONAL LEAGUE OF CITIES	1,861.00
257564	*	007755	NETWORK SERVICES COMPANY	347.00
257565	*	007856	NEXT	24,952.50
257567		001864	NOWAK & FRAUS ENGINEERS	3,575.00
257568	*	000477	OAKLAND COUNTY	409,125.85
257569	*	008214	OAKLAND COUNTY WATER DEPARTMENT	8,843.76
257570	*	004370	OCCUPATIONAL HEALTH CENTERS	420.00
257571	*	000481	OFFICE DEPOT INC	1,784.30
257572	*	000481	OFFICE DEPOT INC	116.80
257573		007701	ON THE TEE	191.18
257574		MISC	PELLA WINDOWS & DOORS, INC.	1,500.00
257575		006027	PENCHURA, LLC	215.41
257576	*	001753	PEPSI COLA	319.69
257577		001277	PHYSIO-CONTROL CORP.	299.00
257578		001146	PLANNING & ZONING NEWS	350.00
257579		000801	POSTMASTER	225.00
257580		008269	PREMIER SAFETY	272.20
257581		002904	PRESTIGE FLAG	359.75
257582		MISC	PRM CUSTOM BUILDERS LLC	764.78
257583		001197	RAVEN GOLF BALL CO	375.00
257584	*	008404	PETE REALY	98.96
257585		007305	REFRIGERATION SERVICE PLUS	1,190.00
257586		000286	RESIDEX LLC	308.19
257588		008055	ROCK OUT ENTERTAINMENT	375.00

City of Birmingham
Warrant List Dated 04/11/2018

Meeting of 04/23/2018

Check Number	Early Release	Vendor #	Vendor	Amount
257589		001181	ROSE PEST SOLUTIONS	71.00
257590		000218	ROYAL OAK P.D.Q. LLC	27.00
257591		MISC	RUOK COMPANY LLC	200.00
257592		006832	SAFEWARE INC.	14,559.19
257593		002456	SALES MARKETING GROUP INC	286.21
257594		MISC	SAS SERVICES INC	100.00
257595		007142	SHERWIN-WILLIAMS COMPANY	159.37
257596		007881	SIDOCK GROUP INC	1,546.00
257597		003785	SIGNS-N-DESIGNS INC	640.00
257599	*	000254	SOCRRA	71,361.00
257600	*	001097	SOCWA	132,493.99
257602		MISC	SPACE CARE INC	500.00
257603		000260	SPARTAN DISTRIBUTORS INC	32.49
257604		006783	STATE OF MICHIGAN	30.00
257605		006968	SYN-TECH SYSTEMS	33.75
257606		000273	TERMINAL SUPPLY CO.	411.74
257607		MISC	THOMPSON, CHAD A	764.78
257608	*	003173	TIFFANY FLORIST	65.95
257609		002037	TOTAL ARMORED CAR SERVICE, INC.	714.83
257610		008704	TOWN TALK	173.92
257611		008728	TWO THE RESCUE LLC	1,000.00
257612	*	003760	UNUM LIFE INSURANCE CO. OF AMERICA	20,282.34
257613	*	000293	VAN DYKE GAS CO.	503.52
257614	*	000158	VERIZON WIRELESS	151.95
257615	*	000158	VERIZON WIRELESS	76.02
257616	*	000158	VERIZON WIRELESS	194.43
257617		004497	WATERFORD REGIONAL FIRE DEPT.	127.00
257618		008710	WEXFORD FULFILLMENT SERVICES	307.88
257619		MISC	WILLIAMS,WILLIAMS,RATTNER& PLUNKETT	560.00
257621		MISC	WINSTON AND SONS HOME IMPROVEMENT L	100.00
257624		008391	XEROX CORPORATION	1,231.62
Sub Total Checks:				\$1,160,271.64
Sub Total ACH:				\$77,099.37
Grand Total:				\$1,237,371.01

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.

4/23/2018

City of Birmingham
4/11/2018

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	4/9/2018	77,099.37
TOTAL		77,099.37

City of Birmingham
Warrant List Dated 04/18/2018

Meeting of 04/23/2018

Check Number	Early Release	Vendor #	Vendor	Amount
257626	*	008746	16TH CIRCUIT COURT	500.00
257627	*	000900	37TH DISTRICT COURT	500.00
257628		MISC	3JS BUILDERS LLC	2,000.00
257629	*	000855	48TH DISTRICT COURT	100.00
257630	*	000855	48TH DISTRICT COURT	100.00
257631	*	000855	48TH DISTRICT COURT	100.00
257632	*	000855	48TH DISTRICT COURT	100.00
257633	*	000855	48TH DISTRICT COURT	100.00
257634	*	000855	48TH DISTRICT COURT	100.00
257635	*	000855	48TH DISTRICT COURT	100.00
257636	*	005251	A & F WATER HEATER & SPA SERVICE, IN	275.00
257637		002284	ABEL ELECTRONICS INC	1,525.98
257640		003708	AIRGAS USA, LLC	189.79
257641		MISC	ALEX CHOLAGH	288.00
257642		MISC	ALEX EMILIO SALON	100.00
257644		MISC	ANTHONY M VULMAN OR KIRILL LIBERMAN	2,500.00
257645		008667	APOLLO FIRE-APPARATUS REPAIR	160.00
257646		007586	ARROW INTERNATIONAL INC	377.81
257647		000500	ARTECH PRINTING INC	778.00
257648		007479	ASB DISTRIBUTORS	51.00
257649	*	006759	AT&T	1,159.85
257650	*	006759	AT&T	153.19
257651	*	006759	AT&T	446.79
257652	*	006759	AT&T	228.84
257653	*	006759	AT&T	107.10
257654		MISC	ATELIER ARCHITECTS PC	2,000.00
257655		006316	BAHL & GAYNOR, INC	5,450.05
257660		007009	BEAUMONT HEALTH SYSTEM	385.00
257661	*	000517	BEIER HOWLETT P.C.	42,515.75
257663		000518	BELL EQUIPMENT COMPANY	1,212.84
257664		007345	BEVERLY HILLS ACE	22.65
257666		000522	BIG BEAVER PLUMBING, HEATING INC.	650.00
257667		008503	BIRDIE IMAGING SUPPLIES, INC	1,684.80
257668		007624	BIRMINGHAM OIL CHANGE CENTER, LLC	69.96
257670		MISC	BLUE STAR	2,500.00
257672		008385	CALLAWAY GOLF	109.05
257673	*	MISC	CALYNN N BERRY	495.30
257674	*	000444	CDW GOVERNMENT INC	268.87
257676		002067	CENTRAL PARKING SYSTEM	88.00
257678	*	008540	CERTIFIED LABORATORIES	990.19
257679		007710	CINTAS CORP	274.73
257680		000605	CINTAS CORPORATION	159.61
257682	*	000912	MARK CLEMENCE	195.91

City of Birmingham
Warrant List Dated 04/18/2018

Meeting of 04/23/2018

Check Number	Early Release	Vendor #	Vendor	Amount
257683		001318	CLOVERDALE EQUIPMENT CO	1,495.00
257684	*	007625	COMCAST	77.28
257685	*	007774	COMCAST BUSINESS	1,472.95
257687		MISC	CREGGER SERVICES INC	1,050.00
257689		008395	DAVID BORNEMAN LLC	2,375.00
257691		007795	DG TECHNOLOGIES	1,527.00
257692	*	007980	CURTIS DAVID DICHO	208.00
257693		008641	DINGES FIRE COMPANY	4,221.00
257694	*	000179	DTE ENERGY	18,008.48
257695	*	000180	DTE ENERGY	57,118.00
257696		001077	DUNCAN PARKING TECH INC	9,094.00
257698	*	007538	EGANIX, INC.	720.00
257699		007684	ELITE TRAUMA CLEAN-UP INC.	50.00
257700		MISC	ERIC VOGLER CONSTRUCTION INC	300.00
257704		007172	GARY KNUREK INC	598.17
257705		MISC	GGA SERVICES LLC	2,500.00
257707	*	004604	GORDON FOOD	165.47
257708		000243	GRAINGER	479.70
257709		000249	GUARDIAN ALARM	224.03
257710		001531	GUNNERS METER & PARTS INC	1,270.00
257711		006845	HAWTHORNE	636.00
257712		001672	HAYES PRECISION INC	30.50
257713		MISC	HITCHCOCK, CHRISTOPHER	78.48
257714		MISC	HM HOMES LLC	2,000.00
257716		MISC	HOME DEPOT AT-HOME SERVICES	100.00
257717		MISC	HOME DEPOT USA INC	500.00
257718		000331	HUBBELL ROTH & CLARK INC	59,642.09
257720		002407	J & B MEDICAL SUPPLY	78.03
257721		000261	J.H. HART URBAN FORESTRY	7,717.78
257722		000344	J.T. EXPRESS, LTD.	2,679.39
257723		MISC	JC ENTERPRISES INC	200.00
257724		003458	JOE'S AUTO PARTS, INC.	98.06
257725		000347	JOHN R. SPRING & TIRE CENTER INC.	145.00
257726		005291	KAESER & BLAIR INC	253.25
257727		MISC	KELLY BUILDING & DEVELOPMENT CO LLC	300.00
257728	*	007828	DEBORAH KLEIN	588.00
257730		008450	KNOWBE4, INC	2,160.00
257731		004085	KONE INC	1,586.25
257732		MISC	LANDAUER LLC	1,400.00
257733		002635	LAZARD ASSET MANAGEMENT LLC	18,634.11
257734		005550	LEE & ASSOCIATES CO., INC.	3,715.00
257735		MISC	LEONOR, LOUIS E	300.00
257736		006817	LEXISNEXIS RISK DATA MANAGEMENT INC	286.05

City of Birmingham
Warrant List Dated 04/18/2018

Meeting of 04/23/2018

Check Number	Early Release	Vendor #	Vendor	Amount
257737		008362	LIFEAID	128.88
257738	*	008754	LITTLE CONDUCTORS LLC	50.00
257739	*	008158	LOGICALIS INC	9,700.00
257740	*	001171	JIM LOTRIDGE	127.20
257742		007910	MACALLISTER RENTALS	64.18
257743		004484	MACOMB COMMUNITY COLLEGE	350.00
257744		000888	MCKENNA ASSOCIATES INC	51,283.75
257745		007765	MICHIGAN INDEPENDENT DOOR CO.	2,950.00
257746	*	000377	MICHIGAN MUNICIPAL LEAGUE	38.40
257747	*	002809	STATE OF MICHIGAN	200.00
257751		000230	MIKE SAVOIE CHEVROLET INC	1,638.89
257752		007163	MOBILE HEALTH RESOURCES	1,024.00
257753	*	007773	MONSTER WORLDWIDE INC	299.00
257754		001194	NELSON BROTHERS SEWER	225.00
257756		001864	NOWAK & FRAUS ENGINEERS	10,844.00
257757		006359	NYE UNIFORM COMPANY	348.00
257758	*	002368	O.C.A.A.F.I.I.	250.00
257759	*	000477	OAKLAND COUNTY	7,277.25
257760	*	004370	OCCUPATIONAL HEALTH CENTERS	204.00
257764		MISC	PACHYDAKI, SOPHIA	125.00
257765		006625	PACIFIC TELEMAGEMENT SERVICES	78.00
257767	*	001753	PEPSI COLA	163.19
257769	*	003352	JAMIE CATHERINE PILLOW	1,038.00
257770		005733	POWER LINE SUPPLY	44.48
257771		MISC	PREMIER RESTORATION INC	488.58
257772		007658	PRIORITY DISPATCH	147.00
257773		006729	QUENCH USA INC	240.00
257775		MISC	RENEWAL BY ANDERSEN	1,000.00
257776		MISC	RENEWAL BY ANDERSEN LLC	500.00
257777		007336	REVIZE LLC	200.00
257779		MISC	ROCK BUILDING COMPANY INC	614.78
257780		MISC	ROOF-ONE LLC	100.00
257781		000218	ROYAL OAK P.D.Q. LLC	38.75
257782		000221	RUSSELL HARDWARE COMPANY	94.86
257783		002456	SALES MARKETING GROUP INC	806.63
257784	*	002806	SAM'S CLUB/SYNCHRONY BANK	516.69
257785		MISC	SAV-ON DRUGS	100.00
257786		008383	SEMBOIA, INC.	180.00
257787		MISC	SHERRIFF-GOSLIN CO.	100.00
257788	*	004202	SHRED-IT USA	345.61
257791		000260	SPARTAN DISTRIBUTORS INC	410.00
257792		001005	STATE OF MICHIGAN	27,552.47
257793	*	006895	STATE OF MICHIGAN	1,252.50

City of Birmingham
Warrant List Dated 04/18/2018

Meeting of 04/23/2018

Check Number	Early Release	Vendor #	Vendor	Amount
257794	*	006895	STATE OF MICHIGAN	1,252.50
257795		005364	STATE OF MICHIGAN-MDOT	2,212.71
257796		MISC	SURINDER JUDGE	500.00
257797	*	004355	SYMETRA LIFE INSURANCE COMPANY	31,896.82
257798		001076	TAYLOR FREEZER OF MICH INC	325.00
257799		MISC	TF HOMES LLC	2,000.00
257800		MISC	THOMAS SEBOLD & ASSOCIATES, IN	2,500.00
257801		000275	TIRE WHOLESALERS CO INC	1,032.00
257802		MISC	TKO HOME MAINTENANCE	200.00
257803		MISC	TRADEMARK BUILDING COMPANY INC	2,500.00
257807		008235	UNIVERSAL LAUNDRY MACHINE	5,873.00
257808	*	008411	VARIPRO	795.50
257809	*	000158	VERIZON WIRELESS	915.20
257810	*	000158	VERIZON WIRELESS	120.12
257811	*	000158	VERIZON WIRELESS	378.81
257812		000298	VESCO OIL CORPORATION	83.25
257813		006491	VILLAGE AUTOMOTIVE	503.93
257814		008026	VIS SERVICE INC	170.00
257816	*	001536	JEFFREY WHIPPLE	143.09
257817		007278	WHITLOCK BUSINESS SYSTEMS, INC.	1,665.44
257818	*	007894	BRENDA WILLHITE	480.00
257820	*	005794	WINDSTREAM	734.96
257821		008391	XEROX CORPORATION	367.81
Sub Total Checks:				\$456,985.36
Sub Total ACH:				\$61,449.46
Grand Total:				\$518,434.82

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.

4/23/2018

City of Birmingham
4/18/2018

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	4/17/2018	61,449.46
TOTAL		61,449.46



Cherilynn Mynsberge <cmynsberge@bhamgov.org>

Fwd: MMTB Meeting - April 5

1 message

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

From: **Vionna Adams** <vionnajones@gmail.com>

Date: Wed, Apr 4, 2018 at 4:13 PM

Subject: Re: MMTB Meeting - April 5

To: Paul O'Meara <pomeara@bhamgov.org>

I will be there.

My family and I are moving to California next month for my husband's new job so this will, sadly, be my last meeting.

Vionna

On Apr 4, 2018, at 3:11 PM, Paul O'Meara <pomeara@bhamgov.org> wrote:

SUGGESTED RESOLUTION:

To accept the resignation of Vionna Adams from the Multi-Modal Transportation Board as a Regular Member, to thank her for her service, and to direct the City Clerk to begin the process of filling the vacancy.



Cherilynn Mynsberge <cmynsberge@bhamgov.org>

Resignation from alternate position

Tue, Apr 10, 2018 at 12:28 PM

DShare <DShare@bsdd.com>

To: Cherilynn Mynsberge <cmynsberge@bhamgov.org>

I resign as planning board alternate

Sent from my Sprint Samsung Galaxy S8.

[Quoted text hidden]

SUGGESTED RESOLUTION:

To accept the resignation of Daniel Share from the Planning Board as an Alternate Member, to thank him for his service, and to direct the City Clerk to begin the process of filling the vacancy.



MEMORANDUM

Planning Division

DATE: April 12, 2018

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Set Public Hearing for Revised Bistro Regulations

As the bistro concept has evolved over the past 10 years, new applicants have sought creative ways to make the establishments distinctive from other restaurants and bistros in the City, and to increase the number of seats through the use of all season outdoor dining. The following issues have been raised:

- **Use of Eisenglass** – Doing so extends the time period outdoor dining areas are in operation which increases the number of seats for the restaurant as a whole for a majority of the year;
- **District Requirements** – The Downtown District, Triangle District, and Rail District have different opportunities which could merit different requirements for bistros locating within them;
- **On-street Dining/Rooftop Dining** – the use of on-street parking spaces and rooftops in addition to the sidewalk area allows the addition of larger outdoor dining areas;
- **Parking Needs** – the expansion of outdoor dining increases the number of people dining at the restaurant, which increases parking demand;
- **Building Code Requirements** – the enclosure of outdoor dining areas triggers Building Code regulations such as Energy Code compliance, fire suppression requirements, fire separation distances and exterior wall fire resistive ratings.
- **Incentivizing Seating Capacity Tiers** – Allowing an increased amount of indoor seating and/or outdoor dining seating for bistros based upon conditional standards such as shared parking, landscaping, greenspace, etc.

At the joint City Commission/Planning Board meeting of June 19th, 2017 the issue of bistro regulations was discussed at length. There was a consensus that a review of the Bistro requirements and how they relate to the various areas in which they are permitted is warranted. Additionally, Commission members saw good reason to potentially regulate bistros differently depending on the district in which they are located.

Accordingly, the Planning Board began studying the existing bistro regulations and discussing potential new regulations. Over several months, the Planning Board studied existing bistros and discussed the goals of the bistro program in the future.

On April 11, 2018, the Planning Board conducted a public hearing and unanimously passed a motion recommending approval of the attached ordinance amendments for bistro regulations to the City Commission. Please find attached the draft ordinance language and meeting minutes for your consideration. The Planning Board minutes from April 11, 2018 are not yet available.

The Planning Division requests that the City Commission set a public hearing date of **May 14, 2018** to consider ordinance amendments to the Zoning Ordinance as follows:

1. To amend Article 3, Section 3.04(C)(10), Specific Standards, Building Use, to amend the regulations for a bistro in the Downtown Overlay District.
2. To amend Article 5, Section 5.06(A), O1 – Office District, Specific Standards, Building Use, to amend the regulations for a bistro in the O1 District.
3. To amend Article 5, Section 5.07(A), O2 – Office Commercial District, Specific Standards, Building Use, to amend the regulations for a bistro in the O2 District.
4. To amend Article 5, Section 5.08(A), P – Parking District, Specific Standards, Building Use, to amend the regulations for a bistro in the P District.
5. To amend Article 5, Section 5.10(B), B2 – General Business district, B2B – General Business District, B2C – General Business District, Specific Standards, Building Use, to amend the regulations for a bistro in the B2B District.
6. To amend Article 5, Section 5.11(A), B3 – Office-Residential District, Specific Standards, Building Use, to amend the regulations for a bistro in the B3 District.
7. To amend Article 5, Section 5.12(B), B4 – Business-Residential District, Specific Standards, Building Use, to amend the regulations for a bistro in the B4 District.
8. To amend Article 5, Section 5.13, MX(C) – (M) – Mixed Use District, Specific Standards, Building Use, to add regulations for a bistro in the MX District and renumber regulations following (C).
9. To amend Article 9, Section 9.02, Definitions, to amend the existing definition of bistro.

SUGGESTED ACTION:

To set a public hearing date of May 14, 2018 to consider the following Zoning Ordinance amendments:

1. To amend Article 3, Section 3.04(C)(10), Specific Standards, Building Use, to amend the regulations for a bistro in the Downtown Overlay District.
2. To amend Article 5, Section 5.06(A), O1 – Office District, Specific Standards, Building Use, to amend the regulations for a bistro in the O1 District.
3. To amend Article 5, Section 5.07(A), O2 – Office Commercial District, Specific Standards, Building Use, to amend the regulations for a bistro in the O2 District.
4. To amend Article 5, Section 5.08(A), P – Parking District, Specific Standards, Building Use, to amend the regulations for a bistro in the P District.
5. To amend Article 5, Section 5.10(B), B2 – General Business district, B2B – General Business District, B2C – General Business District, Specific Standards, Building Use, to amend the regulations for a bistro in the B2B District.
6. To amend Article 5, Section 5.11(A), B3 – Office-Residential District, Specific Standards, Building Use, to amend the regulations for a bistro in the B3 District.
7. To amend Article 5, Section 5.12(B), B4 – Business-Residential District, Specific Standards, Building Use, to amend the regulations for a bistro in the B4 District.

8. To amend Article 5, Section 5.13, MX(C) – (M) – Mixed Use District, Specific Standards, Building Use, to add regulations for a bistro in the MX District and renumber regulations following (C).
9. To amend Article 9, Section 9.02, Definitions, to amend the existing definition of bistro.

CITY OF BIRMINGHAM
ORDINANCE NO. __

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.04(C)(10), SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE REGULATIONS FOR A BISTRO IN THE DOWNTOWN OVERLAY DISTRICT.

3.04 Specific Standards

C. Building Use

10. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
 - A. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
 - B. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 - C. No dance area is provided;
 - D. Only low key entertainment is permitted;
 - E. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
 - F. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
 - G. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 - H. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, ~~enclosed~~ **defined** platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 - I. **Enclosures facilitating year round dining outdoors are not permitted.**
 - J. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**

ORDAINED this _____ day of _____, 2018 to become effective 7 days after publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO.

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 5, SECTION 5.06(A), O1 – OFFICE DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE REGULATIONS FOR A BISTRO IN THE O1 DISTRICT.

5.06 O1 District

- A. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats **in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;**
 2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 3. No dance area is provided;
 4. Only low key entertainment is permitted;
 5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
 6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
 7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, ~~enclosed~~ **defined** platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 9. **Enclosures facilitating year round dining outdoors are not permitted.**
 10. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**

ORDAINED this _____ day of _____, 2018 to become effective 7 days after publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO.

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 5, SECTION 5.07(A), O2 – OFFICE COMMERCIAL DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE REGULATIONS FOR A BISTRO IN THE O2 DISTRICT.

5.07 O2 District

- A. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats **in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;**
 2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 3. No dance area is provided;
 4. Only low key entertainment is permitted;
 5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
 6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
 7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, ~~enclosed~~ **defined** platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 9. **Enclosures facilitating year round dining outdoors are not permitted.**
 10. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**

ORDAINED this _____ day of _____, 2018 to become effective 7 days after publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO.

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 5, SECTION 5.08(A), P – PARKING DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE REGULATIONS FOR A BISTRO IN THE P DISTRICT.

5.08 P District

- A. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats **in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;**
 2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 3. No dance area is provided;
 4. Only low key entertainment is permitted;
 5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
 6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
 7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, ~~enclosed~~ **defined** platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 9. **Enclosures facilitating year round dining outdoors are not permitted.**
 10. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**

ORDAINED this _____ day of _____, 2018 to become effective 7 days after publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO.

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 5, SECTION 5.10(B), B2 – GENERAL BUSINESS DISTRICT, B2B – GENERAL BUSINESS DISTRICT, B2C – GENERAL BUSINESS DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE REGULATIONS FOR A BISTRO IN THE B2B DISTRICT.

5.10 B2 District, B2B District, B2C District

B. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:

1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats **in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;**
2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
3. No dance area is provided;
4. Only low key entertainment is permitted;
5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, ~~enclosed~~ **defined** platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
9. **Enclosures facilitating year round dining outdoors are not permitted.**
10. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**

ORDAINED this _____ day of _____, 2018 to become effective 7 days after publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO.

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 5, SECTION 5.11(A), B3 – OFFICE-RESIDENTIAL DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE REGULATIONS FOR A BISTRO IN THE B3 DISTRICT.

5.11 B3 District

A. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:

1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats **in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;**
2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
3. No dance area is provided;
4. Only low key entertainment is permitted;
5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, ~~enclosed~~ **defined** platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
9. **Enclosures facilitating year round dining outdoors are not permitted.**
10. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**

ORDAINED this _____ day of _____, 2018 to become effective 7 days after publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO.

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 5, SECTION 5.12(B), B4 – BUSINESS-RESIDENTIAL DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE REGULATIONS FOR A BISTRO IN THE B4 DISTRICT.

5.12 B4 District

B. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:

1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats **in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;**
2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
3. No dance area is provided;
4. Only low key entertainment is permitted;
5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, ~~enclosed~~ **defined** platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
9. **Enclosures facilitating year round dining outdoors are not permitted.**
10. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**

ORDAINED this _____ day of _____, 2018 to become effective 7 days after publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO.

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 5, SECTION 5.13, MX(C) – (M) – MIXED USE DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO ADD REGULATIONS FOR A BISTRO IN THE MX DISTRICT AND RENUMBER REGULATIONS FOLLOWING (C).

5.13 MX District

- A. Alcoholic Beverage Sales: Alcoholic beverage sales for consumption off the premises in conjunction with grocery stores, drugstores, party stores and delicatessens is permitted.
- B. Automobile Rental Establishment: An automobile rental establishment is permitted provided all vehicles are stored in a public or private parking garage
- C. **Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:**
 - 1. **No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;**
 - 2. **Alcohol is served only to seated patrons, except those standing in a defined bar area;**
 - 3. **No dance area is provided;**
 - 4. **Only low key entertainment is permitted;**
 - 5. **Bistros must have tables located in the storefront space lining any street, or pedestrian passage;**
 - 6. **A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;**
 - 7. **All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and**
 - 8. **Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, defined platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.**
 - 9. **Enclosures facilitating year round dining outdoors are not permitted.**
 - 10. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**

~~E.~~ **D.** Dwelling – Accessory: Residential units located in accessory structures are permitted provided that the residential units meet the minimum unit requirements identified in each two-page layout in Article 2. Where there is a conflict between this provision and the requirements of Section 4.02, this section shall take precedent.

~~D.~~ **E.**

~~E.~~ **F.**

~~F.~~ **G.**

~~G.~~ **H.**

~~H.~~ **I.**

~~I.~~ **J.**

~~J.~~ **K.**

~~K.~~ **L.**

~~L.~~ **M.**

~~M.~~ **N.**

ORDAINED this _____ day of _____, 2018 to become effective 7 days after publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO.

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO AMEND THE EXISTING DEFINITION OF BISTRO.

9.02 Definitions

Bistro: When located in the Downtown Overlay District, a restaurant with a full service kitchen with interior seating for no more than 65 people and additional seating for outdoor dining. **When located in the Triangle District or Rail District, a restaurant with a full service kitchen with interior seating for no more than 85 people and additional seating for outdoor dining.**

ORDAINED this _____ day of _____, 2018 to become effective 7 days after publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk



MEMORANDUM

Planning Division

DATE: April 5, 2018

TO: Planning Board

FROM: Matthew Baka, Senior Planner

SUBJECT: Bistro Ordinance amendment Public Hearing

Background:

In 2007 the City of Birmingham amended the Zoning Ordinance to create the bistro concept that allows small eclectic restaurants to obtain a liquor license if they have no more than 65 seats, including 10 at the bar, and low key entertainment only. The bistro regulations adopted also included requirements for storefront glazing, seating along the storefront windows, and a requirement for outdoor dining. In accordance with the Zoning Ordinance, each bistro applicant is required to go through an initial screening process at the City Commission, demonstrate that all bistro requirements have been met, and then obtain a Special Land Use Permit from the City Commission.

Issue:

As the bistro concept has evolved over the past 10 years, new applicants have sought creative ways to make the establishments distinctive from other restaurants and bistros in the City, and to increase the number of seats through the use of all season outdoor dining. The following issues have been raised:

- **Use of Eisenglass** – Doing so extends the time period outdoor dining areas are in operation which increases the number of seats for the restaurant as a whole for a majority of the year;
- **District Requirements** – The Downtown District, Triangle District, and Rail District have different opportunities which could merit different requirements for bistros locating within them;
- **On-street Dining/Rooftop Dining** – the use of on-street parking spaces and rooftops in addition to the sidewalk area allows the addition of larger outdoor dining areas;
- **Parking Needs** – the expansion of outdoor dining increases the number of people dining at the restaurant, which increases parking demand;
- **Building Code Requirements** – the enclosure of outdoor dining areas triggers Building Code regulations such as Energy Code compliance, fire suppression requirements, fire separation distances and exterior wall fire resistive ratings.
- **Incentivizing Seating Capacity Tiers** – Allowing an increased amount of indoor seating and/or outdoor dining seating for bistros based upon conditional standards such as shared parking, landscaping, greenspace, etc.

At the joint City Commission/Planning Board meeting of June 19th, 2017 the issue of bistro regulations was discussed at length. There was a consensus that a review of the Bistro

requirements and how they relate to the various areas in which they are permitted is warranted. Additionally, Commission members saw good reason to potentially regulate bistros differently depending on the district in which they are located.

On July 12th, 2017, the Planning Board held further discussion about the topics brought up in the joint City Commission/Planning Board meeting related to bistro requirements. Potential revisions and additions to the bistro standards were discussed, as well as sample draft ordinance language to be proposed for the next Planning Board meeting.

On August 9, 2017 the Planning Board held a study session to address the issues of parking, outdoor dining, and eisenglass enclosures. Based on previous discussion at the joint meeting and the Planning Board, the Planning Division presented sample draft ordinance language to initiate discussion. The draft language provided limits on the number of outdoor dining seats, restricted the use of eisenglass or vinyl enclosures and required additional parking for the outdoor dining areas. The discussion revealed that the Planning Board did not support regulating the number of outdoor dining seats, or requiring additional parking for such outdoor dining areas. There was unanimous support for restricting the use of enclosures on outdoor dining to ensure that outdoor dining is truly seasonal.

On Septemeber 13th, 2017 the Planning Board once again held a study session in regards to bistro regulations and reviewed sample draft ordinances. The draft language was revised to provide options that would eliminate the ability to utilize enclosures year round. The language was also revised so as not to limit the number of outdoor seats and not to require additional parking for those seating areas, as previously discussed.

Additional points raised by the Planning Board were whether or not the 65 seat limit should be revisited, whether rooftop dining should be encouraged, and what an acceptable railing height for platform decks is. It was suggested that The Triangle District and Rail District could establish different standards for maximum seating due to different conditions in those areas. New draft language has been included that expands interior seating for bistros in the Triangle District and Rail District to 85 seats with 15 at the bar, while interior seating for the Downtown District remains at 65. Current rooftop dining standards were deemed acceptable, but the Board wished to see railings on platform decks limited to 42".

On January 10, 2018 the Planning Board reviewed the latest draft ordinance language for the proposed bistro regulation changes. The Board requested that the language regarding permanent outdoor dining be consolidated and streamline and also that the language reference on street platforms be adjusted so that the reference to enclosing it be eliminated. No other changes were proposed at that time. The Board agreed that they would like to see the final draft language prior to setting a public hearing. The draft ordinance language and the minutes from the previous meetings are attached for your review.

On March 14, 2018 the Planning Board reviewed the updated draft ordinance amendments after discussion and one minor alteration to the language the Board voted to set a public hearing for April 11, 2018. Accordingly, the latest draft language is attached along with the relevant meeting minutes.

SUGGESTED ACTION:

The Planning Division recommends that the Planning Board recommend APPROVAL of the proposed ordinance amendment to the City Commission.

**BIRMINGHAM CITY COMMISSION /
PLANNING BOARD JOINT WORKSHOP SESSION MINUTES
JUNE 19, 2017
DPS FACILITY, 851 SOUTH ETON
8:00 P.M.**

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Mark Nickita called the meeting to order at 8:00 PM.

II. ROLL CALL

PRESENT: Mayor Nickita
Mayor Pro
Tem Harris
Commissioner
Bordman
Commissioner
Boutros
Commissioner DeWeese
Commissioner
Hoff
Commissioner
Sherman
Scott Clein, Planning Board
Chairman
Stuart Jeffares, Member
Bert Koseck, Member
Janelle Whipple-Boyce, Member
J. Bryan Williams, Member

ABSENT: Robin Boyle,
Member
Gillian Lazar,
Member Lisa
Prasad,
Member
Daniel Share,
Member

ADMINISTRATION: City Manager Valentine, City Attorney Studt, Deputy Clerk Arft,
Planning Director, Ecker, Building Official Johnson

III. ITEMS FOR DISCUSSION

Mayor Nickita explained that this is a workshop session to discuss and evaluate various planning issues, with the intent to create an Action List for the Planning Board. City Manager Valentine added that more discussion will be needed on each item by the City Commission. The priorities will be determined by the Commission at a future meeting.

E. BISTRO ALLOWANCES AND RESTRICTIONS

Ms. Ecker said there has been concern expressed over the size of Bistros recently. She explained that a Bistro is defined as a restaurant with 65 seats or less, with no more than 10 of them at a bar, with a full service kitchen, low key entertainment, tables that must line the storefront, and outdoor dining. The biggest issue has been how much is too much outdoor dining. The intent when Bistros was started was to encourage outdoor dining, but it was not apparent at the time how far owners would look for creative opportunities to expand the outdoor dining. She suggested clarifications as to maximums, location, enclosures and the building code issues such as energy code, fire suppression might be needed. Parking needs are also a big concern.

Mayor Nickita added that the original concept for Bistros was just in the downtown area and that has changed. Once the area expanded to the Triangle area and Rail District, it changed the circumstance because of parking and available outdoor space.

Commissioner Bordman suggested considering different rules for different areas. The needs are different. Perhaps part of the study should be whether to have the exact same requirements in each of our districts.

Commissioner DeWeese suggested we need an intermediate level that applies in different situations. He considers this a high priority issue.

Mr. Koseck suggested that we should study the materials used and also the intent.

Commissioner Hoff agreed it is time to review the Bistro ordinance. It has developed differently than what was planned.

Mayor Nickita commented that it is time to review the ordinance.

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JULY 12, 2017
City Commission Room
151 Martin Street, Birmingham, Michigan
07-134-17**

4. Bistro Regulations

Mr. Baka recalled that In 2007 the City of Birmingham amended the Zoning Ordinance to create the bistro concept that allows small eclectic restaurants to obtain a liquor license if they have no more than 65 seats, including 10 at a bar, and low key entertainment only. Mr. Baka observed that as the bistro concept has evolved over the past 10 years, new applicants have sought creative ways to make their establishments distinctive from other restaurants and bistros in the City, and to increase the number of seats through the use of all season outdoor dining. The following issues have been raised:

- Use of Eisenglass – extends the time period outdoor dining areas are in operation which increases the number of seats for restaurant as a whole for a majority of the year;
- On-street Dining/Rooftop Dining – the use of on-street parking spaces and rooftops in addition to the sidewalk area allows the addition of larger outdoor dining areas;
- Parking Needs – the expansion of outdoor dining increases the number of people dining at the restaurant, which increases parking demand;
- Building Code Requirements – the enclosure of outdoor dining areas triggers Building Code regulations such as Energy Code compliance, fire suppression requirements, fire separation distances and exterior wall fire resistive ratings.

At the joint City Commission/Planning Board meeting of June 19, 2017 this issue was discussed at length. There seemed to be consensus that a review of the bistro requirements and how they relate to the various areas in which they are permitted is warranted. Accordingly, the Planning Division is now requesting that the Planning Board begin discussions on how these concerns should be addressed.

Mr. Williams indicated he never envisioned 10 years ago that some of the sites would be so disproportionately large based on outdoor dining. Ms. Whipple-Boyce said the bistros should be looked at from the standpoint of their locations in different districts throughout the City. Chairman Clein thought there is a need to study the general parking requirement in the MX District based on the number of outdoor dining seats. Mr. Boyle added that bistros might be incentivized there by allowing more seating outside. Further, also consider that the Triangle District is different.

Mr. Williams noted the single biggest thing the board never anticipated was the extent to which Eisenglass would provide for almost four season use.

Ms. Ecker added maybe the board doesn't mind having Eisenglass on a rainy day but they don't want to see it extend the season past November 1st through March 31st. There are two issues: the look of it, and whether it changes the character of use from seasonal to permanent.

There was consensus to look at including the opportunity for rooftop dining for bistros.

Ms. Lazar agreed the larger spaces, particularly in the MX District, might be increased. But, the neighbors may be upset if they feel there will be increased intrusion into the neighborhoods as a result. Maybe some type of parking requirement might have to be imposed. Chairman Clein thought that Residential Permit Parking might be needed in that case.

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, AUGUST 9, 2017
City Commission Room
151 Martin Street, Birmingham, Michigan
08-153-17**

STUDY SESSIONS

1. Bistro Regulations

Mr. Baka noted that in 2007 the City of Birmingham amended the Zoning Ordinance to create the bistro concept that allows small eclectic restaurants to obtain a Liquor License. Bistros are permitted in certain zone districts with a valid Special Land Use Permit ("SLUP") under several conditions. As the bistro concept has evolved over the past ten years, new applicants have sought creative ways to make their establishments distinctive from the other restaurants and bistros in the City, and to increase the number of seats through the use of all season outdoor dining.

At the joint City Commission/Planning Board meeting of June 19, 2017 the issue of clarifying bistro regulations was discussed at length. There seemed to be consensus that a review of the bistro requirements and how they relate to the various areas in which they are permitted is warranted. Additionally, Commission members saw good reason to potentially regulate bistros differently depending on the district in which they are located.

The Planning Division would like to begin to consider addressing the issues of **parking**, **outdoor dining** and **Eisenglass enclosures** via ordinance language changes. The following examples of potential ordinance language changes are based on two methods of regulating bistros. The thinking is that current bistros would not be impacted by what is being proposed.

The first option would be to amend Chapter 126, Zoning, to universally create development standards for bistros that would apply to all zoning districts that permit bistros. Universal regulation would ensure that the dining experience in one bistro (outside of menu, service, theme etc.) is the same as dining in any other bistro. This could mean putting a limit on outdoor seating of 40 seats for all districts, even if there is room (public property or private property) for more. Eisenglass or vinyl enclosures could be prohibited entirely as to not abuse the outdoor dining season limit set forth by the City (April-November). As for parking, requiring all bistros to include their outdoor dining square footage in parking requirements could make sure that there will be enough parking for all of those extra seats. Creating extra parking requirements, though, could also discourage outdoor seating and counteract a key intent of the Bistro Ordinance.

The second approach to clarifying bistro regulations would be to amend Chapter 126, Zoning, to create separate bistro standards depending on the bistro's location in the Downtown, Triangle or Rail Districts. In doing so separately, the City can take into account the different space and parking conditions present in different districts. Adding parking requirements, like including outdoor dining area square footage in the parking calculation, to the conditions of certain bistro location districts could help alleviate parking issues. Outdoor dining maximums are a reasonable

consideration Downtown because there is less space for a large outdoor dining area. In the Rail and Triangle Districts where street frontage is typically larger, outdoor dining maximums of 40 or 60 seats could be appropriate. Finally, Eisenglass or vinyl enclosures might be considered in some areas along the Woodward Ave. frontage of the Triangle District to alleviate the noise pollution patrons receive from the major road.

Mr. Williams thought the major focus should be that one size doesn't fit all. Mr. Jeffares commented that it would be interesting to find out how much of the lunch crowd consists of office users who are already parked in town. It was consensus that there should not be an enclosure that allows bistros to extend their outdoor dining season. The bistro concept is being pushed beyond its original boundaries.

Mr. Boyle thought they should be discussing the issue of 65 indoor seats. The board needs to review that and consider the possibility that number could go up. Then bistros could rely less on large outdoor seating and have a stronger business that doesn't tie them to 65 indoor seats.

Ms. Whipple-Boyce thought there could be implications to allowing more indoor seating. They don't want Birmingham to become an all restaurant city. She doesn't think parking is that much of a concern because when the offices clear out the restaurants become busy. Don't forget that there are many local residents who walk from their homes to the Downtown bistros. She does not want to encourage a bistro model behind the building. She likes the outdoor seating in the front of buildings to activate the sidewalk space. Look at each bistro independently and see what makes sense, rather than putting a number to it. Also, consider opportunities for rooftop dining. Maybe the districts need be viewed differently because they are different and because some of the parking situations are different.

Mr. Koseck said in his opinion the bistros are working. The intent was to attract small scale, unique establishments with a variety of different food types. Why treat the districts differently? Forty outdoor seats is fine and he doesn't want to get caught up in parking for outdoor dining. He totally thinks the outdoor dining should not be enclosed. Pick half of the number of interior seating for outdoor dining; 40 seats is fine. He would rather see three small bistros in the Rail District than one that has 150 seats.

Mr. Williams echoed that and added if seating is outdoor, it shouldn't be enclosed. The total seating ought be the combination of both indoor and outdoor. Parking generally works and the only time it doesn't is the 10 a.m. to 12 p.m. window. Lunch is problematic in the Downtown area.

Chairman Clein observed he doesn't think including parking in the count really matters. To him the issue is not so much the size of the bistros; it is that they are allowed to be wrapped in plastic and located in places the board doesn't like. Perhaps some incentives could be put forth for establishments to meet if they want to increase their outdoor dining.

Mr. Boyle hoped to find a way to make the industrial land use in the Rail District work for bistros.

Mr. Baka summarized that the board is divided on whether or not there should be a limit on the number of outside seats. Board members stated they were definitely not in favor of outdoor

dining enclosures, and most of the board is leaning against adding additional parking requirements for outdoor dining seats. Nearly everyone wants to keep the districts separate. Mr. Williams added they need to look at the parking, but not Downtown.

No one from the public wanted to comment at 10:10 p.m.

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, SEPTEMBER 13, 2017
City Commission Room
151 Martin Street, Birmingham, Michigan
09-175-17**

2. Bistro Regulations

Mr. Baka noted that in 2007 the City of Birmingham amended the Zoning Ordinance to create the bistro concept that allows small eclectic restaurants to obtain a liquor license. Bistros are defined in Article 09 of the Zoning Ordinance as restaurants with a full service kitchen with interior seating for no more than 65 people and additional seating for outdoor dining. Bistros are permitted in certain zone districts with a valid Special Land Use Permit ("SLUP") along with several conditions.

As the bistro concept has evolved over the past 10 years, new applicants have sought creative ways to make their establishments distinctive from other restaurants and bistros in the City, and to increase the number of seats through the use of all season outdoor dining.

There have been several issues raised:

- Use of Eisenglass – extends the time period outdoor dining areas are in operation which increases the number of seats for restaurant as a whole for a majority of the year;
- On-street Dining/Rooftop Dining – the use of on-street parking spaces and rooftops in addition to the sidewalk area allows the addition of larger outdoor dining areas;
- Parking Needs – the expansion of outdoor dining increases the number of people dining at the restaurant, which increases parking demand;
- Building Code Requirements – the enclosure of outdoor dining areas triggers Building Code regulations such as Energy Code compliance, fire suppression requirements, fire separation distances and exterior wall fire resistive ratings.

At the joint City Commission/Planning Board meeting of June 19, 2017 the issue of clarifying bistro regulations was discussed at length. On July 24th, 2017 the City Commission moved the review of bistros up on the Planning Board's Action List.

On August 9, 2017 the Planning Board held a study session to begin to consider addressing the issues of parking, outdoor dining and Eisenglass enclosures. Discussion revealed that the Planning Board did not support regulating the number of outdoor dining seats, or requiring additional parking for such outdoor dining areas. There was unanimous support on the board for restricting the use of enclosures on outdoor dining areas to ensure that outdoor dining is truly seasonal. There was also discussion about setting different standards for the interior number of seats in different areas.

Accordingly the draft language has been revised to provide options that would eliminate the ability to utilize enclosures year round. The language is now silent on the issues of limiting the number of outdoor seats and requiring additional parking for those seating areas.

At this time four proposed options have been added to the ordinance language:

- Permanent enclosures shall not be permitted for outdoor dining areas.
- Weather proof enclosures facilitating year around dining outdoors are not permitted.

- Outdoor dining is not permitted between November 16 and March 31.
- The use of any type of enclosure system (including but not limited to fabric, Eisenglass, vinyl panels, drapes, plant materials shall not be permitted for outdoor dining areas.

Mr. Koseck indicated that in his mind outdoor dining areas should not be framed with walls whether they are temporary or permanent. These areas were never intended to be quasi interior space. Discussion considered eliminating the date restriction and eliminating walls and plastic enclosures. People can sit outdoors on a nice winter day if they choose; however outdoor furniture must be brought inside each night and platforms have to come down in the winter. Board members thought that railings on decks in the street should be limited to 42 in. in height.

To sum up the issues that were previously discussed:

- The use of Eisenglass and the Building Code requirements of such enclosures have been covered in that outdoor dining areas must truly be outdoors, not within enclosed areas;
- The board was not interested in adding extra parking requirements for outdoor dining;
- Setting a maximum number of outdoor dining seats is not a concern as they are all SLUPs and thus subject to individual review;
- Everyone was okay with rooftop dining, but the priority is that there must be outdoor dining in the front first and foremost.
-

Mr. Jeffares was in favor of increasing the capacity of bistros for the Triangle and Rail Districts and Mr. Williams liked that concept. It was discussed that providing shared parking might be an incentive to increase inside seating from 65. However, Mr. Koseck thought that requiring shared parking complicates things. **Mr. Baka agreed to bring draft ordinance language for the next meeting.**

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, JANUARY 10, 2018
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on January 10, 2018. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams Alternate Board Members Nasseen Ramin, Daniel Share

Absent: Board Member Vice-Chairperson Gillian Lazar; Student Representatives Ariana Afrakhteh, Isabella Niskar

Administration: Matthew Baka, Sr. Planner

Jana Ecker, Planning Director

Carole Salutes, Recording Secretary

01-05-18

2. Bistro Regulations

Mr. Williams rejoined the board and Ms. Ramin left.

Mr. Baka advised that recently there has been discussion between the City Commission and the Planning Board that perhaps there should be a re-examination of the bistro requirements which already began last year with several study sessions.

As the bistro concept has evolved over the past 10 years, new applicants have sought creative ways to make the establishments distinctive from other restaurants and bistros in the City, and to increase the number of seats through the use of all season outdoor dining. The following issues have been raised:

- Use of Eisenglass – Doing so extends the time period outdoor dining areas are in operation which increases the number of seats for the restaurant as a whole for a majority of the year;
- District Requirements – The Downtown District, Triangle District, and Rail District have different opportunities which could merit different requirements for bistros locating within them;
- On-street Dining/Rooftop Dining –The use of on-street parking spaces and rooftops in addition to the sidewalk area allows the addition of larger outdoor dining areas;
- Parking Needs – The expansion of outdoor dining increases the number of people dining at the restaurant, which increases parking demand;

- Building Code Requirements – The enclosure of outdoor dining areas triggers Building Code regulations such as Energy Code compliance, fire suppression requirements, fire separation distances and exterior wall fire resistive ratings.
- Incentivizing Seating Capacity Tiers – Allowing an increased amount of indoor seating and/or outdoor dining seating for bistros based upon conditional standards such as shared parking, landscaping, green space, etc.

At the joint City Commission/Planning Board meeting of June 19th, 2017 the issue of bistro regulations was discussed at length. There was consensus that a review of the requirements and how they relate to the various areas in which they are permitted is warranted. Additionally, Commission members saw good reason to potentially regulate bistros differently depending on the district in which they are located.

The Planning Board held several study sessions on this matter and potential revisions and additions to the bistro standards were discussed. Draft language was created to provide options that would eliminate the ability to utilize enclosures year-round, and would not limit the number of outdoor dining seats or require additional parking for those seating areas. There was discussion on whether or not the 65 seat limit should be revised, or whether rooftop dining should be encouraged and what an acceptable railing height is for platform decks. It was suggested that perhaps the Triangle District and Rail District could establish different standards for maximum seating. New draft language was presented that expands interior seating for bistros in the Triangle and Rail Districts to 85 seats with 15 at the bar, while interior seating for the Downtown District remains at 65. Current rooftop dining standards were deemed acceptable, but the board wished to see railings on platform decks limited to 42 in. in height.

There was not a consensus on requiring shared parking as an incentive to get more seats at the bar.

Mr. Baka discussed Chapter 126 of the Code, sections 3.04, 5.06, 5.07, 5.08, 5.10, 5.11, 5.12, 5.13 and 9.02.

Consensus was for sections 3.04, 5.06, 5.07, 5.08, 5.10, 5.11, 5.12, change "enclosed platform" to "enclosed platform with a guard rail." Also find a way to consolidate I., J., and K in section 3.04 and other sections with the same language to a more precise limitation for enclosure systems for outdoor dining areas.

Mr. Baka clarified for Ms. Whipple-Boyce that vegetation can be planted above the 42 in. railing height.

There was general support for a larger number of indoor seating allowed by right for bistros located in the Rail and Triangle Districts.

Ms. Whipple-Boyce said it has been proven now that the Class C Liquor License holders and the bistro license holders are succeeding well side-by-side. Therefore, she is very supportive of allowing 85 indoor seats in the Rail and Triangle Districts. Losing parking spaces in the summer with more on-street dining doesn't concern her.

Mr. Williams observed that the issue of bistro locations in the Rail District has not been addressed. Ms. Ecker advised that currently they are allowed anywhere within the boundaries of the Rail District with a Special Land Use Permit ("SLUP"). Mr. Williams thought a bistro would significantly adversely impact the residential and live/work areas in the neighborhood.

Ms. Whipple-Boyce agreed with establishing some boundaries. From DPS north it is pretty well developed. She would like to see a bistro somewhere south of DPS.

Mr. Jeffares was not in favor of boundaries because he would like to see all applications. Mr. Koseck agreed with Mr. Jeffares.

Mr. Williams thought maybe it is enough to say there are sensitive areas both in the Rail District and in the Triangle District that need attention whenever a SLUP comes up. Other members agreed.

Mr. Williams stated he is in favor of expanding the number of outdoor dining seats in the Rail and Triangle Districts, but is adamantly opposed to increasing them Downtown. That is where most of the Class C Licenses are and he noted that one just closed. There is no question in his mind that bistros have had an effect on some of the Class C licenses in the Downtown area.

Further, he suggested having the new rules apply to existing bistros. Ms. Ecker explained that could happen if they came back for any changes.

Board members discussed putting a maximum formula in effect for outdoor dining in relationship to indoor dining in the Rail and Triangle Districts. Mr. Share was in favor of a 200% cap there that applies to all outdoor dining, thus outdoor dining (including rooftop dining) could be no more than twice the number of interior dining seats.

Mr. Jeffares did not want a cap. He said he would rather have the Planning Board be able to make decisions on the applications vs. having strict rules and not having any applications.

The board's consensus was to see this one more time before moving forward.

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MARCH 14, 2018
Department of Public Services
851 S. Eton Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 14, 2018. Chairman Scott Clein convened the meeting at 7:32 p.m.

Present: Chairman Scott Clein; Board Members Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Nasseen Ramin, Daniel Share; Student Representative Ellie McElroy (left at 9:07 p.m.)

Absent: Board Members Robin Boyle, Gillian Lazar; Student Representatives Madison Dominato, Sam Fogel

Administration: Matthew Baka, Sr. Planner
Brooks Cowan, Planner
Jana Ecker, Planning Director
Carole Salutes, Recording Secretary

03-39-18

3. Bistro Regulations

Background: Mr. Baka advised that recently there has been discussion between the City Commission and the Planning Board that perhaps there should be a re-examination of the bistro requirements which already began last year with several study sessions.

Issue: As the bistro concept has evolved over the past 10 years, new applicants have sought creative ways to make the establishments distinctive from other restaurants and bistros in the City, and to increase the number of seats through the use of all season outdoor dining. The following issues have been raised:

- Use of Eisenglass – Doing so extends the time period outdoor dining areas are in operation which increases the number of seats for the restaurant as a whole for a majority of the year;
- District Requirements – The Downtown District, Triangle District, and Rail District have different opportunities which could merit different requirements for bistros locating within them;
- On-street Dining/Rooftop Dining – the use of on-street parking spaces and rooftops in addition to the sidewalk area allows the addition of larger outdoor dining areas;
- Parking Needs – the expansion of outdoor dining increases the number of people dining at the restaurant, which increases parking demand;
- Building Code Requirements – the enclosure of outdoor dining areas triggers Building Code regulations such as Energy Code compliance, fire suppression requirements, fire separation distances and exterior wall fire resistive ratings.

- Incentivizing Seating Capacity Tiers – Allowing an increased amount of indoor seating and/or outdoor dining seating for bistros based upon conditional standards such as shared parking, landscaping, green space, etc.

At the joint City Commission/Planning Board meeting of June 19th, 2017 the issue of bistro regulations was discussed at length. There was consensus that a review of the requirements and how they relate to the various areas in which they are permitted is warranted. Additionally, Commission members saw good reason to potentially regulate bistros differently depending on the district in which they are located.

The Planning Board held several study sessions on this matter and potential revisions and additions to the bistro standards were discussed. Draft language was created to provide options that would eliminate the ability to utilize enclosures year-round, and not to limit the number of outdoor dining seats or require additional parking for those seating areas. There was discussion on whether or not the 65 seat limit should be revised, or whether rooftop dining should be encouraged and what an acceptable railing height is for platform decks. It was suggested that perhaps the Triangle District and Rail District could establish different standards for maximum seating. New draft language has been presented that expands interior seating for bistros in the Triangle and Rail Districts to 85 seats with 15 at the bar, while interior seating for the Downtown District remains at 65. Current rooftop dining standards were deemed acceptable, but the board wished to see railings on platform decks limited to 42 in. in height.

On January 10, 2018 the Planning Board reviewed the latest draft ordinance language for the proposed bistro regulation changes. The board requested that the language regarding on-street platforms be adjusted so that the reference to enclosing them is eliminated. Also, eliminate permanent enclosures facilitating year-round dining outdoors. Lastly, railings on platform decks may not exceed 42 in. in height in order to create an open atmosphere where the dining adds vitality to the streetscape. Board members wanted to see the final draft language prior to setting a public hearing.

It was agreed the word "permanent" in front of "enclosures" should be eliminated.

Discussion confirmed that rooftop dining is allowable under SLUPs on a case-by-case basis. Outdoor dining on the street is excluded from the rooftop number of seats.

Motion by Mr. Williams

Seconded by Mr. Koseck to set a public hearing for April 11, 2018 to consider the proposed ordinance amendment.

There were no comments from the public at 9:18 p.m.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Koseck, Klein, Jeffares, Ramin, Share, Whipple-Boyce

Nays: None

Absent: Boyle, Lazar



MEMORANDUM

City Clerk's Office

DATE: April 10, 2018

TO: Joseph A. Valentine, City Manager

FROM: J. Cherilynn Mynsberge, City Clerk

SUBJECT: Special Event Request - Havdalah in the Park

Attached is a special event application submitted by Temple Beth El requesting permission to hold Havdalah in the Park in Shain Park on Saturday, June 9, 2018.

The application has been circulated to the affected departments and approvals and comments have been noted.

The following events have either been approved by the Commission or are planned to be held in June and have not yet submitted an application.

Event Name	Date	Location
Farmers Market	Every Sunday May - October	Lot 6 (North Old Woodward)
In the Park Concerts	Every Wednesday June - August	Shain Park
Breathe Deep Michigan 5K	June 2	Booth Park & surrounding neighborhood
Battle of the Bands	June 15	Shain Park
Movie Night	June 22, July 20, August 24	Booth Park

SUGGESTED RESOLUTION:

To approve a request from Temple Beth El to hold Havdalah in the Park in Shain Park, on June 9, 2018 contingent upon compliance with all permit and insurance requirements and payment of all fees, and further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

2nd
3-5-18

18-00011233

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**

(Please print clearly or type)

Date of Application March 1, 2018

Name of Event Havdalah in the Park

Detailed Description of Event (attach additional sheet if necessary) _____
Short Song Service with guitar
&

Location Shain Park

Date(s) of Event Saturday, June 9th Hours of Event 5:30 - 7:30 pm

Date(s) of Set-up Saturday, June 9th Hours of Set-up 5:15 - 5:45 pm

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

Date(s) of Tear-down Same day Hours of Tear-down _____

Organization Sponsoring Event Temple Beth El

Organization Address 7400 Telegraph Rd, Bloomfield Hills

Organization Phone 248.851.1100

Contact Person Danielle Gordon

Contact Phone 248.325.9706

Contact Email DGORDON@tbeonline.org

II. EVENT INFORMATION

1. Organization Type Non-profit
(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.) N/A

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 _____

5. Total number of people expected to attend per day 30
6. The event will be held on the following City property: (Please list)
☐ Street(s) _____

☐ Sidewalk(s) _____

☒ Park(s) Shain Park

7. Will street closures be required? YES ☐ NO ☒
(Police Department acknowledgement prior to submission of application is required) (initial here) *AK*
8. What parking arrangements will be necessary to accommodate attendance? Public Parking

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 staff

10. Will the event require safety personnel (police, fire, paramedics)? YES ☐ NO ☒
(Police Department acknowledgement prior to submission of application is required.) (initial here) [signature]
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 _____ Recorded _____ Loudspeakers _____
Time music will begin 6:30 pm
Time music will end 7:00 pm
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 _____
Size of signs/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.**
 - All food/beverage vendors must have Oakland County Health Department approval.
 - Attach copy of Health Dept approval.
 - There is a \$50.00 application fee for all vendors and peddlers, in addition to the \$10.00 daily fee, per location.

III. EVENT LAYOUT

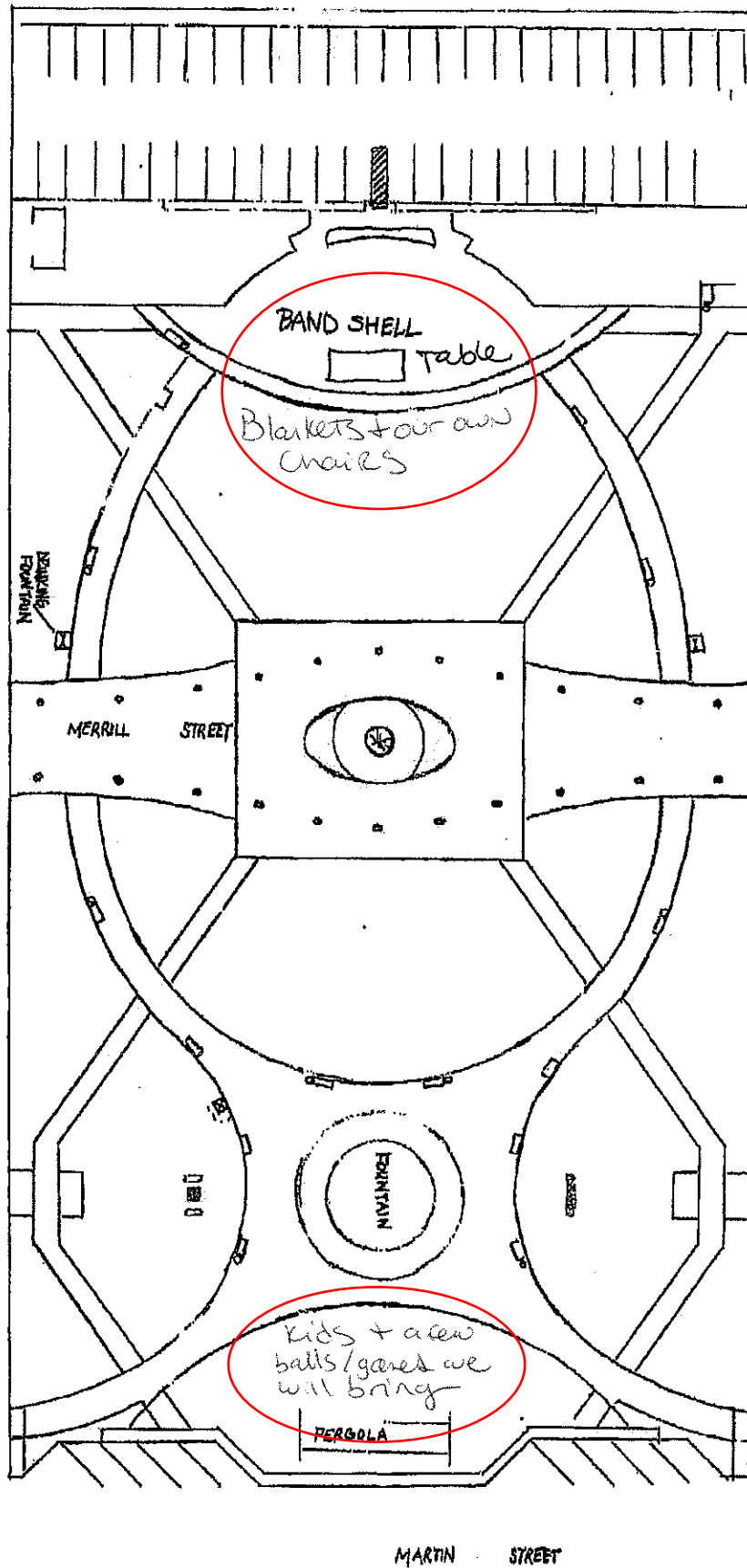
- Include a map showing the park set up, street closures, and location of each item listed in this section.
- Include a map and written description of run/walk route and the start/finish area

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	1	\$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		\$200.00 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)		
Portable Toilets		
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		



HENRIETTA STREET

we will have one 6 ft table.

No road closures.

MARTIN STREET

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Havdalah in the Park
EVENT DATE Sat. June 9th

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.

D Gordon 3.1.18
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.



TEMPLE
BETH EL

Our Spirit is Growing

Special Event Request Notification Letter

March 27, 2018

To Whom it May Concern:

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:	Havdalah in the Park
Location:	Shain Park
Dates of Event:	Saturday, June 9
Hours of Event:	5:30-7:30pm
Description:	Short religious ceremony with songs, guitar, and snacks.
Dates of Setup:	Saturday, June 9
Hours of Setup:	5:15-5:45pm
Dates of Tear-Down:	Saturday, June 9
Hours of Tear-Down:	7:30-8:00pm

Date of City Commission Meeting:

April 23, 2018

The City commission meets in room 205 of the Municipal Building at 151 Martin at 7:30pm. 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:	Temple Beth El
Address:	7400 Telegraph Rd, Bloomfield Hills, 48301
Phone:	248.851.1100
For Questions on Day of Event, Contact: Danielle Gordon, 248.878.3759	

There will be no street closures for this event.

Thank you in advance,

Danielle Gordon
Program Director

ACORD™

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/01/2018

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

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

PRODUCER Meadowbrook, Inc. Southfield Commercial Agency 26255 American Drive Southfield, MI 48034-6112	CONTACT NAME: Mary Ufferman	
	PHONE (A/C, No, Ext): 248 204-8595	FAX (A/C, No): 248 648-7585
	E-MAIL ADDRESS: mufferman@meadowbrook.com	
INSURED Congregation Beth El aka Temple Beth El 7400 Telegraph Rd Bloomfield Hills, MI 48301	INSURER(S) AFFORDING COVERAGE	
	INSURER A : Philadelphia Indemnity Insurance Co	
	INSURER B : Trumbull Insurance Co	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> OCP GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			PHPK1711114	09/14/2017	09/14/2018	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$300,000 MED EXP (Any one person) \$15,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			PHPK1711114	09/14/2017	09/14/2018	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$10000			PHUB600221	09/14/2017	09/14/2018	EACH OCCURRENCE \$5,000,000 AGGREGATE \$5,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	35WECID1995	05/04/2017	05/04/2018	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$500,000 E.L. DISEASE - EA EMPLOYEE \$500,000 E.L. DISEASE - POLICY LIMIT \$500,000

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

RE: Havdalah in the Park - 2018

City of Birmingham is an additional insured as respects General Liability.

CERTIFICATE HOLDER

CANCELLATION

City of Birmingham
PO Box 3001
Birmingham, MI 48012

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

Kenn R. Allen

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TEMPLE
BETH EL
Our Spirit is Growing

March 1, 2018

To the fullest extent permitted by law, Temple Beth El and any entity or person for whom Temple Beth El 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, 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.

Kim Raznik
Executive Director
3.1.18

DEPARTMENT APPROVALS

EVENT NAME HAVDALAH IN THE PARK

LICENSE NUMBER #18-00011233

COMMISSION HEARING DATE: 4/23/18

NOTE TO STAFF: Please submit approval by **3/20/18**

DATE OF EVENT: 6/9/18

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		No Costs, No Comment			
BUILDING 101-000.000.634.0005 248.530.1850	MM	No Building Department involvement		\$0	
FIRE 101-000.000-634.0004 248.530.1900	JMC			\$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	Carrie Laird	The department will make arrangements with representative to deliver trash receptacles.		\$8	
ENGINEERING 101-000.000.634.0002 248.530.1839	A.F.	No Comments	None	\$0	\$0
SP+ PARKING	A.F.	Emailed comments to SP+ 03/16/18	None	\$0	\$0

INSURANCE 248.530.1807	CA	APPROVED	NONE	\$0	\$0
CLERK 101-000.000-614.0000 248.530.1803		Notification letters to be mailed by applicant no later than 4/9/18. Notification addresses on file in the Clerk's Office.	Applications for vendors license must be submitted no later than 5/27/18.	\$165 pd	
				TOTAL DEPOSIT REQUIRED \$8.00	ACTUAL COST

FOR CLERK'S OFFICE USE

Deposit paid _____

Actual Cost _____

Due/Refund _____



MEMORANDUM

Department of Public Services

DATE: March 26, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Zero Turn Riding Mower #50

Our current Zero turn riding mower #50 is a Scag model scz52v that was placed in service July of 2012 and was projected to be replaced in 4 years. We currently use this riding mower for maintenance of various city properties, including City Hall, Baldwin Public Library, Shain Park, Parking Structures and various grass islands throughout town. The mechanical reliability and age of the mower warrants replacement. We purchased the Scag zero turn mower in 2012 for \$8,338.48.

Sealed bids were opened on Tuesday, February 20, 2018 for the purchase of one (1) new zero turn riding mower. The request for proposal (RFP) was entered into the Michigan Inter-governmental Trade Network (MITN) purchasing system. Six (6) vendors responded. The lowest bid meeting all RFP specifications was from Weingartz Supply in Farmington Hills, MI. The results are as follows:

Vendor	Model	Meet specifications	Bid amount
Munn Tractor & Lawn, Inc	Hustler XI model # 936252	No	\$7,590.45
Billings Lawn Equip	Scag STC11-52V-25CV-EFIv	No	\$9,535.66
All Seasons Landscaping Co, Inc.	327 EFI	No	\$10,242.64
Weingartz Supply	Exmark LZX740EKC526WO	Yes	\$10,871.00
D & G Equipment	Exmark LZX740EKC526WO	Yes	\$10,889.46
Weingartz of Clarkston	Exmark LZX740EKC526WO	Yes	\$11,031.00

Toward the end of the mowing season in 2017, the Department of Public Services demoed several models of zero turn riding mowers including Hustler, John Deere and Exmark to review various styles, models and specifications for this purchase. The Exmark is efficient in maneuvering and cutting time, a comfortable riding design and excels in performance and met the specifications for this purchase. We need a heavy duty commercial grade mower that is a workhorse every week during the mowing season up to four days per week.

The three low bids did not meet the requested specifications in the following ways. The Hustler model was not operationally as versatile in maneuverability; when testing this mower, it proved to be inefficient in climbing curbs or ramps. The dimensions of the mower vary from the specifications and the engine does not have the required engine specifications, which means less horsepower, torque, and heavy duty bearings for extra protection and lasting durability. Additionally, the seat and suspension were not up to requested provisions. The Scag model engine is less than specified, has less fuel capacity, and the seat and suspension does not meet the requested specifications. The 327 EFI does not have the required engine specifications as well which is a preference for longevity and in handling the high usage of this equipment.

The Department of Public Services recommends the purchase of one (1) 2018 Exmark LZX740EKC526WO for a total purchase price of \$10,871.00 from Weingartz Supply. This mower is the best suited for the operations and meets the requested specifications. Upon delivery, the 2012 Scag scz52v will be placed on the Michigan Inter-governmental Trade Network (MITN) for resale. Funds for this purchase are available in the Auto Equipment Fund, account #641-441.006-971.0100.

SUGGESTED RESOLUTION:

To approve the purchase of one (1) new Exmark LZX740EKC526WO Zero Turn Riding Mower from Weingartz Supply for a total expenditure not to exceed \$10,871.00. Funds for this purchase are available in the Auto Equipment Fund, account #641-441.006-971.0100.

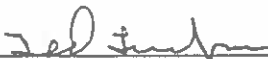
ATTACHMENT B - BIDDER'S AGREEMENT
For Zero Turn Mower

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

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

<u>TED LUNDGREN</u>	<u>2-7-18</u>
PREPARED BY	DATE
(Print Name)	

<u>SALES</u>	<u>2-7-18</u>
TITLE	DATE

<u></u>	<u>TLUNDGREN@WEINGART2.COM</u>
AUTHORIZED SIGNATURE	E-MAIL ADDRESS

<u>WEINGART2 SUPPLY</u>
COMPANY

<u>39050 GRAND RIVER FARMINGTON HILLS 48335</u>	<u>248-471-3050</u>
ADDRESS	PHONE

<u> </u>	<u> </u>
NAME OF PARENT COMPANY	PHONE

<u> </u>
ADDRESS

ATTACHMENT C - COST PROPOSAL

For Zero Turn Mower

In order for the bid to be considered valid, this form must be completed in its entirety. The cost for the Scope of Work as stated in the Request for Proposal documents shall be a lump sum, as follows:

Attach technical specifications for all proposed materials as outlined in the Contractor's Responsibilities section of the RFP (p. 6)

COST PROPOSAL	
Zero Turn Mower	
ITEM	BID AMOUNT
Current production Zero Turn Riding Mower	\$ 10,239 ⁰⁰
Other Miscellaneous (Attach Detailed Description)	\$ 632 ⁰⁰
TOTAL	\$ 10,871 ⁰⁰

Make and Model: EXMARK LZX740EKC 526 WD

Deviations or Exceptions: _____

Delivery Date: 2-25

WEINGARTZ EVERYTHING FROM LAWN TO SNOW

QUOTATION

To: ***CASH***

Quote #: **20192566-00**

Date: **02/01/18**

Exp Date:

Attn:

Prepared By: **Ted Lundgren - FH Sales**

Phone:

Phone: **(248) 893-5872**

Email:

Email: **tlundgren@weingartz.com**

Product number	Product and Description	Qty	Sale Price	Total
KH25-083-01-S	Air Filter Element - Primary List Price: \$26.99	1	\$25.99	\$25.99
KH25-083-04-S	Air Filter Element - Secondary List Price: \$29.99	1	\$27.99	\$27.99
kh24-050-13-s	Filter, Fuel (EFI) List Price: \$11.99	1	\$11.99	\$11.99
EX109-4994	Belt, Deck Drive B 186.00" Interchange Prod: 109-4994 List Price: \$120.82	1	\$120.82	\$120.82
EX109-3388	Belt, Hydro Drive Interchange Prod: 1093388 List Price: \$26.99	1	\$26.99	\$26.99
EX103-6392-S	Spk, Blade Mulch 18.0 (. 9 Interchange Prod: 103-6392-S List Price: \$20.99	3	\$20.99	\$62.97
EX115-3590	Wheel And Tire Asm Interchange Prod: 115-3590 List Price: \$244.26	1	\$244.26	\$244.26
EXMK526	52" Exmark Mulch Kit List Price: \$339.95	1	\$271.00	\$271.00

Total	\$792.01
Order Discount	\$160.00
Invoice Total	\$632.01

Approved By

Customer

Date

Weingartz Representative

Date

Page 1 of 1

Weingartz, 39050 Grand River Ave, Farmington Hills, MI 48335,

WWW.WEINGARTZ.COM

ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM
For Zero Turn Mower

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.

TED LUNDGREN 2-7-18
PREPARED BY DATE
(Print Name)

SALES 2-7-18
TITLE DATE

Ted Lundgren TLUNDGREN@WEINGARTZ.COM
AUTHORIZED SIGNATURE E-MAIL ADDRESS

WEINGARTZ SUPPLY
COMPANY

39050 GRAND RIVER FARMINGTON HILLS 248-471-3050
ADDRESS PHONE

NAME OF PARENT COMPANY PHONE

ADDRESS

38-1807450
TAXPAYER I.D.#



MEMORANDUM

Planning Division

DATE: April 23rd, 2018

TO: Joseph A. Valentine, City Manager

FROM: Brooks Cowan, City Planner

APPROVED: Jana Ecker, Planning Director

SUBJECT: Parking in the Right-of-Way at 2075 14 Mile Road

The owners of the above referenced property are seeking permission to include two (2) parking spaces in the right-of-way on Mansfield Road towards their off-street parking requirement. The property located at 2075 14 Mile Road is zoned O1, Office, and is currently vacant. The previous use was a pet grooming facility. The building is 3,364 square feet with nine (9) existing on-site parking spaces located at the rear of the building.

At this time, the applicant is requesting approval to utilize the two (2) parking spaces in the right-of-way on Mansfield Road towards their total parking count, which would create a total of eleven (11) parking spaces for the site. Approval of this request would provide adequate parking to allow for permitted office uses, which require 1 parking space per 300 square feet of space.

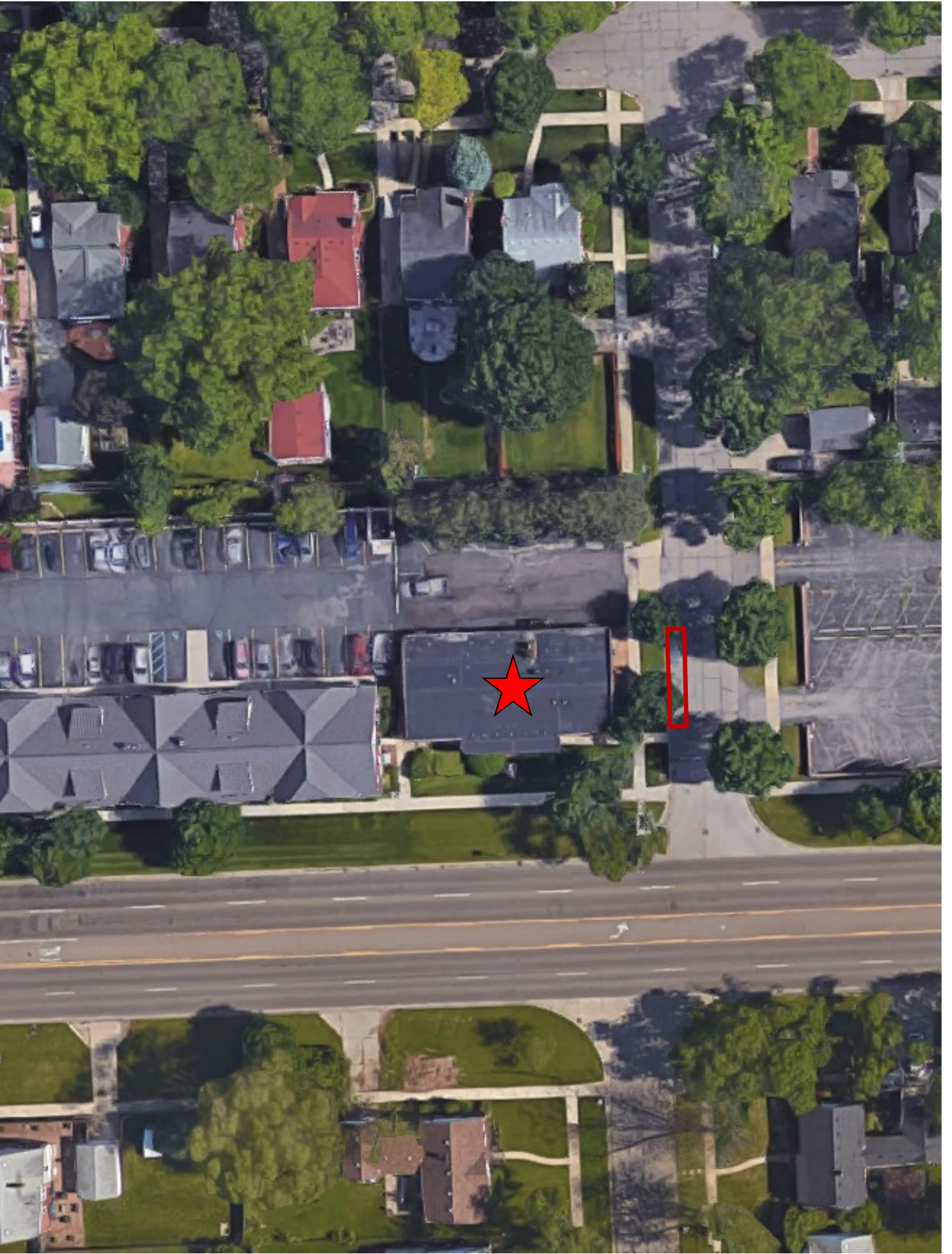
Article 4, section 4.43 (G) (1) of the Zoning Ordinance states:

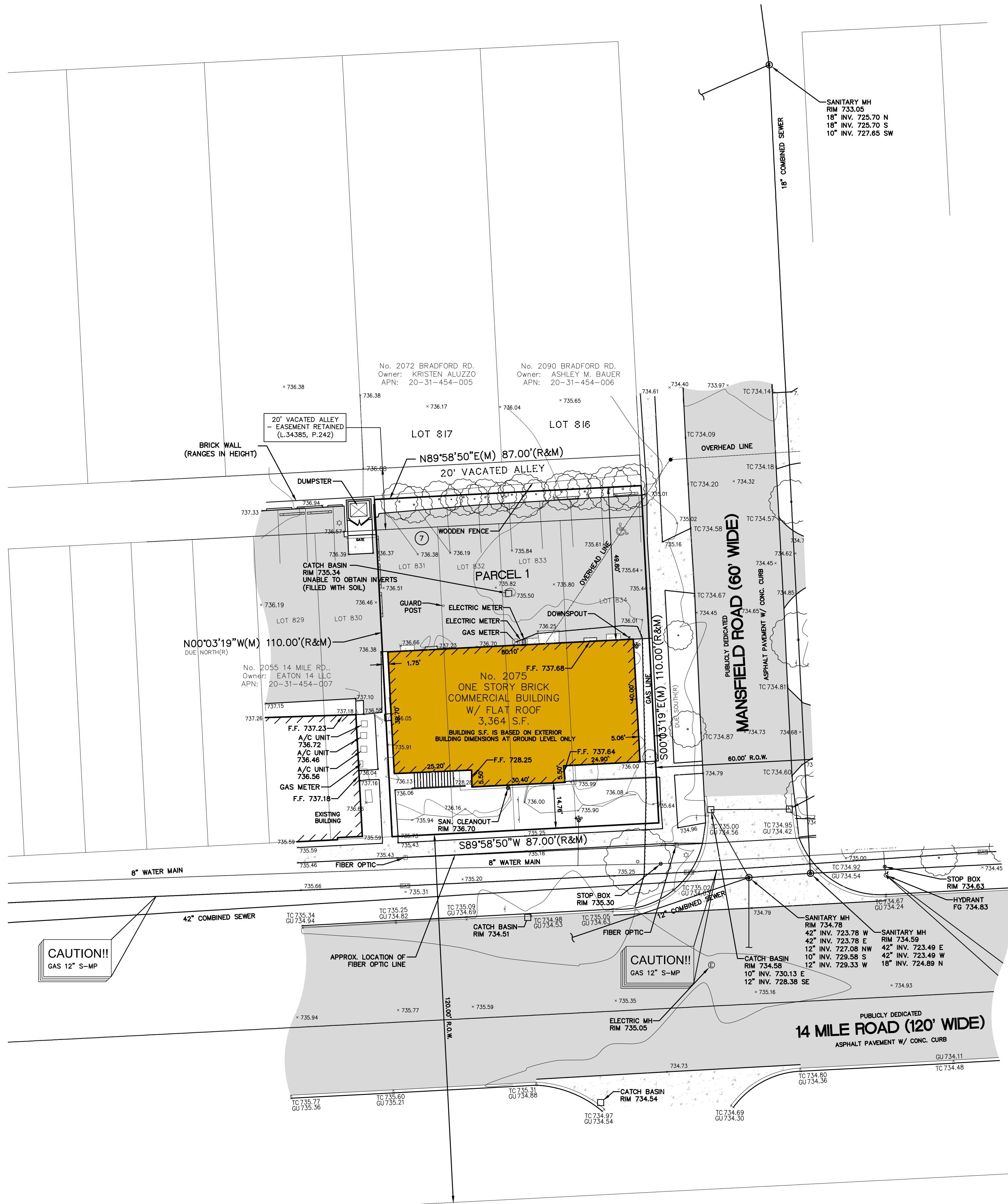
- G. The required off-street parking facilities for buildings used for other than residential purposes may be provided by the following method:
 - 1. By providing the required off-street parking on the same lot as the building being served, or where practical, and **with the permission of the City Commission**, the area in the public right-of-way abutting the property in question may be included as a portion of the required parking area if such area is improved in accordance with plans which have been approved by the engineering department.

In accordance with Article 4, section 4.43(G) (1) of the Zoning Ordinance, the applicant may include the two (2) right-of-way parking spaces adjacent to their building in their required parking calculation if approved by the City Commission. The inclusion of these two (2) spaces will eliminate the necessity for a parking variance. The applicant has agreed to comply with the recommendations of the Engineering Division, who have no comments at this time.

SUGGESTED RESOLUTION:

To approve the use of two (2) parking spaces in the right-of-way on Mansfield Drive directly abutting the property located at 2075 14 Mile Road to fulfill a portion of the off-street parking requirements per Article 4, section 4.43 (G)(1) of the Zoning Ordinance.





SURVEYOR'S CERTIFICATION:

To:
Kelly Building and Development Company, LLC, a Michigan limited liability company
Helen Weisberg & Mark Weisberg, co-Trustees of the Helen Weisberg Revocable Trust
First American Title Insurance Company

This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 2, 3, 4, 6(a), 6(b), 7(a), 7(b), 8, 9, 13, 16, and 17 of Table A thereof.

The field work was completed on xxxx.

Kevin Navaroli
Kevin Navaroli, P.S.
No. 53503
Dated: 07-21-2016



LEGEND	
	EXISTING SANITARY SEWER
	EXISTING SAN. CLEAN OUT
	EXISTING WATER MAIN
	EXISTING STORM SEWER
	EX. R.Y. CATCH BASIN
	EXISTING BURIED CABLES
	OVERHEAD LINES
	LIGHT POLE
	SIGN
	EXISTING GAS MAIN

LEGAL DESCRIPTION

Land situated in the County of Oakland, City of Birmingham, State of Michigan, is described as follows:

PARCEL 1:
Lots 831 through 834, inclusive and the South 1/2 of the adjacent vacated alley, "SHEFFIELD ESTATES NO. 1" as recorded in Liber 44, on Page 40 of Plats, Oakland County Records.

Address: 2075 14 Mile Road
Tax ID No.: 20-31-454-008

BASIS OF BEARING:

The basis of bearing of this survey was established by the North Right of Way line of 14 Mile Road as recorded in the Plot of Sheffield Estates No. 1, (S.89°58'50"W.).

TITLE NOTES:

- Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by making inquiry of persons in possession of the Land.
- Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
- Covenants, conditions, restrictions and other provisions but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin as contained in instrument recorded in Liber 697, page 519. [Not plottable].
- Easement for public utilities over that portion of land included in the vacated alley as evidenced by instrument recorded in Liber 3180, page 513 and Liber 34385, page 242 [Sold vacated alleys and retained easements are plotted hereon].
- Interest of others in oil, gas and mineral rights, if any, recorded in the public records or unrecorded.
- Rights of tenants, if any, under any unrecorded leases.

All exceptions shown or noted on this survey were obtained from Title Commitment No. 741982, date printed May 24, 2016, with an effective date of 04-15-2016, issued by First American Title Insurance Company.

SITE DATA:

Gross Land Area: Square Feet or Acres.
Zoned: O-1 (Office)
Building Setbacks:
Front= Average setback of buildings within 200 feet, otherwise 0 feet.
Sides= No setback is required except on a corner lot which has on its side street an abutting interior lot, then such setback shall be equal to the minimum for the zoning district in which the building is located.
Rear= 20 feet or height of a building, whichever is greater when adjacent to a residential zoning district.

Max. Building Height permitted: 2 stories/28'

Total Parking: 46 spaces including 1 barrier free spaces.

The above setback & height requirements were obtained from the City of Birmingham Zoning Ordinance.

A surveyor cannot make a certification on the basis of an interpretation or opinion of another party. A zoning endorsement letter should be obtained from the City of Birmingham to insure conformity as well as make a final determination of the required building setback requirements.

FLOOD HAZARD NOTE:

The Property described on this survey does not lie within a Special Flood Hazard Area as defined by the Federal Emergency Management Agency, the property lies within Zone X of the Flood Insurance Rate Map identified as Map No. 26125C0537F bearing an effective date of 09-29-2006.

CEMETERY NOTE:

There was no observable evidence of cemeteries or burial grounds within the subject property.

UTILITY NOTE:

All utilities are underground unless otherwise noted.
The utilities shown on this survey were determined by field observation. All locations are approximate. The location of any other underground services which may exist can only be depicted if a Utility Plan is furnished to the surveyor.

TOPOGRAPHIC SURVEY NOTES

ALL ELEVATIONS ARE EXISTING ELEVATIONS, UNLESS OTHERWISE NOTED.

TABLE 'A' NOTES:

- 16: There was no observable evidence of current earth moving work, building construction or building additions observed in the process of conducting the fieldwork.
- 17: There are no known proposed changes in street right-of-way lines available from the controlling jurisdiction.
- 17: There was no observable evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork.



NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257

SEAL

PROJECT

2075 E. 14 Mile Road
Birmingham, MI

CLIENT

Kelly Building and
Development Co.
2051 Villa, Suite 106
Birmingham, MI 48009

Contact:

John Kelly
Ph: (248) 258-6663
Fax: (248) 258-0917

PROJECT LOCATION

Part of the Southeast 1/4
of Section 31
T. 2 North, R. 11 East
City of Birmingham,
Oakland County, Michigan

SHEET

ALTA/NSPS Land Title
Survey & Topographic
Survey



REVISIONS

DRAWN BY:

A. Eizember

DESIGNED BY:

APPROVED BY:

K. Navaroli

DATE:

07-21-16

SCALE: 1" = 20'

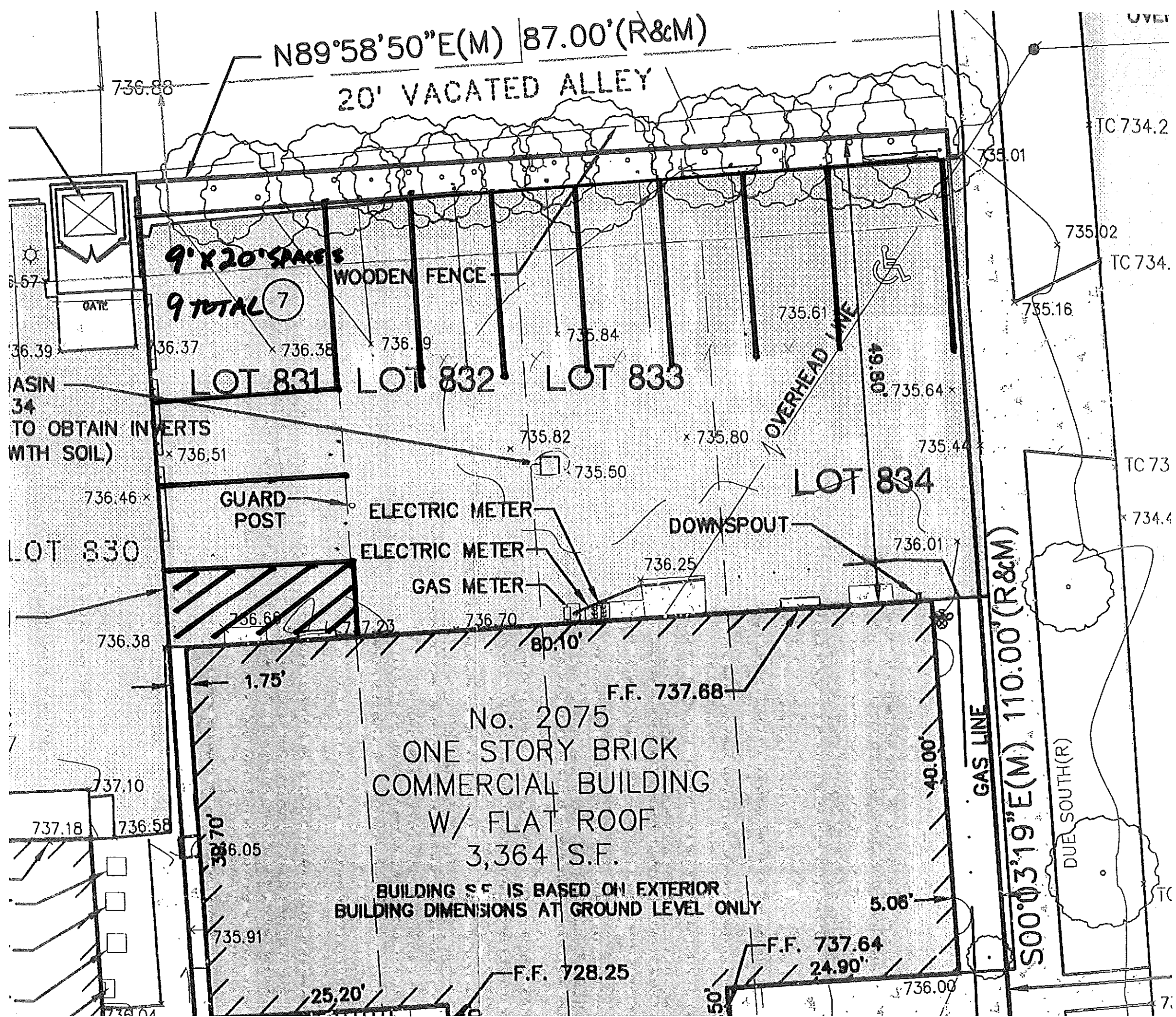
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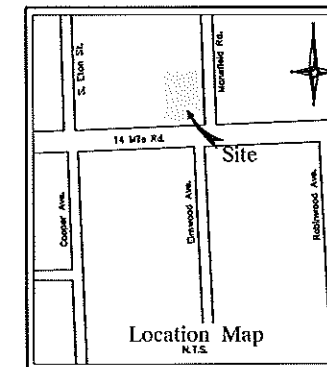
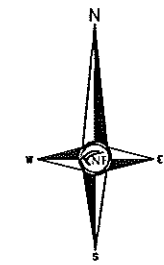
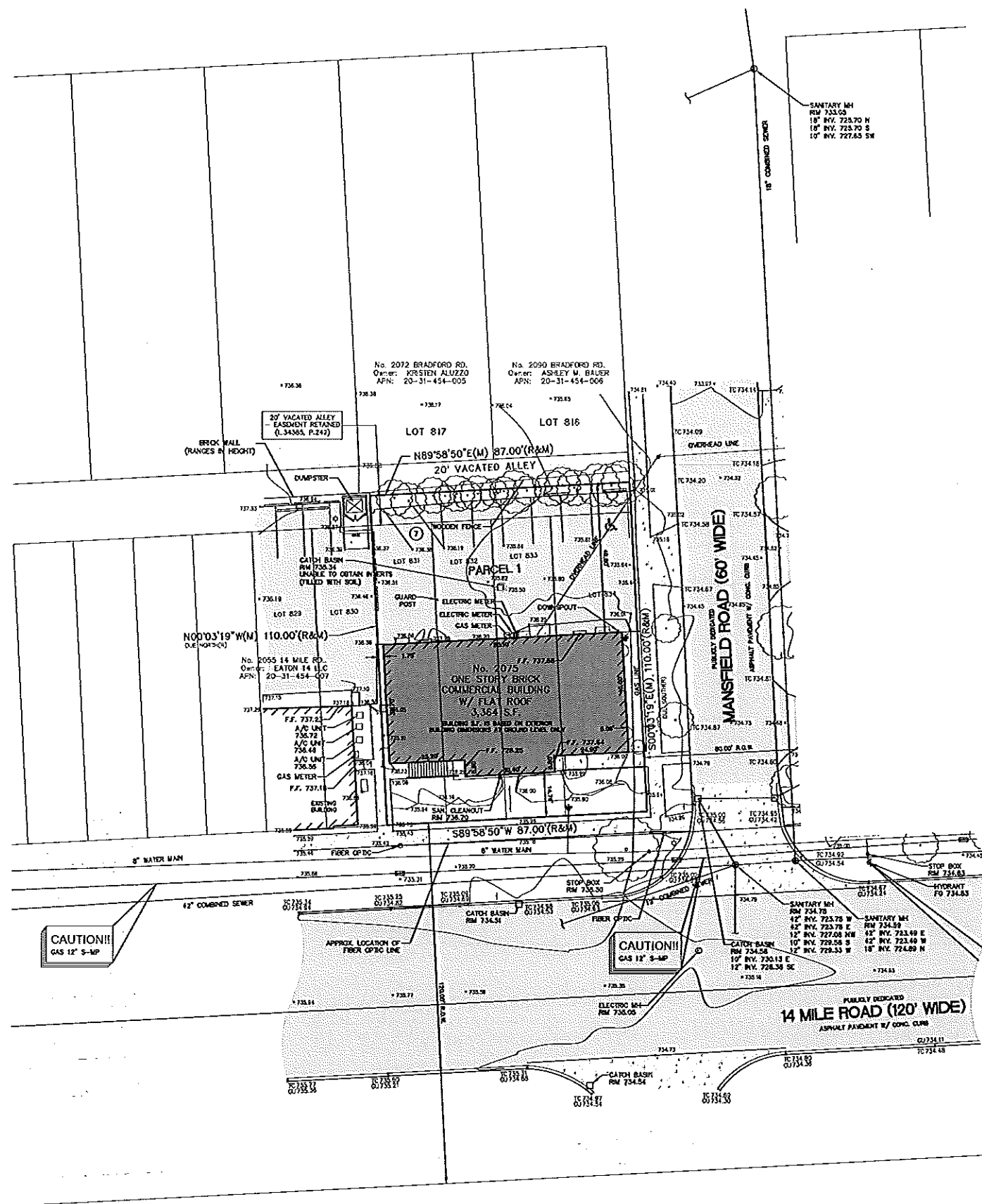
NFE JOB NO.

J281

SHEET NO.

1





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

LEGAL DESCRIPTION

Land situated in the County of Oakland, City of Birmingham, State of Michigan, is described as follows:

PARCEL 1:
Lots 831 through 834, inclusive and the South 1/2 of the adjacent wooded area, SHARPLEY ESTATES No. 1 as recorded in Liber 44, on Page 40 of Plats, Oakland County Records.

Address: 2075 14 Mile Road
Tax ID No.: 20-31-454-005

BASIS OF BEARING:

The basis of bearing of this survey was established by the North Right of Way line of 14 Mile Road as recorded in the Plat of Sharpley Estates No. 1, (589597074).

TITLE NOTES:

- Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by making inquiry of persons in possession of the land.
- Easements, liens, or encumbrances, or claims thereof, not shown by the Public Records.
- Covenants, conditions, restrictions, and other provisions but omitting restrictions, if any, based on race, color, religion, sex, handicap, marital status or national origin as contained in instrument recorded in Liber 697, page 518. (Not plottable).
- Easement for public utilities over that portion of land included in the wooded area as evidenced by instrument recorded in Liber 3100, page 513 and Liber 34354, page 212 (554 wooded area and retained easements are plotted herein).
- Interest of others in oil, gas and mineral rights, if any, recorded in the public records or unrecorded.
- Rights of tenants, if any, under any unrecorded leases.

All exceptions shown or noted on this survey were obtained from Title Commitment No. 741982, dated May 24, 2016, with an effective date of 04-15-2016, issued by First American Title Insurance Company.

SITE DATA:

Overall Lot Area: Square Feet or Acres.
Zoned: O-1 (Office)

Building Setbacks:
Front: Average setback of buildings within 200 feet, otherwise 0 feet.
Side: No setback is required except on a corner lot which has an R.R. side street on existing interior lot, then such setback shall be equal to the minimum for the zoning district in which the building is located.
Rear: 20 feet or height of a building, whichever is greater when adjacent to a residential zoning district.

Max. Building Height permitted: 2 stories/22'

Total Parking: 66 spaces including 1 barrier free space.

The above setback & height requirements were obtained from the City of Birmingham Zoning Ordinance.

A surveyor cannot make a certification on the basis of an interpretation or opinion of another party. A zoning enforcement letter should be obtained from the City of Birmingham to insure conformity as well as make a final determination of the required building setback requirements.

FLOOD HAZARD NOTE:

The Property described on this survey does not lie within a Special Flood Hazard Area as defined by the Federal Emergency Management Agency. The property lies within Zone X, the Flood Insurance Rate Map identified as Map No. 2612500537F bearing an effective date of 09-29-2006.

CEMETERY NOTE:

There was no observable evidence of cemeteries or burial grounds within the subject property.

UTILITY NOTE:

All utilities are underground unless otherwise noted.

The utilities shown on this survey were determined by field observation. All locations are approximate. The location of any other underground services which may exist can only be depicted if a Utility Plan is furnished to the surveyor.

TOPOGRAPHIC SURVEY NOTES

ALL ELEVATIONS ARE EXISTING ELEVATIONS, UNLESS OTHERWISE NOTED.

TABLE 'A' NOTES:

- There was no observable evidence of current earth moving work, building construction or building additions observed in the process of conducting the fieldwork.
- There are no known proposed changes in street right-of-way lines available from the controlling jurisdiction.
- There was no observable evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork.

SURVEYOR'S CERTIFICATION:

I, the

Kelly Building and Development Company, LLC, a Michigan Limited Liability Company, Helen Walberg & John Walberg, co-trustees of the Helen Walberg Revocable Trust, First American Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, fully established and adopted by ALTA and NSPS, and include Ramps 2, 3, 4, 6(c), 6(d), 7(c), 7(d), 8, 9, 13, 16, and 17 of Table A thereof.

This field work was completed on 07/21/2016.

Kevin Navaroli
Kevin Navaroli, P.S.
No. 53503
Dated: 07-21-2016



LEGEND

MANHOLE	EXISTING SANITARY SEWER
HYDRANT	EXISTING SAN. CLEAN OUT
GATE VALVE	EXISTING WATER MAIN
MANHOLE	EXISTING STORM SEWER
CATCH BASIN	EX. R.Y. CATCH BASIN
UTILITY POLE	EXISTING BURIED CABLES
OUT POLE	OVERHEAD LINES
OUT WIRE	LIGHT POLE
SON	SON
	EXISTING GAS MAIN

SEAL

PROJECT

2075 E. 14 Mile Road
Birmingham, MI

CLIENT

Kelly Building and
Development Co.
2051 Villa, Suite 106
Birmingham, MI 48009

Contact:

John Kelly
Ph: (248) 258-6663
Fax: (248) 258-0917

PROJECT LOCATION

Part of the Southeast 1/4
of Section 31
T. 2 North, R. 11 East
City of Birmingham,
Oakland County, Michigan

SHEET

ALTA/NSPS Land Title
Survey & Topographic
Survey



Know what's below
Call before you dig.

REVISIONS

DRAWN BY:

A. Eizember

DESIGNED BY:

K. Navaroli

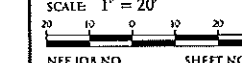
APPROVED BY:

K. Navaroli

DATE:

07-21-16

SCALE: 1" = 20'



NFE JOB NO.

J281

SHEET NO.

1

MEMORANDUM

DATE: April 12, 2018

TO: Joseph Valentine, City Manager

FROM: Teresa Klobucar, Deputy Treasurer
Mark Gerber, Finance Director/Treasurer

SUBJECT: Delinquent Special Assessments/Invoices to the Tax Roll

As provided in the Birmingham City Code, I am submitting a sworn statement of delinquent unpaid special assessments and invoices. These include penalties and interest as of May 1, 2018 and will be placed on the 2018 City tax roll.

In April 2018, property owners with delinquent special assessments and invoices are notified of their account status. The unpaid accounts are detailed on the attached listing and represent a cumulative total of **\$144,259.89** including interest and penalties as of May 1, 2018.

The City Commission is requested to direct the Treasurer to transfer the delinquent special assessments and invoices, including interest and penalties, to the 2018 tax roll and to authorize the removal from the list any bills paid after City Commission approval.

SUGGESTED RESOLUTION:

To adopt the following resolution directing the Treasurer to transfer the following unpaid and delinquent special assessment and invoices, including interest and penalty, to the 2018 City tax roll and to authorize removal from the list any bills paid after City Commission approval.

WHEREAS, the City Treasurer, in accordance with the provisions in the City Code has reported certain special assessments and invoices, including interest and penalty, unpaid and delinquent on May 1, 2018, and

WHEREAS, the City Code provides that these delinquent special assessments and invoices shall be carried to the next annual City tax roll,

NOW THEREFORE BE IT RESOLVED, that the listing of unpaid and delinquent special assessments and invoices, including interest and penalty, be transferred and reassessed to the 2018 City tax roll with an additional 15% penalty and authorization be given to remove from the list any bills paid after commission approval.

SWORN STATEMENT OF
DELINQUENT AND UNPAID SPECIAL ASSESSMENTS
AND UNPAID INVOICES

The following is a summary of the past due special assessments and invoices as reported to the Birmingham City Commission as of May 1, 2018 to be carried to the 2018 City tax roll.

<u>ROLL NO.</u>	<u>IMPROVEMENT</u>	<u>TOTAL TO BE CARRIED TO THE 2018 CITY TAX ROLL</u>
841	SEWER LATERALS – 7 th INSTALLMENT	\$ 107.05
848	E MAPLE SEWER LATERALS – 6 th INSTALLMENT	\$ 128.88
849	PIERCE SIDEWALK – 3 rd INSTALLMENT	\$ 1,505.37
855	COLE STREET SEWER LATERALS – 5 th INSTALLMENT	\$ 256.12
856	E MAPLE GARDENS SEWER LATERALS – 5 th INST	\$ 2,815.48
857	CLARK STREET PAVING – 3 rd INSTALLMENT	\$ 857.62
858	MOHEGAN SEWER LATERALS – 3 rd INSTALLMENT	\$ 627.38
859	N ETON SEWER LATERALS – 3 rd INSTALLMENT	\$ 35.80
860	CLARK ST SEWER LAT – 4 th INSTALLMENT	\$ 96.78
863	CUMMINGS ST PAVING – 2 nd INSTALLMENT	\$ 1,848.02
865	2015 STREET PAV SEW LAT – 3 rd INST	\$ 1,417.32
870	PRINCIPAL SHOPPING DISTRICT F/Y 2017-2018	\$ 68,173.87
876	WEBSTER SEWER LATERALS – 2 nd INSTALLMENT	\$ 1,384.49
879	2017 CAPE SEAL PROJECT – ONE INSTALLMENT	\$ 44,537.91
	DELINQUENT INVOICES TO TAX ROLL	\$ 20,467.80
TOTAL		\$ 144,259.89

I hereby certify that the above is a true and correct statement of past due and unpaid special assessments and invoices on May 1, 2018 to be carried to the 2018 City tax roll.

Mark Gerber
Treasurer

**DELINQUENT SPECIAL ASSESSMENTS TRANSFERRED TO 2018
CITY TAX ROLL**

SAD ROLL NO. 841

**SEWER LATERALS - 7th INSTALLMENT
BILLED 1/20/2018 - DUE 3/22/2018**

<u>SIDWELL#</u>	<u>PROPERTY ADDRESS</u>	<u>AMOUNT DUE THRU 5/1/18</u>	<u>15% Penalty</u>	<u>Total to 2018 Tax Roll</u>
19-36-137-003	211 TOWNSEND	\$ 93.09	\$ 13.96	\$ 107.05
				<u>\$ 107.05</u>

SAD ROLL NO. 848

**E MAPLE ROAD SEWER LATERALS - 6th INSTALLMENT
BILLED 1/20/2018 - DUE 3/22/2018**

<u>SIDWELL#</u>	<u>PROPERTY ADDRESS</u>	<u>AMOUNT DUE THRU 5/1/18</u>	<u>15% Penalty</u>	<u>Total to 2018 Tax Roll</u>
20-30-378-014	1877 E MAPLE	\$ 112.07	\$ 16.81	\$ 128.88
				<u>\$ 128.88</u>

SAD ROLL NO. 849

**PIERCE & MERRILL SIDEWALK - 3rd INSTALLMENT
BILLED 1/5/2018 - DUE 3/22/2018**

<u>SIDWELL#</u>	<u>PROPERTY ADDRESS</u>	<u>AMOUNT DUE THRU 5/1/18</u>	<u>15% Penalty</u>	<u>Total to 2018 Tax Roll</u>
19-36-129-005	102 PIERCE	\$ 1,309.02	\$ 196.35	\$ 1,505.37
				<u>\$ 1,505.37</u>

**DELINQUENT SPECIAL ASSESSMENTS TRANSFERRED TO 2018
CITY TAX ROLL**

**SAD ROLL NO. 855 COLE STREET SEWER LATERALS - 5th INSTALLMENT
BILLED 1/20/2018 - DUE 3/22/2018**

<u>SIDWELL#</u>	<u>PROPERTY ADDRESS</u>	<u>AMOUNT DUE THRU 5/1/18</u>	<u>15% Penalty</u>	<u>Total to 2018 Tax Roll</u>
20-31-179-047	1859 COLE	\$ 109.13	\$ 16.37	\$ 125.50
20-31-179-051	1907 COLE	\$ 113.58	\$ 17.04	\$ 130.62
				<u>\$ 256.12</u>

**SAD ROLL NO. 856 EAST MAPLE GARDENS SEWER LATERALS - 5th INSTALLMENT
BILLED 1/20/2018 - DUE 3/22/2018**

<u>SIDWELL#</u>	<u>PROPERTY ADDRESS</u>	<u>AMOUNT DUE THRU 5/1/18</u>	<u>15% Penalty</u>	<u>Total to 2018 Tax Roll</u>
20-30-451-020	2141 DORCHESTER	\$ 233.65	\$ 35.05	\$ 268.70
20-30-453-012	2029 YORKSHIRE	\$ 233.02	\$ 34.95	\$ 267.97
20-30-476-026	2761 DORCHESTER	\$ 209.88	\$ 31.48	\$ 241.36
20-30-476-033	2887 DORCHESTER	\$ 209.88	\$ 31.48	\$ 241.36
20-30-477-001	2616 DORCHESTER	\$ 314.80	\$ 47.22	\$ 362.02
20-30-477-002	2630 DORCHESTER	\$ 335.79	\$ 50.37	\$ 386.16
20-30-477-003	2648 DORCHESTER	\$ 332.36	\$ 49.85	\$ 382.21
20-30-477-015	2896 DORCHESTER	\$ 321.81	\$ 48.27	\$ 370.08
20-30-478-008	2866 DORCHESTER	\$ 110.15	\$ 16.52	\$ 126.67
20-30-478-009	2898 YORKSHIRE	\$ 146.91	\$ 22.04	\$ 168.95
				<u>\$ 2,815.48</u>

**SAD ROLL NO. 857 CLARK STREET PAVING - 3rd INSTALLMENT
BILLED 1/20/2018 - DUE 3/22/2018**

<u>SIDWELL#</u>	<u>PROPERTY ADDRESS</u>	<u>AMOUNT DUE THRU 5/1/18</u>	<u>15% Penalty</u>	<u>Total to 2018 Tax Roll</u>
19-36-254-009	984 CLARK	\$ 745.76	\$ 111.86	\$ 857.62
				<u>\$ 857.62</u>

**DELINQUENT SPECIAL ASSESSMENTS TRANSFERRED TO 2018
CITY TAX ROLL**

**SAD ROLL NO. 858 MOHEGAN KENNESAW SEWER LATERALS - 3rd INSTALLMENT
BILLED 1/20/2018 - DUE 3/22/2018**

<u>SIDWELL#</u>	<u>PROPERTY ADDRESS</u>	<u>AMOUNT DUE</u> <u>THRU 5/1/18</u>	<u>15%</u> <u>Penalty</u>	<u>Total to 2018</u> <u>Tax Roll</u>
19-25-403-016	775 KENNESAW	\$ 137.71	\$ 20.66	\$ 158.37
19-25-427-020	983 KENNESAW	\$ 111.23	\$ 16.68	\$ 127.91
19-25-428-001	812 KENNESAW	\$ 296.61	\$ 44.49	\$ 341.10
				<u>\$ 627.38</u>

**SAD ROLL NO. 859 N ETON SEWER LATERALS - 3rd INSTALLMENT
BILLED 1/20/2018 - DUE 3/22/2018**

<u>SIDWELL#</u>	<u>PROPERTY ADDRESS</u>	<u>AMOUNT DUE</u> <u>THRU 5/1/18</u>	<u>15%</u> <u>Penalty</u>	<u>Total to 2018</u> <u>Tax Roll</u>
20-30-381-003	301 N ETON #C	\$ 6.23	\$ 0.93	\$ 7.16
20-30-381-018	309 N ETON #B	\$ 6.23	\$ 0.93	\$ 7.16
20-30-381-022	311 N ETON #B	\$ 6.23	\$ 0.93	\$ 7.16
20-30-381-024	311 N ETON #D	\$ 6.23	\$ 0.93	\$ 7.16
20-30-381-027	313 N ETON #C	\$ 6.23	\$ 0.93	\$ 7.16
				<u>\$ 35.80</u>

**SAD ROLL NO. 860 CLARK STREET SEWER LATERALS - 4th INSTALLMENT
BILLED 1/20/2018 - DUE 3/22/2018**

<u>SIDWELL#</u>	<u>PROPERTY ADDRESS</u>	<u>AMOUNT DUE</u> <u>THRU 5/1/18</u>	<u>15%</u> <u>Penalty</u>	<u>Total to 2018</u> <u>Tax Roll</u>
19-36-254-009	984 CLARK	\$ 84.16	\$ 12.62	\$ 96.78
				<u>\$ 96.78</u>

**DELINQUENT SPECIAL ASSESSMENTS TRANSFERRED TO 2018
CITY TAX ROLL**

SAD ROLL NO. 863

**CUMMINGS STREET PAVING - 2nd INSTALLMENT
BILLED 1/20/2018 - DUE 3/22/2018**

<u>SIDWELL#</u>	<u>PROPERTY ADDRESS</u>	<u>AMOUNT DUE THRU 5/1/18</u>	<u>15% Penalty</u>	<u>Total to 2018 Tax Roll</u>
19-36-433-004	1111 EMMONS	\$ 805.57	\$ 120.84	\$ 926.41
19-36-479-008	1128 DAVIS	\$ 801.40	\$ 120.21	\$ 921.61
				<u>\$ 1,848.02</u>

SAD ROLL NO. 865

**SEWER LATERALS - 3rd INSTALLMENT
BILLED 1/20/2018 - DUE 3/22/2018**

<u>SIDWELL#</u>	<u>PROPERTY ADDRESS</u>	<u>AMOUNT DUE THRU 5/1/18</u>	<u>15% Penalty</u>	<u>Total to 2018 Tax Roll</u>
19-36-332-040	1698 HENRIETTA	\$ 134.45	\$ 20.17	\$ 154.62
19-36-333-018	1699 HENRIETTA	\$ 209.15	\$ 31.37	\$ 240.52
19-36-353-022	1826 MARYLAND	\$ 239.02	\$ 35.85	\$ 274.87
19-36-353-023	1842 MARYLAND	\$ 231.55	\$ 34.73	\$ 266.28
19-36-379-012	1859 HENRIETTA	\$ 231.55	\$ 34.73	\$ 266.28
19-36-451-011	238 CATALPA	\$ 186.74	\$ 28.01	\$ 214.75
				<u>\$ 1,417.32</u>

**DELINQUENT SPECIAL ASSESSMENTS TRANSFERRED TO 2018
CITY TAX ROLL**

SAD ROLL NO. 870

**PRINCIPAL SHOPPING DISTRICT - FISCAL YEAR 2017/2018
BILLED 12/19/2016 - DUE 2/21/2017**

<u>SIDWELL#</u>	<u>PROPERTY ADDRESS</u>	<u>AMOUNT DUE</u> <u>THRU 5/1/18</u>	<u>15% Penalty</u>	<u>Total to 2018</u> <u>Tax Roll</u>
19-25-328-014	704 N OLD WOODWARD	\$ 1,494.56	\$ 224.18	\$ 1,718.74
19-25-328-034	528 N OLD WOODWARD	\$ 314.55	\$ 47.18	\$ 361.73
19-25-378-016	183 N OLD WOODWARD	\$ 3,320.31	\$ 498.05	\$ 3,818.36
19-25-454-008	381 HAMILTON ROW	\$ 1,089.26	\$ 163.39	\$ 1,252.65
19-25-455-002	346 PARK	\$ 2,460.67	\$ 369.10	\$ 2,829.77
19-25-456-014	35075 WOODWARD	\$ 481.47	\$ 72.22	\$ 553.69
19-25-456-023	323 E MAPLE	\$ 2,679.76	\$ 401.96	\$ 3,081.72
19-25-456-035	261 E MAPLE	\$ 5,644.24	\$ 846.64	\$ 6,490.88
19-25-456-051	369 E MAPLE #2	\$ 250.63	\$ 37.59	\$ 288.22
19-25-483-031	35046 WOODWARD	\$ 3,806.86	\$ 571.03	\$ 4,377.89
19-36-128-006	151 S BATES	\$ 2,011.76	\$ 301.76	\$ 2,313.52
19-36-201-014	124 S OLD WOODWARD	\$ 3,943.61	\$ 591.54	\$ 4,535.15
19-36-201-020	165 PIERCE	\$ 6,721.14	\$ 1,008.17	\$ 7,729.31
19-36-202-018	255 E BROWN	\$ 15,935.96	\$ 2,390.39	\$ 18,326.35
19-36-204-016	250 E BROWN	\$ 678.83	\$ 101.82	\$ 780.65
19-36-208-011	469 S OLD WOODWARD	\$ 731.08	\$ 109.66	\$ 840.74
19-36-208-012	479 S OLD WOODWARD	\$ 874.40	\$ 131.16	\$ 1,005.56
19-36-226-022	34802 WOODWARD	\$ 2,369.02	\$ 355.35	\$ 2,724.37
19-36-227-007	837 FOREST	\$ 521.80	\$ 78.27	\$ 600.07
19-35-253-029	608 S OLD WOODWARD	\$ 838.40	\$ 125.76	\$ 964.16
19-36-278-012	808 S OLD WOODWARD	\$ 1,761.28	\$ 264.19	\$ 2,025.47
19-36-281-028	611 ELM	\$ 1,352.06	\$ 202.81	\$ 1,554.87
				<u>\$ 68,173.87</u>

**DELINQUENT SPECIAL ASSESSMENTS TRANSFERRED TO 2018
CITY TAX ROLL**

SAD ROLL NO. 876

**WEBSTER SEWER LATERALS - 2nd INSTALLMENT
BILLED 1/20/2018 - DUE 3/22/2018**

<u>SIDWELL#</u>	<u>PROPERTY ADDRESS</u>	<u>AMOUNT DUE</u> <u>THRU 5/1/18</u>	<u>15% Penalty</u>	<u>Total to 2018</u> <u>Tax Roll</u>
20-31-153-041	1267 WEBSTER	\$ 141.24	\$ 21.19	\$ 162.43
20-31-153-065	1563 WEBSTER	\$ 188.32	\$ 28.25	\$ 216.57
20-31-154-007	1212 WEBSTER	\$ 221.95	\$ 33.29	\$ 255.24
20-31-154-012	1312 WEBSTER	\$ 221.95	\$ 33.29	\$ 255.24
20-31-178-041	1745 WEBSTER	\$ 107.61	\$ 16.14	\$ 123.75
20-31-178-046	1823 WEBSTER	\$ 114.33	\$ 17.15	\$ 131.48
20-31-179-005	1658 WEBSTER	\$ 208.50	\$ 31.28	\$ 239.78
				<u>\$ 1,384.49</u>

SAD ROLL NO. 879

**2017 CAPE SEAL PROJECT - ONE INSTALLMENT
BILLED 1/20/2018 - DUE 3/22/2018**

<u>SIDWELL#</u>	<u>PROPERTY ADDRESS</u>	<u>AMOUNT DUE</u> <u>THRU 5/1/18</u>	<u>15% Penalty</u>	<u>Total to 2018</u> <u>Tax Roll</u>
19-26-201-004	1595 FAIRFAX	\$ 1,287.79	\$ 193.17	\$ 1,480.96
19-26-205-002	1356 FAIRFAX	\$ 1,399.77	\$ 209.97	\$ 1,609.74
19-26-205-003	1340 FAIRFAX	\$ 1,175.81	\$ 176.37	\$ 1,352.18
19-26-277-012	1001 WILLOW	\$ 1,414.55	\$ 212.18	\$ 1,626.73
19-26-476-006	340 PURITAN	\$ 761.67	\$ 114.25	\$ 875.92
19-26-476-011	212 PURITAN	\$ 761.67	\$ 114.25	\$ 875.92
19-35-101-005	2435 RADNOR	\$ 1,329.83	\$ 199.47	\$ 1,529.30
19-35-102-025	394 BRYN MAWR	\$ 1,797.72	\$ 269.66	\$ 2,067.38
19-35-103-009	425 BRYN MAWR	\$ 1,219.88	\$ 182.98	\$ 1,402.86
19-35-104-018	444 BERWYN	\$ 767.31	\$ 115.10	\$ 882.41
19-35-104-023	560 BERWYN	\$ 1,298.95	\$ 194.84	\$ 1,493.79
19-35-104-026	412 BERWYN	\$ 876.93	\$ 131.54	\$ 1,008.47
19-35-105-001	2368 RADNOR	\$ 1,151.20	\$ 172.68	\$ 1,323.88
19-35-105-017	2210 AVON	\$ 970.77	\$ 145.62	\$ 1,116.39
19-35-105-018	2200 AVON	\$ 970.77	\$ 145.62	\$ 1,116.39
19-35-105-021	2130 AVON	\$ 1,152.79	\$ 172.92	\$ 1,325.71
19-35-107-004	285 BERWYN	\$ 986.54	\$ 147.98	\$ 1,134.52
19-35-128-018	120 WESTCHESTER	\$ 944.56	\$ 141.68	\$ 1,086.24
19-35-128-019	142 WESTCHESTER	\$ 743.39	\$ 111.51	\$ 854.90

**DELINQUENT SPECIAL ASSESSMENTS TRANSFERRED TO 2018
CITY TAX ROLL**

19-35-128-022	220 WESTCHESTER	\$	743.39	\$	111.51	\$	854.90
19-35-128-024	262 WESTCHESTER	\$	792.95	\$	118.94	\$	911.89
19-35-128-026	300 WESTCHESTER	\$	1,109.68	\$	166.45	\$	1,276.13
19-35-128-032	498 WESTCHESTER	\$	1,013.72	\$	152.06	\$	1,165.78
19-35-129-005	215 WESTCHESTER	\$	788.44	\$	118.27	\$	906.71
19-35-129-009	299 WESTCHESTER	\$	675.81	\$	101.37	\$	777.18
19-35-129-012	367 WESTCHESTER	\$	675.81	\$	101.37	\$	777.18
19-35-129-023	599 WESTCHESTER	\$	675.81	\$	101.37	\$	777.18
19-35-129-040	492 LARCHLEA	\$	966.68	\$	145.00	\$	1,111.68
19-35-129-043	590 LARCHLEA	\$	1,208.35	\$	181.25	\$	1,389.60
19-35-130-015	479 LARCHLEA	\$	725.01	\$	108.75	\$	833.76
19-35-130-016	501 LARCHLEA	\$	1,087.52	\$	163.13	\$	1,250.65
19-35-130-021	145 LARCHLEA	\$	845.85	\$	126.88	\$	972.73
19-35-130-022	159 LARCHLEA	\$	845.85	\$	126.88	\$	972.73
19-35-178-019	664 WESTCHESTER	\$	844.76	\$	126.71	\$	971.47
19-35-178-020	698 WESTCHESTER	\$	844.76	\$	126.71	\$	971.47
19-35-178-030	988 WESTCHESTER	\$	901.08	\$	135.16	\$	1,036.24
19-35-179-040	665 WESTCHESTER	\$	1,013.72	\$	152.06	\$	1,165.78
19-35-180-010	883 LARCHLEA	\$	906.26	\$	135.94	\$	1,042.20
19-35-180-012	939 LARCHLEA	\$	1,051.27	\$	157.69	\$	1,208.96
						<u>\$</u>	<u>44,537.91</u>

**DELINQUENT INVOICES TRANSFERRED TO 2018
CITY TAX ROLL**

<u>SIDWELL #</u>	<u>INVOICE NO. & TYPE</u>	<u>PROPERTY ADDRESS</u>	<u>AMOUNT DUE THRU 5/1/18</u>	<u>15% PENALTY</u>	<u>TOTAL TO 2018 TAX ROLL</u>
19-25-251-021	3606 - SIDEWALK	205 ABBEY	\$ 139.36	\$ 20.90	\$ 160.26
19-25-253-002	3642 - SIDEWALK	1064 OXFORD	\$ 306.59	\$ 45.99	\$ 352.58
19-25-258-002	3660 - SIDEWALK	554 WIMBLETON	\$ 111.49	\$ 16.72	\$ 128.21
19-25-276-005	3653 - SIDEWALK	798 TOTTENHAM	\$ 413.04	\$ 61.96	\$ 475.00
19-25-276-012	3614 - SIDEWALK	995 HENLEY	\$ 153.30	\$ 23.00	\$ 176.30
19-25-281-004	3755 - SNOW REMOVAL	940 POPPLETON	\$ 103.00	\$ 15.45	\$ 118.45
19-25-328-026	3690 - SIDEWALK	570 N OLD WOODWARD	\$ 346.32	\$ 51.95	\$ 398.27
19-25-328-027	3689 - SIDEWALK	568 N OLD WOODWARD	\$ 848.64	\$ 127.30	\$ 975.94
19-25-328-028	3688 - SIDEWALK	560 N OLD WOODWARD	\$ 848.64	\$ 127.30	\$ 975.94
19-25-328-030	3687 - SIDEWALK	550 N OLD WOODWARD	\$ 71.76	\$ 10.76	\$ 82.52
19-25-328-030	3786 - FALSE ALARM	550 N OLD WOODWARD	\$ 100.00	\$ 15.00	\$ 115.00
19-25-328-031	3686 - SIDEWALK	536 N OLD WOODWARD	\$ 43.06	\$ 6.46	\$ 49.52
19-25-328-032	3685 - SIDEWALK	534 N OLD WOODWARD	\$ 28.70	\$ 4.31	\$ 33.01
19-25-328-048	3440 - WEED CUTTING	612 PARK	\$ 148.50	\$ 22.28	\$ 170.78
19-25-378-008	3816 - SNOW REMOVAL	168 W MAPLE	\$ 212.10	\$ 31.82	\$ 243.92
19-25-378-010	3815 - SNOW REMOVAL	150 W MAPLE	\$ 212.10	\$ 31.82	\$ 243.92
19-25-378-014	3800 - SNOW REMOVAL	233 N OLD WOODWARD	\$ 214.20	\$ 32.13	\$ 246.33
19-25-378-016	3790 - SNOW REMOVAL	183 N OLD WOODWARD	\$ 214.20	\$ 32.13	\$ 246.33
19-25-378-026	3801 - SNOW REMOVAL	275 N OLD WOODWARD	\$ 428.40	\$ 64.26	\$ 492.66
19-25-378-031	4162 - FALSE ALARM	101 WILLITS (DARAKJIAN)	\$ 50.00	\$ 7.50	\$ 57.50
19-25-379-024	3677 - SIDEWALK	380 N OLD WOODWARD	\$ 6,069.97	\$ 910.50	\$ 6,980.47
19-25-451-032	3646 - SIDEWALK	482 PARK	\$ 473.82	\$ 71.07	\$ 544.89
19-25-456-001	3791 - SNOW REMOVAL	188 N OLD WOODWARD	\$ 214.20	\$ 32.13	\$ 246.33
19-25-456-019	3590 - WEED CUTTING	225 E MAPLE	\$ 63.60	\$ 9.54	\$ 73.14
19-25-456-041	3785 - SNOW REMOVAL	300 HAMILTON	\$ 214.20	\$ 32.13	\$ 246.33
19-25-478-001	3630 - SIDEWALK	916 MADISON	\$ 111.49	\$ 16.72	\$ 128.21
19-25-483-031	3764 - CROSS CONNECTION	35046 WOODWARD	\$ 163.20	\$ 24.48	\$ 187.68
19-25-483-032	3444 - FALSE ALARM	725 E MAPLE	\$ 50.00	\$ 7.50	\$ 57.50
19-25-483-032	3335 - FALSE ALARM	725 E MAPLE	\$ 50.00	\$ 7.50	\$ 57.50
19-26-427-040	3620 - SIDEWALK	660 LAKESIDE	\$ 1,010.10	\$ 151.52	\$ 1,161.62
19-26-476-018	4053 - FALSE ALARM	419 LAKE PARK	\$ 100.00	\$ 15.00	\$ 115.00

4/12/2018

**DELINQUENT INVOICES TRANSFERRED TO 2018
CITY TAX ROLL**

19-35-126-003	3417 - SIDEWALK	415 ARGYLE	\$	351.04	\$	52.66	\$	403.70
19-36-157-037	3448 - WEED CUTTING	608 W LINCOLN	\$	220.00	\$	33.00	\$	253.00
19-36-201-014	3806 - SNOW REMOVAL	124 S OLD WOODWARD	\$	212.10	\$	31.82	\$	243.92
19-36-201-014	3807 - SNOW REMOVAL	124 S OLD WOODWARD	\$	212.10	\$	31.82	\$	243.92
19-36-201-019	4811 - FALSE ALARM	251 E MERRILLE (LASTRADA)	\$	200.00	\$	30.00	\$	230.00
19-36-204-001	3779 - SNOW REMOVAL	200 E BROWN	\$	214.20	\$	32.13	\$	246.33
19-36-204-016	3780 - SNOW REMOVAL	250 E BROWN	\$	214.20	\$	32.13	\$	246.33
19-36-208-012	3812 - SNOW REMOVAL	479 S OLD WOODWARD	\$	424.20	\$	63.63	\$	487.83
19-36-229-002	4602 - FALSE ALARM	850 FOREST	\$	50.00	\$	7.50	\$	57.50
19-36-253-036	3741 - SNOW REMOVAL	420 E FRANK	\$	206.00	\$	30.90	\$	236.90
19-36-253-036	3819 - SNOW REMOVAL	420 E FRANK	\$	212.10	\$	31.82	\$	243.92
19-36-282-005	3447 - WEED CUTTING	34200 WOODWARD	\$	220.00	\$	33.00	\$	253.00
19-36-282-006	4242 - FALSE ALARM	34300 WOODWARD	\$	50.00	\$	7.50	\$	57.50
19-36-283-024	3391 - CROSS CONNECTION	1000 HAYNES	\$	66.60	\$	9.99	\$	76.59
19-36-285-009	3154 - FALSE ALARM	1000 S ADAMS (PRIMOS)	\$	200.00	\$	30.00	\$	230.00
19-36-354-014	3732 - SNOW REMOVAL	1949 MARYLAND	\$	104.00	\$	15.60	\$	119.60
19-36-432-007	3744 - FALSE ALARM	746 CHAPIN	\$	100.00	\$	15.00	\$	115.00
20-30-401-002	3740 - RETURNED CHECK FEE	2032 DERBY	\$	25.75	\$	3.86	\$	29.61
20-31-152-023	3739 - TREE REMOVAL	1355 HAYNES	\$	311.51	\$	46.73	\$	358.24
20-31-177-052	3744 - SNOW REMOVAL	1951 HOLLAND	\$	103.00	\$	15.45	\$	118.45
20-31-304-031	3449 - WEED CUTTING	1323 BENNAVILLE	\$	148.50	\$	22.28	\$	170.78
20-31-358-017	3442 - WEED CUTTING	1392 BIRD	\$	148.50	\$	22.28	\$	170.78
20-31-358-017	3489 - WEED CUTTING	1392 BIRD	\$	147.15	\$	22.07	\$	169.22
20-31-358-017	3567 - WEED CUTTING	1392 BIRD	\$	143.10	\$	21.47	\$	164.57

\$ 20,467.80

MEMORANDUM

DATE: April 11, 2018

TO: Joseph Valentine, City Manager

FROM: Teresa Klobucar, Deputy Treasurer
Mark Gerber, Finance Director/Treasurer

SUBJECT: Delinquent Water/Sewage Charges to Tax Roll

As provided in Chapter 114, Section 114-303, of the city code, I certify that the properties on the attached listing represent delinquent and unpaid water/sewage services that have remained delinquent for a period of six months or greater as of April 30, 2018.

During the month of April 2018, property owners with delinquent accounts were notified of their account status. The remaining unpaid accounts are detailed on the attached listing and represent a cumulative total of **\$253,386.48**, including interest and penalties as of May 1, 2018.

The City Commission is requested to direct the Treasurer to transfer the unpaid bills, including interest and penalty, to the 2018 tax roll and to authorize removal from the list any bills paid or a payment plan agreement signed after City Commission approval.

SUGGESTED RESOLUTION:

To adopt the following resolution directing the Treasurer to transfer the following unpaid and delinquent water/sewage bills of the properties listed in this report to the 2018 city tax roll and to authorize removal from the list any bills paid or a payment plan agreement signed after City Commission approval.

WHEREAS, The City Treasurer, in accordance with Chapter 114, Section 114-303, of the city code has reported certain water/sewage accounts, including interest and penalty, unpaid and delinquent on May 1, 2018, and

WHEREAS, Chapter 114, Section 114-303, of the city code provides that these payments shall be carried to the next annual city tax roll,

NOW, THEREFORE, BE IT RESOLVED, that the properties with unpaid and delinquent water/sewage accounts listed in the report dated April 11, 2018, including interest and penalty, be transferred and reassessed to the 2018 city tax roll and authorization be given to remove from the list any bills paid or a payment plan agreement signed after commission approval.

Delinquent Tax List
4/11/2018

Parcel Number	Account #	Service Address	Delinquent Amount	15% Penalty	Total Delinquent Tax
08-19-25-151-140	30477-27098	670 OAK AVE	33.40	5.01	38.41
08-19-25-180-004	00083-49416	144 WIMBLETON DR	756.10	113.42	869.52
08-19-25-251-015	00000-11482	ABBEY ST R-VACANT	141.21	21.18	162.39
08-19-25-251-021	00082-47522	205 ABBEY ST	1,500.87	225.13	1,726.00
08-19-25-252-005	00231-67538	286 ABBEY ST	733.06	109.96	843.02
08-19-25-278-001	00082-05772	600 ABBEY ST	1,997.81	299.67	2,297.48
08-19-25-304-005	00676-11114	829 VINEWOOD AVE	1,137.34	170.60	1,307.94
08-19-25-304-031	00688-71166	788 HARMON ST	2,463.23	369.48	2,832.71
08-19-25-326-002	00667-71242	551 OAK AVE	64.14	9.62	73.76
08-19-25-327-057	00642-11428	372 HARMON ST	2,213.14	331.97	2,545.11
08-19-25-328-005	00704-31470	798 N OLD WOODWARD AVE	68.26	10.24	78.50
08-19-25-328-006	26949-23206	794 N OLD WOODWARD AVE	38.34	5.75	44.09
08-19-25-328-063	00712-91582	531 BROOKSIDE AVE	101.70	15.26	116.96
08-19-25-329-016	02882-51620	552 BROOKSIDE AVE	441.74	66.26	508.00
08-19-25-353-014	33973-30702	342 BALDWIN RD	1,303.96	195.59	1,499.55
08-19-25-379-015	23887-25702	333 FERNDAL AVE	563.58	84.54	648.12
08-19-25-401-006	00785-32218	459 MADISON ST	974.58	146.19	1,120.77
08-19-25-403-016	00853-72268	775 KENNESAW ST	165.85	24.88	190.73
08-19-25-427-023	03098-72402	1067 KENNESAW ST	1,096.87	164.53	1,261.40
08-19-25-428-001	00856-32408	812 KENNESAW ST	813.66	122.05	935.71
08-19-25-431-008	00787-92480	867 MADISON ST	1,456.90	218.54	1,675.44
08-19-25-432-002	00781-92486	968 RIVENOAK ST	1,419.65	212.95	1,632.60
08-19-25-456-037	00000-11447	35001 WOODWARD AVE VACANT	91.93	13.79	105.72
08-19-25-458-002	00793-92786	480 MADISON ST	938.14	140.72	1,078.86
08-19-25-460-016	00799-72838	567 RIDGEDALE AVE	658.59	98.79	757.38
08-19-25-476-002	02262-72848	684 MADISON ST	1,421.41	213.21	1,634.62
08-19-25-480-005	00797-12914	768 OAKLAND AVE	1,079.48	161.92	1,241.40
08-19-25-484-007	00752-13058	952 RIDGEDALE AVE	65.65	9.85	75.50
08-19-25-484-012	00755-73068	863 KNOX ST	131.61	19.74	151.35
08-19-25-487-006	00759-93148	165 N ADAMS RD	842.96	126.44	969.40

08-19-26-203-012	00337-73594	1480 SUFFIELD AVE	13.97	2.10	16.07
08-19-26-226-007	02826-93780	1027 QUARTON RD	1,262.86	189.43	1,452.29
08-19-26-226-008	00379-13782	1563 LAKESIDE DR	226.30	33.95	260.25
08-19-26-254-004	00350-34158	1030 PILGRIM AVE	3,191.58	478.74	3,670.32
08-19-26-254-012	00352-94174	1079 PURITAN AVE	1,734.49	260.17	1,994.66
08-19-26-326-001	00310-54342	885 WESTWOOD DR	3,502.59	525.39	4,027.98
08-19-26-328-019	02337-94466	615 KIMBERLEY ST	767.98	115.20	883.18
08-19-26-330-003	00272-94540	1849 PINE ST	724.27	108.64	832.91
08-19-26-378-022	00268-34598	345 KIMBERLEY ST	814.82	122.22	937.04
08-19-26-378-059	00261-94672	253 CHESTERFIELD AVE	194.68	29.20	223.88
08-19-26-404-001	00222-74880	898 PILGRIM AVE	6,603.78	990.57	7,594.35
08-19-26-452-002	01791-15130	454 FAIRFAX ST	1,884.37	282.66	2,167.03
08-19-26-454-015	03412-75288	148 PILGRIM AVE	1,375.72	206.36	1,582.08
08-19-26-477-013	00608-15414	1128 W MAPLE RD	372.91	55.94	428.85
08-19-35-101-008	00493-55500	2478 DEVON LN	2,032.66	304.90	2,337.56
08-19-35-102-008	03316-15522	421 CRANBROOK RD	1,142.52	171.38	1,313.90
08-19-35-105-021	21185-22782	2130 AVON LN	2,659.64	398.95	3,058.59
08-19-35-127-016	00512-35888	585 GOLFPVIEW BLVD	79.35	11.90	91.25
08-19-35-128-009	02900-75940	347 S GLENHURST DR	2,524.30	378.65	2,902.95
08-19-35-130-021	24447-27082	145 LARCHLEA DR	211.73	31.76	243.49
08-19-35-130-022	24777-27084	159 LARCHLEA DR	741.21	111.18	852.39
08-19-35-177-008	00522-96214	851 WOODLEA ST	822.76	123.41	946.17
08-19-35-180-010	03320-16436	883 LARCHLEA DR	1,403.14	210.47	1,613.61
08-19-35-201-043	00560-56538	1717 MIDVALE ST	472.06	70.81	542.87
08-19-35-201-066	00573-36584	1020 PLEASANT ST	391.38	58.71	450.09
08-19-35-201-072	00573-76596	1630 W LINCOLN ST	203.38	30.51	233.89
08-19-35-202-026	03038-96654	1073 PLEASANT ST	2,914.80	437.22	3,352.02
08-19-35-276-006	01937-16996	779 ARLINGTON ST	3,104.44	465.67	3,570.11
08-19-35-302-001	02958-57154	1275 HILLSIDE DR	776.83	116.52	893.35
08-19-35-306-008	03454-57256	2366 NORTHLAWN BLVD	376.68	56.50	433.18
08-19-35-327-035	02464-57452	1768 NORTHLAWN BLVD	734.86	110.23	845.09
08-19-35-401-010	02750-97532	1463 W LINCOLN ST	1,629.63	244.44	1,874.07
08-19-35-401-020	02999-17552	1494 FAIRWAY DR	1,497.53	224.63	1,722.16
08-19-35-426-002	00484-37636	1357 W LINCOLN ST	2,745.76	411.86	3,157.62

08-19-35-426-005	02758-57642	1155 W LINCOLN ST	1,484.62	222.69	1,707.31
08-19-35-428-022	03491-77756	956 NORTHLAWN BLVD	134.58	20.19	154.77
08-19-35-430-009	00429-77820	955 NORTHLAWN BLVD	1,228.66	184.30	1,412.96
08-19-36-103-048	03499-58184	872 GORDON LN	1,028.07	154.21	1,182.28
08-19-36-103-113	33613-24978	410 SOUTHFIELD RD	461.84	69.28	531.12
08-19-36-131-019	00192-58434	464 TOWNSEND ST	627.95	94.19	722.14
08-19-36-152-003	00121-38874	545 W BROWN ST	599.67	89.95	689.62
08-19-36-153-017	00128-98968	650 HANNA ST	1,823.83	273.57	2,097.40
08-19-36-155-008	00110-99028	967 SOUTHFIELD RD	296.63	44.49	341.12
08-19-36-155-025	00108-59062	730 WALLACE ST	187.36	28.10	215.46
08-19-36-157-022	01774-39204	850 W LINCOLN ST	655.80	98.37	754.17
08-19-36-157-031	02608-59222	708 W LINCOLN ST	370.70	55.61	426.31
08-19-36-179-008	02818-19458	571 HENRIETTA ST	160.23	24.03	184.26
08-19-36-182-026	22441-26328	494 W LINCOLN ST	1,368.76	205.31	1,574.07
08-19-36-184-027	00171-19724	878 HENRIETTA ST -880	609.87	91.48	701.35
08-19-36-184-041	03144-39752	222 W LINCOLN ST	523.20	78.48	601.68
08-19-36-185-005	34791-22432	771 HENRIETTA ST	101.08	15.16	116.24
08-19-36-185-011	33361-22430	861 HENRIETTA ST	297.10	44.57	341.67
08-19-36-185-033	21289-25266	990 PIERCE ST	2,231.97	334.80	2,566.77
08-19-36-187-001	28418-28911	297 W BROWN ST IRRIGATION	245.16	36.77	281.93
08-19-36-187-002	28418-28911	297 W BROWN ST IRRIGATION	245.16	36.77	281.93
08-19-36-187-003	28418-28911	297 W BROWN ST IRRIGATION	245.15	36.78	281.93
08-19-36-201-014	00407-22150	126 S OLD WOODWARD AVE -128	5,633.89	845.08	6,478.97
08-19-36-202-008	00000-11376	E BROWN ST PRK LOT	127.62	19.14	146.76
08-19-36-205-011	32067-10110	311 E FRANK ST	1,455.91	218.39	1,674.30
08-19-36-227-015	31103-10346	1011 FOREST AVE	1,064.09	159.61	1,223.70
08-19-36-229-016	10009-10414	909 CHESTNUT ST	847.06	127.06	974.12
08-19-36-233-010	10109-10534	1020 HAZEL ST	555.31	83.30	638.61
08-19-36-254-009	19381-10786	984 CLARK ST	457.60	68.64	526.24
08-19-36-255-025	26899-10856	912 FLOYD ST	422.52	63.38	485.90
08-19-36-256-004	00653-10888	941 PURDY ST	711.05	106.66	817.71
08-19-36-256-011	20215-10902	864 ANN ST	436.96	65.54	502.50
08-19-36-278-006	19373-11050	887 ANN ST	1,187.23	178.08	1,365.31
08-19-36-281-028	10173-24136	818 BOWERS ST	451.70	67.76	519.46

08-19-36-302-002	17341-11292	1175 SHIPMAN BLVD	221.21	33.18	254.39
08-19-36-303-013	23885-11342	1332 MARYLAND BLVD	4,128.54	619.28	4,747.82
08-19-36-306-014	17321-11418	1440 BIRMINGHAM BLVD	1,393.26	208.99	1,602.25
08-19-36-307-007	17229-11452	1563 BIRMINGHAM BLVD	1,060.23	159.03	1,219.26
08-19-36-328-003	16465-11698	1165 S BATES ST	1,149.28	172.39	1,321.67
08-19-36-330-006	31331-11820	1479 STANLEY BLVD	962.95	144.44	1,107.39
08-19-36-330-011	16907-11830	1563 STANLEY BLVD	1,110.11	166.52	1,276.63
08-19-36-331-009	31559-11902	1535 WASHINGTON BLVD	260.42	39.06	299.48
08-19-36-331-016	19667-11916	1643 WASHINGTON BLVD	1,438.76	215.81	1,654.57
08-19-36-331-038	33663-11960	1680 S BATES ST	267.25	40.09	307.34
08-19-36-332-008	16503-11978	1521 S BATES ST	485.40	72.81	558.21
08-19-36-351-022	33803-12162	1850 SHIPMAN BLVD	133.77	20.07	153.84
08-19-36-351-023	20857-12164	1862 SHIPMAN BLVD	1,587.71	238.16	1,825.87
08-19-36-351-026	17421-12170	1904 SHIPMAN BLVD	38.13	5.72	43.85
08-19-36-351-048	17457-12214	1765 SOUTHFIELD RD	600.00	90.00	690.00
08-19-36-354-018	35189-12404	1726 STANLEY BLVD	454.47	68.17	522.64
08-19-36-376-021	16783-12474	1756 WASHINGTON BLVD	1,778.58	266.79	2,045.37
08-19-36-376-024	22079-12480	1808 WASHINGTON BLVD	497.22	74.58	571.80
08-19-36-376-033	16759-12498	1970 WASHINGTON BLVD	170.56	25.58	196.14
08-19-36-377-018	30897-12536	1995 WASHINGTON BLVD	1,087.91	163.19	1,251.10
08-19-36-377-028	16575-12556	1844 S BATES ST	883.91	132.59	1,016.50
08-19-36-377-033	16565-12566	1922 S BATES ST	800.12	120.02	920.14
08-19-36-378-003	26925-12580	1737 S BATES ST	787.80	118.17	905.97
08-19-36-378-016	16555-12606	1991 S BATES ST	327.58	49.14	376.72
08-19-36-379-026	16353-26742	158 W 14 MILE RD	378.12	56.72	434.84
08-19-36-401-051	20815-25456	1446 CEDAR DR	195.27	29.29	224.56
08-19-36-402-010	12259-12818	1331 CEDAR DR	1,323.03	198.45	1,521.48
08-19-36-402-026	12227-12850	1248 EDGEWOOD RD	759.54	113.93	873.47
08-19-36-426-014	18073-13030	872 E LINCOLN ST	563.23	84.48	647.71
08-19-36-426-030	34947-13062	863 RUFFNER AVE	130.14	19.52	149.66
08-19-36-426-031	35381-13064	883 RUFFNER AVE	77.20	11.58	88.78
08-19-36-428-008	14845-13118	748 RUFFNER AVE	1,103.96	165.59	1,269.55
08-19-36-429-015	14937-13246	888 HUMPHREY AVE	58.33	8.75	67.08
08-19-36-430-020	15035-13382	968 BENNAVILLE AVE	264.69	39.70	304.39

08-19-36-430-033	15101-13408	731 CHAPIN AVE	1,133.79	170.07	1,303.86
08-19-36-430-038	15091-13418	831 CHAPIN AVE	419.95	62.99	482.94
08-19-36-432-002	15117-13470	646 CHAPIN AVE	862.93	129.44	992.37
08-19-36-432-007	34575-30964	746 CHAPIN AVE	841.59	126.24	967.83
08-19-36-432-019	17725-13504	990 CHAPIN AVE	139.84	20.98	160.82
08-19-36-432-048	15243-13562	615 EMMONS AVE	1,544.78	231.72	1,776.50
08-19-36-452-004	26123-27990	478 CATALPA DR	1,129.06	169.36	1,298.42
08-19-36-456-011	24383-13826	370 BIRD AVE	447.81	67.17	514.98
08-19-36-456-047	29409-26758	251 E 14 MILE RD	73.91	11.09	85.00
08-19-36-457-001	16143-13900	408 BIRD AVE	733.22	109.98	843.20
08-19-36-476-010	15261-13948	780 EMMONS AVE	204.07	30.61	234.68
08-19-36-478-009	26587-27872	790 DAVIS AVE	774.57	116.19	890.76
08-19-36-482-031	32257-14372	779 E 14 MILE RD	278.41	41.76	320.17
08-19-36-482-037	33947-14384	897 E 14 MILE RD	226.50	33.98	260.48
08-20-30-153-039	11937-14720	1709 DERBY RD	1,137.24	170.59	1,307.83
08-20-30-153-040	24425-14722	1743 DERBY RD	519.13	77.87	597.00
08-20-30-153-041	11933-14724	1771 DERBY RD	927.17	139.08	1,066.25
08-20-30-176-013	11925-14732	1889 DERBY RD	643.40	96.51	739.91
08-20-30-176-017	11917-14740	1985 DERBY RD	2,101.10	315.17	2,416.27
08-20-30-301-004	00088-11274	1185 MANCHESTER RD	2,572.00	385.80	2,957.80
08-20-30-326-005	11965-14872	1712 DERBY RD	62.35	9.35	71.70
08-20-30-327-019	35087-15102	1997 PEMBROKE RD	1,777.70	266.66	2,044.36
08-20-30-328-091	21813-15284	1807 GRAEFIELD RD UNIT 126	1,883.32	282.50	2,165.82
08-20-30-328-102	25671-15306	758 GRAEFIELD CT UNIT 137	254.59	38.19	292.78
08-20-30-328-103	20015-15308	756 GRAEFIELD CT UNIT 138	671.50	100.73	772.23
08-20-30-328-118	09725-15338	726 GRAEFIELD CT UNIT 153	356.70	53.51	410.21
08-20-30-329-008	09375-15400	1866 GRAEFIELD RD UNIT 8	325.27	48.79	374.06
08-20-30-329-018	09399-15420	1800 GRAEFIELD RD UNIT 18	25.69	3.85	29.54
08-20-30-329-035	09441-15454	1750 GRAEFIELD RD UNIT 35	623.79	93.57	717.36
08-20-30-329-043	24175-15470	1728 GRAEFIELD RD UNIT 43	661.63	99.24	760.87
08-20-30-329-054	09487-15492	1696 GRAEFIELD RD UNIT 54	99.19	14.88	114.07
08-20-30-329-067	31079-15518	1662 GRAEFIELD RD UNIT 67	50.92	7.64	58.56
08-20-30-329-084	32427-15552	1620 GRAEFIELD RD UNIT 84	1,304.97	195.75	1,500.72
08-20-30-329-088	34809-15560	1610 GRAEFIELD RD UNIT 88	66.13	9.92	76.05

08-20-30-329-119	34289-15622	1906 GRAEFIELD RD	97.97	14.70	112.67
08-20-30-353-002	08903-15708	1150 YORKSHIRE RD	1,407.38	211.11	1,618.49
08-20-30-356-014	26703-15852	1511 E MAPLE RD	34.00	5.10	39.10
08-20-30-376-005	08753-15874	1763 DORCHESTER RD	1,752.06	262.81	2,014.87
08-20-30-378-012	28907-15926	1825 E MAPLE RD	211.09	31.66	242.75
08-20-30-401-008	25613-16200	2148 DERBY RD	806.27	120.94	927.21
08-20-30-401-012	11894-01123	2202 DERBY RD	390.84	58.63	449.47
08-20-30-402-033	26411-16314	2281 MANCHESTER RD	1,050.70	157.61	1,208.31
08-20-30-403-016	25343-16350	2590 PEMBROKE RD	915.96	137.39	1,053.35
08-20-30-404-007	20147-16396	2134 MANCHESTER RD	1,331.12	199.67	1,530.79
08-20-30-404-009	30431-16400	2168 MANCHESTER RD	616.85	92.53	709.38
08-20-30-404-014	24143-16410	2246 MANCHESTER RD	1,539.03	230.85	1,769.88
08-20-30-404-017	11435-16416	2015 WINDEMERE RD	1,696.60	254.49	1,951.09
08-20-30-404-032	11405-16446	2287 WINDEMERE RD	835.72	125.36	961.08
08-20-30-405-017	11403-16480	2317 WINDEMERE RD	678.04	101.71	779.75
08-20-30-405-032	11373-16510	2585 WINDEMERE RD	1,021.59	153.24	1,174.83
08-20-30-406-006	28527-16522	2388 WINDEMERE RD	393.26	58.99	452.25
08-20-30-426-007	11871-16590	2424 DERBY RD	776.57	116.49	893.06
08-20-30-426-024	11837-16624	2734 DERBY RD	376.03	56.40	432.43
08-20-30-426-048	25085-16672	2625 PEMBROKE RD	280.77	42.12	322.89
08-20-30-426-049	28887-16674	2647 PEMBROKE RD	150.49	22.57	173.06
08-20-30-426-063	27977-16702	807 COOLIDGE HWY	169.80	25.47	195.27
08-20-30-427-006	11705-16714	2712 PEMBROKE RD	844.38	126.66	971.04
08-20-30-427-031	11727-16764	755 COOLIDGE HWY	961.00	144.15	1,105.15
08-20-30-428-021	11359-16812	2735 WINDEMERE RD	235.33	35.30	270.63
08-20-30-428-024	22893-16818	2787 WINDEMERE RD	762.27	114.34	876.61
08-20-30-428-031	33315-16832	657 COOLIDGE HWY	774.60	116.19	890.79
08-20-30-429-025	33419-16890	2795 BUCKINGHAM AVE	430.11	64.52	494.63
08-20-30-452-010	11163-16982	2476 BUCKINGHAM AVE	576.12	86.42	662.54
08-20-30-452-028	23375-17018	2529 DORCHESTER RD	565.31	84.80	650.11
08-20-30-454-017	34449-17106	2467 YORKSHIRE RD	288.89	43.33	332.22
08-20-30-476-026	11061-17272	2761 DORCHESTER RD	362.58	54.39	416.97
08-20-30-478-079	25975-27954	2727 E MAPLE RD	140.19	21.03	161.22
08-20-31-101-014	08983-17512	1616 E MAPLE RD	275.50	41.33	316.83

08-20-31-101-024	09013-17532	1171 YOSEMITE BLVD	344.41	51.66	396.07
08-20-31-101-031	32853-17546	1447 YOSEMITE BLVD	179.18	26.88	206.06
08-20-31-102-025	09147-17622	1331 VILLA RD	964.70	144.71	1,109.41
08-20-31-103-002	31419-17664	1136 VILLA RD	623.67	93.55	717.22
08-20-31-103-010	35185-17680	1288 VILLA RD	247.45	37.12	284.57
08-20-31-127-021	32325-17928	1773 VILLA RD	138.37	20.76	159.13
08-20-31-130-003	10569-18004	1824 HAZEL ST	575.09	86.26	661.35
08-20-31-130-006	10563-18010	1870 HAZEL ST	716.95	107.54	824.49
08-20-31-130-017	10523-18030	1831 BOWERS ST	218.76	32.81	251.57
08-20-31-151-003	10283-18058	1300 HAYNES ST	333.97	50.10	384.07
08-20-31-151-039	32061-29642	1407 HOLLAND ST	1,343.35	201.50	1,544.85
08-20-31-151-041	12411-18134	1445 HOLLAND ST	91.96	13.79	105.75
08-20-31-152-003	10473-18158	1436 BOWERS ST	742.60	111.39	853.99
08-20-31-152-005	31039-18162	1482 BOWERS ST	23.42	3.51	26.93
08-20-31-152-007	10465-18166	1540 BOWERS ST	612.25	91.84	704.09
08-20-31-152-011	32499-18174	1622 BOWERS ST	628.24	94.24	722.48
08-20-31-152-036	19409-18224	1645 HAYNES ST	189.66	28.45	218.11
08-20-31-152-045	19999-25700	1725 HAYNES ST	399.44	59.92	459.36
08-20-31-153-008	35271-18274	1244 HOLLAND ST	417.81	62.67	480.48
08-20-31-153-038	34787-18334	1223 WEBSTER ST	89.97	13.50	103.47
08-20-31-153-063	24861-18384	1461 WEBSTER ST	447.70	67.16	514.86
08-20-31-154-015	12797-18422	1368 WEBSTER ST	653.67	98.05	751.72
08-20-31-154-041	25739-18474	1315 COLE ST	111.60	16.74	128.34
08-20-31-155-030	13185-18568	1155 E LINCOLN ST	296.39	44.46	340.85
08-20-31-177-021	10197-18730	1936 HAYNES ST	32.29	4.84	37.13
08-20-31-177-023	19567-18734	1960 HAYNES ST	591.56	88.73	680.29
08-20-31-177-029	24121-18746	1645 HOLLAND ST	192.21	28.83	221.04
08-20-31-178-006	34837-18814	1670 HOLLAND ST	42.63	6.39	49.02
08-20-31-178-041	12695-18884	1745 WEBSTER ST	725.82	108.87	834.69
08-20-31-178-068	29653-30210	1629 WEBSTER ST	1,178.35	176.75	1,355.10
08-20-31-179-040	34751-19004	1771 COLE ST	1,072.18	160.83	1,233.01
08-20-31-180-001	13123-19042	1602 COLE ST	656.19	98.43	754.62
08-20-31-180-002	13121-19044	1624 COLE ST	612.53	91.88	704.41
08-20-31-180-025	13075-19090	1936 COLE ST	488.12	73.22	561.34

08-20-31-203-035	00000-11343	403 S ETON ST	189.88	28.48	218.36
08-20-31-203-035	00000-11344	405 S ETON ST	30.83	4.62	35.45
08-20-31-301-021	13255-19268	1474 E LINCOLN ST	441.64	66.25	507.89
08-20-31-301-038	28095-19302	1285 RUFFNER AVE	362.47	54.37	416.84
08-20-31-301-048	13353-19322	1439 RUFFNER AVE	493.97	74.10	568.07
08-20-31-302-003	13433-19358	33828 WOODWARD AVE	814.11	122.12	936.23
08-20-31-302-042	34177-19436	1351 HUMPHREY AVE	27.34	4.10	31.44
08-20-31-302-058	13435-19468	33816 WOODWARD AVE	126.62	18.99	145.61
08-20-31-304-028	00000-11362	BENNAVILLE AVE VACANT	66.10	9.92	76.02
08-20-31-304-033	34557-19546	1351 BENNAVILLE AVE	62.26	9.34	71.60
08-20-31-304-047	13583-19574	1571 BENNAVILLE AVE	378.90	56.84	435.74
08-20-31-306-023	13595-19654	1520 BENNAVILLE AVE	100.88	15.13	116.01
08-20-31-306-029	23301-19666	1365 CHAPIN AVE	586.24	87.94	674.18
08-20-31-306-031	33233-19670	1395 CHAPIN AVE	850.79	127.62	978.41
08-20-31-306-039	26319-19686	1523 CHAPIN AVE	366.20	54.93	421.13
08-20-31-329-009	33503-19790	1968 W MELTON RD	1,369.44	205.42	1,574.86
08-20-31-329-013	28189-19798	1845 HUMPHREY AVE	742.59	111.39	853.98
08-20-31-331-011	23701-19882	1942 HUMPHREY AVE	994.33	149.15	1,143.48
08-20-31-331-025	13905-19910	1875 BANBURY ST	1,342.69	201.40	1,544.09
08-20-31-332-004	13949-19924	1676 BANBURY ST	136.97	20.55	157.52
08-20-31-332-009	13959-19934	1770 BANBURY ST	740.15	111.02	851.17
08-20-31-351-005	00000-11443	CHAPIN AVE PRKNG	229.50	34.43	263.93
08-20-31-352-008	13697-20006	1392 CHAPIN AVE	636.76	95.51	732.27
08-20-31-352-009	13695-20008	1408 CHAPIN AVE	778.57	116.79	895.36
08-20-31-352-013	27025-20016	1476 CHAPIN AVE	111.22	16.68	127.90
08-20-31-353-007	15293-20066	1250 EMMONS AVE	726.34	108.95	835.29
08-20-31-353-017	29565-20086	1257 DAVIS AVE	348.79	52.32	401.11
08-20-31-355-032	35175-29458	1387 SMITH AVE	740.79	111.12	851.91
08-20-31-355-036	15461-20312	1347 SMITH AVE	807.25	121.09	928.34
08-20-31-356-004	19785-20330	1761 TAUNTON RD	679.77	101.97	781.74
08-20-31-357-012	15607-20374	1324 SMITH AVE	1,255.60	188.34	1,443.94
08-20-31-357-043	15629-20436	33273 WOODWARD AVE	170.06	25.51	195.57
08-20-31-357-043	15631-24634	33277 WOODWARD AVE	68.72	10.31	79.03
08-20-31-358-004	15787-20462	1208 BIRD AVE	301.31	45.20	346.51

08-20-31-358-008	15795-20470	1264 BIRD AVE	148.85	22.33	171.18
08-20-31-358-017	22463-20488	1392 BIRD AVE	148.97	22.35	171.32
08-20-31-358-035	15853-20524	1335 E 14 MILE RD	765.22	114.78	880.00
08-20-31-358-056	35223-20566	1339 E 14 MILE RD	655.57	98.34	753.91
08-20-31-377-008	14157-20626	1621 TORRY ST	574.85	86.23	661.08
08-20-31-377-012	14039-20634	1626 TAUNTON RD	1,637.06	245.56	1,882.62
08-20-31-379-002	31171-20672	1638 CROFT RD	987.59	148.14	1,135.73
08-20-31-379-016	14139-20700	1627 SHEFFIELD RD	966.83	145.02	1,111.85
08-20-31-380-005	14121-20718	1710 SHEFFIELD RD	221.49	33.22	254.71
08-20-31-380-006	21445-20720	1741 BRADFORD RD	610.86	91.63	702.49
08-20-31-382-007	13847-20776	1994 SHEFFIELD RD	398.70	59.81	458.51
08-20-31-382-009	25933-20780	1641 PENISTONE ST	150.00	22.50	172.50
08-20-31-382-023	13873-20808	1921 BRADFORD RD	430.75	64.61	495.36
08-20-31-404-001	19083-21042	1312 E MELTON RD	1,088.81	163.32	1,252.13
08-20-31-451-013	35409-21138	1595 E MELTON RD	529.75	79.46	609.21
08-20-31-452-017	25865-21184	1827 S ETON ST	608.75	91.31	700.06
08-20-31-452-026	28239-21202	1666 MANSFIELD RD	244.53	36.68	281.21
08-20-31-452-028	34631-21206	1704 MANSFIELD RD	737.07	110.56	847.63
08-20-31-456-015	14671-21378	1692 HANLEY CT	138.94	20.84	159.78
		TOTAL	220,335.95	33,050.53	253,386.48



MEMORANDUM

Police Department

DATE: April 12, 2018

TO: Joseph A. Valentine, City Manager

FROM: Mark H. Clemence, Chief of Police
Lauren A. Wood, Director of Public Services
Eric Brunk, IT Consultant

SUBJECT: City Hall and Department of Public Services Security System Updates

The security system used by the Police Department (City Hall) and Department of Public Services is in need of upgrading due to a number of reasons with age and obsolescence being the primary considerations.

These systems manufactured by ReadyKey were installed by Vigilante Security in 2001 in response to the terrorist attacks on September 11 of that year. These systems provide for exterior and interior entry door security including electronic strike locks, access card readers, security gates, and the ability to lockdown a facility with the flip of a toggle switch. These systems have performed well and maintenance and repair efforts have afforded the opportunity for the equipment to exceed its original end of life expectancy.

All of the critical system controllers used by both the Police Department and Department of Public Services are past the end of life and can no longer be repaired. Additional hardware components are beginning to fail. The computer used by the Department of Public Services to administer the security for those facilities is in need of replacement due to age and an outdated operating system (Windows NT). The proposed updates to the security systems will allow for the computer currently used for the City Hall and Police Department access control to run both systems. With the proposed update, the database for all controls can be run by a single PC. The DPS would utilize client workstation software which would be installed on computers designated by the Director of Public Services for administration of that system. This allows for the databases utilized for City Hall and DPS to be combined, but each department will maintain individual control of their access system thereby maintaining the autonomy of each department's security. The requirement of an additional dedicated PC at the Department of Public Services for security system administration will be eliminated.

The recommended replacement for the existing security system is an IP based solution manufactured by DSX Access Systems, Inc. The proposed system (WinDSX) consists of intelligent controllers, software and communication devices. WinDSX has an interface to our existing ReadyKey equipment so that the door locks, keypads, access cards and fobs can all be reused with the new system. This equipment compatibility results in significant savings versus installation of a complete new system.

The technological advancements of the control panel of new WinDSX intelligent controllers allow each controller to operate independently from the PC so that all calendar, date, time and access level data function even if the computer becomes unavailable. This feature is a significant hardware improvement compared to our existing system. Various control panels located in the Police Department communications center and Department of Public Services facility will process card reader, keypad, and alarm inputs as well as relay outputs in real time for instant response. The independent operation design of the controllers results in no degradation of system performance in the event of a communication loss and no loss of transactions in the system history.

The proposed upgrade includes WinDSX access control, personnel management and security system monitoring software. This will allow for photo ID badging, time and attendance reporting, threat level management, hazmat and emergency building lockdown. The WinDSX upgrade includes a seamless interface so that all photos and access cards/fobs from the ReadyKey equipment will be incorporated into the new system and there will be no need to photograph all system users and reissue new cards and no custom scripting or additional programming is required. The DSX software and hardware include a 2 year warranty on all hardware and software.

Additional benefits associated by upgrading to the WinDSX system include:

- Live system status with interactive icons that provide real time controls
- Scheduling of multiple events in advance for special events, open houses, elections, etc.
- Ability to use photographs or floor plans to create interactive building or facility-wide maps
- Mobile command application that allow security system managers to initiate lockdowns, lock or unlock doors remotely, and view activity as needed for emergency management from iOS or android phones
- In addition to backwards compatibility and interface WinDSX also supports future technological advancements to the security system such as biometric readers, etc.
- Alarm email and text message notification should current or past employees attempt to enter an area using an access system reader

IT Consultant Eric Brunk has familiarity and prior experience with the WinDSX platform which will be very helpful in terms of providing internal administrative support should the security system managers in the Police Department or DPS require assistance with the program.

The police department recently accepted sealed bids for the WinDSX upgrade to the existing ReadyKey access control building security systems for City Hall and Department of Public of Public Services facilities. Invitations to bid were solicited via the Michigan Intergovernmental Trade Network (MITN). One bid was received and publicly opened on April 10, 2018 in the office of the city clerk. The sole bidder was Vigilante Security, Inc. with cost proposals submitted as follows:

CITY HALL AND PISTOL RANGE	\$26,004
DEPARTMENT OF PUBLIC SERVICES	\$18,186

Sufficient funds were budgeted and are available in the Capital Projects Fund account numbers 401-901.013-977.0000 (DPS portion) and 401-301.000-971.0100 (City Hall and Police portions).

SUGGESTED RESOLUTION:

To approve the purchase of WinDSX upgrades to the ReadyKey access control building security systems for the Department of Public Services, City Hall, and Police pistol range from Vigilante Security, Inc. in the amount of \$44,190; further to charge the budgeted expenditures to account numbers 401-901.013-977.0000 (DPS - \$18,186) and 401-301.000-971.0100 (City Hall and Police - \$26,004).

ATTACHMENT A - AGREEMENT

For DSX UPGRADE FOR EXISTING READYKEY ACCESS CONTROL SYSTEM FOR POLICE, CITY HALL AND DEPARTMENT OF PUBLIC SERVICES FACILITIES

This AGREEMENT, made this _____ day of _____, 2018, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and Vigilante Security, Inc., having its principal office at 2681 Industrial Row Troy, MI 48084 (hereinafter called "Contractor"), provides as follows:

WITNESSETH:

WHEREAS, the City is desirous of selecting a vendor for the purchase of a **DSX UPGRADE TO READYKEY ACCESS CONTROL SYSTEM FOR POLICE, CITY HALL AND DEPARTMENT OF PUBLIC SERVICES FACILITIES** and has heretofore advertised for bids for the procurement for the purchase of a **DSX UPGRADE TO READYKEY ACCESS CONTROL SYSTEM FOR POLICE, CITY HALL AND DEPARTMENT OF PUBLIC SERVICES FACILITIES**, and in connection therewith has prepared an Invitation to Bid ("ITB"), which includes certain instructions to bidders, specifications, terms and conditions.

WHEREAS, the Contractor has professional qualifications that meet the project requirements and has made a bid in accordance with such request for cost proposals to provide **DSX UPGRADE TO READYKEY ACCESS CONTROL SYSTEM FOR POLICE, CITY HALL AND DEPARTMENT OF PUBLIC SERVICES FACILITIES**.

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 Request for Proposal to perform **DSX UPGRADE TO READYKEY ACCESS CONTROL SYSTEM FOR POLICE, CITY HALL AND DEPARTMENT OF PUBLIC SERVICES FACILITIES** and the Contractor's cost proposal dated April 5, 2018 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 the documents are in conflict with one another, this Agreement shall take precedence, then the ITB.

2. The City shall pay the Contractor for the performance of this Agreement in a sum not to exceed the amount proposed for the purchase of a **DSX UPGRADE FOR EXISTING READYKEY ACCESS CONTROL SYSTEM FOR POLICE, CITY HALL AND DEPARTMENT OF PUBLIC SERVICES FACILITIES** per the Contractor's April 5, 2018 cost proposal.

3. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Invitation to Bid.

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

5. The Contractor and the City agree that the Contractor is acting as an independent Contractor with respect to the Contractor's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Contractor nor its

employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Contractor shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Contractor shall not be entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.

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

7. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. The Contractor agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.

8. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.

9. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Contractor without the prior written consent of the City. Any attempt at assignment without prior written consent shall be void and of no effect.

10. The Contractor agrees that neither it nor its subcontractors will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Contractor shall inform the City of all claims or suits asserted against it by the Contractor's employees who work pursuant to this Agreement. The Contractor shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

11. The Contractor shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required under this paragraph. 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 of Birmingham.

12. 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 employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.
- 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. To the fullest extent permitted by law, the Contractor and any entity or person for whom the Contractor 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 and 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 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 of Birmingham.

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

15. If Contractor fails to perform its obligations hereunder, the City may take any and all remedial actions provided by the general specifications or otherwise permitted by law.

16. All notices required to be sent pursuant to this Agreement shall be mailed to the following addresses:

City of Birmingham
Attn: Scott Grewe
151 Martin Street
Birmingham, MI 48009
(248) 530-1869

CONTRACTOR
Vigilante Security, Inc.
2681 Industrial Row
Troy, MI 48084-7038

17. 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.


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

IN WITNESS WHEREOF, the said parties have caused this Agreement to be executed as of the date and year above written.

WITNESSES:

Brandi Campbell

CONTRACTOR

By: 
Its: Ronald Ross
President

CITY OF BIRMINGHAM

By: _____
Andrew M. Harris
Its: Mayor

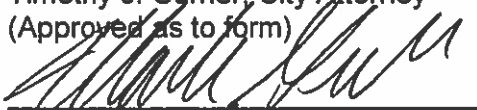
By: _____
J. Cherilynn Mynsberge
Its: City Clerk

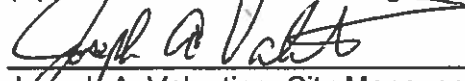
Approved:



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

Timothy J. Currier 4perm.
Timothy J. Currier, City Attorney
(Approved as to form)


Mark Gerber, Director of Finance
(Approved as to financial obligation)


Joseph A. Valentine, City Manager
(Approved as to substance)



MEMORANDUM

Department of Public Services

DATE: April 16, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Landscape Maintenance Services

The City of Birmingham has many landscape beds in various areas throughout the City, a total of forty-three (43) property locations. Locations include City Hall, the Baldwin Public Library, Shain Park, the Birmingham Museum & Park, Barnum Park, Booth Park, Kenning Park, City property along parking structures, roadsides, or on roadway islands in various locations. Many sites have several landscape beds at one location.

A request for proposals was solicited per the City of Birmingham purchasing guidelines asking qualified vendors to provide landscape maintenance services at seventeen (17) locations for a period of two (2) years. The request for proposals (RFP) was entered into the Michigan Inter-governmental Trade Network (MITN) purchasing system. Sealed proposals were opened Tuesday, April 3, 2018 for these services. Two bidders responded submitting the results below.

Company	Proposed Cost (2 year period)
Superior Scape, Inc.	\$66,896.00
Birmingham Lawn Maintenance and Snow Removal	\$123,200.00

Based on the ever increasing quantities of citywide flowers including the necessary demand for upkeep of the existing landscape beds and with an ever growing amount of new landscape beds on various public properties, City staff has maximized the available resources to be able to maintain these manicured areas up to our expectations. Pocket parks, median islands, property and park upgrades and projects such as Old Woodward are examples of recent upgrades and upcoming enhancements all requiring tremendous time and particular attention to detail.

As a result, as part of the 2017-2020 Lawn Maintenance Bid we added bed maintenance services to the lawn mowing contract, which included four of our biggest properties; Booth Park, Kenning Park Complex, Barnum Park and Martha Baldwin Park as trial starters. Rather than include all of the seventeen (17) landscape beds with the 2018 Lawn Maintenance Bid they were carved out and bid out separately as Landscape Maintenance Services.

Over the years, experience has taught us not all lawn mowing firms are capable or prepared to provide all of these services, as landscape maintenance sometimes requires specialized services. Since we manage forty-three locations today, with an estimated eight more on the horizon, we determined operationally the best course of action is to bid out these services. Outsourcing these initial sites not only will provide better looking properties, assist in keeping up with the workload, improves the overall condition and services to these sites, but also makes the City better prepared to address future improvements citywide.

The 17 locations throughout the City include Kenning Park Complex, Booth Park, Barnum Park and in addition to these large areas, several other various city properties. The scope of work for these new services includes spring and fall cleanup at each location, mulch supply and installation, maintaining beds bi weekly, keeping beds weed free, dead-heading and perennial upkeep, and cutting down tulips where applicable.

The proposals were evaluated on the Contractor's ability to provide services as outlined, related experience with similar projects, Contractor background and personnel qualifications, overall costs, and references.

Superior Scape is a well-known reputable Contractor in this field and the lowest responsive and responsible bidder. The Department of Public Services has had excellent experience with Superior Scape on other property improvements in the City. The cost is \$33,448.00 per year, with a two (2) year contract term and an option to extend for an additional two (2) years. Therefore, after reviewing the proposals the Department of Public Services recommends awarding the contract to Superior Scape, Inc. in the amount not to exceed \$66,896.00.

Funds for this project are available in the following accounts: Property Maintenance- Other Contractual Services account #101-441.003-811.0000, Major Streets-Contract Maintenance account #202-449-003-937.0400, Local Streets-Contract Maintenance account #203-449.003-937.0400, and Parks-Other Contractual Services account #101-751.000-811.0000. We projected about \$40,000 per year for these services. This fiscal year will begin the two year contract term for these landscape maintenance services.

SUGGESTED RESOLUTION:

To award the Landscape Maintenance Services contract to Superior Scape, Inc. for a two year agreement commencing May 1, 2018 and ending November 15, 2019 in an amount not to exceed \$66,896.00. Funds for this project are available in the following accounts: Property Maintenance- Other Contractual Services account #101-441.003-811.0000, Major Streets-Contract Maintenance account #202-449-003-937.0400, Local Streets-Contract Maintenance account #203-449.003-937.0400, and Parks-Other Contractual Services account #101-751.000-811.0000. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.

**ATTACHMENT A - AGREEMENT
For Landscape Maintenance Services**

This AGREEMENT, made this _____ day of _____, 2018, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and Superior Scape, Inc., having its principal office at 51989 Schoenherr Rd, Shelby Twp, MI 48315 (hereinafter called "Contractor"), provides as follows:

WITNESSETH:

WHEREAS, the City of Birmingham, through its Department of Public Services, is desirous of having landscape bed maintenance services performed at various parks and city property in the City of Birmingham, performed on its behalf.

WHEREAS, the City has heretofore advertised for bids for the procurement and performance of services required to perform landscape maintenance services, and in connection therewith has prepared a request for sealed proposals ("RFP"), which includes certain instructions to bidders, specifications, terms and conditions.

WHEREAS, the Contractor has professional qualifications that meet the project requirements and has made a bid in accordance with such request for cost proposals to perform landscape maintenance services.

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 Request for Proposal to provide landscape services and the Contractor's cost proposal dated April 2, 2018 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 the documents are in conflict with one another, this Agreement shall take precedence, then the RFP.
2. The Contractor agrees to provide the labor, material, supplies, and equipment necessary to perform the lawn and landscape services in accordance with the specifications and conditions contained in the RFP documents for a period of two (2) years/ seasons, commencing on May 1, 2018 and ending on November 15, 2019. Thereafter, at the option of the City, and agreement by Contractor, this Agreement shall renew for a successive two-year period unless the City terminates this Agreement by providing written notice to the Contractor prior to the expiration of the initial term or any renewal term.
3. The City shall have the right to terminate this Agreement prior to the end of the initial term or any of the renewal terms without cause. If the City terminates this Agreement prior to the end of any term, the City shall provide Contractor with 10 days written notice of the early termination. Any claims or fees that Contractor is

working on collecting on behalf of the City, and Contractor shall continue to collect such fees and process same pursuant to the terms and conditions of this Agreement through the date of notice of early termination.

4. The City shall pay the Contractor for the performance of this Agreement in an amount not to exceed \$66,896 as set forth in the Contractor's April 2, 2018 cost proposal.
5. The Contractor agrees that it will apply for and secure all permits and approvals as may be required from the City in accordance with the provisions of applicable laws and ordinances of the City, State of Michigan and/or Federal agencies.
6. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Proposals.
7. The Contractor shall employ personnel of good moral character and fitness in performing all services under this Agreement.
8. The Contractor and the City agree that the Contractor is acting as an independent Contractor with respect to the Contractor's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Contractor nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Contractor shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Contractor shall not be entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.
9. The Contractor acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Contractor recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Contractor agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Contractor shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Contractor further agrees to use

such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.

10. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. The Contractor agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.
11. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.
12. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Contractor without the prior written consent of the City. Any attempt at assignment without prior written consent shall be void and of no effect.
13. The Contractor agrees that neither it nor its subcontractors will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Contractor shall inform the City of all claims or suits asserted against it by the Contractor's employees who work pursuant to this Agreement. The Contractor shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.
14. The Contractor shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required under this paragraph. 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 of Birmingham.
15. 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 employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.
- 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. Pollution Liability Insurance: Contractor shall procure and maintain during the life of this Agreement Pollution Liability Insurance, with limits of liability of not less than \$1,000,000, per occurrence preferred, but claims made accepted.
- G. Owners Contractors Protective Liability: The Contractor shall procure and maintain during the life of this contract, an Owners Contractors Protective Liability Policy with limits of liability not less than \$3,000,000 per occurrence, combined single limit, Personal Injury, Bodily Injury and Property Damage. The City of Birmingham shall be "Name Insured" on said coverage. Thirty (30) days Notice of Cancellation shall apply to this policy.
- H. 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.
- I. 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.

J. 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.

K. 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.

16. To the fullest extent permitted by law, the Contractor and any entity or person for whom the Contractor 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 and 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 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 of Birmingham.

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

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

19. All notices required to be sent pursuant to this Agreement shall be mailed to the following addresses:

City of Birmingham
Attn: Lauren Wood, Director of Public Services
851 South Eton
Birmingham, MI 48009

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

IN WITNESS WHEREOF, the said parties have caused this Agreement to be executed as of the date and year above written.

WITNESSES:



CONTRACTOR

By: 

Its: Vice president
Jason C. Bryan

CITY OF BIRMINGHAM

By: _____

Andrew M. Harris

Its: Mayor

By: _____

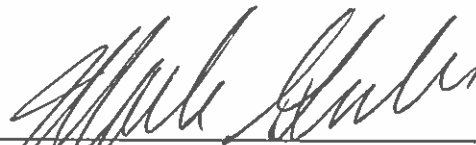
J. Cherilynn Brown

Its: City Clerk

Approved:



Lauren A. Wood, Director of Public
Services
(Approved as to substance)



Mark Gerber, Director of Finance
(Approved as to financial obligation)



Timothy J. Currier, City Attorney
(Approved as to form)



Joseph A. Valentine, City Manager
(Approved as to substance)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/6/2018

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

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

PRODUCER VTC Insurance Group Troy Office 1175 W. Long Lake Ste. 200 Troy MI 48098-4960	CONTACT NAME: Cindy Prusinowski PHONE (A/C, No, Ext): (248) 828-3377 FAX (A/C, No): (248) 828-3741 E-MAIL ADDRESS: cprusinowski@vtcins.com
INSURED Superior Scape, Inc. 51989 Schoenherr Shelby Township, MI 48315	INSURER(S) AFFORDING COVERAGE INSURER A: Acuity A Mutual Insurance Company NAIC # 14184 INSURER B: MHI/SIWCF-Midwest Employers Cas. Co INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES

CERTIFICATE NUMBER: 18-19 Liability

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC <input type="checkbox"/> OTHER	X	Z95271	3/8/2018	3/8/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 250,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	X	Z95271	3/8/2018	3/8/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$ 0		Z95271	3/8/2018	3/8/2019	EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ 3,000,000
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/A	SUPER28	3/18/2018	6/30/2018	<input checked="" type="checkbox"/> PER STATUTE E L STATE ACCIDENT \$ 500,000 E L DISEASE - EA EMPLOYEE \$ 500,000 E L DISEASE - POLICY LIMIT \$ 500,000
A	Contractors Equipment		Z95271	3/8/2018	3/8/2019	\$1,000 Deductible \$842,454 Limit
A	Contractors' E & O		Z95271	3/8/2018	3/8/2019	\$1,000 Deductible 1,000,000

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

All operations of the named insured. Where required by written contract, the City of Birmingham, all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof is additional insured for General Liability (GL) as respects ongoing & completed operations on a primary & non-contributory basis and additional insured on a primary and non-contributory basis as respects Automobile liability. Insurer will endeavor to mail 30 days written notice of cancellation to the certificate holder; however, failure to do so will impose no liability of any kind upon the insurer or its agents or representatives.

CERTIFICATE HOLDER

CANCELLATION

City of Birmingham
151 Martin St
Birmingham, MI 48012-3001

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

Alan Chandler/CPP

ATTACHMENT B - BIDDER'S AGREEMENT
For Landscape Maintenance Services

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

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

BRENDAN MCGAUGHEY

4-2-18

BID PREPARED BY
(Print Name)

DATE

MAINTENANCE MANAGER

TITLE

DATE



BMcGAUGHEY@SUPERIORSCAPE.COM

AUTHORIZED SIGNATURE

E-MAIL ADDRESS

SUPERIOR SCAPE, INC.

COMPANY

51989 SCHOENHERR RD., STELBY TWP, MI 48315

ADDRESS

586-739-9630

PHONE

N/A

NAME OF PARENT COMPANY

N/A

PHONE

N/A

ADDRESS

ATTACHMENT C - COST PROPOSAL

For Landscape Maintenance Services

In order for the bid to be considered valid, this form must be completed in its entirety.

Attach technical specifications for all proposed materials as outlined in the Contractor's Responsibilities section of the RFP (p. 6)

Provide lump sum pricing per season for 14 visits which include spring and fall clean up, mulch and all bed maintenance as described in the scope of work (p. 10).

COST PROPOSAL	
2018	
ITEM	BID AMOUNT
Kenning Complex	\$ 5092
Adams Fire Station	\$ 1383
Woodward and Lincoln Bus Stop	\$ 652
Martinizing Corner	\$ 1084
Tree Rings (7) North of Lincoln along Woodward Avenue	\$ 474
Barnum Park	\$ 2340
Baldwin Public Library	\$ 3330
Willits Triangle Island	\$ 720
Birmingham Museum	\$ 1723
Corner of W Maple and Chester	1101
Martha Baldwin Park	\$ 4054
Quarton Lake Dam & Grist Mill Beds	\$ 1124
Oak & Lakeside Corner	\$ 742
Oak Median Island	\$ 142

Booth Park	\$ 5460
Hunter Tank	\$ 2079
Eton & Maple Staircase	\$ 1948
TOTAL 2018	\$ 33,448

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2019	
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Oak Median Island	\$ 142
Booth Park	\$ 5460

Hunter Tank	\$ 2079
Eton & Maple Staircase	\$ 1948
TOTAL 2019	\$ 33,448

ATTACHMENT E - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM
For Landscape Maintenance 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.

BRENDAN MCGAUGHEY

4-2-18

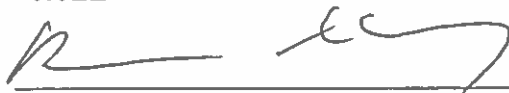
PREPARED BY
(Print Name)

DATE

MAINTENANCE MANAGER

TITLE

DATE



BMCGAUGHEY@SUPERIORSCAPE.COM

AUTHORIZED SIGNATURE

E-MAIL ADDRESS

SUPERIOR SCAPE, INC.

COMPANY

51989 SCHODENHERR RD, SHELBY TWP, MI 48315

586-739-9630

ADDRESS

PHONE

N/A

N/A

NAME OF PARENT COMPANY

PHONE

N/A

ADDRESS

38-2848225

TAXPAYER I.D.#



MEMORANDUM

Engineering Department

DATE: April 13, 2018

TO: Joseph A. Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: 2018 Concrete Sidewalk Repair Program – Contract 2-18(SW)
Contract Award

On April 12, 2018, the Engineering Department opened bids on the above referenced project. A summary of the bid results is attached.

Five (5) companies submitted bids for this project. The low bidder was Italia Construction, Inc., of Washington Twp., with their bid of \$732,129.00. The Engineer's estimate was \$812,000. Italia Construction was hired by the City to complete the 2017 project, which was similar in nature, although larger in scope. Italia proved themselves capable of completing the work, and were very flexible as the work needed to be added to or modified. The same management team is planned for this year, and we are confident that they are qualified to perform satisfactorily on this contract.

This year's sidewalk replacement program focuses on Area 8 (north of Maple Rd. and east of Adams Rd.) and the southeast quarter of the Central Business District, as shown on the attached map. Work planned in the CBD will be limited in scope given the current Old Woodward Ave. work currently underway.

This contract also includes a large number of scattered concrete repairs throughout the city, some of which include:

1. Sidewalk, curb, and/or pavement repairs where sewer and/or water services have been installed (to new houses) or upgraded.
2. Repairs where excavation to repair water main breaks have damaged driveways, sidewalks, curb, and/or pavement.
3. A small amount of concrete slab replacement on both major & local streets where the existing slabs are fractured.
4. Curb replacement that are damaged or are deteriorating.

A map showing the locations of the scattered concrete repairs is attached for your information.

Other work of interest added to the job for this year include:

1. Handicap ramps on streets planned for cape sealing, to be reimbursed as a part of the proposed special assessment district. As required by federal rules, ramps will be installed throughout a large portion of the Quarton Lake Subdivision (see attached map).
2. Pedestrian islands for improved crosswalks on W. Maple Rd., located at the Lakepark Ave. intersection, and east of Hawthorne Rd.
3. Pedestrian and bicycle improvements Oakland Ave., east of Woodward Ave.
4. Sidewalk improvements at the southwest corner of Woodward Ave. & Quarton Rd.

The estimated distribution of costs for this project will be assigned as follows:

General Sidewalk	101-444.001-981.0100	\$224,717.50
Major Streets Fund	202-449.001-981.0100	\$181,891.50
Local Streets Fund	203-449.001-981.0100	\$27,495.00
Local Streets (Cape Seal Program)	203-449.003-937.0400	\$130,580.00
Sewer Fund	590-536.001-811.0000	\$51,565.00
Water Main Fund	591-537.004-811.0000	\$40,380.00
Water Service Fund	591-537.005-811.0000	\$57,840.00
Alley Maintenance	101-444.002-981.0100	\$17,660.00
TOTAL		\$732,129.00

Because the bid amounts exceed budgeted amounts for certain accounts, a budget amendment for those accounts will be required as included below in the suggested resolution.

SUGGESTED RESOLUTION:

To award the 2018 Concrete Sidewalk Repair Program, Contract #2-18(SW) to Italia Construction, Inc., in the amount of \$732,129.00, to be charged to the various accounts as detailed in the report; and further to approve the appropriations and budget amendments to the 2017-2018 budget as follows:

Major Street Fund

Revenues:

Draw from Fund Balance #202-000.000-400.0000	\$ 47,000
Total Revenue Adjustments	<u>\$ 47,000</u>

Expenditures:

Public Improvements #202-449.001-981.0100	\$ 47,000
Total Expenditure Adjustments	<u>\$ 47,000</u>

Local Street Fund

Revenues:

Draw from Fund Balance #203-000.000-400.0000	<u>\$ 2,500</u>
Total Revenue Adjustments	<u>\$ 2,500</u>

Expenditures:

Public Improvement #203-449.001-981.0100	<u>\$ 2,500</u>
Total Expenditure Adjustments	<u>\$ 2,500</u>

Water Fund

Revenues:

Draw from net position #591-000.000-400.0000	<u>\$ 12,200</u>
Total Revenue Adjustments	<u>\$ 12,200</u>

Expenditures:

Other Contractual Services-Water Mains #591-537.004-811.0000	<u>\$ 12,200</u>
Total Expenditure Adjustments	<u>\$ 12,200</u>

CITY OF BIRMINGHAM

2018 CONCRETE SIDEWALK REPAIR PROGRAM PROJECT

CONTRACT # 2-18 (SW)

BID SUMMARY

April 12, 2018 - 2:00 PM

Company Name	Addendums	5% Bid Security	Base Bid
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Italia Construction, Inc.	1 & 2	Bond	\$ 732,129.00
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Merlo Construction	1 & 2	Bond	\$ 809,947.50
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J B Contractors, Inc.	1 & 2	Bond	\$ 864,269.45 *
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Zuniga Cement Construction, Inc.	1 & 2	Bond	\$ 891,262.00
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Great Lakes Contracting	1 & 2	Bond	\$ 958,820.90 *
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* Corrected by Engineer			
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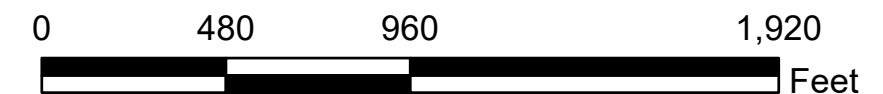
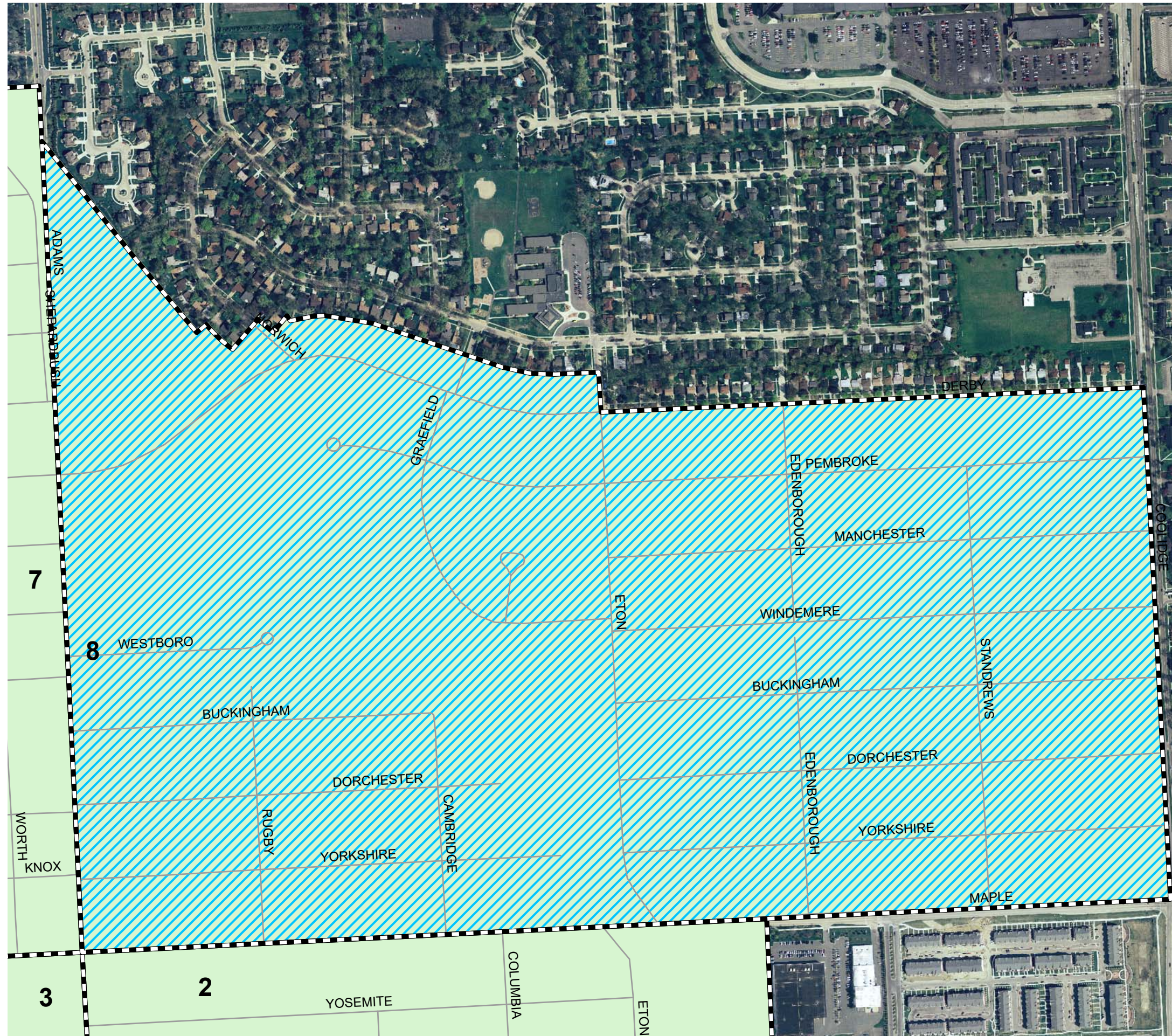
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2018 SIDEWALK 2-18(SW) PROGRAM AREA MAP

Legend

-  Sidewalk Program Districts
-  Program Target Area 8

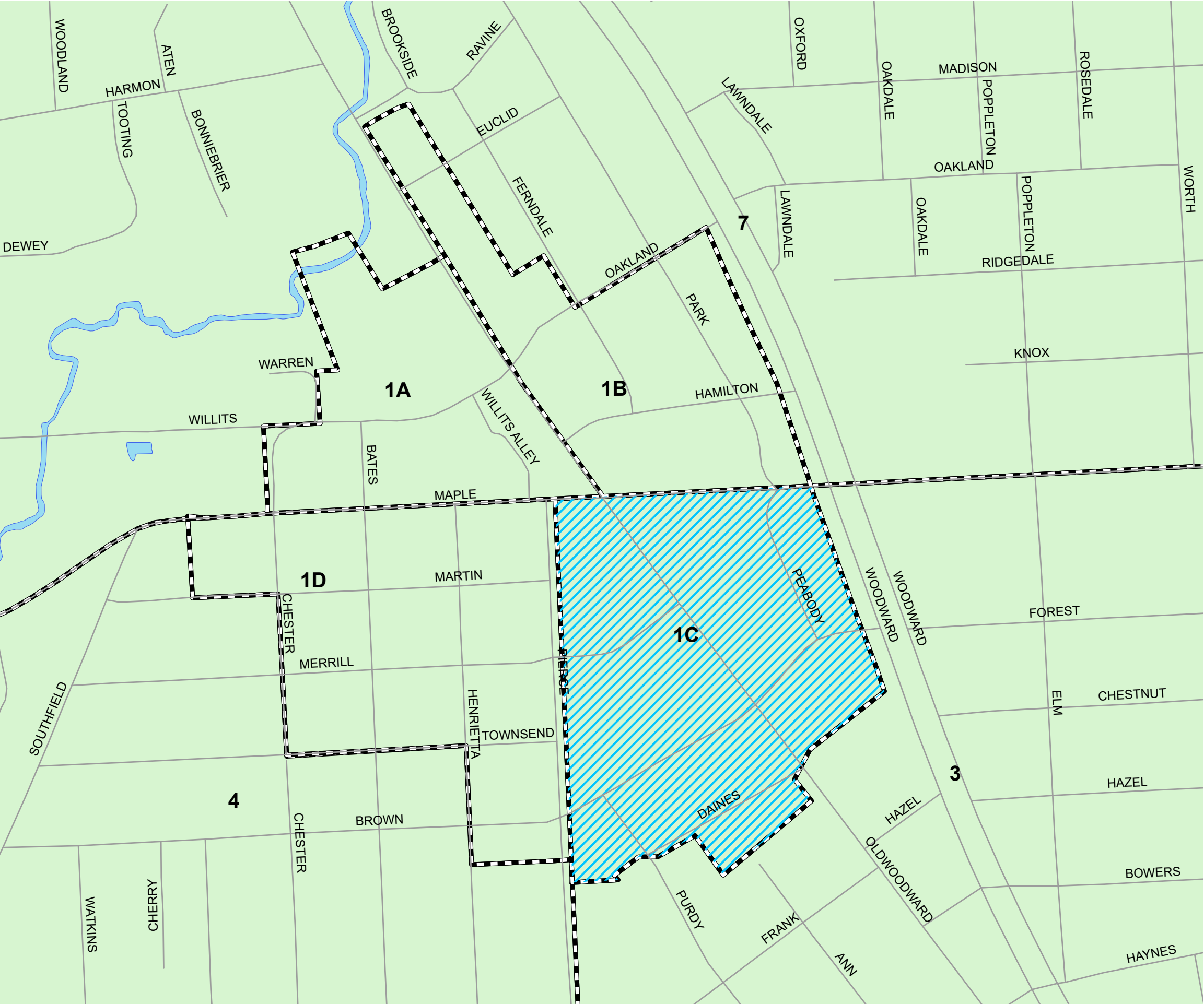


1 inch = 500 feet

Disclaimer: The information provided by this program has been compiled from recorded deeds, plats, taxmaps, surveys, and other public records and data. It is not a legally recorded map or survey.



The data provided hereon may be inaccurate or out of date and any person or entity who relies on said information for any purpose whatsoever does so solely at his or her own risk.

Data Sources: Oakland County GIS Utility, City of Birmingham

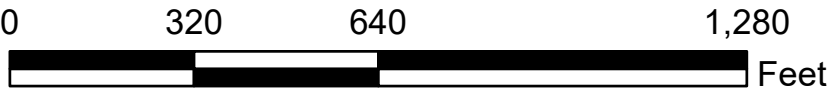


2018 SIDEWALK 2-18 (SW) DOWNTOWN AREA 1C MAP

Legend

-  Downtown Target Area 1C
-  Sidewalk Program Districts

N



1 inch = 333 feet



Disclaimer: The information provided by this program has been compiled from recorded deeds, plats, taxmaps, surveys, and other public records and data. It is not a legally recorded map or survey.

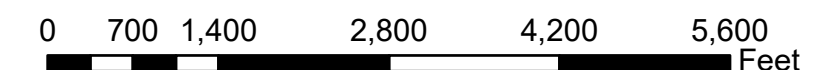
The data provided hereon may be inaccurate or out of date and any person or entity who relies on said information for any purpose whatsoever does so solely at his or her own risk.

Data Sources: Oakland County GIS Utility, City of Birmingham

2018 Sidewalk 2-18 (SW) Scattered Repair Map



Legend

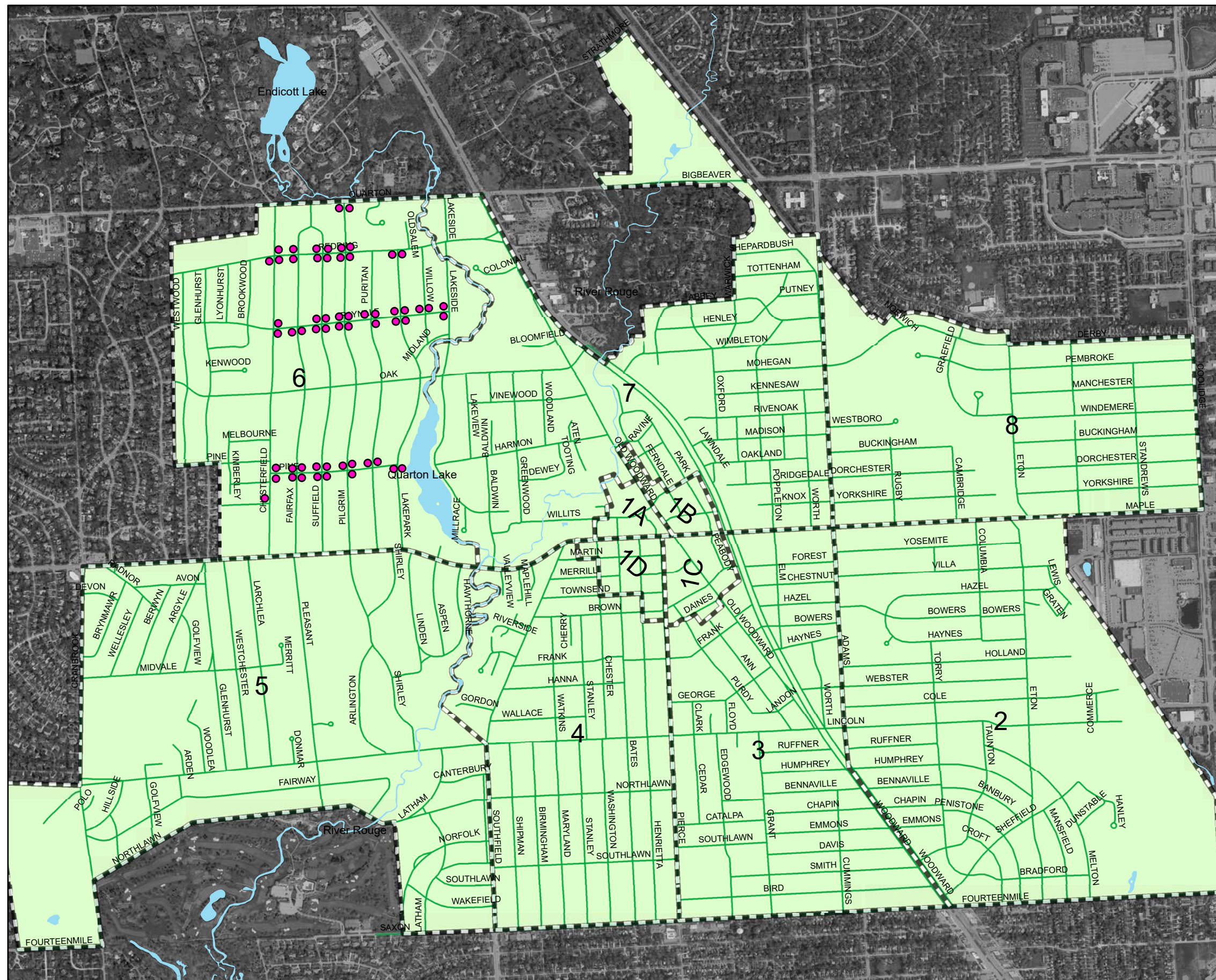
-  2018 Scattered Locations
 Sidewalk Program Districts




2018 Sidewalk 2-18 (SW) Cape Seal Ramp Map

Legend

-  Sidewalk Program Districts
-  Cape Seal Area Ramps



0 650 1,300 2,600 3,900 5,200 Feet



NOTICE OF PUBLIC HEARING

BIRMINGHAM CITY COMMISSION
SPECIAL LAND USE PERMIT AMENDMENT & FINAL SITE PLAN

Meeting Date, Time, Location:	Monday, April 23, 2018 at 7:30 PM Municipal Building, 151 Martin Birmingham, MI
Location of Request:	First Presbyterian Church – 1669 W. Maple
Nature of Hearing:	To consider the Final Site Plan and Special Land Use Permit amendment to permit the lease of existing kitchen for a commercial catering use.
City Staff Contact:	Jana Ecker 248.530.1841 jecker@bhamgov.org
Notice Requirements:	Mailed to all property owners and occupants within 300 feet of subject address. Publish April 1, 2018
Approved minutes may be reviewed at:	City Clerk's Office

Persons wishing to express their views may do so in person at the hearing or in writing addressed to City Clerk, City of Birmingham, 151 Martin, Birmingham, MI 48009.
Persons with disabilities needing accommodations 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.



MEMORANDUM

Planning Division

DATE: April 23rd, 2018

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

Re: Public Hearing for a Special Land Use Permit Amendment and Final Site Plan for 1669 W. Maple, First Presbyterian Church

First Presbyterian Church is located on the south side of W. Maple between Pleasant and Larchlea Dr. They are requesting approval to lease the existing kitchen in the Church basement to Canape Cart to cook and prepare foods for catering. Thus, the applicant requires an amendment to their existing Special Land Use Permit (SLUP), which was originally approved on May 13, 1991. Prior to the consideration of a SLUP Amendment, the City Commission refers the Site Plan and Design Review to the Planning Board.

On March 14, 2018, the Planning Board reviewed the proposed SLUP Amendment for the lease of the existing kitchen to Canape Cart, and voted to recommend denial of the Final Site Plan and Special Land Use Permit to the City Commission based on concerns about a commercial catering use in a single family residential zone district. Please find attached letter from the City Attorney stating the rental of the kitchen is a permissible use in the R1-A zone district as it is a "use customarily incidental to the permitted principal use" (Church) on this site.

The City Commission set a public hearing date for April 23, 2018 to consider an application for a Special Land Use Permit ("SLUP") Amendment and Final Site Plan for 1669 W. Maple. Please find the attached application submitted for your review, as well as the relevant Planning Board minutes.

SUGGESTED ACTION:

To approve the application for a Special Land Use Permit Amendment and Final Site Plan for First Presbyterian Church at 1669 W. Maple to allow the use of the Church's kitchen by Canape Cart.

OR

To deny the application for a Special Land Use Permit Amendment and Final Site Plan for First Presbyterian Church at 1669 W. Maple, as recommended by the Planning Board on March 14th, 2018, to deny the use of the Church's kitchen by Canape Cart.

**1669 W. MAPLE
FIRST PRESBYTERIAN CHURCH
SPECIAL LAND USE PERMIT AMENDMENT
2018**

- WHEREAS, The First Presbyterian Church originally applied for and received a Special Land Use Permit on September 8, 1987 to allow for the resurfacing, lighting and landscaping of the parking lot at 1669 West Maple Road, such application having been filed pursuant to the former Section 126-477 of the City Code;
- WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the south side of West Maple Road between Larchlea and Pleasant Streets;
- WHEREAS, The land is zoned R-1A, Single Family Residential, which permits a church with a Special Land Use Permit;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be reviewed by the Birmingham City Commission at such time that any addition to or change in the building or improvements on the parcel of land is proposed or the use of the property is altered;
- WHEREAS, The applicant submitted an application for a Special Land Use Permit Amendment and Final Site Plan Review to gain approval to lease out the existing Church kitchen to Canape Cart;
- WHEREAS, All conditions of the previously approved 1989, 1990, 1991, 1992, 1994, 1995, 1996, 1997, 2002 and 2017 Special Land Use Permit Amendments be continued as part of this Special Land Use Permit Amendment;
- WHEREAS, The Planning Board on March 14, 2018 reviewed the application for a Special Land Use Permit Amendment and Final Site Plan and recommended denial of the application based on concerns about a commercial use leasing space;
- WHEREAS, The Birmingham City Commission has reviewed the First Presbyterian Church's Special Land Use Permit Amendment application as well as the standards for such review, as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code and has reviewed the letter written by the City Attorney dated March 13, 2018 stating that this is permitted as a use customarily incidental to the permitted principal use of a Church on the site;
- NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met and the First Presbyterian Church's application for a Special Land Use Permit Amendment and Final Site Plan Review allowing the installation of new signage is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect the public health, safety and welfare, this Special Land Use Permit Amendment is granted subject to the following conditions:

1. First Presbyterian Church shall abide by all provisions of the Birmingham City Code; and
2. The Special Land Use Permit 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.

MAY IT BE FURTHER RESOLVED that the First Presbyterian Church 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 subsequently be amended. Failure of the First Presbyterian Church to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan do hereby certify that the foregoing is a true and correct copy of the resolution by the Birmingham City Commission at its regular meeting held on April 23, 2018.

Cherilynn Mynsberge, City Clerk



Special Land Use Permit Application Planning Division

Form will not be processed until it is completely filled out.

1. Applicant

Name: FIRST PRESBYTERIAN CHURCH
Address: 1669 W. MAPLE ROAD
BIRMINGHAM MI 48009
Phone Number: 248-644-2040 EXT 125
Fax Number: 248-644-8047
Email Address: carlfischer@fpcbirmingham.org

Property Owner

Name: JOHN JUDSON, PASTOR
Address: 1669 W MAPLE ROAD
BIRMINGHAM MI 48009
Phone Number: 248-644-2040 EXT. 127
Fax Number: 248-644-8047
Email Address: JohnJudson@everybodyschurch.org

2. Applicant's Attorney/Contact Person

Name: CARL FISCHER / JIM GOSS
Address: 1669 W. MAPLE ROAD
BIRMINGHAM, MI 48009
Phone Number: 248-644-2040 EXT 125
Fax Number: 248-644-8047
Email Address: jimgoss@everybodyschurch.org

Project Designer/Developer

Name: N/A
Address: _____
Phone Number: _____
Fax Number: _____
Email Address: _____

3. Required Attachments

- Warranty Deed with legal description of property
- Required fee (see Fee Schedule for applicable amount)
- Fifteen (15) folded copies of plans including a certified land survey, color elevations showing all materials, site plan, landscape plan, photometric plan, and interior plan
- Photographs of existing site and buildings
- Samples of all materials to be used

- Catalog sheets for all proposed lighting, mechanical equipment & outdoor furniture
- An itemized list of all changes for which approval is requested
- Completed Checklist
- Digital copy of plans
- One (1) additional set of plans mounted on a foam board, including a color rendering of each elevation

4. Project Information

Address/Location of Property: 1669 W. MAPLE
Name of Development: FIRST PRESBYTERIAN CHURCH
Sidwell #: 08-19-35-201-073
Current Use: CHURCH KITCHEN
Proposed Use: CHURCH AND COMMERCIAL KITCHEN
Area in Acres: _____
Current Zoning: _____
Zoning of Adjacent Properties: _____
Is there a current SLUP in effect for this site?: _____
Is project located in the floodplain? _____

Name of Historic District site is in, if any: _____
Date of HDC Approval, if any: _____
Date of Application for Preliminary Site Plan: _____
Date of Preliminary Site Plan Approval: _____
Date of Application for Final Site Plan: _____
Date of Final Site Plan Approval: _____
Date of Revised Final Site Plan Approval: _____
Date of Final Site Plan Approval: _____
Date of DRB approval, if any: _____
Date of Last SLUP Amendment: _____
Will proposed project require the division of platted lots? _____

5. Details of the Nature of Work Proposed (Site plan & design elements)

GRANT CANAPE' CART USE OF KNOX KITCHEN
FOR THE PURPOSE OF PRODUCING MEALS
TO BE SERVED OFF SITE.

6. Buildings and Structures

Number of Buildings on site: 1
Height of Building & # of stories: _____

Use of Buildings: CHURCH
Height of rooftop mechanical equipment: _____

7. Floor Use and Area (in square feet)

Commercial Structures:

Total basement floor area: N/A
 Number of square feet per upper floor: _____
 Total floor area: _____
 Floor area ratio (total floor area divided by total land area): _____
 Open space: _____
 Percent of open space: _____

Office space: N/A
Retail space: _____
Industrial space: _____
Assembly space: _____
Seating Capacity: _____
Maximum Occupancy Load: _____

Residential Structures:

Total number of units: N/A
 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?: N/A
 Size of one bedroom units: _____
 Size of two bedroom units: _____
 Size of three bedroom units: _____
 Seating Capacity: _____
 Maximum Occupancy Load: _____

8. Required and Proposed Setbacks

Required front setback: N/A
 Required rear setback: _____
 Required total side setback: _____
 Side setback: _____

Proposed front setback: N/A
 Proposed rear setback: _____
 Proposed total side setback: _____
 Second side setback: _____

9. Required and Proposed Parking

Required number of parking spaces: N/A
 Typical angle of parking spaces: _____
 Typical width of maneuvering lanes: _____
 Location of parking on the site: _____
 Location of off site parking: _____
 Number of light standards in parking area: _____
 Screenwall material: _____

Proposed number of parking spaces: N/A
 Typical size of parking spaces: _____
 Number of spaces < 180 sq. ft.: _____
 Number of handicap spaces: _____
 Shared Parking Agreement?: _____
 Height of light standards in parking area: _____
 Height of screenwall: _____

10. Landscaping

Location of landscape areas: N/A

Proposed landscape material: N/A

11. Streetscape

Sidewalk width: N/A
Number of benches: _____
Number of planters: _____
Number of existing street trees: _____
Number of proposed street trees: _____
Streetscape Plan submitted?: _____

Description of benches or planters: N/A

Species of existing street trees: _____
Species of proposed street trees: _____

12. Loading

Required number of loading spaces: N/A
Typical angle of loading spaces: _____
Screenwall material: _____
Location of loading spaces on the site: _____

Proposed number of loading spaces: N/A
Typical size of loading spaces: _____
Height of screenwall: _____

13. Exterior Trash Receptacles

Required number of trash receptacles: _____
Location of trash receptacles: _____
Screenwall material: _____

Proposed number of trash receptacles: _____
Size of trash receptacles: _____
Height of screenwall: _____

14. Mechanical Equipment

Utilities & Transformers:

Number of ground mounted transformers: N/A
Size of transformers (LxWxH): _____

Location of all utilities & easements: N/A

Number of utility easements: _____
Screenwall material: _____

Height of screenwall: _____

Ground Mounted Mechanical Equipment:

Number of ground mounted units: N/A
Size of ground mounted units (LxWxH): _____

Location of all ground mounted units: N/A

Screenwall material: _____

Height of screenwall: _____

Rooftop Mechanical Equipment:

Number of rooftop units: N/A
Type of rooftop units: _____

Location of all ground mounted units: N/A
Size of rooftop units (LxWxH): _____

Screenwall material: _____
Location of screenwalls: _____

Height of screenwall: _____
Percentage of rooftop covered by mechanical units: _____
Distance from units to rooftop units to screenwall: _____

15. Accessory Buildings

Number of accessory buildings: N/A
Location of accessory buildings: _____

Size of accessory buildings: N/A
Height of accessory buildings: _____

16. Building Lighting

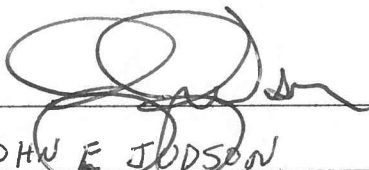
Number of light standards on building: N/A
Size of light fixtures (LxWxH): _____

Type of light standards on building: N/A
Height from grade: _____

Maximum wattage per fixture: _____
Light level at each property line: _____

Proposed wattage per fixture: _____
Number & location of holiday tree lighting receptacles: _____

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 or Special Land Use Permit. The undersigned further states that they have reviewed the procedures and guidelines for site plan review and Special Land Use Permits in Birmingham and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

Signature of Owner:  _____
Print Name: JOHN E JODSON

Date: 1.30.18

Signature of Applicant: Carl H Fischer
Print Name: CARL H FISCHER

Date: 1/30/2018

Signature of Architect: _____
Print Name: _____

Date: _____

Office Use Only

Application #: _____ Date Received: _____ Fee: _____
Date of Approval: _____ Date of Denial: _____ Accepted by: _____

LEASE AGREEMENT

Kathleen O'Neill and Mary Rembelski (dba Canape' Cart) and First Presbyterian Church of Birmingham (FPC) agree to be bound by the following for the period _____, through _____.

- FPC will grant Canape' use of Knox Kitchen between the hours of 8:00 a.m. and 7:00 p.m. daily for the purpose of producing meals to be served off site. Although FPC will make every effort to accommodate Canape's needs, FPC shall have priority in scheduling the kitchen. Regularly scheduled use by church committees, receptions, family movie night, and specially scheduled events shall be accommodated. FPC will provide reasonable advance notice to Canape' when an event is scheduled.
- The lock on the door (which is now a common lock with other offices) will be changed. Canape' will have access to substantial refrigerator, freezer, and dry storage space and use of all facilities, equipment, and furnishings. Key access to the kitchen will be limited to Canape', the sexton, and certain church committee personnel.
- FPC will pay for an initial cleaning, and clean after every church event. Canape' will maintain the facility in a clean and orderly fashion, i.e., clean and useable after each use. Canape' is responsible to obtain any required licenses and food handler permits, and comply with all city ordinances.
- By entering into this agreement, FPC does not participate in any commercial business. The parties are not partners or joint venturers. Canape' is solely responsible for its products and services.
- Canape' will carry and provide evidence of \$1 million of liability insurance coverage during the term of this agreement. Said insurance will show FPC as an additional insured. Canape' will also carry and provide evidence of workers compensation coverage for all of its employees.
- During this period, the cost of any equipment repairs or replacements will be divided by the reasonable and good faith agreement of the parties.
- For the use of Knox Kitchen pursuant to the terms of this agreement, Canape' will pay to FPC monthly rent in the amount of _____ dollars payable in advance. Included in the rent is the cost of utilities and daily trash removal.
- If either party shall be in breach of this agreement, the other party shall give written notice of such breach, and if the breach be not cured within fifteen (15) days of the giving of such notice, the complaining party shall be entitled to an early termination of this Lease on a date which shall be thirty (30) days from said giving of notice.
- By _____, both parties will review their experience with this arrangement and seek to develop an annual lease.

Kathleen O'Neill

Date

Mary Rembleski

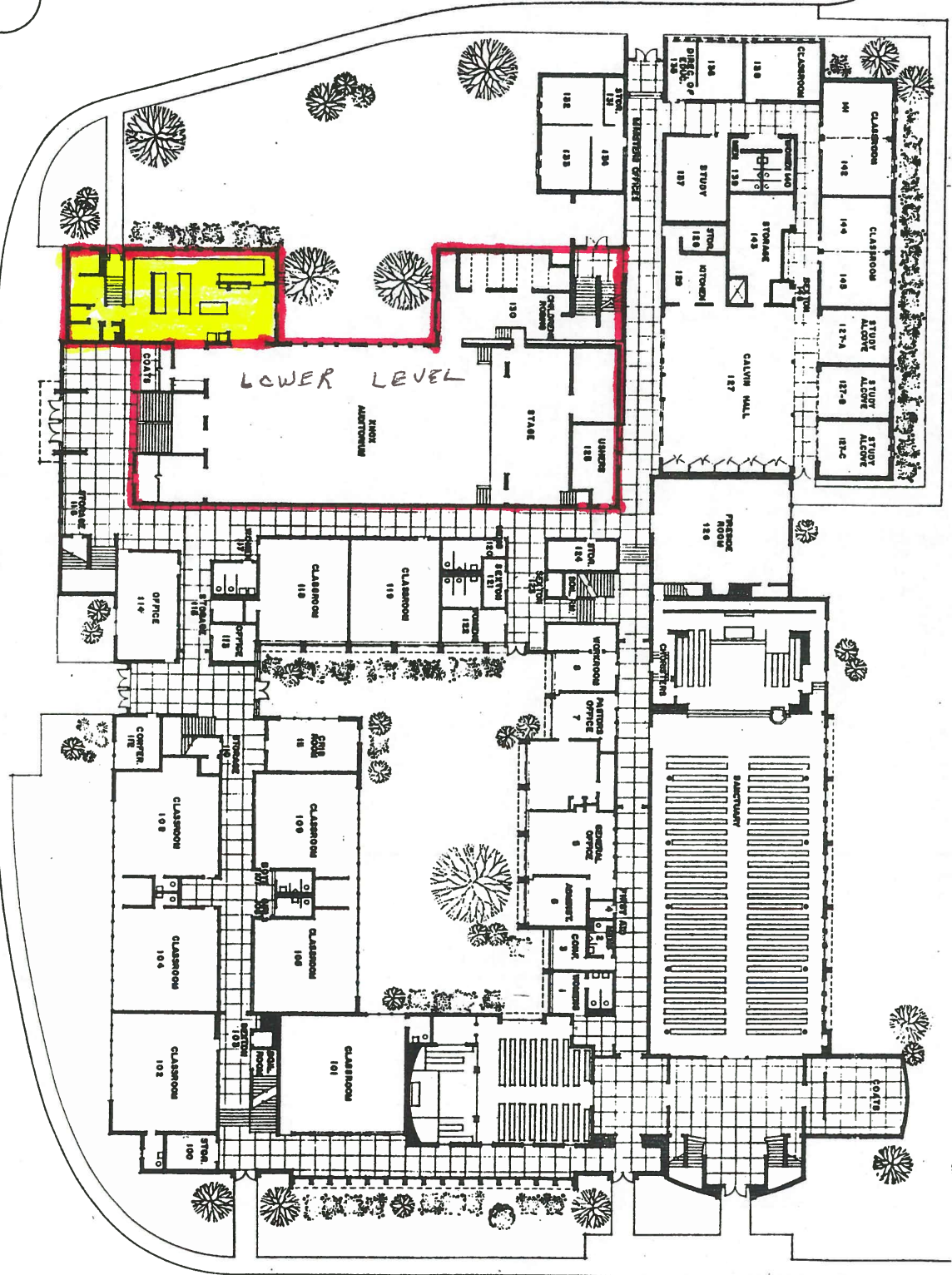
Date

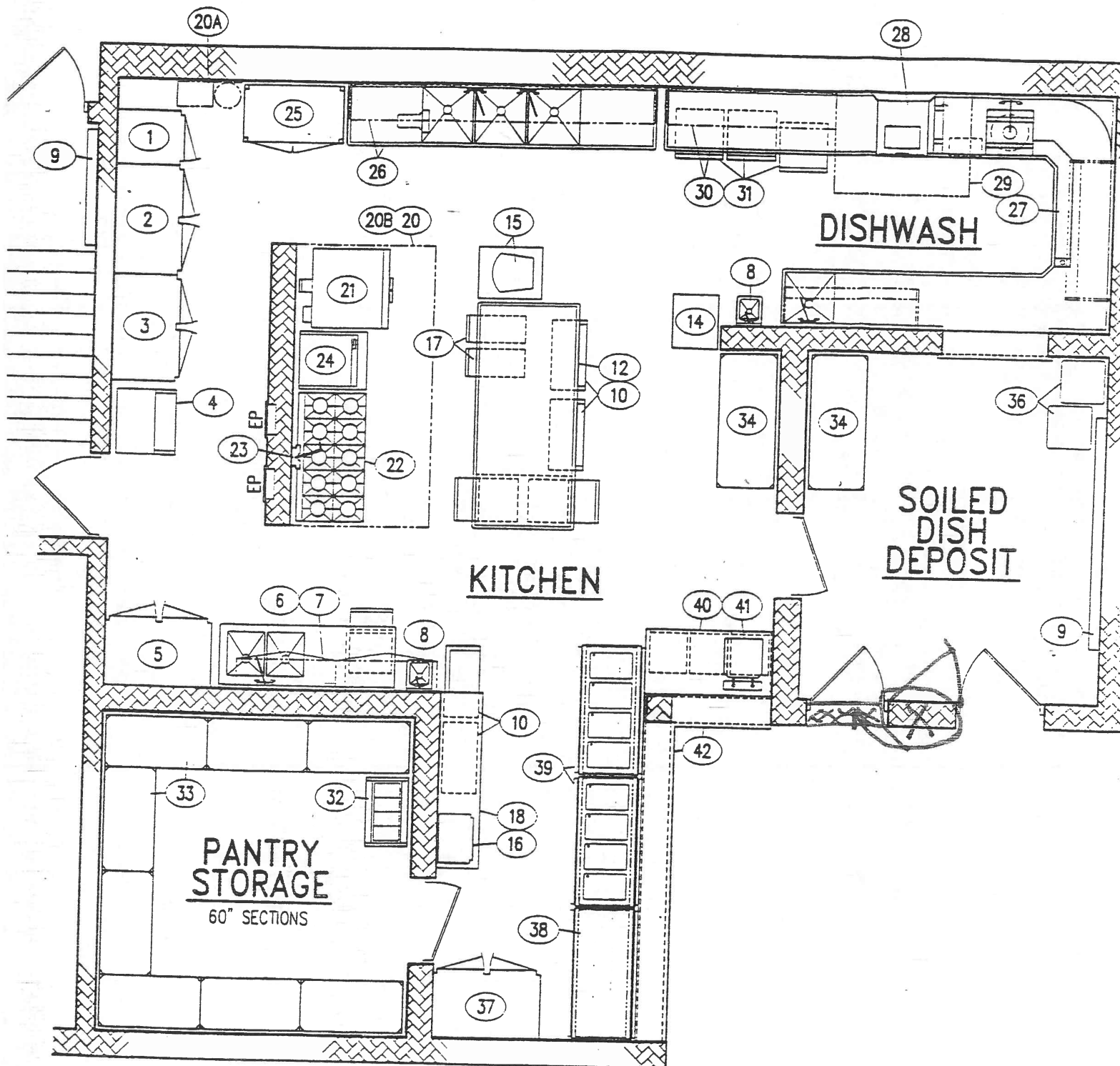
Carl H. Fischer
Treasurer, FPC

Date

FIRST FLOOR PLAN
SCALE 0 5 10 15 20 25
NORTH

FIRST PRESBYTERIAN CHURCH
BIRMINGHAM, MICHIGAN





First Presbyterian Church of Birmingham

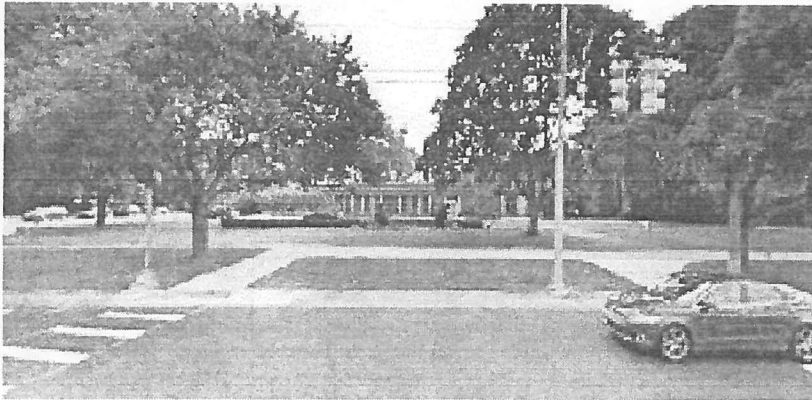
Everybody's  Church

Canape' Cart is an established business, having spent thirty years operating out of the kitchen at Drayton Avenue Presbyterian Church in Ferndale. The closing of that church has resulted in them seeking a new venue at First Presbyterian Church of Birmingham.

Google Maps 1669 W Maple Rd



Imagery ©2017 Google, Map data ©2017 Google United States 100 ft



1669 W Maple Rd

Birmingham, MI 48009



At this location

12:01 Start

Presbyterian Church · 1669 W Maple Rd





HOME | ABOUT US | SERVICES | MENUS | VENUES | CONTACT | COOKING CLASSES



INVENTIVE
CUISINE

CREATIVE
DESIGN

CLASSES



Canapé Cart Cooking Classes. Our kitchen or yours. Join us in our kitchen for a customized class.

MENUS



We take great pride in creating unique menus & beautiful presentations for each client according to their tastes.

THE PERFECT SETTING



We have designed events at some of the area's most distinctive venues from museums, to gardens, theaters and architectural gems- even a zoo. We can find the right spot for you.

CANAPÉ CART



CANAPÉ CART, ESTABLISHED IN 1987, IS ONE OF METROPOLITAN DETROIT'S PREMIER CATERING COMPANIES

Founded by **KATHLEEN O'NEILL** and **MARY REMBELSKI**, young professionals who simply wanted to fuel their passions for good food, great wine, and world travel. Twenty years later, the Canapé Cart team has orchestrated hundreds of events, from five people to 5,000, celebrating life's milestones as well as corporate agendas.

THE PARTNERS'
ATTENTION
TO DETAIL
AND DESIGN

ENSURE A SPECIAL
AND
UNIQUE OCCASION



Mary was raised in a family of Polish grocers, and has literally been knee-high to food and all it's wonderful mystery. With her solid Eastern European work ethic, attention to detail and love of food and people, Mary is considered the conscience of the Canapé Cart. Mary has studied and traveled widely in France and California. She is a member of the International Association of Culinary Professionals, and follows the tenets of the Slow Food Movement and Oldways Preservation Trust, which promulgates the principles of nutrition, tradition, and sustainability.

[Email Mary](#)

Kathleen, also a native of Detroit, was educated in elementary education, and has taught largely in the United States and Europe. She has worked, studied and/or traveled extensively in Italy, Spain, France, India, South America and Mexico. Those experiences, coupled with Kathleen's wide ranging curiosity and trend-spotting, are reflected in Canapé Cart's inventive and authentic cooking, as well as its signature menus. Kathleen is a member of the International Association of Culinary Professionals.

[Email Kathleen](#)

They are both passionate about catering and bringing to their customers the highest caliber of professionalism.

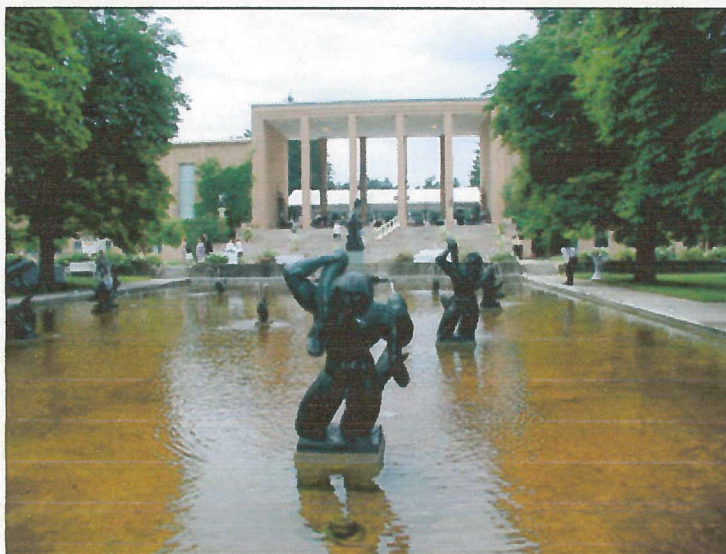
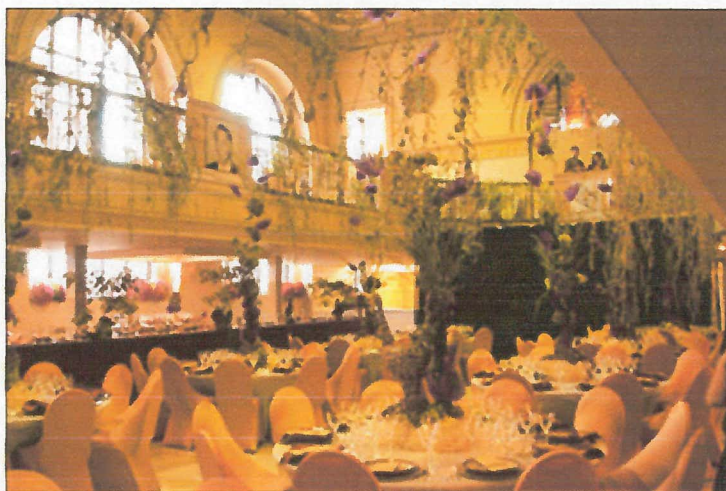
CANAPÉ CART



VENUES

WE HAVE DESIGNED EVENTS AT SOME OF THE AREA'S MOST DISTINCTIVE VENUES FROM MUSEUMS, TO GARDENS, THEATERS AND ARCHITECTURAL GEMS- EVEN A ZOO. WE CAN FIND THE RIGHT SPOT FOR YOU - YOUR BACKYARD PERHAPS- OR CREATE AN EVENT FOR YOUR LOCALE THAT IS SPOT ON.

- MICHIGAN OPERA THEATER
DETROIT
- THE GUARDIAN BUILDING
DETROIT
- CRANBROOK EDUCATIONAL COMMUNITY
BLOOMFIELD HILLS
- DETROIT PUBLIC LIBRARY
- MUSEUM OF CONTEMPORARY ART AND DESIGN
DETROIT
- SUZANNE HILBERRY GALLERY
FERNDALE
- DSO MAX FISHER
DETROIT
- GOLDNER WALSH
PONTIAC



CANAPÉ CART



MEMORANDUM

Planning Department

DATE: March 9, 2018

TO: Jana Ecker, Planning Director

FROM: Nicholas Dupuis, Planning Intern

SUBJECT: 1669 W. Maple – First Presbyterian Church – SLUP Amendment, Canape Cart catering (All changes shown in blue type)

Executive Summary

First Presbyterian Church is located on the south side of W. Maple between Pleasant and Larchlea Dr. The church is proposing to lease Knox Kitchen in the lower level of the church to Canape Cart for the purpose of producing meals to be served off site. As a result of this change, the petitioner will require an amendment to their existing Special Land Use Permit (SLUP). Prior to the consideration of a SLUP Amendment, the City Commission refers the Site Plan and Design Review to the Planning Board. Should Planning Board approval be granted, a public hearing will be held by the City Commission to consider whether or not to grant the proposed Special Land Use permit (SLUP) Amendment.

This parcel of land is zoned R1, Single Family Residential District. Churches are a permitted use in the R1 District, subject to Special Land Use regulations. The Church originally received a Special Land Use Permit on May 13, 1991.

On February 28, 2018, the Planning Board discussed the proposed SLUP Amendment to allow Canape Cart catering to lease the Church kitchen in the basement for the preparation of food to cater events. After much discussion, the Planning Board expressed support for the proposed kitchen use, but voted to postpone the review until March 14, 2018, pending a formal interpretation by the Building Official and City Attorney that the proposed use of the kitchen by a catering team was an accessory use customarily incidental to the Church.

Accordingly, the Building Official, City Attorney and Planning Director met to discuss the proposed use of the Church kitchen. A letter from the City Attorney stating that the proposed rental of the Church kitchen to an outside group is an accessory use customarily incidental to the Church will be forthcoming prior to the meeting.

Chairman Clein noted the church is allowed in an R-1 Zone. However, the use they are trying to add is commercial. The ordinance only allows an accessory use that is customarily incidental to the Church. It was discussed that there are commercial enterprises in various churches around town. Consensus of the board members was that

they are in generally in favor of the proposal, but they don't have the power to approve the SLUP Amendment. It was determined that a formal interpretation from the Building Official and a recommendation from the City Attorney would be needed to clear up the matter.

1.0 Land Use and Zoning

- 1.1** Existing Land Use - The existing site is currently used as a private school and Church. The land uses surrounding the site are single family residential, Neighborhood Business, and Office.
- 1.2** Existing Zoning – The Church is currently zoned R1, Single Family Residential, and has a valid Special Land Use Permit which was originally granted on May 13, 1991.
- 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	Commercial, Fire Station	Single-Family Residential	Single-Family Residential	Single-Family Residential
Existing Zoning District	B1, PP - General Business, Public Property	R1-A, Single-Family Residential	R1-A, Single-Family Residential	R-2, Single-Family Residential
2016 Regulating Plan	NA	NA	NA	NA

Canape Cart is a catering service run by two individuals whose operation formerly resided in the Drayton Avenue Presbyterian Church in Ferndale, Michigan. The closing of that church has forced Canape Cart to seek a new kitchen to lease to prepare their food offerings. The First Presbyterian Church has an existing kitchen located in the basement level of the Church. No changes are proposed to either the kitchen layout, the interior or the exterior of the Church. No signage is proposed for Canape Cart.

The lease with the Church states that Canape Cart may use the kitchen daily anytime between the hours of 8:00a.m. to 7:00p.m., however, the Church has first right to use the kitchen for Church events. Canape Cart proposes to prepare food in the Church kitchen to be delivered and served at other venues in Metro Detroit. No details have been provided at this time as to the number or size of vehicles to be used to transport food to offsite locations.

2.0 Setback and Height Requirements

The project as proposed meets all setback requirements. No changes are proposed to existing building or site.

3.0 Screening and Landscaping

3.1 Screening – No changes are proposed.

3.2 Landscaping – No changes are proposed.

4.0 Parking, Loading and Circulation

4.1 Parking - No changes are proposed.

4.2 Loading – No changes are proposed.

4.3 Circulation – N/A.

5.0 Lighting

No changes are proposed to the lighting on the property.

6.0 Departmental Reports

6.1 Engineering Division – The Engineering Division has no concerns at this time.

6.2 Department of Public Services – No comments have been received from the Department of Public Services but will be provided prior to the meeting on February 28, 2018.

6.3 Fire Department – The Fire Department has no concerns at this time.

6.4 Police Department – The Police Department has no concerns at this time.

6.5 Building Division – No comments have been received from the Building Division but will be provided prior to the meeting on February 28, 2018.

7.0 Design Review

Knox Kitchen is located in the lower level of the church on the southeast side of the building, facing the rear parking lot. The existing building will not be altered in any way, nor any new signage placed upon the building or the grounds. The amendment to the SLUP is consistent with the Zoning Ordinance, compatible with adjacent uses of land, the natural environment, and the capabilities of public services and facilities affected by the land use, consistent with the public health, safety and welfare of the city, and will not be injurious to the surrounding neighborhood.

9.0 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.

10.0 Recommendation

Based on a review of the site plan submitted, the Planning Division recommends the Planning Board forward a recommendation to the City Commission to APPROVE the SLUP Amendment for 1699 W. Maple – First Presbyterian Church – to lease Knox Kitchen to Canape Cart for the purpose of producing meals to be served off site.

11.0 Sample Motion Language

Motion to recommend that the City Commission APPROVE the Special Land Use Permit Amendment for 1669 W. Maple – First Presbyterian Church – to lease out Knox Kitchen to Canape Cart for the purpose of producing meals to be served off site.

OR

Motion to recommend that the City Commission DENY the Special Land Use Permit Amendment for 1669 W. Maple for the following reasons:

1. _____
2. _____

OR

Motion to recommend that the City Commission POSTPONE the Special Land Use Permit Amendment for 1669 W. Maple for the following reasons:

1. _____
2. _____

**DRAFT Planning Board Minutes
February 28, 2018**

**FINAL SITE PLAN REVIEW
SPECIAL LAND USE PERMIT ("SLUP")**

1. 1669 W. Maple Rd. (First Presbyterian Church)

Request for approval of a Revised Final Site Plan and Design to permit a commercial catering business to operate in the existing church kitchen

Ms. Ecker explained that First Presbyterian Church is located on the south side of W. Maple Rd. between Pleasant and Larchlea Dr. The church is proposing to lease the kitchen in the lower level of the church to Canape Cart for the purpose of producing meals to be served off site. As a result of this change, the petitioner will require an amendment to their existing SLUP. Prior to the consideration of a SLUP Amendment, the City Commission refers the Site Plan and Design Review to the Planning Board. Should Planning Board approval be granted, a public hearing will be held by the City Commission to consider whether or not to grant the proposed SLUP Amendment.

This parcel of land is zoned R-1, Single Family Residential District. Churches are a permitted use in the R-1 District, subject to Special Land Use regulations. The church originally received a SLUP on May 13, 1991.

Canape Cart is a catering service run by two individuals whose operation formerly resided in the Drayton Avenue Presbyterian Church in Ferndale, Michigan. The closing of that church has forced Canape Cart to seek a new kitchen to lease to prepare their food offerings. The First Presbyterian Church has an existing kitchen located in the basement level of the Church. No changes are proposed to either the kitchen layout, the interior or the exterior of the Church. No signage is proposed for Canape Cart.

The lease with the church states that Canape Cart may use the kitchen daily anytime between the hours of 8 a.m. to 7 p.m.; however, the church has first right to use the kitchen for church events. Canape Cart proposes to prepare food in the church kitchen to be delivered and served at other venues in Metro Detroit. No details have been provided at this time as to the number or size of vehicles to be used to transport food to offsite locations.

Design Review

The kitchen is located in the lower level of the church on the southeast side of the building, facing the rear parking lot. The existing building will not be altered in any way, nor any new signage placed upon the building or the grounds. The amendment to the SLUP is consistent with the Zoning Ordinance; compatible with adjacent uses of land; the natural environment; the capabilities of public services and facilities affected by the land use; consistent with the public health, safety and welfare of the City; and will not be injurious to the surrounding neighborhood.

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce that an e-mail from James Goss, Business Manager, First Presbyterian Church-Birmingham. dated February 26, 2018, be formally made a part of the record.

Motion carried, 7-0.

Yeas: Williams, Whipple-Boyce, Boyle, Clein, Jeffares, Koseck, Lazar

Nays: None

Absent: None

Chairman Clein noted the church is allowed in an R-1 Zone. However, the use they are trying to add is commercial. The ordinance only allows an accessory use that is customarily incidental to the Church. It was discussed that there are commercial enterprises in various churches around town. Consensus of the board members was that they are in generally in favor of the proposal, but they don't have the power to approve the SLUP Amendment. It was determined that a formal interpretation from the Building Official and a recommendation from the City Attorney would be needed to clear up the matter.

Ms. Kathleen O'Neal, co-owner of Canape Cart Catering and Mr. James Goss, Business Manager of First Presbyterian Church, came forward to speak.

Mr. Jeffares wanted assurance there would never be refrigerated trucks running outside. He had the same concern about holding cooking classes. Also, Mr. Goss assured him there would never be alcohol on the site.

Ms. O'Neal explained they have rented the Presbyterian Church in Ferndale for 25 years but now the building is being sold. She went on to say that they would be responsible for catering events within the church. Mr. Williams replied that would be incidental if the kitchen were to be used for church purposes.

Motion by Mr. Boyle

Seconded by Mr. Williams to postpone 1669 W. Maple Rd. to March 14, 2018.

Motion carried, 7-0.

VOICE VOTE

Yeas: Boyle, Williams, Clein, Jeffares, Koseck, Lazar, Whipple-Boyce

Nays: None

Absent: None

**PLANNING BOARD MINUTES
MARCH 14, 2018**

OLD BUSINESS (continued from February 28, 2018)

SPECIAL LAND USE PERMIT ("SLUP") AND FINAL SITE PLAN AND DESIGN REVIEW

1. 1669 W. Maple Rd. (First Presbyterian Church)

Request for approval of a Revised Final Site Plan and Design to permit a commercial catering business to operate in the existing church kitchen

Ms. Ecker explained First Presbyterian Church is located on the south side of W. Maple Rd. between Pleasant and Larchlea Dr. It is zoned R-1, Single-Family Residential and has a valid SLUP which was originally granted on May 13, 1991. The church is proposing to lease Knox Kitchen in the lower level of the church to Canape Cart for the purpose of producing meals to be served off site. As a result of this change, the petitioner will require an amendment to their existing SLUP. Prior to the consideration of a SLUP Amendment, the City Commission refers the Site Plan and Design Review to the Planning Board. Should Planning Board approval be granted, a public hearing will be held by the City Commission to consider whether or not to grant the proposed SLUP Amendment.

On February 28, 2018, the Planning Board expressed support for the proposed kitchen use, but voted to postpone the review until March 14, 2018, pending a formal interpretation by the Building Official and City Attorney that the proposed use of the kitchen by a catering team was an accessory use customarily incidental to the Church. Accordingly, the Building Official, City Attorney and Planning Director met to discuss the proposed use of the church kitchen. Accordingly, a letter from Beier Howlett has been received stating that the proposed rental of the church kitchen to an outside group is an accessory use customarily incidental to the church. It is no different than any other fund raising activities which are permissible under the Birmingham Zoning Ordinance.

Motion by Mr. Williams

Seconded by Mr. Share to accept and file the letter from Beier Howlett dated March 13, 2018 dealing with commercial catering use of church kitchens.

Motion carried, 7-0.

VOICE VOTE

Yeas: Share, Whipple-Boyce, Clein, Jeffares, Koseck, Ramin, Williams

Nays: None

Absent: Boyle, Lazar

Design Review

Knox Kitchen is located in the lower level of the church on the southeast side of the building, facing the rear parking lot. The existing building will not be altered in any way, nor any new signage placed upon the building or the grounds.

Ms. Kathleen O'Neal, co-owner of Canape Cart came forward to speak. Ms. O'Neal explained they have rented the Presbyterian Church in Ferndale for 25 years but now the building is being

sold. Currently most of the parties they cater do not exceed 200 people. Their only outside equipment is one van that is used for deliveries. At the most there are four to five people preparing food.

The chairman called for comments from the public at 7:45 p.m.

Mr. David Laddy, 230 Pleasant, pointed out that the long-term Lease between the church and Canape Cart constitutes something different than a bazaar or a rummage sale. It is more commercial than it is community oriented. The R-1 Zoning District is primarily set up for Single-Family Residential. Also there are a series of Special Land Uses which include a church. The City Attorney referred to accessory permitted uses. The Ordinance defines an accessory use in section 9.18 as a subordinate use that is customarily incidental to the principal use, used on the same lot. The church is not a permitted principal use in the R-1 District; it is a Special Land Use. Therefore, the accessory permitted uses refer only back to the permitted uses.

Consequently, Mr. Laddy did not think the mechanics of the Zoning Ordinance allow the Planning Board to do this. Additionally, the Ordinance says if there is some doubt about whether or not a use is accessory to a permitted use it should be referred to the Board of Zoning Appeals for consideration.

For all of those reasons he asked the board to recommend denial of the Special Land Use.

Ms. Ecker noted she called the City Attorney and explained Mr. Laddy's position. She asked him if that changed anything with regard to his legal opinion and he responded that it did not.

Mr. Share opined the fact the board could do this with a SLUP doesn't mean they should do it. He is having trouble supporting a commercial use like this in a Residential District. It is significantly different than the typical things that religious institutions do within house to raise money periodically. So he doesn't think it is an appropriate use and he can't support granting a SLUP for a commercial kitchen to serve outside customers in a Residential Zone.

Ms. Whipple-Boyce stated she was not comfortable with the proposal either.

Mr. Jeffares expressed his opinion that this feels like a way around getting a commercial establishment into a residential neighborhood. It could open the door to businesses that the board would like a lot less than a caterer. It may be a slippery slope that the board has to be really careful on. Chairman Clein expressed those same concerns.

Mr. Williams said the board would have to spend a fair amount of time detailing the restrictions on any kind of SLUP to prevent an escalation of the activity over a period of time. He was not prepared to start drafting restrictive language this evening. Further, he agreed there is virtually no church involvement in this activity, other than the rental income. Going forward, this could set a bad precedent. So, he agreed with Mr. Share.

Motion by Mr. Share

Seconded by Ms. Whipple-Boyce that the Planning Board recommend that the City Commission deny the SLUP amendment for 1669 W. Maple Rd., First Presbyterian

Church, because the proposed commercial use is inappropriate in this Residential District.

Chairman Clein took discussion to the public one more time at 8 p.m.

Mr. James Goss, Business Manager for the church, said they would be turning the rent that they would be receiving and putting it back into the community.

Mr. Williams suggested it would be relevant to add a review of topics under Church Activities to the board's Action List.

Chairman Clein said he has concerns related to commercial uses getting inside of Residential R-1 and R-2 Zones. This is not a reflection on the applicant so much as it is a situation of the board trying to understand and control the parameters between the two very different uses of single-family and commercial.

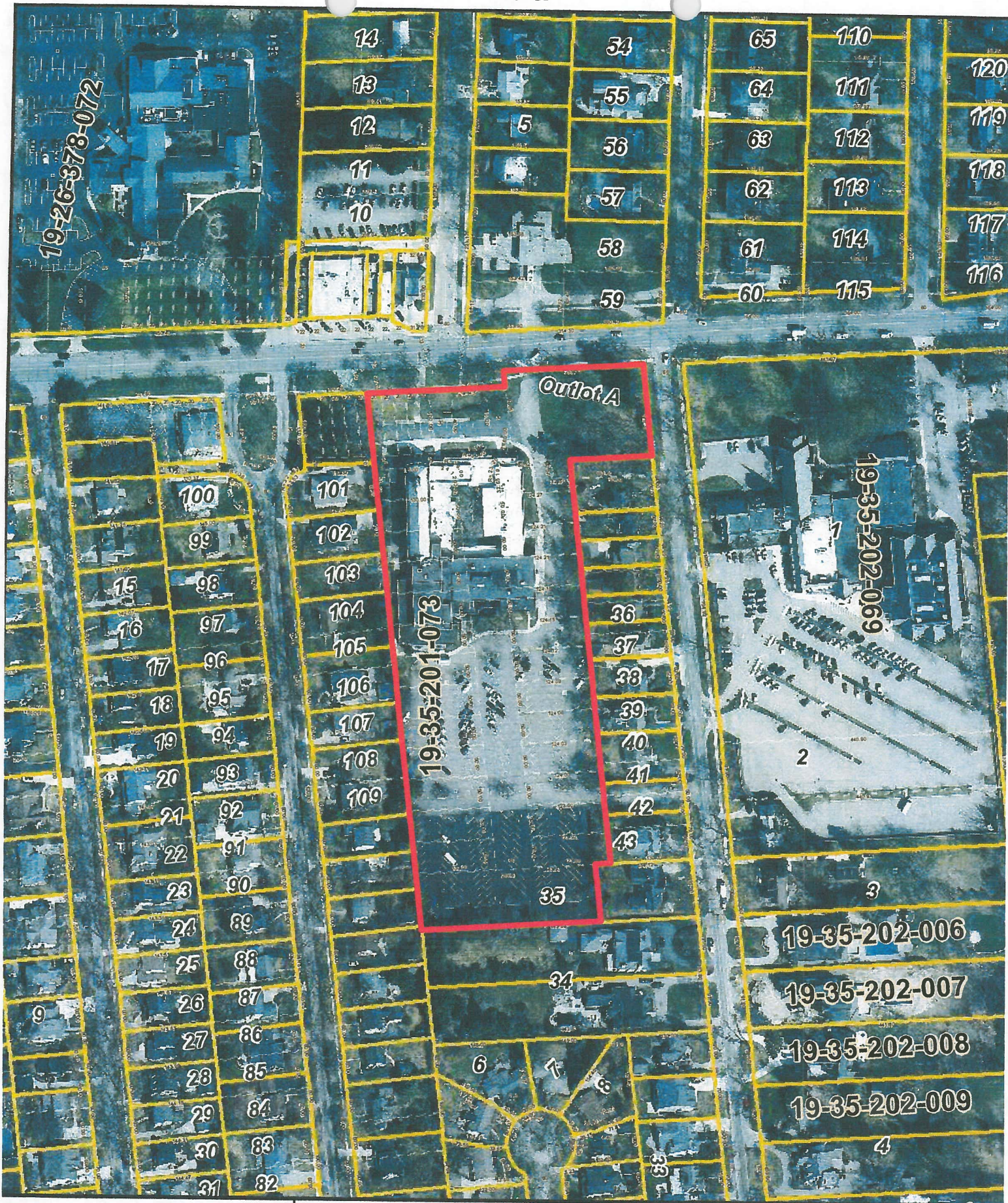
Motion carried, 7-0.

VOICE VOTE

Yeas: Share, Whipple-Boyce, Clein, Jeffares, Koseck, Ramin, Williams

Absent: Boyle, Lazar

rod



- 2 Foot Contours
- 5 Foot Contours
- FEMA Base Flood Elevations
- FEMA Cross Sections
- 100 yr - FEMA Floodplain
- 100 yr (detailed) - FEMA Floodplain
- 500 yr - FEMA Floodplain
- FLOODWAY - FEMA Floodplain

Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present on the map.

OAKLAND COUNTY
Economic Development & Community Action
L. Brooks Patterson
Oakland County Executive

Date Created: 10/6/2017

NORTH
1 inch = 200 feet

March 13, 2018

Ms. Jana Ecker, Planning Director
City of Birmingham
151 Martin Street, P.O. Box 3001
Birmingham, MI 48012-3001

Re: Commercial Catering Use of Church Kitchens

Dear Ms. Ecker:

This letter is in response to your request that I opine on the permissibility of a church renting out its kitchen to be used for commercial catering purposes.

The churches in question reside in the R1 or R1A District. In this regard, the permitted uses are as follows:

“Permitted Uses

Residential Permitted Uses

- adult foster care group home
- dwelling – one-family
- single family cluster*

Institutional Permitted Uses

- government office
- school – public

Recreational Permitted Uses

- park

Other Use Regulations are as follows:

Accessory Permitted Uses

- family day care home*
- garage – private
- greenhouse – private
- home occupation*
- parking facility – private off-street

*=Use Specific Stands in Section 5.02 Apply

Beier Howlett

Ms. Jana Ecker, Planning Director
March 13, 2018
Page 2

- parking – public, off-street*
- renting of rooms*
- sign
- swimming pool-private
- any use customarily incidental to the permitted principal use

Uses Requiring a Special Land Use Permit

- assisted living
- church
- continued care retirement community
- independent hospice facility
- independent senior living
- medical rehabilitation facility
- parking (accessor) – public; off-street
- philanthropic use
- public utility building
- publicly owned building
- school – private
- skilled nursing facility” (Emphasis Added)

Many of the churches in the City of Birmingham perform multiple functions, which have been considered in the past as uses customarily incidental to the permitted principle use. These have included using their facilities for philanthropic purposes; for schools (*Permitted Uses and Accessory Permitted Uses*); and the renting of rooms (all under *Accessory Permitted Uses*).

Several churches have customarily maintained daycare centers as well as preschools, and have conducted various fundraising activities including auctions, craft shows, bazars, parties and the like. In regard to the kitchen being used, churches have traditionally conducted church oriented meals such as fish fries and pancake breakfasts for their congregations. Renting out rooms has been customary for various other activities in the city and other communities as well.

With respect to using the kitchen facilities as commercial facilities for catering, it appears to be no different than any other fundraising activity that is conducted by the church in using the facilities to raise money for the support of its institution. It could also be looked upon as being less impactful upon a neighborhood because it is all contained indoors and doesn't utilize the exterior portions of the church as do other activities. There is no specific case that I can find on record with respect to this, however, it does not appear to us that the use of the kitchen for

Beier Howlett

Ms. Jana Ecker, Planning Director
March 13, 2018
Page 3

commercial catering purposes is any different than any other fundraising activities, which are permissible under the City of Birmingham Zoning Ordinance.

Should you have any questions please do not hesitate to contact me.

Very truly yours,

BEIER HOWLETT, P.C.



Timothy J. Currier
Birmingham City Attorney

TJC/jc

Enclosure

cc: Mr. Joseph A. Valentine, City Manager



Jana Ecker <jecker@bhamgov.org>

Presbyterian Church Special Land Use

1 message

David Lattie <dlattie@lattiela.com>
To: jecker@bhamgov.org

Thu, Feb 22, 2018 at 4:29 PM

Ms. Ecker,

Thank you for taking the time to speak with me about the above entitled issue. As I mentioned I reside at 230 Pleasant Street, directly adjacent to the church property, and I received a notice of a Special Land Use public hearing for February 28, 2018. I have a conflict on the 28th and cannot attend the public hearing, and respectfully request the Planning Board consider my written objections in my absence.

First, I understand churches present zoning challenges because state and federal regulations and case law compel municipalities to accommodate them in residential zoning districts. While courts have acknowledged the expanding community services modern churches provide (with the Presbyterian Church adjacent to the west, and the Methodist Church just across Pleasant I can attest that both are busy with religious/educational and other civic activities) the primary purpose is to accommodate public places of worship. This concept is reflected in your zoning ordinance that identifies a church as a special land use in the R1-R8 zoning districts, and doesn't consider churches permitted uses until the B1 district. The fact that a church itself is a special land use in the residential districts indicates that the impacts on surrounding properties should be considered in detail. Adding a commercial activity to a church use that already impacts the surrounding residential properties is not consistent with your zoning ordinance. More importantly, catering is not one of the identified twelve special or nine accessory permitted uses in the R-2 district, and is not allowed as a permitted use until the B-1 district. Frankly, it doesn't appear their request can be granted without a use variance (if allowed by your ordinance) or a text/map amendment.

Second, your applicants seem to be very likable people with an admirable goal of operating a small catering business. I wholeheartedly support their efforts located in an appropriate commercial district (B1). While not necessarily a planning concern, churches are exempt from property taxes. Allowing them to enter into commercial leases for the use of their property and/or structures should jeopardize that tax exempt status, but also would undercut existing or future catering business required to locate in your B-1 district pursuant to your ordinance. Clearly a tax exempt landlord would enjoy a significant economic advantage.

Finally, I moved into my home in 2004. As I mentioned before, both churches are busy providing religious related services and activities. By and large they have been good neighbors and I'm sure they would not propose something that would be disruptive to the neighborhood. From a planning and zoning standpoint it is obvious the way churches are regulated in your ordinance that commercial uses, even ancillary ones, are not appropriate. Although each property is unique, and each zoning case is considered on it's own merits, as the pressure to add commercial uses to church property increases, I would hate to see Birmingham begin to allow commercial services encroach into neighborhoods through it's church properties.

Thank you for your consideration,

David Lattie

First Presbyterian Church of Birmingham

Everybody's  Church

March 26, 2018

To: Birmingham City Commission

Re: Special Land Use Permit – 1669 W. Maple (First Presbyterian Church)

Kathleen O'Neill and Mary Rembelski have operated Canape' Cart out of Drayton Avenue Presbyterian Church in Ferndale for more than twenty-five years with glowing reports from members and no complaints from either city or neighbor. The day-to-day operation of the business is conducted primarily by these two ladies, with periodic part-time support to assist with larger events. They have no large trucks, only one small van to deliver food. The closing of Drayton Avenue in December of 2017 has forced them to seek a new location in order to continue their business.

First Presbyterian Church of Birmingham invested in a major renovation of its kitchen in 2000 to accommodate its own cook and a regular membership dinner program which ran until 2007. Usage of the kitchen has declined over the years until presently no food is prepared on site at all. Meals and receptions are catered, usually through Quarton Catering, coming from its kitchen in Ferndale. Our facility sits idle, with empty refrigerators and freezers running continuously. If approved, Canape' Cart would be given every opportunity to cater church events which are now outsourced.

First Presbyterian Church of Birmingham was founded in Birmingham in 1834. We moved to our fourth and present location in 1954. In the 184 years of our existence, we have evolved into "Everybody's Church", welcoming and serving people of all backgrounds and abilities. In addition to supporting local, national, and international mission activities, we provide the free use of our facilities by the Boy Scouts, FAR Therapeutic Arts and Recreation, Samaritan Counselling Center and Alzheimer's, AA, and Al Anon support groups. On March 20, we hosted "Choices 2018 Youth Dialogue Day", which included an actual session of 48th District Court where local high school students could observe the workings of our judicial system. Attached is a copy of our Annual Report which provides more details of our activities.

When Mary and Kathleen approached us about using our kitchen, we were cautious. After doing our investigation, we have come to the conclusion that these are two special people, who reflect our values and work ethic. Our intention is to lease our facility to them as long as they wish to remain in business, and to seek city approval before considering any other tenant.

We ask the Birmingham City Commission to decide favorably on our request. Thank you.

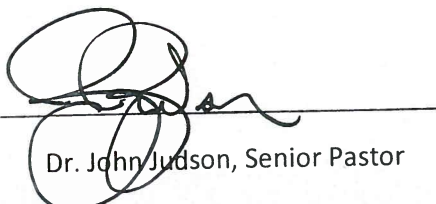
Sincerely,



Carl Fischer, Business Manager



Jim Goss, Business Manager



Dr. John Judson, Senior Pastor



Sandra Karam, Clerk of Session

First Presbyterian Church
1669 W. Maple Road
Birmingham, MI 48009
248.644.2040
www.everybodyschurch.org
email:
contact@everybodyschurch.org

Weekly Worship

Sundays:

8:30am Communion
in the Chapel

10:00am Worship
in the Sanctuary
with Sunday School

5:00pm Worship
Rejoicing Spirits
(casual dress)

2nd & 4th Sundays Sep. - April,
once a month, May-August
in Knox Auditorium
A simple meal
follows every service.

Program Staff

Rev. Dr. John Judson
Pastor

Rev. Joanne Blair
Associate Pastor
Inclusion and Pastoral Care

Cindy Merten
Director of Christian Education
& All Abilities Inclusion Ministries

Andrew Herbruck
Director of Music Ministries

Bethany Peerbolte
Director of Youth Ministries

Rev. Julie Madden
Rev. Ted Thode
Rev. Dr. Kate Thoresen
Parish Associates

Mission

Mission is at the heart of who we are and how we express our faith.

This past year we continued to serve people both here and around the world. We served people in Pontiac through our work with Alcott Elementary School. We sent dozens of tutors, more than one hundred backpacks and coats, untold bags of food through those who helped with the weekly Shop and Drop program, Thanksgiving and Christmas food baskets for hungry families, Christmas gifts through our Angel Tree ministry and books for their Little Free Library. We served LGBTQ youth through providing food at the Ruth Ellis Center once a month. We served families at Orchards Children's Services by providing Thanksgiving and Christmas food baskets and Christmas gifts.

We served the people of Mexico by partnering with Yucatan Peninsula Mission; sending teams to work on construction at their high school which was dedicated this year, as well as a medical team that saw dozens of patients.

Through First Foundation we continued our support of Faith Kasoni and her work with the Samburu people of northern Kenya and the Changs (PCUSA Mission co-workers) in their work to stem the epidemic of human trafficking in the Philippines. You

can find out more about how First Foundation supported mission later in this report.

The remainder of our Vision Campaign Mission Funds were used to complete another church in Kenya (which makes two churches that we have paid to have built), to add funds to the Deacons' Fund, to support pastors whose homes were damaged by Hurricane Harvey, to support the work of the Presbyterian Church in Puerto Rico as it assists people in rebuilding their lives by the same storm, and for desperately needed doors at one of our Detroit churches.

We also continued our tradition of "Mission Crawls" where church members were invited to visit many of the local missions we support, and our support of Dr. Thoresen and her work with the Faith Community Coalition on Foster Care.

Finally, our facilities were used, free of charge, by FAR, Samaritan Counseling Center (we house a satellite office), and Alzheimer's, AA and Al-Anon support groups. What this means is that our building is a mission station, helping to impact hundreds of lives.

Your support of Everybody's Church makes all of this possible, so thank you!



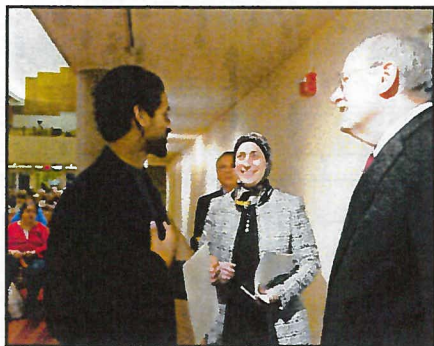
2017 Mexico Medical Mission Team



Packing Baskets of Love for Thanksgiving and Christmas

Inclusion

Inclusion, welcome, boundless hospitality are not just words at First Presbyterian Church Birmingham.



Interfaith Thanksgiving Service



Denise Anderson, Moderator of General Assembly, and Rosy Latimore

This year we hosted Caught in Conversation, which included dinner, conversation and prayer with Muslims, Christians, and Jews; a dinner and conversation with PC(USA) co-moderator Denise Anderson; an interfaith Thanksgiving service and dinner; and we again hosted a Christian segment of the Religious Diversity Journey for 150 area 7th graders.

We moved our Rejoicing Spirits service to Knox Auditorium while Calvin Hall was under construction and found it to be a welcoming space where worship and the dinner following are in one place. We added a pick-up choir in the service so that those who come early can rehearse and be a part of the worship leadership. We have also enjoyed the presence of our youth group joining us at dinner. Mosaic, the organization that supports Rejoicing Spirits churches across the country, made a promotional video

featuring our service and community. You can watch it here: <https://youtu.be/rhCwrM6Mfzs>

Last year, we hired Mara Myers to staff a new young adult class for older youth and young adults. Her husband, Craig, assists her and fills in as needed. Rev. Joanne Blair continues to support children, youth and families in our All Abilities Inclusion Ministries (AAIM) program. AAIM also hosted The Great Pumpkin Event for 70 people in October, a respite night for families of children with disabilities, and Bingo Night. We continue to partner with FAR providing space for performing arts therapy in our building and at Alcott Elementary School. We enjoyed the gift of their participation in our Easter service when dance therapist Candace Moss, Claudine Gaillard and Hadley Moak offered a grace-filled interpretation of three women discovering the empty tomb.



Dedication of Daphne to Serve



Women at the tomb on Easter



Caught in Conversation



The Great Pumpkin Event



Rejoicing Spirits Worship



Bingo Night - AAIM Event

Community

Our community at First Presbyterian Church shines at our weekly worship services.



Children's Choir



Chancel Choir Concert



New class of Stephen Ministers



First Theater Guild Fairytale Courtroom



Youth Retreat to Spring Hill

Our tradition of inspiring, welcoming, and emergent worship continued in 2017. Each time our community meets we support each other in prayer and Christ's peace. Through thought-provoking preaching we are called anew to examine ourselves and develop as Christians. We are also blessed to have stirring music each week led by our adult, youth, children's, brass and bell choirs. With intergenerational leadership and participation our worship has supported this community through the hardships of life, rejoiced in the blessings, all while challenging us to follow Christ more fully. This year we began a new worship format called Everybody's Worship. These once a month services are designed to harness the multigenerational talent and diversity we have in our church family.

In addition to leading the congregation on a weekly basis, the music ministry offered and sponsored wonderful concerts including Olivier Latry (Organist of Notre-Dame Cathedral), Sounding Light, Audivi, and Haydn's Creation and Magnificat by our Chancel Choir. The Birmingham Bach Festival, a two-day celebration of the life and music of Johann Sebastian Bach, debuted in 2017.

Our children and youth were involved in faith development through their participation in our weekly lessons at Worship Wonder (3-4 year olds), CrossWalks (K-5th grade), Soul Perch (6th-8th grade), and high school youth group (9th-12th grade). There is a place for every child to grow; and even our youngest participate in the nursery. Along with our Milestone classes, children and youth engaged their faith, learned the stories, asked tough questions, and felt the love of God. We can see their faith growing as they join

in events like Vacation Bible Camp, which is always at capacity with kids and fun. Every year more youth choose to take a spiritual retreat where they spend time supporting each other and tapping into God. Of course, none of the learning would happen without our amazing team of volunteer teachers, fearless chaperones, and overachieving staff.

We have loved seeing our community come together during events like Fall Kick-Off, Pie in the Park, Polar Express, and the Fall Color Walk. These events bring the whole church together to share smiles and hugs and to be God's family. We are a family that supports ongoing community activities and ministries including Stephen's Ministry, Senior Adventurers (which held monthly outings), Gardening Angels, Lunch and Learn, Good Friday Breakfast, Bible and Brew, Covenant Groups, Knitting Ministry, and Tuesday morning Bible study.

If that seems like a lot we still have energy and resources left over to start new adventures. This year First Theater Guild put on a play which included children from our church and the surrounding community. We welcomed the PCUSA General Assembly's Moderator to speak, and our Under the Story Tree event helped our community better tell their own stories, all while greeting outsiders and new members. 2017 was a year of first and lasts but always a year of community in God's love.



A Welcoming Congregation

Hand-in-Hand Early Learning Center

It has been a year of growth for the First Presbyterian Hand-in-Hand Early Learning Center.

This past year the Hand-in-Hand Early Learning Center underwent some transitions. We have hired nine new teachers so now we have a total of 25 part-time teachers and one full-time director. Two of our teachers are in the process of completing a professional Child Development Associate Credential.

Two Lead Teachers, Leslie Butler and Marcia Mayer, with approximately 30 and 20 years of service respectively, retired this past spring. We thank them both for their years of dedication to the students and to the center.

Our student enrollment is 158 children ranging in age from four months through five years and 21% of our families have either joined the church, have children in the choir and/or are attending worship services. An

additional three-year-old preschool classroom was added so we have expanded our offerings to two three-year-old preschool classrooms. New carpeting, a sink and counter area were installed in the new preschool room.

We hired an experienced part-time music teacher, Hayley Mieras, for the three and four-year-old preschool classes and the young five students. She meets weekly with each class and in December directed the Christmas concerts. Adding a dedicated music professional has been a wonderful addition to the center.

Our extended day programs, art classes, yoga, sports training, and general fitness classes have been very popular.

Our center partners with the church each year to support the church's holiday donation programs: Baskets of Love and the Angel Tree. The three-year-old preschool classes raised money by doing chores at home to purchase gifts for the Angel Tree.

They also put together snack bags for the Alcott children to enjoy over the holiday. Our Hand-in-Hand families are generous and donate items to foster families throughout the school year.

We were fortunate that Cindy Merten visited each classroom to interactively tell the story of the birth of Jesus during advent.

The 7th annual Hand-in-Hand Early Learning Center Mini Summer Camp was a great success with 86 children enjoying a two-week camp packed with activities centered around camping. We were visited by Bubbles the Goldfish who taught us about water safety and the iconic Smokey Bear who taught us how to safely put out a campfire.

We will be registering for the 2018-19 school year for currently enrolled families on Monday, February 5, 2018 and then registration will be open to the public beginning on Monday, February 19, 2018.

Heidi Wilkinson, Director of the FPC Hand-in-Hand Early Learning Center



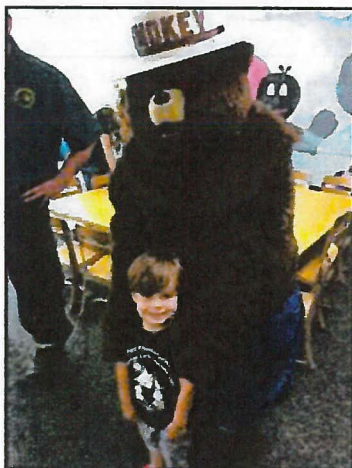
Whale room group hug



Dropping off Angel Tree gifts



Exploring together in the Butterfly room



Smokey Bear



Cindy Merten sharing the Christmas story



Packing snack bags for Alcott

Finance

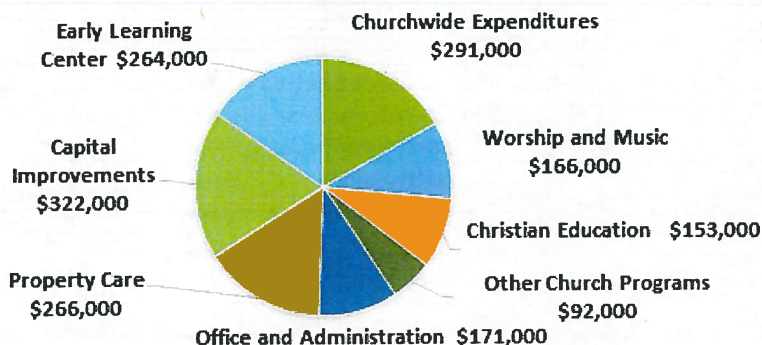
The operating income of FPC consists primarily of pledge and non-pledge contributions, which grew about 4% to \$1.1MM in 2017 thanks to some generous members who overpaid their pledges and to the better collection of per capita contributions. The overall

operating expenses of the church grew by about 8% driven by capital improvements to the roof, Calvin Hall, the library and the addition of a new pre-school classroom. Budgeted expenses were down overall; increased utilities costs, more investments in pastoral

care and inclusion programs (bringing Rev. Blair on full time), and 2.5% year-end bonuses to staff were offset by cost reductions from some effective management of administrative and supply costs, and from the departure of Rev. Morgan.

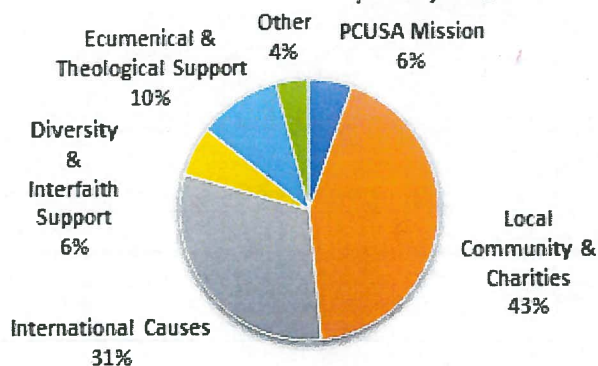
2017 FPC OPERATING EXPENDITURES

\$1.7MM



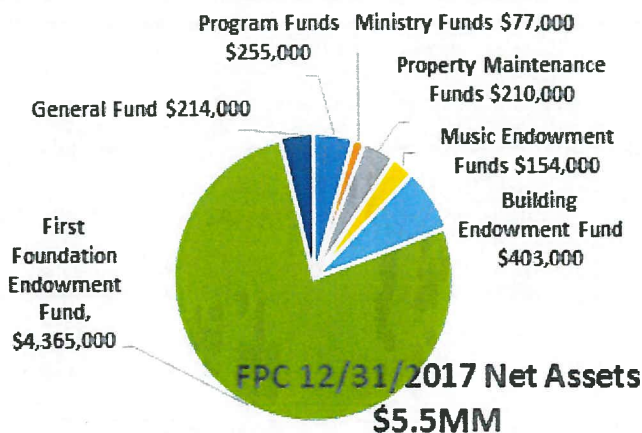
FPC 2017 Benevolences

\$291,000



First Foundation, FPC's benevolence endowment fund, expended just under half of FPC's benevolences in 2017 (see page 7 for details). In addition, over \$25,000 was expended by the Deacons for immediate needs in our local community (see page 7). Our church's ministry programs (Baskets of Love, Alcott Friday Food Program, Foster Families ministry, Mexico mission trips, etc.) expended just under \$90,000. The mission allocation of Vision Fund pledges made significant contributions to hurricane recovery efforts in Houston and Puerto Rico, and helped buy a new door for Calvary Presbyterian Church in Detroit. Finally, our church contributes \$15,000 annually to the PCUSA shared mission.

FPC's Net Assets grew by about \$1.1MM in 2017, primarily due to sizeable bequests to and healthy gains on investments in FPC's endowment funds.



First Foundation



In 2017, First Foundation awarded grants totaling \$165,261 to a variety of local and international causes, as well to First Presbyterian Church itself for specific needs beyond the church's annual operating budget. Since its inception in the 1980s, First Foundation has awarded \$3,405,033.*

All grant requests are supported by a ministry or committee of First Presbyterian Church and further our vision of mission, inclusion and community.

The market value of investments that First Foundation manages was over \$4.5 million at the end of 2017.

Grants Awarded in 2017

FPC: AAIM - FAR and Angel's Place	\$ 1,575	International: Chang and Lopez PC(USA)	10,000
FPC: Music - Bach Festival	4,000	International: Faith Kasoni	19,633
FPC: Tuition - Bethany Peerbolte	5,103	International: Kenya - Yatta Well-Thika	\$ 10,000
Local: Deacons	3,500	International: Maji Safi Group	5,100
Local: Foster Care Coalition	6,400	International: Malawi Matters, Inc.	6,000
Local: Hands-On Mission Projects	7,250	International: Mexico Medical Mission Trip	6,100
Local: Hope Hospitality	5,100	International: Mexico Mission Trip	8,000
Local: Interfaith Leadership Council	7,500	International: Warrior Lawyers	2,500
Local: One Earth Writing	8,000	Subtotal of FPC Grants	10,678
Local: Power Kids Company	30,000	Subtotal of Local Grants	87,750
Local: Ruth Ellis Center	10,000	Subtotal of International Grants	67,333
Local: SOS Bike Share	5,000		
Local: Southwest Detroit Immigration	5,000	Total Grants Awarded in 2017:	\$ 165,761

*A comparison of the 2016 and 2017 annual reports shows that total grants awarded since inception were understated by \$44,935 in 2016.

Deacons

Welcoming - Celebrating - Connecting -
Growing - Serving - Reaching

FINANCIAL

Grants totaling \$20,700 to: Furniture Bank to support their Furniture for Families program as well as to help purchase a new delivery truck; HAVEN to support their efforts to obtain birth certificates and transportation for survivors of domestic and sexual violence; SOCH (Welcome Inn) to support their summer program; Lighthouse to support their Crisis Resolution program; Fort Street Open Door to support their meal program; COTS to support transportation costs for bus tickets and a charter bus for children's field trips; and Ruth Ellis Center to support their food backpacks for homeless youth.

The Deacons also distributed \$4,308 to individuals having specific financial needs.

IN-REACH

Deacons provided Sunday morning coffee, visitation to shut-ins, coordinated the Good Friday Prayer Vigil, transportation for members to Sunday services, support services, greeting cards of support to members, flower distribution to senior homes, greeters and support for Rejoicing Spirits, and Communion.

OUTREACH

Food Bank distributions were made to COTS, Angels' Place, Baldwin



Center, Lighthouse, HAVEN and Ruth Ellis Center.

Deacon volunteers supported the Bike Build (and other programs) at Orchards Children's Services, Welcome Inn events and programs, Angels' Place home visits, Fort Street Career Closet, Furniture Bank expansion and other programs at Ruth Ellis Center, Baldwin Center, HAVEN and Lighthouse.

Vision Campaign

Looking Back at the Vision Campaign.

Now that the Vision Campaign is over, it is appropriate to look back and see what was accomplished. More than just replacing roofs, resurfacing the parking lot, updating HVAC systems, improving lighting and sound systems, improving handicap accessibility, and giving 10% of funds raised to others, the Vision Campaign demonstrates that we as a church are invested in our faith.

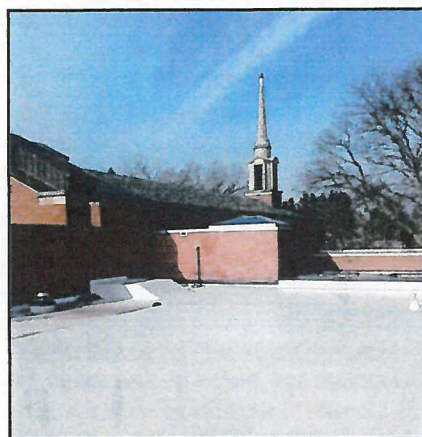
Members and friends contributed

more than \$1.2 million over a three-year period to tackle fifteen projects and help provide an environment that, when combined with outstanding leadership, membership, and staff, will allow our church to live into its mission.

Thank you to all for your commitment to our church.



Calvin Hall Renovation



New Roof

By the Numbers



Membership	860
Average Worship Attendance	282
New Members	33
Baptisms	17
Videos and Views	90 videos, 7,996 views
Church Facebook Page	501 page likes
Twitter	177 followers (@fpcbirmingham)

Follow Us on



On behalf of the staff and session, I want to thank all of you, our members and friends, who supported the life and work of First Presbyterian Church in 2017. Your willingness to be present, to participate, to pledge (and give) and to pray for us insured that Everybody's Church continues cultivating mission, inclusion and community. We are excited about the opportunities and challenges that 2017 will present, trusting that God will guide us in this coming year and in all of the years ahead.

Dr. John Judson

DAVID L. LATTIE
230 Pleasant Street
Birmingham, MI 48009

April 15, 2018

Birmingham City Commission
c/o City Clerk
151 Martin Street
P.O. Box 3001
Birmingham, MI 48012

RE: Special Land Use Permit Public Hearing – 1669 W. Maple Road
(First Presbyterian Church)


Honorable Commissioners:

Please allow this correspondence to serve as our objection to the granting of a Special Land Use Permit to the First Presbyterian Church for the commercial leasing of kitchen facilities in the church to a catering company.

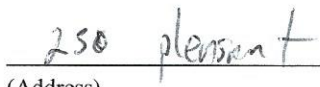
As you know, the Planning Board held its second public hearing regarding this request March 14, 2018. Following the public hearing, they engaged in significant and thoughtful deliberation on the application and focused on the need to prevent commercial uses on church properties which, in many cases, are located in Single Family Residential zoning districts. The motion to recommend denial was passed unanimously.

While acknowledging the various community service activities in which modern churches participate, we wholeheartedly support the Planning Board's denial of this request and urge the Commission to accept their recommendation.


Respectfully submitted,



DAVID LATTIE
(Printed Name)



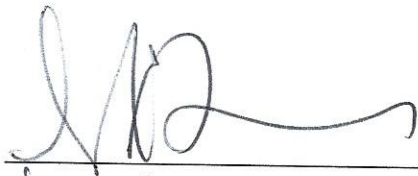
(Address)



ROBERT MOLL
(Printed Name)




(Address)



Nicole Dragovic

(Printed Name)



David Smith

(Printed Name)

JOE CROSS ^{DLL}

JOE CROSS

(Printed Name)

(Printed Name)

(Printed Name)

(Printed Name)

286 PLEASANT ST., Birmingham, AL 35209

(Address)

242 Pleasant St.

(Address)

160 Pleasant

(Address)

(Address)

(Address)

(Address)

**CORRECTED NOTICE
ADDRESS CORRECTION
NOTICE OF PUBLIC HEARING**

BIRMINGHAM CITY COMMISSION
PROPOSED LOT COMBINATION

Meeting Date, Time, Location:	Monday, April 23, 2018 7:30 PM Municipal Building, 151 Martin Birmingham, MI
Location of Request:	325 E. Brown & 298 S. Old Woodward
Nature of Hearing:	To consider the proposed lot combination of 325 E. Brown (Parcel #1936202009, T2N, R10E, SEC 36 ASSESSOR'S PLAT NO 25 PART OF LOT 21 BEG AT SE LOT COR, TH N 35-44-30 W 80.08 FT, TH S 61-38-00 W 34 FT, TH S 30-00-40 E 79.45 FT, TH N 61-38-00 E 42.0 FT TO BEG: 613885) & 298 S. Old Woodward (Parcel # 1936202016, T2N, R10E, SEC 36 ASSESSOR'S PLAT NO 25 ELY PART OF LOT 3 LYING ADJ TO LOT 24 DESC AS BEG AT NW COR OF LOT 24, TH S 35-30-00 E 40.51 FT, TH S 61-32-15 W 23.77 FT, TH N 36-25-04 W 37.09 FT, TH N 53-16-30 E 24.19 FT TO BEG, ALSO PART OF LOT 21 BEG AT SW COR OF LOT 23, TH N 35-49-05 W 52.93 FT, TH S 31-27-05 E 52.56 FT, TH N 61-41-10 E 4.04 FT TO BEG, ALSO ALL OF LOT 22, ALSO LOT 23 EXC BEG AT NW LOT COR, TH N 61-32-15 E 2.35 FT, TH S 31-27-05 E 30.56 FT, TH N 35-49-05 W 30.78 FT TO BEG, ALSO ALL OF LOT 24 4/11/90 CORR: 613889) into one lot
City Staff Contact:	Jana Ecker 248.530.1841 jecker@bhamgov.org
Notice Requirements:	Mailed to all property owners within 300 feet of subject address.
Approved minutes may be reviewed at:	City Clerk's Office

Persons wishing to express their views may do so in person at the hearing or in writing addressed to City Clerk, City of Birmingham, 151 Martin, Birmingham, MI 48009.
Persons with disabilities needing accommodations 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.



MEMORANDUM

Planning Division

DATE: April 11, 2018

TO: Joseph A. Valentine, City Manager

FROM: Matthew Baka, Senior Planner

APPROVED: Jana Ecker, Planning Director

SUBJECT: **Public Hearing for a Lot Combination of 298 S. Old Woodward, Parcel # 1936202016**, T2N, R10E, SEC 36 ASSESSOR'S PLAT NO 25 ELY PART OF LOT 3 LYING ADJ TO LOT 24 DESC AS BEG AT NW COR OF LOT 24, TH S 35-30-00 E 40.51 FT, TH S 61-32-15 W 23.77 FT, TH N 36-25-04 W 37.09 FT, TH N 53-16-30 E 24.19 FT TO BEG, ALSO PART OF LOT 21 BEG AT SW COR OF LOT 23, TH N 35-49-05 W 52.93 FT, TH S 31-27-05 E 52.56 FT, TH N 61-41-10 E 4.04 FT TO BEG, ALSO ALL OF LOT 22, ALSO LOT 23 EXC BEG AT NW LOT COR, TH N 61-32-15 E 2.35 FT, TH S 31-27-05 E 30.56 FT, TH N 35-49-05 W 30.78 FT TO BEG, ALSO ALL OF LOT 24 4/11/90 CORR: 613889 **and 325 E. Brown, Parcel #1936202009**, T2N, R10E, SEC 36 ASSESSOR'S PLAT NO 25 PART OF LOT 21 BEG AT SE LOT COR, TH N 35-44-30 W 80.08 FT, TH S 61-38-00 W 34 FT, TH S 30-00-40 E 79.45 FT, TH N 61-38-00 E 42.0 FT TO BEG: 613885

The owner of the properties known as 298 S. Old Woodward and 325 E. Brown is seeking approval to combine the two parcels into one lot.

The subject properties are located at the northwest corner of S. Old Woodward and E. Brown. The owners were granted Final Site Plan approval from the Planning Board to construct a five (5) story hotel on the two parcels. Approved plans and meeting minutes are attached for your review.

On March 26, 2018 the City Commission set a public hearing to consider the proposed lot combination. The application and land survey have been included for your review.

The Subdivision Regulation Ordinance (Chapter 102, Section 102-83) requires that the following standards be met for approval of a lot combination.

An unplatted or platted parcel or tract of land shall not be combined with another parcel unless the city commission finds that all of the following conditions have been met:

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.*

The proposed lot combination would be consistent in size and configuration with many of the parcels in the immediate downtown vicinity. **The proposal appears to meet this requirement.**

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 subject properties are zoned commercial and therefore not subject to this requirement.

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 subject properties are zoned commercial and therefore not subject to this requirement.

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.*

Based on the attached survey the proposed lot combination appears 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.*

Vehicular access to the approved underground parking will be via two curb-cuts and driveways. The entrance to the parking will be at the southwest corner of the site along E. Brown and the exit will be at the northeast corner of the site along S. Old Woodward. This will not hinder access or development of neighboring properties. **The proposal meets 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 disturbance of such natural features.

This 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 proposed lot combination does not appear to impact the supply of light and air to adjacent properties or the ability of the City to provide essential services.

SUGGESTED ACTION:

To APPROVE the proposed lot combination of 298 S. Old Woodward, Parcel # 1936202016 and 325 E. Brown, Parcel #1936202009 as proposed.



CITY OF BIRMINGHAM
Date 03/02/2018 12:06:11 PM
Ref 00146379
Receipt 416514
Amount \$400.00

Combination of Platted Lots Application

1. Applicant

Name: Woodward Brown Ventures, LLC
Address: 55 West Maple Road
Birmingham, MI 48009
Phone Number: (248) 247-3813
Fax Number: _____
Email Address: mark@lorientcap.com

Property Owner

Name: Same as Applicant
Address: _____
Phone Number: _____
Fax Number: _____
Email Address: _____

2. Applicant's Attorney/Contact Person

Name: Richard D. Rattner, Esq.
Address: 380 N. Old Woodward Ave., Ste. 300
Birmingham, MI 48009
Phone Number: (248) 642-0333
Fax Number: (248) 642-0856
Email Address: rdattner@wrplaw.com

Survey Company

Name: Matthew Schwanitz/Giffels Webster
Address: 28 W. Adams St, Suite 1200
Detroit, MI 48226
Phone Number: (313) 962-4442
Fax Number: (313) 962-5068
Email Address: mschwanitz@giffelswebster.com

3. Project Information

Address/Location of Property: _____
298 S. Old Woodward Avenue
325 E. Brown Street
Sidwell #: 19-36-202-016; 19-36-202-009
Current Zoning: B-4 Business-Residential
D-4 Downtown Overlay District

Legal Description: See attached survey drawings

4. Attachments

- Proof of ownership
- Written statement of reasons for request
- A letter of authority or power of attorney in the event the application is made by a person other than the property owner
- Other data having a direct bearing on the request
- Sketches of proposed development (optional)
- One digital copy of plans
- Two (2) copies of a registered land survey showing:
 - All Existing and proposed platted lot lines
 - Legal descriptions of proposed lots
 - Locations of existing/surrounding structures for at least 500 feet in all directions
 - Footprints of proposed development including proposed building envelope with front, side and rear setbacks clearly marked.

(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.

Signature of Property Owner: Richard D. Rattner, ATTORNEY FOR APPLICANT & OWNER Date: 3/1/18
Print Name: RICHARD D RATTNER
Signature of Applicant: _____ Date: _____
Print Name: _____

Fee: \$200.00 per lot affected, minimum fee \$400

OAKLAND COUNTY TREASURERS CERTIFICATE
This is to certify that there are no delinquent property
taxes as of this date owed to our office on this property.
No representation is made as to the status of any taxes,
tax liens or titles owed to any other entities.

JAN 12 2016

ANDREW E. MEISNER, County Treasurer
Sec. 135, Act 206, 1893 as amended

7224
LIBER 48970 PAGE 673
\$19.00 DEED - COMBINED
\$4.00 REMONUMENTATION
01/13/2016 10:57:08 A.M. RECEIPT# 4719
PAID RECORDED - OAKLAND COUNTY
LISA BROWN, CLERK/REGISTER OF DEEDS

CHECKING COMPLETED
AT REGISTER OF DEEDS

JAN 12 2016

Register of Deeds
Oakland County, MI

COVENANT DEED

THIS INDENTURE is made this 8th day of January, 2016, between **WMSR COMPANY, L.L.C.**, a Michigan limited liability company, whose address is 30150 Telegraph Road, Suite 373, Bingham Farms, Michigan 48025 ("Grantor") and **WOODWARD BROWN VENTURES, LLC**, a Michigan limited liability company, whose address is 102 Pierce Street, Birmingham, Michigan 48009 ("Grantee").

WITNESSETH:

That the Grantor, for and in consideration of the sum disclosed on the Real Estate Transfer Tax Valuation Affidavit filed herewith to it paid by the Grantee, the receipt of which is hereby confessed and acknowledged, has transferred, granted, sold, and conveyed, and by these presents does transfer, grant, sell and convey, unto the Grantee, and to its successors and assigns, forever, all that certain real estate located in the City of Birmingham, County of Oakland, State of Michigan, described on **Exhibit A** attached hereto and incorporated herein, to have and to hold the premises as before described unto the Grantee, its successors and assigns, forever.

And the Grantor, for itself, and its successors, does hereby covenant, promise and agree to and with the Grantee, its successors and assigns, that Grantor will warrant and defend the said premises with the hereditaments and appurtenances unto the Grantee, its successors and assigns, forever against the lawful claims of all persons claiming by, from or under Grantor, but against no other claims or persons.

Subject, however, to easements, zoning ordinances, and restrictions of record, if any and to the exceptions set forth on the attached **Exhibit B**.

The Grantor grants to the Grantee the right to make all divisions legally available to the Property 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 farm land 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.

63-15431453-SCM

5-23

REVENUE TO BE AFFIXED
AFTER RECORDING


OK - LG

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS
JAN 12 PM 12:49

4P
R
51

IN WITNESS WHEREOF, the Grantor has executed this instrument on the date first written above and has declared this conveyance to be binding upon it and its personal representatives, heirs, successors and assigns.

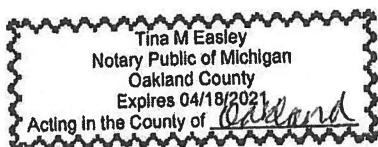
WMSR COMPANY, L.L.C., a Michigan limited liability company


By: 
Mark A. Thomas, Member

By: 
William P. Jamnick, Member

STATE OF MICHIGAN)
) SS.
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 8th day of January, 2016, by Mark A. Thomas and William P. Jamnick, the Members of WMSR Company, L.L.C., a Michigan limited liability company, on behalf of said Company.




_____, Notary Public
_____, County, Michigan
Acting in the County of _____
My Commission Expires: _____

Drafted By (And When Recorded, Return To:)

Mary P. Nelson, Esq.
Abbott Nicholson, P.C.
300 River Place, Suite 3000
Detroit, Michigan 48207-4225

Send Subsequent Tax Bills To:

Grantee

Return to: Mark Mitchell, 102 Pierce Street, Birmingham, MI 48009

EXHIBIT A

LEGAL DESCRIPTION

Property located in the City of Birmingham, Oakland County, Michigan more particularly described as:

Part of Lot 21 of Assessor's Plat No. 25, being a Replat of Taber Addition and Lots 1, 2 and 3, Brown's Addition and Plat of the Northeast 1/4 of Sec. 36, Town 2 North, Range 10 East, according to the Plat thereof as Recorded in Liber 54A, Page 73 of Plats, Oakland County Records, described as beginning at the Southeast corner of said Lot 21, thence North 35 degrees 59 minutes 36 seconds West along the east line of said Lot 21 a distance of 80.47 feet, thence South 61 degrees 39 minutes 51 seconds West 34.25 feet, thence South 30 degrees 13 minutes 39 seconds East 79.76 feet to the South line of said Lot 21, thence North 61 degrees 42 minutes 50 seconds East along said South line 42.34 feet to the point of beginning.

RE: 325 E. Brown Street, Birmingham, Michigan 48009

Tax Item No. 19-36-202(09)009

LEGAL DESCRIPTION

Property located in the City of Birmingham, Oakland County, Michigan more particularly described as:

Easterly part of Lot 3 lying adjacent to Lot 24, described as: Beginning at Northwest corner of Lot 24; thence South 35 degrees 30 minutes 00 seconds East 40.51 feet; thence South 61 degrees 32 minutes 15 seconds West 23.77 feet; thence North 36 degrees 25 minutes 04 seconds West 37.09 feet; thence North 53 degrees 16 minutes 30 seconds East 24.19 feet to beginning. Also part of Lot 21, beginning at Southwest corner of Lot 23; thence North 35 degrees 49 minutes 05 seconds West 52.93 feet; thence South 31 degrees 27 minutes 05 seconds East 52.56 feet; thence North 61 degrees 41 minutes 10 seconds East 4.04 feet to beginning. Also all of Lot 22, also Lot 23, except beginning at Northwest lot corner; thence North 61 degrees 32 minutes 15 seconds East 2.35 feet; thence South 31 degrees 27 minutes 05 seconds East 30.56 feet; thence North 35 degrees 49 minutes 05 seconds West 30.78 feet to beginning, also all of Lot 24, "Assessor's Plat No. 25", as recorded in Liber 54A, Page 73 of Plats, Oakland County Records.

RE: 298 South Old Woodward, Birmingham, Michigan 48009

Tax Item No. 19-36-202-016

EXHIBIT B – EXCEPTIONS TO TITLE

1. Any facts, rights, interests, or claims that are not shown by the public records but that could be ascertained by an inspection of the property or by making inquiry of persons in possession of the property.
2. Easements, liens, encumbrances, existing water, mineral, oil and exploration rights, or claims thereof, not shown by the public records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the Land, and that are not shown in the public records.
4. Taxes and assessments not assessed, due or payable as of the date hereof.
5. Subject to the rights of the public and of any governmental agency in any part of the land thereof taken, used or deeded for street, road or highway purposes.



Williams Williams Rattner & Plunkett, P.C.
Attorneys and Counselors

380 North Old Woodward Avenue
Suite 300

Birmingham, Michigan 48009

Tel: (248) 642-0333

Fax: (248) 642-0856

March 6, 2018

Gayle S. McGregor
gsm@wwrplaw.com

By Email

Jana Ecker
Matthew Baka
City of Birmingham
Planning Department
151 Martin Street
Birmingham, MI 48009

Re: 298 S. Old Woodward Lot Combination Application

Dear Jana and Matt:

Please let this letter suffice as the required statement with the reason that Woodward Brown Ventures, LLC ("Applicant"), owner of 298 S. Old Woodward, is seeking a lot combination of the two lots that make up 298 S. Old Woodward and 325 E. Brown Street.

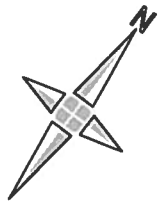
As you know, the City has granted site plan approval to the Applicant for the redevelopment of these two lots into a boutique hotel, with construction to commence this spring. See site plan submission presented to the Planning Board on August 9, 2017. It came to our attention that the City's new ordinance, Article V, sec. 102-80 et seq., requires the lot combination to occur prior to the issuance of building permits. It is for this reason that the Applicant has submitted a Combination of Platted Lots Application.

Please let us know if there is anything else the City needs to move forward with the Application.

Very truly yours,
WILLIAMS WILLIAMS RATTNER & PLUNKETT, P.C.



Gayle S. McGregor



0 15' 30'
SCALE: 1" = 30'

TAX ID NO.
19-36-202-015

LOT 25

POINT OF
BEGINNING
PARCEL 2
NW COR. OF
LOT 24

EX. BUILDING

LOT 3

19-36-202-015

N53°16'30"E
24.19'(R)

N36°25'04"W 37.09'

N61°32'15"E
2.35'

POINT OF
BEGINNING
EXCEPTED
PARCEL

EXCEPTED
PARCEL
(PART OF
LOT 23)

N35°49'05"W
30.78'

S31°27'05"E
30.56'

N35°49'05"W
52.93'

POINT OF
BEGINNING
PARCEL 2
SW COR.
LOT 23

PARCEL 2
TAX ID NO.
19-36-202-016
0.55 AC.

298 S. OLD WOODWARD

S61°39'51"W
34.25'

PART OF
LOT 21

N61°41'10"E
4.04'

LOT 21

325 E. BROWN

LOT 21

PARCEL 1
TAX ID NO.
19-36-202-009
0.07 AC.

S30°13'39"E 79.76'

N61°42'50"E 42.34'

N35°59'36"W 80.47'

80.00'

LOT 22

80.00'

98.60'

POINT OF BEGINNING
PARCEL 1
SE COR. LOT 21

BROWN ST. (PUBLIC)

60 FT. WD.

S. OLD WOODWARD AVE. (PUBLIC) 100 FT. WD.

THE BEARINGS ARE BASED ON TITLE COMMITMENT DESCRIPTION, FILE
NO: 63-15431453-SCM PREPARED BY SEAVER TITLE AGENCY COUNTERSIGNED BY OLD
REPUBLIC NATIONAL TITLE INSURANCE COMPANY, DATED 1-13, 2016

Parcel Reconfiguration

City of Birmingham, Oakland County, MICHIGAN

Existing Parcels

**giffels
webster**
Engineers Surveyors Planners
Landscape Architects

28 West Adams Road
Suite 1200
Detroit, MI 48226
p (313) 962-4442
f (313) 962-5068
www.giffelswebster.com

Executive: Partner
Manager: Manager
Designer: M.P.M.
Quality Control: A.L.G.
Section: 36
T-02-N R-10-E

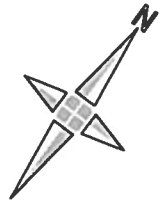
DATE:		ISSUE:	
Date		Issue	

Date: 03.02.18
Scale: 1"=30'
Sheet: 1 of 3
Project: 19236.00

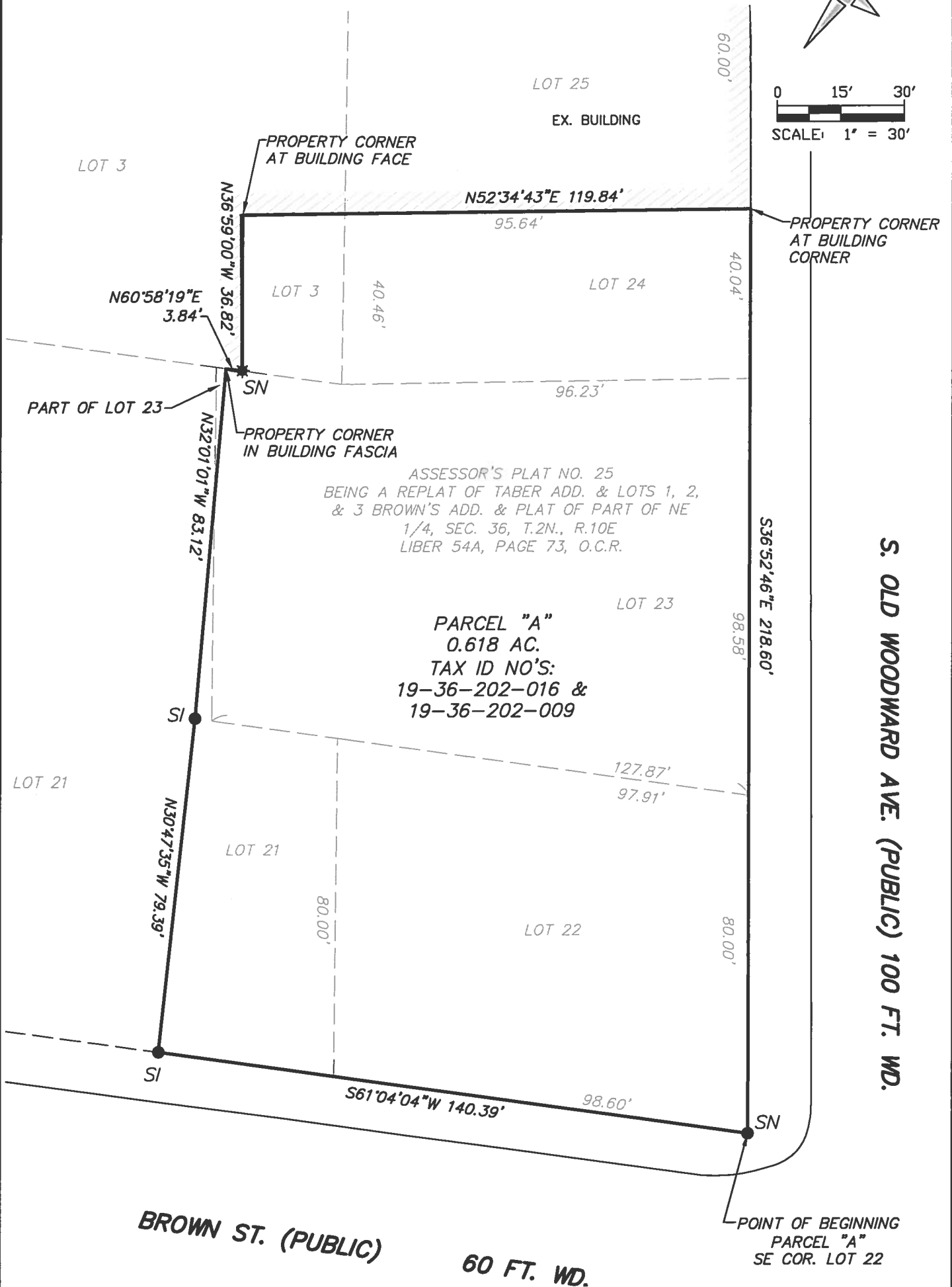
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without the prior written consent of
Giffels Webster.

LEGEND

- ★ SN SET NAIL
● SI SET IRON



0 15' 30'
SCALE: 1" = 30'



S. OLD WOODWARD AVE. (PUBLIC) 100 FT. WD.

BROWN ST. (PUBLIC)

60 FT. WD.

THE BEARINGS FOR THIS SURVEY ARE BASED ON THE MICHIGAN SOUTH STATE PLANE COORDINATE SYSTEM,

Parcel Reconfiguration

City of Birmingham, Oakland County, MICHIGAN

Combined Parcel

giffels webster
Engineers Surveyors Planners
Landscape Architects

28 West Adams Road
Suite 1200
Detroit, MI 48226
p (313) 962-4442
f (313) 962-5068
www.giffelswebster.com

Executive: M.J.M
Manager: M.D.
Designer: M.P.M.
Quality Control: A.L.G.
Section: 36
T-02-N R-10-E

DATE:		ISSUE:	
Date		Issue	

Date: 03.02.18
Scale: 1"=30'
Sheet: 2 of 3
Project: 19236.00

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Giffels Webster.

RECORD LEGAL DESCRIPTIONS:

(PER OWNER POLICY OF TITLE INSURANCE NO. OX-09961439, FILE NO. 63-15431453-SCM PREPARED BY SEAVER TITLE AGENCY COUNTERSIGNED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, DATE OF POLICY JANUARY 13, 2016)

THE LAND REFERRED TO IN THIS POLICY IS DESCRIBED AS FOLLOWS: CITY OF BIRMINGHAM, COUNTY OF OAKLAND, STATE OF MICHIGAN

PARCEL 1

PART OF LOT 21 OF ASSESSOR'S PLAT NO. 25, BEING A REPLAT OF TABER ADDITION AND LOTS 1, 2 AND 3, BROWN'S ADDITION AND PLAT OF THE NORTHEAST 1/4 OF SECTION 36, TOWN 2 NORTH, RANGE 10 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 54A, PAGE 73 OF PLATS, OAKLAND COUNTY RECORDS, DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 21, THENCE NORTH 35 DEGREES 59 MINUTES 36 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 21 A DISTANCE OF 80.47 FEET, THENCE SOUTH 61 DEGREES 39 MINUTES 51 SECONDS WEST 34.25 FEET, THENCE SOUTH 30 DEGREES 13 MINUTES 39 SECONDS EAST 79.76 FEET TO THE SOUTH LINE OF SAID LOT 21, THENCE NORTH 61 DEGREES 42 MINUTES 50 SECONDS EAST ALONG SAID SOUTH LINE 42.34 FEET TO THE POINT OF BEGINNING.

PARCEL2

EASTERLY PART OF LOT 3 LYING ADJACENT TO LOT 24, DESCRIBED AS: BEGINNING AT NORTHWEST CORNER OF LOT 24; THENCE SOUTH 35 DEGREES 30 MINUTES 00 SECONDS EAST 40.51 FEET; THENCE SOUTH 61 DEGREES 32 MINUTES 15 SECONDS WEST 23.77 FEET; THENCE NORTH 36 DEGREES 25 MINUTES 04 SECONDS WEST 37.09 FEET; THENCE NORTH 53 DEGREES 16 MINUTES 30 SECONDS EAST 24.19 FEET TO BEGINNING. ALSO PART OF LOT 21, BEGINNING AT SOUTHWEST CORNER OF LOT 23; THENCE NORTH 35 DEGREES 49 MINUTES 05 SECONDS WEST 52.93 FEET; THENCE SOUTH 31 DEGREES 27 MINUTES 05 SECONDS EAST 52.56 FEET; THENCE NORTH 61 DEGREES 41 MINUTES 10 SECONDS EAST 4.04 FEET TO BEGINNING. ALSO ALL OF LOT 22, ALSO LOT 23, EXCEPT BEGINNING AT NORTHWEST LOT CORNER; THENCE NORTH 61 DEGREES 32 MINUTES 15 SECONDS EAST 2.35 FEET; THENCE SOUTH 31 DEGREES 27 MINUTES 05 SECONDS EAST 30.56 FEET; THENCE NORTH 35 DEGREES 49 MINUTES 05 SECONDS WEST 30.78 FEET TO BEGINNING, ALSO ALL OF LOT 24, "ASSESSOR'S PLAT NO. 25", AS RECORDED IN LIBER 54A, PAGE 73 OF PLATS, OAKLAND COUNTY RECORDS.

AS FIELD SURVEYED COMBINED PROPERTY DESCRIPTION:

PARCEL A:

(TAX ID'S: 19-36-202-009 AND 19-36-202-016)

A PARCEL OF LAND IN THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN, BEING PART OF LOTS 3, 21 & 23 AND ALL OF LOTS 22 AND 24 OF ASSESSOR'S PLAT NO. 25, BEING A REPLAT OF TABER ADD. & LOTS 1, 2 & 3, BROWN'S ADD. & PLAT OF PART OF NE 1/4, OF SEC. 36, T. 2 N., R. 10 E., ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 54A, PAGE 73 OF PLATS, OAKLAND COUNTY RECORDS, ALL BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF BROWN ST. (60 FT. WIDE) AND WEST LINE OF S. OLD WOODWARD AVENUE (100 FT WIDE), SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 22; THENCE ALONG SAID NORTH LINE, SOUTH 61 DEGREES 04 MINUTES 04 SECONDS WEST, 140.39 FEET; THENCE NORTH 30 DEGREES 47 MINUTES 35 SECONDS WEST, 79.39 FEET, THENCE NORTH 32 DEGREES 01 MINUTES 01 SECONDS WEST 83.12 FEET, THENCE NORTH 60 DEGREES 58 MINUTES 19 SECONDS EAST 3.84; THENCE NORTH 36 DEGREES 59 MINUTES 00 SECONDS WEST 36.82 FEET; THENCE NORTH 52 DEGREES 34 MINUTES 43 SECONDS EAST 119.84 FEET TO THE WEST LINE OF SAID S. OLD WOODWARD AVENUE; THENCE ALONG SAID WEST LINE, SOUTH 36 DEGREES 52 MINUTES 46 SECONDS EAST 218.60 FEET TO THE POINT OF BEGINNING, CONTAINING 0.618 ACRES OF LAND.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND HEREON PLOTTED AND DESCRIBED DURING FEBRUARY OF 2018, AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS BETTER THAN 1 IN 5,000; THAT THE BEARINGS FOR THIS SURVEY ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, AND THAT ALL OF THE REQUIREMENTS OF P.A. 132, 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.

DATE: MARCH 02, 2018

Signature of John N. Redash
JOHN N. REDASH, MICHIGAN P.S. NO. 37281



Know what's below.
Call before you dig.

Parcel Reconfiguration

City of Birmingham, Oakland County, MICHIGAN

Legal Descriptions

28 West Adams Road
Suite 1200
Detroit, MI 48226
p (313) 962-4442
f (313) 962-5068
www.giffelswebster.com

Executive: M.J.M
Manager: M.D.
Designer: M.P.M.
Quality Control: A.L.G.
Section: 36
T-02-N R-10-E

DATE:	ISSUE:
Date	Issue

Date: 03.02.18
Scale: N/A
Sheet: 3 of 3
Project: 19236.00

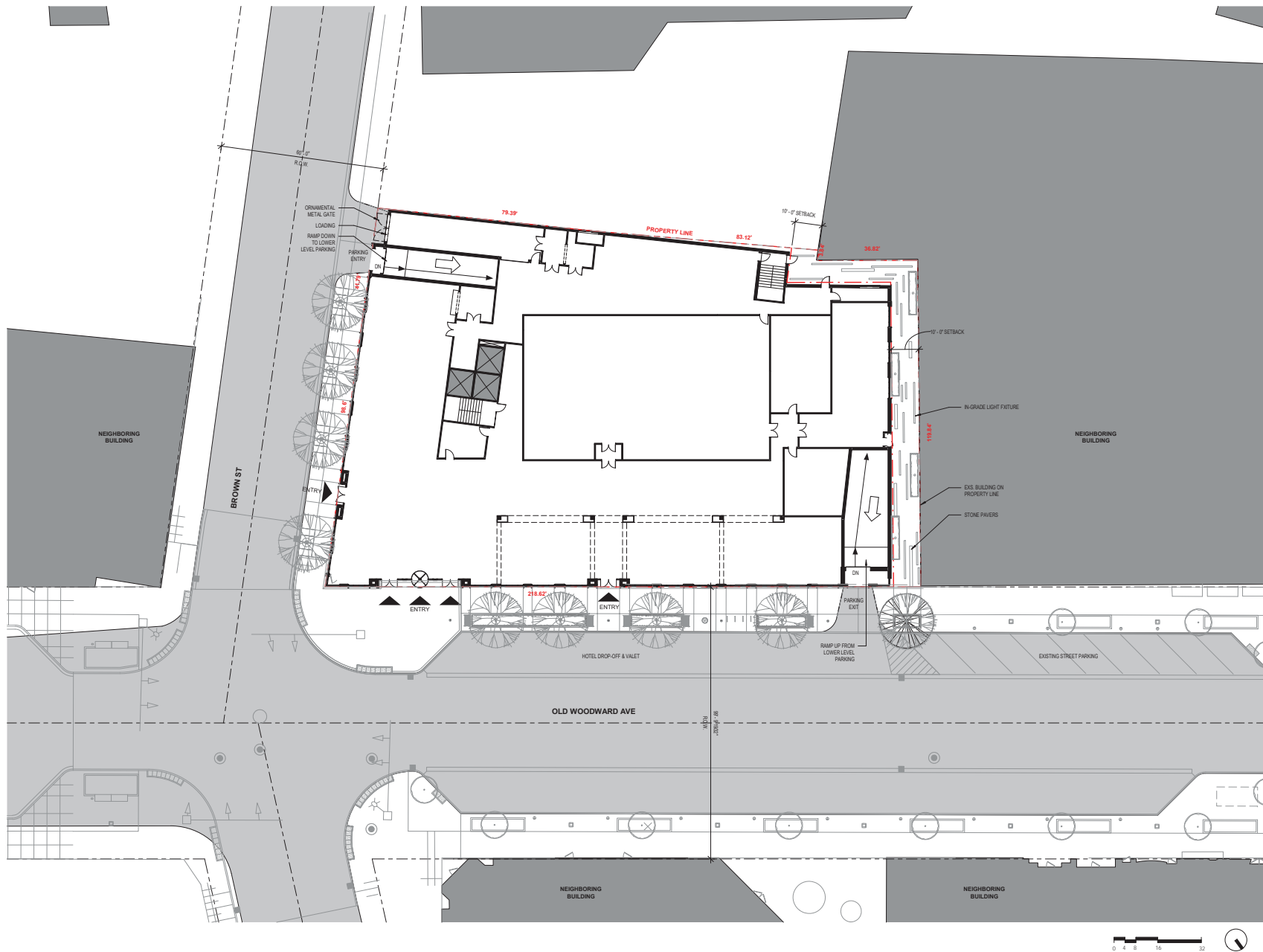
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N:\1919\100\191900-00-Birmingham Boutique Hotel\Drawings\Boundary\Certificate-PA132\Birmingham Boutique Hotel 19190000 Parcel Combo.dwg



SCALE: NTS

GROUND LEVEL SITE PLAN



BOOTH HANSEN

Architecture Interiors Planning
333 South Des Plaines Street
Chicago, Illinois 60661

PROJECT NUMBER 1623

Birmingham Hotel
298 S Old Woodward Ave.
Birmingham, MI 48009

SITE PLAN

100



1 EAST ELEVATION



2 WEST ELEVATION



1 SOUTH ELEVATION



2 NORTH ELEVATION

Executive:	M. Schwanitz
Manager:	M. Darga
Designer:	M. Hansen
Quality Control:	M. Schwanitz
Section:	36
	T-2-N R-10-E

Professional Seat



Know what's below.
Call before you dig.

[illegible]

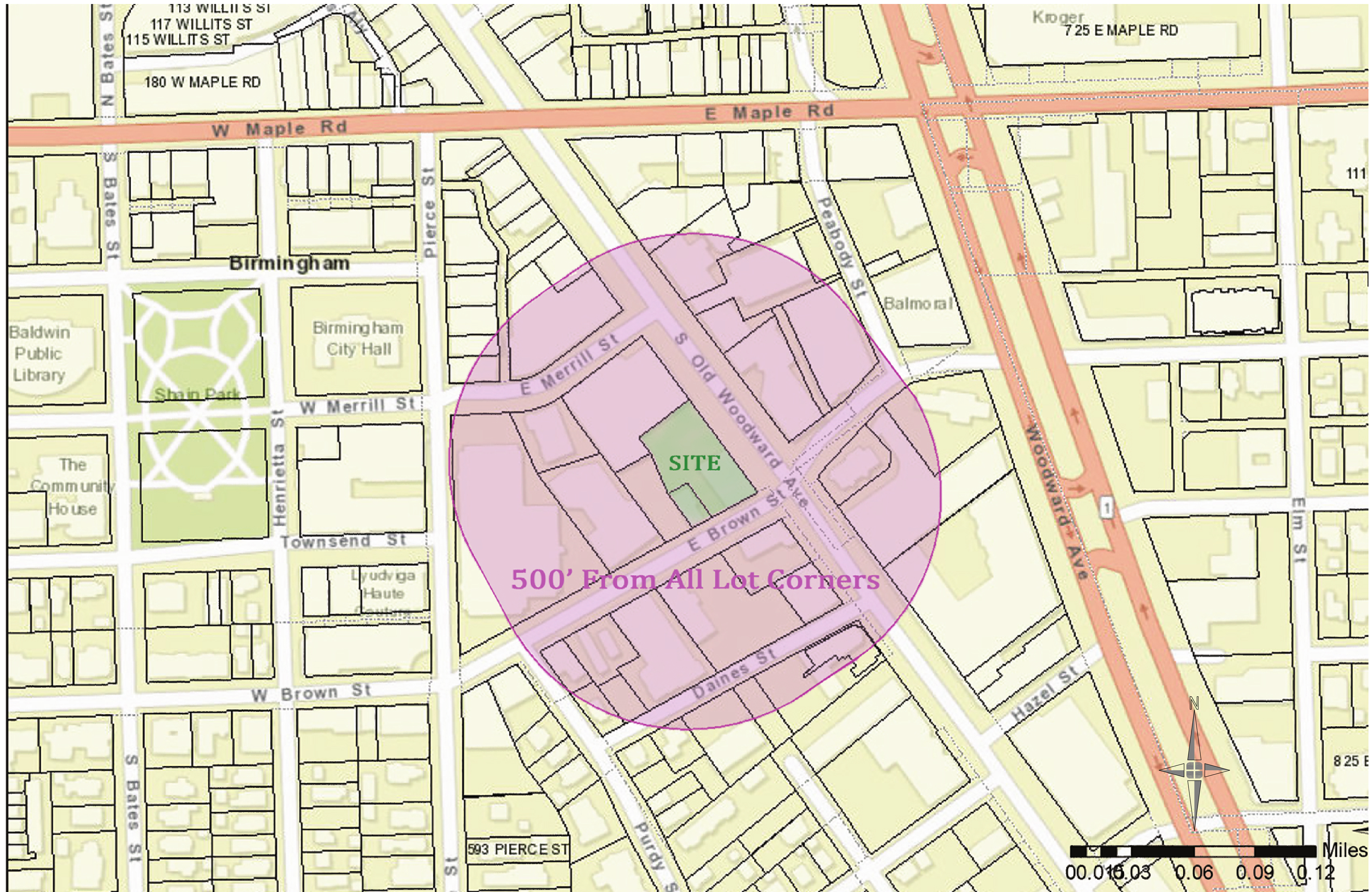
500' Area Map

DAXTON HOTEL
8 S Old Woodward Ave.
Birmingham, MI 48009

Birmingham
Oakland County
MICHIGAN

Date:	03.08.18
Scale:	Graphic Scale
Sheet:	1
Project:	19236

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NOTICE OF PUBLIC HEARING

BIRMINGHAM CITY COMMISSION
PROPOSED LOT COMBINATION

Meeting Date, Time, Location:	Monday, April 23, 2018 7:30 PM Municipal Building, 151 Martin Birmingham, MI
Location of Request:	34965 Woodward & 215 Peabody
Nature of Hearing:	To consider the proposed lot combination of 34965 Woodward, Parcel #1936207008 , T2N, R10E, SEC 36 BROWNELL SUB LOTS 10, 11 & 12, ALSO PART OF LOT 13 DESC AS BEG AT NE LOT COR, TH S 15-43-00 E 26.46 FT ALG ELY LOT LINE, TH S 69-45-15 W 72.82 FT, TH N 20-05-00 W TO N LOT LINE, TH NELY ALG SD LINE TO BEG: 613975 and 215 Peabody, Parcel #1936207004 , T2N, R10E, SEC 36 BROWNELL SUB PART OF N 1/2 OF LOT 13 BEG AT NW LOT COR, TH N 69-45-10 E 69.99 FT, TH S 20-05-00 E 25 FT, TH S 69-45-15 W 69.99 FT, TH N 20-05-00 W 25 FT TO BEG: 613974
City Staff Contact:	Jana Ecker 248.530.1841 jecker@bhamgov.org
Notice Requirements:	Mailed to all property owners within 300 feet of subject address. Published: April 1, 2018
Approved minutes may be reviewed at:	City Clerk's Office

Persons wishing to express their views may do so in person at the hearing or in writing addressed to City Clerk, City of Birmingham, 151 Martin, Birmingham, MI 48009.
Persons with disabilities needing accommodations 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.



MEMORANDUM

Planning Division

DATE: April 11, 2018

TO: Joseph A. Valentine, City Manager

FROM: Matthew Baka, Senior Planner

APPROVED: Jana Ecker, Planning Director

SUBJECT: **Public Hearing for a Lot Combination of 34965 Woodward, Parcel # 1936207008**, T2N, R10E, SEC 36 BROWNELL SUB LOTS 10, 11 & 12, ALSO PART OF LOT 13 DESC AS BEG AT NE LOT COR, TH S 15-43-00 E 26.46 FT ALG ELY LOT LINE, TH S 69-45-15 W 72.82 FT, TH N 20-05-00 W TO N LOT LINE, TH NELY ALG SD LINE TO BEG: 613975 **and 215 Peabody, Parcel #1936207004**, T2N, R10E, SEC 36 BROWNELL SUB PART OF N 1/2 OF LOT 13 BEG AT NW LOT COR, TH N 69-45-10 E 69.99 FT, TH S 20-05-00 E 25 FT, TH S 69-45-15 W 69.99 FT, TH N 20-05-00 W 25 FT TO BEG: 613974

The owner of the properties known as 215 Peabody and 34965 Woodward is seeking approval to combine the two parcels into one lot. The two subject lots were recently granted site plan approval for a 5 story mixed use building. In order to be issued a building permit the applicant must combine the lots. Approved plans and meeting minutes are attached for your review.

On March 26, 2018 the City Commission set a public hearing to consider the proposed lot combination. The application and land survey have been included for your review.

The Subdivision Regulation Ordinance (Chapter 102, Section 102-83) requires that the following standards be met for approval of a lot combination.

An unplatted or platted parcel or tract of land shall not be combined with another parcel unless the city commission finds that all of the following conditions have been met:

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.*

The proposed lot combination would be consistent in size and configuration with many of the parcel in the immediate downtown vicinity. **The proposal appears to meet this requirement.**

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 subject properties are zoned commercial and therefore not subject to this requirement.

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 subject properties are zoned commercial and therefore not subject to this requirement.

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.*

Based on the attached survey the proposed lot combination appears 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.*

Vehicular access to the approved underground parking will be via one curb-cut and driveway. The entrance to the parking will be at the southwest corner of the site along Peabody. This will not hinder access or development of neighboring properties. **The proposal meets 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 disturbance of such natural features.*

This 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 proposed lot combination does not appear to impact the supply of light and air to adjacent properties or the ability of the City to provide essential services.

SUGGESTED ACTION:

To APPROVE the proposed lot combination of 34965 Woodward, Parcel # 1936207008, and 215 Peabody, Parcel #1936207004.



CITY OF BIRMINGHAM
Date 03/02/2018 12:05:25 PM
Ref 00146380
Receipt 416513
Amount \$400.00

Combination of Platted Lots Application

1. Applicant

Name: Alden Development Group, LLC
Address: 189 W. Merrill Street
Birmingham, MI 48009
Phone Number: (248) 839-5787
Fax Number: _____
Email Address: _____

Property Owner

Name: Peabody Owner LLC
Address: 27777 Franklin Rd.
Southfield, MI 48034
Phone Number: (248) 839-5787
Fax Number: _____
Email Address: _____

2. Applicant's Attorney/Contact Person

Name: Richard D. Rattner, Esq.
Address: 380 N. Old Woodward Ave., Ste. 300
Birmingham, MI 48009
Phone Number: (248) 642-0333
Fax Number: _____
Email Address: _____

Survey Company

Name: ATWELL
Address: Two Towne Square, Ste. 700
Southfield, MI 48075
Phone Number: (248) 447-2000
Fax Number: (248) 447-2001
Email Address: _____

3. Project Information

Address/Location of Property: 34965 Woodward Ave.
Birmingham, MI 48009 (Peabody's site)

Legal Description: See attached

Sidwell #: 19-36-207-008; 19-36-207-004
Current Zoning: B-3

4. Attachments

- Proof of ownership
- Written statement of reasons for request
- A letter of authority or power of attorney in the event the application is made by a person other than the property owner
- Other data having a direct bearing on the request
- Sketches of proposed development (optional)
- One digital copy of plans
- Two (2) copies of a **registered** land survey showing:
 - All Existing and proposed platted lot lines
 - Legal descriptions of proposed lots
 - Locations of existing/surrounding structures for at least 500 feet in all directions
 - Footprints of proposed development including proposed building envelope with front, side and rear setbacks clearly marked.

(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.

Signature of Property Owner: Richard D. Rattner, Attorney for Applicant + Owner Date: 2/1/18
Print Name: RICHARD D. RATTNER, ATTORNEY
Signature of Applicant: _____ Date: _____
Print Name: _____

Fee: \$200.00 per lot affected, minimum fee \$400

OAKLAND COUNTY TREASURERS CERTIFICATE
This is to certify that there are no delinquent property
taxes as of this date owed to our office on this property.
No representation is made as to the status of any taxes,
tax liens or titles owed to any other entities.

JAN 06 2017

ANDREW E. MEISNER, County Treasurer
Sec. 135, Act 206, 1893 as amended

5.00

000071

LIBER 50283 PAGE 535
\$21.00 DEED - COMBINED
\$4.00 REMONUMENTATION
\$5.00 AUTOMATION

01/13/2017 03:45:34 PM RECEIPT# 5858
PAID RECORDED - Oakland County, MI
Lisa Brown, Clerk/Register of Deeds

WARRANTY DEED

The Grantor ENCORE DEVELOPMENT, LLC, a Michigan limited liability company
("Grantor"),
whose address is 132 North Old Woodward, Birmingham, Michigan 48009,
Conveys and Warrants to PEABODY OWNER LLC, a Michigan limited liability company
("Grantee"),
whose address is 27777 Franklin Road, Suite 200, Southfield, Michigan 48034,

the premises situated in the City of Birmingham, Oakland County, Michigan, as more particularly
described on Exhibit A, attached hereto and incorporated herein by reference, together with all and
singular tenements, hereditaments, improvements and appurtenances, if any, belonging or in anywise
appertaining thereto, for the full consideration of (REAL ESTATE TRANSFER TAX VALUATION
AFFIDAVIT FILED), the receipt and sufficiency of which are hereby acknowledged, subject to only
those matters of record described on Exhibit B, attached hereto and incorporated herein by reference.

Grantor grants the Grantee the right to make all permitted divisions under Section 108 of the Land
Divisions Act, Act No. 288 of the Public Acts of 1967.

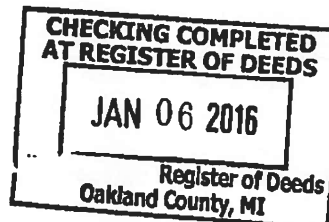
This property may be located within the vicinity of farmland or a farm operation. Generally accepted
agricultural and management practices which may generate noise, dust, odors, and other associated
conditions may be used and are protected by the Michigan Right to Farm Act.

JL13-69097

[Signature and Notary Pages Follow]

Title Connect LLC
a title insurance agency
28470 W. 13 Mile Rd. Suite 325
Farmington Hills, MI 48334

OK - AB



JP
TC

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS
JAN 9 2017
3633402

REVENUE TO BE AFFIXED
AFTER RECORDING

[Signature Page to Warranty Deed]

Dated this 30th day of December, 2016.

GRANTOR:

ENCORE DEVELOPMENT, LLC, a Michigan
limited liability companyBy: [Signature]
Name: Jason Hamama Jason
Its: member Hamama
MemberSTATE OF MICHIGAN)
COUNTY OF Oakland)ssThe foregoing instrument was acknowledged before me this 30th day of December, 2016, by Jason Hamama, the Member of Encore Development, LLC, a Michigan limited liability company, who executed the foregoing on behalf of such limited liability company.*Jason Hamama, MemberJeffrey S. Gunsberg
Notary Public - Oakland County
My Commission Expires
On July 4, 2018Name: Jeffrey S. Gunsberg
Notary Public, Oakland County, MI
My Commission Expires: 7-4-18
Acting in Oakland County, MIJeffrey S. Gunsberg
Notary Public-Oakland County
My Commission Expires
On July 4, 2018

Drafted by:

✓ Samuel A. Schiffer, Esq.
Jaffe, Raitt, Heuer & Weiss, P.C.
27777 Franklin Road, Suite 2500
Southfield, Michigan 48034

When recorded return to:

Grantee

Send Subsequent
Tax Bills To:
Grantee

Exhibit A

Legal Description

Land situated in the City of Birmingham, County of Oakland, State of Michigan more fully described as:

Part of North 1/2 of Lot 13, BROWNELL'S SUBDIVISION, according to the plat thereof recorded in Liber 4 of Plats, page 35, Oakland County Records; described as beginning at the Northwest corner of said Lot 13, thence North 69°45'10" East 69.99 feet; thence South 20°05'0" seconds, East 25 feet; thence South 69°45'15" West 69.99 feet to the East line of Brownell Street being the front lot line of said lot; thence North 20°5'0" seconds West 25 feet to the point of beginning; Brownell Subdivision being a part of the West 1/2 of the Northeast 1/4 of Section 36, in the Village of Birmingham, Town 2 North, Range 10 East, Oakland County, Michigan.

Commonly known as: 215 Peabody Street, Birmingham, Michigan 48009

Tax Parcel ID No.: 19-36-207-004

Exhibit B

Permitted Exceptions

1. Real property taxes and assessments for the year 2017 and subsequent years, which are not yet due and payable.
2. Rights of Haury, Inc., a Michigan corporation, as tenant in possession, as tenant only, pursuant to that certain lease dated August 25, 1994, as amended by that certain First Lease Extension Agreement dated July 15, 2006, as further amended by that certain Second Lease Extension Agreement dated December 14, 2007, as further amended by that certain Third Lease Extension Agreement dated January 18, 2009, as further amended by that certain Fourth Lease Extension Agreement dated September, 2011, and as further amended by that certain Fifth Lease Extension Agreement dated October 15, 2015, without rights or options to purchase.
3. Subject to the easements, restrictions and reservations contained in the Brownell Subdivision Plat recorded at Liber 4, Page(s) 35, Oakland County Records.

OAKLAND COUNTY TREASURERS CERTIFICATE
This is to certify that there are no delinquent property taxes as of this date owed to our office on this property. No representation is made as to the status of any taxes, tax liens or titles owed to any other entities.

LIBER 49547 PAGE 592
\$22.00 DEED - COMBINED
\$4.00 REMONUMENTATION

07/06/2016 08:01:49 AM RECEIPT# 74756
PAID RECORDED - Oakland County, MI
Lisa Brown, Clerk/Register of Deeds

JUN 29 2016

OB

ANDREW E. MEISHER, County Treasurer
Sec. 135, Act 206, 1893 as amended

5.00

003743

WARRANTY DEED

The Grantor PEABODY FAMILY, LLC, a Michigan limited liability company
("Grantor"),
whose address is 34965 Woodward Avenue, Birmingham, Michigan 48009,
Conveys and Warrants to PEABODY OWNER LLC, a Michigan limited liability company
("Grantee"),
whose address is 27777 Franklin Road, Suite 200, Southfield, Michigan 48034,

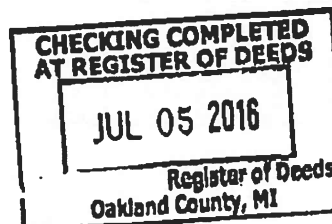
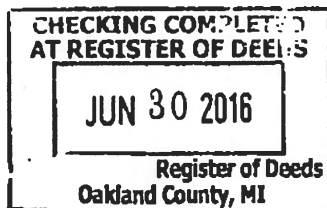
the premises situated in the City of Birmingham, Oakland County, Michigan, as more particularly described on Exhibit A, attached hereto and incorporated herein by reference, together with all and singular tenements, hereditaments, improvements and appurtenances, if any, belonging or in anywise appertaining thereto, for the full consideration of (REAL ESTATE TRANSFER TAX VALUATION AFFIDAVIT FILED), the receipt and sufficiency of which are hereby acknowledged, subject to only those matters of record described on Exhibit B, attached hereto and incorporated herein by reference.

Grantor grants the Grantee the right to make all permitted divisions under Section 108 of the Land Divisions Act, Act No. 288 of the Public Acts of 1967.

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.

[Signature and Notary Pages Follow]

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS
2016 JUN 29 PM 1:32



RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS
2016 JUL -1 PM 1:39

SP
TSI

OK - LB

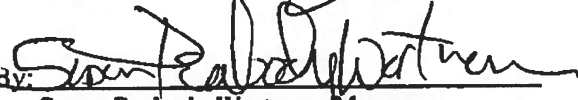
[Signature Page to Warranty Deed]

Dated this 23 day of June, 2016.

GRANTOR:

PEABODY FAMILY, LLC, a Michigan limited liability company

By: 
Barbara Peabody Jerome, Manager

By: 
Susan Peabody Wortman, Manager

By: 
Nancy Peabody Long, Manager

[Notary Page Follows]

[Notary Page to Warranty Deed]

STATE OF MICHIGAN)

COUNTY OF oakland)^{ss}

The foregoing instrument was acknowledged before me this 23rd day of June, 2016, by Barbara Peabody Jerome, the Manager of Peabody Family, LLC, a Michigan limited liability company, who executed the foregoing on behalf of such limited liability company.

Alissa May Barnard
 Name: ALISSA MAY Barnard
 Notary Public, oakland County, MI
 My Commission Expires: 5-23-2020
 Acting in oakland County, MI

STATE OF MICHIGAN)

COUNTY OF oakland)^{ss}

The foregoing instrument was acknowledged before me this 23rd day of June, 2016, by Susan Peabody Wortman, the Manager of Peabody Family, LLC, a Michigan limited liability company, who executed the foregoing on behalf of such limited liability company.

Alissa May Barnard
 Name: ALISSA MAY Barnard
 Notary Public, oakland County, MI
 My Commission Expires: 5-23-2020
 Acting in oakland County, MI

STATE OF MICHIGAN)

COUNTY OF oakland)^{ss}

The foregoing instrument was acknowledged before me this 23rd day of June, 2016, by Nancy Peabody Long, the Manager of Peabody Family, LLC, a Michigan limited liability company, who executed the foregoing on behalf of such limited liability company.

Alissa May Barnard
 Name: ALISSA MAY Barnard
 Notary Public, oakland County, MI
 My Commission Expires: 5-23-2020
 Acting in oakland County, MI

Drafted by:

Samuel A. Schiffer, Esq.
 Jaffe, Raitt, Heuer & Weiss, P.C.
 27777 Franklin Road, Suite 2500

When recorded return to:

Grantee
 Title Source, Inc. -
 Commercial Team
 662 Woodward Avenue
 Detroit, MI 48226

TSI#: 60148562

Send Subsequent
 Tax Bills To:
 Grantee

Exhibit A

Legal Description

Land situated in the City of Birmingham, County of Oakland, State of Michigan more fully described as:

Lots numbered Ten (10), Eleven (11), and Twelve (12), and North 25 feet of Lot numbered Thirteen (13), except the Westerly 69.99 feet thereof, BROWNELL SUBDIVISION in the Village of Birmingham, Oakland County, Michigan, being a part of the West half of Northeast quarter of Section 36, Town 2 North, Range 10 East, as recorded in Liber 4, Page 35 of Plats, Oakland County Records.

Commonly known as: 34965 Woodward Avenue, Birmingham, Michigan 48009

Tax Parcel ID No.: 4035-19-36-207-008

Exhibit B

Permitted Exceptions

1. 2016 Taxes and assessments, a lien against the property not yet due and payable. 2016 Special Assessment: Principal Shopping District - not yet due and payable.
2. Easement granted to Consumers Power Company, recorded November 18, 1974 in Liber 6395, Page 248.
3. Joint Underground Easement granted to The Detroit Edison Company and Michigan Bell Telephone Company, recorded January 24, 1985 in Liber 9256, Page 759.
4. Terms and conditions contained in Memorandum of Agreement, recorded January 27, 2009 in Liber 40847, Page 546; Terms and conditions contained in First Amendment to Memorandum of Agreement, recorded May 28, 2015 in Liber 48221, Page 656.
5. Rights of Peabody's of Birmingham, Inc., a Michigan corporation, as Tenant only, with no right of first refusal or option to purchase, under that certain unrecorded Lease Agreement.



Williams Williams Rattner & Plunkett, P.C.
Attorneys and Counselors

380 North Old Woodward Avenue
Suite 300

Birmingham, Michigan 48009

Tel: (248) 642-0333

Fax: (248) 642-0856

March 15, 2018

Gayle S. McGregor
gsm@wwrplaw.com

By Email

Jana Ecker
Matthew Baka
City of Birmingham
Planning Department
151 Martin Street
Birmingham, MI 48009

Re: 34965 Woodward Avenue and 215 Peabody Street (Peabody's Site)
Lot Combination Application

Dear Jana and Matt:

Please let this letter suffice as the required statement with the reason that Peabody Owner, LLC ("Applicant"), owner of the Peabody Site, is seeking a lot combination of the two lots that make up 34965 Woodward Avenue and 215 Peabody Street.

As you know, the City has granted site plan approval to the Applicant for the redevelopment of these two lots into a mixed use retail, office and residential building. See site plan submission presented to the Planning Board on February 28, 2018. It came to our attention that the City's new ordinance, Article V, sec. 102-80 et seq., requires the lot combination to occur prior to the issuance of building permits. It is for this reason that the Applicant has submitted a Combination of Platted Lots Application.

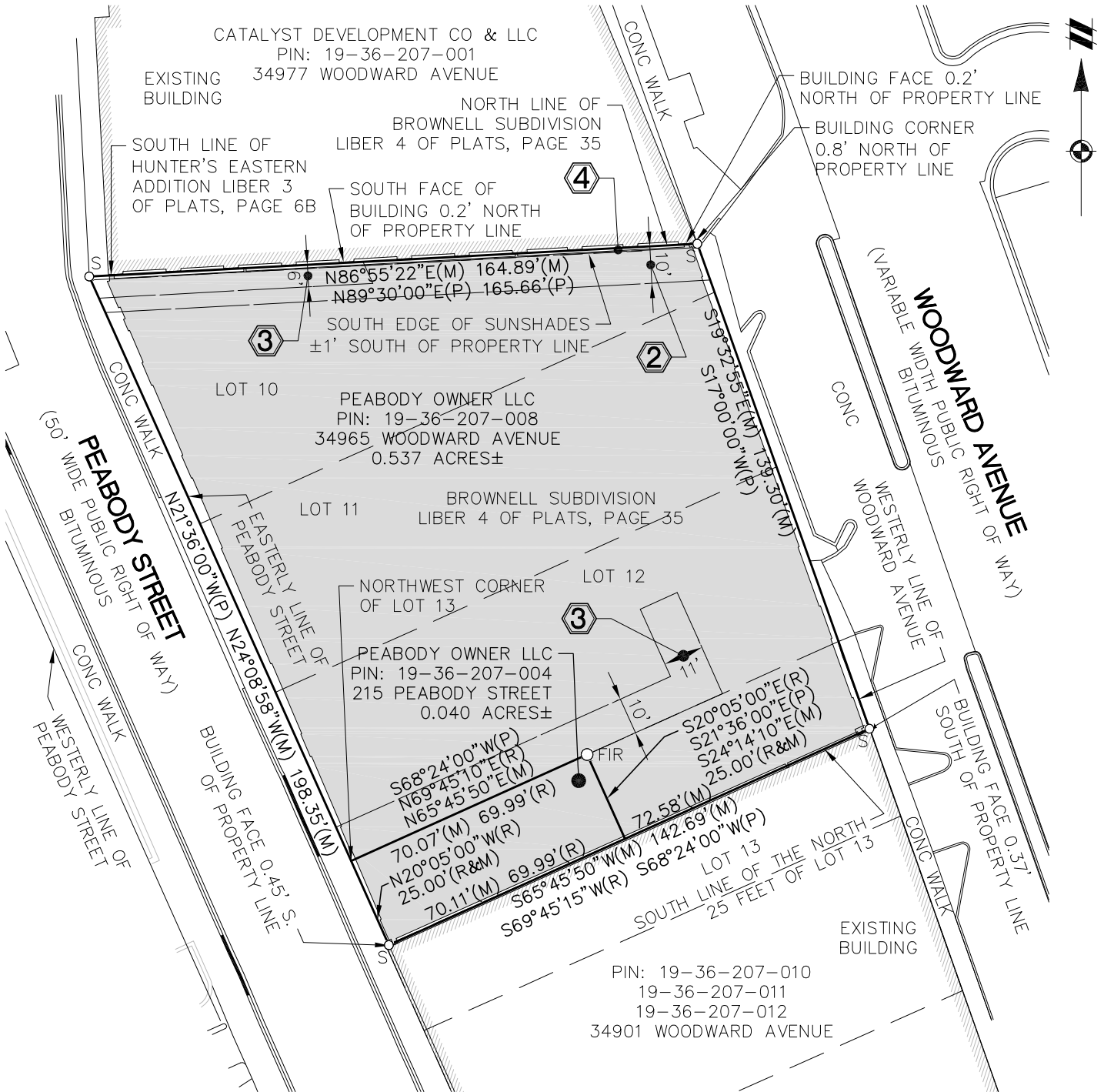
Please let us know if there is anything else the City needs to move forward with the Application.

Very truly yours,
WILLIAMS WILLIAMS RATTNER & PLUNKETT, P.C.




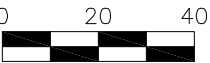
Gayle S. McGregor

cc: Peabody Owner, LLC



LEGEND		
(R)	RECORD	BOUNDARY LINE
(M)	MEASURED	EASEMENT LINE
(P)	PLATTED	INTERIOR BOUNDARY LINE
○ FIR	FOUND IRON ROD	PROPOSED BUILDING
○ S	SET CAPPED IRON ROD	

TAX PARCEL NO. 19-36-207-004 AND 19-36-207-008
BEARINGS ARE BASED ON NAD83 MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, INTERNATIONAL FEET, GROUND DISTANCES.
I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE PLATTED AND/OR DESCRIBED ON MAY 8, 2017, AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/5000, AND THAT ALL OF THE REQUIREMENTS OF P.A. 132 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.

CLIENT ALDEN DEVELOPMENT, LLC PEABODY OWNER LLC	JOB: 17000458	CAD SU-01
	DR. JR	CH. ME
	BOOK NA	PG. NA
	SHEET 01 OF 05	DATE: 03/08/2018
SKETCH AND DESCRIPTION OF A PARCEL COMBINATION LOCATED IN	FILE CODE: SU-01	
	 866.850.4200 www.atwell-group.com TWO TOWNE SQUARE, SUITE 700 SOUTHFIELD, MI 48076 248.447.2000	
SECTION 36 TOWN 2 NORTH, RANGE 10 EAST CITY OF BIRMINGHAM, OAKLAND COUNTY STATE OF MICHIGAN		
SCALE: 1 INCH = 40 FEET		



DESCRIPTION OF TAX PARCEL 19-36-207-008 (PER OWNER'S POLICY OF TITLE INSURANCE ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, POLICY NUMBER: 27306-45824532, DATE OF POLICY: JULY 6, 2016)

Land Situated in the City of Birmingham in the County of Oakland in the State of Michigan:

Lots numbered Ten (10), Eleven (11), and Twelve (12), and North 25 feet of Lot numbered Thirteen (13), except the Westerly 69.99 feet thereof, BROWNELL SUBDIVISION in the Village of Birmingham, Oakland County, Michigan, being a part of the West half of Northeast quarter of Section 36, Town 2 North, Range 10 East, as recorded in Liber 4, Page 35 of Plats, Oakland County Records.

SCHEDULE B EXCEPTIONS FROM COVERAGE (PER OWNER'S POLICY OF TITLE INSURANCE ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, POLICY NUMBER: 27306-45824532, DATE OF POLICY: JULY 6, 2016)

- 2

2. Easement granted to Consumers Power Company, recorded November 18, 1974 in Liber 6395, Page 248.
RESPONSE: AS SHOWN
- 3

3. Joint Underground Easement granted to The Detroit Edison Company and Michigan Bell Telephone Company, recorded January 24, 1985 in Liber 9256, Page 759.
RESPONSE: AS SHOWN
- 4

4. Terms and conditions contained in Memorandum of Agreement, recorded January 27, 2009 in Liber 40847, Page 546; Terms and conditions contained in First Amendment to Memorandum of Agreement, recorded May 28, 2015 in Liber 48221, Page 656.
RESPONSE: AS SHOWN

DESCRIPTION OF TAX PARCEL 19-36-207-004 (PER TITLE COMMITMENT ISSUED BY TITLE CONNECT, LLC, COMMITMENT NO.: TC13-69097, EFFECTIVE DATE: DECEMBER 2, 2016)


Land situated in the City of Birmingham, County of Oakland, State of Michigan Described as follows:

Part of North 1/2 of Lot 13, BROWNELL'S SUBDIVISION, according to the plat thereof recorded in Liber 4 of Plats, page 35, Oakland County Records; described as beginning at the Northwest corner of said Lot 13, thence North 69°45'10" East 69.99 feet; thence South 20°05'0" seconds, East 25 feet; thence South 69°45'15" West 69.99 feet to the East line of Brownell Street being the front lot line of said lot; thence North 20°5'0" seconds West 25 feet to the point of beginning, Brownell Subdivision being a part of the West 1/2 of the Northeast 1/4 of Section 36, in the Village of Birmingham, Town 2 North, Range 10 East, Oakland County, Michigan.

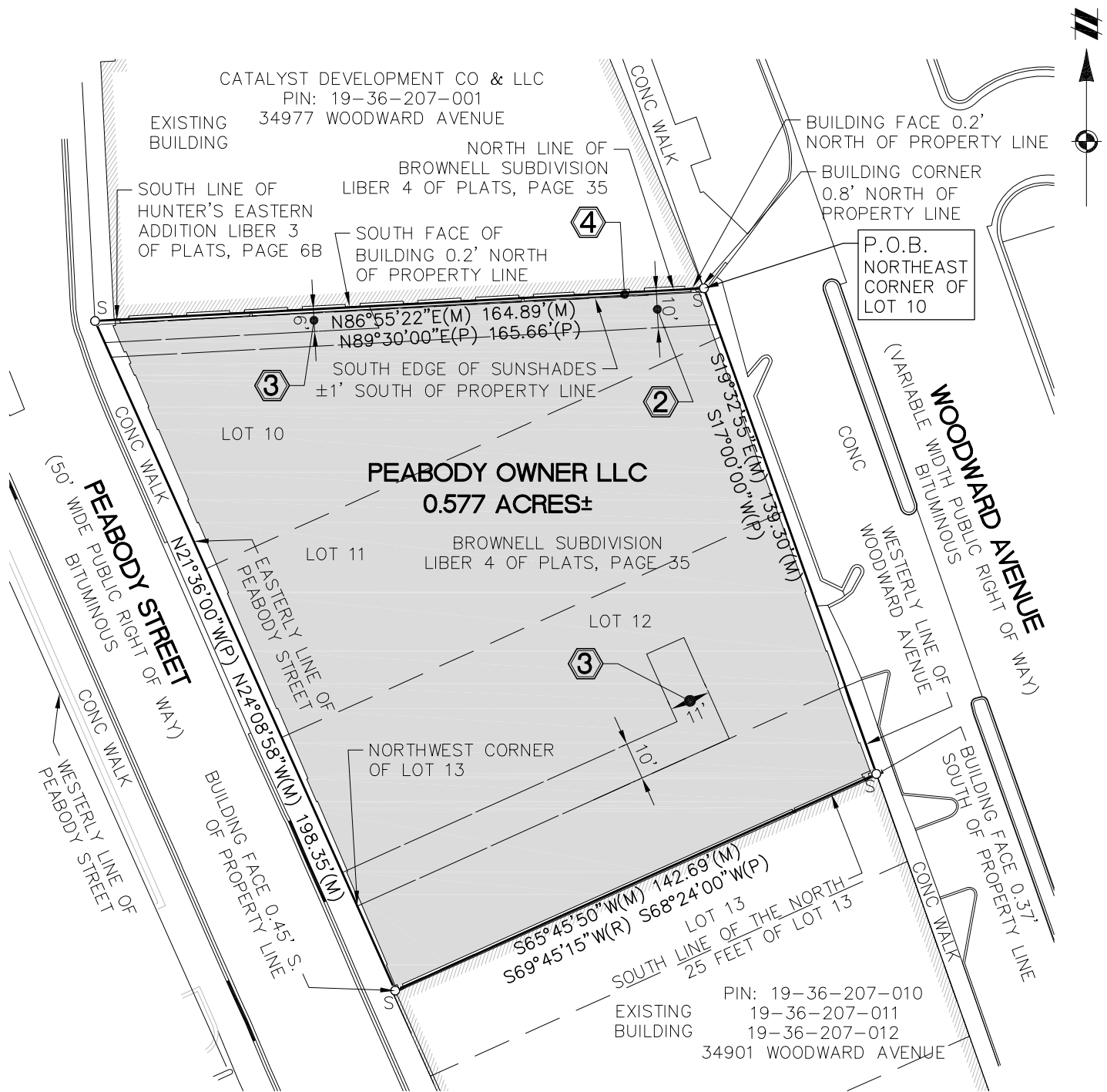
SCHEDULE B-SECTION II EXCEPTIONS- DESCRIPTION (PER TITLE COMMITMENT ISSUED BY TITLE CONNECT, LLC, COMMITMENT NO.: TC13-69097, EFFECTIVE DATE: DECEMBER 2, 2016)

3. Subject to the easements, restrictions and reservations contained in the Brownell Subdivision Plat recorded at Liber 4, Page(s) 35, Oakland County Records.

TAX PARCEL NO. 19-36-207-004 AND 19-36-207-008
BEARINGS ARE BASED ON NAD83 MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, INTERNATIONAL FEET, GROUND DISTANCES.
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CLIENT ALDEN DEVELOPMENT, LLC PEABODY OWNER LLC	JOB: 17000458	CAD SU-01
	DR. JR	CH. ME
	BOOK NA	PG. NA
	SHEET 02 OF 05	DATE: 03/08/2018
	FILE CODE: SU-01	
SKETCH AND DESCRIPTION OF A PARCEL COMBINATION LOCATED IN	 ATWELL 866.850.4200 www.atwell-group.com TWO TOWNE SQUARE, SUITE 700 SOUTHFIELD, MI 48076 248.447.2000	
SECTION 36 TOWN 2 NORTH, RANGE 10 EAST CITY OF BIRMINGHAM, OAKLAND COUNTY STATE OF MICHIGAN		
SCALE: NONE		





LEGEND		
(R)	RECORD	BOUNDARY LINE
(M)	MEASURED	EASEMENT LINE
(P)	PLATTED	INTERIOR BOUNDARY LINE
○ FIR	FOUND IRON ROD	PROPOSED BUILDING
○ S	SET CAPPED IRON ROD	

TAX PARCEL NO. 19-36-207-004 AND 19-36-207-008
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CLIENT ALDEN DEVELOPMENT, LLC PEABODY OWNER LLC SKETCH AND DESCRIPTION OF A PARCEL COMBINATION LOCATED IN SECTION 36 TOWN 2 NORTH, RANGE 10 EAST CITY OF BIRMINGHAM, OAKLAND COUNTY STATE OF MICHIGAN SCALE: 1 INCH = 40 FEET	JOB: 17000458	CAD SU-01
	DR. JR	CH. ME
	BOOK NA	PG. NA
	SHEET 03 OF 05	DATE: 03/08/2018
	FILE CODE: SU-01	
 ATWELL 866.850.4200 www.atwell-group.com TWO TOWNE SQUARE, SUITE 700 SOUTHFIELD, MI 48076 248.447.2000		



DESCRIPTION OF A 0.577 ACRE PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 36, T2N, R10E, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

CONTAINING LOTS 10 THRU 12, INCLUSIVE, AND THE NORTH 25 FEET OF LOT 13 OF BROWNELL SUBDIVISION, RECORDED IN LIBER 4 OF PLATS, PAGE 35, OAKLAND COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 10 OF SAID BROWNELL SUBDIVISION; THENCE S19°32'55"E (PLATTED AS S17°00'00"W) 139.30 FEET ALONG THE EASTERLY LINE OF SAID LOTS 10 THRU 13 OF SAID BROWNELL SUBDIVISION AND THE WESTERLY LINE OF WOODWARD AVENUE (VARIABLE WIDTH); THENCE S65°45'50"W (RECORDED AS S69°45'15"W AND PLATTED AS S68°24'00"W) 142.69 FEET ALONG THE SOUTH LINE OF THE NORTH 25 FEET OF SAID LOT 13 OF SAID BROWNELL SUBDIVISION; THENCE N24°08'58"W (RECORDED AS N20°05'00"W AND PLATTED AS N21°36'00"W) 198.35 FEET ALONG THE WESTERLY LINE OF SAID LOTS 10 THRU 13 OF SAID BROWNELL SUBDIVISION AND THE EASTERLY LINE OF PEABODY STREET (50 FEET WIDE); THENCE N86°55'22"E 164.89 FEET (PLATTED AS N89°30'00"E 165.66 FEET) ALONG THE NORTH LINE OF SAID BROWNELL SUBDIVISION AND THE SOUTH LINE OF HUNTER'S EASTERN ADDITION RECORDED IN LIBER 3 OF PLATS, PAGE 6B, OAKLAND COUNTY RECORDS, TO THE PLACE OF BEGINNING, CONTAINING 0.577 ACRES OF LAND, MORE OR LESS, AND BEING SUBJECT TO EASEMENTS, CONDITIONS, RESTRICTIONS AND EXCEPTIONS OF RECORD, IF ANY.

TAX PARCEL NO. 19-36-207-004 AND 19-36-207-008
BEARINGS ARE BASED ON NAD83 MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, INTERNATIONAL FEET, GROUND DISTANCES.
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CLIENT ALDEN DEVELOPMENT, LLC
PEABODY OWNER LLC

SKETCH AND DESCRIPTION
OF A PARCEL COMBINATION
LOCATED IN

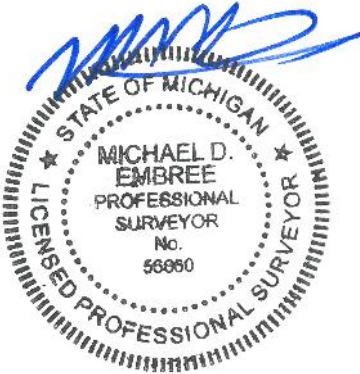
SECTION 36 TOWN 2 NORTH, RANGE 10 EAST
CITY OF BIRMINGHAM, OAKLAND COUNTY
STATE OF MICHIGAN

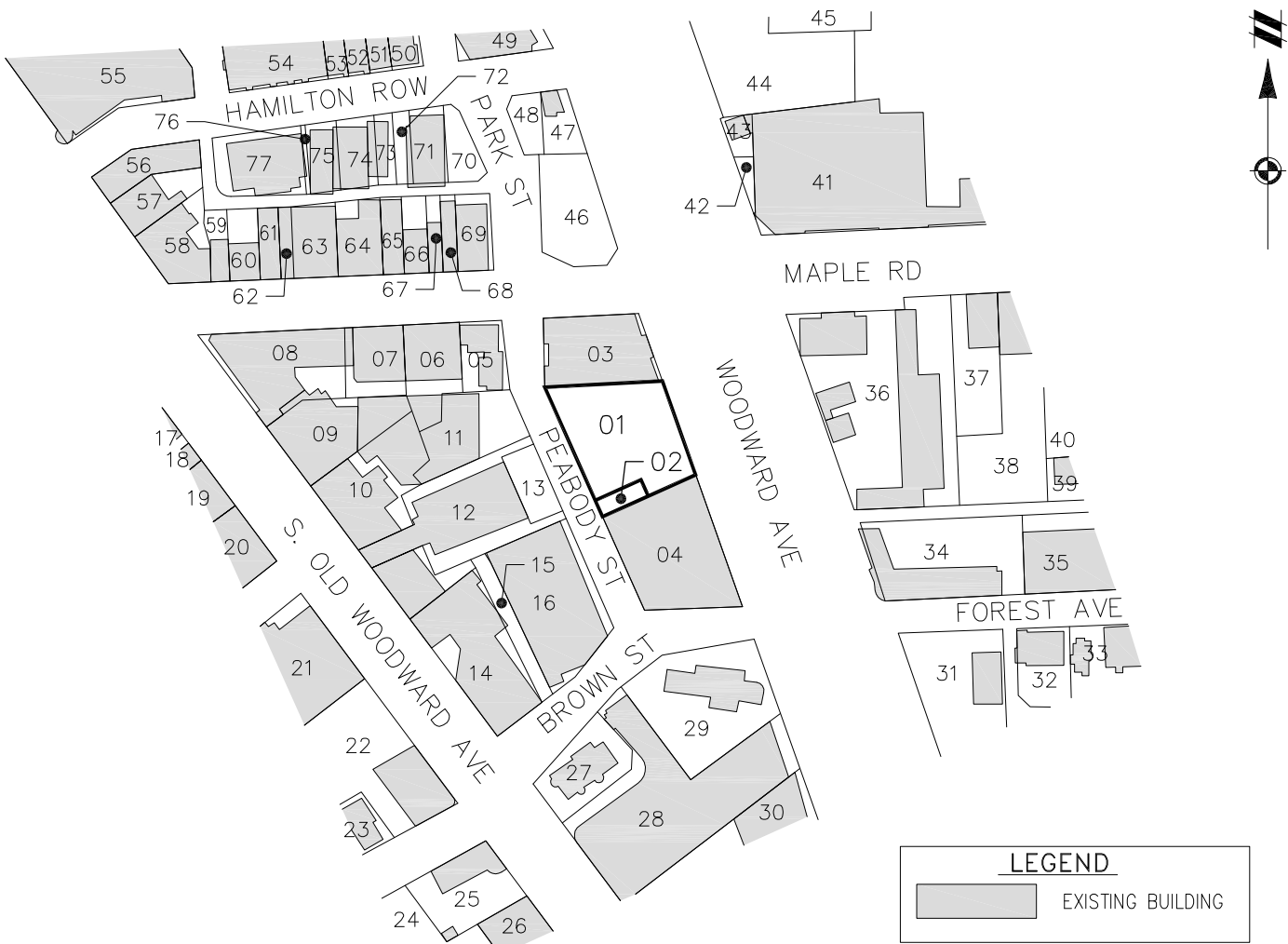
SCALE:
NONE

JOB: 17000458	CAD SU-01
DR. JR	CH. ME
BOOK NA	PG. NA
SHEET 04 OF 05	DATE: 03/08/2018
FILE CODE: SU-01	



ATWELL
866.850.4200 www.atwell-group.com
TWO TOWNE SQUARE, SUITE 700
SOUTHFIELD, MI 48076
248.447.2000





NO.	OWNER	PIN	ADDRESS				
01	PEABODY OWNER LLC	19-36-207-008	34965 WOODWARD AVENUE	42	FORSTER FLORIST	19-25-483-034	35028 WOODWARD AVENUE
02	PEABODY OWNER LLC	19-36-207-004	215 PEABODY STREET	43	JOSEPH FOODS LTD	19-25-483-033	35032 WOODWARD AVENUE
03	CATALYST DEVELOPMENT CO & LLC	19-36-207-001	34977 WOODWARD AVENUE	44	BOTTLE & BASKET OF BIRM INC	19-25-483-031	35046 WOODWARD AVENUE
04	WOODWARD BROWN ASSOCIATES, LLC	19-36-207-009	34901 WOODWARD AVENUE	45	CITY OF BIRMINGHAM	19-25-483-021	N.A.
05	FULLER CENTRAL PARK PROPERTIES	19-36-206-018	378 MAPLE ROAD	46	SELECT COMMERCIAL ASSETS LLC	19-25-456-037	35001 WOODWARD AVENUE
06	FULLER CENTRAL PARK PROPERTY	19-36-206-020	370 MAPLE ROAD	47	SELECT COMMERCIAL ASSETS LLC	19-25-456-014	35075 WOODWARD AVENUE
07	FULLER CENTRAL PARK PROPERTIES	19-36-206-002	300 MAPLE ROAD	48	CITY OF BIRMINGHAM	19-25-456-043	N.A.
08	FULLER CENTRAL PARK PROPERTIES	19-36-206-001	111 OLD WOODWARD AVENUE	49	PENINSULA BUILDING MGMT	19-25-455-017	220 PARK STREET
09	FULLER CENTRAL PARK PROPERTIES	19-36-206-005	177 OLD WOODWARD AVENUE	50	BARBARA BANCO	19-25-454-009	391 HAMILTON ROW
10	FULLER CENTRAL PARK PROPERTIES	19-36-206-006	181 OLD WOODWARD AVENUE	51	ANTOINE FARRIS TRUST	19-25-454-008	381 HAMILTON ROW
11	FULLER CENTRAL PARK PROPERTIES	19-36-206-015	136 PEABODY STREET	52	KOB PROPERTIES LLC	19-25-454-007	377 HAMILTON ROW
12	FULLER CENTRAL PARK PROPERTIES	19-36-206-007	211 OLD WOODWARD AVENUE	53	BARCLAY CENTER MANAGEMENT LLC	19-25-454-006	375 HAMILTON ROW
13	FULLER CENTRAL PARK PROPERTIES	19-36-206-016	N.A.	54	HAMILTON ROW BIRMINGHAM LLC	19-25-454-005	221 HAMILTON ROW
14	PARK PLAZA OF BIRMINGHAM LLC	19-36-206-021	255 OLD WOODWARD AVENUE	55	PALLADIUM OF BIRMINGHAM LLC	19-25-453-011	250 OLD WOODWARD AVENUE
15	CITY OF BIRMINGHAM	19-36-206-023	N.A.	56	COMERICA INCORPORATED	19-25-456-001	188 OLD WOODWARD AVENUE
16	CITY OF BIRMINGHAM	19-36-206-024	N.A.	57	W&W MICHIGAN INVESTMENTS LLC	19-25-456-002	152 OLD WOODWARD AVENUE
17	138 OLD WOODWARD LLC	19-36-201-015	138 OLD WOODWARD AVENUE	58	MAPLE-WOOD REALTY LLC	19-25-456-039	100 OLD WOODWARD AVENUE
18	DARA LLC	19-36-201-021	154 OLD WOODWARD AVENUE	59	MAPLE-WOOD REALTY LLC	19-25-456-017	135 MAPLE ROAD
19	MERRILLWOOD INVESTMENT LLC	19-36-201-018	158 OLD WOODWARD AVENUE	60	3 WEST MAPLE LLC	19-25-456-018	203 MAPLE ROAD
20	MERRILLWOOD INVESTMENT LLC	19-36-201-019	251 MERRILL STREET	61	RABBIT HOLDINGS LLC	19-25-456-019	225 MAPLE ROAD
21	ESSCO OF BIRMINGHAM LLC	19-36-202-015	200 OLD WOODWARD AVENUE	62	CITY OF BIRMINGHAM	19-25-456-020	N.A.
22	WOODWARD BROWN VENTURES LLC	19-36-202-016	298 OLD WOODWARD AVENUE	63	TRI-POWER PROPERTIES LLC	19-25-456-035	261 MAPLE ROAD
23	WOODWARD BROWN VENTURES LLC	19-36-202-009	325 BROWN STREET	64	SALONIKA PARTNERS LLC	19-25-456-023	323 MAPLE ROAD
24	TROTT PROPERTIES 294 LLC	19-36-204-021	294 BROWN STREET	65	LPI-335 MAPLE LLC	19-25-456-024	335 MAPLE ROAD
25	BRB EQUITIES LLC	19-36-204-006	300 OLD WOODWARD AVENUE	66	FIRST CHRCH/CHRST SCIENTST	19-25-456-034	355 MAPLE ROAD
26	FRANK KONJAREVICH TRUST	19-36-204-014	394 OLD WOODWARD AVENUE	67	361 MAPLE LLC	19-25-456-027	361 MAPLE ROAD
27	325 OLD WOODWARD LLC	19-36-208-015	325 OLD WOODWARD AVENUE	68	MELVIN KAFTAN	19-25-456-050	369 MAPLE ROAD
28	FULLER CENTRAL PARK PROPERTIES	19-36-208-016	355 OLD WOODWARD AVENUE	69	DENNIS PAZZI	19-25-456-029	395 MAPLE ROAD
29	BMW KAR WASH LLC	19-36-208-004	34745 WOODWARD AVENUE	70	CITY OF BIRMINGHAM	19-25-456-042	N.A.
30	VS BIRMINGHAM HOLDINGS LLC	19-36-208-017	411 OLD WOODWARD AVENUE	71	JOHN MELSTROM	19-25-456-044	400 HAMILTON ROW
31	SPEEDWAY SUPERAMERICA LLC	19-36-228-001	34750 WOODWARD AVENUE	72	360 HAMILTON ROW LLC	19-25-456-011	360 HAMILTON ROW
32	700 FOREST STREET LLC	19-36-228-002	700 FOREST AVENUE	73	344 HAMILTON ROW LLC	19-25-456-010	344 HAMILTON ROW
33	FOREST ELM, LLC	19-36-236-001	N.A.	74	330 HAMILTON ROW LLC	19-25-456-009	330 HAMILTON ROW
34	AUTOMOBILE CLUB OF MICHIGAN	19-36-226-022	34802 WOODWARD AVENUE	75	HAMILTON ROW HOLDINGS LLC	19-25-456-041	300 HAMILTON ROW
35	735 FOREST STREET LLC	19-36-234-002	735 FOREST AVENUE	76	CITY OF BIRMINGHAM	19-25-456-040	220 HAMILTON ROW
36	MARYKO HOSPITALITY LLC	19-36-226-002	34952 WOODWARD AVENUE	77	COMERICA INCORPORATED	19-25-456-007	220 HAMILTON ROW
37	HARYKO HOSPITALITY LLC	19-36-226-003	690 MAPLE ROAD				
38	JC&C ENTERPRISES	19-36-226-020	700 MAPLE ROAD				
39	266 ELM STREET LLC	19-36-226-013	266 ELM STREET				
40	ALFRED M. KREINDLER TRUST	19-36-226-012	200 ELM STREET				
41	TOPVALCO INC	19-25-483-032	725 MAPLE ROAD				

CLIENT ALDEN DEVELOPMENT, LLC
PEABODY OWNER LLC

SKETCH AND DESCRIPTION
OF A PARCEL COMBINATION
LOCATED IN

SECTION 36 TOWN 2 NORTH, RANGE 10 EAST
CITY OF BIRMINGHAM, OAKLAND COUNTY
STATE OF MICHIGAN

SCALE: 0 125 250
1 INCH = 250 FEET

JOB: 17000458

DR. JR

BOOK NA

SHEET 05 OF 05

FILE CODE: SU-01

CAD SU-01

CH. ME

PG. NA

DATE: 03/08/2018



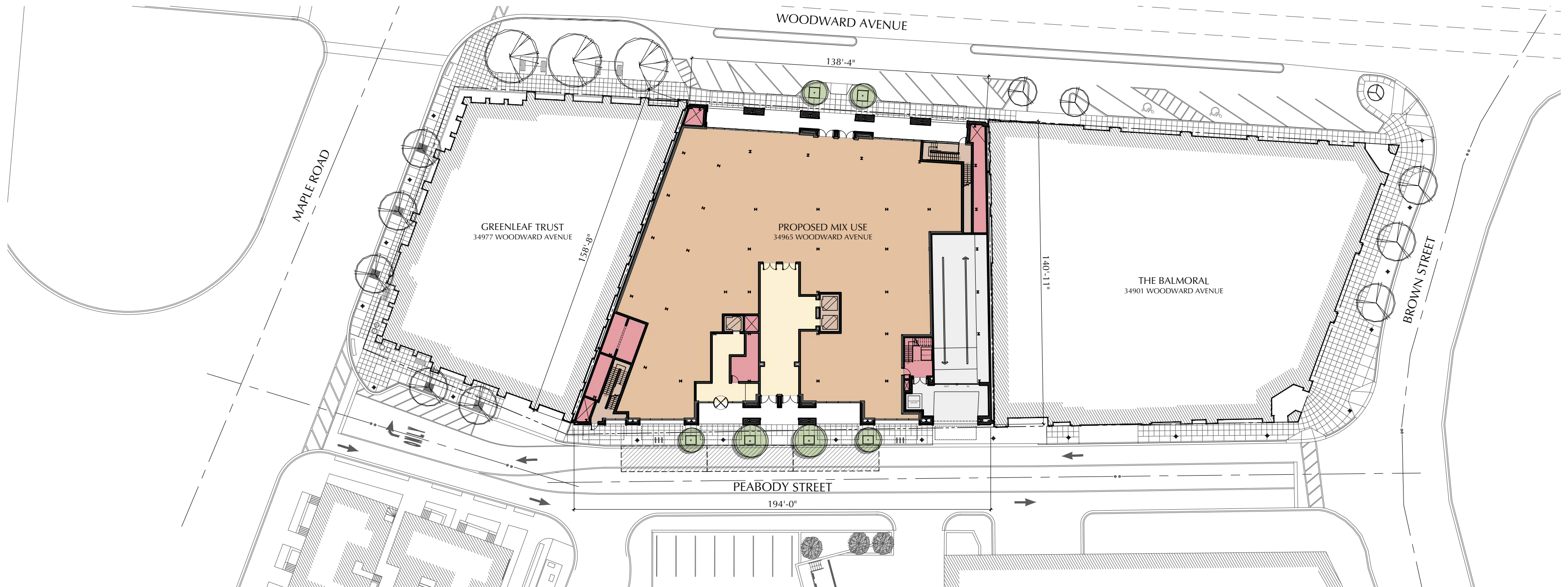
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SOUTHFIELD, MI 48076
248.447.2000



34965 Woodward Avenue + 215 Peabody Street
Birmingham, Michigan 48009



Occupancy Areas

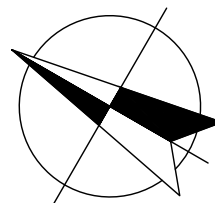
Occupancy	Location in Building	Net Usable Area
Office	Levels 2, 3	44,255 SF
Commercial	Level 4	18,425 SF
Retail / Office	Level 1	14,475 SF
Residential	Levels 4 + 5	17,170 SF

Parking Tabulation

		Required	Provided
Residential			
Apartments	1.5 spaces / Apartment		
	10 Apartments x 1.5	15 spaces	15 spaces
Total		15 spaces	88 spaces
Total with 11 street parking spaces			99 spaces

Building Calculations

Location	Spaces / Units	Net Usable Area	Gross Area
Parking Level P2	47 Parking spaces	22,425 SF	23,700 SF
Parking Level P1	41 Parking spaces	22,405 SF	23,700 SF
Level 1	11 Street Parking	20,830 SF	22,340 SF
Level 2	-	23,185 SF	24,155 SF
Level 3	-	23,680 SF	24,630 SF
Level 4	1 Apartments	23,070 SF	24,300 SF
Level 5	9 Apartments	18,945 SF	20,590 SF
Total	-	154,540 SF	163,415 SF
Total Site Area			25,215 SF



34965 Woodward Avenue + 215 Peabody Street
Birmingham, Michigan 48009



STREETSCAPE ELEVATIONS

CHRISTOPHER J LONGE AIA
ARCHITECTURE
INTERIORS
124 Peabody, Birmingham, Michigan 48009 248.258.6940

34965 Woodward Avenue + 215 Peabody Street
Birmingham, Michigan 48009



1ST LEVEL GLAZING = 71%
UPPER LEVEL GLAZING = 34%



1ST LEVEL GLAZING = 70%
UPPER LEVEL GLAZING = 35%

FRONT ELEVATIONS

CHRISTOPHER J LONGE AIA
ARCHITECTURE
INTERIORS
124 Peabody, Birmingham, Michigan 48009 248.258.6940

SCALE: 1" = 20'-0"

DD.10

34965 Woodward Avenue + 215 Peabody Street
Birmingham, Michigan 48009

MECH. ROOF LINE
80'-0"

ROOF LEVEL
70'-0"

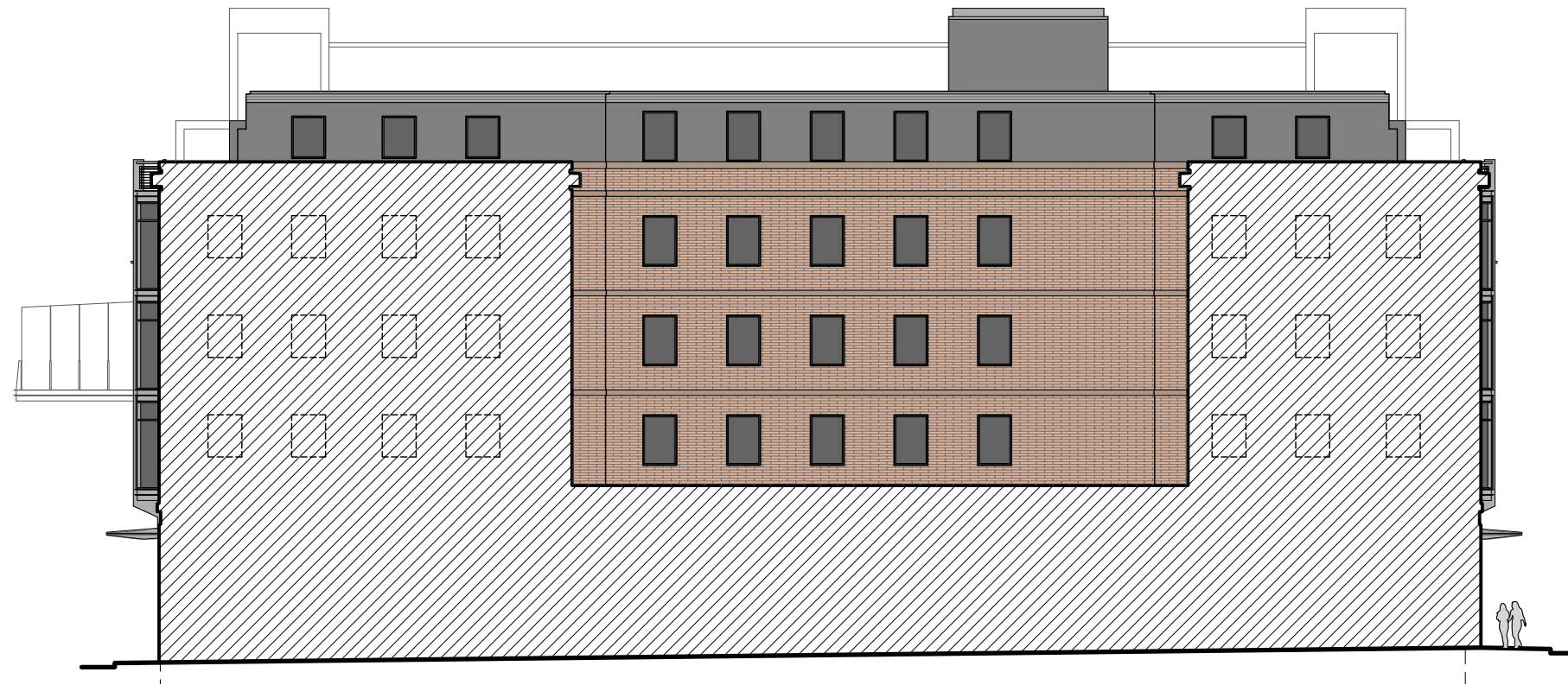
LEVEL 5
58'-0"

LEVEL 4
46'-0"

LEVEL 3
34'-0"

LEVEL 2
22'-0"

LEVEL 1
0'-0"



MECH. ROOF LINE
80'-0"

ROOF LEVEL
70'-0"

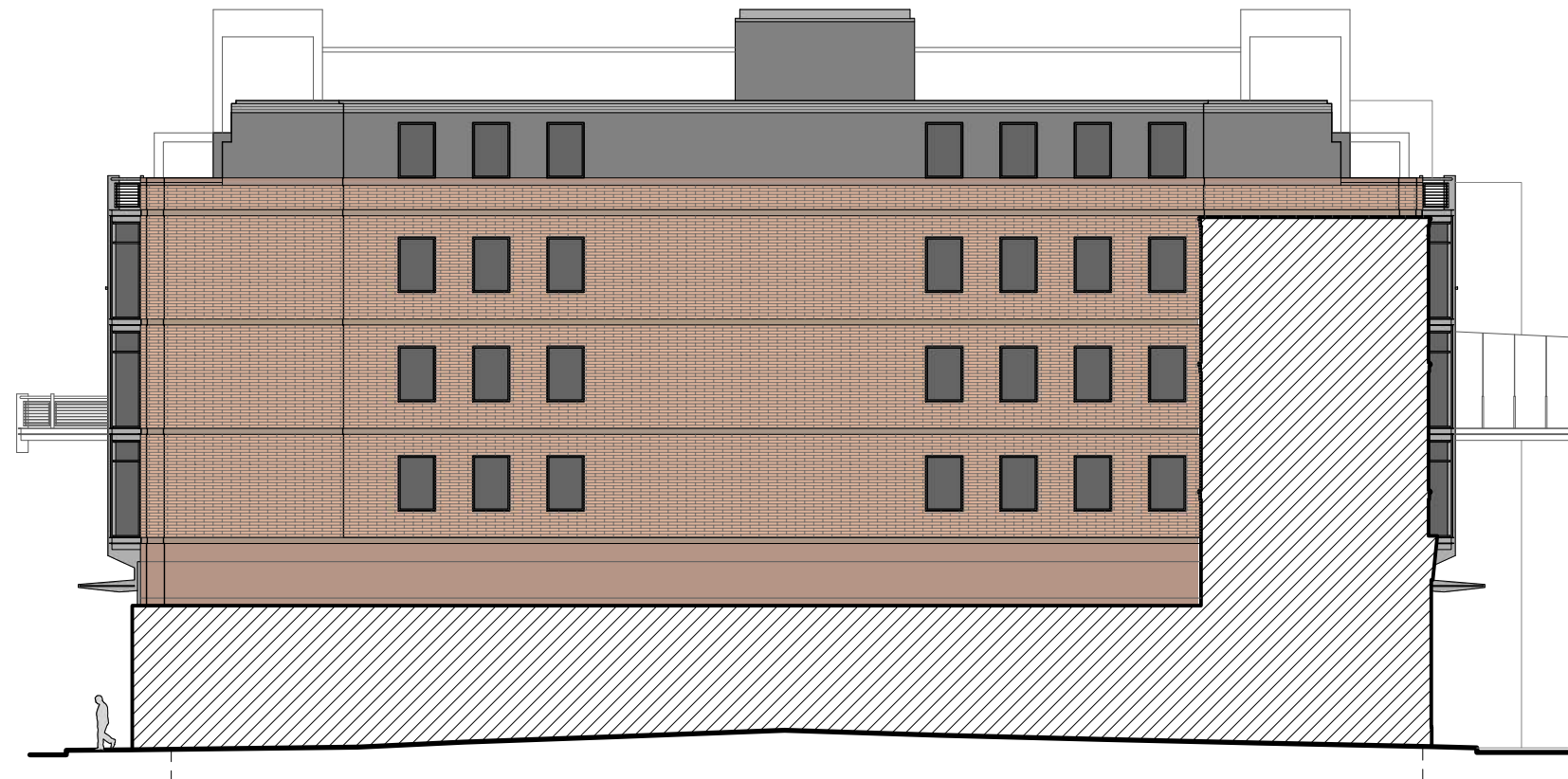
LEVEL 5
58'-0"

LEVEL 4
46'-0"

LEVEL 3
34'-0"

LEVEL 2
22'-0"

LEVEL 1
0'-0"



SIDE ELEVATIONS

CHRISTOPHER J LONGE AIA
ARCHITECTURE
INTERIORS
124 Peabody, Birmingham, Michigan 48009 248.258.6940

34965 Woodward Avenue + 215 Peabody Street
Birmingham, Michigan 48009



WOODWARD RENDER

CHRISTOPHER J LONGE AIA
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34965 Woodward Avenue + 215 Peabody Street
Birmingham, Michigan 48009



PEABODY RENDER

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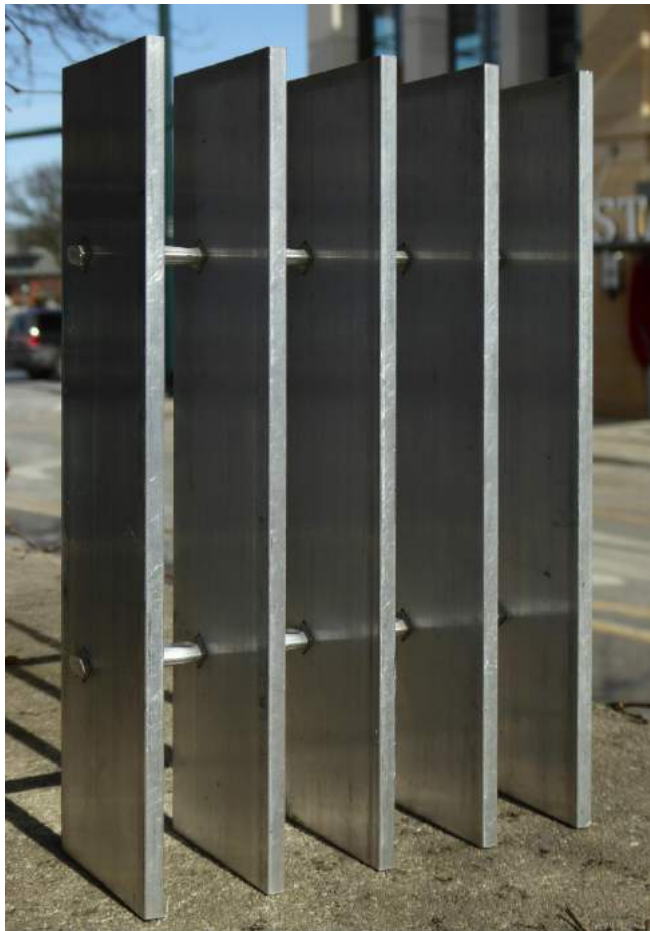
34965 Woodward Avenue + 215 Peabody Street
Birmingham, Michigan 48009



CANOPY DETAIL



CANTILEVERED GLASS STRUCTURE



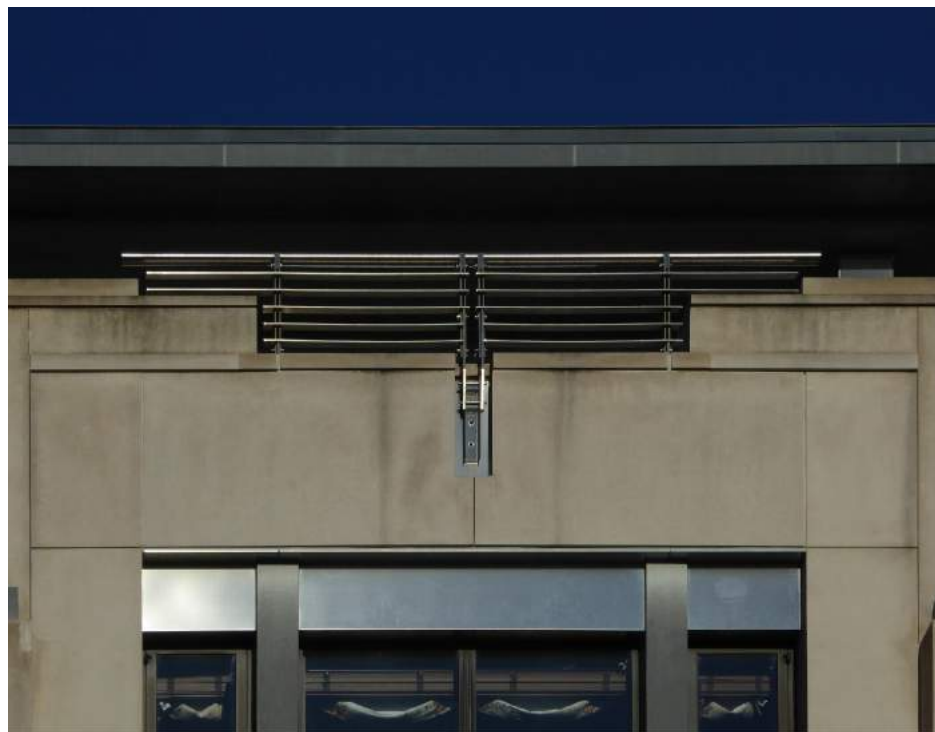
ALUMINUM BAR GRATING



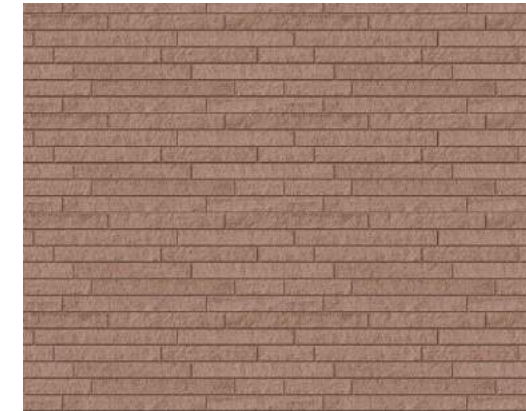
AIROLITE LOUVERS



STRUCTURAL GLAZING WITH GLASS FINIS



STAINLESS STEEL RAILING SYSTEM



4 X 16 MASONRY VENEER



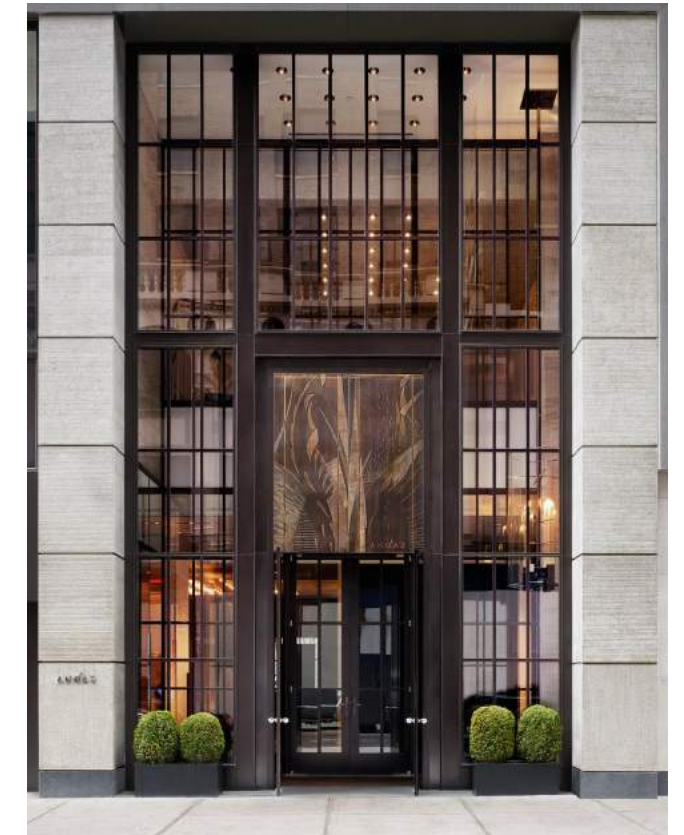
RED SANDSTONE PANELS



SOLID GRANITE BASE STONE



METAL PANEL SYSTEM



ZINC STOREFRONT SYSTEM



GLASS REVOLVING DOOR SYSTEM

MATERIAL SAMPLES

CHRISTOPHER J LONGE AIA
ARCHITECTURE
INTERIORS
124 Peabody, Birmingham, Michigan 48009 248.258.6940

NOTICE OF PUBLIC HEARING
BIRMINGHAM CITY COMMISSION
AMENDMENTS TO ZONING ORDINANCE

Meeting - Date, Time, Location:	Monday, April 23, 2018 7:30 PM Municipal Building, 151 Martin Birmingham, MI 48009
Nature of Hearing:	<p>To consider the following amendments to the Zoning Ordinance:</p> <ul style="list-style-type: none"> • To amend Article 7, Section 7.26, Application, to amend the site plan review submittal requirements to include adjacent property details; and • To amend Article 7, Section 7.34, Special Land Use Permit Review, to amend the Special Land Use Permit review process to include adjacent property details. <p>A complete copy of the proposed ordinance amendment may be reviewed at the City Clerk's Office.</p>
City Staff Contact:	Jana Ecker 248.530.1841 jecker@bhamgov.org
Notice:	Publish: April 1, 2018
Approved minutes may be reviewed at:	City Clerk's Office

Should you have any statement regarding the above, you are invited to attend the meeting or present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.

Persons with disabilities needing accommodations 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.



MEMORANDUM

Planning Division

DATE: April 12, 2018

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Public Hearing for Site Plan Review Submittal Requirements

On December 4, 2017, the City Commission reviewed and approved the Special Land Use Permit ("SLUP") and Final Site Plan & Design Review for 33353 Woodward to allow Tide Dry Cleaners to open a storefront. During this review, several questions were raised by Commissioners and neighbors regarding the layout and proximity of adjacent properties, and the potential impact of the drive in dry cleaning facility on the surrounding property owners. At the end of the meeting, Commissioner Nickita specifically requested that the Planning Board review the existing submittal requirements for site plan reviews and SLUP reviews, and to determine if amendments should be made to add additional details of the subject site and/or adjacent sites to provide context for discussion. This direction to the Planning Board was provided by the City Manager. In the past, Planning Board members have also raised the issue about applicant's providing details on the surrounding properties to allow for a complete evaluation of the impact of a proposed development on one site to the surrounding properties and neighborhood as a whole.

Accordingly, on January 10, 2018, the Planning Board discussed the attached draft ordinance language to consider amending the submittal requirements for site plan review and SLUP review to require all applicants to include details of adjacent properties on their site plans. Board members agreed that such details were helpful and should be required. There was some discussion as to whether an ordinance amendment was needed, but the board eventually approved a motion to set a public hearing date for amendments to Article 7, section 7.26 and section 7.34 to require all property lines, buildings and structures within 200' of a subject site to be marked on the site plan drawings submitted. A comment was made that an aerial photo should suffice in providing these details.

On January 27, 2018 at the Long Range Planning meeting this issue was also discussed. A comment was made by Commissioner Nickita that he did not believe that an aerial photo would be sufficient to meet the provision of adjacent property details.

On February 28, 2018, the Planning Board conducted a public hearing on the proposed ordinance amendments to Article 7, section 7.26 and section 7.34 to require all property lines, buildings and structures on adjacent properties within 200' of a subject site to be marked on the site plan drawings submitted. After discussion of the comments made at the Long Range Planning meeting, the Planning Board continued the public hearing to March 14, 2018 and directed staff to add an aerial photo as a site plan submittal requirement in addition to a plan

providing details on adjacent properties.

On March 14, 2018, the Planning Board continued the public hearing and passed a motion recommending approval of the ordinance amendments for site plan submittal requirements to the City Commission. Please find attached the draft ordinance language and meeting minutes for your consideration.

On March 26, 2018, the City Commission set a public hearing date of April 23, 2018 to consider ordinance amendments to the Zoning Ordinance as follows:

- (a) To amend Article 7, Section 7.26, Application, to amend the site plan review submittal requirements to include adjacent property details; and
- (b) To amend Article 7, Section 7.34, Special Land Use Permit Review, to amend the Special Land Use Permit review process to include adjacent property details.

SUGGESTED ACTION:

To approve the following ordinance amendments to amend the submittal requirements for site plan and Special Land Use Permit review:

- (a) To amend Article 7, Section 7.26, Application, to amend the site plan review submittal requirements to include adjacent property details; and
- (b) To amend Article 7, Section 7.34, Special Land Use Permit Review, to amend the Special Land Use Permit review process to include adjacent property details.

CITY OF BIRMINGHAM
ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 7, SECTION 7.26, APPLICATION, TO AMEND THE SITE PLAN REVIEW SUBMITTAL REQUIREMENTS TO INCLUDE ADJACENT PROPERTY DETAILS

7.26 Application

Each Site Plan submitted to the Planning Board in accordance with the requirements of the Zoning Ordinance shall be on such forms and contain such information as the Planning Board shall determine necessary, including but not limited to a site plan, photometric plan, landscape plan, elevation drawings, interior floor plans, **current aerial photos of the subject site and surrounding properties**, specification sheets for all lighting and exterior mechanical equipment, and samples of all exterior building materials. **All site plans submitted for review and approval must show the subject site in its entirety, must include all property lines, buildings and structures, and must show the same details for all adjacent properties within 200 feet of the subject site's property lines.**

ORDAINED this _____ day of _____, 2018 to become effective 7 days after publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 7, SECTION 7.34, SPECIAL LAND USE PERMIT REVIEW, TO AMEND THE SPECIAL LAND USER PERMIT REVIEW PROCESS TO INCLUDE SITE PLAN REVIEW SUBMITTAL REQUIREMENTS TO INCLUDE ADJACENT PROPERTY DETAILS

7.34 Review

Site Plan and Design Review for special land uses shall be considered and acted upon by the City Commission. Prior to its consideration of a special land use application 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. **Each Site Plan submitted in accordance with the requirements of the Zoning Ordinance shall be on such forms and contain such information as the Planning Board shall determine necessary, including but not limited to a site plan, photometric plan, landscape plan, elevation drawings, interior floor plans, current aerial photos of the subject site and surrounding properties, specification sheets for all lighting and exterior mechanical equipment, and samples of all exterior building materials. All site plans submitted for review and approval must show the subject site in its entirety, must include all property lines, buildings and structures, and must show the same details for all adjacent properties within 200 feet of the subject site's property lines.** After receiving the recommendation **of the Planning Board**, 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. ~~Site Plan Review and Design Review in this article shall not be required.~~

ORDAINED this _____ day of _____, 2018 to become effective 7 days after publication.

Andrew Harris, Mayor

Cherilynn Mynsberge, City Clerk

**City Commission Minutes
December 4, 2017**

12-317-17 PUBLIC HEARING TO CONSIDER THE FINAL SITE PLAN AND SPECIAL LAND USE PERMIT FOR 33353 WOODWARD AVENUE – TIDE DRY CLEANERS

Mayor Harris opened the public hearing at 8:44 p.m.

From Senior Planner Baka's report to City Manager Valentine dated November 27, 2017:

The subject business is proposed to be located at 33353 Woodward Avenue in a new one-story 7,227 sq. ft. commercial/retail building and parking lot that is replacing the former Tuffy Automotive building on the west side of Woodward between Davis and Smith. The applicant is a drive-in service for customers to pick up and/or drop off their garments while remaining in their vehicle. The service of patrons while in their vehicles is considered a drive-in facility and requires a Special Land Use Permit (SLUP) under Article 2, Section 2.31 (B2B – General Business). Article 9, Section 9.02 (Definitions) defines a drive-in as a commercial establishment developed to serve patrons while in the motor vehicle in addition to within a building or structure. The parking area for service to patrons in vehicles will be located on the west elevation along the alley under a metal canopy attached to the back of the building outside of the west entrance. The Planning Board recommended the SLUP for approval with the following conditions: 1. The total square footage of signage must be reduced to 108 sq. ft. or less; 2. The canopy must be attached to the building.

Planning Director Ecker explained to:

- Commissioner Boutros that the SLUP is required because of the drive-in service, and that the parking spaces are required because of the size of the building.
- Commissioner Hoff that the building is intended for multi-tenant use.

Shannon Marklin, a real estate manager for corporate Tide, stated that the canopy is an added convenience as protection from weather. Ms. Marklin confirmed for Mayor Pro Tem Bordman:

- The company has 60 of these drive-ins across the United States;
- This drive-in would be the first Tide location in Michigan; and, • Tide has also signed a lease for a drive-in in Shelby Township. 6 December 4, 2017
- The parking lot would allow customers to enter from both Woodward and Davis whether Tide occupies the end cap of the building or another business does.
- Transaction times average between thirty seconds and 2 minutes, and two cars could be helped at any given time.
- On-site dry-cleaning would only be for the Birmingham location. The Shelby Township location does its own dry-cleaning.
- A delivery van will be available to provide delivery service and will be parked at the operator's house every evening.
- According to a traffic study in Chicago, peak times yielded twelve cars per hour.

Planning Director Ecker confirmed for Commissioner Nickita that the canopy must be fully attached to the building, but the method of attachment will be approved administratively during the permitting process.

Commissioner Nickita expressed concern:

- That the Commission was not provided with information on the method of affixing the canopy since it is a required part of the proposal; and
- That there is not sufficient information in the site plan regarding proximity to residences, sidewalk connections, adjacent buildings, and the general neighborhood layout.

Duane Barbat, property owner, explained to Commissioner Nickita that:

- There is a parking lot barrier between the building and the closest residents; and
- The lot is not owned by Mr. Barbat; and,
- If the canopy is approved, drawings by a State of Michigan engineer will be submitted to the building department.

Commissioner Nickita expressed:

- Confidence in Mr. Barbat's plan based on his previous work in Birmingham; but
- That he still views this plan submission as incomplete. Mr. Barbat replied that his company has not been asked to submit structural plans to the Commission before.

Mr. Barbat told Commissioner Hoff:

- There is no plan to prevent left-turn exits onto Davis.
- The proposal is for two covered spaces to be serviced by employees, the total lease to Tide is 3,000 sq. ft. contingent on the drive-in approval, and 2,000 sq. ft. will be dedicated to the cleaning plant, which may service other small operations in the future.

Planning Director Ecker noted that preventing left turns onto Davis was not a requirement put forth by the Planning Board for approval of the plan.

Ms. Marklin explained to:

- Commissioner Hoff that environmentally-friendly Green Earth solvent and Tide detergent would be used to process the dry-cleaning. 7 December 4, 2017
- Mayor Pro Tem Bordman that the only 24/7 parts of the business are a drop-box in the back and a kiosk in the front where a customer can pick up their dry-cleaning before or after hours with a code.

Mr. Ken Platt, a resident on Davis, submitted a communication to the Commission expressing opposition to the project.

Brian Fitzerman expressed his general approval of the plan, but added that he would like to see

- No left turn onto Davis;
- A STOP sign added to the exit onto Davis; and,
- The drop-box moved to the Woodward side, so as to not disturb the Davis-side residents late at night.

Ms. Marklin addressed Mr. Fitzerman's concerns by stating:

- There would be an additional drop-box on the Woodward side; and,
- Based on experience in other locations, if the drive-in spaces are occupied, customers will park and enter the store, so queuing cars should not be an issue.

Ms. Marklin told Commissioner Hoff there are usually two to three employees at a time, with five to seven employees working over the course of a day.

Mr. Barbat added there is a side lot for employee parking, leaving sufficient parking for customers.

There being no further comment, Mayor Harris closed the public hearing at 9:20 p.m.

Commissioner DeWeese noted the no left turn sign could be placed in future if necessary.

Commissioner Hoff expressed concern for the residents, and stated that it is important in Birmingham to get the residents' buy-in and respect. Mr. Barbat stated that he has attended two meetings only seen two residents and one letter.

Mary McCray (1332 Davis) stated that she is concerned with left turns onto Davis, and the potential need for overflow parking which might end up on Davis.

Commissioner Hoff expressed support for a no left turn sign in the parking lot.

Commissioner Nickita stated that he lives very close to this area, and that almost no other businesses have parking lot signage preventing certain exits. He continued that businesses busier than the proposed Tide dry-cleaner have not caused complaints of cut-through traffic, and that adding the parking lot signage lacks both precedent and necessity based on other examples.

MOTION:

Motion by Commissioner DeWeese, seconded by Mayor Harris:

To approve the Final Site Plan and Special Land Use Permit to allow service to patrons in their vehicles at 33353 Woodward Avenue – Tide Dry Cleaners as recommended by the Planning Board on October 25, 2017. (Resolution appended to these minutes as Attachment A.)

VOTE: **Yeas, 7**
 Nays, 0
 Absent, 0

.....

12-235-17 COMMISSIONER COMMENTS

Commissioner Nickita reiterated the need for a more detailed site plan for the proposed Tide dry-cleaners, and stated he would like a mandate that site plans are sufficiently detailed in the future.

Planning Director Ecker stated the ordinance can be changed to require more details.

Commissioner Nickita requested that the Planning Board examine what details should be required in a site plan, and those findings should be added to the ordinance.

The Commission and City Manager Valentine concurred, and City Manager Valentine stated he would pass the direction onto the Planning Board.

**Planning Board Minutes
January 10, 2018**

5. Site Plan Submittal Requirements for Adjacent Properties

Ms. Ecker explained that on December 4, 2017, the City Commission reviewed and approved the Special Land Use Permit ("SLUP") and Final Site Plan & Design Review for 33353 Woodward Ave. to allow Tide Dry Cleaners to open a storefront with service to patrons that remain in their vehicles. During this review, several questions were raised by Commissioners and neighbors regarding the layout and proximity of adjacent properties, and the potential impact of the drive-in dry cleaning facility on the surrounding property owners. At the end of the meeting, Commissioner Nickita specifically requested that the Planning Board review the existing submittal requirements for site plan reviews and SLUP reviews, and determine if amendments should be made to add additional details regarding the subject site and/or adjacent sites to provide context for discussion. This direction to the Planning Board was provided by the City Manager.

In the past, Planning Board members have also raised the issue about applicants providing details on the surrounding properties to allow for a complete evaluation of the impact of a proposed development on one site to the surrounding properties and the neighborhood as a whole.

Accordingly, the Planning Board may wish to consider proposed draft ordinance language that amends the submittal requirements for Site Plan Review and SLUP Review by adding that all site plans submitted for review and approval must show the subject site in its entirety, must include all property lines, buildings and structures, and must show the same details for all adjacent properties within 200 ft. of the subject site's property lines.

Mr. Boyle remarked that the website is pretty clear that if someone wants to build in Birmingham, adjacencies must be shown in the application. Mr. Williams believed that language is needed in the ordinance, not just on the website. It was concluded that the requirement could be satisfied by a current aerial photo of all properties within 200 ft.

Motion by Mr. Williams

Seconded by Mr. Boyle to set a public hearing on February 28, 2017 to amend Article 7, sections 7.26 and 7.34.

There was no further discussion from the public at 9:58.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Boyle, Clein, Koseck, Ramin, Share, Whipple-Boyce

Nays: None

Absent: Lazar

**Long Range Planning Minutes
January 27, 2018**

5. Site Plan submittal requirements

Planning Director Ecker explained that Site Plan and Design Reviews may benefit from providing details on all the surrounding properties. The Planning Board has set a public hearing on February 28, 2018 for an ordinance amendment to update these requirements.

Commissioner Nickita cautioned that a satellite photo would provide insufficient information. He continued that a drawn Site Plan, with all adjacencies, would be sufficient.

Commissioner DeWeese stated that having the adjacencies included in Site Plans is very helpful.

**Planning Board Minutes
February 28, 2018**

PUBLIC HEARING

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 7, SECTION 7.26, APPLICATION, TO AMEND THE SITE PLAN REVIEW SUBMITTAL REQUIREMENTS TO INCLUDE ADJACENT PROPERTY DETAILS

TO AMEND ARTICLE 7, SECTION 7.34, SPECIAL LAND USE PERMIT REVIEW, TO AMEND THE SPECIAL LAND USE PERMIT REVIEW PROCESS TO INCLUDE SITE PLAN REVIEW SUBMITTAL REQUIREMENTS TO INCLUDE ADJACENT PROPERTY DETAIL

The public hearing opened at 7:34 p.m.

Ms. Ecker recalled that on December 4, 2017, the City Commission reviewed and approved the Special Land Use Permit ("SLUP") and Final Site Plan & Design Review for 33353 Woodward Ave. to allow Tide Dry Cleaners to open a storefront. During this review, several questions were raised by Commissioners and neighbors regarding the layout and proximity of adjacent properties, and the potential impact of the drive-in dry cleaning facility on the surrounding property owners.

At the end of the meeting, Commissioner Nickita specifically requested that the Planning Board review the existing submittal requirements for site plan reviews and SLUP reviews, to determine if amendments should be made to add additional details of the subject site and/or adjacent sites to provide context for discussion. This direction to the Planning Board was provided by the City Manager.

Accordingly, on January 10, 2018, the Planning Board discussed the proposed draft ordinance language to consider amending the submittal requirements for site plan review and SLUP review to require all applicants to include details of adjacent properties on their site plans. The board approved a motion to set a public hearing date for the amendments that would require all property lines, buildings and structures within 200 ft. of a subject site to be marked on the site plan drawings submitted. A comment was made that an aerial photo should suffice in providing these details. On January 27, 2018 at the Long Range Planning meeting this issue was also discussed. A comment was made by Commissioner Nickita that he did not believe that an aerial photo would be sufficient to meet the provision of adjacent property details.

Mr. Jeffares stated he would still prefer to have the aerial photo, at least in addition. Ms. Ecker said they could add and then bring back to the board language that would also require applicants to provide an aerial photo.

At 7:40 p.m. no one from the public had comments.

Motion by Mr. Williams

Seconded by Mr. Koseck to continue the public hearing to March 14, 2018 at 7:30 p.m.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Koseck, Boyle, Klein, Jeffares, Lazar, Whipple-Boyce

Nays: None

Absent: None

The public hearing closed at 7:42 p.m.

Planning Board Minutes
March 14, 2018

PUBLIC HEARING (continued from February 28, 2018)

1. AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 7, SECTION 7.26, APPLICATION, TO AMEND THE SITE PLAN REVIEW SUBMITTAL REQUIREMENTS TO INCLUDE ADJACENT PROPERTY DETAILS

TO AMEND ARTICLE 7, SECTION 7.34, SPECIAL LAND USE PERMIT REVIEW, TO AMEND THE SPECIAL LAND USE PERMIT REVIEW PROCESS TO INCLUDE SITE PLAN REVIEW SUBMITTAL REQUIREMENTS TO INCLUDE ADJACENT PROPERTY DETAILS

The public hearing opened at 7:34 p.m.

Ms. Ecker recalled that on December 4, 2017, the City Commission reviewed and approved the Special Land Use Permit ("SLUP") and Final Site Plan & Design Review for 33353 Woodward Ave. to allow Tide Dry Cleaners to open a storefront. During this review, several questions were raised by Commissioners and neighbors regarding the layout and proximity of adjacent properties, and the potential impact of the drive-in dry cleaning facility on the surrounding property owners.

At the end of the meeting, Commissioner Nickita specifically requested that the Planning Board review the existing submittal requirements for site plan reviews and SLUP reviews, and determine if amendments should be made to require all applicants to include details of adjacent properties on their site plans.

Accordingly, on January 10, 2018, the Planning Board discussed the proposed draft ordinance language to consider amending the submittal requirements for site plan review and SLUP review to require all applicants to include details of adjacent properties on their site plans.

On January 27, 2018 at the Long Range Planning meeting this issue was also discussed. Commissioner Nickita commented that he did not believe that an aerial photo would be sufficient to meet the provision of adjacent property details.

On February 28, 2018, the Planning Board conducted a public hearing on the proposed ordinance amendments to Article 7, section 7.26 and section 7.34 to require all property lines, buildings and structures on adjacent properties within 200 ft. of a subject site to be marked on the site plan drawings submitted. After discussion of the comments made at the Long Range Planning meeting, the Planning Board continued the public hearing to March 14, 2018 and directed staff to add an aerial photo as a site plan submittal requirement in addition to a plan providing details on adjacent properties.

Draft ordinance language containing the recommended changes was considered by the Planning Board.

Mr. Share noted that the last line of the amendment to ARTICLE 7, SECTION 7.26, APPLICATION should read "site's property lines" rather than "sites' property lines." Mr. Jeffares added "current" in front of "aerial photos" in the third line.

At 7:37 p.m. no one from the public wished to comment on the changes.

Motion by Mr. Jeffares

Seconded by Mr. Williams to recommend approval to the City Commission of amendments to Article 7, section 7.26 and section 7.34 to require current aerial photos and to require that all property lines, buildings and structures on adjacent properties within 200 ft. of a subject site be marked on the site plan drawings submitted.

Motion carried, 7-0.

VOICE VOTE

Yeas: Jeffares, Williams, Clein, Koseck, Ramin, Share, Whipple-Boyce

Nays: None

Absent: Boyle, Lazar

There were no further comments from the public and the public hearing closed at 7:38 p.m.



MEMORANDUM

Planning Division

DATE: April 11, 2018

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: 2018 Spring Screening for Bistro Applicants

On September 12, 2011, the City Commission established a new process that altered the bistro application process from the previous "first come, first served" policy. The policy for the 2018 bistro license application process is now as follows:

1. Deadline for the initial review of 2018 bistro applications is October 1, 2017.
2. The City Commission will consider only those initial reviews that are filed with the Planning Department on or before October 1, 2017.

All bistro applications submitted for initial review must contain only the following information in 5 pages or less:

- A brief description of the bistro concept proposed, including type of food to be served, price point, ambience of bistro, unique characteristics of the operation, if any, and an explanation of how this concept will enhance the current mix of commercial uses in Birmingham;
- Proposed location, hours of operation and date of opening;
- Name of owner/operator and outline of previous restaurant experience; and
- Evidence of financial ability to construct and operate the proposed bistro.

3. All bistro applications received by October 1, 2017 that meet the requirements outlined above will be reviewed by the City Commission for prioritization based on the proposed bistro concept, proposed location within the City, potential impact on the City, and the capability of the proposed owner/operator. Each applicant will be given a time limit to verbally present their concepts to the City Commission. No PowerPoint presentations, display boards or other visual aids will be permitted.

4. The City Commission will prioritize all initial applications received, and will direct the top applications to the Planning Board for full site plan and design review and Special Land Use Permit review.

5. All bistro applications forwarded to the Planning Board for full review will be required to provide additional information as required for review of the bistro as a SLUP including site plans, floor plans, sample menus, interior design details, evidence of financial capability, as well as any other information requested by the Planning Board.

6. All detailed applications directed to the Planning Board from the City Commission will be reviewed during public hearings conducted during a single Planning Board meeting within 90 days of the initial review by the City Commission.
7. All bistro applications will be evaluated by the Planning Board based on the criteria set forth in Chapter 10, Alcoholic Liquors, Division 4, Selection Criteria, and up to two applications will be recommended for approval to the City Commission. All applications will be assigned a priority ranking by the Planning Board.
8. All bistro applications reviewed by the Planning Board will be forwarded to the City Commission for a detailed review and approval/denial in the order of the ranking assigned by the Planning Board.
9. The City Commission will conduct public hearings to review the selected bistro applications and determine which, if any, bistros to approve for 2018, up to a maximum of two approvals.
10. In the event that two bistro approvals are not granted as a result of the fall review period, the City will accept additional bistro applications for the current calendar year on or before **April 1st, 2018**.
11. All bistro applications received in this second round will be reviewed and ranked by the Planning Board using the same review process noted in steps 2 through 9 above.

No bistro applications were submitted for the initial review process in October 2017. Thus, the City Commission may consider bistro applications during the spring application period.

One bistro application was submitted for Taste of Ethiopia at 183 N. Old Woodward, in the former Bangkok Cuisine restaurant space. This application was received on April 2, 2018, as April 1, 2018 was a Sunday. The attached four page summary of the proposed Taste of Ethiopia is attached, but does not include information on the hours of operation, pricing or the proposed date of opening.

As outlined in the bistro process for 2018, any new bistro applications that meet the requirements established by the City Commission will be reviewed. The applicant will be given a time limit to verbally present their concepts to the City Commission, without the use of PowerPoint presentations, display boards or other visual aids. A suggested time frame would be a five minute presentation of the concept by the applicant, with a five minute period for questions from the City Commission. The City Commission will then determine whether to forward the application to the Planning Board for full site plan and design review and Special Land Use Permit review.

Suggested Action:

To direct the bistro application for Taste of Ethiopia to the Planning Board for full site plan and design review and Special Land Use Permit review.

OR

To take no action at this time.

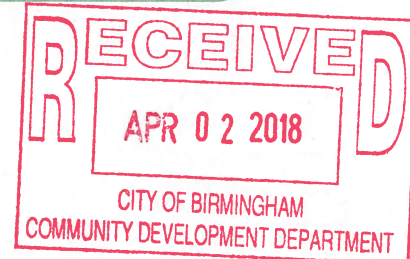


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Southfield, MI, 48034 Fax: 248.905.5560
www.tasteofethiopiadetroit.com

Taste of Ethiopia

To: Birmingham City Commission

Subject: Bistro License application



Taste of Ethiopia will be an asset to the Birmingham community as it will be the first of its kind. Serving health conscious Ethiopian cuisine where the focus is not solely on the incredible food but an opportunity to create a cultural experience that will transport customers and provide them with authentic Ethiopian traditions and history without ever leaving Birmingham, with the hope that they will want to visit the continent soon. The ambiance will feature hand carved Ethiopian chairs, traditional artwork, and custom woven Ethiopians baskets.

Our famous traditional Ethiopian coffee ceremony will also be available for our coffee lovers. Educating customers on healthier eating habits and more nutritionally dense foods is at the forefront of Taste of Ethiopia's priorities, it is for this reason that the restaurant will be vegetarian, vegan and gluten free with an option of oil free items. Taste of Ethiopia has been maintaining an excellent reputation for over 12 years and Birmingham would serve as a second location.

This female owned business believes in supporting the community and other fellow female entrepreneurs. We cater cultural and educational events, as well as provide a space for Ethiopian kids who are adopted by non-Ethiopians so they can connect with their roots, culture and other adopted Ethiopian children. We are excited to be a part of the Birmingham community and look forward to serving "healthy food to the people".

Meskerem Gebreyohannes

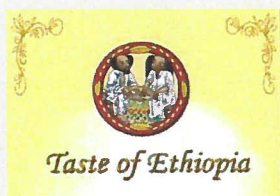
Owner/ Manager

FOR MORE INFORMATION, CONTACT:
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TEL: (917) 435-0446
EMAIL: TASTE OF ETHIOPIAN NYC@GMAIL.COM



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SOUTHFIELD LOCATION
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Taste Of Ethiopia Product List

Injera (Ethiopian flat bread)

(Pronounced – In-jei-ra)

A pancake-like sour bread that complements the exotic spices found in Ethiopian food. This labor intensive bread is made from Teff, a fine grain that is high in calcium, fiber, and protein and grows predominantly in Ethiopia. This product is Gluten Free

(Ingredients: Teff, water)

Shai (Ethiopian Tea)

(Pronounced- Shah-ee)

This ancient herbal tea, considered by the Kings and Queens Of Abyssinia to have healing powers; is filled with herbs, spices and dried fruit that soothes your throat and excites your taste buds. This product is Caffeine Free

(Ingredients: Cinnamon, Chamomile, cloves, lemon peel, orange peel, rosehips, Wood betony)

Misir (Spicy Red Lentils)^{Spicy}

(Pronounced – Mis-ser)

Spiced with fiery chilies and Berbere, these lentils are slowly simmered over low heat and will have you addicted in no time.

(Ingredients: Organic Red Lentils, Onions, Sea Salt, Turmeric, Garlic, Ginger, Olive Oil, Berbere - Ethiopian Red Chili Pepper)

Tekele Gomen (Cabbage and Carrots)^{Mild}

(Pronounced –Te-kill Go-men)

Steamed and seasoned organic cabbage and carrots with a hint of turmeric that brings out an exciting color and flavor.

(Ingredients: Onion, Garlic, Olive Oil, Sea Salt, Turmeric, Ginger, Cabbage and Carrots)

Kek (Yellow Split Peas)^{Mild}

(Pronounced –ki-ck)

These yellow split peas are prepared with amazing flavors that your kids will thank you for. Eating healthy and tasting great has never met a better combination.

(Ingredients: Onions, Sea Salt, Turmeric, Garlic, Ginger, Olive Oil, Yellow Peas)

Defin Misir (Green lentils)^{Mild}

(Pronounced –Dee-fin Miss-ser)

Simmered in garlic, onions and ginger, and a blend of other spices, these organic green lentils are cooked over low heat and made to perfection.

(Ingredients: Onions, Sea Salt, Turmeric, Garlic, Ginger, Olive Oil, Green Lentils)

Gomen (Collard Greens)^{Mild}

(Pronounced –Go-men)

Steamed and coarsely chopped fresh collard greens that are seasoned to perfection.

(Ingredients: Onions, Sea Salt, Garlic, Olive Oil, Collard Green)

Fasolia (Green beans and Carrots)^{Mild}

(Pronounced –Fa-su-lee-ya)

These organic green beans and carrots are simmered and sautéed with perfectly ripe tomatoes and seasoned to perfection

(Ingredients: Organic Green beans, Sea Salt, Ginger, Onion, Garlic, Tomato, Olive Oil, Carrots)



MEMORANDUM

Planning Division
Historic Museum

DATE: April 13, 2018

TO: Joseph A. Valentine, City Manager

FROM: Matthew Baka, Senior Planner
Leslie Pielack, Museum Director

APPROVED: Jana Ecker, Planning Director

SUBJECT: Individual Nomination for Allen House - National Register of Historic Places

The 1928 Allen House and surrounding grounds at the Birmingham Museum have a unique history that dates from the 1818 pioneer period, when Elijah Willits first came to what is now Birmingham and bought 160 acres that includes the site. Although it is part of the City's Mill Pond Historic District, the Allen House has numerous historic features and associations that make it eligible for individual listing as a historic site with the honorary National Register of Historic Places. The National Park Services website states that:

The National Register of Historic Places is the official list of the nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service's National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources.

Listing in the National Register of Historic Places provides formal recognition of a property's historical, architectural, or archeological significance based on national standards used by every state. Successful nomination to the National Register is honorary in nature and does not impose activities or requirements on the property owner. However, pursuing formal listing for the Allen House has a number of distinct advantages:

- Assist the city in meeting the goals of the city's Certified Local Government (CLG) program through the Michigan State Historic Preservation Office (SHPO) to work toward local historic preservation and to identify potential properties for listing in the National Register ;
- Qualify the Allen House for CLG grant funding for preservation and rehabilitation projects for the house and grounds;
- Assist in qualifying for other historic preservation-related grants and funding partnerships for the site; and
- Acknowledges and promotes the historic importance of the house and grounds at the National and State level and promotes heritage tourism.

The nomination process involves a detailed application with documentary evidence that meets established eligibility criteria. There is no charge to apply. The materials are formally reviewed by the State Historic Preservation Office and, if deemed eligible, forwarded to the National Park Service for listing. The Allen House would be listed in a National database as meeting the historic and preservation standards of the applicable criteria. In the case of the Allen House, it is anticipated that these would include, at a minimum:

- The well-preserved nature of the house;
- The original brick schoolhouse history and unusual incorporation of the schoolhouse wall into the Allen residence;
- The association of the site with Harry Allen, first Mayor of Birmingham;
- The very unusual natural swimming pool in the spring-fed pond and its associated history with Jim Allen's polio therapy; and
- Other aspects of the well-documented landscape design from the Allen period that remain or can be restored.

Meeting the standards for this national listing demonstrates the historic value of a property, which can help funders determine grant-worthy properties and projects.

When Community Development Block Grant funds were used in 2010 for barrier-free access projects for the Allen House, the Michigan State Historic Preservation Office was required to review the house's historic status as part of the Federal funding requirements. At that time, the SHPO determined that the Allen House would be eligible for future individual listing on the National Register. This previous review and familiarity of the SHPO with the Allen House and its history may help facilitate the application process.

On February 1, 2018, the Museum Board voted unanimously to support the pursuit of the nomination process to list the Allen House and grounds on the National Register of Historic Places through application with the State Historic Preservation Office.

On April 4, 2018, the Historic District Commission also reviewed the matter and voted unanimously to recommend to the City Commission that a National Register of Historic Places application be initiated.

SUGGESTED RESOLUTION:

To authorize staff to submit application on behalf of the city to the Michigan State Historic Preservation Office and United States Department of the Interior/National Park Service to nominate the Allen House and grounds for listing on the National Register of Historic Places.

**MUSEUM BOARD
MEETING MINUTES
Thursday, February 1, 2018
5:30 PM**

Members Present: James Cunningham, Lori Eaton, Judith Keefer, Tina Krizanic, Marty Logue

Student Members Present: None
Members Absent: Russell Dixon, Caitlin Rosso

Administration: Museum Director Leslie Pielack

Guests: None

Ms. Krizanic called the meeting to order at 5:35 PM

New Business

B. In consideration of the need to adjourn the meeting to accommodate two board members with other commitments, the Museum Board considered the matter of pursuing a National Register individual nomination for the Allen House and grounds at the local level of significance. Currently the Allen House is located within the City of Birmingham local historic district, governed by local ordinance, but is not on the National Register. The nomination process can take many months to a year or more, so it would be important to pursue as soon as possible. If designated, the Allen House's listing on the National Register would make Certified Local Government grant funds available for some anticipated preservation projects, including possibly portions of the landscape plan. Other preservation grant monies may also become available that currently are not.

Listing on the National Register is honorary only. The City of Birmingham would retain the right to do as it wished with the property, which at most would be de-listed from the Register if it was no longer maintained in a historic manner. The nomination would be handled by Museum Director Pielack, who has successfully nominated other properties in the past.

MOTION: by Eaton, seconded by Keefer:

To support the pursuit of the nomination process to list the Allen House and grounds on the National Register of Historic Places through application with the State Historic Preservation Office.

VOTE: Yeas, 5
Nays, 0

**BIRMINGHAM HISTORIC DISTRICT COMMISSION
MINUTES OF APRIL 4, 2018**

Municipal Building Commission Room
151 Martin, Birmingham, Michigan

Minutes of the regular meeting of the Historic District Commission ("HDC") held Wednesday, January 17, 2018. Chairman John Henke called the meeting to order at 7:02 p.m.

Present: Chairman John Henke; Board Members Doug Burley (left at 7:55 p.m.), Vice-Chairman Keith Deyer, Michael Willoughby; Alternate Board Member Kevin Filthaut

Absent: Board Members Adam Charles, Natalia Dukas, Thomas Trapnell; Alternate Board Member Dulce Fuller

Administration: Matthew Baka, Sr. Planner
Leslie Pielack, Museum Director

04-08-18

HISTORIC DESIGNATION REVIEW

556 W. Maple Rd.

Allen House

Birmingham Historic Museum

Mill Pond Historic District

Zoning: PP Public Property

Proposal: Mr. Baka offered background. The 1928 Allen House and surrounding grounds at the Birmingham Museum have a unique history that dates from the 1818 pioneer period, when Elijah Willits first came to what is now Birmingham and bought 160 acres that include the site. Although it is part of the city's Mill Pond Historic District, the Allen House has numerous historic features and associations that make it eligible for individual listing as a historic site with the honorary National Register of Historic Places. The National Register of Historic Places is the official list of the nation's historic places worthy of preservation.

Listing in the National Register of Historic Places provides formal recognition of a property's historical, architectural, or archeological significance based on national standards used by every state. Pursuing formal listing for the Allen House has a number of distinct advantages:

- Helps to meet goals of the city's Certified Local Government ("CLG") program through the Michigan State Historic Preservation Office ("SHPO") to work toward local historic preservation and to identify potential properties for listing in the National Register;
- Makes the Allen House eligible for CLG grant funding for preservation and rehabilitation projects for the house and grounds;
- National Register designation can help with other historic preservation-related grants and funding partnerships for the site;

- Acknowledgement and promotion of the historic importance of the house and grounds at the national and state level and heritage tourism.

The nomination process involves a detailed application with documentary evidence that meets established eligibility criteria. The materials are formally reviewed by SHPO and, if deemed eligible, forwarded to the National Park Service for listing. The Allen House would be listed in a national database as meeting the historic and preservation standards of the applicable criteria.

When Community Development Block Grant funds were used in 2010 for barrier-free access projects for the Allen House, the SHPO was required to review the house's historic status as part of the federal funding requirements. At that time, the SHPO determined that the Allen House would be eligible for future individual listing on the National Register. This previous review and familiarity of the SHPO with the Allen House and its history may help facilitate the application process.

On February 1, 2018, the Museum Board voted unanimously to support the pursuit of the nomination process to list the Allen House and grounds on the National Register of Historic Places through application with the State Historic Preservation Office.

Ms. Pielack emphasized that the advantage for them is if they are able to be listed on the National Register for the Allen House it would include the grounds, which are historic. Therefore they would potentially have access to some grant funds that they wouldn't have currently. The folks at SHPO are familiar with the Allen House and two different members have said that, provided the application is complete they didn't see any problems. They said to make sure in the application to clarify the history of the Hunter House as well, because it is now on the site. What they will be doing is assessing in its current situation whether the Allen House and grounds meets their test for historic integrity.

Motion by Mr. Deyer

Seconded by Mr. Burley to recommend approval to the City Commission of the request to apply for nomination of the Allen House and grounds to the National Register of Historic Places through application with the Michigan State Historic Preservation Office.

Motion carried, 5-0.

VOICE VOTE

Yeas: Deyer, Burley, Filthaut, Henke, Willoughby

Nays: None

Absent: Charles, Dukas, Trapnell

556 W. Maple – Historic Allen House



Style:	Colonial Revival
Year Built:	1928
Construction:	Framed- Cedar/Brick
Legal Description:	T2N, R10E, SEC 25 WILLITS NORTHERN ADD PART OF LOT 57 BEG AT NE LOT COR, TH S 01-54-25 E 267.22 FT, TH S 87-51-25 W 258.17 FT, TH NLY 314 FT ALG CEN LI OF RIVER ROUGE TO N LOT LI, TH N 87-51-25 E 165.40 FT TO BEG, ALSO PART OF SW 1/4 OF SEC 25 & PART OF NW 1/4 OF SEC 36 BEG AT PT DIST N 87-51-25 E 1116.9 FT FROM SW COR OF SEC 25, TH N 01-54-25 W 267.22 FT, TH N 87-51-25 E 301.44 FT, TH S 01-35-30 E 234.23 FT, TH S 87-51-25 W 149.49 FT, TH S 56-04-48 W 149.98 FT, TH N 00-09-40 W 46.01 FT, TH S 87-51-25 W 24.90 FT, TO BEG 4-9-93 FR 006 & 007
Designation:	Contributing Historic Resource

The Allen House was built in 1928 by Harry and Marion Clizbe Allen. Mr. Allen was the first Mayor of the City of Birmingham when it incorporated in 1933. In addition, the site of the Mayor's home is as historically significant as the house itself. The property is part of the first quarter section that was purchased by pioneer Elijah Willits in 1818. Willits sold the site, now known as the John West Hunter Historical Park, to the Fractional School District. They built one of the first public schools on the site where the Allen House now stands. The Allens tore down most of the old building and built the current Allen house on the original foundation. They also used the brick from the School building on the front of the house, as well as on the and southeast and Southwest corners of the house.

The house and surrounding land was sold to the City in 1969. Mrs. Marion Allen was allowed to live in the house until her death in 1973. At that point, the City converted the house in a Community Center used primarily for wedding and other rental events. In 1999, the City and the Birmingham Historical Society

worked out the arrangement to create the Birmingham Historical Museum. The museum opened on May 19, 2001.

Allen House History

In 1856, Elijah Willits sold an acre of his original quarter section of property, located on the north side of Maple Road at Southfield Road, to the Bloomfield and Troy Townships' Fractional School District #1 for \$150.00. Soon thereafter a red brick schoolhouse was built, providing "tuition-free education in the lower grades." Attendance was optional, and many children went on to complete their secondary education by paying a tuition to attend the "Academy," which was run by the local Presbyterian minister, Reverend Hill.



Used as a school from 1855-1869.



The back of the schoolhouse and barn, pre-1928.

The "Old Red Schoolhouse" served as a school until 1869, when Hill School was built. The building was later purchased by Horace Randall, who converted it into a private residence. Later it was purchased by a Detroit attorney, Albert F. Jacobs. At Mr. Jacobs' death, Warren Clizbe purchased the house in 1912. The house was willed to his daughter, Mrs. Marion Allen. The Allens, who had been living in Detroit, returned to Birmingham in 1926 and decided to enlarge the house. They hired architect Rupert W. Koch to make the improvements. However, during the process of excavating under the house, the east end collapsed and fell into the hole. They took down the rest of the building and began anew. The front façade of the Allen House is composed of bricks from the school, and is built on the original schoolhouse foundation, reinforced in some places and enlarged.



The back of the Allen House from 1939.



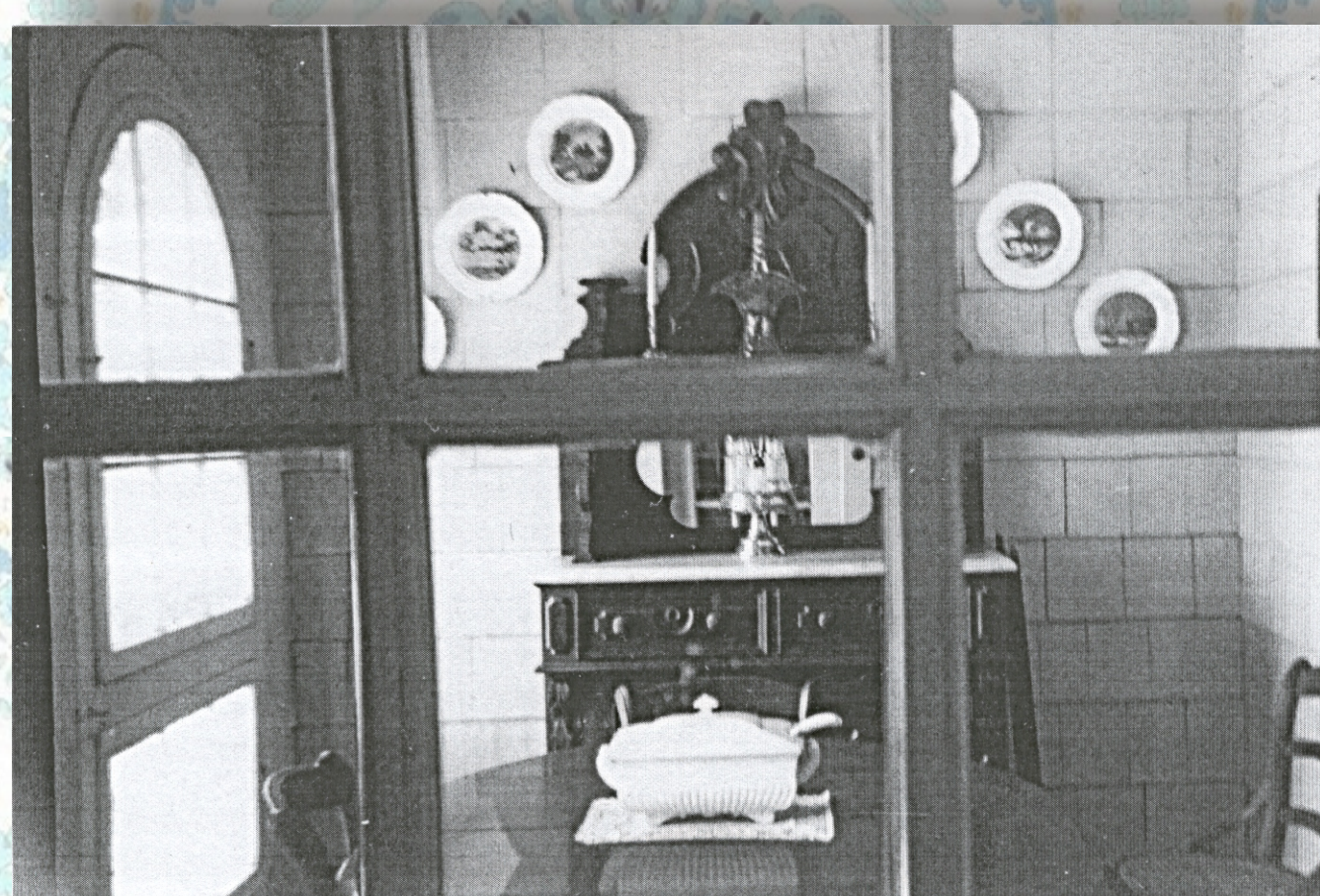
The Allen House circa 1929.

Architecturally, the 2 story eclectic house design can be called Colonial Revival. The main body of the residence, including the entrance, is highlighted by a continuous porch and red brick facade – the reclaimed bricks from the old school house which Marion Allen insisted be used when the house was built in 1928. The main entrance to the house is a detailed focal point. Fluted pilasters support the Colonial Revival triangular pediment. The door is enhanced by a fanlight transom and dual leaded etched glass panels.

The inside of the house is essentially as it was when the Allen Family resided here. It features a living room, library, sun porch, dining room, and kitchen, which are used as exhibit spaces. Upstairs, the bedrooms serve as offices and storage for the Museum's collection.



The Allen House at 556 West Maple. This picture was taken from across the street– note the street sign.



This is a picture of the "breakfast nook," or back porch, where you are now standing. Mr. Allen liked to eat his breakfast here and look out at his backyard.

Prominent members of the community, the Allen Family lived in the house on Maple and raised their children, Eleanor and James. In April, 1969, the Birmingham electorate voted to purchase the house on the 1.67 acre tract owned by Marion Allen to establish an Historic Park and move the John West Hunter House to the property. Today the total size of the Historical Park is almost 8 acres. This picture was taken the evening of January 12, 1970. as Mrs. Allen signed the contract to sell her house and land to the City of Birmingham for use as an historical park. Standing are Irene Hanley, City Clerk, Mrs. James Allen and Mayor Charles Clippert; seated are Mrs. Harry Allen and her son, James Allen.



A view of the Allen House when it opened as a museum.

In 1974 the renovation of the Allen House as a Community Activity Center became a major Bicentennial project. Many individuals, clubs and organizations contributed to the refurbishing of the house. Opened in 1977, the Allen House was available on a rental basis to groups in the Birmingham-Bloomfield area, as well as for wedding receptions and other functions.

Twenty years of public use proved too much for the aging house, and in 1996 the City considered converting the Allen House to a museum. The Birmingham Historical Museum and Park opened in May, 2001 with the mission to "preserve, protect and promote the community's unique heritage."

JOHN WEST HUNTER HISTORICAL PARK

My talk today is about the John West Hunter Historical Park located in Birmingham on the north side of Maple Road where Southfield Road terminates. For those of you who have been long time residents of the Birmingham – Bloomfield area, the two houses on that site are so familiar that you may not have considered the fascinating parallel between the history of these structures and the development of the Birmingham. While the style and architecture of the Allen House and Hunter House do not compare to many of the grand homes that dot the East coast, to study their modest beginnings is to unveil the rich history of our community.

The story of Birmingham is not unlike that of many small American towns. It was founded by a few pioneer families searching for a better life. As industrialization spread across the land, the small village grew to meet the needs of the farming community, and in less than 200 years became a part of a major urban area.

THE LAND:

On May 6, 1812, Congress passed an act requiring that two million acres of land in the Territory of Michigan be surveyed and divided into blocks six miles square to form townships. Townships would then be divided into 36 sections of 640 acres each and the sections divided again by four into quarters of 160 acres each. By 1818, Detroit had a population of about 2000 many who were descendants of the original French settlers. But since the end of the War of 1812, there had been an increased interest by the newer arrivals in buying the land northwest of the base line established by the territorial survey. The trip from Detroit to the newly established Pontiac Company was a hard day's travel on Indian Trail (later called Saginaw Trail now Woodward Avenue) through low, marshy land. In December of 1818, four men who had no apparent relationship with each other, each purchased a quarter section of 160 acres for \$2.00 an acre. The 640 acres bought by Elijah Willits, John Hunter, John Hamilton, and Benjamin Pierce comprise what is now the center of the City of Birmingham. The point where all four tracts touched is now the intersection of Maple and Pierce.

THE TOWN:

By 1825 a small settlement had developed as the four men sold portions of their land to other pioneers. The area was known as "Piety Hill", probably because it was situated on high ground and was the site of Protestant religious services serving the surrounding area. The name "Birmingham" was first applied around 1832 when those optimistic about the potential growth of the foundries and blacksmith shops within the village, chose the name of England's industrial city as their own. The name was officially adopted in 1864 when Birmingham was incorporated as a village in the State of Michigan.

In 1872 an Atlas of Oakland County was published providing detailed maps of the villages and townships which made up the county. In viewing the map of Birmingham it is clear that in 53 years the tiny settlement had grown into a thriving village. Business notices such as this provided a source of information as well as advertising funding.

the 1840's, and the old south wing rebuilt as a kitchen. During the reconstruction it was discovered that the main rectangle of the house belonged to two periods. The earlier is the front part, framed with the original 15 inch vertical planks. Later, the house was enlarged with the addition of a wing, or "ell", extending out from the main section. Between 1840 - 1850 a "Greek styled cornice" was placed around the house and that has been retained in the restoration. The small covered porch is called a "Michigan Porch" and is typical of the kind built on houses in Michigan during the period.

The completion of the restoration included the construction of the original wing, which became the kitchen, the small porch and the two fireplaces and chimneys. The Birmingham Historical Society embarked on a search for authentic furnishings dating around the 1840's. Numerous heirlooms were donated by descendants of pioneers families in the area. Mrs. Frank Seichter, chairman of the Hunter House Restoration Committee, and committee member Mrs. Leonard Horton did considerable research to insure that hardware, lighting fixtures and wallpaper were appropriate to the period of the house.

The John W. Hunter House was officially opened on September 26, 1971. It is included in the National Register of Historic Sites and in the State of Michigan's list of historic structures.

THE ALLEN HOUSE:

In 1856, Elijah Willits sold an acre of his original quarter section of property, located on the north side of Maple Road at Southfield Road, to the Bloomfield and Troy Townships' Fractional School District #1 for \$150.00. Soon thereafter a red brick schoolhouse was built providing "tuition-free education in the lower grades". Attendance was optional, and many children went on to complete their secondary education by paying a tuition to attend the "Academy", which was run by the local Presbyterian minister.

In 1859, the Michigan State Legislature passed an act authorizing any municipality with a union school district to establish a high school and levy a tax to support it. This is likely the key reason why Birmingham decided to incorporate as a village, to take advantage of the opportunity to levy the necessary tax and build a school that would provide both primary and secondary education. In 1864 Birmingham was officially incorporated as a village. The Union School, later named the Hill School, was built on the northwest corner of Chester and Merrill Streets.

Meanwhile the old red schoolhouse was purchased by Horace Randall who converted it into a private residence. Later it was purchased by a Detroit attorney, Albert F. Jacobs. At Mr. Jacobs' death, Warren Clizbe purchased the house in 1912. Warren Clizbe had been superintendent of Hill School in 1880 when he met his wife, Nellie Richardson, who was a teacher at that school. Nellie's family came from Watertown, N.Y. and settled in Birmingham in 1875, where her father was a blacksmith. Marion R Clizbe, the daughter of Warren and Nellie Clizbe, was raised in Birmingham,

and in fact, met her future husband, Harry Allen, in kindergarten. Harry was the son of John and Susan Allen who owned a farm on West Maple, where Oakland Hills Country Club stands today. They were married at her parents' home in 1914. The Allens moved to Detroit where their son James was born. They returned to Birmingham in 1926 and decided to enlarge the house left to them after the death of the Clizbes. However, the contractor detected structural weaknesses and recommended that the building be razed. A new structure was built on the site in 1928 using the foundation and the bricks from the old schoolhouse on the front of the home.

There was much growth, exuberance and change in the village in the 1920's. Harry Allen, a lawyer who had long been active in community affairs, was elected to serve as village president in 1930 and went on to become the first mayor when Birmingham became incorporated as a city in 1933. Allen, along with familiar Birmingham names like Shain, Averill, Baldwin and Mitchell, helped to guide the community through the struggles of growth in the 1920's and the despair of depression in the 1930's.

As prominent members of the community, the Allen family remained in the house on Maple and raised their children, Eleanor and Jim. Even after Harry Allen died in 1957, Marion stayed in the grand old house with so much history and so many memories. In April 1969, the Birmingham electorate voted to purchase the house on the 1.67 acre tract owned by Marion Allen, establish an Historic Park and move the John West Hunter House to the property. The adjacent ravine area to the west was already owned by the city and in 1975 Carl Luckenbach donated a parcel of land adjacent to the park which he had purchased from Mrs. Allen in 1963. Today the total size of the Historical Park is almost 8 acres.

In 1974 the renovation of the Allen House as a Community Activity Center became a major Bicentennial project. Many individuals, clubs and organizations contributed to the refurbishing of the house. Opened in 1977, the Allen House was available on a rental basis to groups in the Birmingham-Bloomfield area, as well as for wedding receptions and other functions.

But twenty years of public use proved too much for the aging house, and in 1996 the City considered converting the Allen House to a museum. The new museum opened in May 2001 with the mission to "preserve, protect and promote the community's unique heritage." The museum, in partnership with other community organizations, hosts public tours, lecturers and special events. It is open Wednesdays through Saturday from 1-4 p.m.

Architecturally, the 1 1/2 story eclectic house design can be categorized within the broad spectrum of Colonial Revival. It is believed but not proven that the house design may have been discovered in a Better Homes and Gardens catalog. The main body of the residence, including the entrance, is highlighted by a continuous porch and red brick façade, those reclaimed bricks from the old school house which Marion Allen insisted be used when the house was built in 1928. The main entrance to the house is a detailed focal point. Fluted pilasters support the colonial revival triangular pediment. The door is enhanced by a fanlight transom and dual leaded etched glass panels. A central bay that faces a large yard sloping dramatically to Willits Street below highlights the rear façade.

other shots
of exterior

The inside lower level of the house is essentially as it was when the Allen family resided there. It features a living room, library, sun porch, dining room, a sewing room and kitchen. Upstairs are four bedrooms with a fifth bedroom over the garage. Today, the Allen House functions as a museum including four changing exhibit galleries, a gift shop and an historical record library.

For decades there seemed no end to the growth possibilities for Birmingham. But year by year vacant land became developed with houses and the population increased. Many of us remember when those old familiar streets in downtown Birmingham like Bates, Pierce, Henrietta, Hanna and Stanley were lined with the homes and shops built long ago. I wonder what John Hunter and Elijah Willits would think of it all – the new Palladium, the 555 building, and the big foot houses which have replaced the originals. Hopefully they'd view it as positive progress for the little village they helped to found 183 years ago.

POST SCRIPT:

In 1915 the real estate firm of Whitehead and Standart Co. published a brochure called BIRMINGHAM in order to promote the village as a splendid residential site. The contents of the pamphlet are too long to quote here, so I have condensed them into the following enthusiastic observations:

"In these piping times of 1915 we find a new era of improvements established and under way. Notwithstanding the present disastrous wars....the expected depression and attendant stagnation of business seems to have passed us by. Our population has doubled in the last two years; our water supply has been augmented to the extent that the supply need not be worried about for years to come; our banks are taking loans ... and if there are any dissatisfied people in Birmingham, we are sure it is from causes entirely outside of local business conditions."

The authors of the brochure went on to predict:

"It is said that we can judge the future only by the past and the present. Then let us feel justified in predicting for Birmingham a most generous need of health, wealth and prosperity in the coming years."

"With all these advantages can you wonder that times are lively in our village? Can't you see that we are justified in the conviction that now is the time to buy real estate in and around Birmingham? Dispirited weaklings, subsisting upon the impure waters and the questionable foods of the big cities, come and tarry a while with us and forget your ailments.....You will bless the day you heard from Birmingham and will tell it from the housetops how you and your loved ones were brought forth out of the valley of discontent and illness into the sunshine and health of Birmingham the Beautiful."



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Allen House

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The Allen House was built in 1928 by Harry and Marion Clizbe Allen. Mr. Allen was the first Mayor of the City of Birmingham when it incorporated in 1933. In addition, the site of the Mayor's home is as historically significant as the house itself. The property is part of the first quarter section that was purchased by pioneer Elijah Willits in 1818. Willits sold the site, now known as the John West Hunter Historical Park, to the Fractional School District.

The School District built one of the first public

schools on the site where the Allen House now stands.

The building was only a school for a short time, becoming instead a private residence. It was the former school building that the Allens moved into, with the idea that they would modernize the structure. Unfortunately, the building was too old and while they were working, the walls of the school building started to fall in.

The Allens tore down most of the building and built the current Allen house on the original foundation. They also used the brick from the School building on the front and Southeast and Southwest corners of the house.



Text Size + -

Allen House



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2001.

The Allen House ca. 1928

Allen House Photo Gallery

The Allens were the only family to live in the house. They had two children. James, their son, grew up to become a Mayor of Birmingham as well.

The house and surrounding land was sold to the City in 1969. Mrs. Marion Allen was allowed to live in the house until her death in 1973. At that point, the City converted the house in a Community Center used primarily for wedding and other rental events. In 1999, the City and the Birmingham Historical Society worked out the arrangement to create the Birmingham Historical Museum. The museum opened on May 19,

BIRMINGHAM



HERITAGE

News and Views Concerning the City's Historic Resources

VOL. 1, NO. 3

MARCH/APRIL 1980

PEDALING PASSION

Remember that old Columbia? Or was it a Schwinn? Remember how you and that machine worked together to outdistance your rivals if they dared to race you?

Bicycling memories are invariably pleasant ones -- attaching playing cards or balloons with clothespins to the fender supports to add that authentic engine sound or perhaps pedaling around Belle Isle with your favorite guy or gal on a tandem. Whatever your recollections, few of us living today could recall the scene depicted in the accompanying illustration, which shows a "dandy" scooting along on the bicycle's predecessor, the hobby horse. The hobby horse was actually an improvement on an 1817 invention, the draisine.

You might notice that the illustrated hobby horse sported no pedals. To find out when pedals appeared, when the "high wheeler" came into fashion and how to ride one, the origins of today's most popular models, the real story behind bloomers and the bicycle and generally everything you could ever imagine about America's two-wheeled passion, plan to attend "All Aboard the Bicycle," The Birmingham Historical Society's fourth program of the 1979-80 season, on Tuesday, March 25, at 8 p.m. in the Jeanne Lloyd Room of the Baldwin Public Library.

The speaker, G. Donald Adams, is one of the country's foremost authorities and collectors of antique bicycles. While serving as assistant director of public relations at Greenfield Village, Adams also



acts as consulting curator for the museum's extensive bicycle collection. His first book, *Bicycles, 1817-1970*, is scheduled for release this fall. It will be the first comprehensive guide to the collecting of bicycles.

Adams' lecture will highlight the fun- and drama-filled history of bicycles and related clubs through original illustrations from 1817 to the present and focus on modern-day collecting and restoration techniques.

The program is offered free to society members and the general public.

INSIDE HERITAGE

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Historic Properties

The author hopes to include a brief story about one of Birmingham's Historic Houses in each coming issue of Birmingham Heritage. These stories are based upon conversations with the owners (or anyone who has known about these houses) and are not the result of any in-depth research. If anyone has a good, true story to tell, please contact Mark Thomas (644-6300 or 647-1135) or better yet, write it yourself!

This, the first of the series, is about the Campbell-Chatfield House at 460 West Maple.

The original (front) part of the Campbell-Chatfield House was built circa 1850. About 1880 it was acquired by Hiram Chatfield, a retired farmer. It has belonged to his family ever since. In fact, Hiram Chatfield's granddaughter Pussie Robinson Hersey, at the age of 91, probably has the distinction of living in one house longer than any other Birmingham resident.

Hiram Chatfield's grandfather, Roswell Chatfield, came to Michigan in 1819 on the famous steam-powered side-wheeler, "Walk-on-the-Water." Roswell Chatfield settled in Troy, where the family took up farming and was related (by marriage) to the Beach family of Beach Road. Some of the original furniture that Roswell Chatfield brought with him in 1819 is still in the house.

Roswell Chatfield's great-great grand-

daughter, Pussie, who had lived with her grandparents in the Campbell-Chatfield house since age 4, married Scott Hersey in 1915. They were married in the front parlor. Their son was born in that room 8 years later.

Scott Hersey, a builder, was instrumental in the development of the early Quarton Lake Estates (from a cow pasture) during the boom before the Depression.

About 50 years ago, Scott Hersey used the original house as an office. Birmingham's famous architect, Wallace Frost, became a tenant at the rear of the house after he talked Hersey into converting the old woodshed into a small studio. Later he talked Hersey into building on the larger studio with the high cathedral ceiling.

Then, in 1941, the Hersey family moved back into the house and Frost moved out. Today, Mrs. Hersey, her daughters Shirley and Louise and son Warren live in the house which their family has owned for a century! --MT.

ALLEN HOUSE BUILT ON SITE OF "OLD RED SCHOOLHOUSE"

A lot of local history has taken place on the Allen House site.

It all started in 1856, five years before The War Between The States, when Elijah Willits sold one acre of his original quarter section of land to the Bloomfield and Troy Townships' Fractional School District #1 for \$150.

That one acre was on Mill Street (now Maple) at the end of Southfield Road. Here they built a red brick schoolhouse that served the community for more than 12 years.

The schoolhouse later became a private residence and Harry and Marion Allen bought it in the mid-1920s. They intended to enlarge it and live there, but contractors advised against alterations because of structural weaknesses. Instead, after 70 years on that site, the old red schoolhouse was torn down.

Part of the schoolhouse still remains on that property, however, because the Allens incorporated bricks from the schoolhouse into the construction of their new home. Mrs. Allen lived there until 1969 when the city purchased the property and designated it as part of the surrounding

-Continued on page 5

-Continued from page 4

Historic Park.

Mrs. Allen's father, Warren D. Clizbe, was Birmingham's village president for several terms between 1914 and 1923. Her husband, Harry, also served as the last village president and the first mayor, serving at the time of the city's incorporation. Her son, James, was mayor in 1956.

The proposal on the 1969 ballot included the purchase of the Allen House and the relocation of the Hunter House to the Historic Park. The park, located on the north side of West Maple at the intersection of Southfield Road, is kept in a natural state and will become an arboretum of Michigan trees and shrubs.

The Allen House was formally opened to the community in the fall of 1977. Today it is used as a community activity center for wedding receptions, teas, lectures and seminars. Those interested in using the house may call 642-2817 for more information.

Also located in the Allen House is a Museum Room of Birmingham-related artifacts that is open to the public on the first Sunday of every month from 2-4 p.m. --LBT.

DELINQUENT DUES

Historical Society Treasurer Trudy Wenzl reports that as of March 1, members had paid less than one-third of their annual dues. The treasury is thus down some \$800 for 1980. Dues were payable January 1.

Members are urged to send their checks, made payable to the Birmingham Historical Society, as soon as possible to Trudy's attention at the society address. So far, we have managed to accomplish a lot on a modest budget -- but a budget is no better than revenue in hand. Think of it this way -- you receive a year's worth of programs (5), the newsletter (6), access to the Hunter and Allen houses and, of course, the feeling of contributing to the preservation of the city's heritage for the price of four gallons of gas. (Maybe three-and-a-half gallons next week!)

For your convenience, a membership form has been provided in this issue. Simply fill out, tear out and send with your check to the listed address. Remember, this form can be used to give a gift membership to a friend as well.

A COMMUNITY'S CHEST

No donation to the John W. Hunter House has equalled the Empire cherry chest of drawers presented to the society in 1978 by Mr. and Mrs. John C. Keyser, former residents of Birmingham, now residing in Grand Rapids. Believed to have been made in upstate New York, the large chest of drawers was brought to Michigan in the early 1830s by the John Lawson family, probably by way of the Erie Canal and possibly across Lake Erie on the renowned ship "Walk-on-the-Water."

Mary, daughter of John Lawson and inheritor of the chest of drawers, married John L. Keyser, early settler from New York State, who was born in 1814 and died in 1891. Keyser, who is buried in Greenwood Cemetery, was the great-grandfather of the donor. In the Hunter House is a photocopy and accompanying news item from an 1891 copy of *The Eccentric* reporting the death of John Lawson within days of the death of Daniel Hunter, younger brother of John Hunter. The news item credits John Lawson with having built the first house on Mill Street, now Maple.

It can only be assumed that John Hunter and John Lawson were reasonably well acquainted and that, in all probability, the former was aware of the existence of the chest of drawers which, although 150 years old, is in superb condition. For most of those 150 years it has been in Birmingham and there is no reason to believe it will not be here 150 years from now.--BL.

CORRECTION

In the last issue of *Birmingham Heritage*, an error was made in Acquisition Chairman Bill Lyman's "Want List" for the Hunter House (page 8). The items listed under the heading "Dining Room" were actually needed for the Living Room or Parlor. The Dining Room "wants" were omitted. They are: Country sideboard, prints, portraits, landscape paintings, fireplace bellows, wrought-iron andirons, pair of brass candlesticks, wrought-iron fire tools, blown three-mold glass. Remember, items from the period 1800-50 are most desirable. Contact Bill through the society mailing address.

WELCOME TO THE ALLEN HOUSE - A Community
Activity Center
in
Birmingham's Historic Park

The Allen House is situated on the first land purchased in what is now Birmingham. On December 1, 1818, Elijah Willits bought a quarter section, 160 acres, which is the area now bounded by Maple on the south, Oak on the north, Pierce Street on the east (if it were projected north of Maple) and Baldwin on the west.

The first structure built on this portion of the Willits tract was a brick school constructed in 1856. It was an elementary school, built by Fractional School District #1, serving the Townships of Bloomfield, West Bloomfield, Troy and Southfield.

It served the community until 1869 when the Union (later know as Hill) School was built at the corner of Chester and Merrill Streets. The brick schoolhouse then became a private residence.

In the mid-1920's Mr. and Mrs. Harry D. Allen bought the converted school house and several acres of land between Willits Street and Maple. They planned to modernize the structure for their residence. However, the story goes, when conversion work began, one of the brick walls gave way and the contractor recommended that they start over with a new house.

Plans were prepared and the new house was completed in 1927. It is situated on the exact site of the old schoolhouse and all of the bricks came from the school building.

In the late 1960's the Allen family offered to sell the house and remaining 1.67 acres of land to the City of Birmingham. (Several years before the Allens had given to the City a substantial portion of their land on the west which was adjacent to the Rouge River valley land already owned by the City.)

In the April, 1969, municipal election the residents of Birmingham approved an expenditure of funds required to purchase the Allen House and 1.67 acres of land to create the Historic Park and to move the John W. Hunter House onto the property.

Mrs. Allen continued to live in the house until her death in early 1973. She was the daughter of Warren D. Clizbe, three-time President of the Village of Birmingham and superintendent of the Union School. Her husband was Mayor of the City of Birmingham, a post later held by her son, James.

In early 1974 the City Commission of Birmingham approved as a major Bicentennial project the renovation of the Allen House to become a community activity center.

The decoration and furnishing of the Allen House is under the direction of designer Joan Lyman.

The Museum Room in the Allen House, made possible by funds provided by the Birmingham Rotary Club and Birmingham Historical Society, contains many artifacts that pertain to the history of the community. The Historical Society encourages residents to donate or loan items of local historical interest for display in the Museum Room.

The Birmingham Branch Women's National Farm and Garden Club is planning, planting and maintaining the gardens around the Allen House. The Maplewood Garden Club has developed and maintains the gardens around the John W. Hunter House.

Another ongoing project is the development of a Michigan Arboretum in the Historic Park.

Architect in the Allen House

Mr. Koch's Career Recalled

Editor, The News:

The passing of architect Rupert Koch deserves more than the cursory notice that appeared in your columns a few days ago. For Mr. Koch was a man whose influence is still widely felt in our town.

Born in 1885, he was the son of John Koch, founder of the Koch Brothers construction firm which built many local landmarks at the turn of the century. These include St. Thomas Church, the Ann Arbor Trust Building, West Engineering, and Alumni Memorial Hall.

Young Rupert learned the work from the ground up, and was superintending construction of two churches and a library in Hudson, Mich., before he had earned his diploma from Ann Arbor High. At the University, course work kept him busy, but he found time on the side to supervise erection of the old Dental School.

Once graduated, Mr. Koch hung out his shingle as an architect, and soon had offices in Ann Arbor, Muskegon, and Detroit. During World War I, he built a mansion on Washtenaw for Leander J. Hoover, Ann Arbor's first millionaire. Coal was subject to government rationing, and impossible to obtain, so Mr. Koch had to buy a section of timber and go into the wood business in order to get fuel to heat the house. Unquestionably his masterpiece, the Hoover House has been lovingly preserved and restored by Youth for Understanding, its present owner.

Mr. Koch acquired skill in erecting buildings more cheaply than other architects seemed able to. In Detroit, he was asked to complete the famous Greystone Ballroom on Woodward. A Chicago architect and contractors had begun the

work, which was financed by a Chicago bank and a Chinese merchants' association from the Windy City. The investors were far from the scene, and supervision had been lax. A half-million dollars had been squandered, with little more than the foundations to show for it. Mr. Koch took over, hired new workmen, swung three mortgages, and pulled up a beautiful ballroom with space for 3,500 dancing couples, where all the "name" bands played.

When not involved in these "showpiece" jobs, Mr. Koch was designing many private dwellings. He also put up the Theta Delta Chi fraternity house and Fletcher Hall, the University's first dormitory for men. Now he is gone, but he has left an indelible mark on Ann Arbor. If you seek his monument, you may find one down your street.

Wystan Stevens

In Memoriam

NOV 10 1970

Rupert Koch

HENDERSONVILLE — Rupert Walter Koch, 85, of 320 Fourth Ave., West, died Tuesday morning in a Henderson County hospital after a long illness.

He was a native of Ann Arbor, Mich., and had lived in Henderson County for 38 years. He was a member of St. James Episcopal Church and a graduate of the University of Michigan in 1909, with a degree in architecture.

Surviving are the widow, Mrs. Octavia Podesta Koch; a daughter, Mrs. Charles Blunt of Birmingham, Mich.; a sister, Mrs. Clarence Snyder of Ann Arbor; two grandchildren and two great-grandchildren.

Services will be held at 11 a. m. Thursday in Thos. Shepherd Memorial Chapel.

The Rev. Bernard Hellmann will officiate. Burial will be in Oakdale Cemetery.

Lovely Residence Replaced Eccentric 1952 Village's 1st Schoolhouse

This is a story of a plot of land, the buildings on it and the people associated with this bit of Birmingham history.

Situated on one of the city's most beautiful sites overlooking the River Rouge valley, stands the home of Mr. and Mrs. Harry Allen, 556 W. Maple.

The location is an old and interesting one as far as the city's history is concerned—for in 1855, it was here that the first red brick schoolhouse in Birmingham was built.

The names of the teachers, the school enrollment, the important happenings of that school are now forgotten, for all records of Birmingham's early school history have been lost.

In 1869 another schoolhouse, now called Hill school, was completed and the old school property was abandoned.

The land and the first schoolhouse then changed hands several times. It first was sold to William R. Wood (1869) who converted the old school house into a home, to George Shain (1873), to Joseph G. Barkley (1873), and then to Horace A. Randall (1879) who remodeled the place into one of the first residences in the village.

WHILE THE exterior remained unchanged, Horace Randall made improvements in the house that was very modern for 1879.

According to Minnie Hunt Saltzer of Pontiac, an "old timer" of Birmingham, Mr. Randall had a Peter Smith Hot Water Heater installed in the southwest corner of the dining room. The heating pipes ran around the walls of the room near the floor and were decoratively covered with bronze paint.

An icebox was built into the back wing of the house, just like those then used in meat markets, only smaller, and water from the well was piped into the kitchen sink by the use of a hydraulic ram. (One elderly neighbor insisted on calling this a "high-frolicking ram.")

THE WINDOWS of the living room and parlor were tall and wide and on the wide window sills were flower boxes filled with flowers, as Mr. Randall loved working with plants.

Outside, on the west side of the lawn, was a stone retaining wall and below it a park, enclosed with a picket fence. Within the enclosure, Randall had two deer which were quite a novelty to the village children.

In an announcement in The Eccentric, Mr. Randall complained that the village boys were forever breaking the pickets from around the enclosure. While he didn't object, he said, to their going into the park, he did object to their destroying his property in this manner.

THE PICKET FENCE has long since gone, but a visitor to the Allen property today will find the fencing on the Willets side broken

down. Birmingham lads still are getting into the grounds.

Mr. Randall had difficulty with dogs chasing his deer, too. On one occasion, Lyman B. Peabody's dog got in and was raising quite a rumpus with the deer.

The dog was carted back to the Peabody home (where the Christian Science church now stands on the corner of Willets and Chester) in a wheelbarrow. Mr. Randall only meant to chase the dog off the grounds, but Rover got in the way of the buckshot. While the Peabody dog recovered from the effects of his visit, there is no further evidence that he revisited Randall's park.

In 1880, a young man named Warren D. Clizbe came to Birmingham from Quincy, Mich., to be superintendent of the Birmingham school.

HE BOARDED and roomed with Lyman B. Peabody, a school board member, around the corner of the block from the Randall property.

In his walks around the village, Clizbe often passed the pleasant little home of Horace Randall. That, he decided, was where he would like to live some day.

W. D. Clizbe fell in love with one of his teachers—young Nellie Richardson who taught the second primary grade. In fact, pretty Nellie Richardson, daughter of Freeman Richardson, village blacksmith, had caught his eye from the very first school teacher's meeting that Clizbe had called.

Before W. D. Clizbe left Birmingham (1882) to be superintendent of the school at Lapeer, Mich., he and Nellie were married.

AFTER FIVE YEARS as head of the Lapeer school, he went to Ionia, Mich., where he remained for five years as superintendent. In 1892, the Clizbes with their daughter Marion, (now Mrs. Harry Allen) came back to Birmingham to live.

Clizbe entered into the real estate and insurance business in Birmingham. While his original desire to own the Randall property was not forgotten, the opportunity for his acquiring it was not yet at hand.

In the meantime, Horace Randall's two sons, Broox and Tracy, had grown to manhood. His wife, Julia Hunt Randall, had died and Horace, remarried, was living in Detroit.

ABOUT 1899, the old homestead was sold to A. P. Jacobs, an at-

torney, who in turn sold it to Clizbe about 1912. It remained the Clizbe home for many years.

W. D. Clizbe served Birmingham long and well. He served on the board of education and as mayor of the Village (1917, 1920, 1921.) Nellie Richardson Clizbe was very active in the Presbyterian church and a women's group in the church was named the Nellie Clizbe Guild in her honor.

When the property came into the possession of Mr. and Mrs. Harry Allen, a general remodeling of the old homestead was planned.

Buildings in 1855 did not have basements, but during the ensuing years a small section underneath the back of the house, just large enough for the installation of a furnace, had been excavated.

THE ALLENS desired a full basement so the old brick walls were "shored up" and a workman with a team of horses began removing the dirt, sand and gravel in preparation for the basement that was to be.

It was a hot day and as the horses were dragging out one particular load of dirt, the workman went along with it, thinking, perhaps, to sit under a shady tree and cool off a bit before going back to his labors.

It was the wisest decision he ever made, for no sooner than he emerged from the excavation than the entire east brick wall came plunging down, missing him by inches.

FURTHER REMODELING plans were abandoned after this, and the Allens built the lovely home which now stands on the premises.

Mrs. Allen, who dearly loved the old homestead, had the bricks saved and cleaned. They were used in the chimney and the front of the present home.

According to Mr. Allen's father, John Allen, the bricks for the original school house were made in Birmingham at a forgotten brick yard near Maple and Worth streets. After being formed, they were laid out in the sun to dry. Mrs. Allen has saved a few of the bricks which show the tracks of a turkey and a dog who had walked on the bricks before they had dried.

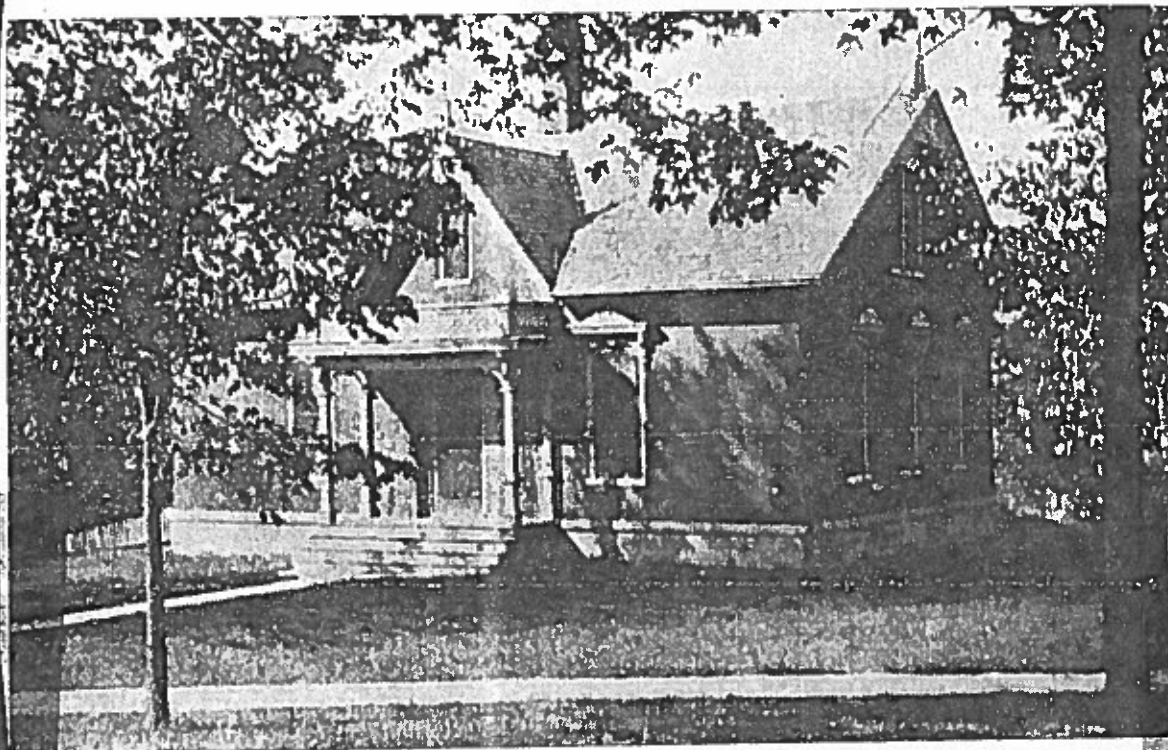
MRS. ALLEN also has saved as mementos some of the wooden pegs which were used in the roof of the old schoolhouse—hand carved oaken pegs about a foot long.

Almost a hundred years have passed since romping school children played outside the red brick school house. The school house and the pleasant old homestead are now gone, but the lovely vista of the River Rouge, winding its lazy way through the valley, remains for present day visitors to see.

1952

Birmingham Background

• Local History in Story and Picture •



VILLAGE OF BIRMINGHAM'S SCHOOL OF 1855
Photo from the collection of the late J. Bert Peabody

National Register of Historic Places

Preliminary Questionnaire revised 8/2017



Thank you for your interest in nominating a property to the National Register of Historic Places. The National Register is our nation's official list of cultural resources worthy of preservation and protection. The National Register is part of a federal program to coordinate and support public and private efforts to identify, evaluate, and protect our historic and archaeological resources. Properties listed in the National Register include buildings, archaeological sites, structures, objects, and districts — groups of resources — that are significant in American history, architecture, archaeology, engineering, and culture. It is important to note that listing in the National Register is an honorific distinction that does not place any special requirements or restrictions on the property or property owner.

Before you invest substantial time and energy in preparing a National Register nomination form for your property, we encourage you to complete and submit this *National Register of Historic Places Preliminary Questionnaire*. This questionnaire solicits basic information about the history of the property and its current physical condition. We also require that you submit clear, recent photographs of its interior and exterior. The staff of the [Michigan State Historic Preservation Office](http://www.michigan.gov/shpo) (MISHPO) will evaluate the subject property on the basis of this information and will offer a preliminary opinion as to its eligibility.

To learn more about the National Register nomination process, contact us or visit our website at www.michigan.gov/nrhp. Be advised that completion of the National Register nomination form requires in-depth archival and field research, and presupposes knowledge of the National Register eligibility requirements. This work may require the assistance of a professional history or archaeological consultant.

Please note that materials submitted to the MISHPO (including photographs, photocopies of information, and the media on which they are submitted) become the property of the MISHPO and will not be returned to the applicant.

Questions about this preliminary questionnaire and other programs administered by the SHPO should be directed to (517) 373-1630 or preservation@michigan.gov.

Please return the completed Preliminary Questionnaire to the following address:

National Register Coordinator
Michigan State Historic Preservation Office
Michigan State Housing Development Authority
735 East Michigan Avenue
PO Box 30044
Lansing, Michigan 48909

PRELIMINARY QUESTIONNAIRE CHECKLIST

Please use this checklist as a guide to submitting a complete preliminary questionnaire. A complete questionnaire will aid the MISHPO staff in processing and evaluating your application.

☐ Completed preliminary questionnaire

☐ Supporting documentation and citations

☐ Photographs *Please provide current color photographs that clearly show the following:*

☐ Each visible facade of the property's exterior (frontal and oblique views)

☐ Primary spaces in the property's interior (if interior is accessible)

☐ Details of historic architectural elements, both interior and exterior

☐ The subject property in the context of its immediate neighborhood (i.e. a streetscape view)

Label all photographs, including the name of the property, its location, including city and county, the date the photograph was taken, and a description of the photograph. The description should include what is depicted in each view (for example, "front facade," "living room," or "stamped metal ceiling detail"). Directional information is also helpful ("view facing west"). For example:

*Howerzeraninggerellyerus House
Pine Stump Junction, Luce County
June 18, 2014
View facing west showing north/front facade
Photographer: Wm. Gutekunst*

Photographs should be submitted as digital photos on a CD, DVD, or USB device. When submitting digital photographs you must also submit a digital or printed document that identifies each photograph as noted above.

Please note that any photographs submitted become the property of the Michigan State Historic Preservation Office, and may be used in print or web publications. They will not be returned to the applicant, and credit attributed to the Michigan State Historic Preservation Office.

☐ Maps *for complexes and districts only*

☐ a rough sketch map with historic features clearly marked. (A hand-drawn map or annotated printed map will suffice.)

Historic features might include the following: driveways, paths, fences, old growth trees, orchards, outbuildings like barns or saunas, gardens, walls, entry gates, etc. Also identify new, nonhistoric features that have been added to the site, including dates of construction if known.

☐ Major streets identified

☐ North arrow

APPLICANT CONTACT INFORMATION

Please answer the questions in this form accurately and to the best of your ability. Return the form to the address on the first page, along with recent photographs of the property and any other photocopied information that helps explain its history.

Name	<input type="text"/>		
Organization	<input type="text"/>		
Address	<input type="text"/>		
Address	<input type="text"/>		
City	<input type="text"/>		
State	<input type="text"/>	Zip Code	<input type="text"/>
Telephone	<input type="text"/>	Fax	<input type="text"/>
E-Mail	<input type="text"/>		

Property Owner Information *(if different than above)*

Name	<input type="text"/>		
Organization	<input type="text"/>		
Address	<input type="text"/>		
Address	<input type="text"/>		
City	<input type="text"/>		
State	<input type="text"/>	Zip Code	<input type="text"/>
Telephone	<input type="text"/>	Fax	<input type="text"/>
E-Mail	<input type="text"/>		

PROPERTY NAME AND ADDRESS

Historic Name	<input type="text"/>
Current Name	<input type="text"/>
Address	<input type="text"/>
Address	<input type="text"/>
Local Unit of Government (in which property is located)	<input type="text"/>
County	<input type="text"/>
Zip Code	<input type="text"/>

PROPERTY INFORMATION

Please complete as much information as is presently known. Please submit source material with this form.

Type	<input type="checkbox"/> Building	<input type="checkbox"/> Structure	<input type="checkbox"/> Object	<input type="checkbox"/> Landscape
	<input type="checkbox"/> District	<input type="checkbox"/> Artwork	<input type="checkbox"/> Other	
Date Constructed	<input type="text"/>			
Original Owner	<input type="text"/>			
Architect/Designer	<input type="text"/>			
Builder/Contractor	<input type="text"/>			
Location	<input type="checkbox"/> Original	<input type="checkbox"/> Moved	Date of Move	<input type="text"/>
Historic Use(s)	<input type="text"/>			
Current Use(s)	<input type="text"/>			
Exterior Materials	<input type="text"/>			
Addition/Alteration	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date(s)	<input type="text"/>
Brief explanation of changes	<input type="text"/>			

PROPERTY/SITE DESCRIPTION

Site Type

☐ Single Building

☐ Complex of Buildings (eg. a farm or small campus)

☐ Residential District

☐ Commercial District

For complexes and districts, please complete the following:

Number of buildings and structures

Number of acres

Other features of property

In the space below, please make a brief sketch of layout of the complex or district, showing major roads, landmarks, and buildings (note: all buildings need not be indicated). Be sure to include a north arrow.

HISTORICAL SIGNIFICANCE

Why is this property important? Is it:

- ☐ Associated with a significant historic event(s)
- ☐ Associated with a significant historic person(s)
- ☐ An important work of architecture, design, or engineering
- ☐ An archaeological site or structural remnant

What are the most significant dates in the property's history?

Date	<input type="text"/>	Event	<input type="text"/>
Date	<input type="text"/>	Event	<input type="text"/>
Date	<input type="text"/>	Event	<input type="text"/>
Date	<input type="text"/>	Event	<input type="text"/>

Which of the broad historical themes below best illustrate the history of the property?

- | | | |
|--|---|--|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Engineering | <input type="checkbox"/> Maritime History |
| <input type="checkbox"/> Architecture | <input type="checkbox"/> Entertainment/Recreation | <input type="checkbox"/> Military |
| <input type="checkbox"/> Archaeology | <input type="checkbox"/> Ethnic Heritage | <input type="checkbox"/> Performing Arts |
| <input type="checkbox"/> Art | <input type="checkbox"/> Exploration/Settlement | <input type="checkbox"/> Philosophy |
| <input type="checkbox"/> Commerce | <input type="checkbox"/> Health/Medicine | <input type="checkbox"/> Politics/Government |
| <input type="checkbox"/> Communications | <input type="checkbox"/> Industry | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Community Planning/Develop. | <input type="checkbox"/> Invention | <input type="checkbox"/> Science |
| <input type="checkbox"/> Conservation | <input type="checkbox"/> Landscape Architecture | <input type="checkbox"/> Social History |
| <input type="checkbox"/> Economics | <input type="checkbox"/> Law | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Education | <input type="checkbox"/> Literature | <input type="checkbox"/> Other |

HISTORICAL SIGNIFICANCE

In the space below, please provide information on the history of the property, including:

- Who built it?
- Who was that person?
- When was it constructed?
- For what purpose was it originally built?
- How has it been used over the years?
- A Brief explanation of why you think this property is important.
- Please include any other facts you deem important to understanding the property's history and historical significance.

CONTINUATION SHEET

Continuing Section: _____

United States Department of the Interior
National Park Service

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions.

1. Name of Property

Historic name: _____

Other names/site number: _____

Name of related multiple property listing: _____

(Enter "N/A" if property is not part of a multiple property listing)

2. Location

Street & number: _____

City or town: _____ State: _____ County: _____

Not For Publication: ☐ Vicinity: ☐

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this ___ nomination ___ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property ___ meets ___ does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

___national ___statewide ___local

Applicable National Register Criteria:

___A ___B ___C ___D

Signature of certifying official/Title:

Date

State or Federal agency/bureau or Tribal Government

In my opinion, the property ___ meets ___ does not meet the National Register criteria.

Signature of commenting official:

Date

Title :

State or Federal agency/bureau
or Tribal Government

Name of Property

County and State

4. National Park Service Certification

I hereby certify that this property is:

- ☐ entered in the National Register
☐ determined eligible for the National Register
☐ determined not eligible for the National Register
☐ removed from the National Register
☐ other (explain:) _____

Signature of the Keeper

Date of Action

5. Classification

Ownership of Property

(Check as many boxes as apply.)

- Private: ☐
Public – Local ☐
Public – State ☐
Public – Federal ☐

Category of Property

(Check only **one** box.)

- Building(s) ☐
District ☐
Site ☐
Structure ☐
Object ☐

Name of Property

County and State

Number of Resources within Property

(Do not include previously listed resources in the count)

Contributing	Noncontributing	
_____	_____	buildings
_____	_____	sites
_____	_____	structures
_____	_____	objects
_____	_____	Total

Number of contributing resources previously listed in the National Register _____

6. Function or Use

Historic Functions

(Enter categories from instructions.)

Current Functions

(Enter categories from instructions.)

Name of Property

County and State

7. Description

Architectural Classification

(Enter categories from instructions.)

Materials: (enter categories from instructions.)

Principal exterior materials of the property: _____

Narrative Description

(Describe the historic and current physical appearance and condition of the property. Describe contributing and noncontributing resources if applicable. Begin with a **summary paragraph** that briefly describes the general characteristics of the property, such as its location, type, style, method of construction, setting, size, and significant features. Indicate whether the property has historic integrity.)

Summary Paragraph

Name of Property

County and State

Narrative Description

Name of Property

County and State

8. Statement of Significance

Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- ☐ A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- ☐ B. Property is associated with the lives of persons significant in our past.
- ☐ C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- ☐ D. Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations

(Mark "x" in all the boxes that apply.)

- ☐ A. Owned by a religious institution or used for religious purposes
- ☐ B. Removed from its original location
- ☐ C. A birthplace or grave
- ☐ D. A cemetery
- ☐ E. A reconstructed building, object, or structure
- ☐ F. A commemorative property
- ☐ G. Less than 50 years old or achieving significance within the past 50 years

Name of Property

County and State

Areas of Significance

(Enter categories from instructions.)

Period of Significance

Significant Dates

Significant Person

(Complete only if Criterion B is marked above.)

Cultural Affiliation

Architect/Builder

Name of Property

County and State

Statement of Significance Summary Paragraph (Provide a summary paragraph that includes level of significance, applicable criteria, justification for the period of significance, and any applicable criteria considerations.)

Narrative Statement of Significance (Provide at least **one** paragraph for each area of significance.)

Name of Property

County and State

9. Major Bibliographical References

Bibliography (Cite the books, articles, and other sources used in preparing this form.)

Previous documentation on file (NPS):

- ☐ preliminary determination of individual listing (36 CFR 67) has been requested
- ☐ previously listed in the National Register
- ☐ previously determined eligible by the National Register
- ☐ designated a National Historic Landmark
- ☐ recorded by Historic American Buildings Survey # _____
- ☐ recorded by Historic American Engineering Record # _____
- ☐ recorded by Historic American Landscape Survey # _____

Primary location of additional data:

- ☐ State Historic Preservation Office
 - ☐ Other State agency
 - ☐ Federal agency
 - ☐ Local government
 - ☐ University
 - ☐ Other
- Name of repository: _____

Historic Resources Survey Number (if assigned): _____

10. Geographical Data

Acreage of Property _____

Name of Property

County and State

Use either the UTM system or latitude/longitude coordinates

Latitude/Longitude Coordinates (decimal degrees)

Datum if other than WGS84: _____

(enter coordinates to 6 decimal places)

1. Latitude: Longitude:

2. Latitude: Longitude:

3. Latitude: Longitude:

4. Latitude: Longitude:

Or

UTM References

Datum (indicated on USGS map):

☐ NAD 1927 or ☐ NAD 1983

1. Zone: Easting: Northing:

2. Zone: Easting: Northing:

3. Zone: Easting: Northing:

4. Zone: Easting : Northing:

Verbal Boundary Description (Describe the boundaries of the property.)

Name of Property

County and State

Boundary Justification (Explain why the boundaries were selected.)

11. Form Prepared By

name/title: _____
organization: _____
street & number: _____
city or town: _____ state: _____ zip code: _____
e-mail _____
telephone: _____
date: _____

Additional Documentation

Submit the following items with the completed form:

- **Maps:** A **USGS map** or equivalent (7.5 or 15 minute series) indicating the property's location.
- **Sketch map** for historic districts and properties having large acreage or numerous resources. Key all photographs to this map.
- **Additional items:** (Check with the SHPO, TPO, or FPO for any additional items.)

Name of Property

County and State

Photographs

Submit clear and descriptive photographs. The size of each image must be 1600x1200 pixels (minimum), 3000x2000 preferred, at 300 ppi (pixels per inch) or larger. Key all photographs to the sketch map. Each photograph must be numbered and that number must correspond to the photograph number on the photo log. For simplicity, the name of the photographer, photo date, etc. may be listed once on the photograph log and doesn't need to be labeled on every photograph.

Photo Log

Name of Property:

City or Vicinity:

County:

State:

Photographer:

Date Photographed:

Description of Photograph(s) and number, include description of view indicating direction of camera:

1 of ____.

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C.460 et seq.).

Estimated Burden Statement: Public reporting burden for this form is estimated to average 100 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Office of Planning and Performance Management, U.S. Dept. of the Interior, 1849 C. Street, NW, Washington, DC.

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Name of Property

County and State

Name of multiple listing (if applicable)

Section number 7 Page 1

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Name of Property

County and State

Name of multiple listing (if applicable)

Section number 8 Page 1



MEMORANDUM

City Manager's Office

DATE: April 17, 2018

TO: Joseph A. Valentine, City Manager

FROM: Joellen Haines, Assistant to the City Manager

SUBJECT: Findings from the Jan. 2018 City Logo Survey

During the November 20, 2018 Commission meeting, the City Commission approved a plan to conduct a city-wide survey to gather feedback on design elements for a city logo. The following is a summary of the findings from the survey that took place during the month of January, 2018. The intention of the survey was to solicit community input on logo design elements using six logo designs, to be used for further refinement of a new city logo.

This process provided specific information (data and comments) on common design elements from six logo designs, which included three initial logos recommended by the Ad Hoc BBC, two tree logo designs from early McCann drafts, and the current Birmingham City logo. The survey process combined electronic data collection using Survey Monkey and paper surveys distributed at three locations in Birmingham (City Hall, Next, and the Baldwin Public Library). The paper surveys were then entered manually into Survey Monkey for complete analysis.

The attached report provides a summary of the data, and offers an analysis of the findings, a proposed process going forward, and a recommendation.

Findings

A total of 1,739 people responded to the survey, 59% (1,037) are Birmingham residents, 10% (166) of the respondents own a business or property in Birmingham, and 31% (543) are not Birmingham residents. Respondents were asked to give feedback on each design.

The following shows feedback on each logo presented.

Question 2 Shain Park Sculpture Logo: Total Respondents: 1,690

491 or 29% liked the logo concept

460 or 27% liked the font

194 or 11% said it represented Birmingham

796 or 47% disliked the logo concept

453 or 27% disliked the font

617 or 37% said it did not represent Birmingham

[Comments](#) (470)

31 positive comments

263 negative comments

22 suggestions offered

77 tagline comments



Question 3 Words Only Logo: Total Respondents: 1,654

243 or 14% liked the logo concept

483 or 29% liked the font

120 or 7% said it represented Birmingham

777 or 47% disliked the logo concept

573 or 35% disliked the font

611 or 37% said it did not represent Birmingham

[Comments](#) (339)

25 positive comments

261 negative comments

53 suggestions offered

45 tagline comments



Question 4 Cube Logo: Total Respondents: 1,639

269 or 16% liked the logo concept

462 or 28% liked the font

111 or 7% said it represented Birmingham

1,047 or 26% disliked the logo concept

439 or 38% disliked the font

643 or 20% said it did not represent Birmingham

[Comments](#) (340)

21 positive comments

249 negative comments

24 suggestions offered

35 tagline comments



Question 5 Current City Logo: Total Respondents: 1,639

926 or 57% liked the logo concept

646 or 39% liked the font

671 or 41% said it represented Birmingham

459 or 28% disliked the logo concept

419 or 26% disliked the font

240 or 15% said it did not represent Birmingham

[Comments](#) (442)

149 positive comments

157 negative comments

53 suggestions offered

38 tagline comments



Question 6 Circle Tree Logo: Total Respondents: 1,643

606 or 37% liked the logo concept

298 or 18% liked the font

199 or 12% said it represented Birmingham

787 or 48% disliked the logo concept

774 or 47% disliked the font

443 or 27% said it did not represent Birmingham

[Comments](#) (322)

28 positive comments

175 negative comments

80 suggestions offered

30 tagline comments



Question 7 Crest/Shield Logo: Total Respondents: 1,655

882 or 53% liked the logo concept

660 or 40% liked the font

534 or 32% said it represented Birmingham

580 or 35% disliked the logo concept

411 or 25% disliked the font

306 or 18% said it did not represent Birmingham

[Comments](#) (433)

98 positive comments

225 negative comments

99 suggestions offered

4 tagline comments



Process Going Forward

Solicit an RFP to finish the work that was started. Issue a new RFP to finish the design process, and include all community input gathered, including previous committee efforts. Have the proposed company present at least 3-5 designs to the Commission for consideration, based on the design element data already gathered by the City.

Funding will be allocated when project is awarded.

SUGGESTED RESOLUTION:

To direct staff to issue an RFP to solicit a professional firm to build on the existing efforts, and finalize the concepts for a new city logo.

City Logo Survey – Birmingham Needs Your Input!

Help the city select a new logo! Take this survey and provide valuable feedback on our city logo. Tell us what you like or dislike about these logo designs. The deadline to submit is January 31, 2018.

1. Which category best describes you?

- ☐ I am a resident of Birmingham
- ☐ I am not a resident of Birmingham
- ☐ I own a business or property in Birmingham

2. Examine the design below. (Check all that apply)



- ☐ I like the logo
- ☐ I like the font
- ☐ It represents Birmingham to me

Comments: _____

- ☐ I dislike the logo
- ☐ I dislike the font
- ☐ It does not represent Birmingham to me

3. Examine the design below. (Check all that apply)



- ☐ I like the logo
- ☐ I like the font
- ☐ It represents Birmingham to me

Comments: _____

- ☐ I dislike the logo
- ☐ I dislike the font
- ☐ It does not represent Birmingham to me

4. Examine the design below. (Check all that apply)



- ☐ I like the logo
- ☐ I like the font
- ☐ It represents Birmingham to me

Comments: _____

- ☐ I dislike the logo
- ☐ I dislike the font
- ☐ It does not represent Birmingham to me

5. Examine the design below. (Check all that apply)



- ☐ I like the logo
- ☐ I like the font
- ☐ It represents Birmingham to me

Comments: _____

- ☐ I dislike the logo
- ☐ I dislike the font
- ☐ It does not represent Birmingham to me

6. Examine the design below. (Check all that apply)



- ☐ I like the logo
- ☐ I like the font
- ☐ It represents Birmingham to me

Comments: _____

- ☐ I dislike the logo
- ☐ I dislike the font
- ☐ It does not represent Birmingham to me

Over



7. Examine the design below. (Check all that apply)

- ☐ I like the logo
 - ☐ I like the font
 - ☐ It represents Birmingham to me
- Comments: _____



- ☐ I dislike the logo
- ☐ I dislike the font
- ☐ It does not represent Birmingham to me

8. Rank the logo designs from 1 to 6, 1 being your favorite and 6 being the least favorite.



BIRMINGHAM
A WALKABLE CITY

BIRMINGHAM
A WALKABLE CITY



Birmingham
A Walkable City

 *City of Birmingham*
A Walkable Community



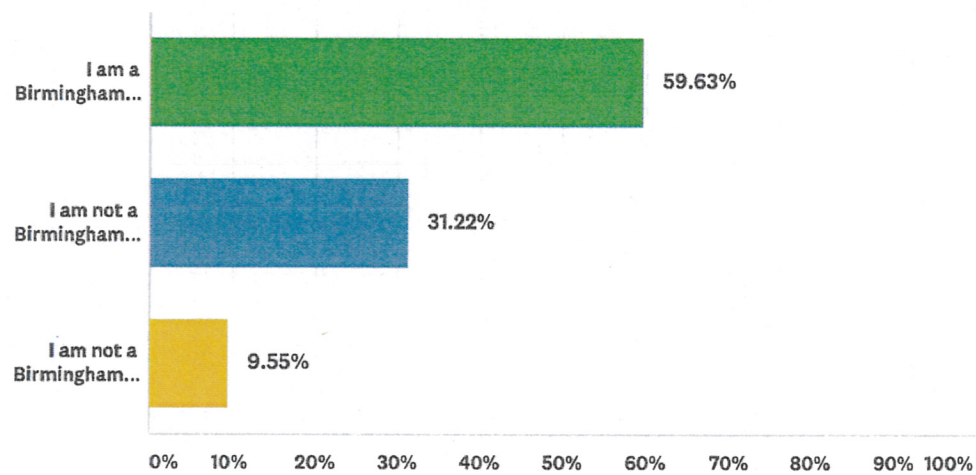
Birmingham



Thank you for taking this city logo survey. Drop it off in a survey box at City Hall, NEXT or the Library, or mail to: 151 Martin St., Birmingham, MI 48012. Questions? Call Joellen Haines 248-530-1807

Q1 Which category best describes you?

Answered: 1,739 Skipped: 0



ANSWER CHOICES

RESPONSES

I am a Birmingham resident (1)	59.63%	1,037
I am not a Birmingham resident (2)	31.22%	543
I am not a Birmingham resident, but own a business or property in Birmingham (3)	9.55%	166

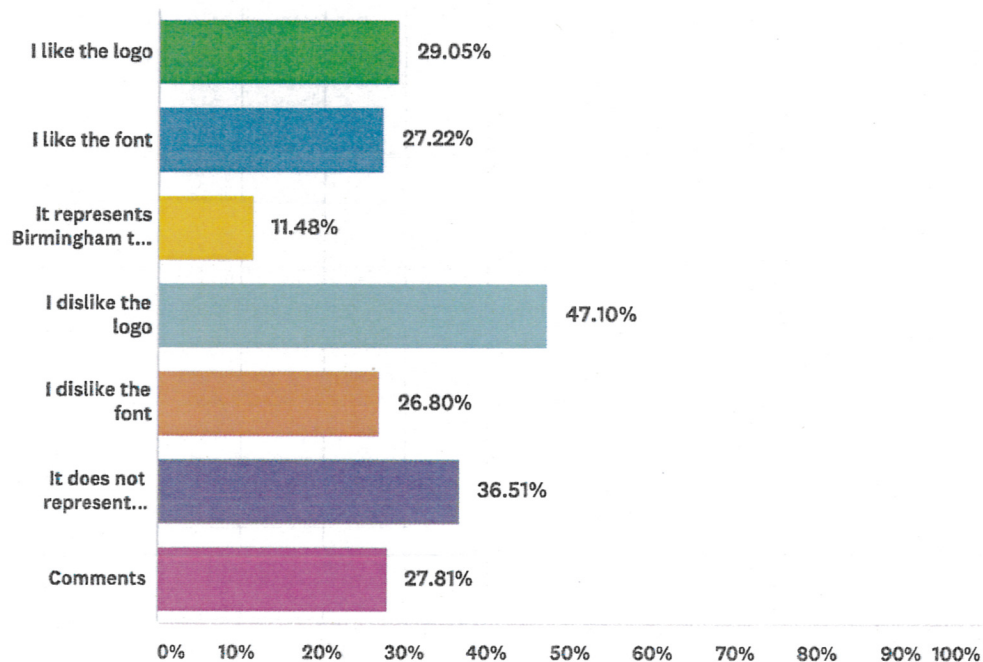
Total Respondents: 1,739

BASIC STATISTICS

Minimum	Maximum	Median	Mean	Standard Deviation
1.00	3.00	1.00	1.50	0.66

Q2 Examine the logo design below. (Check all that apply)

Answered: 1,690 Skipped: 49



ANSWER CHOICES

RESPONSES

I like the logo (1)	29.05%	491
I like the font (2)	27.22%	460
It represents Birmingham to me (3)	11.48%	194
I dislike the logo (4)	47.10%	796
I dislike the font (5)	26.80%	453
It does not represent Birmingham to me (6)	36.51%	617
Comments (7)	27.81%	470

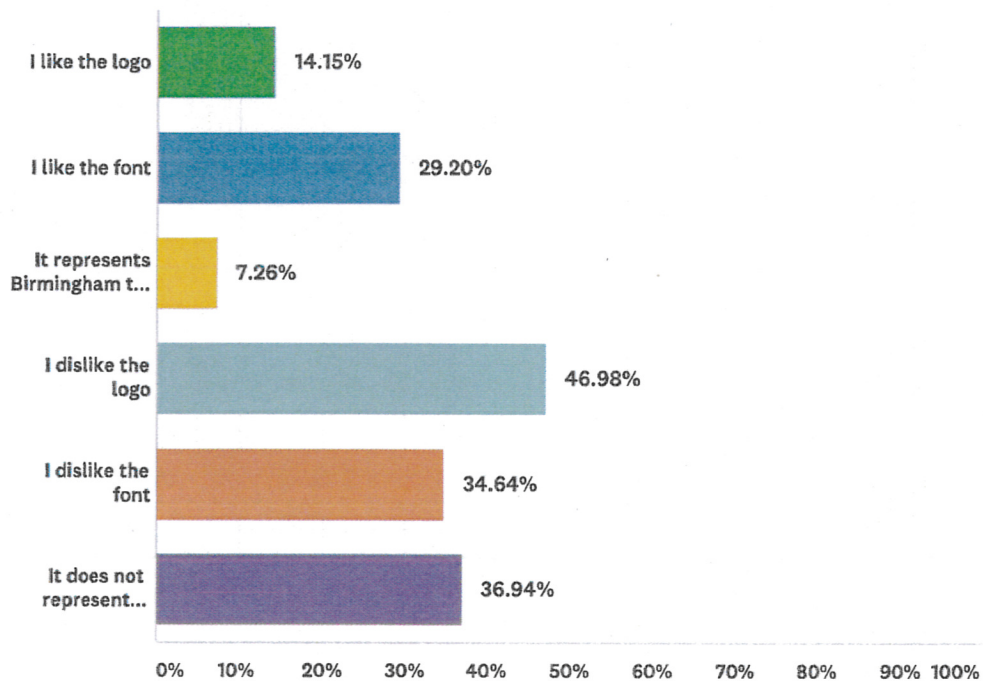
Total Respondents: 1,690

BASIC STATISTICS

Minimum	Maximum	Median	Mean	Standard Deviation
1.00	7.00	4.00	4.15	1.97

Q3 Examine the logo design below. (Check all that apply)

Answered: 1,654 Skipped: 85



ANSWER CHOICES

RESPONSES

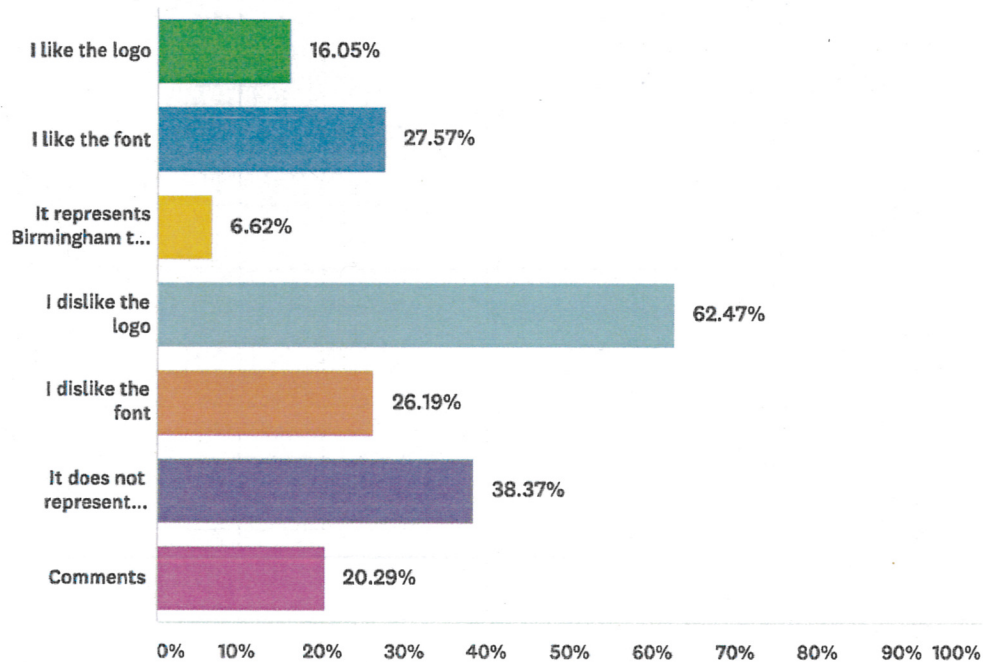
I like the logo (1)	14.15%	234
I like the font (2)	29.20%	483
It represents Birmingham to me (3)	7.26%	120
I dislike the logo (4)	46.98%	777
I dislike the font (5)	34.64%	573
It does not represent Birmingham to me (6)	36.94%	611
Total Respondents: 1,654		

BASIC STATISTICS

Minimum	Maximum	Median	Mean	Standard Deviation
1.00	6.00	4.00	4.00	1.60

Q4 Examine the logo design below. (Check all that apply)

Answered: 1,676 Skipped: 63



ANSWER CHOICES

RESPONSES

I like the logo (1)	16.05%	269
I like the font (2)	27.57%	462
It represents Birmingham to me (3)	6.62%	111
I dislike the logo (4)	62.47%	1,047
I dislike the font (5)	26.19%	439
It does not represent Birmingham to me (6)	38.37%	643
Comments (7)	20.29%	340

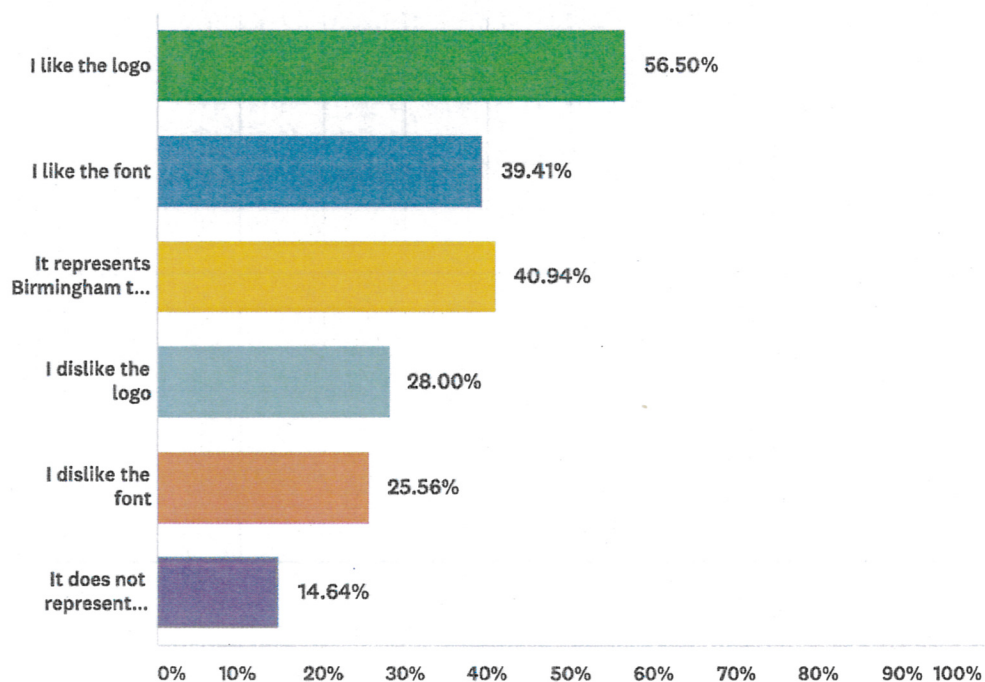
Total Respondents: 1,676

BASIC STATISTICS

Minimum	Maximum	Median	Mean	Standard Deviation
1.00	7.00	4.00	4.27	1.76

Q5 Examine the logo design below. (Check all that apply)

Answered: 1,639 Skipped: 100



ANSWER CHOICES

RESPONSES

I like the logo (1)	56.50%	926
I like the font (2)	39.41%	646
It represents Birmingham to me (3)	40.94%	671
I dislike the logo (4)	28.00%	459
I dislike the font (5)	25.56%	419
It does not represent Birmingham to me (6)	14.64%	240

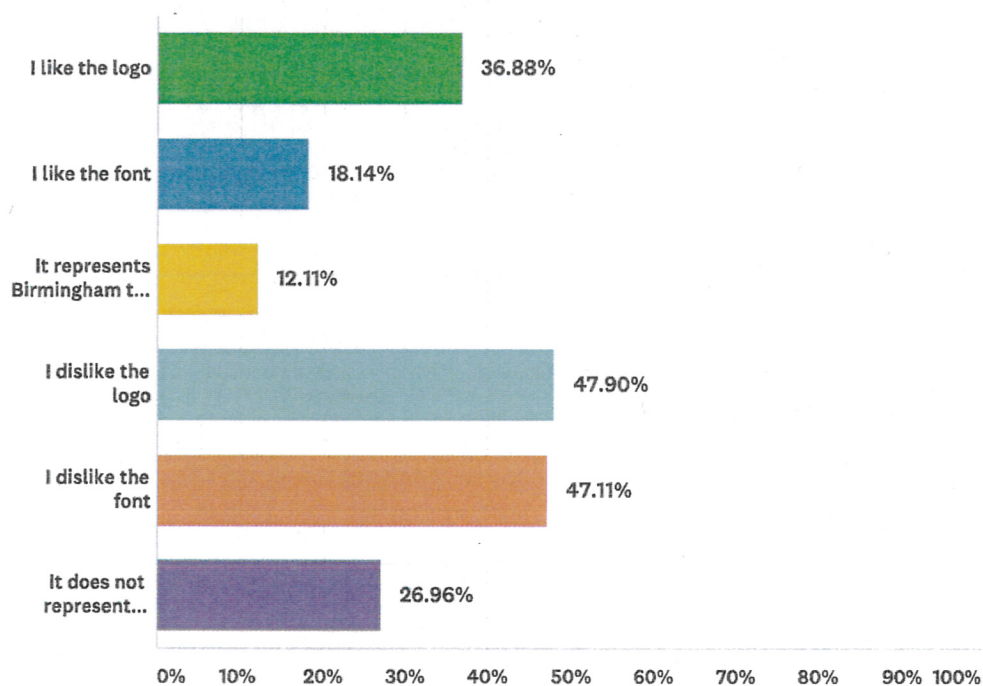
Total Respondents: 1,639

BASIC STATISTICS

Minimum	Maximum	Median	Mean	Standard Deviation
1.00	6.00	3.00	2.86	1.60

Q6 Examine the logo design below. (Check all that apply)

Answered: 1,643 Skipped: 96



ANSWER CHOICES

RESPONSES

I like the logo (1)	36.88%	606
I like the font (2)	18.14%	298
It represents Birmingham to me (3)	12.11%	199
I dislike the logo (4)	47.90%	787
I dislike the font (5)	47.11%	774
It does not represent Birmingham to me (6)	26.96%	443

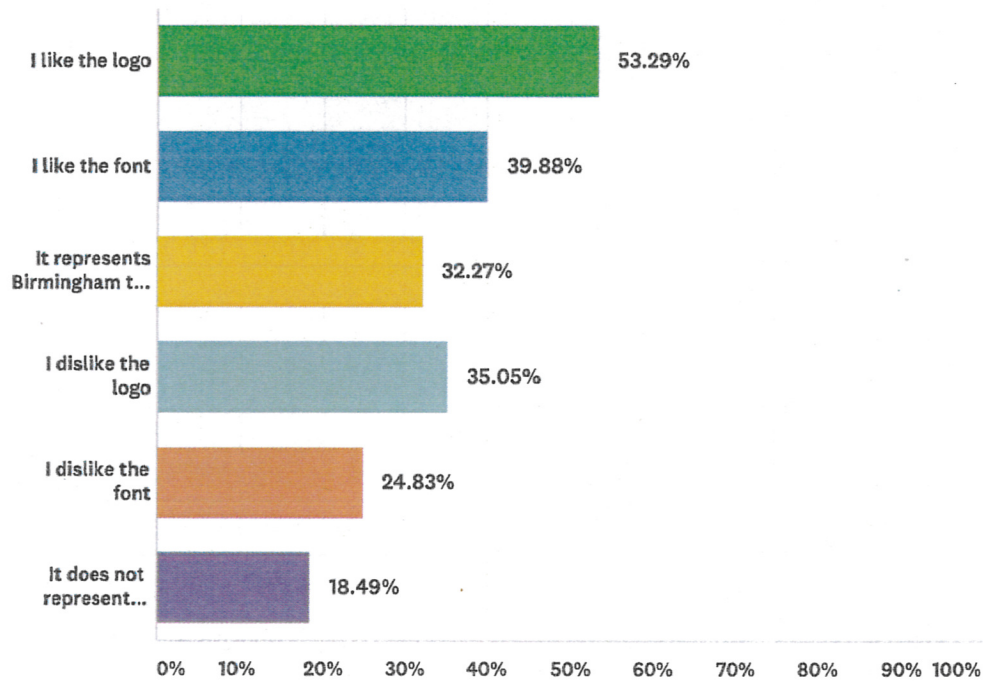
Total Respondents: 1,643

BASIC STATISTICS

Minimum	Maximum	Median	Mean	Standard Deviation
1.00	6.00	4.00	3.69	1.71

Q7 Examine the logo design below. (Check all that apply)

Answered: 1,655 Skipped: 84



ANSWER CHOICES

RESPONSES

I like the logo (1)	53.29%	882
I like the font (2)	39.88%	660
It represents Birmingham to me (3)	32.27%	534
I dislike the logo (4)	35.05%	580
I dislike the font (5)	24.83%	411
It does not represent Birmingham to me (6)	18.49%	306







Total Respondents: 1,655

BASIC STATISTICS

Minimum	Maximum	Median	Mean	Standard Deviation
1.00	6.00	3.00	2.97	1.65

Q8 Rank the designs from 1 to 6, 1 being your favorite and 6 being your least favorite.

Answered: 1,739 Skipped: 0

	1	2	3	4	5	6	TOTAL	SCORE
	34.73% 604	22.14% 385	15.41% 268	8.97% 156	6.50% 113	12.25% 213	1,739	4.33
	31.80% 553	21.33% 371	14.38% 250	11.39% 198	10.87% 189	10.24% 178	1,739	4.21
	15.01% 261	14.66% 255	16.96% 295	20.07% 349	17.42% 303	15.87% 276	1,739	3.42
	7.30% 127	21.28% 370	26.16% 455	20.87% 363	14.32% 249	10.06% 175	1,739	3.56
	5.98% 104	10.98% 191	13.00% 226	19.21% 334	25.59% 445	25.24% 439	1,739	2.77
	5.18% 90	9.60% 167	14.09% 245	19.49% 339	25.30% 440	26.34% 458	1,739	2.71

Birmingham

City Logo Survey

Conducted Jan. 1-31, 2018

1. Reporting data from the survey
2. Analyzing the comments
3. Breakdown of suggestions
4. Conclusions

1. Reporting data from the survey

Question 1: Respondent demographic

Demographic

Percentage

Number

- I am a Birmingham resident 59.63% 1,037
- I am not a Birmingham resident 31.22% 543
- I own a business or property
in Birmingham 9.55% 166

Total: 1,746

1,739 actual

Some fit both categories of being a resident
and a business or property owner

Survey Questions 2, 3 and 4: data summary



Q2 Sculpture



Q3 Words only



Q4 Cube

Question summary

• Liked the logo concept	29%	14%	16%
• Liked the font	27%	29%	28%
• Represents Bham	11%	7%	7%
• Disliked logo concept	47%	47%	26%
• Disliked font	37%	35%	38%
• Not rep. Bham	37%	37%	20%

The logos and fonts had low scores for being liked, and high scores for being disliked

Survey Questions 5, 6 and 7: data summary



Q5 Existing logo



Q6 Circle Tree









Q7 Shield/Crest

Question summary

• Liked the logo concept	57%	37%	53%
• Liked the font	39%	18%	40%
• Represents Bham	41%	12%	32%
• Disliked logo concept	28%	48%	35%
• Disliked font	26%	47%	25%
• Not rep. Bham	15%	27%	18%




The logos and fonts for Q5 and Q7 had high scores for being liked. The existing logo and Shield or Crest Logo were very close in almost every field except “Represents Bham.”

Questions 8: Rank designs 1-8, 1 being your favorite.

	1	2	3	4	5	6	TOTAL	SCORE	
	34.73% 604	22.14% 385	15.41% 268	8.97% 156	6.50% 113	12.25% 213	1,739	4.33	←
	31.80% 553	21.33% 371	14.38% 250	11.39% 198	10.87% 189	10.24% 178	1,739	4.21	←
	15.01% 261	14.66% 255	16.96% 295	20.07% 349	17.42% 303	15.87% 276	1,739	3.42	
	7.30% 127	21.28% 370	26.16% 455	20.87% 363	14.32% 249	10.06% 175	1,739	3.56	←
	5.98% 104	10.98% 191	13.00% 226	19.21% 334	25.59% 445	25.24% 439	1,739	2.77	
	5.18% 90	9.60% 167	14.09% 245	19.49% 339	25.30% 440	26.34% 458	1,739	2.71	

The top three logos had trees, which shows the importance of trees in the design.

2. Analyzing the Comments

<u>Comment summary</u>			
	<u>Q5 Existing logo</u>	<u>Q6 Circle Tree</u>	<u>Q7 Shield/Crest</u>
1. Positive comment	149	28	98
2. Negative comment	157	175	225
3. Don't spend money	6	3	2
4. Like the graphic	15	0	0
5. Keep existing logo	0	27	0
6. Have suggestion	53	80	99
7. Tagline comment	38	30	4
8. Random comment	7	2	4
Total Comments	442	322	433

The existing logo received the highest positive comments, and the Shield/Crest logo received 75 more negative comments than the existing logo. The Shield/Crest logo had double the suggestions compared to the existing logo.

3. Breakdown of suggestions



Suggestion summary

Q5 Existing logo

Q6 Circle Tree

Q7 Shield/Crest

Totals

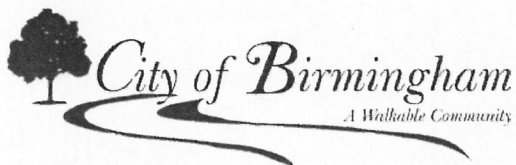
• Update/dif. font	25	41	22	88
• Different tree	18	11	4	30
• Keep walkable	2	12	20	34
• Hate walkable	15	-	-	15
• Needs tagline	-	27	-	27
• Keep “city of”	-	5	-	5
• Likes tree Q5	13	-	-	13
• Likes tree Q6	-	28	-	28
• Likes tree Q7	-	-	28	28

Update the existing font, but don't get too modern in selection; walkable is missed when not included; update the tree to a more modern, crisp piece of artwork.

4. Conclusions from Logo Survey Data



1. Keep the existing layout and design, but change and update it.
2. Update the font, bring in fresh and modern
3. Incorporate a new tree graphic, but do not use an abstract version. Trees define Birmingham.
4. Tagline is missed when not included.



MEMORANDUM

City Manager's Office

DATE: November 15, 2017

TO: Joseph A. Valentine, City Manager

FROM: Joellen Haines, Assistant to the City Manager

SUBJECT: Plan for Finalizing City Logo

At the City Commission meeting of July 24, 2017, McCann Detroit presented the top three logos recommended by the Ad Hoc Birmingham Brand Development Committee (BBDC). No action was taken on the recommendation by the Ad Hoc BBDC to approve the preferred Logo 1 as the new Birmingham city logo.

The Commission indicated that they wanted to consider designs that included a tree. There were comments that the current logo simply needed an update. Two commissioners expressed interest in showing the designs to others to gauge community reaction. (See attached July 24, 2017 City Commission meeting minutes)

Overall, the Commission felt the designs presented were close but not quite ready for approval, and it was suggested that the City meet with McCann to discuss how to move the project forward. The City met with McCann on Aug. 16, 2017, and McCann indicated they felt they had met their commitment to the project, and were willing to turn over to the city working copies of the designs, including two earlier drafts of tree designs.

The following plan attempts to move the project toward completion to adopt a new city logo. By conducting a public survey as outlined in this plan, it moves the process forward by gathering additional public feedback on the proposed designs already vetted by the Ad Hoc BBDC. This course of action follows a similar approach used by the City Commission to decide a city color a few years ago, when a public survey was used to gather feedback to assist in making a final decision. After much public input and review by the Commission, the dark green color was approved as the city color.

PROPOSED PLAN FOR FINALIZATION OF CITY LOGO

1. **Conduct a city-wide survey.** The proposed survey will solicit feedback from the community on six logos, which includes the three initial logos recommended by the Ad Hoc BBC, two tree logo designs from early McCann drafts, and the current Birmingham City logo. The purpose of the survey is to gather input regarding specific logo design elements, and to find out what elements they like or don't like, and to find out which logo design is the most preferred of the six. (The proposed survey is attached.) The survey will be conducted over a period of three weeks, and will be promoted via local news outlets, city social media channels, and the city website.

2. **Gather data and summarize results.** The survey questions are designed to gather specific data and feedback on each design and its design elements, and to determine which logo design is the most preferred. There is also a comment section which provides a way for participants to offer additional feedback on each logo. The results of the survey will be collected and summarized for review by the Commission.

3. **Report data to the City Commission.** A report will be presented to the City Commission to review the survey findings and to determine if the data supports a preference for a specific logo or for specific elements of a logo design. The Commission can then determine, based on the input from the survey, if there are desired modifications to be considered or the Commission may provide direction on a preferred logo. If modifications are desired, staff will modify and bring back for review.

SUGGESTED RESOLUTION:

To endorse the Proposed Plan for Finalization of the City Logo.

Excerpt minutes from the July 24, 2017 Birmingham City Commission Meeting:
See 07-210-17 below-Recommendation by the Ad Hoc BBDC-new Birmingham City Logo

- Commissioner Boutros felt the ordinance has to take into consideration the fact that the sun can jeopardize products and suggested something is needed to protect the display of products being sold. He felt it was a separate issue from advertising in windows.
- Mayor Nickita noted when ordinances are examined precedent is considered. He suggested if a product is jeopardized by the sun, the product does not belong in the window. He agreed that screening for restaurants might be different. He said he was comfortable adopting the proposed ordinances.

Mayor Pro Tem Harris requested Article 04, Section 4.90 E. be clarified to denote that a modification to the standards does not necessarily require approval by all three boards listed, just by those boards required to review the request. Commissioner DeWeese requested further clarification that modification to the standards must be approved by a majority of the board members appointed and serving, rather than just by a majority of those board members in attendance at the meeting.

MOTION: Motion by Commissioner Bordman, seconded by Mayor Nickita:

To approve the following Zoning Ordinance amendments with additional changes to Article 04 Development Standards, Section 4.90, WN-01 as noted under "c." below:

- Article 03 Downtown Overlay District, Section 3.04(e) Architectural Standards to require clear glazing at the first floor façade;
- Article 03 Triangle Overlay District, Section 3.09, commercial/mixed use architectural requirements to require clear glazing at the first floor façade;
- Article 04 Development Standards, Section 4.90, WN-01 (Window Standards) to alter the required glazing on commercial buildings, with the following additional changes:
 - Under A.2. delete the words "in neutral colors";
 - Revise the language of E. to read: "To allow flexibility in design, these standards may be modified by a majority vote of *those appointed and serving on the appropriate reviewing body, including the Planning Board, Design Review Board, and/or Historic District Commission* for architectural design considerations provided that the following conditions are met:
- Article 07 Architectural Design Requirements, Section 7.05, Requirements, to remove inconsistent provisions; and
- Article 9, Section 9.02, Definitions, to add definitions for clear glazing and lightly tinted glazing.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**07-210-17 RECOMMENDATION BY THE AD HOC BIRMINGHAM BRAND
DEVELOPMENT COMMITTEE (BBDC) FOR A NEW BIRMINGHAM
CITY LOGO**

Assistant to the City Manager Haines reported:

- The Ad Hoc BBDC is comprised of one member from the Parks and Recreation Board, one member from the Birmingham Shopping District (BSD), one member from the Planning Board, two City Commissioners, and two at-large members drawn from different neighborhoods.
- The goal of the rebranding initiative is to establish a new brand (logo) that communicates Birmingham's image in a positive, evolving and refreshing way.

- McCann Detroit was selected on October 17, 2016 to design a new city logo using the process determined by the City, which included McCann conducting three stakeholder meetings, which took place December 13, 14 and 15th, 2016, designed to gather input about Birmingham from three core stakeholder groups, one representing residents, a second representing business owners, and a third representing current board or committee members.
- During these meetings, participants were asked a series of questions such as what Birmingham means to them, and what makes Birmingham different from other cities.
- McCann presented their first designs to the Ad Hoc Committee on January 30, 2017, and the Committee held a total of nine public meetings, evaluating more than 50 logo designs.
- The Committee directed McCann to focus on specific words to use as logo guideposts which included: Timeless/Classic, Distinctive/Unique, Fresh, Clean, Sophisticated/Refined, and to focus on the iconic historic side of Birmingham for inspiration.
- The Committee narrowed their logo selection down to three, and voted to recommend Logo #1 as their preferred recommendation, with Logo 2 and 3 as alternates in order of preference.
 - Logo #1 uses an icon modelled after the Marshall Frederick's sculpture in Shain Park, along with the words "Birmingham" and "A Walkable City" tagline beneath the icon.
 - Logo #2 uses the words only of Birmingham, with an elongated R, and tagline.
 - Logo #3 uses a square icon resting above the word Birmingham, and includes the tagline.

McCann Detroit representative Susan Stallings explained the process of public input and development of the final three logo designs by Ad Hoc BBDC. Ms. Stallings described the inspiration for each of the three final logos:

- Logo # 1 is inspired by Birmingham resident Marshall Frederick's "Freedom of the Human Spirit" sculpture. The distinctive icon captures the essence and energy of this focal point of Shain Park. When combined with a classic font for the city name, and balanced with the simple tagline, this logo embodies the modern yet timeless nature of the city itself. This logo is versatile. The elements can be used together, separately or arranged differently, depending upon the specific application.
- Logo #2 uses a classic font that has been customized to represent the distinctive, unique nature of the city. It has a fresh, sophisticated feel that lends itself to numerous applications.
- Logo #3 uses an icon that represents the downtown as the center of the city surrounded by its neighborhoods. When combined with a classic serif font in upper and lowercase, it creates a clean, approachable look for the city. The elements can be used together, separately or arranged differently, depending upon the specific application.

Commissioner Bordman asked what a city logo is, what it is supposed to do, who the intended audience is, and if a brand is effective without an icon.

Ms. Stallings explained a logo is a branded identity, is not just for visitors, and can be effective without an icon if it is customized.

Doug Fehan, member of the Ad Hoc BBDC, reported:

- The AD Hoc BBDC included architects, marketing and advertising professionals, an artist and a calligraphy expert.

- The Committee had spirited conversations, considered 50 iterations, and met all criteria set.
- He characterized the work of the Committee as exhaustive.
- Logo #1 creates the image of the City, and, like the Nike swoosh, will become known through branding and use.

Peter Hollinshead, member of the Ad Hoc BBDC, thanked Ms. Stallings for an excellent presentation and her wonderful work with the committee throughout the process. He explained:

- A logo and a graphic identity for a governmental body should be a device that reaches not only visitors and outsiders but also residents and users of City services.
- It should draw on things that will resonate with those audiences.
- The Committee worked to avoid a logo that was dated or trendy.

Commissioner DeWeese felt Logo #3 was too complicated because it requires explanation of the square. He said Logo #1 may have captured the spirit of the City, noting it represents something unique about Birmingham.

Commissioner Hoff commended McCann Detroit for their leadership. She was not certain Logo #1 was the best for Birmingham and commented that she personally does not believe the logo is right yet.

Mayor Pro Tem Harris said he prefers Logo #1 and indicated initial ignorance of what the icon is does not detract from the logo.

Commissioner Boutros echoed Mayor Pro Tem Harris' statements, and said he personally prefers Logo #1 from a design standpoint. He questioned why the typeface is not sans serif which is more modern. Ms. Stallings explained the feeling of most people was that the modern look of sans serif would eventually date the logo, so a combination of styles was used to make the logo more approachable.

Mayor Nickita commented on the thorough approach to the development of the logos. He noted the majority of icons and logos use imagery which is meant to be ultimately identified with a product.

MOTION: Motion by Commissioner DeWeese, seconded by Mayor Pro Tem Harris:
To approve Logo # 1 as the preferred logo by the Ad Hoc BBDC as the new Birmingham city logo.

Commissioner Sherman agreed with Commissioner Hoff that none of the three are ready to be the Birmingham logo. He said they are a starting point, but are not an ending point, and commented that none of the three logos made him think "Birmingham".

Commissioner Bordman said she attended a few of the Committee meetings, knows how hard the members worked on the project, recognizes they are very attached to the results, and she extended the City's appreciation. She commented that she does not understand the icon on Logo #1 and does not support it. She thinks neither of the other two logos really depict Birmingham. Commissioner Bordman agreed with Commissioners Hoff and Sherman that the three logos presented don't do what they need to do.

Commissioner Sherman stated he does not want a split decision on the City's logo.

Mayor Nickita was comfortable with Logo #1, but agreed a unified agreement by the Commission was preferred.

Brief discussion ensued regarding options for next steps.

Commissioner DeWeese strongly supported an icon in the logo. He stated he will vote against his own motion because the Commission should be unified in the decision. Commissioner DeWeese commented the logo needs to be something people will accept and identify with.

Commissioner Deweese moved to withdraw his motion. Mayor Pro Tem Harris did not support the motion to withdraw.

VOTE: Yeas, 2 (Harris, Boutros)
 Nays, 5 (Bordman, DeWeese, Hoff, Nickita, Sherman)
 Absent, 0

Motion failed.

Mark Canavan, McCann Detroit, explained that identity of a logo is a day-forward process, meaning a logo gains meaning with every touchpoint and is meant to grow over 10 or 20 years.

Mayor Nickita asked what the next step is that will help build consensus, stating he wants to build on momentum, not falter. He asked if meeting with McCann Detroit or taking City Manager Valentine's suggestion of workshops should be the next step.

The McCann Detroit representatives indicated time is needed to think about the next step. Mayor Nickita felt it would probably be worthy of the effort to have McCann Detroit put together some suggestions for how to move forward to create consensus.

Commissioner Boutros favored focusing on refining Logo #1.

Commissioners Hoff and Bordman expressed interest in showing the logos to other people to gauge reactions. Commissioner Bordman wondered if receiving reactions from others would crystalize her thoughts and help her determine if one of the logos is the right one.

No action was taken.

07-211-17 S. ETON RD. CORRIDOR – MAPLE RD. TO LINCOLN AVE. MULTI-MODAL TRANSPORTATION BOARD RECOMMENDATIONS

City Engineer O'Meara's report to City Manager Valentine, dated July 19, 2017, is excerpted in regard to four suggested changes on the first block of S. Eton Rd.:

The Ad Hoc Rail District Committee identified four suggested changes on the first block of S. Eton Rd. They are as follows:

- 1. Relocate the west side curb for the entire block from its current location to a point three feet closer to the center of the road. Relocating the curb takes the extra space currently available on the one southbound lane of S. Eton Rd., and makes it available for an enhanced 8 ft. wide sidewalk (up from the existing 5 ft.). The recommendation came from the fact that the current sidewalk is the main*

IV. 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.

11-300-17 APPROVAL OF CONSENT AGENDA

Commissioner Sherman recused himself from voting on Item E, based on a conversation with the City Attorney.

The following item was removed from the Consent Agenda:

- Commissioner Hoff: Item A, Approval of the City Commission minutes of November 13, 2017

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Boutros:
To approve the Consent Agenda, with Item A removed and the recusal of Commissioner Sherman from the vote on Item E noted.

ROLL CALL VOTE:	Yeas,	Mayor Pro Tem Bordman Commissioner Boutros Commissioner DeWeese Mayor Harris Commissioner Hoff Commissioner Sherman
	Nays,	None
	Absent,	Commissioner Nickita

- B. Approval of warrant list, including Automated Clearing House payments, dated November 15, 2017, in the amount of \$1,082,940.45.
- C. Resolution approving a request from Common Ground to hold the 44th Annual Birmingham Street Art Fair in and around Shain Park on September 14 - 16, 2018, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any location change or minor modifications that may be deemed necessary by administrative staff at the time of the event.
- D. Resolution authorizing the City Manager to sign the new backup services contract with All Covered for a continued monthly cost of \$1192.00. Funds are available in the IT Computer Maintenance fund account #636-228.000-933.0600.
- E. Resolution setting Monday, December 11, 2017 at 7:30 PM for a public hearing to consider an application for a Special Land Use Permit Amendment and Final Site Plan for 220 restaurant at 220 E. Merrill.
- F. Resolution setting Monday, December 11, 2017 at 7:30 PM for a public hearing to consider an application for a Special Land Use Permit Amendment and Final Site Plan for Vinoteca at 210 S. Old Woodward.

V. UNFINISHED BUSINESS

11-301-17 PLAN FOR FINALIZATION OF THE CITY LOGO

From Assistant to the City Manager Haines' report to City Manager Valentine dated November 15, 2017:

PROPOSED PLAN FOR FINALIZATION OF CITY LOGO

1. Conduct a city-wide survey. The proposed survey will solicit feedback from the community on six logos, which includes the three initial logos recommended by the Ad Hoc BBC, two tree logo designs from early McCann drafts, and the current Birmingham City logo. The purpose of the survey is to gather input regarding specific logo design elements, and to find out what elements they like or don't like, and to find out which logo design is the most preferred of the six. (The proposed survey is attached.) The survey will be conducted over a period of three weeks, and will be promoted via local news outlets, city social media channels, and the city website.

2. Gather data and summarize results. The survey questions are designed to gather specific data and feedback on each design and its design elements, and to determine which logo design is the most preferred. There is also a comment section which provides a way for participants to offer additional feedback on each logo. The results of the survey will be collected and summarized for review by the Commission.

3. Report data to the City Commission. A report will be presented to the City Commission to review the survey findings and to determine if the data supports a preference for a specific logo or for specific elements of a logo design. The Commission can then determine, based on the input from the survey, if there are desired modifications to be considered or the Commission may provide direction on a preferred logo. If modifications are desired, staff will modify and bring back for review.

Commission members made suggestions for additional locations for the survey to be made available to the public, including the Baldwin Public Library and NEXT.

Assistant to the City Manager Haines confirmed the survey will be publicized through local media, and agreed with suggestions that the survey be released in January.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner DeWeese:
To endorse the Proposed Plan for Finalization of the City Logo.

VOTE: Yeas, 6
 Nays, 0
 Absent, 1

VI. NEW BUSINESS

11-302-17 PUBLIC HEARING TO CONSIDER PROPOSED LOT COMBINATION OF 412 & 420 E. FRANK AS WELL AS THE SMALL STRIP OF PARKING THAT ABUTS 420 E. FRANK ON THE EAST

Mayor Harris opened the public hearing at 7:52 p.m.

From City Planner Ecker's report to City Manager Valentine dated November 15, 2017:

The subject site is composed of three parcels, 412 & 420 E. Frank as well as the small strip of parking that abuts 420 E. Frank on the east. 412 E. Frank was most recently occupied by Frank Street Bakery, while 420 E. Frank has been used as an interior design office space for the past several years. The owner of these properties is seeking approval to combine the three parcels into one lot of 15,200 square feet in size on the



MEMORANDUM

Office of the City Manager

DATE: April 18, 2018
TO: City Commission
FROM: Joseph A. Valentine, City Manager
SUBJECT: Request for Closed Session pursuant to Section 8(h) of the Open Meetings Act, MCL 15.261 – 15.275

It is requested that the city commission meet in closed session pursuant to Section 8(h) of the Open Meetings Act.

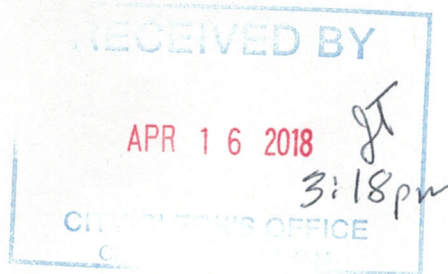
SUGGESTED RESOLUTION:

To meet in closed session pursuant to Section 8(h) of the Open Meetings Act.

(A roll call vote is required and the vote must be approved by a 2/3 majority of the commission. The commission will adjourn to closed session after all other business has been addressed in open session and reconvene to open session, after the closed session, for purposes of taking formal action resulting from the closed session and for purposes of adjourning the meeting.)

Birmingham City Commission
151 Martin St.
Birmingham, MI 48009

From: Mary Shaw Moore
(Mrs. Eugene A.)
3201 E. Oakwood Rd.
Oxford, MI 48370



Dear Mssrs and Mesdames Harris, Bordman, Boutros, DeWeese, Hoff, Nichita, and Sherman,,

I recently visited Birmingham (my former home) with a friend. We sought to park on Old North Woodard near Salvatore Scallopini's. There were many open spaces, which we were unable to use since we did not have the required app for the new parking meters. Others undoubtedly had the same problem, because the neighborhood streets were crowded. Many people object to adding apps to their phones. Every app brings the same danger of exposure to stolen personal data that has occurred with Facebook.

If that is to be the only parking available in Birmingham, I will have to think twice before coming to Birmingham for shopping or dining. Many people don't have smart phones. This will negatively impact all businesses in Birmingham. There are plenty of nearby malls that offer shopping and dining. Restricting parking to this system seems to me to be a very self-destructive decision. I hope you will revisit it and offer a more equitable and user friendly system.

Sincerely yours,

Mary Shaw Moore

Mary Shaw Moore
(Mrs. Eugene A.)



Mrs. Mary Shaw Moore
3201 E. Oakwood Road
Oxford, MI 48370

April 19, 2018

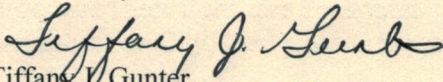
Dear Mrs. Moore,

I am in receipt of your letter to the City Commission regarding metered parking on N. Old Woodward near Salvatore Scallopini. As the Assistant City Manager, assigned to oversee parking in the City, I am pleased to provide you with a response.

You noted in your letter that the parking meters would only accept ParkMobile payments and required the use of an online web-based application. The City of Birmingham is sensitive to the concerns of our residents and visitors. At the time that we upgraded our parking meters with new technology, the system was designed to accommodate three different methods of payment: 1) ParkMobile, 2) Credit Card, or 3) Coin. Currently, every parking meter in our City accepts all three forms of payment.

I do apologize for any confusion you encountered on your last visit. We do hope that you continue to visit downtown Birmingham to enjoy all of the shopping, dining, and events we have to offer. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,


Tiffany J. Gunter
Assistant City Manager

cc:

City Manager
City Commission



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

At the regular meeting of Monday, May 14, 2018, the Birmingham City Commission intends to appoint one regular member to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2021.

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, May 9, 2018. 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.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
In so far as possible, members shall represent pedestrian advocacy, mobility or vision impairment, traffic-focused education/experience, bicycle advocacy, urban planning, architecture or design education/experience, or different geographical areas of Birmingham. Members may or may not be electors (registered voter) or property owners of the City of Birmingham.	5/9/18	5/14/18

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



NOTICE OF INTENTION TO APPOINT TO PLANNING BOARD

At the regular meeting of Monday, May 14, 2016, the Birmingham City Commission intends to appoint one alternate member to serve the remainder of a three-year term to expire November 2, 2020. 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, May 9, 2016. 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 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 bears 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

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
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.	5/9/2018	5/14/2018

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.



April 11, 2018

Ms. Cherilynn Brown, Clerk
City of Birmingham
151 Martin St.
Birmingham, MI 48012-3001

Dear Ms. Brown:

As part of Comcast's commitment to keep you informed about important developments that affect our customers in your community. I am writing to notify some changes to the channel lineup.

Comcast was recently notified that WCMZ- PBS will cease operations as of April 24, 2018. As a result, the following channels will no longer be available: WCMZ (ch. 24), WCMZ-HD (chls. 238/1028), and WCMZ-Create (ch. 1199).

As always, feel free to contact me directly at 734-254-1557 with any questions you may have.

Sincerely,

Kyle V. Mazurek
Manager of External Affairs
Comcast, Heartland Region
41112 Concept Drive
Plymouth, MI 48170

INFORMATION ONLY