

**BIRMINGHAM CITY COMMISSION AGENDA**  
**JULY 9, 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:***

- Mark your calendars for upcoming In The Park Concerts: Jill Jack with folk music on Wednesday, July 11<sup>th</sup> at noon, followed by blues act Mainstreet Soul at 7:00 p.m. The following Wednesday, July 18, Magic Bus will play psychedelic 60's & 70's music beginning at 7:00 p.m.
- The Baldwin Public Library presents Music Explorers, with the Baldwin String Ensemble on Sunday, July 15 at 2:00 p.m. The program takes a close look at Franz Schubert's string quartet, "Death and the Maiden."
- The Birmingham Farmers Market takes place every Sunday, 9:00 AM - 2:00 PM in Lot 6 across from Booth Park. Come enjoy fresh produce, flowers, prepared foods, and other treats.
- The Birmingham Shopping District is hosting Birmingham Movie Night on Friday, July 20th at 7:30 PM in Booth Park featuring the 80's blockbuster "Back to the Future."

***Appointments:***

- A. Interviews for the Greenwood Cemetery Advisory Board
  1. George Stern
  2. Charles McIntyre
  3. Laura Schreiner
  4. Linda Peterson
  5. Deborah Shinder
- B. Appointments to the Greenwood Cemetery Advisory Board
  1. To appoint \_\_\_\_\_ to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2021.
  2. To appoint \_\_\_\_\_ to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2021.
  3. To appoint \_\_\_\_\_ to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2021.
- C. Interviews for the Historic District Study Committee
  1. Evan Milan
  2. Gigi Debbrecht

3. Patricia Lang
- D. Appointments to the Historic District Study Committee
  1. To appoint \_\_\_\_\_ to the Historic District Study Committee as a regular member to serve a three-year term to expire June 25, 2021.
  2. To appoint \_\_\_\_\_ to the Historic District Study Committee as a regular member to serve a three-year term to expire June 25, 2021.
  3. To appoint \_\_\_\_\_ to the Historic District Study Committee as a regular member to serve the remainder of a three-year term to expire June 25, 2019.
  4. To appoint \_\_\_\_\_ to the Historic District Study Committee as a regular member to serve the remainder of a three-year term to expire June 25, 2020.
- E. Interviews for the Board of Zoning Appeals
  1. Jason Canvasser
- F. Appointment to the Board of Zoning Appeals
  1. To appoint \_\_\_\_\_ to the Board of Zoning Appeals as a regular member to serve the remainder of a three-year term to expire October 10, 2020.
- G. Interviews for the Birmingham Shopping District Board
  1. Zachary Kay
- H. Confirmation of Appointments to the Birmingham Shopping District Board
  1. To concur with the City Manager's appointment of Zachary Kay to the Birmingham Shopping District Board as a regular member representing, as an operator, a business located within the Birmingham Shopping District to serve the remainder of a four-year term to expire November 16, 2019.
- I. Administration of Oath of Office to 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.

- A. Resolution approving the Joint City Commission/Planning Board meeting minutes of June 18, 2018
- B. Resolution approving the City Commission meeting minutes of June 25, 2018.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated June 27, 2018 in the amount of \$1,764,668.32.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated July 4, 2018 in the amount of \$696,231.58.
- E. Resolution approving the purchase of (32) Armor Express RAZOR vests in the amount of 19,542.52 from Kiesler Police Supply; further charge this this budgeted expenditure to account number 101- 301.000-743.0000; further authorizing the Mayor and City Clerk to sign the agreement on behalf of the city.
- F. Resolution approving the outside agency service agreement for services described in Attachments A and B of the agreement for fiscal year 2018-19 with Birmingham Bloomfield Community Coalition in the amount of \$3,000 from account number 101-



301.000-811.0000, and further to direct the Mayor and City Clerk to sign the agreements on behalf of the City.

- G. Resolution authorizing the purchase of (14) Latitude 14 Rugged 5414 mobile data computers, power adapters and docking stations from Dell, Inc.; further waiving competitive bidding requirements and utilizing Oakland County CLEMIS cooperative purchasing for this equipment in the amount of \$35,584.18; further authorizing this budgeted expenditure from account number 265-302.002-971.0100.
- H. Resolution approving purchase of (10) Stalker DSR Enhanced dual antenna radar units from Applied Concepts, Inc. in the amount of \$19,950.00; further waiving competitive bidding requirements for this sole source vendor purchase via State of Michigan purchasing contract # 071B4300042; further authorizing this budgeted expenditure from account number 265-302-002-971.0100.
- I. Resolution approving the purchase of (6) Taser X-2 CEW units form Axon Enterprise, Inc. in the amount of \$9,570.00; further to waive competitive bidding requirements as Axon Enterprises, Inc. is a sole source vendor; further charging this budgeted expenditure to account number 101- 301.000.734.0000; further authorizing the Mayor and City Clerk to sign the agreement on behalf of the City.
- J. Resolution approving the purchase of a traffic signal modernization for the intersection of Maple and Lakepark from the Road Commission for Oakland County in the amount of \$80,548.49; further waiving normal bidding requirements and authorizing this expenditure from account number 202-303-001-971.0100.
- K. Resolution of Election Commission approving the appointment of election inspectors, absentee voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the August 7, 2018 Primary Election pursuant to MCL 168.674(1) and granting the City Clerk authority to make emergency appointments of qualified candidates should circumstances warrant to maintain adequate staffing in the various precincts, counting boards and receiving boards.
- L. Resolution approving the Contract for Skating Director with Jill Kolaitis effective July 10, 2018 up to and including May 10, 2019. Further, authorizing the Mayor and City Clerk to sign the Contract on behalf of the City of Birmingham upon receipt of all required insurances.
- M. Resolution setting a public hearing date for August 13, 2018 to consider the proposed rezoning of 469 – 479 S. Old Woodward from B3/D4 to B3/D5.
- N. To set a public hearing date for August 13, 2018 to consider approval of the Final Site Plan and Special Land Use Permit for 225 E. Maple, Social Kitchen and Bar, pursuant to Article 7, section 7.34, Zoning, of the Birmingham City Code.

## **V. UNFINISHED BUSINESS**

## **VI. NEW BUSINESS**

- A. Public Hearing to consider necessity for the replacement of all sewer and water laterals not meeting current criteria located within the 2018 Local Street Paving Program area.
  - 1. Resolution declaring necessity for the replacement of all sewer and water laterals not meeting current criteria located within the 2018 Local Street Paving Program area:

Bennaville Ave.-Edgewood Ave. to Grant St.  
Ruffner Ave. – Grant St. to Woodward Ave.  
Chapin Ave. – Grant St. to Woodward Ave.  
(Complete resolution in agenda packet)

- B. Resolution approving the developer's request and consent to an assignment of the developer's reimbursements from the tax increment financing for 856 N. Old Woodward from FLC Properties #5 LLC to Chemical Bank.
- C. Resolution directing staff to issue the Logo Branding Services RFP as presented, to solicit a professional firm to build on the existing logo efforts, and to finalize the concepts for a new city logo;

**AND**

Resolution creating a sub-committee of City Commissioners to evaluate proposals comprised of Commissioners \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.

**OR**

Resolution directing staff to evaluate the proposals and provide a recommended firm to the Commission.

<b>VII. REMOVED FROM CONSENT AGENDA</b>
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<b>VIII. COMMUNICATIONS</b>
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- A. 1509 Maryland Blvd.

<b>IX. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA</b>
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<b>X. REPORTS</b>
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- A. Commissioner Reports
  - 1. Notice of Intention to appoint three regular members to the Advisory Parking Committee on August 13, 2018.
  - 2. Notice of Intention to appoint one resident member to the Ad Hoc Joint Senior Services Committee on August 13, 2018.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. Parking Utilization Report

<b>XI. ADJOURN</b>
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**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).*



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

At the regular meeting of Monday, June 4, 2018 the Birmingham City Commission intends to appoint three regular members to the Greenwood Cemetery Advisory Board to serve three-year terms to expire July 6, 2021.

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

Interested citizens may submit a form available at the City Clerk's Office on or before noon on Wednesday, May 30, 2018. These applications will appear in the public agenda for the regular meeting at which time the commission will discuss recommendations, and may make nominations and vote on the appointments.

### Committee Duties

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

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

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

Applicant(s) Presented For City Commission Consideration:

<b>Applicant Name</b>	<b>Criteria/Qualifications</b>
	Must be a resident of Birmingham and insofar as possible, represent diverse interests, such as persons with family members interred in Greenwood Cemetery; owners of burial sites within Greenwood Cemetery intending to be interred in Greenwood Cemetery; persons familiar with and interested in the history of Birmingham; persons with familiarity and experience in landscape architecture, horticulture, law or cemetery or funeral professionals.
George Stern 1090 Westwood Dr.	Resident Railroad executive. Licensed professional engineer.
Charles McIntyre 1848 E. Melton	Resident Student. Scientist.
Laura Schreiner 591 Bird Avenue	Resident Attorney. Owner of burial site.
Linda Peterson 1532 Melton	Resident Family member interred in Cemetery. Owner of burial site.
Deborah Shinder 452 Greenwood	Resident Church Pastoral Associate.

**SUGGESTED RESOLUTION:**

To appoint\_\_\_\_\_ to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2021.

To appoint\_\_\_\_\_ to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2021.

To appoint\_\_\_\_\_ to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2021.



# GREENWOOD CEMETERY ADVISORY BOARD

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

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

Term: Three years.

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

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

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Buchanan	Linda	(248) 646-3297	12/14/2015	7/6/2019
1280 Suffield			Vice-Chairperson	
Birmingham	48009	rlb4149@yahoo.com		
Desmond	Kevin	(248) 225-5526	11/24/2014	7/6/2020
759 Hazelwood			Cemetery or funeral professional.	
Birmingham	48009	kdesmond@ajdesmond.com		

Last Name	First Name	Home Business	E-Mail	Appointed	Term Expires
<b>Gehring</b>	<b>Darlene</b>	(248) 540-8061		11/24/2014	7/6/2020
1108 W. Maple				Chairperson	
Birmingham	48009			Person familiar with and interested in the history of Birmingham.	
			<i>maplepro@comcast.net</i>		
<b>Peterson</b>	<b>Linda</b>	(248) 203-9010		11/24/2014	7/6/2018
1532 Melton				Family member interred in cemetery; owner of burial site and intending to be interred in Greenwood; person familiar with and interested in the history of Birmingham.	
Birmingham	48009				
			<i>lpeterson02@comcast.net</i>		
<b>Schreiner</b>	<b>Laura</b>	(248) 593-0335		11/24/2014	7/6/2018
591 Bird				owner of burial site in Greenwood; person familiar with and interested in the history of Birmingham.	
Birmingham	48009				
			<i>laschreiner@yahoo.com</i>		
<b>Stern</b>	<b>George</b>	(248) 345-2750		11/24/2014	7/6/2018
1090 Westwood				Person familiar with and interested in the history of Birmingham; person with experience in landscape architecture, horticulture, or law.	
Birmingham	48009				
			<i>sterngeo@aol.com</i>		
<b>Suter</b>	<b>Margaret</b>	(248) 644-5925		5/23/2016	7/6/2019
1795 Yosemite				owns a plot, relative buried in Greenwood Cemetery	
Birmingham	48009				
			<i>maasuter@gmail.com</i>		

## CITY BOARD/COMMITTEE ATTENDANCE RECORD

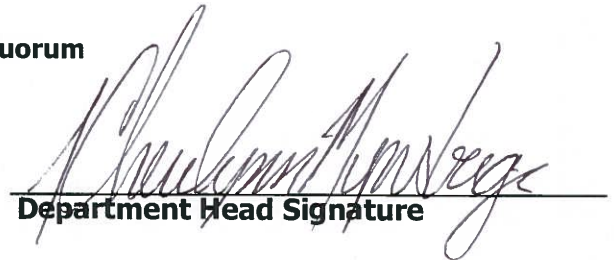
Name of Board: **Greenwood Cemetery Advisory Board**      Year: **2018**

Members Required for Quorum: **4**

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
<b>REGULAR MEMBERS</b>																	
Linda Buchanan	A	P	CA	P	P	P									4	2	67%
Kevin Desmond	A	A	CA	P	A	P									2	4	33%
Darlene Gehringer	P	A	CA	P	A	P									3	3	50%
Linda Peterson	P	A	CP	P	P	A									3	2	60%
Laura Schreiner	P	P	CA	P	A	P									4	2	67%
George Stern	P	P	CP	P	P	A									4	1	80%
Margaret Suter	P	P	CP	P	P	P									5	0	100%
Reserved															0	0	#DIV/0!
Reserved															0	0	#DIV/0!
Present or Available	5	4	3	7	4	5	0	0	0	0	0	0	0	0			

**KEY:**

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

  
 Department Head Signature


## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Board/Committee: **Greenwood Cemetery Advisory Board**

Year: **2017**

MEMBER NAME	1/6	2/3	3/3	NM	5/5	NM	7/21	8/4	NM	10/6	11/17	12/8	12/15 Spec.	Total Mtgs. Att.	Total Absent	Percent Attend
<b>REGULAR MEMBERS</b>																
Linda Buchanan	P	P	P		A		P	P		P	P	P	P	9	1	90%
Kevin Desmond	P	P	P		P		P	A		A	P	A	P	7	3	70%
Darlene Gehringer	P	P	P		P		P	P		A	P	P	P	9	1	90%
Linda Peterson	A	P	P		P		P	A		P	P	P	P	8	2	80%
Laura Schreiner	A	P	P		P		A	P		P	A	A	P	6	4	60%
George Stern	P	P	P		P		A	P		P	A	P	P	8	2	80%
Margaret Suter	P	P	P		P		A	P		P	P	P	P	9	1	90%
Reserved														0	0	#DIV/0!
Reserved														0	0	#DIV/0!
Members in attendance	5	7	7		6		4	5		5			7			

**KEY: A = Absent**  
**P = Present**  
**NM = No Meeting**  
**na = not appointed at that time**

  
 Department Head Signature



## *CITY BOARD/COMMITTEE ATTENDANCE RECORD*

Board/Committee: **Greenwood Cemetery Advisory Board**

Year: **2016**

MEMBER NAME	2/5	4/1	5/27	6/3	7/8	9/2	9/30	10/14	12/9	NM	NM	NM	Total Mtgs. Att.	Total Absent	Percent Attend
<b>REGULAR MEMBERS</b>															
Linda Buchanan	P	P	P	P	P	P	P	P	P	NM	NM	NM	9	0	100%
Kevin Desmond	P	A	A	P	P	A	A	A	A	NM	NM	NM	3	6	33%
Darlene Gehringer	P	P	P	P	P	P	P	A	P	NM	NM	NM	8	1	89%
Linda Peterson	A	P	P	P	A	P	A	P	A	NM	NM	NM	5	4	56%
Laura Schreiner	A	P	P	P	P	P	P	P	P	NM	NM	NM	8	1	89%
George Stern	P	P	P	P	P	P	P	P	P	NM	NM	NM	9	0	100%
Barbara Thurber	A	A	na	na	na	na	na	na	na	na	NM	NM	0	2	0%
Margaret Suter	na	na	P	P	P	P	P	P	P	NM	NM	NM	7	0	100%
Reserved													0	0	#DIV/0!
<b>ALTERNATES</b>															
Member 1	na	na	na	na	na	na	na	na	na	na	na	na	0	0	#DIV/0!
Member 2	na	na	na	na	na	na	na	na	na	na	na	na	0	0	#DIV/0!
Reserved													0	0	#DIV/0!
Reserved													0	0	#DIV/0!
Members in attendance	4	5	6	7	6	6	5	5	5	0	0	0			

**KEY: A = Absent**

**P = Present**

**NM = No Meeting**

**na = not appointed at that time**

**Department Head Signature**

## *CITY BOARD/COMMITTEE ATTENDANCE RECORD*

Board/Committee: **Greenwood Cemetery Advisory Board**

Year: **2015**

MEMBER NAME	1/9	2/6	2/23	4/10	5/1	6/5	6/19	8/3	9/11	12/4	NM	NM	Total Mtgs. Att.	Total Absent	Percent Attend
<b>REGULAR MEMBERS</b>															
Kevin Desmond	P	P	P	A	P	P	P	P	P	P	NM	NM	9	1	90%
Pamela DeWeese	P	P	P	P	P	P	P	A	P	P	NM	NM	9	1	90%
Darlene Gehringer	A	P	P	P	P	P	A	A	P	P	NM	NM	7	3	70%
Linda Peterson	P	P	P	A	P	P	P	P	P	P	NM	NM	9	1	90%
Laura Schreiner	P	P	P	A	A	P	P	P	P	P	NM	NM	8	2	80%
George Stern	P	P	P	P	P	P	P	P	P	P	NM	NM	10	0	100%
Barbara Thurber	P	P	P	P	P	P	P	P	P	A	NM	NM	9	1	90%
Reserved													0	0	#DIV/0!
Reserved													0	0	#DIV/0!
<b>ALTERNATES</b>															
Member 1	na	na	na	na	na	na	na	na	na	na	na	na	0	0	#DIV/0!
Member 2	na	na	na	na	na	na	na	na	na	na	na	na	0	0	#DIV/0!
Reserved													0	0	#DIV/0!
Reserved													0	0	#DIV/0!
Members in attendance	6	7	7	4	6	7	6	5	7	6	0	0			

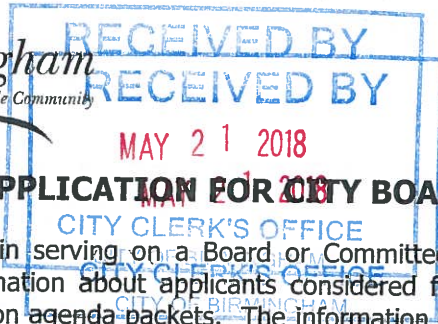
**KEY: A = Absent**

**P = Present**

**NM = No Meeting**

**na = not appointed at that time**

**Department Head Signature**



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

## APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest GREENWOOD CEMETERY ADVISORY BOARD

Specific Category/Vacancy on Board MEMBER

Name George L. Stern

Phone 248 258-1924

Residential Address 1090 Westwood Dr

Email Stern geo@aol.com

Residential City, Zip Birmingham 48009

Length of Residence 41 years

Business Address Retired

Occupation Railroad Executive

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

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

MORE THAN 30 years of Cemetery Board experience.  
Continuous service since founding of Greenwood Cemetery  
Advisory Committee and Board

List your related employment experience PRESIDENT - New York & Atlantic Bldg  
PRESIDENT - Chicago & Illinois Midland RR - V.P. Grand Trunk RR

List your related community activities Past President: Bham Rotary Senior Men's  
Club of Bham, Member Bham Historic Museum Board (2002-14)

List your related educational experience Civil Engineering, Columbia University, BS  
MBA, Harvard University, Licensed Professional Engineer

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

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

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

George L Stern  
Signature of Applicant

5-18-2018  
Date

3A1



<b>OFFICE USE ONLY</b>	
Meets Requirements?	Yes No
Will Attend /	<u>Unable to Attend</u>

able to attend on July 9

### APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest Greenwood Cemetery Advisory Board

Specific Category/Vacancy on Board \_\_\_\_\_

Name Charles J. McIntyre

Phone 610-804-9648

Residential Address 1848 E. Melton

Email charlesmcintyre@oakland.edu

Residential City, Zip Birmingham, MI 48009

Length of Residence 2 years

Business Address n/a

Occupation Student

Business City, Zip n/a

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied \_\_\_\_\_  
I enjoy living in Birmingham and would like to volunteer and contribute  
to the success of the community.

List your related employment experience Scientist, 1990-2016

List your related community activities Volunteer at the Greater Boston Food Bank; Volunteer  
Reading for the Blind (Cambridge, MA)

List your related educational experience BS, Oakland University 1990  
MS (Chemistry) Villanova University 1997

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

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

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

Charles J. McIntyre  
Signature of Applicant

23-May-2018  
Date

3A2

29-May-2018

To: City of Birmingham, MI  
City Clerk's Office  
151 Martin  
Birmingham, MI  
48009

From: Charles J. McIntyre  
1848 E. Melton  
Birmingham, MI  
48009  
[charlesmcintyre@oakland.edu](mailto:charlesmcintyre@oakland.edu)

**re: Addendum to Application for Appointment to the Greenwood Cemetery Advisory Board**

I am Charles J. McIntyre and I am applying for an open position on the Greenwood Cemetery Advisory Board. My interest in this position stems from both my fondness for local history and my desire to care for public space within the community.

If accepted as a board member I would advocate to make Greenwood Cemetery a peaceful, clean and safe space for all who visit. Currently, the cemetery appears to be in generally good condition with nice plantings and a well-maintained lawn among the headstones. Some of the items that I would like to see as topics for discussion by future board members include the following:

1. Within the cemetery there's a nice sign containing a map of the cemetery and an attached small map/information box for visitors. The box is empty; it would be best to stock the box with maps and/or information brochures for visitors.
2. It appears that there's been some land erosion on the north side of the cemetery adjacent to the river. Planting trees in the space would help stabilize soil.
3. Some of the mature trees are in need of pruning to remove dead wood.
4. The trash can near the west entrance is overflowing with rubbish; it would make sense to alter the pick-up schedule so that it is emptied on a regular basis.
5. There are water spigots along the pathways that are used, I assume, for the irrigation system. One was leaking, maybe it was not fully turned off or maybe it needs repair. If repairs are needed it would make

sense to replace these spigots with low-maintenance, modern ball-valves to prevent the loss of water from the system.

6. The “State of MI Historical Marker” sign near the West entrance has been damaged by a lawn mower and needs repair.

The above items are commonsensical and may already be under consideration by the current advisory board. Addressing these matters would serve to enhance the Greenwood Cemetery environment for both current visitors and future citizens of Birmingham.

I hope that by joining the Board it will afford me an opportunity to contribute the well-being of Greenwood Cemetery as well as the greater Birmingham community.

Thank you for your consideration.

Charles J. McIntyre





<b>OFFICE USE ONLY</b>	
Meets Requirements?	<input checked="" type="radio"/> Yes <input type="radio"/> No
<input checked="" type="radio"/> Will Attend	<input type="radio"/> Unable to Attend

## APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest Greenwood Cemetery Advisory Board

Specific Category/Vacancy on Board Board Member

Name Laura Ann Schreiner

Phone 248 593 0335

Residential Address 591 Bird Avenue

Email laschreiner@yahoo.com

Residential City, Zip Birmingham, Michigan 48009

Length of Residence 15+ years

Business Address 800 West Long Lake Road, Suite 160

Occupation Attorney

Business City, Zip Bloomfield Hills, MI 48302-2057

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied I grew up in (& my parents still own) a house on Lakeside; I currently live in Birmingham. I have always enjoyed Greenwood, its history/setting, & do have a plot for future use. I have former clients that are buried in Greenwood, clients which have w/ other family members in Greenwood and have bought & sold plots for clients.

List your related employment experience Attorney (Estate Plan/Estate Administration/Tax/Real Estate) in Bloomfield Hills

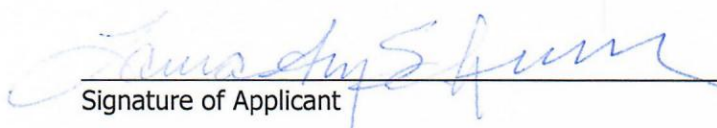
List your related community activities Greenwood Cemetery Advisory Committee then Greenwood Cemetery Advisory Board

List your related educational experience Golden Gate University, JD; University of Michigan, BS - Architecture; University of Michigan, BA - Psychology

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

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

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

  
Signature of Applicant

5/27/2018

Date

**3A3**



RECEIVED BY

FAX

MAY 30 2018

J

CITY CLERK'S OFFICE

## APPLICATION FOR CITY BOARD OR COMMITTEE

## OFFICE USE ONLY

Meets Requirements? ☒ Yes ☐ NoWill Attend / ☒ Unable to Attend

May possibly attend. Won't know until Monday.

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(Please print clearly)

Board/Committee of Interest LINDA PETERSON

Specific Category/Vacancy on Board \_\_\_\_\_

Name LINDA PETERSONPhone 248-894-9016Residential Address 1532 MELTONEmail LPETERSON102@comcastResidential City, Zip B'ham 48005Length of Residence 20Business Address SAMEOccupation MARKETING

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

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

PASSION FOR THE CENTRAL - FATHER  
BOARD & HERE. WILL BE WHERE MY Mother & 9List your related employment experience ADVERTISING / MARKETINGPromotion - RADIO & TELEVISIONList your related community activities GCAB - LocallyList your related educational experience B.S. Degree - Communication& MARKETING - WESTERN Michigan UNIV

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

Do you currently have a relative serving on the board/committee to which you have applied? NOAre you an elector (registered voter) in the City of Birmingham? Yes

Signature of Applicant

3A4

Date

5/30/18

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

Updated 8/16/17





<b>OFFICE USE ONLY</b>	
Meets Requirements?	Yes No
<u>Will Attend</u>	Unable to Attend

## APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest Greenwood Cemetery Advisory Board

Specific Category/Vacancy on Board Board member

Name Deborah Shinder

Phone 248.840.2241

Residential Address 452 Greenwood

Email deborahshindere@gmail.com

Residential City, Zip Birmingham 48009

Length of Residence Birmingham - 18 yrs

Business Address n/a

Occupation Church Pastoral Associate

Business City, Zip n/a

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied With approximately 18 years of Birmingham residency and nearly 10 years of experience working with families navigating the complex emotional and practical aspects of death, I bring a multidimensional perspective to the maintenance and development of Greenwood Cemetery. I care deeply about the future of our city and meeting the needs of our residents at all stages of life.

List your related employment experience As Pastoral Associate of Holy Name Parish, part of my ministry includes working with families pre-planning and/or at the time of a death preparing and facilitating funeral arrangements. I am keenly aware of the sensitivity required to balance rules, guidelines and individual needs.

List your related community activities —

List your related educational experience Oakland University, B.A. Psychology;

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

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

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

Signature of Applicant

7-3-18

Date

3A5



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

At the regular meeting of Monday, June 4, 2018, the Birmingham City Commission intends to appoint two regular members to the Historic District Study Committee to serve three-year terms to expire June 25, 2021, one regular member to serve the remainder of a three-year term to expire June 25, 2019, and one regular member to serve the remainder of a three-year term to expire June 25, 2020.

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

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

Interested parties may submit an application available at the City Clerk's Office on or before noon on Wednesday, May 30, 2018. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

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

<b>Applicant Name</b>	<b>Criteria/Qualifications</b>
	Shall have a clearly demonstrated interest in or knowledge of historic preservation.
Evan Milan 2273 E. Maple Road, Apt. 302	B.S. in History; Volunteer at Plymouth Historical Museum; Assisted in 2007 refurbishment of Penn Theater
Gigi Debbrecht 564 Frank	Current member. Realtor dealing in vintage and historic properties.
Patricia Lang 1023 Floyd St.	Current member. Owner of two 100 year old homes.

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

### SUGGESTED ACTION:

To appoint \_\_\_\_\_ to the Historic District Study Committee as a regular member to serve a three year term to expire June 25, 2021.

To appoint \_\_\_\_\_ to the Historic District Study Committee as a regular member to serve a three year term to expire June 25, 2021.

To appoint \_\_\_\_\_ to the Historic District Study Committee as a regular member to serve the remainder of a three year term to expire June 25, 2019.

To appoint \_\_\_\_\_ to the Historic District Study Committee as a regular member to serve the remainder of a three year term to expire June 25, 2020.



# HISTORIC DISTRICT STUDY COMMITTEE

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

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

Terms: three years

Meetings are held by resolution of the City Commission.

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Beshouri 1740 Grant	Paul	(248) 895-4576 <i>beshouri24@gmail.com</i>	12/12/2016	6/25/2019
Debbrecht 564 Frank	Gigi	(248) 882-9906 <i>gigi@maxbroock.com</i>	6/25/2012	6/25/2018
DeWindt 1979 Fairway	Jonathan	(248) 227-1690 <i>jmdewindt@gmail.com</i>	6/12/2017	6/25/2019
Lang 1023 Floyd	Patricia	(248) 540-0991 <i>pal.family.friends@gmail.com</i>	10/26/2009	6/25/2018

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
VACANT				6/25/2019
VACANT			6/12/2017	6/25/2020
Xenos	Michael	(248) 496-8983	2/22/2016	6/25/2020
1116 Washington			Nat'l Trust for Historic Preservation	
		<i>mxenos@comcast.net</i>		

## ***CITY BOARD/COMMITTEE ATTENDANCE RECORD***

**Board/Committee:**     **Historic District Study Committee**

**Year:**     **2016**

<b>MEMBER NAME</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>5/5</b>	<b>June</b>	<b>July</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total Mtgs. Att.</b>	<b>Total Absent</b>	<b>Percent Attend</b>
<b>REGULAR MEMBERS</b>															
Paul Beshouri	na	na	na	na	na	na	na	na	na	na	na	NM	0	0	#DIV/0!
Gigi Debbrecht	NM	NM	NM	NM	P	NM	NM	NM	NM	NM	NM	NM	1	0	100%
Patricia Lang	NM	NM	NM	NM	P	NM	NM	NM	NM	NM	NM	NM	1	0	100%
Gretchen Maricak	NM	NM	NM	NM	P	NM	NM	NM	NM	NM	NM	NM	1	0	100%
Michael Xenox	NM	NM	NM	NM	P	NM	NM	NM	NM	NM	NM	NM	1	0	100%
													0	0	#DIV/0!
													0	0	#DIV/0!
Reserved													0	0	#DIV/0!
Reserved													0	0	#DIV/0!
<b>ALTERNATES</b>															
Member 1													0	0	#DIV/0!
Member 2													0	0	#DIV/0!
Reserved													0	0	#DIV/0!
Reserved													0	0	#DIV/0!
Members in attendance	0	0	0	0	4	0	0	0	0	0	0	0			

NOTE: THE HDSC HAD ONLY  
ONE MEETING DURING 2014-2016.

**KEY:**   **A = Absent**  
              **P = Present**  
              **NM = No Meeting**  
              **na = not appointed at that time**

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

## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Board/Committee: **HDSC**

Year: **2017**

MEMBER NAME	1/26	2/9	3/28	8/24	10/19	11/16	12/7								Total Mtgs. Att.	Total Absent	Percent Attend
<b>REGULAR MEMBERS</b>																	
Paul Beshori	P	P	P	A	A	P	P								5	2	71%
Gigi Debbrecht	P	P	P	P	P	P	P								7	0	100%
Patricia Lang	P	P	P	P	P	P	P								7	0	100%
Michael Xenos	P	P	P	P	P	P	P								7	0	100%
Gretchen Maricak	A	A	A	NA	NA	NA	NA								0	3	0%
Jonathan DeWindt.				P	P	P	P								4	0	100%
															0	0	#DIV/0!
<b>ALTERNATES</b>																	
Member 1															0	0	#DIV/0!
Member 2															0	0	#DIV/0!
Members in attendance	4	4	4	4	4	5	5	0	0	0	0	0					

**KEY:** A = Absent  
P = Present  
NM = No Meeting

  
 Department Head Signature



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

## APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Historic District Study Committee

Specific Category/Vacancy on Board Regular Member

Name Evan Milan

Phone 734-233-5911

Residential Address 2273 E Maple Rd. Apt 302

Email evanmilan93@gmail.com

Residential City, Zip Birmingham, 48009

Length of Residence 5 months

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

Occupation Bank Teller

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

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied \_\_\_\_\_  
Holding a B.S. in History, with a Minor in Political Science, I believe I have been given the education required of this committee.  
Additionally, I spent some time on the Student Body Government of EMU, preparing me for the duties required of the body.

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

List your related community activities In the summer of 2014 I spent time volunteering for the Plymouth Historical Museum.  
I also assisted in the 2007 refurbishment of the Penn Theater in Plymouth.

List your related educational experience I hold my Bachelor's of Science from Eastern Michigan University in History.  
Additionally, I spent a semester studying history abroad at Oxford Brookes University in England.

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

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

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

  
Signature of Applicant

5/22/2018

**3C1** Date





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

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(Please print clearly)

Board/Committee of Interest Historic District Study Committee  
Specific Category/Vacancy on Board Chairman member  
Name Gigi Debbrecht Phone 248-882-9906  
Residential Address 564 Frank Email gigidebbrecht@yahoo  
Residential City, Zip Birm 48009 Length of Residence 35 yrs  
Business Address 275A Old WW Occupation Realtor  
Business City, Zip Birm 48009

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

on committee currently; previous owner of  
King Aiguo house & have

List your related employment experience have listed, sold & counseled

owners & prospective owners of vintage & historic properties  
in Bham & other areas

List your related community activities former Board member of CBRA

List your related educational experience UW graduate with minor in  
housing and interior design

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

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

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

G. Debbrecht  
Signature of Applicant

**3C2**

5/30/18  
Date



**APPLICATION FOR CITY BOARD OR COMMITTEE**

Ms. Lang will attend if possible..

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

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(Please print clearly)

Board/Committee of Interest HDSC

Specific Category/Vacancy on Board \_\_\_\_\_

Name Patricia Lang

Phone 248-540-0991

Residential Address 1023 Floyd St

Email pal.family.friends@gmail.com

Residential City, Zip 48009

Length of Residence 35 yrs

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

Occupation Retired

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

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied  
Town (2) hundred year old homes. I believe in preserving history

List your related employment experience I do not have a related employment history. I retired as a special education teacher.

List your related community activities I belong to the BB Chamber and have been on the HDSC for a couple terms now.

List your related educational experience 0

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

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

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

Signature of Applicant Patricia Lang

Date May 27, 2018

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to [cityclerk@bhamgov.org](mailto:cityclerk@bhamgov.org) or by fax to 248-530-1090.

Updated 8/15/17



## NOTICE OF INTENTION TO APPOINT TO BOARD OF ZONING APPEALS

At the regular meeting of Monday, July 9, 2018 the Birmingham City Commission intends to appoint one (1) regular member to the Board of Zoning Appeals to serve the remainder of a three-year term to expire October 10, 2020.

Interested parties may recommend others or themselves for these positions by submitting a form available from the City Clerk's office. Applications must be submitted to the city clerk's office on or before noon on Tuesday, July 3, 2018. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

### Duties of Board

The Board of Zoning Appeals acts on questions arising from the administration of the zoning ordinance, including the interpretation of the zoning map. The board hears and decides appeals from and reviews any order, requirement, decision or determination made by the building official.

Applicant Name	Criteria/Qualifications
	Applicants shall be property owners of record and registered voters.
Jason Canvasser 369 Kimberly St.	Resident and registered voter.

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

### SUGGESTED ACTION:

To appoint \_\_\_\_\_ to the Board of Zoning Appeals as a regular member to serve the remainder of a three-year term to expire October 10, 2020.



## BOARD OF ZONING APPEALS

Chapter 126 – Section 126-671 – Seven Members – Three Year Terms  
Requirements – Property owners of record and registered voter

The Board of Zoning Appeals acts on questions arising from the administration of the zoning ordinance, including the interpretation of the zoning map. The board hears and decides appeals from and reviews any order, requirement, decision or determination made by the building official.

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Canvasser</b> 369 Kimberly	<b>Jason</b>	(248) 231-9972  <i>jcanvasser@clarkhill.com</i>	11/23/2015  alternate	2/17/2020
<b>Hart</b> 2051 Villa	<b>Kevin</b>	(248) 4967363  <i>khartassociates@aol.com</i>	2/27/2012  (served as an alternate 2/27/12 - 10/13/14)	10/10/2020
<b>Jones</b> 1701 Winthrop Lane	<b>Jeffery R.</b>	(248) 433-1127  <i>j_rjones@sbcglobal.net</i>	6/12/2006	10/10/2019
<b>Judd</b> 1592 Redding	<b>A. Randolph</b>	(248)396-5788 (248) 396-5788 <i>arjudd@comcast.net</i>	11/13/1995  Attorney	10/10/2020
<b>Lillie</b> 496 S. Glenhurst	<b>Charles</b>	(248) 642-6881  <i>lilliecc@sbcglobal.net</i>	1/9/1984  Attorney	10/10/2019
<b>Miller</b> 544 Brookside	<b>John</b>	(248) 703-9384  <i>feymiller@comcast.net</i>	1/23/2012  (Served as alternate 01/11/10-01/23/12)	10/10/2018

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Morganroth</b> 631 Ann	<b>Erik</b>	(248) 762-9822 <i>emorganroth@comcast.net</i>	10/12/2015	10/10/2018
<b>Rodriguez</b> 333 Pilgrim	<b>Francis</b>	248-631-7933 <i>francis@korolaw.com</i>	1/22/2018 Alternate	2/17/2020
<b>VACANT</b>			Regular member	10/10/2020



<b>OFFICE USE ONLY</b>	
Meets Requirements?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Will Attend	<input checked="" type="radio"/> Unable to Attend

## APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Board of Zoning Appeals

Specific Category/Vacancy on Board Regular Member

Name Jason Canvasser

Phone (248) 231-9972

Residential Address 369 Kimberly St.

Email jcanvasser@clarkhill.com

Residential City, Zip Birmingham, MI 48009

Length of Residence Approx. 7 years

Business Address Clark Hill PLC, 500 Woodward Ave., Ste. 3500

Occupation Attorney

Business City, Zip Detroit, MI 48226

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied In my legal practice, I routinely help businesses navigate complex zoning issues. As a resident of Birmingham, I am interested in utilizing that knowledge to help regulate land use and act on questions regarding the proper use of land as zoned.

List your related employment experience Zoning and land use attorney at Clark Hill PLC from June 1, 2012 through the present.


List your related community activities I am currently an alternate member on the BZA and have served on that role since 2015. I am also a member of the Quarton Lakes Neighborhood Association and Editor of the Quacker Newsletter.

List your related educational experience BA in political science from the University of Michigan (2003). Juris Doctor from Wayne State University Law School (2006).

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

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

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

  
Signature of Applicant

June 28, 2018

Date

3E1



**NOTICE OF INTENTION TO INTERVIEW  
FOR APPOINTMENT TO THE  
BIRMINGHAM SHOPPING DISTRICT BOARD**

At the regular meeting of Monday, June 4, 2018 the Birmingham City Commission intends to interview applicants for one position on the Birmingham Shopping District Board to serve the remainder of a four-year term to expire November 16, 2018, and one position to serve the remainder of a four-year term to expire November 16, 2019.

The goal of the shopping district board shall be to promote economic activity in the principal shopping districts of the city by undertakings including, but not limited to, conducting market research and public relations campaigns, developing, coordinating and conducting retail and institutional promotions, and sponsoring special events and related activities. (Section 82-97(a)) The board may expend funds it determines reasonably necessary to achieve its goal, within the limits of those monies made available to it by the city commission from the financing methods specified in this article. (Section 82-97(b)).

**The ordinance states that the City Manager will make the appointment with the concurrence of the City Commission.**

Interested persons may submit a form available from the city clerk's office. Applications must be submitted to the city clerk's office on or before noon on Wednesday, May 30, 2018. These documents will appear in the public agenda.

Applicant(s) Presented by City Manager for City Commission Concurrence:

<b>Applicant Name</b>	<b>Criteria/Qualifications</b>
	Applicants shall be representatives of businesses located in the district.
Zachary Kay	Found Objects 168 S. Old Woodward <i>Representative, as an operator, of a business located within the District</i>

**SUGGESTED RESOLUTION:**

To concur with the City Manager's appointment of Zachary Kay to the Birmingham Shopping District Board as a regular member representing, as an operator, a business located within the Birmingham Shopping District to serve the remainder of a four-year term to expire November 16, 2019.

*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.*





# BIRMINGHAM SHOPPING DISTRICT BOARD

Ordinance 1534 - Adopted September 14, 1992

The Board shall consist of 12 members as follows:

- City Manager.
- Resident from an area designated as a principal shopping district.
- Resident from an adjacent residential area.
- A majority of the members shall be nominees of individual businesses located within a principal shopping district who have an interest in property located in the district.
- The remaining members shall be representatives of businesses located in the district.

## 4-Year Terms

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Astrein</b>	<b>Richard</b>	(248) 399-4228	11/16/1992	11/16/2021
13125 Ludlow		(248) 644-1651	Interest in Property Located in District	
Huntington Woods	48070			
<b>Eid</b>	<b>Samy</b>	(248) 840-8127	11/14/2016	11/16/2021
2051 Villa, Apt. 303			Interest in Property Located in District	
Birmingham	48009	<i>samyeid@mac.com</i>		
588 S. Old Woodward				
Birmingham	48009			
<b>Fehan</b>	<b>Douglas</b>	(248) 705-3000	12/14/1992	11/16/2020
833 Hazel			District Resident	
Birmingham	48009	<i>godug@aol.com</i>		

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Hockman</b> PO Box 936 Birmingham	<b>Geoffrey</b>  48012	(248) 431-4800 (248) 433-0713 <i>jeff.hockman.mec@gmail.com</i>	11/16/1992 Business Operator	11/16/2018
<b>Pohlod</b> 1360 Edgewood Birmingham	<b>Amy</b>  48009	(248) 219-5042  <i>amypohlod@hotmail.com</i>	7/25/2016 Interest in Property Located in District	11/16/2018
<b>Quintal</b> 880 Ivy Lane Bloomfield Hills	<b>Steven</b>  48304	248-642-0024  <i>steve@fullercentralpark.com</i>	12/8/2003 Member greater than 5% total sq ft in SAD 1.	11/16/2019
<b>Quintal</b> 112 Peabody St Birmingham	<b>Steven</b>  48009			
<b>Roberts</b> 410 Whippers in Court Bloomfield Hills	<b>William</b>  48304	(248) 463-8606 (248) 646-6395 <i>BR@RobertsRestaurantGroup.com</i>	11/10/1997 Business Operator	11/16/2021
<b>Roberts</b> 273 Pierce Birmingham	<b>William</b>  48009			
<b>Solomon</b> 588 Stanley Birmingham	<b>Judith</b>  48009	(248) 645-2330  <i>judyfreelance@aol.com</i>	11/21/2016 Resident from Adjacent neighborhood	11/16/2020



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

<b>Surnow</b>	<b>Sam</b>	(248) 877-4000	11/23/2015	11/16/2019
411 South Old Woodward, #714		(248) 865-3000	Interest in Property Located in District	
Birmingham	48009	<i>sam@surnow.com</i>		
320 Martin, Ste. 100				
Birmingham	48009			

<b>VACANT</b>	11/16/2019
Business Operator	

<b>VACANT</b>	11/16/2018
Interest in Property Located in the District	

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<b>Valentine</b>	<b>Joseph</b>	(248) 530-1809	City Manager
		<i>jvalentine@bhamgov.org</i>	
151 Martin			
Birmingham	48009		

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

## APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest BSD Board

Specific Category/Vacancy on Board BUSINESS OPERATOR

Name Zachary Kay

Phone 248 226 9999

Residential Address \_\_\_\_\_

Email ZAK@SHOPFOUND OBJECTS.COM

Residential City, Zip \_\_\_\_\_

Length of Residence 6

Business Address 168 S Old Woodward

Occupation Store Owner

Business City, Zip BHAM 48009

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied SHOP  
Owner in Bham for over 5 years

List your related employment experience Worked in NYC for various  
Fashion Companies and worked on Major Events  
as well as Print Ads

List your related community activities Bham Special Events and  
Marketing Committee

List your related educational experience BBA Parsons The New School

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

NO

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

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

Z. Kay  
Signature of Applicant

7/5/18  
Date

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to [cmynsberge@bhamgov.org](mailto:cmynsberge@bhamgov.org) or by fax to 248.530.1080. Updated 8/16/17

**BIRMINGHAM CITY COMMISSION /  
PLANNING BOARD JOINT WORKSHOP SESSION MINUTES  
JUNE 18, 2018  
DPS FACILITY, 851 SOUTH ETON  
7:30 P.M.**

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

Mayor Andrew Harris called the meeting to order at 7:30 PM.

**II. ROLL CALL**

PRESENT: Mayor Nickita  
Mayor Pro Tem Harris  
Commissioner Bordman  
Commissioner Boutros  
Commissioner DeWeese  
Commissioner Hoff  
Commissioner Sherman

Scott Klein, Planning Board Chairman  
Robin Boyle, Member  
Stuart Jeffares, Member  
Bert Koseck, Member  
Naseem Ramin, Member  
Daniel Share, Member  
Janelle Whipple-Boyce, Member  
J. Bryan Williams, Member

ABSENT: Jason Emerine, Member

ADMINISTRATION: City Manager Valentine, City Attorney Currier, Deputy Clerk Arft, Assistant Planner Cowan, Planning Director Ecker, Building Official Johnson

**III. ITEMS FOR DISCUSSION**

Mayor Harris stated that this is a workshop session where no formal decisions will be made. The purpose of this workshop format is to focus on problem definition and desired outcomes. Each Commissioner will have an opportunity to share their perspective and thoughts on problems and possible solutions, and to engage the Planning Board for input. Citizens will also have opportunity to make public comment at the end of the workshop meeting.

City Manager Valentine said the objective was to provide discussion items in order to clarify how the City should move forward on the following issues.

**B. PARKING STANDARDS**

Planning Director Ecker noted this issue has been discussed in the past. She explained that requiring residential units to provide parking has the consequences of:

- Inflating the cost of the residential units;
- Encouraging the building of larger units in order to be in-line with the cost; and,

- Discouraging the building of smaller apartment units because people would not be getting good value for their money and because the building would be unable to provide parking for each unit.
- This, in turn, reduces economic diversity in housing in Birmingham's downtown.

Planning Director Ecker continued:

- There has been past discussion of eliminating the residential parking standards altogether, and that the same option is being revisited this evening.
- Only historic landmark buildings adding residences on the second or third floor are currently exempt from the parking standards.
- An overview of how parking is usually provided as part of a residential building within Birmingham.
- The public parking system could be used for residential parking since residents require parking during off-peak, non-business hours.

City Manager Valentine suggested:

- A two-prong approach of hiring a consultant to clarify relevant considerations in making this change and asking the Planning Board to study the issue would be the most effective course of action.
- The City would ask its current parking consultant to further explore the land-use issues at hand. The consultant would work with two other firms currently familiar with the parking situation in Birmingham – Nelson-Nygaard and MKSK.

Mr. Boyle opined that there may be a conflict in asking parking industry experts to explore ways to reduce the need for parking in the City.

Commissioner DeWeese said:

- The residential parking requirement should be voided and a method of dis-incentivizing the creation of more office-space in Birmingham should be explored, so as to tax Birmingham's parking systems less.
- While dis-incentivizing more offices, he would like to see parking remain affordable for Birmingham's retail workers.
- The City's goal is to enable people to live and work downtown, and finding ways to increase the affordability is part of achieving the City's goal.
- Nelson-Nygaard or any other contractor hired for the project must be capable of handling Birmingham's particular parking circumstances and goals in order to offer the most relevant solutions.
- This issue should not be delayed until the Master Planning process, but the City must also ensure that the solutions reached will be compatible with the Master Plan's objectives.

Mr. Koseck affirmed the City should solicit the help of experts in parking and land-use in order to understand all the relevant factors. He continued:

- One-and-a-half parking spaces in the City costs between \$30,000 and \$40,000. Removing the parking requirement for a hypothetical \$800,000 unit would only reduce the cost of the apartment by 5%. This decrease would not make residential units significantly more affordable.
- Because of this, the goal needs to be clarified. If the goal is smaller residential units and more flexibility, there are many ways to pursue that.

- These considerations must be part of the Master Planning process.

Mayor Pro Tem Bordman noted:

- Metro Detroit's dearth of mass transit makes giving up a vehicle relatively unfeasible.
- Many Birmingham households have a car for each adult, meaning residential parking remains in high demand.
- Making residential units more affordable by eliminating the parking standards is a worthy goal, but Mr. Koseck's calculations imply that this change will not have the intended impact.
- If the goal is making residential units more affordable, then hiring a consultant with broader experience in that area would be necessary.
- Determining whether City has a goal of increasing affordable residential units gets to the heart of how Birmingham wants to define itself. This is a much more complicated and theoretical question than just parking.

Mr. Williams said:

- The issue at hand is land-use and not just parking.
- Because residents already perceive Birmingham as lacking sufficient parking, the City should be very cautious with how it proceeds.
- If MKSK and Nelson-Nygaard have the necessary experience with complex land-use issues, Mr. Williams is in favor of using them. If these two consultants do not have the necessary experience, however, they must be supplemented with another consultant.

Commissioner Nickita ventured:

- This about a specific use in a particular district, meaning it should be addressed as a parking issue and not a broader land-use issue.
- The land-use aspects would be explored during the Master Planning process.
- It would be wise to consider alternative consultants due to the issues raised by Mr. Williams, but Commissioner Nickita remains confident that Nelson-Nygaard would also be up to the task.
- Requiring parking is one of the most challenging aspects of developing high-density residences in cities. Developers are often forced to pass on developing in cities with more strict residential parking requirements.
- The parking requirements are a large part of why there are so many buildings with one, two, or three residences downtown.
- Shared parking is a very viable option in Birmingham because downtown parking is so underutilized in the evenings.
- Residents in urban areas are largely comfortable and familiar with off-site parking as long as the streets are safe and comfortable.
- The 2016 Plan had a goal of increasing resident-density downtown and this would be an effective way to do it.
- A study should specifically clarify whether and how much the parking standards correlate with a lower resident-density downtown.

Commissioner DeWeese pointed out:

- Some of the senior residences in Birmingham became possible in when the parking requirements were halved.
- Those residences still have parking available because of the less-frequent car use of their residents.

- The built-in cost of parking for downtown residents is likely higher than the cost to get a monthly long-term parking permit.
- Some parking standards should remain, but the more they can be reduced the more the Birmingham market will respond in a positive and desired manner.
- A resident should be guaranteed the ability to purchase access to parking downtown should they so choose.

Mayor Harris noted consensus regarding the need for further study of the issue.

City Manager Valentine said he would return with a proposed Scope of Work which, if approved, can be extended either to Nelson-Nygaard or bid out to other contractors.

## **B. RETAIL ORDINANCE REVIEW**

Assistant Planner Cowan reviewed the direction to the Planning Board (PB) to:

- Evaluate the boundary of the redline retail district ('Redline');
- Identify buildings less-suited to retail; and
- Discuss what is permitted in retail spaces within the first twenty feet from the door.

Assistant Planner Cowan discussed the maps provided to the meeting which delineated:

- The distribution of uses in the Redline;
- Market-rent data for various areas of the Redline; and,
- How the retail distribution in the Redline reflected the stated development goals of the 2016 Plan.

Assistant Planner Cowan then explained that the PB considered:

- Dividing the Redline into multiple tiers with more or less strict retail zoning requirements: D4 and D5 would have the strictest retail zoning requirements, and D2 and D3 would have slightly looser retail zoning requirements.
- Maintaining a strict retail core and then decreasing stringency in tiers as the zoning moves out from the City center.
- Maintaining a strict retail core, and relaxing the retail zoning requirements along the edges.

Assistant Planner Cowan said the PB recommends hiring a consultant because they feel they lack sufficient information regarding retail market and trends in Birmingham.

PB Chairman Clein reiterated that none of the above possibilities was moved as a recommendation to the Commission by the PB at this time, and that if the Commission is interested in exploring the possibilities, hiring a consultant would be the next step. PB Chairman Clein emphasized that the issue of where to draw zoning lines would be an important issue for a consultant to address.

Commissioner Nickita suggested Buxton may be able to provide some of the necessary information since the company is already working with the Birmingham Shopping District (BSD) in a consultant role. He also said the goals of the delineation need to be made more clearly.

Planning Director Ecker specified:

- The Commission this evening was only provided with five pages of highlights out of the PB's review materials, which comprise about 500 pages per PB agenda item.

- The PB has reviewed all information available from Buxton and the BSD from the last three years.
- Each property has been reviewed methodically for demand on the space, what kind of business is currently located in the property, what kind of businesses are suitable for the property, and other factors.
- Her understanding is that Buxton is only doing research on niche retailers in Birmingham, not a more systemic study.
- The PB is sure the retail core should remain and should be zoned strictly. All other possibilities remain open for consideration.

Commissioner Nickita explained that he was not questioning whether there has been sufficient research into this issue by the PB. Rather, his main concern was that the Commission was provided a map of Birmingham retail areas with green, red and blue sections, with no indication as to what those colors signify.

Commissioner DeWeese delineated the relevant issues as what is happening now in the Redline area, and what the City would like to be happening in 20 years in the Redline area, citing changes to Bates Street as a future anchor for retail. He continued that:

- Buxton could clarify why retailers are not moving to Birmingham. With that information, the City can then explore options for remedying the perceived issues.
- If a business in the Redline area is over a certain percentage of replacement, the business must be brought up to code.
- If a business in the Redline area is under a certain percentage of replacement, said business should retain grandfathered status.
- There may be use in providing incentive to businesses that elect to come up to code.
- In terms of street-friendliness, differentiation should be made between services like banks, which have windows open and engaging to the street, and doctors' offices, which have windows closed and not-engaging to the street and no after-hours use.
- Retail businesses that do not have street-centric windows should be encouraged to shift that practice through zoning and code enforcement.
- Birmingham's goal is to make the pedestrian experience friendly, open, interactive, and street-centric.
- The development of outdoor dining in Birmingham has enhanced the liveliness of the streetscape, for one example.

Ms. Whipple-Boyce explained that the PB had hypotheses as to what the green, red and blue sections on the provided map could signify, but had not narrowed it down enough to provide it as a legend. She added that:

- The PB will explore Commissioner DeWeese's concerns after the zones are clarified.
- In order to clarify the zones and the conditions leading to the delineation of the zones a consultant would be helpful.

Mr. Share said the PB undertook the process to explore reasons for vacant retail spaces, which turned into a need to consider the City's future retail goals. In order to do that, however, the PB needs to:

- Understand what broader retail trends are in order to best suggest a policy for the City.
- Know what kind of incentives would actually be desirable for retail businesses.

A consultant specializing in retail is the most prudent way to obtain such information.

Commissioner Boutros suggested asking Buxton if they are able to provide the information the PB needs, and if not, agreed the City should hire an outside consultant to explore these questions. The City must also be very clear on its goals for a consultant if that route is pursued.

Commissioner Hoff commended the PB on its work and said it returned what the Commission requested. She said the red zone on the map was clearly strict retail, the blue zone seemed to allow for more services, and the green zone is to be clarified. She continued Buxton should be able to provide retail trends and information, even if that is not currently part of its contract with Birmingham. Once that information is available a more informed exploration of these issues can continue.

Mayor Harris said:

- Procedurally staff can draw of a Request for Proposals (RFP) for a consultant, and at that point Buxton could determine whether they are an appropriate fit for the role. Until the City determines the criteria for an RFP, however, a consultant cannot be hired.
- He agrees with Commissioner Hoff that the PB has done thorough research and due diligence, and based on the information concurs that a retail consultant should be hired.

Commissioner Sherman concurred with Mayor Harris and Commissioner Hoff.

### **C. SIGN ORDINANCE REVIEW**

Planning Director Ecker said current issues are:

- Overlay sign standards, which do not specify the square footage of signage permitted, but limit signage to one sign per entrance. As a result, businesses on a corner with two sets of windows facing two different streets are permitted only one sign. Additionally, upper-floor tenants are permitted from displaying any signage in the overlay. Businesses are appearing in front of the Board of Zoning Appeals (BZA) frequently to appeal these restrictions, which indicate the need to consider an adjustment to the ordinance.
- Window signage standards, which is limited by size – 12 sq. ft. or 18 sq. ft. on big Woodward – with no limits on quality of signage or content of signage.
- Window treatment standards, which currently prohibit window-tinting but permit first-floor businesses to put up blinds, drapes, screens and other window-blocking materials.

She concluded by saying the Community Development office gets complaints regarding these issues frequently.

Planning Director Ecker specified that the current window ordinances prevent tinting, blockage with shelves, blockage with furniture, and require 80% visible light transmittance. There is no current prohibition on blinds or other window treatments.

Commissioner Nickita said window-blockage is a huge discouragement to pedestrian activity and he would like to see the above issues explored seriously.

Mr. Koseck said the ordinance likely needs to be updated to reflect the spirit and intent of what Birmingham would like to see in windows.

Mayor Pro Tem Bordman concurred that these issues should be explored, adding that overlay businesses should likely not be limited to one sign per entrance if Birmingham is trying to encourage retail.



Commissioner DeWeese said he would like to see parking ordinances, retail ordinances, and sign ordinances addressed in that order.

Mr. Williams said he would like to see the City have increased influence on interior space in terms of what is seen from the windows.

Commissioner Hoff agreed with Mr. Williams, adding that current ordinances might provide relief for some of these concerns but would require increased enforcement.

Commissioner Boutros said he would like to see increased enforcement and further exploration of the issues.

Commissioner Nickita said Birmingham should explore prohibiting taped window signs in order to discourage the posting of haphazard signage.

Mayor Harris noted consensus to explore the aforementioned issues further.

#### **D. FRONT YARD FENCES**

Building Official Johnson explained current Birmingham residential fence requirements and said:

- A resident has asked to City to explore the issue of installing fences at the property line since some could potentially impede neighbors' free use of their driveways.
- This specific concern has arisen an estimated two times in Building Official Johnson's twenty-year tenure with the City.
- Local communities largely allow fencing up to the property line.
- The concerned resident could expand their driveway a bit in order to allow for both car-doors to be opened easily. Paved surfaces cannot occupy more than 35% of the front open space, but the particular lot in question would not likely exceed the limit with an expansion of their driveway.

Ms. Whipple-Boyce said a more general look at the fence ordinances is in order because other fence issues, especially commercial, have arisen in the past.

Mayor Pro Tem Bordman said:

- Infrequent complaints about the residential fencing ordinances positively indicate their functionality, and that a change to the ordinance would lead to many houses suddenly being out of code.
- If fencing at the lot line is prohibited, the allowance of shrubbery and driveways at the lot line would also have to be reconsidered.
- There may be commercial fencing issues to explore, but that is not the issue at hand.

Commissioner DeWeese suggested that if a resident needed to expand their paved surfaces to accommodate a neighbor's fence and the paved surfaces would then total more than 35% of their front open space, this issue could be addressed by the BZA. An ordinance consideration is only necessary if this is a frequent issue.

Ms. Whipple-Boyce mentioned fences made of burlap and said those should not be permitted by ordinance, which is another reason to review the issue.

Building Official Johnson said that City does let residents know if something is extremely narrow when issuing site permits.

Mayor Harris noted general agreement to allow the fencing ordinances to remain as-is. He also commended the property owner for making the effort to bring the issue to the Commission's attention.

#### **E. ARTIFICIAL TURF LAWNS**

Building Official Johnson explained:

- The question is whether artificial turf is considered an 'impervious surface' by ordinance, and is thus limited by open space ordinance requirements.
- Artificial turf lawn technology has improved drastically, allowing for drainage of water and realistic grass appearance.

Commissioner Hoff said with the information provided she is fine with artificial turf lawns.

Commissioner DeWeese suggested the Building Department should clarify its definitions, because while artificial turf lawns are technically 'impervious', advanced technology and drainage systems may eliminate the imperviousness as a concern.

City Manager Valentine explained that Building Official Johnson seeks direction from the Commission for interpreting the ordinance.

Building Official Johnson clarified the artificial turf lawn is 'impervious', but has a drainage hole to a drain, which is why a closer look at definitions is being recommended.

Mayor Pro Tem Bordman said:

- Understanding the amount of water that drains from artificial turf lawns into the ground is a critical part of whether this should be permitted.
- If 100% of the rainwater ends up in the ground with artificial turf lawns, this is a desirable move because it reduces fertilizer and pesticide run-off.

Commissioner Nickita said artificial turf lawns are inappropriate in Birmingham.

Building Official Johnson said stone is mentioned in the ordinance as an 'impervious surface', meaning it is subject to percentage limits.

Mayor Harris acknowledged consensus for further study and discussion.

#### **IV. PUBLIC COMMENT**

Mr. Templeton explained:

- He currently has an artificial turf lawn at his home in Birmingham.
- It was installed in an effort to make his home and lot environmentally-friendly.
- He can provide the City with data that shows artificial turf lawns drain better than standard grass lawns.

Mayor Pro Tem Bordman replied that it is worth considering whether artificial turf lawns should be allowed in some exceptional cases, such as when it is in conjunction with efforts to be environmentally-friendly.

<b>V. ADJOURN</b>
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Mayor Harris adjourned the meeting at 9:43 p.m.

*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**  
**JUNE 25, 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 Sherman (arrived at 7:34)

Absent, Commissioner Nickita

Administration: City Manager Valentine, City Attorney Currier, IT Director Brunk, Planning Director Ecker, Finance Director/Treasurer Gerber, Assistant City Manager Gunter, Library Director Koschik, City Clerk Mynsberge, City Engineer O'Meara, Human Resources Manager Taylor, Director of Public Services Wood

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

**06-174-18 ANNOUNCEMENTS**

Mayor Harris announced:

- City Offices and the Baldwin Public Library will be closed on Wednesday, July 4th for Independence Day.
- Birmingham's In the Park free concert series continues on Wednesday, June 27th, in Shain Park at 7 p.m., with a pop/rock performance by Steve Acho. There will be no concert on July 4th.

Mayor Harris recognized State Senator Marty Knollenberg. Senator Knollenberg provided a brief legislative update, which included highlights of the state's recently completed budget.

**06-175-18 APPOINTMENTS TO THE AD HOC MASTER PLAN SELECTION COMMITTEE**

Recommendations, as approved by the subject boards and committees, were presented for representatives of the Planning Board, Multi-Modal Transportation Board, Advisory Parking

Committee, Parks and Recreation Board, Historic District Commission, and the Architectural Review Committee.

The City Commission interviewed Tom McDaniel, a resident and former Commission member, Steve Sollish, a resident, and Gordon Rinschler, a resident and former Commission member.

**MOTION:** Motion by Commissioner DeWeese:

To appoint Tom McDaniel to the Ad Hoc Master Plan Selection Committee as a resident representative who is a former City Commissioner to serve for the duration of the consultant selection process.

VOTE:           Yeas,     6  
                  Nays,     0  
                  Absent, 1 (Nickita)

**MOTION:** Motion by Commissioner Sherman:

To appoint Steve Sollish to the Ad Hoc Master Plan Selection Committee as a resident representative to serve for the duration of the consultant selection process.

VOTE:           Yeas,     6  
                  Nays,     0  
                  Absent, 1 (Nickita)

**MOTION:** Motion by Commissioner Sherman:

To concur with the recommendations from the subject boards and committees and appoint to the Ad Hoc Master Plan Selection Committee to serve for the duration of the consultant selection process:

Robin Boyle and Stuart Jeffares as representatives of the Planning Board;  
Amy Folberg as a representative of the Multi-Modal Transportation Board;  
Al Vaitas as a representative of the Advisory Parking Committee;  
Heather Carmona as a representative of the Parks and Recreation Board;  
John Henke as a representative of the Historic District Commission; and  
Christopher Longe as a representative of the Architectural Review Committee.

VOTE:           Yeas,     6  
                  Nays,     0  
                  Absent, 1 (Nickita)

The City Clerk administered the Oath of Office to Mr. McDaniel and Mr. Sollish.

#### **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.

**06-176-18                      APPROVAL OF CONSENT AGENDA**

The following items were removed from the Consent Agenda:

- Commissioner Hoff:                      Item G, Cultural Council of Birmingham/Bloomfield 2018-2019 Service Agreement  
    Item K, Bituminous Paving Materials Bid Award  
    Item Q, Spring Light Pole Painting Project  
    Item V, Capital Planning and Consultant Services for Ice Arena
- Mayor Pro Tem Bordman:              Item T, 2018 Sewer Inspection Program, Contract 9-18(S)

**MOTION:**        Motion by Commissioner Boutros, seconded by Commissioner Hoff:  
To approve the Consent Agenda, with Items G, K, Q, T, and V removed.

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

- A.        Resolution approving the City Commission meeting minutes of June 4, 2018.
- B.        Resolution approving the warrant list, including Automated Clearing House payments, dated June 6, 2018 in the amount of \$583,519.61.
- C.        Resolution approving the warrant list, including Automated Clearing House payments, dated June 13, 2018 in the amount of \$1,494,189.50.
- D.        Resolution approving the warrant list, including Automated Clearing House payments, dated June 20, 2018 in the amount of \$831,180.14.
- E.        Resolution setting Monday, July 23, 2018 at 7:30 PM for a public hearing to consider the Final Site Plan & Design and a Special Land Use Permit Amendment at 33588 Woodward to allow the addition of a new accessible bathroom to the existing Shell gasoline service station. (complete resolution in agenda packet)
- F.        Resolution setting Monday, July 23, 2018 at 7:30 PM for a public hearing to consider a Special Land Use Permit Amendment & Final Site Plan Review for 260 N. Old Woodward – The Morrie, to allow the operation of a restaurant, serving alcoholic liquors, and providing live entertainment with a dancing area. (complete resolution in agenda packet)
- H.        Resolution approving the Tree Care and Removal Agreement with J. H. Hart Urban Forestry, for five years commencing July 1, 2018 and ending June 30, 2023 in the amount

set forth in Attachment C – Cost Proposal, with all other terms and conditions remaining the same. Funds are available in each of the following accounts for these services: Major Street Fund – Street Trees – Tree Trimming Contract account #202-449.005-819.0000; Local Street Fund – Street Trees – Tree Trimming Contract account #203-449.005-819.0000; Parks – Tree Trimming Contract account #101-751.000-819.0000; and Property Maintenance – Tree Trimming Contract account #101- 441.003-819.0000. Further, authorizing the Mayor and City Clerk to sign the Agreement upon receipt of all required insurances.

- I. Resolution approving the purchase of ten (10) Dumor benches and fourteen (14) trash receptacles for a total purchase price of \$34,055.00 from the sole source vendor, Penchura, LLC. Further, waiving the formal bidding requirements. Funds have been budgeted in fiscal year 2017-2018 Capital Projects Fund- Park Benches & Trash Cans for Streetscapes account #401-901.009-981.0100 for this equipment purchase.
- J. Resolution approving the purchase of five (5) Murdock drinking fountains in the amount of \$21,756.00 from the sole source vendor, Diversified Spec Sales. Further, waiving the formal bidding requirements. Funds have been budgeted in fiscal year 2017-2018 Capital Projects Fund-Drinking Fountains account #401-901.009-981.0100 for this equipment purchase.
- L. Resolution approving the purchase and installation of three (3) new Carrier Comfort Series furnaces from Great Dane Heating and Cooling in the amount of \$8,995.00 from account #401-901.013-977.0000.
- M. Resolution awarding the Maple Staircase Retaining Wall contract to Rockworks, LLC in an amount not to exceed \$52,000.00. Funds for this project are available in the following accounts: #401-441.003-981.0100-Capital Projects in the amount of \$45,000.00 and #101-441.003-811.0000-Property Maintenance-Other Contractual Service in the amount of \$7,000.00. Further, authorizing the Mayor and Clerk to sign the agreement upon receipt of the required insurance.
- N. Resolution approving the five-year extension of the Metro Act Right of Way Permit for Michigan Bell Telephone Company d/b/a AT&T. (complete resolution in agenda packet)
- O. Resolution delegating to the Birmingham City Clerk and her authorized assistants, those being the members of her staff, the following duties of the election commission for the August 7, 2018 Primary Election and the November 6, 2018 General Election:
  - Preparing meeting materials for the election commission, including ballot proofs for approval and a listing of election inspectors for appointment;
  - Contracting for the preparation, printing and delivery of ballots;
  - Providing candidates and the Secretary of State with proof copies of ballots;
  - Providing notice to voters in the case of precinct changes/consolidations;

- Providing election supplies and ballot containers; and
  - Preliminary logic and accuracy testing.
- P. Resolution approving a 24-month service agreement renewal with Logicalis, Inc. effective July 1, 2018 for City Information Technology services. Further, directing the City Manager to sign the renewal agreement on behalf of the City.
- R. Resolution adopting the "Vehicle Use" Policy Amendment as a City policy and authorizing the HR Department to implement and enforce accordingly.
- S. Resolution approving the purchase of one (1) new 2018 RAM ProMaster City Tradesman van from Galeana's Van Dyke Dodge through the State of Michigan extendable purchasing contract #071B7700182 in the amount of \$19,488.74 from account #641-441.006.971.0100.
- U. Resolution authorizing the IT department to purchase the recommended count of Microsoft Office Suite Standard 2016 and Microsoft Server Standard 2016 Software Licenses from SHI using the Select plus Pricing Agreement. The purchase price not to exceed 26,304.60. Funds are available in the IT Computer Software fund account #636-228.000-742.0000

**06-177-18                      CULTURAL COUNCIL OF BIRMINGHAM/BLOOMFIELD 2018-2019  
SERVICE AGREEMENT (ITEM G)**

Cultural Council Representative Laurie Tenant stated that in FY 2016-2017 and 2017-2018 the Cultural Council was restructuring its board, did not have a quorum, and missed the deadline to apply for funds from Birmingham.

The \$4,200 being requested from Birmingham is to insure temporary art loaned to Birmingham.

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

To approve the service agreement with the Cultural Council of Birmingham/Bloomfield in the amount of \$4,200 for services described in Attachment A of the agreement for fiscal year 2018-2019; charging account number 101-299.000-811.0000 for this expenditure; and further to direct the Mayor and City Clerk to sign the agreement on behalf of the City.

VOTE:                      Yeas,                      6  
                                  Nays,                      0  
                                  Absent,                      1 (Nickita)

**06-178-18                      BITUMINOUS PAVING MATERIALS BID AWARD (ITEM K)**

DPS Director Wood stated that Birmingham staff must pick up the hot asphalt mix because delivery service is not available.



Commissioner Hoff said there is a material available that lasts longer than hot asphalt mix and cold patch and that she would do further research into the material.

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

To approve the purchase of 36A hot asphalt mix at \$72.50/ton (2018-2019) and \$76.50/ton (2019-2020) and UPM cold patch (delivered) at \$119.00/ton (2018-2019) and \$123.00/ton (2019-2020) from Cadillac Asphalt LLC for a two year period for the fiscal years 2018-2020 to be charged to accounts #202-449.003-729.0000, #203-449.003-729.0000, #590-536.002-729.0000 and #591-537.005-729.0000.

VOTE:            Yeas,            6  
                     Nays,            0  
                     Absent,        1 (Nickita)

**06-179-18                    SPRING LIGHT POLE PAINTING PROJECT (ITEM Q)**

DPS Director Wood said painting the Lot Six and West Maple light poles will be scheduled so as not to conflict with construction in those two areas. If conflict is unavoidable, the light pole painting in these two areas will either be delayed or deleted from the project.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner DeWeese:

To approve the painting of 109 light poles in Downtown Birmingham with Seaway Painting, LLC in the amount not to exceed \$26,125.00. Funds are available in the Street Lighting Maintenance account #202-449.003-937.0500 in the amount of \$21,085.00; Local Streets Maintenance, Other Contractual Service account #203-449.003-937.0500 in the amount of \$3,150.00 and the Parking Fund account #585-538.006-811.0000 in the amount of \$1,890.00 for a total project cost of \$26,125.00. Further, to waive the normal bidding requirements because Seaway is a DTE selected contractor. Further, to authorize the Mayor and City Clerk to sign on behalf of the City upon the receipt of the required insurance.

VOTE:            Yeas,            6  
                     Nays,            0  
                     Absent,        1 (Nickita)

**06-180-18                    BIRMINGHAM ICE ARENA CONSULTANT (ITEM V)**

Paul Wills of Plante & Moran CRESA, LLC (CRESA) explained the company:

- Employs approximately 100 people in the areas of architecture, engineering, and construction.
- Performed similar facility assessments for Novi, Farmington, and Southfield, as well as private ice arena projects including a recent project for Little Caesar's Arena.

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

To approve the proposal from Plante & Moran CRESA, LLC in the amount not to exceed \$21,000, plus out-of-pocket expenses for the purpose of assisting with capital planning and operational review consulting services for the Birmingham Ice Arena; contingent upon receipt of proper

insurance. Further, to waive the formal bidding requirements. Funds for this purchase are available from General Fund – Parks – Other Contractual Service account #101-751.000-811.0000.

VOTE:           Yeas,       6  
                  Nays,       0  
                  Absent,   1 (Nickita)

**06-181-18   2018 SEWER INSPECTION PROGRAM, CONTRACT 9-18(S) - (ITEM T)**

City Engineer O'Meara said this is a maintenance program which will only include cleaning and inspecting.

City Attorney Currier clarified:

- The City would prefer to have easements from residential properties for this work.
- The information acquired through this program will allow the City to prepare to service the neighborhoods in question correctly.
- Residences in the past that have not granted the City easements have still allowed the City onto their property to do this as a preventative measure.
- Lining sewers is different from this program because a lining project adds something to the sewer, and affects a residence's laterals, which are directly connected to the residence.
- A test sample of titles within the Quarton Lake Estate subdivision demonstrates that approximately one-third of the properties have easements of adequate size, approximately one-third of the properties have easements not of adequate size, and approximately one-third of the properties have no easements whatsoever.

Mayor Pro Tem Bordman stated that when individual residences do not sign an easement to Birmingham it poses a serious infrastructure issue and jeopardizes every residence on that block.

City Engineer O'Meara said if evidence of impending sewer collapse is found through this program, the relevant homeowners will be notified.

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

To award the 2018 Sewer Inspection Program, to Doetsch Industrial Services of Warren, MI in the amount of \$345,224.89 to be charged to account number 590- 536.001-981.0100. Further, to approve the appropriation and budget amendment as follows:

Sewer Fund:

Revenues:

Draw from Net Position	590-000.000-400.0000	\$ 34,522.49(City Share)
State Grant	590-000.000-540.0000	\$310,702.40 (Grant share)
Total Revenues		\$345,224.89

VOTE:           Yeas,       6  
                  Nays,       0  
                  Absent,   1 (Nickita)

## **V. UNFINISHED BUSINESS**

None.

## **VI. NEW BUSINESS**

### **06-182-18 PUBLIC HEARING FOR SPECIAL LAND USE PERMIT AND FINAL SITE PLAN AT 191 N. CHESTER – THE JEFFREY**

Mayor Harris opened the public hearing at 7:59 p.m.

Planning Director Ecker reviewed the April 13, 2018 Community Impact Study and Site Plan Review submitted by the applicant to the Planning Department and the June 15, 2018 memo written to City Manager Valentine outlining the proposal.

Planning Director Ecker stated:

- The patio will face Chester and Willits and will be slightly below the grade of the sidewalk.
- The building is two stories and fits within the height zoning requirements for TZ2 because there are no proposed changes to the height of the building.
- A traffic study found no concerns resulting from these changes. This study was performed by the applicant and approved by the City's traffic consultant.

City Engineer O'Meara said the Chester Street Lot currently has a waiting list for parking permits.

Sam Surnow, applicant and representative from Chester Street Partners LLC, explained The Jeffrey's parking will be supplied through 40 paid parking permits in the Chester Street Lot plus 11 on-site spaces.

There being no further comment, Mayor Harris closed the public hearing at 8:18 p.m.

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

To approve a Special Land Use Permit & Final Site Plan Review for 191 N.Chester–TheJeffrey, to allow office use over 3,000 sf. ft. in the TZ2 zone district. *(Formal resolution appended to these minutes as Attachment A.)*

VOTE:            Yeas,            6  
                     Nays,            0  
                     Absent,        1 (Nickita)

### **06-183-18 PUBLIC HEARING FOR 34977 WOODWARD – HAZEL RAVINES DOWNTOWN – SPECIAL LAND USE PERMIT AND FINAL SITE PLAN & DESIGN REVIEW**

Mayor Harris opened the public hearing at 8:19 p.m.

Planning Director Ecker reviewed the April 13, 2018 Special Land Use Application – Economic Development License (EDL) submitted to the City by the applicant and the June 14, 2018 memo written to City Manager Valentine outlining the proposal.

Planning Director Ecker and City Manager Valentine noted that the May 2, 2018 memo regarding the issue incorrectly described Hazel Ravines as pursuing a Bistro License. In actuality, Hazel Ravines Downtown is pursuing an EDL, which is reflected accurately in the proposed resolution.

Mayor Pro Tem Bordman shared concern that:

- Two previous establishments were not able to last in this location;
- 'Hazel Ravines Downtown' does not indicate the fact that this establishment is a restaurant; and,
- Thus the name may be too vague to attract potential patrons.

Beth Hussey, co-owner of Hazel Ravines Downtown, explained the inspiration behind the name and noted that she owns other non-traditionally named restaurants that have been successful. She noted that the full name of the restaurant would be "Hazel Ravines and Downtown, Casual Fine Dining", which will appear in all related marketing.

Mayor Pro Tem Bordman voiced approval of the 'Casual Fine Dining' specification.

Commissioner DeWeese suggested reaching out to the City in the future to explore the possibility of outdoor dining between the building and Woodward in order to emphasize the restaurant's presence.

Roman Bonislowski, architect, described the changes being implemented with an eye towards attracting future business. He noted that:

- The amount of noise at the intersection is prohibitive to open windows.
- There will be a small patio and an entryway where pastries and coffee can be purchased. This will allow a broader range of transactions with the restaurant beyond sit-down dining in order to create a more approachable, casual, and hospitable experience.

Planning Director Ecker said:

- The patio is open-air, but also under a roof because the second floor of the building extends above it.
- The picket-fence was approved by the Planning Board because it will be installed over a garden, so any rust it produces will not be on the sidewalk.

Ms. Hussey stated that the restaurant did not plan to offer valet at this time, noting that the two lots on Peabody are largely vacant at night and would provide more than enough parking for restaurant patrons.

Emmele Herrold, chef, shared a bit about her experience in the restaurant industry, including being head chef at One Eyed Betty's and Pop's for Italian, both in Ferndale, MI. She also described the vision for the restaurant, emphasizing the need for good casual dining in Birmingham.

There being no further comment, Mayor Harris closed the public hearing at 8:46 p.m.

**MOTION:** Motion by Commissioner DeWeese, seconded by Commissioner Boutros:  
To approve a Special Land Use Permit Amendment for 34977 Woodward to allow a new restaurant, Hazel Ravines Downtown, to open in the former Stand restaurant, and to allow for design and signage changes for the new restaurant (*Formal resolution appended to these minutes as Attachment B.*);

**AND**

To authorize the Chief of Police to sign the MLCC Police Investigation Report (LLC-1800) and to approve the liquor license transfer request of Hazel & Ravines LLC that requests a transfer of a Class C License to be issued under MCL 436.1521(A)(1)(B) and SDM License with Outdoor Service (1 Area) to be located at 34977 Woodward Avenue, Birmingham, Oakland County, MI 48009;

**AND**

Furthermore, pursuant to Birmingham City Ordinance, to authorize the City Clerk to complete the Local Approval Notice at the request of Hazel & Ravines LLC approving the liquor license transfer request of Hazel & Ravines LLC that requested a Class C License transfer to be issued under MCL 436.1521 (A)(1)(B) & SDM License with Outdoor Service (1 Area) to be located at 34977 Woodward Avenue, Birmingham, Oakland County, MI 48009.

VOTE:            Yeas,        6  
                     Nays,        0  
                     Absent,     1 (Nickita)

**06-184-18                    BALDWIN LIBRARY YOUTH ROOM RENOVATION**

City Manager Valentine:

- Reminded the Commission of the library's presentations during the City's Long-Range Planning Session and Budget Hearing regarding Phase Two of the Library's renovation project, which would expand and renovate Youth Services.
- Explained that this evening the Commission would be reviewing the Library Board's Request for Proposals (RFP) for Phase Two.

Library Director Koschik:

- Reviewed his June 21, 2018 memo to City Manager Valentine regarding the RFP for the design development aspect of the planned youth services renovation and expansion.
- Said design development must occur before the construction project itself can be bid out.
- Stated the renovation and expansion of youth services is anticipated to be 9% of the total cost of the renovation project.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Boutros:  
To authorize the issuance of the Request for Proposals as recommended by the Library Board to finalize designs and prepare for the expansion and renovation of the Youth Services section of the Baldwin Public Library, with the necessary funds to be paid by the Library.

VOTE:           Yeas,       6  
                  Nays,       0  
                  Absent,   1 (Nickita)

**06-185-18                   PROFESSIONAL SERVICES CONTRACT RECOMMENDATION –  
DEVELOPMENT CONSULTANT FOR N. OLD WOODWARD AVENUE /  
BATES STREET PROJECT**

Assistant City Manager Gunter reviewed her June 21, 2018 memo outlining the recommendation of Jones Lang LaSalle (JLL), Inc. as development consultant for the N. Old Woodward Avenue/Bates Street Project.

Assistant City Manager Gunter explained:

- She and City Manager Valentine requested quotes from development consultants known to have recently completed projects similar to the N. Old Woodward Ave./Bates St. Project.
- Four development consultants were contacted, and three were interested in offering quotes.
- Many development consultants in the area have experience with either parking structures or mixed-use development. Very few have experience in both realms.

Zarah Broglin, Senior Project Manager with JLL, stated she has:

- Been with JLL for three years, and in the construction industry for fifteen years.
- Two Masters' Degrees, one from Virginia Polytechnic Institute in Biological Systems Engineering and one from Pennsylvania State University in Architectural Engineering.
- Experience doing a wide variety of construction projects, in addition to due diligence consulting services.

Timothy Kay, Managing Director at JLL, stated JLL is the largest provider worldwide of public-private partnership (P3) consulting services. He continued that:

- He is personally currently providing oversight for a JLL P3 project for University of Michigan's North Campus, and for a JLL P3 project for Bowling Green State University.
- The goal of this work is to reduce project risk as much as possible in order to enable a successful development.
- The references provided were complex, local projects involving parking structures.
- JLL did a bit of work for the Daxton Hotel opening in Birmingham, has worked with each individual involved with Walbridge/Woodward Bates Partners (Walbridge) with the exception of Walbridge's developer, and has worked with Walker Consulting.

City Manager Valentine explained that the City begins with a previously-set concept plan, clarifies the details of that plan into a proposed development agreement that will outline the specific terms and conditions of a development plan, which will then come back before the Commission for approval.

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

To authorize the City to engage the firm of Jones Lang LaSalle, Inc. to provide development consulting services for an amount not to exceed \$91,240 utilizing the Parking Enterprise Fund account #585-538.001-811.0000. Further, to direct the Mayor and City Clerk to sign the agreement on behalf of the City contingent upon receipt of required Insurance Certificates. Also, to authorize the City to engage the legal services of Miller Canfield to serve as the development attorney and bond counsel.

Commissioner DeWeese said:

- There must be more steps between a consultant developing an RFP for the City and awarding the project to the same firm in order to make sure the City's interests are fully represented.
- While he is fine with engaging the legal services of Miller Canfield, he is uncomfortable with the lack of maximum payment outlined in the resolution.
- The City needs an independent view to make sure its interests are being represented, so he will be supporting the motion.

Mayor Harris said he was also uncomfortable approving a contract for legal services without knowing Miller Canfield's billable rates.

Joseph Fazio, attorney with Miller Canfield, stated that his rate is \$450/hour but that he will be working with a team of younger attorneys, which will bring the rate down substantially.

Commissioner Sherman reiterated that:

- This project grew out of a parking study;
- This development project may not be in the City's best interest; and,
- One of the consultant's tasks here is to evaluate whether this is an appropriate project for Birmingham to pursue.

Commissioner Hoff said it is very important that JLL proceed neutrally in order to evaluate whether this project is in Birmingham's best interest.

Mayor Harris noted that part of JLL's package included looking for potential conflicts of interest and the firm found none. Mr. Kay confirmed this.

VOTE:           Yeas,       6  
                  Nays,       0  
                  Absent,   1 (Nickita)

#### **06-186-18                   PARKING LOT #6 EXPANSION**

Assistant City Manager Gunter reviewed the June 25, 2018 memo to City Manager Valentine regarding the Parking Lot #6 expansion.

Mayor Pro Tem Bordman said it would be a real loss if the expansion made it so that families could not access the river by the Birmingham Farmer's Market with their children.

City Engineer O'Meara replied that Mayor Pro Tem Bordman's feedback would be integrated into the process. He continued that the expansion would be a quick project, with only a few days affecting the entire lot.

Assistant City Manager Gunter explained that Birmingham would not likely be awarded a grant by the Michigan Department of Environmental Quality (MDEQ) if Birmingham begins the project without receiving input from MDEQ.

Al Vaitas, Chairman of the Advisory Parking Committee, thanked the Commission for considering the expansion of Lot #6.

City Engineer O'Meara told resident Drew Dettling that the proposed removal of 20 trees is an accurate figure but the City will be doing a study to make sure no high-quality trees are removed unnecessarily.

Resident Drew Dettling said:

- The Birmingham zoning ordinances require landscaping in parking lots, and that Lot #6 should also have to meet those requirements unless the City goes to the Board of Zoning Appeals to receive a variance.
- Between the Edison easement project last year and this expansion, 50 trees will have been removed from this area in the last three years, which seems excessive.

City Engineer O'Meara said that since this is not a new lot, he would suggest that only the expanded part of the lot should be subject to meeting the City's parking lot landscaping ordinance requirements.

Commissioner DeWeese agreed that the City should meet City code when undertaking projects.

Mr. Vaitas noted that the trees slated to be removed as part of this project are either dead or dying.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:  
To authorize the restoration and expansion of Parking Lot #6 located near 600 N. Old Woodward. Further, to waive the option of creating a special assessment district to defray the cost of this work, and proceed to the plan preparation phase, charging all costs to the Auto Parking System.

VOTE:           Yeas,       6  
                  Nays,       0  
                  Absent,   1 (Nickita)

#### **06-187-18                   GREENWOOD CEMETERY PAYMENT PLAN POLICY**

City Clerk Mynsberge reviewed the June 15, 2018 memo to City Manager Valentine regarding the Greenwood Cemetery Advisory Board's (GCAB) recommended payment plan policy.



Mayor Harris commented that some of the language regarding the use of the end plot and the allocation of installment payments in the policy was not clear. He continued that the policy does not specify a few items such as whether prepayments are allowed or when payments are due during the month. Mayor Harris said he would like to see those few areas clarified, but if the Commission found the policy sufficiently clear, he would be all right moving it forward.

Commissioner DeWeese expressed dissatisfaction that the Contractor allowed payment plans without approval by the Commission.

City Manager Valentine specified that these are industry norms that the GCAB included in their policy recommendation.

Commissioner Hoff noted that:

- The Contractor should have attended the January 2018 GCAB meeting where this policy was discussed, as they were invited to attend.
- The Contractor should attend other meetings as is appropriate.

Commissioner Boutros suggested it may create a conflict of interest if the Contractor helps design the policy they must follow.

Commissioner DeWeese said the Contractor should participate in the ongoing discussion and provide feedback.

#### **06-188-18                      WATER/SEWER RATE CHANGES FOR 2018-2019**

Finance Director/Treasurer Mark Gerber presented the June 15, 2018 memo to City Manager Valentine regarding the recommended water/sewer rate changes for 2018-2019.

**MOTION:** Motion by Commissioner Sherman , seconded by Mayor Pro Tem Bordman:  
To amend the Schedule of Fees, Charges, Bonds and Insurance, Water and Sewer Service Sections, for changes in water, sewer, storm water, industrial surcharge, and industrial waste control charge rates effective for bills with read dates on or after July 1, 2018.

VOTE:                      Yeas,                      6  
                                 Nays,                      0  
                                 Absent,                      1 (Nickita)

#### **06-189-18                      AD HOC JOINT SENIOR SERVICES COMMITTEE**

City Manager Valentine reviewed the June 15, 2018 memo to the City Commission regarding a proposed re-introduction of the Joint Senior Services Committee.

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

To create an Ad Hoc Joint Senior Services Committee to conduct a long term study and evaluation of the necessary funding and governance model to effectively provide adequate senior services to participating residents, and further, to begin solicitation of one resident member to the committee.

VOTE:           Yeas,       6  
                  Nays,       0  
                  Absent,   1 (Nickita)

**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**

None.

**XI. ADJOURN**

Mayor Harris adjourned the meeting at 9:59 p.m.

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J. Cherilynn Mynsberge, City Clerk

THE JEFFREY  
191 N. CHESTER  
SPECIAL LAND USE PERMIT  
2018

- WHEREAS, The owner of the property located at 191 N. Chester filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to allow an office use in the TZ2 zone district in accordance with Article 2, Section 2.43 Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit is sought is located at the southwest corner of the Chester and Willits intersection;
- WHEREAS, The land is zoned TZ2, which permits office use over 3,000 sq. ft. with a Special Land Use Permit;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;
- WHEREAS, The applicant submitted an application for a Special Land Use Permit and Final Site Plan to open an office building at 191 N. Chester, The Jeffrey, with tenant spaces greater than 3,000 sq. ft.;
- WHEREAS, The Planning Board on May 9, 2018 voted to accept the CIS as provided by the applicant for the proposed development at 191 N. Chester, the Jeffrey with the following conditions:
1. Applicant provide mitigation strategies for control of noise vibration and dust;
  2. Applicant will be required to bury all utilities on the site subject to the concurrence of the City Engineer;
  3. Applicant provide space for the separation of recyclables; and
  4. Applicant provide information on all life safety issues and Fire Dept. approval, as well as details on the proposed security system provided to and approved by the Police Dept.
- WHEREAS, The Planning Board on May 9, 2018 reviewed the application for a Special Land Use Permit and Final Site Plan Review and recommended approval of 191 N. Chester, The Jeffrey, with the condition that the applicant submits for administrative approval material samples and specifications to complete the design review for the garage door;

WHEREAS, The applicant has agreed to comply with the conditions of approval recommended by the Planning Board;

WHEREAS, The Board of Zoning Appeals, on May 8, 2018 granted the applicant a variance in lieu of one required loading space;

WHEREAS, The Birmingham City Commission has reviewed The Jeffrey's Special Land Use Permit application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that The Jeffrey's application for a Special Land Use Permit and Final Site Plan at 191 N. Chester is hereby approved;

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

1. The Jeffrey shall abide by all provisions of the Birmingham City Code;
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 including, but not limited to, violations of the state law or Birmingham City Code;
3. Applicant provide mitigation strategies for control of noise vibration and dust;
4. Applicant will be required to bury all utilities on the site subject to the concurrence of the City Engineer;
5. Applicant provide space for the separation of recyclables;
6. Applicant provide information on all life safety issues and Fire Dept. approval, as well as details on the proposed security system provided to and approved by the Police Dept.; and
7. Applicant submits for administrative approval material samples and specifications to complete the design review for the garage door.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, The Jeffrey and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended.

Failure of The Jeffrey 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 adopted by the Birmingham City Commission at its regular meeting held on June 25, 2018.

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J. Cherilynn Mynsberge, City Clerk

HAZEL RAVINES DOWNTOWN  
34977 WOODWARD  
SPECIAL LAND USE PERMIT  
2018

- WHEREAS, Hazel Ravines Downtown filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a food and drink establishment in the B4 zone district in accordance Article 2, Section 2.37 of Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit is sought is located on the west side of Woodward Avenue;
- WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic beverages with a Special Land Use Permit;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;
- WHEREAS, The applicant submitted an application for a Special Land Use Permit to open a new establishment serving alcoholic liquors and to make interior and exterior changes and add new signage to the former Stand restaurant space;
- WHEREAS, The Planning Board reviewed the application on May 23rd, 2018 for a Special Land Use Permit and Final Site Plan Review and recommended approval to the Birmingham City Commission with the following conditions:
1. The applicant must remove the evergreen shrub letter sign, as it is in the public right-of-way;
  2. The applicant must bring the signage into compliance in regards to size, and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals;
  3. The applicant must correct the indoor/outdoor dining area plan to show 20 seats, or adjust the seating calculation to include a 22 seat patio;
  4. The applicant must provide the location of all new lighting fixtures prior to City Commission approval; and
  5. The applicant addresses the requests of all City Departments.
- WHEREAS, The applicant has agreed to comply with the conditions of the Planning Board approval;

WHEREAS, The Birmingham City Commission has reviewed Hazel Ravines Downtown's Special Land Use Permit application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that Hazel Ravines Downtown's application for a Special Land Use Permit and Final Site Plan at 34977 Woodward is hereby approved;

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

1. The applicant must remove the evergreen shrub letter sign, as it is in the public right-of-way;
2. The applicant must bring the signage into compliance in regards to size, and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals;
3. The applicant must correct the indoor/outdoor dining area plan to show 20 seats, or adjust the seating calculation to include a 22 seat patio;
4. The applicant must provide the location of all new lighting fixtures prior to City Commission approval;
5. The applicant addresses the requests of all City Departments;
6. Hazel Ravines Downtown shall abide by all provisions of the Birmingham City Code; and
7. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest including, but not limited to, violations of the state law or Birmingham City Code.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, Hazel Ravines Downtown and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Hazel Ravines and Downtown to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

MAY IT BE FURTHER RESOLVED that Hazel Ravines Downtown is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises with a Class C Liquor License, at 34977 Woodward Avenue, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.



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 adopted by the Birmingham City Commission at its regular meeting held on June 25, 2018.

---

J. Cherilynn Mynsberge, City Clerk

**City of Birmingham**  
**Warrant List Dated 06/27/2018**

Meeting of 07/09/2018

Check Number	Early Release	Vendor #	Vendor	Amount
259127	*	000855	48TH DISTRICT COURT	100.00
259128	*	000855	48TH DISTRICT COURT	100.00
259129	*	000855	48TH DISTRICT COURT	100.00
259130		002284	ABEL ELECTRONICS INC	470.98
259131	*	008649	ROBERT ABRAHAM JR.	425.00
259132		MISC	ADVANCED PROPERTY RESTORATION	200.00
259133		006092	ALLIANCE OF ROUGE COMMUNITIES	3,737.00
259134		002488	AMERICAN TEST CENTER, INC.	1,030.00
259135		000167	ANDERSON ECKSTEIN WESTRICK INC	1,750.00
259136	*	008655	ANGELO IAFRATE CONSTRUCTION	1,204,932.08
259137	*	007510	GRANT ANKNEY	425.00
259138		MISC	ARTEMIO SESSIONS	200.00
259139	*	006759	AT&T	59.13
259140	*	006759	AT&T	244.05
259141	*	006759	AT&T	397.95
259143	*	006759	AT&T	65.10
259144	*	006759	AT&T	7.40
259145	*	008009	TREVOR BAKER	425.00
259146	*	003839	MATTHEW J. BARTALINO	425.00
259147		003012	BATTERIES PLUS	26.95
259148		002231	BILLINGS LAWN EQUIPMENT INC.	80.00
259149	*	008706	CITY OF BIRMINGHAM #232	157,597.54
259150		007624	BIRMINGHAM OIL CHANGE CENTER, LLC	81.94
259151	*	001086	CITY OF BIRMINGHAM	573.20
259152	*	001086	CITY OF BIRMINGHAM	466.24
259154		004125	CANNON EQUIPMENT	7,280.00
259156		007933	CARDNO, INC.	1,711.50
259157	*	000598	CHRISTOPHER CATON	425.00
259158		005238	CBTS	552.45
259159	*	000444	CDW GOVERNMENT INC	6,317.64
259160		MISC	CEDAR PRESERVATION SYSTEMS LLC	200.00
259161		000605	CINTAS CORPORATION	134.84
259162		001054	CITY OF TROY	885.04
259163	*	000627	CONSUMERS ENERGY	944.23
259164	*	007638	MARSHALL CRAWFORD	425.00
259165	*	003204	MARK DELAUDER	425.00
259166	*	000177	DELWOOD SUPPLY	97.61
259167	*	006999	CHRISTOPHER DEMAN	425.00
259170		000847	DETROIT SALT COMPANY	6,419.60
259171		007498	RONALD L. DIX	54.00
259172		MISC	DJL2 LLC	2,000.00
259173		000565	DORNBOS SIGN & SAFETY INC	1,415.22
259174	*	000179	DTE ENERGY	20,673.44

**City of Birmingham**  
**Warrant List Dated 06/27/2018**

Meeting of 07/09/2018

Check Number	Early Release	Vendor #	Vendor	Amount
259175	*	000180	DTE ENERGY	5,398.65
259176		007505	EAGLE LANDSCAPING & SUPPLY	203.00
259177		MISC	EAGLE MARBLE AND GRANITE INC	2,000.00
259180		MISC	EASY EXIT EGRESS WINDOWS	100.00
259181		007684	ELITE TRAUMA CLEAN-UP INC.	50.00
259182		001495	ETNA SUPPLY	1,580.00
259183		001223	FAST SIGNS	440.00
259184		MISC	FAST SIGNS	100.00
259185		000936	FEDEX	81.43
259186	*	007366	FIRST ADVANTAGE OCCUPATIONAL	52.00
259187		MISC	FITNESS THINGS & ALL PRO EXERCISE	2,539.72
259188		006654	FLEETPRIDE INC	238.08
259189		007212	FOSTER BLUE WATER OIL	1,401.72
259190	*	007289	BRIAN FREELS	425.00
259191		MISC	GIANFRANCO PALAZZOLO	1,900.00
259192	*	008648	HUNTER GILICK	425.00
259193	*	004604	GORDON FOOD	109.93
259194		000243	GRAINGER	24.76
259195	*	008105	JASON GRANROTH	425.00
259196	*	000247	DAVID GREENWOOD	425.00
259198	*	008002	JOELLEN HAINES	25.00
259199		MISC	HANSONS ADMINISTRATIVE GROUP LLC	500.00
259200	*	007799	HARVEY ELECTRONIC AND RADIO LLC	11,175.00
259201		MISC	HM HOMES LLC	4,300.00
259203		000331	HUBBELL ROTH & CLARK INC	42,902.69
259204	*	003824	THOMAS I. HUGHES	425.00
259205		000261	J.H. HART URBAN FORESTRY	3,621.50
259206		003458	JOE'S AUTO PARTS, INC.	12.45
259207	*	007244	CHRISTOPHER JUDKINS	425.00
259208	*	007511	ADAM KNOWLES	425.00
259209		MISC	KOPKE HOME ENHANCEMENT INC	100.00
259210	*	000362	KROGER COMPANY	268.18
259211	*	008696	KYLE BUILDERS	21,000.00
259212	*	005327	L3 TECHNOLOGIES, INC.	290.00
259213	*	008792	JOSEPH LAMBERT	108.45
259214		005550	LEE & ASSOCIATES CO., INC.	1,630.00
259215		MISC	LONG, CARRIE	200.00
259216	*	008417	M-1 STUDIOS LLC	700.00
259217		MISC	MARYGROVE AWNING CO	200.00
259218	*	000337	JIM MCCULLOCH	425.00
259219		008479	MD SOLUTIONS, INC	250.00
259220		008477	MEDIANEWS - 21CM ADVERTISING	2,328.75
259221		MISC	MICHAEL J DUL & ASSOCIATES, INC.	100.00

**City of Birmingham**  
**Warrant List Dated 06/27/2018**

Meeting of 07/09/2018

Check Number	Early Release	Vendor #	Vendor	Amount
259222		MISC	MICHAEL SAVINO CONCRETE	100.00
259223		001660	MICHIGAN CAT	80.08
259224	*	000377	MICHIGAN MUNICIPAL LEAGUE	67.00
259226		003099	MICHIGAN POLICE EQUIP.	3,150.00
259227	*	001104	STATE OF MICHIGAN	2,246.38
259228	*	008126	MICHIGAN.COM	499.56
259229	*	007659	MICHIGAN.COM #1008	63.75
259230		000230	MIKE SAVOIE CHEVROLET INC	117.46
259231	*	007306	MARK MISCHLE	425.00
259232		008803	MPT DESIGNS	240.00
259233		001089	MUNICIPAL CODE CORP.	350.00
259234		MISC	NEEL, GARRY F	957.39
259235		008806	NELSON NYGAARD CONSULTING ASSOC.	7,972.42
259236		MISC	NOVI KITCHEN AND BATH	1,700.00
259237	*	001686	OAKLAND CO CLERKS ASSOC	40.00
259238	*	004110	OAKLAND COMMUNITY COLLEGE	395.00
259239		006599	OBSERVER & ECCENTRIC	65.00
259240	*	004370	OCCUPATIONAL HEALTH CENTERS	1,284.00
259241	*	003963	DAVID PAPANDREA	425.00
259242		MISC	PAUL TURNER	100.00
259243		005688	PEGASUS ENTERTAINMENT	68.00
259244		008418	PIPETEK INFRASTRUCTURE SERVICES	2,436.75
259245		005379	RED WING SHOES	116.99
259246		000478	ROAD COMM FOR OAKLAND CO	2,399.32
259247		MISC	ROBERT & MICHELLE DAVIS	850.00
259249		MISC	ROGER HOOPER JR	100.00
259250		001181	ROSE PEST SOLUTIONS	89.00
259251	*	007897	JEFFREY SCAIFE	425.00
259252	*	007898	JEFFREY SCHEMANSKY	425.00
259253		MISC	SHARF CONSTRUCTION LLC	100.00
259254		007142	SHERWIN-WILLIAMS COMPANY	376.67
259255	*	006591	MICHAEL SLACK	425.00
259256	*	007899	NICHOLAS SLANDA	425.00
259257	*	003466	ALAN SOAVE	425.00
259258		000254	SOCRRA	61,960.00
259259	*	007245	NICK SOPER	425.00
259260		007907	SP+ CORPORATION	1,120.00
259260	*	007907	SP+ CORPORATION	2,430.00
259261	*	005351	STATE OF MICHIGAN- DETROIT	5.21
259262		006749	SUPERIOR SCAPE, INC	5,995.00
259263		MISC	T G HOMES LLC	900.00
259264		001255	TEKNICOLORS INC	637.25
259265		MISC	THE ROBERT G MILES REV TRST	744.34

**City of Birmingham**  
**Warrant List Dated 06/27/2018**

Meeting of 07/09/2018

Check Number	Early Release	Vendor #	Vendor	Amount
259266		MISC	TOLLES, BRYAN	200.00
259267		MISC	TOWN BUILDING COMPANY	2,000.00
259268		006375	TRADEMASTER, INC	2,334.00
259269		004887	TRUCK & TRAILER SPECIALTIES INC	1,078.05
259270	*	000158	VERIZON WIRELESS	126.02
259271	*	000158	VERIZON WIRELESS	50.53
259272	*	000158	VERIZON WIRELESS	194.79
259273	*	000158	VERIZON WIRELESS	556.74
259275		MISC	WALLSIDE INC	1,000.00
259276		MISC	WALLSIDE WINDOW	1,000.00
259277	*	000301	PAUL WELLS	425.00
259278	*	001536	JEFFREY WHIPPLE	170.80
259279	*	007900	RYAN WISEMAN	425.00
259280		MISC	WOODWARD BROWN VENTURES, LLC	1,500.00
Sub Total Checks:				\$1,647,853.94
Sub Total ACH:				\$116,814.38
Grand Total:				\$1,764,668.32

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



Mark Gerber  
Finance Director/ Treasurer

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

**City of Birmingham**  
**ACH Warrant List Dated 6/27/2018**

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	6/22/2018	112,721.17
Cutwater Asset Management-April	**	4,093.21
<b>TOTAL</b>		116,814.38

\*\*Awaiting approval from Commission.

Cutwater Asset Management provides advisory and reporting services for the City's general investments. It was acquired by Bank of New York Mellon, N.A. in January 2015. As a result of the acquisition, they no longer accept checks as payment for services. Once the Commission approves this warrant list, the City will electronically transmit payment. These invoices will appear once a month on the ACH Warrant List.

**City of Birmingham**  
**Warrant List Dated 07/04/2018**

Meeting of 07/09/2018

Check Number	Early Release	Vendor #	Vendor	Amount
259281	*	000855	48TH DISTRICT COURT	300.00
259282	*	000855	48TH DISTRICT COURT	100.00
259283	*	000855	48TH DISTRICT COURT	100.00
259284	*	000855	48TH DISTRICT COURT	343,079.09
259285	*	000855	48TH DISTRICT COURT	100.00
259286	*	000855	48TH DISTRICT COURT	100.00
259287	*	000855	48TH DISTRICT COURT	100.00
259288	*	006965	7UP DETROIT	279.17
259289		002284	ABEL ELECTRONICS INC	414.99
259289	*	002284	ABEL ELECTRONICS INC	390.00
259290		008106	ACUSHNET COMPANY	732.06
259291		003708	AIRGAS USA, LLC	309.19
259292		007696	AMERICAN CLEANING COMPANY LLC	1,350.00
259293		007479	ASB DISTRIBUTORS	290.20
259293	*	007479	ASB DISTRIBUTORS	62.00
259294	*	006759	AT&T	143.15
259295	*	006759	AT&T	288.60
259296	*	007216	AT&T	85.98
259298	*	004867	BALDWIN PUBLIC LIBRARY TRUST	450.00
259299		003012	BATTERIES PLUS	71.60
259300		007345	BEVERLY HILLS ACE	173.78
259301		006683	BIRMINGHAM LAWN MAINTENANCE	21,892.00
259302		000525	BIRMINGHAM PUBLIC SCHOOLS	21.00
259303		MISC	BRIAN CABLE	63.66
259304	*	006953	JACQUELYN BRITO	457.52
259305		008179	BUCCILLI GROUP, LLC	1,650.00
259306		007875	CANFIELD EQUIPMENT SERVICE INC.	300.00
259307		007732	CAPITAL TIRE, INC.	512.40
259308		000595	CARRIER & GABLE INC	506.91
259309	*	000444	CDW GOVERNMENT INC	940.27
259310		000605	CINTAS CORPORATION	140.65
259311		008743	CIT GROUP/COMMERCIAL SERVICES	47.97
259312	*	007625	COMCAST	424.65
259313	*	007774	COMCAST BUSINESS	1,230.66
259314		002668	CONTRACTORS CLOTHING CO	568.80
259315		001367	CONTRACTORS CONNECTION INC	210.15
259316		008512	COOL THREADS EMBROIDERY	107.98
259317		008582	CORE & MAIN LP	817.74
259318		004386	CYNERGY PRODUCTS	578.25
259319		000847	DETROIT SALT COMPANY	6,524.59
259320		000190	DOWNRIVER REFRIGERATION	582.21
259321		008308	ERADICO PEST SERVICES	68.00
259322		001495	ETNA SUPPLY	2,400.00

**City of Birmingham**  
**Warrant List Dated 07/04/2018**

Meeting of 07/09/2018

Check Number	Early Release	Vendor #	Vendor	Amount
259323		001223	FAST SIGNS	587.25
259324		008821	POLLARDWATER	147.05
259325		006181	FIRST CHOICE COFFEE SERV	143.45
259326		007314	FLEIS AND VANDENBRINK ENG. INC	222.00
259327		007807	G2 CONSULTING GROUP LLC	21,312.50
259328		007172	GARY KNUREK INC	100.00
259329		008755	GEARGRID CORPORATION	1,462.00
259330	*	004604	GORDON FOOD	2,809.41
259331		004878	GOVERNMENT FINANCE OFFICERS	225.00
259332	*	008105	JASON GRANROTH	114.95
259333		001168	GREEK ISLANDS CONEY ISLAND	489.19
259334		000249	GUARDIAN ALARM	224.03
259335		001531	GUNNERS METER & PARTS INC	905.00
259336		001415	HORNUNG'S PRO GOLF SALES INC	261.43
259338		000340	INDUSTRIAL BROOM SERVICE, LLC	157.30
259339		000261	J.H. HART URBAN FORESTRY	37,395.97
259340		000186	JACK DOHENY COMPANIES INC	906.67
259341		MISC	JENNIFER GREGG	220.00
259342		003458	JOE'S AUTO PARTS, INC.	241.99
259343		000155	JOHNSON CONTROLS SECURITY SOLUTIONS	225.00
259344		007444	JW TURF INC.	118.10
259345		008791	KB CREATIVE LLC	633.49
259346		004088	KGM DISTRIBUTORS INC	664.00
259347		005350	KLM BIKE & FITNESS INC	32.28
259348	*	000362	KROGER COMPANY	35.72
259349		008696	KYLE BUILDERS	15,000.00
259350	*	008607	LANZO TRENCHLESS TECHNOLOGIES NORTH	162,346.70
259352		008551	M & K TRUCK CENTERS	886.52
259353		004484	MACOMB COMMUNITY COLLEGE	1,000.00
259354	*	008763	MARYKO HOSPITALITY, LLC	15,000.00
259355		000888	MCKENNA ASSOCIATES INC	732.60
259356		001505	MEADOWBROOK INSURANCE GROUP	128.00
259358		003099	MICHIGAN POLICE EQUIP.	1,416.00
259359	*	007659	MICHIGAN.COM #1008	65.00
259360		000230	MIKE SAVOIE CHEVROLET INC	892.42
259361		002671	MMA	350.00
259362		008045	NIVO SPORTS US, INC.	945.09
259363		003075	NORTH END ELECTRIC	647.42
259364		006359	NYE UNIFORM COMPANY	337.50
259365		008087	O'DONNELL BROS PROFESSIONAL	875.00
259366		008198	OCAA0	10.00
259367		MISC	PAM KENNEDY	198.00
259368	*	003588	PATRIOT 2000 INC.	662.63



**City of Birmingham**  
**Warrant List Dated 07/04/2018**

Meeting of 07/09/2018

Check Number	Early Release	Vendor #	Vendor	Amount
259369		005688	PEGASUS ENTERTAINMENT	200.00
259370		006027	PENCHURA, LLC	44.00
259371	*	001753	PEPSI COLA	563.58
259372		001341	PIFER GOLF CARS INC	5,850.00
259372	*	001341	PIFER GOLF CARS INC	500.00
259373		000897	PRINTING SYSTEMS INC	93.28
259374		006729	QUENCH USA INC	120.00
259375	*	008342	RAIN MASTER CONTROL SYSTEMS	29.85
259376	*	008404	PETE REALY	49.48
259377	*	008824	CLARA REID	1,251.88
259378		000286	RESIDEX LLC	7,582.70
259379	*	003554	RKA PETROLEUM	10,638.96
259380		000218	ROYAL OAK P.D.Q. LLC	57.00
259381		MISC	SARA AHMED	220.00
259382	*	005759	SCHEMA ROOFING & SHEET METAL	515.00
259383		006850	SHELBY AUTO TRIM, INC.	696.25
259384		007142	SHERWIN-WILLIAMS COMPANY	4.86
259385	*	008073	SITEONE LANDSCAPE SUPPLY, INC	571.54
259386	*	001097	SOCWA	25.00
259387		000260	SPARTAN DISTRIBUTORS INC	247.14
259388		008794	STRAIGHT DOWN CLOTHING CO.	40.20
259389		006376	SUBURBAN CHRYSLER DODGE JEEP - TROY	118.50
259390		003630	SUN SHADE WINDOW TINTING INC	220.00
259391		008748	TECHSEVEN COMPANY	110.00
259392		000275	TIRE WHOLESALERS CO INC	174.00
259393		002037	TOTAL ARMORED CAR SERVICE, INC.	714.83
259394		008704	TOWN TALK	731.34
259395		000808	UNIVERSAL CONTAINER CORP	1,704.98
259396		007226	VALLEY CITY LINEN	208.70
259397	*	000158	VERIZON WIRELESS	839.52
259400		000298	VESCO OIL CORPORATION	83.25
259401		008711	VOLVIK USA	939.74
259402		007278	WHITLOCK BUSINESS SYSTEMS, INC.	276.86
259403	*	005794	WINDSTREAM	717.26

**City of Birmingham**  
**Warrant List Dated 07/04/2018**

Meeting of 07/09/2018

Check Number	Early Release	Vendor #	Vendor	Amount
Sub Total Checks:				\$696,231.58
Sub Total ACH:				\$0.00
Grand Total:				\$696,231.58

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



Mark Gerber  
Finance Director/ Treasurer

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



## MEMORANDUM

Police Department

**DATE:** June 18, 2018

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

**FROM:** Mark H. Clemence, Chief of Police

**SUBJECT:** Purchase of (32) Armor Express RAZOR Body Armor Vests

---

The police department identified the purchase of (32) bullet resistant body armor vests for police officers in the 2018-19 Police General Fund uniform allowance budget. This project was initiated due to age and condition of the vests assigned to police officers, as body armor should be replaced every five years.

The proposed equipment purchase includes (32) Armor Express RAZOR level II vests, (28) male and (4) female. New ARA-SHOCK composite plates were recently issued to all officers and therefore will not be required accessories for this purchase. The ARA-SHOCK plate when used in conjunction with the RAZOR vest provides additional protection to level IIIA for increased stopping power.

An invitation to bid was published on the Michigan Intergovernmental Trade Network (MITN). Two sealed bids were received and opened on June 12, 2018. Bid totals are summarized below.

C.M.P. Distributors, Inc.	\$ 21,584.00
Kiesler Police Supply	\$ 19,542.52

The police department recommends approving the bid submitted by Kiesler Police Supply for the purchase of (32) Armor Express RAZOR level II vests in the amount of \$19,542.52.

Kiesler Police Supply is located in Jeffersonville, Indiana. Officers will be custom fitted at the Birmingham Police Department by either an Armor Express manufacturer's representative or a body armor specialist from Kiesler Police Supply. Delivery of the new vests is approximately 30 days from vendor's receipt of purchase order.

### SUGGESTED RESOLUTION:

To approve the purchase of (32) Armor Express RAZOR vests in the amount of 19,542.52 from Kiesler Police Supply; further charge this this budgeted expenditure to account number 101-301.000-743.0000; further to authorize the mayor and city clerk to sign the agreement on behalf of the city.

## ATTACHMENT A - AGREEMENT

### For ARMOR EXPRESS RAZOR BODY ARMOR 2018

This AGREEMENT, made this 8 day of June, 2018, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and Kiesler Police Supply (hereinafter called "Contractor"), provides as follows:

#### WITNESSETH:

**WHEREAS**, the City is desirous of selecting a vendor for the purchase of **(32) ARMOR EXPRESS RAZOR LEVEL II CONCEALABLE VESTS, EACH WITH (2) REVOLUTION CARRIERS AND TAILS.** and has heretofore advertised for bids for the procurement for the purchase of a **(32) ARMOR EXPRESS RAZOR LEVEL II CONCEALABLE VESTS, EACH WITH (2) REVOLUTION CARRIERS AND TAILS.**, 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 **(32) ARMOR EXPRESS RAZOR LEVEL II CONCEALABLE VESTS, EACH WITH (2) REVOLUTION CARRIERS AND TAILS.**

**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 **(32) ARMOR EXPRESS RAZOR LEVEL II CONCEALABLE VESTS, EACH WITH (2) REVOLUTION CARRIERS AND TAILS** and the Contractor's cost proposal dated June 8, 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 **(32) ARMOR EXPRESS RAZOR LEVEL II CONCEALABLE VESTS, EACH WITH (2) REVOLUTION CARRIERS AND TAILS** per the Contractor's June 8, 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: Ellen DeView  
151 Martin Street  
Birmingham, MI 48009  
(248) 530-1869

Contractor:  
Kiesler Police Supply  
2802 Sable Mill Road  
Jeffersonville, IN 47130  
(812) 288-5740

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.



## ATTACHMENT B - BIDDER'S AGREEMENT

For ARMOR EXPRESS RAZOR BODY ARMOR 2018

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

1. They have carefully examined the specifications, terms and Agreement of the Invitation to Bid 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.

Crystal Laasanen	10/18/18
<b>PREPARED BY</b> (Print Name)	<b>DATE</b>
bid specialist	10/18/18
<b>TITLE</b>	<b>DATE</b>
Crystal Laasanen	Crystal@Kiesler.com
<b>AUTHORIZED SIGNATURE</b>	<b>E-MAIL ADDRESS</b>
Kiesler Police Supply	
<b>COMPANY</b>	
2802 Sable Mill Rd. Jeffersonville, IN 47130	
<b>ADDRESS</b>	<b>PHONE</b>
"Same"	" " 800-444-2050
<b>NAME OF PARENT COMPANY</b>	<b>PHONE</b>
"Same"	" "
<b>ADDRESS</b>	

## ATTACHMENT C – COST PROPOSAL

**For ARMOR EXPRESS RAZOR BODY ARMOR 2018**

ITEM	ESTIMATED QUANTITY	DESCRIPTION OF EQUIPMENT	UNIT PRICE	ITEM TOTAL
1	28	ARMOR EXPRESS <del>HALO</del> <sup>Razor</sup> THREAT LEVEL II CONCEALABLE VEST MALE MODEL RZR-B-11 with 2 REVOLUTION CARRIERS and tails	\$673.88	\$18,868.64
2	1	ARMOR EXPRESS <del>HALO</del> <sup>Razor</sup> THREAT LEVEL II CONCEALABLE VEST FEMALE MODEL RZRF-A-11 with 2 REVOLUTION CARRIERS and tails	\$673.88	\$673.88
3	2-4	CUSTOM MEASUREMENTS TO BE CONDUCTED AT 7 AM AND 7 PM ROLL CALL MEETINGS AT BIRMINGHAM POLICE DEPARTMENT.  1 ASSIGNED DAY FOR A AND C PLATOONS  1 ASSIGNED DAY FOR B AND D PLATOONS	Ø	Ø
4	1	TOTAL SHIPPING / HANDLING / DELIVERY CHARGES DELIVERY ADDRESS: 151 MARTIN STREET, BIRMINGHAM, MI 48009	Ø	Ø
		<b>GRAND TOTAL</b>	\$19,542.52	

ESTIMATED DELIVERY DATE: 30 DAYS

BIDDER'S SIGNATURE Christel Kananen

DATE 6/18/18

**ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM**  
**For ARMOR EXPRESS RAZOR BODY ARMOR 2018**

Pursuant to Michigan law and the Iran Economic Sanctions 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.

Crystal Laasanen	6/8/18
PREPARED BY (Print Name)	DATE
bid specialist	6/8/18
TITLE	DATE
Crystal Laasanen	crystal@kiesler.com
AUTHORIZED SIGNATURE	E-MAIL ADDRESS
Kiesler Police Supply	
COMPANY	
2802 Sable Mill Rd. Jeffersonville, IN 47130	
ADDRESS	PHONE
"Janelle"	800-444-2950
NAME OF PARENT COMPANY	PHONE
"	"
ADDRESS	
35-1361847	
TAXPAYER I.D.#	

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

WITNESSES:

Tiffany Stewart

CONTRACTOR

By: Crystal Kaasanen  
Its: Bid specialist

CITY OF BIRMINGHAM

By: \_\_\_\_\_  
Andrew M. Harris  
Its: Mayor

By: \_\_\_\_\_  
J. Cherilynn Mynsberge  
Its: City Clerk

Approved:

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

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

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

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



## MEMORANDUM

**DATE:** June 19, 2018

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

**FROM:** Mark H. Clemence, Chief of Police

**SUBJECT:** Birmingham Bloomfield Community Coalition (BBCC)  
Outside Agency Service Agreement for Fiscal Year 2018-19

At the May 24, 2018 City Commission meeting, funding was approved for the following outside agencies:

<u>Agency Name</u>	<u>Department Budget Request Amount</u>
Birmingham Youth Assistance (BYA)	\$18,000
Common Ground	\$1,500
HAVEN	\$2,000

Funding in the amount of \$3,000 was also requested in the 2018-19 police department general fund outside agency contracted services budget for Birmingham Bloomfield Community Coalition (BBCC).

The City Commission previously approved a master service agreement to be used by various outside agencies that request funding from the City. BBCC was unable to complete the required service agreement and revised Attachments A and B for inclusion with the May 24, 2018 City Commission agenda. Attachments A and B are used to provide a description of the services to be provided and to document the direct benefit of the services to the City and its residents. BBCC has now completed this documentation and the police department recommends approving the attached service agreement for the 2018-19 fiscal year. The department requested funding total for BBCC reflects the same amount received by that agency for the past fiscal year (2017-2018).

Sufficient funds have been budgeted in the police department other contracted services account #101-301-000-811.0000 to provide for this outside agency contribution.

### SUGGESTED RESOLUTION:

To approve the outside agency service agreement for services described in Attachments A and B of the agreement for fiscal year 2018-19 with Birmingham Bloomfield Community Coalition in the amount of \$3,000 from account number 101-301.000-811.0000, further to direct the Mayor and City Clerk to sign the agreements on behalf of the city.

## **SERVICES AGREEMENT**

**THIS SERVICES AGREEMENT** ("Agreement"), made this \_\_\_\_ day of July, 2018 by and between the **CITY OF BIRMINGHAM**, having its principal office at 151 Martin Road, Birmingham, MI 48009 ("CITY"), and Birmingham Bloomfield Community Coalition, whose address is 1525 Covington Road, Bloomfield Hills, MI 48301 ("SERVICE PROVIDER"), provides as follows:

### **WITNESSETH:**

**WHEREAS**, the CITY desires to have certain services provided, which shall be of the type, nature and extent as set forth on Attachment A; and

**WHEREAS**, SERVICE PROVIDER desires to provide said services for the CITY, which it shall do in accordance with the experience it has attained from providing similar services of this nature, under the terms and conditions hereinafter stated.

**NOW, THEREFORE**, for and in consideration of the respective agreements and undertakings herein contained, the parties agree as follows:

1. SERVICE PROVIDER shall perform the services as set forth on Attachment A. The type, nature and scope may be changed if mutually agreed upon in writing by SERVICE PROVIDER and the CITY.
2. The CITY shall pay a total of \$3,000.00 to SERVICE PROVIDER for the performance of this Agreement, which amount shall compensate SERVICE PROVIDER for all aspects of the services to be performed including, but not limited to, all preparation, coordination, management, staffing and all other services incidental thereto. Payment shall be made to SERVICE PROVIDER pursuant to the schedule contained in Attachment A.
3. All services performed shall be of the highest quality and standards that meet or exceed that which is required and expected in that service industry.

4. SERVICE PROVIDER shall provide and designate one supervisor responsible for the coordination of services provided, who shall handle problem solving and be the contact person for the CITY.

5. This Agreement shall commence immediately after both parties have signed in the place and manner indicated below and shall terminate in accordance with the provisions as set forth in Attachment A.

6. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. SERVICE PROVIDER 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.

7. 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.

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

9. SERVICE PROVIDER agrees that neither it nor its employees will discriminate against any employee, independent contractor, 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. SERVICE PROVIDER shall inform the CITY of all claims or suits asserted against it by SERVICE PROVIDER's employees or contractors who work pursuant to this Agreement. SERVICE

PROVIDER shall provide the CITY with periodic status reports concerning all such claims or suits, at intervals established by the CITY.

10. To the fullest extent permitted by law, SERVICE PROVIDER and any entity or person for whom SERVICE PROVIDER is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the CITY, its elected and appointed officials, employees and volunteers and others working on behalf of the CITY against any and all claims, demands, suits, or loss, including all costs connected therewith, including reasonable attorney fees, and for any damages which may be asserted, claimed or recovered against or from the CITY, its elected and appointed officials, employees, volunteers or others working on behalf of the CITY, 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 solely from the act or omission of the CITY, its elected or appointed officials, employees, volunteers or others working on behalf of the CITY.

11. SERVICE PROVIDER shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required by this paragraph. All certificates of insurance shall be with insurance carriers licensed and admitted to do business in the State of Michigan. All certificates of insurance shall be with insurance carriers acceptable to the CITY. SERVICE PROVIDER shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:

- A. Workers' Compensation Insurance: SERVICE PROVIDER shall procure and maintain during the life of this contract, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
- B. Commercial General Liability Insurance: SERVICE PROVIDER 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 for 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: SERVICE PROVIDER shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$ 1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
- D. Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance required from SERVICE PROVIDER under this Section.
- E. Cancellation Notice: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal shall be sent to: Finance Department, City of Birmingham, P.O. Box 3001, 151 Martin Street, Birmingham, Michigan 48012.
- F. Proof of Insurance Coverage: SERVICE PROVIDER shall provide the CITY at the time the contracts are returned for execution, Certificates of Insurance and/or policies, acceptable to the CITY, as listed below.
  - 1. Two (2) copies of Certificate of Insurance for Workers' Compensation;
  - 2. Two (2) copies of Certificate of Insurance for Commercial General Liability;
  - 3. Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
  - 4. If so requested, Certified Copies of all policies mentioned above will be furnished.
- G. Coverage Expiration: If any of the above coverages expire during the term of this Agreement, SERVICE PROVIDER shall deliver renewal certificates and/or policies to the CITY at least (10) days prior to the expiration date.

12. 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 SERVICE PROVIDER, the CITY shall have the right to terminate this Agreement without further liability to SERVICE PROVIDER if the disqualification has not been removed within thirty (30) days after the CITY has given SERVICE PROVIDER 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.

13. 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 48<sup>th</sup> 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. This Agreement shall be governed by the laws of the State of Michigan 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 48<sup>th</sup> District Court.

14. This Agreement constitutes the entire agreement between the parties hereto pertaining to the subject matter hereof and supersedes all prior and contemporaneous agreements, understandings, negotiations and discussions, whether oral or written, of the parties, except as

specifically set forth herein. No supplement, modification, addition, deletion or waiver of this Agreement or any provision of this Agreement shall be binding unless executed in writing by both parties to be bound thereby.

15. SERVICE PROVIDER and the CITY agree that SERVICE PROVIDER shall be liable for its own actions and neither SERVICE PROVIDER nor its employees or contractors shall be construed as employees of the CITY. 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. SERVICE PROVIDER, including its employees and contractors, shall not be considered entitled or eligible to participate in any benefits or privileges given or extended by the CITY, or be deemed an employee of the CITY for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation and other employer contributions on behalf of SERVICE PROVIDER or SERVICE PROVIDER's employees or contractors.

16. SERVICE PROVIDER 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. SERVICE PROVIDER recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the CITY. Therefore, the SERVICE PROVIDER agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. SERVICE PROVIDER shall inform its employees and contractors of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. SERVICE PROVIDER further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.

The said parties have caused this Agreement to be executed as of the date and year above written.

**THE CITY OF BIRMINGHAM**

By: \_\_\_\_\_  
Andrew M. Harris

Its: Mayor

By: \_\_\_\_\_  
J. Cherilynn Mynseberge


Its: City Clerk


**[SERVICE PROVIDER]**


By:  \_\_\_\_\_  
Carol Mastroianni

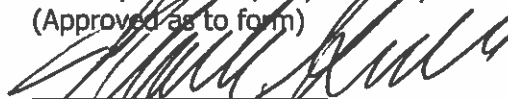
Its: Executive Director

**APPROVED:**

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

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

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

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

Name of Organization: Birmingham Bloomfield Community Coalition (BBCC)

## **ATTACHMENT A**

- I. Amount of Funding Requested: \$3,000
- II. Amount of funding received from City in current fiscal year: \$3,000
- III. Organization's Purpose or Mission:

**The Birmingham Bloomfield Community Coalition (BBCC)**, a 501(c)(3), was founded in 1994, and incorporated in September 1995 by a group of Seaholm High School parents who recognized the need for a community wide approach to prevent the abuse of alcohol, tobacco and other drugs. Bloomfield Hills officially joined the Birmingham Coalition in September 2005 and was renamed the Birmingham Bloomfield Community Coalition.

The Coalition works with 13 sectors in the Birmingham Bloomfield community including: Youth, parents, business, media, schools, youth-serving organizations, law enforcement, religious/fraternal organizations, civic/volunteer groups, healthcare professionals, state/local government, other substance abuse organizations, and the recovery community. The Coalition also collaborates with other area substance abuse prevention coalitions, including the Alliance of Coalitions for Healthy Communities (ACHC) and national organizations such as Community Anti-Drug Coalitions of America (CADCA).

**BBCC's service area** includes those who live, work, play, worship, and attend public and private schools within the boundaries of the Birmingham and Bloomfield School Districts. This includes the **primary municipalities** of Birmingham, Bloomfield Hills, Bloomfield Township, and Villages of Beverly Hills Bingham Farms, Franklin. Portions of Orchard Lake, Southfield, Troy and West Bloomfield are covered via the public schools' boundaries.

The **mission of BBCC** is to raise awareness and mobilize the entire community to prevent the abuse of alcohol and other drugs, with a primary focus on our youth. By focusing on prevention, health and wellness, BBCC and its Youth Action Board (YAB) take a research-driven, evidenced-based approach by providing education, tools, activities, and support to help youth rise above life's challenges and encourage adults to thoughtfully support them.

**BBCC strives to "Save Kids Lives"** through an expanded focus on the overall health and wellness of young people as well as:

- Envision the brightest drug-free future for our youth
- Celebrate kids who are doing the right thing
- Bring the right people and resources together
- Work collaboratively with 12 community sectors, local, state and national coalitions
- Weave sustainable prevention efforts into the fabric of our community

Name of Organization: Birmingham Bloomfield Community Coalition (BBCC)

- Have a plan approved by our peers and the Executive Office of the President (of the United States), Office of National Drug Control Policy
- Achieve outcomes for reducing alcohol, marijuana and prescription drug use/abuse by teens in our community

III. Description of Services to be provided (Scope of Work):

**Youth Action Board (YAB)** is an inclusive group of teen volunteers from 11 public and private high schools in the Birmingham and Bloomfield Hills community. YAB's goal is to provide youth with a positive voice and presence to peers and the broader community on issues important to teens with a focus on substance abuse prevention, mental health and wellness. The YAB meets on a regular basis, year-round, to discuss substance abuse trends and other important issues teens face today. Based on this information, they plan and organize safe, fun, community-based events and leadership opportunities for teens.

**Bi-annual Teen Substance Use Survey** administered since 2005 on a bi-annual basis to 8th – 12th grade students in Birmingham and Bloomfield Hills' 5 public high schools and 7 middle schools capturing data from over 7,000 students on alcohol, marijuana and prescription drugs as well as trends, access, influence, and other key points. In 2013, Detroit Country Day middle and high school were included in the survey. BBCC uses this information to plan/modify prevention strategies according to what is happening in our community. Our 2015 survey shows measurable decreases and favorable trends in a number of surveyed areas. December 2017 survey results are being finalized and also include Cranbrook High School.

**Other surveys** are used throughout the year as needed. For example, in 2018 BBCC is working with the Alliance of Coalitions for Healthy Communities (ACHC) and the other 19 prevention coalitions in Oakland County to implement a parent survey.

**Covey 7 Habits of Highly Effective Teens training** offered to 9<sup>th</sup> and 10<sup>th</sup> grade high school students provides a step-by-step framework for boosting self-image, building friendships resisting peer pressure, achieving goals, & much more.

**Alcohol, Marijuana (vaping), Prescription Drug, and Mental Health/Wellness Campaigns** developed by teens for teens provides a visual reminder of making healthy choices for your best future self.

**Serve as community resource for timely, accurate information about substances abuse prevention, mental health and wellness.** For example, since 2015 youth in our community have been experienced a dramatic increase in abuse of ENDS

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(electronic nicotine delivery system) products. BBCC has focused its efforts on getting the word out to schools, parents and youth about the dangers of vaping and misinformation being disseminated about it. Some of the other areas that BBCC is focusing on are opioids, buzzed driving, adult binge drinking, youth underage drinking, and stress/anxiety amongst our youth.

**Community dialogues including, CHOICES: Youth Dialogue Day.** Students, parents, and educators from the public and private high schools, witness “eye-opening,” live court cases, heard directly from Judge D’Agostini of the 48<sup>th</sup> District Court and selected speaker(s) whose story demonstrates the very real-life consequences that come with impulsive decisions teens make to use drugs and alcohol. Hands-on activities follow to further enhance the learning experience.

**Keep them Safe, Keep them Healthy** provides education and awareness to both parents and their teens to open up the lines of communication between them. By taking a unique perspective in presenting the various reasons why our young people are abusing substances and what can be done to prevent it, parents gain the ability to look at their children with more compassion as well as have doable steps to take to safeguard your child and home. For student assemblies geared for 8<sup>th</sup> – 12<sup>th</sup> graders, young adults in recovery relate their personal experience and tragedies as a result of substance abuse or share their expertise. In the 2016-17 school year, over 800 students and over 60 parents/adults benefited from this program.

**Parent directed campaigns such as Parents Who Host, Lose the Most** provides parents and other adults valuable information to help make teen parties safe and ensure parents/adults know the local laws.

**Substance-free community opportunities and activities for teens, families and people of all ages include our Teen Talent Showcase** held in the summer. BBCC also supports the Bloomfield Township Open House, Celebrate Birmingham Parade, and Birmingham Tree Lighting Ceremony, to name a few. **Friday, June 15, 2018** is our next YAB Teen Summer Concert that provides youth, families and community members with a safe, fun, substance-free outlet to enjoy and celebrate our talented teens as the opening act of the Shain Park Summer Music Series. Youth Action Board (YAB) teens take the lead in planning and implementing this event that shares key prevention, health and wellness information and recognizes our graduating YAB teens.

**Middle School Transitions Program for eighth graders focuses on the “Truths and Consequences of Substance Use”** through an interactive presentation. Data used is from BBCC’s Teen Drug and Alcohol Use Survey, along with important and compelling facts. When available, high school students participate by answering the

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8th graders' questions about the high school experience and the transition itself. In school year 2016-17, over 400 eighth graders from seven middle schools participated in this educational program.

**Tobacco and Alcohol Retailer Education visits** take place annually as BBCC works with the County and State to ensure our retail establishments are informed by distributing and reviewing tobacco and alcohol retailer education kits and surveying the establishments.

**YAB 5k Event** was initiated by our Youth Action Board teens because they wanted to bring greater awareness in Birmingham and Bloomfield as well as surrounding communities about the critical opioid epidemic and other substances – from alcohol to vaping – that are devastating our youth, their families, friends and community. YAB want the race/walk to be a positive, inclusive event where many can take part, make a difference and have fun. YAB teens want their peers to have the best opportunity for a great future by living substance free lives so they do not get stuck with the consequences of a teenage decision.

IV. Explain the value of the services to the City of Birmingham:

*\*Please note, that the dollar values listed include in-kind donations.*

- Youth Action Board (YAB) is the only inclusive group for the 11 public and private high school students in the Birmingham Bloomfield communities where teens come together, on a regular basis throughout the year, to discuss substance abuse trends and other important issues teens face today. YAB gives teens a voice and a presence and the ability to plan and organize safe, fun community-based events and learning/leadership opportunities. BBCC has had teens say that the YAB was the only place they can go to be themselves and be around like-minded individuals – individuals who do not want to abuse substances, who want to find healthier ways to manage their life, and be a role model for others. The YAB costs approximately \$1,000/year per student to run.
- Bi-annual Teen Substance Use Survey is truly priceless. Nowhere else does Birmingham receive community-specific information about their youth's substance use, perceptions, mental, and other key findings that have been tracked in a self-designed survey since 2005. This information is used to adjust, design and implement prevention programming. Value of survey to develop, administer and analyze is \$20,000.
- Other surveys – Key information is gathered about parents and used to adjust, design and implement prevention programming.
- Covey 7 Habits of Highly Effective Teens training builds young people up from the inside out by utilizing proven methods to boost self-image, build friendships, resist



peer pressure, achieve goals and much more. To have young people in the community who are making positive decisions for their future selves and to be a role model for others is priceless and reduces crime, family heartache, and more. Value is \$2,500 per session for up to 30 students.

- Alcohol, Marijuana (vaping), Prescription Drug, and Mental Health/Wellness Campaigns keep messaging on key issues “top of mind” for youth especially since these campaigns are created by teens for teens. The more youth we have making positive decisions for themselves, the less juvenile delinquency the community will experience. Value is \$6,490.
- Serve as community resource for timely, accurate information about substances abuse prevention, mental health and wellness. BBCC is able to eliminate some of the phone calls by or visits to citizens by the police department. By raising awareness, educating and supporting families and schools in the community, we prevent a number of situations before they get worse.
- Community dialogues including, CHOICES: Youth Dialogue Day provides students with the ability to see real-life consequences unfold and how one decision can change the trajectory of someone’s life. This is an extremely impactful event and one where students have commented that they were on the fence about whether or not to use drugs and that this program helped them decide that drugs are not the answer. Value is \$10,000\*.
- Keep them Safe, Keep them Healthy Program has been extremely impactful for students because they are able to hear directly from a young person in recovery, in a relatable way, how insecurities or issues at home, lead them to make a decision that changed the trajectory of their lives. Students are able to understand how this could happen to them and understand ways to make different decisions and reach out for help. This is also one of the only programs that has a separate parent component that encourages parents and children to talk about what is commonly a difficult topic to bring up. Once again, this program reduces youth substance use or self-harm and reduces juvenile delinquency in the community. Value is \$3,950\* per session.
- Parent directed campaigns such as Parents Who Host, Lose the Most reduces parent hosted parties where alcohol is provided to underage youth thus lowering the number of police visits needing to be made. Value is \$10,384\*.
- Substance-free community opportunities and activities for teens, families and people of all ages include our Teen Summer Concert is a way to celebrate youth making great choices and providing a venue that youth and their families can go to that is substance free. This shows young people that you can have fun without getting drunk or high which can lead to reduced instances where police intervention is needed. Value is \$6,000\* for each event.
- Middle School Transitions Program for eighth graders focuses on the “Truths and Consequences of Substance Use” educates 8<sup>th</sup> graders at a critical juncture in their life about substances and the reality of substance use in high school, the impact of substances on brain development and more. Helping young people to make more informed decisions for themselves, leads to reduce substance use and juvenile delinquency.

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- Tobacco and Alcohol Retailer Education visits educate local retailers of the appropriate ages of people to sell tobacco and alcohol to. This reduces youth access, which, in turn, reduces youth use. More compliant retailers lead to less police visits, too.
- YAB 5K provides a means to really raise awareness around the importance of the entire community coming together to support our youth and understand the issues young people are dealing with today in terms of stress, anxiety, opioids, vaping, etc. By having more community members involved in prevention, health and wellness of our youth, this ultimately lightens the load of the police department.

V. List all municipal and/or other funding sources, the percentage of programming costs covered by each source, and the actual dollar amount covered by each source in the current fiscal year. (List below. Attach additional sheet if necessary.)

## **Birmingham Bloomfield Community Coalition**

3:33 PM

### **Profit & Loss**

6/12/2018

October 1, 2017 through September 30, 2018

Accrual Basis

	Oct '17 - Sep 18
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
<b>Contributions</b>	
Board Contributions	1,000.00
Individuals	800.00
<b>Total Contributions</b>	1,800.00
<b>Grants</b>	
ACHC	35,000.00
STOP Act Grant	47,145.00
<b>Total Grants</b>	82,145.00
<b>Interest Income</b>	67.09
<b>Organizations</b>	
Chamber of Commerce	700.00
<b>Municipalities</b>	
Beverly Hills	1,800.00
Bingham Farms	1,000.00
Birmingham	3,000.00
Bloomfield Township	6,000.00
<b>Total Municipalities</b>	11,800.00

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<b>Schools</b>	
Bloomfield Hills	10,000.00
Birmingham	1,000.00
Cranbrook	4,878.00
Detroit Country Day	200.00
PTO	500.00
PTSA	500.00
<b>Total Schools</b>	<b>17,078.00</b>
<b>Total Organizations</b>	<b>29,645.09</b>
<b>Other Income</b>	
Amazon Fundraiser	39.57
Kroger Rewards Fundraiser	63.52
YAB 5k	2,950.00
Program Service Revenue	1,180.00
Tobacco Edu & Synar Inspections	870.00
Other Income - Other	0.00
<b>Total Other Income</b>	<b>5,103.09</b>
<b>Sponsorships</b>	
Teen Summer Concert	0.00
CHOICES	3,000.00
YAB 5-K	3,349.00
Sponsorships - Other	0.00
<b>Total Sponsorships</b>	<b>6,349.00</b>
<b>Total Income</b>	<b>125,042.18</b>

Name of Organization: Birmingham Bloomfield Community Coalition (BBCC)

- VI. What were the total programming costs for the 2017-2018 Fiscal Year (July 1, 2017 – June 30, 2018)? How many total individuals participated in these programs? How many Birmingham residents participated in these programs?

BBCC's fiscal year runs October 1, 2017 – September 30, 2018 thus our actual total programming costs have not yet been calculated. Based on our Budget for 2017-2018, our total programming costs are anticipated to be \$117,000. Please note, no General and Administrative costs have been included in this amount. BBCC's anticipated G&A for FY 2017-2018 is \$32,119.

As a State-licensed substance abuse prevention program, we do not track youth and adults served by the zip codes they live in. We track by the schools that youth attend within our catchment area, if that is possible. Providing information by zip code will take additional time and resources, which we do not have at this time. BBCC funding, and thus staffing, has been dramatically reduced (we are down \$130k/year since October 2016).

### **Individuals Participating in Programs:**

- Youth Action Board (YAB)
  - 45 students throughout the year; 8 of those teens are from 48009
- Bi-annual Teen Substance Use Survey
  - Survey was administered to all 8<sup>th</sup>-12<sup>th</sup> graders in Birmingham Public, Bloomfield Hills Public and Cranbrook High Schools. Over 5,000 youth participated in the survey, many of whom live in 48009.
- Other surveys – 100 parents from our schools are participating in the Parent Survey
- Covey 7 Habits of Highly Effective Teens training
  - 35 9<sup>th</sup> and 10<sup>th</sup> grade students participated; 3 were from 48009
- Alcohol, Marijuana (vaping), Prescription Drug, and Mental Health/Wellness Campaigns
  - Survey results are just being completed however, preliminary results show several hundred students see the campaigns, many of whom live in 48009
- Serve as community resource for timely, accurate information about substances abuse prevention, mental health and wellness.
  - BBCC distributes information via all of our high schools and middle schools; we send out an e-newsletter with a subscriber based of 1,200, have many of our programs run on Birmingham/Bloomfield Cable TV, and we field numerous phone calls and email inquiries. Easily several hundred 48009 residents are impacted.
- Community dialogues including, CHOICES: Youth Dialogue Day.
  - 112 students from Seaholm, Groves, Detroit Country Day, Brother Rice, International Academy, West Bloomfield, and Roeper High Schools attended.

Name of Organization: Birmingham Bloomfield Community Coalition (BBCC)

- 34 adults attended including youth assistance, school personnel, parents, Congressman Levin's office, etc.
- Keep them Safe, Keep them Healthy Program
  - 100 12<sup>th</sup> grade students at Cranbrook High School participated in this program of which 20 are from 48009
- Parent directed campaigns such as Parents Who Host, Lose the Most
  - Over 300 parents/adults have received information thus far
- Substance-free community opportunities and activities for teens, families and people of all ages include our Teen Summer Concert
  - Has not taken place yet
- Middle School Transitions Program for eighth graders focuses on the "Truths and Consequences of Substance Use"
  - Over 200 8<sup>th</sup> graders participated in this program
- Tobacco and Alcohol Retailer Education visits
  - 29 retail visits were made of which 15 are located in 48009
- YAB 5K
  - 138 participate on the day of. We know at least 12 live in 48009. The beginning of this event, which provides key prevention messaging, will be run on Birmingham/Bloomfield Cable TV.


Name of Organization: Birmingham Bloomfield Community Coalition (BBCC)

VII. On Attachment B, record a detailed list of services provided in the 2017-2018 Fiscal Year (July 1, 2017 – June 30, 2018). Attach additional sheets if necessary. Include the following for each quarter:

- Name and Explanation of Every Program/Service in Quarter
- Date & Timeframe of each service provided
- Cost of Program/Service
- # Total Participants
- # Birmingham Participants (Enter zero if no Birmingham participants)
- Explanation of how the funds were used

NOTE: Organizations receiving funding are required to provide invoices to the City for services coinciding with the timing of the delivery of those services.

Submitted by: Carol Mastroianni Title: Executive Director  
(Print Name)

Signature:  Date: June 13, 2018

[illegible][illegible]

Name of Organization: \_\_\_\_\_

**Third Quarter (January 1, 2018 – March 31, 2018)**

<b>Name and Explanation of Program/Service</b>	<b>Date of Service</b>	<b>Duration of Service (timeframe)</b>	<b>Cost of Program/Service</b>	<b># Total Participants</b>	<b># of Birmingham Participants</b>	<b>Breakdown of funds used for Program/Service</b>

**Fourth Quarter (April 1, 2018 – June 30, 2018)**

<b>Name and Explanation of Program/Service</b>	<b>Date of Service</b>	<b>Duration of Service (timeframe)</b>	<b>Cost of Program/Service</b>	<b># Total Participants</b>	<b># of Birmingham Participants</b>	<b>Breakdown of funds used for Program/Service</b>
Keep them Safe, Keep Them Healthy Program for 12 <sup>th</sup> grade students at Cranbrook	April 4, 2018	10:20 a.m. – 12:20 p.m.	\$1,950	100	20	-Planning/coordinating the session; attendance/administration of the session -Materials: bracelets for the students #LiveDrugFree/#What's Your Influence? = <b>\$246.42</b>
YAB Meeting	April 15, 2018	1:30 pm – 3:00 pm	\$25,000 for the year	18	6	Portion of staff time = <b>\$327.30</b>
YAB Meeting	April 22, 2018	1:30 pm – 4:00 pm	\$25,000 for the year	15	5	Portion of staff time = <b>\$344.13</b>
Vaping Presentation	May 2, 2018	7:00 pm – 8:30 pm	\$600	29	6*	Portion of staff time = <b>\$96.15</b>
Distribution of Parents Who Host information in Downtown Birmingham	May 18, 2018	Noon – 4 p.m.		85	12	Portion of Staff time = <b>\$78.00</b>
YAB Teen Summer Concert	June 15, 2018	6:00 – 11:00 p.m.	\$6,000	450* This event was recorded by and will be played on Birmingham/Bloomfield Cable TV	55*	City Events group, \$350 for sound equipment; program booklet, \$75; Jeff the on-site sound engineer \$200; portion of staff time, \$1,283 = <b>TOTAL \$1,908.00</b>
					* = estimated	



Name of Organization: \_\_\_\_\_

**ATTACHMENT B**

**Third Quarter (January 1, 2018 – March 31, 2018)**

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## MEMORANDUM

Police Department

**DATE:** June 20, 2018

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

**FROM:** Mark H. Clemence, Chief of Police

**SUBJECT:** Purchase of (14) Dell Latitude 14 Rugged 5414 Mobile Data Computers

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The mobile data computers (MDCs) currently used by the police department are in need of replacement due to age and condition. The existing units were manufactured by Dell, Inc. and were purchased in 2013. 3-6 year life expectancies for MDCs are industry standard due to the use of this equipment 24 x 7 in extreme weather conditions and in moving patrol vehicles.

The police department recommends proceeding with the purchase of (14) Dell Latitude 14 Rugged 5414 mobile data computers. This equipment purchase includes notebook computers with solid state hard drives, power adapters and antennas. Havis docking stations for our (10) patrol vehicles are included in the purchase price. (4) of these mobile data computers will be assigned to the investigative division and will not be mounted in vehicles. This purchase also includes a (5) year hardware warranty and (5) year accidental damage service.

The Dell Latitude 14 Rugged 5414 is the only Oakland County CLEMIS authorized and supported mobile data computer. These units are available on the Oakland County cooperative purchasing contract via the Dell CLEMIS purchasing portal for a total purchase price of \$35,584.18. Our overall experience with the current Dell MDCs has been favorable.

This project was identified and approved for the 2018-19 fiscal year Drug and Law Enforcement fund. There are sufficient funds in state drug forfeiture capital outlay account number 265-302.002-971.0100 to provide for this purchase.

The (10) Havis docking stations and MDCs will be installed on site by Cynergy Products at a cost of \$125.00 per vehicle for a total of \$1,250.00. The equipment installation costs will be charged to the police department general fund radio and vehicle maintenance account. Sufficient funding is available within that account to fund the equipment installations. Canfield Equipment provided an installation quote in the amount of \$328.94 per vehicle for a total of \$3,289.40.

### SUGGESTED RESOLUTION:

To authorize the purchase of (14) Latitude 14 Rugged 5414 mobile data computers, power adapters and docking stations from Dell, Inc.; further to waive competitive bidding requirements and utilize Oakland County CLEMIS cooperative purchasing for this equipment in the amount of \$35,584.18; further to authorize this budgeted expenditure from account number 265-302.002-971.0100.



## You have saved an eQuote 1025818062404

An eQuote is now saved in your Dell Online Store.  
This will be held for 90 days and will expire on 09/17/2018

### Your eQuote has been sent to:

Emailed to: [Dana\\_Barnes@Dell.com](mailto:Dana_Barnes@Dell.com)  
[Dana\\_Barnes@Dell.com](mailto:Dana_Barnes@Dell.com)

### To retrieve this eQuote

Login to [Premier](#)

Sign in to Oakland County- CLEMIS

Click on "Quotes" in the top menu bar and search for eQuote number 1025818062404

eQuote Name	Birmingham Police Dept Rugged
Saved By	<a href="mailto:Dana_Barnes@Dell.com">Dana_Barnes@Dell.com</a>
eQuote Description	
Authorized Buyer	
Notes/Comments	
Account Name	Oakland County- CLEMIS
Contract Code	99AGZ

### eQuote Summary

Description	Quantity	Unit Price	Subtotal
Latitude 14 Rugged 5414	10	\$2,104.29	\$21,042.90
Latitude 14 Rugged 5414	4	\$2,197.82	\$8,791.28
Havis DS-DELL-406-3 Basic Port Replication with Triple High-Gain Antenna - docking station	10	\$575.00	\$5,750.00

eQuote Subtotal	\$35,584.18
Shipping*	\$0.00
Shipping Discount*	\$0.00
Tax*	\$0.00
Environmental Disposal Fee*	\$0.00

**eQuote Total\* \$35,584.18**

\*The eQuote total, including applicable taxes and additional fees, may be viewable online.

## eQuote Details

Description	Quantity	Price
rrcr1296685-4509385   Latitude 14 Rugged 5414	10	\$45,531.40
<b>Premier Discount</b>		<b>\$24,488.50</b>
(Unit Price after discount: \$2,104.29 ea.)		<b>\$21,042.90</b>

Module	Description	Product Code	SKU	ID
Latitude 14 Rugged (5414)	Dell Latitude 5414 XCTO	X5414T	[210-AJRP]	1
Processor	Intel® Core™ i7-6600U Processor (4M Cache, 2.60 GHz) with Security Bundle	I76600	[338-BJIQ]	146
Operating System	Windows 10 Pro 64bit English, French, Spanish	10P64M	[619-AHKN]	11
Office Productivity Software	No Productivity Software	NOPSW	[630-AARX]	1002
Systems Management	No Out-of-Band Systems Management	NOVPRO	[631-AAZE]	49
Memory	8GB (2x4GB) 2133Mhz DDR4 Memory	8G2D4	[370-ACDE]	3
Hard Drive	256GB Mobility Solid State Drive	256SSD	[400-ANBI]	8
Video Card	Intel ® HD Graphics 520	UMA	[340-AJPV]	6

			[490-BDCP]	
LCD	14.0" FHD (1920x1080) Outdoor-Readable Touchscreen, Webcam with Privacy Shutter and Mic	TCMHD	[391-BCRV]	760
Keyboard	Sealed Internal RGB Backlit English Keyboard	KBENG	[580-ABYR]	4
Mouse	No Mouse Selected	NOMSE	[570-AADK]	12
Driver	Wireless 8260 Driver	8260AC	[555-BCZH]	7
Wireless	Intel® Dual-Band Wireless-AC 8260 Wi-Fi + BT 4.2 Wireless Card	8260AC	[555-BCMT]	19
Mobile Broadband	No Mobile Broadband Card WLAN/WWAN	NOBBL	[362-BBBB]	114
Primary Battery	6-cell (65Wh) Lithium Ion Battery	65W	[451-BBWF]	112
Power Supply	65W AC Adapter, 3-pin	65WE5	[492-BBEM]	1015
FGA Module	No FGA	NOFGA	[817-BBBB]	572
Cable	Power Cord, US	PWRUS	[450-AAEJ]	20
CD ROM/DVD ROM	Tray load DVD+/- RW Drive	DVDRW	[429-AAYC]	16
Documentation/Disks	Safety/Environment and Regulatory Guide (English/French Multi-language)	EFDOC	[340-AGIK]	21
Getting Started Guide	English Getting Started Guide	TSHENG	[340-BICE]	60
Canada Ship Options	Non-Canada orders only	USNONE	[332-1286]	111
E-Star	Energy Star 6.0	ESTAR	[387-BBFE]	122
Support Tech Sheet and Powercord	No UPC Label	NOUPC	[389-BDCE]	292
Operating System Recovery Options	No Media	NOMEDIA	[620-AAOH]	200013
TAA	No TAA	NOTAA	[340-ACQQ]	97
Packaging	Shipping Material for Latitude 14 Rugged Extreme (5414)	SHPSHTL	[340-AFRW] [340-BIRL]	465
All in one Solution	No Stand	NOSTND	[575-BBCH]	558
Label	Regulatory Label	REGLBL	[389-BKKW]	676
Processor Branding	Intel Core i7 Processor Label	I7INTEL	[389-BJTI]	749
Transportation from ODM to Region	Standard Shipment (L)	STND	[800-BBGF]	200080
Non-Microsoft Application Software	Win 10	WIN10	[340-ADFZ] [525-BBCL] [640-BBLW] [640-BBQK] [658-BBMR] [658-BBNF] [658-BCUV]	1003
Carrying Cases	No Carrying Case	NONE	[460-BBEX]	118
Network Card	Express Card Slot	EXCRD	[540-BBIT]	13
Monitor Cables	Dock Connector	POGO	[590-TEVW]	115
Optical Software	PowerDVD Software not included	NOPDVD	[429-AAGQ]	597
Additional IO Options	No Additional IO Ports	NOIO	[590-TEVT]	698
Dedicated GPS	No Dedicated GPS	NOGPS	[340-ACQQ]	1409
Additional Shipping Box Labels	Regulatory Label for Non Rubber Keyboard with WLAN	WLNRBK	[389-BKNC]	1040
Service	5 Years ProSupport with Next Business Day Onsite Service	PN5	[808-6783] [808-6784] [808-6805] [808-6813] [975-3461] [989-3449]	29

Support

5 Year Accidental Damage Service

ACDAM5

[973-9201]

33

rrcr1296685-4509385 | Latitude 14 Rugged 5414

4

\$19,008.56

**Premier Discount****\$10,217.28**

(Unit Price after discount: \$2,197.82 ea.)

**\$8,791.28**

Module	Description	Product Code	Sku	ID
Latitude 14 Rugged (5414)	Dell Latitude 5414 XCTO	X5414T	[210-AJRP]	1
Processor	Intel® Core™ i7-6600U Processor (4M Cache, 2.60 GHz) with Security Bundle	I76600	[338-BJIQ]	146
Operating System	Windows 10 Pro 64bit English, French, Spanish	10P64M	[619-AHKN]	11
Office Productivity Software	No Productivity Software	NOPSW	[630-AARX]	1002
Systems Management	No Out-of-Band Systems Management	NOVPRO	[631-AAZE]	49
Memory	8GB (2x4GB) 2133Mhz DDR4 Memory	8G2D4	[370-ACDE]	3
Hard Drive	256GB Mobility Solid State Drive	256SSD	[400-ANBI]	8
Video Card	Intel® HD Graphics 520	UMA	[340-AJPV] [490-BDCP]	6
LCD	14.0" FHD (1920x1080) Outdoor-Readable Touchscreen, Webcam with Privacy Shutter and Mic	TCMHD	[391-BCRV]	760
Keyboard	Sealed Internal RGB Backlit English Keyboard	KBENG	[580-ABYR]	4
Mouse	No Mouse Selected	NOMSE	[570-AADK]	12
Driver	Wireless 8260 Driver	8260AC	[555-BCZH]	7
Wireless	Intel® Dual-Band Wireless-AC 8260 Wi-Fi + BT 4.2 Wireless Card	8260AC	[555-BCMT]	19
Mobile Broadband	DW5808E Gobi5000 4G/LTE Wireless WAN Card for Verizon (Windows 10/8.1)	D5808TV	[556-BBQQ]	114
Primary Battery	6-cell (65Wh) Lithium Ion Battery	65W	[451-BBWF]	112
Power Supply	65W AC Adapter, 3-pin	65WE5	[492-BBEM]	1015
FGA Module	No FGA	NOFGA	[817-BBBB]	572
Cable	Power Cord, US	PWRUS	[450-AAEJ]	20
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Canada Ship Options	Non-Canada orders only	USNONE	[332-1286]	111

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Operating System Recovery Options	No Media	NOMEDIA	[620-AAOH]	200013
TAA	No TAA	NOTAA	[340-ACQQ]	97
Packaging	Shipping Material for Latitude 14 Rugged Extreme (5414)	SHPSHTL	[340-AFRW] [340-BIRL]	465
All in one Solution	No Stand	NOSTND	[575-BBCH]	558
Label	Regulatory Label	REGLBL	[389-BKKW]	676
Processor Branding	Intel Core i7 Processor Label	I7INTEL	[389-BJTI]	749
Transportation from ODM to Region	Standard Shipment (L)	STND	[800-BBGF]	200080
Non-Microsoft Application Software	Win 10	WIN10	[340-ADFZ] [525-BBCL] [640-BBLW] [640-BBQK] [658-BBMR] [658-BBNF] [658-BCUV]	1003
Carrying Cases	No Carrying Case	NONE	[460-BBEX]	118
Network Card	Express Card Slot	EXCRD	[540-BBIT]	13
Monitor Cables	Dock Connector	POGO	[590-TEVW]	115
Optical Software	PowerDVD Software not included	NOPDVD	[429-AAGQ]	597
Additional IO Options	No Additional IO Ports	NOIO	[590-TEVT]	698
Dedicated GPS	No Dedicated GPS	NOGPS	[340-ACQQ]	1409
Additional Shipping Box Labels	Regulatory Label for Non Rubber Keyboard with WWAN	WWNRBRK	[389-BKND]	1040
Service	5 Years ProSupport with Next Business Day Onsite Service	PN5	[808-6783] [808-6784] [808-6805] [808-6813] [975-3461] [989-3449]	29
Support	5 Year Accidental Damage Service	ACDAM5	[973-9201]	33

rcrc1296685-4147686 | Havis DS-DELL-406-3 Basic Port Replication with Triple High-Gain Antenna - docking station

10

\$7,059.90

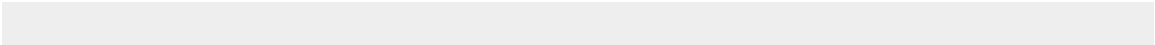
**Premier Discount**

**\$1,309.90**

(Unit Price after discount: \$575.00 ea.)

**\$5,750.00**

Module	Description	Product Code	Sku	ID
Dellware Only Config	Dellware Only Config	DWC	[DWC]	1



eQuote Subtotal	\$35,584.18
Shipping*	\$0.00
Shipping Discount*	\$0.00
Tax*	\$0.00
Environmental Disposal Fee*	\$0.00



**eQuote Total\*** **\$35,584.18**

*\*The eQuote total, including applicable taxes and additional fees, may be viewable online.*





## MEMORANDUM

Police Department

**DATE:** June 18, 2018

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

**FROM:** Mark H. Clemence, Chief of Police

**SUBJECT:** Purchase of (10) Stalker DSR Enhanced Radar Units

---

The police department identified the purchase of (10) Stalker DSR Enhanced radar units within the 2018-19 Drug and Law Enforcement capital outlay machinery and equipment budget. The department currently utilizes this model of radar and the replacement of these units was budgeted due to age as they were purchased in 2011 and are nearing the end of life expectancy.

The proposed Stalker radar equipment is manufactured by Applied Concepts, Inc. of Plano, TX. These units utilize Direction Sensing Radar (DSR) which offers an advantage over conventional radar units as the DSR antenna can be set to report only traffic approaching the unit.

Applied Concepts Inc. is the sole source distributor of Stalker radar. The total price per State of Michigan purchasing contract # 071B4300042 is \$19,950.00. A trade in credit of \$1,000.00 for the existing units was declined as it is anticipated that the (10) Stalker DSR radar units that are being replaced will sell for a minimum of \$200 each via MITN auction.

Sufficient funds are available in the 2018-19 state drug forfeiture budget account number 265-302-002-971.0100 to provide for this purchase.

### **Suggested Resolution:**

**To purchase (10) Stalker DSR Enhanced dual antenna radar units from Applied Concepts, Inc. in the amount of \$19,950.00; further to waive competitive bidding requirements for this sole source vendor purchase via State of Michigan purchasing contract # 071B4300042; further to authorize this budgeted expenditure from account number 265-302-002-971.0100.**



applied concepts, inc.

855 E. Collins Blvd  
Richardson, TX 75081  
Phone: 972-398-3780  
Fax: 972-398-3781

National Toll Free: 1-800- STALKER

Inside Sales Partner: Pam Schneidewind  
972-801-4890

QUOTE  
# 2005481

Page 1 of 1

Date: 06/18/18

Reg Sales Mgr: Greg Chambers  
214-551-2807

Effective From : 12/13/2016

Valid Through: 07/31/2018

Lead Time: 21 working days

<b>Bill To:</b> City of Birmingham PO Box 3001 Birmingham, MI 48012-3001	<b>Customer ID:</b> 480121  Accounts Payable	<b>Ship To:</b> Birmingham Police Dept 151 Martin St Birmingham, MI 48009-3368	<b>UPS Ground</b>  Staff and Services Coordinator Ellen DeView
---	--	---	---

Grp	Qty	Package	Description	Wrnty/Mo	Price	Ext Price
1	10	806-0022-00	DSR - 2-Antenna Radar System	24	\$1,995.00	\$19,950.00

Ln	Qty	Part Number	Description	Price	Ext Price
1	10	200-0999-20	DSR Enhanced Counting Unit, 1.5 PCB		\$0.00
2	10	200-1000-30	DSR Modular Display, Bright LEDs		\$0.00
3	20	200-1237-00*	DSR Ka Antenna		\$0.00
4	10	200-0921-00	DSR Ergonomic Remote Control w/Screw Latch		\$0.00
7	10	200-0243-00	Counting/Display Tall Mount		\$0.00
8	10	200-0244-00	Antenna Dash Mount		\$0.00
9	10	200-0245-00	Antenna Tall Deck Mount		\$0.00
10	10	200-0648-00	Display Sun Shield		\$0.00
11	10	155-2055-04	Antenna Cable, 4 Ft		\$0.00
12	10	155-2055-16	Antenna Cable, 16 Ft		\$0.00
13	10	155-2283-50	CAN/VSS Power Cable		\$0.00
14	10	200-0821-00	DSR Manual Kit		\$0.00
15	10	035-0361-00	Shipping Container, Dash Mounted Radar		\$0.00
16	10	060-1000-24	24-Month Warranty		\$0.00
17	10	006-0300-00	Michigan Certificate of Compliance, Radar		\$0.00

**Group Total** \$19,950.00

Product	\$19,950.00	Sub-Total:	\$19,950.00
Discount	\$0.00	Sales Tax 0%	\$0.00
Trade-in:	0 \$0.00	Shipping & Handling:	\$0.00
Payment Terms: Net 30 days		<b>Total: USD</b>	<b>\$19,950.00</b>

Vehicle Information:  
0000 TBD  
MI State contract 071B4300042

001

This Quote or Purchase Order is subject in all respects to the Terms and Conditions detailed at the back of this document. These Terms and Conditions contain limitations of liability, waivers of liability even for our own negligence, and indemnification provisions, all of which may affect your rights. Please review these Terms and Conditions carefully before proceeding.



## MEMORANDUM

---

**DATE:** June 28, 2018

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

**FROM:** Mark H. Clemence, Chief of Police

**SUBJECT:** Purchase of (6) Taser X-2 Units for Shared Use by Auxiliary Police Officers

---

The purchase of (6) Axon Taser X-2 conducted electrical weapons (CEW) was identified and funding approved in the police department general fund ammunition and weapons account for the 2018-19 fiscal year. These Tasers will be distributed to on duty auxiliary officers upon completion of a police Taser certification course conducted by a certified instructor. Axon Taser X-2 is the same model currently utilized by the police department. The X-2 Tasers include dual lasers for improved accuracy, upgraded power magazine to provide for up to 500 firings, enhanced weatherproofing to resist rain and humidity, self-diagnostics reporting, back up shot capability for multiple targets or miss recovery, warning arcs and voltage metering to deliver the correct amount of current.

Auxiliary officers are currently issued pepper spray as an intermediate weapon. Upon completion of the Taser training and implementation of the X-2 CDW devices, pepper spray will no longer be issued to auxiliary officers. The (6) new Tasers will be stored in a gun safe and issued to on duty auxiliary officers by the lieutenant or sergeant in charge of the shift. Oakland County has allowed their reserve officers to carry Taser conducted electrical weapons since 2009. Our department's sworn officers have been assigned Taser CEWs since 2007 and are currently assigned Taser X-2 weapons.

Axon Enterprises, Inc. is the manufacturer and sole source distributor of the Taser X-2. The police department requests to waive competitive bidding requirements for this purchase and to award the attached contract to Axon Enterprises, Inc.

The total price for (6) Taser X-2 units is \$ 9,570.00. Sufficient funds were budgeted and are available in the 2018-19 Ammunition & Weapons account number 101-301.000-734.0000 to provide for this purchase.

### Suggested Resolution:

To approve the purchase of (6) Taser X-2 CEW units from Axon Enterprise, Inc. in the amount of \$9,570.00; further to waive competitive bidding requirements as Axon Enterprises, Inc. is a sole source vendor; further to charge this budgeted expenditure to account number 101-301.000.734.0000; further to authorize the mayor and city clerk to sign the agreement on behalf of the city.

## ATTACHMENT A - AGREEMENT

### For (6) TASER X-2 CONDUCTED ELECTRICAL WEAPONS

---

This AGREEMENT, made this \_\_\_\_\_ day of July, 2018, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and Axon Enterprise, Inc., having its principal office at 7860 East McClain Drive, Suite 2, Scottsdale, AZ 85260 (hereinafter called "Contractor"), provides as follows:

#### WITNESSETH:

**WHEREAS**, the City is desirous of selecting a vendor for the purchase of a **TASER X-2 CONDUCTED ELECTRICAL WEAPONS** and has heretofore obtained a price quote for the purchase of **(6) TASER X-2 CONDUCTED ELECTRICAL WEAPONS**.

**WHEREAS**, the Contractor has professional qualifications that meet the project requirements and has submitted a quote in accordance with such request to provide **TASER X-2 CONDUCTED ELECTRICAL WEAPONS**.

**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 **TASER X-2 CONDUCTED ELECTRICAL WEAPONS**, contractor's warranty terms, and the Contractor's cost proposal dated June 6, 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.

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 rotating trailer mounted speed display with messaging sign per the Contractor's June 6, 2018 cost proposal.

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

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 "Claims-Made 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. Technology E & O Liability: Technology E & O 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 Technology E & O 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) One (1) copy of Certificate of Insurance for Workers' Compensation Insurance;
  - 2) One (1) copy of Certificate of Insurance for Commercial General Liability Insurance;
  - 3) One (1) copy of Certificate of Insurance for Vehicle Liability Insurance;
  - 4) One (1) copy of Certificate of Insurance for Technology E & O Liability Insurance;
- 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 upon Contractor's receipt of renewal certificates.
- 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 indemnify and defend 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, liabilities, reasonable costs and reasonable attorney fees connected therewith, and for any damages arising out of a third party claim 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 any negligent act, willful misconduct, or omission of the City's 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  
P.O Box 3001  
Birmingham, MI  
Attention: Commander Michael Albrecht

CONTRACTOR  
Axon Enterprise, Inc.  
7860 East McClain Drive  
Suite 2  
Scottsdale, AZ 85260

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:**

Caitlin Morgan

**CONTRACTOR**

By: Robert Driscoll  
Its: VP Sales and Support Operations

**CITY OF BIRMINGHAM**

By: \_\_\_\_\_  
Andrew M. Harris  
Its: Mayor

By: \_\_\_\_\_  
J. Cherilynn Mynsberge  
Its: City Clerk

Approved:

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

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

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

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



**Axon Enterprise, Inc.**  
17800 N 85th St.  
Scottsdale, Arizona 85255  
United States  
Phone: (800) 978-2737

**Q-170201-43259.640JS**

Issued: 06/08/2018



**Quote Expiration: 07/31/2018**

Account Number: 112627

Start Date: 06/08/2018

Payment Terms: Net 30

Delivery Method: Fedex - Ground

**SALES REPRESENTATIVE**

Joshua Sparks

Phone: 480-905-2044

Email: jsparks@axon.com

Fax:

**PRIMARY CONTACT**

Michael Albrecht

Phone: 1-248-530-1762

Email: malbrecht@bhamgov.org

**SHIP TO**

Michael Albrecht  
Birmingham Police Dept. -MI  
151 MARTIN  
Birmingham, MI 48009  
US

**BILL TO**

Birmingham Police Dept. -MI  
151 MARTIN  
Birmingham, MI 48009  
US

**Group1**

Item	Description	Quantity	List Unit Price	Net Unit Price	Total (USD)
<b>Hardware</b>					
22002	BLACK X2 CEW, HANDLE	6	1,170.00	1,170.00	7,020.00
22010	PPM, STANDARD BATTERY PACK, X2/X26P	6	62.00	62.00	372.00
22014	WARRANTY, 4 YEAR, X2	6	363.00	363.00	2,178.00
Subtotal					9,570.00
Estimated Shipping					0.00
Estimated Tax					0.00
Total					9,570.00
<b>Grand Total</b>					<b>9,570.00</b>

## Axon's Sales Terms and Conditions

By signing this document, you certify that you have read and agree to the provisions set forth in this document and Axon's Master Services and Purchasing Agreement (MSPA), posted at <https://www.axon.com/legal/sales-terms-and-conditions>, as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. You represent that you are legally authorized to sign this Agreement on behalf of your entity. If you do not have this authority, please do not sign this document.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Name (Print): \_\_\_\_\_ Title: \_\_\_\_\_  
PO# (Or write N/A): \_\_\_\_\_

Please sign and email to Joshua Sparks at [jsparks@axon.com](mailto:jsparks@axon.com) or fax to

Thank you for being a valued Axon customer. For your convenience on your next order, please check out our online store [buy.axon.com](http://buy.axon.com)

Quote: Q-170201-43259.640JS

'Protect Life'® and TASER® are registered trademarks of Axon Enterprise, Inc, registered in the U.S. © 2013  
Axon Enterprise, Inc. All rights reserved.

**Axon Enterprise, Inc.'s Hardware Warranty, Limitations and Release for  
Law Enforcement CEW Products and On-Officer Cameras (U.S. and Canada)**  
(Effective October 25, 2017)

The following Axon Enterprise, Inc. (Axon) warranty provisions are applicable on all sales or transfers of Axon Law Enforcement Products, including TASER conducted electrical weapons (CEWs), on-officer audio/video cameras and related accessories.<sup>1</sup> The term "Purchaser" means any purchaser, possessor, or user of the Axon brand products. BY USING THE AXON PRODUCT YOU ARE AGREEING TO BE BOUND BY THE TERMS OF THE WARRANTY AS SET OUT BELOW.

**Manufacturer's Limited Warranty<sup>2</sup>**

Axon warrants that its Law Enforcement Hardware Products<sup>3</sup> are free from defects in workmanship and materials for a period of ONE (1) YEAR from the date of receipt. CEW cartridges and Smart cartridges that are expended are deemed to have operated properly.<sup>4</sup> Axon-Manufactured Accessories<sup>5</sup> are covered under a limited 90-DAY warranty from the date of receipt. Non-Axon manufactured accessories are covered under the manufacturer's warranty. In the event any country or state imposes a longer express warranty term than that described in this warranty document, then the country or state's term will take precedence.

If a valid warranty claim is received by Axon within the warranty period, Axon agrees to repair or replace the product which Axon determines in its sole discretion to be defective under normal use, as defined in the product instructions. Axon's sole responsibility under this warranty is to either repair or replace with the same or like product, at Axon's option.

**Optional Extended Hardware Warranty for Axon Flex, Axon Flex 2, Axon Body, Axon Body 2, Evidence.com**

<sup>1</sup> The warranty does not apply to software or services offered for, by, on, or through the Axon.com or Evidence.com websites. This warranty only applies to hardware.

<sup>2</sup> A product's estimated useful life or expiration date may not be the product's warranty expiration date.

<sup>3</sup> Axon Law Enforcement Hardware Products include TASER X2, X26, and X26P CEWs, Simulation Handles assembled by TASER, TASER CAM and TASER CAM HD recorders, CEW cartridges, and Smart cartridges, Axon Flex camera (including the universal magnetic clip), Axon Flex 2 camera, Axon Body 2 camera, Axon Fleet camera, Evidence.com Docks, and Axon Docks.

**Dock, Axon Dock, Axon Signal Sidearm, TASER CAM HD, X2, X26, and X26P**

The optional extended warranty, when available, may only be purchased at the time of product point of sale. The extended warranty runs from the date of receipt of the extended warranty through the balance of the 1-year limited warranty plus the term of the extended warranty measured after the expiration of the 1-year limited warranty. Purchaser may not buy more than one extended warranty for any one specific product. The extended warranty does not cover user-removable battery replacement, abuse, intentional or deliberate damage to the product, or force majeure during the extended warranty period.<sup>6,7</sup> For customers who purchase an extended warranty Axon warrants it will repair or replace the Axon product, which fails to function for any reason not excluded by this warranty, during the extended warranty period with the same or like product, at Axon's option. Purchaser may not buy a new extended warranty for any replacement or repaired product which is replaced or repaired under the extended warranty.

**Exclusions and Limitations**

A replacement product will be new or like new and have the remaining warranty period of the original product or 90 days from the date of replacement or repair, whichever period is longer. When a product or part is exchanged, any replacement item becomes Purchaser's property and the replaced item becomes Axon's property. After the warranty period, Axon may, at its sole option, repair or replace a Axon product for a fee.

This warranty does not apply and Axon will not be responsible for any loss, data loss, damage, or other liabilities arising from: (a) damage from failure to follow

instructions relating to the product's use; (b) damage caused by use with non-Axon products or from the use of cartridges, batteries or other parts, components or accessories that are not manufactured or recommended by Axon; (c) damage caused by abuse, misuse, intentional or deliberate damage to the product, or force majeure; (d) damage to a product or part that has been repaired or modified by persons other than Axon authorized personnel or without the written permission of Axon; or (e) if any Axon serial number has been removed or defaced.

Axon provides an additional limited warranty on third-party holsters used in conjunction with the Signal Sidearm sensor. As such, for a period of ONE (1) YEAR from the date of shipment of Axon Signal Sidearm to Purchaser, Axon will provide a credit based on the MSRP of the holster to the Purchaser for damage caused to the holster directly by Axon Signal Sidearm, other than holster installation points and ordinary wear and tear, up to a maximum of \$150.00, provided that (a) the Purchaser has a valid warranty claim for the holster and (b) the third party manufacturer will not honor the warranty claim due to Axon Signal Sidearm voiding the Purchaser's holster warranty. Axon reserves the right to validate compliance with the above.

This warranty is subject to the proper use and installation of the Axon Signal Sidearm as detailed in the Axon Signal Sidearm Assembly Guide. As such, Axon will not be responsible and this limited warranty does not extend to the repair, replacement or warranty of a holster used in conjunction with the Axon Signal Sidearm that incurs damage not directly caused by use of the Axon Signal Sidearm. Use of the Axon Signal Sidearm with

<sup>4</sup> Broken blast doors are not covered under Axon's limited warranty.

<sup>5</sup> Axon-Manufactured Accessories include, but are not limited to: batteries; battery chargers; carrying cases; cables; docking bars; USB data download kits; headbands; holsters; mounts; DPM, XDPM, CDPM, PPM, TPPM, APPM, XPPM, TPM, SPPM, and Shockwave Power Magazine modules; Axon Signal Unit (ASU); and the X-Rail mounting system.

<sup>6</sup> The manufacturer's limited warranty provides coverage for Axon Flex camera, Axon Flex 2 camera, Axon Flex controller, Axon Flex 2 controller, or Axon Body 2 batteries that have failed or are exhibiting diminished capacity as result of a manufacturing defect. Under the

extended warranty, replacement of the Axon Flex camera battery and Axon Flex 2 camera battery are covered, but replacement of the Axon Flex controller battery, Axon Flex 2 controller battery, and Axon Body 2 battery are not covered.

<sup>7</sup> Axon will provide the Purchaser with 2 extra batteries for each Axon Signal Sidearm unit upon the initial shipment. In the event the Agency needs additional batteries during the Axon Signal Sidearm Term, the Purchaser may request the batteries through Axon's RMA process.

**Axon Enterprise, Inc.'s Hardware Warranty, Limitations and Release for  
Law Enforcement CEW Products and On-Officer Cameras (U.S. and Canada)  
(Effective October 25, 2017)**

accessories, peripheral equipment and other products of a similar type, condition and standard other than prescribed by the holster manufacturer or Axon will void this warranty. Please refer to the manufacturer for information on your holster warranty. Axon disclaims all other warranties, express or implied.

**To the extent permitted by law, this warranty and the remedies set forth above are exclusive and in lieu of all other warranties, remedies, and conditions, whether oral or written, statutory, express or implied, as permitted by applicable law. Axon specifically disclaims any and all statutory or implied warranties, including without limitation, warranties of merchantability, design, fitness for a particular purpose, arising from a course of dealing, usage or trade practice, warranties against hidden or latent defects, and warranties against patent infringement. If statutory or implied warranties cannot be lawfully disclaimed, then all such warranties are limited to the duration of the express warranty described above and limited by the other provisions contained in this warranty document.**

**The remedies provided for in the above warranty are expressly in lieu of any other liability Axon may have. Axon's cumulative liability to any party for any loss or damage resulting from any claims, demands, or actions arising out of or relating to any Axon product will not exceed the purchase price paid to Axon for the product. In no event will Axon be liable for any direct, special, indirect, incidental, exemplary, punitive or consequential damages, however caused, whether for breach of warranty, breach of contract, negligence, strict liability, tort or under any other legal theory, even if Axon has been advised of the possibility of those damages or if those damages could have been reasonably foreseen, and notwithstanding any failure of**

**essential purpose of any exclusive remedy provided in this warranty. Some local laws do not allow for the limitation or exclusion of liability for incidental or consequential damages, so the above limitation or exclusion may not apply to you. Any repair to or replacement of any product under this warranty may result in a loss of programs or data.**

**Release**

**Purchaser agrees to release Axon from any and all liability arising out of the deployment, use, or misuse of the Axon product, including any claims for damages and personal injuries. Purchaser agrees to assume all risks of loss and all liability for any damages and personal injury which may result from the deployment, use, or misuse of the Axon product. Axon is not liable for the failure of the Axon product to perform and Axon is not liable for any claims made by a third party or by Purchaser for or on behalf of a third party.**

**Purchaser Responsibilities and Product Registration**

Purchaser should update product software and/or firmware as they become available through Axon, as well as perform periodic data uploads to Evidence.com services or download/backup copies of the information, data, and/or video contained on the Axon product storage media to protect the contents and as a precaution against possible operational failures.

To register your Axon product, please go to [www.axon.com/register](http://www.axon.com/register). Registration of your product allows Axon to contact you with important product notifications and provides a record in case of product loss or theft. Registration is voluntary and failure to register will not diminish your limited warranty rights.

**Warranty Repair Procedure**

For warranty return and repair procedures, including troubleshooting guides, please go to Axon's websites [www.axon.com/support](http://www.axon.com/support) or [www.evidence.com](http://www.evidence.com), as

indicated in the appropriate product user manual or quick start guide.

Failure to provide the required information for the returned product will delay the return of the repaired or replaced item. If Purchaser fails to provide the required information, including the RMA number, then Axon assumes no liability for loss of the returned product. Any Axon product that has not been paid for, when required, or for which the required information has not been provided during a period of 90 days after receipt of the Axon product by Axon is deemed abandoned and Axon may dispose of the Axon product without any liability, compensation, or further notification to Purchaser.

Before you deliver your product for warranty service, it is your responsibility to upload the data contained in the product to the Evidence.com services or download the product and keep a separate backup copy of the contents. During warranty service the contents of the storage media will be deleted and reformatted. Axon is not responsible for any loss of software programs, data, or other information contained on the storage media or any other part of the product services. The product will be returned to you configured as originally purchased, subject to applicable firmware updates. Recovery and reinstallation of software programs and user data are not covered under this warranty. *If you require attempted data recovery this must be specifically requested (and a fee may be required) or the contents of your product will be deleted and the storage media reformatted in the course of warranty service.*

**General**

This warranty supersedes any prior, contrary, or additional representations, whether written or oral. This warranty is Axon's only hardware warranty and may not be changed or enlarged by any agent, employee, distributor, dealer, or other person. This warranty, including any extended warranty, is non-transferable.

▲ ▲ AXON, Axon Body 2, Axon Flex, Axon Flex 2, Axon Dock, Axon Fleet, Axon Signal Sidearm, Evidence.com Evidence Sync, Shockwave, Smart Cartridge, TASER CAM, X2, X26, X26P, X-Rail, 'Protect Life', 'Protect Truth', and TASER are trademarks of Axon Enterprise, Inc., some of which are registered in the US and other countries. For more information, visit [www.axon.com/legal](http://www.axon.com/legal). All rights reserved. © 2017 Axon Enterprise, Inc.



17800 N. 85th St., Scottsdale, Arizona 85255 \* 480-991-0797 \* Fax 480-991-0791 \* www.axon.com

January 10, 2018

**To: United States state, local and municipal law enforcement agencies**

**Re: Sole Source Letter for Axon Enterprise, Inc.'s TASER Conducted Electrical Weapons**

A sole source justification exists because the following goods and services required to satisfy the agency's needs are only manufactured and available for purchase from Axon Enterprise. Axon is also the sole distributor of all TASER brand products in the States of AR, CT, DE, FL, GA, HI, IA, IL, IN, KS, LA, MA, MD, ME, MI, MN, MO, MS, NC, ND, NE, NH, NJ, NY, OK, OR, PA, RI, SC, SD, TX, VA, VI, VT, WI, WV, and the District of Columbia and Guam.

### **TASER CEW Descriptions**

#### **X2 CEW**

- Multiple-shot CEW
- High efficiency flashlight
- Static dual LASERs (used for target acquisition)
- ARC switch enables drive-stun with or without a Smart Cartridge installed
- Central Information Display (CID): Displays mission-critical data such as remaining battery energy, burst time, operating mode, and user menu to change settings and view data on a yellow-on-black display
- The Trilogy log system records information from a variety of sensors into three data logs: Event log, Pulse log, and Engineering log. Data can be downloaded using a universal serial bus (USB) data interface module connected to a personal computer (PC). Data may be transferred to Evidence.com services.
- Real-time clock with back-up battery
- Onboard self-diagnostic and system status monitoring and reporting
- Ambidextrous safety switch
- Capable of audio/video recording with optional TASER CAM HD recorder
- The trigger activates a single cycle (approximately 5 seconds). Holding the trigger down will continue the discharge beyond the standard cycle (except when used with an APPM or TASER CAM HD AS). The CEW cycle can be stopped by placing the safety switch in the down (SAFE) position.
- Compatible with TASER Smart Cartridges only

#### **X26P CEW**

- High efficiency flashlight
- Red LASER (used for target acquisition)
- Central Information Display (CID): Displays data such as calculated remaining energy, burst time, and notifications
- The Trilogy log system records information from a variety of sensors into three data logs: Event log, Pulse log, and Engineering log. Data can be downloaded using a universal serial bus (USB) data interface module connected to a personal computer (PC). Data may be transferred to Evidence.com services.
- Real-time clock with back-up battery
- Onboard self-diagnostic and system status monitoring and reporting
- Ambidextrous safety switch
- Capable of audio/video recording with optional TASER CAM HD recorder
- The trigger activates a single cycle (approximately five seconds). Holding the trigger down will continue the discharge beyond the standard cycle (except when used with an APPM or TASER CAM HD AS). The CEW cycle can be stopped by placing the safety switch in the down (SAFE) position.
- Compatible with TASER standard series cartridges

#### **Axon Signal Performance Power Magazine (SPPM)**

- Battery pack for the X2 and X26P conducted electrical weapons

- Shifting the safety switch from the down (SAFE) to the up (ARMED) positions sends a signal from the SPPM. Upon processing the signal, an Axon system equipped with Axon Signal technology transitions from the BUFFERING to EVENT mode.

### **TASER Brand CEW Model Numbers**

### **TASER Product Packages**

<b>SOLE AUTHORIZED DISTRIBUTOR FOR TASER BRAND CEW PRODUCTS</b> Choose an item.	<b>SOLE AUTHORIZED REPAIR FACILITY FOR TASER BRAND CEW PRODUCTS</b>
<b>Axon Enterprise, Inc.</b> <b>17800 N. 85<sup>th</sup> Street, Scottsdale, AZ 85255</b> <b>Phone: 800-978-2737</b> <b>Fax: 480-991-0791</b>	<b>Axon Enterprise, Inc.</b> <b>17800 N. 85<sup>th</sup> Street, Scottsdale, AZ 85255</b> <b>Phone: 800-978-2737</b> <b>Fax: 480-991-0791</b>

Please contact your local Axon sales representative or call us at 1-800-978-2737 with any questions.

Sincerely,



Josh Isner  
Executive Vice President, North American Sales  
Axon Enterprise, Inc.

BLACKHAWK! is a trademark of the Blackhawk Products Group.

The 'Delta Axon' logo, Axon, Axon Signal, Evidence.com, Smart Cartridge, TASER CAM, Trilogy, X2, X26P, TASER, and the 'Bolt within Circle' logo are trademarks of Axon Enterprise, Inc., some of which are trademarks in the US and other countries. For more information visit [www.axon.com/legal](http://www.axon.com/legal). All rights reserved. © 2018 Axon Enterprise, Inc.



## MEMORANDUM

Police Department

**DATE:** June 29, 2018

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

**FROM:** Mark H. Clemence, Chief of Police

**SUBJECT:** Traffic Signal Modernization – Maple & Lakepark

---

The Road Commission for Oakland County (RCOC) has identified several intersections throughout the city where traffic signals are in need of modernization. These upgrades vary by location and may include the purchase of LED traffic signals, LED pedestrian countdown signals, controllers, cabinets, updated electrical and new poles. This list is updated annually by the traffic safety division of RCOC.

We have received correspondence from RCOC that the traffic signal located at Maple and Lakepark is in need of replacement due to age and condition. The existing signal does not have LEDs, the heads are only 8 inch instead of 12 inch and it does not feature countdown pedestrian signals.

Funds were budgeted and approved in the 2018-19 Major Streets Traffic Control Machinery and Equipment account to provide for this signal upgrade. The revised cost for complete traffic signal modernization at this intersection is \$80,548.49. This traffic adapted signal upgrade will include box span design, a new cabinet, replacement of LED traffic signals, LED pedestrian countdown signals, replacement of electrical wiring and new poles. This traffic signal modernization will also include the installation of reflective tape around the traffic signals to provide greater visibility for motorists (particularly during nighttime hours). This project will not require the purchase of a controller as it was recently replaced as part of the Maple Road Diet reconstruction project.

RCOC has provided traffic signal removal and installation plans and drawings for the work to be completed at this intersection. Also, a photograph of a similarly designed project located on Long Lake Road has been submitted to demonstrate what the Maple/Lakepark intersection will look like after the traffic signal modernization has been completed. The drawings and photographs are attached to this report.

This cost estimate was reviewed by our traffic engineering consultant, Julie M. Kroll, P.E., P.T.O.E, Senior Project Manager of Fleis & VandenBrink. Ms. Kroll reported that the RCOC construction plans and corresponding cost estimate are consistent with market rates. If the city were to bid this project, design work and preparation of a bid package would result in additional costs.

An agreement for traffic control device is not required for this project, as this signal is owned by the City of Birmingham and maintained by RCOC. The Oakland County Board of Commissioners



requires traffic signal modernization and maintenance agreements for county owned or jurisdictionally shared traffic control devices.

The police department recommends waiving competitive bidding requirements for this project, and awarding the Maple/Lakepark traffic signal modernization purchase to RCOC. There are sufficient funds in the 2018-19 major streets traffic control machinery and equipment account budget to provide for this purchase. RCOC plans to modernize this equipment during late fall 2018.

**Suggested Resolution:**

To approve the purchase of a traffic signal modernization for the intersection of Maple and Lakepark from the Road Commission for Oakland County in the amount of \$80,548.49; further to waive normal bidding requirements and to authorize this expenditure from account number 202-303-001-971.0100.

ROAD COMMISSION FOR OAKLAND COUNTY COST ESTIMATE FOR  
TRAFFIC SIGNAL MODERNIZATION AT  
MAPLE AND LAKE PARK

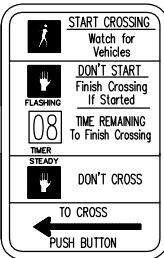
ESTIMATED BY: D. Deneau

DATE: November 17, 2017

MATERIALS:	QTY.	UNIT	UNIT PRICE	TOTAL
TRAFFIC SIGNALS (LED):				
1W-3C-SA 12"	6	EACH	\$400.00	\$2,400.00
PEDESTRIAN SIGNALS (LED):				
1W-1C-BA 12" BI-MODAL (Countdown)	2	EACH	\$350.00	\$700.00
2W-1C-BA 12" BI-MODAL (Countdown)	1	EACH	\$700.00	\$700.00
CASE SIGNS:				
2-WAY 24"X30" (Non-Illuminated)	1	EACH	\$925.00	\$925.00
CONTROLLERS & EQUIPMENT:				
CABINET (Size M)	1	EACH	\$5,970.00	\$5,970.00
60 AMP SAFETY SWITCH (Stainless Steel)	1	EACH	\$600.00	\$600.00
CABLE:				
7/C#14	1000	FEET	\$0.26	\$260.00
TRI-PLEX	300	FEET	\$0.35	\$105.00
2/C#4	50	FEET	\$1.05	\$52.50
5/16" MESSENGER	400	FEET	\$0.30	\$120.00
POLES:				
30' ANCHOR BASE STEEL POLE (w/Bolts)	3	EACH	\$3,500.00	\$10,500.00
MISCELLANEOUS MATERIALS				\$1,000.00
SUBTOTAL:				\$23,332.50
MATERIAL HANDLING:			10%	\$2,333.25
TOTAL MATERIALS:				<b>\$25,665.75</b>
LABOR:	#MEN	#HRS	RATE	TOTAL
ELECTRICIANS	2	100	\$28.00	\$5,600.00
LABORERS	2	16	\$23.00	\$736.00
INSPECTION	1	40	\$26.00	\$1,040.00
ENGINEERING & SUPERVISION				\$512.00
DESIGN				\$500.00
SUBTOTAL:				\$8,388.00
FRINGE BENEFITS:			136%	\$11,407.68
TOTAL LABOR:				<b>\$19,795.68</b>
EQUIPMENT RENTAL:		#HRS	RATE	TOTAL
BOOM TRUCK		80	\$45.00	\$3,600.00
VAN		40	\$12.00	\$480.00
AUGER TRUCK		16	\$45.00	\$720.00
TOTAL EQUIPMENT RENTAL:				<b>\$4,800.00</b>
CONTRACTOR WORK:				\$18,000.00
SUBTOTAL:				<b>\$68,261.43</b>
ADMINISTRATIVE OVERHEAD:			18%	\$12,287.06
TOTAL ESTIMATED COST:				<b>\$80,548.49</b>

DRAWING PATH: P:\0166\_02000\010160100\_2017\_SCATS\Drawings\Civil\Signal\160100SIG\_05.dwg    Feb 16, 2018 - 10:33am

R10-3e SIGN TYPICAL



PEDESTRIAN COUNTDOWN LEGEND



FACING  
WEST (C.S.#1)

INSTALL ONE WAY, 24"X30"  
NON-ILLUMINATED CASE SIGN

INSTALL PIPE EXTENSIONS AS LISTED:

T.S.#1	0" PIPE
T.S.#2	0" PIPE
T.S.#3	0" PIPE
T.S.#4	0" PIPE
T.S.#5	0" PIPE
T.S.#6	6" PIPE

\* ALL SPAN WIRE POLE CONTACT HEIGHTS SHALL BE COORDINATED  
SO THAT A MINIMUM **18 FT.** UNDERCLEARANCE IS MAINTAINED.

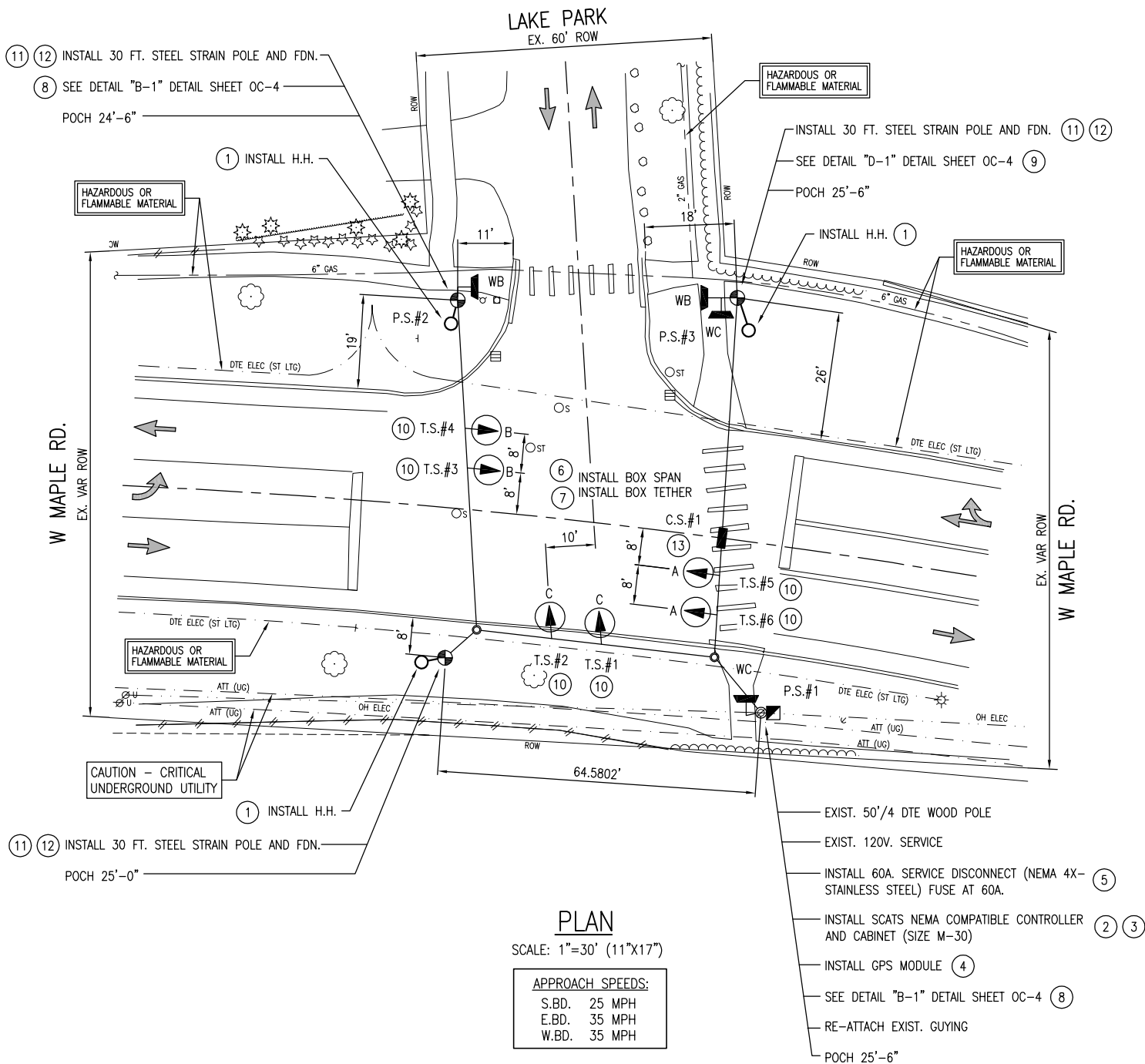
FOR 120V. SERVICE CONTACT MR. DENNIS MERCIER,  
DTE ENERGY, 248-427-2954.  
NO COST TO CONTRACTOR.

NO.	ITEM	QUANTITIES
①	Hh, Round	3 Ea
②	Controller and Cabinet, Digital Type, RCOC	1 Ea
③	Controller and Cabinet, Digital Type, Delivered, RCOC	1 Ea
④	Global Positioning System Module	1 Ea
⑤	Serv Disconnect	1 Ea
⑥	Span Wire, Box, RCOC	1 Ea
⑦	Tether Wire, Box, RCOC	1 Ea
⑧	TS, Pedestrian, One Way Bracket Arm Mtd (LED) Countdown	2 Ea
⑨	TS, Pedestrian, Two Way Bracket Arm Mtd (LED) Countdown	1 Ea
* ⑩	TS, One Way Span Wire Mtd (LED)	6 Ea
⑪	Strain Pole, Steel, Anchor Base, 30 foot, RCOC	3 Ea
⑫	Strain Pole, Steel, Anchor Fdn	3 Ea
⑬	Case Sign, One Way, 24 inch by 30 inch, Non-Illuminated, RCOC	1 Ea
	Conduit, DB, 1, 1 1/4 inch	20 Ft
	Conduit, DB, 2, 3 inch	20 Ft

\* SHALL BE PROVIDED WITH BACKPLATE WITH RETROREFLECTIVE BORDER. PAYMENT SHALL  
BE INCLUDED IN THE TRAFFIC SIGNAL ITEMS AND WILL NOT BE PAID FOR SEPARATELY.

CONDUIT TYPICALS:

STEEL POLE TO H.H. ----- 2-3" & 1-1 1/4"  
WOOD POLE TO H.H. ----- AS INDICATED  
PEDESTAL TO H.H. ----- 1-3" & 1-1 1/4"  
CONTROLLER TO H.H. ----- AS INDICATED  
SUPPORT POST TO H.H. ----- 1-1 1/4"



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REVISIONS										
DATE	PROJ NUMBER	ENG	PROJ MAN	CADD	COUNTY	CITY/TOWNSHIP	SCALE	VARIOUS COMMUNITIES	VERT DATUM	VARIOUS COMMUNITIES
02/16/2018	015-16-0100	SM	JRK	AMS	OAKLAND	VARIOUS COMMUNITIES	1"=30'	NONE	NAVD 83	NAVD 83
ROAD COMMISSION FOR OAKLAND COUNTY										
2017 RCOC TRAFFIC SIGNALS										
MAPLE RD & LAKE PARK CONSTRUCTION PLAN										
SHEET	2									
OF 4										

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W Long Lake Rd

W Long Lake Rd

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## MEMORANDUM

City Clerk's Office

**DATE:** July 5, 2018  
**TO:** Joseph A. Valentine, City Manager  
**FROM:** J. Cherilynn Mynsberge, City Clerk  
**SUBJECT:** Appointment of Election Inspectors

---

As the official Election Commission for the City of Birmingham, election law requires the City Commission to appoint at least three election inspectors and at least one election inspector from each major political party for each precinct. Under MCL 168.16 only the Republican and Democratic parties qualify as a "major party".

The deadline to appoint election inspectors for the August 7, 2018 Primary Election is July 17, 2018. Attached is a list of inspectors that have been assigned to serve for the August 7, 2018 Primary Election.

**SUGGESTED RESOLUTION:**

To approve the appointment of election inspectors, absentee voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the August 7, 2018 Primary Election pursuant to MCL 168.674(1) and granting the City Clerk authority to make emergency appointments of qualified candidates should circumstances warrant to maintain adequate staffing in the various precincts, counting boards and receiving boards.

**CITY OF BIRMINGHAM**  
**ELECTION INSPECTOR APPOINTMENTS FOR AUGUST 7, 2018 PRIMARY ELECTION**

PRECINCT	SERVING AS:	LAST NAME	FIRST NAME	ADDRESS	STREET	PARTY	CITY	ZIP
1	Chairperson	Stoessel	Robert	998	Woodlea	Republican	Birmingham	48009
1	Inspector	Brunhofer	Margaret	1043	N. Glenhurst	Republican	Birmingham	48009
1	Inspector	Foerster	Valerie	468	Fox Hills Dr. S. #3	Republican	Bloomfield Hills	48304
1	Inspector	Friedman	Jane Allison	1587	S. Bates	Democrat	Birmingham	48009
1	Inspector	Rock	Karen	465	Pilgrim	Democratic	Birmingham	48009
1	Inspector	Stoessel	Mary Lee	998	Woodlea	Republican	Birmingham	48009
2	Alternate	Cwikiel-Glavin	Annie	909	Chestnut	Democrat	Birmingham	48009
2	INSPECTOR	CLINE	CATHERINE	900	N. ADAMS	REPUBLICAN	BIRMINGHAM	48009
2	Inspector	Dreer	Gerald	2794	Derby	Republican	Birmingham	48009
2	Inspector	Fuller	Dulce	255	Pierce	Republican	Birmingham	48009
2	Inspector	Guilmet	Chester	1675	Norfolk	Democrat	Birmingham	48009
2	Inspector	Lukezich	Richard	185	W. Lovell Dr.	Republican	Troy	48098
2	Inspector	Quart	Barbara	4275	Meadowlane Dr.	Republican	Bloomfield Hills	48304
2	Inspector	Ritter	Joan	990	Davis	Democrat	Birmingham	48009
2	Inspector	Roush-Logue	Martha	2010	Buckingham	Republican	Birmingham	48009
2	Inspector	Swain	Marcia	215	Westchester Way	Republican	Birmingham	48009
2	Inspector	Woodward	Erica	1124	Lakeview Cir	Republican	Grand Blanc	48438
2-3	Super-Chair	Barnes	Webb	1567	Quarton	Republican	Birmingham	48009
3	Co-Chair	Cole	Alice	1974	Hazel	Democrat	Birmingham	48009
3	<b>Greeter</b>	Connery	Thomas	1796	Holland	Republican	Birmingham	48009
3	Inspector	Barnes	Jean	1567	Quarton	Republican	Birmingham	48009
3	INSPECTOR	CLINE	WILLIAM	900	N. ADAMS	REPUBLICAN	BIRMINGHAM	48009
3	INSPECTOR	MCELROY	DEBRA	2106	BUCKINGHAM	REPUBLICAN	BIRMINGHAM	48009
3	Inspector	McIntosh	Barbara	1945	Bowers	Democrat	Birmingham	48009
3	Inspector	Stenzel	Martha	621	N Eton	Republican	Birmingham	48009
4	Chairperson	Meredith	Marie	1495	Haynes	Republican	Birmingham	48009
4	Inspector	Cook	Helen	2613	Oxford	Republican	Troy	48084
4	INSPECTOR	Lucik	Sharon	1212	E. LINCOLN	DEMOCRAT	BIRMINGHAM	48009
4	Inspector	Meredith	Marsha	2580	Dodds Rd	Republican	North Branch	48461
4	INSPECTOR	ROGOWSKI	ANTHONY J.	1495	HAYNES	REPUBLICAN	BIRMINGHAM	48009
4	Inspector	Romanelli	Constance	1998	Hazel	Democrat	Birmingham	48009
4	Inspector	Tresh	Shirley	1043	N Old Woodward #1	Republican	Birmingham	48009
5	Chairperson	Conyers	Steven	655	Chapin Ave.	Democrat	Birmingham	48009
5	INSPECTOR	Corcoran	Gail	1902	BIRMINGHAM BLVD.	REPUBLICAN	BIRMINGHAM	48009
5	Inspector	Duff	Denise	1025	Norfolk Dr	Republican	Birmingham	48009
5	Inspector	George	Kristin	812	Kennesaw	REPUBLICAN	Birmingham	48009
5	Inspector	Goodwin	Allison	2345	Windemere	Democrat	Birmingham	48009
5	Inspector	Lynady	Robert	351	Phillips	Republican	Clawson	48017
5	Inspector	Mallon	Danielle	811	Tottenham	Democrat	Birmingham	48009
6	Chairperson	Gemmell	Sarah	30526	Woodmont	Democratic	Madison Heights	48
6	Inspector	Burns	Jack	898	Putney	Republican	Birmingham	48009
6	Inspector	O'Connor	Susan	2070	Sheffield	Democrat	Birmingham	48009
6	Inspector	O'Connor	Thomas H.	2070	Sheffield	Democrat	Birmingham	48009

July 9, 2018



**CITY OF BIRMINGHAM**  
**ELECTION INSPECTOR APPOINTMENTS FOR AUGUST 7, 2018 PRIMARY ELECTION**

7	Chairperson	Rose	Cynthia	1011	Clark	Democrat	Birmingham	48009
7	Inspector	Cin	Pamela	145	S. Glenhurst	Republican	Birmingham	48009
7	Inspector	Davison	Mary Ann	1078	Covington Rd	Republican	Blmfld Hills	48301
7	INSPECTOR	DEGROAT	KENDRA L.	523	E. SOUTHLAWN	REPUBLICAN	BIRMINGHAM	48009
7	INSPECTOR	FOXLEY	JAMES R.	1000	FORREST AVE.	REPUBLICAN	BIRMINGHAM	48009
7	Inspector	Hansen	Kristi	1423	Bird	Democrat	Birmingham	48009
7	Inspector	Richey	Lester	1690	Stanley	Republican	Birmingham	48009
7	Inspector	Tate	Taneka	448	Elm St	Democrat	Pontiac	48342
7	INSPECTOR	WHITE	HEIDI	1175	E. LINCOLN	DEMOCRAT	BIRMINGHAM	48009
8	Chairperson	Feiste	Leland	1474	Maryland	Republican	Birmingham	48009
8	Inspector	Burns	John	898	Putney	Republican	Birmingham	48009
8	Inspector	Hoff	Rackeline	941	Arden Ln	Democrat	Birmingham	48009
8	Inspector	Keefer	Judith	505	E. Lincoln, #4	Democrat	Birmingham	48009
8	Inspector	Linnell	Karen	1025	Fairfax	Democrat	Birmingham	48009
8	Inspector	Raymond	Roberta	1765	Southfield	Republican	Birmingham	48009
9	Chairperson	Hodge	Martha	1845	Pembroke	Democrat	Birmingham	48009
9	Greeter	Louton	Sally	1870	Webster	Republican	Birmingham	48009
9	Inspector	Adkisson	Mary Ann	3989	Orchard Hill Dr.	Democrat	Bloomfield Hills	48302
9	Inspector	Khoury	Priscilla	6805	Andiron Ct.	Democrat	W. Bloomfield	48322
9	Inspector	Killiany	Andrew	1418	Pierce	Republican	Birmingham	48009
9	Inspector	Pinson	Janice	1637	Henrietta	Republican	Birmingham	48009
9	Inspector	Torner	Maryanne	455	Harmon	Republican	Birmingham	48009
AV	Chairperson	Giffin	James	539	N. Old Woodward	Republican	Birmingham	48009
AV	Inspector	Bernhardt	Doreen	23139	Old Orchard Trail	Republican	Bingham Farms	48025
AV	Inspector	Folin	Carolyn	1245	Derby, #5	Republican	Birmingham	48009
AV	Inspector	Folin	Robert	1245	Derby, #5	Republican	Birmingham	48009
AV	Inspector	Johnson	William	1127	Derby #2	Republican	Birmingham	48009
AV	Inspector	Lang	Chantal	4121	W. 14 Mile Rd.	Democrat	Royal Oak	48073
AV	Inspector	Macintosh	Ronald	2648	Windemere	Republican	Birmingham	48009
AV	Inspector	Reese	Oberia	5614	Priory Ln	Democrat	Bloomfield Hills	48301
AV	Inspector	Sanders	Greta	333	N Troy St #1011	Democrat	Royal Oak	48067
AV	Inspector	Smith	Russell	1174	Shipman	Republican	Birmingham	48009
AV	Inspector	Tellier	Anneke	1608	Maryland Blvd.	Republican	Birmingham	48009
AV	Inspector	Von Storch	Gisela	PO 882		Republican	Birmingham	48012
AVCB	Inspector	Sexton	Anne M.	47428	Jeffrey	Democrat	Shelby Township	48317
RB	Receiving Bd	Arft	Cheryl					
RB	Receiving Bd	Barrett	Paul	359	N. Eton, #11d	Republican	Birmingham	48009
RB	Receiving Bd	Larson	Ann	2618	Oakshire	Republican	Berkley	48072
RB	Receiving Bd	Mio	Leslie	1118	Oxford Rd	Democratic	Berkley	48072

**NEW**

**APPLICANTS TO  
BE ASSIGNED**

Inspector	Rodzic	Marilyn	Townsend #102	Democratic	
			555		48009
Inspector	Simon	Sheldon	415 Argyle	Democratic	48009
Inspector	Simon	Suzanne	415 Argyle	Democratic	48009
Inspector	Wandyez	Phillip	983 Rivenoak	Democratic	48009



## MEMORANDUM

Department of Public Services

**DATE:** June 28, 2018

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

**FROM:** Lauren A. Wood, Director of Public Services

**SUBJECT:** Skating Director Contract – 2018-2019 Season

---

Attached is the proposed one year contract for the Skating Director to serve in this capacity for the City of Birmingham for the upcoming season. The past three seasons, Jill Kolaitis has been serving as the Skating Director and another individual served as the Ice Show Director the past two seasons. Our Ice Show Director recently notified us she will not be returning due to another great opportunity. As a result, I asked Jill Kolaitis to consider overseeing both functions for the upcoming Ice Skating season.

Jill Kolaitis has agreed to serve and oversee both functions, just as she successfully did during the 2015-2016 ice season. You might recall the two roles were separated beginning with the 2016-2017 season. Since then operational practices have been modified to improve the overall Ice Show process and format. The proposed contract language follows our standard contract language format. The rate of pay has been increased from \$24.00 per hour to \$26.00 per hour. The other rate remains the same while on the ice Saturday and Sunday for the Skating Classes. Otherwise, there are no other changes to the terms and conditions, just the dates of service have been updated to reflect the upcoming 2018-2019 ice season.

The Skating Director Contract begins annually during the month of July and runs until about one week after the conclusion of the Ice Show. The contract term is only during the ice skating season, typically coincides with the ten month Ice Arena operation. The 2018-2019 Ice Arena season begins in August, so I am proposing the Skating Director is available to begin the season effective July 10, 2018 as an Independent Contractor. There are a variety of functions and duties for the Skating Director to perform in advance to prepare for the Birmingham Ice Skating Classes. Jill Kolaitis served the past four years as the Skating Director and previously served in the capacity of Assistant Skating Director at the Birmingham Ice Arena for more than twenty years. A background investigation has been conducted and the Birmingham Police Department found nothing to prohibit entering into such a Contract.

### SUGGESTED RESOLUTION:

To approve the Contract for Skating Director with Jill Kolaitis effective July 10, 2018 up to and including May 10, 2019. Further, to authorize the Mayor and City Clerk to sign the Contract on behalf of the City of Birmingham upon receipt of all required insurances.



## **SKATING DIRECTOR CONTRACT**

This Contract is entered into this 9<sup>th</sup> day of July, 2018 by and between Jill Kolaitis (hereinafter called the "Contractor") and the **CITY OF BIRMINGHAM**, a Michigan Municipal Corporation, whose address is 151 Martin Street, Birmingham, Michigan 48009 ("City").

### **RECITALS:**

**WHEREAS**, the City wishes to hire a Director of the Birmingham Ice Skating Classes and Birmingham Ice Show; and,

**WHEREAS**, Contractor is willing and able to provide the services and experience for such a Director's position;

**NOW, THEREFORE**, the parties agree as follows:

1. CONTRACTOR is hereby engaged as the Director of the Birmingham Ice Skating Classes and the Birmingham Ice Show. Director shall not work in excess of 30 hours per week without prior written approval from the Director of Public Services.

### **ANTICIPATED DATES OF SERVICES:**

Tuesday, July 10, 2018 - Friday, May 10, 2019

Ice Show: Friday, May 3, 2019 - Sunday, May 5, 2019

Ice Show Rehearsals: Monday, April 22, 2019 – Thursday, May 2, 2019

### **TERMINATION CLAUSE:**

The City of Birmingham shall give CONTRACTOR 10 days written notice if termination is to occur before end date listed above.

2. CONTRACTOR further agrees to provide the required services pursuant to the following rate schedule:

### **RATE OF PAY:**

\$26.00 per hour for Skating Classes/Ice Show and weekdays on ice

\$32.00 per hour on ice Saturday/Sunday for Skating Classes

3. In the performance of Director's duties, CONTRACTOR shall have non-exclusive access to an office, telephone, computer and other miscellaneous office equipment (collectively "Equipment"). CONTRACTOR acknowledges and agrees that use of the Equipment is solely for CONTRACTOR'S work associated with the Birmingham Ice Skating Classes. Use of the Equipment for any other purpose is strictly prohibited. CONTRACTOR shall ensure at all times that CONTRACTOR is acting as an independent contractor and shall not use the Equipment in any way to signify, suggest or appear that CONTRACTOR is working in any other capacity.

4. **Independent Contractor.** CONTRACTOR and the City of Birmingham ("City") agree that CONTRACTOR is acting as an independent contractor and, as such, shall be liable for CONTRACTOR'S own actions. CONTRACTOR shall not be construed as an employee of the City or the Birmingham Ice Sports Arena. Nothing in this Contract shall be construed to imply a joint venture or partnership and neither party, by virtue of this Contract, shall have right, power or authority to act or create any obligation, express or implied, on behalf of the other party. Neither the City nor the CONTRACTOR shall be construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as may be specifically provided in this Contract, and this Contract shall not be construed as a Contract of agency. The CONTRACTOR shall not be considered entitled or eligible to participate in any benefits or privileges given or extended by 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. Before any payment is made to CONTRACTOR, a billing must be submitted to the City of Birmingham Ice Sports Arena.

5. **Indemnification.** 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 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.

6. **Insurance.** Director shall procure and maintain during the life of this Contract, General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence combined single limit, including General Liability, Personal Injury, Bodily Injury, abuse and property damage acceptable to the City. Said insurance policy shall include an endorsement stating the following shall be Additional Insureds: "The City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any coverage that may be available to the additional insured whether any other available coverage is primary, contributing or excess." Said insurance policy shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal shall be sent to: City Manager's Office, City of Birmingham, P.O. Box 3001, 151 Martin Street, Birmingham, Michigan 48012." A certificate of insurance shall be provided to the City at the time this Contract is presented to this City for execution.

A. **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.

B. **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.

7. **Nepotism.** Subsequent to entering into this Contract, if any City official, his or her spouse, child or parent shall become directly or indirectly interested in the Contract, the City shall have the right to terminate the Contract without further liability if the disqualification has not been removed within thirty (30) days after the City has given notification of the disqualifying interest.

8. **Settlement of Disputes.** Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48<sup>th</sup> 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 48<sup>th</sup> District Court.

9. **Rules and Regulations of the City.** CONTRACTOR agrees to abide by and obey all rules, regulations, policies and procedures of the City of Birmingham and Ice Arena that may be in force at the time of this contract and which may be amended from time to time that the CONTRACTOR understands that the Director of Public Services or their designee has full authority to enforce said rules. Copies of the rules may be posted throughout the Ice Sports Arena and obtained from the Ice Arena office.

10. **Background Check.** A criminal background check is required prior to City approval of the Contract. CONTRACTOR acknowledges and consents to such a criminal background check and authorizes the City to do so. CONTRACTOR agrees to provide the necessary information needed by the Birmingham Police Department to run the background check.

11. In consideration of the acceptance of this Contract with the City through the Birmingham Ice Sports Arena, Director and everyone acting with, by and through CONTRACTOR, do hereby waive, release and forever discharge any and all rights and claims for damages, losses and injuries which CONTRACTOR or CONTRACTOR'S group may have or which may hereafter accrue to them against the City or its officers, Directors, administrators, successors, employees, agents, officials and/or assigns for any and all damages which may be sustained or suffered by CONTRACTOR or its group, organization, in connection with the said association with this Contract.

12. **No Conflicts with City's Skating Program.** While CONTRACTOR is able to perform ice skating instruction services outside of this Contract, either individually or through other entities, CONTRACTOR agrees that as consideration for entering into this Contract with the City, CONTRACTOR is prohibited from developing or participating in ice skating programs and events that are competitive to the City's programs and events.

13. **Subcontracting.** Contractor shall not subcontract any part of this Contract without the prior written approval of the City.

14. **Laws.** This Contract shall be construed in accordance with the laws of the State of Michigan.

15. **Modification.** No modification of the Contract shall be binding upon the parties unless in writing and signed by both parties.

16. **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.

17. **CONFORMANCE TO IRAN ECONOMIC SANCTIONS ACT**

- A. Pursuant to Michigan law, (the Iran Economic Sanctions Act, 2012 PA 517, MCL 129.311 et seq.), before accepting any bid or proposal, or entering into any contract for goods or services with any prospective Contractor, the CONTRACTOR must first certify that it is not an "IRAN LINKED BUSINESS", as defined by law.
- B. Each Contractor submitting a bid on this project shall include a letter with their bid certifying that they have full knowledge of the requirements and possible penalties under the law MCL 129.311 et seq. that the CONTRACTOR is NOT an "IRAN LINKED BUSINESS" as required by MCL 129.311 et seq., and as such that CONTRACTOR is legally eligible to submit a bid and be considered for a possible contract to supply goods and/or services to the City of Birmingham.

IN WITNESS WHEREOF, the parties execute this Contract.

WITNESSES:

\_\_\_\_\_

By: \_\_\_\_\_  
CONTRACTOR

**CITY OF BIRMINGHAM**


\_\_\_\_\_


By: \_\_\_\_\_  
Andrew M. Harris  
Its: Mayor


\_\_\_\_\_

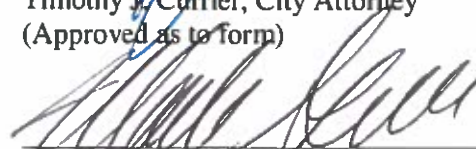
By: \_\_\_\_\_  
J. Cherilynn Mynsberge  
Its: City Clerk

Approved:

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

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

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

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

# CERTIFICATE OF INSURANCE

PRINT DATE: 6/13/2018

CERTIFICATE NUMBER: 20180613042089

**AGENCY:**

ESIX, a division of Integro USA Inc.  
d/b/a Integro Insurance Brokers  
2727 Paces Ferry Road, Building Two, Suite 1500  
Atlanta, GA 30339  
678-324-3300 (Phone), 678-324-3303 (Fax)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

**NAMED INSURED:**

Professional Skaters Association  
3006 Allegro Park SW  
Rochester MN 55902

Jill Kolaitis  
480 Ottawa Drive  
Troy MI 48085

**INSURERS AFFORDING COVERAGE:**

INSURER A: National Casualty Co. NAIC #: 11991

**POLICY/COVERAGE INFORMATION:**

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. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

**INS TYPE OF INSURANCE:****POLICY NUMBER(S):****EFFECTIVE:****EXPIRES:****LIMITS:****A GENERAL LIABILITY**

<input checked="" type="checkbox"/> Occurrence	KRO0000007327900	7/1/2018 12:01 AM	7/1/2019 12:01 AM	GENERAL AGGREGATE (Per Coach)	\$5,000,000
<input checked="" type="checkbox"/> Participant Legal Liability				EACH OCCURRENCE	\$1,000,000
<input checked="" type="checkbox"/> Professional Liability				DAMAGE TO RENTED PREMISES (Each Occ.)	\$1,000,000
				MEDICAL EXPENSE (Any one person)	EXCLUDED
				PERSONAL & ADV INJURY	\$1,000,000
				PRODUCTS-COMP/OP AGG	\$5,000,000

**DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS:**

The certificate holder is an additional insured but only with respect to liability arising out of the operations of the named insured as per Form KR-GL-56(4/07): Additional Insureds Owners and/or Lessors of Premises, Sponsors or Co-Promoters

EXCLUSION-DESIGNATED OPERATIONS: Non USA-based instructors/instruction & Office Premises Liability

The General Liability policy includes \$1,000,000 Each Occurrence / \$2,000,000 Aggregate Abuse or Molestation Coverage.

**CERTIFICATE HOLDER:**

City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and board members, including employees and volunteers thereof  
151 Martin Street  
Birmingham MI 48009

**NOTICE OF CANCELLATION:**

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:**



## MEMORANDUM

Planning Division

**DATE:** June 28, 2018

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

**FROM:** Jana L. Ecker, Planning Director

**SUBJECT:** Request to set a public hearing to consider the rezoning of 469 – 479 S. Old Woodward from B3/D4 to B3/D5

---

On June 27, 2018, the Planning Board conducted a public hearing to consider the requested rezoning of the properties located at 469 – 479 S. Old Woodward, currently the site of the former Mountain King restaurant and Talmer Bank. After much discussion, the Planning Board voted to recommend denial of the proposed rezoning to the City Commission. Please find attached the reports, illustrations and letters presented to the Planning Board for your review. The draft minutes of the Planning Board meeting of June 27, 2018 are not yet available.

The Planning Division requests that the City Commission set a public hearing date for **August 13, 2018** to consider the requested rezoning of the properties located at 469 – 479 S. Old Woodward.

**Suggested Action:**

To set a public hearing date for August 13, 2018 to consider the proposed rezoning of 469 – 479 S. Old Woodward from B3/D4 to B3/D5.



CITY OF BIRMINGHAM  
Date 05/07/2018 10:31:32 AM  
Ref 00148181  
Receipt 426908  
Amount \$1,550.00

**APPLICATION FOR ZONING MAP OR ORDINANCE CHANGE**  
**Birmingham, Michigan**

**TO THE CITY COMMISSION:**

The undersigned hereby makes application to the City Commission to:

1. Zoning Map Change:

Change premises described as:

479 South Old Woodward Avenue

No. Street  
Tax ID #: 19-36-208-012; see documents for more information

Legal Description

from its present zoning

classification of B3/D4 to B3/D5.

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

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

2. Change premises described as:

No.

Street

Legal Description

from its present zoning

classification of \_\_\_\_\_ to \_\_\_\_\_.

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

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

Signature of Applicant: 

Print Name: Christopher J. Longe

Name of Owner: Birmingham Tower Parters, LLC

Address and Telephone Number: 251 East Merrill Street, Suite 205

Birmingham, Michigan 48009

CITY OF BIRMINGHAM  
Date 05/07/2018 10:31:32 AM  
Ref 00148182  
Receipt 426908  
Amount \$100.00

**APPLICATION FOR ZONING MAP OR ORDINANCE CHANGE**  
**Birmingham, Michigan**

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

Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_

Resolution No. \_\_\_\_\_ Approved/Denied \_\_\_\_\_

Application Fee: \$1,500.00      Receipt Number \_\_\_\_\_

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

## **ZONING MAP OR ORDINANCE AMENDMENT PROCEDURE**

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

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

For the purpose of calculating the twenty percent (20%) requirement, publicly-owned land shall be excluded.

7. The City Commission will then take action on the application upon review of the Planning Board's recommendation and approved minutes of the Public Hearing.
8. Following adoption of a Zoning Map or Ordinance change by the City Commission, one (1) notice of adoption shall be published in the newspaper of general circulation in the City within fifteen (15) days after adoption.

CITY OF BIRMINGHAM  
Date 05/07/2018 10:31:32 AM  
Ref 00148179  
Receipt 426908  
Amount \$1,550.00

**APPLICATION FOR ZONING MAP OR ORDINANCE CHANGE**  
**Birmingham, Michigan**

**TO THE CITY COMMISSION:**

The undersigned hereby makes application to the City Commission to:

1. Zoning Map Change:

Change premises described as:

469 South Old Woodward Avenue

No. Street  
Tax ID #: 19-36-208-011; see documents for more information

Legal Description  
\_\_\_\_\_ from its present zoning

classification of B3/D4 to B3/D5.

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

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

2. Change premises described as:

No. Street  
\_\_\_\_\_ Legal Description  
\_\_\_\_\_ from its present zoning

classification of \_\_\_\_\_ to \_\_\_\_\_.

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

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

Signature of Applicant: 

Print Name: Christopher J. Longe

Name of Owner: Birmingham Tower Parters, LLC

Address and Telephone Number: 251 East Merrill Street, Suite 205

Birmingham, Michigan 48009

CITY OF BIRMINGHAM  
Date 05/07/2018 10:31:32 AM  
Ref 00148180  
Receipt 426908  
Amount \$100.00

**APPLICATION FOR ZONING MAP OR ORDINANCE CHANGE**  
**Birmingham, Michigan**

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

Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_

Resolution No. \_\_\_\_\_ Approved/Denied \_\_\_\_\_

Application Fee: \$1,500.00      Receipt Number \_\_\_\_\_

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



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

*Corrected*  
May 17, 2018

Richard D. Rattner  
rdr@wwrplaw.com

City of Birmingham  
City Commission  
151 Martin St.  
Birmingham, MI 48009

Re: Application to include 469 and 479 S. Old Woodward, Birmingham, MI  
("Subject Property") in the D5 Downtown Birmingham Overlay District  
Zone ("Application")

Dear Members of the Planning Board and City Commission:

Please accept this letter from the property owner ("Property Owner") of 469 and 479 S. Old Woodward ("Property") as a Supplement to the referenced rezoning Application file to rezone the Subject Property from the **D-4 Zone** to the **D-5 Overlay Zone** in the Downtown Birmingham Overlay District.

### **Executive Summary**

The Subject Property is a former single-story restaurant building and bank that sits between two existing tall buildings in the City. Birmingham Place is located to the north and the 555 Buildings are located to the south. The placement of the buildings is not only inconsistent with a cohesive and harmonious streetscape in that area but is contrary to the intent of the Master Plan. This inconsistent height results in a streetscape along South Old Woodward that appears to have a "missing tooth."

If the Subject Property is rezoned to D-5, there is an excellent opportunity for the Subject Property, Birmingham Place and the 555 Buildings to create an impressive southern gateway to Downtown Birmingham. It is therefore reasonable that the Subject Property, sitting directly between the 555 Buildings and Birmingham Place, be included in the same zoning district, that is as part of the D-5 Overlay District, as those neighboring two buildings.

Rezoning the Subject Property to the same classification as the buildings immediately to the north and south will enhance and complete the streetscape of these important two blocks of Downtown Birmingham. Inclusion of the Subject Property in the D-5 Overlay Zone is consistent with the 2016 Master Plan. Moreover, it will allow the Subject Property to enjoy the same development regulations as the neighboring properties.

### **The Subject Property and the Master Plans**

A review of the history surrounding the zoning of this area of Downtown is instructive. The minutes of the City Commission during the late 1960s and early 1970s, reveals that the height of the buildings in this area of Downtown were historically zoned for the height of the 555 Buildings and Birmingham Place. However, the zoning ordinance was amended in the 1970's after the construction of those buildings to a maximum of four stories. Therefore, for several years, the taller buildings in the City were burdened with the status of legal nonconforming uses.

In 2016, the City corrected this down zoning for the 555 Building to the south and Birmingham Place to the north, with the creation of the D-5 Zone to allow for existing heights (in the case of the 555 Buildings and Birmingham Place) and to allow for new construction to a height up to the same height of an immediately adjacent or abutting building (see Ordinance 3.04-4-b). While the 555 Building and Birmingham Place are now at allowable heights, sitting in between them, the Subject Property is the only building in that streetscape that cannot be constructed to a height that is consistent to its neighbors. This inconsistency creates an obvious gap in the street's architecture which is not harmonious with the overall downtown design and longer-range plan for that part of South Old Woodward.

### **The Birmingham of 2016**

In 1996, the City Commission adopted the Downtown Birmingham 2016 Plan ("2016 Plan") and amended the Zoning Ordinance to include the Downtown Birmingham Overlay District. The Subject Property is located in the **D-4**

Zone, sitting between two tall buildings in the City that have been rezoned to the D-5 zone. These multi-story buildings are the established character of this particular area of the City. Placing the Subject Property in the D-5 zone would allow development of the Subject Property to be at a similar height to the buildings directly to the north and south. The Applicant desires to develop the Subject Property in a manner that completes the block between Brown and Hazel while adding to the cohesiveness of the South Old Woodward southern gateway area.

The Birmingham Zoning Ordinance at Sec. 1.04 provides that the purpose of the Zoning Ordinance is to "...guide the growth and development of the City in accordance with the goals, objectives and strategies stated within the Birmingham Master Plan ("Birmingham Plan"), and Downtown Birmingham 2016 Plan. A review of the Birmingham Plan (1980) and the Downtown Birmingham 2016 Plan (1996) reveals that this application to include the Subject Property in a D-5 Overlay District meets the spirit and intent of the ordinance as well as the 2016 Plan. It will allow for mixed uses and add to the vitality of the modern streetscape envisioned for this part of town by the 2016 Plan. With rezoning, the Subject Property can become that desired mixed-use space for retail, residential and hotel, and bring new life to the South Old Woodward area.



Any redevelopment of the Subject Property in compliance with its current zoning classification would result in a building with frontage dwarfed by the existing neighboring structures. Therefore, by rezoning the Subject Property to the D-5 overlay, a new building could be built to a similar height as the neighboring buildings, and effectively complete an otherwise missing piece of the streetscape.

In summary, it is clear that the intent of the 2016 Plan includes development of this southern area of the Downtown Overlay District as a gateway to Downtown through enhancing the character of buildings and providing our City with an active, pedestrian-friendly, urban streetscape.

**Rezoning Amendment – Sec. 7.02 (B)(2)(b)(i)-(iii)**

The Zoning Ordinance at Sec. 7.02 requires that as part of an application for rezoning, the petitioner should address certain issues to be considered by the Planning Board and the City Commission. Please consider the following comments with respect to these issues.

**7.02(B)(2)(b)(i) - An Explanation of Why the Rezoning is Necessary for the Preservation and Enjoyment of the Rights and Usage Commonly Associated with Property Ownership**

Rezoning of the Subject Property is necessary to preserve the Applicant's enjoyment of rights associated with ownership of a property zoned for mixed uses. Because of the size and corner configuration of the parcel, it will not support street-level retail, residential, and parking for residents in the same manner as the neighboring properties. The 2016 Plan clearly anticipates mixed use developments. Such planning requires space to design and locate mixed uses within a given structure. Without the ability to go higher with a new building than current zoning allows, the Applicant will not have the required area within which to locate a mix of uses, or otherwise to be able to enjoy all of the allowed uses that would commonly be associated the design of such a modern, mixed-use building. Furthermore, the D-5 Ordinance, at section 3.04-4-b, anticipates that the Subject Property and those similarly situated may enjoy the same rights of usage through an extension of height as other existing tall buildings already enjoy in the D-5 Overlay District.

**Sec. 7.02(B)(2)(b)(ii) - An Explanation of Why the Existing Zoning Classification is No Longer Appropriate**

The existing **D-4** zoning classification is no longer appropriate for the Subject Property. The Subject Property is surrounded by the Birmingham Place, a ten-story building on the north side and the 555 Buildings, a fifteen-story building on the south side. This height is an established pattern in this area of the City. This rezoning request is actually an "infill" rezoning to bring the entire area into architectural and design harmony with surrounding buildings. It is reasonable for the Subject Property to share the same zoning classification as its surrounding neighbors. This would allow development of the property in a manner consistent with the



existing structures from Brown Street south to Haynes Street. It will create a more unified block and enhance the character of the gateway area to Downtown Birmingham. The rezoning of the Subject Property would restore the property to a zoning classification this area of the City once enjoyed, as the Planning Board has done for with Birmingham Place and the 555 Buildings. Hence, given the location of the Subject Property sandwiched between two properties in the D-5 Zone, the **D-4** Zone is no longer appropriate.

**Sec. 7.02(B)(2)(b)(iii) - An Explanation of Why the Proposed Zoning will not be Detrimental to the Surrounding Properties**


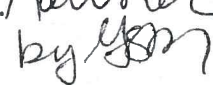
The proposed rezoning of the Subject Property is not detrimental to surrounding property owners. Note that the proposed rezoning does not extend the D-5 classification further to the north or south of the current D-5 Zoning, but actually fills in the one gap in the streetscape that is noticeably out of place and anachronistically remains in the **D-4** Zone. The surrounding properties to the north and south already are in the D-5 Zone. When these neighboring properties were rezoned, the Planning Board anticipated that eventually the Subject Property also may be rezoned for the reasons stated in this letter. Placing the Subject Property in D-5 Zone will be placing it on equal footing with the surrounding properties from a structural, use and design perspective. The proposed rezoning will enhance the entire area by allowing it to be developed as an attractive part of the South Old Woodward gateway and bring that area into compliance with the spirit and intent of the 2016 Master Plan.

**Conclusion**

The Applicant respectfully requests that the City Commission rezone the Subject Property from the **D-4** to the D-5 Zone as discussed in this letter.

Very truly yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.

  
Richard D. Rattner  
by 

RDR/cmc





C-3.0





**BENCHMARKS**  
(GPS DERIVED - NAVD88)

BM #300  
BENCH TIE IN NORTH FACE OF U-POLE, SOUTHWEST CORNER HAZEL STREET AND WOODWARD AVENUE (HUNTER BOULEVARD)  
ELEV = 765.98

BM #301  
TOP OF NORTHEAST ANCHOR BOLT OF LIGHT POLE BASE, NORTHEAST CORNER OF HAZEL STREET AND OLD WOODWARD AVENUE  
ELEV = 766.58

**FLOODPLAIN NOTE:**  
BY GRAPHICAL PLOTTING, SITE IS WITHIN ZONE "X", AREA DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN PER FLOOD INSURANCE RATE MAP NUMBER 26125C0537F (PANEL 537 OF 704), DATED SEPTEMBER 29, 2006.

Permit No. \_\_\_\_\_  
Date: \_\_\_\_\_

**CITY OF BIRMINGHAM  
STORM WATER RUNOFF CONTROL**

Project Location: Hazel Street at Old Woodward  
Designed by: Paul Bater, PEA

PE: Yes No

	(A) Exist. *	(B) Proposed	
(1) Affected Area	0.423	0.423	acres
(2) Area of Impervious Surface	0.423	0.423	acres
(3) Percent Impervious	100	100	%
(4) Runoff Factor	2.4	2.4	cfs/acre
(5) Unrestricted Runoff Rate	1.02	1.02	cfs
(6) Maximum Permitted Runoff Rate		1.02	cfs
(7) Uncontrolled Runoff Area		-	acres
(8) Area of Impervious Surfaces - Uncontrolled Runoff Area		-	acres
(9) Runoff Factor - Uncontrolled Runoff Area		-	%
(10) Runoff Factor - Uncontrolled Runoff Area		-	cfs/acre
(11) Runoff Rate - Uncontrolled Runoff Area		-	cfs
(12) Maximum Permitted Runoff Rate via Sewer Service Connection		-	cfs
(13) Runoff Rate per Acre		-	cfs/acre
(14) Required Storage per Acre		-	cu.ft./acre
(15) Required Storage for Parcel		-	cu.ft.

**PROPOSED DESIGN**

(16) Design Storage	-	cu.ft.
(17) Design Outlet Capacity to Sewer Service	-	cfs

Approved by: \_\_\_\_\_

City Engineer

\* Existing Prior to Re-Development

**NOTE:**  
BASED ON THE CITY OF BIRMINGHAM STORM WATER DETENTION WORKSHEET, THIS SITE WILL NOT REQUIRE STORM WATER DETENTION AS THE POST-DEVELOPMENT RUNOFF RATE WILL BE LOWER THAN THE EXISTING RUNOFF RATE.

**NOTE:**  
ALL WORK WITHIN THE WOODWARD AVENUE (M-1) RIGHT-OF-WAY IS UNDER THE JURISDICTION OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND REQUIRES A PERMIT

**NOTE:**  
ALL WORK WITHIN THE OLD WOODWARD AVENUE RIGHT-OF-WAY IS UNDER THE JURISDICTION OF THE CITY OF BIRMINGHAM AND REQUIRES A PERMIT

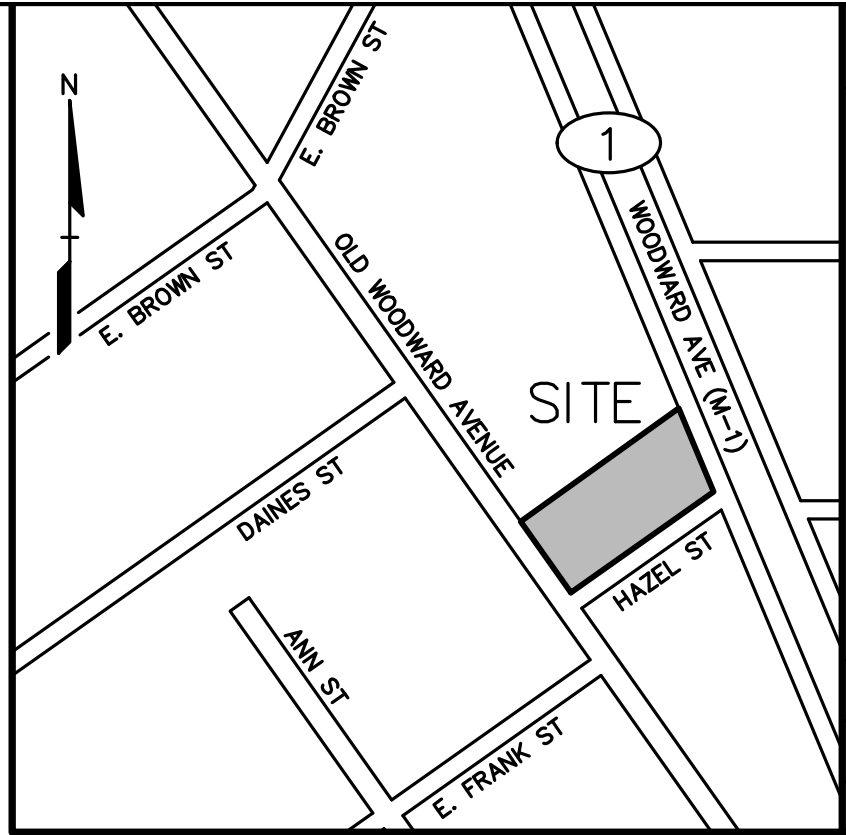
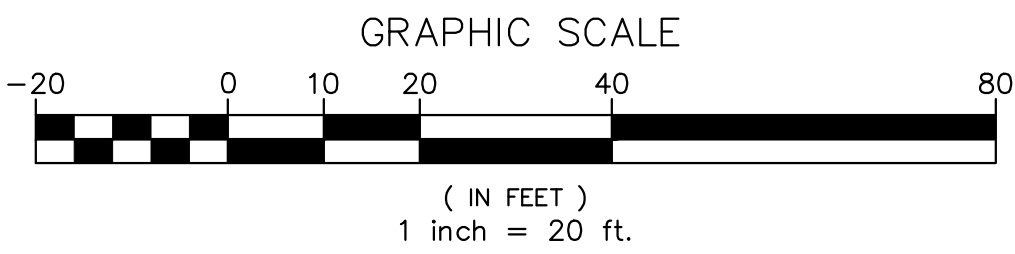
CVS PHARMACY  
444 S. OLD WOODWARD AVE.

S. OLD WOODWARD AVENUE  
(100' WIDE)

WOODWARD AVENUE / M-1  
(200' WIDE)

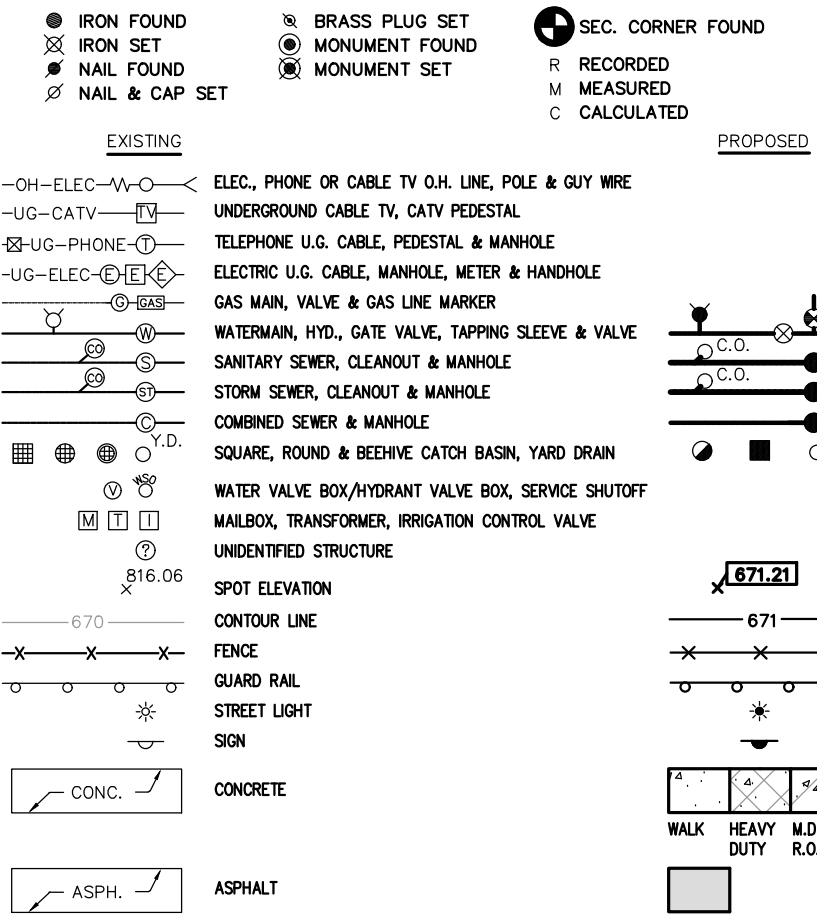
HAZEL STREET (50' WIDE)

**NOTE:**  
ALL WORK WITHIN THE HAZEL STREET RIGHT-OF-WAY IS UNDER THE JURISDICTION OF THE CITY OF BIRMINGHAM AND REQUIRES A PERMIT



**LOCATION MAP - NOT TO SCALE**

**LEGEND**



**REFERENCE DRAWINGS**

WATER MAIN NOT RECEIVED AT TIME OF SURVEY  
SANITARY SEWER NOT RECEIVED AT TIME OF SURVEY  
STORM SEWER NOT RECEIVED AT TIME OF SURVEY  
COMBINED SEWER NOT RECEIVED AT TIME OF SURVEY  
ELECTRIC NOT RECEIVED AT TIME OF SURVEY  
TELEPHONE NOT RECEIVED AT TIME OF SURVEY  
GAS NOT RECEIVED AT TIME OF SURVEY  
PETROLEUM NOT RECEIVED AT TIME OF SURVEY  
CATV NOT RECEIVED AT TIME OF SURVEY  
FLOOD PLAIN ZONE X, FEMA FORM 26125C0537F, DATED 09-29-06

**GENERAL UTILITY NOTES:**

- ALL UTILITY LINES, STRUCTURES AND TRENCHES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS AND REQUIREMENTS OF THE CITY OF BIRMINGHAM.
- NO PHYSICAL CONNECTION TO THE EXISTING WATER MAIN CAN BE MADE UNTIL ALL NEW WATER MAIN PASSES PRESSURE AND BACTERIOLOGICAL TESTS TO THE SATISFACTION OF THE CITY.
- REFER TO DETAIL SHEET C-7.1 FOR ADDITIONAL UTILITY DETAILS AND NOTES.
- ALL WATER MAIN AND FITTINGS (3" DIAMETER AND LARGER) SHALL BE DUCTILE IRON, CLASS 54.
- WATER MAIN SERVICE LEADS SHALL BE TYPE 'K' ANNEALED SEAMLESS COPPER WITH FLARED FITTINGS, UNLESS OTHERWISE NOTED.
- ALL WATER MAIN SHALL BE PROVIDED WITH 5.5' OF COVER UNLESS OTHERWISE NOTED.
- ALL FIRE HYDRANTS SHALL BE EJW #5BR MODEL #250 PER CITY STANDARDS.
- ALL HYDRANTS TO BE A MINIMUM OF 5' FROM BACK OF CURB, TYP.
- ALL NECESSARY FITTINGS, THRUST BLOCKS, RESTRAINING GLANDS, BLOW OFFS, ETC. FOR WATER MAIN ARE CONSIDERED INCIDENTAL TO THIS PROJECT. THE CONTRACTOR SHALL INSTALL THESE ITEMS AS NECESSARY AND AS REQUIRED BY THE CITY OF BIRMINGHAM.
- ALL SANITARY SEWER LEADS SHALL BE POLYVINYL CHLORIDE (PVC) SDR 23.5 PIPE AND FITTINGS. ALL JOINTS TO BE ELASTOMERIC GASKET JOINTS PER ASTM D3212 UNLESS OTHERWISE NOTED.
- SANITARY LEADS SHALL BE PROVIDED WITH CLEANOUTS EVERY 100 FEET AND AT EVERY BEND AS SHOWN. ALL CLEANOUTS TO BE PROVIDED WITH E.J.W. #1565 BOX OR EQUAL.
- ALL STORM SEWER 12" DIAMETER OR LARGER SHALL BE REINFORCED CONCRETE PIPE (RCP C-76) CLASS IV WITH MODIFIED TONGUE AND GROOVE JOINT WITH RUBBER GASKETS UNLESS SPECIFIED OTHERWISE (ASTM C-443).
- ALL STORM SEWER LEADS SHALL BE PVC SCHEDULE 40 WITH GLUED JOINTS UNLESS OTHERWISE NOTED.
- PIPE LENGTHS ARE GIVEN FROM CENTER OF STRUCTURE AND TO END OF FLARED END SECTION UNLESS NOTED OTHERWISE.
- THE CITY OF BIRMINGHAM STANDARD DETAIL SHEETS ARE INCORPORATED INTO AND MADE A PART OF THESE PLANS. CONTRACTOR TO REFER TO THE CITY OF BIRMINGHAM STANDARD DETAIL SHEETS FOR ALL STRUCTURE, PIPE MATERIALS, BEDDING, TESTING, ETC. NOTES AND DETAILS.

**SAND BACKFILL NOTE:**  
ALL UTILITIES UNDER PAVEMENT OR WITHIN 3' OF THE EDGE OF PAVEMENT (OR WITHIN THE 45° LINE OF INFLUENCE OF PAVEMENT) SHALL HAVE M.D.O.T. CLASS II GRANULAR BACKFILL COMPACTED TO 95% MAX. DRY DENSITY (ASTM D-1557).

**REVISIONS**

**CAUTION!!**  
THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS GIVEN FOR THE ACCURACY OF THE INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTING UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

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CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR SHALL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS AND CONSTRUCTION CONTRACTOR SHALL BE RESPONSIBLE FOR SAFETY, INDEMNIFY AND HOLD DESIGN PROFESSIONAL, WAREHOUSE FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.

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BIRMINGHAM, MICHIGAN 48009  
**PRELIMINARY UTILITY PLAN  
SOUTH OLD WOODWARD**  
OLD WOODWARD AVENUE AT HAZEL STREET  
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN 48009

DES.	PB	DN	PB	SUR.	DLC	P.M.	JPB
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ORIGINAL ISSUE DATE:  
MARCH 6, 2017  
PEA JOB NO. 2017-093  
SCALE: 1" = 20'  
DRAWING NUMBER:

**C-6.0**

**NOT FOR CONSTRUCTION**

XREF: S:\PROJECTS\2017\2017093\DWG\17093-17093.dwg  
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1. ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE CITY OF BIRMINGHAM AND M.D.O.T.
2. THE CONTRACTOR MUST CONTACT THE ENGINEER SHOULD THEY ENCOUNTER ANY DESIGN ISSUES DURING CONSTRUCTION. IF THE CONTRACTOR MAKES DESIGN MODIFICATIONS WITHOUT THE WRITTEN DIRECTION OF THE DESIGN ENGINEER, THE CONTRACTOR DOES SO AT HIS OWN RISK.
3. ALL NECESSARY PERMITS, TESTING, BONDS AND INSURANCES ETC., SHALL BE PAID FOR BY THE CONTRACTOR. THE OWNER SHALL PAY FOR ALL CITY INSPECTION FEES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DUST CONTROL DURING THE PERIODS OF CONSTRUCTION. THIS SHALL BE CONSIDERED INCIDENTAL TO THE JOB.
5. THE CONTRACTOR SHALL NOTIFY MISS DIG (811) AND REPRESENTATIVES OF OTHER UTILITIES IN THE VICINITY OF THE WORK A MINIMUM OF 72 HOURS PRIOR TO START OF CONSTRUCTION (EXCLUDING WEEKENDS AND HOLIDAYS) FOR LOCATION AND STAKING OF ON-SITE UTILITY LINES. IF NO NOTIFICATION IS GIVEN AND DAMAGE RESULTS, SAID DAMAGE WILL BE REPAIRED AT SOLE EXPENSE OF THE CONTRACTOR. IF EXISTING UTILITY LINES ARE LOCATED THAT CONFLICT IN LOCATION WITH NEW CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER SO THAT THE CONFLICT MAY BE RESOLVED.
6. CONTRACTOR TO VERIFY THAT THE PLANS AND SPECIFICATIONS ARE THE VERY LATEST PLANS AND SPECIFICATIONS AND FURTHERMORE, VERIFY THAT THESE PLANS AND SPECIFICATIONS HAVE BEEN APPROVED. ALL ITEMS CONSTRUCTED BY THE CONTRACTOR PRIOR TO RECEIVING FINAL APPROVAL, HAVING TO BE ADJUSTED OR RE-DONE, SHALL BE AT THE CONTRACTORS EXPENSE. SHOULD THE CONTRACTOR ENCOUNTER ANY DISCREPANCIES BETWEEN THE PLANS AND FIELD CONDITIONS, HE SHALL SEEK CLARIFICATION IN WRITING FROM THE ENGINEER BEFORE COMMENCEMENT OF CONSTRUCTION. FAILURE TO DO SO SHALL BE AT SOLE EXPENSE TO THE CONTRACTOR.

7. ALL PROPERTIES OR FACILITIES IN THE SURROUNDING AREAS, PUBLIC OR PRIVATE, DESTROYED OR OTHERWISE DISTURBED DUE TO CONSTRUCTION, SHALL BE REPLACED AND/OR RESTORED TO THE ORIGINAL CONDITION BY THE CONTRACTOR.
8. MANHOLE, CATCH BASIN, GATE VALVES AND HYDRANT FINISH GRADES MUST BE CLOSELY CHECKED AND APPROVED BY THE ENGINEER BEFORE THE CONTRACTOR'S WORK IS CONSIDERED COMPLETE.
9. CONTRACTOR SHALL REMOVE AND DISPOSE OF OFF-SITE ANY TREES, BRUSH, STUMPS, TRASH OR OTHER UNWANTED DEBRIS AT THE OWNER'S DIRECTION, INCLUDING OLD BUILDING FOUNDATIONS AND FLOORS. BURNING OF TRASH, STUMPS OR OTHER DEBRIS SHALL NOT BE PERMITTED.
10. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY BARRICADING, SIGNAGE, LIGHTS AND TRAFFIC CONTROL DEVICES TO PROTECT THE WORK AND SAFELY MAINTAIN TRAFFIC IN ACCORDANCE WITH LOCAL REQUIREMENTS AND THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (LATEST EDITION). THE DESIGN ENGINEER, OWNER, CITY AND STATE SHALL NOT BE HELD LIABLE FOR ANY CLAIMS RESULTING FROM ACCIDENTS OR DAMAGES CAUSED BY THE CONTRACTOR'S FAILURE TO COMPLY WITH TRAFFIC AND PUBLIC SAFETY REGULATIONS DURING THE CONSTRUCTION PERIOD.
11. ALL EXCAVATIONS SHALL BE SLOPED, SHORED OR BRACED IN ACCORDANCE WITH MI-OSHA REQUIREMENTS. THE CONTRACTOR SHALL PROVIDE AN ADEQUATELY CONSTRUCTED AND BRACED SHORING SYSTEM FOR EMPLOYEES WORKING IN AN EXCAVATION THAT MAY EXPOSE EMPLOYEES TO THE DANGER OF MOVING GROUND.

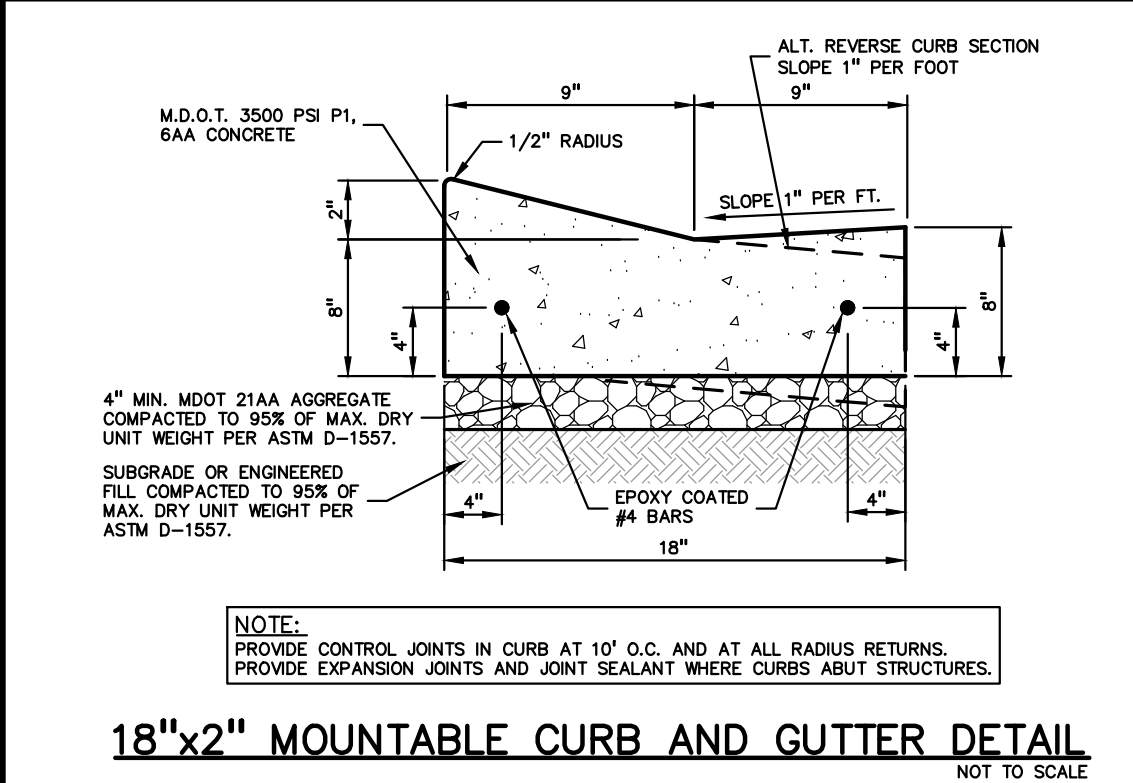
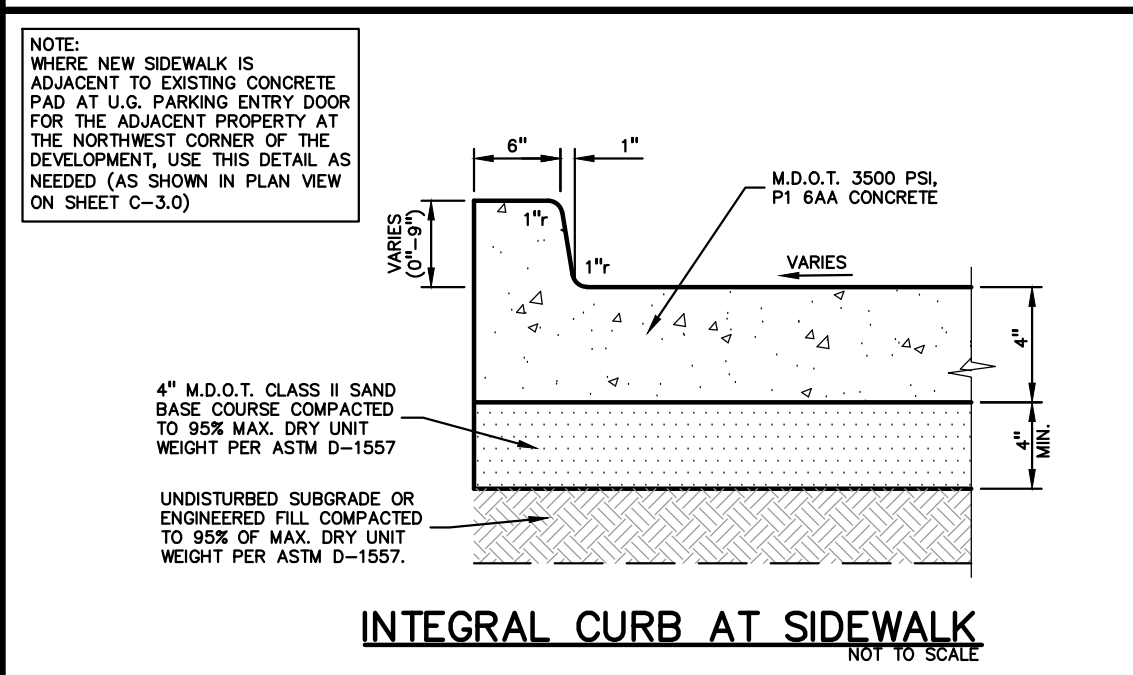
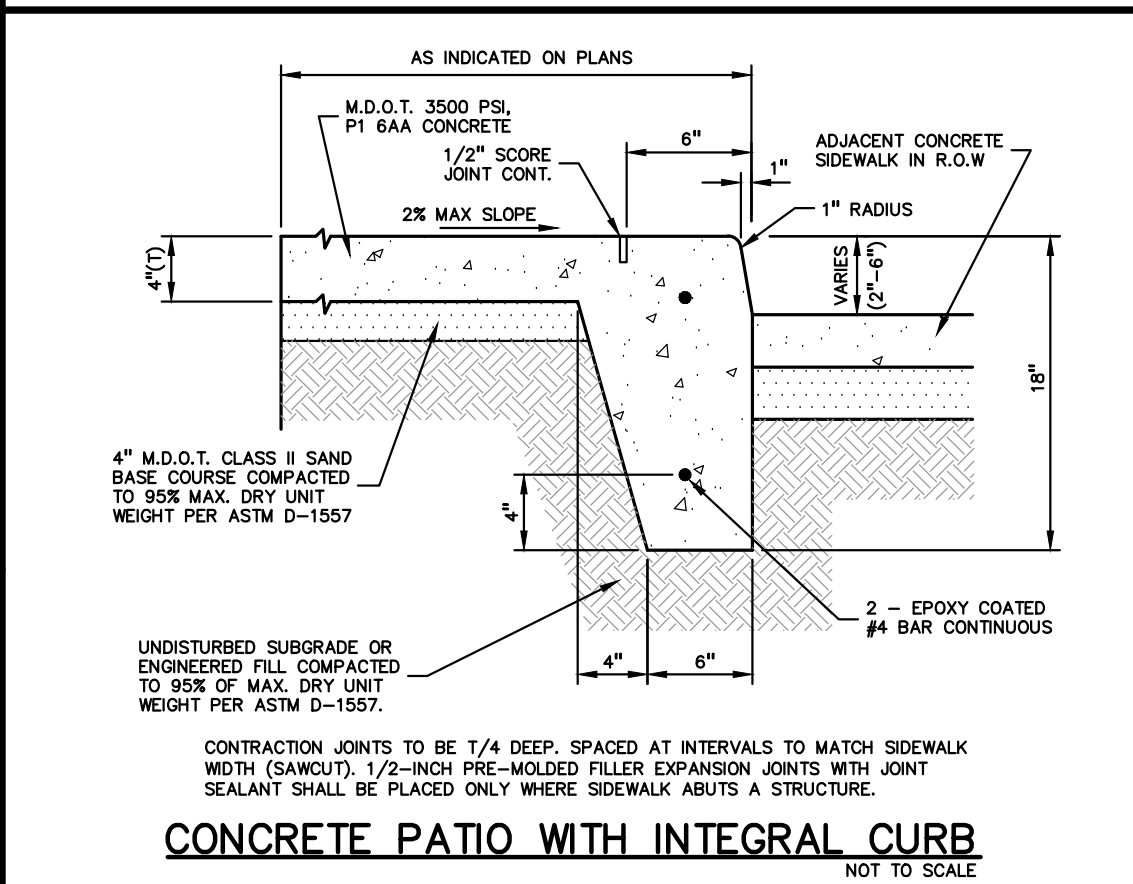
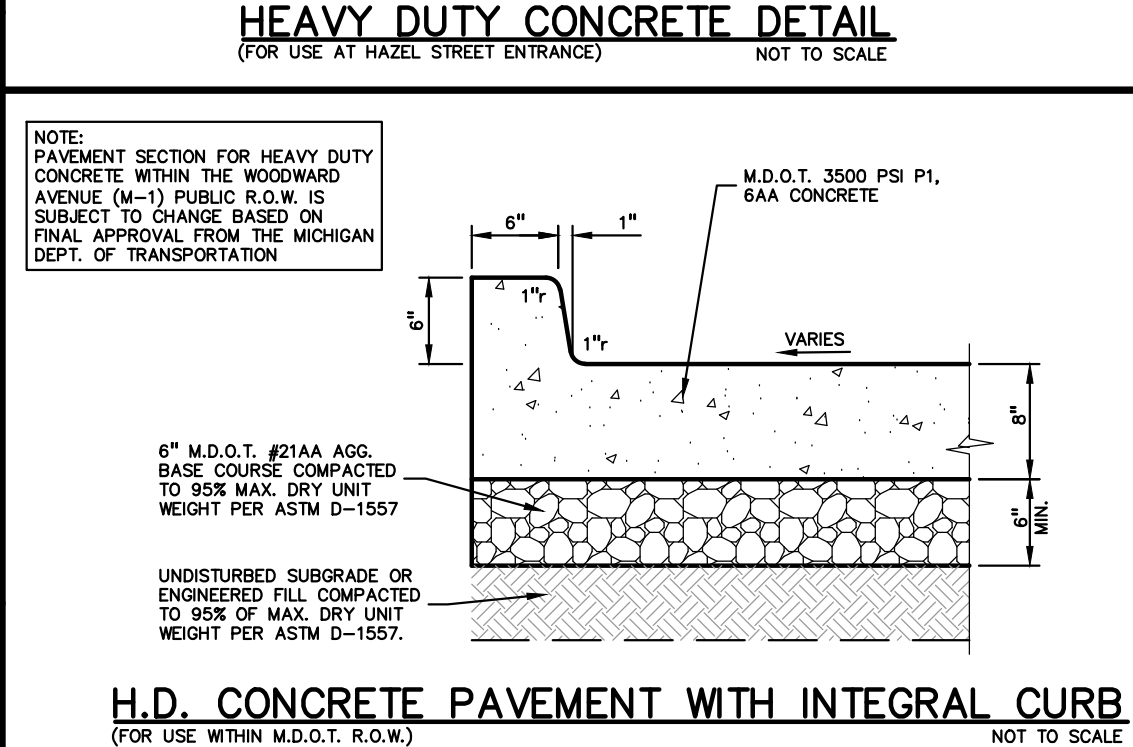
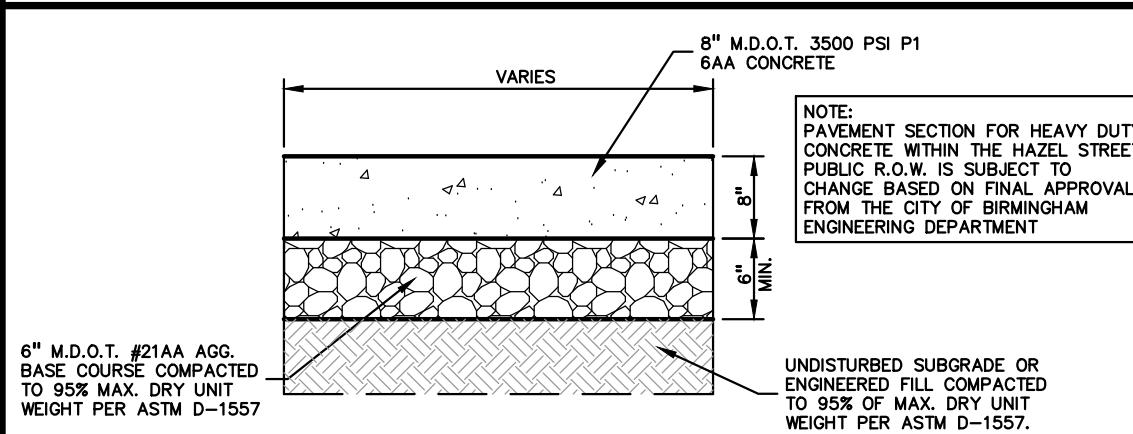
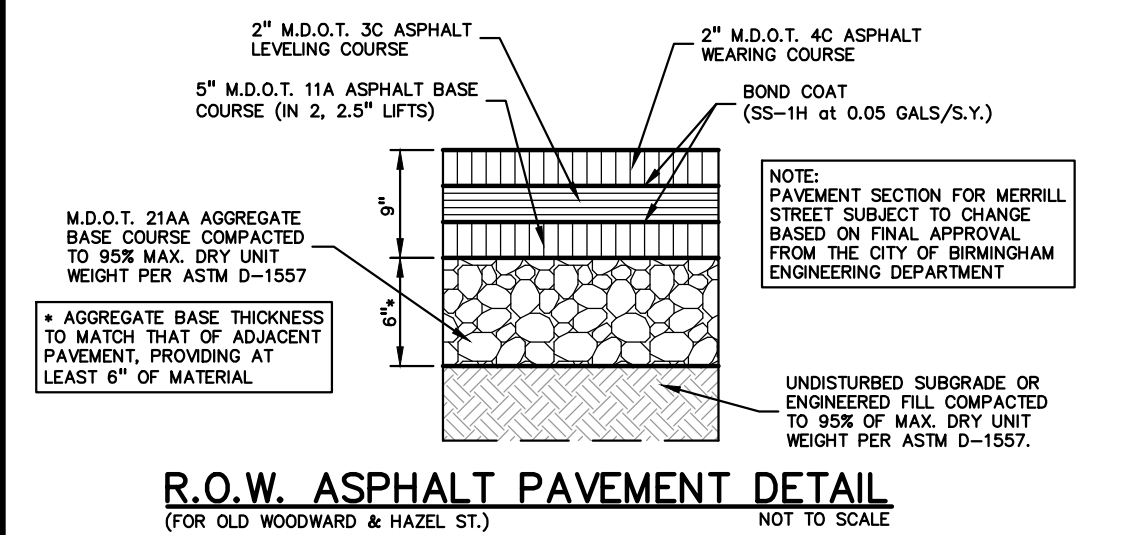
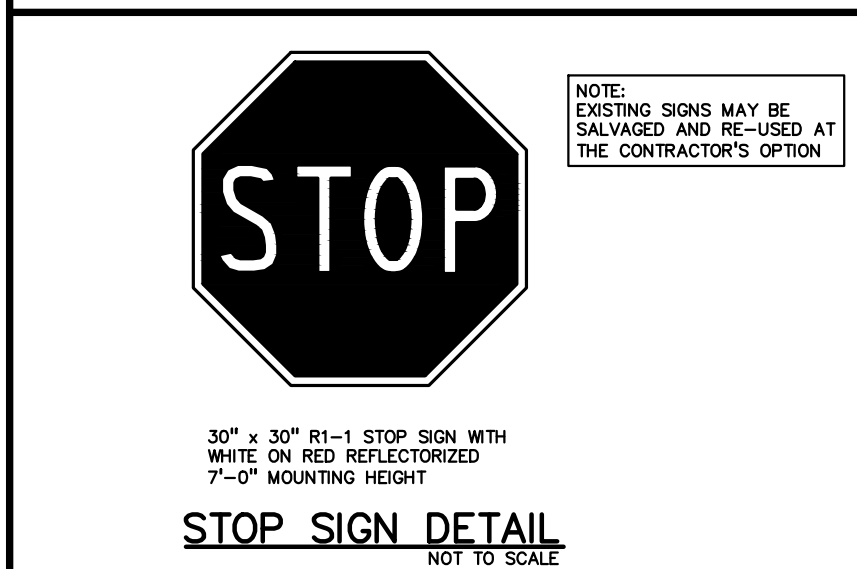
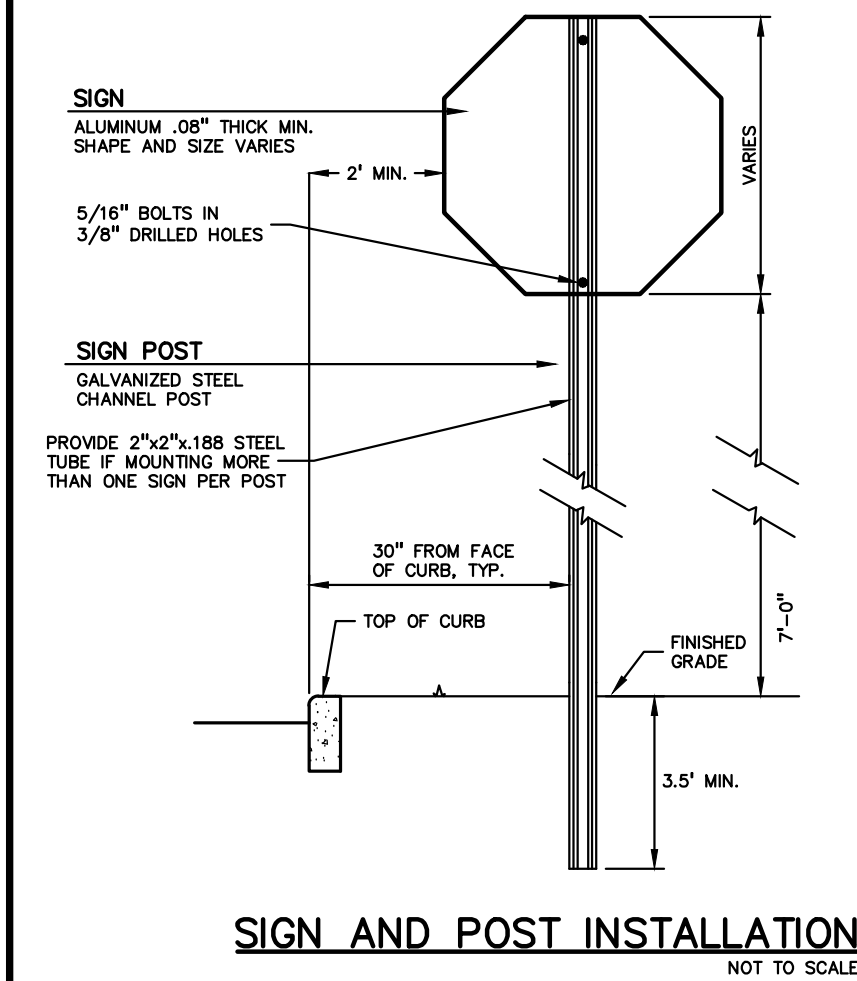
1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE CITY OF BIRMINGHAM AND M.D.O.T.
2. IN AREAS WHERE NEW PAVEMENTS ARE BEING CONSTRUCTED, THE TOPSOIL AND SOIL CONTAINING ORGANIC MATTER SHALL BE REMOVED PRIOR TO PAVEMENT CONSTRUCTION.
3. ON-SITE FILL CAN BE USED IF THE SPECIFIED COMPACTION REQUIREMENTS CAN BE ACHIEVED. IF ON-SITE SOIL IS USED, IT SHOULD BE CLEAN AND FREE OF FROZEN SOIL, ORGANICS, OR OTHER DELETERIOUS MATERIALS.
4. THE FINAL SUBGRADE/EXISTING AGGREGATE BASE SHOULD BE THOROUGHLY PROOFOILLED USING A FULLY LOADED TANDEM AXLE TRUCK OR FRONT END LOADER UNDER THE OBSERVATION OF A GEOTECHNICAL/PAVEMENT ENGINEER. LOOSE OR YIELDING AREAS THAT CANNOT BE MECHANICALLY STABILIZED SHOULD BE REINFORCED USING GEOTEXTILES OR REMOVED AND REPLACED WITH ENGINEERED FILL OR AS DICTATED BY FIELD CONDITIONS.
5. SUBGRADE UNDERCUTTING, INCLUDING BACKFILLING SHALL BE PERFORMED TO REPLACE MATERIALS SUSCEPTIBLE TO FROST HEAVING AND UNSTABLE SOIL CONDITIONS. ANY EXCAVATIONS THAT MAY BE REQUIRED BELOW THE TOPSOIL IN FILL SECTIONS OR BELOW SUBGRADE IN CUT SECTIONS, WILL BE CLASSIFIED AS SUBGRADE UNDERCUTTING.
6. SUBGRADE UNDERCUTTING SHALL BE PERFORMED WHERE NECESSARY AND THE EXCAVATED MATERIAL SHALL BECOME THE PROPERTY OF THE CONTRACTOR. ANY SUBGRADE UNDERCUTTING SHALL BE BACKFILLED WITH SAND OR OTHER SIMILAR APPROVED MATERIAL. BACKFILL SHALL BE COMPACTED TO 95% OF THE MAXIMUM UNIT WEIGHT (PER ASTM D-1557) NOT OTHERWISE SPECIFIED.
7. BACKFILL UNDER PAVED AREAS SHALL BE AS SPECIFIED ON DETAILS.
8. ANY SUB-GRADE WATERING REQUIRED TO ACHIEVE REQUIRED DENSITY SHALL BE CONSIDERED INCIDENTAL TO THE JOB.
9. FINAL PAVEMENT ELEVATIONS SHOULD BE SO DESIGNED TO PROVIDE POSITIVE SURFACE DRAINAGE. A MINIMUM SURFACE SLOPE OF 1.0 PERCENT IS RECOMMENDED.
10. CONSTRUCTION TRAFFIC SHOULD BE MINIMIZED ON THE NEW PAVEMENT. IF CONSTRUCTION TRAFFIC IS ANTIICIPATED ON THE PAVEMENT STRUCTURE, THE INITIAL FILL THICKNESS COULD BE INCREASED AND PLACEMENT OF THE FINAL FILL COULD BE DELAYED UNTIL THE MAJORITY OF THE CONSTRUCTION ACTIVITIES ARE COMPLETE. THIS ACTION WILL ALLOW REPAIR OF LOCALIZED FAILURE, IF ANY DOES OCCUR, AS WELL AS REDUCE LOAD DAMAGE ON THE PAVEMENT SYSTEM.

11. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE CITY OF BIRMINGHAM.
12. ALL TRENCHES UNDER OR WITHIN THREE (3) FEET OR THE FORTY-FIVE (45) DEGREE ZONE OF INFLUENCE LINE OF EXISTING AND/OR PROPOSED PAVEMENT, BUILDING PAD OR DRIVE APPROACH SHALL BE BACKFILLED WITH SAND COMPACTED TO AT LEAST NINETY-FIVE (95) PERCENT OF MAXIMUM UNIT WEIGHT (ASTM D-1557). ALL OTHER TRENCHES TO BE COMPACTED TO 90% OR BETTER.
13. WHENEVER EXISTING MANHOLES OR SEWER PIPE ARE TO BE TAPPED, DRILL HOLES 4" CENTER TO CENTER, AROUND PERIPHERY OF OPENING TO CREATE A PLANE OF WEAKNESS JOIN BEFORE BREAKING SECTION OUT.
14. THE LOCATIONS AND DIMENSIONS SHOWN ON THE PLANS FOR EXISTING UTILITIES ARE IN ACCORDANCE WITH AVAILABLE INFORMATION WITHOUT UNCOVERING AND MEASURING. THE DESIGN ENGINEER DOES NOT GUARANTEE THE ACCURACY OF THIS INFORMATION OR THAT ALL EXISTING UNDERGROUND FACILITIES ARE SHOWN. CONTRACTOR TO FIELD VERIFY UTILITIES.
15. THE CONTRACTOR MUST COORDINATE TO ENSURE ALL REQUIRED PIPES, CONDUITS, CABLES AND SLEEVES ARE PROPERLY PLACED FOR THE INSTALLATION OF GAS, ELECTRIC, PHONE, CABLE, IRRIGATION, ETC. IN SUCH A MANNER THAT WILL FACILITATE THEIR PROPER INSTALLATION PRIOR TO THE PLACEMENT OF THE PROPOSED PAVEMENT AND LANDSCAPING.
16. REFER TO CITY OF BIRMINGHAM, STANDARD DETAILS FOR PIPE BEDDING DETAILS.
17. REFER TO CITY OF BIRMINGHAM STANDARD DETAIL SHEETS FOR ADDITIONAL INFORMATION.

1. ALL STORM SEWER 12" AND LARGER SHALL BE RCP CLASS IV UNLESS OTHERWISE NOTED. REFER TO CITY STANDARD DETAILS SHEETS FOR STANDARD BEDDING DETAILS.
2. JOINTS FOR ALL STORM SEWER 12" AND LARGER SHALL BE MODIFIED TONGUE AND GROOVE JOINT WITH RUBBER GASKETS UNLESS SPECIFIED OTHERWISE (ASTM C-443)
3. ALL STORM SEWER LEADS SHALL BE CONSTRUCTED OF PVC SCHEDULE 40 PIPE AT 1.00% MINIMUM SLOPE WITH GLUED JOINTS, UNLESS OTHERWISE NOTED.

1. ALL WATER MAIN SHALL BE INSTALLED WITH A MINIMUM COVER OF 5.5' BELOW FINISH GRADE. WHEN WATER MAINS MUST DIP TO PASS UNDER A STORM SEWER OR SANITARY SEWER, THE SECTIONS WHICH ARE DEEPER THAN NORMAL SHALL BE KEPT TO A MINIMUM LENGTH BY THE USE OF VERTICAL TWENTY TWO AND A HALF (22.5") DEGREE BENDS, PROPERLY ANCHORED.
2. ALL TEE'S, BENDS, CONNECTIONS, ETC. ARE CONSIDERED INCIDENTAL TO THE JOB.
3. PHYSICAL CONNECTIONS SHALL NOT BE MADE BETWEEN EXISTING AND NEW WATER MAINS UNTIL TESTING IS SATISFACTORILY COMPLETED.
4. MAINTAIN 10' HORIZONTAL CLEARANCE BETWEEN OUTER EDGE OF WATERMAIN AND ANY SANITARY SEWER OR STRUCTURE.
5. ALL WATER MAIN SHALL BE DUCTILE IRON CLASS 54 WITH POLYETHYLENE WRAP.

1. DOWNSPOUTS, WEEP TILE, FOOTING DRAINS OR ANY CONDUIT THAT CARRIES STORM OR GROUND WATER SHALL NOT BE ALLOWED TO DISCHARGE INTO A SANITARY SEWER.
2. ALL SANITARY LEADS SHALL BE CONSTRUCTED OF PVC SDR 23.5 AT 1.00% MINIMUM SLOPE.
3. JOINTS FOR P.V.C. SOLID WALL PIPE SHALL BE ELASTOMERIC (RUBBER GASKET) AS SPECIFIED IN A.S.T.M. DESIGNATION D-3212.

[illegible]

**CAUTION!!**  
THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

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**MARKUS MANAGEMENT GROUP, LLC**  
 251 EAST MERIDIAN STREET, SUITE 4006  
 BIRMINGHAM, MICHIGAN, 48009

---

**NOTES AND DETAILS**  
**SOUTH OLD WOODWARD**  
 OLD WOODWARD AVENUE AT HAZEL STREET  
 CITY OF BIRMINGHAM, OKLAHOMA COUNTY, MICHIGAN, 48009

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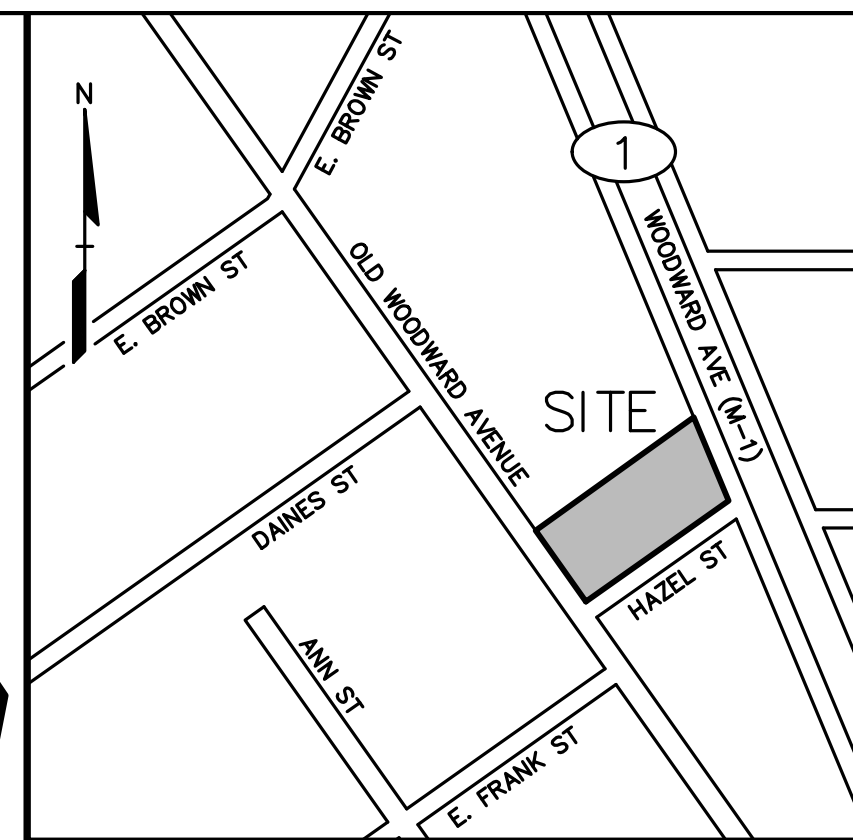
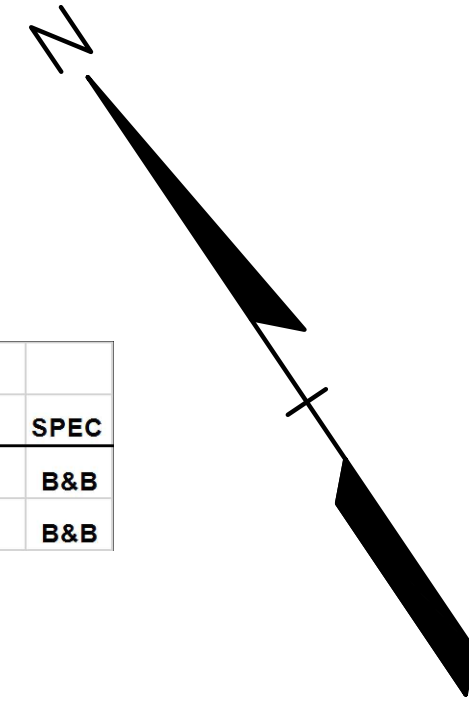
DES.	PB	DN	ST	WIDEN	AV	SRV	DRY	P.M.	JPB
PROJECT: 201707-033, STREET & WOODWARD AV									
PROJECT: 201707-033, STREET & WOODWARD AV									
PROJECT: 201707-033, STREET & WOODWARD AV									

ORIGINAL ISSUE DATE: MARCH 6, 2017
PEA JOB NO. 2017-093
SCALE: NONE
DRAWING NUMBER:

C-8.1

**NOT FOR CONSTRUCTION** XREF: S:\PROJECTS\2017\2017093\DWG\17093-TOPOBASE.DWG  
XREF: S:\PROJECTS\2017\2017093\DWG\SITE PLAN\CBASE-17093.DWG  
XREF: S:\PROJECTS\2017\2017093\DWG\SITE PLAN\TBLK-17093.DWG





LOCATION MAP – NOT TO SCALE

[illegible]

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 251 EAST MERRILL STREET, SUITE #205  
 BIRMINGHAM, MICHIGAN, 48209

---

**PRELIMINARY LANDSCAPE PLAN**  
**SOUTH OLD WOODWARD**  
 OLD WOODWARD AVENUE AT HAZEL STREET  
 CITY OF BIRMINGHAM, OKLAHOMA COUNTY, MICHIGAN, 48009

	DES.	LIN.	DN.	LIN.	SUR.	P.M.	JTS.
<small>(Unmetered Unimproved PROJECT) VERT=VERTICAL; HAZE=HAZE; STREET &amp; WOODWARD AVE = JUNCTIONS; UNIMPROVED=UNIMPROVED LANDSCAPE</small>							

ORIGINAL ISSUE DATE:  
MARCH 6, 2017

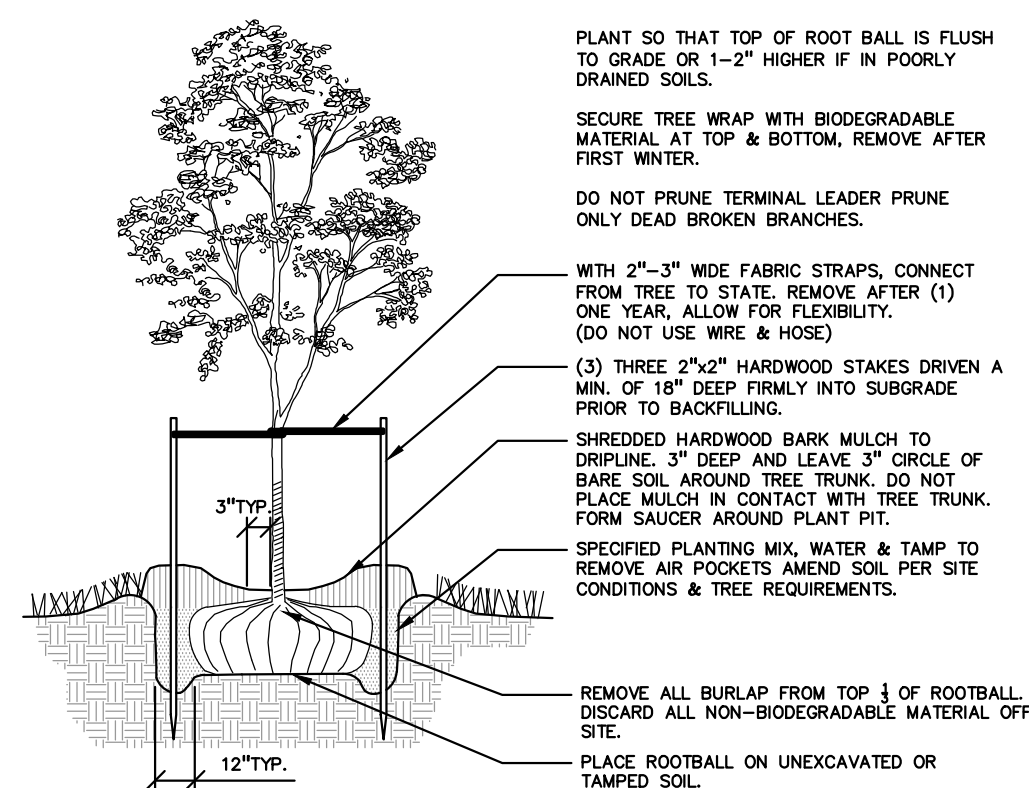
PEA JOB NO. 2017-093

SCALE: 1" = 20'

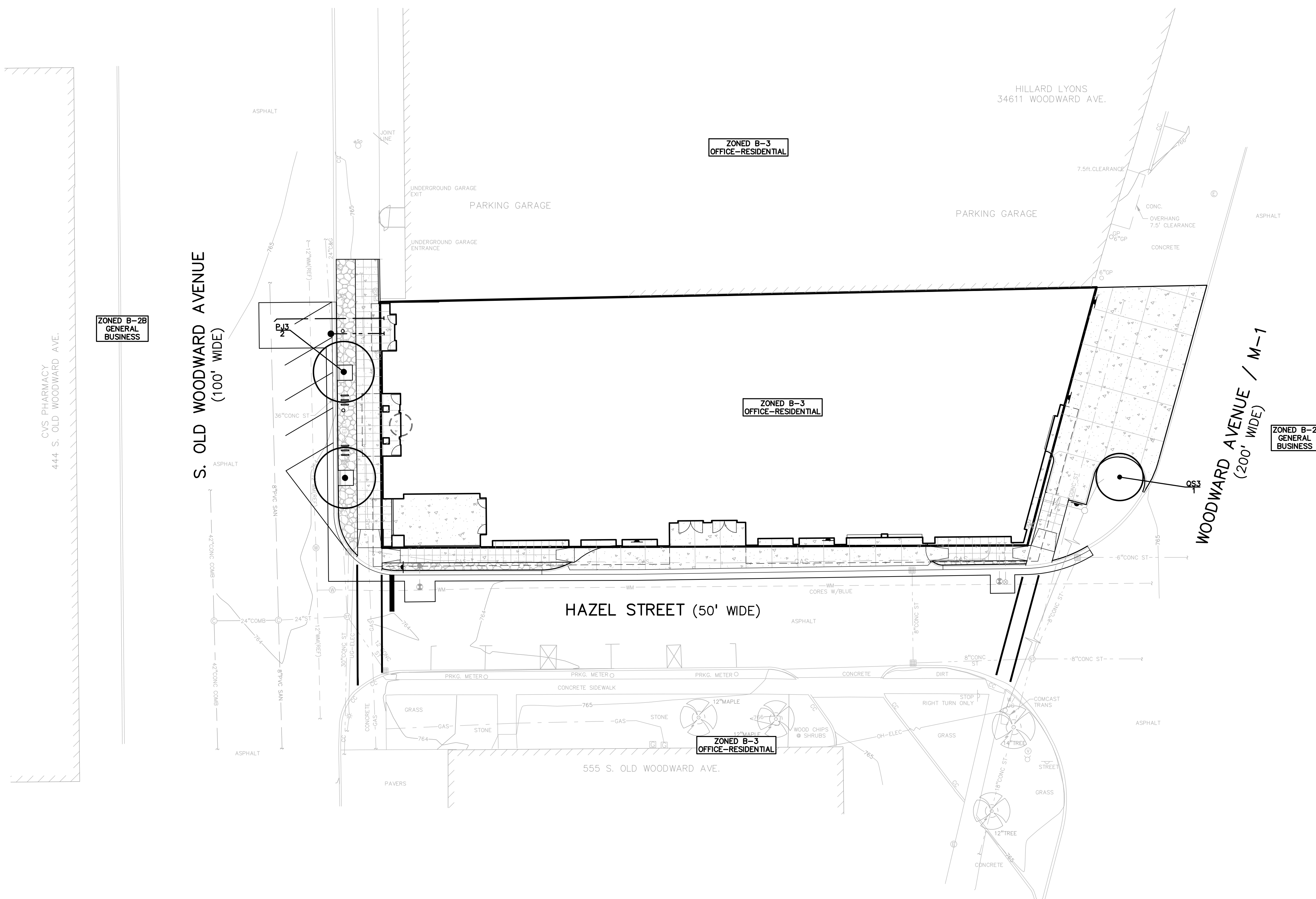
DRAWING NUMBER:

DRAWING NUMBER:  
**L-1.0**

TREE PLANT LIST:					
QUANTITY	KEY SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE	SPEC
2	PJ3	Jack Select Pear	<i>Pyrus calleryana 'Jaczam'</i>	3" Cal.	B&B
1	QS3	Streetspire Oak	<i>Quercus alba 'JFS-KW1QX' (columnar)</i>	3" Cal.	B&B



DECIDUOUS TREE PLANTING DETAIL  
NOT TO SCALE



GENERAL PLANTING NOTES:

1. LANDSCAPE CONTRACTOR SHALL VISIT SITE, INSPECT EXISTING SITE CONDITIONS AND REVIEW PROPOSED PLANTING AND RELATED WORK. IN CASE OF DISCREPANCY BETWEEN PLAN AND PLANT LIST, PLAN SHALL GOVERN QUANTITIES. CONTACT LANDSCAPE ARCHITECT WITH ANY CONCERNS.
2. CONTRACTOR SHALL VERIFY LOCATIONS OF ALL ON SITE UTILITIES PRIOR TO BEGINNING CONSTRUCTION ON HIS/HER PHASE OF WORK. ELECTRIC, GAS, TELEPHONE, CABLE TELEVISION SHALL BE LOCATED BY CALLING MISS. DIAL 800-482-7171. ANY DAMAGE OR INTERRUPTION OF SERVICES SHALL BE THE RESPONSIBILITY OF CONTRACTOR. CONTRACTOR SHALL COORDINATE ALL RELATED ACTIVITIES WITH OTHER TRADES ON THE JOB AND SHALL REPORT ANY UNACCEPTABLE JOB CONDITIONS TO OWNER'S REPRESENTATIVE PRIOR TO COMMENCING.
3. ALL PLANT MATERIAL TO BE PREMIUM GRADE NURSERY STOCK AND SHALL SATISFY AMERICAN ASSOCIATION OF NURSERYMEN STANDARD FOR NURSERY STOCK. ALL LATEX PLANT MATERIAL SHALL BE NORTHERN GROWN, NO. 1, GRADE.
4. CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON LANDSCAPE PLAN PRIOR TO PRICING THE WORK.
5. THE OWNER'S REPRESENTATIVE RESERVES THE RIGHT TO REJECT ANY PLANT MATERIAL NOT MEETING SPECIFICATIONS.
6. ALL SINGLE STEM SHADE TREES TO HAVE STRAIGHT TRUNKS AND SYMMETRICAL CROWNS.
7. ALL SINGLE TRUNK SHADE TREES TO HAVE A CENTRAL LEADER; TREES WITH FORKED OR IRREGULAR TRUNKS WILL NOT BE ACCEPTED.
8. ALL MULTI STEM TREES SHALL BE HEAVILY BRANCHED AND HAVE SYMMETRICAL CROWNS. ONE SIDED TREES OR THOSE WITH THIN OR OPEN CROWNS SHALL NOT BE ACCEPTED.
9. ALL EVERGREEN TREES SHALL BE HEAVILY BRANCHED AND HAVE SYMMETRICAL CROWNS. SYMMETRICAL IN SHAPE AND NOT SHEARED FOR THE LAST FIVE GROWING SEASONS.
10. ALL TREES TO HAVE CLAY OR CLAY LOAM BALLS, TREES WITH SAND BALLS WILL BE REJECTED.
11. NO MACHINERY IS TO BE USED WITHIN THE DRIP LINE OF EXISTING TREES. HAND GRASS AND LAWN AREAS WITHIN THE DRIP LINE OF EXISTING TREES.
12. ALL TREE LOCATIONS SHALL BE STAKED BY LANDSCAPE CONTRACTOR AND ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF THE PLANT MATERIAL.
13. IT IS MANDATORY THAT POSITIVE DRAINAGE IS PROVIDED AWAY FROM ALL BUILDINGS.
14. ALL PLANTING BEDS SHALL RECEIVE 3" SHREPPED HARDWOOD BARK MULCH WITH PRE EMERGENT, SEE SPECIFICATIONS. SHREPPED PALETTE AND DYED MULCH WILL NOT BE ACCEPTED.
15. ALL LANDSCAPED AREAS SHALL RECEIVE 3" COMPACTED TOPSOIL.
16. SEE SPECIFICATIONS FOR ADDITIONAL COMMENTS, REQUIREMENTS, PLANTING PROCEDURES AND WARRANTY STANDARDS.
17. FOR NON-LAWN SEED MIX AREAS, AS NOTED ON PLAN, BRUSH MOW EVERY SEASONALLY FOR INVASE SPECIES CONTROL.

**NOT FOR CONSTRUCTION**

XREF: S:\PROJECTS\2017\2017093\DWG\17093-TOPOBASE.DWG  
XREF: S:\PROJECTS\2017\2017093\DWG\SITE PLAN\CBASE-17093.DWG  
XREF: S:\PROJECTS\2017\2017093\DWG\SITE PLAN\TBLK-17093.DWG



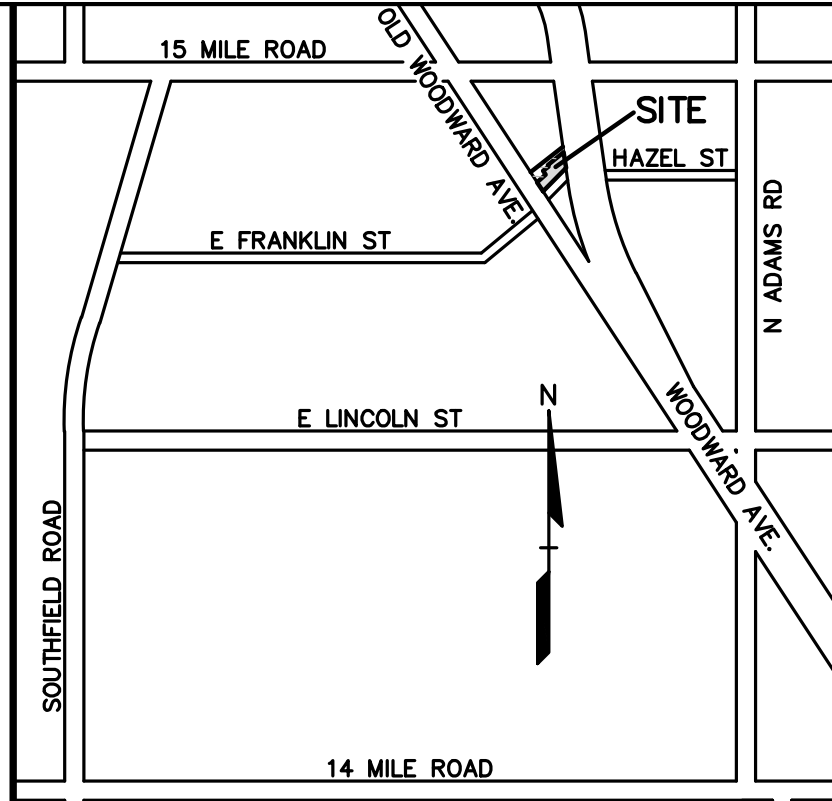
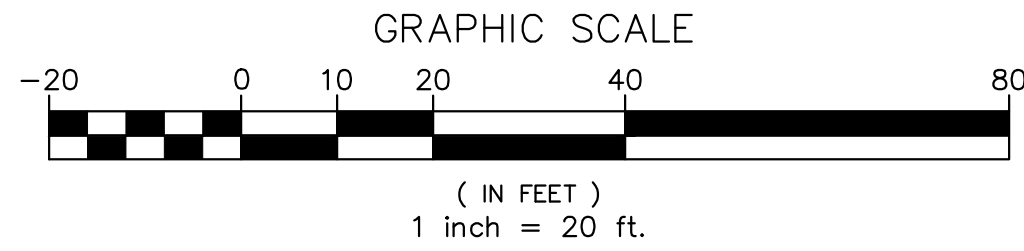
**BENCHMARKS:**  
(GPS DERIVED - NAVD88)

BM #300  
BENCH TIE IN NORTH FACE OF  
U-POLE, SOUTHWEST CORNER HAZEL  
STREET AND WOODWARD AVENUE  
(HUNTER BOULEVARD)  
ELEV. = 765.98

BM #301  
TOP OF NORTHEAST ANCHOR BOLT  
OF LIGHT POLE BASE, NORTHEAST  
CORNER OF HAZEL STREET AND OLD  
WOODWARD AVENUE  
ELEV. = 766.58

**FLOOD PLAN:**

BY GRAPHICAL PLOTTING, SITE IS WITHIN ZONE "X",  
AREA DETERMINED TO BE OUTSIDE OF THE 0.2%  
ANNUAL CHANCE FLOODPLAIN PER FLOOD INSURANCE  
RATE MAP NUMBER 26125C0537F (PANEL 537 OF 704),  
DATED SEPTEMBER 29, 2006.



LOCATION MAP - NOT TO SCALE

NO.	DATE	REV.	BY	DESCRIPTION
1	04/15/2017	01	MARKUS ASSOCIATES, LLC	ISSUED FOR PERMIT

**REVISIONS**

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COURSE OF CONSTRUCTION OF THE PROJECT.  
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PARCEL "A" LEGAL DESCRIPTION

(per Fidelity National Title Insurance Company, Commitment No. 17–110744, dated January 5, 2017)

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

South part of Lot 7 of ASSESSOR'S PLAT NO. 13, City of Birmingham, according to the plat thereof, as recorded in Liber 51 of Plats, Page 15, Oakland County Records, described as beginning at Southwest corner Lot 7; thence Northerly on West line said Lot, 40.28 feet; thence Easterly 58.9 feet; thence Northerly at right angle 14.96 feet; thence Easterly at right angle 65.37 feet; thence Northerly at right angle 8.4 feet; thence Easterly at right angle 104.44 feet to East line said Lot; thence Southerly along East lot line, 66.25 feet to Southeast corner said Lot; thence Westerly along South lot line 211.66 feet to point of beginning.

PARCEL "A" SURVEYOR'S NOTES:

- A

Overhead wires run through the subject parcel and cross the property lines as shown, no easement provided.

B

Walk runs through the subject parcel and cross the property lines as shown.

C

Property line matches existing exterior walls and interior party walls on the north side of the subject parcel.

D

Parking on the subject parcel is enclosed in the existing building, no access available at the time of the survey.

E

The current zoning classification was not provided by the client, as item 6(a) in table a of the "minimum standard detail requirements for ALTA/NSPS land title surveys," states.
- PARCEL "A" SCHEDULE BII EXCEPTIONS
- (per Fidelity National Title Insurance Company, Commitment No. 17–110744, dated January 5, 2017)
1.

Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

2.

Standard exceptions set forth in jacket.

3.

Taxes and/or assessments which become a lien or become due and payable subsequent to the effective date herein.

4.

No liability is assumed by the Company for tax increase occasioned by retroactive revaluation or change in land usage status for the Land.

5.

Rights of tenants under unrecorded leases and any and all parties claiming by, through and thereunder.

6.

Rights of the public to any portion of the Land lying within the bounds of any street, road, alley or highway.

7.

Possible deficiencies in the creation, organization or authority of the Insured or its agent to acquire or hold the Title.

8.

Railroad line, switches and spur tracks, if any, and all rights therein. [No Railroad line, switches & spur tracks observed at the time of the survey.]

9.

An instrument entitled Party Wall Agreement, Recording No: Liber 3119, Page 579 and re–recorded in Liber 3598, Page 677. [As plotted.]
- PARCEL "B" LEGAL DESCRIPTION
- (per First American Title Insurance Company, Commitment No. TC13–69882, dated February 9, 2017)
- Land situated in the City of Birmingham, County of Oakland, and State of Michigan, described as:
- The Northerly part of Lot 7 of ASSESSOR'S PLAT NO. 13, according to the plat thereof recorded in Liber 51 of Plats, page 15, Oakland County Records, City of Birmingham, Oakland County, Michigan, described as beginning at the Northwesterly corner of said Lot 7 on the Easterly line of 100 foot Woodward Avenue; thence Easterly along Northerly line of said Lot, a distance of 234.96 feet to the Westerly line of 200 foot Hunter Blvd. of the Northeast corner of said Lot 7; thence Southerly along the Westerly line of said Hunter Blvd. or Easterly line of said Lot 7, a distance of 21.15 feet to extension of North face of wall of garage building located on Southerly part of said Lot 7; thence Westerly along said extension of North face of wall and along said North face of wall 104.44 feet to a corner of said garage building; thence Southerly at right angles along Westerly face of wall of said garage building 8.40 feet to a corner of said garage building; thence Westerly at right angles along North face of wall of said garage building 65.37 feet to a corner of said garage building; thence Southerly at right angles along West face of wall of said garage building 14.96 feet to a corner of said garage building; thence Westerly at rights angles along North face of wall of said garage building and extension of same 58.90 feet to Westerly line of said Lot 7; thence Northerly along said Westerly line 40.28 feet to the point of beginning.
- PARCEL "B" SURVEYOR'S NOTES:
- A

Overhead wires run through the subject parcel and cross the property lines as shown, no easement provided.

B

Walk runs through the subject parcel and cross the property lines as shown.

C

Property line matches existing exterior walls and interior party walls on the south side of the subject parcel.

D

The current zoning classification was not provided by the client, as item 6(a) in table a of the "minimum standard detail requirements for ALTA/NSPS land title surveys," states.

PARCEL "B" SCHEDULE BII EXCEPTIONS

(per First American Title Insurance Company, Commitment No. TC13–69882, dated February 9, 2017)

1.

The Company does not make any representation as to the value of the property.

2.

Rights of the public and any governmental unit in any part of the land taken, deeded or used for street, road or highway purposes.

3.

Any provisions contained in any instruments of record which provisions pertain to the transfer of divisions under Section 109(2) of the Subdivision Control Act of 1967, as amended.

4.

Taxes which are a lien pursuant to Public Act 143 of 1995 and any other taxes and/or assessments which become a lien or become due and payable subsequent to the date of the commitment, including all assessments for weed cutting, grass cutting or any other matters for which City services were provided but not assessed against the tax rolls prior to the effective date of the Commitment.

5.

This Policy does not insure against any delinquent or current water charges pertaining to the subject matter property as the parties failed to produce a final meter reading and/or final paid water bill prior to Closing.

6.

Rights of tenants under any unrecorded leases, as to tenants only.

7.

Terms and conditions of Party Wall Agreement as disclosed by instrument recorded in Liber 3119, page 579 and re–recorded in Liber 3598, page 677, Oakland County Records. [As plotted.]

REVISIONS			
NO.	DATE	BY	REVISION
1	04/15/2017	AL	1. ALL DUE REV. PER ADJACENT PARCEL T.C.

LOCATION MAP – NOT TO SCALE

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MARKUS ASSOCIATES, LLC BIRMINGHAM, MI 48009	TOPOGRAPHIC & ALTA/NSPS LAND TITLE SURVEY-HAZEL ST./WOODWARD			
	PART OF THE NE 1/4 OF SECTION 36, T. 12N., R. 10E., CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN			
	DES.	DN.	DL/C/DSD	SUR.
	JPB	RS	RS	P.M.

ORIGINAL ISSUE DATE: APRIL 15, 2017
PEA JOB NO. 2017-093
SCALE: 1" = 20'
DRAWING NUMBER: 2 OF 2

CERTIFICATE OF SURVEY

To: First American Title Insurance Company  
Title Connect, L.L.C.  
Markus Associates, LLC

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, jointly established and adopted by ALTA and NSPS, and includes Items 2, 3, 4, 5, 7(a), 8, 10(a), 11, and 13 of Table A thereof. The fieldwork was completed on March 24, 2017.

\_\_\_\_\_  
Daniel Cole, PS No. 59791  
Agent for PEA, Inc.



## **MEMORANDUM**

**Planning Division**

**DATE:** May 18<sup>th</sup>, 2018

**TO:** Jana Ecker, Planning Director

**FROM:** Nicholas Dupuis, Planning Intern

**SUBJECT:** Rezoning Request for 469-479 S. Old Woodward – Project M1

---

The applicant for 469-479 S. Old Woodward (Parcel Numbers 1936208011 and 1936208012 respectively) is requesting that the Planning Board hold a public hearing to consider the rezoning of the property from B-3 (Office Residential) and D-4 (Downtown Overlay) to B-3 (Office Residential) and D-5 (Downtown Overlay). The applicant is seeking the rezoning to allow for the construction of a nine-story mixed use building in between the Birmingham Place and the 555 building. The maximum height allowed in the D-4 zoning district is 4-5 stories. In the D-5 zoning district, developers may build as high, but no higher than the adjacent buildings which are located in the D-5 zone.

The 0.423 acre subject site spans Hazel Street from S. Old Woodward to Woodward. The site currently contains two vacant single-story commercial buildings (formerly Mountain King Chinese Restaurant and First Place Bank). The applicant is proposing to demolish the present buildings for the construction of a nine-story mixed use building with three levels of underground parking.

### **History of Property**

Information gathered by PM Environmental for a Phase 1 Environmental Site Assessment on the property history revealed that 469 S. Old Woodward was home to various occupants since around 1937, including many auto sales companies and most recently the First Place Bank, which closed in 2014. The one story commercial building has since been vacant. 479 S. Old Woodward has been home to a few restaurants, most recently Mountain King (1998-2014). Similarly, the one story commercial building has also been vacant since its last tenant in 2014.

The applicant has noted that historically, Birmingham's buildings were zoned for the height of the 555 building and the Birmingham Place in the late 1960's and early 1970's. When the zoning was changed in the 1970's, the two buildings were designated to a legal nonconforming use. Ultimately, the zoning was changed to D-4 in 1996 by the adoption of the 2016 Plan and the Downtown Overlay. In 2016, a new D5 zone was created to bring the 555 Building, the Merrillwood Building and Birmingham Place into a legal conforming status. The subject property is located between Birmingham Place and the 555 Building, both of which are zoned D5 currently.

## **Requirements for Rezoning**

The requirements for a request for the rezoning of a property are set forth in Article 07, section 7.02 of the Zoning Ordinance as follows:

Each application for an amendment to change the zoning classification of a particular property shall include statements addressing the following:

- 1. An explanation of why the rezoning is necessary for the preservation and enjoyment of the rights of usage commonly associated with property ownership.**

***Applicant response:***

- Rezoning of the subject property is necessary to preserve the applicants enjoyment of rights associated with ownership of a property zoned for mixed uses. Because of the size and corner configuration of the parcel, it will not support street-level retail, residential, and parking for residents in the same manner as the neighboring properties. The 2016 Plan clearly anticipates mixed use developments. Such planning requires space to design and locate mixed uses within a given structure. Without the ability to go higher with a new building than current zoning allows, the applicant will not have the required area within which to locate a mix of uses, or otherwise to be able to enjoy all of the allowed uses that would commonly be associated the design of such a modern, mixed use building. Furthermore, the D-5 Ordinance, at Section 3.04-4-b, anticipates that the subject property and those similarly situated may enjoy the same rights of usage through an extension of height as other existing tall buildings already enjoy in the D-5 Overlay District.

- 2. An explanation of why the existing zoning classification is no longer appropriate**

***Applicant response:***

- The existing D-3 zoning classification is no longer appropriate for the subject property. The subject property is surrounded by the Birmingham Place, a 10-story building on the north side and the 555 Buildings, a 15-story building on the south side. This height is an established pattern in this area of the City. This rezoning request is actually an “infill” rezoning to bring the entire area into architectural and design harmony with surrounding buildings. It is reasonable for the subject property to share the same zoning classification as its surrounding neighbors. This would allow development of the property in a manner consistent with the existing structures from Brown Street south to Haynes Street. It will create a more unified block and enhance the character of the gateway area to Downtown Birmingham. The rezoning of the subject property would restore the property to a zoning classification this area of the City once enjoyed, as the Planning Board has done for with Birmingham Place and the 555 Buildings. Hence, given the location of the subject property

sandwiched between two properties in the D-5 Zone, the D-3 Zone is no longer appropriate.

**3. An explanation of why the proposed rezoning will not be detrimental to the surrounding properties.**

***Applicant response:***

- The proposed rezoning of the subject property is not detrimental to surrounding property owners. Note that the proposed rezoning does not extend the D-5 classification further to the north or south of the current D-5 Zoning, but actually fills in the one gap in the streetscape that is noticeably out of place and anachronistically remains in the D-3 Zone. The surrounding properties to the north and south are already in the D-5 zone. When these neighboring properties were rezoned the Planning Board anticipated that eventually the subject property also may be rezoned for the reasons stated in this letter. Placing the subject property in the D-5 Zone will be placing it on equal footing with the surrounding properties from a structural, use and design perspective. The proposed rezoning will enhance the entire area by allowing it to be developed as an attractive part of the South Old Woodward gateway and bring that area into compliance with the spirit and intent of the 2016 Master Plan.

Article 7, section 7.02 of the Zoning Ordinance further states:

Applications for amendments that are intended to change the zoning classification of a particular property shall be accompanied by a plot plan. (See attached)

Information required on plot plans shall be as follows:

1. Applicant's name, address and telephone number.
2. Scale, north point, and dates of submission and revisions.
3. Zoning classification of petitioner's parcel and all abutting parcels.
4. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within 100 feet of the site.
5. Existing use of the property.
6. Dimensions, centerlines and right-of-way widths of all abutting streets and alleys.
7. Location of existing drainage courses, floodplains, lakes, streams, and wood lots.
8. All existing easements.
9. Location of existing sanitary systems and or septic systems.
10. Location and size of existing water mains, well sites and building service.
11. Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared the plans. If any of the items listed above are not applicable to a particular plot plan, the applicant must specify in the plot plan which items do not apply and, furthermore, why the items are not applicable.

A land survey was provided by the applicant and submitted to the Planning Board (see attached).

Article 7 section 7.02 of the Zoning Ordinance further states:

The Planning Board shall hold at least one public hearing on each application for amendment at such time and place as shall be established by the Planning Board.

The Planning Board shall make findings based on the evidence presented to it with respect to the following matters:

- a. The objectives of the City's then current master plan and the City's 2016 plan.
- b. Existing uses of property within in the general area of the property in question.
- c. Zoning classification of property within the general area of the property in question.
- d. The suitability of the property in question to the uses permitted under the existing zoning classification.
- e. The trend of development in the general area of the property in question, including any changes which have taken place in the zoning classification.

### **Planning Division Analysis**

#### **A. The objectives of the City's then current master plan and the City's 2016 Plan**

Section 1.04 of the Birmingham Zoning Ordinance states: the purpose of the Zoning Ordinance is to guide the growth and development of the City in accordance with the goals, objectives and strategies stated within the Birmingham Future Land Use Plan and the Downtown Birmingham 2016 Plan. A review of both plans reveals that the proposal to rezone the subject property to the D-5 Zoning District meets the spirit and intent of the ordinance. The 2016 Plan recommends specific building heights and massing that appropriately defines the public street. The proposed building allows for mixed uses and a scale that will seamlessly match the adjacent buildings, meanwhile supporting the improvement of the streetscape along S. Old Woodward, Hazel and Woodward by building to the frontage line.

The 2016 Plan also recommends that the City should encourage future buildings to front Woodward to project a positive image of the City and to hold Woodward areas to the same standards of quality and design as the best areas of Birmingham. The proposed building will project a strong image of the City towards Woodward with consistent architectural details and similar massing to the adjacent buildings.

#### **B. Existing uses of property within the general area of the property in question**

As mentioned above, the Birmingham Place and 555 Buildings are located to the north and south of the subject site, respectively. The property is located on Woodward Avenue, which has a 200' wide right of way. The southbound lanes of Woodward lie directly east of the property, and South Old Woodward lies to the west. Across Woodward to the east is the Audi dealership, and across S. Old Woodward to the West is the long commercial building with a CVS and other businesses.

The following chart summarizes the land uses and zoning districts adjacent to and in the vicinity of the subject site.

	North	South	East	West
<b>Existing Land Use</b>	Retail/ Commercial	Retail/ Commercial	Commercial/ Parking	Commercial/ Parking
<b>Existing Zoning</b>	B-3, Office Residential	B-3, Office Residential	B-2, General Business	B-2B, General Business
<b>Overlay Zoning</b>	D-5	D-5	MU-5	D-2

**C. Zoning classification of property within the general area of the property in question.**

The properties immediately north and south of the subject site are zoned B3 and D5, which allow a mix of residential, retail and commercial uses, and buildings over 5 stories in height up to a maximum height of 180'. The property to the east across Woodward Avenue is zoned MU5 which also allows a mix of residential, retail and commercial uses and allows buildings up to 6 stories and 78' in height. The property to the west across S. Old Woodward is zoned B2-B and D2, also allowing a mix of residential, retail and commercial uses and buildings up to 3 stories and 56' in height.

**D. The suitability of the property in question to the uses permitted under the existing zoning classification.**

Under the current zoning, all of the same uses are permitted as those under the D5 zoning classification. However, under the current zoning of D4, the building would be capped at a height of 5 stories and thus be dwarfed by the adjacent Birmingham Place and 555 Buildings.

**E. The trend of development in the general area of the property in question, including any changes which have taken place in the zoning classification.**

In the immediate Southern Woodward Gateway area, there have been no new buildings recently constructed, however, the 555 Building was renovated extensively. Three existing buildings were rezoned in 2017 to D5 under the Downtown Overlay (Merrillwood Building, the 555 Building and Birmingham Place) to permit buildings over 5 stories in height (up to 180') so long as they are compatible with adjacent buildings. There have been no new buildings constructed under the D-5 Overlay Zoning classification.

**Departmental Reports**

1. Engineering Division – The Engineering Department has no concerns with the rezoning application at this time.
2. Department of Public Services –The Department of Public Services has no concerns at this time.

3. Fire Department – The Fire Department has no concerns with the rezoning at this time.
4. Police Department – The Police Department has no concerns with the rezoning application.
5. Building Department – No comments were provided from the Building Department on the rezoning application.

### **Planning Department Findings**

Based on a review of the rezoning application and supporting documentation submitted by the applicant, a review of the applicable master plan documents, current zoning and recent development trends in the area, the Planning Department finds that the applicant meets the established ordinance requirements to qualify for a rezoning of the property from D-4 to D-5 in the downtown overlay district for the purpose of building as high, but no higher than, adjacent buildings. Given the recommendations of the 2016 Plan, the existing mix of uses in the immediate area and given the size and quality of the building, the proposal to rezone for the purpose of building to nine stories is appropriate and compatible in the area. The following sample motions with attached conditions have been provided in the event that the Planning Board deems it appropriate to send a recommendation of approval forward to the City Commission.

### **Sample Motion Language**

Based on a review of the rezoning request and supporting documentation submitted by the applicant, a review of the applicable master plan documents and the development trends in the area, the Planning Board recommends **APPROVAL** to the City Commission for the rezoning of 469 - 479 S. Old Woodward from D-4 to D-5 in the Downtown Overlay.

**OR**

Motion to recommend **DENIAL** to the City Commission of the applicant's request for the rezoning of the property at 469 - 479 S. Old Woodward from D-4 to D-5 in the Downtown Overlay for the following reasons:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**OR**

Motion to recommend **POSTPONEMENT** of the applicant's request for the rezoning of the property at 469 - 479 S. Old Woodward from D-4 to D-5 in the Downtown Overlay, pending review and approval of the following:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**City Commission Minutes**  
**February 13, 2017**

**02-29-17: PUBLIC HEARING TO CONSIDER AMENDMENTS TO CHAPTER 126, ZONING, TO CREATE NEW D5 ZONE**

Mayor Nickita opened the Public Hearing at 10:22 PM.

City Planner Ecker explained the history of this zoning ordinance amendment request by the owners of the 555 Building. The amendment would allow buildings to be considered either legal and conforming, or legal non-conforming, but have the ability to add on in some way. The amendments have to do with height, number of stories, and setbacks. The Planning Board looked at several options. The Board came up with a fairly simple method, by changing Section 6.02 to allow all buildings to be improved in some way if they are non-conforming, or to consider the creation of a D5 zone, defined as over five stories. The impact of the amendments would make the three buildings legal conforming buildings, and they would be allowed to be extended or enlarged with a Special Land Use Permit. If a new building was constructed, it could match the height of the existing building with a Special Land Use Permit. The new category would deal with existing buildings located in the D5 zone. This change enables applicants to obtain funding for significant renovations or improvements as a legal conforming building. The second part allows expansion with the restriction to meet the overlay.

City Planner Ecker explained for Commissioner Boutros that the 555 site has room where a new building could be constructed.

City Planner Ecker explained that none of the three buildings can be any higher or add any extra stories under the ordinance amendment.

Mayor Pro Tem Harris asked about maintenance and repair under the current ordinance.

City Planner Ecker said an interpretation is required in every case currently. Under the ordinance amendment, maintenance and repair would be permitted.

Commissioner Hoff asked if Birmingham Place or Merrillwood could buy the adjacent structures and then build in the space.

City Planner Ecker said they could not, because the properties next door would not have the D5 zoning classification.

Commissioner Hoff asked how the determination is made as to an enlargement and an addition.

City Planner Ecker said the enlargements or extensions are an absolute right if the regular overlay standards are met. If it is an addition or new construction which would exceed the D4 requirements, it can be done with a Special Land Use Permit.



Mr. Rick Rattner addressed the Commission and said with the ordinance amendment, the 555 Building would be in compliance allowing the owners to move forward to make the changes and renovations to keep it an iconic building.

Mayor Nickita closed the Public Hearing at 10:40 PM.

**MOTION: Motion by DeWeese, seconded by Boutros:**

**To amend Chapter 126, Zoning, Article 3, Downtown Birmingham Overlay District, Section 3.04, to create a new D5 Zone and to establish development standards for this district, and Article 6, Nonconformances, Section 6.02, to allow for the extension and/or enlargement of existing legal, non-conforming commercial buildings;**

**AND**

**To approve the rezoning of the following properties:**

- (a) 555 S. Old Woodward (555 Office and Residential Buildings) from D4 in the Downtown Overlay to D5 in the Downtown Overlay;**
- (b) 411 S. Old Woodward (Birmingham Place) from D4 in the Downtown Overlay to D5 in the Downtown Overlay; and**
- (c) 225 E. Merrill (Merrillwood Building) from D4 in the Downtown Overlay to D5 in the Downtown Overlay.**

City Planner Ecker confirmed for Commissioner Hoff that the ordinance amendment would allow the 555 Building to build an addition as tall as it is only with a Special Land Use Permit approved by the Commission. She added that a new building to the south could be built that meets the D4 standards as of right. The setbacks will basically be the same.

VOTE: Yeas, 7

Nays, 0

Absent, None

**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 03, DOWNTOWN BIRMINGHAM OVERLAY DISTRICT, SECTION 3.04, TO CREATE A NEW D5 ZONE AND TO ESTABLISH DEVELOPMENT STANDARDS FOR THIS DISTRICT.

Article 03 shall be amended as follows:

**Section 3.04 Specific Standards**

- A. Building Height, Overlay: The various elements of building height shall be determined as follows for the various zones designated on the Regulating Plan:
1. D2 Zone (two or three stories):
    - a. Eave line for sloped roofs shall be no more than 34 feet.
    - b. Peak or ridge of any sloped roof shall be no more than 46 feet as measured to the average grade.
    - c. Maximum overall height including the mechanical and other equipment shall be no more than 56 feet.
    - d. A third story is permitted if it is used only for residential.
    - e. All buildings in D2 Zone containing a third story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
    - f. A third story shall continue in a different plane, beginning at the eave line, not greater than 45 degrees measured to the horizontal or setback 10 feet from any building facade.
    - g. All buildings constructed in the D2 Zone must have a minimum eave height or 20 feet.
  2. D3 Zone (three or four stories):
    - a. Eave line for sloped roofs shall be no more than 46 feet.
    - b. Peak or ridge of any sloped roof shall be no more than 58 feet as measured to the average grade.
    - c. Maximum overall height including the mechanical and other equipment shall be no more than 68 feet.
    - d. A fourth story is permitted if it is used only for residential.
    - e. All buildings in D3 Zone containing a fourth story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.

- f. The fourth story shall continue in a different plane, beginning at the eave line, no greater than 45 degrees measured to the horizontal or setback 10 feet from any building facade.
  - g. All buildings constructed in a D3 Zone must contain a minimum of 2 stories and must have a minimum eave height of 20 feet.
- 3. D4 Zone (four or five stories):
  - a. Eave line shall be no more than 58 feet.
  - b. Peak or ridge of any sloped roof shall be no more than 70 feet as measured to the average grade.
  - c. Maximum overall height including mechanical and other equipment shall be no more than 80 feet.
  - d. The fifth story is permitted if it is used only for residential.
  - e. All buildings containing a fifth story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
  - f. The fifth story shall continue in a different plane, beginning at the eave line, no greater than 45 degrees measured to the horizontal or set back 10 feet from any building facade.
  - g. All buildings constructed in the D4 Zone must contain a minimum of 2 stories and must have a minimum eave height of 20 feet.
- 4. **D5 Zone (over 5 stories)**
  - a. **All existing buildings located in the D5 Zone on November 1, 2016 are deemed legal, conforming buildings with regards to setbacks, number of stories and height.**
  - b. **All existing buildings located in this zone district on November 1, 2016 may be extended or enlarged only if the property owner elects to develop the extended or enlarged portion of the building under the provisions of the Downtown Overlay and the extension or enlargement meets all of the requirements of the Downtown Birmingham Overlay District and the D4 Zone.**
  - c. **New buildings constructed or additions to existing buildings in the D5 Zone must meet the requirements of the Downtown Birmingham Overlay District and the D4 Zone, except that the height of any addition and new construction in the D-5 Zone may be over the maximum building height up to, but not exceeding, the height of an existing building in the D-5 to which they are immediately adjacent or abutting if the property owner agrees to the construction of the building under the provisions of a Special Land Use Permit.**
- 4.5 C and P Zones: Downtown Birmingham Overlay District building height shall comply with the underlying height restrictions listed in each two-page layout in Article 2 of the Zoning Ordinance, but may be negotiated by the Planning Board.
- 5.6. Stories at sidewalk level shall be a minimum of 10 feet in height from finished floor to finished ceiling. The Planning Board may reduce this standard for renovations to existing buildings that do not meet this standard.

~~6-7~~.A transition line shall be provided between the first and second stories. The transition shall be detailed to facilitate an awning.

~~7-8~~The maximum width of all dormers per street elevation on buildings may not exceed 33% of the width of the roof plane on the street elevation on which they are located.

B. Building placement. Buildings and their elements shall be placed on lots as follows:

1. Front building facades at the first story shall be located at the frontage line, except the Planning Board may adjust the required front yard to the average front setback of any abutting building.
2. In the absence of a building facade, a screenwall shall be built along the frontage line and aligned with the adjacent building facade. Screenwalls shall be between 2.5 and 3.5 feet in height and made of brick, stone or other masonry material matching the building. Upon approval by the Planning Board, screen- walls may be a continuous, maintained evergreen hedge or metal fencing. Screenwalls may have openings a maximum of 25 feet to allow vehicular and pedestrian access.
3. Side setbacks shall not be required.
4. A minimum of 10 foot rear yard setback shall be provided from the midpoint of the alley, except that the Planning Board may allow this setback to be reduced or eliminated. In the absence of an alley, the rear setback shall be equal to that of an adjacent, preexisting building.
5. First-floor awnings may encroach upon the frontage line and public sidewalk, but must avoid the street trees; provide at least 8 feet of clearance above the sidewalk; and be set back a minimum of 2 feet from the road curb.
6. Upper-floor awnings shall be permitted only on vertically proportioned windows, provided that the awning is only the width of the window, encroaches upon the frontage line no more than 3 feet, and is not used as a backlit sign.
7. Loading docks and service areas shall be permitted only within rear yards. Doors for access to interior loading docks and service areas shall not face a public street.
8. All buildings shall have their principal pedestrian entrance on a frontage line.

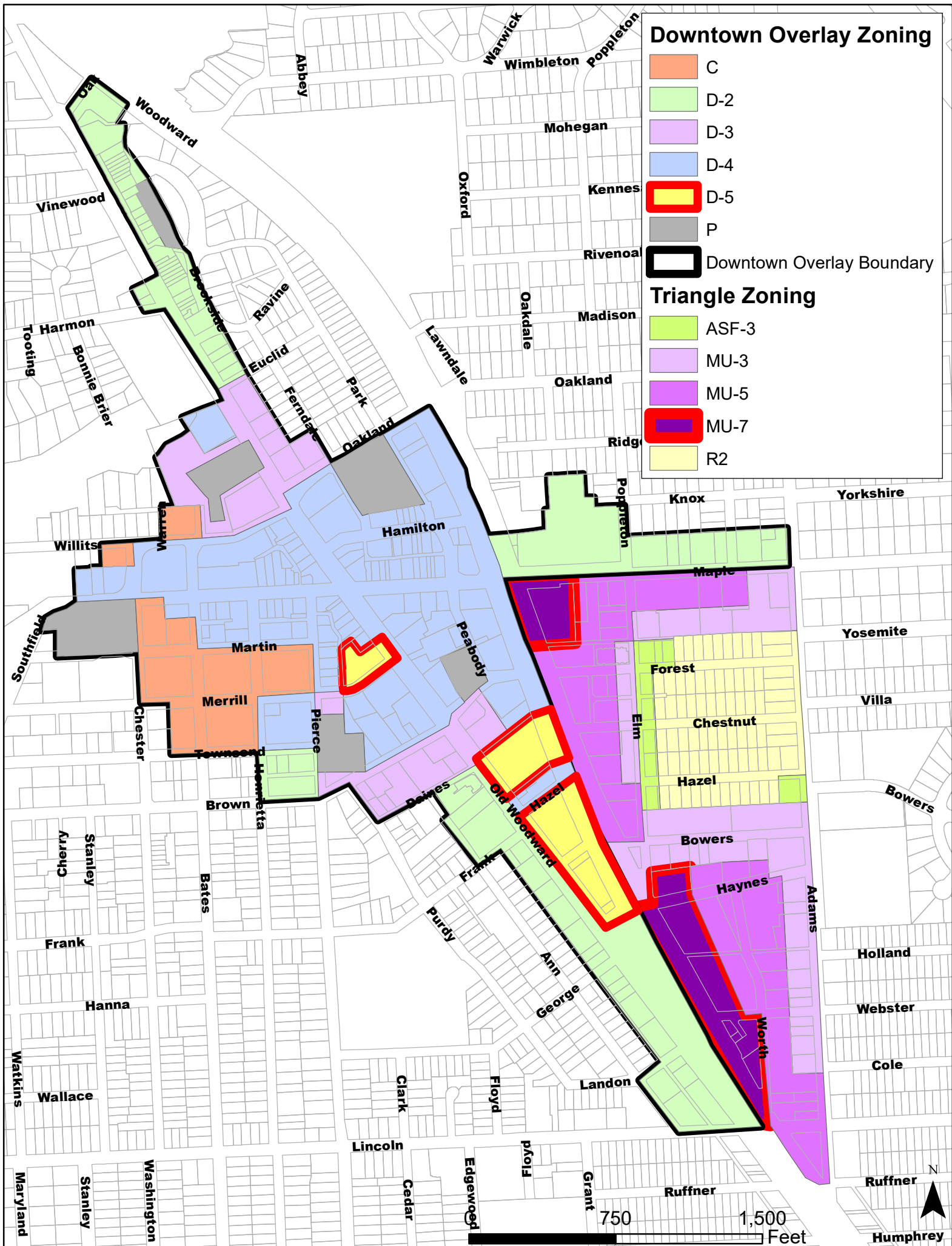
ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 to become effective 7 days after publication.

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Mark Nickita, Mayor

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Cheryl Arft, City Clerk





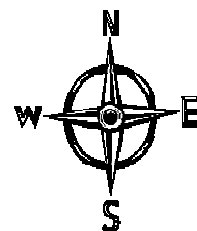


**Location: 469 and 479 Old Woodward Avenue, Birmingham, Michigan**

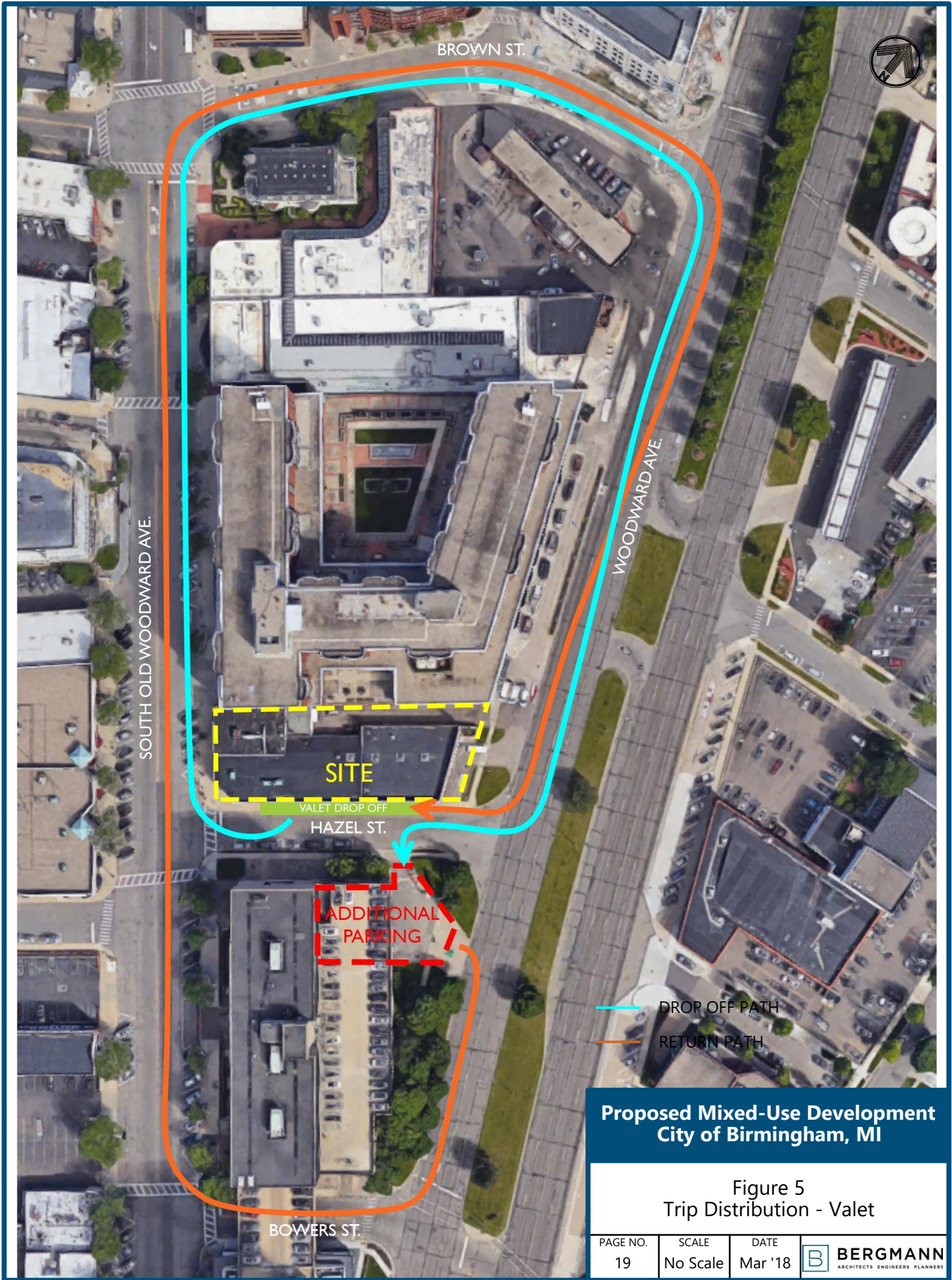
**PM Project No. 01-8456-0-0001**

**Aerial Year: 2015**

**Source: Oakland County**








**Proposed Mixed-Use Development  
City of Birmingham, MI**

Figure 5  
Trip Distribution - Valet

PAGE NO.	SCALE	DATE	 <b>BERGMANN</b> <small>ARCHITECTS ENGINEERS PLANNERS</small>
19	No Scale	Mar '18	





## CITY OF BIRMINGHAM FIRE DEPARTMENT

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572 SOUTH ADAMS • BIRMINGHAM, MICHIGAN 48009 • 248.530.1900 Fax 248.530.1950

June 22, 2018

Jana Ecker, Planning Director  
City of Birmingham (MI)  
151 Martin St.  
P.O. Box 3001  
Birmingham, MI 48012-3001

Dear Jana:

I am following up on our communications in regards to residents at 411 S. Old Woodward known as Birmingham Place and their concerns with fire protection. The proposed project at 469-479 S. Old Woodward is potentially going to be a nine story building, built very close to the South side of Birmingham Place. Their concern is the fire department's ability to fight a fire at Birmingham Place if the proposed project does not allow aerial operations on the South side of the building.

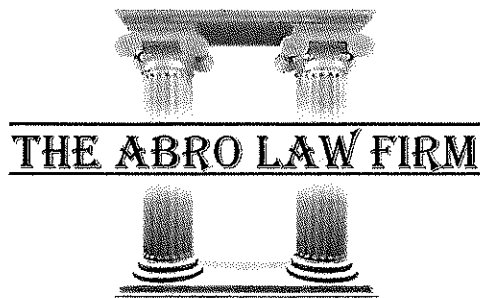
Though we would not deploy our aerial truck for operations on the South side of the building, we do have access from both the East and West sides of the building. Our aerial truck has an extended 100' ladder which would reach approximately six to seven stories based on the distance the aerial is positioned, due to this most high rise fires are fought from the inside of a high rise building. The Birmingham Place has a fire pump to increase pressure to upper floors, fire suppression sprinklers that when activated would extinguish a fire or contain the spread of the fire, standpipes at each floor allowing firefighters to connect hose lines to fight a fire and a fire alarm which would alert residents of the building. The exterior of the building is of a material that is non-combustible and smoke alarms throughout the building. Our officers and firefighters are well trained to aggressively attack a fire in a high rise building. There should be no concerns that the proposed project would hinder fire operations in the Birmingham Place.

I hope this letter will help ease the concerns of our residents as the Planning Board and other stakeholders discuss the proposal and the future of the site. Please let me know if I can assist you in any other way.

Sincerely,

John M. Connaughton, Fire Chief





Phone: (248) 723-4545  
Fax: (248) 598-4049  
E-Mail: gus@abrolaw.com

500 S. Old Woodward  
Second Floor, Suite 200  
Birmingham, Michigan 48009

ATTORNEYS AND COUNSELORS AT LAW

June 20, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

**RE:      *Proposed Project at 469-479 S. Old Woodward Avenue***

Dear City Commission and Planning Board Members,

I am writing to express my strong support for the 'Re-Zoning Request' for the Mixed-Use Project that is proposed for 469-479 S. Old Woodward Avenue.

The proposed project will replace two obsolete one-story buildings that are sandwiched between two high-rise, mixed-use buildings - Birmingham Place (to the north) which is 9 stories and the 555 Building (to the south) which 15 stories. The City would benefit if these one-story buildings were redeveloped in a way that matches the scale and use of these adjacent buildings.

The project that has been proposed for this in-fill site should be approved because it would be appropriate for this parcel of land. If allowed to be built, the project would:

1. Be in harmony with the pattern of the neighboring buildings by filling in the noticeable 'gap' between them, which can be seen from both South Old Woodward and Woodward Avenue.
2. Be consistent with the building heights, uses, and character of Birmingham Place and the 555 Building.
3. Increase the walkability of this area by providing retail at the street level, and by strengthening the retail connection between Birmingham Place and the 555 Building.
4. Add foot traffic (shopper & travelers) to the south end of the city by encouraging foot traffic from the downtown to continue on the completed blocks.
5. Activate Hazel Street in perpetuity – while currently busy with construction bypass traffic, Hazel is an otherwise dormant street (which is vacated on the east side of Woodward Avenue).

6. Adhere to the spirit and intent of both the 2016 Master Plan and the D5 zoning overlay.
7. Provide the required parking onsite and not rely on street parking (as the existing restaurant and bank do).
8. Be consistent with fundamental planning and land use principles.
9. Contribute to the economic vitality of the City of Birmingham.

For the above stated reasons and more, I respectfully request that the City Commission and Planning Board respond favorably to the re-zoning request and the proposed plans for this development.

Thank you for your attention herein. As always, should you have any question or require any additional information, please do not hesitate to call me directly. I remain,

Very truly yours,

**THE ABRO LAW FIRM**

Gus J. Abro, Esq.



GA/gja

David Breedlove  
85 Tradd Street  
Charleston, SC. 29401

June 20, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project")

Ladies and Gentlemen:

I am writing to express my deeply felt disapproval of and opposition to the request for rezoning and to the Proposed Project referenced above. I am no longer a resident of Birmingham but maintain a condominium in Birmingham. Birmingham has been my home for most of my 70 years since my parents bought their first home on Villa in 1949. I remember visiting Pearls for a nice Chinese dinner. So, I know the area well. And while we moved from our home on Lincoln to warmer weather after retirement, Birmingham will always be home. I have watched how the character of the town has changed over the last 65 years. I was sad when the City allowed 555 to be built. I will always believe it was a mistake. We do not need another mistake.

I was encouraged when the City leaders realized they needed to protect the character and feel of the city. There was no place for skyscrapers in Birmingham. The city's 2016 Master Plan recognized the need to control the height of new buildings in the city center. I think they have done an excellent job over the last twenty years.

I have watched in my new home, Charleston, as real estate investors have tried to come in and build one more hotel and destroy what makes Charleston attractive. It is an on-going battle. You are faced with the same economic pressures and arguments I hear in Charleston. It is just one more hotel. There are already buildings of similar height in town. The city needs more hotel rooms. It will generate more business in town. The arguments are always the same and unfortunately, so are the results. The town becomes more impersonal. Small businesses are replaced by those that cater to the transient visitors. Residents must go elsewhere to shop.

As city commissioner, you must protect what you have today and what makes Birmingham so attractive as a place to live, work and raise a family. It is unique place in southeast Michigan, beautiful neighborhoods surrounding a friendly and inviting downtown.

I believe that a 9 story building on this 0.41 acre parcel would be totally out of place and inconsistent with the small town downtown concept I firmly believe is very important to

maintaining the character and long-standing plan for this beautiful city. If someone wants to build a 9 or 10 story hotel, let them go to Troy or Southfield.

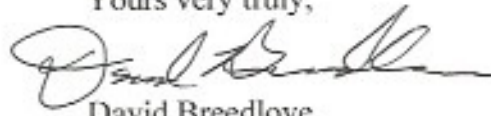
The city's 2016 Master Plan intentionally left this little parcel zoned to limit building to 4 or 5 stories, and there is no reason to change that well thought out plan that the city has consistently followed for nearly 20 years. Virtually all other developments in this general area (e.g., Bristol, Forefront, Daxton, Brookside, 750 Forest. Peabody, etc.) are consistent with the 2016 Master Plan. It is crucial that the same rules apply to the Proposed Project, which is on footprint smaller than most, if not every, other recent development.

Anything built on this little parcel must be harmonious with the overall downtown design and long-range plans for that part of South Old Woodward. Birmingham was never meant to be, is not and should never be, cast in the mold of larger urban areas with high rise developments that cater to a much bigger population. Approving a change to the zoning will open the door for the next developer to come in and argue for a similar change. What is the argument against building a high rise on the North side of Birmingham Place? Across the street?

I cannot assess the technical implications of the proposal such as traffic, impact on city services, disruption of business during construction and impact on surrounding structures. I leave that to the Commissioners and their technical experts. The parties who purchased the reference property knew the zoning at the time. They are calculating they can change the City Commissioner's minds. They are not concerned with the long term implications to the city but only how to maximize return on their investment. I sincerely hope their calculations are wrong. Another high rise in the southern end of town will ruin the neighborhood feel and open the door for more rezoning requests.

Thank you for your time and attention, and for, I sincerely hope, your vote to preserve what is a beautiful and people friendly city.

Yours very truly,

A handwritten signature in black ink, appearing to read "David Breedlove", written in a cursive style.

David Breedlove



# 2941 Mediterranean

## street food

June 21, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: Proposed Project at 469-479 S. Old Woodward Avenue

Dear City Commission and Planning Board Members,

I am writing to express my strong support for the 'Re-Zoning Request' for the Mixed-Use Project that is proposed for 469-479 S. Old Woodward Avenue.

The proposed project will replace two obsolete one-story buildings that are sandwiched between two high-rise, mixed-use buildings - Birmingham Place (to the north) which is 9 stories and the 555 Building (to the south) which is 15 stories. The City would benefit if these one-story buildings were redeveloped in a way that matches the scale and use of these adjacent buildings.

The project that has been proposed for this in-fill site should be approved because it would be appropriate for this parcel of land. If allowed to be built, the project would:

1. Be in harmony with the pattern of the neighboring buildings by filling in the noticeable 'gap' between them, which can be seen from both South Old Woodward and Woodward Avenue.
2. Be consistent with the building heights, uses, and character of Birmingham Place and the 555 Building.
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5. Activate Hazel Street in perpetuity – while currently busy with construction bypass traffic, Hazel is an otherwise dormant street (which is vacated on the east side of Woodward Avenue).
6. Adhere to the spirit and intent of both the 2016 Master Plan and the D5 zoning overlay.
7. Provide the required parking onsite and not rely on street parking (as the existing restaurant and bank do).
8. Be consistent with fundamental planning and land use principles.
9. Contribute to the economic vitality of the City of Birmingham.

For the above stated reasons and more, I respectfully request that the City Commission and Planning Board respond favorably to the re-zoning request and the proposed plans for this development.

Sincerely,

Jacques Van Staden - Founder & CEO  
176 S. Old Woodward Ave  
Birmingham, MI 48009



June 20, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: Proposed Project at 469-479 S. Old Woodward Avenue

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I am writing to express my strong support for the 'Re-Zoning Request' for the Mixed-Use Project that is proposed for 469-479 S. Old Woodward Avenue.

The proposed project will replace two obsolete one-story buildings that are sandwiched between two high-rise, mixed-use buildings - Birmingham Place (to the north) which is 9 stories and the 555 Building (to the south) which 15 stories. The City would benefit if these one-story buildings were redeveloped in a way that matches the scale and use of these adjacent buildings.

The project that has been proposed for this in-fill site should be approved because it would be appropriate for this parcel of land. If allowed to be built, the project would:

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2. Be consistent with the building heights, uses, and character of Birmingham Place and the 555 Building.
3. Increase the walkability of this area by providing retail at the street level, and by strengthening the retail connection between Birmingham Place and the 555 Building.
4. Add foot traffic (shopper & travelers) to the south end of the city by encouraging foot traffic from the downtown to continue on the completed blocks.
5. Activate Hazel Street in perpetuity – while currently busy with construction bypass traffic, Hazel is an otherwise dormant street (which is vacated on the east side of Woodward Avenue).
6. Adhere to the spirit and intent of both the 2016 Master Plan and the D5 zoning overlay.
7. Provide the required parking onsite and not rely on street parking (as the existing restaurant and bank do).
8. Be consistent with fundamental planning and land use principles.
9. Contribute to the economic vitality of the City of Birmingham.

---

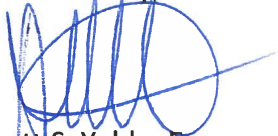
500 S. Old Woodward Ave., Second Floor, Birmingham, MI 48009

Phone: (248)645-5300 Fax: (248)645-5301

[www.yaldolaw.com](http://www.yaldolaw.com)

For the above stated reasons and more, I respectfully request that the City Commission and Planning Board respond favorably to the re-zoning request and the proposed plans for this development.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Scott S. Yaldo', with a large circular flourish at the end.

Scott S. Yaldo, Esq.





June 20, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: Proposed Project at 469-479 S. Old Woodward Avenue

Dear City Commission and Planning Board Members,

I am writing to express my strong support for the 'Re-Zoning Request' for the Mixed-Use Project that is proposed for 469-479 S. Old Woodward Avenue.

The proposed project will replace two obsolete and old one-story buildings that sit between two high-rise, mixed-use buildings - Birmingham Place (to the north) which is 9 stories and the 555 Building (to the south) which 15 stories. The City would benefit if these one-story buildings were redeveloped in a way that matches the scale and use of these adjacent buildings.

The project that has been proposed for this in-fill site should be approved because it would be appropriate for this parcel of land. If allowed to be built, the project would:

1. Be in harmony with the pattern of the neighboring buildings by filling in the noticeable 'gap' between them, which can be seen from both South Old Woodward and Woodward Avenue.
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6. Adhere to the spirit and intent of both the 2016 Master Plan and the D5 zoning overlay.
7. Provide the required parking onsite and not rely on street parking (as the existing restaurant and bank do).
8. Be consistent with fundamental planning and land use principles.
9. Contribute to the economic vitality of the City of Birmingham.
10. This project would continue to make the City of Birmingham the premier city to live and shop



For the above stated reasons and more, I respectfully request that the City Commission and Planning Board respond favorably to the re-zoning request and the proposed plans for this development.

Sincerely,

A handwritten signature in black ink, appearing to be 'KD' or similar initials, written in a cursive style.

Kevin Denha  
40700 Woodward Ave Suite 125  
Bloomfield Hills, MI. 48304

ISHBIA & GAGLEARD, P.C.  
ATTORNEYS AND COUNSELORS  
MERRILLWOOD BUILDING  
251 MERRILL STREET, SUITE 212  
BIRMINGHAM, MICHIGAN 48009

JEFFREY A. ISHBIA  
MICHAEL A. GAGLEARD \*  
MARK W. CHERRY  
DAVID N. ZACKS \*\*

PHILIP CWAGENBERG  
FRANK J. LAROCCA  
MICHAEL J. WEISBERG \*\*  
SARA E. ROHLAND

ISIDORE B. TORRES, OF COUNSEL  
C. GILES SMITH, JR., OF COUNSEL

(248) 647-8590  
(800) 647-6269

FAX (248) 647-8596

\* ALSO ADMITTED IN CALIFORNIA  
\*\* ALSO ADMITTED IN FLORIDA

June 20, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

**Re: Proposed Project at 469-479 S. Old Woodward Avenue**

Dear City Commission and Planning Board Members,

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The proposed project will replace two obsolete one-story buildings that are sandwiched between two high-rise, mixed-use buildings - Birmingham Place (to the north) which is 9 stories and the 555 Building (to the south) which 15 stories. The City would benefit if these one-story buildings were redeveloped in a way that matches the scale and use of these adjacent buildings.

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9. Contribute to the economic vitality of the City of Birmingham.

For the above stated reasons and more, I respectfully request that the City Commission and Planning Board respond favorably to the re-zoning request and the proposed plans for this development.

Sincerely,

ISHBIA & GAGLEARD, P.C.



Jeffrey A. Ishbia



600 N. Old Woodward  
Suite 100  
Birmingham, MI 48009

T 248.433.7000  
F 248.433.0900  
[www.najorcompanies.com](http://www.najorcompanies.com)

June 20, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: Proposed Project at 469-479 S. Old Woodward Avenue

Dear City Commission and Planning Board Members,

I am writing to express my strong support for the 'Re-Zoning Request' for the Mixed-Use Project that is proposed for 469-479 S. Old Woodward Avenue.

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9. Contribute to the economic vitality of the City of Birmingham.

For the above stated reasons and more, I respectfully request that the City Commission and Planning Board respond favorably to the re-zoning request and the proposed plans for this development.

Sincerely,

A stylized, handwritten signature in black ink, appearing to read 'Brian Najor'.

Brian Najor  
**Najor Companies**  
600 N. Old Companies, Ste 100  
Birmingham, MI 48009



---

# JONNA

---

luxury homes

---

6/20/18

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: Proposed Project at 469-479 S. Old Woodward Avenue

Dear City Commission and Planning Board Members,

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9. Contribute to the economic vitality of the City of Birmingham.

For the above stated reasons and more, I respectfully request that the City Commission and Planning Board respond favorably to the re-zoning request and the proposed plans for this development.

Sincerely,



Joseph Jonna, Jonna Luxury Homes

LAW OFFICES OF  
**RANDAL TOMA & ASSOCIATES, P.C.**  
500 S. OLD WOODWARD AVENUE, SECOND FLOOR  
BIRMINGHAM, MICHIGAN 48009  
OFFICE (248) 948-1500  
FAX (248) 948-1501

June 21, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

**Re: Proposed Project at 469-479 S. Old Woodward Avenue**

Dear City Commission and Planning Board Members,

I am writing to express my strong support for the 'Re-Zoning Request' for the Mixed-Use Project that is proposed for 469-479 S. Old Woodward Avenue.

The proposed project will replace two obsolete one-story buildings that are sandwiched between two high-rise, mixed-use buildings - Birmingham Place (to the north) which is 9 stories and the 555 Building (to the south) which is 15 stories. The City would benefit if these one-story buildings were redeveloped in a way that matches the scale and use of these adjacent buildings.

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9. Contribute to the economic vitality of the City of Birmingham.

For the above stated reasons and more, I respectfully request that the City Commission and Planning Board respond favorably to the re-zoning request and the proposed plans for this development.

Very truly yours,  
RANDAL TOMA & ASSOCIATES, P.C.



Randal S. Toma  
Attorney at Law

Lexi Drew  
152 N Old Woodward  
Birmingham, MI 48009  
248.220.1731

Date 6/20/2018  
Birmingham City Commission & Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: Proposed Project at 469-479 S. Old Woodward Avenue  
Dear City Commission and Planning Board Members,

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For the above stated reasons and more, I respectfully request that the City Commission and Planning Board respond favorably to the re-zoning request and the proposed plans for this development.

Sincerely,



Kevin Kejbou  
152 N Old Woodward  
Birmingham MI 48009





2000 Town Center  
Suite 2200  
Southfield, MI 48075

248 353 5400 Tel  
248 353 8134 Fax

June 20, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: Proposed Project at 469-479 S. Old Woodward Avenue

Dear City Commission and Planning Board Members,

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For the above stated reasons and more, I respectfully request that the City Commission and Planning Board respond favorably to the re-zoning request and the proposed plans for this development.

Sincerely,

David Hesano  
First Vice President  
David.hesano@cbre.com



# DJ MARLUC HOLDINGS LLC

6632 Telegraph Rd. #359  
Bloomfield Hills, MI 48301

6/18/2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: Proposed Project at 469-479 S. Old Woodward Avenue

Dear City Commission and Planning Board Members,

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For the above stated reasons and more, I respectfully request that the City Commission and Planning Board respond favorably to the re-zoning request and the proposed plans for this development.

Sincerely,



John Kello



DETROIT ATLANTA CHICAGO CLEVELAND DALLAS HOUSTON LOS ANGELES MIAMI NEW YORK SAN FRANCISCO SOUTH JERSEY WASHINGTON DC

June 20, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: Proposed Project at 469-479 S. Old Woodward Avenue

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9. Contribute to the economic vitality of the City of Birmingham.

For the above stated reasons and more, I respectfully request that the City Commission and Planning Board respond favorably to the re-zoning request and the proposed plans for this development.

Sincerely,



Anthony Toma  
CEO & Founder  
Nine9

2653 Industrial Row Dr.  
Troy, MI 48084

Nine9.com



June 20, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

RE: Proposed Project at 469-479 S Old Woodward Avenue

Dear City Commission and Planning Board Members,

I am writing to express my strong support for the 'Re-Zoning Request' for the Mixed-Use Project that is proposed for 469-479 S. Old Woodward Avenue.

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9. Contribute to the economic vitality of the City of Birmingham.

For the above stated reasons and more, I respectfully request that the City Commission and Planning Board respond favorably to the re-zoning request and the proposed plans for this development.

Sincerely,

Gregg Speaks  
Managing Director  
CIBC Bank USA  
34901 Woodward Avenue, Suite 200  
Birmingham, MI 48009

The logo features a blue abstract shape on the left, composed of several overlapping triangles and polygons, creating a sense of movement and depth. The shape tapers to the right, where it meets the company name.

# MIDWEST HOSPITALITY GROUP INC.

---

June 20, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: Proposed Project at 469-479 S. Old Woodward Avenue

Dear City Commission and Planning Board Members,

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9. Contribute to the economic vitality of the City of Birmingham.

For the above stated reasons and more, I respectfully request that the City Commission and Planning Board respond favorably to the re-zoning request and the proposed plans for this development.

Sincerely,



Nason Kassab  
35270 Woodward Ave  
Birmingham, MI 48009



June 21, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: Proposed Project at 469-479 S. Old Woodward Avenue

Dear City Commission and Planning Board Members,

Jonna Construction is a builder and investor in Downtown Birmingham.

I am writing to express my strong support for the 'Re-Zoning Request' for the Mixed-Use Project that is proposed for 469-479 S. Old Woodward Avenue.

The proposed project will replace two obsolete one-story buildings that are sandwiched between two high-rise, mixed-use buildings - Birmingham Place (to the north) which is 9 stories and the 555 Building (to the south) which 15 stories. The City would benefit if these one-story buildings were redeveloped in a way that matches the scale and use of these adjacent buildings.

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For the above stated reasons and more, I respectfully request that the City Commission and Planning Board respond favorably to the re-zoning request and the proposed plans for this development.

Sincerely,

A handwritten signature in blue ink, which appears to read 'Frank Jonna', is written over the printed name.

Frank G. Jonna  
6200 2<sup>nd</sup> Ave., Suite D-102  
Detroit, MI 48202



Phone: 586-268-3200 | Fax: 586-268-3224  
7096 E 14 Mile Rd Warren, MI 48092  
**andiamoitalia.com**

June 20, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: Proposed Project at 469-479 S. Old Woodward Avenue

Dear City Commission and Planning Board Members,

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3. Increase the walkability of this area by providing retail at the street level, and by strengthening the retail connection between Birmingham Place and the 555 Building.
4. Add foot traffic (shopper & travelers) to the south end of the city by encouraging foot traffic from the downtown to continue on the completed blocks.
5. Activate Hazel Street in perpetuity – while currently busy with construction bypass traffic, Hazel is an otherwise dormant street (which is vacated on the east side of Woodward Avenue).
6. Adhere to the spirit and intent of both the 2016 Master Plan and the D5 zoning overlay.
7. Provide the required parking onsite and not rely on street parking (as the existing restaurant and bank do).
8. Be consistent with fundamental planning and land use principles.
9. Contribute to the economic vitality of the City of Birmingham.

For the above stated reasons and more, I respectfully request that the City Commission and Planning Board respond favorably to the re-zoning request and the proposed plans for this development.

Sincerely,

Joseph P. Vicari  
7096 E. 14 Mile Rd.  
Warren, MI 48092







June 21, 2018

*The Elia Group, LLC  
Real Estate & Development Services*

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

**Re: Proposed Project at 469-479 S. Old Woodward Avenue**

Dear City Commission and Planning Board Members:

I am writing to express my strong support for the 'Re-Zoning Request' for the Mixed-Use Project that is proposed for 469-479 S. Old Woodward Avenue.

The proposed project will replace two obsolete one-story buildings that are sandwiched between two high-rise, mixed-use buildings - Birmingham Place (to the north) which is 9 stories and the 555 Building (to the south) which is 15 stories. The City would benefit if these one-story buildings were redeveloped in a way that matches the scale and use of these adjacent buildings.

The project that has been proposed for this in-fill site should be approved because it would be appropriate for this parcel of land. If allowed to be built, the project would:

1. Be in harmony with the pattern of the neighboring buildings by filling in the noticeable 'gap' between them, which can be seen from both South Old Woodward and Woodward Avenue.
2. Be consistent with the building heights, uses, and character of Birmingham Place and the 555 Building.
3. Increase the walkability of this area by providing retail at the street level, and by strengthening the retail connection between Birmingham Place and the 555 Building.
4. Add foot traffic (shopper & travelers) to the south end of the city by encouraging foot traffic from the downtown to continue on the completed blocks.
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6. Adhere to the spirit and intent of both the 2016 Master Plan and the D5 zoning overlay.
7. Provide the required parking onsite and not rely on street parking (as the existing restaurant and bank do).
8. Be consistent with fundamental planning and land use principles.
9. Contribute to the economic vitality of the City of Birmingham.

For the above stated reasons and more, I respectfully request that the City Commission and Planning Board respond favorably to the re-zoning request and the proposed plans for this development.

Sincerely,

The Elia Group, LLC

Zaid D. Elia, President

Edwin B. and Felicia P. Shaw  
411 South Old Woodward Ave. Unit #910  
Birmingham, Michigan 48009

June 12 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project")

Ladies and Gentlemen:

We are residents of the City of Birmingham and are writing to express our deeply felt disapproval of and opposition to the request for rezoning and to the Proposed Project itself. We believe that a 9 story building on this 0.41 acre parcel would be totally out of place and inconsistent with the small town downtown concept we firmly believe is very important to maintaining the character and long-standing plan for this beautiful city.

The city's 2016 Master Plan intentionally left this little parcel zoned to limit building to 4 or 5 stories, and there is no reason to change that well thought out plan that the city has consistently followed for nearly 20 years. Virtually all other developments in this general area (e.g., Bristol, Forefront, Daxton, Brookside, 750 Forest. Peabody, etc.) are consistent with the 2016 Master Plan. It is crucial that the same rules apply to the Proposed Project, which is on footprint smaller than most, if not every, other recent development.

Anything built on this little parcel must be harmonious with the overall downtown design and long-range plans for that part of South Old Woodward. Birmingham was never meant to be, is not and should never be, cast in the mold of larger urban areas with high rise developments that cater to a much bigger population.


The Proposed Project is also esthetically displeasing. Instead of enhancing the Woodward corridor with an attractive entrance, it presents only a blank wall to the passing public. It would also create the hostile appearance of blocking off much of South Old Woodward and beyond by erecting a virtual wall of buildings running from the south end of the 555 residential units through the north end of Birmingham Place, reminiscent of medieval walls built around cities to keep people out, not to invite them in.

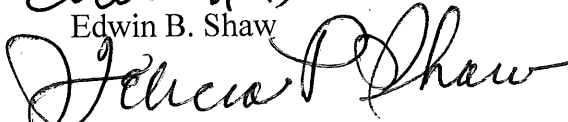
In addition, we have serious safety and other concerns, including:

1. Birmingham firefighting capability is limited to 7 stories. This would leave most of the back of the Proposed Project and virtually all of the south end of Birmingham Place with inadequate or no fire protection.
2. We also suggest that the Proposed Project would unduly burden our city's already hard-pressed police and public safety/rescue facilities.
3. Hazel Street is already a busy connector between Woodward and Old Woodward, especially at rush hour times. The Proposed Project would literally clog this small street with excess traffic, especially if the "four stack" valet service recommended by the developer's own traffic study is implemented and if the current four on-street parking spaces are included in the Proposed Project's plan for adequate parking, as Christopher Longe recently stated to the Planning Board would be the case. We note that the City's own traffic advisor, Fleis & Vandenbrink, also finds considerable fault with the developer's traffic study.
4. The demolition and construction time of the Proposed Project would be finite, but during that time, the heavy equipment needed for a project this size would cause construction damage to Hazel Street, Old Woodward and Woodward. Depending on the timing, this could result in at least the repaving work already planned for Old Woodward south having to be redone at a very substantial cost.
5. The Proposed Project will require deep excavation ("digging half way to China," as Mr. Longe recently expressed to the Planning Board) and heavy equipment and materials, which could seriously jeopardize the structural integrity of Birmingham Place. The developer has not adequately addressed this and has not made provision to repair, or more importantly to prevent, any damage to Birmingham Place.

Thank you for your time and attention, and for, we sincerely hope, your vote to preserve all the great attributes of this beautifully walkable, charming, friendly small city.

Yours very truly,

  
Edwin B. Shaw

  
Felicia P. Shaw



Jana Ecker <jecker@bhamgov.org>

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## Fwd: Proposal for a 9 story building on S. Old Woodward, Birmingham

1 message

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**Stuart Jeffares** <stuartjeffares@gmail.com>  
To: Jana Ecker <jecker@bhamgov.org>

Wed, Jun 13, 2018 at 9:52 PM

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

From: Julie Wolfe <[julie@moosejaw.com](mailto:julie@moosejaw.com)>  
Date: Sun, Jun 10, 2018, 1:08 PM  
Subject: Proposal for a 9 story building on S. Old Woodward, Birmingham  
To: Julie Wolfe <[julie@moosejaw.com](mailto:julie@moosejaw.com)>

From: Julie Wolfe  
[411 S. Old Woodward #1021](#)  
[Birmingham, MI 48009](#)

6/10/18

Birmingham City Commission  
Birmingham Planning Board  
[151 Martin Street](#)  
[Birmingham, MI 48009](#)

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project ")

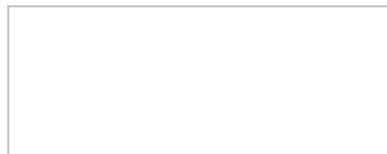
Ladies and Gentlemen:

I am a resident of the City of Birmingham and am writing to express my deeply felt disapproval of and opposition to the request for rezoning and to the Proposed Project itself. In 1996, after careful thought and planning, including obtaining outside expertise, and after much time and expense, the city adopted the 2016 Master Plan, which has been crucial to the current revival/success of downtown Birmingham and has been strictly followed for over twenty years. The 2016 Master Plan provided D5 zoning for only three already existing buildings. However, the small parcel for which re-zoning is requested was intentionally **not** zoned as D5, despite being located between two of the D5 buildings.

I believe that a nine story building on this 0.41 acre parcel would be totally out of place, would violate the 2016 Master Plan and would be inconsistent with the small town downtown concept I firmly believe is very important to maintaining the character and long-standing plan for this beautiful city. I respectfully ask that you stay the course that has been followed and has been successful for so long. More construction to this area is very disturbing and frustrating. The city has been torn up enough.

Thank you.

Julie Wolfe



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2 attachments



**image001.png**  
6K



**image003.png**  
7K



Jana Ecker &lt;jecker@bhamgov.org&gt;

---

**Fwd: 469-479 S. Old Woodward Ave. (the " Proposed Project") Objection**

1 message

---

**Stuart Jeffares** <stuartjeffares@gmail.com>  
To: Jana Ecker <jecker@bhamgov.org>

Wed, Jun 13, 2018 at 9:52 PM

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

From: Alice Lezotte <zareyskid@gmail.com>  
Date: Sun, Jun 10, 2018, 12:53 PM  
Subject: Fwd: [469-479 S. Old Woodward Ave.](#) (the " Proposed Project") Objection  
To: <stuartjeffares@gmail.com>

Sent from my iPad

Begin forwarded message:

**From:** Alice Lezotte <zareyskid@gmail.com>  
**Date:** June 10, 2018 at 12:47:33 PM EDT

**Subject:** [469-479 S. Old Woodward Ave.](#) (the " Proposed Project") Objection

[411 S. Old Woodward. #511](#)

[Birmingham, MI. 48000](#)

June 8, 2018

Mr. Jeffares, I am a city of Birmingham constituent. I would like to express my disapproval and opposition to the request for rezoning and to the Proposed Project itself.

The Birmingham city code has many statements to keep in mind when considering a new city project ( I paraphrase):

1. Regulation and control of a project should promote the public health, safety, and general welfare of the city
2. Provide orderly growth and HARMONIOUS development
3. Secure adequate traffic circulation and "lessen" congestion on our streets
4. Ensure adequate provisions for water drainage, sanitary sewer facilities, and other health requirements
5. Achieve the maximum utility and "livability" of a project
6. Natural features must be preserved and changes should "add" to the attractiveness and "value" of the neighborhood
7. Any Proposed project should take into consideration as to the impact on 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 water, sanitary sewers, and refuse disposal  
Wise decisions have been made in the past (e.g., Forefront, Bristol,etc.) in accordance with The city's 2016 Master Plan and our Building Codes.



6/19/2018

City of Birmingham MI Mail - Fwd: 469-479 S. Old Woodward Ave. (the " Proposed Project") Objection

It is my hope similar consideration will prevail and this proposal will be denied.

Maple Road and Woodward on the south east corner would be an ideal location for this proposed project.

We want to keep our "Walkable" community as safe and pleasant as possible.

Best regards,

Alice Lezotte

Eric and Janis Sterling  
411 S. Old Woodward Avenue, Unit 615  
Birmingham, MI 48009

June 7, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project ")

Ladies and Gentlemen:

We are residents of the City of Birmingham and are writing to express our deeply felt disapproval of and opposition to the request for rezoning and to the Proposed Project itself. We believe that a 9 story building on this 0.41 acre parcel would be totally out of place and inconsistent with the small town downtown concept we firmly believe is very important to maintaining the character and long-standing plan for this beautiful city.

The city's 2016 Master Plan intentionally left this little parcel zoned to limit building to 4 or 5 stories, and there is no reason to change that well thought out plan that the city has consistently followed for nearly 20 years. Virtually all other developments in this general area (e.g., Bristol, Forefront, Daxton, Brookside, 750 Forest. Peabody, etc.) are consistent with the 2016 Master Plan. It is crucial that the same rules apply to the Proposed Project, which is on footprint smaller than most, if not every, other recent development.

Anything built on this little parcel must be harmonious with the overall downtown design and long-range plans for that part of South Old Woodward. Birmingham was never meant to be, is not and should never be, cast in the mold of larger urban areas with high rise developments that cater to a much bigger population.

The Proposed Project is also esthetically displeasing. Instead of enhancing the Woodward corridor with an attractive entrance, it presents only a blank wall to the passing public. It would also create the hostile appearance of blocking off much of South Old Woodward and beyond by erecting a virtual wall of buildings running from the south end of the 555 residential units through the north end of Birmingham Place, reminiscent of medieval walls built around cities to keep people out, not to invite them in.

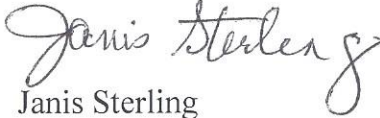
In addition, we have serious safety and other concerns, including:

1. Birmingham firefighting capability is limited to 7 stories. This would leave most of the back of the Proposed Project and virtually all of the south end of Birmingham Place with inadequate or no fire protection.
2. We also suggest that the Proposed Project would unduly burden our city's already hard-pressed police and public safety/rescue facilities.
3. Hazel Street is already a busy connector between Woodward and Old Woodward, especially at rush hour times. The Proposed Project would literally clog this small street with excess traffic, especially if the "four stack" valet service recommended by the developer's own traffic study is implemented and if the current four on-street parking spaces are included in the Proposed Project's plan for adequate parking, as Christopher Longe recently stated to the Planning Board would be the case. We note that the City's own traffic advisor, Fleis & Vandenbrink, also finds considerable fault with the developer's traffic study.
4. The demolition and construction time of the Proposed Project would be finite, but during that time, the heavy equipment needed for a project this size would cause construction damage to Hazel Street, Old Woodward and Woodward. Depending on the timing, this could result in at least the repaving work already planned for Old Woodward south having to be redone at a very substantial cost.
5. The Proposed Project will require deep excavation ("digging half way to China," as Mr. Longe recently expressed to the Planning Board) and heavy equipment and materials, which could seriously jeopardize the structural integrity of Birmingham Place. The developer has not adequately addressed this and has not made provision to repair, or more importantly to prevent, any damage to Birmingham Place.

Thank you for your time and attention, and for, we sincerely hope, your vote to preserve all the great attributes of this beautifully walkable, charming, friendly small city.

Yours very truly,

  
Eric Sterling

  
Janis Sterling

411 S. Old Woodward Ave., Unit 1018  
Birmingham, MI 48009  
May 16, 2018

**VIA HAND DELIVERY**

Ms. Jana Ecker, Director  
City of Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Development")  
Request to Rezone from B3/D4 to B3/D5 Filed by Christopher Long  
on Behalf of Birmingham Tower Partners, LLC (the "Applicant")  
Hearing Scheduled for Wednesday, May 23, 2018 (the "Hearing")

Dear Ms. Ecker:

I request that the Hearing be rescheduled for two (2) reasons. First, I received notice of the Hearing by mail on May 8, 2018 and visited the City Planning Office on Friday, May 11, 2018 to review the application. As of that date, the Applicant had not filed the statements required under subsection 7.02 B.2.b of the Rezoning Amendments (i.e., explanations of why rezoning is necessary, of why the existing zoning classification is no longer appropriate, and of why the proposed rezoning will not be detrimental to the surrounding properties). I suggest that failure to timely file those explanations caused the notice of the Hearing not to meet the fifteen (15) day advance notification required under subsection 7.02 B.4.a.i of the Rezoning Amendments.

Second, as a Birmingham resident living adjacent to the Proposed Development, I would appreciate time to review the very extensive documents filed by the Applicant. I suggest that public input is critical on a project that seeks to permission to erect the first building greater than five (5) stories to be built in downtown Birmingham in decades, which could well set a precedent for continuing development of high rise structures in our beautiful community. Substantial additional time will be required for myself and the many other Birmingham residents who are affected by the Proposed Development to adequately review and to respond to these filings.

Please contact me at the above address, via email to [mickeyschwartz@gmail.com](mailto:mickeyschwartz@gmail.com), or at telephone numbers (248) 229-9989 or (248) 593-3155 with any questions or further requirements and in any event with the new hearing date. Thank you for your time and attention.

Yours very truly,



Michael Schwartz, MD

xc: Applicant (via email to [dsmarkus@yahoo.com](mailto:dsmarkus@yahoo.com))  
Planning Board Members (via separate emails)



UNIT #806

411 S. Old Woodward, Suite  
Birmingham, MI 48009

June 15, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project")

Ladies and Gentlemen:

I am a resident of the City of Birmingham and am writing to express my deeply felt disapproval of and opposition to the request for rezoning and to the Proposed Project itself. I believe that a 9 story building on this 0.41 acre parcel would be totally out of place and inconsistent with the small town downtown concept we firmly believe is very important to maintaining the character and long-standing plan for this beautiful city.

The city's 2016 Master Plan intentionally left this little parcel zoned to limit building to 4 or 5 stories, and there is no reason to change that well thought out plan that the city has consistently followed for nearly 20 years. Virtually all other developments in this general area (e.g., Bristol, Forefront, Daxton, Brookside, 750 Forest. Peabody, etc.) are consistent with the 2016 Master Plan. It is crucial that the same rules apply to the Proposed Project, which is on footprint smaller than most, if not every, other recent development.

Anything built on this little parcel must be harmonious with the overall downtown design and long-range plans for that part of South Old Woodward. Birmingham was never meant to be, is not and should never be, cast in the mold of larger urban areas with high rise developments that cater to a much bigger population.

The Proposed Project is also esthetically displeasing. Instead of enhancing the Woodward corridor with an attractive entrance, it presents only a blank wall to the passing public. It would also create the hostile appearance of blocking off much of South Old Woodward and beyond by erecting a virtual wall of buildings running from the south end of the 555 residential units through the north end of Birmingham Place, reminiscent of medieval walls built around cities to keep people out, not to invite them in.

In addition, I have serious safety and other concerns, including:

1. Birmingham firefighting capability is limited to 7 stories. This would leave most of the back of the Proposed Project and virtually all of the south end of Birmingham Place with inadequate or no fire protection.

2. We also suggest that the Proposed Project would unduly burden our city's already hard-pressed police and public safety/rescue facilities.
3. Hazel Street is already a busy connector between Woodward and Old Woodward, especially at rush hour times. The Proposed Project would literally clog this small street with excess traffic, especially if the "four stack" valet service recommended by the developer's own traffic study is implemented and if the current four on-street parking spaces are included in the Proposed Project's plan for adequate parking, as Christopher Longe recently stated to the Planning Board would be the case. We note that the City's own traffic advisor, Fleis & Vandenbrink, also finds considerable fault with the developer's traffic study.
4. The demolition and construction time of the Proposed Project would be finite, but during that time, the heavy equipment needed for a project this size would cause construction damage to Hazel Street, Old Woodward and Woodward. Depending on the timing, this could result in at least the repaving work already planned for Old Woodward south having to be redone at a very substantial cost.
5. The Proposed Project will require deep excavation ("digging half way to China," as Mr. Longe recently expressed to the Planning Board) and heavy equipment and materials, which could seriously jeopardize the structural integrity of Birmingham Place. The developer has not adequately addressed this and has not made provision to repair, or more importantly to prevent, any damage to Birmingham Place.

Thank you for your time and attention, and for, we sincerely hope, your vote to preserve all the great attributes of this beautifully walkable, charming, friendly small city.

Yours very truly,

*Michael C. Schwartz*  
*Doni Schwartz*

*411 S. Old Woodward*  
*#1018*

*B'ham 38009*

411 S. Old Woodward, Suite  
Birmingham, MI 48009

June 15, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project ")

Ladies and Gentlemen:

I am a resident of the City of Birmingham and am writing to express my deeply felt disapproval of and opposition to the request for rezoning and to the Proposed Project itself. I believe that a 9 story building on this 0.41 acre parcel would be totally out of place and inconsistent with the small town downtown concept we firmly believe is very important to maintaining the character and long-standing plan for this beautiful city.

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Anything built on this little parcel must be harmonious with the overall downtown design and long-range plans for that part of South Old Woodward. Birmingham was never meant to be, is not and should never be, cast in the mold of larger urban areas with high rise developments that cater to a much bigger population.

The Proposed Project is also esthetically displeasing. Instead of enhancing the Woodward corridor with an attractive entrance, it presents only a blank wall to the passing public. It would also create the hostile appearance of blocking off much of South Old Woodward and beyond by erecting a virtual wall of buildings running from the south end of the 555 residential units through the north end of Birmingham Place, reminiscent of medieval walls built around cities to keep people out, not to invite them in.

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Thank you for your time and attention, and for, I sincerely hope, your vote to preserve all the great attributes of this beautifully walkable, charming, friendly small city.

Yours very truly,

T. J. ELSHOLTZ



E. A. ELSHOLTZ





411 S. Old Woodward, Suite  
Birmingham, MI 48009

June 15, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project")

Ladies and Gentlemen:

I am a resident of the City of Birmingham and am writing to express my deeply felt disapproval of and opposition to the request for rezoning and to the Proposed Project itself. I believe that a 9 story building on this 0.41 acre parcel would be totally out of place and inconsistent with the small town downtown concept we firmly believe is very important to maintaining the character and long-standing plan for this beautiful city.

The city's 2016 Master Plan intentionally left this little parcel zoned to limit building to 4 or 5 stories, and there is no reason to change that well thought out plan that the city has consistently followed for nearly 20 years. Virtually all other developments in this general area (e.g., Bristol, Forefront, Daxton, Brookside, 750 Forest. Peabody, etc.) are consistent with the 2016 Master Plan. It is crucial that the same rules apply to the Proposed Project, which is on footprint smaller than most, if not every, other recent development.

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Yours very truly,

*Lizma Tellman*

*Unit 606*

*411 S. Old Woodward Ave  
Birmingham, AL 35209*

411 S. Old Woodward, Suite 902  
Birmingham, MI 48009

June 15, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project")

Ladies and Gentlemen:

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Thank you for your time and attention, and for, we sincerely hope, your vote to preserve all the great attributes of this beautifully walkable, charming, friendly small city.

Yours very truly,

*Ralph G. Boyll*  
Ralph Boyll

*Rose Boyll*  
Rose Boyll

06/08/18

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project")

Ladies and Gentlemen:

We are residents of the City of Birmingham and are writing to express our deeply felt disapproval of and opposition to the request for rezoning and to the Proposed Project itself. We believe that a 9 story building on this 0.41 acre parcel would be totally out of place and inconsistent with the small town downtown concept we firmly believe is very important to maintaining the character and long-standing plan for this beautiful city.

The city's 2016 Master Plan intentionally left this little parcel zoned to limit building to 4 or 5 stories, and there is no reason to change that well thought out plan that the city has consistently followed for nearly 20 years. Virtually all other developments in this general area (e.g., Bristol, Forefront, Daxton, Brookside, 750 Forest. Peabody, etc.) are consistent with the 2016 Master Plan. It is crucial that the same rules apply to the Proposed Project, which is on footprint smaller than most, if not every, other recent development.

Anything built on this little parcel must be harmonious with the overall downtown design and long-range plans for that part of South Old Woodward. Birmingham was never meant to be, is not and should never be, cast in the mold of larger urban areas with high rise developments that cater to a much bigger population.

The Proposed Project is also esthetically displeasing. Instead of enhancing the Woodward corridor with an attractive entrance, it presents only a blank wall to the passing public. It would also create the hostile appearance of blocking off much of South Old Woodward and beyond by erecting a virtual wall of buildings running from the south end of the 555 residential units through the north end of Birmingham Place, reminiscent of medieval walls built around cities to keep people out, not to invite them in.

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Thank you for your time and attention, and for, I sincerely hope, your vote to preserve all the great attributes of this beautifully walkable, charming, friendly small city.

Yours very truly,

  
Eunice Galperin



411 S. Old Woodward, Suite  
Birmingham, MI 48009

June 15, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project")

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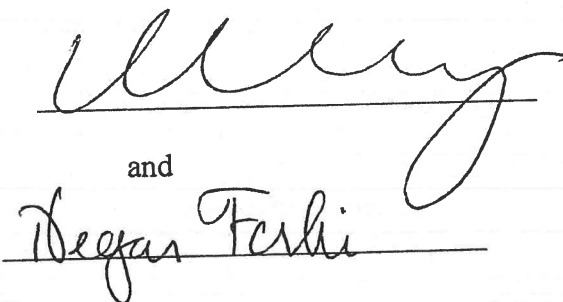
Thank you for your time and attention, and for, we sincerely hope, your vote to preserve all the great attributes of this beautifully walkable, charming, friendly small city.

Yours very truly,

Vandad Raofi

and

Negar Farhi

The block contains two handwritten signatures. The first signature, for Vandad Raofi, is written in dark ink and is quite stylized, with a long, sweeping horizontal line extending to the right. The second signature, for Negar Farhi, is also in dark ink and is more compact, with a distinct 'N' and 'F'. Both signatures are placed over horizontal lines that serve as baselines for the text.

Unit # 703

411 S. Old Woodward, Suite  
Birmingham, MI 48009

June 15, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project")

Ladies and Gentlemen:

I am a resident of the City of Birmingham and am writing to express my deeply felt disapproval of and opposition to the request for rezoning and to the Proposed Project itself. I believe that a 9 story building on this 0.41 acre parcel would be totally out of place and inconsistent with the small town downtown concept we firmly believe is very important to maintaining the character and long-standing plan for this beautiful city.

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Thank you for your time and attention, and for, I sincerely hope, your vote to preserve all the great attributes of this beautifully walkable, charming, friendly small city.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Arthur Jones". The signature is fluid and cursive, with a large, stylized initial "A" and a long, sweeping underline.

Birmingham, MI 48009

June 16, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project")

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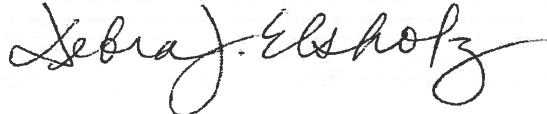
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Yours very truly,

Debra J. Elsholz  


411 S. Old Woodward, Suite 729  
Birmingham, MI 48009

June 8, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project")

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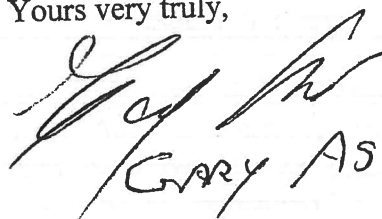
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Yours very truly,

  
Gary Askeir  
305 Purdy



411 S. Old Woodward, Suite  
Birmingham, MI 48009

June 15, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project")

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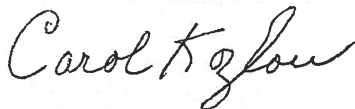
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Thank you for your time and attention, and for, I sincerely hope, your vote to preserve all the great attributes of this beautifully walkable, charming, friendly small city.

Yours very truly,

Carol Kozlow

A handwritten signature in cursive script that reads "Carol Kozlow". The signature is written in dark ink and is positioned below the printed name.

ADDRESS: 411 S. Old Woodward #1028  
Birmingham Mi  
DATE: 6-9-2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

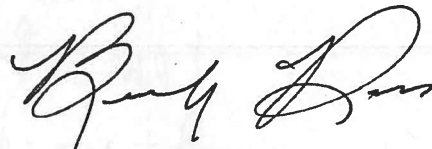
Re: 469-479 S. Old Woodward Avenue (the "Proposed Project")

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Yours very truly,

  
Bev Ross

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Yours very truly,

  
Lewis P. Rucklshaus  
Birmingham Place  
Unit 510

Birmingham, MI 48009

June 18, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

1034 Waterfall Court  
Birmingham MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project")

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Yours very truly,

Judge Susan D. Borman (Retired)

Susan Borman

411 S. Old Woodward, Suite  
Birmingham, MI 48009

June 15, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project ")

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Yours very truly,

*Erin Mellett*

ADDRESS:

DATE:

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

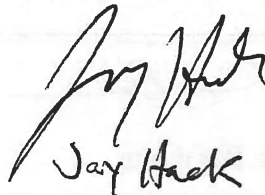
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Yours very truly,



1276 Smith Ave.

Birmingham, MI 48009



411 S. Old Woodward  
Birmingham, MI 48009

June 19, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project ")

Ladies and Gentlemen:

I am a resident of the City of Birmingham and am writing to express my deeply felt disapproval of and opposition to the request for rezoning and to the Proposed Project itself. In 1996, after careful thought and planning, including obtaining outside expertise, and after much time and expense, the city adopted the 2016 Master Plan, which has been crucial to the current revival/success of downtown Birmingham and has been strictly followed for over twenty years. The 2016 Master Plan provided D5 zoning for only three already existing buildings. However, the small parcel for which re-zoning is requested was intentionally *not* zoned as D5, despite being located between two of the D5 buildings.

I believe that a nine story building on this 0.41 acre parcel would be totally out of place, would violate the 2016 Master Plan and would be inconsistent with the small town downtown concept I firmly believe is very important to maintaining the character and long-standing plan for this beautiful city. I respectfully ask that you stay the course that has been followed and has been successful for so long. Thank you.

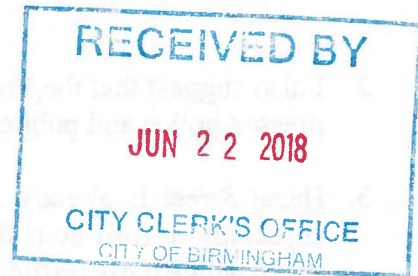
Yours very truly,

A handwritten signature in dark ink, appearing to read 'Dana Bassipour', with a stylized flourish at the end.

Dana Bassipour

411 S. Old Woodward, Suite  
Birmingham, MI 48009

June 15, 2018



Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project")

Ladies and Gentlemen:

I am a resident of the City of Birmingham and am writing to express my deeply felt disapproval of and opposition to the request for rezoning and to the Proposed Project itself. I believe that a 9 story building on this 0.41 acre parcel would be totally out of place and inconsistent with the small town downtown concept we firmly believe is very important to maintaining the character and long-standing plan for this beautiful city.

The city's 2016 Master Plan intentionally left this little parcel zoned to limit building to 4 or 5 stories, and there is no reason to change that well thought out plan that the city has consistently followed for nearly 20 years. Virtually all other developments in this general area (e.g., Bristol, Forefront, Daxton, Brookside, 750 Forest. Peabody, etc.) are consistent with the 2016 Master Plan. It is crucial that the same rules apply to the Proposed Project, which is on footprint smaller than most, if not every, other recent development.

Anything built on this little parcel must be harmonious with the overall downtown design and long-range plans for that part of South Old Woodward. Birmingham was never meant to be, is not and should never be, cast in the mold of larger urban areas with high rise developments that cater to a much bigger population.

The Proposed Project is also esthetically displeasing. Instead of enhancing the Woodward corridor with an attractive entrance, it presents only a blank wall to the passing public. It would also create the hostile appearance of blocking off much of South Old Woodward and beyond by erecting a virtual wall of buildings running from the south end of the 555 residential units through the north end of Birmingham Place, reminiscent of medieval walls built around cities to keep people out, not to invite them in.

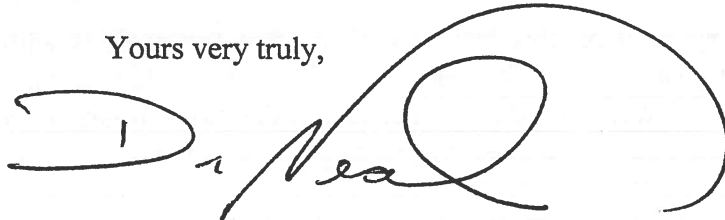
In addition, I have serious safety and other concerns, including:

1. Birmingham firefighting capability is limited to 7 stories. This would leave most of the back of the Proposed Project and virtually all of the south end of Birmingham Place with inadequate or no fire protection.

2. I also suggest that the Proposed Project would unduly burden our city's already hard-pressed police and public safety/rescue facilities.
3. Hazel Street is already a busy connector between Woodward and Old Woodward, especially at rush hour times. The Proposed Project would literally clog this small street with excess traffic, especially if the "four stack" valet service recommended by the developer's own traffic study is implemented and if the current four on-street parking spaces are included in the Proposed Project's plan for adequate parking, as Christopher Longe recently stated to the Planning Board would be the case. We note that the City's own traffic advisor, Fleis & Vandenbrink, also finds considerable fault with the developer's traffic study.
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Thank you for your time and attention, and for, I sincerely hope, your vote to preserve all the great attributes of this beautifully walkable, charming, friendly small city.

Yours very truly,

A handwritten signature in black ink, appearing to read "Dr. Neal". The signature is stylized with a large, sweeping loop at the end.

411 S. Old Woodward, Suite 1012  
Birmingham, MI 48009

June 14, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project")

Ladies and Gentlemen:

I am a resident of the City of Birmingham and am writing to express my deeply felt disapproval of and opposition to the request for rezoning and to the Proposed Project itself. I believe that a 9 story building on this 0.41 acre parcel would be totally out of place and inconsistent with the small town downtown concept we firmly believe is very important to maintaining the character and long-standing plan for this beautiful city.

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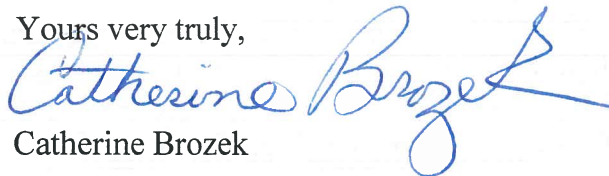
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Thank you for your time and attention, and for, I sincerely hope, your vote to preserve all the great attributes of this beautifully walkable, charming, friendly small city.

Yours very truly,



Catherine Brozek



June 25, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: Proposed Project at 469-479 S. Old Woodward Avenue

Dear City Commission and Planning Board Members,

I am writing to express my strong support for the 'Re-Zoning Request' for the Mixed-Use Project that is proposed for 469-479 S. Old Woodward Avenue.

The proposed project will replace two obsolete one-story buildings that are sandwiched between two high-rise, mixed-use buildings - Birmingham Place (to the north) which is 9 stories and the 555 Building (to the south) which 15 stories. The City would benefit if these one-story buildings were redeveloped in a way that matches the scale and use of these adjacent buildings.

The project that has been proposed for this in-fill site should be approved because it would be appropriate for this parcel of land. If allowed to be built, the project would:

1. Be in harmony with the pattern of the neighboring buildings by filling in the noticeable 'gap' between them, which can be seen from both South Old Woodward and Woodward Avenue.
2. Be consistent with the building heights, uses, and character of Birmingham Place and the 555 Building.
3. Increase the walkability of this area by providing retail at the street level, and by strengthening the retail connection between Birmingham Place and the 555 Building.
4. Add foot traffic (shopper & travelers) to the south end of the city by encouraging foot traffic from the downtown to continue on the completed blocks.
5. Activate Hazel Street in perpetuity – while currently busy with construction bypass traffic, Hazel is an otherwise dormant street (which is vacated on the east side of Woodward Avenue).
6. Adhere to the spirit and intent of both the 2016 Master Plan and the D5 zoning overlay.
7. Provide the required parking onsite and not rely on street parking (as the existing restaurant and bank do).
8. Be consistent with fundamental planning and land use principles.
9. Contribute to the economic vitality of the City of Birmingham.

For the above stated reasons and more, I respectfully request that the City Commission and Planning Board respond favorably to the re-zoning request and the proposed plans for this development.

Sincerely,



Derek Dickow  
211 E Merrill St., 504  
Birmingham, MI 48009





411 S. Old Woodward, Suite  
Birmingham, MI 48009

June 15, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project")

Ladies and Gentlemen:

I am a resident of the City of Birmingham and am writing to express my deeply felt disapproval of and opposition to the request for rezoning and to the Proposed Project itself. I believe that a 9 story building on this 0.41 acre parcel would be totally out of place and inconsistent with the small town downtown concept we firmly believe is very important to maintaining the character and long-standing plan for this beautiful city.

The city's 2016 Master Plan intentionally left this little parcel zoned to limit building to 4 or 5 stories, and there is no reason to change that well thought out plan that the city has consistently followed for nearly 20 years. Virtually all other developments in this general area (e.g., Bristol, Forefront, Daxton, Brookside, 750 Forest. Peabody, etc.) are consistent with the 2016 Master Plan. It is crucial that the same rules apply to the Proposed Project, which is on footprint smaller than most, if not every, other recent development.

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In addition, I have serious safety and other concerns, including:

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Thank you for your time and attention, and for, I sincerely hope, your vote to preserve all the great attributes of this beautifully walkable, charming, friendly small city.

Yours very truly,

*Victoria Shouneyia*  
*Victoria Shouneyia*  
*Unit # 514*

411 S. Old Woodward, Suite  
Birmingham, MI 48009

June 15, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project")

Ladies and Gentlemen:

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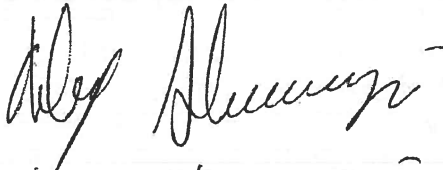
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Yours very truly,

  
Alex Shoenberger

# 514

JORDAN ALLEN BRODER

600 W Brown Street  
Birmingham, MI 48009

June 10, 2018

Birmingham City Council  
Birmingham Planning Board  
151 Martin Street  
Birmingham, Michigan 48009

Re: 469-479 Old South Woodward Avenue ("Proposed Project")

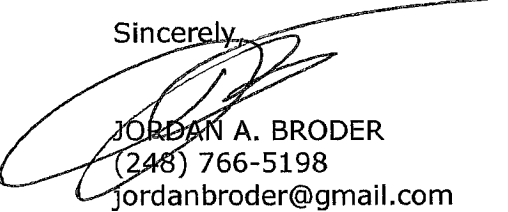
Dear Members of the City Council,

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I believe that a nine-story building on this less than ½ acre parcel would be totally out of place, would violate the 2016 Master Plan and would be inconsistent with the "small town" downtown concept that I firmly believe is very important in maintaining the character and long-standing plan for this beautiful city. I respectfully ask that you stay the course that has been followed and has been successful for so long.

Thank you for considering my position on this issue.

Sincerely,



JORDAN A. BRODER  
(248) 766-5198  
jordanbroder@gmail.com

411 S. Old Woodward, Suite 603  
Birmingham, MI 48009

June 8, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project")

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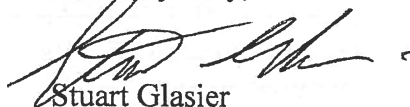
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Thank you for your time and attention, and for, I sincerely hope, your vote to preserve all the great attributes of this beautifully walkable, charming, friendly small city.

Yours very truly,



Stuart Glasier



2400 East Lincoln Street, Unit 425  
Birmingham, MI 48009

June 8, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project")

Ladies and Gentlemen:

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411 S. Old Woodward, Suite  
Birmingham, MI 48009

June 15, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

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Yours very truly,

*Alice Legatte #511*

411 S. Old Woodward, Suite  
Birmingham, MI 48009

June 15, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project ")

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Yours very truly,

  
Ted Elsholz

ADDRESS: ~~411~~ 411 S. Old Woodward, #1029  
DATE: 6/7/2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

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Yours very truly,



Nikole Fine

VMT #521

**ADDRESS:**

**DATE:**

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project")

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Yours very truly,

A handwritten signature in cursive script, reading "Brenda Knight". The signature is written in dark ink and is positioned above two vertical red lines that serve as a separator.

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Birmingham Planning Board  
151 Martin Street  
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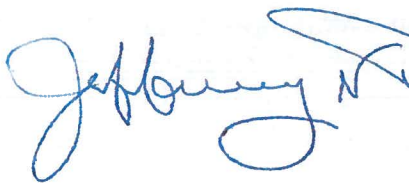
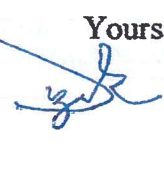
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Yours very truly,

  . 955 Bud Birmingham, HI  
48009

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Birmingham Planning Board  
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Yours very truly,



4115 Old Woodward  
Unit 624  
Birmingham, AL





Jana Ecker &lt;jecker@bhamgov.org&gt;

---

## Rezoning issue

1 message

---

**Clinton Baller** <cmballer@avidpays.com>  
To: Jana Ecker <Jecker@bhamgov.org>

Fri, Jun 22, 2018 at 10:17 AM

Jana,

Could you please let the Planning Board know my thoughts on the rezoning request for the former Franklin/First Place/Talmer bank building and Chinese restaurant on Woodward/Old Woodward?

I don't know why that property was not included in the D5 rezoning that occurred several months ago, but it should have been. Birmingham Place is nine stories, and the 555 building is 15. I can't imagine that the city would not allow something of similar height and mass to occupy the space between these two projects.

Beyond that, I think the city ought to insist on a project that brings some vitality to Old Woodward and the side street (Hazel), which are now dead zones. Either that, or just vacate Hazel insist on a use that is advantageous to the city.

My two cents, which are worth at least a nickel, I think.

Cheers!

Clint

PETER R. SOBELTON  
420 HARMON  
BIRMINGHAM, MI 48009  
248-433-5200



June 27, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin St  
Birmingham, MI 48009

I am writing to express my strong support for the Re-Zoning request for the mixed use project being proposed for 469-479 S. Old Woodward Ave.

The proposed project will fit in nicely with its neighbors on either side, bearing in mind, each of which are 9 and 15 stories in height. With this development, rather than the present one story buildings, we will now have a building matching the scale, character and use of those buildings on either side.

Additionally, the proposed project would most certainly attract a greater amount of people to the south end of town, and no doubt also throughout the town, while adding retail shopping, thus tying into the already existing retail in the two neighboring buildings. Perhaps one of the most advantageous parts of the project, will be the alleviation of the necessity to accommodate parking on the street, as a result of the parking that will be provided on site.

This project is a win-win, and should be approved for re-zoning in the most hasty of manners, continuing Birmingham's lead in cutting edge developments, as we continue to see the increasing competition for tenancy from our neighboring cities.

Sincerely,



Peter R. Sobelton



411 S. Old Woodward Avenue  
Birmingham, MI 48009

June 27, 2018



Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009

Re: 469-479 S. Old Woodward Avenue (the "Proposed Project")

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Yours very truly,

A handwritten signature in black ink, appearing to read "Tom Longe". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

411 S. Old Woodward, Suite # 725  
Birmingham, MI 48009

June 15, 2018

Birmingham City Commission  
Birmingham Planning Board  
151 Martin Street  
Birmingham, MI 48009



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Yours very truly,

*Rose M. Boyle*  
*Ralph S. Boyle*



## MEMORANDUM

Planning Division

**DATE:** June 29, 2018

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

**FROM:** Matthew Baka, Senior Planner

**APPROVED:** Jana Ecker, Planning Director

**SUBJECT:** 225 E. Maple – Social Kitchen – Special Land Use Permit Amendment and Final Site Plan & Design Review

---

The applicant is proposing to replace the existing retractable awnings covering the rooftop dining area with a new unenclosed rooftop canopy with wood pergola, retractable canvas panels (overhead only), new lighting, fans, and a fire suppression system. Other work proposed is the recladding of the existing canopy over the exit stairs leading to the Via, relocation of service doors, new wall finishes on the rooftop, and new planters. Finally, the applicant is proposing to paint the existing building a new color.

On May 23, 2018, the Planning Board voted to recommend approval of the applicant's request for Final Site Plan and a Special Land Use Permit Amendment to the City Commission for Social Kitchen and Bar at 225 E. Maple with the following conditions:

- 1) Historic District Commission approval to be required as the proposed bistro is located within the Central Business District Historic District;
- 2) The applicant complies with the requirements of City departments and ensures that the canopy projection is within the regulations of the City.

On June 20, 2018, the Historic District Commission voted to approve the applicant's proposal as presented.

The Planning Division requests that the City Commission set a public hearing date for **August 13, 2018** to consider approval of a Special Land Use Permit Amendment and Final Site Plan to make changes to the existing bistro, Social Kitchen and Bar, at 223 - 225 E. Maple. This request is made pursuant to Article 7, section 7.34, of the Zoning Code, as recommended by the Planning Board on May 23, 2018 and approved by the Historic District Commission on June 20, 2018

**Suggested Action:**

To set a public hearing date for **August 13, 2018** to consider approval of the Final Site Plan and Special Land Use Permit for 225 E. Maple, Social Kitchen and Bar, pursuant to Article 7, section 7.34, Zoning, of the Birmingham City Code.

SOCIAL KITCHEN AND BAR  
225 E. MAPLE  
SPECIAL LAND USE PERMIT AMENDMENT  
2018

- WHEREAS, Social Kitchen and Bar filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to request an Amendment to the existing Special Land Use Permit for the bistro currently in operation at 225 E. Maple;
- WHEREAS, The City Commission granted approval of a Special Land Use Permit for the Social Kitchen Bistro on January 9, 2011;
- WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the north side of E. Maple between N. Old Woodward and Woodward;
- WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits bistros with a Special Land Use Permit;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit Amendment to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;
- WHEREAS, The Planning Board on May 23, 2018 reviewed the application for a Special Land Use Permit Amendment and recommended approval with the following conditions:
- 1) Historic District Commission approval to be required as the proposed bistro is located within the Central Business District Historic District;
  - 2) The applicant complies with the requirements of City departments and ensures that the canopy projection is within the regulations of the City.
- WHEREAS, The applicant has agreed to comply with all conditions for approval as recommended by the Planning Board on May 23, 2018;
- WHEREAS, The applicant was granted approval by the Historic District Commission on June 20, 2018;
- WHEREAS, The Birmingham City Commission has reviewed Social Kitchen and Bar's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;
- NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that the Social Kitchen and Bar application for a Special Land Use Permit Amendment authorizing the operation of a bistro at 225 E. Maple in accordance with Chapter 10, Alcoholic Liquors, is hereby approved;
- BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare,

this Special Land Use Permit Amendment is granted subject to the following conditions:

1. Social Kitchen and Bar shall abide by all provisions of the Birmingham City Code;
2. Social Kitchen and Bar shall comply with the conditions of the Planning Board recommendation;
3. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest;
4. The hours of operation for outdoor dining shall cease at 12:00 a.m.;
5. Social Kitchen and Bar shall provide for the removal of disposable materials resulting from the operation and maintain the area in a clean and orderly condition by providing the necessary employees to guarantee this condition, and by the placement of a trash receptacle in the outdoor seating area;

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, Social Kitchen and Bar and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Social Kitchen and Bar to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, Cherilynn Mysnberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on August 13, 2018.

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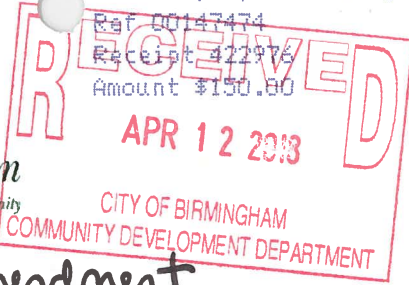
Cherilynn Mysnberge, City Clerk





CITY OF BIRMINGHAM  
Date 04/13/2018 3:17:14 PM

Ref: 00147474  
Receipt: 422976  
Amount: \$150.00



## Special Land Use Permit Application - Bistro amendment

### Planning Division

#### 1. Applicant

Name: Josh Humphrey  
Address: 225 E. Maple Rd.  
Birmingham, MI 48009  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Email Address: josh@pearandcarrots  
hospitality.com

#### 2. Applicant's Attorney/Contact Person

Name: same as designer  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Email Address: \_\_\_\_\_

#### 3. Required Attachments

- Warranty Deed with legal description of property
- Certified Land Survey
- Two (2) folded copies of plans including site plan, color elevations, landscape plan, photo-metric plan, interior floor plan
- Catalog sheets for all proposed lighting & outdoor furniture
- Summary of Bistro concept and sample menu

#### Property Owner

Name: Rabbit Holdings LLC  
Address: 6905 Telegraph Rd. Ste 125  
Bloomfield Hills, MI 48301  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Email Address: \_\_\_\_\_

#### Project Designer/Developer

Name: Ron & Roman, Inc.  
Address: 275 E. Frank St.  
Birmingham, MI 48009  
Phone Number: 248-723-5790  
Fax Number: \_\_\_\_\_  
Email Address: roman@ronandroman.com

- Completed Checklist
- Photographs of existing site and buildings
- Signed Contract
- Proof of ability to finance the proposed project
- Required fee (see Fee Schedule for applicable amount)
- Additional information as required

#### 4. Project Information

Address/Location of Property: 225 E. Maple Rd.  
Name of Bistro: Social Kitchen & Bar  
Sidwell #: 08-19-25-456-019  
Current Use: A-2  
Proposed Use: A-2  
Area in Acres: \_\_\_\_\_  
Current Zoning: CB0  
Zoning of Adjacent Properties: CB0  
Is there a current SLUP in effect for this site?: yes

Name of Historic District site is in, if any: central business historic district  
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: \_\_\_\_\_

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

new roof top canopy (unenclosed) with wood pergola, canvas panels, lighting,  
fans & fire suppression to replace existing retractable awnings. Reclad  
existing canopy over exit stair. Relocate service doors on rooftop for improved  
function, new wall finishes on rooftop, new bamboo in planter on roof.  
Also painting existing building in a new color.

## 6. Buildings and Structures existing on site

Number of Buildings on site: 1  
Height of Building & # of stories: 1 story, 28'

Use of Buildings: A-2  
Height of rooftop mechanical equipment: existing

## 7. Floor Use and Area (in square feet)

### Structures:

Restaurant Space: 2720  
Office space: —  
Total floor area: 3013.1

Retail space: —  
Number of Residential Units: —  
Rental or Condominium: —

## 8. Bistro Operation

Number of Indoor Seats: 64 (existing)  
Number of Outdoor Seats: 86 (existing)  
Entertainment Proposed: —  
Years of Experience in Birmingham: —  
Previous LCC Complaints?: —  
Tables provided along street façade: yes  
Required front setback: 0  
Required rear setback: 0  
Required total side setback: 0

Type of Cuisine: —  
Bar Area? yes  
Number of Seats at bar: 10 (existing)  
Years of Experience outside of Birmingham: —  
Full Service Kitchen? yes  
Percentage of glazing proposed: existing  
Proposed front setback: 0  
Proposed rear setback: 0  
Proposed total side setback: 0

## 9. Outdoor Dining Facility

Location (sidewalk right-of-way or on-street parking space): existing, in via  
Hours of operation: —  
Width of unobstructed sidewalk between door and café (5' required): —  
Platform proposed: no  
Trash receptacles: yes

Number of tables/chairs: —  
Material of tables/chairs: concrete / recycled plastic  
Table umbrellas height and material: —  
Number and location of parking spaces: —  
Screenwall material: planter railing, existing  
Enclosure material: —

## 10. Required and Proposed Parking N.A.

Number of parking spaces: —  
Location of off site parking: —  
Screenwall material: —

Location of parking spaces: —  
Shared Parking Agreement?: —  
Height of screenwall: —

## 11. Landscaping N.A.

Location of landscape areas: —  
—  
—

Proposed landscape material: —  
—  
—

## 12. Streetscape N.A.

Sidewalk width: —  
Number of benches: —  
Number of planters: —  
Number of existing street trees: —  
Number of proposed street trees: —  
Streetscape Plan submitted?: —

Description of benches or planters: —  
—  
—  
Species of existing street trees: —  
Species of proposed street trees: —  
—

13. Loading **N.A.**

Required number of loading spaces: \_\_\_\_\_  
Location of loading spaces on the site: \_\_\_\_\_

Proposed number of loading spaces: \_\_\_\_\_

14. Mechanical Equipment **N.A.**

**Ground Mounted Mechanical Equipment:**

Number of ground mounted units: \_\_\_\_\_  
Size of ground mounted units (LxWxH): \_\_\_\_\_

Location of all ground mounted units: \_\_\_\_\_

Screenwall material: \_\_\_\_\_

Height of screenwall: \_\_\_\_\_

**Rooftop Mechanical Equipment: existing**

Number of rooftop units: \_\_\_\_\_  
Type of rooftop units: \_\_\_\_\_

Location of all ground mounted units: \_\_\_\_\_

Size of rooftop units (LxWxH): \_\_\_\_\_

Screenwall material: \_\_\_\_\_

Height of screenwall: \_\_\_\_\_

Location of screenwalls: \_\_\_\_\_

Percentage of rooftop covered by mechanical units: \_\_\_\_\_

Distance from units to rooftop units to screenwall: \_\_\_\_\_

15. Lighting

Number of light standards on building: \_\_\_\_\_  
Size of light fixtures (LxWxH): \_\_\_\_\_

Type of light standards on building: \_\_\_\_\_

Height from grade: \_\_\_\_\_

Maximum wattage per fixture: \_\_\_\_\_

Proposed wattage per fixture: \_\_\_\_\_

Parking lot lighting: —

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: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: Josh Humphrey

Signature of Architect: Roman Bonislawski

Date: 4.12.18

Print Name: Roman Bonislawski

*Office Use Only*

Application #: \_\_\_\_\_ Date Received: \_\_\_\_\_ Fee: \_\_\_\_\_

Date of Approval: \_\_\_\_\_ Date of Denial: \_\_\_\_\_ Accepted by: \_\_\_\_\_



## Notice Signs - Rental Application Community Development

### 1. Applicant

Name: Roman Bonislowski  
Address: 275 E. Frank St.  
Birmingham MI 48009  
Phone Number: 248-723-5790  
Fax Number: —

### Property Owner

Name: Rabbit Holdings LLC  
Address: 6905 Telegraph Rd. Ste 125  
Bloomfield Hills, MI 48301  
Phone Number: —  
Fax Number: —

### 2. Project Information

Address/Location of Property: 225 E. Maple Rd.  
Name of Development: Social  
Area in Acres: —

Name of Historic District site is in, if any: Central Business Historic District  
Current Use: A-2  
Current Zoning: CBD

### 3. Date of Board Review

Board of Building Trades Appeals: —  
City Commission: —  
Historic District Commission: —  
Planning Board: —

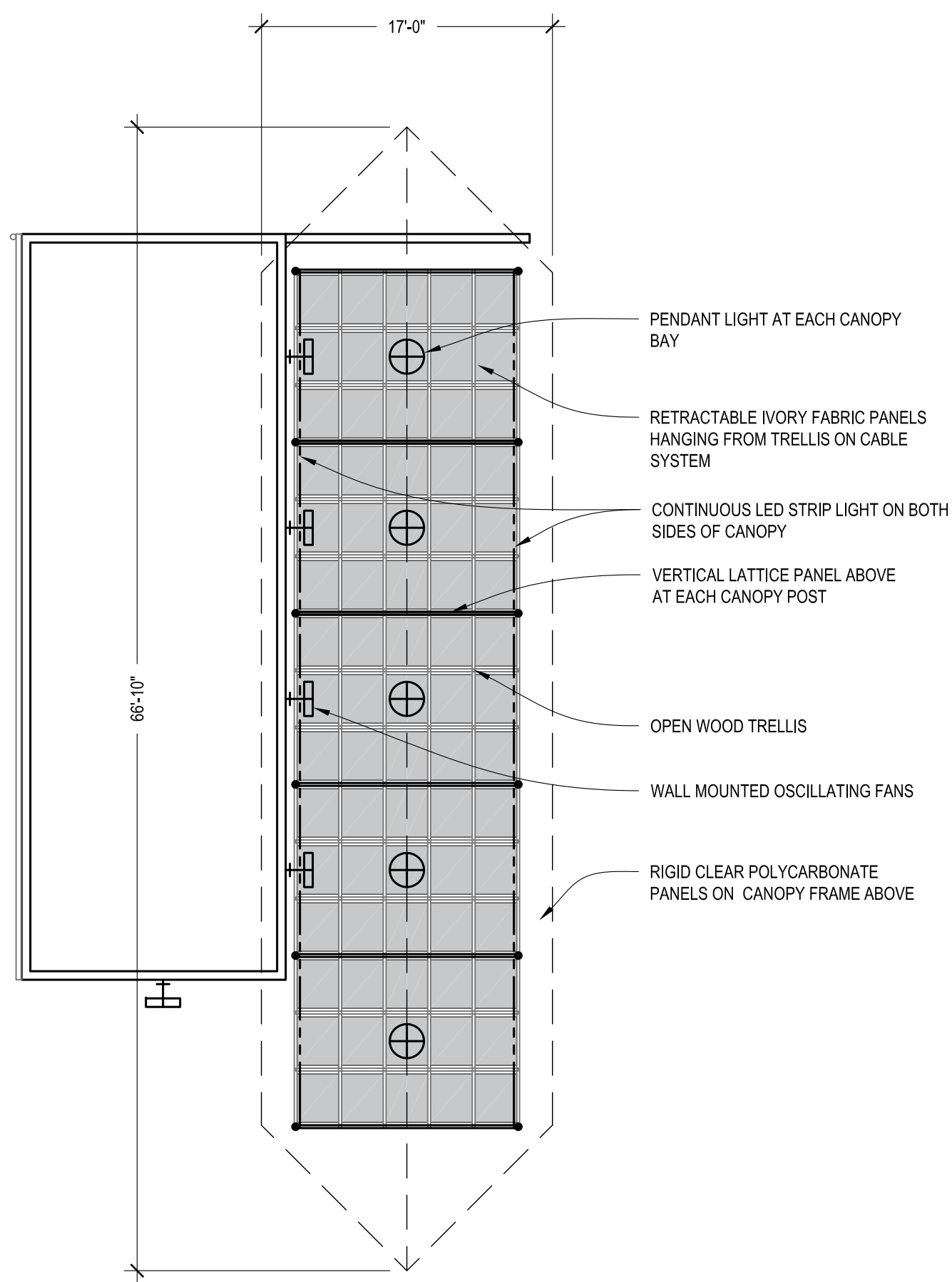
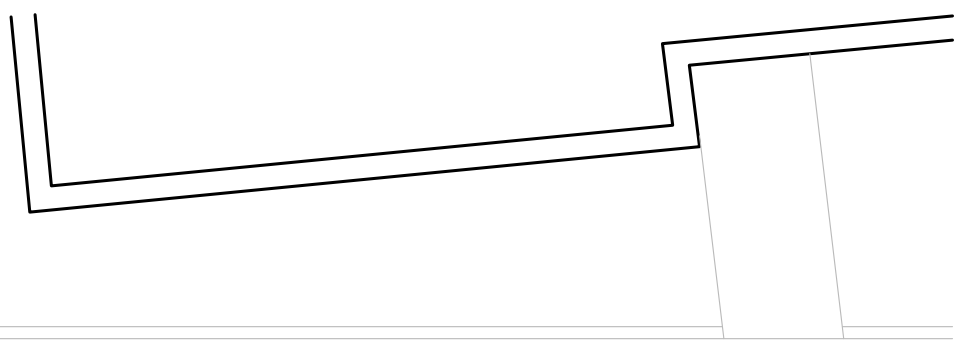
Board of Zoning Appeals: —  
Design Review Board: —  
Housing Board of Appeals: —

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to post the Notice Sign(s) at least 15 days prior to the date on which the project will be reviewed by the appropriate board or commission, and to ensure that the Notice Sign(s) remains posted during the entire 15 day mandatory posting period. The undersigned further agrees to pay a rental fee and security deposit for the Notice Sign(s), and to remove all such signs on the day immediately following the date of the hearing at which the project was reviewed. The security deposit will be refunded when the Notice Sign(s) are returned undamaged to the Community Development Department. Failure to return the Notice Sign(s) and/or damage to the Notice Sign(s) will result in forfeiture of the security deposit.

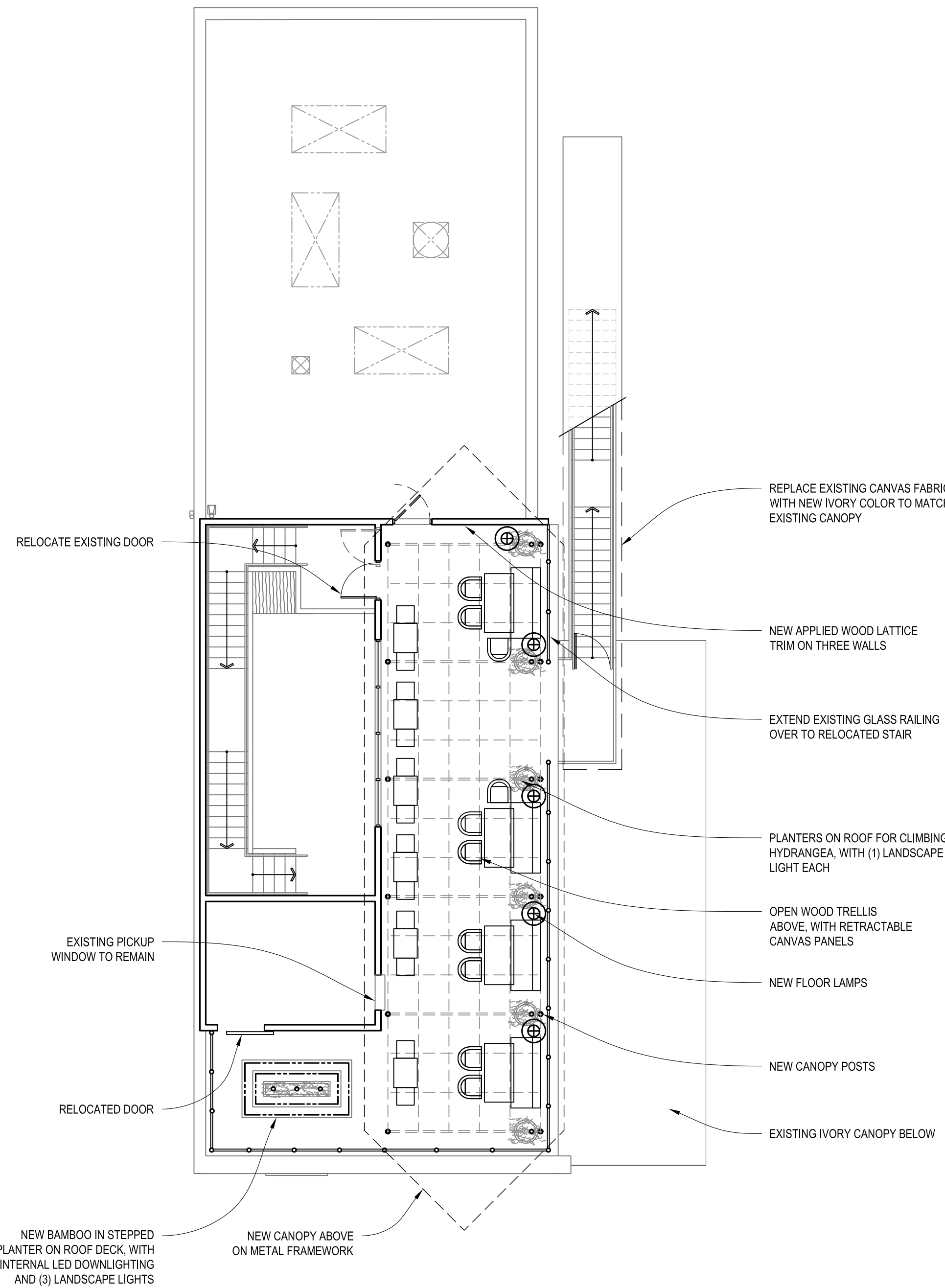
Signature of Applicant: R Bonislowski Date: 4.12.18

#### Office Use Only

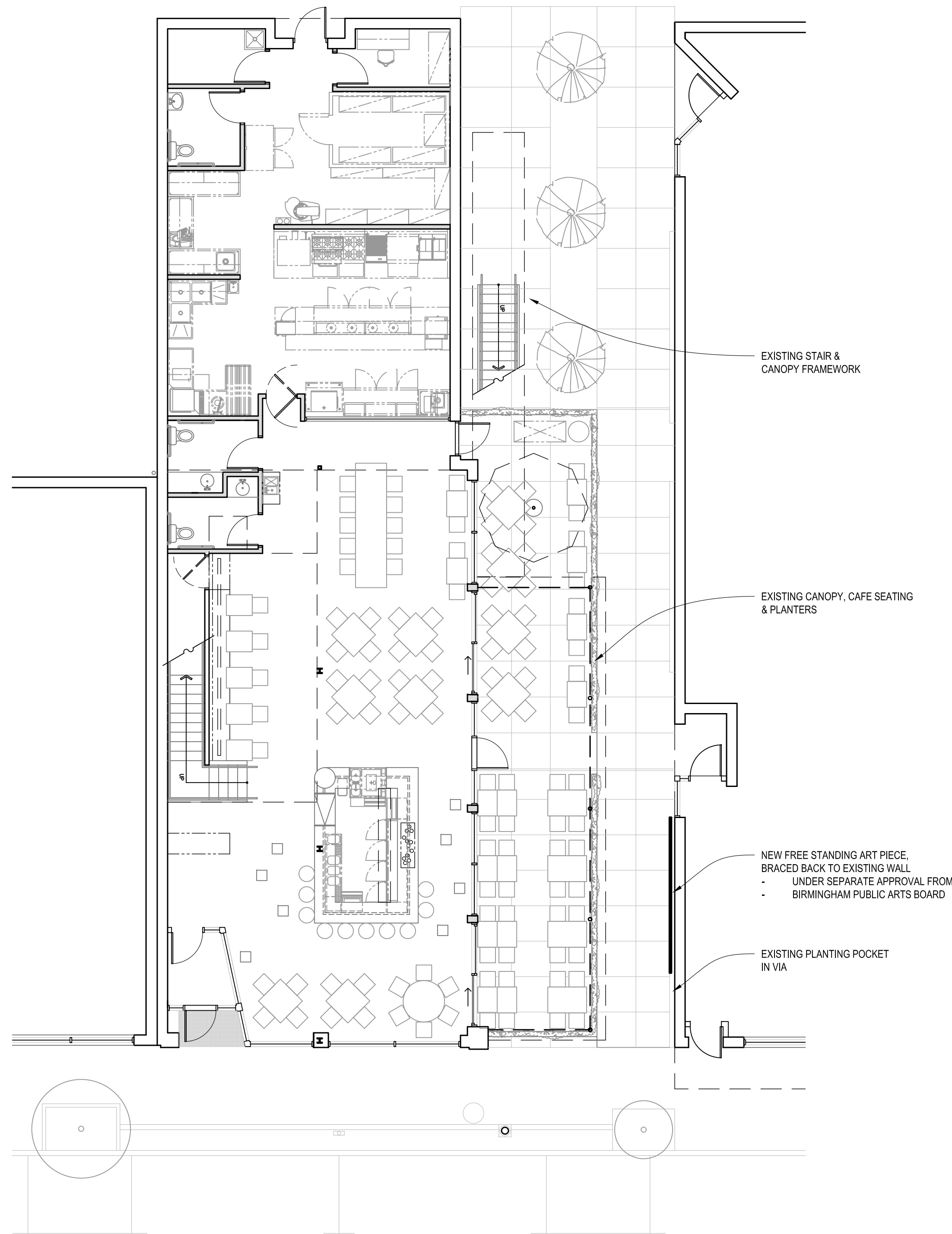
Application #:	Date Received:	Fee:
Date of Approval:	Date of Denial:	Reviewed by:



3 ROOF PLAN  
scale: 1/8" = 1'-0"



2 ROOFTOP FLOOR PLAN  
scale: 1/8" = 1'-0"



1 MAIN FLOOR PLAN  
scale: 1/8" = 1'-0"



SEATING DATA (NO CHANGES PROPOSED)	
BAR STOOLS	10
DINING SEATS	54
TOTAL INTERIOR	64
VIA CAFE SEATS	56
ROOFTOP CAFE SEATS	30
TOTAL SEASONAL	86
GRAND TOTAL SEATS	150

Project:

**SOCIAL**  
Rooftop Improvements  
225 E. Maple Rd., Birmingham, MI 48009

Seal:

Issue Date:

SLUP AMMENDMENT	4/24/18

Sheet Title:

FLOOR PLANS

Sheet Number:



Project:

Seal:

Issue Date:

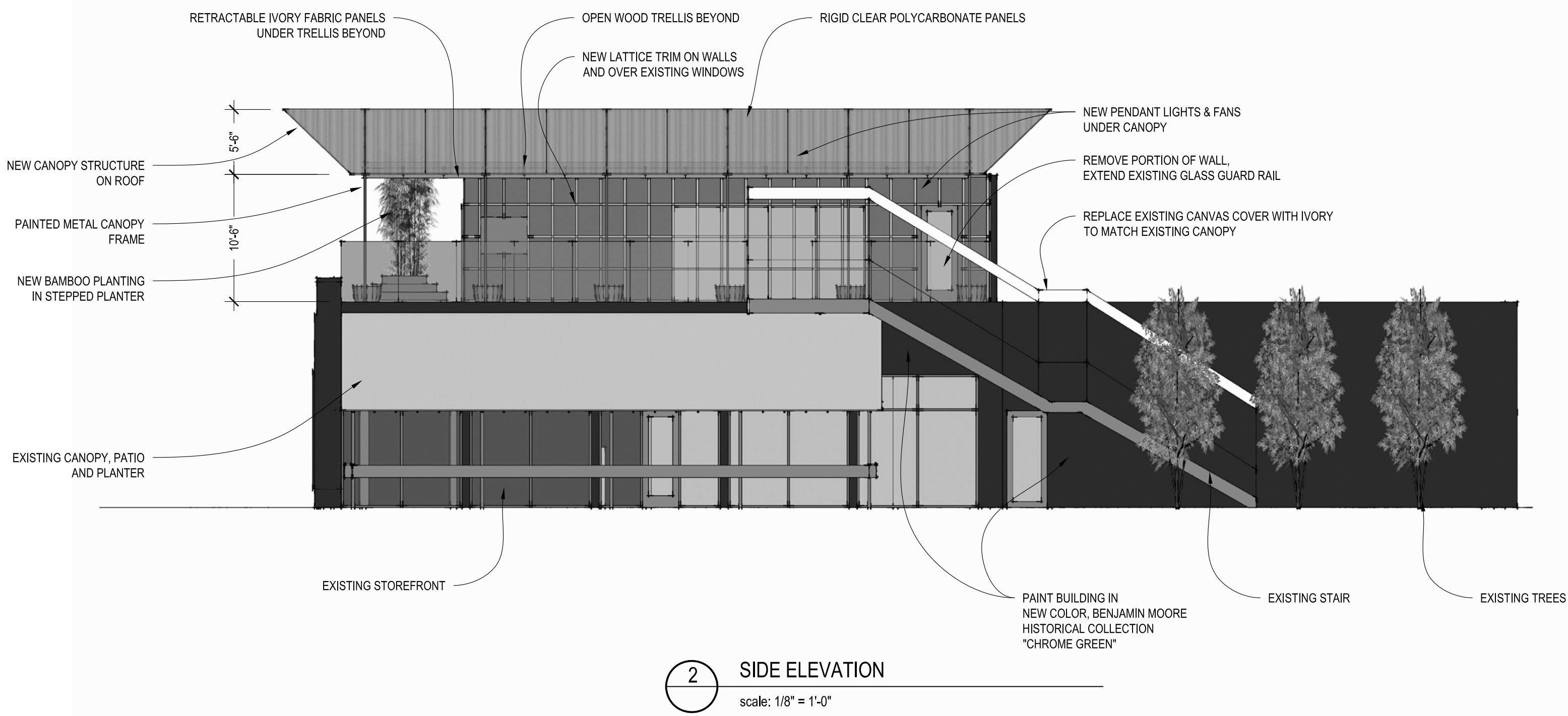
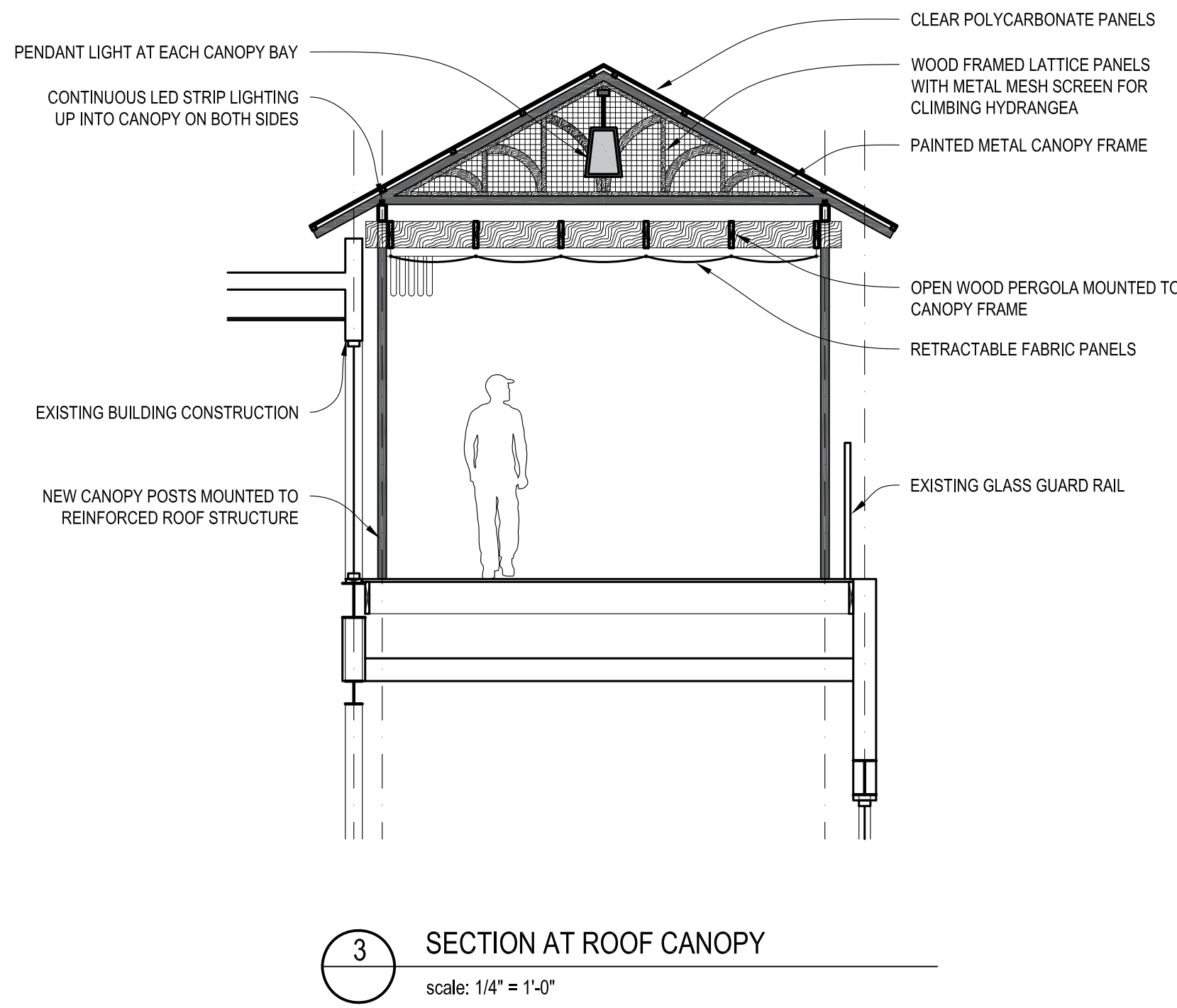
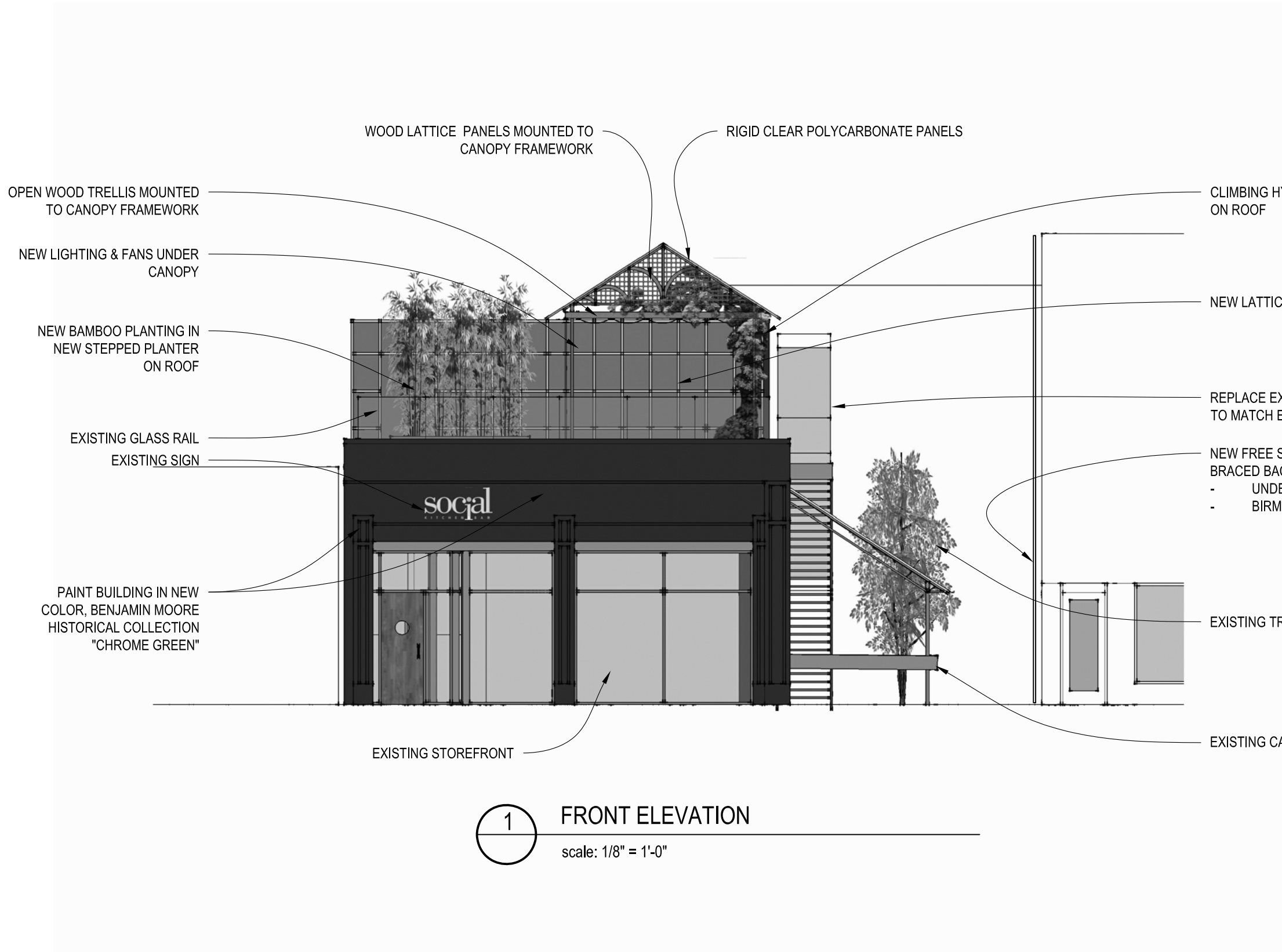
SLUP AMMENDMENT	4/24/18

Sheet Title:

ELEVATIONS

Sheet Number:

A-2











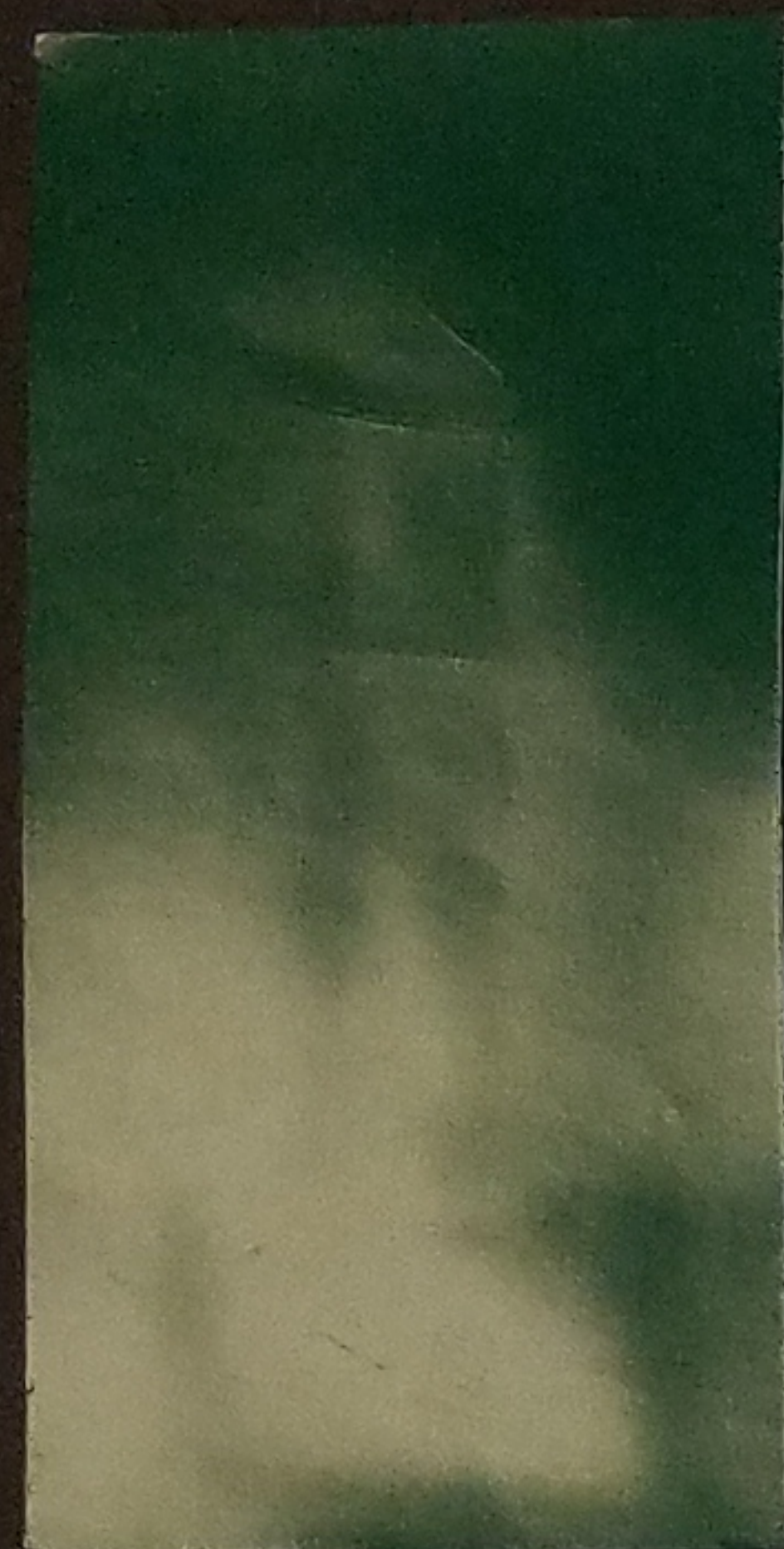




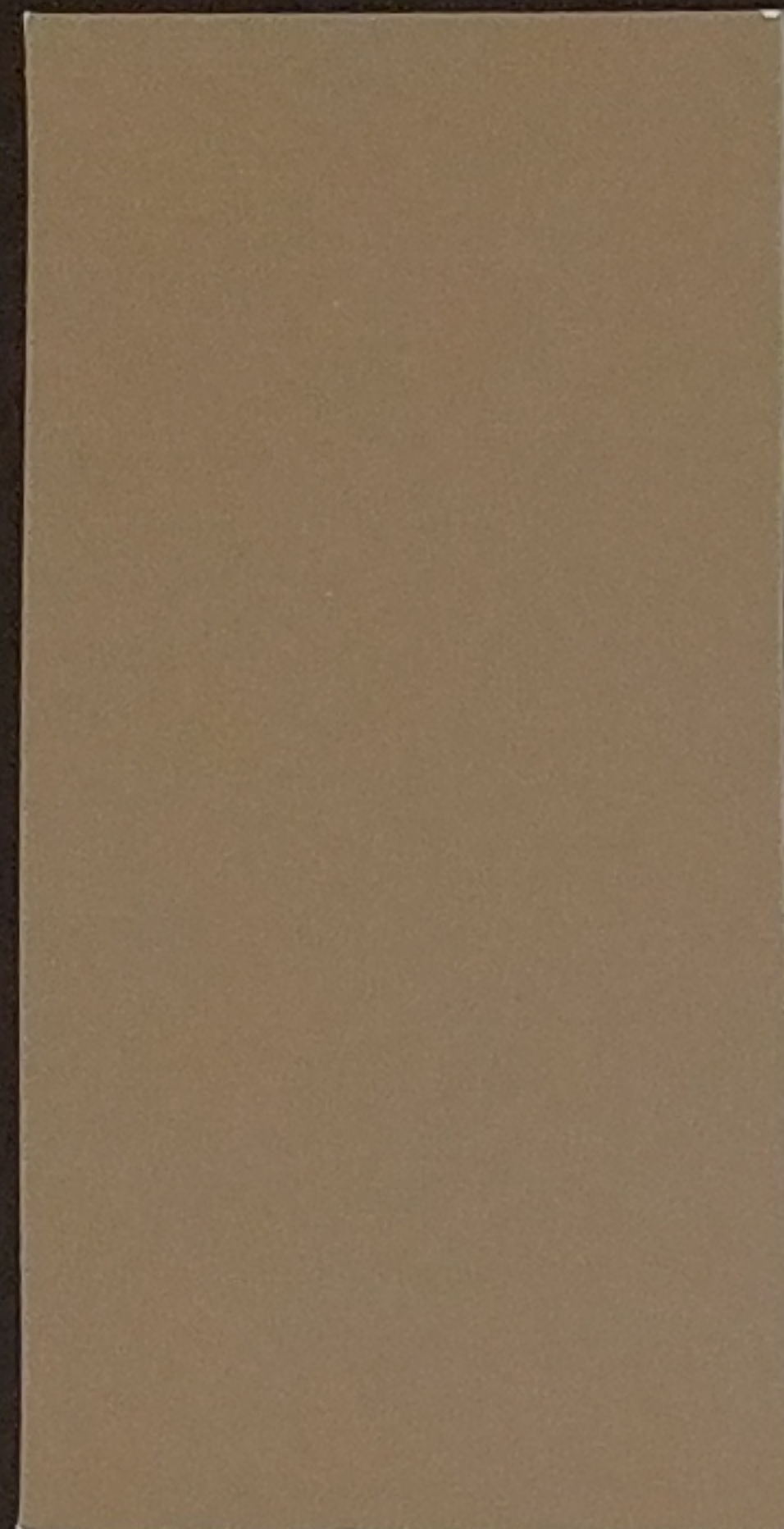




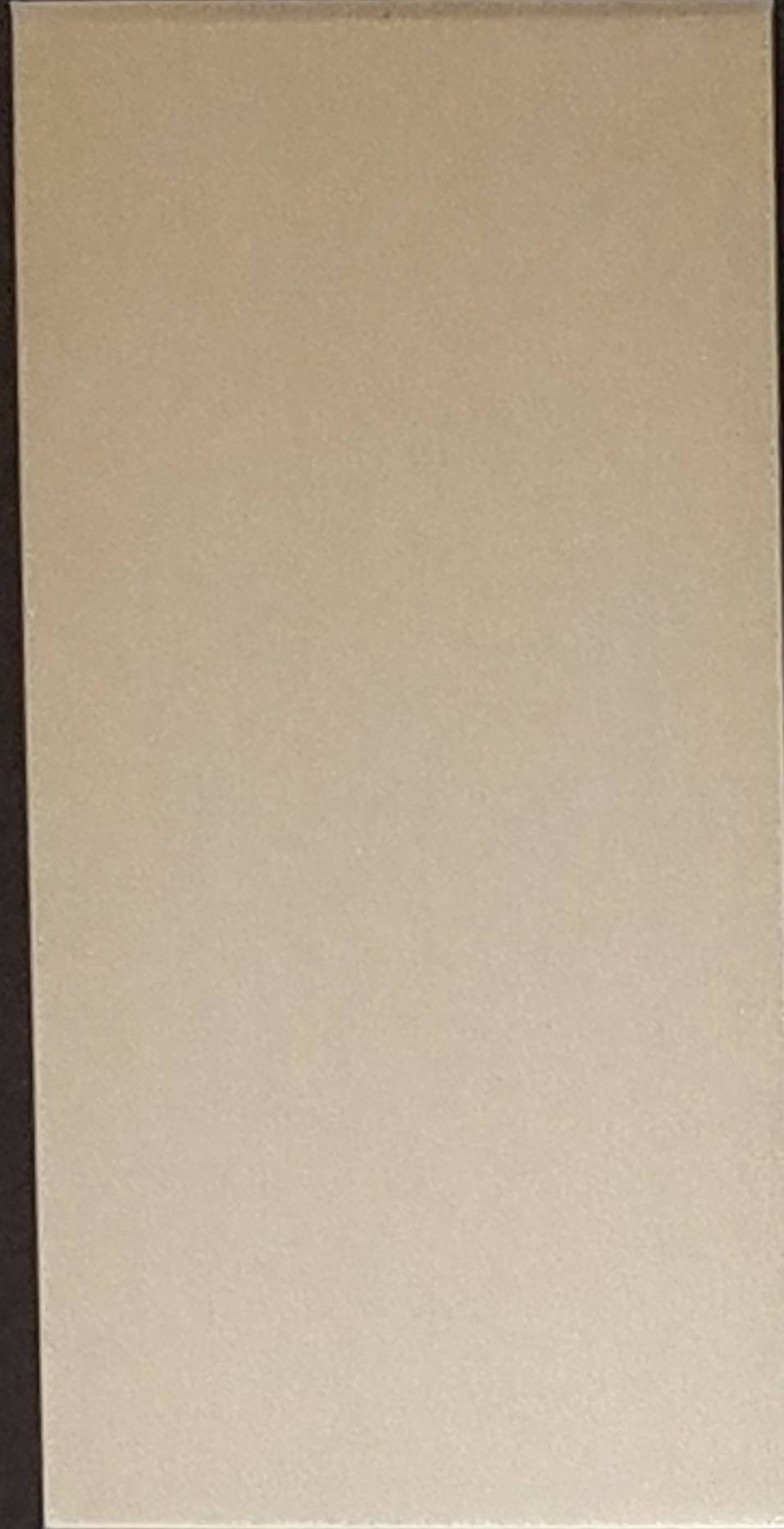




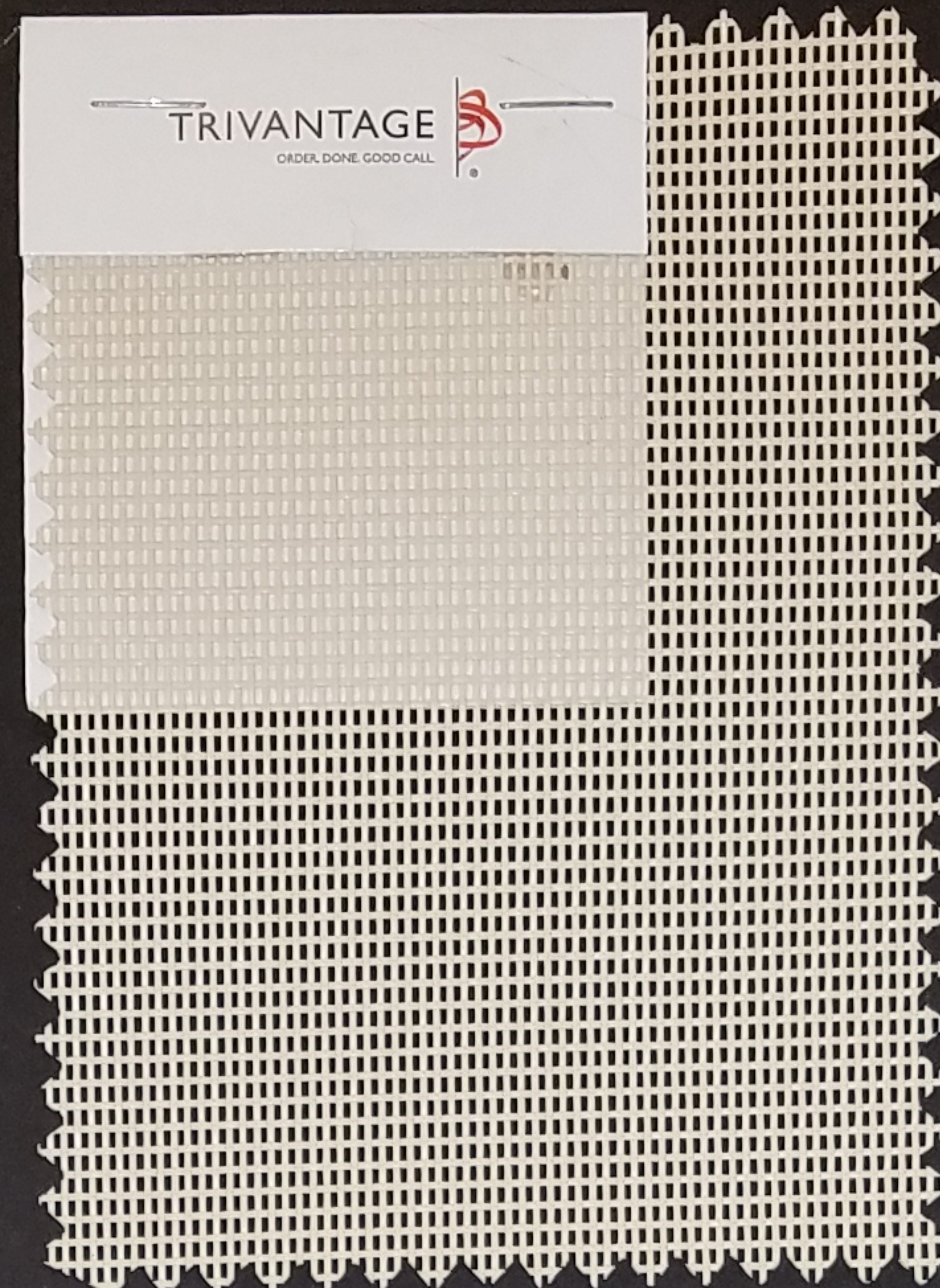
NEW MAIN BUILDING COLOR  
& METAL CANOPY FRAME COLOR  
BENJAMIN MOORE  
HISTORICAL COLLECTION  
"CHROME GREEN"



NEW ROOFTOP WALL &  
APPLIED TRIM COLOR  
BENJAMIN MOORE  
HISTORICAL COLLECTION  
"FAIRVIEW TAUPE"



EXISTING ALUMINUM  
STOREFRONT,  
LIGHT BRONZE



RETRACTABLE IVORY FABRIC PANELS



CLEAR POLYCARBONATE PANELS



WOOD PERGOLA IN A WALNUT FINISH



CLIMBING HYDRANGEA IN PLANTERS ON ROOF



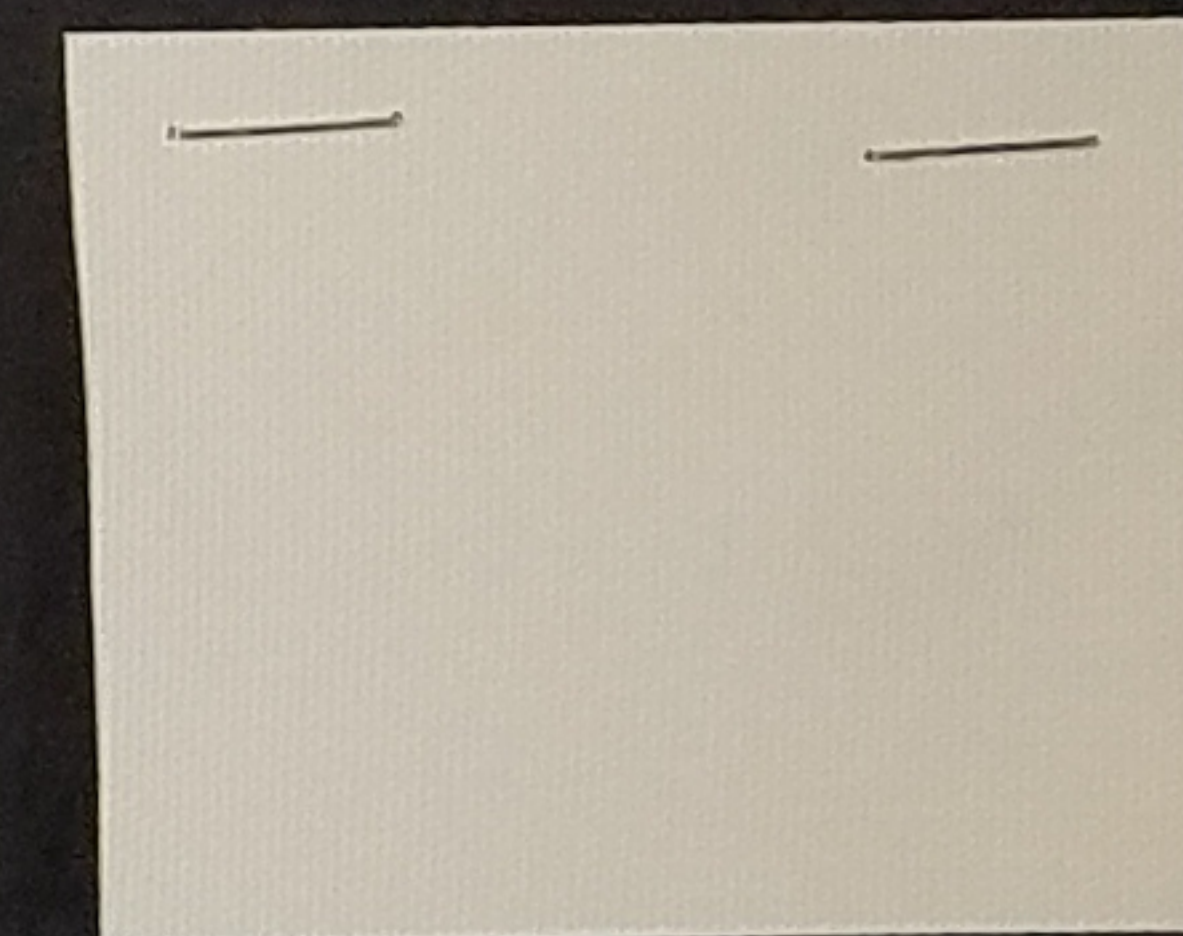
METAL & GLASS PENDANT LIGHTS  
UNDER CANOPY



DINING HEIGHT CHAIRS



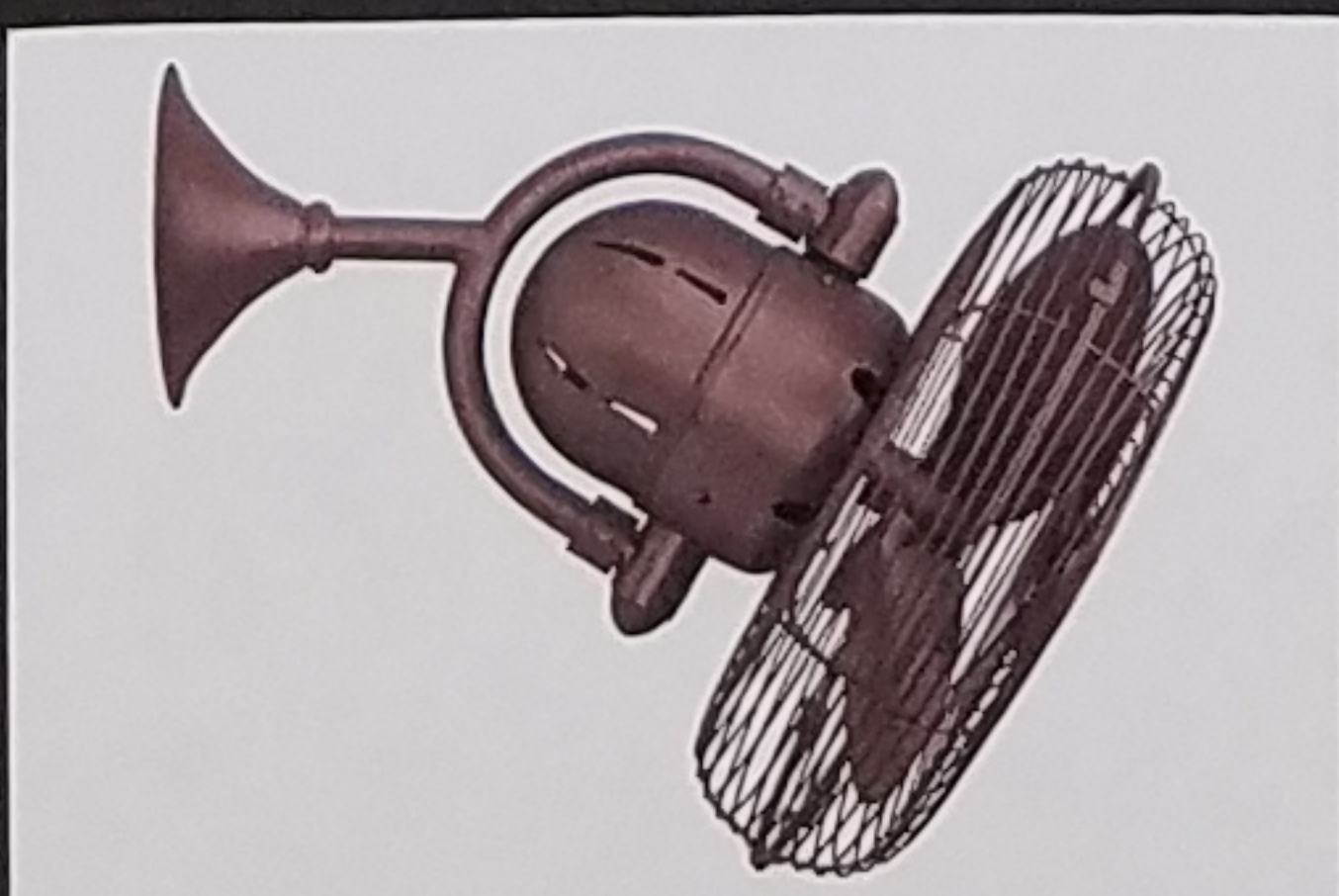
WICKER SETTEES WITH FABRIC CUSHIONS



EXISTING  
IVORY CANVAS COLOR



BAMBOO IN STEPPED PLANTER ON ROOF



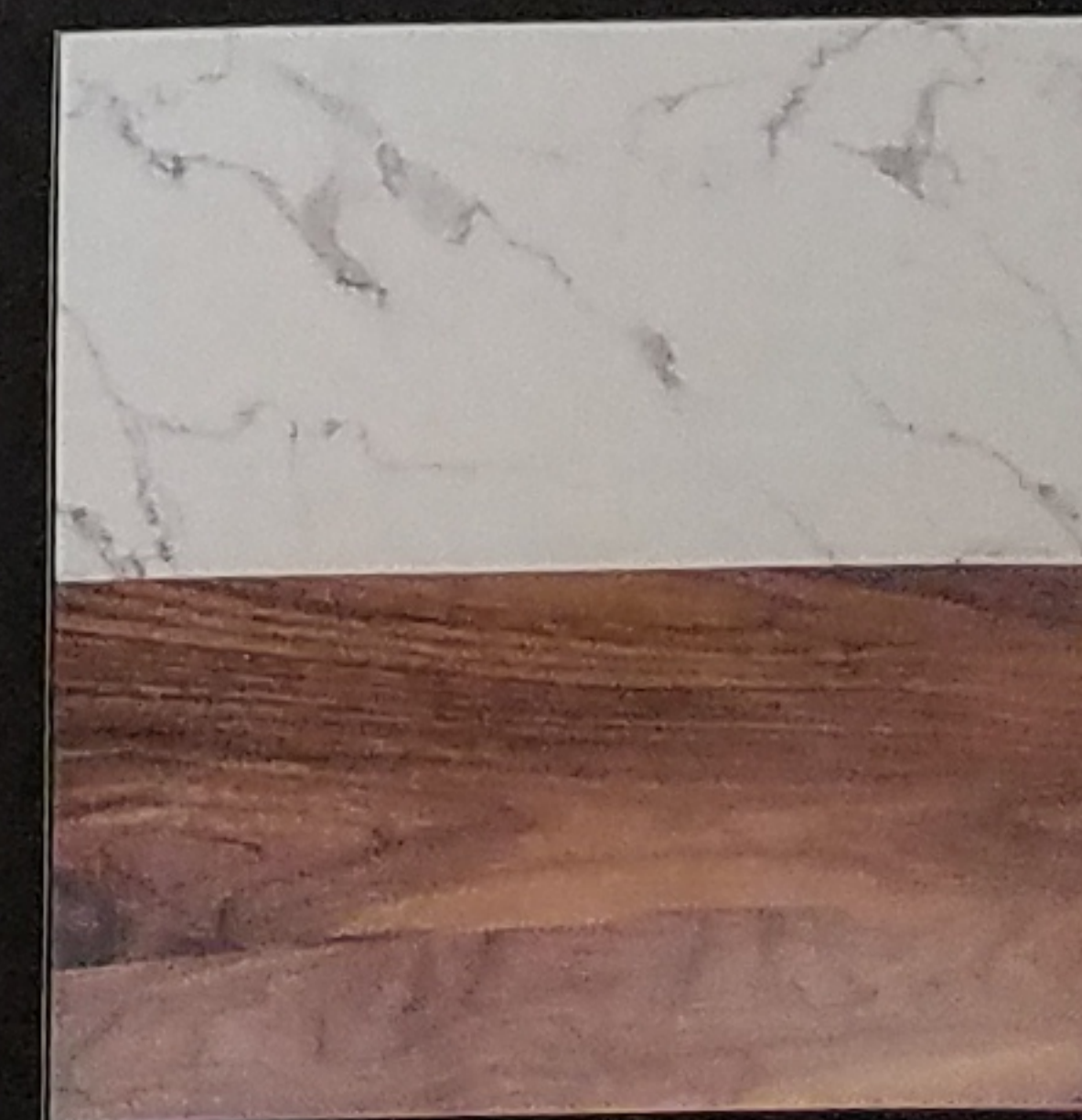
OSCILLATING WALL MOUNTED FANS



BAR HEIGHT CHAIRS



METAL SETTEES WITH FABRIC CUSHIONS



MIX OF WOOD & MARBLE TABLE TOPS





CLEAR POLYCARBONATE PANELS ON ROOFTOP CANOPY FRAME



OPEN WOOD PERGOLA IN A WALNUT FINISH



RETRACTABLE IVORY FABRIC PANELS





NEW MAIN BUILDING COLOR  
& METAL CANOPY FRAME COLOR  
BENJAMIN MOORE  
HISTORICAL COLLECTION  
"CHROME GREEN"



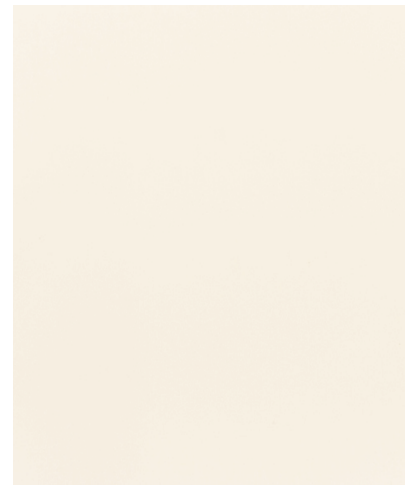
NEW ROOFTOP WALL &  
APPLIED TRIM COLOR  
BENJAMIN MOORE  
HISTORICAL COLLECTION  
"FAIRVIEW TAUPE"



EXISTING ALUMINUM  
STOREFRONT,  
LIGHT BRONZE



CLIMBING HYDRANGEA IN PLANTERS ON ROOF



EXISTING  
IVORY CANVAS COLOR



BAMBOO IN STEPPED PLANTER ON ROOF



LED LIGHTING UNDER  
STEPPED PLANTER



METAL & GLASS PENDANT LIGHTS  
UNDER CANOPY



OSCILLATING WALL MOUNTED FANS



METAL SETTEES WITH FABRIC CUSHIONS



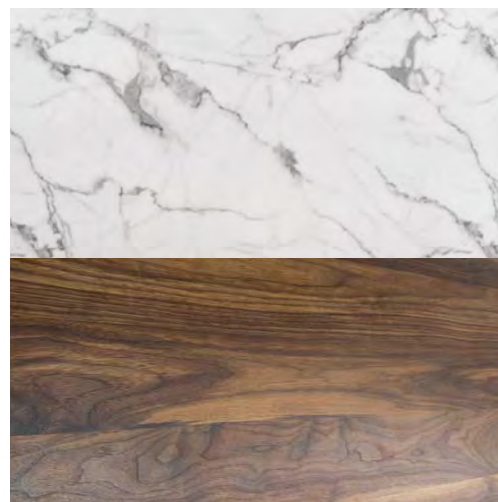
WICKER SETTEES WITH FABRIC CUSHIONS



DINING HEIGHT CHAIRS



BAR HEIGHT CHAIRS



MIX OF WOOD & MARBLE TABLE TOPS





# VOLT® Low Voltage Landscape Lighting

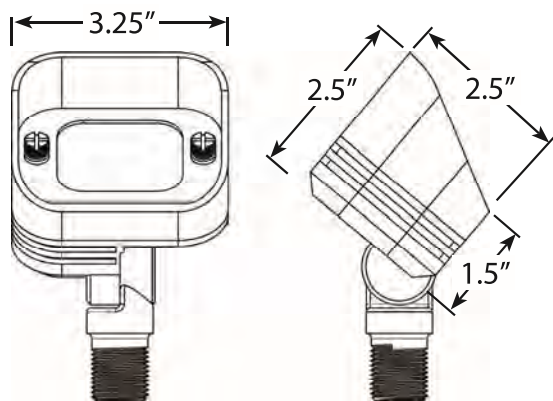
## Integrated LED Gentle Splash, VFL-4601 Series

### Product Description

The Integrated LED Gentle Splash is third in the line of Splash model VOLT® Flood Lighting products and the first integrated version. This fixture packs a punch at over 250 lumens with its clear lens; while allowing you to adjust the performance, by swapping out the clear lens with a spread diffusion or a frosted version. With an extremely durable construction; the Integrated LED Gentle Splash is made to last. These flood lights are ideal for illuminating signs, walls and plant material. There are no bulbs to change, and no need to stress. These fixtures make it extremely easy to install it and forget it. You can rest easy knowing full well that these fixtures will stand the test of time and keep providing a beautifully diffused light for many



### Product Dimensions



### Features & Benefits

- ▶ Solid Brass Construction.
- ▶ Pre-aged finish- a natural patina that does not corrode.
- ▶ Silicone plug at lead wire exit prevents ground moisture and insects from entering luminaire through the stem.
- ▶ Three Lenses for optimal performance adjustability.
- ▶ Pressure fit gasket for tight seal to protect against water and dust entry.

### Specifications

- ▶ **Construction:** Cast Brass
- ▶ **Finish:** Bronze
- ▶ **Lead Wire:** 48" (standard) or 25' (optional) 16AWG, SPT-2
- ▶ **Mounting:** 10" Hammer® Stake with cutout for wire exit
- ▶ **Glass or Lens:** Clear, Frosted, and Spread Diffusion Lenses Included.
- ▶ **Light Source:** Integrated LED
- ▶ **Operating Voltage:** 9-16 VAC
- ▶ **Shipping Weight:** 3 lbs
- ▶ **Powered by:** VOLT's Low Voltage Transformer

### Warranty

Lifetime Warranty

### Certifications



LISTED File #E466348



LISTED File #E466348

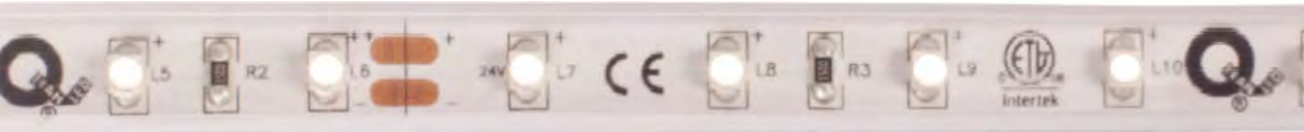
### Power

Lens Type	Lumen Output	Watts
Clear	250	5
Diffusion	200	5
Frosted	180	5



iQLED TAPE LIGHT **2835 CHIP SERIES**

**iQ67 4.4 W/ft:** WET RATED



Q-Tran's iQ67 flexible LED tape light is wet listed and available in multiple color temperatures ranging from 2500K – 4000K. The 4.4W/Ft utilizes the 2835 chip, can come in a 21' reel, has cut points of 1.97", can be cut to length in the field or cut to length at the Q-Tran factory. The lumen output of this LED makes it perfect for most exterior or interior application where a coated LED is required.

**iQ67** - **28** - **90** - **4.4** - **Length**  
iQ Series Color Temp Chip CRI Watts Per FT Length

## FEATURES

- LED life time - 40,000 hours
- Operating temperature: -4°F ~ +140°F
- Multiple color temperatures available
- Suitable for dry, damp or wet locations
- Non-Ferrous Material
- 1.97" cut points
- Field cuttable
- 3 year warranty

### iQ67-25-28-90-4.4

Max Run / Reel Length: 21ft\* | Color Temp: 2500K | Voltage: 24VDC  
CRI: 90+ | LM: 79 | WattsPer Ft: 4.4 | Lumens Per Ft: 298

### iQ67-27-28-90-4.4

Max Run / Reel Length: 21ft\* | Color Temp: 2700K | Voltage: 24VDC  
CRI: 90+ | LM: 79 | WattsPer Ft: 4.4 | Lumens Per Ft: 305

### iQ67-30-28-90-4.4

Max Run / Reel Length: 21ft\* | Color Temp: 3000K | Voltage: 24VDC  
CRI: 90+ | LM: 79 | WattsPer Ft: 4.4 | Lumens Per Ft: 325

### iQ67-35-28-90-4.4

Max Run / Reel Length: 21ft\* | Color Temp: 3500K | Voltage: 24VDC  
CRI: 90+ | LM: 79 | WattsPer Ft: 4.4 | Lumens Per Ft: 326

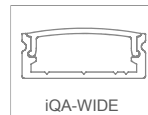
### iQ67-40-28-90-4.4

Max Run / Reel Length: 21ft\* | Color Temp: 4000K | Voltage: 24VDC  
CRI: 90+ | LM: 79 | WattsPer Ft: 4.4 | Lumens Per Ft: 328

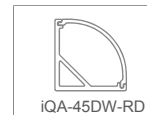
\*Maximum length for one run of iQ67 LED 4.4. Individual Power supply cut sheets will provide max distance/loads per power supply.

**NOTE:** Q-Tran offers multiple LED Chip offerings based upon size and pitch, each utilizing its own binning. Utilization of multiple outputs within the same chip family will ensure flawless color matching and similar overall diffusion.

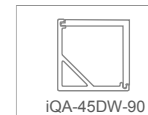
## COMPATIBLE EXTRUSIONS



iQA-WIDE



iQA-45DW-RD



iQA-45DW-90

**NOTE:** Can be used in wet locations.

## COMPATIBLE POWER SUPPLIES

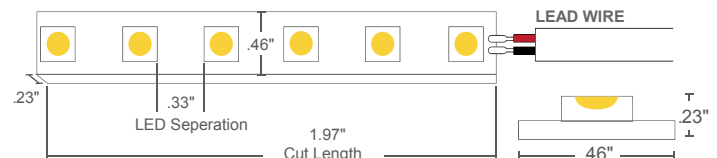
### Interior Applications

- QJB & QJBL
- Q6M-DC & DC+CAP
- QTM-eLED, QTM-DC & DC+CAP
- iQ-PH

### Exterior Applications

- QOM-eLED, QOM-DC & DC+CAP
- Q-SET-eLED & Q-SET-mLED
- Q-HEX-Mini-DC
- iQ-PH

## DIMENSIONS



**NOTE:** Cut marks of LED tape allows for changes in the field.

**4.4 watts per foot= cut every 1.97"**

Lead wire comes standard on all LEDs in 18" (20/2 AWG)



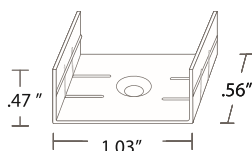
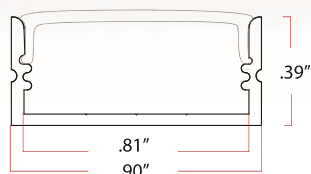
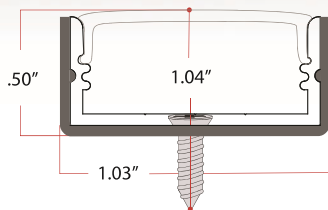
PROJECT NAME	DATE	COMPANY	TYPE	



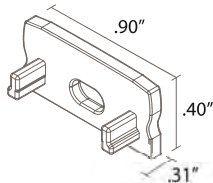
# iQ LED EXTRUSIONS WIDE



## DIMENSIONS



Mounting Clip



End Cap

**iQA-WIDE** : Wide profile Aluminum Extrusions

**Max Length** : 98.43 in

**Color** : Satin (ST), **Bronze (BZ)**, Black (BK)

**Material** : Anodized Aluminum

**Cover Options** : Clear (CL), **Diffused (DF)**, Opal (OP), Textured (TX), Silk (SK), Polar (PR)

**Fits** : iQ20, iQ54, iQ65, iQ67, iQ68

## ORDERING GUIDE

iQA	-	WIDE	-		-		-	
Category		Model		Finish		Lens		Length

- Finish : ST = Satin BZ = Bronze BK = Black
- Lens : CL, DF, TX, OP, SK, PR
- Length : Max = 98.43"

NOTE: Custom colors available upon request.



Bronze



End Cap



Satin

PROJECT NAME	DATE	COMPANY	TYPE	



## MEMORANDUM

Planning Division

**DATE:** May 8<sup>th</sup>, 2018

**TO:** Jana Ecker, Planning Director

**FROM:** Nicholas Dupuis, Planning Intern

**SUBJECT:** 225 E. Maple – Social Kitchen – Special Land Use Permit Amendment and Final Site Plan & Design Review

---

### Executive Summary

The subject site is located at 225 E. Maple, between N. Old Woodward and Park Street. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, Social Kitchen, is seeking an amendment to their Special Land Use Permit.

The applicant is proposing to replace the existing retractable awnings covering the rooftop dining area with a new unenclosed rooftop canopy with wood pergola, retractable canvas panels (overhead only), new lighting, fans, and a fire suppression system. Other work proposed is the recladding of the existing canopy over the exit stairs leading to the Via, relocation of service doors, new wall finishes on the rooftop, and new planters. Finally, the applicant is proposing to paint the existing building a new color.

Chapter 10 of the Zoning Ordinance requires that the applicant obtain a Special Land Use Permit and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit amendment and subsequently obtain approval from the City Commission for the Final Site Plan and Special Land Use Permit amendment. **Historic District Commission approval will also be required as the proposed bistro is located within the Central Business District Historic District.**

### 1.0 Land Use and Zoning

- 1.1 Existing Land Use - The commercial space is currently occupied by Social Kitchen. Land uses surrounding the site are retail and commercial.
- 1.2 Existing Zoning – The property is currently zoned B-4, Business-Residential, and D-4 in the Downtown Overlay District. The existing use and surrounding uses appear to conform to the permitted uses of each Zoning District.
- 1.3 Summary of Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site.

	North	South	East	West
<b>Existing Land Use</b>	Retail, Commercial & Parking	Retail & Commercial	Retail & Commercial	Retail & Commercial
<b>Existing Zoning District</b>	B-4, Business- Residential	B-4, Business- Residential	B-4, Business- Residential	B-4, Business- Residential
<b>Downtown Overlay Zoning District</b>	D-4	D-4	D-4	D-4

## 2.0 Bistro Requirements

Article 9, section 9.02, Definitions, of the Zoning Ordinance defines a bistro as a restaurant with a full service kitchen with interior seating for no more than 65 people and additional seating for outdoor dining. Social Kitchen has 54 interior seats, with an additional 10 seats at the bar, for a total of 64 interior seats. Fifty-six outdoor dining seats are located in the pedestrian passage immediately adjacent to the east elevation of the building in a covered dining area enclosed with Eisenglass, and there are 30 additional outdoor dining seats on the rooftop terrace. All indoor and outdoor dining combine for a total of 150 seats. **The applicant is not proposing any changes to the number of seats, inside or outside.** Social Kitchen is an existing restaurant that was granted a bistro license on January 9, 2012.

Article 3, section 3.04(C)(10) Building Use of the Zoning Ordinance permits bistros in the Overlay District as long as the following conditions are met:

- (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' and 8' 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 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.

The proposed improvements to the rooftop, as well as the repainting of the building do not violate the conditions of Article 3, Section 3.04(C)(10).

### **3.0 Screening and Landscaping**

- 3.1 Screening – All existing screening elements will remain.
- 3.2 Landscaping – All existing landscaping will remain. The applicant is proposing to install a bamboo planter on the roof at the southwest corner of the rooftop. Five additional planters are proposed along the eastern edge of the rooftop canopy structure to support climbing Hydrangea that is proposed to grow up the canopy columns and into the roof structure.

### **4.0 Parking, Loading, Access, and Circulation**

- 4.1 Parking – As the subject site is located within the Parking Assessment District, the applicant is not required to provide on-site parking.
- 4.2 Loading - Loading spaces are not required, nor proposed.
- 4.3 Vehicular Access & Circulation - Vehicular access to the building will not be altered.
- 4.4 Pedestrian Access & Circulation – Pedestrian access and circulation will not be changed from the existing conditions.
- 4.5 Streetscape – The proposed improvements are primarily located on the roof, and the exterior roof access stair. No changes are proposed to the existing streetscape. However, the plans do note the possible addition of a large painting to be mounted on the building wall on the east side of the pedestrian via. The plans state that this piece will be submitted for approval as public art through the Public Arts Board in a separate application. This art would be visible both from E. Maple and in the pedestrian via.

### **5.0 Lighting**

The applicant is proposing to add 5 new floor lamps in the rooftop dining area as well as 5 new pendant lights to be mounted on the underside of the canopy/pergola. In addition, the applicant is proposing approximately 98 linear feet of continuous LED strip lighting along both the east and west edges of the canopy structure, tucked up within the roof structure. The applicant has submitted specification sheets for the LED strip lighting, and for

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landscape lighting, which is not indicated for use on the plans. The photos submitted also show step lighting, but no such lighting is indicated for use on the plans. **The applicant must note all proposed lighting on the plans.** Floor lamps and pendant lamps are noted on the rooftop plans, but no specification sheets have been provided for either of these fixtures. **The applicant must submit specification sheets for all proposed lighting fixtures, as well as a photometric plan detailing all proposed lighting and illustrating foot candles lower than 0.6 at all property lines, or obtain a variance from the Board of Zoning Appeals.**

## 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 at this time.

6.3 Fire Department – The Fire Department has submitted the following comments:

- In this type of occupancy, adding this overhead enclosure, on a story above ground level, will require this space to be covered with fire suppression. Additionally, these movable canvas panels will potentially create an obstruction to the sprinkler heads, so suppression coverage will probably be needed above, and below the canvas panel areas. Fire suppression plans will need to be submitted for review.
- The fire alarm system will need to provide occupant notification for this rooftop dining area.
- This area will require emergency lighting, and exit signs.
- The canvas ceiling panels, the canvas covering for the exterior stairs, all decorative trim, and all decorative vegetation, will need to comply with the fire resistance requirements of the IFC, 2015 edition. Documentation will be required.

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

6.5 Building Department – The Building Department has examined the plans for the proposed project referenced above. The plans were provided to the Planning Department for site plan review purposes only and present conceptual elevations and floor plans. Although the plans lack sufficient detail to perform a code review, the following comments are offered for Planning Design Review purposes and applicant consideration:

1. The proposed roof structure will need to meet the building code requirements as required for buildings. Engineering design and calculations will be required to demonstrate the roof structure and supporting posts will meet all required design loads.
  2. Fire suppression sprinklers will be required above and below the retractable fabric.
  3. Occupant load calculations for required toilet room facilities will be required.
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## 7.0 Design Review

The applicant is proposing to paint the entire exterior of the existing building in Benjamin Moore Historical Collection “Chrome Green”, and is proposing to replace the existing awning on the exterior stair in the via with a new fabric awning in ivory to match the existing canopy. In addition the applicant is also proposing numerous improvements to the rooftop dining area. The applicant is proposing to relocate the existing service access door leading to the roof, and is proposing to install a new unenclosed canopy with a walnut finish pergola structure and rigid clear polycarbonate panels fastened over the wood structure, and a retractable fabric “ceiling” beneath the canopy. The canvas panels proposed are ivory, and are proposed to hang from the canopy on a cable system. **Although there is no fabric enclosure system noted on the plans, the Planning Board may wish to clarify that no fabric panels are proposed around the perimeter of the canopy to enclose the covered area.**

As noted above, new pedant lighting is proposed to hang from the canopy, and LED strip lighting is proposed along both the east and west edges of the canopy structure. New fans are also proposed to be mounted to the existing building along the western edge of the canopy. In accordance with the request of the Fire Department, the applicant will also be installing a fire suppression system under the rooftop canopy structure. New lattice trim is proposed to be affixed to the exterior walls of the building on the rooftop, and to the north and south ends of the canopy structure, to be painted in Benjamin Moor Historical Collection “Fairview Taupe”. New furniture is also proposed for the rooftop dining area, as well as floor lighting and planters adjacent to each of the columns located along the eastern edge of the canopy, and a new stepped planter is proposed on the southwest corner of the roof to house bamboo plantings in lieu of the existing Bradford Pear trees. The new dining tables are proposed to be mix of wood and marble, and several types of seating are proposed. Both wicker and metal settees are proposed for the rooftop, as well as leather club chairs and metal bar stools with fabric cushions. The applicant has submitted material samples for the proposed design changes for review. However, it is not clear from the plans which tables are proposed to be bar height with bar stools and which are regular height dining tables and chairs.

## 8.0 Downtown Birmingham 2016 Overlay District

The site is located within the D-4 zone of the DB 2016 Regulating Plan, within the Downtown Birmingham Overlay District. Specifically, the 2016 Plan recommends the addition of outdoor dining areas in the public right-of-way as it is in the public’s best interest as it enhances street life, thus promoting a pedestrian friendly environment.

## 9.0 Approval Criteria for Final Site Plan

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

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- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
  - (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
  - (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property not diminish the value thereof.
  - (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
  - (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
  - (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

#### **10.0 Approval Criteria for Special Land Use Permits**

Article 07, section 7.34 of the Zoning Ordinance specifies the procedures and approval criteria for Special Land Use Permits. Use approval, site plan approval, and design review are the responsibilities of the City Commission. This section reads, in part:

Prior to its consideration of a special land use application (SLUP) for an initial permit or an amendment to a permit, the City Commission shall refer the site plan and the design to the Planning Board for its review and recommendation. After receiving the recommendation, the City Commission shall review the site plan and design of the buildings and uses proposed for the site described in the application of amendment.

The City Commission's approval of any special land use application or amendment pursuant to this section shall constitute approval of the site plan and design.

#### **11.0 Suggested Action**

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board POSTPONE the Special Land Use Permit Amendment, Final Site Plan and Design Review for 225 E. Maple – Social Kitchen, pending receipt of the following:

1. Historic District Commission approval will also be required as the proposed bistro is located within the Central Business District Historic District;
  2. The applicant note all proposed lighting on the plans;
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3. Submit specification sheets for all proposed lighting fixtures, as well as a photometric plan detailing all proposed lighting and illustrating foot candles lower than 0.6 at all property lines, or obtain a variance from the Board of Zoning Appeals; and
  4. Applicant comply with the requirements of City Departments.

### **13.0 Sample Motion Language**

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend POSTPONEMENT of the Special Land Use Permit Amendment, Final Site Plan and Design Review to the City Commission for 225 E. Maple – Social Kitchen, pending receipt of the following:

1. Historic District Commission approval will also be required as the proposed bistro is located within the Central Business District Historic District;
2. The applicant note all proposed lighting on the plans;
3. Submit specification sheets for all proposed lighting fixtures, as well as a photometric plan detailing all proposed lighting and illustrating foot candles lower than 0.6 at all property lines, or obtain a variance from the Board of Zoning Appeals; and
4. Applicant comply with the requirements of City Departments.

**OR**

Motion to recommend DENIAL of the Special Land Use Permit Amendment, Final Site Plan and Design Review to the City Commission for 225 E. Maple – Social Kitchen – for the following reasons:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**OR**

Motion to recommend APPROVAL of the Special Land Use Permit Amendment, Final Site Plan and Design Review to the City Commission for 225 E. Maple – Social Kitchen, provided that the following conditions are met prior to appearing before the City Commission:

1. Historic District Commission approval will also be required as the proposed bistro is located within the Central Business District Historic District;
  2. The applicant note all proposed lighting on the plans;
  3. Submit specification sheets for all proposed lighting fixtures, as well as a photometric plan detailing all proposed lighting and illustrating foot candles lower than 0.6 at all property lines, or obtain a variance from the Board of Zoning Appeals; and
  4. Comply with the requirements of City Departments.
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**Zoning Compliance Summary Sheet**  
**Special Land Use Permit Amendment and Final Site Plan Review**  
**225 E. Maple – Social Kitchen**

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**Existing Site:** Commercial Restaurant - Social Kitchen

Zoning: B-4 (Business-Residential), D-4 (Downtown Overlay)

Land Use: Commercial, Bistro

**Existing Land Use and Zoning of Adjacent Properties:**

	North	South	East	West
<b>Existing Land Use</b>	Commercial/ Retail	Commercial/ Retail	Commercial/ Retail	Commercial/ Retail
<b>Existing Zoning District</b>	B-4, Business-Residential	B-4, Business-Residential	B-4, Business-Residential	B-4, Business-Residential
<b>Overlay Zoning District</b>	D-4	D-4	D-4	D-4

**Land Area:** Existing: 2,720 sq. ft.  
Proposed: 2,720 sq. ft. **(no changes)**

**Dwelling Units:** Existing: 0  
Proposed: 0 **(no changes)**

**Minimum Lot Area/Unit:** Required: N/A  
Proposed: N/A

**Min. Floor Area /Unit:** Required: N/A  
Proposed: N/A

**Max. Total Floor Area:** Required: 100%  
Proposed: 100% **(no changes)**

<b>Min. Open Space:</b>	Required:	N/A
	Proposed:	N/A
<b>Max. Lot Coverage:</b>	Required:	N/A
	Proposed:	N/A
<b>Front Setback:</b>	Required:	0 ft.
	Proposed:	0 ft. <b>(no changes)</b>
<b>Side Setbacks</b>	Required:	0 ft. for commercial
	Proposed:	0 ft. <b>(no changes)</b>
<b>Rear Setback:</b>	Required:	10 ft. from midpoint of alley
	Proposed:	10 ft. <b>(no changes)</b>
<b>Min. Front+Rear Setback</b>	Required:	N/A
	Proposed:	N/A
<b>Max. Bldg. Height:</b>	Permitted:	80 ft., 5 stories
	Proposed:	28 ft., 1 story <b>(no changes)</b>
<b>Min. Eave Height:</b>	Required:	N/A
	Proposed:	N/A
<b>Parking:</b>	Required:	0 spaces (Parking Assessment District)
	Proposed:	0 spaces <b>(no changes)</b>
<b>Min. Parking Space Size:</b>	Required:	N/A
	Proposed:	N/A
<b>Loading Area:</b>	Required:	0 spaces
	Proposed:	0 spaces <b>(no changes)</b>
<b>Screening:</b>		
	<u>Parking:</u> Required:	N/A
	Proposed:	N/A
	<u>Loading:</u> Required:	N/A
	Proposed:	N/A
	<u>Rooftop Mechanical:</u> Required:	Fully screened from public view
	Proposed:	Fully screened <b>(no changes)</b>

Elect. Transformer: Required: N/A  
Proposed: N/A

Dumpster: Required: Fully screened from public view  
Proposed: Fully screened **(no changes)**

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**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MAY 23, 2018  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on May 23, 2018. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Stuart Jeffares, Bert Koseck, ~~Daniel Share~~, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Jason Emerine

**Absent:** Alternate Board Member Nasseen Ramin; Student Representatives Madison Dominato, Sam Fogel, Ellie McElroy

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

**05-90-18**

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

**1. 225 E. Maple Rd, Social Kitchen - Application for SLUP Amendment and Final Site Plan and Design Review to allow changes to the exterior of the building**

Ms. Ecker advised the subject site is located at 225 E. Maple Rd., between N. Old Woodward Ave. and Park St. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, Social Kitchen, is seeking an amendment to their SLUP.

They are proposing to replace the existing retractable awnings covering the rooftop dining area with a new unenclosed rooftop canopy with wood pergola, retractable canvas panels (overhead only), new lighting, fans, and a fire suppression system. Other work proposed is the re-cladding of the existing canopy over the exit stairs leading to the via, relocation of service doors, new wall finishes on the rooftop, and new planters. There is no enclosure around the rooftop dining area. Finally, the applicant is proposing to paint the existing building a new color. Therefore the changes are mainly aesthetic. The number of seats will remain the same.

Ms. Ecker stated that this is deemed a structure and an enclosure so the applicant will have to meet all of the Building Code requirements for a building.

Chapter 10 of the Zoning Ordinance requires that the applicant obtain a SLUP and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham. Accordingly, the applicant is required to receive a recommendation from the Planning Board on the Final Site Plan and SLUP, and subsequently obtain approval from the City Commission

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for the Final Site Plan and SLUP Amendment. Historic District Commission approval will also be required, as the proposed bistro is located within the Central Business District Historic District.

### *Design Review*

Ms. Ecker advised that the applicant is proposing to paint the entire exterior of the existing building in Benjamin Moore Historical Collection "Chrome Green," and is proposing to replace the existing awning on the exterior stair in the via with a new fabric awning in ivory to match the existing canopy. In addition, the applicant is proposing numerous improvements to the rooftop dining area. The applicant proposes to relocate the existing service access door leading to the roof, and to install a new unenclosed canopy with a walnut finish pergola structure and rigid clear polycarbonate panels fastened over the wood structure, along with a retractable fabric "ceiling" beneath the canopy.

New pendant lighting is proposed to hang from the canopy, and LED strip lighting is proposed along both the east and west edges of the canopy structure. New fans are also proposed. In accordance with the request of the Fire Department, the applicant will also be installing a fire suppression system under the rooftop canopy structure. New lattice trim is proposed to be affixed to the exterior walls of the building on the rooftop, and to the north and south ends of the canopy structure, to be painted in Benjamin Moore Historical Collection "Fairview Taupe." New furniture is also proposed for the rooftop dining area, as well as floor lighting and planters. It is not clear from the plans which tables are proposed to be bar height with stools and which are regular height dining tables and chairs.

Mr. Roman Bonislowski, Ron and Roman Architects, said that it is time for a refresh of Social. The pergola style canopy structure has a polycarbonate sun screen underneath. Linear LED lighting gently casts light up into the wooden structure above. No changes are proposed for the main level downstairs or occupancy load. He will follow up with Mr. O'Meara to make sure there is no pergola encroachment into the Maple Rd. right-of-way.

In response to Mr. Boyle, Mr. Bonislowski said he is confident the plantings they have chosen will grow up along the posts.

Chairman Clein took public comments on this matter at 7:53 p.m.

Mr. Mitch Black, proprietor of Dick O'Dows, 160 W. Maple Rd., said his concern as a business owner is that new establishments are allowed to exceed the original seating intent of the Bistro Ordinance which was to allow 55 seats and up to ten bar stools. At what point does the Planning Board take a look and decide this is not what they intended to do.

Ms. Ecker noted they are in the process of tightening up on some of Mr. Black's points. Chairman Clein said the Planning Board will be reviewing the Bistro Regulations related to outdoor dining.

For Ms. Whipple-Boyce, Mr. Bonislowski summarized they are not proposing any change from the way the street-level café is operating. The downstairs stays as it is, the building gets a paint job, the interior will get a little tweak that doesn't affect seating, and there is no permanent enclosure on the roof.

Ms. Ecker reviewed the seating arrangement which adds up to 150 seats and is not being changed:

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- Inside - 54 seats plus 10 at the bar;
  - Via - 56 seats;
  - Roof - 30 seats.

Mr. Williams thought there should be discussion about code enforcement when the matter of Bistro Regulations comes back before the board.

Mr. Boyle noted the City is investing a significant amount of money in improving Old Woodward Ave. and Maple Rd. He asked what is being done about the via. Ms. Ecker responded the City is not planning any changes to the via at this time. Mr. Boyle thought it is only fair that the City improve the vias when they get the opportunity, such as with a development like this. When the proposal for something like a mural comes back he will step up and ask for the City to consider what to do for the vias.

**Motion by Mr. Boyle**

**Seconded by Mr. Williams that based on a review of the information presented tonight, the Planning Board recommends APPROVAL of the SLUP Amendment and Final Site Plan and Design Review for 225 E. Maple Rd., Social Kitchen, pending receipt of the following:**

- 1. Historic District Commission approval to be required as the proposed bistro is located within the Central Business District Historic District;**
- 2. The applicant complies with the requirements of City departments and ensures that the canopy projection is within the regulations of the City.**

Mr. Koseck indicated that he will not support the motion. He has no issue with the proposed improvements, but his view is that when a SLUP comes back it should be looked at holistically. His issue is with the enclosure of the existing first floor addition in the via. When the weather is nice this is a really a large building and he would like to see other aspects of it come into what in his mind is compliance.

Ms. Whipple-Boyce thought this a fantastic improvement but she is torn because of the enclosed patio that became enclosed with Isinglass. She sympathizes with the Class C License holders because the City is not delivering what it told them. Going forward, she is glad the board will study this further.

At 8:10 p.m. the Chairman called for public comments on the motion.

Mr. Jack Reinhart, who is involved with the 555 Building and also the Triple Nickel, commented on the way the City has approached the liquor licenses. In the last six months the Stand, Mitchells, and Café Via have gone out of business. Also he has heard that Hyde Park is going out. Triple Nickel struggles. The Chairman invited him to be present when the Planning Board talks about possible changes to the bistro regulations.

**Motion carried, 5-2.**

**ROLLCALL VOTE**

Yeas: Boyle, Clein, Jeffares, Emerine, Whipple-Boyce

Nays: Koseck, Williams

Absent: None

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## MEMORANDUM

Community Development

**DATE:** September 18, 2012

**TO:** Robert J. Bruner, Jr., City Manager

**FROM:** Jana L. Ecker, Planning Director

**SUBJECT:** Use of Isinglass Enclosure for Outdoor Dining Areas

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Last week it came to the City's attention that the owner of Social Kitchen & Bar intended to enclose the outdoor dining area in the public passage with isinglass curtains. Isinglass is a synonym for any transparent material that is used to bring sunlight indoors while providing protection from the wind, rain and cold. Among other things, it is used by restaurants to extend the outdoor dining season.

After reviewing the Special Land Use Permit ("SLUP"), Bistro Contract, Lease Agreement for use of the public passage, and the approved plans, City staff determined isinglass curtains were not explicitly included in any of the approved documents. However, video of the January 9, 2012 City Commission meeting confirms Commissioner McDaniel asked whether or not "plastic curtains" would be used in this manner and the applicant's architect responded in the affirmative. This discussion was not included in the meeting minutes or reflected in the approved documents. The approved documents are attached for your reference.

Thus, the Planning Division seeks clarification regarding whether or not it was the City Commission's intent to approve the isinglass curtain enclosure of the outdoor dining area in the public passage adjacent to Social Kitchen and Bar as discussed during the January 9, 2012 City Commission meeting.

While reviewing this issue, it was noted that isinglass curtains were used to enclose a portion of the outdoor dining area at Café Via. After reviewing the Special Land Use Permit ("SLUP"), Bistro Contract and the approved plans, City staff determined isinglass curtains were not explicitly included in any of the approved documents. The approved documents are attached for your reference.

Accordingly, the Planning Division also seeks clarification regarding whether or not it was the City Commission's intent to approve the isinglass curtain enclosure of the outdoor dining area adjacent to Café Via.

Based on the ambiguities noted above, the Planning Division recommends that all future SLUP applications duly note on the plans presented to the Planning Board and the City Commission whether they seek approval to enclose outdoor dining areas, and if so, to provide details on the materials proposed and the timeframe and conditions under which the enclosure system will be used.

**SUGGESTED RESOLUTION:**

- (1) To provide clarification that the City Commission specifically approved the use of isinglass to temporarily enclose Social Kitchen and Bar's outdoor dining area in the public passage as discussed during the City Commission meeting of January 9, 2012;

OR

To provide clarification that the City Commission did not approve the use of isinglass to temporarily enclose Social Kitchen and Bar's outdoor dining area in the public passage as it was not included on the approved plans nor in the SLUP resolution adopted by the City Commission on January 9, 2012;

OR

To direct Social Kitchen and Bar to submit a Special Land Use Permit Amendment request and Revised Final Site Plan request through the standard process to the Planning Board for recommendation to the City Commission;

AND

- (2) To provide clarification that the City Commission specifically approved the use of isinglass to temporarily enclose the outdoor dining area in the private plaza at Café Via as approved by the City Commission on September 24, 2007;

OR

To provide clarification that the City Commission did not approve the use of isinglass to temporarily enclose the outdoor dining area in the private plaza at Café Via as it was not included on the approved plans nor in the SLUP resolution adopted by the City Commission on September 24, 2007;

OR

To direct Café Via to submit a Special Land Use Permit Amendment request and Revised Final Site Plan request through the standard process to the Planning Board for recommendation to the City Commission;

AND

- (3) To direct all future SLUP applicants to duly note on the plans presented to the Planning Board and the City Commission whether they seek approval to enclose proposed outdoor dining areas, and if so, to provide details on the materials proposed and the timeframe and conditions under which the enclosure system will be used.

## **SOCIAL KITCHEN AND BAR**

### **City Commission Minutes January 9, 2012**

#### **01-06-12 PUBLIC HEARING – SPECIAL LAND USE PERMIT 223 – 225 E. MAPLE, SOCIAL KITCHEN AND BAR**

Mayor Nickita opened the Public Hearing to consider approval of a Special Land Use Permit and Final Site Plan for the operation of a new bistro at 223 – 225 East Maple, Social Kitchen and Bar, pursuant to Article 7, Section 7.34, Zoning, of the Birmingham City Code at 8:34 PM.

Ms. Ecker presented the proposed bistro. She explained that as a result of conditions set by the Planning Board, the applicant has submitted a revised plan. She noted that the storefront along Maple and the side along the pedestrian passage will be redone. She explained the proposed lighting and signage. She noted that the height of the mechanical unit must be confirmed as it is not allowed to project above the wall.

Commissioner Rinschler questioned the upgrades recommended to the alley. He noted that if the City did the work, the cost would be divided between the property owners. Mr. Bonislowski noted that the improvements to the alley and the two via signs cost approximately \$30,000.

In response to a question from Commissioner Hoff regarding the staircase, Ms. Ecker explained that the applicant will have to enter a lease with the City as the staircase is over public property.

Dorothy Conrad expressed concern with the word “bar” in the name. She noted that the passageway is intended to benefit all property owners. If a private business is utilizing it, they should pay for improvements.

Tim Holmes, owner of Pluto, encouraged improvement of the alley and expressed concern with the valet parking proposal.

The Mayor closed the Public Hearing at 9:41 PM.

Mr. Bonislowski stated that valet parking will only be used for private events held on the rooftop.

Mayor Pro Tem Dilgard expressed concern with “bar” in the name. Zack Sklar, applicant, explained that the name explains that it is a full service restaurant. Social is the name and kitchen and bar is the description.

The Commission discussed the language in the SLUP, conditions set by the Planning Board, and revisions submitted on January 15, 2012. Commissioner Hoff and Mayor Pro Tem Dilgard expressed that they would not support the project with the current name, but supported the concept.



Mr. Sklar, stated that he is willing to remove the word "bar" from the name to move the project forward. He stated that the new name will be "Social".

**MOTION:** Motion by McDaniel, seconded by Rinschler:

To approve the Final Site Plan and Design and a Special Land Use Permit for 223 - 225 E. Maple – Social Kitchen and Bar, LLC, pursuant to Article 7, section 7.34, Zoning, of the Birmingham City Code, based on revisions submitted January 15, 2012 and in accordance with the recommendation of the Planning Board on November 30, 2011:

WHEREAS, Social Kitchen and Bar, LLC filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate their new restaurant as a bistro as defined in Article 9, section 9.02 of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the north side of E. Maple between N. Old Woodward and Woodward;

WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits bistros with a Special Land Use Permit;

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;

WHEREAS, The Planning Board on November 30, 2011 reviewed the application for a Special Land Use Permit and recommended approval with conditions;

WHEREAS, The Birmingham City Commission has reviewed Social Kitchen and Bar, LLC Special Land Use Permit application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that the Social Kitchen and Bar, LLC application for a Special Land Use Permit authorizing the operation of a bistro at 223 - 225 E. Maple in accordance with Chapter 10, Alcoholic Liquors, is hereby approved;

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

- 1) Applicant provide pedestrian passage pavement improvements;
- 2) Applicant comply with the requests of City departments subject to Planning Department review with the exception of Engineering points 2 and 3 with regards to relocating trees and removing the canopy in the via for the winter;

- 3) Applicant enter into a license agreement with the City for use of via and provide required insurance;
- 4) Deal with water and ice conditions coming off of awnings into via;
- 5) Remove words "Improvements by City" from plans;
- 6) Revise exposed aggregate and broom finish concrete pattern to cover entire passage;
- 7) Valet parking may only be done in rear alley, not on Maple;
- 8) Allow the use of the proposed Navy chairs that are made of white recycled plastic;
- 9) All rooftop units must be screened subject to administrative approval;
- 10) Social Kitchen and Bar, LLC shall abide by all provisions of the Birmingham City Code;
- 11) The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest;
- 12) The hours of operation for outdoor dining shall cease at 12:00 a.m.;
- 13) Social Kitchen and Bar, LLC shall provide for the removal of disposable materials resulting from the operation and maintain the area in a clean and orderly condition by providing the necessary employees to guarantee this condition, and by the placement of a trash receptacle in the outdoor seating area; and
- 14) Social Kitchen and Bar, LLC shall enter into a contract with the City outlining the details of the proposed bistro operation.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, Social Kitchen and Bar, LLC and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Social Kitchen and Bar, LLC to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

MAY IT BE FURTHER RESOLVED that Social Kitchen and Bar, LLC which may do business under an assumed name to be determined at a later date, which will do business at 223 - 225 E. Maple, Birmingham, Michigan, 48009, is located in the Principal Shopping District which was designated as a Redevelopment Project Area, pursuant to Section 521a (1)(b) of the Michigan

Liquor Control Code of 1988, being MCL 36.1521a(1)(b), by Birmingham City Commission Resolution adopted September 24, 2007; and

MAY IT BE FURTHER RESOLVED that Social Kitchen and Bar, LLC which may do business under an assumed name to be determined at a later date, is recommended for the operation of a bistro, with a Class C Liquor License, at 223 - 225 E. Maple, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

- AND -

To allow Social Kitchen and Bar, LLC which may do business under an assumed name to be determined at a later date, a new food establishment in Birmingham, to obtain a liquor license with an outdoor dining endorsement for the operation of a bistro above all others pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code;

- AND

To authorize the Mayor and the City Clerk to complete and execute the contract for operation of Social Kitchen and Bar, LLC at 223 - 225 E. Maple.

VOTE: Yeas, 5

Nays, None

Absent, 2 (Moore, Sherman)

Date: November 21, 2011

To: Planning Board Members

From: Jana L. Ecker, Planning Director

Re: **Report for Final Site Plan Review & Special Land Use Permit  
223 - 225 E. Maple – Social Kitchen**

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## **Executive Summary**

The subject site is located at 223 - 225 E. Maple, between N. Old Woodward and Park Street. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, a new restaurant by the name of Social Kitchen, is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code. Chapter 10 requires that the applicant obtain a Special Land Use Permit and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit, and then obtain approval from the City Commission for the Final Site Plan, Special Land Use Permit, and for the operation of a Bistro License. **Historic District Commission approval will also be required as the proposed bistro is located within the Central Business District Historic District.**

## **1.0 Land Use and Zoning**

- 1.1 Existing Land Use - The proposed restaurant space is currently composed of two storefronts, one vacant, and the existing Tokyo Sushi. Land uses surrounding the site are retail, commercial and parking.
- 1.2 Existing Zoning – The property is currently zoned B-4, Business-Residential, and D-4 in the Downtown Overlay District. The existing use and surrounding uses appear to conform to the permitted uses of each Zoning District.
- 1.3 Summary of Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site.

	North	South	East	West
<b>Existing Land Use</b>	Retail, Commercial & Parking	Retail & Commercial	Retail & Commercial	Retail & Commercial
<b>Existing Zoning District</b>	B-4, Business-Residential	B-4, Business-Residential	B-4, Business-Residential	B-4, Business-Residential
<b>Downtown Overlay Zoning District</b>	D-4	D-4	D-4	D-4

A Google maps image of the site is attached for your review.

## 2.0 Bistro Requirements

Article 9, section 9.02, Definitions, of the Zoning Ordinance defines a bistro as a restaurant with a full service kitchen with interior seating for no more than 65 people and additional seating for outdoor dining. Social Kitchen is proposing 54 interior seats, with an additional 10 seats at the bar, for a total of 64 interior seats. Fifty-six outdoor dining seats are proposed in the pedestrian passage immediately adjacent to the east elevation of the building, and a rooftop terrace is also proposed for outdoor dining. The rooftop terrace is proposed to contain relaxed sofa seating for 6 people and 24 regular dining seats on the rooftop. Social Kitchen will be a new restaurant applying for a new bistro license. The proprietors of the proposed bistro are currently the owners and operators of Cutting Edge Cuisine, a catering company headquartered in Plymouth, MI. Social Kitchen is proposing a full service kitchen, which has a unique and eclectic tapas style menu featuring brunch, lunch and dinner selections.

Article 3, section 3.04(C)(10) Building Use of the Zoning Ordinance permits bistros in the Overlay District as long as the following conditions are met:

- (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' and 8' 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 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.

As discussed above, Social Kitchen is proposing to have 10 seats situated at a bar towards the front of the bistro. No direct connect bar permit will be permitted from this license if it is approved. Alcohol may only be served to seated patrons and those standing in the bar area. The applicant has provided a 175.5 sq.ft. defined bar area, which includes the 10 seats at the bar, two drink rails and an iced wine display area.

Social Kitchen does not propose any dancing area or any entertainment.

Social Kitchen is proposing to have tables located in the storefront space lining E. Maple, and along the pedestrian passage east of the building. **The storefront appears to provide the required 70% glazing along the front façade, but the applicant will be required to verify this by providing detailed calculations.**

The applicant has provided a signed copy of the contract with the City that must be fully executed upon approval of the SLUP and bistro license.

Social Kitchen is proposing 56 seats for outdoor dining to be situated in the pedestrian passage adjacent to the building. In order to create a cozy bistro feel, the applicant is proposing to install fabric panels from open air metal structures with fabric canopies both in the passage and on the rooftop to create intimate outdoor dining areas, reminiscent of a European bistro. There is an existing door which will be replaced and will open directly into the outdoor café area in the pedestrian passage to provide circulation for patrons and staff. New clear glass storefront fixed windows are also proposed along the east elevation, along with four sliding glass patio doors that will allow the restaurant to open to the pedestrian passage in good weather. The outdoor dining area as proposed provides for safe and efficient pedestrian flow via the required 5' wide pathway between the proposed café seating and the existing newsrack in the alley. This pedestrian path widens to 7.66' wide just north of the newsrack. The applicant is also proposing to mount clip on planters to the painted metal structure that will be planted with Coleus annuals to enclose the outdoor café in the pedestrian passage. The goal is to create an outdoor room with interaction between seated patrons and pedestrians. One Tucci umbrella is now proposed north of the large canopy area. An outdoor dining license is required for use of the public passage.

Outdoor dining is also proposed on the rooftop terrace as noted above. A painted metal frame is also proposed on the rooftop, to be surrounded by clear glass guard rail and a fabric canopy overhead. Trees in pots are proposed to be added to the west side of the rooftop to enclose the outdoor dining space. As this rooftop dining is on private property, an outdoor dining license is not required.

The applicant intends to have business hours of 11am to midnight Monday – Friday and 9:30 am to midnight Saturday and Sunday for both the indoor and outdoor areas of the bistro.

### **3.0 Screening and Landscaping**

- 3.1 Screening – Existing rooftop mechanical equipment is unscreened. The applicant is proposing to relocate one rooftop mechanical units, and add one, for a total of 5 rooftop mechanical units. All are proposed to be clustered on the northwest corner of the rooftop and screened by a 6' high painted corrugated cement panel screen wall. The applicant has provided specification sheets for the proposed rooftop mechanical units to demonstrate that the screening proposed complies with the screening requirements contained in the Zoning Ordinance.
- 3.2 Landscaping – Two existing street trees are proposed to remain. No outdoor dining is proposed along the sidewalk on the Maple elevation, thus the existing 5' clear pedestrian pathway will remain. Potted Coleus annuals will line the outdoor dining in the passage as noted above, as well as the rooftop dining terrace. In addition, the applicant is proposing to add 2 Bradford Pear trees in pots on the southwest corner of the rooftop, and to relocate the existing landscape annual bed in the pedestrian passage to the east to accommodate the new egress stair. Five Bradford Pear trees are proposed in the new landscape bed, with English Ivy groundcover at the base of the trees. No other landscaping is required, nor proposed.

### **4.0 Parking, Loading, Access, and Circulation**

- 4.1 Parking – As the subject site is located within the Parking Assessment District, the applicant is not required to provide on-site parking.
- 4.2 Loading - Loading spaces are not required, nor proposed.
- 4.3 Vehicular Access & Circulation - Vehicular access to the building will not be altered.
- 4.4 Pedestrian Access & Circulation – Pedestrian access to Social Kitchen is available directly from the City sidewalk. Pedestrian access to the ground level outdoor dining area is available from the public pedestrian passage. Under the 2016 Plan, outdoor cafes are encouraged as they create a more pedestrian friendly environment. All outdoor dining areas must maintain a 5 foot minimum width of unobstructed pedestrian access in the public right-of-way, however as mentioned above, the Planning Board has determined that each applicant would be reviewed on a case by case basis to determine the existing pedestrian traffic flow. The proposed layout does provide for outdoor seating along the side of the building, an exterior door and sliding doors that provide access to the passage, and provides for good circulation between the restaurant and the outdoor dining area.

- 4.5 Streetscape – The existing sidewalk along E. Maple and leading into the pedestrian passage is concrete. Brick pavers are installed further back in the pedestrian passage near the existing door and adjacent to the rear alley. There are existing street trees lining E. Maple, but none are located immediately in front of the proposed Social Kitchen storefront. Pedestrian scale lighting is also in place along E. Maple, complete with banners and hanging baskets. One existing trash receptacle is located next to the street light just east of the storefront. One double head parking meter is located in front of the building. The proposed outdoor dining in the pedestrian passage will complement the existing streetscape, and add life to a passage that the Planning Board has long sought to activate. Existing windows along the east elevation of the building will be enlarged and replaced to provide for visibility of activity between patrons seated indoors and out, and will assist in creating visual interest at this corner. **However, as noted by the Engineering Department, the applicant will be removing and/or damaging portions of the pedestrian passage to allow installation of the egress stair and relocation of the existing landscape bed, in addition to the installation of the canopy structure. In addition, the Planning Board is currently in the process of creating design standards for alleys and passages to improve the pedestrian experience. Accordingly, the Planning Division recommends that the applicant install the new sections of exposed aggregate and broom finish concrete in accordance with the proposed alley and passage design. In addition, the Planning Board may wish to consider having the applicant install a sculptural via sign at either end of the pedestrian passage.**

## 5.0 Lighting

The applicant has provided specification sheets for all proposed building and landscape lighting. A photometric plan is not required as the applicant is not proposing extensive lighting, nor does the applicant propose to add a lighted parking facility.

Subtle architectural lighting is proposed for the rear projecting sign on the alley. Two dark bronze aluminum Sign Star lighting Style C by B-K Lighting, which extend 4' from the building are proposed to be mounted above the projecting sign, and one other Sign Star fixture is proposed on the east elevation to light the pedestrian passage wall sign. Given the proposed installation with the fixture shining directly on the signs, the bulbs will not be visible, and thus the fixtures could be considered to cut-off. WLFA2 series Waterproof Light Fixture with 15 LED lights per strip in warm white are proposed to be mounted behind the name letter sign on E. Maple to provide a halo lighting effect behind the sign.

Two HALO lights by Cooper Lighting are proposed under the new rear awning over the alley entrance. These fixtures are 5" insulated ceiling AIR-TITE recessed halogen pot light fixtures that will direct light down.

Five Power Canopy System mounts by B-K Lighting in dark bronze aluminum are proposed with Denali floodlights to be mounted along the east edge of the proposed canopy for the outdoor dining area in the pedestrian passage. These fixtures will be single head fixtures,

and 12 double head fixtures are also proposed under the rooftop canopy along both the east and west edges of the canopy. Finally, 5 Quorum International Patio 5 blade ceiling fans are proposed to be mounted from the center of the canopy structure on the rooftop terrace. These fans are 120 volt, and designed for use in wet conditions.

Tree Strap lighting by B-K Lighting is also proposed to uplight the canopy of each of the proposed trees. Denali floodlights will also be used and mounted onto an olive green nylon strap on the 5 proposed trees in the pedestrian passage and 2 proposed rooftop potted trees.

## **6.0 Departmental Reports**

**6.1 Engineering Division** – The Engineering Division has reviewed the plans dated November 18, 2011, for the above referenced outdoor café. We offer the following comments:

### **1. Stairway to Roof:**

The plan proposes the secondary required exit from the rooftop dining area to be installed on City property. The stairway will be in place year round, whether the roof is being used or not. As such, it will become an attachment to the building, using City land for the sole benefit of an adjoining neighbor. The City cannot turn over the use of public land to a private party without either a sale or lease of the subject property. As such, approval of this plan must be contingent upon the owner entering into a contract approved by the City Commission that remits to the City (under a sale or lease), the appraised value of this land. Since some future use may not desire to continue the outdoor dining use, the agreement must have language that clarifies the responsibility of the owner for removal of the stairs either at the expiration of the contract, or at which time the outdoor dining use on the roof is no longer desired, whichever comes first.

### **2. Passageway:**

The proposed row of five trees now proposed raises two concerns:

- a. Between the bottom of the stairs and the alley to the north, the trees form a barrier, requiring a seven foot wide path that has no other purpose than to serve as an exit to the emergency stairs.
- b. Installing the trees in the middle of the passageway will serve to obscure the view of the public pathway during the winter, when the outdoor café is not in operation.

The Planning Board may want to consider if the trees as proposed is both the best use of this area, and if it offers an atmosphere that welcomes the public to use this passageway during the winter.

Secondly, should the tree planter area be constructed as proposed, the existing pavement in this area will likely all have to be removed and

replaced. The note regarding the installation of exposed aggregate concrete being installed by the City in the future does not seem to consider the damage that will be done to the existing pavement. It is recommended that the applicant develop a permanent plan to replace the pavement in the passageway consistent with the theme being proposed, as a part of the project.

**3. Outdoor Dining Area:**

The proposed support structure for the awning over the outdoor dining area has been modified. Since it appears to be a simpler, painted metal frame structure, it appears that the intent is to disassemble it each winter. The agreement between the applicant and the City must specify that the disassembly of this outdoor dining area would be similar to that required for those installed in the public right-of-way, allowing full use of the area by the public during the winter.

- 6.2 Department of Public Services – Comments will be provided from the DPS prior to the Planning Board meeting on November 30, 2011.
- 6.3 Fire Department – The following comments were received from the Fire Dept for the previously submitted Social Kitchen plans at 225 E. Maple.
1. The exterior steel stairs must meet the minimum square foot requirements of IFC 2009.
  2. Interior and exterior fabrics must be non-combustible or comply with IFC 2009, NFPA 701 section 807.2. Owner will need to submit documentation of compliance.
  3. Building will need a means of egress from the 1st floor bistro area and the exterior stairs without having to re-enter the building.
  4. Building must have a sprinkler system throughout.
  5. The IFC also requires the building to have a key box mounted near the front entrance, location to be approved by FD, for after hours emergencies. I will have more details on this in the near future as we are just developing the program per the newly adopted IFC.
  6. Use of outdoor heating devices must comply with IFC 2009 sections 603.4.2.1 through 603.4.2.3.4.
- 6.4 Police Department - No concerns were reported from the Police Dept.
- 6.5 Building Department – The following comments were received from the Building Department on the previously submitted plans for Social Kitchen:



1. The height of the roof top guard rail must be a minimum of 42 inches above finish floor surface or 42 inches above adjacent seating. It appears that seating is adjacent to a proposed guard rail system. Section 1013.2
2. The exit separation distance of the two exits from the roof top dining area must be a minimum of 1/3 of the diagonal distance of the roof area when the building is equipped throughout with an automatic fire sprinkler system. The proposed drawing does not comply with this requirement. Section 1015.2.1
3. This building must be equipped throughout with an automatic fire sprinkler system. The occupant load of the interior level and roof top level (combined fire area) is 100 or more. Also, the roof top dining area is located on a floor other than the level of exit discharge. Section 903.2.1.2
4. The exterior stairs must be protected from water accumulation and accumulations of ice and snow. Several methods of protection considered code compliant are noted in the *2009 Building Code Commentary*. Section 1009.6.2
5. Roof live load must be minimum 100 (psf). Section 1607.1

## **7.0 Design Review**

The applicant is proposing exterior design changes that will make the new bistro a more pedestrian friendly and vibrant space for the area. The applicant is proposing to add a new recessed entrance into the vacant storefront to the west, and to remove the existing Tokyo Sushi storefront door and replace it with a new light bronze aluminum sash and clear glass storefront window system. Just east of the new door, a second light bronze aluminum sash and clear glass storefront window system will be installed. The applicant is proposing to paint the existing concrete American Deco front façade in Duxbury Gray paint. Existing dentil details on the front elevation will be maintained, and two new wood plank panels will be installed above to provide a distinct sign band. A new solid wood plank door is also proposed for the front entrance to match the sign band, with an internally illuminated pack painted glass door pull in Cornucopia Tan.

In addition, the applicant is proposing to open up the east elevation of the building by adding all new light bronze sash and clear glass windows, with four sliding glass door walls interspersed to allow the bistro to open to the outdoors. The existing door that leads into the pedestrian passage will be replaced with a new fixed glass door that will also provide access to the outdoor dining area. The existing plaster finish on the northern end of the east façade is proposed to be painted in Duxbury Gray to match the front façade.

In addition to exterior changes to the existing storefront, the applicant is also proposing to add painted metal structures over the outdoor dining areas proposed in the pedestrian passage, and on the rooftop. These structures will be constructed with aluminum frames painted in Duxbury Gray. In the pedestrian passage, this metal structure will be covered in a canvas awning in Sunbrella "Parchment" (light tan color), with wood planter boxes clipped on to the metal frame surrounding the outdoor dining

area. Outdoor Sunbrella fabric drape panels in Parchment are also proposed to frame the columns of the canopy structure. On the rooftop, the painted metal structure will be covered in a canvas awning in Sunbrella "Pumpkin" (rusty orange color), with clear glass guard rails attached to surround the rooftop dining area. Outdoor Sunbrella fabric drape panels in Pumpkin are also proposed to frame the columns of the rooftop canopy structure. The rooftop terrace will utilize Trex decking over the existing roof. Both of the proposed canopy structures provide space definition, but maintain an open and airy appearance so that interaction is possible between dining patrons and pedestrians.

An open painted steel staircase is also proposed adjacent to the outdoor dining area in the pedestrian passage to provide access to the rooftop dining terrace. The painted steel staircase will have steel railings and will be covered by a canvas awning in Sunbrella "Pumpkin", to be installed on a painted metal frame. This egress staircase is now proposed in a single run with a landing midway, as previously requested by the Engineering Department. The railings and staircase are open and airy and the colors and materials selected tie the staircase into the proposed storefront improvements and outdoor dining enclosures.

#### Outdoor Dining Area

Outdoor cafés must comply with the site plan criteria as required by Article 04, Section 4.42 OD-01, Outdoor Dining Standards. Outdoor cafes are permitted immediately adjacent to the principal use and are subject to site plan review and the following conditions:

1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.
2. All outdoor activity must cease at the close of business, or as noted in Subsection 3 below, whichever is earlier.
3. When an outdoor dining area is immediately adjacent to any single-family or multiple-family residential district, all outdoor activity must cease at the close of business or 12:00 a.m., whichever is earlier.
4. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.
5. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.
6. For outdoor dining located in the public right-of-way:
  - (a) All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.
  - (b) In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.
  - (c) An elevated, ADA compliant, enclosed platform may be erected on the street adjacent to an eating establishment to create an outdoor dining

- area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
- (d) No such facility shall erect or install permanent fixtures in the public right-of-way.
  - (e) Commercial General Liability Insurance must be procured and maintained 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. This coverage shall include an endorsement naming the city, including all elected and appointed officials, all employees, all boards, commissions and/or authorities and board members, as an additional insured. This coverage must be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance, and shall include an endorsement providing for a thirty (30) day advance written notice of cancellation or non-renewal to be sent to the city's Director of Finance.

The applicant has now provided a trash receptacle within the outdoor dining area along the pedestrian passage as required by Article 04, section 4.42 OD-01 of the Zoning Ordinance. The rooftop dining area notes a service station location, which the applicant has indicated includes a trash receptacle.

The applicant intends to have business hours of 11am to midnight Monday – Friday and 9:30 am to midnight Saturday and Sunday 11 a.m. to midnight for both the indoor and outdoor dining areas. The proposed outdoor dining areas are not immediately adjacent to multi-family zoned property.

The applicant has provided specification sheets of the proposed tables and chairs. The applicant is proposing a total of 16 tables and 56 chairs in the outdoor dining area in the passage. The tables have a black metal base, with Corian table tops in "Antarctica". **The chairs proposed are Emeco 111 Navy Chairs, and are made of recycled plastic. The applicant will be required to provide chairs constructed primarily of metal, wood or material of comparable quality. The applicant intends to bring a sample of the Emeco chair to the Planning Board meeting so that the Planning Board can evaluate the quality of the material.** The same tables are proposed for the rooftop dining area, however metal and dark wood chairs are proposed for the rooftop dining area, as well as woven Beechwood lounge seats in dark brown with moss green cushions. A fire pit is also proposed. **Specification sheets have not been provided on the firepit or the proposed coffee tables on the rooftop.**

One Tucci umbrella is proposed for the outdoor dining areas in the pedestrian passage with a Sunbrella "Parchment" fabric cover. This umbrella does not impede views into any Maple storefronts.

The applicant is proposing outdoor seating along the east side of the building, along an existing pedestrian passage. The outdoor café area is proposed to be enclosed as above with wooden planter boxes attached to the painted metal columns of the canopy structure. The café area is proposed to project 12' from the eastern building façade.

The café area is proposed to maintain the required 5' pedestrian pathway at the tightest point adjacent to the pedestrian passage, and 7.66' of clear pathway will be provided past the existing newsracks. The applicant is also proposing outdoor dining on the rooftop of the building on private property.

**The applicant will be required to enter into a license agreement with the City for use of the public right-of-way, and to provide the required insurance. Liquor liability insurance will also be required for the service of liquor in the right-of-way.**

#### Signage

The applicant is permitted to have a total of 31 square feet of signage, based on the frontage of the building. They are proposing to have three signs, for a total of 23.715 square feet of signage.

One name letter sign is proposed on the Maple elevation reading "Social Kitchen and Bar". This name letter sign is proposed within the sign band of the building, and will include the use of pinned off flat cut painted metal letters in Duxbury Gray with an internally illuminated back painted glass circle in Cornucopia Tan for the dot of the letter i. These letters are proposed to be a height of 1' 8" in height and mounted on a solid wood plank fascia panel, with white LED lighting proposed behind the fascia panel to provide a halo effect around the entire plank. This sign projects 2" from the wall, is a total of 8.715 square feet in size, and thus meets the maximum size requirements.

A second name letter sign is proposed on the east elevation of the building at the rear by the intersection of the pedestrian passage and the service alley. This sign will match the color and design of the main frontage sign, but will be only 3.325 square feet in size, and the letters will be mounted 2" from the building at a height of 4.5 feet above grade. As this name letter sign marks the rear entrance to Social Kitchen, it does not count toward the total signage since it is less than 6 square feet in size.

A third sign is proposed on the rear of the building. This projecting sign is proposed to be 8.75 square feet in size per side (17.5 sq.ft. total) and to project 4' from the north elevation, at a height of 12.5 feet above grade. This sign is proposed to have the letters carved into the wood plank face to a depth of .75" on each side. **Projecting signs can be a maximum size of 7.5 square feet per side, and may only project 30" over the property line. The applicant has advised that they will reduce the size of the sign and the projection to comply with the Sign Ordinance.**

### **8.0 Downtown Birmingham 2016 Overlay District**

The site is located within the D-4 zone of the DB 2016 Regulating Plan, within the Downtown Birmingham Overlay District. Specifically, the 2016 Plan recommends the addition of outdoor dining areas in the public right-of-way as it is in the public's best interest as it enhances street life, thus promoting a pedestrian friendly environment.

### **9.0 Selection Criteria for Bistro Licenses**

Chapter 10, Alcoholic Liquors, section 10-82 provides a limitation on the number of Bistro Licenses that the City Commission may approve, and provides selection criteria to assist the Planning Board and City Commission in evaluating applications for Bistro Licenses. For existing restaurants in the City of Birmingham, section 10-82 states:

- (a) **Maximum Number of Bistro Licenses.** The city commission may approve a maximum number of license transfers for Bistro licenses per calendar year as follows:

**New establishments.** Two (2) Bistro Licenses may be approved each calendar year to applicants who do not meet the definition of existing establishments as set forth in (a)(1) above. In addition to the usual criteria used by the city commission for liquor license requests, the commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the new establishment applicants, if any, should be approved:

- The applicant's demonstrated ability to finance the proposed project.
- The applicant's track record with the city including responding to city and/or citizen concerns.
- Whether the applicant has an adequate site plan to handle the bistro liquor license activities.
- Whether the applicant has adequate health and sanitary facilities.
- The establishment's location in relation to the determined interest in the establishment of bistros in the Overlay District and the Triangle District.
- The extent that the cuisine offered by applicant is represented in the city.
- Whether the applicant has outstanding obligations to the city (ie property taxes, utilities, etc.).

Social Kitchen's application for a bistro license was one of the two applications pre-selected for review by the City Commission for the 2012 calendar year. Social Kitchen will be a new establishment.

The selection criteria provided above must be considered to provide a recommendation to the City Commission as to whether or not to approve the operation of a Bistro License at Social Kitchen.

The applicant has provided a letter from Parker & Co., P.C. that indicates the ownership team has liquid assets in excess of several million dollars available for investment purposes.

The proposed outdoor dining does provide for safe and efficient pedestrian flow via a 5' walkway between the outdoor dining enclosure and the eastern edge of the pedestrian passage. The applicant has confirmed that the rooftop service station will include a trash receptacle.

Social Kitchen is proposed to be located within the Overlay District. The City is interested in attracting bistro operations within both the Overlay District and Triangle District; therefore this operation fits into the parameters outlined by the Bistro Ordinance guidelines.



Social Kitchen is proposing to serve an eclectic mix of uniquely presented tapas style food.

#### **10.0 Approval Criteria for Final Site Plan**

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property not diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

#### **11.0 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.

#### **12.0 Suggested Action**

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board APPROVE the applicant's request for Final Site Plan and a SLUP to permit a Bistro License for Social Kitchen at 223 - 225 E. Maple with the following conditions:

- 1. The applicant is required to obtain HDC approval;**
- 2. The applicant must provide confirmation that the front façade provides the required 70% glazing;**
- 3. The applicant provide the pedestrian passage pavement improvements and the addition of two sculptural via signs;**
- 4. The applicant comply with the requests of City departments;**
- 5. The applicant provide specification sheets on the proposed firepit for use on the rooftop;**
- 6. The applicant enter into a license agreement with the City for use of the public right-of-way, and provide the required insurance; and**
- 7. The applicant reduce the size and projection of the proposed alley projecting sign or obtain a variance from the Board of Zoning Appeals.**

### **13.0 Sample Motion Language**

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board RECOMMEND APPROVAL of the applicant's request for Final Site Plan and a SLUP to the City Commission to permit a Bistro License for Social Kitchen at 223 - 225 E. Maple with the following conditions:

- 1. The applicant is required to obtain HDC approval;**
- 2. The applicant must provide confirmation that the front façade provides the required 70% glazing;**
- 3. The applicant provide the pedestrian passage pavement improvements and the addition of two sculptural via signs;**
- 4. The applicant comply with the requests of City departments;**
- 5. The applicant provide specification sheets on the proposed firepit for use on the rooftop;**
- 6. The applicant enter into a license agreement with the City for use of the public right-of-way, and provide the required insurance; and**
- 7. The applicant reduce the size and projection of the proposed alley projecting sign or obtain a variance from the Board of Zoning Appeals.**

OR

Motion to recommend DENIAL of the Final Site Plan and SLUP to the City Commission for 223 - 225 E. Maple, Social Kitchen for the following reasons:

1. \_\_\_\_\_
2. \_\_\_\_\_

3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

OR

Motion to recommend POSTPONEMENT of the Final Site Plan and SLUP to the City Commission for 223 - 225 E. Maple, Social Kitchen, with the following conditions:

**Planning Board Minutes  
November 30, 2011**

**SPECIAL LAND USE PERMIT ("SLUP") REVIEW**

**223 & 225 E. Maple Rd.**

**Social Kitchen and Bar** (former Tokyo Sushi and vacant storefront)

**Request for Final Site Plan and Special Land Use Permit ("SLUP") approval to allow the operation of a new bistro**

**FINAL SITE PLAN REVIEW**

**223 & 225 E. Maple Rd.**

**Social Kitchen and Bar** (former Tokyo Sushi and vacant storefront)

**Request for Final Site Plan and Special Land Use Permit ("SLUP") approval to allow the operation of a new bistro**

Ms. Ecker outlined the proposal. The City Commission pre-screened the bistro applications and selected two this year. The top two that moved forward were Market and Social Kitchen.

Ms. Ecker advised that the subject site is located at 223 - 225 E. Maple Rd., between N. Old Woodward Ave. and Park St. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, a new restaurant by the name of Social Kitchen, is seeking approval of a Bistro License under Chapter 10, Alcoholic Liquors, of the City Code. Chapter 10 requires that the applicant obtain a SLUP and approval from the City Commission to operate an establishment with a Bistro License within the City of Birmingham. ***Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit, and then obtain approval from the City Commission for the Final Site Plan, Special Land Use Permit, and for the operation of a Bistro License. Historic District Commission approval will also be required as the proposed bistro is located within the Central Business District Historic District.***

Social Kitchen is proposing ten seats in a defined bar area, which includes two drink rails and an iced wine display area. Additionally, there will be seating inside for sixty-four diners, including ten seats at the bar.

Ms. Ecker advised that fifty-six outdoor dining seats are proposed in the pedestrian passage immediately adjacent to the east elevation of the building. The café area is proposed to project 12 ft. from the eastern building façade and will be enclosed with a railing and planters. This will leave a 5 ft. required pedestrian path at the narrowest point. The applicant is proposing to install fabric panels from open air metal structures with fabric canopies, both in the passage and on the rooftop to create intimate outdoor dining areas. An open painted steel staircase is proposed adjacent to the outdoor dining area in the pedestrian passage to provide access to and egress from the rooftop dining terrace.

A rooftop terrace with 30 seats is also intended for outdoor dining. A painted metal frame is proposed on the rooftop, to be surrounded by a clear glass guard rail and a fabric canopy overhead. Bradford Pear trees in pots are proposed to be added to the west side of the rooftop to enclose the outdoor dining space, and an outdoor fire pit is planned.

Since the applicant will be ripping up concrete in the alley in order to add the covered outdoor dining area along with a stairway to the rooftop terrace, the Engineering Dept. feels it would be a perfect time for the applicant to re-pave the alley with exposed aggregate and broom finish concrete panels in compliance with new guidelines for alleys and passages.

Social Kitchen is proposing a full service kitchen with a unique and eclectic tapas style menu featuring brunch, lunch, and dinner selections.

The applicant is permitted to have a total of 31 sq. ft. of signage, based on the frontage of the building. They are proposing to have three signs, for a total of 23.715 sq. ft. of signage.

This projecting sign proposed for the rear of the building will be 8.75 sq. ft. in size per side and project 4 ft. from the north elevation at a height of 12.5 ft. above grade. Projecting signs can be a maximum size of 7.5 square feet per side, and may only project 30 in. over the property line. ***The applicant must reduce the size and projection of the proposed alley projecting sign or obtain a variance from the Board of Zoning Appeals ("BZA").***

Ms. Ecker related that the Alleys and Passages Committee thinks it would be better to leave the outdoor dining structure out all year long. Mr. DeWeese thought the stairs should also remain during the winter months.

It was discussed that Zachary Sklar is listed as the applicant. Mr. Williams was not familiar with Parker & Co., PC, the firm that has indicated the ownership team has liquid assets in excess of several million dollars available for investment purposes. Ms. Ecker read a letter into the record from Parker & Co., PC, Certified Public Accountants in Commerce Twp., certifying assets.

Ms. Lazar received confirmation that the canvas on the rooftop is intended to be permanent. She thought the bathroom facilities are rather minimal for potentially 150 people.

Mr. Zachary Sklar, one of two proposed owners of Social Kitchen & Bar, summarized details about his background and about the future bistro. Mr. Sklar is currently the owner of Cutting Edge Cuisine Catering Co. which is the fastest growing catering company in Michigan. The applicant feels that their vision for Social matches Birmingham's aesthetics and will be a dining landmark for years to come. Chairman Boyle indicated he went on line to check on Mr. Sklar's business partner, Mr. Jim Bellingham, and found that he has extensive holdings. The applicant in this case is an LLC with two members. With the next bistro application, it was agreed all of the information that was provided to the City Commission will be given to the Planning Board.

Mr. Ron Rea and Mr. Roman Bonaslawski, Ron and Roman Architects, stated that access to the rooftop terrace would be through the restaurant. The stairs are meant for emergency egress and transporting of food. They will meet the 70 sq. ft. requirement for storefront glazing by using a 2 in. sash. They are looking to the Code to provide guidelines for handicap access to the rooftop. If the Building Dept. has found some new resource that that needs to be addressed, they will do that. Trees were placed in the via in order to enliven the entire passageway. Finally, they will comply with the projecting sign size. The architects brought in a



chair that is proposed for the passageway patio. It is constructed of 111 recycled Coke bottles and feels like a metal chair. They believe that it falls within the spirit of the Ordinance. Their goal is to provide an infra-red tube heater that would run down the center of the terrace and provide an even level of heating. Changes to the via will be made that are required by the tree locations and the pedestrian way in accordance with the new standards as set forth by the Alleys and Passages Sub-Committee.

Mr. Koseck spoke regarding accessibility to the upper terrace. He feels someone in a wheel chair should have the right to get up there like anyone else. He received confirmation that the outdoor furniture in the alley will be brought in at night during the winter; however, everything on the roof can stay in place. Further, Mr. Koseck pointed out that something is needed to control water that comes off the awning so that it doesn't fall into the passageway. Mr. Rea agreed that is very important.

Mr. Rea went on to explain that they met the criteria for not having an elevator by keeping a certain percentage on the roof,

Chairman Boyle and Mr. Clein were having trouble with passageway dining being open 12 months. Mr. Clein added that he struggles with 150 potential seats all year because he starts to not look at this as a bistro.

Mr. DeWeese noted that the bistros work because their first focus is on food, and he was uncomfortable with calling this a bar. Mr. Williams announced he is ok with the proposal as long as the applicant is going to make significant improvements to the alley. If the focus was on something other than food he might feel differently. The City can control the issue by its contract with the applicant to utilize the public right-of-way.

Mr. Sklar said they picked the location so they could have space on the rooftop and in the alleyway. His area of expertise is in catering for large amounts of people and he has made sure the kitchen will have the capacity to turn out these numbers. They may go with a lighter menu on the rooftop.

Ms. Whipple-Boyce said this plan exceeds what the Alleys and Passages Sub-Committee could have asked for. The narrowing of the alley benefits the pedestrian feeling by making the passage more intimate. The permanent awning is key to helping this to succeed. There will be opportunities in the winter to bring a little life to the passage. Also, there is an annual review of bistros and if there is a problem it can always be addressed.

Ms. Lazar thought that the volume of 120 people pushes the envelope on the whole bistro issue. She feels the Planning Board needs to be somewhat cautious.

Mr. DeWeese noted that the awning in the passageway provides an opportunity for the public to get out of the inclement weather.

Mr. Koseck agreed with Ms. Whipple-Boyce that the proposal gives purpose and life to the alley. However, he wondered how many people would be out there dining in the cold.

Mr. Williams observed that this applicant is creating a precedent with their rooftop dining that maybe the first eight bistros missed. He shared the concern about pushing the envelope on size. However, the enhanced passageway increases the values on the block and on the north side of Maple Rd.

Chairman Boyle pointed out that the stair is not shown on the plan and it does change the nature of the alley. Mr. Rea noted that Boston ivy will be planted on the blank walls, and the stairway is part of an alley experience. Closing the passageway in will humanize it so that more people will come through there.

There were no members of the public who wished to comment on this application at 9:07 p.m.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. DeWeese that based on a review of the site plans submitted, the Planning Board recommends approval of the applicant's request for Final Site Plan and a SLUP to the City Commission to permit a Bistro License for Social Kitchen at 223-225 E. Maple Rd. with the following conditions:**

- 1) The applicant is required to obtain HDC approval;**
- 2) The applicant must provide confirmation that the front façade provides the required 70 percent glazing;**
- 3) The applicant provide the pedestrian passage pavement improvement and the addition of two sculptural Via signs;**
- 4) The applicant comply with the requests of City departments, subject to review by the Planning Dept. with the exception of Engineering Dept.'s points 2 and 3 which point to the location of the trees and the permanent awning;**
- 5) The applicant provide specification sheets on the proposed fire pit for use on the rooftop;**
- 6) The applicant enter into a license agreement with the City for use of the public right-of-way, and provide the required insurance;**
- 7) The applicant reduce the size and projection of the proposed alley projecting sign or obtain a variance from the BZA;**
- 8) The applicant deal with the water and ice conditions created by the awning for administrative approval;**
- 9) The applicant remove the words "improvements by City" from their drawings;**
- 10) The applicant revise the pattern and the finishes of the aggregate and concrete in the entire via for administrative approval;**
- 11) Valet parking may only be permitted via the alley behind the restaurant; and**
- 12) The Planning Board makes an exception to permit the use of the plastic chair.**

Chairman Boyle agreed this is an exciting proposal that will enliven the area. However, it is a public space in a public alley and success really comes down to maintaining the space by cleaning it, keeping it tidy, and bringing furniture in and out as discussed.

There were no final comments from the public at 9:20 p.m.

**Motion carried, 7-0.**

ROLLCALL VOTE

Yeas: Whipple-Boyce, DeWeese, Boyle, Klein, Koseck, Lazar, Williams

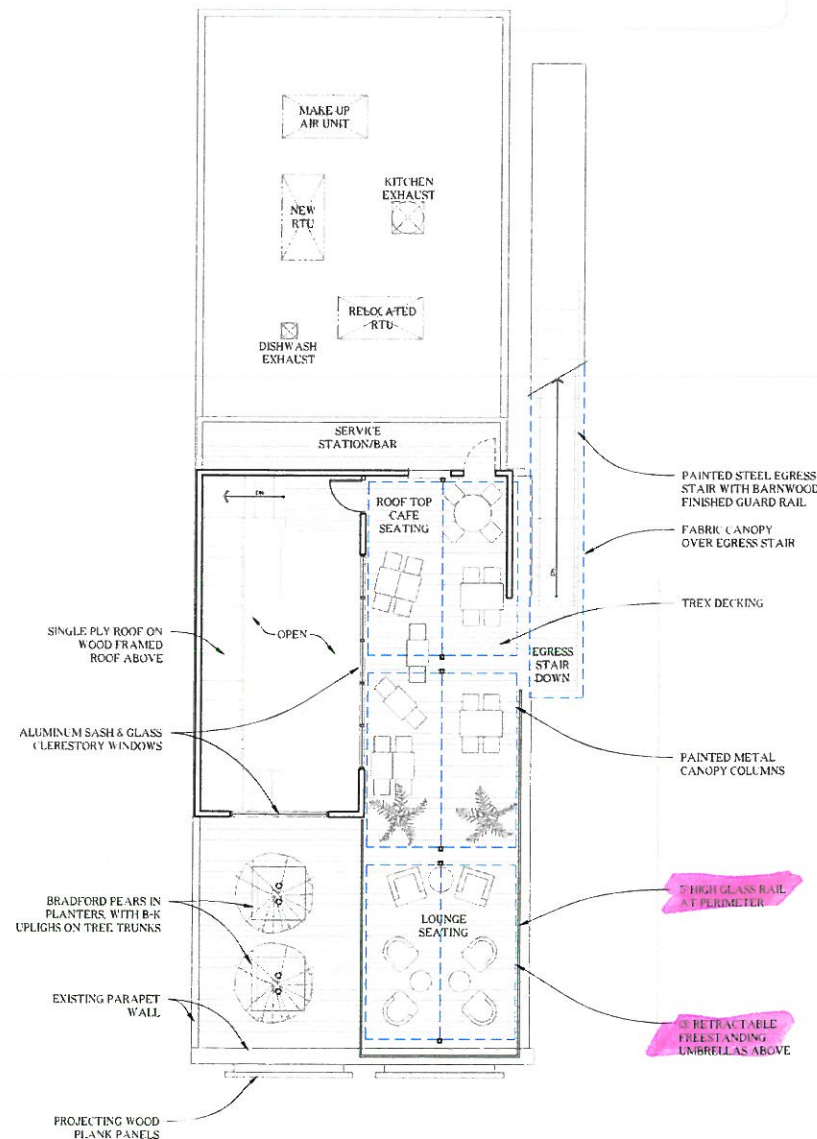
Nays: None

Absent: None

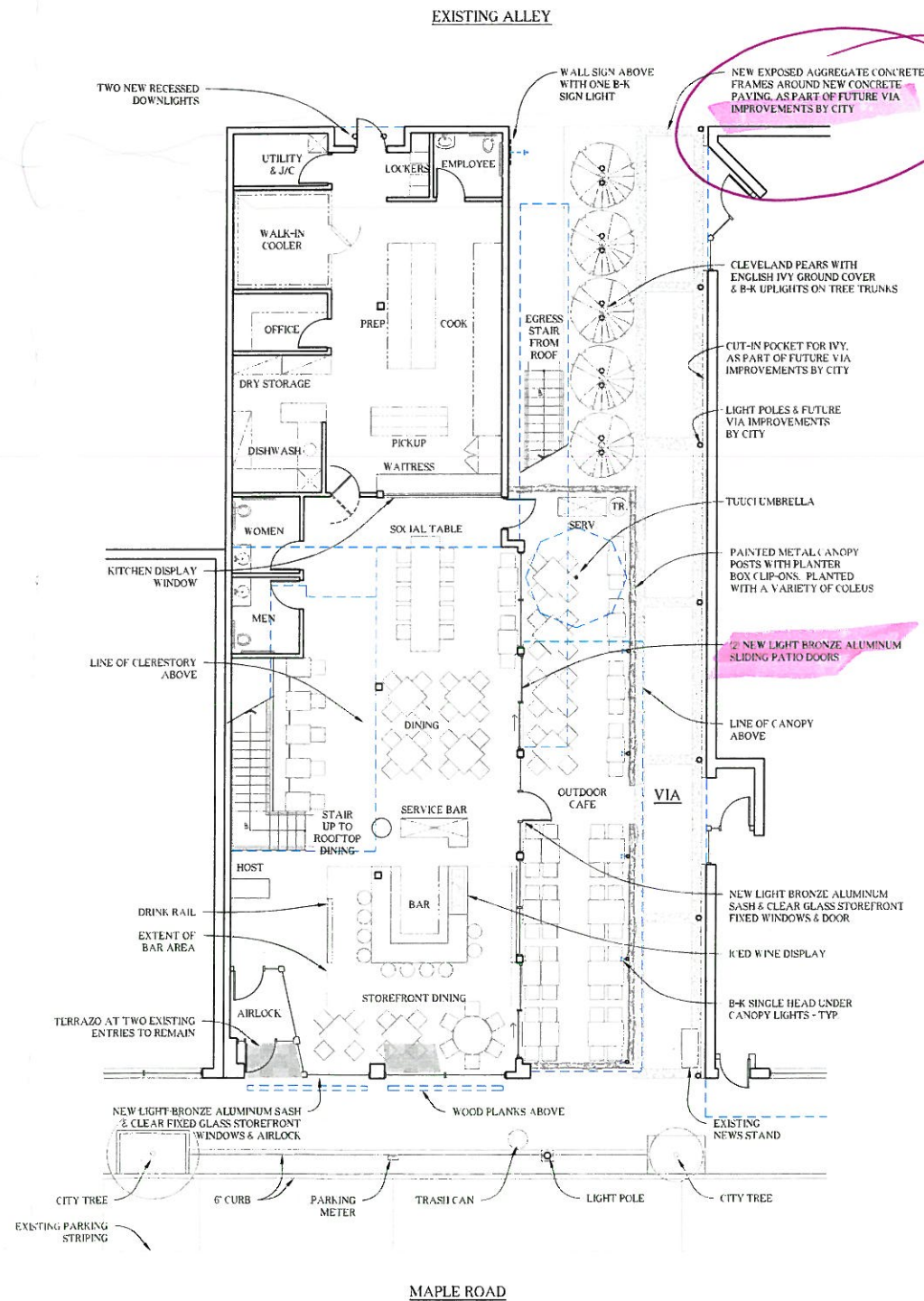
The board took a short recess at 9:21 p.m.



3 Location Map  
NTS



2 Roof Plan  
scale: 1/8" = 1'-0"



1 Ground Floor Plan  
scale: 1/8" = 1'-0"



#### SEATING DATA

BAR STOOLS	10
DINING SEATS	54
TOTAL INTERIOR	64
SEASONAL VIA CAFE SEATS	56
SEASONAL ROOFTOP CAFE SEATS	30
TOTAL SEASONAL	86
GRAND TOTAL SEATS	150

APPROVED by CC on 1/9/12  
w/conditions noted  
in SLUP resolution  
SLUP + FSP  
JFK

Ronand Roman  
architects et al.

275 E. Frank St. Birmingham, MI 48009  
o) 248.723.5790 f) 248.723.5793

Project:

Social  
Bistro SLUP  
225 Maple Rd., Birmingham, MI 48009

Seal:

Issue Date:

SLUP	11/4/11
Revision	11/9/11
Revision	11/18/11
Revision	1/5/12

Sheet Title:

Floor Plan &  
Roof Plan

Sheet Number:

A-1



Project:

Social Kitchen & Bar  
Bistro SLUP  
225 Maple Rd., Birmingham, MI 48009

Seal:

Issue Date:

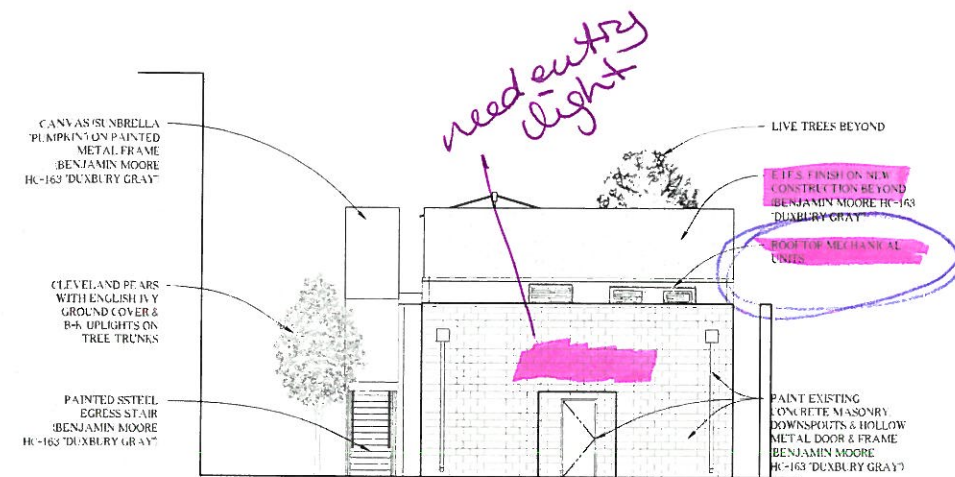
SLUP	11/4/11
Revision	11/9/11
Revision	11/18/11
Revision	1/5/12

Sheet Title:

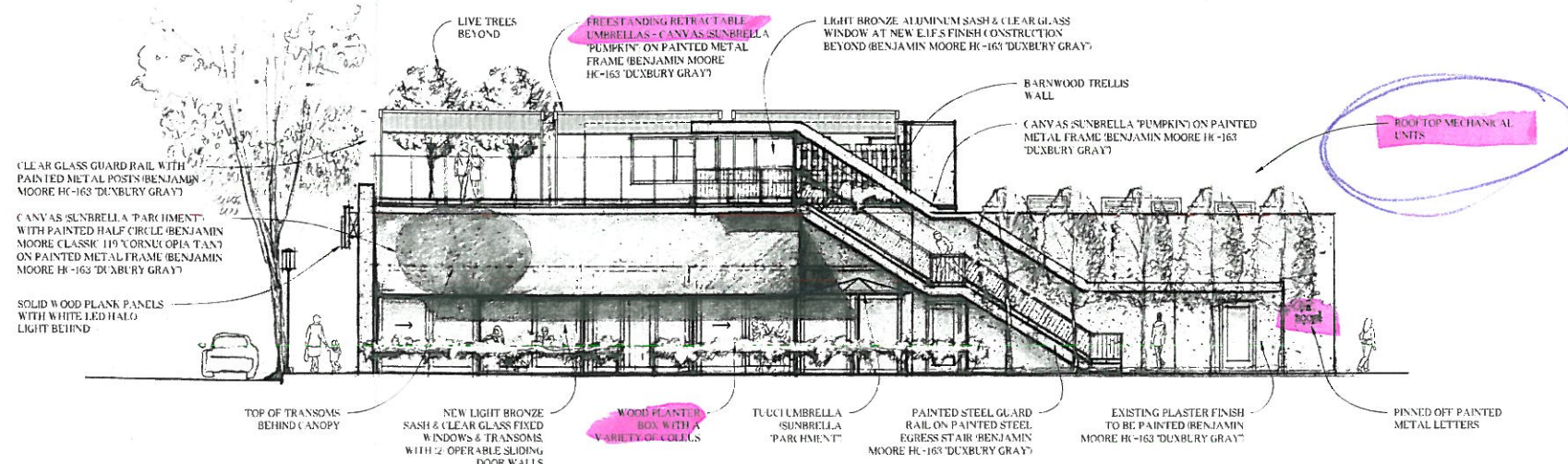
Exterior Elevations

Sheet Number:

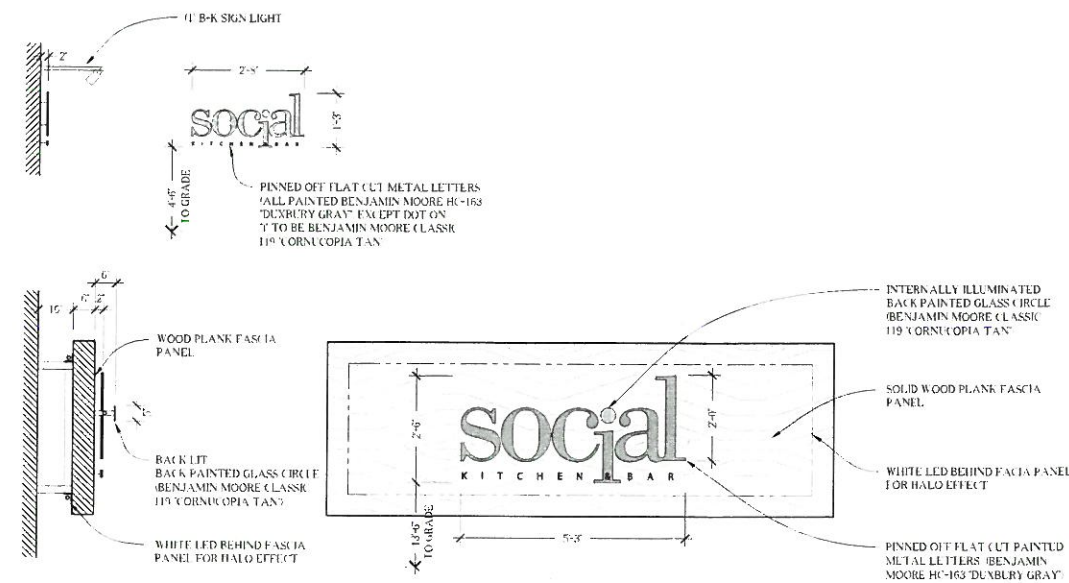
A-2



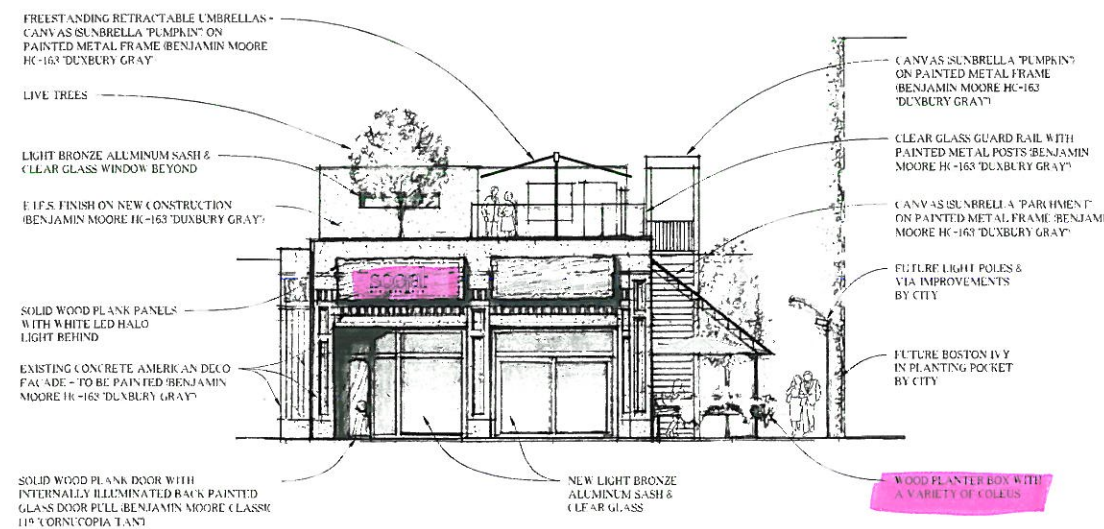
4 Exterior Elevation Facing the Alley  
scale 1/8" = 1'-0"



2 Exterior Elevation Facing the Via  
scale 1/8" = 1'-0"



3 Sign Details  
scale 1/2" = 1'-0"



1 Exterior Elevation Facing Maple  
scale 1/8" = 1'-0"



**NOTICE OF PUBLIC HEARINGS**  
**BIRMINGHAM CITY COMMISSION**  
**PUBLIC HEARING OF NECESSITY**  
**PUBLIC HEARING OF CONFIRMATION**

Meeting Date, Time, Location:	HEARING OF NECESSITY FOR SPECIAL ASSESSMENT DISTRICT Monday, July 9, 2018, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI
Meeting Date, Time, Location:	HEARING OF CONFIRMATION FOR SPECIAL ASSESSMENT DISTRICT Monday, July 23, 2018, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI
Location:	Within Local Streets Paving Project area
Nature of Improvement:	Installation of sewer and water services within the Local Streets Paving Project area
City Staff Contact:	Paul O'Meara 248.530.1836 <a href="mailto:pomeara@bhamgov.org">pomeara@bhamgov.org</a>
Notice Requirements:	Mail to affected property owners Publish June 10 <sup>th</sup> and June 17 <sup>th</sup> , 2018
Approved minutes may be reviewed at:	City Clerk's Office

You or your agent may appear at the hearings to express your views; however, if you fail to protest either in person or by letter received on or before the date of the hearing, you cannot appeal the amount of the special assessment to the Michigan Tax Tribunal. Mail any correspondence to: City Clerk, P.O. Box 3001, Birmingham, MI 48012.

The property owner may file a written appeal of the special assessment with the State Tax Tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the roll.

All special assessments, including installment payments, shall, from the date of the confirmation thereof, constitute a lien on the respective lots or parcels assessed, and until paid shall be charged against the respective owners of the lots or parcels assessed.

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

Engineering Dept.

**DATE:** July 2, 2018

**TO:** Joseph Valentine, City Manager

**FROM:** Paul T. O'Meara, City Engineer

**SUBJECT:** 2018 Local Streets Paving Project – Contract #4-18(P)  
Water & Sewer Lateral Replacement  
Special Assessment District Public Hearing

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At the Commission meeting of June 4, 2018, the City Commission set a date of July 9, 2018 to hold a public hearing of necessity for the replacement of water and sewer laterals located within the limits of the 2018 Local Streets Paving Project. Also at that meeting, a confirmation hearing date of July 23, 2018 was set, should the assessment district be authorized. Attached for your information are the previous report that was prepared on this subject, as well as the public hearing notice most recently sent out.

All owners in the district have been sent the attached letter. To date, our office has received a small number of calls asking for clarification. One homeowner is challenging the need to replace the sewer lateral, but has no proof that it has been replaced. We have agreed to excavate the pipe carefully in the event that it has been replaced with PVC. If replacement can be confirmed, then the City will not need to replace the sewer now, thereby waiving this expense for the affected homeowner.

A suggested resolution has been prepared below should the Commission wish to consider authorizing this project.

### SUGGESTED RESOLUTION (WATER & SEWER LATERAL REPLACEMENT):

WHEREAS, The City Commission has established a policy requiring the replacement of undersized or lead water lateral lines and sewer laterals in excess of fifty years old when the City street is open for repairs or reconstruction; and

WHEREAS, The City Commission is of the opinion that replacement of water and sewer laterals not meeting current criteria as a part of the planned road paving project is declared a necessity; and

WHEREAS, formal bids have been received and the actual cost per foot for replacement of the water and sewer laterals has been determined,

RESOLVED, that all sewer and water and laterals not meeting current criteria located within the limits of the following streets shall be replaced as a part of the 2018 Local Streets Paving Project:

Bennaville Ave. – Edgewood Ave. to Grant St.  
Ruffner Ave. – Grant St. to Woodward Ave.  
Chapin Ave. – Grant St. to Woodward Ave.

RESOLVED, that at such time as the Assessor is directed to prepare the assessment roll, of which 100% of the contractor's charge to replace water and sewer lateral (calculated at the rate of \$36.50 per foot for water laterals and \$51 per foot for sewer laterals) shall be charged to the adjoining property owners benefiting from the said laterals,

RESOLVED, that there be a special assessment district created and special assessments levied in accordance with benefits against the properties within such assessment district, said special assessment district shall be all properties, within the following district:

**"Parkside Subdivision"**

Lots 1-5 inclusive, 8, 11, 12, 14-18 inclusive, 20, 22, 23.

**"Leinbach-Humphrey's Woodward Ave. Subdivision"**

The easterly 17.00 ft. of lot 1077, lot 1078, 1083, 1084, 1091, 1095-1099 inclusive, 1103, 1123-1128 inclusive, 1132-1136 inclusive, 1142, 1145, 1147, 1148, 1290, 1292-1300 inclusive, 1302-1304 inclusive, 1321, 1324-1326 inclusive, 1329, 1330, 1332, 1334, 1336, 1337.

RESOLVED, that the Commission shall meet on Monday, July 23, 2018, at 7:30 P.M., for the purpose of conducting a public hearing to confirm the roll for the replacement of water and sewer laterals within the 2018 Local Streets Paving Project.



## MEMORANDUM

Engineering Dept.

**DATE:** May 25, 2018

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

**FROM:** Paul T. O'Meara, City Engineer

**SUBJECT:** 2018 Local Streets Paving Project  
Water & Sewer Lateral Special Assessment District

In accordance with current policy, the Engineering Dept. plans to replace all older water and sewer laterals underneath the new proposed pavement on the above project, which includes sections of Bennaville Ave., Ruffner Ave., and Chapin Ave.

As recommended under separate cover, it is anticipated that this construction contract will be awarded to Angelo Iafrate Construction Co., with their low bid of \$2,689,473.00. In the past, the City has compared the low bidder's price for this work item with the other bidders, to ensure the price of this work, which will be assessed, reflects the actual value of the work. A list of the water and sewer lateral bid prices for all the bidders follows below:

<b>CONTRACTOR (in order of lowest to highest bidder based on total price)</b>	<b>BID PRICE (PER FOOT) WATER</b>	<b>BID PRICE (PER FOOT) SEWER</b>
Angelo Iafrate Construction Co.	\$36.50	\$51.00
FDM Contracting, Inc.	\$28.00	\$90.00
Pamar Enterprises, Inc.	\$18.00	\$50.00
<b>Average Price Per Foot</b>	<b>\$27.50</b>	<b>\$63.67</b>

Per the table, the low bidder's per foot price for a water lateral is \$9 higher than the average bid, while the sewer price per foot is \$12.67 lower than average. As shown on the attached chart, most of the properties in the assessment district will need both a new water and sewer lateral. The average cost to a homeowner obtaining both a new sewer and water lateral is \$2,108 per house, with the highest being charged \$2,763 (on Bennaville Ave.). Considering the replacement of these service laterals when done on an individual basis is typically approaching \$10,000, we feel that these costs are very reasonable, and add value to each property well in excess of the amount being charged.

It is recommended that a public hearing of necessity be scheduled at the Monday, July 9, 2018 City Commission meeting. It is further recommended that the public hearing to

confirm the roll be held on Monday, July 23, 2018 at the unit price of \$36.50 per foot for water laterals, and \$51.00 per foot for sewer laterals.

**SUGGESTED RESOLUTION:**

RESOLVED, that the City Commission shall meet on Monday, July 9, 2018, at 7:30 P.M., for the purpose of conducting a public hearing of necessity for the installation of water and sewer laterals within the 2018 Local Street Paving project area. Be it further

RESOLVED, that the City Commission meet on Monday, July 23, 2018, at 7:30 P.M. for the purpose of conducting a public hearing to confirm the roll for the installation of water and sewer laterals in the 2018 Local Streets Paving project area.



**Bennaville Ave. - Edgewood Dr. to Grant St.**

**NORTH SIDE**

Address	Street	Sewer	Date	SAD?	Estd Feet	Estd Cost	Water	Date	SAD?	Estd Feet	Estd Cost	TOTALS
411	Bennaville Ave.	CLAY	1947	Y	37	\$1,887	3/4" COPPER	1947	Y	24	\$876	<b>\$2,763</b>
425	Bennaville Ave.	CLAY	1947	Y	37	\$1,887	3/4" COPPER	1947	Y	24	\$876	<b>\$2,763</b>
441	Bennaville Ave.	ORANGEBURG	1947	Y	37	\$1,887	3/4" COPPER	1947	Y	24	\$876	<b>\$2,763</b>
459	Bennaville Ave.	ORANGEBURG	1947	Y	37	\$1,887	3/4" COPPER	1947	Y	24	\$876	<b>\$2,763</b>
473	Bennaville Ave.	ORANGEBURG	1947	Y	37	\$1,887	3/4" COPPER	1947	Y	24	\$876	<b>\$2,763</b>
499	Bennaville Ave.	SIDEYARD	2001	N	0	\$0	SIDEYARD	2001	N	0	\$0	<b>\$0</b>
525	Bennaville Ave.	SIDEYARD	2000	N	0	\$0	SIDEYARD	2002	N	0	\$0	<b>\$0</b>
533	Bennaville Ave.	ORANGEBURG	1948	Y	37	\$1,887	3/4" COPPER	1948	Y	24	\$876	<b>\$2,763</b>
541	Bennaville Ave.	PVC	2016	N	0	\$0	1"COPPER	2016	N	0	\$0	<b>\$0</b>
559	Bennaville Ave.	PVC	2005	N	0	\$0	1"COPPER	2005	N	0	\$0	<b>\$0</b>
577	Bennaville Ave.	ORANGEBURG	1948	Y	37	\$1,887	3/4" COPPER	1948	Y	24	\$876	<b>\$2,763</b>
583	Bennaville Ave.	ORANGEBURG	1948	Y	37	\$1,887	3/4" COPPER	1948	Y	24	\$876	<b>\$2,763</b>

**SOUTH SIDE**

Address	Street	Sewer	Date	SAD?	Estd Feet	Estd Cost	Water	Date	SAD?	Estd Feet	Estd Cost	TOTALS
410	Bennaville Ave.	PVC	2015	N	0	\$0	1" COPPER	2015	N	0	\$0	<b>\$0</b>
424	Bennaville Ave.	ORANGEBURG	1950	Y	23	\$1,173	3/4" COPPER	1950	Y	36	\$1,314	<b>\$2,487</b>
440	Bennaville Ave.	ORANGEBURG	1950	Y	23	\$1,173	3/4" COPPER	1950	Y	36	\$1,314	<b>\$2,487</b>
458	Bennaville Ave.	PVC	2011	N	0	\$0	1" COPPER	2011	N	0	\$0	<b>\$0</b>
472	Bennaville Ave.	ORANGEBURG	1950	Y	23	\$1,173	3/4" COPPER	1950	Y	36	\$1,314	<b>\$2,487</b>
484	Bennaville Ave.	PVC	2012	N	0	\$0	1" COPPER	2012	N	0	\$0	<b>\$0</b>
516	Bennaville Ave.	ORANGEBURG	1950	Y	23	\$1,173	3/4" COPPER	1950	Y	36	\$1,314	<b>\$2,487</b>
532	Bennaville Ave.	ORANGEBURG	1950	Y	23	\$1,173	3/4" COPPER	1950	Y	36	\$1,314	<b>\$2,487</b>
540	Bennaville Ave.	ORANGEBURG	1950	Y	23	\$1,173	3/4" COPPER	1950	Y	36	\$1,314	<b>\$2,487</b>
558	Bennaville Ave.	ORANGEBURG	1950	Y	23	\$1,173	3/4" COPPER	1950	Y	36	\$1,314	<b>\$2,487</b>
576	Bennaville Ave.	UNKNOWN	1950	Y	23	\$1,173	3/4" COPPER	1950	Y	36	\$1,314	<b>\$2,487</b>
582	Bennaville Ave.	PVC	2013	N	0	\$0	1" COPPER	2013	N	0	\$0	<b>\$0</b>

**TOTALS**

**\$24,480**

**\$17,520**

**\$42,000**

<b>TOTAL PARTICIPATION</b>	<b>16/24</b>	<b>67%</b>
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**Ruffner Ave. - Grant Ave. to Cummings Ave.**
**NORTH SIDE**

Address	Street	Sewer	Date	SAD?	Estd Feet	Estd Cost	Water	Date	SAD?	Estd Feet	Estd Cost	TOTALS
611	Ruffner Ave.	PVC	2008	N	0	\$0	ON GRANT	1929	N	0	\$0	\$0
631	Ruffner Ave.	Unknown	1989	Y	25	\$1,275	1" COPPER	1989	N	0	\$0	\$1,275
647	Ruffner Ave.	Unknown	1947	Y	25	\$1,275	3/4" Copper	1947	Y	16	\$584	\$1,859
651	Ruffner Ave.	PVC	1989	N	0	\$0	1" COPPER	1989	N	0	\$0	\$0
683	Ruffner Ave.	Unknown	---	Y	25	\$1,275	3/4" COPPER	1947	Y	16	\$584	\$1,859
707	Ruffner Ave.	PVC	2005	N	0	\$0	1" COPPER	---	N	0	\$0	\$0
727	Ruffner Ave.	CAST IRON	1945	Y	25	\$1,275	3/4" COPPER	1944	Y	16	\$584	\$1,859
745	Ruffner Ave.	PVC	2004	N	0	\$0	1" COPPER	2004	N	0	\$0	\$0
765	Ruffner Ave.	PVC	2008	N	0	\$0	3/4" COPPER	1963	Y	16	\$584	\$584
789	Ruffner Ave.	ORANGEBURG	1952	Y	25	\$1,275	3/4" COPPER	1952	Y	16	\$584	\$1,859
809	Ruffner Ave.	PVC	2004	N	0	\$0	1" COPPER	2004	N	0	\$0	\$0
819	Ruffner Ave.	PVC	2015	N	0	\$0	1" COPPER	2015	N	0	\$0	\$0
843	Ruffner Ave.	CAST IRON	1943	Y	25	\$1,275	1" COPPER	1988	N	0	\$0	\$1,275
863	Ruffner Ave.	Unknown	---	Y	25	\$1,275	3/4" COPPER	---	Y	16	\$584	\$1,859
883	Ruffner Ave.	CLAY	1971	N	0	\$0	3/4" COPPER	---	Y	16	\$584	\$584
907	Ruffner Ave.	PVC	2006	N	0	\$0	1" COPPER	2005	N	0	\$0	\$0
937	Ruffner Ave.	PVC	2006	N	0	\$0	1" COPPER	2006	N	0	\$0	\$0
951	Ruffner Ave.	PVC	2005	N	0	\$0	3/4" COPPER	1952	Y	16	\$584	\$584
967	Ruffner Ave.	PVC	2005	N	0	\$0	3/4" COPPER	1953	Y	16	\$584	\$584
Lot 1307	Woodward Ave.	Vacant	---	N	0	\$0	Vacant	---	N	0	\$0	\$0

**SOUTH SIDE**

Address	Street	Sewer	Date	SAD?	Estd Feet	Estd Cost	Water	Date	SAD?	Estd Feet	Estd Cost	TOTALS
624	Ruffner Ave.	PVC	2003	N	0	\$0	1" COPPER	2003	N	0	\$0	\$0
632	Ruffner Ave.	PVC	2001	N	0	\$0	1" COPPER	2001	N	0	\$0	\$0
644	Ruffner Ave.	PVC	2001	N	0	\$0	1" COPPER	2001	N	0	\$0	\$0
656	Ruffner Ave.	PVC	2016	N	0	\$0	1" COPPER	2016	N	0	\$0	\$0
692	Ruffner Ave.	Unknown	---	Y	25	\$1,275	3/4" COPPER	1947	Y	34	\$1,241	\$2,516
700	Ruffner Ave.	PVC	2001	N	0	\$0	1" COPPER	2001	N	0	\$0	\$0
726	Ruffner Ave.	Unknown	1958	Y	25	\$1,275	3/4" COPPER	1952	Y	34	\$1,241	\$2,516
748	Ruffner Ave.	Unknown	---	Y	25	\$1,275	3/4" COPPER	---	Y	34	\$1,241	\$2,516
762	Ruffner Ave.	Unknown	1958	Y	25	\$1,275	3/4" COPPER	1958	Y	34	\$1,241	\$2,516
788	Ruffner Ave.	Unknown	---	Y	25	\$1,275	3/4" COPPER	1942	Y	34	\$1,241	\$2,516
808	Ruffner Ave.	Unknown	---	Y	25	\$1,275	3/4" COPPER	1951	Y	34	\$1,241	\$2,516
828	Ruffner Ave.	Unknown	---	Y	25	\$1,275	3/4" COPPER	1940	Y	34	\$1,241	\$2,516
844	Ruffner Ave.	Clay	1942	Y	25	\$1,275	5/8" COPPER	1942	Y	34	\$1,241	\$2,516

868	Ruffner Ave.	ORANGEBURG	1951	Y	25	\$1,275	3/4" COPPER	1951	Y	34	\$1,241	<b>\$2,516</b>
888	Ruffner Ave.	Unknown	---	Y	25	\$1,275	1" COPPER	1971	N	0	\$0	<b>\$1,275</b>
916	Ruffner Ave.	PVC	2003	N	0	\$0	1" COPPER	2003	N	0	\$0	<b>\$0</b>
928	Ruffner Ave.	Unknown	---	Y	25	\$1,275	3/4" COPPER	---	Y	34	\$1,241	<b>\$2,516</b>
952	Ruffner Ave.	None	---	Y	25	\$1,275	Vacant	---	N	0	\$0	<b>\$1,275</b>
Lot 1304	Ruffner Ave.	None	---	Y	25	\$1,275	Vacant	---	N	0	\$0	<b>\$1,275</b>
Lot 1306	Ruffner Ave.	Vacant	---	N	0	\$0	Vacant	---	N	0	\$0	<b>\$0</b>
33877	Woodward Ave.	On Alley	2009	N	0	\$0	On Alley	2009	N	0	\$0	<b>\$0</b>
<b>TOTALS</b>						<b>\$25,500</b>					<b>\$17,666</b>	<b>\$43,166</b>

TOTAL PARTICIPATION                      **41/67**                      **66%**

**Chapin Ave. - Grant St. to Cummings Ave.**

**NORTH SIDE**

Address	Street	Sewer	Date	SAD?	Estd Feet	Estd Cost	Water	Date	SAD?	Estd Feet	Estd Cost	TOTALS
609	Chapin Ave.	PVC	2004	N	0	\$0	1' COPPER	2004	N	0	\$0	<b>\$0</b>
639	Chapin Ave.	PVC	2002	N	0	\$0	1' COPPER	2002	N	0	\$0	<b>\$0</b>
655	Chapin Ave.	PVC	2005	N	0	\$0	1' COPPER	2005	N	0	\$0	<b>\$0</b>
673	Chapin Ave.	PVC	2007	N	0	\$0	1' COPPER	2007	N	0	\$0	<b>\$0</b>
695	Chapin Ave.	CLAY	1974	N	0	\$0	1' COPPER	1974	N	0	\$0	<b>\$0</b>
715	Chapin Ave.	PVC	2010	N	0	\$0	3/4" COPPER	1955	Y	34	\$1,241	<b>\$1,241</b>
731	Chapin Ave.	PVC	2000	N	0	\$0	3/4" COPPER	1942	Y	34	\$1,241	<b>\$1,241</b>
747	Chapin Ave.	PVC	2010	N	0	\$0	1' COPPER	2010	N	0	\$0	<b>\$0</b>
767	Chapin Ave.	UNKNOWN	---	Y	24	\$1,224	3/4" IRON	---	Y	34	\$1,241	<b>\$2,465</b>
789	Chapin Ave.	PVC	2003	N	0	\$0	1' COPPER	2003	N	0	\$0	<b>\$0</b>
801	Chapin Ave.	PVC	2002	N	0	\$0	1' COPPER	2002	N	0	\$0	<b>\$0</b>
831	Chapin Ave.	UNKNOWN	---	Y	24	\$1,224	3/4" COPPER	1943	Y	34	\$1,241	<b>\$2,465</b>
853	Chapin Ave.	PVC	2007	N	0	\$0	1' COPPER	2007	N	0	\$0	<b>\$0</b>
875	Chapin Ave.	PVC	2004	N	0	\$0	1' COPPER	2004	N	0	\$0	<b>\$0</b>
899	Chapin Ave.	PVC	2001	N	0	\$0	1' COPPER	2001	N	0	\$0	<b>\$0</b>
915	Chapin Ave.	PVC	2001	N	0	\$0	1' COPPER	2002	N	0	\$0	<b>\$0</b>
935	Chapin Ave.	PVC	1994	N	0	\$0	1' COPPER	1994	N	0	\$0	<b>\$0</b>
945	Chapin Ave.	CLAY	1947	Y	24	\$1,224	3/4" COPPER	1947	Y	34	\$1,241	<b>\$2,465</b>
999	Chapin Ave.	PVC	2011	N	0	\$0	3/4" COPPER	1949	Y	34	\$1,241	<b>\$1,241</b>
1011	Chapin Ave.	UNKNOWN	---	Y	24	\$1,224	3/4" COPPER	1941	Y	34	\$1,241	<b>\$2,465</b>
1031	Chapin Ave.	PVC	1990	N	0	\$0	3/4" COPPER	1953	Y	34	\$1,241	<b>\$1,241</b>
1049	Chapin Ave.	PVC	2003	N	0	\$0	3/4" COPPER	2003	N	0	\$0	<b>\$0</b>
1051	Chapin Ave.	PVC	2003	N	0	\$0	1' COPPER	2003	N	0	\$0	<b>\$0</b>
1085	Chapin Ave.	PVC	2005	N	0	\$0	1' COPPER	2005	N	0	\$0	<b>\$0</b>
1103	Chapin Ave.	UNKNOWN	---	Y	25	\$1,275	3/4" COPPER	---	Y	34	\$1,241	<b>\$2,516</b>
1115	Chapin Ave.	UNKNOWN	1945	Y	25	\$1,275	1" COPPER	2013	N	0	\$0	<b>\$1,275</b>
Lot 1126	Chapin Ave.	None	---	Y	25	\$1,275	None	---	N	0	\$0	<b>\$1,275</b>
1151	Chapin Ave.	UNKNOWN	1939	Y	25	\$1,275	3/4" COPPER	1949	Y	34	\$1,241	<b>\$2,516</b>
1159	Chapin Ave.	UNKNOWN	1942	Y	25	\$1,275	3/4" COPPER	1942	Y	34	\$1,241	<b>\$2,516</b>
1175	Chapin Ave.	UNKNOWN	---	Y	25	\$1,275	ON ALLEY	1991	N	0	\$0	<b>\$1,275</b>
33601	Woodward Ave.	ON WOODWARD	1963	N	0	\$0	ON ALLEY	1963	N	0	\$0	<b>\$0</b>

## SOUTH SIDE

Address	Street	Sewer	Date	SAD?	Estd Feet	Estd Cost	Water	Date	SAD?	Estd Feet	Estd Cost	TOTALS
600	Chapin Ave.	PVC	2005	N	0	\$0	1" COPPER	2005	N	0	\$0	\$0
646	Chapin Ave.	CLAY	1943	Y	26	\$1,326	3/4" COPPER	1943	Y	16	\$584	\$1,910
674	Chapin Ave.	PVC	2007	N	0	\$0	1" COPPER	2007	N	0	\$0	\$0
694	Chapin Ave.	PVC	2004	N	0	\$0	1" COPPER	2004	N	0	\$0	\$0
708	Chapin Ave.	PVC	2015	N	0	\$0	1" COPPER	2015	N	0	\$0	\$0
732	Chapin Ave.	PVC	2008	N	0	\$0	1" COPPER	2008	N	0	\$0	\$0
746	Chapin Ave.	PVC	2007	N	0	\$0	1" COPPER	2007	N	0	\$0	\$0
768	Chapin Ave.	UNKNOWN	---	Y	26	\$1,326	3/4" COPPER	1952	Y	16	\$584	\$1,910
792	Chapin Ave.	UNKNOWN	---	Y	26	\$1,326	3/4" COPPER	1939	Y	16	\$584	\$1,910
810	Chapin Ave.	PVC	2007	N	0	\$0	1" COPPER	2007	N	0	\$0	\$0
836	Chapin Ave.	PVC	2005	N	0	\$0	1" COPPER	2005	N	0	\$0	\$0
856	Chapin Ave.	PVC	2016	N	0	\$0	1" COPPER	2016	N	0	\$0	\$0
870	Chapin Ave.	PVC	2017	N	0	\$0	1" COPPER	2017	N	0	\$0	\$0
888	Chapin Ave.	PVC	2014	N	0	\$0	1" COPPER	2014	N	0	\$0	\$0
908	Chapin Ave.	UNKNOWN	---	Y	26	\$1,326	3/4" COPPER	1947	Y	16	\$584	\$1,910
920	Chapin Ave.	PVC	2003	N	0	\$0	1" COPPER	2003	N	0	\$0	\$0
950	Chapin Ave.	PVC	1995	N	0	\$0	1" COPPER	1995	N	0	\$0	\$0
960	Chapin Ave.	PVC	2005	N	0	\$0	1" COPPER	2005	N	0	\$0	\$0
990	Chapin Ave.	CLAY	1947	Y	26	\$1,326	3/4" COPPER	1947	Y	16	\$584	\$1,910
1006	Chapin Ave.	CLAY	1947	Y	26	\$1,326	3/4" COPPER	1947	Y	16	\$584	\$1,910
1028	Chapin Ave.	PVC	2004	N	0	\$0	3/4" LEAD	---	Y	16	\$584	\$584
1040	Chapin Ave.	CLAY	1967	Y	26	\$1,326	3/4" COPPER	1967	Y	16	\$584	\$1,910
1066	Chapin Ave.	CLAY	1947	Y	26	\$1,326	3/4" COPPER	1947	Y	16	\$584	\$1,910
1082	Chapin Ave.	On Cummings	2007	N	0	\$0	1" COPPER	2007	N	0	\$0	\$0
1116	Chapin Ave.	PVC	2002	N	0	\$0	1" COPPER	2002	N	0	\$0	\$0
1128	Chapin Ave.	PVC	2002	N	0	\$0	1" COPPER	2002	N	0	\$0	\$0
1144	Chapin Ave.	UNKNOWN	---	Y	26	\$1,326	3/4" COPPER	1937	Y	16	\$584	\$1,910
1152	Chapin Ave.	CLAY	1973	N	0	\$0	1" COPPER	1973	N	0	\$0	\$0
1164	Chapin Ave.	PVC	2013	N	0	\$0	1" COPPER	2013	N	0	\$0	\$0
1186	Chapin Ave.	PVC	2016	N	0	\$0	1" COPPER	2016	N	0	\$0	\$0
1230	Chapin Ave.	PVC	2003	N	0	\$0	1" COPPER	2003	N	0	\$0	\$0
Lot 1108	Chapin Ave.	Vacant	---	N	0	\$0	Vacant	---	N	0	\$0	\$0
33583	Woodward Ave.	PVC	2007	N	0	\$0	ON ALLEY	2007	N	0	\$0	\$0
TOTALS						\$24,480					\$19,491	\$43,971

TOTAL PARTICIPATION	24/64	38%
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## **MEMORANDUM**

**Planning Division**

**DATE:** June 28, 2018

**TO:** Joseph A. Valentine

**FROM:** Jana L. Ecker, Planning Director

**SUBJECT:** Assignment of Developer's Brownfield Reimbursements for 856 N. Old Woodward

On June 22, 2018, the Brownfield Redevelopment Authority ("BRA") met to discuss a request by FLC Properties #5 LLC, owner and developer of the property at 856 N. Old Woodward, to obtain approval of the City to allow them to assign the developer's brownfield reimbursements for 856 N. Old Woodward to their funder, Chemical Bank. The City Attorney reviewed the original Reimbursement Agreement and the Assignment Agreement, and provided a letter recommending approval of the requested assignment. After discussion, the BRA voted unanimously to recommend that the City Commission approve the developer's request and consent to an assignment of the developer's reimbursements from the tax increment financing for 856 N. Old Woodward Avenue to Chemical Bank.

Please note that in accordance with the Reimbursement Agreement, the developer is not required to obtain the consent of the City to assign rights under the agreement to a funder. All relevant reports, documents and meeting minutes are attached for your review.

### **SUGGESTED ACTION:**

To approve the developer's request and consent to an assignment of the developer's reimbursements from the tax increment financing for 856 N. Old Woodward from FLC Properties #5 LLC to Chemical Bank.

**NOTE: CONSENT ATTACHED TO BE SIGNED BY THE CITY OF BIRMINGHAM AND CITY OF  
BIRMINGHAM BROWNFIELD REDEVELOPMENT AUTHORITY**

**COLLATERAL ASSIGNMENT OF BROWNFIELD  
REIMBURSEMENT AGREEMENT AND RELATED RIGHTS**

THIS COLLATERAL ASSIGNMENT OF BROWNFIELD REIMBURSEMENT AGREEMENT AND RELATED RIGHTS ("Assignment"), dated as of June \_\_, 2018, is made by **FLS PROPERTIES #5 LLC**, a Michigan limited liability company ("Assignor"), in favor of **CHEMICAL BANK** ("Assignee").

**R E C I T A L S**

A. On or about the date hereof, Assignor and Assignee entered into that certain Construction Loan Agreement (as amended, restated or from time to time otherwise modified, the "Loan Agreement") whereby Assignee agreed to make certain loans (collectively, the "Loan") available to Assignor in the aggregate amount of \$16,435,039.00, to finance the development and construction of mixed-use residential/retail building with underground parking to be located at 856 N. Old Woodward Avenue, Birmingham, Michigan 48009 (the "Project"). Capitalized terms used and not otherwise defined herein shall have the meanings given to them in the Loan Agreement.

B. In connection with the Loan, Assignor has executed and delivered certain promissory notes (collectively, as amended, restated or from time to time otherwise modified, the "Note") in favor of Assignee on or about the date hereof, in the amount of the Loan, payment of which is partially secured by (i) a Mortgage made by Assignor in favor of Assignee on the Project, and (ii) the other Loan Documents.

C. The City of Birmingham ("City") and the City of Birmingham Redevelopment Authority ("BRA") have approved an Act 381 Brownfield Plan dated October 28, 2016 (as it may be amended from time to time subject to the terms and conditions hereof, the "Brownfield Plan").

D. Assignor, the City and BRA have entered into a Brownfield Reimbursement Agreement dated as of October 27, 2016 (as it may be amended from time to time subject to the terms and conditions hereof, the "Reimbursement Agreement"), related to the Project, pursuant to which Assignor is entitled to reimbursement for certain expenditures made, or to be made, in connection with the Project, now or hereafter payable to Assignor under the Reimbursement Agreement (collectively, the "Payments"), which the Payments are to reimburse Assignor for expenses incurred under the Brownfield Plan. Assignor has provided Assignee with a complete executed copy of the Reimbursement Agreement.

E. The execution and delivery of this Assignment is, among other conditions, a condition precedent to the performance by Assignee of its obligations under the Loan Agreement.

**AGREEMENTS**

NOW, THEREFORE, in consideration of the recitals set forth above and incorporated herein, and for other good and valuable consideration, Assignor agrees as follows:

1. Assignment, Security Interest:

a. Assignor hereby grants, transfers and assigns to Assignee and grants to Assignee a security interest in, all the right, title and interest of Assignor now or hereafter acquired in, and under the following (collectively the "Collateral"):

- i. the Brownfield Plan;
- ii. The Reimbursement Agreement;

iii. All Payments; and

iv. All proceeds of or pertaining to any of the foregoing including, without limit, cash or other property which were proceeds and are recovered by a bankruptcy trustee or otherwise as a preferential transfer by Assignor.

The Brownfield Plan and the Reimbursement Agreement are sometimes hereinafter collectively referred to as the “Brownfield Reimbursement Documents.”

b. This Assignment is given for the purpose of granting a security interest and securing the payment of all present and future indebtedness and obligations of Assignor to Assignee under the Loan Documents (“Indebtedness”), including, without limitation, the payment of principal and interest due under the Note, any other sums now or at any time due Assignee under the Loan Documents, and any extensions, modifications, amendments and renewals thereof, and the performance and discharge of the obligations, covenants, conditions, and agreements of Assignor contained herein (with respect to Assignor) and in the Loan Documents, and Assignee shall be entitled to exercise Assignor’s right, title and interest under the Brownfield Reimbursement Documents immediately upon the occurrence of an Event of Default under the Loan Documents.

c. Notwithstanding anything herein to the contrary, so long as no Event of Default is in existence under any of the Loan Documents, Assignor shall have the right to exercise Assignor’s rights in the Collateral including, but not limited to, the right to receive Payments thereunder; provided, however, that Assignor acknowledges and agrees that Lender may, at any time, request in writing that the City and the BRA pay the Payments directly to Assignee and, in such event, no further consent of Assignor shall be required in connection with such request.

2. Covenants; Representations and Warranties: Assignor agrees:

a. To faithfully abide by, perform and discharge each and every obligation, covenant, condition and agreement of the Brownfield Reimbursement Documents to be performed by Assignor, and to enforce performance by the other party thereto of each and every obligation, covenant, condition and agreement to be performed by such other party;

b. Assignor shall complete all remediation work as set forth in the Brownfield Reimbursement Documents, and no later than the date set forth in the Brownfield Reimbursement Documents, and submit reimbursement statement(s) in conformance with and pursuant to the Reimbursement Agreement promptly upon completion of such work;

c. Assignor has not previously assigned, sold, pledged, transferred, mortgaged, hypothecated or otherwise encumbered the Brownfield Reimbursement Documents, or any of them, or its right, title and interest therein;

d. Assignor shall not assign, sell, pledge, transfer, mortgage, hypothecate or otherwise encumber its interests in the Brownfield Reimbursement Documents, or any of them;

e. Assignor has not performed any act which might prevent Assignor from performing its undertakings hereunder or which might prevent Assignee from operating under or enforcing any of the terms and conditions hereof or which would limit Assignee in such operation or enforcement;

f. Assignor is not in default under the Brownfield Reimbursement Documents, or any of them, and to the best knowledge of Assignor, no other party to the respective Brownfield Reimbursement Documents is in default thereunder except as disclosed in writing to Assignee;

g. Assignor shall not enter into any amendments, modifications or restatements to any of the Brownfield Reimbursement Documents without the prior written consent of Assignee;

h. Assignor shall not terminate any of the Brownfield Reimbursement Documents without the prior written consent of Assignee;

i. upon execution of any of the Brownfield Reimbursement Documents following the date hereof, Assignor will deliver a copy of such Brownfield Reimbursement Documents (or the original at Assignee's request) to Assignee and will require such of the parties thereto as Assignee may designate to execute and deliver to Assignee a consent to this Assignment, such consent to be identical to the applicable form of Consent attached hereto as Exhibit A; and

j. Assignor shall furnish to Assignee (i) each Petition (as defined in the Reimbursement Agreement) for a Payment submitted to City and/or BRA, within five (5) days after each such submission, (ii) all written responses of the City and/or BRA to each such Petition including, without limitation, the responses delivered pursuant to Section 6 (b) of the Reimbursement Agreement, within five (5) days after such written response is received by Assignor, and (iii) notice of its receipt of any Payment within three (3) days after receipt by Assignor.

3. Events of Default: The occurrence of any of the following shall constitute an event of default hereunder (each an "Event of Default"):

(1) Failure of Assignor to observe or perform any covenant or condition contained in this Assignment;

(2) Any representation or warranty made by Assignor herein which is not true and correct in any material respect as of the date hereof; and

(3) A Default or Event of Default by Assignor under the Loan Agreement or any of the other Loan Documents.

4. Remedies:

a. Upon the occurrence of any Event of Default hereunder, Assignee shall have all rights granted to Assignee under this Assignment and the Loan Documents, and Assignee shall have the right (but not the obligation) to correct any default in such manner and to such extent as Assignee may deem necessary to protect the security hereof, including specifically, without limitation, the right to appear in and defend any action or proceeding purporting to affect Brownfield Reimbursement Documents or the rights or powers of Assignee. Assignee shall also have the right to perform and discharge each and every obligation, covenant, condition and agreement of Assignor under the Brownfield Reimbursement Documents, and, in exercising any such powers, to pay necessary costs and expenses, employ counsel and incur and pay reasonable attorneys' fees and expenses. Assignee shall not be obligated to perform or discharge, nor does it hereby undertake to perform or discharge, any obligation, duty or liability under any of the Brownfield Reimbursement Documents, or by reason of this Assignment, unless Assignee forecloses on all rights and obligations of Assignor (not just the right to receive Payments) under the Brownfield Reimbursement Documents and purchases the Collateral (not just the right to receive Payments) at a foreclosure sale, in which case Assignee as the purchaser of all such rights of Assignor under the Brownfield Reimbursement Documents shall assume the rights and obligations of Assignor under the Brownfield Reimbursement Documents arising on or after the date of such purchase and sale. Any such assignment shall not relieve Assignor of its obligations under the Brownfield Reimbursement Documents. Assignee shall provide written notice to the City and BRA of any such foreclosure sale of all rights and obligations of Assignor under the Brownfield Reimbursement Documents and the assumption by Assignee of such rights and obligations. If Assignee forecloses only on the rights of Assignor to receive Payments, Assignee shall not be obligated to perform or discharge any obligation, duty or liability under any of the Brownfield Reimbursement Documents.

b. At any time after the occurrence of an Event of Default, Assignee may, at its option, without notice, and without regard to the adequacy of security for the Indebtedness, either in person or by

agent, with or without bringing any action or proceeding, or by a receiver to be appointed by a court at any time hereafter, enforce for its own benefit the Brownfield Reimbursement Documents, or any of them. The exercise of any rights under this Assignment shall not be deemed to cure or waive any default under any of the Loan Documents, or waive, modify or affect any notice of default under any of the Loan Documents, or invalidate any act done pursuant to such notice.

c. Any party to the Brownfield Reimbursement Documents, upon written notice from Assignee of the occurrence of an Event of Default, shall be and are hereby authorized by Assignor to perform for the benefit of Assignee in accordance with the terms and conditions thereof without any obligation to determine whether or not such an Event of Default has in fact occurred.

d. After the occurrence of an Event of Default, the Assignee may, in its discretion, in its name or the Assignor's or otherwise, (i) notify the City and BRA to make payment to the Assignee of all Payments directly to Assignee, and (ii) demand, sue for, collect or receive any money or property at any time payable or receivable on account of the Brownfield Reimbursement Documents, or, with respect to Payments which have become due and payable under the Brownfield Reimbursement Documents and make any compromise or settlement deemed desirable by the Assignee. Upon the occurrence of an Event of Default, any Payments received by the Assignor under or in connection with the Brownfield Reimbursement Documents shall not be commingled with any other property of the Assignor, but shall be segregated, held by the Assignor in trust for, and immediately delivered to, the Assignee for application to the payment of the Indebtedness.

e. Upon the occurrence and at any time during the continuance or existence of any Event of Default, Assignee may at its discretion and without prior notice to Assignor, exercise any right or remedy available to it including, without limitation, any one or more of the following rights and remedies: (a) exercise all the rights and remedies upon default, in foreclosure and otherwise, available to secured parties under the provisions of the Uniform Commercial Code of Michigan as in effect from time to time (the "Uniform Commercial Code") and other applicable law; (b) institute legal proceedings to foreclose upon the lien and security interest granted by this Assignment, to recover judgment for all amounts then due and owing as Indebtedness, and to collect the same out of any Collateral or the proceeds of any sale of it; (c) institute legal proceedings for the sale, under the judgment or decree of any court of competent jurisdiction, of any or all Collateral; and/or (d) subject to the other terms of this Assignment and the Consent to Assignment attached hereto, sell or dispose of all or any Collateral at one or more public or private sales or other dispositions, at places and times and on terms and conditions as Assignee may deem fit, without any previous demand or advertisement; and except as provided in this Assignment, all notice of sale or other disposition, and advertisement, and other notice or demand, and any obligation of a prospective purchaser to inquire as to the power and authority of Assignee to sell or otherwise dispose of the Collateral or as to the application by Assignee of the proceeds of sale or otherwise, which would otherwise be required by, or available to Assignor under, applicable law are expressly waived by Assignor to the fullest extent permitted. Assignee may, in its discretion, bid and purchase any of the Collateral at any sale pursuant to this paragraph.

f. Assignor (a) irrevocably appoints Assignee or any agent of Assignee (which appointment is coupled with an interest) the true and lawful attorney-in-fact of Assignor (with full power of substitution) in the name, place and stead of, and at the expense of, Assignor and (b) authorizes Assignee or any agent of Assignee, in its own name, at Assignor's expense, exercisable after an Event of Default, to do any of the following, as Assignee, in its sole discretion, deems appropriate: (i) to demand, receive, sue for, and give receipts or acquittances for any moneys due or to become due on any Collateral and to endorse any item representing any payment on or proceeds of the Collateral; (ii) to execute and/or file in the name of and on behalf of Assignor all financing statements or other filings deemed necessary or desirable by Assignee to evidence, perfect, or continue the security interests granted in this Assignment; and (iii) to do and perform any act on behalf of Assignor permitted or required under this Assignment.

g. Assignee may take any and all actions that it deems necessary or appropriate to protect the Collateral and its security interest in the Collateral, and all costs and expenses for the same shall be added to the Indebtedness and shall be payable upon demand.



5. No Liability of Assignee; Indemnity: That in the exercise of the powers herein granted to Assignee, no liability shall be asserted or enforced against Assignee, all such liability being hereby expressly waived and released by Assignor. Assignor hereby agrees to indemnify and hold Assignee, and its officers, directors, employees and agents, free and harmless from and against any and all liability, expense, cost, loss or damage which Assignee may incur by reason of any act or omission of Assignor under any of the Brownfield Reimbursement Documents. Should Assignee incur any liability, expense, cost, loss or damage (i) under the Brownfield Reimbursement Documents for which it is to be indemnified by Assignor as aforesaid, or (ii) by reason of the exercise of Assignee's rights hereunder (including, but not limited to, the exercise of the rights granted to Assignee under Section 4.a hereof), the amount thereof, including costs, expenses and reasonable attorneys' fees and expenses, shall be secured hereby and by the Mortgage and all other Loan Documents (whether or not such amount, when aggregated with other sums secured by the Mortgage, exceeds the aggregate face amount of the Note) and shall (x) be due and payable immediately upon demand by Assignee and (y) bear interest at the Default Rate. Assignor further agrees to defend, indemnify, release and hold harmless the City and BRA from any third party claims arising from or related to any transfer or assignment of this Assignment or the Collateral.

6. Notices: Assignor shall send a copy to Assignee of any notice which Assignor receives with respect to the Brownfield Reimbursement Documents or is required to deliver to any party under the terms of the Brownfield Reimbursement Documents, at the time Assignor receives or delivers such notice, as applicable. All notices, demands or documents which are required or permitted to be given or served hereunder shall be in writing and shall be deemed sufficiently given when delivered or mailed in the manner set forth in the Loan Agreement.

7. Governing Law: This Assignment shall be governed by, and construed in accordance with, the laws of the State of Michigan.

8. Assignments: This Assignment shall be assignable by Assignee to any assignee of Assignee under the Loan Agreement and all representations, warranties, covenants, powers and rights herein contained shall be binding upon, and shall inure to the benefit of, Assignor and Assignee and their respective legal representatives, successors and assigns.

9. Estoppels: Within twenty (20) business days after a written request by Assignee, but not more than once per calendar year so long as no Event of Default exists, the Assignor agrees to execute and deliver a statement in a form reasonably satisfactory to Assignee, certifying to its actual knowledge (a) whether or not the Brownfield Reimbursement Documents are in full force and effect, (b) whether or not the Brownfield Reimbursement Documents have been modified and, if so, identifying the modifications, (c) that there are no uncured defaults by any party to the Brownfield Reimbursement Documents or describing the claimed defaults and (d) such other matters as Assignee shall reasonably request. Nothing in any such estoppel statement shall be deemed to modify or amend the Brownfield Reimbursement Documents.

10. Miscellaneous:

a. Any provision in the Loan Agreement that pertains to this Assignment shall be deemed to be incorporated herein as if such provision were fully set forth in this Assignment. In the event of any conflict between the terms of this Assignment and the terms of the Loan Agreement, the terms of the Loan Agreement shall prevail. A provision in this Assignment shall not be deemed to be inconsistent with the Loan Agreement by reason of the fact that no provision in the Loan Agreement covers such provision in this Assignment.

b. This Assignment is made for collateral purposes only and the duties and obligations of Assignor under this Assignment shall terminate when all sums due Assignee under the Loan Documents are paid in full and all obligations, covenants, conditions and agreements of Assignor contained in the Loan Documents are performed and discharged.

c. It is expressly intended, understood and agreed that this Assignment and the other Loan Documents are made and entered into for the sole protection and benefit of Assignor, and Assignee, and their respective successors and assigns (but in the case of assigns of Assignor, only to the extent permitted hereunder); that no other person or persons shall have any right at any time to action hereon or rights to the

proceeds of the loan evidenced and secured by the Loan Documents; that such loan proceeds do not constitute a trust fund for the benefit of any third party; that no third party shall under any circumstances be entitled to any equitable lien on any such undisbursed loan proceeds at any time; and that Assignee shall have a lien upon and right to direct application of any such undisbursed loan proceeds as provided in the Loan Documents.

d. Assignor and Assignee intend and believe that each provision in this Assignment comports with all applicable local, state or federal laws and judicial decisions. However, if any provision or provisions, or if any portion of any provision or provisions, in this Assignment is found by a court of law to be in violation of any applicable local, state or federal ordinance, statute, law, administrative or judicial decision or public policy, and if such court should declare such portion, provision or provisions of this Assignment to be illegal, invalid, unlawful, void or unenforceable as written, then it is the intent both of Assignor and Assignee that such portion, provision or provisions shall be given force to the fullest possible extent that they are legal, valid and enforceable, that the remainder of this Assignment shall be construed as if such illegal, invalid, unlawful, void or unenforceable portion, provision or provisions were not contained therein and that the rights, obligations and interests of Assignor and Assignee under the remainder of this Assignment shall continue in full force and effect.

e. No single or partial exercise, or delay in the exercise, of any right or power under this Assignment, shall preclude other or further exercise of the rights and powers under this Assignment. The unenforceability of any provision of this Assignment shall not affect the enforceability of the remainder of this Assignment. This Agreement constitutes the entire agreement of Assignor and Assignee with respect to the subject matter of this Assignment. No amendment or modification of this Assignment shall be effective unless the same shall be in writing and signed by Assignor and an authorized officer of Assignee.

f. Assignor agrees to reimburse the Assignee upon demand for reasonable costs and expenses (including, without limit, court costs, legal expenses and reasonable attorneys' fees, whether inside or outside counsel is used, whether or not suit is instituted and, if suit is instituted, whether at the trial court level, appellate level, in a bankruptcy, probate or administrative proceeding or otherwise) incurred in enforcing or attempting to enforce this Assignment or any of the duties or obligations of Assignor under this Assignment or in establishing, determining, continuing or defending the validity or priority of Assignee's security interest under this Assignment or in exercising or attempting to exercise any right or remedy under this Assignment or incurred in any other matter or proceeding relating to this Assignment.

g. No right or remedy under this Assignment is intended to be exclusive of any other remedy, but each and every right and remedy shall be cumulative and in addition to any and every other right or remedy given under this Assignment, under any other agreement(s) and those provided by law or in equity. No exercise by Assignee of one right or remedy shall be deemed to be an election. No delay or omission by Assignee to exercise any right under this Assignment shall impair any such right nor be construed to be a waiver thereof. No failure on the part of Assignee to exercise, and no delay in exercising, any right hereunder, shall operate as a waiver thereof; nor shall any single or partial exercise of any right hereunder preclude any other or further exercise thereof or the exercise of any other right.

h. ASSIGNOR AND ASSIGNEE ACKNOWLEDGE THAT THE RIGHT TO TRIAL BY JURY IS A CONSTITUTIONAL ONE, BUT THAT IT MAY BE WAIVED UNDER CERTAIN CIRCUMSTANCES. TO THE EXTENT PERMITTED BY LAW, EACH PARTY, AFTER CONSULTING (OR HAVING HAD THE OPPORTUNITY TO CONSULT) WITH COUNSEL OF THEIR CHOICE, KNOWINGLY AND VOLUNTARILY, AND FOR THEIR MUTUAL BENEFIT WAIVES ANY RIGHT TO TRIAL BY JURY IN THE EVENT OF LITIGATION REGARDING THE PERFORMANCE OR ENFORCEMENT OF, OR IN ANY WAY RELATED TO, THIS AGREEMENT OR THE COLLATERAL.

11. Consent of the City and BRA. Assignor acknowledges that the City and BRA are executing the Consent to Assignment of Brownfield Development and Reimbursement Agreement and

Related Rights attached to, and made a part of, this Assignment (the “Consent”). Assignor hereby agrees to the waivers and other provisions set forth in Section 3 of the Consent as if contained in this Assignment.

**[Remainder of Page Intentionally Left Blank]**

IN WITNESS WHEREOF, Assignor has delivered this Assignment as of the date first written above.

ASSIGNOR:

**FLS PROPERTIES #5 LLC**, a Michigan limited liability company

By: Frank R. Simon

Its: Frank R. Simon  
President

ACKNOWLEDGED AND AGREED:

**CHEMICAL BANK**

By: Pamela J. Foster

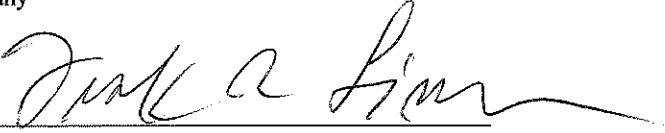
Its: Pamela J. Foster  
Vice President

[Signature Page to Collateral Assignment of Brownfield Development and  
Reimbursement Agreement and Related Rights (FLS #5)]

IN WITNESS WHEREOF, Assignor has delivered this Assignment as of the date first written above.

**ASSIGNOR:**

**FLS PROPERTIES # 5 LLC**, a Michigan limited liability company

By:   
Frank R. Simon  
Its: Manager

**ACKNOWLEDGED AND AGREED:**

**CHEMICAL BANK**

By: \_\_\_\_\_  
Pamela J. Foster  
Its: Vice President

[Signature Page to Collateral Assignment of Brownfield Development and  
Reimbursement Agreement and Related Rights  
(FLS Properties # 5 LLC)]



**CONSENT TO ASSIGNMENT OF BROWNFIELD DEVELOPMENT AND REIMBURSEMENT  
AGREEMENT AND RELATED RIGHTS**

June \_\_, 2018

The undersigned, he City of Birmingham, Michigan ("City") and the City of Birmingham Brownfield Redevelopment Authority ("BRA") hereby agree as follows:

1. City and BRA hereby acknowledge and consent to (a) the foregoing Collateral Assignment of Brownfield Development and Reimbursement Agreement and Related Rights to which this Consent to Assignment is attached ("Collateral Assignment"), (b) any acquisition by Assignee or assignment to Assignee of any Collateral pursuant to the Collateral Assignment or pursuant to the exercise of Assignee's rights under the Collateral Assignment, and (c) any subsequent transfer or assignment by Assignee of its rights to any of the Collateral, all of which assignments shall not constitute an event of default under any of the Brownfield Reimbursement Documents and shall not permit the City or BRA to terminate their respective obligations thereunder. City and BRA acknowledge and agree that no further consent or approval of the City or BRA shall be required with respect to, (i) the exercise of Assignee's rights solely in the right to receive Payments (including but not limited to, acquisition by Assignee of such right to receive Payments), or (ii) any subsequent assignment by Assignee or any subsequent assignee of such right to receive Payments. Any assignment and assumption of rights and obligations of Assignor under the Brownfield Reimbursement Documents described above shall not relieve Assignor of its obligations under, the Brownfield Reimbursement Documents. City and BRA acknowledge and agree that pursuant to Section 1. c. of the Collateral Assignment, Assignee may, at any time, require that all Payments may be made directly to Assignee and City and BRA agree that upon receipt of written notice from Assignee, it shall make all Payments directly to Assignee.

2. Notice:

City and BRA agree to provide to Assignee, a copy of any and all notices to be delivered to Assignor under the Brownfield Reimbursement Documents, including without limitation, notices delivered under Section 6 of the Reimbursement Agreement and notices of default, simultaneously with the delivery of such notices to the Assignor. Assignor shall provide the City and BRA notice of any Event of Default, although the failure of Assignor to give such notice shall not affect Assignee's rights under the Collateral Assignment or this Consent. For purposes of the Assignment, any notice, demand, request or other communication which any party hereto may be required or may desire to give hereunder shall be in writing and shall be deemed to have been properly give (a) if hand delivered, when delivered; (b) if mailed by United States Certified Mail (postage prepaid, return receipt requested), three Business Days after mailing; or (c) if by Federal Express or other reliable overnight courier service, on the next Business Day after delivered to such courier service:

If to City:	City of Birmingham 151 Martin Street Birmingham, Michigan 48009 Attention: City Manager
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With a required copy to:	Jeffrey K. Haynes Beier Howlett, P.C. 3001 West Big Beaver Road, Suite 200 Troy, Michigan 48084
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If to BRA:	City of Birmingham Brownfield Redevelopment Authority 151 Martin Street Birmingham, Michigan 48009 Attention: Chairperson
------------	--

With a required copy to: Jeffrey K. Haynes  
Beier Howlett, P.C.  
3001 West Big Beaver Road, Suite 200  
Troy, Michigan 48084

If to Assignee: Chemical Bank  
Pamela J. Foster  
1000 East Sturgis Street  
Suite 1  
Saint Johns, MI 48879

With a copy to: Bodman PLC  
Nicole C. Murphy  
201 W. Big Beaver Road, Suite 500  
Troy, Michigan 48084

or such other address as the party to be served with notice may have furnished in writing to the party seeking or desiring to serve notice as a place for the service of notice.

3. Upon written notice from Assignee to City and BRA of an Event of Default, City and BRA thereafter agree to remit all payments or reimbursements of Tax Incentive Revenues or other Payments otherwise owed or due to be paid currently and in the future to Assignor pursuant to the Reimbursement Agreement or other Brownfield Reimbursement Documents directly to and made payable to Assignee and delivered to Chemical Bank, 1000 East Sturgis Street, Suite 1, Saint Johns, MI 48879, Attention: Pamela J. Foster, or as Assignee shall otherwise direct in writing. Assignee has received and reviewed with its legal counsel a complete copy of the Reimbursement Agreement prior to executing the Assignment. Specifically and without limitation, Assignor and Assignee agree that the City and BRA shall incur no liability in allowing or making Payments pursuant to the Collateral Assignment and this Consent to Assignment, and Assignor waives all claims against the City and the BRA related to the same. Any Payment made by the City and/or the BRA to Assignee, or to an assignee of Assignee, shall satisfy and shall be treated as a Payment to Assignor. Any Payments made by the City and/or BRA pursuant to the Collateral Assignment or this Consent to Assignment or a subsequent assignment by Assignee or its assignees, shall continue until otherwise altered or terminated by a subsequent notice from Assignee or any successor to or assignee of Assignee.

4. The City and BRA each acknowledge and agree that, neither of them shall have, now or in the future, (i) any security interest in or lien on, or assignment of, any of the tangible or intangible personal property or assets of Assignor, including without limitation any of the Collateral, or (ii) any setoff and recoupment rights (except as described in the Reimbursement Agreement), against any present or future Payments owing by the City or BRA to Assignor or any other Collateral.

5. The City and BRA agree that they shall not amend, modify, cancel or voluntarily terminate any of the Brownfield Reimbursement Documents without the prior written consent of Assignee, which consent will not be unreasonably withheld.

6. Capitalized terms used and not defined herein shall have the meanings given them in the Collateral Assignment.

**IN WITNESS WHEREOF**, the City and BRA have delivered this Consent as of the date first above written.

**CITY OF BIRMINGHAM**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**CITY OF BIRMINGHAM BROWNFIELD  
REDEVELOPMENT AUTHORITY**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

[Signature Page to Consent to Assignment of Brownfield Development  
and Reimbursement Agreement and Related Rights (FLS #5)]



## **MEMORANDUM**

**Planning Division**

**DATE:** June 18, 2018

**TO:** Brownfield Redevelopment Authority

**FROM:** Jana L. Ecker, Planning Director

**SUBJECT:** Assignment of Developer's Brownfield Reimbursements for 856 N. Old Woodward

---

Please see the attached agreement regarding the assignment of the developer's brownfield reimbursements for 856 N. Old Woodward to their funder, Chemical Bank. At this time, the developer of the above property is seeking the consent of City to the proposed assignment of reimbursements to Chemical Bank.

The City Attorney has reviewed the agreement, and a letter is attached recommending approval by the City of the requested assignment.

### **SUGGESTED ACTION:**

To recommend that the City Commission approve the developer's request and consent to an assignment of the developer's reimbursements from the tax increment financing for 856 N. Old Woodward to Chemical Bank.

June 18, 2018

Birmingham Brownfield Redevelopment Authority  
151 Martin Street, P.O. Box 3001  
Birmingham, MI 48012-3001

**Via electronic mail**

***Re: 856 N. Old Woodward (The Pearl)  
Consent for Collateral Assignment***

Dear Board Members:

The developer has requested the City consent to an assignment of the developer's reimbursements from the tax increment financing for this parcel. The developer wants to assign these funds to its bank.

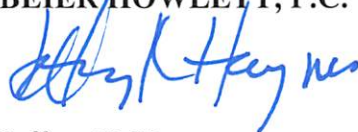
Although paragraph 12 of the Reimbursement Agreement says that the developer may assign its rights under the reimbursement agreement for purposes of financing improvements without the consent of the BBRA, the developer apparently believes that it must obtain the consent of the City.

Under the proposed consent, neither the City nor the BBRA give up any rights against the developer under the agreement (such as failure to pay property taxes). I recommend that the BBRA agree to the consent, authorize the chair of the BBRA to sign, and recommend to the city commission that the commission approve the consent.

If you have any questions, please contact me.

Very truly yours,

**BEIER HOWLETT, P.C.**



Jeffrey K. Haynes

JKH/jms



**Brownfield Redevelopment Authority  
MINUTES  
City Commission Room of the Municipal Building  
151 Martin Street, Birmingham, Michigan**

**Wednesday, June 22, 2018  
8:30 a.m.**

1. Chairperson Beth Gotthelf welcomed everyone and convened the meeting at 8:30 a.m.

Members Present: Chairperson Beth Gotthelf  
Harry Awdey  
Dani Torcolacci  
Wendy Zabriskie

Member Absent: Robert Runco

Also Present: Jane Awdish, Beier Howlett

Administration: Jana Ecker, Planning Director  
Mark Gerber, Finance Director  
Jeffrey Haynes, Beier Howlett, City Attorney  
Carole Salutes, Recording Secretary  
Joseph Valentine, City Manager

The Brownfield Authority members welcomed Mr. Awdey and introduced themselves to him.

2. Approval of July 12, 2017 Minutes

**Motion by Ms. Torcolacci**

**Seconded by Chairperson Gotthelf to approve the July 12, 2017 minutes as presented.**

**Voice**

**Vote: Yeas, 3  
Nays, 0  
Abstain: 1 (Zabriskie)  
Absent, 1**

**Motion carried, 3-0.**

3. Discussion of Collateral Assignment for 856 N. Old Woodward Ave.

Request for consent of the City to assignment of the developer's reimbursements from the tax increment financing for this parcel to Chemical Bank.

Ms. Zabriskie recused herself from this discussion because her law firm and she personally are involved in the financing of the project to be discussed.

Ms. Ecker advised that the City Attorney has reviewed the agreement, and provided a letter recommending approval by the City of the requested assignment.

Mr. Haynes gave an overview of the request. He advised that Mr. Frank Simon, the developer, contacted him about the proposed assignment of the Reimbursement Agreement proceeds to his bank and asked that the City consent to it. Under the Reimbursement Agreement the developer could assign his rights to the reimbursement to his bank without the City's consent; however he wanted the City's consent.

Mr. Haynes said that he then inserted that the City doesn't waive any rights against Mr. Simon by virtue of its consent. With those changes, the document was acceptable to him.

Chairperson Gotthelf indicated that she looked at it as well, and thought that it was very comprehensive.

**Motion by Ms. Torcolacci**

**Seconded by Mr. Awdey to recommend that the City Commission approve the developer's request and consent to an assignment of the developer's reimbursements from the tax increment financing for 856 N. Old Woodward Ave. to Chemical Bank.**

**Voice**

**Vote:        Yeas, 3  
              Nays, 0  
              Recused, 1 (Zabriskie)  
              Absent, 1 (Runco)**

**Motion carried, 3-0.**

**4.     Project Updates**

Ms. Ecker informed the Authority members about new developments that are coming through:

- N. Old Woodward Ave., Peabody development;
- 469-479 S. Old Woodward Ave., Former Mountain King and Talmer Bank site that has some environmental contamination. They are requesting a rezoning to D-5, Community Impact Study, and Preliminary Site Plan Review which would allow them to go up in height if approved.
- NW corner of Woodward Ave. and Maple Rd., Hilton site. A five-story, mixed-use building is proposed.

5. Request to meet **in closed session** under section 8 (h) of the Open Meetings Act MCL 15.268 (h) to consider material exempt from disclosure under section 13 (l) (g) of the Freedom of Information Act, MCL 15.243 (l) (g) information subject to the attorney-client privilege.

**Motion by Mr. Awdey**

**Seconded by Ms. Zabriskie to meet in closed session at 8:47 a.m.**

**Rollcall**

**Vote:** Yeas, 4  
Nays, 0  
Absent, 1 (Runco)

**Motion carried, 4-0.**

**The closed session ended at 9:16 a.m.**

**Motion by Ms. Zabriskie**

**Seconded by Ms. Torcolacci that this Authority recommend to the City Commission to authorize Counsel to re-open the bankruptcy case of 2400 Lincoln, LLC to address the legal issue of whether that entity has standing to make a claim for reimbursement under our Reimbursement Agreement.**

**Rollcall**

**Vote:** Yeas, 4  
Nays, 0  
Absent, 1 (Runco)

**Motion carried, 4-0.**

6. Open to the public for items not on the Agenda (no public available)
7. Adjournment

No further business being evident, the board passed a motion to adjourn at 9:20 a.m.

Respectfully submitted,

Carole Salutes  
Recording Secretary



## MEMORANDUM

City Manager's Office

**DATE:** June 15, 2018

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

**FROM:** Joellen Haines, Assistant to the City Manager

**SUBJECT:** RFP for City Logo Branding Services

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At the April 23, 2018 City Commission meeting, the results of the city-wide logo survey were presented, and the Commission requested that staff prepare a draft Request For Proposal (RFP) for their review. The purpose of the RFP is to solicit a professional firm to build on the city's initial logo efforts, and to finalize the logo process.

There is a draft RFP attached for review.

### SUGGESTED RESOLUTION:

To direct staff to issue the Logo Branding Services RFP as presented, to solicit a professional firm to build on the existing logo efforts, and finalize the concepts for a new city logo;

And,

To create a sub-committee of City Commissioners to evaluate proposals comprised of Commissioners \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_;

Or,

To direct staff to evaluate the proposals and provide a recommended firm to the Commission.



## **REQUEST FOR PROPOSALS LOGO BRANDING SERVICES**

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**Issued by:**  
City of Birmingham  
151 Martin Street  
P.O. Box 3001  
Birmingham, MI 48012  
(248) 530-1807  
[www.bhamgov.org](http://www.bhamgov.org)



## **REQUEST FOR PROPOSALS FOR LOGO BRANDING SERVICES**

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Sealed proposals endorsed **“LOGO BRANDING SERVICES”**, will be received at the Office of the City Clerk, 151 Martin Street, PO Box 3001, Birmingham, Michigan, 48012; until **Friday, August 3, 2018 at 3:00 p.m.** after which time bids will be publicly opened and read.

The City of Birmingham, Michigan is accepting sealed bid proposals from qualified professional firms for logo branding services. This work must be performed as specified in accordance with the specifications contained in the Request For Proposals (RFP).

The RFP, including the Specifications, may be obtained online from the Michigan Inter-governmental Trade Network at <http://www.mitn.info> or at the City of Birmingham, 151 Martin St., Birmingham, Michigan, ATTENTION: Joellen Haines

The acceptance of any proposal made pursuant to this invitation shall not be binding upon the City until an agreement has been executed.

<b>Submitted to MITN:</b>	June 28, 2018
<b>Deadline for Submissions:</b>	August 3, 2018 at 3:00 p.m.
<b>Contact Person:</b>	Joellen Haines, Assistant to the City Manager P.O. Box 3001, 151 Martin Street Birmingham, MI 48012-3001 Phone: 248-530-1807 Email: <a href="mailto:jhaines@bhamgov.org">jhaines@bhamgov.org</a>





## REQUEST FOR PROPOSALS FOR LOGO BRANDING SERVICES

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## **INTRODUCTION**

For purposes of this Request for Proposals (RFP) is to solicit professional logo branding services for the City project: Request for Logo Branding Services. The City of Birmingham will hereby be referred to as “City” and the private consulting firm or firms will hereby be referred to as “Contractor.”

## **BACKGROUND AND PROJECT DESCRIPTION**

### **Background**

The City of Birmingham was incorporated from a village into a city in 1933. It is rich in history, and strives to cultivate a safe, healthy and dynamic city which promotes an environment for people of all ages to live, work, shop and play in the community. The approximately 5-square mile City is home to more than 20,000 people and is located approximately 20 miles north of downtown Detroit in the southeastern portion of Oakland County. The City of Birmingham has a historic downtown nestled inside a thriving retail shopping district, all surrounded by beautiful golf courses, quaint parks and convenient parking structures. Birmingham offers a variety of experiences from sports facilities to entertainment and fine dining. The City boasts pedestrian-friendly shopping and an innovative Farmer’s Market, concerts in the park, and outdoor movie nights, available during the summer months. Additionally, Birmingham hosts numerous art fairs, bike race, and year-round events to draw in visitors from all over the country.

The City is committed to engaging in progressive and forward planning that actively recognizes the importance of honoring the City’s past. Birmingham is a close, but welcoming community, and the City strives to maintain its small-town feel while offering the recreational and cultural advantages of a prosperous urban area.

The City of Birmingham as an organization employs about 200 full-time staff members and numerous seasonal workers. Our values center on transparency, communication, environmental leadership, small town character, history, fiscal responsibility, health and inclusion. We are currently striving to embody our ethics and philosophy into a brand identity.

The current logo has been in use for the last 20 years, and began as clip art from a design that was a line drawing of City Hall. While we are looking to update our logo, that could mean either a subtle enhancement or a complete change. Ultimately, we want a visual representation of the City that reflects our values and unique identity as an organization.

**Initial Branding Process:** In July 2016, The City Commission approved the creation of an Ad Hoc Birmingham Brand Development Committee (BBDC) for the purpose of reviewing and making a recommendation to the City Commission for the rebranding of the City logo. The Committee worked with a Birmingham-based design firm which performed extensive research with residents, key stakeholders and community members. From this research, the firm moved into the design phase for logo concepts.

The design firm worked with the BBDC over a period of ten months to narrow the logo designs to the top three, with a recommendation for the top selection to be considered by the City Commission. After considering the designs, the City decided that more input was needed. To move the process forward, the City Commission approved conducting a city-wide survey in January, 2018 to solicit community input on specific design elements based on designs presented by the firm and vetted by the Brand Development Committee. The results of the survey provided key insights on logo and branding in Birmingham.

### **Project Description**

The City is looking to complete the process of moving forward with the logo project, and is requesting, via an RFP, that a design company take the information already gathered to finalize and present a new city logo design acceptable to the City. The proposal will also include a comprehensive style guide. The City is accepting sealed bid proposals from qualified professional design and branding firms who have experience in similar branding services for municipal governments.

### **PROPOSAL REQUIREMENTS**

This work must be performed as specified in accordance with the specifications outlined by the Scope of Work contained in this Request For Proposals (RFP).

During the evaluation process, the City reserves the right where it may serve the City's best interest to request additional information or clarification from proposers, or to allow corrections of errors or omissions. At the discretion of the City, firms submitting proposals may be requested to make oral presentations as part of the evaluation.

It is anticipated the selection of a firm will be completed by August 15, 2018. An Agreement for services will be required with the selected Contractor. A copy of the Agreement is contained herein as Attachment A. Contract services will commence upon execution of the service agreement by the City.

The purpose of this RFP is to request sealed bid proposals from qualified parties presenting their qualifications, capabilities and costs to provide a comprehensive update and refresh of the city's logo.

### **SCOPE OF WORK**

The selected Contractor will work with the public, City staff, and the City Commission to review and update Birmingham's city logo.

The scope of services is as follows:

1. **Review Existing Data:** The selected firm will review the input gathered by the City for the logo branding project, and advance prior efforts toward a modified design. The prior input includes Commission and Ad Hoc BBDC minutes,

materials, logo survey data collected, and any other relevant documents, and to take into consideration the existing design concepts and input, to present a finalized design.

2. **Design Development Phase:** The ideal logo should include, but not be limited to, the following design aspects:
  - Initial logo concepts should include designs that reflect the City of Birmingham's mission and core values;
  - Have visual impact and high design integrity;
  - Work in a variety of media (print, online, clothing, outdoor signage, etc.);
  - Work well and have ability to be reproduced at various sizes – large and small;
  - Incorporate the tagline "A Walkable City or A Walkable Community" but also work without a tagline;
  - Use the City's approved color, Green, Pantone 3435;
  - Reproduce well from vector-based files.

3. **Design Preparation and Presentation:** The Contractor will prepare an initial detailed report for review by the City Commission and visual presentation of up to three (3) logo designs to be presented at a City Commission meeting. The Contractor will be prepared to respond to questions and explain details of design ideas and how it relates to data provided by the City from previous City logo branding efforts. The Contractor will be prepared to respond to feedback supplied by the City Commission and make changes as directed from the meeting.

The Contractor will be prepared to present additional revisions or redrafts of the logo designs, at up to eight (8) separate subsequent meetings with the Commission. While eight meetings are scheduled, and are likely to be sufficient, one or more additional meetings may be required to reach consensus and refine proposed logos. Please provide costs for additional Commission meeting presentations. The purpose of these meetings to incorporate suggestions by the Commission, get additional direction and to finalize the process of getting a new logo. The Contractor will work with staff and the City Commission to refine drafts into a final product for approval by the City Commission.

4. **Finalization and Adoption:** A draft of the new logo design will be presented to the City Commission for discussion and a final vote. The Contractor will participate in the required public meeting(s) and prepare a completed final document with all necessary changes.
5. **Style Guide Finalization:** Once a final logo has been approved by the City Commission, the Contractor will provide the City a detailed Style Guide for the new logo, showing specific uses, both in print and in web applications, and will be a reference guide for all city staff on the use of the logo. The guide will identify

fonts, colors, logos (b&w, color, positioning of elements in various media, and how to use the logo in existing media outlets).

6. **Project Deliverables:** The Contractor will provide the following items in hardcopy and electronic format:
  - a. **City logo design:** The approved logo will be delivered in high resolution imaging, vector based for web design, and in various formats for print use. The design will be easily integrated for use in all City of Birmingham communication avenues, to include, but not limited to such items as letterhead, envelopes, memorandum, email communication, business cards, community newsletters (hardcopy and electronic), signage, press releases, vehicles, clothing , as well as print or online communication avenues such as FaceBook, Twitter, etc.
  - b. **Birmingham Logo Style Guide:** Creation of a Birmingham Logo Style Guide, to include graphic/brand standards and style guidelines, templates and usage examples for e-marketing, social media, print media, equipment, clothing, signage, letterhead, business cards, etc.

**In addition, the Contractor shall adhere to the following guidelines:**

1. All work completed by the Contractor shall be original, and shall not violate any copyright laws. The selected firm will provide a statement confirming originality of design.
2. All ownership rights to original art files and design concepts shall be transferred to the City of Birmingham upon completion of the project.
3. During the evaluation process, the City of Birmingham reserves the right where it may serve the City of Birmingham's best interest to request additional information or clarification, or to allow corrections of errors or omissions. At the discretion of the City of Birmingham, firms submitting proposals may be requested to make oral presentations as part of the evaluation.

## **TIME SCHEDULE AND COST PROPOSAL**

All proposals must include a proposed time schedule for completion of the project.

The Contractor shall perform all services outlined in this RFP in accordance with the requirements as defined and noted herein.

This section, the RFP and referenced documents shall constitute the Scope of Work for this project and as such all requirements must be met.

## INVITATION TO SUBMIT A PROPOSAL

Proposals shall be submitted no later than **Friday, August 3, 2018 at 3:00pm** to:

City of Birmingham  
Attn: City Clerk  
151 Martin Street  
Birmingham, Michigan 48009

One (1) electronic copy and five (5) hard copies of the proposal must be submitted. The proposal should be firmly sealed in an envelope, which shall be clearly marked on the outside, **"LOGO BRANDING SERVICES"**. Any proposal received after the due date cannot be accepted and will be rejected and returned, unopened, to the proposer. Proposer may submit more than one proposal provided each proposal meets the functional requirements.

### Submission Requirements

All proposals that wish to be considered must contain the following:

- (1) Cover Letter.
- (2) Describe your approach in detail, with timeline proposal and process for brand development.
- (3) Summarize your branding experience, and include examples that illustrate the process from research to package delivery.
- (4) Profiles of key staff.
- (5) Approach, work plan, and timeline proposal.
- (6) List of three references that have used your professional services for a similar project, and include a contact name, mailing address, email address, and a contact phone number.
- (7) Bidders Agreement (Attachment B);
- (8) Cost Proposal (Attachment C); and
- (9) Iran Sanctions Act Vendor Certification (Attachment D).

### INSTRUCTIONS TO BIDDERS

1. Any and all forms requesting information from the bidder must be completed on the attached forms contained herein (see Contractor's Responsibilities). If more than one bid is submitted, a separate bid proposal form must be used for each.
2. Any request for clarification of this RFP shall be made in writing and delivered to: Joellen Haines, Assistant to the City Manager, 151 Martin Street, Birmingham, MI, or via email to [jhaines@bhamgov.org](mailto:jhaines@bhamgov.org). Such request for clarification shall be delivered, in writing, no later than 5 days prior to the deadline for submissions.



3. All proposals must be submitted following the RFP format as stated in this document and shall be subject to all requirements of this document including the instruction to respondents and general information sections. All proposals must be regular in every respect and no interlineations, excisions, or special conditions shall be made or included in the RFP format by the respondent.
4. The contract will be awarded by the City of Birmingham to the most responsive and responsible bidder and the contract will require the completion of the work pursuant to these documents.
5. Each respondent shall include in their proposal, in the format requested, the cost of performing the work. Municipalities are exempt from Michigan State Sales and Federal Excise taxes. Do not include such taxes in the proposal figure. The City will furnish the successful company with tax exemption information when requested.
6. Each respondent shall include in their proposal the following information: Firm name, address, city, state, zip code, telephone number, and fax number. The company shall also provide the name, address, telephone number and e-mail address of an individual in their organization to whom notices and inquiries by the City should be directed as part of their proposal.

## **EVALUATION PROCEDURE AND CRITERIA**

The City will utilize a qualifications-based selection process in choosing a Contractor for the completion of this work, and the proposals will be evaluated based on, but not limited to, the following criteria:

- Ability to provide services as outlined.
- Experience of the Contractor with similar projects.
- Professional qualification of key employees assigned to the project.
- Content of Proposal.
- Cost of Services.
- References

The City Commission will determine the process for selection of the Contractor, either via Committee or by staff recommendation based on the above criteria.

## **TERMS AND CONDITIONS**

1. The City reserves the right to reject any or all proposals received, waive informalities, or accept any proposal, in whole or in part, it deems best. The City reserves the right to award the contract to the next most qualified Contractor if the successful Contractor does not execute a contract within ten (10) days after the award of the proposal.

2. The City reserves the right to request clarification of information submitted and to request additional information of one or more Contractors.
3. The City reserves the right to terminate the contract at its discretion should it be determined that the services provided do not meet the specifications contained herein. The City may terminate this Agreement at any point in the process upon notice to Contractor sufficient to indicate the City's desire to do so. In the case of such a stoppage, the City agrees to pay Contractor for services rendered to the time of notice, subject to the contract maximum amount.
4. Any proposal may be withdrawn up until the date and time set above for the opening of the proposals. Any proposals not so withdrawn shall constitute an irrevocable offer, for a period of ninety (90) days, to provide the services set forth in the proposal.
5. The cost of preparing and submitting a proposal is the responsibility of the Contractor and shall not be chargeable in any manner to the City.
6. Payment will be made within thirty (30) days after invoice. Acceptance by the City is defined as authorization by the designated City representative to this project that all the criteria requested under the Scope of Work contained herein have been provided. Invoices are to be rendered each month following the date of execution of an Agreement with the City.
7. The Contractor will not exceed the timelines established for the completion of this project.
8. The successful bidder shall enter into and will execute the contract as set forth and attached as Attachment A.

## **CONTRACTOR'S RESPONSIBILITIES**

Each bidder shall provide the following as part of their proposal:

1. Complete and sign all forms requested for completion within this RFP.
  - a. Bidder's Agreement (Attachment B)
  - b. Cost Proposal (Attachment C)
  - c. Iran Sanctions Act Vendor Certification Form (Attachment D)
  - d. Agreement (Attachment A – **only if selected by the City**).
2. Provide a description of completed projects that demonstrate the firm's ability to complete projects of similar scope, size, and purpose, and in a timely manner, and within budget.

3. Provide a written plan detailing the anticipated timeline for completion of the tasks set forth in the Scope of Work.
4. The Contractor will be responsible for any changes necessary for the plans to be approved by the City of Birmingham.
5. Provide a description of the firm, including resumes and professional qualifications of the principals involved in administering the project.
6. Provide a list of sub-contractors and their qualifications, if applicable.
7. Provide three (3) client references from past projects, include current phone numbers. At least two (2) of the client references should be for similar projects.
8. Provide a project timeline addressing each section within the Scope of Work and a description of the overall project approach. Include a statement that the Contractor will be available according to the proposed timeline.

### **CITY RESPONSIBILITY**

The City will provide a designated representative to work with the Contractor to coordinate both the City's and Contractor's efforts and to review and approve any work performed by the Contractor.

### **SETTLEMENT OF DISPUTES**

The successful bidder agrees to certain dispute resolution avenues/limitations. Please refer to paragraph 17 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

### **INSURANCE**

The successful bidder is required to procure and maintain certain types of insurances. Please refer to paragraph 12 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

### **CONTINUATION OF COVERAGE**

The Contractor also agrees to provide all insurance coverages as specified. Upon failure of the Contractor to obtain or maintain such insurance coverage for the term of the agreement, the City may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the contract amount. In obtaining such coverage, Birmingham shall have no obligation to procure the most cost effective coverage but may contract with any insurer for such coverage.

## **EXECUTION OF CONTRACT**

The bidder whose proposal is accepted shall be required to execute the contract and to furnish all insurance coverages as specified within ten (10) days after receiving notice of such acceptance. Any contract awarded pursuant to any bid shall not be binding upon the City until a written contract has been executed by both parties. Failure or refusal to execute the contract shall be considered an abandonment of all rights and interest in the award and the contract may be awarded to another. The successful bidder agrees to enter into and will execute the contract as set forth and attached as Attachment A.

## **INDEMNIFICATION**

The successful bidder agrees to indemnify the City and various associated persons. Please refer to paragraph 13 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

## **CONFLICT OF INTEREST**

The successful bidder is subject to certain conflict of interest requirements/restrictions. Please refer to paragraph 14 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

## **EXAMINATION OF PROPOSAL MATERIALS**

The submission of a proposal shall be deemed a representation and warranty by the Contractor that it has investigated all aspects of the RFP, that it is aware of the applicable facts pertaining to the RFP process and its procedures and requirements, and that it has read and understands the RFP. Statistical information which may be contained in the RFP or any addendum thereto is for informational purposes only.

## **PROJECT TIMELINE**

Evaluate Respondents	August 2018
Interview Contractors	August 2018
Award Contract	September 2018
Project Kick Off Meeting	September 2018

The Contractor will not exceed the timelines established for the completion of this project.

**ATTACHMENT A - AGREEMENT  
FOR LOGO BRANDING SERVICES**

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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 \_\_\_\_\_, Inc., having its principal office at \_\_\_\_\_ (hereinafter called "Contractor"), provides as follows:

**WITNESSETH:**

**WHEREAS**, the City has heretofore advertised for bids for the procurement and performance of services required for logo branding 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 complete the city logo branding project.

**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 complete a proposal for logo branding services and the Contractor's cost proposal dated \_\_\_\_\_, 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 City shall pay the Contractor for the performance of this Agreement in an amount not to exceed \_\_\_\_\_, as set forth in the Contractor's \_\_\_\_\_, 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 Request for Proposals.
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. The Contractor agrees that it will require all subcontractors to sign a Non-Disclosure Agreement satisfactory to the City Attorney.

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 services 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: Joellen Haines  
151 Martin Street  
Birmingham, MI 48009  
248-530-1807

CONTRACTOR

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:

**CONTRACTOR**

\_\_\_\_\_

By: \_\_\_\_\_

Its:

**CITY OF BIRMINGHAM**

\_\_\_\_\_

By: \_\_\_\_\_

Andrew Harris

Its: Mayor

\_\_\_\_\_

By: \_\_\_\_\_

Cherilynn Mynsberge

Its: City Clerk

Approved:

\_\_\_\_\_  
Joellen L. Haines  
(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)



**ATTACHMENT B - BIDDER'S AGREEMENT  
FOR LOGO BRANDING SERVICES**

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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.

---

**PREPARED BY  
(Print Name)**

---

**DATE**

---

**TITLE**

---

**DATE**

---

**AUTHORIZED SIGNATURE**

---

**E-MAIL ADDRESS**

---

**COMPANY**

---

**ADDRESS**

---

**PHONE**

---

**NAME OF PARENT COMPANY**

---

**PHONE**

---

**ADDRESS**



**ATTACHMENT C - COST PROPOSAL  
FOR LOGO BRANDING SERVICES**

---

**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:

<b>TOTAL AMOUNT</b>	\$
<b>Additional Meeting Charge</b>	\$ per meeting
<b>Additional Services Recommended (if any):</b>	\$ / hour
	\$ / hour
	\$ / hour
	\$ / hour
	\$ / hour
	\$ / hour
	\$ / hour

Firm Name\_\_\_\_\_

Authorized signature\_\_\_\_\_ Date\_\_\_\_\_

**ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM  
FOR MASTER PLAN UPDATE**

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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.

---

**PREPARED BY**  
**(Print Name)**

**DATE**

---

**TITLE**

**DATE**

---

**AUTHORIZED SIGNATURE**

**E-MAIL ADDRESS**

---

**COMPANY**

---

**ADDRESS**

**PHONE**

---

**NAME OF PARENT COMPANY**

**PHONE**

---

**ADDRESS**

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**TAXPAYER I.D.#**

6/12/18

Birmingham City Commission  
c/o City Clerk  
City Hall Building  
151 Martin St  
Birmingham, MI 48009



Dear Commission Members,

We are writing to you as long-time residents of Birmingham. We have become aware recently that our new neighbors are renting their home as an Airbnb. They have been under construction for the last year. Their address is 1509 Maryland Blvd. After personally contacting city officials, we were dismayed to find out that Birmingham allows Airbnb's.

There are many reasons for our unhappiness.

- 1) Since opening as a BNB, there have been ongoing backyard parties every weekend with 10+ individuals in the backyard and countless strangers. We are disturbed to see transient people coming and going every week so close to our home. Our lots are small which creates intimate contact with your next-door neighbors. Our neighborhood has always been a respectful & family friendly environment until now. The security of ourselves, our home, the neighbors and especially the neighborhood children needs to be protected.
- 2) We are concerned with the upkeep of their exterior in the future. It has already been ignored since the renting has begun.
- 3) With the high taxes we pay in Birmingham, we as residents count on the city pride of neighborhoods, family friendliness, and a strong school district. It is concerning that our city laws would allow for residential zones to be used as nightly hotels. It can only hurt our city image and detract from the qualities that make us great.
- 4) Our resale value will be negatively affected. No one wants to live next door to an Airbnb.
- 5) The City Commissioners need to address the current market for rentals. The verbiage we attained from the building department is outdated and doesn't reflect modern issues.
- 6) According to city code, our neighbors are only allowed two renters at a time and we have witnessed families and groups of men renting nightly or for a weekend. We are victims to our neighbor's abuses. Are we supposed to spend our time and the time of the city building department complaining & spying on our neighbors? Is the city building department even open on weekends when complaints would be made? If the homeowner isn't staying at the rental, is the city going to fine the nightly renters?
- 7) Our Birmingham friends are horrified that Airbnb's are allowed and are worried that they too will soon be living next door to one.

Please explain your position on this matter so we can determine our future in Birmingham. Thank you,

Bucky & Michelle Strong  
1523 Maryland Blvd  
Birmingham, MI 48009



June 25, 2018

Bucky & Michelle Strong  
1523 Maryland BLVD  
Birmingham, MI 48009

Re: 1509 Maryland, Short Term Rental

Dear Mr. & Mrs. Strong:

This is a response to your letter received in the Clerk's Office on June 15, 2018 addressed to the City Commission. It was referred to me for a response. You express concerns in your letter regarding the referenced property being used as a rental through Airbnb (short term rental). Your letter along with this response will be provided to the City Commission for review at its July 9, 2018 regular meeting.

The City does have regulations specific to the renting or leasing of dwelling units. The Zoning Ordinance has provisions for renting rooms in dwelling units and the City Code has requirements for the renting or leasing of whole dwelling units. The term "dwelling unit" as used in the Zoning Ordinance and City Code includes homes, apartments and condominiums.

Article 5, Section 5.02 (D) of the Zoning Ordinance (attached for reference) allows the renting of rooms to not more than two roomers or boarders in the Single Family Zoned Districts. This allows a person living in a home to rent a room or rooms to not more than two persons at any one time.

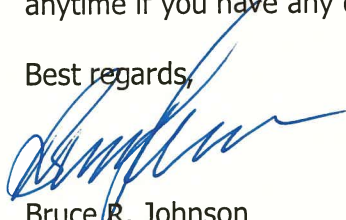
All dwelling units in the City that are being rented or leased, or are offered for rent or lease, are required to be licensed annually in accordance with Chapter 22, Division 4 of the City code (attached for reference). These provisions are applicable to rented or leased dwelling units that are not owner occupied. A property owner who wishes to rent or lease their dwelling unit in this fashion is required to apply for an annual license by submitting an application and paying the required fee. A detailed floor plan and site plan must be provided with the application for staff review to calculate the maximum occupancy and to verify the minimum numbers of off street parking spaces are provided. Then an initial inspection is conducted by one of our inspectors of the interior and exterior of the dwelling unit along with the exterior property area to determine compliance with the most recent edition of the International Property Maintenance Code. Any violation discovered must be corrected. Inspections are conducted from this point on a biennial basis.

The practice of short term rentals like Airbnb is gaining popularity and other residents have inquired about regulations for them. The requirements for rental properties in the Zoning

Ordinance and City Code are not dependent on the length of a rental agreement or lease. The regulations are applicable to both short term and long term rentals. Dwelling units used for short term rentals must comply with the City's rules and regulations.

Thank you for your letter expressing your concerns about 1509 Maryland and the practice of short term rentals. The property owner at this location did apply for a rental license and appears to be in the process of correcting violations cited during the inspection. Staff will inform the owner that the home cannot be rented until the required license is issued and confirm exactly how the dwelling is intended to be rented or leased. Please feel free to contact me anytime if you have any questions or would like an update regarding this property.

Best regards,



Bruce R. Johnson  
Building Official

Cc: Joseph A. Valentine, City Manager  
City Commission

## 5.02 R1A District, R1 District, R2 District, R3 District

This Use Specific Standards section applies to the following districts, except where noted otherwise:

**R1A** **R1** **R2** **R3**

The following use specific standards apply:

- A. Family Day Care Home: Family day care homes shall not be considered home occupations for the purpose of this Article and are permitted under the following provisions:
1. All family day care homes must be licensed with the city. Application for a family day care home shall be made to the City Clerk. An application fee as established by the City Commission and set forth in Appendix C shall be payable upon submitting an application for a family day care home. See Chapter 26 of the Birmingham City Code for licensing procedures.
  2. Only the care provider and his/her immediate family shall reside in the home.
  3. The maximum number of children permitted in a family day care home shall not exceed that permitted by the state.
  4. All outdoor play areas shall be enclosed with a fence of no less than 4 feet nor more than 6 feet in height, capable of containing the children within the play area.
  5. Children (not related to the care provider) shall not be dropped off or picked up between the hours of 8:00 p.m. and 7:00 a.m.
  6. There shall be no signs for the family day care home.
  7. No family day care home shall be located closer than 750 feet from another family day care home or foster care facility except as permitted as follows:
    - a. The Board of Zoning Appeals may approve the location of a family day care home within 750 feet of another family day care home or foster care facility if the Board of Zoning Appeals finds that the concentration of uses will not generate traffic, noise or other nuisances in a volume greater than would normally be expected in a residential neighborhood. The applicant is required to provide the following information to the Board of Zoning Appeals for all family day care homes within 750 feet of another family day care home or foster care facility:
      - i. Location of parking for parents/guardians and caregivers.
      - ii. Hours of operation.
    - b. Any family day care home licensed by the state at the time this section becomes effective and located within 750 feet of another state-licensed family day care home or foster care facility shall be permitted to continue in operation subject to its compliance with the other provisions of this section and the Zoning Ordinance.
  8. Family day care homes may operate Monday through Saturday only.
- B. Home occupation: A home occupation is subject to the following provisions:
1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
  2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
  3. There shall be no exterior indication by sign or otherwise of the home occupation.
  4. There shall be no noise, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
  5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
  6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
  7. The home occupation shall not include the direct sale of products off display shelves or racks.
  8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.



9. Home occupations may be conducted in a permitted accessory building.
10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
11. No more than 25% of the gross area of the building shall be used for such home occupation.
- C. Parking - Public, Off-street: Public off-street parking is permitted in connection with parks, stadiums, government offices, government uses, and public schools.
- D. Renting of Rooms: The renting of rooms is permitted to not more than 2 roomers or boarders per dwelling unit.
- E. Single-family cluster (applicable only to R1A, R1, and R2 and not applicable to R3 properties): The intent of the single-family cluster is to provide flexibility in the placement of buildings and implementation of innovative design concepts within single-family residential districts. Cluster developments shall be in accordance with the regulations as set forth in this section and other applicable sections of the Zoning Ordinance. Upon a conflict between the regulations of this section and those of other sections, the regulations set forth below shall apply:
  1. *Approval procedure*. Subject to the provisions of this section, the Planning Board may approve of the placement of detached single residences in any single residential district in a manner other than set forth in the two-page layouts in Article 2. Such development, called cluster development in this section, may be permitted by the Planning Board upon its finding that any one or more of the following conditions exist:
    - a. The lot contains natural assets such as trees, wildlife habitats, or unusual topographic features that should be preserved.
    - b. Topographic or subsoil conditions make development under other regulations impractical.
    - c. Floodplain covers a portion of the lot.
    - d. The configuration of the lot is odd shaped and not suitable for development under other regulations.
    - e. The lot contains frontage on a major road and development along the road would cause traffic problems which could be alleviated by alternative road designs such as cul-de-sacs or loop streets.
  2. *Required findings*. A request for cluster development shall not be approved unless the Planning Board:
    - a. Determines the proposal would not be contrary to the health, safety and welfare of the occupants of adjacent areas;
    - b. Determines the proposal would create a sound and stable residential area;
    - c. Determines the request is compatible with the purpose of the cluster option, which is to maintain natural areas and topography, or improve the open space characteristics of a given area; and
    - d. Determines that there has been compliance with all provisions of this section and other pertinent provisions of the Zoning Ordinance.
  3. *Objections of abutting property owners*. If written objections have been filed by at least 20% of the owners of all real property abutting or directly across a street or alley from the cluster development lot, the Planning Board may approve a cluster development only upon an affirmative vote of at least 6 members.
  4. *Minimum lot area*. The detached single-family cluster option may be utilized in the following single-family districts provided that the minimum lot area is: R1A – 80,000 sq ft, R1 – 36,000 sq ft, R2 – 24,000 sq ft.
  5. *Site plan and Design Review*. All cluster developments shall obtain Site Plan and Design approval from the Planning Board in accordance with the regulations as set forth in Article 7.
  6. *Area regulations*. Each cluster development shall meet all of the following regulations:
    - a. The total number of dwelling units shall not be more than 20% greater than the lot area divided by the required minimum lot area as set forth in the two-page layouts in Article 2, for the zoning district in which the property is located.
    - b. Land used for streets, alleys or walkways shall not be included in the computation of density.

## DIVISION 4. - LICENSE FOR RENTED, LEASED PREMISES

## Sec. 22-331. - Required.

No person shall rent or lease or offer to rent or lease a dwelling or a room in a roominghouse until either a temporary or annual license for such rental or leasing has been issued by the building official for the premises being rented or leased or being offered for rent or lease.

(Ord. No. 2070, 10-24-11)

## Sec. 22-332. - Application.

Application for a license required by this division shall be made to the building official on such forms as may be prescribed therefor.

(Ord. No. 2070, 10-24-11)

## Sec. 22-333. - Fee.

- (a) An application for a license shall be accompanied by such fee as set forth in the schedule of fees, charges, bonds and insurance.
- (b) There shall be no registration fee charged under this division for the calendar year in which a dwelling unit is constructed and a certificate of occupancy issued by the building department. Thereafter, all applicable fees under this article shall be due and payable.

(Ord. No. 2070, 10-24-11)

## Sec. 22-334. - Temporary license.

After application for a license under this division, but prior to the time of issuance of the annual license, the building official may, at his discretion, issue without inspection of the premises, a temporary license until such time as a building official has inspected and determined whether or not the dwelling unit or room is in violation of any provision of this Code.

(Ord. No. 2070, 10-24-11)

## Sec. 22-335. - Denial.

The building official shall not issue an annual license for any dwelling unit or room which is in violation of any provision of this article or where the proposed use of the building within which the dwelling unit is located is in violation of any provision of this Code.

(Ord. No. 2070, 10-24-11)

## Sec. 22-336. - Issuance, expiration.

Temporary or annual licenses for leasing or renting of premises located within the city shall be issued by the building official. Each license issued by the building official, whether temporary or annual, shall terminate as of April 15 next following its issuance.

(Ord. No. 2070, 10-24-11)

Sec. 22-337. - Revocation.

The building official may revoke any license issued under this division, whether temporary or annual, prior to its expiration upon a determination that the licensed premises does not comply with all the provisions of this article or with all the provisions of this Code.

(Ord. No. 2070, 10-24-11)

Sec. 22-338. - Appeals.

Any person who has applied for a license and feels aggrieved by any decision of the building official may appeal such decision to the housing board of appeals.

(Ord. No. 2070, 10-24-11)

Sec. 22-339. - Maximum occupancy.

No annual license for the renting or leasing of a dwelling or a room in a roominghouse shall be issued unless the following occupancy requirements are met in full:

- (1) The property owner shall be the responsible party for all violations relating to the maximum number of occupants at a rental property;
- (2) At the time of application or renewal of a rental license, a maximum number of occupants for a rental property shall be established by the building official, or his designee. The maximum number of occupants established for a rental property shall be stated on the rental license;
- (3) The maximum number of occupants for which a rental property may be licensed shall be based upon the size and number of bedrooms as defined by the International Property Maintenance Code, as amended from time to time;
  - a. The minimum area for a one-occupant bedroom shall be 70 square feet;
  - b. The minimum area for bedrooms other than a one-occupant bedroom shall be 50 square feet per occupant;
- (4) A rental property shall comply with the, provisions regarding overcrowding as set forth in the International Property Maintenance Code, as amended from time to time;
- (5) The property owner shall provide to any prospective renter or lessee written notice of the maximum number of occupants, as established by the building official, for the dwelling or room in a roominghouse being offered for rent or lease. A copy of said notice shall be furnished to the building official or his designee upon written or verbal request;

- (6) Following the issuance of a notice and order of violation as described in section 22-343, if all violations are not corrected within the allotted time the building official may, at his discretion, issue a code violation ticket and/or revoke the rental license.

(Ord. No. 2070, 10-24-11)

Sec. 22-340. - On-site parking.

No annual license for the renting or leasing of a dwelling or a room in a roominghouse shall be issued unless the following on-site parking requirements are met in full:

- (1) The property owner shall be the responsible party for all violations relating to the required number of on-site parking spaces at a rental property;
- (2) A parking space shall meet the following criteria in order to satisfy the requirements of this section:
  - a. Have a minimum length of 20 feet;
  - b. Have a minimum width of either the width of the existing driveway or nine feet, whichever is less;
- (3) Minimum parking requirements:
  - a. For single-family or two-family residential properties, a rental property owner shall provide, at minimum, on-site parking spaces equal to two parking spaces for the first bedroom and one parking space for each additional bedroom.
    1. In no case shall fewer than two on-site parking spaces be required;
    2. For the purposes of this section, an on-site parking space shall be defined as being located within the legal boundaries of the property for which a rental license is being sought and located in either a driveway or a garage that has unobstructed access to the driveway, the required parking space(s) shall not be otherwise obstructed by materials, debris, or use in a manner which prohibits its intended use for parking;
    3. Provided that on-street parking is permitted, a maximum of one on-street parking space may be applied toward satisfying the minimum on-site parking requirements, all other required parking spaces shall be provided off-street;
  - b. For all other properties permitting residential uses, the provisions of chapter 126 shall apply;
- (4) The final determination regarding the location and minimum number of required on-site parking spaces shall be made by the building official or his designee, at the time of application or renewal of a rental license;
- (5) Following the issuance of a notice and order of violation as described in section 22-343, if all violations are not corrected within the allotted time the building official may, at his discretion, issue a code violation ticket and/or revoke the rental license.

(Ord. No. 2070, 10-24-11)

Sec. 22-341. - Inspections.

- (a) The building official, or such persons as the building official may designate, shall make an inspection of the premises, either licensed under this division or for which a license has been applied for, at such times as he may deem desirable but not less often than every two years, or as described in section 22-342.
- (b) By filing an application for a license under this division, an applicant shall be deemed to have consented to such inspections and, upon seven days' written notice, the building official may enter upon and inspect the premises at all reasonable times.

(Ord. No. 2070, 10-24-11)

Sec. 22-342. - Maintenance of rental property.

- (a) The property owner shall be the responsible party for all violations relating to the maintenance of a rental property;
- (b) The property shall be maintained in a manner consistent with the criteria set forth in the International Property Maintenance Code, as amended from time to time;
- (c) At the discretion of the building official, a property with greater than ten violations of either this Code or the International Property Maintenance Code, as amended from time to time, during the 12-month period for which a rental license is effective may be inspected on annual basis for a period of three years, beginning with the subsequent year, as described in section 22-341;
- (d) Following the issuance of a notice and order of violation as described in section 22-343, if all violations are not corrected within the allotted time the building official may, at his discretion, issue a code violation ticket and/or revoke the rental license;
- (e) Nothing in this section shall prohibit the building official from declaring a property unsafe or unfit for human occupancy in accordance with the provisions set forth in the International Property Maintenance Code, as amended from time to time, and proceeding with the procedures set forth for condemnation.

(Ord. No. 2070, 10-24-11)

Sec. 22-343. - Notice and order of violations.

Any rented or leased premises found by the building official to be in violation of any section of this article and/or the International Property Maintenance Code, as amended for time to time, shall have a notice and order of violation sent to both the property owner and tenant of the property in accordance with the International Property Maintenance Code, as amended from time to time.

(Ord. No. 2070, 10-24-11)

Sec. 22-344. - Violations.

Violations must be corrected in accordance with the provisions of the International Property Maintenance Code, as amended from time to time. In addition to the sanctions provided for in the International Property Maintenance Code, as amended from time to time, the building official may, at his discretion, issue a code violation ticket and/or revoke the rental license if violations are not corrected within the allotted time.

(Ord. No. 2070, 10-24-11)

Sec. 22-345. - Removal of placard of notice of necessary repair.

No person shall remove, obscure or deface a placard from any structure which has been placarded as requiring necessary repairs under this division except by authority in writing from the building official.

(Ord. No. 2070, 10-24-11)

Secs. 22-346—22-355. - Reserved.





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

At the regular meeting of Monday, August 13, 2018, the Birmingham City Commission intends to appoint three regular members to the Advisory Parking Committee to serve three-year terms expiring September 4, 2021.

Interested citizens may submit an application available at the City Clerk's Office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk's Office on or before noon on Wednesday, August 8, 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 voter on appointments.

### Committee Duties

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

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
<p>The majority of the members shall be residents.</p> <ul style="list-style-type: none"><li>• One member shall be a building owner within the parking assessment district.</li><li>• One member shall be a representative of a small retail operation within the parking assessment district.</li><li>• One member shall be a resident who does not qualify under the following categories: Downtown commercial representative of large retail, small retail, a professional firm, a building owner, a restaurant owner, or a downtown employee.</li></ul>	08/8/2018	8/13/2018

*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.*



**NOTICE OF INTENTION TO APPOINT TO THE  
AD HOC JOINT SENIOR SERVICES COMMITTEE**

At the regular meeting of Monday, August 13, 2018, the Birmingham City Commission intends to appoint one resident member to the Ad Hoc Joint Senior Services Committee.

Interested citizens may submit an application available at the City Clerk's Office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk's Office on or before noon on Wednesday, August 8, 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 voter on appointments.

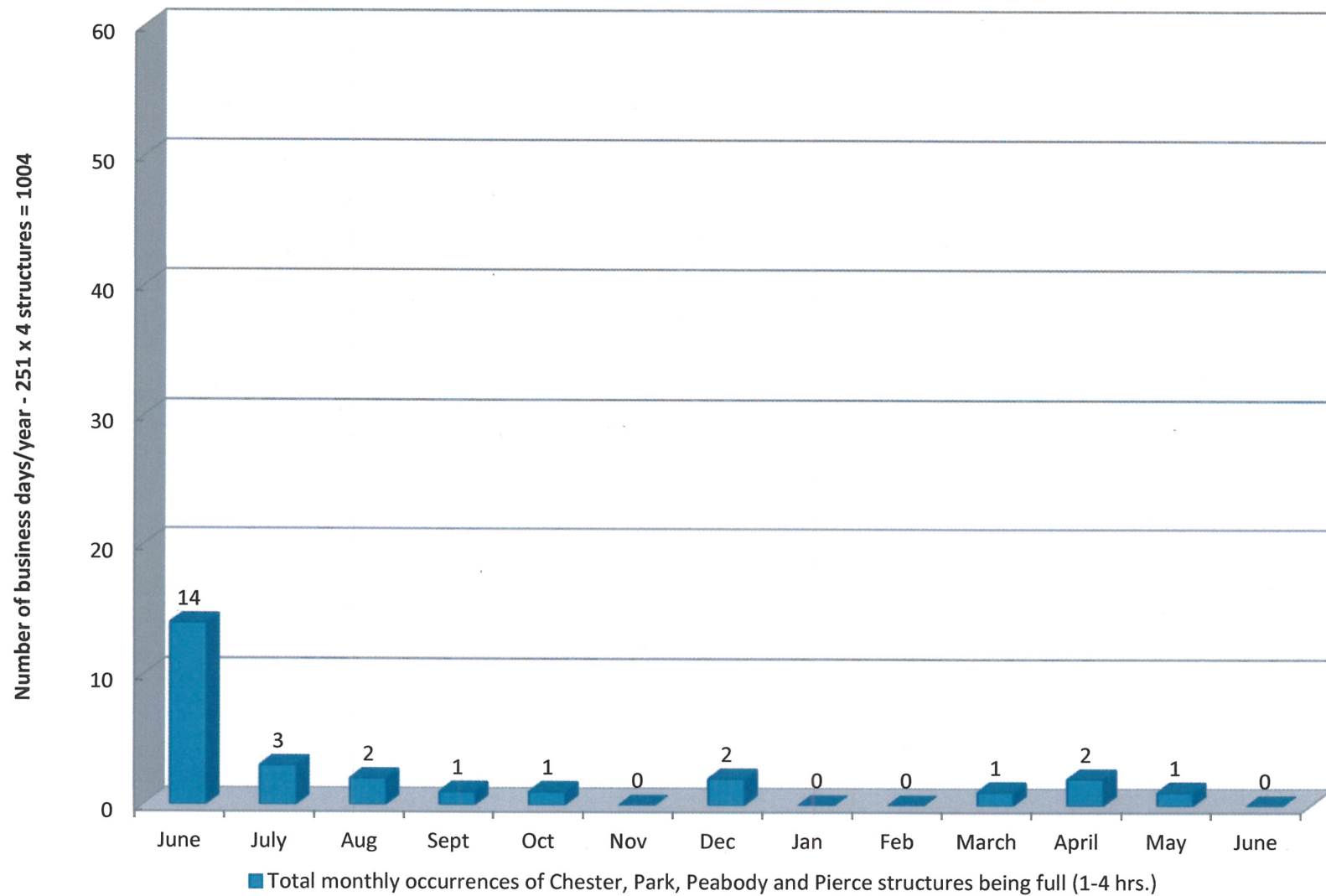
Committee Duties

The Ad Hoc Joint Senior Services Committee will be comprised of representatives from the member communities of Beverly Hills, Bingham Farms, Birmingham, Franklin and Southfield Township. The Birmingham Public Schools (BPS) will also be represented. The Committee will conduct a long term study and evaluation of the necessary funding and governance model to effectively provide adequate senior services to participating residents.

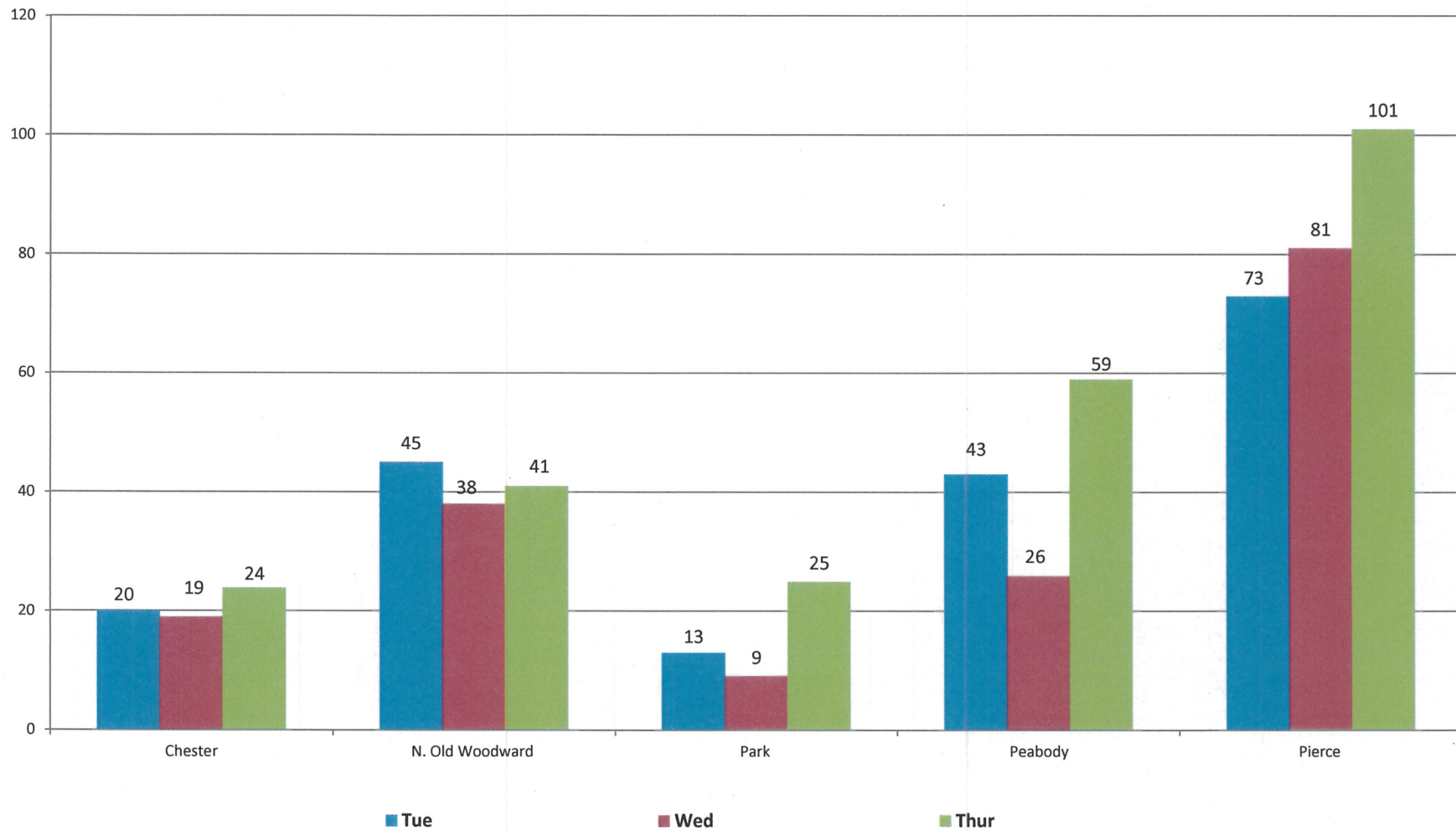
Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
<ul style="list-style-type: none"><li>Birmingham resident</li></ul>	08/8/2018	8/13/2018

*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.*

## 2017-18 Combined Parking Structure Full Status

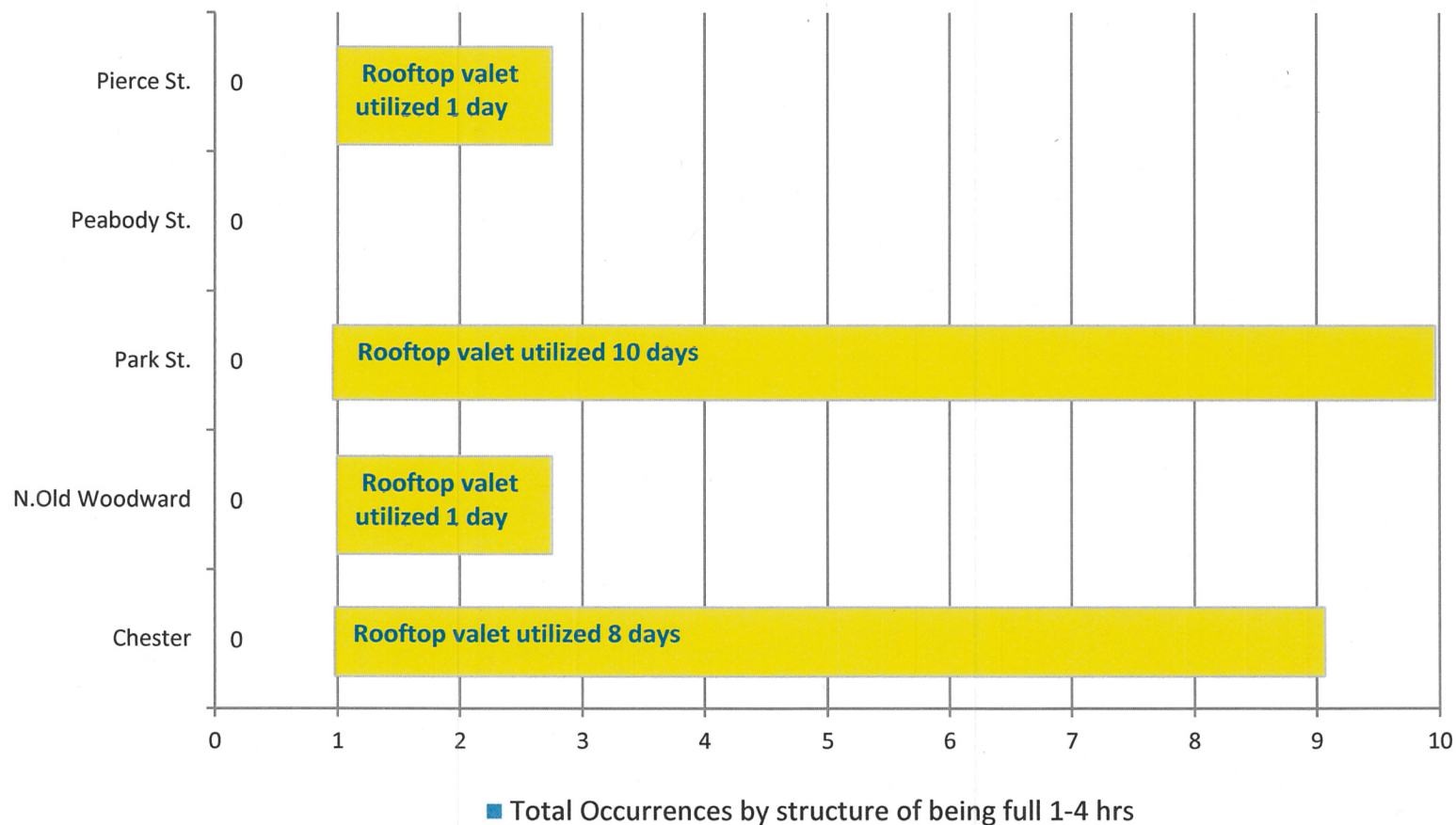


## Structure Occupancy at 1 pm Tuesday-Thursday Average Available Spaces - June 2018



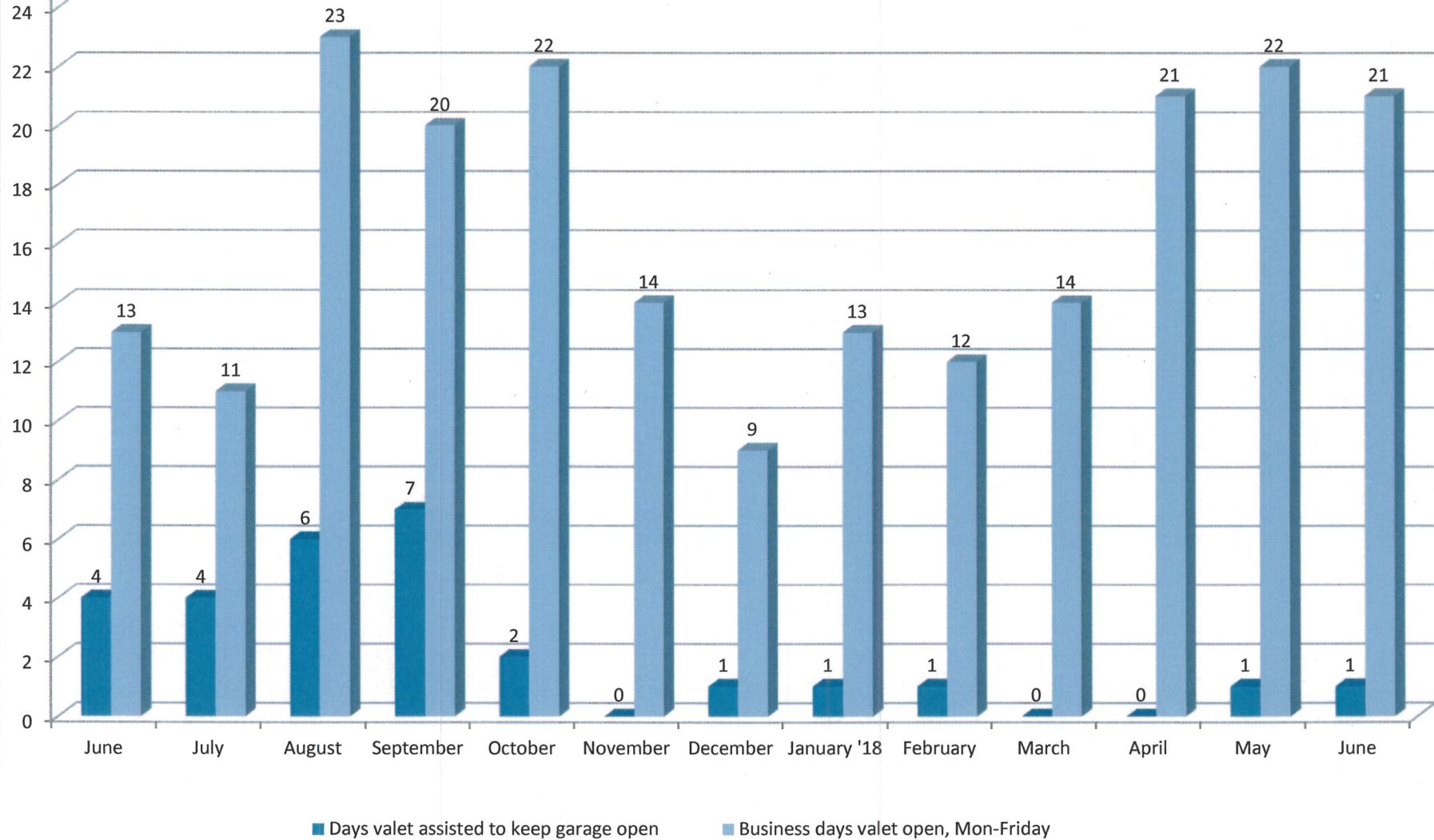
# Parking Full Status by Structure

June 2018 Business Days Only (M-Friday)



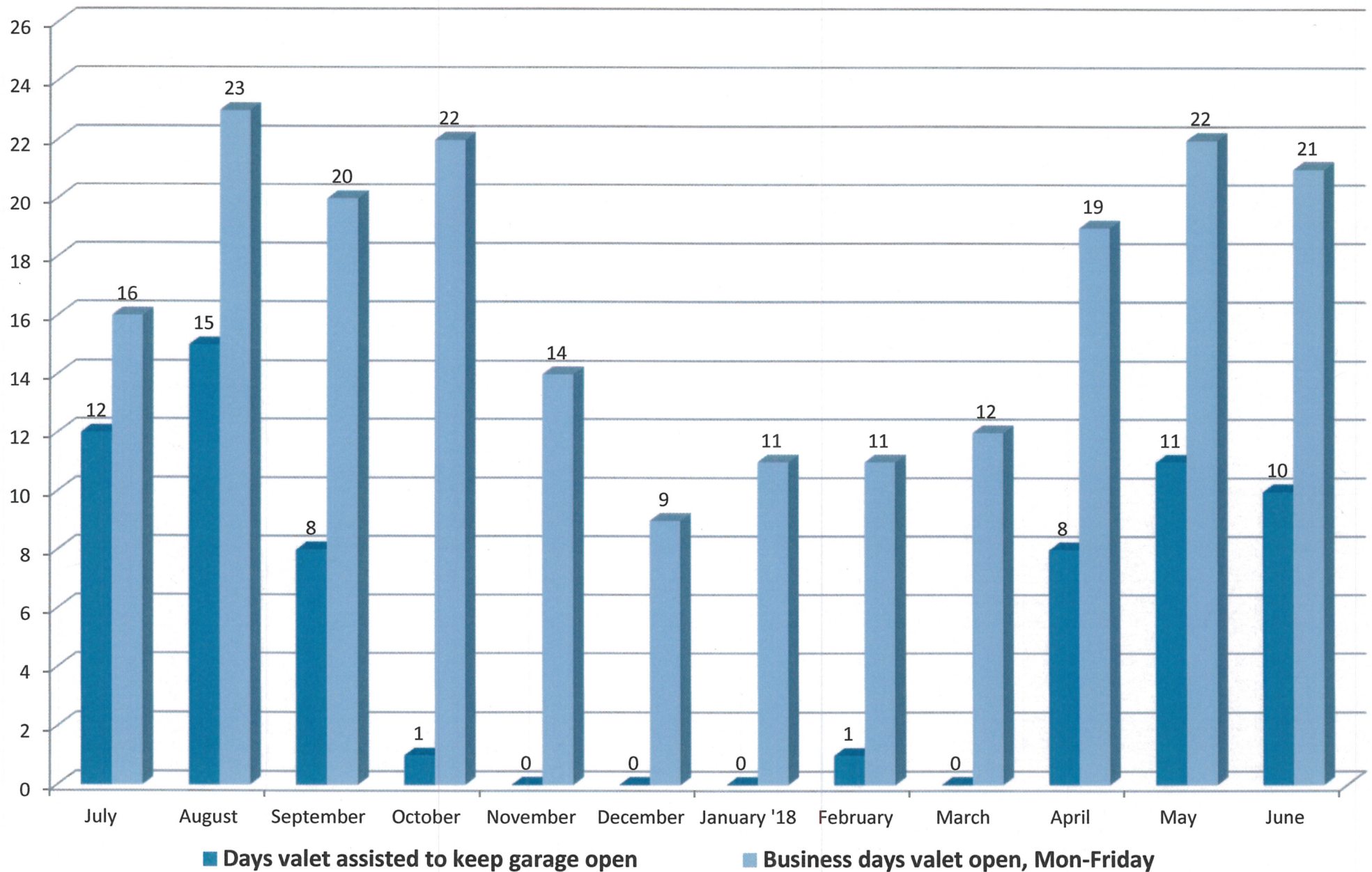


## N. Old Woodward Structure Valet Assist Data - June 2017- June 2018





## Park Street Structure Valet Assist Data - July 2017 - June 2018



## Chester Street Structure

Garage full list

# JUNE 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 Garage not filled.	2
3	4 Garage not filled.	5 Garage not filled.	6 Valet-14 cars	7 Garage not filled.	8 Garage not filled.	9
10	11 Valet-1 car	12 Valet-3 cars	13 Valet-7 cars	14 Valet-2 cars	15 Valet-2 cars	16
17	18 Garage not filled.	19 Garage not filled.	20 Valet-15 cars	21 Garage not filled.	22 Garage not filled.	23
24	25 Garage not filled.	26 Garage not filled.	27 Valet-2 cars	28 Garage not filled.	29 Garage not filled.	30
		Notes:				

## N. Old Woodward Garage

Valet Counts

# June 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 16 cars	2
3	4 Garage not filled.	5 Garage not filled.	6 Garage not filled.	7 Garage not filled.	8 Garage not filled.	9
10	11 Garage not filled.	12 Garage not filled.	13 Garage not filled.	14 Garage not filled.	15 Garage not filled.	16
17	18 Garage not filled.	19 Garage not filled.	20 Garage not filled.	21 Garage not filled.	22 Garage not filled.	23
24	25 Garage not filled.	26 Garage not filled.	27 Garage not filled.	28 Garage not filled.	29 Garage not filled.	30
		Notes:				

## Park Street Structure

Garage full list

# JUNE 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 Garage not filled.	2
3	4 Garage not filled.	5 Valet-11 cars	6 Garage not filled.	7 Valet-13 cars	8 Garage not filled.	9
10	11 Garage not filled.	12 Valet-26 cars	13 Valet-8 cars	14 Garage not filled.	15 Garage not filled.	16
17	18 Valet-8 cars	19 Valet-24 cars	20 Valet-25 cars	21 Garage not filled.	22 Garage not filled.	23
24	25 Garage not filled.	26 Valet-20 cars	27 Valet-22 cars	28 Valet-2 cars	29 Garage not filled.	30
		Notes:				

## Peabody Street Structure

Garage full list

# JUNE 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
		<b>Notes:</b> Structure did not fill.				

## Pierce Street Structure

Garage full list

# JUNE 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15 Valet-18 cars	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
		Notes:				



## Structure Occupancy at 1pm Tuesday-Thursday

Available Spaces

# June 2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5 Chester- N.O.W.- Park- Peabody- Pierce-	6 Chester-21 N.O.W.-31 Park-8 Peabody-35 Pierce-81	7 Chester-24 N.O.W.-64 Park-27 Peabody-12 Pierce-88	8	9
10	11	12 Chester-13 N.O.W.-19 Park-14 Peabody-26 Pierce-60	13 Chester-18 N.O.W.-25 Park-16 Peabody-20 Pierce-88	14 Chester-20 N.O.W.-23 Park-15 Peabody-68 Pierce-86	15	16
17	18	19 Chester-15 N.O.W.-34 Park-11 Peabody-55 Pierce-77	20 Chester-18 N.O.W.-59 Park-10 Peabody-18 Pierce-42	21 Chester-35 N.O.W.-27 Park-20 Peabody-73 Pierce-99	22	23
24	25	26 Chester-33 N.O.W.-82 Park-15 Peabody-48 Pierce-81	27 Chester-19 N.O.W.-38 Park-2 Peabody-31 Pierce-112	28 Chester-15 N.O.W.-49 Park-39 Peabody-82 Pierce-131	29	30
		Notes:				

# CENTRAL PARKING SYSTEM

## Birmingham Parking System Transient & Free Parking Analysis Months of May 2017 & May 2018

May 2017

GARAGE	TOTAL CARS	FREE CARS	CASH REVENUE	% FREE
PEABODY	17,141	9,730	\$48,781.20	57%
PARK**	15,027	8,359	\$53,801.30	56%
CHESTER	7,427	2,777	\$67,027.00	37%
WOODWARD	14,805	7,768	\$45,748.10	52%
PIERCE**	23,409	12,016	\$60,573.75	51%
<b>TOTALS</b>	77,809	40,650	\$ 275,931.35	52%

May 2018

GARAGE	TOTAL CARS	FREE CARS	CASH REVENUE	% FREE
PEABODY	17,714	10,435	\$ 36,498.00	59%
PARK	19,294	8,341	\$ 47,768.00	43%
CHESTER	7,617	2,084	\$ 76,561.00	27%
WOODWARD	14,659	7,646	\$ 38,130.00	52%
PIERCE	25,588	12,653	\$ 64,290.00	49%
<b>TOTALS</b>	84,872	41,159	\$ 263,247.00	48%

<b>BREAKDOWN:</b>	TOTAL CARS	-9%
	FREE CARS	+1%
	CASH REVENUE	-5%

**STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

**NOTICE OF HEARING  
FOR THE ELECTRIC  
CUSTOMERS OF  
DTE ELECTRIC COMPANY  
CASE NO. U-20029**

RECEIVED BY

JUN 28 2018

CITY CLERK'S OFFICE  
CITY OF BIRMINGHAM

- DTE Electric Company requests Michigan Public Service Commission to approve its Energy Waste Reduction plan cost reconciliation for the period ended December 31, 2017.
- The information below describes how a person may participate in this case.
- You may call or write, DTE Electric Company, One Energy Plaza, Detroit, MI 48226, (800) 477-4747 for a free copy of its application. Any person may review the application at the offices of DTE Electric Company.
- The prehearing conference in this matter will be held:

**DATE/TIME:** Tuesday, July 17, 2018, at 10:00 A.M.

**BEFORE:** Administrative Law Judge Sally Wallace

**LOCATION:** Michigan Public Service Commission  
7109 West Saginaw Highway  
Lansing, Michigan 48917

**PARTICIPATION:** Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 284-8090 in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a hearing to consider DTE Electric Company's (DTE) May 31, 2018 application requesting: 1) approval to reconcile its Energy Waste Reduction (EWR) plan for the 12-month period ending December 31, 2017; 2) authorization to roll the 2017 EWR under-recovery of \$9.7 million into the beginning balances for the 2018 reconciliation; 3) authority to implement EWR surcharges, performance incentives, and associated proposed tariffs; and 4) other relief.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: [michigan.gov/mpscdockets](http://michigan.gov/mpscdockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: [mpscdockets@michigan.gov](mailto:mpscdockets@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: [mpscdockets@michigan.gov](mailto:mpscdockets@michigan.gov).

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by **July 10, 2018**. (Petitions to intervene may also be filed using the traditional paper format.) The proof of service shall indicate service upon DTE Electric Company's attorney, Andrea E. Hayden, DTE Electric Company, One Energy Plaza, 688 WCB, Detroit, MI 48226.

Any person wishing to appear at the hearing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position. All information submitted to the Commission in this matter becomes public information, thus available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private.

Requests for adjournment must be made pursuant to the Commission's Rules of Practice and Procedure R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

A copy of DTE Electric Company's request may be reviewed on the Commission's website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets), and at the office of DTE Electric Company. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; 2008 PA 295, MCL 460.1001 et seq., and Parts 1 & 4 of the Michigan Administrative Hearing System's Administrative Hearing Rules, Mich. Admin Code, R 792.10101 through R 792.10137, and R 792.10401 through R 792.10448.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
NOTICE OF PUBLIC HEARING



Part 8. Electrical Rules (ORR#2017-001LR)

The Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, will hold a public hearing on the revision of the Part 8. Electrical Rules. The public hearing will be held on August 10, 2018, at 9:00 a.m. in the Ottawa Building, Conference Room UL 3, 611 W. Ottawa Street, Lansing, MI 48933. The Part 8. Electrical rules are proposed to take immediate effect after filing with the Secretary of State.

The proposed revisions to the Part 8 Electrical Code rules will adopt the 2017 edition of the National Electrical Code, a national industry standard, and provide Michigan-specific amendments. The hearing is being conducted by the Department under the authority of Section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2017-1, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 339.3102.

The proposed rules will be published in the August 1, 2018, *Michigan Register*. You may download a free copy of the proposed amendments by visiting the Bureau's website at [www.michigan.gov/bcc](http://www.michigan.gov/bcc). The amendments are located under "What's Happening" on the front page of the website.

Oral or written comments may be presented in person at the hearing on August 10, 2018, or submitted in writing by mail, email, or facsimile no later than 5:00 p.m., August 10, 2018, to the address stated below. If your presentation at the public hearing is in written form, please provide a copy to the Rules Specialist, at the conclusion of your testimony at the hearing.

Department of Licensing and Regulatory Affairs  
Bureau of Construction Codes  
Administrative Services Division  
P.O. Box 30254  
Lansing, MI 48909  
Telephone (517) 241-6312  
Facsimile (517) 241-9570  
[matsumotos@michigan.gov](mailto:matsumotos@michigan.gov)

The meeting site and parking are accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional services (such as materials in alternative format) in order to participate in the meeting should call Shannon Matsumoto at (517) 241-6312 (voice) at least 14 days prior to the hearing. LARA is an equal opportunity employer/program.



Cherilynn Mynsberge &lt;cmynsberge@bhamgov.org&gt;

## SEMCOG invites public comment on amendment to FY 2017-2020 TIP and 2040 RTP

1 message

**SEMCOG Public Notice** <communications@semcog.org>

Mon, Jul 2, 2018 at 12:15 PM

Reply-To: communications@semcog.org

To: cmynsberge@bhamgov.org

Problem viewing this email? [Click here](#) for our online version

A message from SEMCOG, the Southeast Michigan Council of Governments

**For immediate release: July 2, 2018****Contact: SEMCOG Information Center, 313-324-3330**

### SEMCOG invites public comment on an amendment to the FY 2017-2020 Transportation Improvement Program and the 2040 Regional Transportation Plan

SEMCOG, the Southeast Michigan Council of Governments, announces the public comment period for an amendment to the FY 2017-2020 Transportation Improvement Program (TIP) and the 2040 Regional Transportation Plan (RTP). The RTP is a long-range vision and strategy that directs investment in the regional transportation system. The TIP is a list of specific projects which implement the policies of the RTP, and are recommended by cities, villages, county road agencies, transit providers, and the Michigan Department of Transportation (MDOT) over a four-year period. SEMCOG's Executive Committee makes the final approval of the TIP project list.

#### Background

The [2018 Summer Amendment](#) revises 20 projects in the TIP and RTP, including eight additions, two deletions, eight cost modifications, and two projects related to the Blue Water Bridge Customs Plaza that will change the year the project will be implemented. These changes will add several pavement rehabilitation and reconstruction projects, make adjustments to General Program Accounts, and move implementation of the new Blue Water Bridge Customs Plaza from 2020 to 2025.

#### Amendment evaluations

The amendment requires all proposed projects undergo a series of evaluations, including identification of financial resources, air quality conformity analysis, environmental justice analysis, an environmental sensitivity analysis, an assessment for consistency with the regional Intelligent Transportation System architecture, and a public comment process.



Project details and evaluation results are available [online](#) or by contacting SEMCOG's Information Center at 313-324-3330.

**Coverage of this notice**

SEMCOG's public notices of public involvement activities for Southeast Michigan's TIP satisfy public participation requirements for the Section 5307 Program of Projects of public transit agencies receiving federal funding in the SEMCOG region.

**How to comment**

Please address written comments to SEMCOG Information Center, [1001 Woodward Avenue, Suite 1400, Detroit, MI 48226](#); send faxes to 313-961-4869; call 313-324-3330, or e-mail [InfoCenter@semcog.org](mailto:InfoCenter@semcog.org). Comments can also be made in person at the following meetings where amendments will be considered:

- Transportation Coordinating Council, July 19, 2018, 9:30 a.m., SEMCOG offices; and
- Executive Committee, August 2, 2018, 1 p.m., SEMCOG offices.

-##-

*SEMCOG is the only organization in Southeast Michigan that brings together all governments to solve regional challenges and enhance the quality of life.  
To learn more about what SEMCOG does, click [here](#).*



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SEMCOG - Southeast Michigan Council of Governments • [1001 Woodward Avenue, Suite 1400, Detroit, Michigan 48226](#)  
313-961-4266 • Fax: 313-961-4869 • Staff e-mail: [lastName@semcog.org](mailto:lastName@semcog.org) • [www.semcog.org](http://www.semcog.org)

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