

BIRMINGHAM CITY COMMISSION AGENDA
NOVEMBER 11, 2019
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Patty Bordman, Mayor

II. ROLL CALL

Cheryl Arft, Acting City Clerk

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

Announcements

- The City will hold a community water forum to help you learn more about new state water testing rules for lead and copper on Thursday, November 14, 2019 from 6 PM to 9 PM at Seaholm High School. The forum will be held in the Little Theatre Room within Seaholm. Representatives from the Michigan Department of Environment, Great Lakes and Energy (EGLE), Department of Health and Human Services (DHHS), South Oakland County Water Authority (SOCWA) and the Oakland County Health Division as well as the City will be on hand.

Recognition of outgoing City Commissioners

- Presentation to Mayor Bordman by Mayor Pro Tem Boutros
- Comments by outgoing Mayor and Commissioners

Oath of office to new Commissioners

Recess for re-organization

Organization of City Commission

- A. Nominate temporary chair for purposes of conducting election of Mayor and Mayor Pro Tem
- B. Election of Mayor and Mayor Pro Tem:
 1. Acceptance of nominations for Mayor from City Commissioners
 2. Election of Mayor
 3. Acceptance of nominations for Mayor Pro Tem from City Commissioners
 4. Election of Mayor Pro Tem
- C. Oath of Office to Mayor and Mayor Pro Tem
- D. Comments by newly elected Mayor and Mayor Pro Tem
- E. Appointment of _____, Mayor, to the Retirement Board

- F. Appointment of _____, Mayor Pro Tem, to the Retirement Board
- G. Appointment of _____, Mayor, to the Retirees Health Care Fund Committee
- H. Appointment of _____, (Mayor or his/her assignee), to the Triangle District Corridor Improvement Authority. *Member shall be appointed by the Mayor, subject to approval by the City Commission.* (Commissioner Sherman is currently serving on the Authority.)
- I. Appointment of _____, to the Foundation for Birmingham Senior Residents. *Member shall be appointed by the Mayor.* (Commissioner Hoff is currently serving on the Foundation.)
- J. Appointment of _____, to the Ad Hoc Joint Senior Services Committee.

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 Regular City Commission meeting minutes of October 28, 2019.
- B. Resolution approving the warrant list, including Automated Clearing House payments, dated October 30, 2019 in the amount of \$1,187,910.07.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated November 6, 2019 in the amount of \$910,621.56.
- D. Resolution setting December 9, 2019 at 7:30 PM for a Public Hearing to consider approval of a Special Land Use Permit and Final Site Plan and Design Review for Brooklyn Pizza at 111 Henrietta and 195 W. Maple to allow the operation of a bistro in the B4/D4 Zone.
- E. Resolution adopting the Performance Resolution for Governmental Agencies with the Michigan Department of Transportation (MDOT) and authorizing Assistant City Engineer, Austin Fletcher and Assistant City Engineer, Theresa Bridges, to apply to MDOT for the necessary permit work within the State Highway Right-of-Way on behalf of the City of Birmingham.
- F. Resolution authorizing the Mayor to sign the City's Hazard Mitigation Plan.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

- A. Resolution approving the Birmingham City Commission 2020 Meeting Schedule as submitted.

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

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

X. REPORTS

- A. Commissioner Reports

Notice of Intention to Appoint to the Triangle District Corridor Improvement Authority, and the Board of Review on December 9, 2019

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

INFORMATION ONLY

XI. ADJOURN

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

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

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

BIRMINGHAM CITY COMMISSION MINUTES
OCTOBER 28, 2019
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem, Pierre Boutros called the meeting to order at 7:30 P.M.

II. ROLL CALL

Present: Mayor Pro Tem Boutros
Commissioner DeWeese
Commissioner Harris
Commissioner Nickita
Commissioner Sherman

Absent: Mayor Bordman
Commissioner Hoff

Administration: City Manager Valentine, Assistant City Manager Gunter, City Attorney Currier, Acting City Clerk Arft, City Planner Ecker, City Engineer O'Meara, Assistant City Engineer Fletcher, Finance Director Gerber, H.R. Manager Myers, DPS Director Wood, and Police Chief Clemence

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

08-218 -19 ANNOUNCEMENTS

- The City Commission acknowledges and thanks Mr. Dan Isaksen for his service to the community on the Multi-Modal Transportation Board.
- Tuesday, November 5, 2019 is the election of four City Commissioners and three Library Board members in Birmingham. The polls will be open from 7:00 AM to 8:00 PM. Also on the ballot are proposals for Oakland Community College and Birmingham Public Schools. Sample ballots for each of the nine precincts in Birmingham are available at the City Clerk's Office during business hours, or by visiting the Clerk's Office webpage at www.bhamgov.org. Contact the Clerk's Office at 248-530-1880 during business hours for information about how you can request an Absent Voter ballot. The Clerk's office will be open from 8 A.M. to 4 P.M. on Saturday, November 2nd for the purpose of issuing and receiving Absent Voter ballots.

08-219 -19 APPOINTMENTS

The Commission interviewed two candidates for the Advisory Parking Committee – Alternate Member

1. Michael Horowitz
2. Robin Mueller

MOTION:

Motion by Commissioner Sherman:

To appoint Mr. Horowitz as the Alternate Member to the Advisory Parking Committee to complete a three-year term to expire September 4, 2020.

Mr. Bloom, resident, made a request for comment before the vote.

Mayor Pro Tem Boutros explained that public comment is not allowed during the nomination and subsequent appointment of an individual to a board or committee.

Commissioner Harris pointed out, that one of the luxuries of the City of Birmingham is that there are many qualified candidates applying for committee and board appointments. He expressed that this is another example of how both candidates would do a good job and encouraged Ms. Mueller to stay involved and keep applying as opportunities become available.

Commissioner Nickita called for verification from City Attorney Currier on the policy as it applies to public comment during this portion of the agenda.

City Attorney stated that traditionally public comment is not addressed during appointments, but he does not believe that there is a rule or procedure that prevents the Commission from doing so.

Mayor Pro Tem Boutros called Mr. Bloom for comment.

Mr. Bloom, resident, spoke in opposition of Mr. Horowitz because he is new to Birmingham and in favor of the NOW project.

VOTE:	Ayes:	5
	Nays:	0
	Absent:	2

Administration of the Oath of Office:

Acting City Clerk Arft administered the Oath of Office to Mr. Horowitz.

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.

08-220 -19 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

Mr. Bloom, resident:	Item A – Resolution approving the regular City Commission meeting minutes of October 7, 2019.
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Commissioner Sherman:	Item F - Resolution approving the request from the Chabad of Bloomfield Hills to display the Shain Park Menorah on December 19-31, 2019, with a special gathering to be held on December 23, 2019 from 5-7 pm in Shain Park, contingent upon compliance with all permit and insurance
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requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

Item P - Resolution approving the amendment to the City Manager's Employment Agreement as outlined in the Third Amended Employment Agreement and directing the Mayor to sign the Agreement on behalf of the City.

MOTION: Motion by Commissioner Sherman seconded by Commissioner Nickita:
To approve the Consent Agenda with the exception of Items A, F & P.

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

- B. Resolution approving the Joint City Commission-Planning Board Work Session minutes of October 17, 2019.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated October 9, 2019 in the amount of \$1,090,036.57.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated October 16, 2019 in the amount of \$1,817,477.75.
- E. Resolution approving the warrant list, including Automated Clearing House payments, dated October 23, 2019 in the amount of \$697,107.06.
- G. Resolution confirming the City Manager's authorization for an emergency expenditure pursuant to Sec. 2-286 of the City Code in the amount of \$18,000 at the North Old Woodward parking garage to repair and secure failing panels on the exterior façade to be paid from account #585-538.005-977.0000.
- H. Resolution approving the agreement with WJE Engineers and Architects, P.C. (WJE) for professional engineering services to conduct full structural assessments of the five parking garages in downtown Birmingham for an amount not to exceed \$392,480 from account #585-538.001-811.0000 for Fiscal Year 2019-2020. Further, direct the Mayor and City Clerk to sign the agreement on behalf of the City.
- I. Resolution approving the Public Arts Board's recommendation that the City purchase the sculpture "The Counselor" by Chris Yockey for \$5,500 from account 101-299.000-811.0000; that the sculpture remain in its current location on the N. Old Woodward parking structure; and to approve the appropriations and amendment to the fiscal year 2019-2020 General Fund budget as follows:

Revenues:		
Draw from Fund Balance	101-000.000-400.0000	<u>\$5,500</u>

- | | | |
|----------------------------|----------------------|----------------|
| Total Revenues | | <u>\$5,500</u> |
| Expenditures: | | |
| Other Contractual Services | 101-299.000-811.0000 | <u>\$5,500</u> |
| Total Expenditures | | <u>\$5,500</u> |
- J. Resolution setting November 25, 2019 at 7:30 PM as the public hearing date for the Program Year 2020 Community Development Block Grant Program.
- K. Resolution setting November 25, 2019 at 7:30 PM as the public hearing date for the reprogramming of program year 2018 Community Development Block Grant (CDBG) funds.
- L. Resolution approving the Professional Services Proposal from Automated Benefit Services, Inc., for a three-year agreement with renewal options to provide administration of the City's Flexible Spending Account and Health Reimbursement Arrangement programs, and to authorize the Human Resources Manager to sign the Addendum to the Administrative Services Agreement on behalf of the City following satisfactory legal review by the City Attorney.
- M. Resolution confirming the City Manager's authorization for the emergency expenditure related to the repair of vehicle #160 by Jack Doheny Companies in the amount of \$7,905.35 from the Auto Equipment Fund account #641-441.006-933.0200, pursuant to Sec. 2-286 of the City Code.
- N. Resolution approving the purchase and planting of ninety-six (96) trees from Greg Davis Landscape Services for the Fall 2019 Tree Purchase and Planting Project for a total project cost not to exceed \$38,315.00. Funds are available from the Local Streets Fund-Forestry Service Contract account #203-449.005-819.0000, the Major Streets Fund-Forestry Service Contract account #202-449.005-819.0000, the Local Streets Fund-Operating Supplies account #203-449.005-729.0000, the Major Streets Fund-Operating Supplies account #202-449.005-729.0000 and the Parks- Other Contractual Services account #101-751.000-811.0000 for these services. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.
- O. Resolution approving the installation of a Yield Sign on Millrace at Lakeside. Further, to direct the Chief of Police and the City Clerk to sign the traffic control order on behalf of the City establishing the installation of a "Yield" sign on Millrace at Lakeside.

08-221-19 (ITEM A) MINUTES OF THE REGULAR COMMISSION MEETING

David Bloom, Resident, requested that the proposal he presented during public comment at the October 7, 2019 meeting of the City Commission be included in the minutes of that meeting.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner DeWeese: To approve the Minutes of the regular Commission Meeting with noted amendment.

VOTE: Ayes: 5
 Nays: 0
 Absent: 2

08-222 -19**(ITEM F) REQUEST TO DISPLAY SHAIN PARK MENORAH**

Commissioner Sherman noted that this is a different organization sponsoring the event and wanted to meet Rabbi Dubov and asked if the same menorah would be used. Rabbi Dubov introduced himself and expressed that Rabbi Cohen is not in town and asked him to take over in his absence. He noted that there are not a lot of changes; just trying to make it better for the 20th Anniversary Celebration.

MOTION:

Motion by Commissioner Sherman, seconded by Commissioner Harris:

To approve the Resolution requesting from the Chabad of Bloomfield Hills to display the Shain Park Menorah on December 19-31, 2019, with a special gathering to be held on December 23, 2019 from 5-7 pm in Shain Park, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

VOTE:	Ayes:	5
	Nays:	0
	Absent:	2

08-223 -19**(ITEM P) AMENDMENT TO CITY MANAGER'S EMPLOYMENT AGREEMENT**

Mayor Pro Tem Boutros would like to move this to a future meeting since Mayor Bordman and Commissioner Hoff were absent.

Commissioner Sherman asked for it to be pulled because he knows it is a topic of public interest; and felt that there is no reason to move it to the future. He went on to explain that this is an administrative process and should not be postponed due to absence. Having been through two searches, he learned that the City Manager is not being comparably compensated. This amendment was to take care of the issues we know of; discussion of severance provisions determined that the information was not correct. There would be no severance if the City Manager were fired for breaching his contract terms. If the City were to breach the terms of the contract, the City Manager would be entitled to severance. The length of severance was based on the number of years that the City Manager has been with the City, and brings Birmingham in line with other compensation packages in the area. The rest of the terms of the contract are the same.

Commissioner Nickita concurred with the fact that the Commission had an administrative duty to move forward with this item.

Commissioner DeWeese was in the middle ground. He wanted to let the people in attendance tonight speak on it, and then the commission can take a vote at the later meeting.

Commissioner Harris agreed with Commissioner Sherman and Commissioner Nickita that there are no compelling reasons to postpone this action.

After polling the public, Mayor Pro Tem Boutros agreed to allow people to speak on this issue tonight.

Commissioner DeWeese suggested that the Commission move on this item now so people would not have to wait until the end of the meeting.

Commissioner Sherman agreed with Commissioner DeWeese with the assumption that comments would be limited and the speakers would be respectful of time, to allow for the meeting to move along in a timely manner.

Commissioner Nickita expressed that relative to this severance discussion, it is aligned directly with the previous long term City Manager's severance. He reiterated that this is a tenured position according to the Michigan Municipal League and this type of severance is nothing new.

PUBLIC COMMENT

Mandy brown expressed concern that it was on the Consent Agenda. He asked why now and why 1-3 years. He suggested that the Commission consider modifying the document to explain the conditions under which the severance would be paid.

Andrew Haig addressed the Commission and pointed out that they have a problem communicating issues to the public. He would like to see a cause and reason for each issue moving forward.

Brad Coulter, 498 Wimbledon, disagreed with the reasonableness of the proposed severance. Six to twelve months is standard. If benchmarking data supports 24 months, it should have been included in the package. Spending decisions of this size should have more supporting data.

Commissioner Sherman reiterated that the severance only applies if the city violates the contract.

David Bloom presented an organization chart. He said that according to the chart, the legal department reports to the City Manager and felt that the contract drawn up by the legal department for the City Manager's Employment Agreement is a conflict of interest.

Diane McKeon, past Mayor, expressed that her issue is not City Manager Valentine; she was disappointed that the item was on the consent agenda with no backup documentation. She said that Commissioner Sherman's explanation was great and should have been included in the backup, and went further to say that 24 month severance is unacceptable.

Michael Horowitz, resident, expressed that he had been exposed to a myriad of conversations in the City. The most common thread is lack of communication; he also said that he is inundated with information. He believes that discussion and negotiations for his compensation should be private.

END OF PUBLIC COMMENT

Commissioner Nickita-pointed out that "for cause" is in paragraph 2 of the document.

City Attorney Currier read paragraph 2 of the amended contract aloud for the public.

Mayor Pro Tem Boutros explained that his decision to defer this issue to a later date is to provide the public with more information; and would like the full commission to vote on this.

Commissioner Nickita reminded everyone that this is an administrative approval and has been done this way many times with other City Managers. The process is simple, analysis are done on other Managers, and he feels that there is consensus among the Commissioners that the City Manager is underpaid. He further expressed that this document is a correction to previous packages and sees it as appropriate. He went on to say that, this issue is typically on the Consent Agenda and the Commission is doing what they should be doing. Addressing severance that was inappropriate is not different this time from previous years.

Commissioner Harris expressed that part of this administrative process is required to be private by state law; only the vote is only public. The contract is in line with the market, and it is

important to keep City Manager Valentine. He deserves this based on merit and Commissioner Harris is in support of this resolution forward.

Commissioner DeWeese expressed that there are many who disagree with the City Commission and the focus on the City Manager is misplaced. The position of City Manager should be apolitical. Mr. Valentine has been respectful and does what the City Commission directs him to do. The Commission has direct control over the City Manager's personnel issues. After considerable research, he found that the City is way underpaying Mr. Valentine. Given a motion, he will support the vote tonight.

Commissioner Sherman echoed Commissioner DeWeese's comments.

Mayor Pro Tem Boutros agrees that Mr. Valentines performance has been strong and an asset to the City.

MOTION: Motion by Commissioner Nickita, seconded by Commissioner Harris:
To approve the resolution approving the amendment to the City Manager's Employment Agreement as outlined in the Third Amended Employment Agreement and directing the Mayor to sign the Agreement on behalf of the City.

VOTE:	Ayes:	5
	Nays:	0
	Absent:	2

V. UNFINISHED BUSINESS

08-224 -19 TRAFFIC SIGNAL AT N. OLD WOODWARD AVE & WILLITS ST.

Director Ecker presented this item.

- Commissioner Nickita asked how the bus lane would be designated so that people would see it.
- Director Ecker said that temporary bollards are proposed for bump outs with pavement markings for the bus lane.
- Commissioner Sherman appreciates the staff looking at this on a test basis.
- Commissioner Nickita asked for the next step in terms of clarifying some of these points.
- City Manager Valentine expressed that the details can come either back as a staff report after the fact or see it again for approval.
- Commissioner Nickita does not want to extend the issue but clarification needs to be provided by the consultants.
- Julie explained that drawings are first and once implemented data collection would occur.
- Commissioner DeWeese would like to approve as a concept, in the meantime implement this piece and additional costs could be brought back at a later meeting in the form of change orders.

MOTION: Motion by Commissioner Nickita, seconded by Commissioner Harris:
To approve the resolution for the recommended modifications to the traffic signal timing at the N. Old Woodward Ave. & Willits St. /Oakland Blvd. intersection for a trial period as soon as possible, through March 2020, with the enhancement of the temporary bus lane at a total estimated cost of \$9,200, including:

1. Remove the permissive left turn phase of the traffic signal for eastbound and westbound traffic using Option 3 as a trial through March, 2020;
2. Installing updated crosswalk markings on three legs of the intersection; and

3. Installing lane modifications north of the intersection, marked by bollards, such that a bump out can be added on the northwest corner, and a separated bus lane will be created on the northeast corner.

Further, approving the appropriation and amendment to the 2019-2020 fiscal year Major Street Fund budget as follows:

Major Street Fund

Revenues:

Draw from Fund Balance	202-000.000-400.0000	<u>\$9,200</u>
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Total Revenue Adjustments	\$9,200
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Expenditures:

Other Contractual Service	202-449.001-981.0100	\$9,200
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Total Expenditure Adjustments	\$9,200
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VOTE:	Ayes:	5
	Nays:	0
	Absent:	2

VI. NEW BUSINESS

08-225 -19 PUBLIC HEARING TO CONSIDER ZONING AMENDMENT

Mayor Pro Tem Boutros opened Public Hearing at 8:45 p.m.

Brooks Cowan presented the item and explained that a SLUP is needed. The majority located along Woodward between Oakland and Lincoln, to include All Seasons, Hazel Ravines, and Triple Nickel. Nothing is eligible east of Woodward, MU5 and MU7.

- Commissioner Sherman commented that the presentation should address the ordinance before the commission only, the Rail District as a whole, as opposed to the project specifications.
- Commissioner Deweese expressed that people are concerned that there are going to be a lot of liquor licenses coming into a certain area. He went on to say that the licenses are under total control of the commission, it is a tool to provide some catalyst to reinvigorate the area, but will not become over consumed with licenses.
- Commissioner Nickita questioned if the district in the Master Plan called the S. Rail District, due to its eclectic nature, is consistent with what was proposed as the S. Rail District. He further asked if we anticipated it being further north.

Public Comment

- Andrew Haig supported the whole point of addressing an area, he also suggested limiting to 2-3 parcels.
 - Mr. Cowan presented the original map proposed to the Planning Board.
- Larry Bertollini expressed concern about the big chunk being changed. He felt that the City should move more slowly. While he is not opposed to spot zoning, sidewalk issues, and parking should be investigated. He felt the residents in the area are not aware of the impact and should be given notification. He noted that one of the suggestions of the new Master Plan was to get access to train and should concentrate on the Triangle District.
- David Bloom supported comments by Mr. Haig and Mr. Bertollini.

Public hearing closed at 9:09

- Commissioner Nickita clarified the public space on the corner and felt it should be eliminated. He expressed that development along both sides of a street is typical. Approving the number of parcels doesn't mean that all will be restaurants; each will be individually approved/denied. The intention is be comfortable with the approach.
- City Manager Valentine confirmed that proper notification was given about this issue.
- Commissioner Harris clarified that the Commission is not changing the ordinance to make the properties eligible.

MOTION:

Motion by Commissioner DeWeese, seconded by Commissioner Harris:

To approve, with condition that the public properties on the NE corner of Lincoln and Eton be removed from the map, the resolution for a Zoning Amendment to Chapter 126, Zoning Ordinance, Appendix C, Exhibit 1, Licenses for Economic Development to include 2159 E. Lincoln Street as well as all the properties along Cole Street and Lincoln Street within the Rail District as recommended by the Planning Board to be qualified to be eligible for an Economic Development License;

AND

Resolution approving an amendment to Chapter 126, Zoning Ordinance, Article 2, Section 2.39 MX, Uses Requiring a Special Land Use Permit, to allow establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development on those parcels identified in Appendix C, Exhibit 1 with a Special Land Use Permit.

Mr. Larry Bertolline strongly disagreed with the motion.

Commissioner Nickita clarified that this is an allowance for applications for approval, not the same as an ordinance. It must still go through the approval process.

Mayor Pro Tem Boutros added that he is in support of the motion. The Commission controls growth/demand and it is up to the discretion of the Commission.

VOTE:	Ayes:	5
	Nays:	0
	Absent:	2

08-226 -19 PUBLIC HEARING FOR LINCOLN YARD APPLICATION

Mayor Pro Tem Boutros opened the Public hearing at 9:17 p.m.

Mr. Cowan presented this item.

- Mayor Pro Tem Boutros requested clarification on where the two entrances to buildings are located on the site plan. Mr. Cowan showed the entrances on the plan.
 - Curt Catallo addressed the Commission; he complimented the staff on their work; and is happy to deliver something that belongs in Birmingham. Armstrong White should be named neighbor of the year for their parking agreement.
- Commissioner Sherman noticed a difference in hours of operation.
 - The restaurants generally do not stay open until 2:00a.m. so midnight closing has a better optic.
- Commissioner Nickita shared concern about hours of operation for the area, and expressed concern about accessibility for the Little Yard, and commented that the suggested solution to close at midnight is good.

- Cassius Catallo explained the culture of this business which is walkable, inclusive, and comforting. It would offer comfort food as well as health conscious options.
- Commissioner DeWeese asked about the visible light transmission and energy issues; and why it is not doable. Mr. Catallo confirmed that the requirement would be met.

Public Comment:

- Larry Bertollini commented on the outdoor seating and parking requirements, he observed the parking issues in the area.
 - Mayor Pro Tem Boutros replied that there are no parking requirements for Bistros.
 - City Manager Valentine commented that the City is always looking at parking and does not know when it will come into play.
 - Mr. Catallo noted that he reduced outdoor seating from the original proposal.
- David Bloom commented that based on the zoning ordinances, there are parking requirements for outdoor dining.

Public hearing closed at 952 p.m.

- Commissioner DeWeese asked for the commissions wish for visible light. Also if the commission could approve this item because it is a concept. He also inquired about the enforcing or not enforcing the 80% requirement.
 - City Manager Valentine expressed that there are options to have them come back or conditioned upon administrative approval. Enforcing the 80% would be a discussion of the commission.
 - The applicant is using the same product as the Library.
- Commissioner Nickita stated that the commission could administratively approve tonight. Clear glass altered at the Library was for a reason, not a retail space, floor to ceiling windows, reluctant to use that as a base for private projects and need to hold the line on the ordinance or identify that the ordinance has to be revised. The Library was very atypical.
- Commissioner Harris asked the applicant to describe in detail the challenges faced in satisfying glass requirement.
 - The applicant explained that the 80% does not provide a good U factor.
- Mr. Catallo explained that the purpose of VLT is to let people know what is going on inside.
- Commissioner Sherman pointed out the Commission made it clear that it was limited to that project because of the sensitivity of products to light.
 - Architect is still examining designs to be in compliance.
- Commissioner Sherman would have them come back with that piece of it for approval.
- Commissioner Nickita said it is not a valid argument; we need to hold the line on the ordinance in place. If it is problematic, then the ordinance should be revisited. He suggested that the applicant work on trying to fit within the ordinance.

MOTION:

Motion by Commissioner Sherman, seconded by Commissioner Harris:

To approve the resolution for a Special Land Use Permit and Final Site Plan and Design Review for Lincoln Yard at 2159 E. Lincoln to allow the use of an economic development liquor license to serve alcohol on premise and to occupy a building more than 6,000 square feet in size in the MX Zone. Subject to administrative approval of changes to the entrance to comply with current ordinances.

- Bill Loizon suggested that the Commissioners look at Whole Foods' big wall of glass to see the 80% ordinance at work. He feels that it is unreasonable and unsightly. With that said, he felt that the ordinance needs some adjustments.

VOTE: Ayes: 5
 Nays: 0
 Absent: 2

**08-226 -19 PUBLIC HEARING TO CONSIDER A SPECIAL LAND USE PERMIT
 AND FINAL PLAN & DESIGN REVIEW FOR 298 S. OLD WOODWARD**

Mayor Pro Tem Boutros opened the Public Hearing at 10:06 p.m.

Director Ecker presented the item, with the listed facts:

- The applicant is applying to transfer a Class B Resort License under the Hotel Option.
- Planning Board found Financial Capability
- 151 Proposed Rooms
- Sit down restaurant with private dining room.
- Bar and lounge.
- Entire Hotel under Liquor License
- Signage and branding not presented tonight
- No out-door dining is being proposed.
- There are discussions about Valet Parking, not included in the Site Plan.
- Proposing 175 permanent jobs.
- The facility is expected to assess at 11 times more than previously assessed.
- Police background investigations have been completed.

Mayor Pro Tem Boutros called for public comment and there was none.

Public hearing was closed at 10:16 p.m.

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

To approve a resolution for a Special Land Use Permit and Final Site Plan and Design Review for 298 S. Old Woodward to allow the operation of the Daxton Hotel with the service of alcoholic liquors, in accordance with Article 7, Section 7.34 of the Zoning Ordinance;

AND

Resolution authorizing the City Clerk to sign the MLCC Local Government Approval Report (MLC 436.1510) and to approve the liquor license request of Aparium Hotel Group, LLC that requests a B-Hotel Liquor License be issued under MCL 436.1521(4), SDM License with Outdoor Service (1 Area) Sunday Sale Permit (AM)(PM), Dance-Entertainment Permit, Catering Permit, Eight (8) Additional Bar Permits, Specific Purpose Permit for Hotel Operations located and a Participation Permit in the name of Woodward Brown Ventures, LLC located at 298 S Old Woodward, Birmingham, Oakland County, MI 48009.

VOTE: Ayes: 5
 Nays: 0
 Absent: 2

08-227 -19 AUDIT PRESENTATION – NO ACTION EXPECTED

Finance Mark Gerber presented Mr. Doug Bohren and Tim St. Andrew from Plante Moran.

- Explained the contents
- Unmodified Opinion, the highest form of Assurance.

Commissioner Harris asked about OPEC and Retiree Health Care and was advised that they are the same.

Commissioner Nickita thanked the auditors.

Commissioner Sherman extended kudos to the staff.

08-228 -19 AMENDMENT TO THE SIGN ORDINANCE TO PROHIBIT ELECTRONIC MESSAGE CENTERS

Nick Dupuis, City Planner, presented this item. This amendment would reduce visually unsightly signage; specifically regulating those types of signs.

- Commissioner DeWeese commented that the City uses electronic signage at the parking garages and is uncomfortable restricting their use.
- Mr. Dupuis expressed that he may amend to not include parking garage signs
- Commissioner Nickita expressed that city signs are existing and therefore grandfathered in, but going forward, he thinks open signs flashing are inappropriate. He would like to see the ordinance expanded sooner or later to include open signs.
- Commissioner Deweese noted that the new Master Plan addressed signage; while he can see adopting it tonight, it needs some further work.
- Mayor Pro Tem Boutros echoed Commissioner Nickita about open signs.

Public Comment

- David Bloom, resident, agreed with Commissioner DeWeese that the Master Plan addresses signage and this item is not consistent with the MP.
- City Manager Valentine noted that the Master Plan had not been adopted, but should be a guide to have future conversations.
- Commissioner Nickita expressed that ordinances are not perfect and may need to evolve over time.

MOTION: Motion by Commissioner Nickita, seconded by Commissioner Sherman:
To approve the following amendments to the Sign Ordinance to add Electronic Message Centers to the list of prohibited sign types:

1. To amend Article 1, Section 1.03, Sign Requirements, to amend the prohibited sign types;

AND

2. To amend Article 3, Section 3.02, Definitions, to add definitions for Electronic Message Centers and Gas Station Price Signs.

VOTE:	Ayes:	5
	Nays:	0
	Absent:	2

08-229 -19 AMEND ADVISORY PARKING COMMITTEE MEMBERSHIP

City Manager Valentine presented this item.

- Recommending a modification to the composition of the board to enable the City to fill some long-time vacancies.
- Replace a building owner with a BSD board member to participate on the board
- Remove the City Engineer and Replace with the City Manager or his designee.

Brad Host expressed that he thought it might be a mistake to eliminate a representative from Engineering.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Harris: To adopt the resolution to amend Advisory Parking Committee membership to remove the Building Owner position and replace it with a board member of the Birmingham Shopping District and to remove the City Engineer (non-voting, ex-officio) position and to replace this position with the City Manager, or his/her designee.

VOTE:	Ayes:	5
	Nays:	0
	Absent:	2

08-230 -19 WATER FEES

Fletcher Austin, Engineering, presented this item.

- There are approximately 9,000 water customers. 550 Homes may fall into that category.
- The City is required to replace 7% a year.
- Suggested waiving fees associated with the removal of lead water lines.

Mayor Pro Tem Boutros asked how the affected homes are being identified.

City Manager Valentine explained that it is up to each community to plan for replacement; the City has a plan and would be submitting the plan to the state. This resolution is an incentive to help those who want to replace leads on their own.

It is designed to assist homeowners with known lead lines to avoid permit fees in the event they want to make the fix sooner than the City.

MOTION: Motion by Commissioner Harris, seconded by Commissioner DeWeese: To amend the Fees, Charges, Bonds, Insurance Schedule to allow all associated water permit fees (ROW Permit, Plumbing Permit, Trench Maintenance and Inspection Fees) to be waived for individuals that wish to replace their lead water services.

VOTE:	Ayes:	5
	Nays:	0
	Absent:	2

VII. REMOVED FROM CONSENT AGENDA

Done at the beginning of the Agenda.

VIII. COMMUNICATIONS

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

- Brad Host commented on the 20/40 plan. At the Planning Board study session, the Mayor cut off City Master Planner before he could address Quarton Lake. Residents did not know about the Charettes held over the summer. Public input is greatly needed.
- City Manager Valentine expressed that there is a survey planned to engage the public.
- Terese Longe, 103 Yosemite, commented about the lead testing and the lack of communication to residents. She wants the City to let the residents know that the replacement of the lines are the responsibility of the water provider. She thinks the City should prioritize the homes that are testing high and replace the lines immediately.

- David Bloom noted that at the last meeting Mr. Host suggested adding public comment to the beginning of the agenda and at the end. He also noted that at that meeting he asked for an independent investigation conducted on the NOW debacle and would like to see it on the next Agenda. He further presented his FOIA request and the response from the City Clerk.
- Cindy Rose addressed open sign ordinance suggestion. She also felt that the acceptance of the severance package was a courageous move on the part of this commission and feels that it was well deserved. It was a very good decision to advance the item. She further expressed her appreciation publicly for Commissioner Harris' service. He is outstanding, judicious, thoughtful, and never emotional. She thanked him for his service.
- Commissioner Sherman recognized and thanked Commissioner Harris on behalf of the commission for his service.

X. REPORTS

1. Commissioner Reports
 - a. Notice of Intention to Appoint to Multi-Modal Transportation Board (1) Alternate and (1) regular members will be done on December 9, 2019.
 - b. Commissioner Nickita explained that the water lead issue is a nationwide issue and not specific to Birmingham.
 - c. Commissioner Harris commented that this is a bittersweet moment, the sweet in the sense that he will get a part of his life back and thanks his Wife for her support of this sacrifice. It is bitter in the sense that he will miss the opportunity to serve the residents of Birmingham. He expressed gratitude for the opportunity.
2. Advisory Boards, Committees, Commission's Reports and Agendas
3. Legislation
4. City Staff
 - a. Parking Utilization Report (Gunter)
 - b. 1st Quarter Budget Report (Gerber)
 - c. 1st Quarter Investment Report (Gerber)

INFORMATION ONLY

XI. ADJOURN

Meeting adjourned at 11:18 p.m.

Cheryl Arft, Acting City Clerk
/vc

City of Birmingham
Warrant List Dated 10/30/2019

Meeting of 11/11/2019

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
269647		MISC	3G HOME EXTERIORS	100.00
269648	*	000855	48TH DISTRICT COURT	300.00
269649	*	000855	48TH DISTRICT COURT	100.00
269650	*	000855	48TH DISTRICT COURT	500.00
269651	*	000855	48TH DISTRICT COURT	100.00
269652	*	000855	48TH DISTRICT COURT	100.00
269653	*	000855	48TH DISTRICT COURT	100.00
269654	*	000855	48TH DISTRICT COURT	500.00
269655		MISC	AARON PLOSS RENOVATIONS LLC	200.00
269657	*	002670	MIKE ALBRECHT	119.99
269658		MISC	ALLEN BROTHERS INC.	200.00
269659	*	000161	ALPHA PSYCHOLOGICAL SERVICES PC	1,070.00
269660		MISC	AMSON DEVELOPMENT LLC	950.00
269662	*	007216	AT&T	96.59
269663		MISC	BABI CONSTRUCTION INC	900.00
269665		MISC	BCM HOME IMPROVEMENT	100.00
269666		MISC	BELLA DECKS LLC	200.00
269667		001201	BIRMINGHAM YOUTH ASSISTANCE	10,548.04
269668		MISC	BLOOMFIELD CONSTRUCTION CO	200.00
269669	*	MISC	BRENT JACKSON	165.44
269670		007365	BSN SPORTS	5,905.00
269671		MISC	BULGARELLI, PAUL	100.00
269672		003907	CADILLAC ASPHALT, LLC	333.27
269674		MISC	CAROLYN A MACKIE LIVING TRUST	100.00
269675		005238	CBTS	4,170.50
269676		000444	CDW GOVERNMENT INC	5,326.51
269676	*	000444	CDW GOVERNMENT INC	2,317.20
269677		007710	CINTAS CORP	202.75
269678		002234	CMP DISTRIBUTORS INC	2,879.00
269679	*	008955	COMCAST	152.29
269680	*	007774	COMCAST BUSINESS	1,233.96
269681		000979	COMERICA BANK	11,577.38
269682	*	MISC	COMPRESSOR INDUSTRIES, LLC	500.00
269684		002668	CONTRACTORS CLOTHING CO	889.73
269685		001367	CONTRACTORS CONNECTION INC	134.20
269686		008512	COOL THREADS EMBROIDERY	50.00
269687		008582	CORE & MAIN LP	1,728.00
269688		MISC	CREGGER SERVICES INC	59.12
269689		003923	CUMMINS BRIDGEWAY LLC	954.51
269690		MISC	CURB APPEAL DOOR & WINDOW INC	500.00
269691	*	009134	CURBCO SWEEPING INC	6,626.00
269692		006969	DAVEY RESOURCE GROUP	190.00

City of Birmingham
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Check Number	Early Release	Vendor #	Vendor	Amount
269693		MISC	DCAM INC	100.00
269694		MISC	DEERBROOK CONSTRUCTION CO	100.00
269695		000177	DELWOOD SUPPLY	28.21
269696		MISC	DEMOSS & SONS HOME IMPROVEMENT CO	100.00
269697		MISC	DONALD A BOSCO BUILDING INC	3,850.00
269698	*	007983	CAITLIN A. DONNELLY	169.94
269700	*	000179	DTE ENERGY	71.28
269701	*	000179	DTE ENERGY	124.00
269702	*	000179	DTE ENERGY	60.84
269703	*	000179	DTE ENERGY	1,877.25
269704	*	000179	DTE ENERGY	56.23
269705	*	000179	DTE ENERGY	191.42
269706	*	000179	DTE ENERGY	6,385.36
269707	*	000179	DTE ENERGY	1,281.54
269708	*	000179	DTE ENERGY	3,961.80
269709	*	000179	DTE ENERGY	2,633.27
269710	*	000179	DTE ENERGY	42.18
269711	*	000179	DTE ENERGY	1,887.56
269712	*	000179	DTE ENERGY	38.97
269713	*	000179	DTE ENERGY	42.43
269714	*	000179	DTE ENERGY	33.91
269715	*	000179	DTE ENERGY	467.68
269716	*	000179	DTE ENERGY	756.42
269717	*	000179	DTE ENERGY	33.18
269718		MISC	ELEMENT CONSTRUCTION	200.00
269721		MISC	ERIC ROBINSON	100.00
269722		MISC	EVOLUTION POOLS	200.00
269723		006689	F.D.M. CONTRACTING INC.	0.00
269723	*	006689	F.D.M. CONTRACTING INC.	370,684.77
269724		MISC	FADI NASSAR	950.00
269725		MISC	FOUNDATION SYSTEMS OF MICHIGAN INC.	100.00
269726		MISC	FRANK REWOLD AND SON INC	2,940.00
269727		MISC	GILLETTE BROTHERS POOL & SPA	1,000.00
269728		MISC	GOLD LEAF CONSTRUCTION	100.00
269729	*	004604	GORDON FOOD	207.84
269730		MISC	GOUGH, REID	850.00
269731		004983	GREAT AMERICAN BUSINESS PRODUCTS	268.65
269732	*	000245	GREAT LAKES POPCORN CO	206.40
269733		MISC	GREAT LAKES ROOFING, INC	1,400.00
269735		MISC	GUTTER SYSTEMS OF MICHIGAN	100.00
269736	*	006346	HARRELL'S LLC	8,503.94
269737		006153	HARRY'S ARMY SURPLUS	125.00
269738		MISC	HEMANT SHAH	100.00

City of Birmingham
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Check Number	Early Release	Vendor #	Vendor	Amount
269739	*	005820	HENKE MFG	1,209.07
269740		001846	HIGHWAY MAINTENANCE AND	85,626.84
269741		MISC	HM HOMES LLC	829.56
269742	*	001956	HOME DEPOT CREDIT SERVICES	3,066.69
269743		MISC	HOME DEPOT USA INC	500.00
269744		MISC	HUGHES BUILDING LLC	100.00
269745		003888	INTERNATIONAL CODE COUNCIL INC	361.96
269746		MISC	JANKOVIC, MRDJAN	100.00
269747		008564	JERRY'S TIRE	708.08
269748		MISC	JIMAX, LLC	100.00
269749		MISC	JOHN SOPUCH	400.00
269750		MISC	JOSEPH DONALD SILVERI	300.00
269751		MISC	K & K COMPANIES	486.95
269752		007423	K/E ELECTRIC SUPPLY	248.10
269753	*	007827	HAILEY R KASPER	220.50
269754		MISC	KEARNS BROTHERS INC	100.00
269755	*	004088	KGM DISTRIBUTORS INC	173.00
269756		009133	KIMBERLY FENCE & SUPPLY	1,569.94
269757		MISC	KULLA CONSTRUCTION	500.00
269758		MISC	LAKEPOINTE CONSTRUCTION	200.00
269761		MISC	LMB PROPERTIES LLC	1,400.00
269762	*	008158	LOGICALIS INC	9,700.00
269763		MISC	LUXE HOMES DESIGN BUILD LLC	6,400.00
269764		MISC	MAINSTREET DESIGN BUILD	300.00
269765		MISC	MATRIX BASEMENT SYSTEMS	200.00
269766		008201	MECHANICAL DESIGN & INSTALLTN LLC	50,000.00
269767		MISC	METROPOLITAN CONCRETE CORP	100.00
269768	*	004663	MGIA-MICHIGAN GREEN INDUSTRY ASSOC.	149.00
269769	*	000377	MICHIGAN MUNICIPAL LEAGUE	92.76
269770		MISC	MICKLUS, WENDY POTTER	1,000.00
269772		MISC	MURPHY, LAWRENCE T	3,950.00
269774		006602	OAKLAND COUNTY TREASURER'S ASSN.	30.00
269775	*	004370	OCCUPATIONAL HEALTH CENTERS	112.50
269776	*	000481	OFFICE DEPOT INC	427.55
269777		MISC	ORLOFF HOMES INC	100.00
269778		MISC	PATRICK MICHAEL MCNAMARA LVNG TRUST	100.00
269779		MISC	PELLA WINDOWS & DOORS, INC.	500.00
269780		MISC	PERFORMANCE RESIDENTIAL REMODELING	200.00
269781	*	006887	LESLIE PIELACK	169.94
269782	*	008901	PLANTE & MORAN CRESA, LLC	5,000.00
269783		005733	POWER LINE SUPPLY	49.57
269784		MISC	POWERDMS	5,569.70
269785		MISC	PRM CUSTOM BUILDERS LLC	829.56

City of Birmingham
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Check Number	Early Release	Vendor #	Vendor	Amount
269786	*	008342	RAIN MASTER CONTROL SYSTEMS	29.85
269787		003447	RAFT	400.00
269788		MISC	RENEWAL BY ANDERSEN	500.00
269789		MISC	RENOVATIONS ROOFING & REMODELI	200.00
269791		005344	RESERVE ACCOUNT	8,000.00
269793		MISC	ROBERT MICHAEL	100.00
269794		MISC	ROGER MARCHETTI	230.77
269795		MISC	ROOF ONE LLC	100.00
269797		000218	ROYAL OAK P.D.Q. LLC	39.08
269798		MISC	ROYALE BUILDING LLC	900.00
269799		007142	SHERWIN-WILLIAMS COMPANY	44.19
269800		MISC	SOMERSET PAINTING & HOME IMPROVEMEN	200.00
269801	*	007907	SP+ CORPORATION	4,845.00
269803		MISC	STEPHEN ROBERT TEMPLETON	1,000.00
269804		MISC	STERLING DEVELOPMENT CORP	2,500.00
269805		MISC	STEVENS, RAYMOND A	500.00
269806		006556	STO-COTE PRODUCTS, INC.	1,440.10
269807	*	008507	SUPERFLEET MASTERCARD PROGRAM	417.34
269808	*	004355	SYMETRA LIFE INSURANCE COMPANY	35,847.97
269809		MISC	TALLON CONSTRUCTION, INC.	100.00
269810		MISC	TEMPLETON BUILDING COMPANY	400.00
269812		MISC	TF HOMES LLC	1,850.00
269813		MISC	THORNTON & GROOMS INC.	700.00
269814		MISC	TUZINOWSKI LANDSCAPE CO	100.00
269815		005331	UBS FIN SERVICES, INC	16,461.67
269816	*	003760	UNUM LIFE INSURANCE CO. OF AMERICA	23,517.93
269817	*	000293	VAN DYKE GAS CO.	119.10
269818	*	000158	VERIZON WIRELESS	980.26
269819	*	000158	VERIZON WIRELESS	579.15
269820	*	000158	VERIZON WIRELESS	127.25
269821		006491	VILLAGE AUTOMOTIVE	565.37
269822		MISC	WALLSIDE INC	500.00
269823		004497	WATERFORD REGIONAL FIRE DEPT.	149.00
269824		MISC	WINDOW PRO HOLDINGS LLC	1,000.00
269825		009128	WITMER PUBLIC SAFETY GROUP INC	114.16
269826		MISC	WU, JASON	775.00
269827		MISC	ZAREMBA & COMPANY	100.00
269828		MISC	ZIMMER, DENIS	775.00
269829		008902	ZORO TOOLS, INC.	117.80
SUBTOTAL PAPER CHECK				\$764,316.81
<u>ACH TRANSACTION</u>				
1640		008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	92,788.84
1643		008843	OAKLAND COUNTY TREASURER- TAX PYMNT	159,899.58

City of Birmingham
Warrant List Dated 10/30/2019

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Check Number	Early Release	Vendor #	Vendor	Amount
1644	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	24,968.69
1645	*	002284	ABEL ELECTRONICS INC	603.13
1646	*	002702	B & B GREASE TRAP & DRAIN	95.00
1647	*	007345	BEVERLY HILLS ACE	99.21
1648	*	006683	BIRMINGHAM LAWN MAINTENANCE	98.00
1649	*	000542	BLUE WATER INDUSTRIAL PRODUCTS INC	286.90
1650	*	006380	C & S ICE RESURFACING SERVICES, INC	410.26
1651	*	000956	DELTA TEMP INC	208.50
1652	*	000565	DORNBOS SIGN & SAFETY INC	83.95
1653	*	000243	GRAINGER	122.18
1654		001672	HAYES PRECISION INC	30.50
1655	*	007465	IN-HOUSE VALET INC	3,000.00
1656	*	002407	J & B MEDICAL SUPPLY	203.68
1657		000261	J.H. HART URBAN FORESTRY	13,270.13
1657	*	000261	J.H. HART URBAN FORESTRY	29,749.51
1658	*	005550	LEE & ASSOCIATES CO., INC.	1,102.95
1659		000462	MOTOR CITY INDUSTRIAL	76.34
1660	*	006359	NYE UNIFORM COMPANY	292.50
1661		002767	OSCAR W. LARSON CO.	4,600.00
1661	*	002767	OSCAR W. LARSON CO.	3,399.84
1662	*	003554	RKA PETROLEUM	11,077.31
1663	*	000478	ROAD COMM FOR OAKLAND CO	2,553.26
1664	*	001181	ROSE PEST SOLUTIONS	89.00
1665	*	003785	SIGNS-N-DESIGNS INC	180.00
1666		000254	SOCRRA	65,978.00
1667	*	002037	TOTAL ARMORED CAR SERVICE, INC.	736.27
1668		004692	TRANSPARENT WINDOW CLEANING	5,720.00
1669	*	004320	TRI-COUNTY POWER RODDING, INC	1,375.00
1670	*	004887	TRUCK & TRAILER SPECIALTIES INC	154.73
1671	*	000969	VIGILANTE SECURITY INC	340.00
SUBTOTAL ACH TRANSACTION				\$423,593.26
GRAND TOTAL				\$1,187,910.07

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



Mark Gerber
Finance Director/ Treasurer

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

City of Birmingham
Warrant List Dated 11/06/2019

Meeting of 11/11/2019

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
269830	*	002551	43RD DISTRICT COURT	500.00
269831	*	000855	48TH DISTRICT COURT	100.00
269832	*	000855	48TH DISTRICT COURT	100.00
269833	*	000855	48TH DISTRICT COURT	100.00
269834	*	000855	48TH DISTRICT COURT	100.00
269835	*	008226	KATHERINE ABELA	253.50
269837	*	007266	AETNA BEHAVIORAL HEALTH LLC	460.46
269838	*	000161	ALPHA PSYCHOLOGICAL SERVICES PC	1,390.00
269839	*	008977	JOBMATCH LLC DBA APPLICANTPRO	550.00
269840	*	006759	AT&T	1,754.02
269841	*	004027	AUTOMATED BENEFIT SVCS INC	5,865.75
269842		003012	BATTERIES PLUS	34.20
269843		MISC	BCM HOME IMPROVEMENT	100.00
269845		000524	BIRMINGHAM LOCKSMITH	358.25
269847		004244	BOLYARD LUMBER	273.97
269848	*	MISC	BRENT JACKSON	35.00
269849	*	006953	JACQUELYN BRITO	37.58
269850		003907	CADILLAC ASPHALT, LLC	379.50
269851		009078	CANON SOLUTIONS AMERICA INC	163.20
269852		008305	CBT NUGGETS LLC	1,198.00
269853	*	000444	CDW GOVERNMENT INC	2,282.79
269854		008540	CERTIFIED LABORATORIES	456.95
269855		000605	CINTAS CORPORATION	142.25
269856		008743	CIT GROUP/COMMERCIAL SERVICES	41.86
269857		001054	CITY OF TROY	861.33
269858		MISC	CLAPPER, JONATHAN	100.00
269859		004188	COFFEE BREAK SERVICE, INC.	305.25
269860	*	004026	COFINITY	1,449.00
269861	*	008955	COMCAST	780.12
269862		000979	COMERICA BANK	6,241.28
269863		001367	CONTRACTORS CONNECTION INC	102.60
269865		MISC	DCAM INC	100.00
269866		000233	DEAN SELLERS	87.75
269867		007713	DEERE & COMPANY	32,455.72
269868		000177	DELWOOD SUPPLY	41.44
269870	*	006907	DENTEMAX, LLC	144.90
269871		008559	DETROIT BATTERY COMPANY	51.09
269872		MISC	DETROIT BUILD INC	100.00
269873		005318	DEWOLF & ASSOCIATES	745.00
269874		MISC	DIMAMBRO CONSTRUCTION LLC	100.00
269875		000190	DOWNRIVER REFRIGERATION	37.16
269876		MISC	DPM, INC.	870.25

City of Birmingham
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Check Number	Early Release	Vendor #	Vendor	Amount
269877	*	000180	DTE ENERGY	43,660.14
269878	*	000179	DTE ENERGY	535.86
269879	*	000179	DTE ENERGY	30.23
269880	*	000179	DTE ENERGY	908.46
269881	*	000179	DTE ENERGY	74.69
269882	*	000179	DTE ENERGY	137.98
269883	*	000179	DTE ENERGY	83.10
269884	*	000179	DTE ENERGY	72.51
269885	*	000179	DTE ENERGY	1,327.36
269886	*	000179	DTE ENERGY	1,813.05
269887	*	000179	DTE ENERGY	80.76
269888	*	000179	DTE ENERGY	430.20
269889	*	000179	DTE ENERGY	84.04
269890	*	005711	DTE ENERGY COMPANY	650.00
269891		000493	ED RINKE CHEVROLET BUICK GMC	1,825.97
269893		004671	ELDER FORD	781.17
269894		008504	ELECTIONSOURCE	26.48
269895		MISC	ELMCOURT TOWNHOMES CONDO ASSOC	200.00
269896		003186	ENGLISH GARDENS	4,451.14
269897		001495	ETNA SUPPLY	2,400.00
269898		MISC	EVANS PLUMBING INC	1,000.00
269899	*	006689	F.D.M. CONTRACTING INC.	92,170.43
269900		004574	FAIR-WAY TILE & CARPET, INC.	4,043.95
269901		MISC	FORTUNA CONSTRUCTION	200.00
269902		MISC	FOUNDATION SYSTEMS OF MICHIGAN INC.	116.25
269903		007172	GARY KNUREK INC	1,015.60
269904	*	004604	GORDON FOOD	121.71
269905		008293	GRAINGER	342.03
269906		001531	GUNNERS METER & PARTS INC	810.00
269907		001447	HALT FIRE INC	699.42
269908		006153	HARRY'S ARMY SURPLUS	140.00
269909		MISC	HM HOMES LLC	850.00
269910		006801	HOWLEY AGENCY SALES	492.42
269912	*	000352	JILL KOLAITIS	1,152.75
269913	*	000362	KROGER COMPANY	10.14
269914		MISC	LANDSDOWNE CONTRACTING INC	200.00
269915		MISC	LEVINE & SONS INC	1,000.00
269917	*	001642	MIKE LYON	255.91
269918		008377	MCDOWELL & ASSOCIATES	1,050.00
269919		008793	MERGE MOBILE, INC.	73.00
269920		MISC	MHB CUSTOM CONSTRUCTION	59.12
269921		001660	MICHIGAN CAT	745.93
269922	*	MISC	MICHIGAN WOMEN FORWARD	400.00

City of Birmingham
Warrant List Dated 11/06/2019

Meeting of 11/11/2019

Check Number	Early Release	Vendor #	Vendor	Amount
269923	*	007146	MIDSTATES RECREATION	1,147.40
269924		001452	MONTGOMERY & SONS INC	2,595.55
269925		MISC	MR. & MRS. CHRIS LONGE	250.00
269927	*	008957	BENJAMIN MYERS	103.08
269928		001194	NELSON BROTHERS SEWER	185.00
269929	*	007755	NETWORK SERVICES COMPANY	98.90
269930		002853	OAKLAND COMMUNITY COLLEGE	1,700.00
269931		004110	OAKLAND COMMUNITY COLLEGE	790.00
269932	*	000477	OAKLAND COUNTY	1,164.19
269933		007192	OAKLAND MACOMB FIRE PREV. SOCIETY	475.00
269934	*	004370	OCCUPATIONAL HEALTH CENTERS	591.00
269935	*	000481	OFFICE DEPOT INC	881.58
269936		MISC	PAUL J MOORE	200.00
269937		MISC	PELLA WINDOWS & DOORS, INC.	500.00
269939	*	001753	PEPSI COLA	552.76
269940		001277	PHYSIO-CONTROL CORP.	4,651.20
269942		000486	PLANTE & MORAN PLLC	18,384.50
269943		MISC	PURTON, MICHAEL B	100.00
269944		006729	QUENCH USA INC	85.00
269945		004137	R & R FIRE TRUCK REPAIR INC	233.29
269946		002786	JOHN E. REID & ASSOC. INC	795.00
269947		006130	RESCUE RESPONSE GEAR INC	1,171.35
269948		002759	ROCKET ENTERPRISE INC	259.00
269949		000218	ROYAL OAK P.D.Q. LLC	110.00
269950	*	008983	BRENNA SANDLES	189.00
269951		MISC	SCHLICHT EXCAVATING INC.	199.00
269952		004202	SHRED-IT USA	362.50
269953	*	008073	SITEONE LANDSCAPE SUPPLY, INC	846.04
269954		MISC	SMOLYANOV HOME IMPROVMENT	100.00
269956	*	000260	SPARTAN DISTRIBUTORS INC	128.79
269957		004544	STRYKER SALES CORPORATION	32,848.30
269958		000256	SUBURBAN BUICK GMC INC	433.40
269959		005863	SUCCESS COMMUNICATIONS, INC.	1,594.00
269960		006749	SUPERIOR SCAPE, INC	28,290.00
269963	*	005449	UNEMPLOYMENT INS AGENCY	54,001.11
269964		MISC	UNITED HOME SERVICES	100.00
269965	*	000293	VAN DYKE GAS CO.	119.10
269967	*	000158	VERIZON WIRELESS	154.03
269969	*	000158	VERIZON WIRELESS	920.97
269970	*	000158	VERIZON WIRELESS	153.90
269971		006491	VILLAGE AUTOMOTIVE	511.99
269972	*	009010	WCI CONTRACTORS INC	249,577.06
269974		MISC	WINDOW PRO HOLDINGS LLC	500.00

City of Birmingham
Warrant List Dated 11/06/2019

Meeting of 11/11/2019

Check Number	Early Release	Vendor #	Vendor	Amount
269975		009128	WITMER PUBLIC SAFETY GROUP INC	438.36
269976		008902	ZORO TOOLS, INC.	118.32
SUBTOTAL PAPER CHECK				\$636,381.64
<u>ACH TRANSACTION</u>				
1673	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	7,876.62
1675	*	000282	APOLLO FIRE EQUIPMENT	465.00
1676	*	000518	BELL EQUIPMENT COMPANY	1,164.19
1677	*	007624	BIRMINGHAM OIL CHANGE CENTER, LLC	70.96
1678	*	000603	CHEMCO PRODUCTS INC	232.00
1680	*	000207	EZELL SUPPLY CORPORATION	599.02
1681	*	007807	G2 CONSULTING GROUP LLC	5,442.00
1682	*	001672	HAYES PRECISION INC	30.50
1684		000331	HUBBELL ROTH & CLARK INC	12,939.95
1685	*	008851	INSIGHT INVESTMENT	4,825.99
1686	*	002407	J & B MEDICAL SUPPLY	234.35
1687		000261	J.H. HART URBAN FORESTRY	11,616.38
1688	*	003458	JOE'S AUTO PARTS, INC.	43.63
1689	*	007837	LARYSSA R KAPITANEC	66.50
1691		001864	NOWAK & FRAUS ENGINEERS	81,586.25
1692	*	006359	NYE UNIFORM COMPANY	606.00
1693		000897	PRINTING SYSTEMS INC	194.85
1694	*	001181	ROSE PEST SOLUTIONS	71.00
1695	*	003785	SIGNS-N-DESIGNS INC	317.50
1696	*	001097	SOCWA	145,539.83
1697		000273	TERMINAL SUPPLY CO.	317.40
SUBTOTAL ACH TRANSACTION				\$274,239.92
GRAND TOTAL				\$910,621.56

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.

DATE: November 1, 2019

TO: Joseph A. Valentine, City Manager

FROM: Jana Ecker, Planning Director

SUBJECT: Set Public Hearing for SLUP & Final Site Plan & Design Review—
111 Henrietta and 195 W. Maple – Brooklyn Pizza

INTRODUCTION:

The applicant, 111 Brooklyn, Inc., is seeking a Special Land Use Permit (SLUP) for the use of a bistro license to engage in the sale and consumption of alcohol on premise in both the existing Brooklyn Pizza restaurant and an expansion area where Birmingham Geek was located in the B4/D4 zoning district. The applicant is proposing to operate the expanded Brooklyn Pizza restaurant with the same food and casual ambiance of the existing restaurant. Outdoor dining is also proposed for expansion, along with the addition of operable windows to connect the indoor and outdoor space.

BACKGROUND:

On October 23, 2019, the Planning Board reviewed the SLUP, site plan and related documents. The Board voted 6 to 1 in favor of recommending approval to the City Commission for the Final Site Plan & Design and SLUP for 111 Henrietta and 195 W. Maple, Brooklyn Pizza, with one caveat. If there is a modification of the glazing ordinance, that the applicant be allowed to meet the new VLT requirement without returning for Planning Board review, and pending receipt of the following prior to appearing before the City Commission:

- 1) Provision of rooftop plans indicating all RTUs are screened on all sides in accordance with the Zoning Ordinance;
- 2) Provision of tree gate specifications indicating they will be ADA compliant;
- 3) Specification sheets for the new glass indicating a VLT of 80% or above;
- 4) Provision of all specifications for all outdoor and signage lighting and a photometric plan in accordance with the Zoning Ordinance;
- 5) Provision of specifications regarding the railing material and height for the outdoor patio barrier; and
- 6) Both existing park benches remain outside the restaurant.

The draft Planning Board minutes from October 23, 2019 are attached for your review.

LEGAL REVIEW:

The City Attorney has reviewed the documentation and has no concerns.

FISCAL IMPACT:

There are no fiscal impacts based on the approval of the SLUP, Final Site Plan and Design Review for Brooklyn Pizza.

PUBLIC COMMUNICATIONS:

As required for combined SLUP and Final Site Plan and Design applications, a legal ad was placed in a newspaper of local circulation to advertise the SLUP request at 111 Henrietta and 195 W. Maple in advance of the October 23, 2019 Planning Board meeting. In addition, postcard notices were mailed to all property owners and occupants within 300 feet of the subject property, in advance of the October 23, 2019 Planning Board meeting. The applicant also placed a notification sign on the property which is visible from the sidewalk and street as required.

SUMMARY:

The applicant is seeking approval for a Special Land Use Permit (SLUP) and Final Site Plan & Design Review to allow Brooklyn Pizza to operate a bistro at 111 Henrietta and 195 W. Maple in the B4/D4 Zone.

ATTACHMENTS:

- SLUP Resolution and Planning Board minutes
- Special Land Use Permit Application and Initial Screening Application
- Planning Board Staff Report
- Site Plans & Material Specification Sheets
- Letter from Resident

SUGGESTED RESOLUTION:

To set a public hearing date for December 9, 2019 to consider approval of a Special Land Use Permit and Final Site Plan and Design Review for Brooklyn Pizza at 111 Henrietta and 195 W. Maple to allow the operation of a bistro in the B4/D4 Zone.

**BROOKLYN PIZZA
SPECIAL LAND USE PERMIT
2019**

- WHEREAS, Brooklyn Pizza filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a bistro serving alcoholic liquors within the existing Brooklyn Pizza restaurant space at 111 Henrietta, and within an expanded restaurant space incorporating the former Birmingham Geek space at 195 W. Maple;
- WHEREAS, The land for which the Special Land Use Permit is sought is located on the southeast corner of the intersection of W. Maple and Henrietta;
- WHEREAS, The land is zoned B4, Business Residential, and D4 in the Downtown Birmingham Overlay District, which permits restaurants serving alcoholic liquor to operate as a bistro 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 October 23, 2019 reviewed the application for a Special Land Use Permit and Final Site Plan and Design Review and voted 6 to 1 in favor of recommending approval to the City Commission for the SLUP, Final Site Plan and Design Review for 111 Henrietta and 195 W. Maple, Brooklyn Pizza, with one caveat: If there is a modification of the glazing ordinance, that the applicant be allowed to meet the new VLT requirement without returning for Planning Board review, and pending receipt of the following prior to appearing before the City Commission:
- 1) Provision of rooftop plans indicating all RTUs are screened on all sides in accordance with the Zoning Ordinance;
 - 2) Provision of tree gate specifications indicating they will be ADA compliant;
 - 3) Specification sheets for the new glass indicating a VLT of 80% or above;
 - 4) Provision of all specifications for all exterior and signage lighting and a photometric plan in accordance with the Zoning Ordinance;
 - 5) Provision of specifications regarding the railing material and height for the outdoor patio barrier; and
 - 6) Both existing park benches remain outside the restaurant.
- WHEREAS, The applicant has complied with all of the conditions noted by the Planning Board;
- WHEREAS, The Birmingham City Commission has reviewed the Brooklyn Pizza 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 Brooklyn Pizza's application for a Special Land Use Permit authorizing the operation of a bistro with the service of alcoholic liquors at 111 Henrietta and 195 W. 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 to allow the expansion of Brooklyn Pizza and to permit the operation of a bistro with the service of alcoholic liquors with the following conditions:

1. If there is a modification of the glazing ordinance, that the applicant be allowed to meet the new VLT requirement without returning for Planning Board review;
2. The applicant provide rooftop plans indicating all RTUs are screened on all sides in accordance with the Zoning Ordinance;
3. The applicant provide tree gate specifications indicating they will be ADA compliant;
4. The applicant provide specification sheets for the new glass indicating a VLT of 80% or above;
5. The applicant provide all specifications for all outdoor and signage lighting and a photometric plan in accordance with the Zoning Ordinance;
6. The applicant provide specifications regarding the railing material and height for the outdoor patio barrier;
7. Both existing park benches remain outside the restaurant;
8. Brooklyn Pizza shall abide by all provisions of the Birmingham City Code; and
9. 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, Brooklyn Pizza 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 Brooklyn Pizza to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

I, Cheryl Arft, Acting City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on December 9, 2019.

Cheryl Arft, Acting City Clerk

**DRAFT Planning Board Minutes
October 23, 2019**

10-155-19

F. Special Land Use Permit and Final Site Plan & Design Review

1. 111 Henrietta & 195 W. Maple - Brooklyn Pizza (including former Birmingham Geek space) – Request for Special Land Use Permit to operate a bistro with the service of alcohol in the existing Brooklyn Pizza, to be expanded, in the B4/D4 zoning district.

2. 111 Henrietta & 195 W. Maple - Brooklyn Pizza (including former Birmingham Geek space) – Request for Final Site Plan & Design Review to convert the former Birmingham Geek space into restaurant space to expand the existing Brooklyn Pizza space, including exterior changes to the building.

City Planner Cowan presented the item. He noted there would actually be 60 interior seats, not the 65 seats stated in his written report.

Planning Director Ecker explained that while many dumpsters in alleys do not have screening walls because they were grandfathered in, they would be subject to the same screening requirements as other dumpsters in the City should changes to their circumstances be made.

Mr. Jeffares said he was considering possible improvements to the alley behind Brooklyn Pizza as part of this review.

Mr. Share asked that the Board consider whether to grant a bistro license to a restaurant with no table service. He said the lack of table service seemed counter to what bistros within the City have traditionally been.

Patrick Howe, attorney for the applicant, discussed the plans for the restaurant. He noted that the first bistro license granted in the City was for Cosi, an now-closed establishment that did not provide table service.

The Board and the applicant's team discussed whether a bistro license could be granted to an establishment where patrons pick up their own alcoholic drinks from the bar and proceed to their tables. Ms. Whipple-Boyce noted that Article 3 of the Bistro License requires that alcohol is only served to seated patrons.

Chairman Clein said that Ms. Whipple-Boyce's point was a good one, and that it would be up to the City Commission to determine whether Brooklyn Pizza's proposed bar service would be sufficiently in-line with the ordinance. He said that since the issue had been minuted, it could now be further reviewed by the City Attorney and the Commission.

Sam Abdelfatah, owner of Brooklyn Pizza, told the Board that the alley behind their building is both very narrow and very busy. He said an apartment building next to the alley has their garage exist directly into the alley and that AT&T frequently parks their trucks in that alley. He added

that his business plans to purchase a larger dumpster to fit the expanding needs of the restaurant, and that to fence it off would be prohibitive for other traffic that needs to flow through the alley and for the garbage company to empty the dumpster. He also said that during the summer three of the ten bar stools from the interior would be moved to the exterior bar, and that during the colder months they would move back inside.

Joel Schmidt, architect for the project, stated that the project plans to use high-density cement fiber board, and that there are no plans to use EFIS on this project. He also said that many of the questions the City posed were actually answered within the submitted architectural drawings, such as an agreement to use whatever tree grate is recommended to the applicant by Birmingham's Department of Public Works. He continued:

- The decision about whether to screen the RTUs was a matter of either violating the ordinance requiring the screening of the RTUs or violating the ordinance requiring that to the best extent possible, no screening should extend above the top edge of an imaginary plane extending upward 45 degrees from the eave line. He said that screening the most northerly unit would likely cause the screening wall to either be flush with the exterior wall of the building, or to possibly even overhang the edge of the building. This is because this unit is two feet away from the edge of the building, and a screening wall should be installed two feet away from the unit. He recommended that if the City wants that unit completely screened, a perforated metal screen should be used to make that part of the screening wall less obtrusive. He said he would use a perforated metal screen rated for 70% opacity or greater.
- The City's ordinance requiring a VLT for windows of 80% or above makes buildings in Birmingham much more expensive. He said a standard window with a standard coating would yield a VLT of 71%. To get to the 80% a number of upgrades are required. Mr. Schmidt asserted that the visible difference between windows with 71% VLT and 80% VLT would be likely invisible to the naked eye. He said that both would result in clear facades on the main streets of Birmingham, and asked that the Board consider reviewing the matter. He said that, despite this point, if the City wanted Brooklyn Pizza to move forward with the 80% VLT they were absolutely prepared to do so.
- The park benches outside of Brooklyn Pizza will remain in place as part of these plans, and were only accidentally omitted from the drawings.
- Choosing to locate the bar where it is in the plans is because Mr. Abdelfatah insisted on a layout that made the restaurant and bar area feel like it opened up onto Shain Park. It was also assumed that bar patrons would more likely sit sideways interacting each other, and would not sit looking straight ahead at the wall that will be located in front of four of the bar seats.
- The high-density cement fiber board will have open joints that will allow for open ventilation and a bit of rain driven water to enter the wall. Then the water would hit a masonry wall behind the cement fiber board that was already weatherproofed. As a result, any water that was able to permeate the fiber board will drain out the bottom of the wall, meaning the cement fiber board would be able to fully dry.

Chairman Clein noted for the record that page 107 was submitted with the original bistro application, and is not what the Planning Board would be voting on this evening. The submittal the Board would be voting on would be based on updated plans.

Ms. Whipple-Boyce told Mr. Abdelfatah that she would like him to leave his outdoor seating down in the evenings so that people strolling through the City might be able to sit in those chairs. She

said that many establishments stack their chairs in the evening in a way that is both inhospitable and unsightly, and that this application was her first opportunity to address the issue.

Mr. Abdelfatah said he would be happy to leave his outdoor seating for people to sit in when the establishment is closed.

Seeing no public comment, discussion returned to the Board.

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to add the memorandum from the Birmingham Police Department indicating that Mr. Abdelfatah had no criminal record dated October 23, 2019, and the memorandum from the Building Department dated October 23, 2019 be received and filed.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Whipple-Boyce, Share, Emerine, Boyle, Clein, Jeffares

Nays: None

In reply to Mr. Boyle, Planning Director Ecker stated that while the RTUs must be screened the screening walls can exceed the imaginary 45 degree plane mentioned in the ordinance if necessary, and that they may be screened using any one of a number of appropriate materials as long as it meets City specifications. She also advised the Planning Board that they could choose to lower the 80% VLT requirement for this project if the four requirements to do so were met. She told the Board that they were scheduled to review the 80% VLT requirements on their November 13, 2019 agenda. She stated that there is reasonably-priced clear glass available that can meet the 80% VLT standard, but that when a building complies with that requirement they often cannot also get the building to be compliant with the energy code, especially in already extant buildings.

Chairman Clein acknowledged the clause that would allow the Board to lower the VLT requirement, but said he would not be comfortable randomly applying the clause.

Mr. Jeffares noted that an exception had been made for the VLT of the glass in the Baldwin Library's youth room addition, and that there should not be one standard for public development and one standard for private.

Acknowledging that she has been an ardent supporter of clear glass windows throughout the City, Ms. Whipple-Boyce said she would also be interested in seeing the difference between 71% VLT glass and 80% VLT glass given the hardships stemming from the 80% requirement that more than one applicant has described. Echoing a previous comment from Mr. Boyle, she agreed that there should be some language in the upcoming motion to allow Brooklyn Pizza to change its window VLT should the Board change the City's VLT requirements subsequent to this meeting.

Chairman Clein said it would be inappropriate for the Board to decide on a VLT percentage from the outset with the understanding that it is the number that would best serve a particular applicant. He emphasized that the City has ordinances which must be followed, and that Brooklyn Pizza could still benefit from future changes if the City's VLT standard changed by the time they

return for a building permit.

Mr. Abdelfatah told the Board that he would accommodate the City's VLT ordinance if it was the best way to move the process forward.

In reply to Mr. Jeffares question regarding whether the applicant should be required to screen their dumpster, Ms. Whipple-Boyce opined that it would not likely be possible with the circumstances as they are. She said an ideal scenario would be for a number of businesses to all utilize one compacting dumpster in that alley.

Planning Director Ecker confirmed for Mr. Jeffares that the alley in question is scheduled to be redone, but could not immediately recall when that work would commence.

Motion by Mr. Jeffares

Seconded by Mr. Williams that based on a review of the site plans submitted, the Planning Board recommends to the City Commission of the applicant's request for Final Site Plan and Design Review for Brooklyn Pizza at 111 Henrietta and 195 W. Maple, provided however that if there is a modification of the glazing ordinance that the applicant be allowed to meet the new VLT requirement without returning for Planning Board review, and pending receipt of the following prior to appearing before the City Commission:

- 1) Provision of rooftop plans indicating all RTUs are screened on all sides in accordance with the Zoning Ordinance;**
- 2) Provision of tree gate specifications indicating they will be ADA compliant;**
- 3) Specification sheets for the new glass indicating a VLT of 80% or above;**
- 4) Provision of all specifications for all outdoor and signage lighting and a photometric plan in accordance with the Zoning Ordinance;**
- 5) Provision of specifications regarding the railing material and height for the outdoor patio barrier; and**
- 6) Both existing park benches remain outside the restaurant.**

Ms. Whipple-Boyce asked if there would be a way to allow Brooklyn Pizza to benefit if the City's VLT requirements were lowered in the future.

Planning Director Ecker replied that if the Board agreed Brooklyn Pizza should be afforded that option in the future, the relevant language should be included in the present motion.

Mr. Jeffares permitted Ms. Whipple Boyce's recommended language to be added to the motion.

Mr. Share made it known that he would not be supporting this motion or the following regarding the SLUP because in his view the operational plan was not consistent with the zoning ordinance in terms of serving seated patrons, and was not consistent with his conception of what a bistro is. Mr. Share stated that if the establishment were pursuing another type of alcohol-serving license within the City he would be more obliging. He noted that bistro licenses are relatively scarce resources in the City and that the Commission, as he understood it, had not considered those aspects.

Chairman Clein invited public comment.

Mr. Howe explained that the ordinance says alcohol is only served to seated patrons except for those standing in the defined bar area. He noted that with Brooklyn Pizza's proposed layout, patrons would only be served alcohol while standing in the defined bar area, after which they would proceed to their seats and become seated patrons. Mr. Howe reiterated that Brooklyn Pizza's plan is consistent with the first bistro ever granted in Birmingham, and that has been their intent.

Motion carried, 6-1.

VOICE VOTE

Yeas: Jeffares, Williams, Whipple-Boyce, Share, Emerine, Boyle, Clein

Nays: Share

Motion by Mr. Jeffares

Seconded by Ms. Whipple-Boyce that based on a review of the site plans submitted, the Planning Board recommends to the City Commission of the applicant's request for Special Land Use Permit for Brooklyn Pizza at 111 Henrietta and 195 W. Maple, provided however that if there is a modification of the glazing ordinance that the applicant be allowed to meet the new VLT requirement without returning for Planning Board review, and pending receipt of the following prior to appearing before the City Commission:

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- 5) Provision of specifications regarding the railing material and height for the outdoor patio barrier; and**
- 6) Both existing park benches remain outside the restaurant.**

Motion carried, 6-1.

VOICE VOTE

Yeas: Jeffares, Whipple-Boyce, Williams, Share, Emerine, Boyle, Clein

Nays: Share



Special Land Use Permit Application – Bistro Planning Division

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

1. Applicant

Name: 111 Brooklyn, Inc.
Address: 111 Henrietta St. & 195 W. Maple St.
Birmingham, MI 48009
Phone Number: (248) 258-6690
Fax Number: N/A
Email address: sambrooklynpizza@gmail.com

2. Property Owner

Name: Freund II Investment, LLC
Address: 3985 Torrey Hill Ln.
San Diego, CA 92130
Phone Number: (858) 232-6867
Fax Number: N/A
Email address: N/A

3. Applicant's Attorney/Contact Person

Name: J. Patrick Howe
Address: 280 N. Old Woodward Ave., Suite 12
Birmingham, MI 48009
Phone Number: (248) 385-3112
Fax Number: (888) 450-1682
Email address: jphowe@jphowe.com

4. Project Designer/Developer

Name: D MET Architecture + Design Attn: Joel Schmidt
Address: 15 E. Kirby St., Suite 103
Detroit, MI 48202
Phone Number: (313) 874-1528
Fax Number: N/A
Email address: dmetdesign@gmail.com

5. Required Attachments

- I. Two (2) paper copies and one (1) digital copy of all project plans including:
 - i. A detailed Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft. of the subject sites property lines;
 - ii. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
 - iii. A Certified Land Survey;
 - iv. Interior floor plans;
 - v. A Landscape Plan;
 - vi. A Photometric Plan;
 - vii. Colored elevation drawings for each building elevation;
- II. Specification sheets for all proposed materials, light fixtures and mechanical equipment;
- III. Samples of all proposed materials;
- IV. Photographs of existing conditions on the site including all structures, parking areas, landscaping and adjacent structures;
- V. Current aerial photographs of the site and surrounding properties;
- VI. Warranty Deed, or Consent of Property Owner if the applicant is not the owner;
- VII. Any other data requested by the Planning Board, Planning Department, or other City Departments.

6. Project Information

Address/Location of the property: 111 Henrietta St. & 195 W. Maple St.
Birmingham, MI 48009
Name of development: Brooklyn Pizza
Sidwell #: _____
Current Use: Restaurant
Proposed Use: Bistro
Area of Site in Acres: .04
Current zoning: B-4
Is the property located in the floodplain? No.
Name of Historic District Site is Located in: No.
Date of Historic District Commission Approval: _____
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 Application for Revised Final Site Plan: _____
Date of Revised Final Site Plan Approval: _____
Date of Design Review Board Approval: _____
Is there a current SLUP in effect for this site? _____
Date of Application for SLUP: _____
Date of SLUP Approval: _____
Date of Last SLUP Amendment: _____

7. Details of the Proposed Development (attach separate sheet if necessary)

_____The project entails the conversion of the existing computer repair store at 195 W. Maple Road into a bar _____
_____and additional seating for Brooklyn Pizza. _____

8. Buildings and Structures

Number of Buildings on Site: 1
Height of Buildings & # of Stories: 11'-6" (1 story)

Use of Buildings: Restaurant & Retail/Office
Height of Rooftop Mechanical Equipment: 15'-0" +/- above grade

9. Floor Use and Area (in Square Feet)

Structures:

Restaurant Space: 1
Office Space: 0
Retail Space: 0

Number of Residential Units: 0
Rental or Condominium? 0
Total Floor Area: 1,770 GSF

10. Proposed Bistro Operation

Number of Indoor Seats: 65
Number of Outdoor Seats: 41
Entertainment Proposed: No
Previous LCC Complaints? No
Number of Tables along Street Façade: 2 Tables + 3 Counters
Type of Cuisine: Pizza & Italian Fare

Bar Area? Yes
Number of Seats at Bar: 10
Full Service Kitchen? Yes
Percentage of Glazing Proposed: 70%
Years of Experience in Birmingham: 23
Years of Experience Outside Birmingham: 25

11. Required and Proposed Setbacks N/A - Footprint of existing building will not change

Required Front Setback: _____
Required Rear Setback: _____
Required Total Side Setback: _____

Proposed Front Setback: _____
Proposed Rear Setback: _____
Proposed Total Side Setback: _____

12. Outdoor Dining Facility

Location (sidewalk right-of-way or on-street parking space): Sidewalk Right of Way
Hours of Operation: 11 AM - 11PM seven days/wk
Width of unobstructed sidewalk between door and café? (5 ft. required): N/A - Outdoor dinning is against building.
Platform Proposed: No
Trash Receptacles: Yes

Number of Tables/Chairs: 17 Tables / 41 Seats
Material of Tables/Chairs: Metal
Tables Umbrellas Height & Material: None
Number and Location of Parking Spaces Utilized: None
Screenwall Material: Custom metal railing / barrier
Enclosure Material: Not applicable

13. Required and Proposed Parking N/A - No existing parking and no parking proposed

Required number of parking spaces: _____
Location of parking on site: _____
Screenwall material: _____

Shared Parking Agreement? _____
Location of parking off site: _____
Height of screenwall: _____

14. Landscaping

Location of landscape areas: _____
_____(1) Hanging box planters and (5) planters are _____
____incorporated into the patio design _____

Proposed landscape material: Flowering herbs and _____
_____other ornamental _____
_____plants. _____

15. Streetscape

Sidewalk width: 17'-0" +/- on Henrietta; 9'-0" +/- on Maple.
Number of benches: 1 existing bench
Number of planters:
Number of existing street trees: 2 existing street trees
Number of proposed street trees: No new trees.
Streetscape plan submitted? Yes.

Description of benches or planters: No new benches or planters.

Species of existing trees: Unknown to applicant.

of proposed trees: None.

16. Loading

Required number of loading spaces: 0; none required
Typical angle of loading spaces:
Screenwall material:
Location of loading spaces on site:

Proposed number of loading spaces:

Typical size of loading spaces:

Height of screenwall:

Typical time loading spaces are used:

17. Exterior Waste Receptacles

Required number of waste receptacles: 1 dumpster, existing
Location of waste receptacles: in public alley
Screenwall material:

Proposed number of waste receptacles: 1 dumpster, existing

Size of waste receptacles:

Height of screenwall:

18. Mechanical Equipment

Utilities and Transformers: N/A - No changes to existing utilities or transformers

Number of ground mounted transformers: 0

Size of transformers (L•W•H):

Number of utility easements:

Screenwall material:

Location of all utilities & easements:

Height of screenwall:

Ground Mounted Mechanical Equipment: N/A - No ground mounted mechanical equipment

Number of ground mounted units:

Size of ground mounted units (L•W•H):

Screenwall material:

Location of all ground mounted units:

Height of screenwall:

Rooftop Mechanical Equipment: No changes to existing rooftop equip.

Number of rooftop units: 2

Type of rooftop units:

Screenwall material: Painted fiber cement boards

Location of screenwall: New screening will be provided @ each unit.

Location of all rooftop units: Above each store

Size of rooftop units (L•W•H): Varies

Percentage of rooftop covered by mechanical units: 4.5%

Height of screenwall: 4'-0" +/- high

Distance from rooftop units to all screenwalls:

Varies; 2'-0" +/- in most cases

19. Accessory Buildings N/A - No accessory buildings

4 Number of accessory buildings:

Location of accessory buildings:

Size of accessory buildings:

Height of accessory buildings:

20. Building Lighting No change to the existing building lighting w/ exception of 1 new down light above corner entrance.

Number of light standards on building:

Size of light fixtures (L•W•H): 7" diameter x 1"

Maximum wattage per fixture:

Light level at each property line:

Type of light standards on building:

Height from grade: 8'-0" +/-

Proposed wattage per fixture:

21. Site Lighting N/A - No sight lighting.

Number of light fixtures:

Size of light fixtures (L•W•H):

Maximum wattage per fixture:

Light level at each property line:

Type of light fixtures:

Height from grade:

Proposed wattage per fixture:

Holiday tree lighting receptacles:

22. Adjacent Properties

Number of properties within 200 ft.: 15 +/-

Property #1

Number of buildings on site: 2
Zoning district: B-4
Use type: Retail (Roots & West Elm) + Business offices
Square footage of principal building: Not known to applicant
Square footage of accessory buildings: None
Number of parking spaces: None

Property #2

Number of buildings on site: None, parking lot
Zoning district: B-4
Use type: Parking
Square footage of principal building: N/A
Square footage of accessory buildings: N/A
Number of parking spaces: 23 +/-

Property #3

Number of buildings on site: 2
Zoning district: B-4
Use type: Retail (Anthropology) + Mixed-use
Square footage of principal building: Not known to applicant
Square footage of accessory buildings: None
Number of parking spaces: None

Property #4

Number of buildings on site: 1
Zoning district: B-4
Use type: Retail (Blue Mercury & Lyudviga Couture)
Square footage of principal building: Not known to applicant
Square footage of accessory buildings: None
Number of parking spaces: None

Property #5

Number of buildings on site: 1
Zoning district: B-4
Use type: Retail (Shades Optical)
Square footage of principal building: Not known to applicant
Square footage of accessory buildings: None
Number of parking spaces: None

Property #6

Number of buildings on site: 1
Zoning district: B-4
Use type: Business (AT+T)
Square footage of principal building: Not known to applicant
Square footage of accessory buildings: None
Number of parking spaces: None

Property Description: 1-story retail building occupying
211 and 215 W. Maple, located
across Henrietta from proposed
bistro + 3-story office building @
240 Martin

North, south, east or west of property? West

Property Description: 23 +/- parking lot located
behind 211 and 215 W.
Maple

North, south, east or west of property? West

Property Description: 1-story retail building occupying 214
W. Maple, located across W. Maple
from bistro + 3-story mixed-use
building occupying 240 thru 284 W.
Maple

North, south, east or west of property? North

Property Description: 1-story retail building
occupying 168 and 172 W.
Maple, located across bistro

North, south, east or west of property? North

Property Description: 1-story retail building
occupying 193 W. Maple,
located next to bistro

North, south, east or west of property? East

Property Description: Multi-story office building
occupying lot @ northeast
corner of Henrietta and
Martin, located across alley
from bistro

North, south, east or west of property? South

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes made to an approved site plan. The undersigned further states that they have reviewed the procedures and guidelines for Site Plan Review in Birmingham, and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

Signature of Owner: Robert A. Freund Date: 7.16.19

Print Name: Robert A. Freund, Managing Member

Signature of Applicant: [Signature] Date: 9-16-19

Print Name: Hani A. Abdelfatah

Signature of Architect: _____ Date: _____

Print Name: Joel Schmidt

Office Use Only		
Application #:	Date Received:	Fee:
Date of Approval:	Date of Denial:	Accepted by:

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes made to an approved site plan. The undersigned further states that they have reviewed the procedures and guidelines for Site Plan Review in Birmingham, and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

Signature of Owner: _____ Date: _____

Print Name: _____

Signature of Applicant: _____ Date: _____

Print Name: Hanan A. Abdelfatah

Signature of Architect: Joel T. Schmidt Date: July 15, 2019

Print Name: Joel Schmidt, Architect D MET studio

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Accepted by: _____



SPECIAL LAND USE PERMIT APPLICATION CHECKLIST – PLANNING DIVISION

Applicant: 111 Brooklyn, Inc. d/b/a Brooklyn Pizza Case #: _____ Date: _____

Address: 111 Henrietta St. & 195 W. Maple Rd. Project: Brooklyn Pizza SLUP for Operation of Bistro

All site plans and elevation drawings prepared for approval shall be prepared in accordance with the following specifications and other applicable requirements of the City of Birmingham. If more than one page is used, each page shall be numbered sequentially. All plans must be legible and of sufficient quality to provide for quality reproduction or recording. Plans must be no larger than 24" x 36", and must be folded and stapled together. The address of the site must be clearly noted on all plans and supporting documentation.

Site Plan for Special Land Use Permit

A full Site Plan detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

- ___ 1. Name and address of applicant and proof of ownership;
- ___ 2. Name of Development (if applicable);
- ___ 3. Address of site and legal description of the real estate;
- ___ 4. Name and address of the land surveyor;
- ___ 5. Legend and notes, including a graphic scale, north point, and date;
- ___ 6. A separate location map;
- ___ 7. A map showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;
- ___ 8. Aerial photographs of the subject site and surrounding properties;
- ___ 9. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
- ___ 10. A detailed Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft. of the subject site's property lines;
- ___ 11. Interior floor plans;
- ___ 12. A chart indicating the dates of any previous approvals by the Planning Board, Board of Zoning Appeals, Design Review Board, or the Historic District Commission ("HDC");
- ___ 13. Existing and proposed layout of streets, open space and other basic elements of the plan;

- ___ 14. Existing and proposed utilities and easements and their purpose;
- ___ 15. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, isolated preserve-able trees, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the development;
- ___ 16. General description, location, and types of structures on site;
- ___ 17. Location of sidewalks, curb cuts, and parking lots on subject site and all sites within 200 ft. of the property line;
- ___ 18. Details of existing or proposed lighting, signage and other pertinent development features;
- ___ 19. Elevation drawings showing proposed design;
- ___ 20. Screening to be utilized in concealing any exposed mechanical or electrical equipment and all trash receptacle areas;
- ___ 21. Location of all exterior lighting fixtures;
- ___ 22. A Photometric Plan depicting proposed illuminance levels at all property lines;
- ___ 23. A Landscape Plan showing all existing and proposed planting and screening materials, including the number, size, and type of plantings proposed and the method of irrigation; and
- ___ 24. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.

Elevation Drawings

Complete elevation drawings detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

- ___ 25. Color elevation drawings showing the proposed design for each façade of the building;
- ___ 26. List of all materials to be used for the building, marked on the elevation drawings;
- ___ 27. Elevation drawings of all screenwalls to be utilized in concealing any exposed mechanical or electrical equipment, trash receptacle areas and parking areas;
- ___ 28. Details of existing or proposed lighting, signage and other pertinent development features;
- ___ 29. A list of any requested design changes;
- ___ 30. Itemized list and specification sheets of all materials, light fixtures, and mechanical equipment to be used, including exact size specifications, color, style, and the name of the manufacturer;
- ___ 31. Location of all exterior lighting fixtures, exact size specifications, color, style and the name of the manufacturer of all fixtures, and a photometric analysis of all exterior lighting fixtures showing light levels to all property lines; and
- ___ 32. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.

CONTRACT FOR TRANSFER OF A LIQUOR LICENSE
(BISTRO)

This Contract is entered into this ____ day of _____ (month), ____ (year), by and between
111 Brooklyn, Inc., whose address is 111 Henrietta St., Birmingham, MI, (Licensee) and the **CITY OF BIRMINGHAM**, a Michigan Municipal Corporation, whose address is 151 Martin Street, Birmingham, Michigan 48012 (City).

RECITALS:

apply for a new Class C Liquor License under MCL 436.1531a(1)(B) and new SDM Liquor License

WHEREAS, Licensee wishes to transfer the location of its liquor license from _____ to hold at
111 Henrietta St. & 195 W. Maple St., Birmingham, Michigan (Property); and

issuance

WHEREAS, local legislative approval is required by the **CITY OF BIRMINGHAM** for the transfer of a
Class C liquor license pursuant to MCLA §436.1501 of the Michigan Liquor Control Code of
1998; and and MCL 426.1521a

WHEREAS, Licensee desires to enter into this Contract as an inducement to the **CITY OF BIRMINGHAM**
to approve the request of the aforementioned transfer of the liquor license; and,
^ application

WHEREAS, the **CITY OF BIRMINGHAM** is relying upon this Contract in giving its approval to the transfer-
of the on-premises licenses as described herein. ^ application

NOW, THEREFORE, the parties agree as follows:

obtain a Class C Liquor License under MCL 436.1521a(1)(B) for use at

1. Licensee shall be permitted to transfer the location of its liquor license from _____ to the
Property. Any transfer of the aforementioned license from the Property to any other location in the CITY OF
BIRMINGHAM shall require the approval of the Birmingham City Commission in accordance with Section 10-
83. In addition, any expansion of the building location at the Property shall also require the approval of the
Birmingham City Commission.

2. Licensee does hereby agree that it shall establish a bistro, as defined in Birmingham City Code Chapter 126,
Zoning, Article 9, section 9.02, at the Property.

3. Licensee further acknowledges that it must secure a Special Land Use Permit for a bistro as required by the
Birmingham City Code. It is further agreed that it shall comply with all provisions of the Special Land Use
Permit or any amendments thereto, as a condition of this contract. Licensee further acknowledges and agrees
that a violation of any provision of the Special Land Use Permit or the Michigan Liquor Control Code is a
violation of the terms of the contract entitling the City to exercise any or all of the remedies provided herein.

4. Licensee further agrees that it shall not apply or seek from the Michigan Liquor Control Commission any
permit endorsements to its liquor license whether available in the current Michigan Liquor Control Code or in
future Michigan Liquor Control Codes, or amendments thereto, without the prior approval of the Birmingham
City Commission.

5. Licensee further agrees that it shall not seek any change in its license status/class whether such changes are
available now in the current Michigan Liquor Control Code or in future Michigan Liquor Control Codes, or
amendments thereto, without prior approval of the Birmingham City Commission.

6. Licensee agrees that it shall adhere to all Federal, State and Local laws currently in effect or as subsequently
amended or enacted.

7. Licensee agrees that its failure to follow any of the provisions herein shall be grounds for the Michigan Liquor Control Commission to suspend, revoke or not renew its liquor license and/or for the Birmingham City Commission to revoke the Special Land Use Permit, either of which would prohibit Licensee from operating the bistro. Licensee agrees that in addition to the City of Birmingham's right to seek suspension, revocation or non-renewal of its liquor license and/or revocation of the special land use permit, the City retains any and all rights to enforce this Contract that may be available to it in law or in equity. Licensee further agrees that it shall reimburse the City all of its costs and actual attorney fees incurred by the City in seeking the suspension, revocation or non-renewal of its liquor license and revocation of the Special Land Use Permit, as well as enforcing such other rights as may be available at law and/or in equity.

8. To the fullest extent permitted by law, Licensee and any entity or person for whom Licensee is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City, its elected and appointed officials, employees and volunteers and others working on behalf of the City against any and all claims, demands, suits, or loss, including all costs connected therewith, including all costs and actual attorney fees, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on behalf of the City, by reason of personal injury, including bodily injury, death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with Licensee's operation of a bistro at the Property.

9. In the event Licensee fails to reimburse the City the costs and/or attorney fees as required herein, or any part thereof, then said amount could be transferred to the tax roll in accordance with Section 1-14 of the Birmingham City Code.

10. Any disputes arising under this Contract, not within the jurisdiction of the Michigan Liquor Control Commission, shall be settled either by commencement of a suit in Oakland County Circuit Court or by compulsory arbitration, at the election of the City. The Licensee shall notify the City of any dispute it has arising out of this Contract and shall demand that the City elect whether the dispute is to be resolved by submitting it to compulsory arbitration or by commencement of a suit in Oakland County Circuit Court. The City shall make its election in writing within thirty (30) days from the receipt of such notice. If the City elects to have the dispute resolved by compulsory arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan, with each of the parties appointing one arbitrator and the two thus appointed appointing a third. In the event the City fails to make such an election, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court.

11. This Contract shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan.

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

13. This Contract shall be binding upon and apply and inure to the benefit of the parties hereto and their respective successors or assigns. The covenants, conditions, and the agreements herein contained are hereby declared binding on the CITY OF BIRMINGHAM and Licensee. It is further agreed that there shall be no change, modification, or alteration hereof, except in writing, signed by both of the parties hereto. Neither party shall assign any of the rights under this contract without prior approval, in writing, of the other. Any attempt at assignment without prior written consent shall be void and of no effect.

IN WITNESS WHEREOF, the parties hereby have executed this Contract as of the date set forth above.
111 Brooklyn, Inc.

By: _____
Hani A. Abdelfatah

Its: President _____

Date: _____

CITY OF BIRMINGHAM

By: _____
, Mayor

Date: _____

By: _____
, Clerk

Date: _____



Notice Signs - Rental Application Community Development

1. Applicant

Name: _____
Address: _____

Phone Number: _____
Fax Number: _____
Email address: _____

Property Owner

Name: _____
Address: _____

Phone Number: _____
Fax Number: _____
Email address: _____

2. Project Information

Address/Location of Property: _____
Name of Development: _____
Area in Acres: _____

Name of Historic District site is in, if any: _____
Current Use: _____
Current Zoning: _____

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: _____ Date: _____

Office Use Only

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



Fee Schedule

Administrative Approval	\$100
Board of Zoning Appeals* <ul style="list-style-type: none"> Single Family Residential All Others 	\$310 \$510
Community Impact Study Review*	\$2,050
Design Review*	\$350
Lot Division*	\$200 / parcel affected
Historic District Review* <ul style="list-style-type: none"> Single Family Residential District All other zone districts 	No charge \$350
Public Notice Sign	\$100 / refundable deposit \$50 fee
Site Plan Review* <ul style="list-style-type: none"> R4 through R8 zone district Nonresidential districts 	\$850 plus \$50 per dwelling unit \$1,050 plus \$50 per acre or portion of acre
Special Land Use Permit* <ul style="list-style-type: none"> Plus Site Plan Review Plus Design Review Plus Publish of Legal Notice Plus sign rental and deposit 	\$800 \$1,050 \$350 \$450 \$150 Total fee: \$2,800
Special Land Use Permit Annual Renewal Fee	\$200
Temporary Use Permit	\$100
Zoning Compliance Letter	\$50

The fees for Design Review, Site Plan Review, Historic District Review and Special Land Use Permits shall be double the listed amounts in the event the work is commenced prior to the filing of an application for review by the City of Birmingham.

Ordinance No. 1751 (Appendix A, Section 7.38 of the Birmingham City Code)



City of Birmingham 2019 Bistro Application

Applicant: 111 Brooklyn, Inc. d/b/a Brooklyn Pizza
111 Henrietta St., Birmingham, MI 48009

Current Location: 111 Henrietta St., Birmingham, MI 48009

Proposed Location: 111 Henrietta St. **AND** 195 E. Maple Rd.
(currently Birmingham Geek Computer Repair)

Applicant's Representative: Sam Abdelfatah, Owner
111 Henrietta St., Birmingham, MI 48009
ph. (248) 709-1354

Applicant's Attorney: JPHOWE, PLLC / J. Patrick Howe
280 N. Old Woodward Ave., Suite 12, Birmingham, MI 48009
ph. (248) 385-3112

Applicant's Architect: D MET Architecture + Design / Joel Schmidt
15 E. Kirby, Suite 103, Detroit, MI 48202
ph. (313) 874-1528

History of Brooklyn Pizza

Authentic Goodness, Fresh from Brooklyn

Since 1996, Brooklyn Pizza has offered the residents and visitors of Birmingham, authentic, wood-fired pizza that tastes like it comes directly from Brooklyn, New York. That's because it has. Our founders came from Brooklyn and created comfortable local pizzerias modeled after those you'd find nestled in New York. Each delicious pizza is handcrafted using the freshest ingredients and then expertly cooked over an open flame in a wood-burning stove that was developed by a renowned Italian-born engineer. The result is pizza that is aromatic, smoky, flavorful and downright delicious. Owner Sam Abdelfatah is ready to take Brooklyn Pizza to the next level, by converting Brooklyn Pizza to a Bistro. The new Brooklyn Pizza will maintain the same authentic family friendly atmosphere, but in an expanded restaurant setting that offers a wider selection of menu items, and a select assortment of alcoholic beverages.

Restaurant Experience

The team at Brooklyn Pizza has been at it in their current location since 1996, and also operates a second location in Troy, Michigan. Owner Sam Abdelfatah brings over 25 years of experience to the operation of Brooklyn Pizza, and is a true-hands on operator. Sam will be the face and the leader of the new Brooklyn Pizza, and will ensure that the expanded operations are executed in a professional and responsible manner.

Concept for Bistro

Brooklyn Pizza has been known as family establishment open seven days a week for lunch, dinner, or quick bite to eat. It looks to maintain that identity, while expanding its menu offerings, and growing its footprint to attract more on-premise dining. Its traditional by the slice and take out operations will remain intact in the existing footprint of the restaurant. It seeks to connect the existing restaurant to the neighboring space at 195 E. Maple Rd., which is currently occupied by Birmingham Geek Computer Repair. In the neighboring space, it will offer a small bar with no more than 10 bar stools, and additional indoor seating that will not exceed 65 seats. A conceptual floor plan of the combined space is attached on page 5.

The bar area will be for dining and socializing. There will not be televisions installed in the bar area, as Brooklyn Pizza desires to maintain its true family atmosphere, and not evolve into a bar. Brooklyn Pizza also envisions creating a larger outdoor dining area on the right of way abutting Henrietta St., as shown on the attached conceptual floor plan. Brooklyn Pizza already activates Henrietta St. with its operations (especially during the outdoor dining season), and by expanding to the neighboring space at 195 E. Maple St., Brooklyn Pizza will help activate Maple St. A second entrance on Maple St. will create more foot traffic for the retail businesses along Maple St., and will contribute to the vitality of this downtown corridor. In keeping with the City of Birmingham Bistro ordinance, there will be one bar, no dancing or entertainment of any kind, tables will align the windows facing Maple St. and Henrietta St., and the restaurant will meet the Bistro glazing requirements.

Statement Regarding Impact Bistro Will Have on Mix of Commercial Uses in Birmingham

Birmingham is a family town that can be enjoyed by all generations, and that is what Brooklyn Pizza is all about. The new Brooklyn Pizza will be a true family friendly Bistro, where young children can laugh with their grandparents, and enjoy delicious Italian offerings. It will now also be a spot for mom and dad to enjoy a glass of wine on a Friday night while their children enjoy the homemade Italian gelato after finishing their coveted cheese pizza. That is what is envisioned for the new Brooklyn Pizza - a casual family friendly Bistro, which is at times hard to find in the ever growing and evolving Birmingham dining landscape.

Sample Menu & Price Point

Brooklyn Pizza currently offers a delicious selection of gourmet wood-fired pizzas, fresh salads, flavorful appetizers and snacks, and homemade Italian gelato. Our delicious, wood-fired round pizzas are handcrafted using only the finest and freshest ingredients, including homemade

tomato sauce, all-white meat chicken, dolphin-safe tuna, and beef pepperoni and sausage. From plain cheese to primavera, there's a pizza to please every person. All Brooklyn Pizzas are available in 10" round or 16" round, and most varieties are also available by the slice. The price point for all Brooklyn Pizza items is very reasonable, and is in line with similar establishments in the marketplace. If Brooklyn Pizza is approved to operate as a Bistro, it will expand upon its current menu to offer a new selection of items as outlined in the chart below:

<u>Existing Menu Items</u>	<u>Bistro Menu Items</u>
<u>Pizzas</u> Cheese Pepperoni Four Cheese Barbecued Chicken Brooklyn Signature Greek Primavera Spicy Mexican Margherita 3 Mushroom Cheese Buffalo Chicken Prosciutto & Arugula <u>Salads</u> Mixed Greens Greek Antipasto Prosciutto & Melon Greens & Gorgonzola <u>Paninis</u> El Cubano South of France Portobello Cap <u>Appetizers</u> Chicken Pesto Bites Garlic Knots Greek Veggie Bites Pepperoni Bites <u>Dessert</u> Homemade Italian Gelato <u>Beverages</u> Assortment of iced teas, soft drinks, and juices	<u>Pizzas</u> No Changes <u>Salads</u> No Changes <u>New Sandwiches</u> Chicken Parmesan Philly Cheesesteak Hamburger Sliders <u>New Appetizers</u> Chicken Wings Mac N Cheese Bites Carrots & Hummus <u>New Dessert</u> Homemade Cookies Italian Zeppole <u>New Beverages</u> Sparkling Water Cappuccino Espresso Wine by the glass Beer by the bottle Beer on Tap (4-8 varieties) Limited Selection of Traditional Mixed Spirit Drinks

Hours of Operation

11:00 AM – 11: 00 PM daily

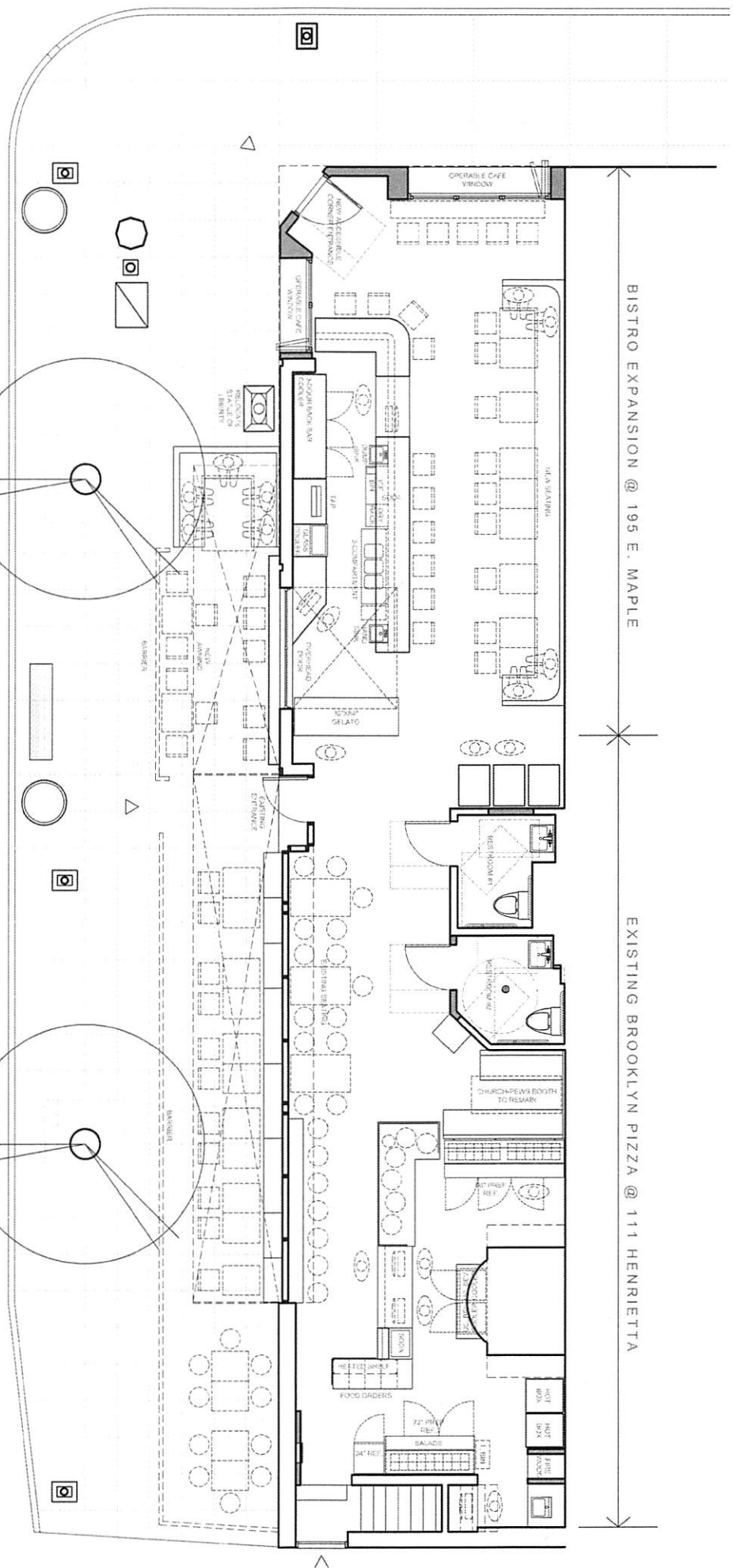
Outdoor Patio will be open when weather permits from May 1 – October 31 each year

Renovation Schedule

Renovations on the adjacent space located at 195 E. Maple Rd. (currently Birmingham Geek Computer Repair) would commence in August 2019, and would be completed in early November 2019. The existing Brooklyn Pizza restaurant located at 111 Henrietta St. would close for renovations in early November 2019. The two completely renovated spaces would be connected, and open to the public as a Bistro in mid-late November 2019.

Statement Regarding Ability to Finance, Construct & Operate Bistro

Brooklyn Pizza has assembled an experienced team that has the expertise and experience to plan, construct, open and operate a Bistro in the City of Birmingham. All renovations will be funded with cash on hand, and the proposed conversion of Brooklyn Pizza to a Bistro is not contingent on obtaining financing of any kind. Brooklyn Pizza has engaged a prominent local architect to assist with the design of the Bistro, and an experienced licensed contractor will be engaged to complete all construction. With respect to restaurant operations, owner Sam Abdelfatah brings over 25 years of experience to the operation of Brooklyn Pizza, and his very experienced staff will ensure that the Bistro is run in a professional and responsible manner. All employees involved in the sale and service of alcoholic beverages will be required to pass a server training course approved by the Michigan Liquor Control Commission.



DATE: October 23rd, 2019

TO: Planning Board

FROM: Brooks Cowan, City Planner

SUBJECT: 111 Henrietta & 195 W. Maple – Brooklyn Pizza - Final Site Plan Review & Special Land Use Permit

On April 8, 2019, the City Commission reviewed a second round of bistro applications, and selected Brooklyn Pizza as one of the two applications to move forward to the Planning Board for a Final Site Plan and Special Land Use Permit and Design Review.

Brooklyn Pizza is located at 111 Henrietta and is proposing to expand into the adjacent suite at 195 W. Maple. The proposed bistro space is currently used by Brooklyn Pizza and a computer repair store, Birmingham Geek . The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. At this time, the applicant, 111 Brooklyn, Inc, is seeking approval of a Special Land Use Permit ("SLUP") and Final Site Plan for Brooklyn Pizza to expand into the adjacent site and change to a bistro. The applicant is proposing to demolish the interior of 195 W. Maple to expand the existing restaurant and create a bar area while updating their existing space. Both interior and exterior modifications are proposed.

Chapter 10, Alcoholic Liquors, requires that the applicant obtain approval of a SLUP and Final Site Plan from the City Commission. Accordingly, the applicant will be 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 and Special Land Use Permit.

As the site is also in a Historic District, the applicant will be required to obtain approval from the Historic District Commission for all proposed signage, changes to the exterior of the building or the property and changes to the streetscape adjacent to the building.

1.0 Land Use and Zoning

- 1.1 Existing Land Use - The existing site is currently occupied by Brooklyn Pizza as a restaurant and a computer repair store is next door in the build out suite. 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
Existing Land Use	Commercial / Retail	Commercial / Retail	Commercial / Retail	Commercial / Retail
Existing Zoning District	B-4, Business-Residential	B-4, Business-Residential	B-4, Business-Residential	B-4, Business-Residential
Downtown Overlay Zoning District	D-4	D-4	D-4	D-4

2.0 **Bistro Requirements**

The applicant is requesting approval of a SLUP to operate Brooklyn Pizza bistro as an expansion at their current location.

Article 9, section 9.02, Definitions, of the Zoning Ordinance defines a bistro as a restaurant with a full service kitchen with a maximum of 65 seats indoors, and a maximum of 65 seats outdoors. The proposed renovations for Brooklyn Pizza includes the addition of a bar in the build out suite of the current computer repair store, and proposes 55 interior dining seats plus an additional 10 seats at the bar, for a total of 65 interior seats. Brooklyn Pizza will continue to utilize their full service kitchen and will offer an outdoor dining area with 41 seats along the west side of the building.

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, Brooklyn Pizza bistro is proposed to have 10 seats at the bar. The applicant has proposed an L shaped bar that is 22'2" in length on its long side and 6'11" in length on the shorter side. 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 defined bar area. Brooklyn Pizza bistro does not propose any dance area, nor are they planning to offer a live music entertainment area.

Tables are located in the majority of the storefront space along Maple and Henrietta, although the bar also occupies a portion of the store frontage. Brooklyn Pizza is currently approved for outdoor dining, and is proposing to extend the dining tables further north along Henrietta Street on the west elevation. The addition of the 70% required glazing to the building façade facing the street has been proposed along the western and northern elevation. An outdoor counter with 7 stools is proposed along the patio space. 3 of these stools face a bifold window that connects to the bar. **A potential issue is that the proposed outdoor counter could count as bar seats if they are able to receive service from the bar through the bifold window. Only 10 bar seats are permitted for bistros, therefore the number of indoor bar seats would have to be reduced if patrons could receive bar service at the outdoor patio counter.**

Brooklyn Pizza bistro is proposing to continue to provide outdoor dining and provide additional seats along the western elevation of the building. The outdoor dining area as proposed includes 41 total seats, which includes the addition of 11 seats to the current seating under the existing canopy structure. The site plan indicates the required 5' walking path around the outdoor dining area, ensuring a safe and efficient pedestrian flow along the city sidewalks continues to be maintained. The applicant is proposing to cease outdoor dining at 11:00 p.m.

3.0 Screening and Landscaping

- 3.1 Screening – No screening is required, nor proposed.
 - 3.2 Landscaping –Five planters are proposed along the outdoor dining area on Henrietta. **The applicant must provide details related to the size and type of vegetation to be used in these planters.**
 - 3.3 Rooftop Mechanical Equipment – The two rooftop mechanical units are proposed to remain as is. The applicant has proposed to screen the RTU's with cement fiber
-

board on the north, east, and south facing sides while leaving the west side unscreened for both. Section 4.54(C)(8)(c) states that any screenwall barrier shall, to the best extent possible, not extend above the top edge of an imaginary plane extending upward no more than 45 degrees from the eave line. The current RTUs extend beyond this boundary as they are currently located 2' and 3'10" from the eave line. **The Planning Department recommends that the applicant fully screen both RTUs on all sides.**

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. The proposed outdoor dining area will not extend into any on-street parking spaces.
- 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 Brooklyn Pizza is available directly from the City sidewalks on W. Maple and Henrietta. Under the 2016 Plan, outdoor cafes are encouraged as they create a more pedestrian friendly environment. All outdoor dining areas must maintain a 5' minimum width of unobstructed pedestrian access along storefronts and pedestrian passages. As discussed above, the outdoor dining area as proposed does provide a 5' wide pedestrian path for safe and efficient pedestrian flow.
- 4.5 Streetscape – Currently there are two existing benches in front of Brooklyn Pizza on Henrietta facing towards the east. Each are beside a City standard garbage can. **The plans indicate the removal of the southern sidewalk bench that is currently placed between the streetlight and the tree grate.**

The applicant is proposing new tree grates along the sidewalk which are included in the required 5' pedestrian passageway. **The applicant must provide details and specifications for the proposed tree grates demonstrating that they are ADA compliant.** The current Statue of Liberty will be moved further north to accommodate the expanded outdoor dining.

5.0 Lighting

Existing pedestrian scale light fixtures along the western elevation of the building illuminate Henrietta Street and will continue to do so. The applicant is also proposing to relocate lighting to illuminate the projecting sign. These relocated light fixtures will match the existing lights. **The applicant must provide specification sheets for all luminaires.** In addition, a new 7" LED downlight above the relocated entrance at the corner of Henrietta and W. Maple is proposed. **The applicant must submit a photometric plan.**

6.0 Departmental Reports

- 6.1 Engineering Division – Comments to be provided for the Planning Board meeting.
- 6.2 Department of Public Services - Comments to be provided for the Planning Board meeting.
- 6.3 Fire Department – Comments to be provided for the Planning Board meeting.
- 6.4 Police Department - Comments to be provided for the Planning Board meeting.
- 6.5 Building Department - Comments to be provided for the Planning Board meeting.

7.0 Design Review

As this building is located within the Downtown Historic District, all design changes must be approved by the Historic District Commission.

Building Changes

The applicant is proposing to alter the northern and western elevations. Along W. Maple the changes include removing the existing storefront door and relocating the entrance to the northwest corner. The proposed alterations to the western elevation include additional glazing along the build out suite with the addition of an overhead bi-fold window. The additional glazing satisfies the 70% minimum requirement. **The applicant must provide specification sheets for the proposed glass. Glass areas are required to be clear with a VLT of 80% or above.**

The applicant is also proposing to update the exterior with blue and white cement fiber boards. The boards are proposed to be painted in a triangular manner between the entrance and the current canopy. **Section 3.04(E)(1) of the Zoning Ordinance indicates E.F.I.S. (Exterior Insulation and Finish System) is prohibited. The applicant must select a different material or obtain a variance from BZA.**

No changes are proposed to the existing southern elevation facing the public via at this time. This property is along an active alley within the Via Activation Overlay District. Currently, the alley is used for loading, trash refuge, and rear entry to the kitchen. **The Planning Board may wish to discuss possible improvements to the via.**

Outdoor Dining Area

Outdoor cafes must comply with the site plan criteria as required by Article 04, Section 4.41 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 provided a 40 gallon steel trash receptacle within the outdoor dining area next to existing entrance as required by the Zoning Ordinance. The current Brooklyn Pizza restaurant has business hours of 11:00am to 10:00 p.m. for the outdoor dining area. The applicant has indicated that their proposed business hours for the outdoor dining area are 11am to 11pm seven days a week. The proposed outdoor dining area is not immediately adjacent to any single-family zoned property.

The applicant has provided details of the proposed outdoor tables and chairs which will consist of metal and wood material. The plans indicate the existing bench along the western elevation will remain with 6 tables and 11 chairs. The 2 existing tables with 8 chairs on the southern portion of their outdoor patio will remain as well. The applicant is proposing an addition of an exterior countertop along the western elevation with 7 countertop stools. A

portion of the new countertop and stools will be facing the proposed bi-fold window. 2 new tables with 4 chairs are also proposed along the new barrier towards the northern end of the outdoor patio. There is a total of 41 seats proposed for the outdoor dining, including 11 for the existing bench, which meets the Zoning Ordinance requirement of no more than 65 outdoor dining seats.

The outdoor seating area will be surrounded by a metal railing barrier and black fiberglass planters. **The applicant must provide specifications detailing the railing material and height.** The site plan indicates the required 5' clear pedestrian path between the street and the the outdoor dining barrier.

The applicant will be required to obtain an Outdoor Dining License from the City if the SLUP is approved by the City Commission.

Signage

The applicant is proposing two name letter signs reading "BROOKLYN PIZZA" above the newly renovated corner entrance at Henrietta and Maple, one facing north and the other facing west. Each sign is 14.63 square feet. The lettering is 1'10" in height and attached to the façade 9' above ground level. All characters will be metal channel letters painted black and pin mounted to the façade. The "BROOKLYN" portion of the sign will be illuminated with backlit lighting. Because this property is within the Historic District, only halo type backlighting is permitted for name letter signs. **The applicant must provide details in regards to the illumination of the sign as halo lit.**

A projecting sign is proposed next to the entrance on Henrietta that is 2' by 2.5', 5 square feet per side, 10 square feet total, which satisfies the requirement of 15 square feet or less. The proposed projecting sign is 8'7" above ground level and provides 6" of separation between the sign and the wall face.

There is an existing canopy sign with "BROOKLYN PIZZA" along the valance with lettering 7" in height extended 10'2" long and 5.95 square feet total which is proposed to remain. The existing canopy and signage meets all requirements of the Zoning Ordinance. The existing wall sign that wraps around the southwest corner of the building reading "BROOKLYN PIZZA" in 5" lettering is 2.82 square feet and is proposed to remain as well.

The building has 134 feet of street frontage though the Zoning Ordinance states that the total area of signs for a building may not exceed 100 feet. The applicant has proposed a total of 48 square feet of signage which meets the ordinance.

8.0 Downtown Birmingham 2016 Overlay District

The site is located within the D-4 zone of the Downtown Birmingham Regulating Plan, within the Downtown Birmingham Overlay District. 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. The 2016 Plan also

recommends the enhancement of pedestrian passages to improve routes for pedestrians. Appendix C-9 of the 2016 Plan provides a map of all alleys in downtown Birmingham, and classifies each as an alley or a pedestrian passage. The recommendations contained in Circulation 5 of the 2016 Plan state that alleys should be kept clean and well lit, but that their service function should not be compromised. The Plan further states that pedestrian passages should be held to higher standards, similar to sidewalks, given their pedestrian function. The 2016 Plan specifically recommends encouraging outdoor dining areas along pedestrian passages. **The Planning Board may wish to discuss ways in which the applicant can enhance the alley to promote a more 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. 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:
 - (1) 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:
 - a) The applicant's demonstrated ability to finance the proposed project.
 - b) The applicant's track record with the city including responding to city and/or citizen concerns.
 - c) Whether the applicant has an adequate site plan to handle the bistro liquor license activities.
 - d) Whether the applicant has adequate health and sanitary facilities.
 - e) The establishment's location in relation to the determined interest in the establishment of bistros in the Overlay District and the Triangle District.
 - f) The extent that the cuisine offered by applicant is represented in the city.
 - g) Whether the applicant has outstanding obligations to the city (ie property taxes, utilities, etc.).

The selection criteria provided above must be considered in providing a recommendation to the City Commission as to whether or not to approve the operation of a new bistro and ensure that Brooklyn Pizza will be a high quality establishment that will meet the City's expectations for bistros. Accordingly, a review of the requirements contained in section 10-82 is below.

The applicant has indicated they have the ability to finance this project with cash and do not need to obtain financing. Brooklyn Pizza has been in Birmingham since 1996 and has demonstrated a good track record with the city. The applicant would like to take Brooklyn Pizza to the next level by converting it to a bistro while still maintaining the same authentic family friendly atmosphere in an expanded restaurant setting with a wider selection of menu items and a select assortment of alcoholic beverages.

The owner of Brooklyn Pizza operates one other establishment in Troy, Michigan and has no issues with the city or State in regards to liquor license violations.

As discussed above, the site plan as proposed does provide for safe and efficient pedestrian flow along the city sidewalks and the plan provides space for a trash receptacle in the outdoor dining area.

In regards to the cuisine offered downtown, there are no known restaurants that specialize in pizza in the same manner as Brooklyn Pizza.

The applicant has no outstanding financial obligations with the City of Birmingham at this time.

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 Permit 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 recommend APPROVAL to the City Commission of the applicant's request for Final Site Plan and Design Review and Special Land Use Permit for Brooklyn Pizza to operate at 111 Henrietta and 195 W. Maple pending receipt of the following prior to appearing before the City Commission:

- 1) Provision of rooftop plans indicating all RTUs are screened on all sides in accordance with the Zoning Ordinance;
- 2) Provision of tree gate specifications indicating they will be ADA compliant;
- 3) Specification sheets for the new glass indicating a VLT of 80% or above;
- 4) Provision of plans indicating an exterior design that does not include the use of E.F.I.S.;
- 5) Provision of all specifications for all outdoor and signage lighting and a photometric plan in accordance with the Zoning Ordinance;
- 6) Provision of specifications regarding the railing material and height for the outdoor patio barrier.

13.0 Sample Motion Language

Based on a review of the site plans submitted, the Planning Board recommends APPROVAL to the City Commission of the applicant's request for Final Site Plan and Design Review for Brooklyn Pizza at 111 Henrietta and 195 W. Maple pending receipt of the following prior to appearing before the City Commission:

-
- 1) Provision of rooftop plans indicating all RTUs are screened on all sides in accordance with the Zoning Ordinance;
 - 2) Provision of tree gate specifications indicating they will be ADA compliant;
 - 3) Specification sheets for the new glass indicating a VLT of 80% or above;
 - 4) Provision of plans indicating an exterior design that does not include the use of E.F.I.S.;
 - 5) Provision of all specifications for all outdoor and signage lighting and a photometric plan in accordance with the Zoning Ordinance;
 - 6) Provision of specifications regarding the railing material and height for the outdoor patio barrier.

AND

Based on a review of the site plans submitted, the Planning Board recommends APPROVAL to the City Commission of the applicant's request for a Special Land Use Permit for Brooklyn Pizza at 111 Henrietta and 195 W. Maple, pending receipt of the following prior to appearing before the City Commission:

- 1) Provision of rooftop plans indicating all RTUs are screened on all sides in accordance with the Zoning Ordinance;
- 2) Provision of tree gate specifications indicating they will be ADA compliant;
- 3) Specification sheets for the new glass indicating a VLT of 80% or above;
- 4) Provision of plans indicating an exterior design that does not include the use of E.F.I.S.;
- 5) Provision of all specifications for all outdoor and signage lighting and a photometric plan in accordance with the Zoning Ordinance;
- 6) Provision of specifications regarding the railing material and height for the outdoor patio barrier.

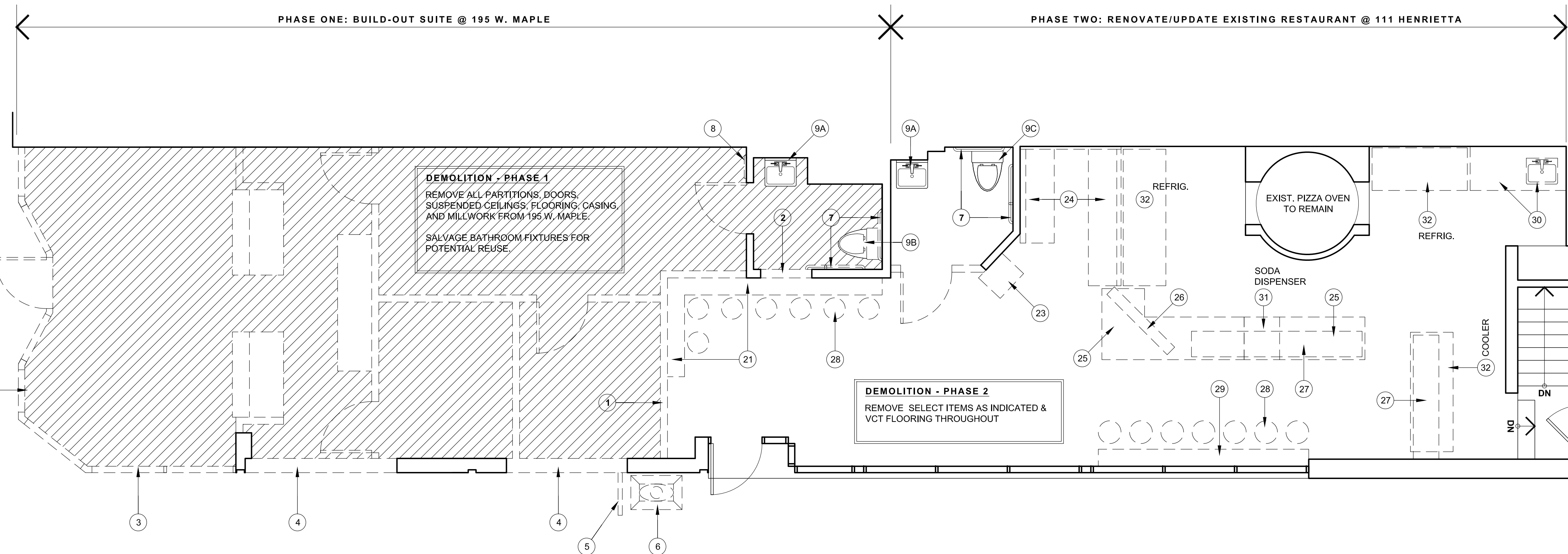
OR

Based on a review of the site plans submitted, the Planning Board recommends to POSTPONE the applicant's request for a Final Site Plan and Design Review and a SLUP to permit Brooklyn Pizza at 111 Henrietta and 195 Henrietta until the following is submitted:

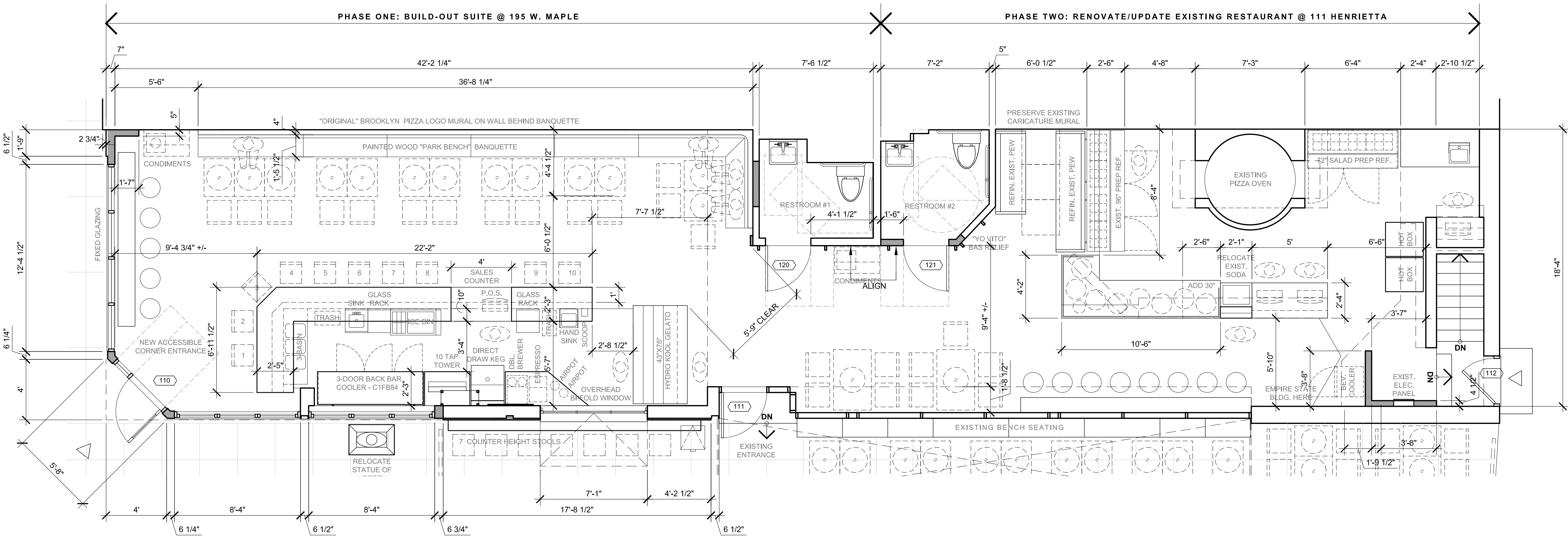
- 1) Provision of rooftop plans indicating all RTUs are screened on all sides in accordance with the Zoning Ordinance;
 - 2) Provision of tree gate specifications indicating they will be ADA compliant;
 - 3) Specification sheets for the new glass indicating a VLT of 80% or above;
 - 4) Provision of plans indicating an exterior design that does not include the use of E.F.I.S.;
 - 5) Provision of all specifications for all outdoor and signage lighting and a photometric plan in accordance with the Zoning Ordinance;
 - 6) Provision of specifications regarding the railing material and height for the outdoor patio barrier; and
-

OR

Motion to recommend DENIAL of the Final Site Plan and Design Review and a SLUP to the City Commission for Brooklyn Pizza at 111 Henrietta for the following reasons:



EXISTING GROUND FLOOR PLAN /
DEMOLITION PLAN
②
SCALE: 1/4" = 1'-0"
0' 3' 6' 9'



PROPOSED
GROUND FLOOR PLAN
①
SCALE: 1/4" = 1'-0"
0' 3' 6' 9'



GENERAL NOTES

- ALL DIMENSIONS ARE 'NOMINAL' FROM FINISH-TO-FINISH UNLESS INDICATED OTHERWISE.
- WALL TYPE DESIGNATION: WALL TYPES OTHER THAN 'TYPICAL' ARE INDICATED ON THE FLOOR PLAN WITH A WALL TYPE DESIGNATION TAG. WHERE WALL TYPES ARE INDICATED, THE PARTITION SYSTEM IS CONTINUOUS UNTIL THE PARTITION CHANGES DIRECTION OR ANOTHER WALL TYPE IS INDICATED. UNMARKED PARTITIONS ARE TYPE 'TYPICAL.'
- WALL HEIGHT DESIGNATION: THE CEILING HEIGHT OF EACH ROOM IS DESIGNATED ON THE RCP. NEW WALLS SHALL EXTEND TO A HEIGHT ABOVE THE FINISH CEILING, OR AS OTHERWISE NOTED ON THE RCP.
- NEW AND EXISTING DOORS ARE DESIGNATED WITH A DOOR TAG. CORRESPONDING INFORMATION IS FOUND IN THE DOOR SCHEDULE ON SHEET AXXX.
-

KEYED NOTES

DEMOLITION - PHASE 1

- EXIST. DEMISING WALL TO REMAIN INTACT THROUGHOUT PHASE ONE CONSTRUCTION; REMOVE AT BEGINNING OF PHASE TWO.
- EXIST. BATHROOM WALL TO REMAIN INTACT THROUGHOUT PHASE ONE CONSTRUCTION; CREATE DOOR OPENING AT BEGINNING OF PHASE TWO.
- REMOVE EXIST. STOREFRONT SYSTEM AND KNEE WALL. REFER TO EXT. ELEV. ON A200 FOR MORE INFO.
- REMOVE EXIST. WALL CONSTRUCTION TO MAKE WAY FOR NEW STOREFRONT WINDOW. REFER TO EXT. ELEV. FOR MORE INFO.
- SALVAGE EXIST. PROJECTING SIGN & (2) SIGN LIGHTS. SAVE FOR REUSE; REFER TO EXT. ELEV. FOR MORE INFO.
- PROTECT EXIST. STATUE DURING CONSTRUCTION; MOVE TO NEW LOCATION
- SALVAGE S.S. GRAB BARS & SAVE FOR REUSE
- RELOCATE ELECTRICAL PANEL TO BASEMENT
- REMOVE & DISCARD BATHROOM SINK, FAUCET, & MIRROR
- REMOVE & RELOCATE EXISTING TOILET
- REMOVE & RE-INSTALL EXIST. TOILET AS NEEDED FOR NEW FLOORING

DEMOLITION - PHASE 2

- REMOVE & DISCARD EXIST. COUNTER
- *NOT USED
- REMOVE & DISCARD EXIST. TRASH ENCLOSURE
- PROTECT CHURCH PEWS DURING CONSTRUCTION; OWNER WILL RE-FINISH ITEM
- REMOVE & RELOCATE SERVICE COUNTERS; OWNER WILL HAVE ITEM RE-FURNISHED
- PROTECT MENU BOARD DURING CONSTRUCTION; OWNER WILL UPDATE MENU
- REMOVE & DISCARD OVERHEAD STORAGE
- SALVAGE FLOOR MOUNTED BARSTOOLS & SAVE BEST FOR REUSE; OWNER WILL RE-UPHOLSTER
- SALVAGE COUNTER & SAVE FOR REUSE; OWNER WILL HAVE ITEM RE-FURNISHED
- REMOVE & DISCARD EXIST. SINK, COUNTER, & BASE CABINETS
- DISCONNECT KITCHEN EQUIP. & PROTECT DURING CONSTRUCTION; SAVE FOR REUSE
- DISCONNECT KITCHEN EQUIP. & RETURN TO OWNER; DISCARD IF NOT WANTED

NEW CONSTRUCTION - PHASE 1

-
-

PROJECT TITLE:

BROOKLYN PIZZA EXPANSION

Birmingham, Michigan

location

111 Henrietta Street
Birmingham, MI 48009

contact / owner

Hani "Sam" Abdelfatah

ARCHITECT:

D MET design architecture studio

Midtown Detroit
15 E. Kirby, suite 103
Detroit, MI 48202

phone
313.401.5181

contact
Joel T. Schmidt, RA
dmetdesign@gmail.com

www.dmetdesign.com

CONSULTANTS:

ISSUED FOR:

SLUP APP, DRAFT JUL 5, 2019
PLAN REVISIONS 1 JUL 25, 2019
BAR REVISIONS AUG 19, 2019
SLUP APP, & HDC SEP 17, 2019

STAMP:

SHEET NAME:

GROUND FLOOR PLAN

SHEET NO.

A100

1. ALL DIMENSIONS ARE 'NOMINAL' FROM FINISH-TO-FINISH UNLESS INDICATED OTHERWISE.
2. CONTRACTOR SHALL VERIFY REQUIRED AIR-FLOW CLEARANCES & ACCESS REQUIREMENTS FOR MECH. EQUIP PRIOR TO START OF WORK; NOTIFY ARCHITECT & OWNER OF ALL FINDINGS.
- 3.

**BROOKLYN
PIZZA
EXPANSION**
Birmingham, Michigan

contact / owner
Hani "Sam" Abdelfatah

D MET design
architecture studio

phone
313.401.5181

contact
Joel T. Schmidt, RA
dmetdesign@gmail.com

CONSULTANTS:

SLUP APP. & HDC

17, 2019

FINISHES & ROOF PLAN

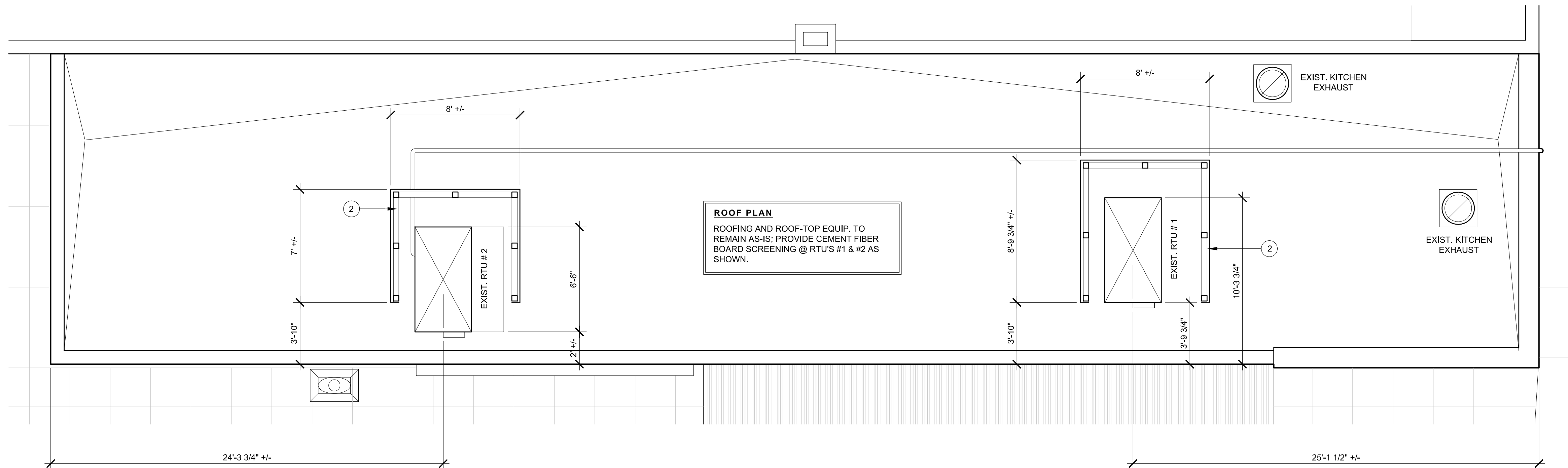
A102

ROOF PLAN

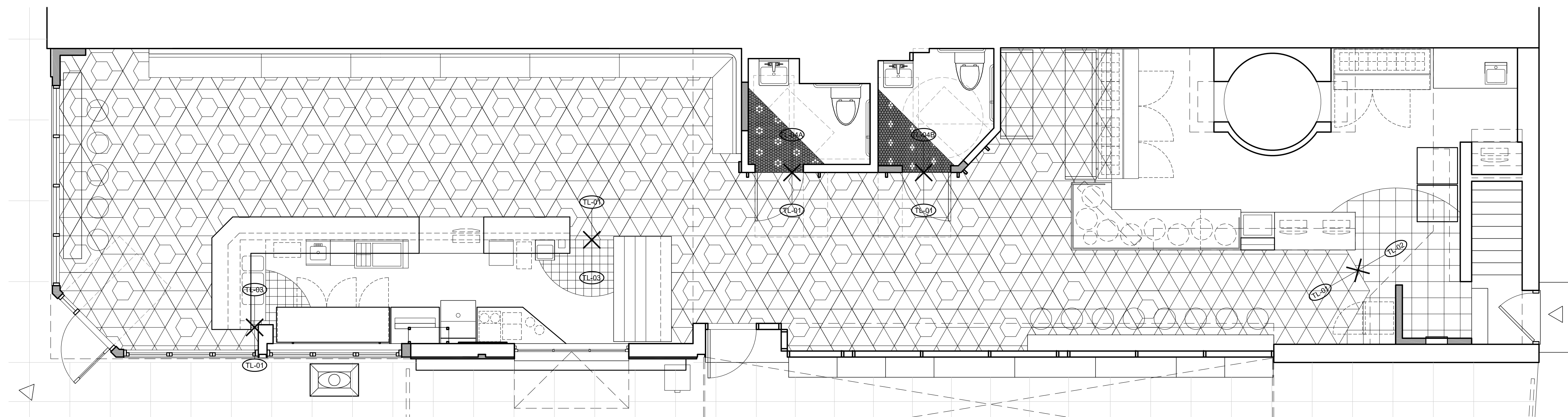
- ① -
- ② NEW EQUIP. SCREEN @ EXIST. HVAC UNIT; SEE EXTERIOR ELEVATIONS ON A201 FOR MORE INFO.

41 -

42 -



2 ROOF PLAN
SCALE: 1/4" = 1'-0"



1 FINISHES FLOOR PLAN
SCALE: 1/4" = 1'-0"



PANEL NOTES

1. PRIOR TO INSTALLING CLADDING ASSEMBLY OVER EXIST. EXTERIOR WALLS, CONTRACTOR SHALL INSPECT WALL. REMOVE LOOSE PAINT, AND RE-POINT WHERE NECESSARY.
2. MAX. SPACING OF FASTENERS TO BE VERIFIED AND SET BY CLADDING SUPPLIER. CONTRACTOR SHALL ADJUST FURRING LAYOUT ACCORDINGLY.

KEYED NOTES

ENLARGED PANEL ELEVATION

- (P1) PAINTED, 8MM (5/16") THICK MINERIT HD FIBER CEMENT PANEL ON 1-1/2" GALV. METAL FURRING. REFER TO MANUFAC. INSTALL INSTRUCTIONS FOR MORE INFO.
- (P2) PRE-DRILLED HOLE BY FIBER CEMENT PANEL SUPPLIER
- (P3) 3/8" OPEN JOINT BETWEEN PANELS
- (P4) PAINTED ACCENT TRIANGLE, COLOR TBD.
- (P5) HIDDEN LINES INDICATES LOCATION OF VERTICAL FURRING
- (P6) HIDDEN LINE INDICATE TOP EDGE OF TOP ROW BEHIND METAL COPING
- (P7) PERFORATED METAL VENT AT BOTTOM EDGE OF CLADDING, FURNISHED BY SUPPLIER, INSTALLED BY CONTRACTOR (NOT SHOWN)
- (P8) NEW ALUMINUM COPING, COLOR: WHITE

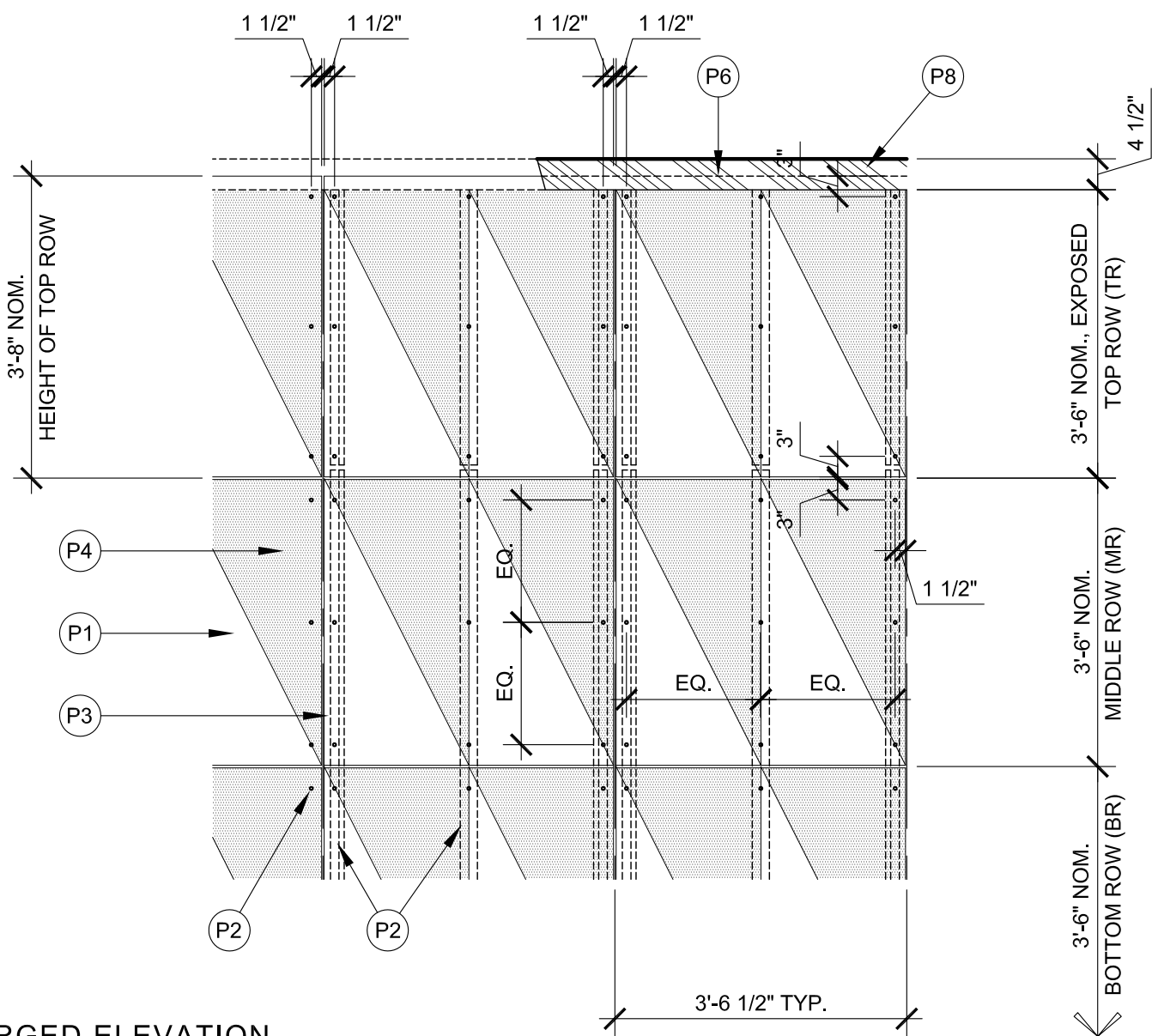
ENLARGED ELEVATION

(TYP. PANEL LAYOUT)

5

SCALE: 1/4" = 1'-0"

0' 3' 6' 9'



SHEET NOTES

1. BUILDING HEIGHTS ARE DESIGNATED BY A 'DATUM TAG' AND MEASURED FROM THE FLOOR SLAB INSIDE 111 HENRIETTA, ALSO KNOWN AS GROUND FLOOR, FIN. FLR. ELEV. 0'-0". THE HEIGHT OF THE FLOOR SLAB INSIDE 195 W. MAPLE IS UNKNOWN BUT IS BELIEVED TO BE AT THE SAME LEVEL.

PROJECT TITLE:

BROOKLYN
PIZZA
EXPANSION

Birmingham, Michigan

Location

111 Henrietta Street
Birmingham, MI 48009

contact / owner

Hani "Sam" Abdelfatah

ARCHITECT:

D MET design
architecture studio

Midtown Detroit
15 E. Kirby, suite 103
Detroit, MI 48202

phone

313.401.5181

contact

Joel T. Schmidt, RA
dmetdesign@gmail.com

www.dmetdesign.com

CONSULTANTS:

ISSUED FOR:

SLUP APP. DRAFT
SLUP APP. & HDC

JUL 5, 2019
SEP 17, 2019

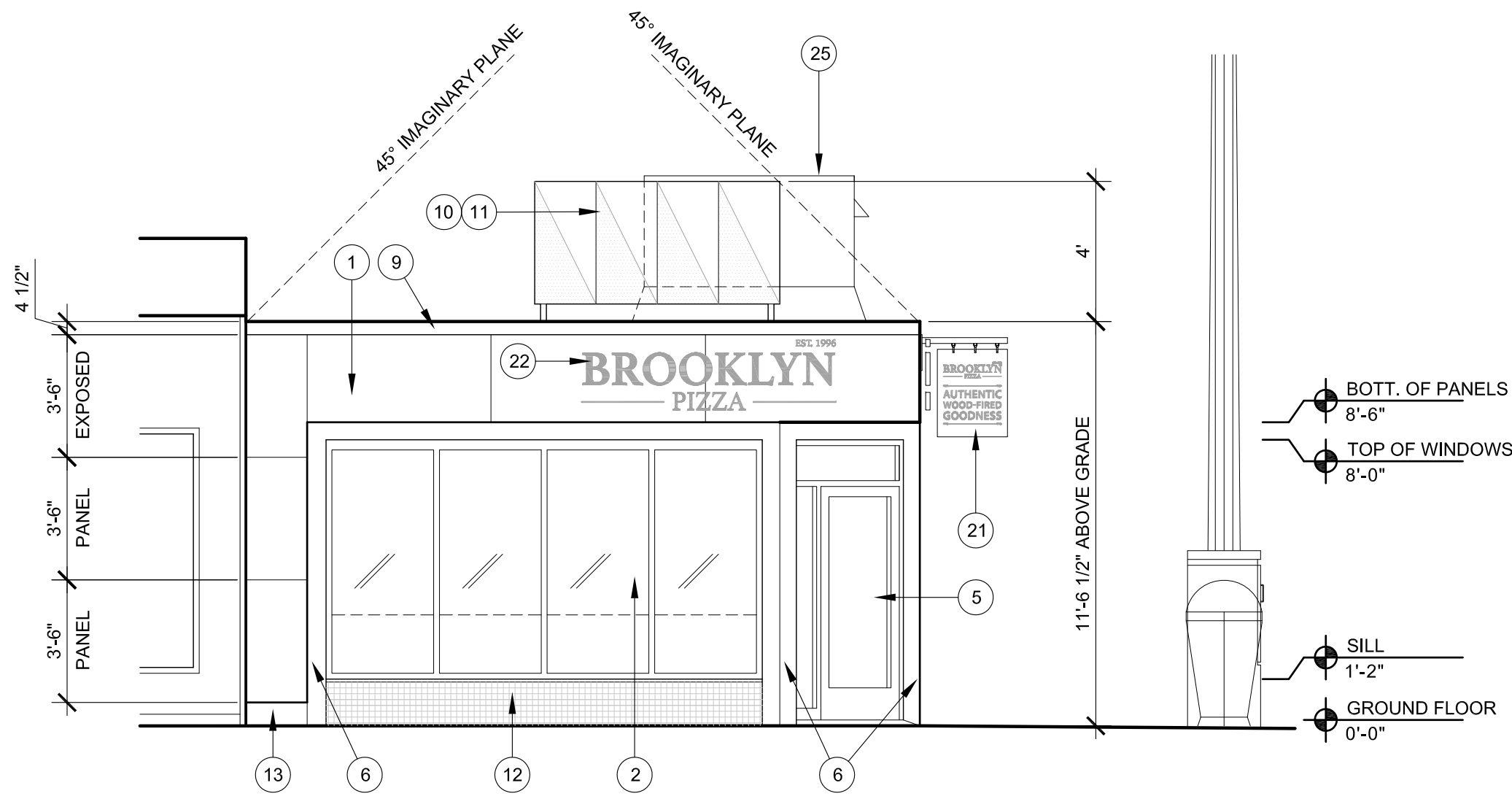
STAMP:

SHEET NAME:

EXTERIOR
ELEVATIONS

SHEET NO.

A201



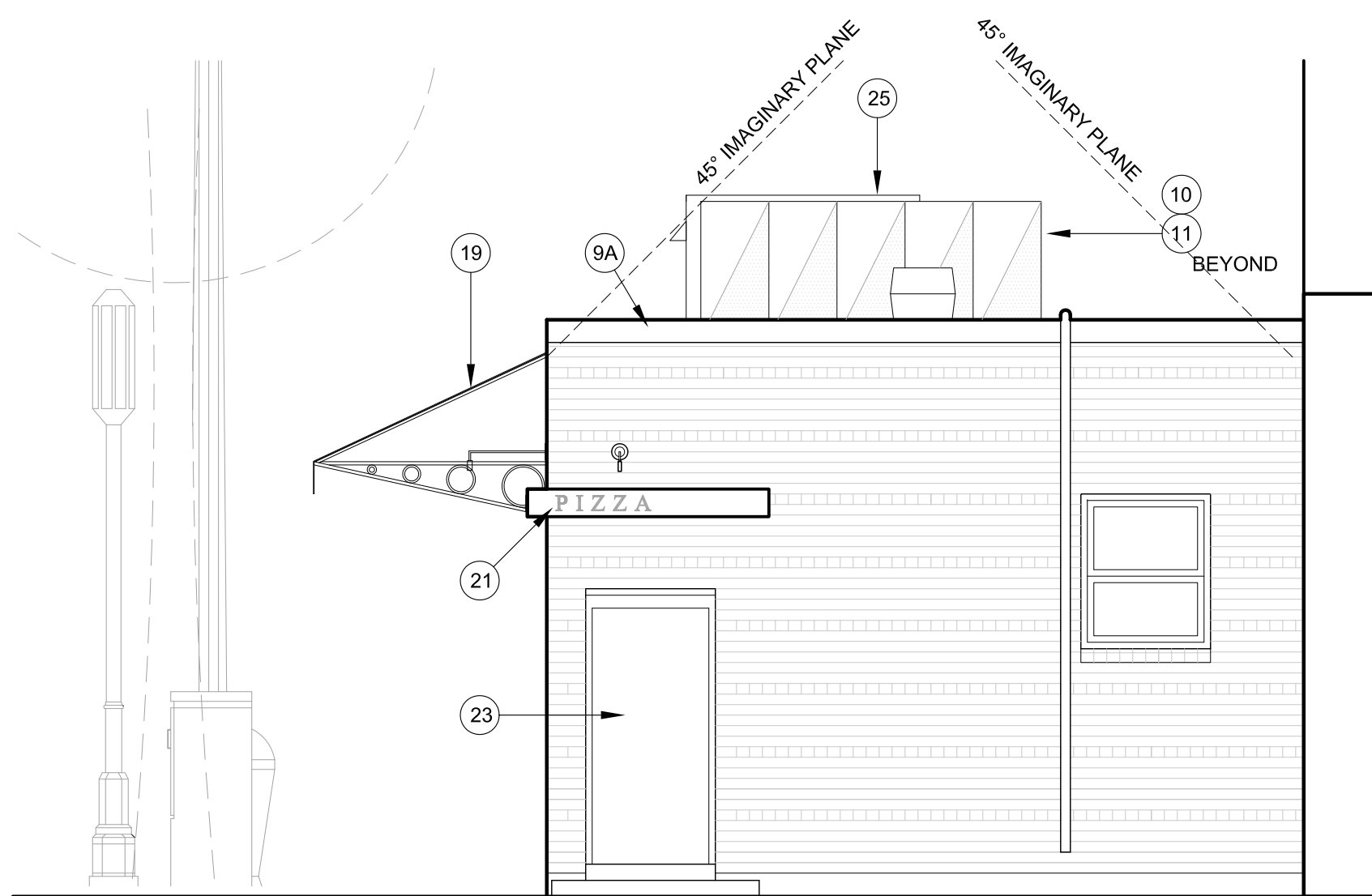
NORTH ELEVATION
(MAPLE ROAD)

3

SCALE: 1/4" = 1'-0"

0' 3' 6' 9'

NOTE: AREA OF GLAZING = 70% OF FACADE

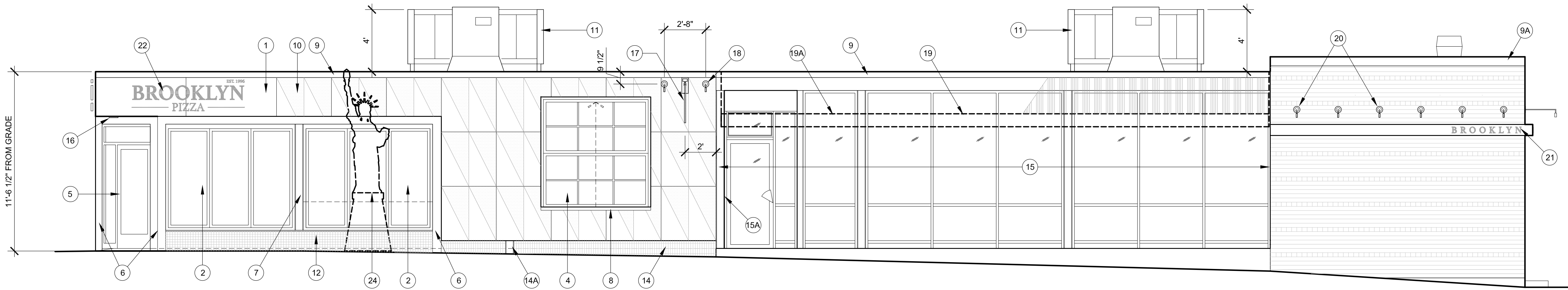


SOUTH ELEVATION
(PUBLIC ALLEY)

2

SCALE: 1/4" = 1'-0"

0' 3' 6' 9'



WEST ELEVATION
(HENRIETTA STREET)

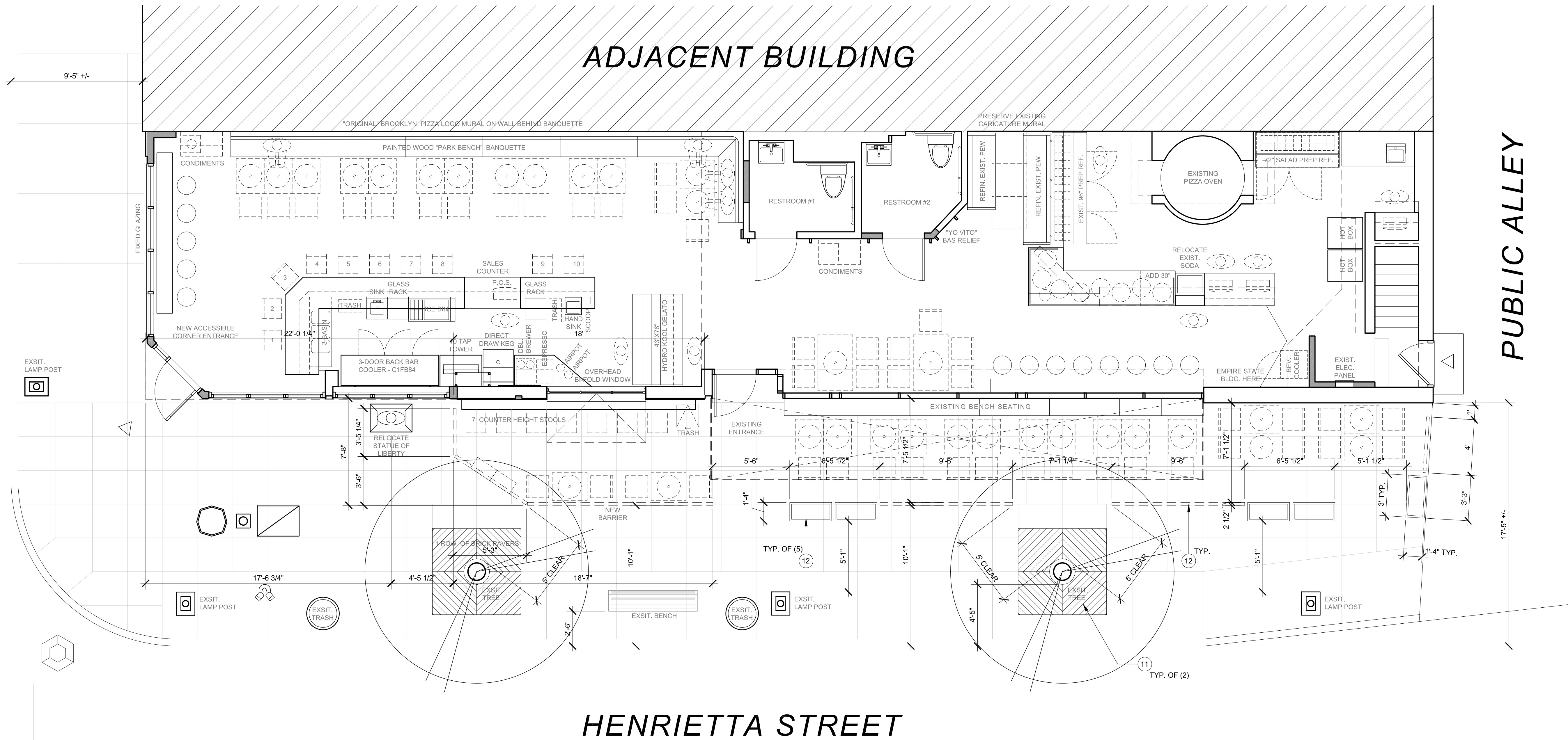
1

SCALE: 1/4" = 1'-0"

0' 3' 6' 9'

NOTE: AREA OF GLAZING = 70% OF FACADE

MAPLE ROAD



ADJACENT BUILDING

PUBLIC ALLEY

HENRIETTA STREET

PLAN OF PROPOSED
RIGHT-OF-WAY IMPROVEMENTS
1 SCALE: 1/4" = 1'-0"
0' 3' 6' 9'



KEYED NOTES

OUTDOOR DINNING/SITE PLAN

- 11 PROVIDE NEW STREET GRATE AT EXISTING STREET TREE; CONTACT CITY OF BIRMINGHAM PUBLIC WORKS DEPARTMENT FOR MORE INFO.
- 12 NEW FIBERGLASS PLANTER, BLACK; REFER TO OUTDOOR FURNITURE SCHED. FOR MORE INFO.
- 13 NEW CUSTOM METAL RAILING, BLACK; REFER TO OUTDOOR FURNITURE SCHED. FOR MORE INFO.

PROJECT TITLE:
**BROOKLYN
PIZZA
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Location
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CONSULTANTS:

ISSUED FOR:

SLUP APP. DRAFT JUL 5, 2019
SLUP APP. & HDC SEP 17, 2019

STAMP:

SHEET NAME:

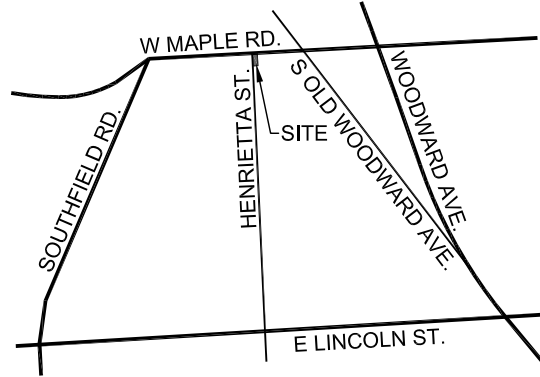
**SITE PLAN /
OUTDOOR PATIO**

SHEET NO.

A300

EXISTING CONDITIONS PLAN

BOUNDARY SURVEY



LOCATION MAP
NOT TO SCALE

LEGEND OF SYMBOLS & ABBREVIATIONS

- PROPERTY LINE
- SET IRON W/CAP43058
- FOUND IRON/PIPE/MON/NAIL (F/FP/FM/FN)
- SECTION CORNER
- ② EASEMENTS
- Ⓐ ENCROACHMENTS
- BH BUILDING HEIGHT
- L/S LANDSCAPING
- Ⓜ REGULAR PARKING SPACES
- Ⓜ HANDICAP PARKING SPACES
- Ⓜ SANITARY CLEAN OUT, MANHOLE
- Ⓜ STORM END SECTION, MANHOLE
- Ⓜ CATCH BASIN SQUARE, ROUND
- Ⓜ HYDRANT, GATE VALVE
- Ⓜ WATER KEY, SHUT-OFF, WATER METER
- Ⓜ FIRE DEPARTMENT CONNECTION
- Ⓜ UNKNOWN MANHOLE, COMBINED MANHOLE
- Ⓜ GAS KEY, GAS METER, GAS VALVE
- ☆ LIGHT POLE
- Ⓜ ELECTRIC METER/PEDESTAL
- Ⓜ TRANSFORMER
- Ⓜ UTILITY LINE O/H, POLE, GUY WIRE
- Ⓜ UTILITY PEDESTAL
- Ⓜ FLAGPOLE
- Ⓜ FENCE
- Ⓜ WALL
- Ⓜ GUARD RAIL
- Ⓜ OVERHANG
- Ⓜ DECIDUOUS TREE



LEGAL DESCRIPTION

Parcel #19-36-129-001 (from Tax Records)
Lot 6 except the South 9.00 feet, of Merrill's Plat, Section 36, Town 2 North,
Range 10 East, City of Birmingham, Oakland County Records.
193 W Maple Rd., Birmingham, MI 48009

SURVEYOR'S NOTES

Since our Survey work does not include a Title Search, there may be easements
and/or encumbrances upon the land which are not shown on our Survey at this
time.

CERTIFICATION

I hereby certify that I surveyed and mapped the land above platted and described
on August 5, 2019.
And that the ratio of closure on the unadjusted filed observations of such survey
was within accepted limits.

Derek Kosicki
Derek Kosicki, P.S.#43058
Professional Surveyor



MICHIGAN SURVEYING, INC.

37637 Five Mile Rd., Suite 364, Livonia, MI 48154
tel. (734) 542-9088, fax (734) 799-5737
www.MichiganSurveying.com

R-1 08/08/19 MISC
↑ REVISIONS ↓
DATE: 08/05/19

EXISTING CONDITIONS PLAN

111 HENRIETTA ST. & 195 W. MAPLE ST.
BIRMINGHAM, MI 48009

CLIENT: 111 BROOKLYN, INC.

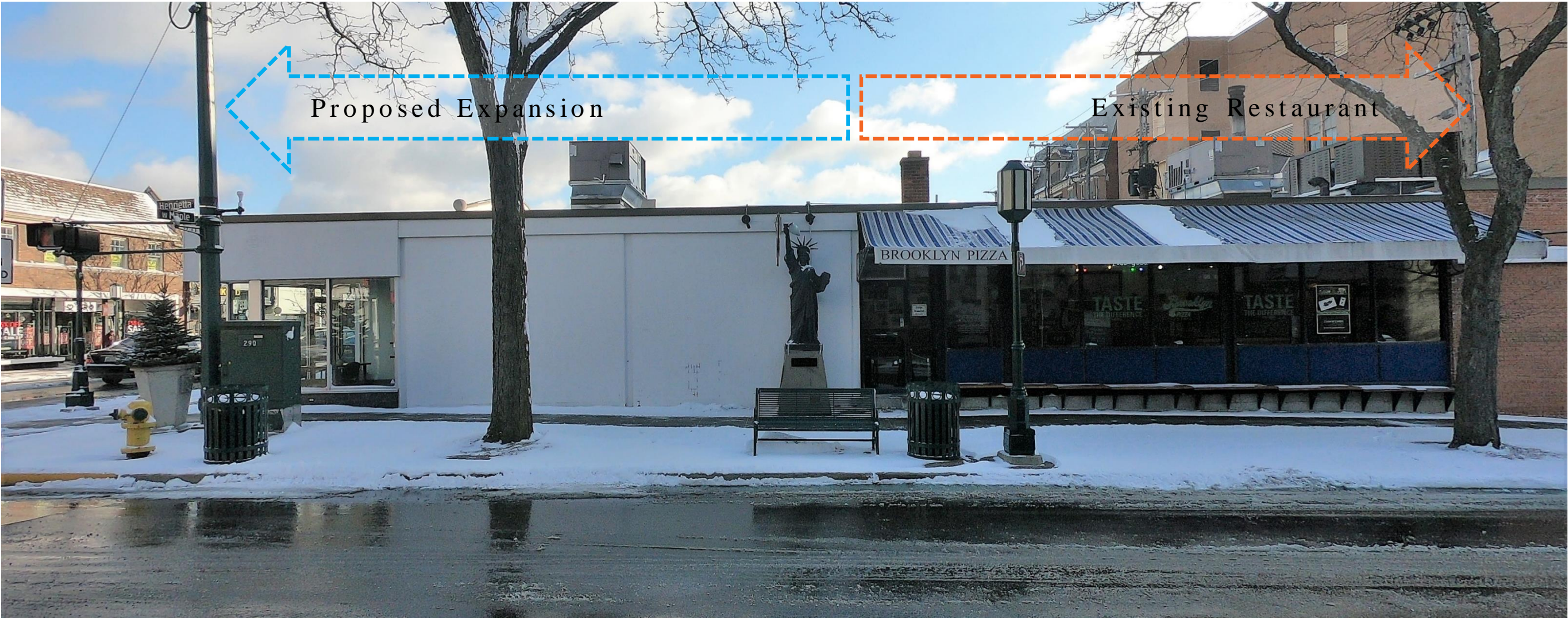
DRAWN: KT
CHECKED: DK
SCALE: 1"=30'
JOB No: 19-165
SHEET: 1 of 1

September 17, 2019

BROOKLYN PIZZA
SPECIAL LAND USE PERMIT APPLICATION – BISTRO
DESIGN SUPPLEMENT

SUBMITTED BY
111 Brooklyn, Inc
111 Henrietta St. & 195 W. Maple St.
Birmingham, MI 48009

Existing Site Photographs – Street View



View of the existing restaurant and adjacent storefront (as seen from Henrietta Street)

Existing Site Photographs – Street View



View of the existing restaurant from southwest corner of site



View of the existing outdoor dining area on Henrietta Street

Existing Site Photographs – Street View

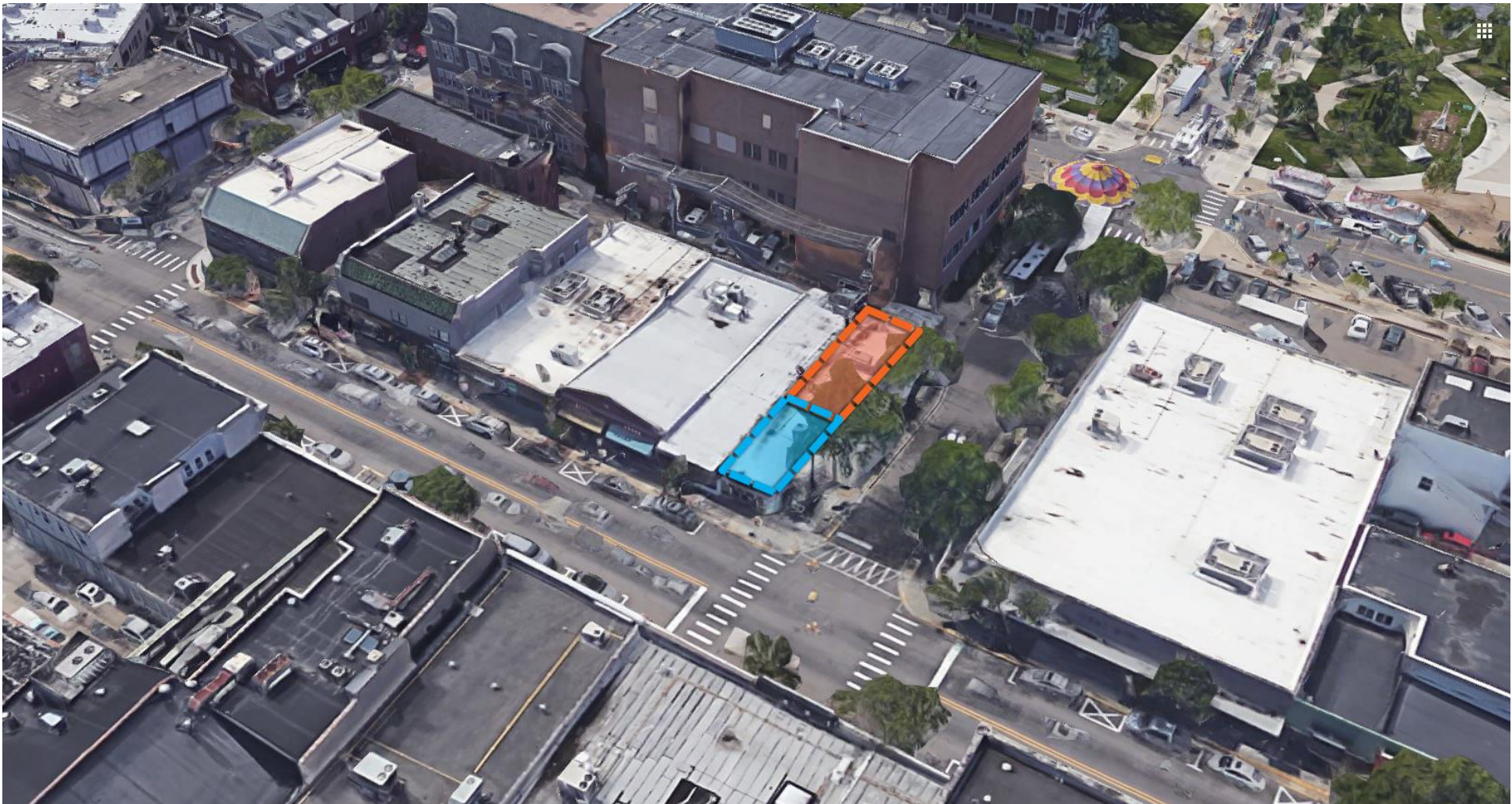
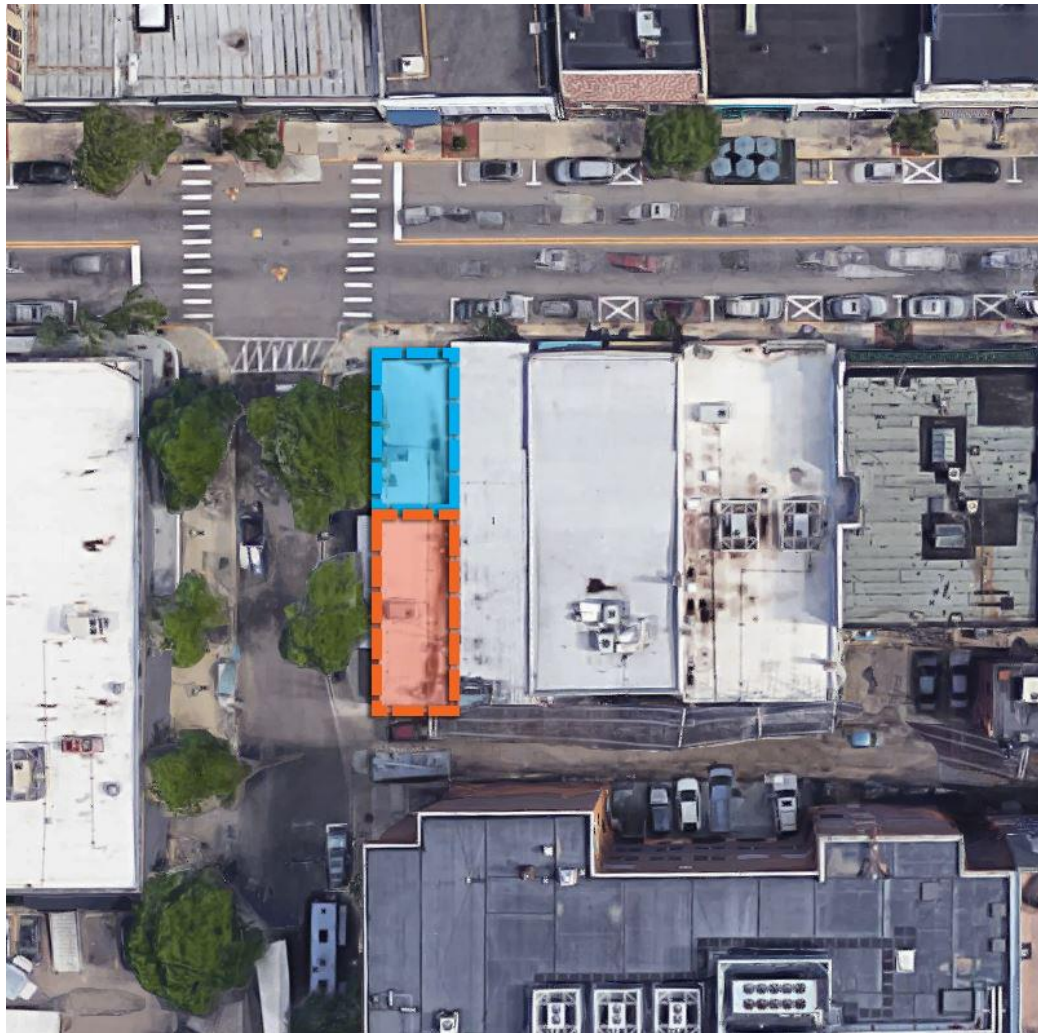


View of adjacent storefront form the northwest corner of the site



View of existing adjacent storefront on West Maple Road

Existing Site Photographs – Aerial Views



View of the existing restaurant and the new addition

Existing Site Photographs – Aerial Views



View of the existing restaurant, the new addition, and the rooftop equipment

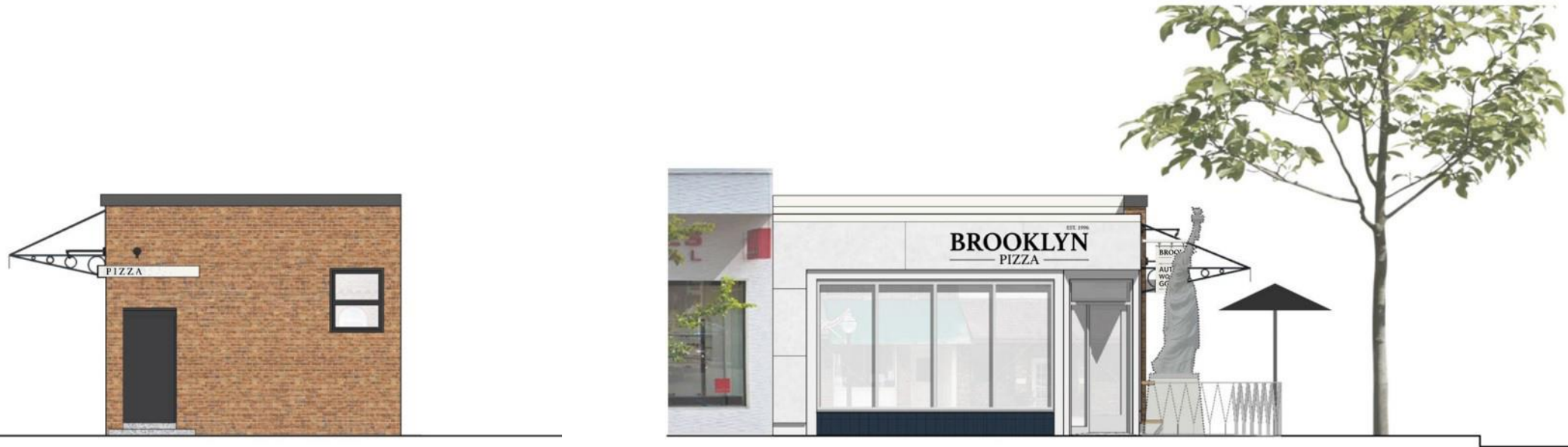
DESIGN SUPPLEMENT

Chapter 1 - Building Façades

Building Façades – Colored Exterior Elevations

Paint Scheme / Color Palette

-  Sherwin-Williams
High Reflective White SW 7757
RGB: 247 247 241
-  Sherwin-Williams
Ceiling Bright White SW 7007
RGB: 233 235 231
-  Sherwin-Williams
Caviar SW 6990
RGB: 49 48 49
-  Sherwin-Williams
Honorable Blue SW 6811
RGB: 22 69 118
-  Sherwin-Williams
In the Navy SW 9178
RGB: 40 56 73



South Elevation (Public Alley)

North Elevation (Maple Road)



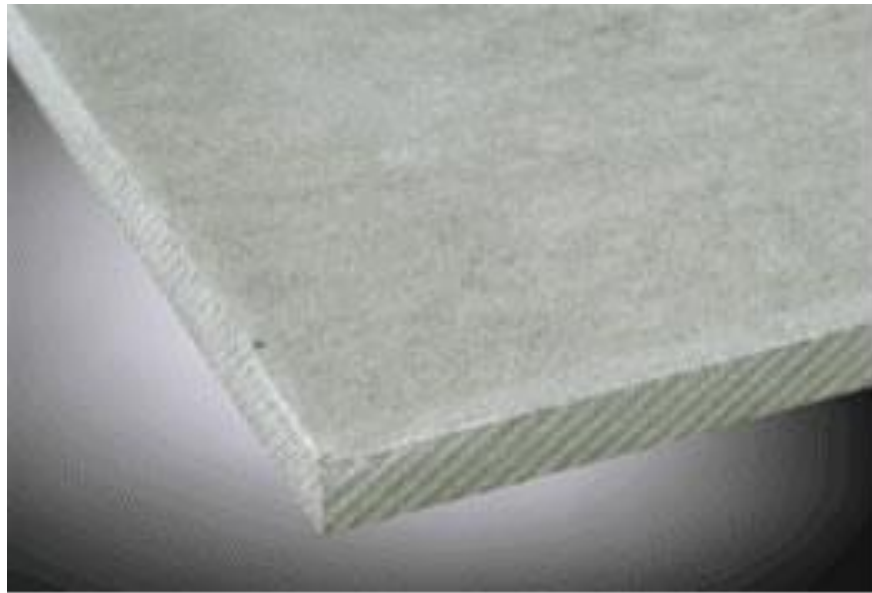
West Elevation (Henrietta Street)

Building Façades – Street View



View of new entrance

Building Façades - Material Samples + Miscellaneous Details



8mm Minerit HD Cement Fiber - Unpainted



Painted Cement Fiber Board Rainscreen/Siding



Clear Anodized Storefront Windows



Example of Overhead Bi-fold Window

Building Façades – The Use of Cement Fiber Board in Historic District



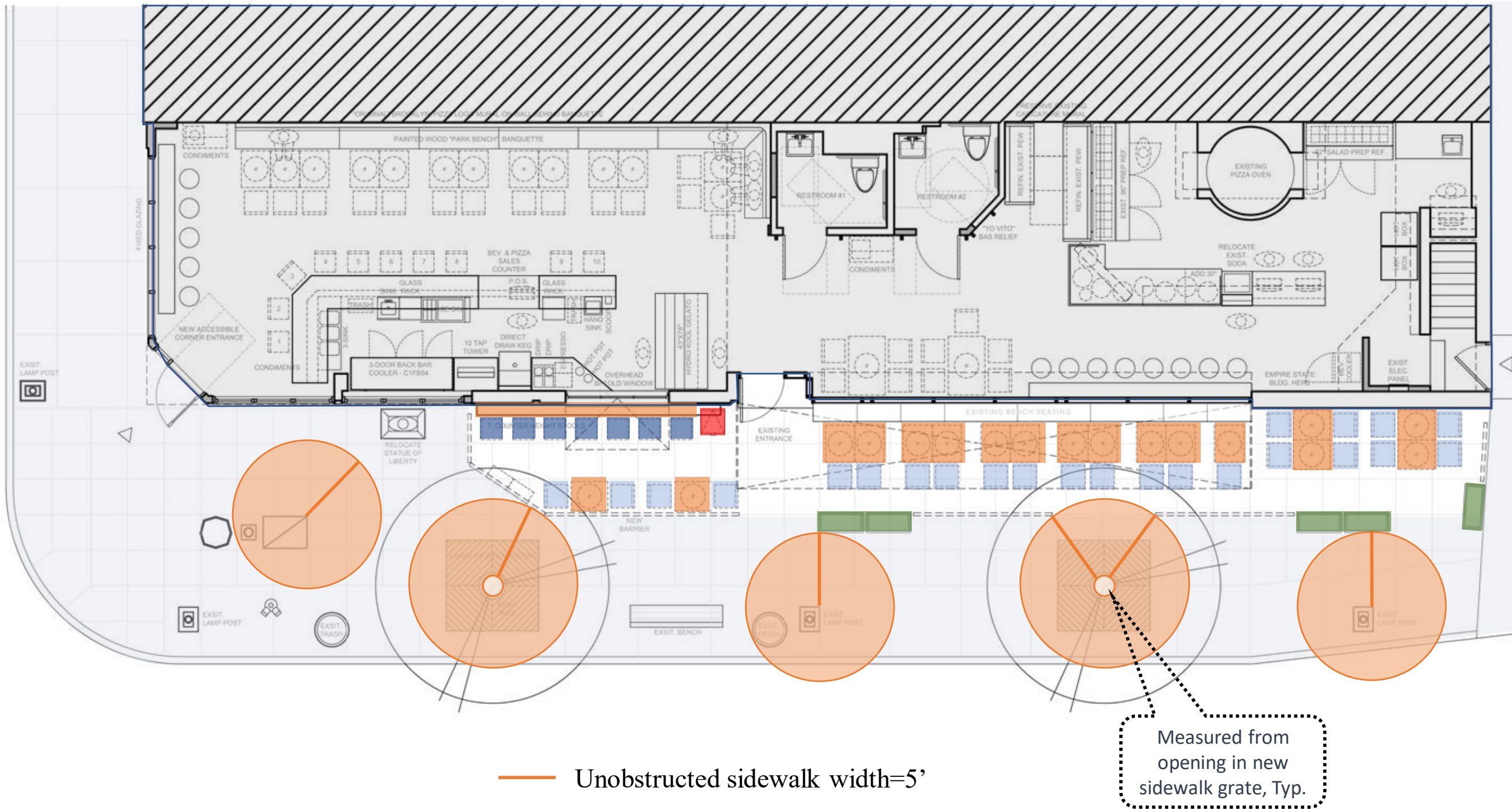
The use of cement fiber board in Detroit’s historic districts.

Description of proposed material: Cement fiber boards are a common replacement for stucco or plywood on building facades. It is composed of cement, silica (sand) and cellulous. The first two ingredients are the principal raw materials used to create stucco, while the later ingredient, cellulous, comes from wood. It has a similar appearance to some stucco finishes and when painted is equivalent to painted plywood but is vastly more durable than either.

DESIGN SUPPLEMENT

Chapter 2 – Outdoor Patio

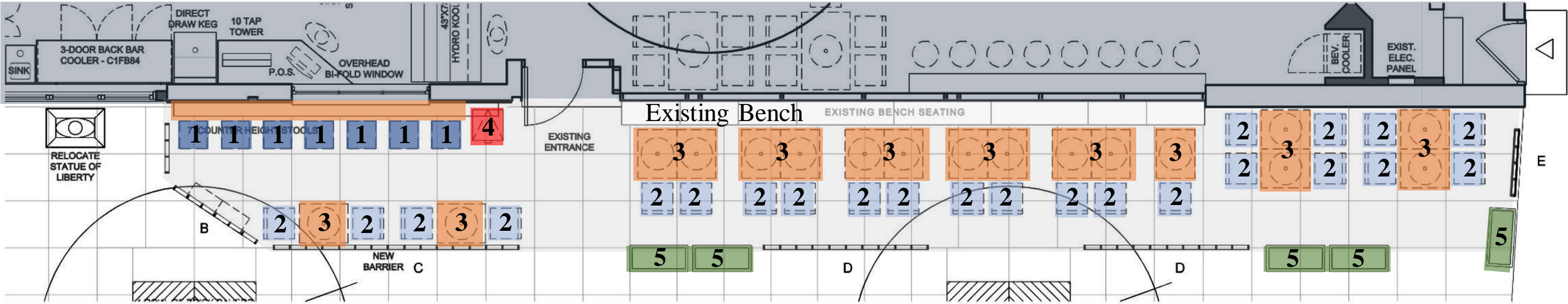
Outdoor Patio – Patio Plan and Clearance



Total # of Seats Outside = 41

- Tolix Brasserie Barstool = 7
- Tolix Brasserie Chair = 23
- Bench = 11+

Outdoor Patio – Patio Furniture



1 Tolix Brasserie Barstool



2 Tolix Brasserie Chair



3 Antique Oak Tabletop



3 Brushed Aluminum Tablebase

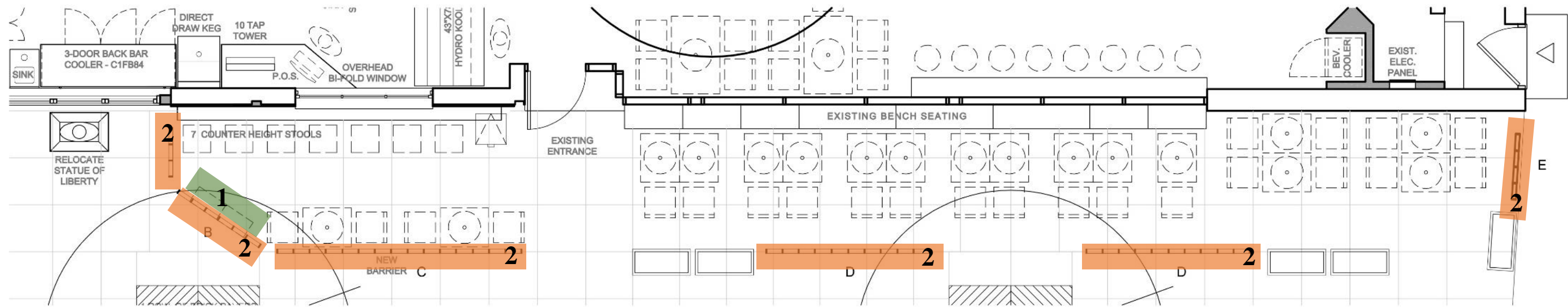


4 40-gallon Steel Trash Can



5 Black Fiberglass Planter

Proposed Renovation – Metal Railing

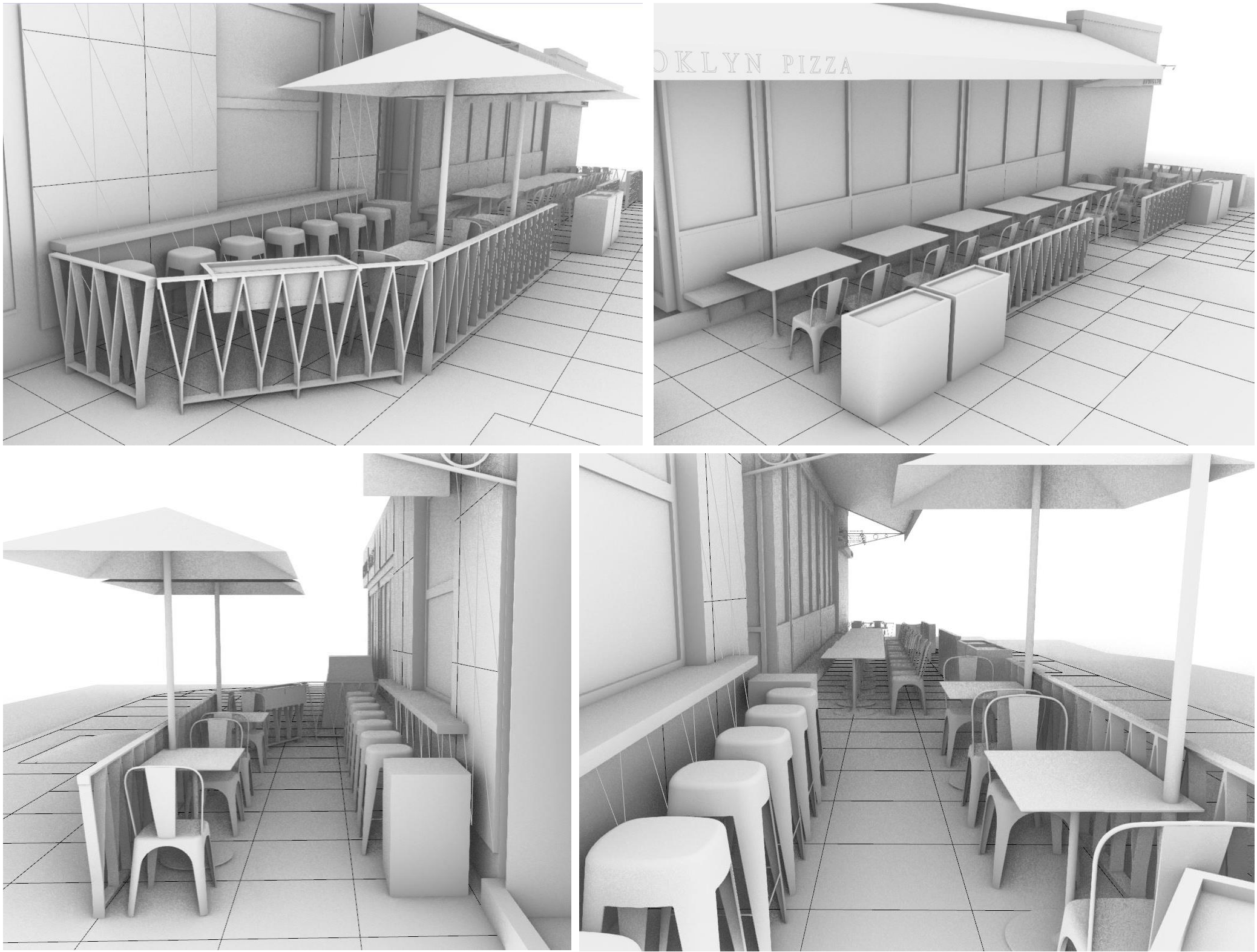


1 Clip-on Planter



2 Metal Railing

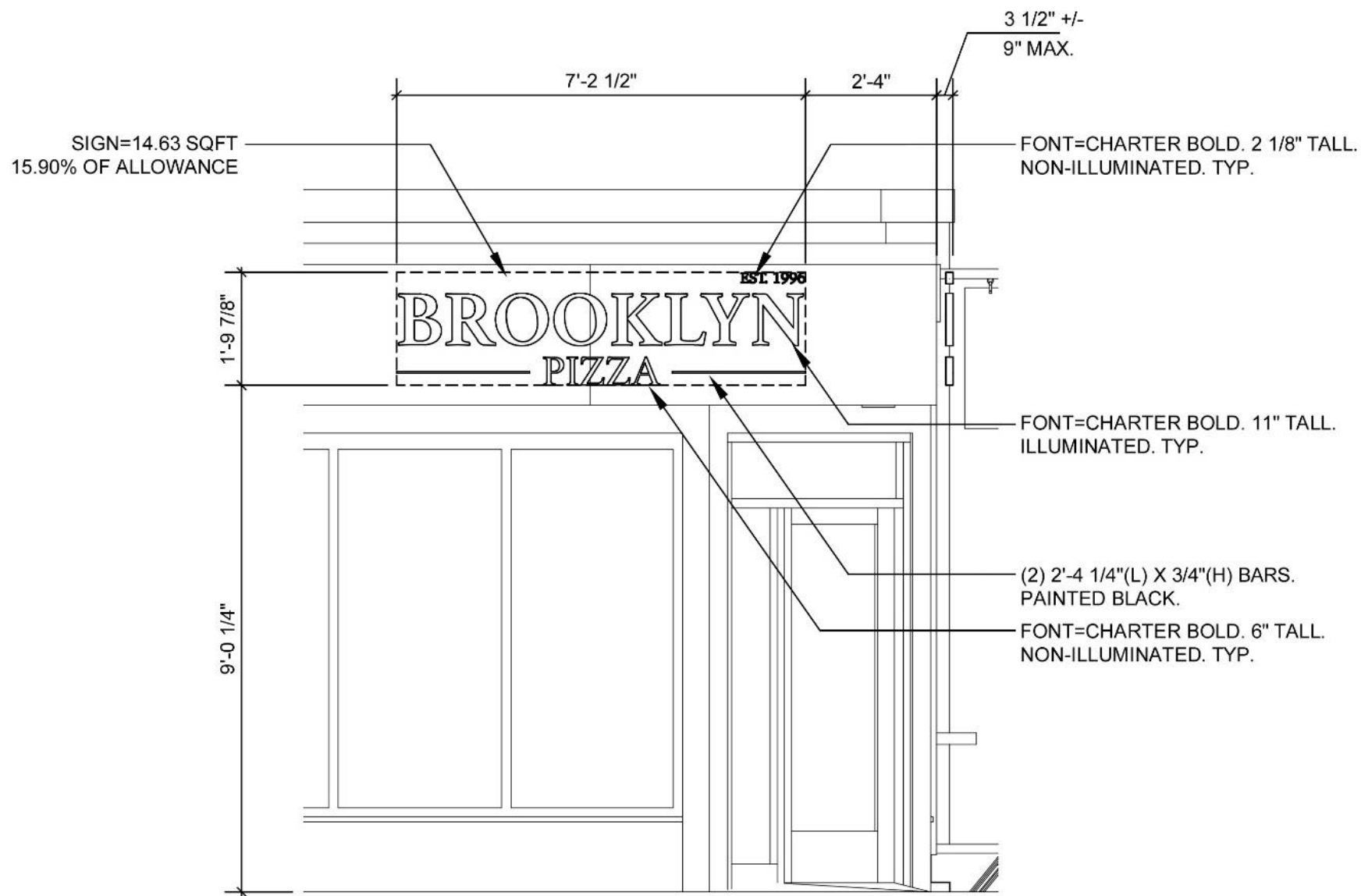
Outdoor Patio – Perspective Views



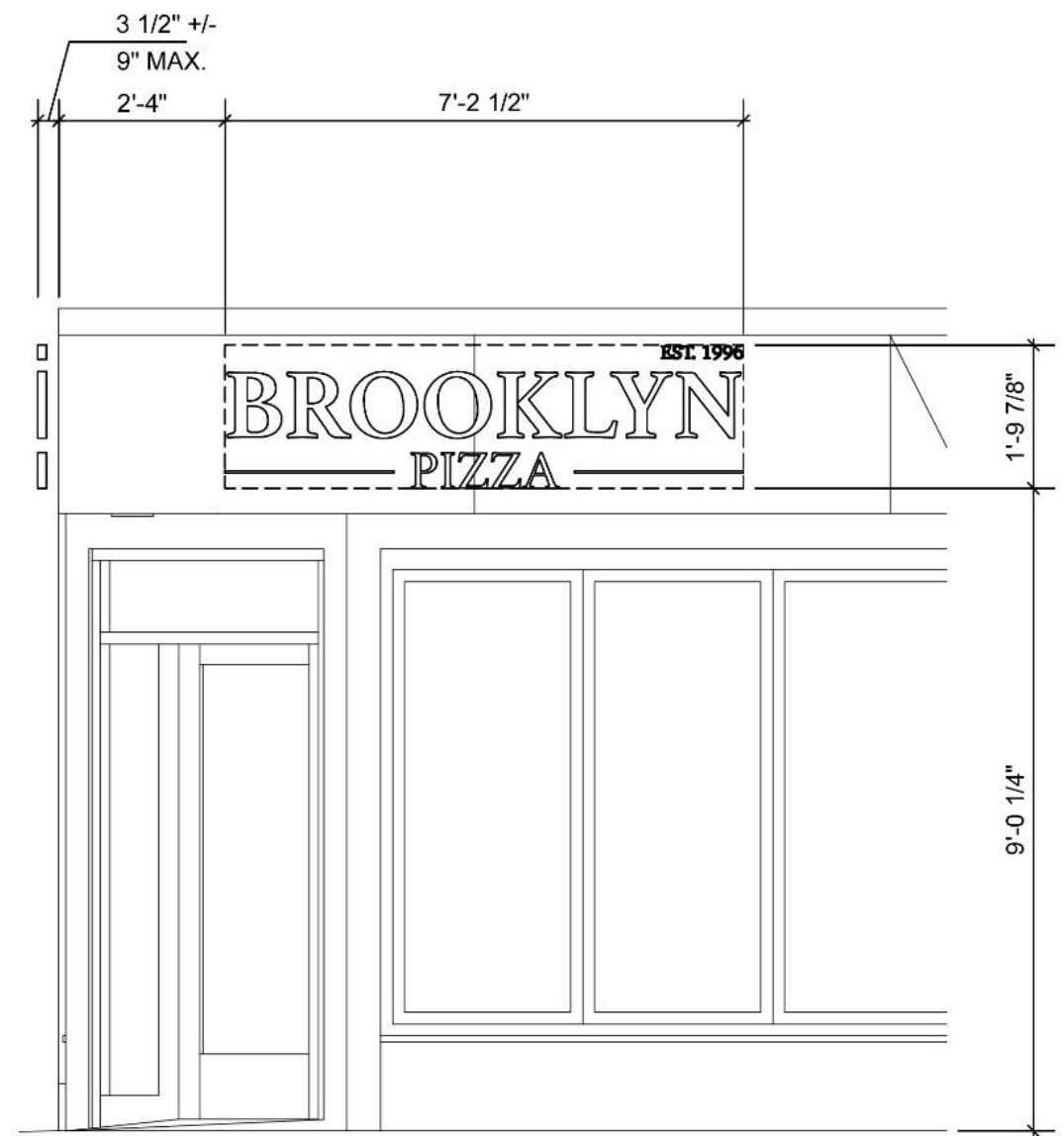
DESIGN SUPPLEMENT

Chapter 3 – Signage and Lighting

Signage and Lighting – Wall Signs



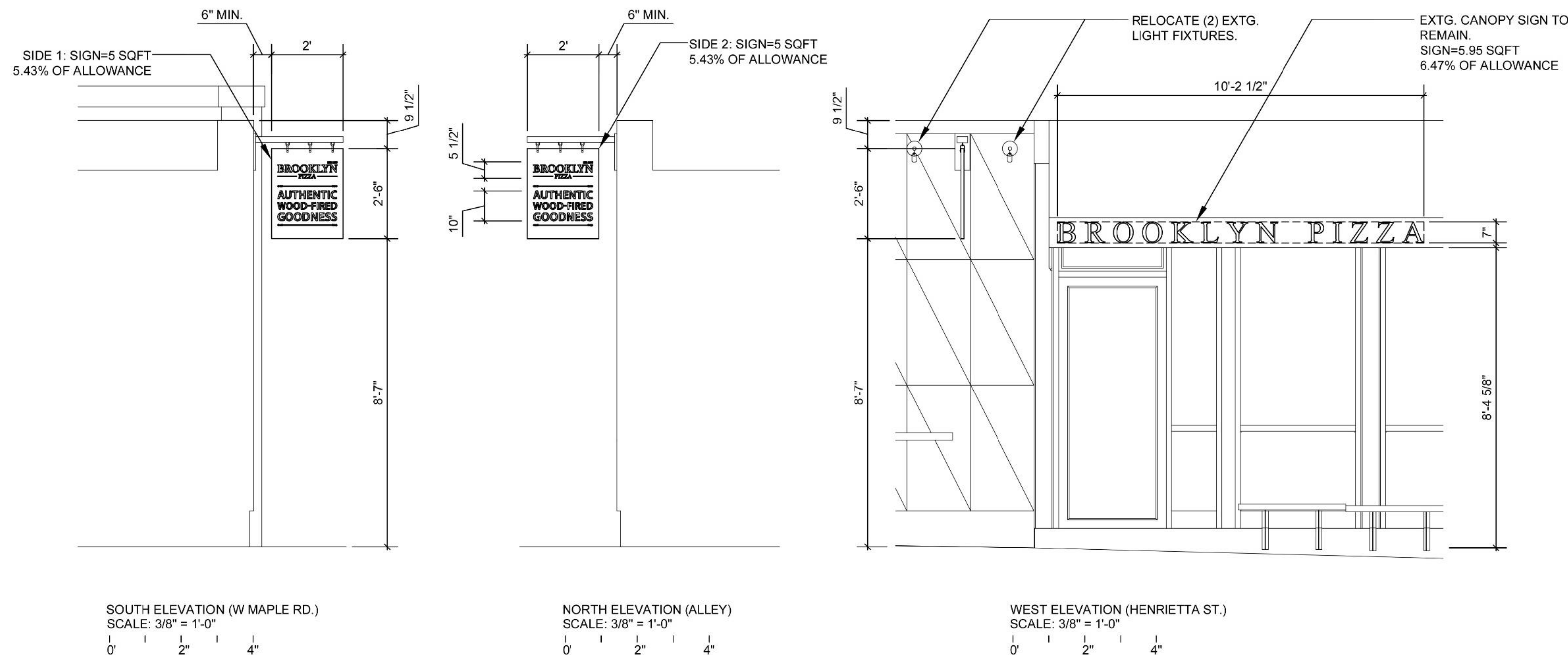
NORTH ELEVATION (W MAPLE RD.)
SCALE: 3/8" = 1'-0"
0' 1' 2' 4"



WEST ELEVATION (HENRIETTA ST.)
SCALE: 3/8" = 1'-0"
0' 1' 2' 4"

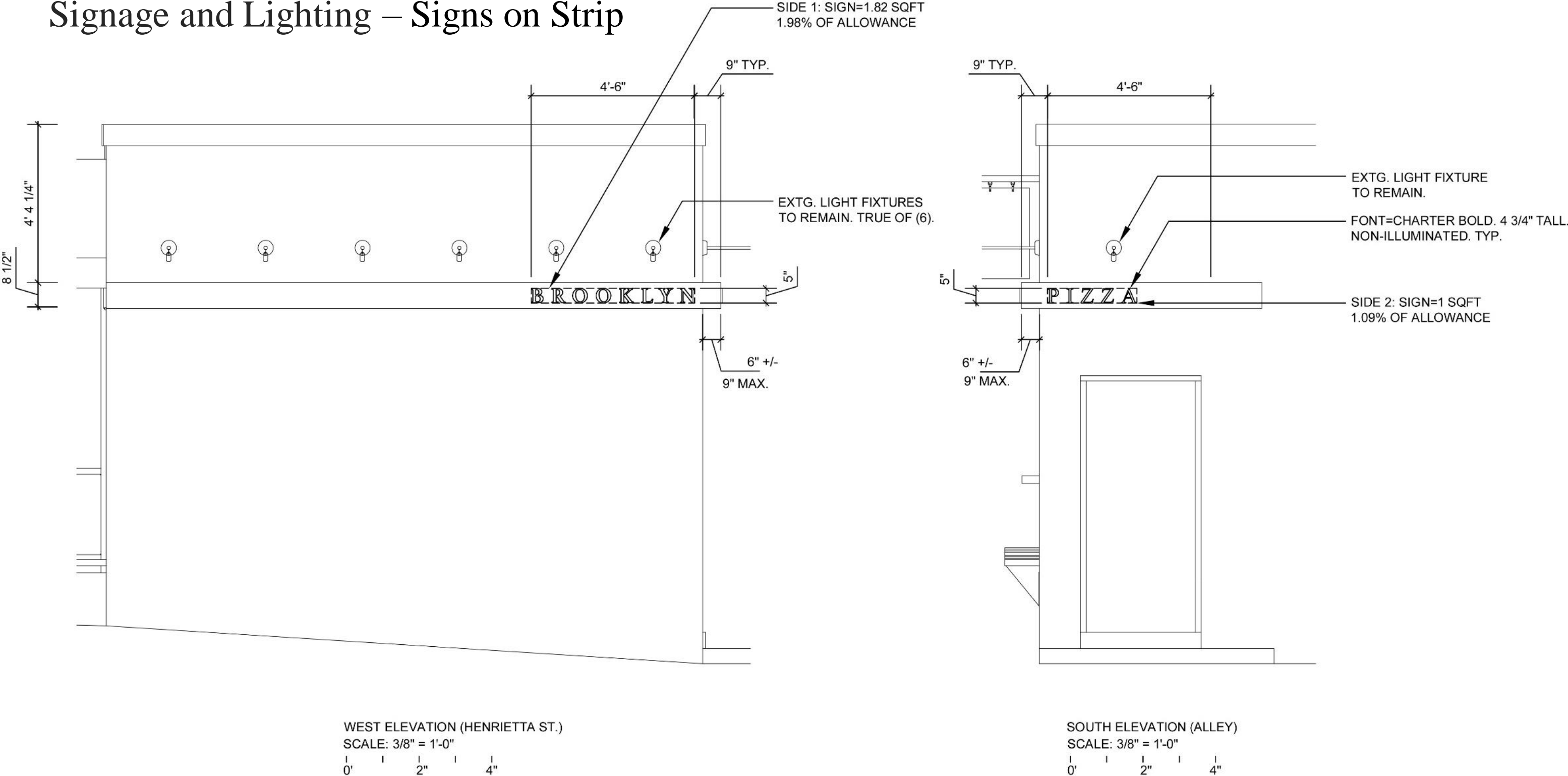
- NOTES:**
- ALL CHARACTERS TO BE METAL CHANNEL LETTERS PAINTED BLACK, AND PIN-MOUNTED TO BLDG. FACADE.
 - ILLUMINATED LETTERS SHOULD BE BACKLIT.

Signage and Lighting – Projecting Sign and Canopy Sign



- NOTES:**
- DASHED BOUNDING BOX INDICATES THE MAXIMUM SQUAREFOOTAGE OF THE PROJECTING SIGN. ANY PROJECTING SIGN SMALLER IS ACCEPTABLE.
 - THE AREA OF BOTH SIDES IS TO BE COUNTED TOWARD THE TOTAL ALLOWANCE.
 - EXTG. CANOPY SIGN IS COMPLIANT TO CURRENT ORDINANCE.

Signage and Lighting – Signs on Strip



Signage and Lighting – Calculations

Type of Sign	Number	Dimension	Total Area (sqft)	% of Allowance
Wall Sign	2	7'-2 1/2"(W) × 1'-9 7/8"(H)	29.26	31.8%
Projecting Sign	2 (sides)	2'(W) × 2'-6"(H)	10	10.87%
Canopy Sign	1	10'-2 1/2"(W) × 7"(H)	5.95	6.47%
Sign on Stripe 1	1	4'-6" (W) × 5"(H)	1.82	1.98%
Sign on Stripe 2	1	2'-5 1/2" (W) × 5"(H)	1	1.09%
Total	7	-	48.03	52.21%



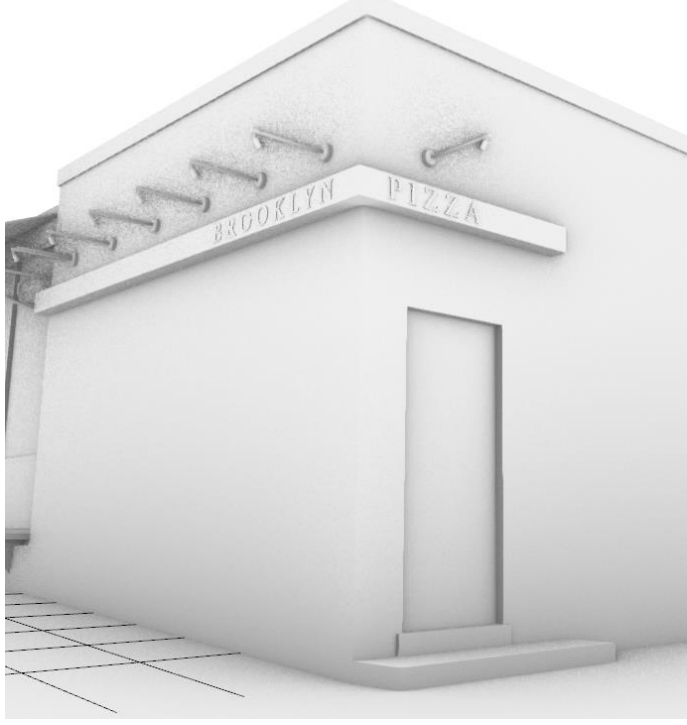
Wall Signs



Projecting Sign



Canopy Sign



Signs on Stripe

Signage and Lighting – New Building Lighting

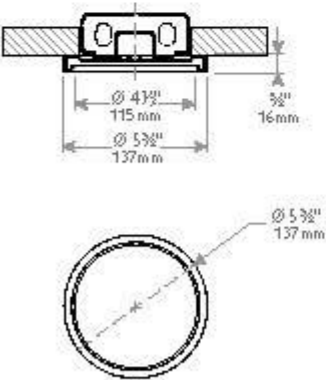
Round apertures

5", 7" and 10"

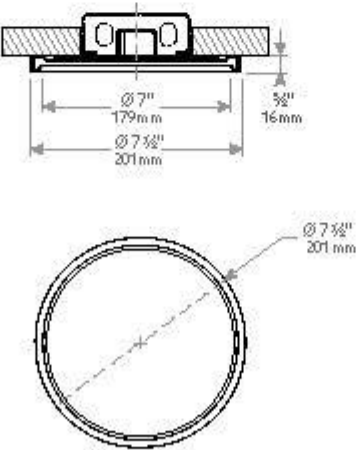
Now available in a 10" aperture with a high end, specification grade, metal trim. The SlimSurface 10" luminaire is also available in the same finishes as the 5" & 7" aperture's to provide a consistent trim style and match any design. This 2,200lm configuration provides a high amount of light to help illuminate larger spaces where smaller surface mount down lights can not perform effectively. SlimSurface is perfect for hallways, entry ways and even the traditional center-of-the-room installations.



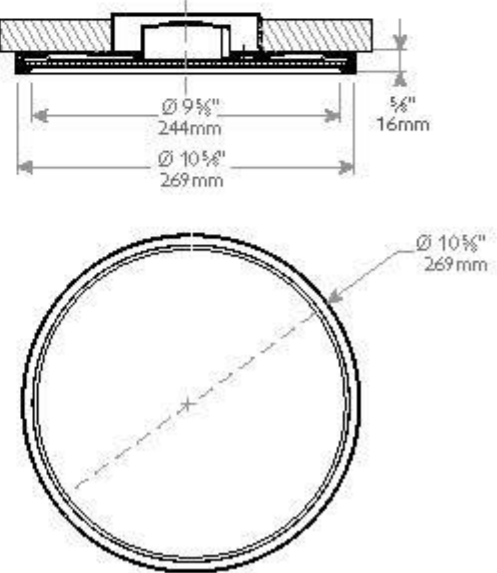
SlimSurface 5" round downlight



SlimSurface 7" round downlight



SlimSurface 10" round downlight



Ordering guide

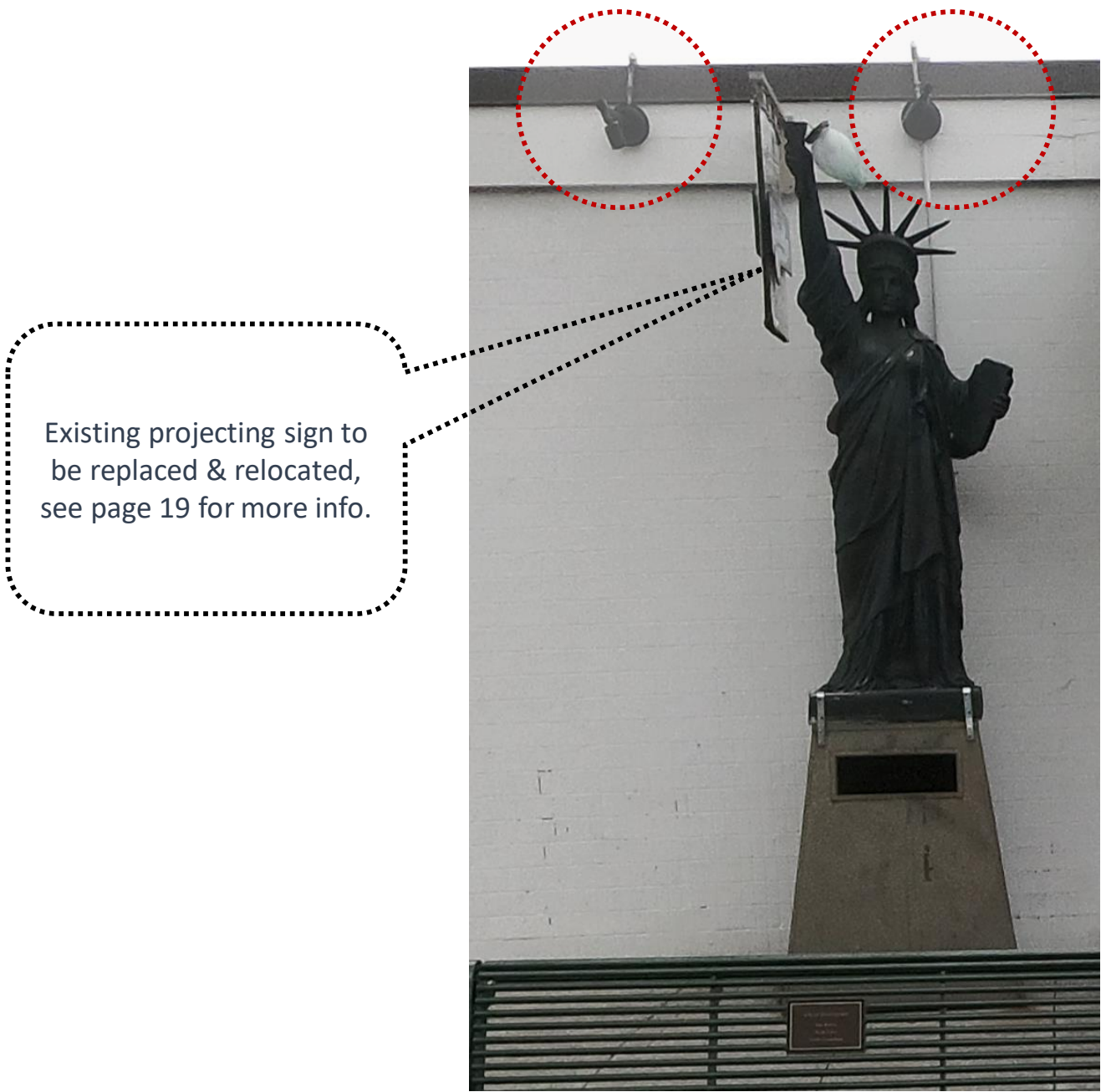
example: S5R890K7WH

Family	CRI / CCT	Lumens	Finish	Dimming
S5R SlimSurface 5" Round	827K 80 CRI / 2700K CCT	7 650lm (S5R only)	— White	— ELY / Triac (120V)
S7R SlimSurface 7" Round	830K 80 CRI / 3000K CCT	10 1000lm (S7R only)	AL Aluminum	
S10R SlimSurface 10" Round	835K 80 CRI / 3500K CCT	22 2200lm (S10R only)	BK Black	
	840K 80 CRI / 4000K CCT		MT Metallic*	
	927K 90 CRI / 2700K CCT		W White	Z10U 0-10V (120V-277V)
	930K 90 CRI / 3000K CCT		AL Aluminum	
			BK Black	
			MT Metallic*	

* Only available with 10" (S10R) configurations.

Project to include (1) 7" LED Downlight above Corner Entrance

Signage and Lighting – Replacement Lighting



Project to include (2) relocated/replaced existing sign lights @ refurbished/relocated projecting sign. Lighting fixtures shall match existing.

DESIGN SUPPLEMENT

Chapter 4 – Interior Design

Interior Design – Furniture

Total # of Seats Inside = 65

- Park Bench = 14
- Pronto Stella Vintage Chair = 23
- Nadia Swivel Barstool = 10
- Barstools = 13
- Refurbished Church Pews = 5



1 Park Bench



2 Tabletop



Cast Iron Table Base



3 Nadia Swivel Barstool



4 Pronto Stella Vintage Chair

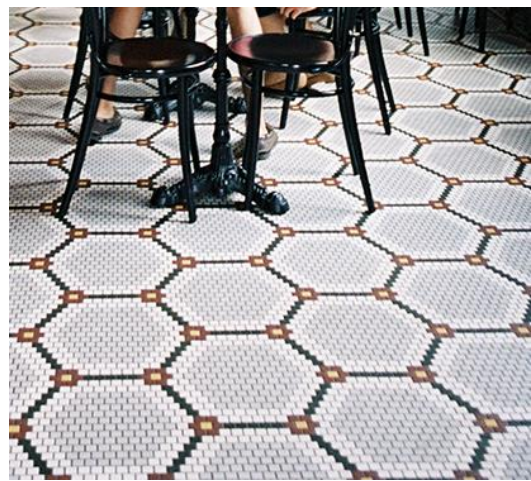
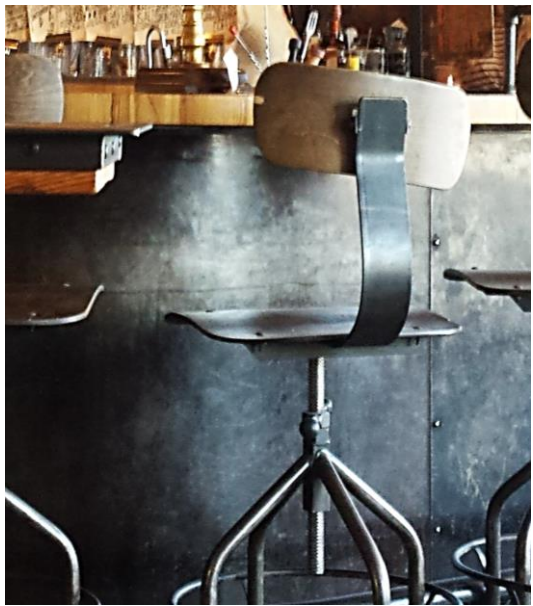


5 Wood Top Stool

Interior Design – Color Palette



Interior Design – Mood Board



Bar

Bar / Service Counter

Wainscoting

Floor Finishes

Tabletops & Countertops

Interior Design – Mood Board

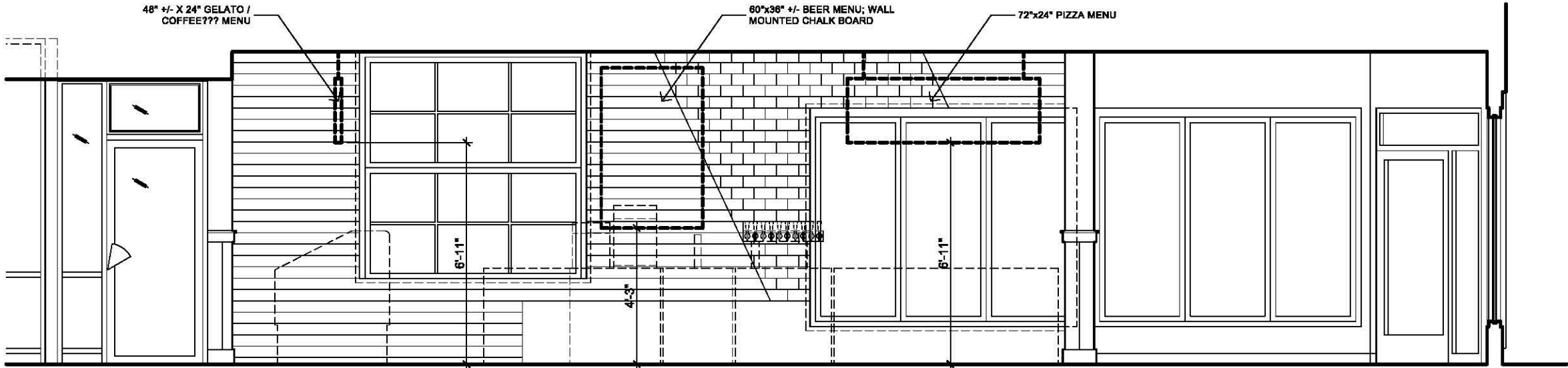


Restroom Tile

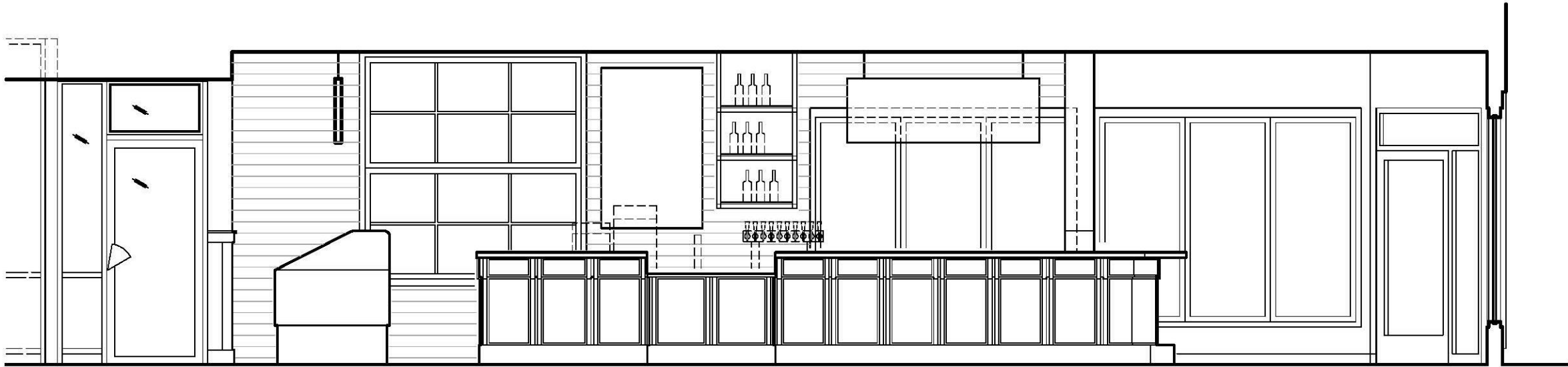


Dining Area

Interior Design – Interior Elevations



Back-of-Bar Elevation

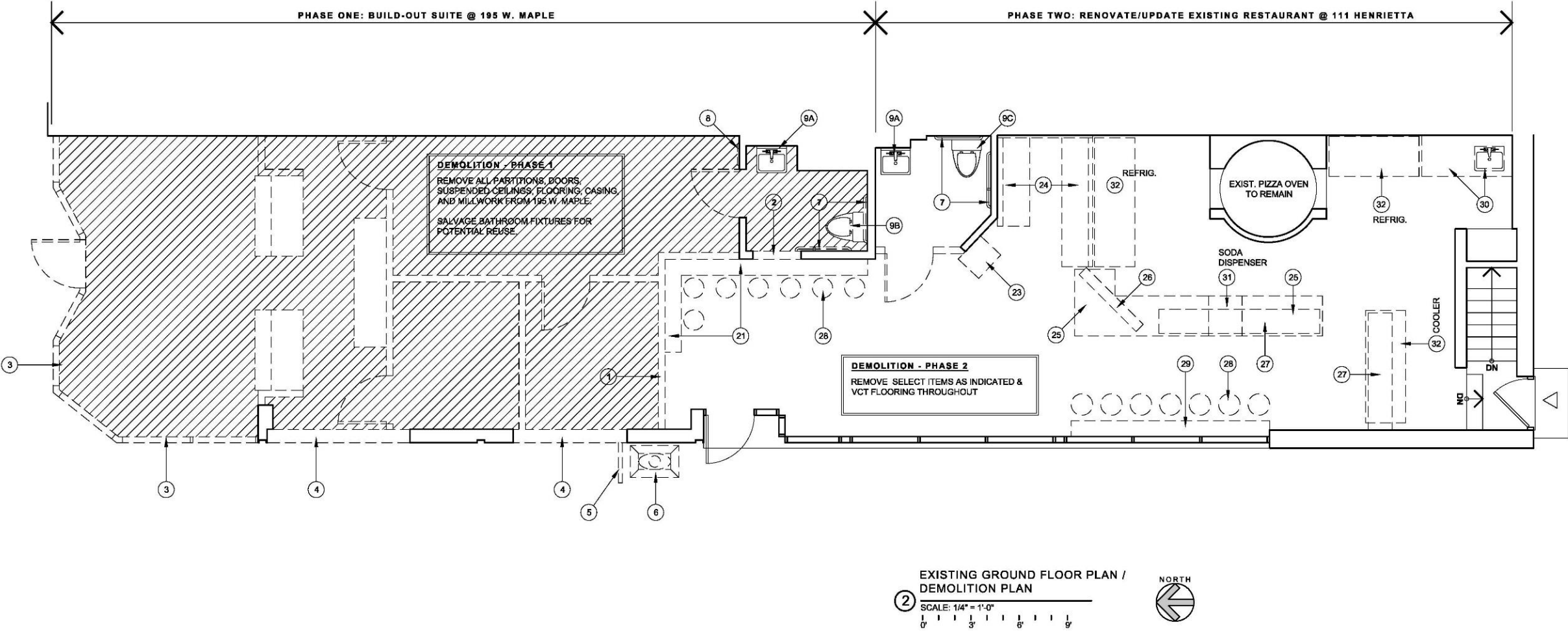


Bar Elevation

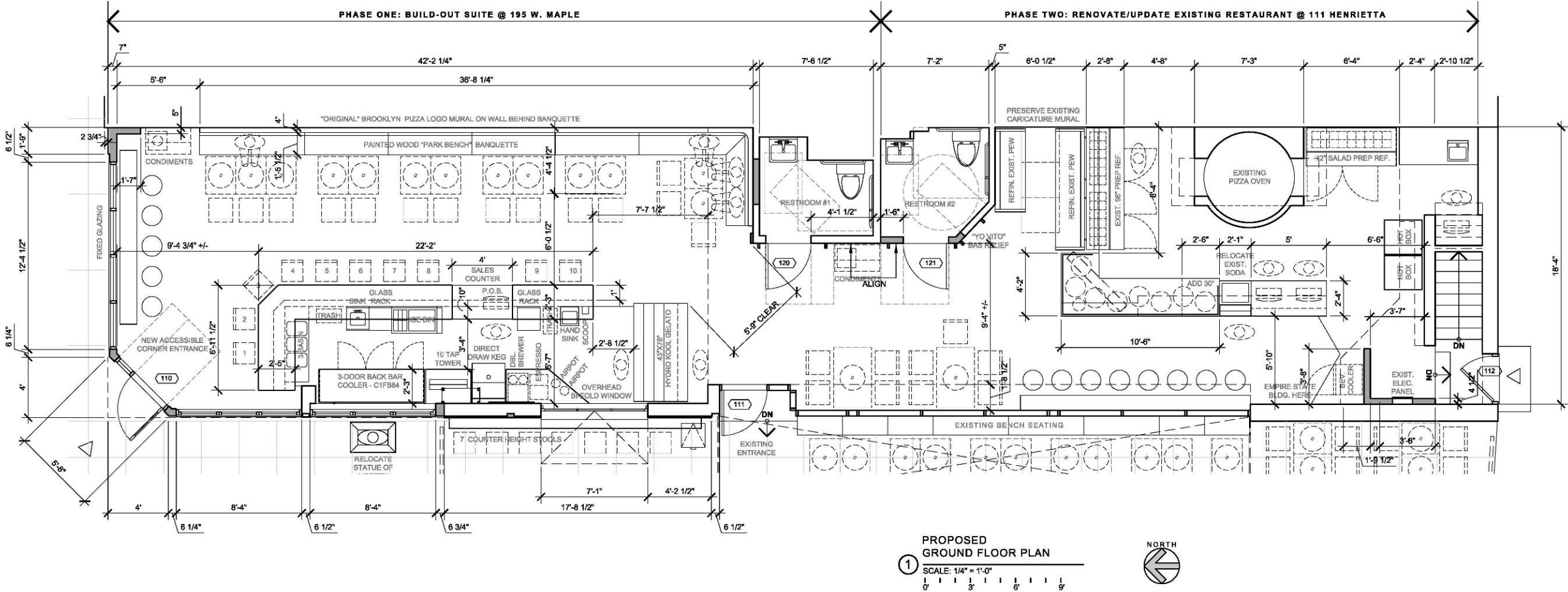
DESIGN SUPPLEMENT

Chapter 5 – Architectural Drawings

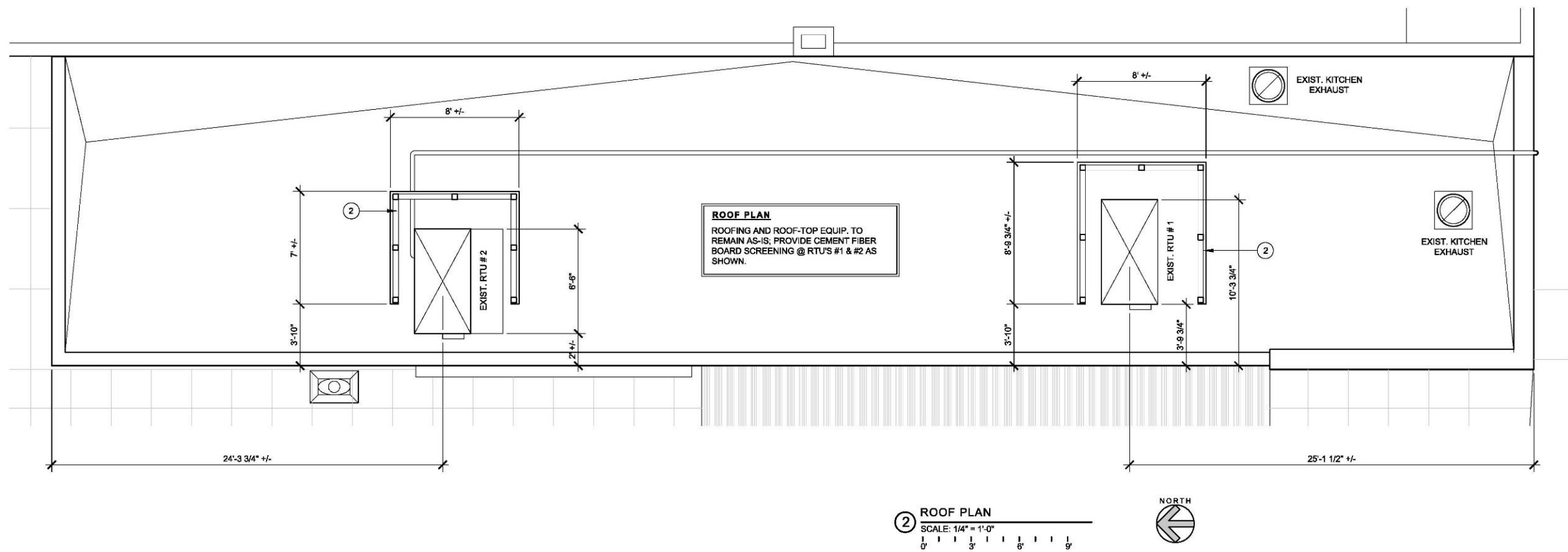
Existing Plan



Proposed Floor Plan



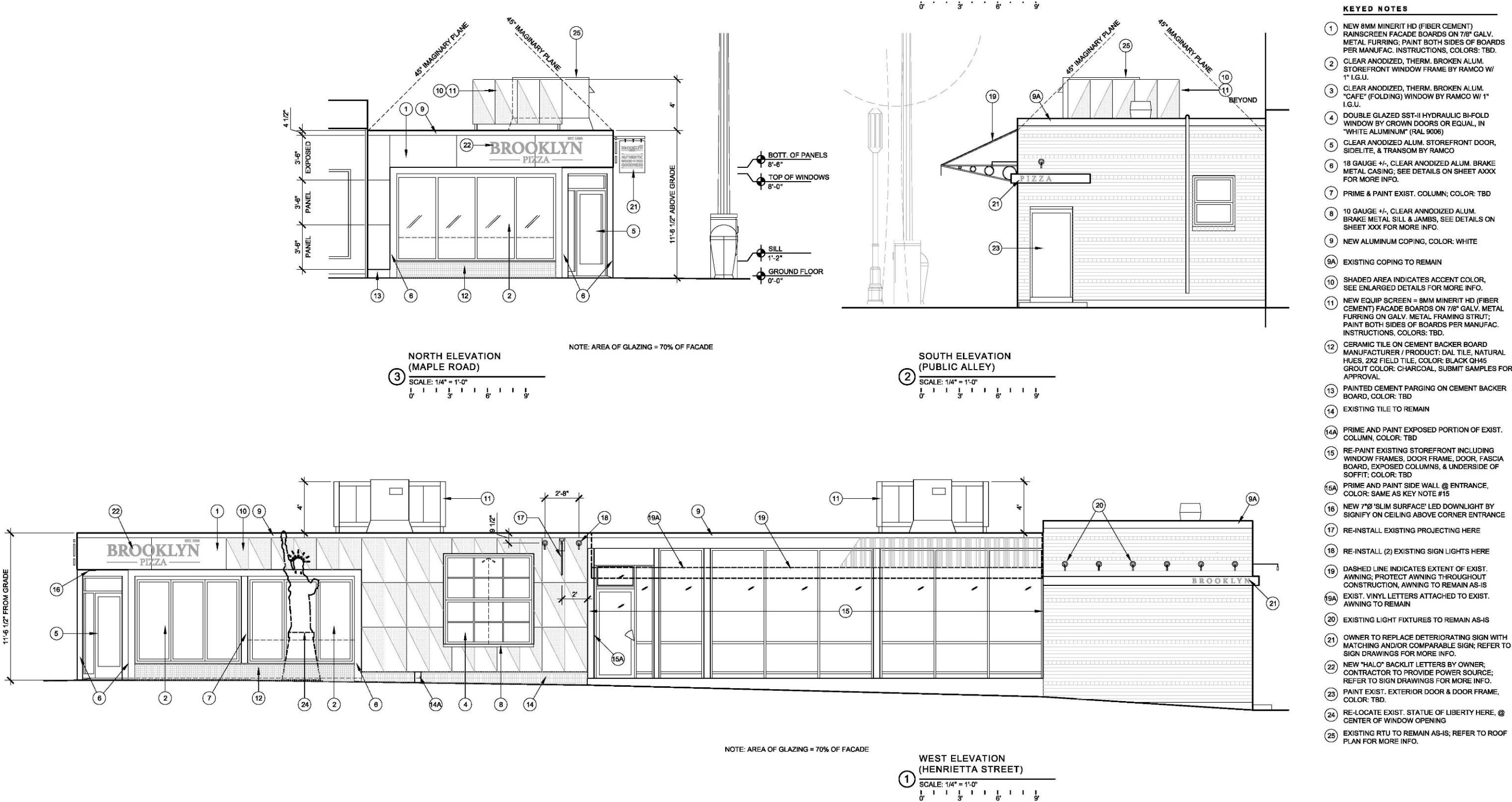
Roof Plan



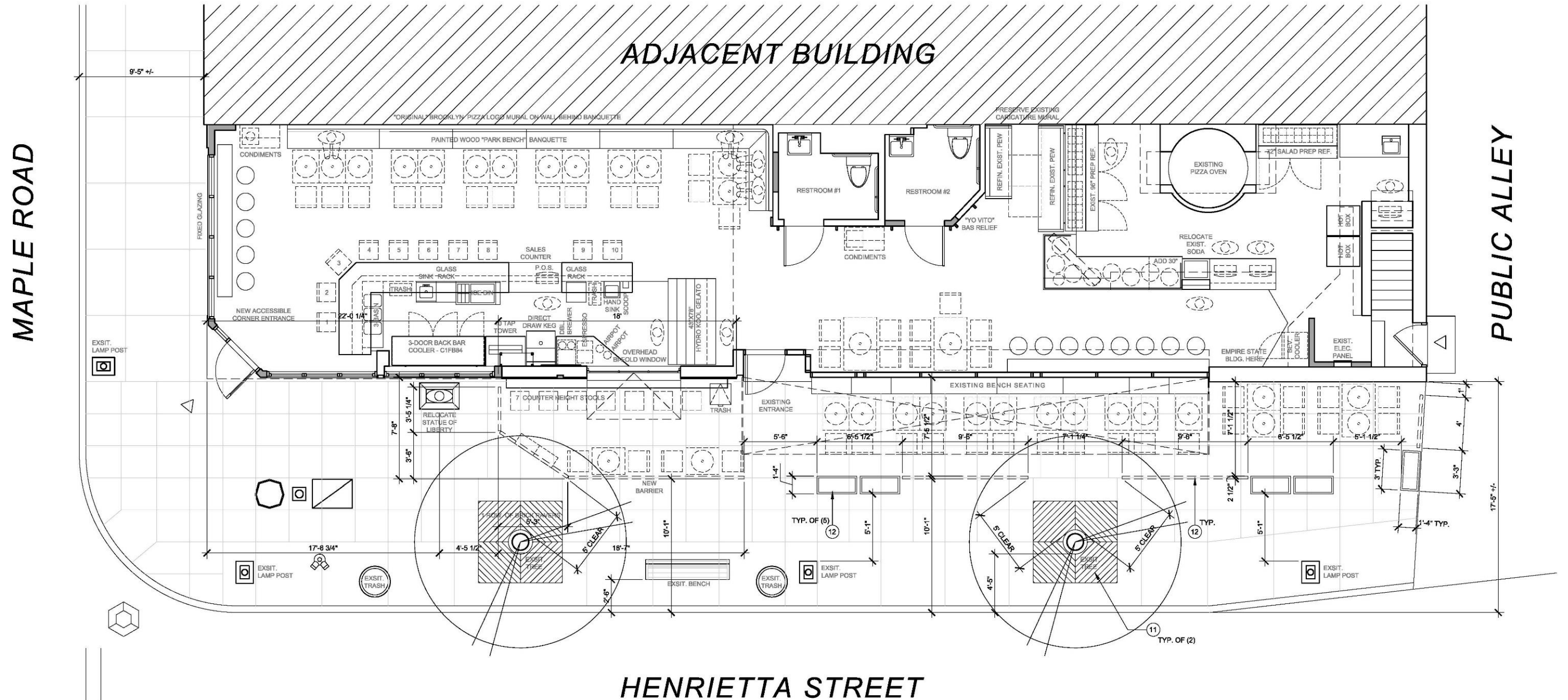
- GENERAL NOTES**
1. ALL DIMENSIONS ARE 'NOMINAL' FROM FINISH-TO-FINISH UNLESS INDICATED OTHERWISE.
 2. CONTRACTOR SHALL VERIFY REQUIRED AIR-FLOW CLEARANCES & ACCESS REQUIREMENTS FOR MECH. EQUIP PRIOR TO START OF WORK; NOTIFY ARCHITECT & OWNER OF ALL FINDINGS.
 - 3.

- KEYED NOTES**
- ROOF PLAN**
- 1 -
 - 2 NEW EQUIP. SCREEN @ EXIST. HVAC UNIT; SEE EXTERIOR ELEVATIONS ON A201 FOR MORE INFO.

Annotated Exterior Elevations



Architectural Site Plan / Outdoor Patio



D MET studio

Brooklyn Pizza
Special Land Use Permit Application - Bistro, Design Supplement

p. 35

KEYED NOTES

OUTDOOR DINNING/SITE PLAN

- 11 PROVIDE NEW STREET GRATE AT EXISTING STREET TREE; CONTACT CITY OF BIRMINGHAM PUBLIC WORKS DEPARTMENT FOR MORE INFO.
- 12 NEW FIBERGLASS PLANTER, BLACK; REFER TO OUTDOOR FURNITURE SCHED. FOR MORE INFO.
- 13 NEW CUSTOM METAL RAILING, BLACK; REFER TO OUTDOOR FURNITURE SCHED. FOR MORE INFO.

Land Survey





280 N. Old Woodward
Suite 12
Birmingham, MI 48009
O 248.385.3112
C 248.835.2068
F 888.450.1682

jphowe@jphowe.com
www.jphowe.com

October 17, 2019

VIA EMAIL ONLY

Birmingham Planning Board
c/o Ms. Jana Ecker
Planning Director
City of Birmingham
151 Martin St.
Birmingham, MI 48009

Re: Special Land Use Permit Application to Operate a Bistro
Applicant: 111 Brooklyn, Inc. d/b/a Brooklyn Pizza
Address: 111 Henrietta St. & 195 W. Maple Rd.
Birmingham, MI 48009

Dear Members of the Birmingham Planning Board,

On behalf of 111 Brooklyn, Inc. d/b/a Brooklyn Pizza ("Brooklyn Pizza"), we hereby submit this letter in support of our Client's Special Land Use Application to operate a Bistro (the "SLUP Application"). Since 1996, Brooklyn Pizza has offered the residents and visitors of Birmingham, authentic, wood-fired pizza in a welcoming family environment. Owner Sam Abdelfatah is ready to take Brooklyn Pizza to the next level, by converting Brooklyn Pizza into a Bistro, and expanding the restaurant into the adjacent suite located at 195 W. Maple Rd. The new Brooklyn Pizza will maintain the same authentic family friendly atmosphere, but in an expanded restaurant setting that will offer a wider selection of menu items, and a select assortment of alcoholic beverages.

This Birmingham City Commission unanimously authorized Brooklyn Pizza to move forward with a formal Bistro Application at a public hearing on April 22, 2019 after reviewing the selection criteria outlined in Section 10-82 of the Birmingham City Code (the "Code"). Our Client has applied to the Michigan Liquor Control Commission for a new Class C liquor license under MCL 436.1521a(1)(b) within the City of Birmingham's Principal Shopping District, and has applied to the City Commission for local approval of its liquor license application by filing the appropriate application documents with the Birmingham Police Department. Our Client now comes to the Birmingham Planning Board requesting a recommendation of approval of its SLUP Application, and hopes that the City Commission will concur with a positive recommendation from the Planning Board, and approve its SLUP Application.

The standards for approving a Special Land Use Permit to operate a Bistro are set forth in the Code and the Birmingham Zoning Ordinance. We submit that our Client meets the requirements set forth in Section 126, Article 7 of the Birmingham Zoning Ordinance for the following reasons:

- (1) 7.336(A)(1). “The use is consistent with and will promote the intent and purpose of this Zoning Ordinance.”

RESPONSE: Brooklyn Pizza has been a dining destination in the City of Birmingham since 1996, and has established itself as an appropriate and thriving use within the City’s Principal Shopping District. Completely renovating the restaurant, expanding its footprint, and expanding its menu offerings to add additional food items and a select assortment of alcoholic beverages, is consistent with the intent of the Birmingham Zoning Ordinance and the City’s 2016 Master Plan. Converting Brooklyn Pizza to a Bistro will increase the vitality of the Maple Rd. corridor, and will attract additional patrons to downtown Birmingham to enjoy Brooklyn Pizza, and visit the many nearby retail establishments within this district of the City.

- (2) “The use will be compatible with adjacent uses of land, the natural environment, and the capabilities of the public services and facilities effected by the land use.”

RESPONSE: Brooklyn Pizza has established itself as being compatible with the surrounding land and uses in this district of the City. Furthermore, it is not a drain on the City or its public services. Expanding the restaurant and adding the service of alcoholic beverages will not disrupt any surrounding land uses or be a drain on the City or its public services, insofar as the service of alcohol will complement the service of food, and will comprise a very small percentage of the establishment’s overall sales. The hours of operation of the business will not detrimentally impact any surrounding landowners. While the outdoor patio will be renovated and expanded, the existing outdoor patio has been an appropriate fit in this area of the City for many years, and it will continue to add to patrons’ enjoyment of the restaurant, and the vitality of the Henrietta St. corridor.

- (3) “The use is consistent with public health, safety and welfare of the city.”

RESPONSE: Brooklyn Pizza has been operated in a safe and responsible manner for many years, and it will continue to be operated that way. Public health, safety and welfare is vitally important to Brooklyn Pizza, and it will ensure that the public health, safety and welfare of its patrons, neighbors, and other stakeholders in the City is not compromised in any way by its operation of a Bistro. All managers will complete and pass a state recognized alcohol server training program.

- (4) “The use is in compliance with all other requirements of the zoning ordinance.”

RESPONSE: The conversion of this long-standing restaurant into a Bistro will be operated in full compliance with the City’s Zoning Ordinance, and the use is consistent with the goals of the City of Birmingham Principal Shopping District. Brooklyn Pizza will

comply with all mandates and responsibilities applicable to the holder of a Special Land Use Permit within the City of Birmingham.

(5) “The Use Will Not Be Injurious to the Surrounding Neighborhood.”

RESPONSE: The operation of Brooklyn Pizza has not been injurious to the surrounding neighborhood for many years. Converting this restaurant into a Bistro will benefit the surrounding neighborhood, and it will not be operated in a way that will negatively impact the surrounding neighborhood in any way.

(6) “The Establishment is not in violation of any State or Federal Statutes.”

RESPONSE: Brooklyn Pizza is not in violation of any state laws or federal statutes, and will comply with all applicable local, state and federal laws, regulations and ordinances if the restaurant is operated as a Bistro.

* * *

We submit that our Client meets the liquor license approval conditions set forth in Section 10-42 of the Code in that:

(1) “An applicant will be given consideration only if he proposes to provide and continues to provide for the service of meals to be consumed on the premises.”

RESPONSE: Brooklyn Pizza will continue to provide regular dine in, take out, and delivery meal service for lunch and dinner. It will also provide new menu offerings and a selection of beer, wine and spirits in a completely renovated and expanded restaurant.

(2) “The location proposed, and methods of operation must not detrimentally and unreasonably impact nearby property owners, businesses and residents.”

RESPONSE: Brooklyn Pizza has operated a successful restaurant within the City of Birmingham for many years, and has never been a detriment to nearby property owners, businesses or residents. The renovated and expanded Brooklyn Pizza with new menu offerings and a selection of beer, wine and spirits, will continue to be a great destination in downtown Birmingham, and will improve the dining experience for nearby property owners, businesses and residents.

(3) “All applicable health and safety codes and ordinances, including zoning, must be met.”

RESPONSE: Brooklyn Pizza in its current format complies with the City’s Zoning Ordinance, and all applicable health and safety codes and ordinances will be met before the renovated and expanded restaurant opens for business with the service of alcoholic beverages.

- (4) “Applicants will be required to submit a detailed plan of proposed operation as part of their application for transfer, which shall include a plot plan of the site, a plan for any proposed change in exterior and interior design, lay-out of any proposed change to ancillary facilities and a general operational statements outlining the proposed manner in which the establishment will be operated, including a schedule of the hours of operation, crowd control plans, use of the facility, parking provisions and the estimated cost of any proposed improvements.”

RESPONSE: The site plan and floor plans for the renovated restaurant have been filed with the City in connection with our Client’s Special Land Use Application to operate a Bistro. Hours of operation for the renovated restaurant will be 11AM-11PM seven (7) days per week. Alcoholic beverages will be available for purchase during all hours in which the restaurant is open to the public. The operation of the restaurant will be similar to how it is currently operated. Guests will order food and beverages (including alcoholic beverages) at the ordering counter. A sample menu is attached hereto. When ready, food and non-alcoholic beverages will be picked up at the food ordering counter. Alcoholic beverages, if ordered, will be picked up at the small bar located within the restaurant by providing proof of purchase to the bartender. Identification for guests ordering alcoholic beverages will be checked when the alcoholic beverages are ordered, and the guest’s identity will be confirmed when the alcoholic beverages are served to ensure that only persons above 21 order and consume alcoholic beverages within the restaurant. Guests may consume food and beverages on the outdoor patio adjacent to the restaurant by taking the ordered food and beverages onto the patio. Staff will operate the food ordering counter and the bar. There will not be any waiter service within the restaurant, unless a guest places a large order, or needs assistance transporting their food and beverages to their table. Brooklyn Pizza will also operate its traditional takeout and delivery service. Food along with packaged beer and wine may be purchased for off-premise consumption under the SDM liquor license that our Client has requested.

* * *

We submit the following in response to the application details that must be addressed under Section 10-81 of the Code:

- (1) “Utilization of said liquor licenses and details on the number of quota liquor licenses in escrow at the time of application”

RESPONSE: There are no quota liquor licenses available for issuance in the City of Birmingham. There are four (4) on-premise liquor licenses in escrow in Birmingham, which based on the lack of responses to our written inquiries, are not available for purchase.

- (2) “Proposed and/or existing site plan of the property, building floor plan and an operations floor plan”

RESPONSE: The site plan and floor plans for the renovated and expanded restaurant have been filed with the City Planning Department.

- (3) “A copy of the special land use permit application and supporting documentation submitted by the applicant.”

RESPONSE: The special land use permit application and supporting documentation has been filed with the City Planning Department.

- (4) “All documentation submitted to the LCC requesting the transfer.”

RESPONSE: Our client’s application to the MLCC has been filed with the Birmingham Police Department.

- (5) “Full identification and history of the license holder(s) as it pertains to the license proposed to be transferred, including all complaints filed with the state liquor control commission (LCC) or actions taken by any municipality or the LCC to suspend, revoke, deny or the non-renewal of said license and all other documentation setting forth the detail of the bistro layout proposed by the applicant.”

RESPONSE: The applicant is applying for a *new* Class C liquor license under MCL 436.1521a(1)(b), so there is no identification and history of the current license holder to report. The applicant has never held a liquor license in the State of Michigan. However, based on our Client’s track record of operating a very reputable restaurant within the City of Birmingham for many years, we submit that it is qualified to operate an expanded restaurant with additional menu offerings with alcoholic beverages.

- (6) “Such other items deemed necessary by city administration.”

RESPONSE: The undersigned along with the owner of Brooklyn Pizza, Sam Abdelfatah, and his architect, will be available to address any questions regarding this application at the City Commission hearing wherein this application is considered.

* * *

We submit the following in response to the criteria that must be met in order to be approved to operate a Bistro under Section 10-82 of the Code:

- (1) The applicant's demonstrated ability to finance the proposed project.

RESPONSE: Brooklyn Pizza has secured the funding to complete the proposed renovations and expansion.

- (2) The applicant's track record with the city including responding to City and/or citizen concerns.

RESPONSE: Brooklyn Pizza has an excellent operating record with the City, and will immediately respond to any City or Citizen concerns arising out of the operation of a Bistro.

- (3) Whether the applicant has an adequate site plan to handle the bistro liquor license activities.

RESPONSE: The proposed site plan and floor plan are adequate to operating the proposed Bistro activities.

- (4) Whether the applicant has adequate health and sanitary facilities.

RESPONSE: The restaurant is completely renovating its public restrooms, and the kitchen will be updated to comply with all applicable laws and ordinances.

- (5) The establishment's location in relation to the determined interest in the establishment of bistros in the overlay district and the Triangle district.

RESPONSE: The addition of a Bistro to this area of the City's Principal Shopping District will contribute to the vitality of the Maple Rd. corridor, and will attract additional patrons to downtown Birmingham to enjoy Brooklyn Pizza, and visit the many nearby retail establishments within this district of the City.

- (6) The extent that the cuisine offered by applicant is represented in the city.

RESPONSE: The cuisine offered by the City is loved by City residents, and will just get better if the restaurant is converted to a Bistro.

- (7) Whether the applicant has outstanding obligations to the city (i.e., property taxes, utilities, etc.).

RESPONSE: Brooklyn Pizza is current and in good standing with respect to all obligations to the City and utility providers.

We appreciate you considering this letter in connection with your review of our Client's SLUP Application. Should you have any questions or concerns regarding this project, please do not hesitate to contact me. We look forward to appearing before you on October 23rd.

Very truly yours,

JPHOWE, PLLC

J. Patrick Howe



Proposed Menu

If Brooklyn Pizza is approved to operate as a Bistro, it will expand upon its current menu to offer a new selection of items as outlined in the chart below:

<u>Existing Menu Items</u>	<u>Bistro Menu Items</u>
<u>Pizzas</u> Cheese Pepperoni Four Cheese Barbecued Chicken Brooklyn Signature Greek Primavera Spicy Mexican Margherita 3 Mushroom Cheese Buffalo Chicken Prosciutto & Arugula	<u>Pizzas</u> No Changes
<u>Salads</u> Mixed Greens Greek Antipasto Prosciutto & Melon Greens & Gorgonzola	<u>Salads</u> No Changes
<u>Paninis</u> El Cubano South of France Portobello Cap	<u>New Dessert</u> Homemade Cookies Italian Zeppole
<u>Appetizers</u> Chicken Pesto Bites Garlic Knots Greek Veggie Bites Pepperoni Bites	<u>New Beverages</u> Sparkling Water Cappuccino Espresso Wine by the glass Beer by the bottle Beer on Tap (4-8 varieties) Limited Selection of Traditional Mixed Spirit Drinks
<u>Dessert</u> Homemade Italian Gelato	
<u>Beverages</u> Assortment of iced teas, soft drinks, and juices	



MEMORANDUM

(Department Name)

DATE: November 4, 2019

TO: Joseph A. Valentine, City Manager

FROM: Austin W. Fletcher, Assistant City Engineer

SUBJECT: Michigan Department of Transportation (MDOT) Annual Permit

INTRODUCTION:

MDOT requires that a certified resolution be provided to establish the authorized representative designated to obtain permits for our community.

BACKGROUND:

Each year the Michigan Department of Transportation (MDOT) requires the City of Birmingham to obtain an annual permit. Enclosed is a copy of the correspondence received from MDOT. The permit is required annually to establish the authorized representative when obtaining an individual permit for a specific purpose. MDOT requires that a certified resolution be provided to establish this person as the designated person for the community.

The annual permit is to take effect on January 1, 2020, and continues through the calendar year.

LEGAL REVIEW:

Not required

FISCAL IMPACT:

None

PUBLIC COMMUNICATIONS:

None

SUMMARY:

It is recommended that the Assistant City Engineer, Austin W. Fletcher be designated the officer authorized to obtain these permits as required by the State of Michigan beginning January 1, 2020, in accordance with the requirements of the attached application and permit. In his absence, the designated officer shall be Theresa C. Bridges, Assistant City Engineer.

ATTACHMENTS:

MDOT Letter – dated September 3, 2019
MDOT Performance Resolution for Governmental Agencies

SUGGESTED RESOLUTION:

To adopt the Performance Resolution for Governmental Agencies with the Michigan Department of Transportation (MDOT) and authorizing Assistant City Engineer, Austin Fletcher and Assistant City Engineer, Theresa Bridges, to apply to MDOT for the necessary permit work within the State Highway Right-of-Way on behalf of the City of Birmingham.



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

PAUL C. AJEGBA
DIRECTOR

Date: September 3, 2019

To: Applicants for Michigan Department of Transportation 2020 Annual Permits

Subject: 2020 Annual Permit for Work on State Trunkline Right of Way

The Michigan Department of Transportation (MDOT) Oakland Transportation Service Center (TSC) is now accepting 2020 Annual Permit applications. The applications are to be submitted via the MDOT electronic Construction Permit System (CPS). 2020 Annual Permits are effective January 1, 2020. Annual Permits for 2019 will continue to be used for any work up to and including December 31, 2019.

The Performance Resolution for Governmental Agencies (Form 2207B) was revised in December 2016, therefore, if you haven't done so already, an updated Resolution will be required for 2020. The form shall include the name or title of the designated person(s) authorized to sign permits and shall be uploaded into CPS with your Annual Permit application. A copy of the form is enclosed and can also be found on our website at www.michigan.gov/mdot.

Each time you perform work under your Annual Permit you are required to submit an electronic Advance Notice via the MDOT electronic CPS system. No work shall be performed until the Advance Notice is approved by MDOT.

An Individual Permit is required for all proposed operations in the MDOT right of way not covered under the Annual Permit.

Municipalities are exempt from permit fees when working within their municipal limits.

Thank you for your cooperation. If you have any questions, please contact me at 248-451-2453 or by email at goughs@michigan.gov.

Sincerely,

Stacey Gough
Oakland TSC Utility/Permit Engineer

Attachment

File

PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way", or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the CITY of BIRMINGHAM
(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

5. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by a PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Title and/or Name:

<u>AUSTIN FLETCHER</u>	<u>ASSISTANT CITY ENGINEER</u>
<u>THERESA BRIDGES</u>	<u>ASSISTANT CITY ENGINEER</u>
_____	_____
_____	_____

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the _____
(Name of Board, etc)

of the _____ of _____
(Name of GOVERNMENTAL AGENCY) (County)

at a _____ meeting held on the _____ day

of _____ A.D. _____

Signed _____ Title _____



MEMORANDUM

Fire Department

DATE: November 11, 2019

TO: Joseph A. Valentine, City Manager

FROM: Paul A. Wells, Fire Chief

SUBJECT: Oakland County Hazard Mitigation Plan Adoption

INTRODUCTION:

The City of Birmingham operates its own emergency management program. An emergency operations plan (EOP) has been created for the City of Birmingham through its emergency management program. The EOP is built upon the Oakland County Hazard Mitigation Plan and has been adopted by the City of Birmingham. In order for the EOP to be official, the adoption of the Oakland County Hazard Mitigation Plan form requires the signature of the current Mayor.

BACKGROUND:

The City of Birmingham is one of five cities in Oakland County that operates its own emergency management program, which falls under the Michigan Emergency Management Act, 390 of 1976. All other cities, in the case of a large-scale emergency, fall under Oakland County's emergency management plan and response. The advantages of Birmingham having its own program is that the city has a more direct contact with State and Federal agencies. This allows the City to recoup funds directly, provides for more training opportunities, allows us to direct all emergency response, and much more. The City still has the support of Oakland County emergency management division and maintains regular training with the county and state. The Fire Chief serves as the Emergency Manager for the City of Birmingham.

LEGAL REVIEW:

A legal review was conducted and no legal issues exist.

FISCAL IMPACT:

There is no fiscal impact.

SUMMARY:

It is recommended that the City Commission accept the Oakland County Hazard Mitigation Plan form and have it signed by the Mayor.

ATTACHMENTS:

Adoption of the Oakland County Hazard Mitigation Plan form.

SUGGESTED RESOLUTION:

To authorize the Mayor to sign the adoption of the Oakland County Hazard Mitigation Plan on behalf of the City of Birmingham.

Resolution No. _____

ADOPTION OF THE OAKLAND COUNTY HAZARD MITIGATION PLAN

WHEREAS, the mission of the City of Birmingham includes the charge to protect the health, safety, and general welfare of the people of Birmingham; and

WHEREAS, Birmingham, Michigan is subject to flooding, tornadoes, winter storms, and other natural, technological, and human hazards; and

WHEREAS, the Oakland County Homeland Security Division and the Oakland County Local Emergency Planning Committee, comprised of representatives from the County, municipalities, and stakeholder organizations, have prepared a recommended Hazard Mitigation Plan that reviews the options to protect people and reduce damage from these hazards; and

WHEREAS, Birmingham has participated in the planning process for development of this Plan, providing information specific to local hazard priorities, encouraging public participation, identifying desired hazard mitigation strategies, and reviewing the draft Plan; and

WHEREAS, the Oakland County Homeland Security Division (HSD), with the Oakland County Local Emergency Planning Committee (LEPC), has developed the OAKLAND COUNTY HAZARD MITIGATION PLAN (the "Plan") as an official document of the County and establishing a County Hazard Mitigation Coordinating Committee, pursuant to the Disaster Mitigation Act of 2000 (PL-106-390) and associated regulations (44 CFR 210.6); and

WHEREAS, the Plan has been widely circulated for review by the County's residents, municipal officials, and state, federal, and local review agencies and has been revised to reflect their concerns; and

NOW THEREFORE BE IT RESOLVED by the Birmingham City Commission that:

1. The Oakland County Hazard Mitigation Plan is hereby adopted as an official plan of Birmingham.
2. The Emergency Management Coordinator is charged with supervising the implementation of the Plan's recommendations, as they pertain to Birmingham and within the funding limitations as provided by the Birmingham City Commission or other sources.

Passed by the Birmingham City Commission on November 11, 2019.

Mayor

Clerk



MEMORANDUM

City Clerk's Office

DATE: November 8, 2019

TO: Joseph A. Valentine, City Manager

FROM: Cheryl Arft, Acting City Clerk

SUBJECT: 2020 City Commission Meeting Schedule

Attached is the proposed 2020 City Commission meeting schedule.

The City Charter requires the Commission to meet regularly and "not less than twice a month". Typically the Commission meets on the second and fourth Mondays of each month except when a legal holiday coincides with those days.

Legal holidays were designated by resolution of the Commission on August 26, 2013 pursuant to Section 2-26 of the Birmingham City Code. Section 2-26 gives the Commission latitude to reschedule regular meetings which would otherwise fall on a legal holiday. The proposed meeting schedule avoids the five legal holidays which fall on a Monday in 2020.

Once approved, the 2020 meeting schedule will be published in the City calendar, on the Citywebpage, and posted at the Municipal Building.

SUGGESTED RESOLUTION:

To approve the Birmingham City Commission 2020 Meeting Schedule as submitted.

MONTH	DAY	MEETING	LOCATION
January	13	Regular Meeting	Municipal Building
	25 (Sat)	Long Range Planning	8:30 AM Municipal Building
	27	Regular Meeting	Municipal Building
February	10	Regular Meeting	Municipal Building
	24	Regular Meeting	Municipal Building
March	9	Regular Meeting	Municipal Building
	23	Regular Meeting	Municipal Building
April	6	Regular Meeting	Municipal Building
	20	Regular Meeting	Municipal Building
May	9 (Sat)	Budget Hearing	8:30 AM Municipal Building
	11	Regular Meeting	Municipal Building
	18	Regular Meeting	Municipal Building
June	8	Regular Meeting	Municipal Building
	15	Joint Commission/Planning Bd.	DPS Facility
	22	Regular Meeting	Municipal Building
July	13	Regular Meeting	Municipal Building
	20	Regular Meeting	Municipal Building

August	10 24	Regular Meeting Regular Meeting	Municipal Building Municipal Building
September	14 21	Regular Meeting Regular Meeting	Municipal Building Municipal Building
October	12 19 (Thurs) 26	Regular Meeting Joint Commission/Planning Bd. Regular Meeting	Municipal Building DPS Facility Municipal Building
November	9 23	Regular Meeting Regular Meeting	Municipal Building Municipal Building
December	7 21	Regular Meeting Regular Meeting	Municipal Building Municipal Building

NOTE: City Commission meetings will be held at 7:30 PM in room 205 of the Municipal Building, 151 Martin. City Commission/Planning Board workshops will be held at 7:30 PM served.

**CITY OF BIRMINGHAM
RESOLUTION TO ESTABLISH LEGAL HOLIDAYS**

Moved by Commissioner Sherman, seconded by Commissioner McDaniel:

To establish legal holidays pursuant to Section 2-26 of the Birmingham City Code:

BE IT RESOLVED, by the City Commission of the City of Birmingham, Michigan, as follows:

The City Commission does hereby designate the following as legal holidays pursuant to Section 2-26 of the Birmingham City Code:

<i>New Year's Day</i>	<i>Independence Day</i>	<i>Eid al-Adha</i>
<i>Martin Luther King, Jr. Day</i>	<i>Labor Day</i>	<i>Thanksgiving</i>
<i>Ash Wednesday</i>	<i>Eid al-Fitr</i>	<i>Day after Thanksgiving</i>
<i>Passover</i>	<i>Rosh Hashanah</i>	<i>Hanukkah</i>
<i>Good Friday</i>	<i>Yom Kippur</i>	<i>Ashura</i>
<i>Easter Sunday</i>	<i>Sukkot</i>	<i>Christmas Eve</i>
<i>Shavuot</i>	<i>Shemini Atzeret</i>	<i>Christmas</i>
<i>Memorial Day</i>	<i>Simchat Torah</i>	<i>Kwanzaa</i>
		<i>New Year's Eve</i>

AYES: 6

NAYS: None

ABSENT: 1 (Moore)

MOTION CARRIED.

I, Laura M. Broski, Clerk of the City of Birmingham, certify that the foregoing is a true and compared copy of a Resolution duly made and passed by the Birmingham City Commission at a meeting held on August 26, 2013.

Laura M. Broski, City Clerk



September 23, 2010

To all City Boards & Commissions and Department Heads,

Re: Scheduling of Public Meetings

As residents of Birmingham we have long valued our commitment to diversity in the community, as well as our long history of active public participation in all municipal affairs. However, both of these fundamental principles are compromised when official public meetings are held on holidays. Residents celebrating a holiday are unable to attend meetings held on such days, and are thus precluded from full participation in local government.

By publishing our meeting calendar a full year in advance, the City has been respectful of major holidays by rescheduling regular meetings accordingly. However, recent concerns regarding the scheduling of special meetings on diverse holidays have been raised.

Accordingly, I wish to put forth this communication as evidence of the City's written policy that public meetings discussing City business must not be held on the following days:

*New Year's Day
Martin Luther King, Jr. Day
Ash Wednesday
Passover
Good Friday
Easter Sunday
Shavuot
Memorial Day*

*Independence Day
Labor Day
Eid al-Fitr
Rosh Hashanah
Yom Kippur
Sukkot
Shemini Atzeret
Eid al-Adha*

*Thanksgiving
Day after Thanksgiving
Hanukkah
Ashura
Christmas Eve
Christmas
Kwanzaa
New Year's Eve*

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

Sincerely,

Thomas M. Markus
City Manager

January 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13 City Commission	14	15	16	17	18
19	20	21	22	23	24	25 Long Range Planning
26 City Commmission	27	28	29	30	31	

February 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10 City Commission	11	12	13	14	15
16	17	18	19	20	21	22
23	24 City Commission	25	26 Ash Wednesday	27	28	29

March 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9 City Commission	10	11	12	13	14
15	16	17	18	19	20	21
22	23 City Commission	24	25	26	27	28
29	30	31				

April 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6 City Commission	7	8 Passover begins	9	10 Good Friday	11
12 Easter	13	14	15	16	17	18
19	20 City Commission	21	22	23	24	25
26	27	28	29	30		

May 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9 Budget Hearing
10 Mother's Day	11 City Commission	12	13	14	15	16
17 Parade	18 City Commission	19	20	21	22	23 Eid al-Fitr at sunset thru 5/24
24 Eid al-Fitr	25 Memorial Day	26	27	28 Shavuot at sunset thru 5/30	29 Shavuot	30
31						

June 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8 City Commission	9	10	11	12	13
14	15 City Commission/ Planning Board	16	17	18	19	20
21	22 City Commission	23	24	25	26	27
28	29	30				

July 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13 City Commission	14	15	16	17	18
19	20 City Commission	21	22	23	24	25
26	27	28	29	30 Eid al-Adha at sunset thru 7/31	31 Eid al-Adha	

August 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 Election Day	5	6	7	8
9	10 City Commission	11	12	13	14	15
16	17	18	19	20	21	22
23	24 City Commission	25	26	27	28 Ashura at sunset throu 10/29	29 Ashura
30	31					

September 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7 Labor Day	8	9	10	11	12
13	14 City Commission	15	16	17	18 Rosh Hashanah at sunset thru 10/20	19 Rosh Hashanah
20	21 City Commission	22	23	24	25	26
27 Yom Kippur at sunset thru 9/28	28 Yom Kippur	29	30			

October 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2 Sukkot at sunset thru 10/9	3
4	5	6	7	8	9	10 Shemini Atzeret
11 Simchat Torah	12 City Commission	13	14	15	16	17
18	19 City Commission/ Planning Board	20	21	22	23	24
25	26 City Commission	27	28	29	30	31

November 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 Election Day	4	5	6	7
8	9 City Commission	10	11 Veterans Day	12	13	14
15	16	17	18	19	20	21
22	23 City Commission	24	25	26 Thanksgiving Cay	27 City Offices closed	28 Kwanzaas
29	30					

December 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7 City Commission	8	9	10 Hanukkah at sunset thru 10/18	11 Hanukkah	12
13	14	15	16	17	18	19
20	21 City Commission	22	23	24 Christmas Eve	25 Christmas Day	26 Kwanzaa at sunset thru 1/1
27	28	29	30	31 New Year's Eve		



NOTICE OF INTENTION TO APPOINT TO BOARD OF REVIEW

At the regular meeting of Monday, December 9, 2019, the Birmingham City Commission intends to appoint two (2) regular members and one (1) alternate member to serve three-year terms to expire December 31, 2022.

The Board of Review, consisting of two panels of three local citizens who must be property owners and electors, is appointed by the City Commission for three-year terms. Although a general knowledge of the City is very helpful, more important are good judgment and the ability to listen carefully to all sides of an issue before making a decision. Approximately three weeks in March are scheduled for taxpayers to protest their assessments and one day each in July and December for correcting clerical errors and mutual mistakes of fact. Two training sessions in February are also required.

Interested citizens may submit an application available at the Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, December 4, 2019. These documents will appear in the public agenda for the regular meeting at which time the City Commission will interview applicants and may make nominations and vote on appointments.

Board members are paid \$110 per diem.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Members must be property owners and electors (registered voters) of the City of Birmingham.	12/4/19	12/09/18

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



**NOTICE OF INTENTION TO APPOINT TO
BIRMINGHAM TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY**

At the regular meeting of Monday, December 9, 2019 the Birmingham City Commission intends to appoint to the Birmingham Triangle District Corridor Improvement Authority two members who have an ownership or business interest in property located in the District to the Birmingham Triangle District Corridor Improvement Authority to serve a four-year term expiring December 15, 2023, and one member who has an ownership or business interest in property located in the District to the Birmingham Triangle District Corridor Improvement Authority to serve an unexpired term to expire December 15, 2020.

Members shall be appointed by the Mayor, subject to approval by the City Commission.

Not less than a majority of the members shall be persons having an ownership or business interest in property located in the Development Area. Not less than 1 of the members shall be a resident of the Development Area, or of an area within 1/2 mile of any part of the Development Area.

The authority shall operate to correct and prevent deterioration in business districts, to redevelop the City's commercial corridors and promote economic growth, pursuant to Act 280 of the Public Acts of Michigan, 2005, as amended.

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 Wednesday, November 28, 2018. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

Criteria/Qualifications of Open Positions	Date Applications Due (by noon)	Date of Interview
Three members having an ownership or business interest in property located in the Development Area.	12/4/19	12/11/19

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.



October 25, 2019

Ms. Cherilynn Mynsberge
City Clerk
City of Birmingham
151 Martin Street
P.O. Box 3001
Birmingham, MI 48012

Dear Ms. Mynsberge,

At WOW!, we know our customers expect value for their money when it comes to Internet, cable and phone services. Our goal is to deliver an exceptional customer experience at a fair price by carefully managing our business costs.

Unfortunately, we are limited in our ability to directly control some of our costs, most notably the license fees we pay to the cable and broadcast networks. TV programming is our single largest expense and every year demands from broadcasters and large media conglomerates get more extreme.

As a result of these cost increases, the rates for cable service will be adjusted with the December 1, 2019 billing cycle.

Residential Customers

- Our existing bundled residential customers will experience a monthly increase of: \$5.00-\$10.00.
- Customers with cable services a la carte will receive a monthly increase listed below based on the level of service they subscribe to:

Small/Limited Cable:	\$5.00
Medium/Basic Cable:	\$10.00
Digital Basic Cable:	\$10.00
Large/Digital Signature Cable:	\$10.00

Business Customers

- Customers with cable services will receive a monthly increase listed below based on the level of service they subscribe to:

Limited Cable:	\$5.00
Basic Cable:	\$10.00

All customers will receive a notice based on their current level of service. Samples of the letters are enclosed.

Thank you for your continued support and cooperation. If you have any questions, please contact me at 248-677-9080.

Sincerely,

Terrell Priester
Everyone's Friend, Family Focused, Sports Fan
Director, Operations of WOW! Southeast Michigan
WOW! Internet, Cable and Phone

INFORMATION ONLY

Important Information

About Your WOW! Bill



At WOW!, we work hard to ensure our customers receive reliable, easy and pleasantly surprising Internet, cable and phone services at a fair and competitive price. Each year, cable TV programming is our single largest expense as licensing fees charged by broadcast and cable networks continue to dramatically increase in price year after year.

Every year, broadcasters' demands get more extreme. In fact, the rates to carry cable and broadcast TV channels are expected to rise approximately 35% in the next five years. Increases like this can negatively affect our customer's service and put additional upward pressure on the rates that providers charge for cable services.

To meet broadcast and cable network's extreme price hikes, the price for your WOW! service will increase **\$10.00** per month, which will be reflected in next month's bill.

We will continue to negotiate with broadcast and cable networks on behalf of our customers for reasonable network rates, and we will do everything in our power to minimize our price adjustments despite these cost increases. As a smaller cable provider, we fight to keep our services competitive and fair in order to provide our customers with reliable, easy and pleasantly surprising service. If you would like to better understand the cost of cable programming, visit **wowway.com/aboutprogramming**.

We are grateful to be your Internet, cable and phone provider and we'll keep working to earn the privilege of serving you.

Thank you for choosing WOW!.

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To meet broadcast and cable network's extreme price hikes, the price for your WOW! bundled services including cable will increase by **\$10.00** per month, which will be reflected in next month's bill.

We will continue to negotiate with broadcast and cable networks on behalf of our customers for reasonable network rates, and we will do everything in our power to minimize our price adjustments despite these cost increases. As a smaller cable provider, we fight to keep our services competitive and fair in order to provide our customers with reliable, easy and pleasantly surprising service. If you would like to better understand the cost of cable programming, visit **wowway.com/aboutprogramming**.

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